HOUSE OF ASSEMBLY

Wednesday, November 24, 1976

The SPEAKER (Hon. E. Connelly) took the Chair at 2 p.m. and read prayers.

PETITION: SUCCESSION DUTIES

Mr. LANGLEY presented a petition signed by 54 residents of South Australia, praying that the House would urge the Government to amend the Succession Duties Act so that the existing discriminatory position of blood relations be removed and that blood relationships sharing a family property enjoy at least the same benefits as those available to *de facto* relationships.

Petition received.

PETITION: TRAIL BIKES

The Hon. J. D. CORCORAN presented a petition signed by 762 residents of South Australia, praying that the House urge the Minister for the Environment, as a matter of urgency, to take steps to stop shooters and trail-bike riders from damaging and abusing the Black Hill Native Flora Park, Athelstone.

Petition received.

PETITION: UNIONISM

Mr. DEAN BROWN presented a petition signed by 71 residents of South Australia, praying that the House reject any legislation which would deprive employees of the right to choose whether or not they wished to join a trade union or to provide for compulsory unionism.

Petition received.

PETITION: MOUNT GAMBIER TRAIN

Mr. ALLISON presented a petition signed by 63 electors of South Australia, praying that the House urge the Government immediately to restore a sleeper car to the Adelaide to Mount Gambier train.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

MEAT

In reply to Mr. BLACKER (September 15).

The Hon. J. D. CORCORAN: Section 6 of the Port Lincoln Abattoirs Act, 1937, prohibits the slaughter elsewhere than at the Port Lincoln abattoirs of stock for sale for human consumption within the Port Lincoln abattoirs area, except under permit issued by the Minister of Agriculture. Recent investigations indicate that increasing quantities of meat reasonably suspected of having been killed and/or processed at works other than the Port Lincoln abattoirs are being offered for sale or sold within the Port Lincoln abattoirs area. However, under the present interim arrangement for operation of the Port Lincoln works, it is difficult to discover and prove breaches of this section, particularly as the boundaries of the abattoirs area as defined in the Act exclude some portions of the Port Lincoln residential area. It is proposed to transfer operation and control of the Port Lincoln abattoirs to the South Australia Meat Corporation, for which purpose legislation has been drafted and is expected to be introduced into Parliament shortly. The draft Bill, which seeks to amend the Samcor Act and provides for the repeal of the Port Lincoln Abattoirs Act, contains provisions which will enable the redefinition of the Port Lincoln abattoirs area, and will prohibit the slaughter and processing at places other than the Port Lincoln abattoirs of meat for sale for human consumption within the abattoirs area, except under permit. It is anticipated that, when the new legislation becomes operative and Samcor takes over the Port Lincoln works, the present unsatisfactory situation will be rectified.

SAMCOR

In reply to Mr. BLACKER (October 5).

The Hon. J. D. CORCORAN: The Minister of Agriculture has informed me that at the Port Lincoln abattoirs personnel responsible for weighing carcasses are classified as Meat Graders, and are not sworn under oath. The mutton and pig scales are manned by a Grader and a Grader in Training, and the beef scales are manned by an Assistant Grader. An order-of-kill sheet listing each carcass in sequence of slaughter is prepared by the Livestock Leading Hand as the stock are assembled for slaughter. A copy of this sheet is used by the Meat Grader to enable him to identify the carcasses and record the correct weights on the official weigh bill and on four identification tickets. The identification tickets are secured to the carcass, one on each hind quarter and one on each fore quarter. These identification tickets remain with the carcass on delivery. Separate official weigh bills are not issued for each carcass or each operator. At Gepps Cross an experienced Samcor employee, either a grader or a clerk, calls the weight recorded on the scale dial into a microphone to two clerks, each wearing earphones to eliminate noise from the slaughter section. One clerk records the weight on a summary sheet and the other writes the weight on a manilla tag, which is then attached to the carcass.

BOVINE TUBERCULOSIS

In reply to Mr. RUSSACK (October 14).

The Hon. J. D. CORCORAN: The Minister of Agriculture has informed me that the cost of tuberculosis testing and vaccination against brucellosis of cattle is met by the Tuberculosis and Brucellosis Trust Fund, which is financed from Commonwealth and State sources. Money for tuberculosis and brucellosis reactor cattle eligible for compensation and ordered to slaughter is paid from the State Cattle Compensation Fund, which derives its money from a stamp duty to producers of 5c per $20 of cattle slaughtered, and from a Commonwealth contribution from Consolidated Revenue. For tuberculosis reactors this contribution is 50 per cent of total compensation and for brucellosis 75 per cent. The amount in the fund as at September 30, 1976, was $179 921.

ABALONE

In reply to Mr. CHAPMAN (November 3).

The Hon. J. D. CORCORAN: Criteria laid down for the selection of divers to take up the new permits include preference for residents on Kangaroo Island. It may be

claimed by some that the degree of preference was not sufficient, but equally other applicants would claim that sufficient weight was not given to other criteria in which they scored particularly well. Applicants who scored more than 90 points were selected by ballot. It is pointed out, however, that the additional permits for which applications were called are not Ministerial permits. They are ordinary permits issued by the Director of Agriculture and Fisheries pursuant to his powers under the Fisheries Act.

HOSPITAL PARKING

In reply to Mr. HARRISON (November 3).

The Hon. J. D. CORCORAN: Tenders for this portion of the work which I thought had been let are planned for calling in January, 1977. The funds approved allow for further acquisition of adjacent properties and their subsequent development. Negotiations in this respect are currently in progress and, when completed, the present car parking problem will be substantially reduced.

DARLEY ROAD BRIDGE

In reply to Mr. SLATER (November 11).

The Hon. G. T. VIRGO: It is expected that the Darley Road bridge will be completed at the end of February, 1977, as programmed. Approach works will be commenced in January, 1977, and completed during March, 1977.

MURRAY BRIDGE ROAD BRIDGE

In reply to Mr. WARDLE (November 11).

The Hon. G. T. VIRGO: No records are readily available for the past 10 years. However, the bridge has been closed to traffic three times since October, 1974, due to accidental damage not always caused by high loads. Vehicles have also collided with the sides of the bridge causing damage to the bridge. The total cost of repairs during this period was $7 000, which was subsequently recovered from persons causing damage. The use of steel frames at each end of the bridge for gauging the height of vehicle loads crossing the bridge was considered, but found impracticable, particularly at the western approach. The arches across the road on the river spans are required to brace the longitudinal trusses supporting the roadway. The swamp spans are of different design and only half the length and do not require bracing. Raising of the overhead arches is being investigated.

OAKLANDS OVER-PASS

In reply to Mr. MATHWIN (November 4).

The Hon. G. T. VIRGO: A bridge over the railway line at Oaklands, on Morphett Road, with consequential alterations to Diagonal Road and the local road network, was planned and designed at a time when it appeared that adequate funds would be available in the short term to enable this project to proceed. Much of the land required has been acquired. However, on the basis of the current forecast of future Federal funds expected to be available for roadworks, it has not been possible to include it in the works programme for the foreseeable future. Meanwhile, it is proposed to proceed during the next financial year with improvements to the level crossing and at-grade roadworks to resolve the difficulties experienced by road traffic in the vicinity. The works will be compatible with eventual construction of the over-pass as planned.

EXECUTIVE ASSISTANT

Dr. TONKIN: Can the Premier say why Dr. D. B. Hughes has been appointed to the position of Executive Assistant (Economics) in the Premier's Department; what are the terms of his appointment; and does he believe that the economic experts already working in his department and the Public Service are not capable of giving the Government the advice that Dr. Hughes will give? The appointment of Dr. Hughes has been announced at a time when there has been much concern about the number of Ministerial staff in the Premier's Department. Dr. Hughes's record proves that he is admirably qualified for such a position, but it has been suggested that there is no need for such a position, when the Government already has expert advice available to it through the Treasury, particularly, and the Economic Intelligence Unit. Will the Premier now say why the appointment was necessary and why it is for such a limited period? I understand that Dr. Hughes will be on leave of absence from Flinders University for two years.

The Hon. D. A. DUNSTAN: The duties of Premier and Treasurer and Minister in charge of development in this State are heavy, and it is necessary for me to have executive assistants who can precis material for me. In addition it is, in the view of the Government and the Treasury, useful for the Government to have additional and at times alternative advice on matters of finance and economic development.

Dr. Tonkin: So he'll be giving you a new slant on the material that Treasury gives you?

The Hon. D. A. DUNSTAN: Yes, and Treasury officers believe that that is a vitally necessary function for Government. Mr. Barnes has welcomed the move in that area, as has the head of my department, Mr. Bakewell, regarding the areas with which Dr. Hughes will deal in the Premier's Department, namely, trade and economic development and the allocation of economic resources in the State. As the Leader has said, Dr. Hughes is extremely well qualified, and I am grateful that he has been willing to obtain leave from Flinders University for two years to undertake this post. I am sure that he will be of great assistance to me and to the people of the State.

Mr. Goldsworthy: And to the Parliament?

The Hon. D. A. DUNSTAN: He is appointed not as an officer of the Parliament but as an officer of the Government.

Dr. Tonkin: That's an interesting sort of comment.

The Hon. D. A. DUNSTAN: Well, the member for Kavel asked whether he would be useful to Parliament. Dr. Hughes is appointed as Executive Assistant to me. He is not available to perform work for honourable members, any more than the Leader's research assistant is available to me.

The Hon. J. D. Corcoran: Or to members.

The Hon. D. A. DUNSTAN: Or to other members, in fact. Dr. Hughes, I am sure, will give very good service to the State, as he already has done at Flinders University where he has been working on the preparation of material relating to economic policy within Australia.

Mr. Goldsworthy: I hope you regularly read their book, then.

The Hon. D. A. DUNSTAN: If only the Federal Treasurer were to take Dr. Hughes's advice I am sure that we would not be in the economic mess we are in in Australia today.

Members interjecting:

The SPEAKER: Order! The honourable member for Whyalla.

WHYALLA SHIPYARD

Mr. MAX BROWN: Will the Premier contact the President of the Australian Council of Trade Unions, Mr. Bob Hawke, requesting the future of the Whyalla shipyard and the needs of the industry at Whyalla be taken into consideration with the requests of the Newcastle State dockyard workers to the A.C.T.U. to give a lead in the matter of the Fraser Government's unreal offer to the State dockyard about the possible placing of two ship orders to the State dockyard and the open statement of Mr. Fraser (contrary, I understand, to Mr. Street's statement) that the offer was non-negotiable? I think the Premier realises that the offer made by the Fraser Government is obviously made as a non-negotiable offer and on an unreal basis because, in my opinion Mr. Fraser wants to blame the workers of this country for its economic ills and is pursuing a policy of massive unemployment. I am concerned that the Prime Minister has not even, as I understand it, had the courtesy of answering the State Government's submission. Maybe it has since been answered; I do not know, but perhaps the Premier can tell the House whether that has been done. However, I wish to ensure that when the A.C.T.U. considers the position concerning the State dockyard (and I understand Mr. Hawke is going there as late as today) it considers also the submissions already made by this Government on behalf of workers in the shipyard at Whyalla.

The Hon. D. A. DUNSTAN: I will be in touch with Mr. Hawke about this matter. I have been in touch with Mr. Wran concerning it. I have been appalled by the fact that, despite the very full submissions that were made by the South Australian Government for very generous assistance to be given by the South Australian Government not only for short-term work for the shipyard at Whyalla but also for rehabilitation of the shipyard by upgrading of its equipment and, further, for long-term policy relating to loans not only to ship owners but to the ship-building industry itself, I had until yesterday received absolutely no reply at all from the Federal Government, despite repeated requests for some indication of what the Federal Government would do about the matter.

Mr. Millhouse: How long have you given them to reply?

The Hon. D. A. DUNSTAN: It has now been many weeks. In response to several requests to Canberra, I finally received urgent telexes as to why I had not been consulted about the future of the shipyard in South Australia, when Mr. Wran had been called to a meeting with the Prime Minister (a meeting of which I had been informed by Mr. Wran and at which I had requested to be present).

Mr. Gunn: You're insignificant, you don't count.

The Hon. D. A. DUNSTAN: Apparently the honourable member does not think that South Australia counts.

Mr. Millhouse: The problem is that there are too many votes in New South Wales.

The Hon. D. A. DUNSTAN: That may be affecting the Prime Minister's view of what he should be doing for the shipbuilding industry. However, I did finally get a response yesterday, which was a very cryptic telex to the effect that Federal Government would reply to our submissions when it had received Mr. Wran's reply about an agreement between the State dockyard and the workers in New South Wales.

Mr. Millhouse: Do you think they are going to make the same offer to our people that they made to—

The Hon. D. A. DUNSTAN: They have not even done that. We have not had a response from the Federal Government. The only thing we know about it is that Mr. Nixon said there was no way we would get a similar offer for South Australia. He said that to the press and not to us.

Mr. Millhouse: That's absurd.

The Hon. D. A. DUNSTAN: Yes, and what is more it is an extraordinary way in which to treat this State. I will be in touch with Mr. Hawke on the matter.

MINISTERIAL STAFF

Mr. GOLDSWORTHY: Can the Premier confirm that the final paragraph of an article written by Peter Ward in this morning's *Australian* was in fact referring to the Premier and, if it was, can he say whether the allegation was correct? The article contained an opening reference to the Premier's outburst in connection with the Public Service. In fact, Mr. Ward said that some of his colleagues thought that "Old Don is going bananas", I think that was the way he expressed it. The article dealt with secrets within the Government while Mr. Ward was executive assistant to the Premier. It continues in a semi-humourous vein until the final few paragraphs, the last of which states:

> Infallibility is a dangerous opinion for politicians to have of themselves. For instance, it can make a Premier forget that when he was in Opposition it was a free-for-all and none of the secrets he received from public servants were ever returned to their rightful owners.

Had the article been written by any other journalist it would have been passed off as possible conjecture, but because Mr. Ward held a position of trust with the Premier for some years the question being asked is: was Mr. Ward correctly accusing the Premier of receiving secrets from public servants while in Opposition and not returning them?

The Hon. D. A. DUNSTAN: I do not know to what Mr. Ward was referring there, nor do I know what occasioned some of the other things he saw fit to say in the article. I do not intend to comment further on the article. If the article is any reflection on anyone, I think that Mr. Ward needs to look at himself.

Mr. RODDA: Can the Premier say what action he took after receiving confidential information leaked to him while Leader of the Opposition, and whether he returned the information to the Government? If he did not, can he say what happened to it?

The Hon. D. A. DUNSTAN: As I have pointed out, I do not know what the honourable member is referring to.

Mr. DEAN BROWN: My question is subsequent to the question asked by the member for Victoria. Will the Premier acknowledge that he and/or the Australian Labor Party in South Australia had possession of a draft copy of the policy speech delivered by Mr. Hall at the 1970 State election for about six weeks before the speech was publicly released? If I remind the Premier that the document

referred to by the member for Victoria was that policy speech, will he now say whether he returned the document to the Government and, if he did not, what happened to that document?

The Hon. D. A. DUNSTAN: The document to which the honourable member refers is a document to which I have previously referred in this House. It was not the property of the Government, but I did receive some information about what someone in the Government service believed would be in the then Hall Government's policy speech. The information was wrong. I did not make any use of the material concerned, and there was nothing in my possession that belonged to the Government or to Mr. Hall; that was the position. If the honourable member examines what I have said previously in this House about this matter, he will find that perfectly consistent.

AUSTRALIAN ASSISTANCE PLAN

Mr. OLSON: Has the Minister of Community Welfare anything further to report concerning the Australian Assistance Plan? In answer to a question last week, the Minister said that he would be attending a conference of welfare Ministers in Sydney to discuss the future of the Australian Assistance Plan, the Federal Government having decided to discontinue financial support after June 30, 1977. As I have not seen any press reports about the conference, will the Minister say what was its outcome?

The Hon. R. G. PAYNE: I cannot report on the Australian Assistance Plan but I can report on what happened at the meeting to which he referred. I said there was to be a meeting in Sydney last Friday at the behest of Mr. Rex Jackson, the New South Wales welfare Minister, at which the Commonwealth discontinuation of funding the Australian Assistance Plan was to be discussed. It was a most successful meeting with all States and the Northern Territory being represented. It was unanimously (and I stress the word) agreed that the Commonwealth Government should make available grants to the State and Territorial Governments for social welfare and community development purposes. The Ministers from Queensland and Victoria were present and the Minister from Western Australia was represented at the meeting. Therefore, if I point out that the resolutions passed were unanimous, there can be no argument about there being politicking in the matter. I will not read all the resolutions, but one of the most important and key resolutions was as follows:

That social welfare and community development programmes, based on the concept of the Australian Assistance Plan, should be administered by State and Territorial Governments, using funds provided by the Commonwealth; taking into account national and overall State and Territorial needs in social development, and having regard to specific community problems and involving local citizens in planning to meet local needs.

That resolution was carried unanimously, and a further resolution stated that the conference resolutions should be sent to the Federal Minister for Social Security, Senator Guilfoyle. Unfortunately, Senator Guilfoyle was unable to attend the meeting, but was represented, and that fact should be recorded. Her representative undertook to transmit immediately to her that resolution, which was unanimously carried together with other similarly carried and supported resolutions on the same topic.

WORKING CONDITIONS

Mr. ABBOTT: Is the Minister of Labour and Industry aware that the Commonwealth Scientific and Research Organisation Division of Mechanical Engineering has begun a research programme aimed at making workers in factory hot-spots more comfortable? It has been reported from Sydney that scientists are considering ways to cool excessively hot factories and foundries to make life easier for workers. The head of the project, Mr. Keith Robeson, said:

Many workers work in near-intolerable conditions. A worker in a high temperature environment can be extremely uncomfortable, is potentially more prone to accidents, and his productivity and morale can suffer. Research has now reached the stage where we know what the problems are, and we believe we have developed techniques to solve some of them. Australian workers, who literally sweat their way through every working day, can look forward to improvements.

As I have had many years experience working in these unpleasant conditions, I know that they are the cause of many industrial disputes, and would be interested to hear the Minister's approach to this problem.

The Hon. J. D. WRIGHT: The C.S.I.R.O. has not communicated with me or with my department, at least to the best of my knowledge, and I am not fully cognisant of what it is doing in this regard. Whatever it is doing in this regard I commend it, because we know that it has done a magnificent job for industry generally and if it can solve this problem with these experiments I will congratulate the organisation. In the past we have probably approached the matter of extreme heat and cold in factories in the wrong way, and have accepted that it is an insoluble problem. The approach has been to compensate the employee for enduring excessive heat and cold, and I do not agree with that approach, as it is not a proper attitude to this situation.

I know that in factories I have visited around Adelaide from time to time (and one that comes to mind is Holden's, which I visited earlier this year) this complaint has been prevalent amongst the workers. However, when the company was approached, it appreciated that there was a legitimate complaint by its employees, but it did not know how it could be overcome economically. I have noticed in other factories that the same problem exists, and it also exists in oversea countries that I visited, where action is being taken to solve it. Some of the countries I visited do not have the extreme heat that we experience in Australia, but they have extreme cold, and have overcome that problem by using more modern factories. In Australia most of our factories are old, and proper amenities to control this situation have not really been considered. The other important point is that, whilst my department would be willing to speak to industry, the employees, and the C.S.I.R.O., it has no advice to offer that would solve this problem at present. It is rather in a position of receiving information relating to attempts to solve the problem. What we have taken care to do to the best of our ability relates to ventilation under the Industrial, Safety, Health and Welfare Act, but that is not the real answer. I know that workers do suffer, particularly in extreme heat, but they are still expected to keep up productivity. We can expect some kind of help from C.S.I.R.O. in this matter, and the workers will benefit from it. At the same time, productivity will increase, and I think that that is a good thing.

McNALLY TRAINING CENTRE

Mr. MATHWIN: Is the Minister of Community Welfare aware that the maximum security block at McNally is being converted into an ordinary assessment unit that will allow all offenders, whether first offenders or repeated offenders, to be mixed together, and that there will be no place to house convicted criminals and repeated rapists (about whom, I understand, the Minister shares my concern), who are a danger to the community, and who must be kept in high security? I understand that, at present, "the block", as it is known (the high-security block), is now empty and its doors are wide open, and that there will be no maximum security unit at McNally in future. At present, in one area six first offenders are mixed with eight absconding risks and convicted offenders. People like Banbury, the person convicted of rape offences at the Royal Adelaide Hospital, are mixed together with other seasoned escapees with bad records, all of whom are now in ordinary assessment units. Is the Minister aware of these facts and, if he is, does he agree with the policy now in operation at McNally?

The Hon. R. G. PAYNE: The honourable member's definition of "facts" and my definition would be poles apart. If members are willing to accept that proposition (and I suspect that members on both sides are), we may be able to discuss the matter that has been put forward. First, if the honourable member is suggesting that certain moves are now taking place at McNally, the answer is that that is correct. Secondly, what he has put forward would be about the greatest mish-mash and hotch-potch of the facts that it has been my misfortune to have to listen to for some time.

Mr. Mathwin: That's not true.

The Hon. R. G. PAYNE: God help the young people of this State if a person of the calibre of the honourable member, at least with regard to organising facts and presenting them to the House, ever got into the position of having to make any decisions in relation to the welfare of young people, because they would not get any help from that quarter.

Mr. Mathwin: You deny that that's right?

The Hon. R. G. PAYNE: What is going on at McNally is what should be going on. Changes are being made under security requirements, but I will not go into that matter any further, as members will understand. This necessitates some movements of an impermanent nature at this time. I am sure that members would also understand that it would be unwise of me to detail publicly what kinds of move are being made. Some necessary alterations are to be made. I can see the look on the honourable member's face. Apparently, he did not ferret out that fact somewhere.

Mr. Mathwin: Are you denying that the facts are right?

The SPEAKER: Order!

Mr. Mathwin: Deny it!

The Hon. R. G. PAYNE: The honourable member is always trying to knock the young people of this State who have made a mistake or two. As far as he is concerned, he wants to wipe them off, lock them up forever and forget all about them, but he will not do that, not while I am here. What is happening is what I have outlined. Certain alterations and improvements are under way. The concept of handling the offenders there is consistently under review, as I have said more than once in the House. The honourable member, unfortunately, has been given a bum steer, to coin a phrase; he has not been given the real oil, and so he has got only that mish-mash and hotch-potch of what he claims to be facts that he has brought forward. I have stated openly and clearly to the House what is going on. Some changes are taking place. The kind of thing suggested is by no means final at this stage.

Mr. Mathwin: But they are—

The Hon. R. G. PAYNE: Can the honourable member understand those simple words? What is happening is what I have outlined. I am not willing to say any more at this stage.

ELECTRICITY TARIFFS

Mr. WHITTEN: Will the Minister of Mines and Energy indicate how South Australian electricity tariffs relate to tariffs in other States? I am concerned at the statement attributed to Mr. Eric Franklin, who said that the trust's record for tariff increases had never been worse.

The Hon. HUGH HUDSON: I read in Saturday's *Advertiser* Mr. Franklin's column on State politics and I was disturbed, as was the honourable member, at the statement appearing at the tail-end of the column. Apparently, Mr. Franklin believes that there has not been any inflation that has affected the costs of the Electricity Trust. Wages costs and other costs have affected the Electricity Trust in the same way as they have affected the costs of the *Advertiser*. In addition, the capital costs of the Electricity Trust are very much higher than are those of any other comparable industry and, consequently, the effects on costs of rising interest rates are much greater than in most other industries. Even though that is the case, the rate of increase of prices in the Electricity Trust of South Australia has kept pace with the overall change in the price level; in fact, Electricity Trust tariffs in this State are generally considerably below those in other States.

For domestic consumption, for those people who do not have a storage heater, Adelaide (and South Australia generally) has the lowest electricity tariff in the nation, lower even than has Tasmania, even though Tasmania has the advantage of hydro-electric power. Adelaide tariffs at the lower levels of usage are 40 per cent to 50 per cent below Melbourne tariffs, and at the higher levels of domestic usage some 20 per cent below Melbourne tariffs. They are from 5 per cent to 10 per cent below Sydney tariffs, 2 per cent or 3 per cent below Hobart tariffs, 20 per cent or more below Perth tariffs, and 10 per cent below Brisbane tariffs. When storage heaters are allowed for, Adelaide compares favourably with other States. The only place where tariffs are lower for domestic usage with a storage heater is Hobart, where the tariffs are the lowest in Australia, some 5 per cent below those charged by the Electricity Trust of South Australia. The general purpose tariffs in Adelaide are the lowest in comparison with any other capital city, apart from a consumption rate of 4 000 kilowatt hours a year, where Sydney, Hobart and Perth tariffs are slightly below those in Adelaide. For all other consumption rates under the general purpose tariff from 4 000 kW/h up to 6 000 000 kW/h a year, Adelaide charges are below those of other States and, in most cases, significantly below them; at 6 000 000 kW/h a year, for example, Adelaide's charges are 27 per cent below those of Sydney, more than 10 per cent below those of Hobart, 20 per cent below those of Perth, 22 per cent below those of Brisbane, and 5 per cent or 6 per cent below those of Melbourne.

In the case of the range of industrial tariffs, again the tariffs of the Electricity Trust of South Australia are below those of other States, except in situations where Sydney, Melbourne and Tasmania have low tariffs for industries with high usage of power involving three shifts, although those same industries end up paying more than is paid in Adelaide if they do not work three shifts. The fact that Mr. Franklin finds it unpleasant to pay his water rates or his electricity bills is not sufficient reason, in a column that is supposed to represent an independent political point of view, for him to allow his personal bias against paying those bills to enter into his column. I consider that he should get his facts straight and stop misleading people in this State as to the true position.

Mr. Dean Brown: What about the increase in charges in the past six years as compared with the previous 10 years?

The Hon. HUGH HUDSON: What about the rate of inflation over the past six years as against the previous 10 years?

Members interjecting:

The SPEAKER: Order!

The Hon. HUGH HUDSON: If the member for Davenport would like to make an appropriate comparison, I suggest that when he has a little spare time to occupy those blank spaces in which the dust is rushing around he may care to examine the situation between 1950 and 1952, when the rate of inflation in this country was very much higher than it is at present or has been over the past couple of years; he might care to check what was happening to electricity tariffs at that time. I also suggest to the honourable member that, if he cares to examine the rate of increase in electricity tariffs in South Australia over the past six years, compared with the rate of increase in tariff's in any other State in Australia, he will find that our record is better than is that of any other State.

Mr. Dean Brown: The library research section has taken out for me the figures over the past six years.

The SPEAKER: Order! The honourable member for Davenport has no right to be interjecting in this way. If he wishes to ask a question, he will have the opportunity.

The Hon. HUGH HUDSON: I hope that the information the library has given the honourable member is accurate and that it has distinguished categories of tariff of domestic consumption with and without a storage heater, general purpose tariffs, and industrial tariffs at low voltage and at high voltage, with shift usage varying between one and three shifts. If he would care to make those comparisons over the full range in each State of Australia, I should be interested in the results. If I have any suspicions about them, I shall certainly get an independent check on them. Electricity tariffs in this State are lower than in any other State in Australia on any reasonable basis of comparison, significantly lower in most cases, and comparing favourably with Tasmania, the State with the greatest advantage in the provision of electric power. For Mr. Franklin to fail to mention that and to put in his column a whinge just because he is crooked on paying his electricity bill is a low standard of journalism, and I object.

KUNG-FU

Mr. EVANS: Will the Minister for the Environment ask the Minister of Tourism, Recreation and Sport whether that Minister is aware of the type of rubbish published suggesting how people can become more expert in the martial art of Kung-Fu? If he is, what action will be taken to advise the public of the stupidity and dangers of attempting to follow the suggested practices? I refer, in part, to two articles that I have read on this subject. One of those articles is contained in the book *Hung Gar Kung-Fu*, which can be bought in the city. The article states:

A natural reaction is for the eyes to blink whenever there are movements close to the face. One way to overcome this tendency is to gaze at the sun as it begins to rise. You will blink at first, but with proper training you will be able to do it without blinking. A word of caution: This training must be done only during daybreak, and only for brief periods of time. Gazing at the sun too long can cause serious eye injury.

I am sure that we all realise the danger of encouraging people to do that. The publication *Inside Kung-Fu*, which was published in June, 1976, and which is available in the city, states:

Master Chiang also has something to say on the subject of sex, which is sometimes tough for some students to follow. His suggestion for frequency of sexual intercourse is: for ages 14-20, two times every seven weeks; ages 20-30, one time every three weeks; ages 30-50, one time every four weeks; and over 50, as much as desired.

Members interjecting:

The SPEAKER: Order!

Mr. EVANS: It continues:

"It is important not to exceed the above limits because practitioners of Kung-Fu, unlike most other people, concentrate their energy in the lower abdomen," explains Master Chiang. "During sexual intercourse, this energy is further concentrated and, during orgasm, emitted and utterly lost to the body. If orgasm or sexual intercourse is avoided, the energy is allowed to concentrate and continues to circulate throughout the organism and strengthen it Due to their lack of concentration of energy, people who do not practise Kung-Fu are not so liable to harm from excessive sexual intercourse as are practitioners." In the Shao Lin tradition, there are several methods of hardening the hands so they will not be damaged by blows or contact with armour.

The SPEAKER: Order! I trust that this is a necessary part of the honourable member's question?

Mr. EVANS: It is, Mr. Speaker.

The SPEAKER: It seems to be a rather lengthy question.

Mr. EVANS: It is part of the explanation. I believe that the next practice to which I wish to refer is the most dangerous of all the practices suggested. I should like to read the passage, because anyone who follows the next practice is courting with danger. The article states:

The most popular method and best known is . . . "iron filings palm", in which the hand is plunged into hot iron filings. If this is practised, the hand first takes on the scaly appearance and feel of fish skin. After three years the skin turns black. After five years the hand is shiny and the same color as steel, and as hard as steel as well. Unfortunately, the hand cannot be closed or opened and is little more than a shiny club attached to the wrist in place of a hand.

That is the sort of practice to which I was referring. The Minister of Tourism, Recreation and Sport is Honorary President of the Australian Tae Kwon-Do Federation, and he should be aware of these practices. I ask what he can do to try to play them down.

The Hon. D. W. SIMMONS: I shall be delighted to refer the honourable member's question to my colleague. I understand that the Minister is an exponent of the martial arts, and he is probably an expert in some of the areas to which the honourable member refers.

Members interjecting:

The SPEAKER: Order!

The Hon. D. W. SIMMONS: I am sure that the Minister will be able to give a considered reply to the question. I agree that some of the practices suggested in the articles would be extremely dangerous.

ROYAL OAK HOTEL

Mr. MILLHOUSE: Will the Attorney-General suggest to the Superintendent of Licensed Premises that he should apply for reassessment of the licence fee payable, pursuant to the Licensing Act, in respect of the Royal Oak Hotel? My question is supplementary to a Question on Notice that I asked last week about what was the licence fee for the hotel and whether or not it was intended to apply for reassessment pursuant to section 38 of the Licensing Act. In reply, the Attorney said that the licence fee was confidential and that the Superintendent had not applied for reassessment of the licence fee at this time. I understand that the present fee for the licence of the Royal Oak Hotel is just a shade under $6 000 a year, paid in quarterly instalments of $1 499·74. I understand also that the licence fee is normally fixed on 8 per cent of the hotel's turnover. The Royal Oak Hotel is one of those hotels that was cutting liquor prices and had a scheme, the details of which I forget, which greatly increased its turnover. In February of this year an amendment was introduced to the Licensing Act that was apparently meant to cope with this problem. I called it the "Get Brian Warming Bill". On my information, the same practices are now being followed at the Royal Oak Hotel, which is run by the same company (Nicholas Enterprises), although Mr. Warming is no longer associated with the company. If the licence fee were reassessed in accordance with the formula, I am told that, instead of the fee being about $6 000 a year, it would be about $180 000 or $200 000 a year. If these facts are correct, and I believe them to be correct, I invite the Attorney, who concealed these facts in his reply, to tell the House either now or after inquiry whether or not the facts are correct. If the facts are correct, something wrong is happening. Having had quite a controversial passage through this House, the Bill to which I refer (and there was never any denial) that it was meant to get Mr. Warming, who was then associated with this hotel, is not being used, and this State's revenue is worse off to the tune of about $175 000 a year more.

The Hon. PETER DUNCAN: I am not exactly sure what is the honourable member's interest in this matter. I can assure him that the Superintendent of Licensed Premises is a most able officer—

Mr. Millhouse: That has nothing to do with it.

The Hon. PETER DUNCAN:—and is well able to administer the licensing laws of this State in the interests of the people of this State. I do not intend to give the Superintendent any instructions on this matter. I am interested to know why the honourable member is so enthusiastic for the Government to take some action in this matter. I have not considered the implications of the possibility of the Superintendent's applying—

Mr. Millhouse: Are you going to do that?

The Hon. PETER DUNCAN: If the honourable member would like me to do that, I would be pleased to do so. However, certain time factors may be involved. I do not know the exact details, perhaps if an application is made before a certain time less or more will be paid. It seems to me that the honourable member is taking an interest in this matter that does him no credit. I will find out the information for the honourable member and bring down a reply.

GOODWOOD ORPHANAGE

Mr. LANGLEY: Can the Minister of Education inform the House of the progress being made in the use by interested parties of the recently purchased Goodwood Orphanage at Goodwood Road, Millswood? People in the area and the State at large are keen to hear what is taking place for the benefit of the people and what the usage of this property will be.

The Hon. D. J. HOPGOOD: Perhaps we can divide the whole area into the building itself and the grounds. The building is at present housing portions of the Physical Education Branch, the Music Branch and the outdoor education project team. A certain amount of upgrading is to take place in the building, and that will proceed soon. It is expected that by the end of the first term in 1977 the Music Branch and Physical Education Branch will have shifted completely into the new building. As to the grounds, it is hoped that it will be possible to develop them for community use. Mr. Stanton, of the Physical Education Branch, and Mr. Farwell, of the Music Branch, have already had very useful discussions with officers of the Unley City Council with this aim in view, and these discussions will proceed. It is hoped that the management committee of the orphanage which will eventually be established will include community representatives. I will get further information for the honourable member, who may be able to assist his constituents with suggestions on how the whole of the grounds can be further developed for local community use. I take this opportunity to mention that an interesting event is to occur at the Goodwood Orphanage on the evening of Monday, December 6, when a so-called trumpet spectacular will take place. I have attended one of the rehearsals in a playing capacity but, unfortunately, inescapable Government business will prevent me from actually joining Mr. Roberts and his cohorts on that evening.

Mr. Millhouse: It's a good thing you said that, otherwise everybody else would stay away.

The Hon. D. J. HOPGOOD: I suppose that is probably right. As that impediment to the aesthetics of the member for Mitcham is now removed, he may respond to my invitation to be present on that evening.

Mr. Millhouse: You've already asked me to a dinner for the new Governor.

The Hon. D. J. HOPGOOD: You're attending?

Mr. Millhouse: You asked me.

The Hon. D. J. HOPGOOD: The Premier asked the honourable member. I was not involved in the actual selection of people, and I had no idea of who, in fact, would be attending.

Mr. Millhouse: Did you think I was going to be left out?

The SPEAKER: Order!

The Hon. D. J. HOPGOOD: Members of the public, in general, are aware of what goes on in this place, and I take the opportunity in this public forum of letting them know that this performance will occur. Unfortunately, the march from Aida will have to struggle through without assistance from the Hopgood trumpet.

PHARMACISTS

Dr. EASTICK: Has the Minister for Prices and Consumer Affairs been requested either to grant approval or, alternatively, to extend an existing grant of approval for

pharmacists to resist certain sales? Section 33a (3) (*b*) of the Prices Act provides that one defence to a prosecution under the Act is that the defendant was acting in accordance with the practice for the time being approved by the Minister. This relates to subclause (2), which provides that a person who has in his custody or under his control any goods for sale by retail, or offers, exhibits, or exposes any goods for sale by retail, shall not refuse or fail, on demand of any quantity or number of goods and tender of payment at the price asked for the number demanded, to supply. The situation arises with respect to pharmacists that, if the measure is processed to its full effect, without the grant of approval which the Minister in his own discretion may provide persons who are pharmacists could be prosecuted for having failed to provide syringes, needles and some of the S3 drugs. It is on that basis that I ask the question of the Minister and, if the matter has not come to his attention, will he research this matter and report to the House in due course?

The Hon. PETER DUNCAN: The answer is "No". The matter has not come to my attention, except in the past few minutes. I will look into the matter and investigate what action can be taken to meet the points raised by the honourable member.

HOUSING TRUST

Mr. WOTTON: Will the Minister for Planning look into a matter of a $6 500 rise in less than three months in the cost of building a house by the Housing Trust on a privately owned block of land at Woodside? I have been contacted by constituents, a Mr. and Mrs. MacNab, who own a housing block in Elizabeth Street, Woodside. Mr. and Mrs. MacNab lived in Victoria, and first made contact with the Housing Trust on August 2. They were then quoted $18 500 for the building of a house. They returned to Victoria and sold their property. They next made contact with the Housing Trust on November 5 and for the same house were quoted $22 000. They rang and made an appointment for November 11 when they were informed that the cost had risen to $25 000. I point out again that the land was privately owned. When they inquired about this increase they were told that the rise was due to internal costs. I ask the Minister to look into this matter.

The Hon. HUGH HUDSON: I shall be pleased to do that for the honourable member. If the facts stated are correct, obviously the communication between the Housing Trust and these members of the public leaves something to be desired. I will follow-up the matter and, if the facts are as the honourable member has said, see that the situation is improved.

LAND TRANSFERS

Mr. CHAPMAN: Can the Minister of Local Government say whether Lands Titles Office land transfer advices to district councils are confidential to and for the information of only the council concerned, and, if they are not, whether there is any authority which allows the publishing of all or any such Lands Titles Office advices?

The Hon. G. T. VIRGO: I am not quite sure what the honourable member is driving at, but I will discuss the matter with the Premier, who is in charge of the Lands Titles Office.

Mr. Chapman: If the question should have been directed to the Premier, I will redirect it to him.

The Hon. G. T. VIRGO: No, I will get the information for the honourable member.

RE-REFINED OIL

Mr. ALLISON: Can the Minister for the Environment say whether or not the Government has considered the recycling of used oils, especially sump oils? An article in the South African newspaper *South African Digest* of October 29 referred to the re-refining of sump oil in South Africa on a large scale. The article stated that the Minister of Economic Affairs, Mr. J. C. Heunis, said at the opening of the new R4 000 000 Chemico recycling plant near Krugersdorp in the Transvaal that the plant would lead to the recycling of far more used mineral oil than had previously been the case. It was hoped that about 40 per cent of the oil would be recycled and that the re-refining of used oil would in no small way contribute to improving South Africa's balance of payments. In addition, it was pointed out that waste oil caused much pollution but could be re-refined and used to ease South Africa's balance of payments.

As a considerable amount of oil is used in South Australia, perhaps we should consider re-refining used oil and saving it from being dumped generally. In the South-East, several firms have been burning sump oil but they have been advised to stop doing so because of the poisons, including lead, being given off into the atmosphere. Because of this, I believe there is a potential for recycling oil, particularly in the metropolitan area.

The Hon. D. W. SIMMONS: I shall be glad to look at the matter raised by the honourable member. I am always glad to hear some practical suggestions for the promotion of conservation of resources, particularly liquid fuels. I do not know what is the present position in relation to this matter. When I was Chairman of the Industries Development Committee three years ago, the committee looked at a tentative application for assistance from a gentleman who was carrying out an enterprise in South Australia involving the collecting and recycling of used motor lubricating oils. The difficulty at that time was that this gentleman was operating in a built-up area and the whole operation was a considerable fire risk. It was closed down for that reason.

In an attempt to help the gentleman, the Government made available an area of land at Wingfield where he could operate without risk of fire, but I do not think anything came of that proposition. When it looked as though the application would come before the committee, I did some reading on the subject and I was impressed with some of the articles I read. I believe it is true that piston-engined aircraft operate more satisfactorily on re-constituted oil than they do on original lubricating oil. Obviously, the proposition has some considerable value, but I do not know what are the latest developments in the process in South Australia. I will get a report for the honourable member.

WINE GRAPE PRICES

Mr. ARNOLD: Can the Premier say what involvement the Government will have in the determination of wine grape prices to be paid for the 1977 vintage? Three weeks ago I asked a similar question of the Minister

of Prices and Consumer Affairs and pointed out to him that during the past 21 months the increase in the price of wine grapes had been only 0·5 per cent but in that time there had been an increase in costs of production of between 20 per cent and 25 per cent. The Minister replied that it was the province of the Minister of Agriculture and he would pass the matter to that Minister. Unfortunately, I have not received a reply from the Minister of Agriculture. As the Commissioner of Prices and Consumer Affairs has received submissions from the wine industry and from grapegrower organisations, I believe it is imperative that every submission should be made forthwith, otherwise it may be too late. I therefore ask whether the Government intends to make a submission about wine grape prices in the interests of seeing that a fair and reasonable proportion of the prices received for wine goes to the grower.

The Hon. D. A. DUNSTAN: The minimum wine grape prices normally, after report by the Commissioner of Prices and Consumer Affairs, are reported on by the Economic Intelligence Unit, which, as the honourable member will know, has held considerable investigations into the wine industry. The matter then comes before Cabinet. The Government itself will not be making a submission to the Commissioner of Prices and Consumer Affairs, whose recommendations will be discussed by the Government after he has examined all the submissions made to him.

RUTHVEN MANSIONS

Mr. COUMBE: Can the Premier provide information regarding the latest development at Ruthven Mansions, which has been the subject of conflicting reports from the Government over the past few years? In March, 1974, when I asked a question about this matter of the Minister of Works, he replied that the building was to be demolished and that the future of the site had not been determined. I followed that up about six months later with a subsequent question, to which the Minister replied that tenders were to be called for the demolition of the building. The building is still there: it has not been demolished. In June this year the Premier was reported as saying that tenants might soon be back in Ruthven Mansions, which would become apartments again. He said that the buildings were owned by the Government and they would be sold to developers subject to approval by the City Council and the Government of redevelopment plans, and that the property would be put up for tender within the next few weeks. Can the Premier state the latest position? Have tenders been called? Has the building been sold and, if so, what price was obtained? What is the current position regarding this building, which has had a chequered history, especially as at one time the Government intended to demolish the upper part of the property for reasons of safety?

The Hon. D. A. DUNSTAN: The original intention of the Government was to demolish the building. Subsequently, the site was looked at as a possible addition to the university area to see whether it was possible for the university to build a music school on it. The university rejected that proposal. As a result of many submissions made to the Government by builders, architects and people interested in conservation in Adelaide, it was decided by the Government that it would look to the redevelopment of the building as part of our programme of providing encouragement to people to live within the city area, and retaining a building which would have considerable appeal in that area if properly restored. As a result of this, many people have been able to register their interest as redevelopers. I think four people are registered, and they have been asked to put in their prices and proposals. The proposition is at that stage at the moment.

At 3.10 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the South Australian Meat Corporation Act, 1936-1974; to repeal the Port Lincoln Abattoirs Act, 1937; and for other purposes. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

I seek to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill provides for the transfer of the Port Lincoln abattoir to the South Australian Meat Corporation. The Port Lincoln abattoir was established under the Port Lincoln Abattoirs Act, 1937, to be repealed by this measure, and is vested in the Minister of Agriculture. The transfer is the result of the abolition of the Produce Department, which, until it was recently absorbed into what is now the State Supply Division of the Services and Supply Department, managed the abattoir. In view of this, the South Australian Meat Corporation, as a statutory authority established for the purpose of operating abattoirs, became the obvious body to take over the operation of the Port Lincoln abattoir.

The transfer is to be a complete transfer of all the property, plant, staff and any rights and liabilities under contracts in effect at the time of transfer. Financial arrangements satisfactory to both the Government and the corporation have been made, and are upon the basis that the corporation is not to be financially advantaged or disadvantaged by the transfer. This will probably involve the Government's making grants to the corporation for several years after the transfer in order to avoid any financial impact on the metropolitan operations of the corporation.

Regarding the employees at the Port Lincoln abattoir, the Government has agreed that no employee is to be disadvantaged by the transfer. The Bill provides that any public servant engaged in duties at the abattoir may continue that work as a public servant for 12 months after the transfer, during which period he may obtain a transfer to other duties as a public servant or elect to become an employee of the corporation. The Bill also amends the principal Act, the South Australian Meat Corporation Act, 1936-1974, by providing that the corporation need appoint only one auditor instead of two auditors, as is the present requirement.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 2 of the Act, which

sets out the arrangement of that Act. Clause 4 inserts in the interpretation section, section 3, definitions of "Port Lincoln abattoirs" and "Port Lincoln abattoirs area" and makes consequential amendments. Clause 5 makes a consequential amendment to section 6 of the principal Act. Clauses 6, 7, 8, and 9 amend sections 41, 43, 44 and 45, respectively, of the principal Act, and deal with the appointment by the corporation of one auditor instead of two, as is presently required. Clauses 10 and 11 amend sections 52a and 78, respectively, of the principal Act consequential on the transfer of the Port Lincoln abattoir to the corporation.

Clause 12 provides for the enactment of a new Part IVA in the principal Act dealing with the Port Lincoln abattoirs, New section 93a provides for the repeal of the Port Lincoln Abattoirs Act, 1937. New section 93b provides for the complete transfer of the Port Lincoln abattoirs and its incidents to the corporation. New section 93c provides an option to public servants engaged in duties at the Port Lincoln abattoirs to continue those duties for 12 months, during which period they may obtain a transfer within the Public Service or elect to become employees of the corporation. New section 93d provides for proclamation of the Port Lincoln abattoirs area.

New section 93e empowers the corporation to maintain, operate, or extend the Port Lincoln abattoirs and its facilities. New section 93f provides that the land for the Port Lincoln abattoirs is to be taxed separately from other land held by the corporation. New section 93g regulates the slaughtering of stock within the Port Lincoln abattoirs area, and the sale within that area of meat not slaughtered at the Port Lincoln abattoirs. This provision corresponds to section 6 of the Port Lincoln Abattoirs Act, 1937, and, in relation to the metropolitan operations of the corporation, to section 70 of the principal Act. New section 93h provides for the corporation to publish the times at which the Port Lincoln abattoirs are available for slaughtering operations. New section 93i excludes the possibility of councils licensing private abattoirs to operate within the Port Lincoln abattoirs area.

This provision corresponds to section 8 of the Port Lincoln Abattoirs Act and, in relation to the metropolitan operations of the corporation, to section 79 of the principal Act. New section 93j empowers the Minister to grant permits to persons to bring meat into the Port Lincoln abattoirs area, to slaughter stock within that area or to sell within that area meat not produced at the Port Lincoln abattoirs. This provision corresponds to section 10 of the Port Lincoln Abattoirs Act, 1937, and, in relation to the metropolitan operations of the corporation, to sections 70a and 77 of the principal Act. Clause 13 makes a consequential amendment to section 119 of the principal Act.

Mr. GUNN secured the adjournment of the debate.

SUPERANNUATION ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Superannuation Act, 1974-1976. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

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

Leave granted.

EXPLANATION OF BILL

This Bill, which contains one operative clause, clause 3, is intended to give effect to one aspect of an agreement between the Commonwealth and the State as to the terms and conditions of employment of former employees of the South Australian Railways who, pursuant to the agreement ratified by the Railways (Transfer Agreement) Act, 1975, accept employment with the Australian National Railways Commission. Briefly all these former employees, who elect so to do, may retain their existing South Australian superannuation rights as if they had continued to be employed in the service of the State. In addition, the measure provides for a further agreement to be entered into by the State and the Commonwealth relating to the liability of the Commonwealth to meet the greater part of the "employer" liability for the pensions of these employees.

Clauses 1 and 2 are formal. Clause 3 at subclause (1) sets out certain definitions necessary for the purposes of this clause and these definitions are commended to members' particular attention, particularly the definition of "prescribed contributor". Subclause (2) gives the transferred employees the right to remain contributors to the fund and subclause (3) protects the future right of such employees who, at present, contribute to the provident account, to become contributors in the future.

Subclause (4) is intended from an abundance of caution to facilitate consequential amendments to the principal Act to give full effect to the provision proposed. Subclause (5) sets out the framework within which the "cost sharing" arrangements are to be worked out. Briefly, an agreement or understanding with the Commonwealth is required to be arrived at covering the matters set out in this provision. Agreement in principle evidenced by an exchange of letters has already been arrived at in respect of the significant matters touched on in this subclause.

Dr. TONKIN secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 1)

Bill recommitted.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Mr. RUSSACK: I move:

Page 1, after line 9—Insert subclause as follows:

(2) A proclamation shall not be made under this section unless the Governor is satisfied that all councils in this State are guaranteed a substantial proportion of their general revenue from the general revenue of the State or of the Commonwealth.

The amendment requires a substantial sum to be paid into the general revenue of a council by the State or Commonwealth, with no strings attached. It would be appropriate for me to define "substantial", and I refer to a decision of His Honour Judge W. C. Gillespie in *W. D. & H. O. Wills Australia Limited v. Municipality of Marion* delivered in 1963, when he said:

I can go no further than to indicate my opinion that to constitute a substantial part the part must be more than half of the whole but by how much it must exceed one half I cannot say.

In this amendment "substantial" means that at least one-half or more of the general revenue of a council will come from either the State Government or the Federal

Government. I read part of a letter from the District Council of Barossa that may possibly confirm what I am saying, as follows:

Local government is made up of owners and occupiers of property and the interest of those people (whether they be large landowners or small landowners) must be protected by legislation and not laid open to the whims and fancies of itinerants and others as is proposed by this legislation. There are hundreds of thousands of small property owners whose stake in their own home can be in jeopardy through this legislation and they should know about it. Ask any home owner or occupier in Adelaide or anywhere else, "Would you like to have your local council made up of members who don't have a direct responsibility for paying rates?" Many answers would probably start with a few superlatives about what their own kind do to them but it is doubtful if any would favour "foreign" intervention into the affairs of genuine ratepayers. When local government becomes, through the Constitution, a legal partner in a tripartite system of Government in Australia, there should be no quarrel with the question of adult franchise in local government. Until then the present Act reasonably safeguards the interests of those who have placed their savings in homes and land.

The decision that led to the introduction of this amendment has come from the evidence given to the Select Committee. We have received a second report from that committee, and during its second sitting much evidence was given that local government in South Australia at this stage is not ready to accept full adult franchise. We received correspondence from the city of West Torrens, and I quote briefly from an unofficial survey on adult franchise that was undertaken:

Undecided or no view expressed:	
Metropolitan corporations	4
Country corporations	—
District councils	5
Total	9
Opposed to adult franchise:	
Metropolitan corporations	8
Country corporations	7
District councils	49
Total	64
Favour adult franchise:	
Metropolitan corporations	6
Country corporations	3
District councils	8
Total	17

The figures show an overwhelming number of 64 against adult franchise; 17 were in favour; and nine did not express a decisive opinion. Many councils and councillors have given further thought to this situation, one being the City of Adelaide. It would be appropriate if I read a letter addressed to the Leader of the Opposition from the City Council, signed by John J. Roche, Lord Mayor, which states:

At the meeting of the Adelaide City Council held on Monday, November 22, 1976, strenuous opposition was expressed by members to the Local Government Act Amendment Bill relating to the franchise for municipal elections in its present form. The following resolution was passed on a vote of 15 to 1, namely:

> This council is opposed to those sections of the Local Government Act Amendment Bill which refer to voters rolls and voting qualifications and believes that the local government franchise should be further investigated and that due weight be given to the interests of ratepayers of the area.

The basis of objection is the imbalance that would be created if the Bill is passed, both in voting for the election of members and in polls on financial questions. The Bill has done two things in this regard. It has increased the number of eligible voters and it has reduced the value of property owners and commercial votes. If a family of, say, five adults reside in an average cottage, the property would attract five votes. If a company employing 500 people is enrolled, it may only be represented by one vote. The rates paid by the owner of the cottage would probably be equal to $200 per annum, whereas the company could pay $130 000 per annum (actual examples can be quoted). In the view of the council, the multiple vote has been transferred from the commercial owner or occupier to the residential owner and occupiers.

In its initial submissions to the Select Committee, the council gave qualified support to the philosophy of adult franchise. Because the qualifications have not been given any weight in the Bill as it now stands, the council believes its support must be withdrawn. One of the reasons the council gave support to the adult franchise principle is the fact that the council is now in receipt of funds from general taxation, but the income by way of grants is less than 5 per cent of total income. One might therefore anticipate a gradual extension of the franchise to accept the changing financial conditions, but not such a drastic one as the Bill requires.

In council debate it was pointed out that levies by the Government on councils by way of Fire Brigades Board and hospital contributions are based on rate income, not on numbers of residents. The view of the council is that voting strength overall should rely to a large degree on the stake people have in the city. Again, reference was made to the one vote of a company which may have substantial commercial interests against boarders or nurses whose interest in city operations is a transient and superficial one.

The council accepts the fact that the present law can be criticised and that a review could be warranted, but, as the result of the debate on November 22 at its meeting, the council has requested the Minister of Local Government to withdraw the Bill currently before Parliament so that an adequate inquiry can be made, with full local government participation, into ways in which the franchise system for local government can be improved.

Yours sincerely, (signed) John J. Roche, Lord Mayor.

I will read the following paragraph of a letter from the Corporation of the City of Prospect that was submitted concerning this matter, as follows:

The council believes that it is wrong in principle that persons who do not directly contribute to council funds should be able, for example, to determine the level of rating, the borrowing of funds, etc. The council is strongly of the opinion that the people really interested in participating in local government and community functions are the residents and ratepayers.

Both Commonwealth and State Governments have departmental buildings in council areas and, to a degree, this offsets the contribution made. It is realised that local government obtains concessions in the form of remission of sales tax, and other items. However, in the city of Adelaide and in areas represented by corporations in the country there are Government facilities and offices on which no rates are paid. The ratepayers in those areas are paying substantial amounts for the upkeep of the areas. The councils contribute compulsorily to fire services, and hospitals, and voluntarily to libraries, health services such as the Royal District Nursing Service, Meals on Wheels, and other facilities. Indeed, it was recorded in a submission made to the Select Committee that the councils receive—

The CHAIRMAN: Order! I ask the honourable member whether he is taking this clause as a test case, because he is roaming from clause to clause. If he intends making the clause a test case, he may continue in that vein; otherwise, he must stick rigidly to his amendment. I have allowed the honourable member considerable latitude, but what does he intend to do in the matter?

Mr. RUSSACK: I thought that I was speaking within the ambit of my amendment, because we were speaking about general revenue. I was taking the aspect of how a council receives its revenue, in the point that I was making.

The CHAIRMAN: We are dealing now with a proclamation. Does the honourable member consider that his amendment is a test case as regards other clauses?

Mr. RUSSACK: Yes, I consider it to be a test case for the Bill itself. In the second reading debate I said that, if my amendment was not accepted and passed, I would vote against the Bill at the third reading.

The CHAIRMAN: Then I take it that the honourable member will not speak on other clauses in the Bill.

Mr. RUSSACK: I reserve my right to speak to the clauses of the Bill.

The CHAIRMAN: If the honourable member intends to do that, he must confine himself to the amendment before the Chair. If he cannot give me that guarantee, he must stick rigidly to the amendment before the Chair.

Mr. RUSSACK: In the little time I have left, I summarise by saying that my amendment will delay the proclaiming of the legislation until a substantial proportion of revenue is paid to local councils by either State or Federal sources, untied, and that that substantial amount should be at least 50 per cent or more of a council's rate revenue.

Mr. GUNN: I support the amendment, which I think is fair and reasonable. The honourable member has gone into much detail in clearly outlining the views of many local government bodies interested in the principle of adult franchise. His amendment introduces a reasonable element. I think it reasonable to expect that, if the general taxpayers are making a major contribution to the general revenue of a local government body, those taxpayers are entitled to a say.

A Minister said the other day, "He who pays should have the say," but obviously the Government does not accept that criterion on this occasion. I believe that, if the Bill is passed as it stands, particularly this clause, we will be inflicting on ratepayers and people who occupy houses a great burden indeed. Many local government bodies are unable to increase their rates, and we run the risk of having council taken over by transients. Transients could incur massive debts in the name of the council, but they may not be in the area long enough to foot the bill. That situation is completely untenable and unrealistic. It should never arise. Having had limited experience in local government, I can foresee many problems.

The Hon. G. T. Virgo: Limited!

Mr. GUNN: I have had more experience in local government than has the Minister. I have had four years experience, and I can speak with more experience than can the Minister, who has had only two years experience. I shall use this clause as a test case; I do not want to go through the same argument on other councils. I must bring to the attention of the Committee the opinions of local government in my area. I received a communication from the Clerk of the District Council of Kimba, as follows:

I am instructed by the council to advise that it does not favour the introduction of adult franchise for local government elections.

The opinion of the District Council of Tumby Bay, not quite in my area, was as follows:

Further to the article that appears in the *Advertiser* on July 9, 1976, in relation to the report of the select committee on the Local Government Act Amendment Bill (Adult Franchise), I have been requested by council to advise that they are strongly opposed to the introduction of adult franchise into local government as they firmly believe that those who pay the rates should have the responsibility for seeing that the expenditure of those rates is in the best interests of the local community. Members also feel that the Bill will introduce politics into local government, which is considered to be a most undesirable element. In view of the above comments, council sincerely hopes that you will reject the Bill when it is considered in Parliament and make known to the Minister of Local Government that there are more than "five objections to the principles of adult franchise for local government".

I think all honourable members received correspondence from the City of West Torrens. I received a letter from the District Council of Elliston, under the hand of the Clerk, as follows:

With reference to possible legislation being passed regarding the Local Government Act Amendment Bill (Adult Franchise), the District Council of Elliston strongly opposes submissions made by various councils in favour of the Bill.

The District Council of Franklin Harbor wrote to me on August 16, as follows:

I am directed to inform you of my council's opposition to the provisions contained in the above Bill. The proposal contains many changes that would have a detrimental long-term effect on local government. The amendments will give all non-property owners the power to nominate for council. It is alarming to think that a council could well comprise a group of transient people who may only be a resident in an area for a short time. Non-property owners do not have the close ties with an area as do property owners, and it would be proper to assume that non-property owners would manage affairs that may not always be in the best interests of the district. Such a situation would be an intolerable one. Council requested that when the Bill is introduced into the Assembly that you give the matter careful consideration and oppose the amendment.

I entirely agree with the comments expressed in that corespondence. I have had discussions with all the councils in my area, and I support their views. I hope the amendment so rightly moved will be carried to bring into local government legislation a sense of reality that is completely lacking at the moment. I cannot understand the Government's attitude when obviously majority opinion opposes this principle.

Mr. BOUNDY: I support the amendment, and I hope the Government will support it on the basis that it makes full adult franchise more palatable to those people who have raised objections to it.

Mr. BLACKER: I refer to the situation where control of a council is taken over by the roving public, by people coming into the area for a few years or for an even shorter period. In many country towns, the roving public (bank managers, stock agents, and people in similar roving vocations) have gained top positions on various community organisations and, in the course of those duties, have committed the areas to massive expenditure on new projects. Many a swimming pool committee would have been started in this way, with drifting people thinking the idea is good and pushing the community to commit itself to long-term future expenditure. The public is now carrying the burden and trying to get itself out of the financial difficulties it is facing. Many hall committees, many swimming pool committees, and many recreation grounds are in that situation. Those who have not been permanent residents of the area have placed this additional obligation on the community, and then have moved out, leaving the local ratepayers to carry the burden. If local government bodies were not allowed to get into debt, the effects would not be so serious. The burden placed on the community in this way cannot be justified.

Mr. WARDLE: Having been a member of the Select Committee, I can say that a person without any background on this issue, who came completely from outside to the committee and sat to take evidence and read all the correspondence, would probably not agree that the majority of councils want this provision. We are trying to get the views of the councils, and I think we have got them to a large extent. They were belated, because the councils did

not do the right thing by promptly coming forward with information. They were very lethargic about it, and no credit is due to them for that attitude. On examining the evidence, however, it must be said that there is not a strong majority of evidence in favour of adult franchise. Therefore, I strongly support the amendment.

In many areas, the influence of other than recognised ratepayers is quite strong. In other council areas the influence of other than recognised ratepayers is not so great. I was disappointed to find that not many people who appeared before the Select Committee knew the percentage of people in their community who were outside what could be regarded as the ratepayer category. It was rather disappointing that more of them did not try to take out statistics relating to the number of people that were involved in this aspect of the Bill. I support the amendment.

The Hon. G. T. VIRGO (Minister of Local Government): I am extremely surprised that the member for Gouger has persisted with this amendment. I appreciate that in Febraury, when he placed the amendment on file, he may have had a certain view about the matter, but he is writing off completely the funds that the Government of his own colour is providing to councils. The Grants Commission has just distributed almost $12 000 000 of Commonwealth funds to local government throughout South Australia. I have many letters on my files expressing great appreciation for the substantial financial support that councils have received. Although I appreciate that the honourable member includes the term "a substantial proportion" in his amendment, he is relying on the court decision in the case of *Marion Corporation v. W. D. and H. O. Wills.* I remember that case because I was involved intimately with the Marion council. The case dealt with a determination involving urban land and whether it qualified for half rates. The court handed down its decision.

The honourable member's amendment would place His Excellency the Governor in the invidious position of having to be satisfied, but it does not provide how the Governor must be satisfied. The honourable member is relying on a statement in *Hansard* relating to that court decision. If the honourable member proceeds with his amendment, he should state clearly what he now acknowledges that his amendment means, which is "until such time as all councils in the State receive a sum equal to more than half of their general revenue". Let us not involve His Excellency or the courts in an interpretation of this case, because the court interpretation could change from time to time.

The honourable member also uses the term "all councils". Presumably that means that, until every council in South Australia receives more than half of the amount it receives in rates by way of general revenue, this Bill cannot be proclaimed. Is that what the honourable member means? What about all those councils that receive many, many times more than 50 per cent? Let me give the honourable member a few facts, because I know that he has not done his homework. One council receives 332 per cent more in hand-outs from the Government than it gets in rates from its own ratepayers, another council gets 190 per cent, another 120 per cent, another 88 per cent, another 110 per cent, another 117 per cent, another 262 per cent, and another 146 per cent. Are they not substantial amounts? Yet we have this amendment, which provides that because one council does not get better than 50 per cent the Bill cannot be applied. If the amendment were genuine it should provide that adult franchise should apply in council areas where 50 per cent or better is obtained. Is that what the honourable member is putting up in an honest amendment? He must be; otherwise, it is a sham simply to ensure that the Bill is never proclaimed. Reference was made to a submission from the Barossa Valley. How careful the honourable member was to read a submission that was written a few months ago. Has he not received the letter dated November 15, 1976?

Mr. Russack: No.

The Hon. G. T. VIRGO: Then I shall be pleased to read what it says. The letter is addressed to the Hon. the Prime Minister and states:

Dear Mr. Prime Minister, There appears—

Mr. Allison: Don't you think—

The Hon. G. T. VIRGO: As Minister of Local Government I was forwarded a copy of the letter. I would have expected that the member for Gouger, who is the shadow Minister of Local Government, also had a copy of the letter forwarded to him.

Mr. Russack: I don't recall it.

The Hon. G. T. VIRGO: I will read it into *Hansard* so that the honourable member can read it. The letter continues:

There appears to be inconsistency between statements made by yourself and your Ministers and what is in fact happening to local government under your administration. A statement, for instance, that, under your Government, local government received more funds than under the Whitlam Government does not bear much relationship to the true situation. True, more untied grants were received, but tied grants seem to have disappeared—

the very point that I have been making to councils and as a result of which I have been accused of politicking—

Under the Whitlam Government, my council received nearly $120 000 last year and under your Government this year council looks like receiving no more than $41 000 —indeed a considerable reduction.

This is the new federalism that the honourable member has been espousing. The letter continues:

The press statement attributed to you early this month shows an unbelievable lack of knowledge of local government. The statement read, "Local government could have trouble justifying rate rises in view of the increased funds given to it by the Federal Government." When local government declared its rates in July, August or September this year it had no knowledge at all of any increase in Federal grants through the Grants Commission. Neither did it know (but it suspected) that there would be severe cuts to the point of cessation of grants for special community projects.

So it continues. I shall be pleased to provide the honourable member with a copy of the letter so that he can see how his political allies have duped councils. I fear that the amendment is trying to continue that sort of operation. The honourable member also referred to a letter from West Torrens council, and made great play about a poll which that council claimed in its letter that it conducted. It is strange that few of the people involved in the poll considered that it was necessary to express a point of view to the Select Committee. Indeed, the sample of views that were expressed to the committee differ considerably from the information given to the committee by West Torrens council. I now turn to the letter from the City of Adelaide. It is a case of when things are different they are not the same. The honourable member would have on his file, as I have on mine, the written submission made to the Select Committee by the Adelaide City Council. The submission states:

The council does not disagree with the basic aspects of the philosophy the Bill seeks to implement. The council does not disagree with the proposed extension of the franchise in this context.

The submission continued. Of course that council was seeking amendments; indeed, some of the amendments it sought are in the measure that is now before this Committee. I do not know why Adelaide City Council was motivated in the way it was motivated; in fact, I do not know who motivated it. I do know, however, that the Adelaide City Council has received more from the State Government from the general revenue purse in the past three years than any council has ever received. If Adelaide City Council wishes this Government to stop making special payments to it each year from the taxpayers' purse, this Government will be only too pleased to accede to that request.

Mr. Coumbe: Is that a threat?

The Hon. G. T. VIRGO: It is not a threat—it is a statement of fact. The City Council for the past three years has come to the Government and pleaded with it for financial support from the taxpayers' purse, the purse that has been subscribed to by people who board in homes, family people who are not necessarily paying a council rate directly. If the Adelaide City Council regards those people (indeed one of their former members said this) as the riff-raff of the State, it is entitled to do so, but it is not entitled to say on the one hand that people who do not pay rates directly to it should not be permitted to be members of councils and on the other hand accept funds from the Government that come from people who are not direct payers of rates. That is quite hypocritical.

I am disappointed that the Adelaide City Council should have taken that view, but it is one of 130 councils; the 129 other councils are important to me. At this time the average percentage of assistance from the general purse to local government is about 68 per cent. It meets the criteria that the honourable member has in his amendment, except that it does not meet it on the basis it must apply to every individual one. What is a ratepayer? Is it a person who only pays rates directly, who is assessed directly by the council? Is a man's family not as equally important in the community, whether or not it pays rates directly? Are such people to be regarded indefinitely as second-rate citizens, because that is exactly the position now? That is the very principle that the honourable member is advocating should continue. He is saying that it is all right for the people aged 18 years or older to elect the national Government, the Senate, members of the State Parliament, and members of the Legislative Council, but when we get to local government let us downgrade them by saying there will only be a special little clique. Members talk this codswollop that, under the Bill the situation could arise where a council could be run by people who are not paying rates directly.

Mr. Mathwin: That's right.

The Hon. G. T. VIRGO: It is nice to hear that from the ex-mayor of Brighton. I hope he will inform his colleagues that under the legislation as it now stands—

Mr. Mathwin: You don't allow many of them to vote.

The Hon. G. T. VIRGO: That is how well informed the member for Glenelg is. In fact, the breadwinner in a tenanted house can vote today if he gets on the assessment book, and in many cases does. He can be elected to council, and in many cases is. All this provision will do is provide that other people will be in exactly the same position as those I am now talking about. It is absolute codswollop to go on in the way members have been. This clause is, I think, quite rightly being taken as a test clause to see whether the Bill is thrown out altogether, because that is in effect what it would mean, or whether we go on to a more enlightened stage of having adult franchise for local government in exactly the same way as we have it for the other two forms of government. I do not believe local government ought to be downgraded by having an inferior voting system to that which applies to the Federal and State areas of government.

Mr. RUSSACK: When the Minister becomes frustrated he rants and raves, and when it suits him he praises the Federal Goverment. He commenced by mentioning the letters of expression of appreciation that he has had because of the action of the Federal Government. What a different attitude from that which the Minister has been adopting over the last weeks and months when he has ranted and raved, criticising the Federal Government. Yet, this afternoon he is praising the Federal Government because it suits him to do so. I am glad that the Minister has at last expressed appreciation to the Federal Government for what its federalism policy is doing and will do. My amendment provides that when the Federal Government's federalism gets into real swing this Bill will be proclaimed. I see nothing wrong with that at all.

Referring to receipt of revenue from the Government by councils, the Minister used a figure of about 150 per cent. A survey shows that the Peterborough District Council receives 225 per cent of Government funds to rate revenue. I point out that councils such as that are sparsely populated and in a country area where there are long mileages of road and where the councils receive large grants for upkeep, maintenance and preparation of roads. It is only natural that their percentage is going to be high.

Mr. Max Brown: They get it, don't they?

Mr. RUSSACK: Yes, and look at the job they are doing for the Government in connection with roads. That is how the high percentage comes about. Let us consider the Kadina corporation, where I was a councillor for eight years and Mayor for three years. This year, with the receipts from the Grants Commission, the figure comes to about 30 per cent of revenue. I am aware of those councils the Minister has mentioned. There were two votes taken when I was a member of a Select Committee on two reports, and on both occasions I voted against the report of the committee, because in my opinion the weight of evidence was against the Bill we had before us. I believe that the second time the committee met to correct inaccuracies and to consider further letters that had come to the committee from local government, I believed there was a greater weight of evidence against the approval of this Bill. A letter from the South-Eastern Local Government Association states:

> At the annual conference of the above association held on the 19th instant the matter of adult franchise in local government areas was discussed at length. As a result the following resolution was passed unanimously:
>
> That the South-Eastern Local Government Association object to the Local Government Act Amendment Bill (Adult Franchise) and that notice of this objection be sent to all members of the select committee.

At this meeting the 12 member councils were present. The Councils concerned are—

and I am going to read them out.

Mr. Whitten: Not one of those ever had the decency to make a submission on time.

Mr. RUSSACK: They are as follows:

City of Mount Gambier; Town of Naracoorte; District Council of Beachport; District Council of Lacepede; District Council of Lucindale; District Council of Millicent; District Council of Mount Gambier; District Council of Naracoorte; District Council of Pt. MacDonnell; District Council of Penola; District Council of Robe; and District Council of Tatiara.

In reply to the member for Price I admit, as the member for Murray has already said, that it is unfortunate that councils were slow—

Mr. Whitten: They were not interested—they were satisfied.

Mr. RUSSACK: They were not satisfied. As soon as they were aware of the far-reaching consequences of this legislation—

Mr. Whitten: Who made them aware?

Mr. RUSSACK: They became aware of it through the normal information supplied by the South Australian Local Government Association in its submission. Councils generally did not agree. The Minister has criticised the change of view taken by the Adelaide City Council, but he did not mention the change of view by the Tea Tree Gully council, because that was approved by him. If that council could reverse its decision, why should not other councils also reconsider their decision?

Mr. Whitten: They had not thought about it, until they were stirred up.

Mr. RUSSACK: The Minister said that he was thinking not only of one council but of 129 other councils. That is what members on this side are doing. We are thinking of the majority of the 129 councils, and that is why we have introduced this amendment.

From what I learned during the course of the Select Committee and because of what has been said by the Minister this afternoon, I am convinced that the Government will consider only three factors in relation to the franchise for local government and the elections of mayors, aldermen, and councillors: first, the age of the person; secondly, nationality; and thirdly, place of residence. Contributions paid to a council by ratepayers are of no consequence to this Government. The Minister has said that everyone in the community should be involved in local government and should have the same rights as have ratepayers, and that ratepayers should have no additional rights at all.

The Minister sent out recently an instruction to councils concerning the distribution of unemployment relief money. That money was sent to councils with the condition that only selected people could have the use of those funds: people had first to join a union. I believe that is discrimination. Now the Minister has the cheek to say that anyone who has his name on the roll should have a right to vote at local government elections, irrespective of rates paid by ratepayers. The letter sent out by the Minister to councils was as follows:

Councils are advised that the State Government has implemented a policy of preference in employment with Government departments and authorities to members of unions as set out in the attached Industrial Instruction No. 464. It is pointed out that if State Government funds, now allocated to local government authorities for unemployment relief, etc. were used in departments, preference would be given to the employment of union members.

The Government has therefore determined that future allocations of money be made to councils on the condition that they conform with the policy of the State Government, as set out in the attached Industrial Instruction, as far as expenditure of such moneys is concerned.

Industrial Instruction No. 464 states:

A non-unionist shall not be engaged for any work to the exclusion of a well-conducted unionist if that unionist is adequately experienced in and competent to perform the work. This provision shall apply to all persons (other than juniors, graduates, etc. applying for employment on completing studies and persons who have never previously been employees), seeking employment in any department and to all Government employees. However, before a non-unionist is employed the employing officer shall obtain in writing from him an undertaking that he will join an appropriate union within a reasonable time after commencing employment.

That is an example of double standards. A condition is laid down that only certain people can enjoy that employment if they comply with conditions laid down by this Government, over the signature of the Minister. Once those people join a union, the subscriptions paid give them rights as the payment of rates gives ratepayers rights. I am not bashing unions; I am quoting an example of what I am saying. If a person has not paid his subscription to a union, I guarantee he will be denied a vote. On the same principle, I say that a ratepayer is entitled to an extra consideration over and above that of the ordinary citizen whose name appears on a roll.

I am pleased to think the Minister has at last recognised the contribution made to local government by the Federal Government. I am certain I am conveying the sentiments of most councils in South Australia and also the majority of ratepayers, whether they be people in commerce—

The Hon. G. T. Virgo: What is your basis for saying that you are so certain?

Mr. RUSSACK: Because the evidence is there. Those who came before the Select Committee—

The Hon. G. T. Virgo: From the ratepayers? How are you so certain?

Mr. RUSSACK: If this Government makes a statement it says it has a mandate because the majority of South Australian people voted for it. If councillors and councils speak, they have a mandate because the people elected those councils and councillors. I say therefore that most ratepayers in South Australia are opposed to this Bill as it stands. I appeal to members to accept this amendment.

Mr. GOLDSWORTHY: I support the amendment. The Minister sought to draw a red herring across the trail when he started quoting the District Council of Barossa. He read from correspondence that has fallen into his hands somehow or other.

The Hon. G. T. Virgo: That's the sort of snide comment one would expect from you.

Mr. GOLDSWORTHY: The Minister seems to be highly sensitive, but he would be a past-master at snide comments, and a case in point is in relation to his remarks about the Adelaide City Council.

The CHAIRMAN: Previously, I have allowed a wide field of debate and have not stuck rigidly to the amendment. As this is more or less a test amendment, I shall allow the honourable member similar latitude.

Mr. GOLDSWORTHY: A letter from the Barossa council has come into the hands of the Minister, and he used it as a complete red herring. I have seen the letter, and it had nothing to do with this question. The Minister seized this opportunity to denigrate the Federal Government in relation to funds for local government. This amendment is concerned with the level of support throughout the community for the provisions of this Bill. I will refresh the Minister's memory as to what the Barossa council stated in its evidence before the reconvened meetings of the Select Committee, reconvened because initially the Minister, on the death of Mr. Hockridge, had taken matters into his own hands with the net result that an inaccurate report was presented. Of the 24 further submissions, from memory, I think, three may have given some support to the Minister's contention that the Bill had popular support. The letter to the Minister from the District Council of Barossa states:

It is with respect that council, at a special meeting held on the 28th inst., raised strong objection to the proposed Local Government Act Amendment Bill (Adult Franchise). Whilst it agrees in principle with the concept of adult franchise it sees the present Bill as one aimed at undermining local government rather than strengthening its place in what is a rather farcical tripartite system of Government in Australia. Once local government becomes a true constitutional partner in a tripartite system of Government, adult franchise must follow, but the move for full franchise, at this stage, is premature.

Council believes that all of those adults who have a direct responsibility to local government, those people who, as owners or occupiers, are directly responsible for funding local government, those people who have accepted the responsibility of caretaking a piece of property—no matter how big or small—should be the only ones to have a direct say in an organisation that is primarily dealing with property owners and occupiers.

The second letter from this council, which was sent to Malcolm Fraser, had nothing to do with an alteration of that opinion, and in no way could it lend any vestige of hope to the Minister that the council had changed its mind. No doubt the Minister was trying to cause discomfort to the Opposition, but the letter had nothing to do with the matter we are discussing. In relation to the attitude of the Adelaide City Council, it made its position clear in its evidence. It seems to be pointing out to the Minister that he sought to give an impression that the council in some way had supported the Bill in the first instance. Its letter to the Minister states:

I have studied the report of the Select Committee on the Local Government Act Amendment Bill, 1976, and I believe it necessary to bring to attention the reservations to the Adelaide City Council's acceptance of the principle of adult franchise as outlined in my council's submissions to the Select Committee. The inference which could be drawn from the Select Committee's report is that the council's reservations are minor. My council's view is that there can be a case made for widening the electoral franchise, but there should not be a simultaneous and substantial narrowing of the voting abilities of those who are currently classified as ratepayers.

Similarly, the council believes that, on financial questions, this area has special problems with the concentration of nurses, students, and transient population who could quite conceivably force the council to take action for which they would have no financial responsibility whatsoever. In view of these opinions, expressed in detail in the submissions made to the Select Committee, it is not a fair statement for the Select Committee to say that the Adelaide City Council supports the principle of adult franchise for local government elections. I have included with this letter a copy of the submission the council made to the Select Committee.

The letter was signed by the Lord Mayor. Since the appointment of the first Select Committee, this debate has been clouded by misrepresentation by the Minister, and he has again misrepresented the position of those two councils.

The Hon. G. T. Virgo: Where was the misrepresentation?

Mr. GOLDSWORTHY: The point the Minister sought to make was not valid.

The Hon. G. T. Virgo: It's not misrepresentation, is it?

Mr. GOLDSWORTHY: The Minister is quibbling. He sought to draw a red herring across the trail by introducing a letter that he considered unfavourable to the present Federal Government, but it had nothing to do with the matter we are debating. An examination of evidence submitted to the original Select Committee and that submitted to the reconvened committee indicates that the Minister cannot bring forward any evidence that would give him any comfort or would support the provisions of this Bill. It ill behoves him to accuse the Opposition of voicing an opinion for which it has no grounds: the grounds are clear and strong. The Minister can rant and rave, but the amendment reflects the desire of most councils and most people who have thought about this matter.

Mr. MATHWIN: I support the amendment. The Minister said that he was not really concerned about the Adelaide City Council, but was more concerned with the other 129 councils. The Minister would know that he does not have the full support of all councils in South Australia. Yet, the Minister intimated that he was concerned about the other 129 councils. He referred to the large sums that had been made available by his Government. Of course, there was the catastrophe in Canberra concerning the previous Federal Government's $5 000 000 000 debt. Fortunately, the Fraser Government was elected and is trying to straighten out that mess. The Minister issued a veiled threat by implying, in effect, that, unless what he says is done, there will be a cut back on finance. The member for Gouger referred to the letter the Minister sent to councils demanding that the people they employed under the unemployment relief scheme must join unions, otherwise the councils would not receive the necessary finance. Of course, the 70c union fee for each member per quarter goes to the Labor Party's funds.

The Minister was concerned that we should not make a second-class citizen out of anyone, and that everyone should have the opportunity of having a say in local government. However, under the Bill he has created second-class citizens, because some people have no rights. In many cases, they own property and pay council rates but, because they are not naturalised, they have no voting rights. The Minister has done nothing about that matter.

The Minister ridiculously tried to draw smelly red herrings across the path. If the Minister really believes (and I doubt whether he does) that he has the full support of all councils, except one, in this matter, he has either been hibernating for 12 months or he does not believe what he reads or hears. I assure him that he does not have the full support of all councils. The member for Price asked, "Who stirred the pot?", and who alerted councils. Surely it is the right of members to alert their constituents about what is happening and to ask them to take a serious interest in matters that come before the House.

Mr. Russack: Who stirred the Tea Tree Gully council?

Mr. MATHWIN: I wonder whether the member for Tea Tree Gully will say something about her council's views on this matter.

The Hon. G. T. Virgo: Her council supports it.

Mr. MATHWIN: I see. I should be delighted to hear the Minister, the member for Tea Tree Gully, or any other Government member protect the Tea Tree Gully council, or any other council that Government members represent, and give the council's views.

Mr. Chapman: The implication in your comments is that they're not game.

Mr. MATHWIN: Quite. The Labor Party system does not allow it. Labor Party members sign a pledge and, if they disobey the rules, they are kicked out and lose every opportunity of being a member of Parliament. I support the amendment.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack (teller), Tonkin, Vandepeer, Wardle, and Wotton.

Noes (22)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pair—Aye—Mr. Evans. No—Mr. Broomhill.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clauses 3 to 16 passed.

Clause 17—"Qualification of aldermen and councillors."

Mr. RUSSACK: From the evidence before the Select Committee, it was obvious that some councils would accept the principle of adult franchise but were opposed to any elector being elected a councillor, an alderman, or a mayor. Some who would have accepted adult franchise for voting were opposed definitely to electors other than ratepayers being elected councillors, aldermen or mayors. How many are in that category?

The Hon. G. T. VIRGO: About 17 councils out of 30.

Clause passed.

Clauses 18 to 25 passed.

Clause 26—"Inquiries that may be made of voter."

The CHAIRMAN: A clerical error appears in clause 26 (*a*) I, line 10. The word should be "voters' " roll, not "electoral" roll. With the concurrence of the Committee I shall make the necessary correction.

Clause passed.

Remaining clauses (27 to 98) and title passed.

The Hon. G. T. VIRGO (Minister of Local Government) moved:

That this Bill be now read a third time.

Mr. RUSSACK (Gouger): During the second reading debate I intimated that I would try to have an amendment passed during the Committee stage. I had that opportunity today, but the amendment was rejected. I also said that if the amendment were not accepted I intended to vote against the third reading of the Bill, which I intend to do. I do so for the reasons I stated in debate and during Committee. I was disappointed that more witnesses did not come before the Select Committee. However, because of the evidence that was presented by witnesses who did appear before the committee, witnesses representing councils, organisations and individuals, and because of the voluminous correspondence that has been received since from councils and associations, I am convinced that councils are now unwilling to accept full adult franchise as outlined in this measure. I therefore oppose the third reading.

Dr. TONKIN (Leader of the Opposition): I have little to add, except that I accept the principle of full adult franchise for council elections. It is an important democratic function and is a procedure that will come in time. I am disappointed that the amendment which was moved so adequately by the member for Gouger was not accepted. The Bill as it comes out of Committee provides for full adult franchise but it does not contain a condition that it should contain. Regrettably, therefore, until we can establish such a condition so that people who have the right to stand for election and vote in council elections can be seen to be contributing directly through revenue, whether it is derived from the Federal Government or the State Government Grants Commission, I oppose the third reading of the Bill. I hope sincerely that action will be taken to bring the Bill into line with what I believe it should contain.

Mr. BOUNDY (Goyder): I support the third reading of the Bill. Honourable members will remember that I supported the second reading of the Bill and supported full adult franchise. I was appointed to the Select Committee that considered this Bill, and I believe that the efforts of that committee resulted in an improved Bill. I supported the actions and the votes taken in the first Select Committee. I was pleased to support the recommittal of the first report of the Select Committee back to the Select Committee for further consideration in the light of additional evidence submitted. I was disappointed that the Minister did not further consider the further evidence available to the committee. I have supported the amendment moved by the member for Gouger. I did that simply because that amendment would have satisfied, I think, the objections of all councils who oppose full adult franchise.

As I said during the second reading debate, my personal philosophy is that I support the principle of full adult franchise. I believe that all people should have a right by reason of citizenship, age and place of residence (be it for Federal, State or local government elections) to vote. Having said that, I recognise that property owners always contribute more to the welfare of the community than do people who do not own property, particularly as far as councils are concerned. I support the provision that gives property owners a vote for any land that they own elsewhere in a council area. However, it is not possible to be absolutely equitable in these matters. I believe that all property owners recognise that it is almost impossible to obtain as much say as they would like. I am glad that I can express the view that, as a Liberal, I can express a different view from that of the majority of my Party members. I respect their view, and I respect the view of many councils on this matter.

My personal view is that full adult franchise is a right that should be promoted. I have seen local government operating in Queensland and New South Wales, where full adult franchise applies. I have questioned people in those States about whether the actions of councils have been unduly upset by the interference of irresponsible members of the community. Universities have been cited as places that are potentially able to upset council's deliberations. I agree that that is possible. I have heard of a case in America where a university set about to get involved in local government—

The SPEAKER: Order! I must remind the honourable member that he must, on the third reading of the Bill, speak to the Bill as it has come out of Committee.

Mr. BOUNDY: To me, this point is relevant, Sir.

The SPEAKER: I cannot see that it has relevance to the Bill as it came out of Committee. It may have had relevance during the second reading debate, but it does not have relevance during the third reading.

Mr. BOUNDY: If you rule me out of order on that point, Sir, I can only say that I do not believe that what I have said will happen. It should lessen the apathy of ratepayers to council affairs. While this measure is not perfect, to be consistent I support the third reading.

The House divided on the third reading:

Ayes (24)—Messrs. Abbott, Boundy, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Noes (18)—Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack (teller), Tonkin, Vandepeer, Wardle, and Wotton.

Pair—Aye—Mr. Broomhill. No—Mr. Evans.

Majority of 6 for the Ayes.

Third reading thus carried.

Bill passed.

RAILWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 2. Page 1808.)

Dr. TONKIN (Leader of the Opposition): This short Bill is to facilitate the system of accounting used by the State Transport Authority. In future, the Rail Division is to be treated in the same way as the Bus and Tram Division. These two divisions make up the bulk of our State transport operation. Railway revenue will cease being paid into general revenue and will be available for use by the State Transport Authority. This will remove the specific need for railway expenditure to be authorised by Parliament, and from that point of view I support the Bill. Anything which can help the State Transport Authority in providing State transport facilities is something we must all support. The authority, and the Minister in particular, need all the support they can get. The proposed move will bring the operations of the State Transport Authority on to a more businesslike basis. Certainly it will provide a flexibilty, and at the same time will not destroy accountability. I am not convinced that thereby it will, by itself, decrease the deficit to which we have become used over the years. In 1975-76, a grant of $3 800 000 was made by the Government to the Bus and Tram Division. In 1974-75, the State Government contributed $40 000 000. I believe there was a total deficit of $41 760 000 that year on the operations of the total Rail Division.

The Hon. G. T. Virgo: That includes country services.

Dr. TONKIN: As the Minister is so quick to point out, that included country services. In 1975-76, the total deficit was $43 140 000. The proportion of the deficit (as far as I can work out) from suburban coaching in 1974-75 was $10 250 000. In 1975-76, the deficit was $12 375 000. It can be seen that the total deficit on the State Transport Authority's operations on suburban railways, buses and trams will be at least $21 000 000 this year.

So that honourable members can more adequately understand what is involved, I indulge in an exercise that I think was indulged in by the member for Hanson some years ago. I find that a $21 000 000 deficit means that our public transport, quite apart from charges made, is costing $380 a minute for every minute of every day of the year to run. If we reduce that further, $380 a minute reduces to $6·34 a second. It is costing the community a great deal of money.

I hope that very soon there will be further improvements to our transport system. It is foolish for anyone to suppose that a public transport system should be self-supporting, because it seems in todays conditions that that is not possible. Uneconomic services must be maintained for public convenience. Nevertheless, members of the community expect value for money. If there is a more attractive public transport system, there will be more support for that system. If there is more support, there will be a lower deficit. If we have more rational transport, there should be more support and a lower deficit. I agree that accounting should be facilitated, but the major problems facing the transport system and the development of new alternatives must not be forgotten. I support the Bill.

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

RACING BILL

Adjourned debate on second reading.

(Continued from November 18. Page 2319.)

Mr. GOLDSWORTHY (Kavel): The Liberal Party supports this Bill which comprises 154 clauses and two schedules. Although it is a large Bill, the changes it makes to existing legislation are not manifold. The Bill largely consists of provisions which have been lifted out of the Lottery and Gaming Act and which are now incorporated in a comprehensive Racing Bill. Probably the major change incorporated in the Bill is the establishment of a Dog-Racing Control Board and this no doubt had its genesis in recommendations included in the report of the Committee of Inquiry into the Racing Industry of May, 1974. It is obvious that the Government is not implementing many of the recommendations of that report, but it is setting up (I think wisely) a Dog-Racing Control Board The recommendation appears at page 331 of the Hancock report, as follows:

The National Coursing Association should cease to be the controlling body for dog-racing and should be replaced by a greyhound racing board constituted as follows:

(*a*) Three persons nominated by the Adelaide Greyhound Racing Club;
(*b*) one person nominated by the South Australian Greyhound Racing Club (the Gawler Club);
(*c*) one person nominated by the Southern Greyhound Raceway Club (the Strathalbyn club);
(*d*) one person appointed on the joint nomination of the Whyalla and Port Pirie clubs;
(*e*) three persons nominated by the National Coursing Association;

and

(*f*) one person nominated by the Greyhound Owners Trainers and Breeders Association.

The Government could not make up its mind on what it ought to do about this board. It set up an interim board of 11 people, and negotiations have gone on for some time with the Minister in relation to the question of who should be on the board to control dog-racing in South Australia. A clear history of these negotiations is set out in a letter from the National Coursing Association that has been received by a member of the other place. (There is no objection to its being read here.) The letter states:

The National Coursing Association wishes to express its strong opposition to a section of the Racing Act soon to be debated in Parliament.

I quote the letter mainly to indicate the vacillation, hesitancy and turnabout that has taken place in relation to the efforts of the Minister to formulate a Bill. The letter continues:

As you are aware the Hancock Inquiry into the Racing Industry recommended the establishment of a Greyhound Racing Control Board to take over the control of greyhound racing from the National Coursing Association. The N.C.A. agreed with this recommendation and set up an advisory board to act in the interim period before legislation was passed. On December 6, 1974, the board had its first meeting and the 11-man board has continued to meet at monthly intervals since that inaugural meeting. This board is constituted on the basis recommended by the Hancock inquiry which is as follows:

I will not repeat it. The letter continues:

The board of course has not any constitutional powers, but passes on recommendations to the N.C.A. who put into effect the board's submissions. This situation has had the Government's blessing and everyone involved in the sport has acknowledged the existence of the *ad hoc* board and the N.C.A., as the controlling authorities in the sport.

The situation has been to the satisfaction of all until about June this year, when the Adelaide Greyhound Racing Club had approached the Minister of Sport, Mr. Casey, to have a smaller board with greater proportional representa-

tion for their club. On July 14, 1976, a letter was received from Mr. Casey advising he considered the 11-man board unwieldy and after consultation with Cabinet proposed a board constituted as follows:

1 Independent Chairman, appointed by the Governor.
2 (or 3) representatives of the metropolitan club.
2 (or 3) representatives of all clubs other than the metropolitan club.

At this stage I point out that the Minister has only spoken to Adelaide Greyhound Raceway officials on this matter and had not consulted other sections of the sport. I make the point that the Minister considered the board to be unwieldy with views taken from only one of the clubs in the sport. The N.C.A. as controlling body was certainly not consulted at that stage.

The Minister also stated this board would result in deliberations being on an individual interest basis not an industry basis. We find this statement hard to follow, as a five-man board, with one club having 50 per cent of the club votes, could be hardly described as more likely to vote on an overall industry basis. After receiving the Minister's letter, the N.C.A. and the board advised the Minister that the board should remain unchanged as this was what the sport wanted. We then received a letter dated August 10, 1976, from the Minister, advising that he had changed his mind and that the board would be legislated for with 11 members. He also gave a press statement on August 6, 1976, to this effect.

Since then the Adelaide Greyhound Racing Club Committee approached some members of Cabinet and some Opposition members to try and have the board changed. The N.C.A. do not dispute the right of individuals to approach members of Parliament. On Friday, September 3, 1976, the Minister met with representatives of the Whyalla and Port Pirie clubs over extra race meetings, and we believe the Minister spoke on the constitution of the board with these officials. We now know that these two clubs have agreed to have one member between them and support the dropping of the N.C.A. and G.O.T.B.A. members from the board.

On Tuesday, September 7, 1976, the Minister met with two representatives of the Gawler and Strathalbyn clubs and requested them to approve of a change in the structure of the board. They rejected this submission. On Tuesday, September 14, 1976, the Minister then spoke to Mr. R. McGee, the President of the Gawler club and asked him to support a change in the board but apparently this support was not given. While the Minister obviously had the right to speak to any person he so desired and to do what he considered correct, we strongly object to what was certainly a policy of "divide and rule" to achieve his aims. At this stage I point out that the N.C.A. considers the Board should remain as is for the following brief reasons: The reasons are then listed. I am not suggesting that I am accepting or being swayed by every point in that letter, but it indicates that the Minister did not have a clue about where he was going. First, there was to be a board of 11, then five, then 11 again, and finally it is to have five members. I have communicated with many people interested in this legislation, and I believe that in setting up the board there must be a balancing of interests, because it has wide powers. I agree that a board of 11 would be unwieldy and unsatisfactory. I visualise the situation in which the Adelaide Greyhound Racing Club finds itself, and in speaking to people concerned with that club I realise the sense in the situation in which people in that club should not be out-voted, nor should they be in a position to outvote other members.

Mr. Max Brown: Do you concede that there would be need for a fair amount of negotiation?

Mr. GOLDSWORTHY: Of course: is the honourable member suggesting that the Minister went through the normal processes of that negotiation? It is unfortunate that the Minister has made statements he has had to retract. Obviously, he could not make up his mind: he said he would do one thing and then decided that he would not do it. I will suggest an amendment concerning the constitution of the board in order to preserve the interests of the Adelaide Greyhound Racing Club, which has made a valid point to the Minister. To axe the N.C.A., which had three representatives on the 11-man board, does not seem to be justified. If there were a six-man board with one representative from N.C.A., in terms of this legislation the Chairman has a deliberative and a casting vote, so that the position of the Adelaide club is in no way diminished. To have its point of view accepted, it must gain the support of the Chairman: if it does that in a board of six, its opinion will prevail, because the Chairman has a casting vote. It gives the opportunity for one representative of N.C.A. to be a member of the board. That will be the controlling body of this sport until this legislation is passed.

In these circumstances, I believe the interests of all are protected and it will not diminish the authority of the two country or two metropolitan representatives. It puts more onus on the independent Chairman, although with a five-man board, if there were country *versus* metropolitan interests, his would be a crucial vote. In a tie, if the member from N.C.A. agreed with the metropolitan or the country members, the vote of the Chairman would be again critical. I do not believe that the interests of the people concerned would be jeopardised in that situation and I hope that the House will consider that foreshadowed amendment. It is not possible nor feasible to accommodate the point of view of all competing interests that wish to be represented on the board, because it seems that an 11-man board would be unwieldy. For that reason, I do not accept the total submission made in the letter from which I have quoted.

Several changes are contemplated by the Bill, and I think I have outlined the major reform that has been incorporated. In his second reading explanation, the Minister referred to the activities of the Totalisator Agency Board, and it is intended to increase by half per cent the amount it shall retain from its totalisator bets to be used for capital expenditure. I recall clearly the legislation that was introduced concerning T.A.B. that sought to assist it with its excursion into Databet, which I understand was an attempt to computerise the operations. T.A.B. found itself in major difficulties, and legislation was necessary to try to solve the problem. Also, a moratorium was required on stamp duty normally paid by T.A.B. We are told that this extra revenue to T.A.B. will enable it to computerise its activities.

The reason given in the second reading explanation is that it is suffering from the same difficulty that most business enterprises are suffering from at present, that is, labour costs. The amount to be spent on computerisation is to be $6 000 000, so it seems that the labour force employed by T.A.B. will diminish markedly. An investment of $6 000 000 is a large sum; I am not arguing about it, but I point out that this is one of the changes contemplated by the Bill. Also, the Bill will allow country racing clubs to retain slightly more of their totalisator income, and the Minister referred briefly to this aspect. Provisions in the Bill will also mean that betting shops in Port Pirie will be closed from the end of January, 1983, although the second reading explanation does not give much detail of this move.

I wonder what the situation will be in regard to your representation of that district, Mr. Speaker. I recall that you took part in a debate in this House (something novel in my experience in Parliament) that affected your district, and I would welcome your enlightening the House as to how popular this move will be in Port Pirie. When the Liberal Government was in office, I believe there was an understanding that betting shops would continue in Port

Pirie. I was not a member of that Government at the time, and I do not know whether any time limit was specified in that undertaking. I would be surprised if it were, but it was considered that betting shops were needed in Port Pirie. I should think there would still be considerable demand for these facilities in that town, but you, Mr. Speaker, would be in the best position to enlighten the House, if you wish to do so. No doubt the activities of betting shops in Port Pirie would affect the turnover of T.A.B. in that town.

Dr. Eastick: So much so that they don't have one.

Mr. GOLDSWORTHY: The Speaker seems to be nodding assent to my point that there is T.A.B. in that town.

The Hon. Hugh Hudson: They do have a T.A.B. They have an office.

Mr. GOLDSWORTHY: The point I make is that betting shops would have a marked effect on T.A.B.; perhaps that is part of the Government's thinking in the matter, but it does not come out in the Minister's second reading explanation. One is made aware from reading the Auditor-General's Report that the funds available from T.A.B. for distribution to the clubs have decreased markedly over the past couple of years.

Another feature of the Bill is that the controlling boards and authorities are given more legislative backing. There are some statutory changes, which are set up in the normal understanding we have of statutory authorities. Along with that are provisions in the Bill that I do not think were enacted in the legislation which the Bill seeks to replace. I refer to clauses 19 to 21, in which the sort of strictures placed on statutory authorities appear. Clause 19, which refers to the controlling authority for horse-racing (and this is repeated in the other two clauses that deal with controlling bodies), provides:

The board may, with the approval of the Treasurer, invest any of its moneys that are not immediately required for purposes of this Part in such manner as may be approved by the Treasurer.

That is the normal type of stricture placed on statutory bodies. Clause 20, which is also typical of the kind of stricture and consideration given to statutory bodies, provides:

(1) The board shall cause proper accounts to be kept . . . .

Clause 20 (2) provides:

The accounts and statement of accounts of the board shall in respect of each financial year be audited by auditors appointed annually by the board.

Clause 20 (3), which appears to be a new provision, and which is common to the three authorities, provides:

The Auditor-General may at any time audit the accounts of the board and shall have and may exercise in respect of the moneys and accounts of the board and the persons dealing therewith the powers that are vested in the Auditor-General by the Audit Act, 1921-1975, in respect of public accounts and accounting officers.

Clause 21 is also a new provision. It provides that the board shall furnish the Minister with a report of its activities, to be laid on the table of each House as soon as practicable. These provisions are not unexpected, as the controlling bodies are being set up as statutory authorities as we know them.

Another change which seems to me to lie in the controversial area is the change that empowers the Betting Control Board to issue permits to bookmakers to operate on racecourses. On the face of the Minister's second reading explanation, which is fairly scant, I am not presently inclined to support that provision. As the member for Light has had some personal experience in this area, no doubt he will expand on what I am saying. I base my remarks, first, on the Minister's explanation in respect of this proposition, as follows:

The Bill also empowers the Betting Control Board to issue permits to bookmakers to operate on racecourses, this power being at present exercised by the racing clubs. This change should ensure a more even and appropriate allocation of permits than in some cases occurs at present.

I am not willing to accept that bald and somewhat unconvincing statement, yet it is the only explanation the Minister gives. From conversations I have had with the member for Light it appears that there is considerable merit in retaining the present situation whereby the clubs or the controlling codes would have this authority, even extended, in some cases.

I think that I have outlined, as I see them, the changes envisaged by the Bill. It is important legislation, because the racing industry, trotting industry and dog-racing industry are major industries in the State. For my own information, I read the report on T.A.B. in the Auditor-General's Report for this financial year, and discovered the high turnover the T.A.B. handles as follows: In 1973-74, the turnover was over $59 000 000, in 1974-75, it was over $78 000 000; and in 1975-76, it was over $87 000 000. I also turned up the B.C.B.'s latest report and saw there that the total turnover of all meetings (including South Australian meetings and interstate meetings) was over $152 000 000. If one adds those two sums, one will see that we are dealing with a considerable sum, in terms of the State Budget, a sum in excess of the vote we make to some of our large Government departments. It is indeed big business and considerable money is turning over in connection with the industry.

For this reason, the industry has always been subject to fairly close governmental and Parliamentary scrutiny. I believe that the Bill helps to rationalise the control of the industry. The changes made, with a couple of exceptions, are not major. I think that the most important change is the setting up of the Dog Racing Control Board. I think there is a case for slightly amending the composition of the board, and no doubt other speakers will discuss that topic later. I can pick no major argument with the thrust of the legislation and, for that reason, and speaking for the Liberal Party, I am pleased to support the second reading.

Dr. EASTICK (Light): It has clearly been established recently in the House that the entire racing industry is recognised as an industry, albeit that it consists of three codes. My colleague has clearly indicated several aspects of the Bill, highlighting one or two deficiencies as he sees them. Regarding the adequacy of the Bill, time alone will tell. I believe that the introduction of the Racing Bill was imperative and important, and I am thankful that it has been introduced, so that the benefits that will derive from one piece of legislation looking after all these aspects of the one industry will be functional, hopefully no later than July 1, 1977, and I sincerely hope before then. I realise that some work needs to be done in respect of regulations even after the measure has passed this place and another place. Difficulties with regulations will be reduced considerably, because regulations are already in existence relating to the various components within this legislation.

During debate on another occasion—the Racing Commission motion—the Minister referred to that suggestion which the Hancock report had said, in a tangential way, would probably be the inevitable end result or method of approach to the racing industry. Although they recom-

mended it be stood aside until the measures now before the House—the three controlling bodies directly responsible to the Minister to be given an opportunity to work—the Minister suggested that one reason why it should be that way was the additional cost factor. We will have to scrutinise closely whether or not the industry is to benefit to a greater degree than would have been the disadvantage as the Minister saw it in providing a sum of money for an authority to oversee the whole activity and to overcome what is clearly recognised and has been directed to the attention of this House as Ministerial and political interference, which causes harm to the best results of the various components of the industry.

I shall not take that any further but, as reported at page 1881 of *Hansard*, the Minister suggested that the cost of that form of authority to oversee the industry would be about $100 000. In answer to a Question on Notice the following week, the Minister for the Environment (page 1969 of *Hansard*) indicated that for the year 1976-77 it is estimated that the Government will expend $68 000 in the Minister of Tourism, Recreation and Sport Department on matters directly pertaining to the racing industry. I am not so naive as to suggest that that $68 000 could be a direct balance against the $100 000 the Minister indicated, but certainly a large proportion of the $68 000 would be taken up in the $100 000 the Minister promoted.

Turning to other aspects of the measure, I acknowledge that, because of its size, some issues will be best taken up in Committee. One or two of those aspects, however, I shall discuss in the second reading debate, but there will be an opportunity to look at other matters in some depth in Committeee. My colleague has mentioned the problems of the dog-racing industry and the promotions made on its behalf. He indicated that the National Coursing Association, which has existed for many years and which has provided the base from which the dog-racing industry has progressed to the stage it now occupies, has played a part and has been turned aside now like a dirty rag. Yet the association and the people directly involved with it have undertaken to provide, and it is acknowledged that they will continue to provide, the recording and registration facilities required within the dog-racing industry. If they have moved away from that decision, it has been only in recent times. Basically, there is a continuing function for the National Coursing Association. I believe that members in this place would accord to the late Mr. Perce Alsop a great deal of credit for the manner in which the greyhound-racing industry, whether by way of coursing or subsequently by way of speed coursing, has been conducted. Whilst he was not directly associated with the speed racing section of the industry, he occupied a significant place in the developments which followed the introduction of a measure in this House by a former member for Heysen. When he introduced the measure between 1966 and 1967, I believe he was the member for Stirling. I refer, of course, to Mr. McAnaney.

I believe that the National Coursing Association, with its background of knowledge, has a role to play in a sense more significant that that of being just an appendage to the authority, by having a place on the board. Another group has indicated its belief that it has a significant part to play by virtue of the number of people it represents. If one turns to the structure of the Trotting Control Board, there is a specific position on that controlling body for a representative of the Greyhound Owners, Trainers and Breeders Association. Recommendations have been made by that association that it should have representation because of the position it occupies. I am aware that there is a degree of official condemnation of the organisation in that it is not truly representative of the people it could represent justly, and that possibly only about 10 per cent of the group of about 3 500 owners, trainers, and breeders are members of the organisation.

We would have to accept that the representatives of the country dog-racing clubs represent probably only between 50 and 100 members each, although there is no doubt that many more people than that number use the facilities. Certainly, on my information, the owners and trainers organisation represents a larger body than does the membership of the country dog clubs. It is an area to which consideration must be given. If it is not conceded by the Government now, it may have to be considered further later. I add my support to the suggestion that, in discussing this measure, the claim by the Greyhound Owners, Trainers and Breeders Association for due consideration should at least occupy a part of the time devoted to the matter by this House.

The member for Kavel indicated that an area associated with bookmaking had been disturbed seriously by the provisions written into the Bill. Previously, the country organisations, whether trotting, galloping, or dog-racing, were able to determine their bookmakers. Bookmakers are licensed by the Betting Control Board, and country clubs call for applications from persons who wish to field at their courses or at their meetings. The clubs then decide which of the available bookmakers will be given permission to field. The city trotting organisation has always stated clearly that it would seek and would, in its estimation, benefit from the ability to make this selection from a group of licensed people, rather than having the peculiar position in which it finds itself at the moment, in which the Betting Control Board licenses a number of people to field at metropolitan trotting meetings, that becomes the total group that will field at Globe Derby Park. I will give just one or two examples of the importance of a club's determining from amongst licensed people which of those people the club will allow to field. I will take actual figures relating to the 1975-76 season of a country trotting club. I will not refer to the name of the club, but it must be recognised that the people who fielded at that club's meetings could field for a maximum of 29 meetings. Some of them did not attend some of the meetings because of illness or other reasons. The first person fielded for 29 meetings for a total holding of $234 395. The second fielded for 28 meetings for $141 760. The third fielded for 29 meetings for $255 074. Another person fielded for 27 meetings for a total holding of $68 593. One person fielded for 27 meetings for $100 306, another fielded for 29 meetings for $76 474, and another fielded for 29 meetings and held the maximum holding (a figure that I have not given previously) of $399 054.

I ask members to relate that to the position of a club's being told by the Betting Control Board, "The bookmakers that you will have to operate on your function will be" and then the relevant number is given, the club not being in a position to consider the ability of the bookmakers to field successfully. A club should be able to select from those bookmakers who obviously wish to operate on a meeting, whether it be for dogs, trotting or galloping. A major return to the club comes from betting, and it is important that clubs make use of bookmakers who have shown that they are willing to function in the proper way.

One thing that could be said (and I do not level it against the person who, in 29 meetings, held only a fraction over $76 000) is that some bookmakers open their books on only three or four of the seven races. They probably attend the meeting but are always two points

above other bookmakers in the ring and obviously do not want to take bets. They could be two points down if one wishes to consider it in that way.

The Hon. Hugh Hudson: They're what I call knob twiddlers.

Dr. EASTICK: I accept that definition. I hope that the Minister will take the point that I am making that some bookmakers operate by attending meetings but in fact do not operate. It is a club's responsibility to decide which bookmakers will be given the opportunity to operate on the course. It is a traditional position that the clubs have occupied; it is a position that should be maintained in future and should be extended to allow metropolitan clubs to make decisions of that nature from a group of bookmakers whose number is in excess of the number that the club needs to field at a meeting. By virtue of the changes that have been made in the industry whereby a scheme has been evolved that will provide a ring fee for a meeting, that system will be possible and the return from 20 or 30 bookmakers would give exactly the same result to the club. If the ring fee for the meeting were set at $450 and the club fielded 30 bookmakers, the ring fee would be divided by 30. If the club decided to have 20 or 24 bookmakers, the $450 ring fee would be divided by that number of bookmakers, and the bookmakers who fielded would pay their share of the ring fee. That system overcomes what has definitely been a weakness in the old system whereby clubs in all three codes tried to increase the number of bookmakers so that the fielding fee would be a source of income to the club concerned, but the clubs did so without having regard to the ability of some of the bookmakers to fulfil their role in the total sense of being bookmakers. I would therefore hope that, during the Committee stage, the Minister will give due regard to amendments that will be moved.

Regarding the Racecourses Development Board, I was surprised that the sub-board arrangement which existed under the previous Act and which allowed representatives of the three codes to meet individually with the Chairman of the Racecourses Development Board and decide the distribution of funds from the board to their code had been removed. However, as the quorum for the Racecourses Development Board has been reduced to three members, the opportunity exists for the sub-board situation to continue in the future. For instance, when dog-racing is being considered for the distribution of board funds, the Chairman and two representatives from dog-racing can make decisions that bind the full board. The same applies to trotting and racing. In the best interest of the three codes, I hope that decisions of that nature will be made by people representing the code in which they are involved.

I hope that the fraction system that has operated in the past under the present legislation will continue to operate. If the Minister cannot give me that assurance I will have to consider certain amendments to the Bill. Now that fractions do not have to be paid out to charitable organisations but can be retained by the club with the approval of the Minister and these funds can, with his approval, be paid back to the Racecourses Development Board as interest payments on loans made to the club, I hope that the Minister will continue to sanction that system. If the situation arises that a club is not permitted to retain the money obtainable from fractions, and it is then not offset against the interest or principal commitment to the Racecourses Development Board, a number of clubs will be in difficult circumstances and the size of the stakes will be decreased. The provisions of this Bill do not alter the situation, but I want to have an understanding from the Minister in charge of the Bill that the method that applies at the moment for the use of those funds for this important financial cost to clubs will be permitted to be maintained.

The full interpretation by introduction of a definition in respect of the metropolitan area is difficult to find. It is indicated that the metropolitan area will be the area within a 30-kilometre radius of the General Post Office. Whilst there are not many clubs on the border (and it is not likely that a large number of further clubs will be formed), I found that there was no particular yardstick that one could use and no official document showing where the 30-km line would be drawn on a map. There has been a number of Bills stating a defined area within a number of kilometres from a given point, generally the Adelaide G.P.O., and I believe (and I express this point of view sincerely) that in legislation that introduces a definition of that nature there would be a distinct advantage for persons who have to function within the requirements of such legislation if as a schedule to the Bill (and therefore subsequently as a schedule to the Act) there was a map which clearly defined where the line was drawn. As an example, Oakbank is accepted as part of the metropolitan area, yet on the first map at which I looked, when a 30-km arc was drawn from the G.P.O., it was outside the metropolitan area. There are many definitions of "metropolitan area". Gawler figures in seven different definitions of "metropolitan area".

The Hon. Hugh Hudson: You must have had a lousy compass, or a wrong measure of 30-km.

Dr. EASTICK: A competent officer made available a map that showed that Oakbank was outside the metropolitan area. Through the services of the Parliamentary Library staff, I have obtained an official map on which officers of the Lands Department have drawn a 30-km arc from the G.P.O. That map clearly shows that Oakbank is well within the metropolitan area. A map would be of benefit in any further legislation where there is a definition of an area, which definition may at some subsequent time come under question as to the ability to function either within or without that area. I believe that this is a reasonable request for the Minister to consider in due course.

It has been clearly stated that the Opposition supports this measure; I certainly do. There are areas which will be discussed in due course, but I ask the Minister, when he concludes the second reading debate, to comment on the decision and attitude of the Government on the availability of the Racecourses Development Fund money to individual clubs. That is of extreme importance and there must be a clear understanding. In future a number of clubs will receive a percentage of money from the distribution of the announced Government grant and they will also receive funds from the Racecourses Development Board from the 50 per cent of the money released in relation to administration but not in relation to stakes. Unless the previous arrangement is maintained they will be automatically handing it out with the other hand, and no benefit will accrue. I believe that racing in South Australia is capable of advancing further than it has done in the immediate past by virtue of this single Act, and I commend it to the attention of the House.

Mr. BECKER (Hanson): I think it is fair to say that the racing industry in South Australia has waited a long time for this Bill. There was some doubt whether the legislation would be introduced during this session, it being that it might be delayed until some time next year, which would have been disastrous to the industry. It is pleasing that the Government has introduced the Bill

and has given the Opposition the opportunity to consider it. The Bill was brought before the House last Thursday afternoon and we were told it had to be completed this afternoon. I do not consider that the Opposition has had sufficient time to investigate all the ramifications of this legislation and, although the Bill is to proceed to the Committee stage, that does not make much difference. For the Opposition to do its homework properly, it is necessary to contact each section of the racing industry, not just racing clubs but owners, trainers, jockeys, bookmakers and other people involved in horse-racing. It is essential that these people be consulted so that we can make sure once and for all we have a Racing Act that covers all the contingencies and does what we want it to do in relation to racing in South Australia. That is the problem, because over the years we have had much legislation amending and updating and increasing fees and percentages of turnover to assist the industry.

As was pointed out by the Minister in introducing the legislation, this legislation was introduced following the inquiry into the racing industry that I called for some time ago. That inquiry was chaired by Professor Hancock, and I pay a tribute to him and his committee for the work done. It was not an easy task. The findings have been helpful to Parliament and the industry, which has taken advantage of some of the suggestions. This Bill consolidates several Acts and streamlines the administration of racing in South Australia. The Opposition has no objection to that.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr. BECKER: The crux of the Bill is the Dog-Racing Control Board. Referring to the controlling body, the Hancock report states:

The National Coursing Association Incorporated of South Australia has control of all aspects of greyhound racing in South Australia and is recognised throughout Australia as the controlling authority for this State. Its responsibilities in dog-racing include the employment and control of stewards, the registration of greyhounds and the registration of owners and trainers. It operates a "central-grading" system whereby the N.C.A.'s "grader" determines the fields for all races conducted by the racing clubs. The N.C.A. committee hears appeals from decisions of the stewards.

A very important part of the report states:

Despite the minor importance of open coursing, the open coursing clubs have control of the N.C.A.

We find that, because open coursing clubs are the main members in the composition of the N.C.A., they virtually dictate the future of greyhound racing clubs. The day had to come when the N.C.A. would no longer control greyhound racing in South Australia and, with the introduction of this legislation, that time has arrived. I see the role of the N.C.A. as that of the middle man. It fostered a baby many years ago. Many individuals endeavoured to start greyhound racing in South Australia and have it recognised by various Governments and finally found the only way for this recognition was within the structure of the N.C.A.

Greyhound racing has enjoyed tremendous success since commencing its operations, and it is now necessary to set up a board for that industry. I agree wholeheartedly with the establishment of the Dog-Racing Control Board. I would have thought a better name for the board would be the Greyhound Racing Control Board, but I am informed that various dogs can take part in racing. Whippets have been mentioned. I do not think we will see that type of racing in South Australia; it will be purely greyhound racing.

There is a conflict about the establishment of the board which occurs early in the legislation. The Deputy Leader mentioned a letter from the N.C.A. in relation to the number of members on the board. It has been suggested that there be 11 members, then seven was suggested. However, it has been agreed throughout the industry that there should be five members on the board. It seems logical that the number should be set at five, and in this respect I agree with the Government. It has been suggested that there should be two representatives of the Adelaide Greyhound Racing Club, which is the city racing club; two representatives of country clubs, and that would probably mean one from northern areas and one from southern areas of the State; and that another independent member should be appointed by the Minister.

Another anomaly relates to the control of greyhound racing in South Australia. The controlling club, the club responsible for at least 41 per cent of T.A.B. turnover, the club handling most of the money and providing the best facilities, is the Adelaide Greyhound Racing Club. This is a most important club in greyhound racing in this State and has been built up through a tremendous amount of hard work by a young, vigorous and virile committee. It has been lumbered with the name "Adelaide Greyhound Racing Club". I believe it should follow the example of the South Australian Jockey Club and be known as the South Australian Greyhound Racing Club. That cannot be done because the Gawler club registered that name. It is a pity that in this legislation we have not taken the bull by the horns and told the Gawler club that it should not have this name. This would not make the club or the people of Gawler happy, but it grabbed that name early, and I do not think it is in the best interests of greyhound racing that it should have it.

We have to be logical when considering the future of the industry and its importance, not only in South Australia but throughout Australia. We are considering a very popular form of racing and gambling in Australia. The State benefits handsomely from benefits received through percentages of totalisator turnover, and so on. It has been said that the owners and trainers have not been given an opportunity to be on the board of five. If the owners and trainers were really interested in the future of their industry, they would be appointed to the board through their respective clubs and committees. Most of the people on the board of the controlling authority of greyhound racing either own, part-own, or are involved in the preparation of greyhounds for racing. There appears to be no problem in that respect.

Other parts of the Bill relate to totalisators. They consolidate various provisions. We find that the T.A.B. is slightly restructured because there is an additonal percentage coming out of that area for computerisation of the board's operations. T.A.B. is a labour intensive industry and, like similar industries, is finding it extremely difficult to maintain an economic level in its operational costs. The introduction of a computer will no doubt save T.A.B. a lot of money. The dividends flowing from that investment will be ploughed back into racing, but it will be some time before racing receives those benefits.

There is no need to drag up the unfortunate incidents relating to the first attempts to purchase a computer for T.A.B. There was a loss there of over $2 000 000 that should never have happened. We are now being asked to consider additional moneys of about $6 000 000 for investment in a computer. I challenge this proposal because it is one of the most unusual arrangements of which I have heard. Two computer companies are involved in

supplying the computer program, the hardware and the software. One of the companies has had considerable experience in this field, and the other has had none. I cannot see why the company with no experience should be involved in this contract. It makes one sceptical to consider why this company is included in the contract when other Australian companies have been involved in supplying computers for totalisator agencies in much larger States than South Australia, particularly New South Wales. When one considers that the investment in New South Wales is still a 25c unit, I cannot support this decision of T.A.B. If this decision fails, I would call for the resignation of each member of the board, after the previous fiasco.

The Betting Control Board plays quite an important part in this legislation, since it is empowered to issue permits to bookmakers for the various racing clubs. I am not sure whether this is in the best interests of the industry; certainly the bookmakers are not complaining. I should have thought that the clubs would want to have the opportunity to issue the number of permits for bookmakers and have at least some say in the quality and standard of bookmakers. The B.C.B., in my opinion, is not completely structured in the total interests of the industry as a whole. I believe that it should be, because it is important to horse-racing, trotting, and dog-racing that the quality and standard of bookmakers should be of the utmost integrity.

I am not reflecting on the three board members, although I could seriously question one of them. I believe that the racing industry should have a greater representation on the B.C.B. At present, it has only three members, whereas I think that the number should be increased to five to give a greater spread. The racecourse development fund is being restructured, and the code, whether horse-racing, trotting or dog-racing, could be faced with a situation of having no control over funds for that industry. We could take the argument that the Victoria Park body wanted to do something on its course. The racing representatives would put the case, and we might find that the other codes would out-vote them. I do not think that that would ever happen, and I should be surprised if it did.

A further amendment is made in the use of the development fund. I think that the funds have been used wisely in the development of the respective industries. Considerable improvements have been made at the metropolitan racecourses and, no doubt, at many country courses as a result of the establishment of the fund. These improvements have been appreciated by those who attend race meetings, and I am sure that attendances have increased, particularly in the metropolitan area where many improvements have been made. It pays the clubs to spend money to upgrade their facilities to provide comfort for racegoers. It is evident from the people and the age groups of racegoers that the facilities at Morphettville, with which I am familiar, have contributed greatly in this respect, and the club must surely benefit from this. That augurs well for the future.

Racing, whether horse, trotting, or the dogs, faces the same economic situation in the present climate. The Opposition feared that this legislation may have been delayed and that any benefits that the racing clubs will derive from it could have been further delayed in trying to come to arrangements regarding some parts of the legislation. I hope that the Bill has a speedy passage through the House and that the industry continues to prosper as it has done in the past few years. It has not been done without much hard work and soul searching by the various sections of the industry, which have been given the opportunity to pull themselves out of a situation in the past when racing was declining. However, racing has built up again so that it is now a large and profitable industry to the State Treasury. It has benefited the State's hospitals, and, in turn, that benefits the whole community. For those reasons, I support the Bill.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I thank honourable members who have spoken in the debate for the contributions they have made. In reply to the member for Kavel and the member for Light, I point out that the definitions in the Bill of "dog racing", "the Dog-Racing Control Board", "race" or "racing" and "race meeting" all meant that the Dog-Racing Control Board has nothing to do with live coursing. That is the basic reason why it is not appropriate that there should be a representative of the National Coursing Association on the Dog-Racing Control Board.

I am pleased that members see the virtue of the small board, rather than the larger one because, obviously, in making any arrangements of this kind it is a question of achieving balance. The Government ultimately came down in the direction as set out in the Bill, but it would seem to the Government that, in these circumstances, the club representatives on the board should be representatives of racing clubs because, after all, the Dog-Racing Control Board's job is to control the dog-racing industry and not live coursing. All of this matter is emphasised again in clause 85, which deals with the Betting Control Board and the licensing of bookmakers, where the definitions result in the inclusion of coursing. "Race" is redefined to include a coursing event. "Coursing meeting" and "coursing ground" are defined. Regarding bookmakers, the Betting Control Board's operations are extended into the coursing area, but the Dog-Racing Control Board has no responsibility with regard to live coursing, and the National Coursing Association conducts only live coursing events.

It is a matter of history that it was the association that first got involved (through Mr. Perce Alsop) in dog-racing in South Australia but, nevertheless the situation is that we now have specialised dog-racing clubs concerned with dog-racing as defined in the Bill, whereas the N.C.A. is concerned with live coursing. In those circumstances, it does not seem appropriate to the Government that the association should be represented on the Dog-Racing Control Board.

The member for Light referred to the question of fractions and to some worry whether or not the clubs would retain control of fractions. He expressed concern that the Minister might not give approval. Clause 77 makes clear that fractions on on-course totalisators are paid by the club to the Racecourses Development Board or, with the approval of the controlling authority, they may be retained by the club. The fractions, whether paid to the Racecourses Development Board or retained by the club, are entirely a matter for the controlling authority, and the Minister does not come into it.

Regarding the issuing of permits to bookmakers, I think that that is a matter of judgment. It is obviously a simpler procedure, as was made clear in the Hancock report, for the B.C.B. to be involved both in the issuing of the licences to bookmakers and in the issuing of permits. The question of how many permits are to apply on a particular course is a matter of judgment with regard to the interests of the club, on the one hand, and the public in order to get active competition among bookmakers and the interests of the

bookmakers, on the other hand, in the sense that, if there were too many bookmakers, the degree of competition among them may adversely affect their general livelihood. This is a judgment in which the B.C.B. is involved anyway in determining the number of licensed bookmakers. It must be involved in that process in making that kind of determination. The fundamental issue in determining whether there should be more bookmakers in any sport depends greatly on the volume of betting, and the volume of betting in particular rings. That is the kind of question with which the B.C.B. is directly involved in making its judgments as to the number of licences that should be issued. In these circumstances, it is a simple additional procedure to involve the B.C.B. also in the judgment as to the number of permits that should apply at a certain club at any race meeting. This does not take away from the club the right to get the prescribed fee from the bookmakers, and no arrangements are altered regarding the determination of that prescribed fee or the amount of income the club receives as a result of the presence of the bookmakers.

On the point made by the member for Light regarding variable turnover of bookmakers, I know of no way to get together a collection of bookmakers on any racecourse and not find variable turnover, because their nature is different. Normally, except on a day such as Adelaide Cup day with horse-racing, the amount of money held is not sufficient for bookmakers in South Australia actually to run a book. The period of betting and the volume of betting does not normally permit a bookmaker to take bets on every horse race and balance his books so that, no matter what happens, he will make a profit. Bookmakers in this State are invariably, except on one or two occasions such as Oakbank and the Adelaide Cup, involved in betting only one or two horses; therefore, to some extent they are gamblers in reverse.

Mr. Coumbe: They don't lose very often.

The Hon. HUGH HUDSON: They try to keep the odds their way. The extent to which they are able to do that depends very much on the degree of competition among the bookmakers. We often notice in a steeplechase or a hurdle race at an ordinary metropolitan race meeting where the turnover is down that it would have been possible, during the whole period of the betting, to have backed each horse in the race without losing, because the degree of competition for the small amount of turnover makes the price more attractive. In a situation in which bookmakers are normally involved in gambling, the degree to which individual bookmakers will take risks will vary from person to person. Some will be very courageous on certain races and take as much as punters want to lay on certain horses. Others will be much more careful. That is the basic source, in my experience, of the variation in turnover from one bookmaker to another. Nevertheless, the need to secure a reasonable degree of competition among bookmakers to make sure that the punter gets reasonable service is a factor that the B.C.B. must take into account in making its judgment.

Dr. Eastick: It can do that now in its licensing.

The Hon. HUGH HUDSON: The licensing arrangements do not determine, especially in country areas, how many bookmakers will be operating on a certain course.

Mr. Goldsworthy: The clubs can do that.

The Hon. HUGH HUDSON: Yes, but quite often the way in which the judgment is exercised will vary from club to club. It is probably important to the public and to the bookmakers that an attempt should be made to make the same kind of judgment from course to course. The procedure is simpler this way. It involves the bookmaker's dealing, so far as the licence and the permit are concerned, only with the B.C.B. It was an aspect recommended, without much explanation, by the Hancock committee. In this case, as it does not prejudice in any way the income that the clubs will obtain—

Dr. Eastick: That's not strictly correct.

The Hon. HUGH HUDSON: Let us be quite clear. If there is a crunch question on this issue of the number of bookmakers as against the rights of the public to get a competitive betting ring, and if a real argument develops between the clubs and the bookmakers, the Minister is into it like a shot with a requirement to achieve a compromise solution. Whoever is doing it, whether the clubs are giving out the permits to the bookmakers or whether the B.C.B. is doing it, if there are complaints from clubs about an inadequate number of bookmakers, those complaints no doubt will be registered with the B.C.B., and if a satisfactory result is not achieved no doubt the Minister will hear about it. Similarly, if arguments develop regarding too many bookmakers at certain meetings, again no doubt complaints will be made to the B.C.B. Again, if the situation is not resolved, the Minister will hear of it. That would happen under the new arrangement just as under the old arrangement.

Mr. Goldsworthy: Have there been any complaints under the old arrangement?

The Hon. HUGH HUDSON: Yes, there have been situations in which complaints have occurred.

Mr. Goldsworthy: When?

The Hon. HUGH HUDSON: I will not be specific.

Mr. Goldsworthy: Twenty-five years ago?

The Hon. HUGH HUDSON: The complaints arise in relation to a number of country meetings, and complaints on occasions are taken up in relation to metropolitan meetings. In the case of metropolitan meetings, the complaints relate normally to the situation of balance as between the derby, the flat, and the grandstand, and how many bookmakers it is appropriate to have in each enclosure. That is a judgment that has to be made. There is no one interest to be served in this matter. It is quite appropriate that the B.C.B., the body that has to carry out the overall function, should be the body responsible for making the decision. It is not as though it is not subject to approaches from the clubs or from the bookmakers, or as though it is not subject to discussions with the Minister, should the need arise.

Mr. Goldsworthy: Do you think the Minister could solve it?

The Hon. HUGH HUDSON: I recall this issue arising on a number of occasions previously when the Walsh Government was in power between 1965 and 1968, and these matters were resolved. I have no doubt that arguments have occurred over the past six years that have been resolved. There is no one single case that can be established that the club should hold sway on this matter as agent for the public (for which it is not necessarily always agent) or that the bookmakers should hold sway. There is no case for the bookmakers to determine how many bookmakers should operate in each enclosure at a meeting or on any racecourse. I think this is a matter that, quite properly, is within the province of the board. The matters raised by members, as they have indicated, are minor in nature. I hope that, by making a few remarks in reply at this stage, time might be saved in the Committee stage.

Bill read a second time.

In Committee.

The CHAIRMAN: In view of the size of this Bill, by leave of the Committee I propose putting the questions on the clauses of the Bill in sections relating to each Part. If any member wishes to speak on any clause in the sections proposed, he should indicate to the Chair which clause he wishes to speak to, and the question on that clause will not be put until debate on the clause is concluded. I hope the Committee understands that.

Dr. EASTICK: How many times will a member be able to speak to the particular sections? Normally, a member is restricted to three times for each clause. Provided there is undisputed opportunity, I am quite happy with that.

The CHAIRMAN: Honourable members will be able to speak three times on each clause.

Clause 1 passed.

Clause 2—"Commencement."

Dr. EASTICK: Whilst I appreciate that subclause (2) allows for progressive proclamations, in the overall interests of the industry if it was possible to make the proclamations at the one time that would be preferable. Is that the Government's intention, provided there are no unforeseen difficulties?

The Hon. HUGH HUDSON (Minister of Mines and Energy): The clause provides for various parts of the Bill to be brought into operation at different dates. The financial measures will come into force by January 1. The arrangements that were made with the clubs over the various financial matters all implied January 1 as the operating date. I hope that the cook book that the Leader is reading—

The CHAIRMAN: Order! The Minister knows as well as anyone else in this Chamber that we are talking to clause 2.

The Hon. HUGH HUDSON: I suspect the Leader is trying to disrupt the Committee.

Dr. TONKIN (Leader of the Opposition): On a point of order, I was not trying to disrupt the proceedings of the Committee, and the Minister has no right to say so.

The CHAIRMAN: Order! Will the Minister please confine his remarks to the clause before the Chair.

The Hon. HUGH HUDSON: It is conceivable that the clauses dealing with the Dog Racing Control Board or the Trotting Control Board, or those dealing with the South Australian Jockey Club, will all come into operation on different dates, depending on when the various arrangements for nominations, etc., have been completed. The provision in clause 2 is designed to enable the financial clauses to come into operation at the time required, while the other provisions can come into force as and when necessary.

Clause passed.

Clause 3 passed.

Clause 4—"Repeal and transitional provisions."

Dr. EASTICK: Subclause (1) repeals the Dog-Racing Control Act. Whether I am to talk to that repeal in this section of clauses or leave it until we reach the schedules, I seek your advice, Mr. Chairman. There are some features of the Dog-Racing Control Act, 1966-67, which were specifically put in at the time of its passage to permit of its passage, that are not re-enacted in this legislation. In particular, I refer to section 7, which provides the power of authorised persons to enter premises, etc., section 8, which provides that certain convicted persons are not to take part in dog racing; and section 9, which provides that living birds and animals are not to be attached to mechanical quarries or used as lures. These provisions were contained in the Dog-Racing Control Act. By the repeal of that Act, those safeguards, which were very real in the minds of many people, have been eliminated. It may well be that members will accept that, under the Prevention of Cruelty to Animals Act, there is a provision that would permit the type of protection originally intended in the 1966-67 Bill. It may well be, too, that under the regulations that will arise from the incorporation of a dog-racing control authority the regulations will contain some provisions to offset this type of activity; but it would be desirable that the Minister indicate that the Government has foreseen the importance of these provisions and has made provision for them.

The Hon. HUGH HUDSON: The Dog-Racing Control Board, under the Act, is empowered to make rules with respect to the control, promotion, etc., of dog-racing in this State. Clause 41 provides:

> The board may make rules for the regulation, control and promotion of the sport of dog-racing and the conduct of dog race meetings and dog races within the State.

There are some paragraphs that indicate some of the things to which these rules may be directed, but those specific matters listed in no way limit the generality of subsection (1); so, when the dog-racing control section is proclaimed, at the same time clause 4 would be proclaimed, and there would be a series of rules of the Dog-Racing Control Board that would have to be brought into force to cover those matters in the existing Act.

Clause passed.

Clause 5—"Interpretation."

Dr. EASTICK: I indicated earlier that, although "metropolitan area" means an area within a radius of 30 kilometres from the General Post Office at Adelaide in the State, a schedule has not been included in the Bill to define clearly for future reference the area that is 30 kilometres from the G.P.O. I appreciate that it is not usual in legislation to define that area but, having discussed the matter with certain officers, I believe that the difficulty to which I refer could be overcome, in this and in other legislation where definitions are involved that require people to determine whether or not a new facility may or may not be established in an area, if a yardstick could be provided to which one could refer.

The Lands Department could make a map available for this purpose. If the map were not included in this place, I would ask that the Minister in charge of the Bill in another place provide such a map. Perhaps this is breaking new ground, but if a dispute were to arise it would be necessary to apply to the Surveyor-General for a map that would define clearly the line of demarcation. That action could be forestalled by a schedule containing such a map.

"Unit", in relation to a totalisator bet, means the amount of 50c or such other amount as may be prescribed. The 50c unit could me changed in future without our having to amend the Bill. Why did the Government decide to adopt a 50c unit? Has it accepted that the 50c unit is the most popular unit among the public, notwithstanding the effects of inflation? Has the Government considered that, in the present economic climate, a 50c unit requires the preparation of many tickets? Perhaps a larger basic unit of, say, $1 would be a more economic unit for the racing industry in 1976.

The Hon. HUGH HUDSON: I will ask the Minister of Tourism, Recreation and Sport whether he will obtain three copies of a map showing in red a 30 km radius from the Adelaide G.P.O. and send a copy of that map to each of the officers of the controlling authorities. Naturally, anyone wishing to establish a racecourse would go to the controlling authority, so it would be reasonably proper for such a map to be held by the authority. Anyone considering this legislation would no doubt have recourse to the controlling authority. As the Minister of Tourism, Recreation and Sport is also the Minister of Lands, I would not expect that he would have too much difficulty in persuading the Surveyor-General to accede to his request for maps.

Regarding the other matter, the Government considers that there is still sufficient interest in the 50c unit to retain it. Obviously, inflation will make the 50c unit no longer appropriate at some time. The member for Hanson shakes his head, but I suggest to him that, if the degree of inflation in this country ever reached the point that it reached in post-war Germany after the First World War, even he would opt for a larger unit.

Clause passed.

Clause 6—"S.A.J.C. to be controlling authority."

Mr. GOLDSWORTHY: This clause spells out in clear terms that the South Australian Jockey Club will be the controlling authority for horse-racing. Subclause (2) provides that the S.A.J.C. cannot change the constitution of the board without Ministerial approval. I presume that that refers to the number of people on the committee and the section of the industry that they may represent on the board. Subclause (2) does not provide, in the event of the S.A.J.C. adopting that course, who is in charge of racing. Has the subclause been included as a warning not to interfere with the constitution without Ministerial approval? What would happen if that occurred, however?

The Hon. HUGH HUDSON: It is a hypothetical question that would not arise. The S.A.J.C. is a sensible, well-organised club. The original arrangement which occurred when the clubs were amalgamated and which led to the present constitution of the committee was by broad agreement with the Government at that time. It is part of the rearrangement of the industry that occurred as an immediate consequence of the Hancock report. I am not even willing to contemplate a situation that the S.A.J.C. would act contrary to the provisions of subclause (2).

Mr. Goldsworthy: But subclause (2) is necessary?

The Hon. HUGH HUDSON: It specifies that the Minister must come into the matter. I am 110 per cent certain that, if the committee had to be changed, the Minister would give his approval for the change.

Dr. EASTICK: It is obvious from the new rule book of the S.A.J.C., which was printed as at July 1, 1975, that several of these recommendations have been considered. The restructuring of the committee is not specifically as recommended by the Hancock committee; more members are on the committee than was recommended in the Hancock report. However, I do not object to that. I accept that subclause (2) will prevail.

Regarding the other two racing codes, an appeal system operates, but that is not provided for in either clauses 6 or 7. An appeal arrangement now exists under the control of the S.A.J.C. I presume that the Government is completely satisfied that the appeal system controlled by the S.A.J.C. is, to all intents and purposes, equivalent to that written into the legislation for other controlling bodies. It is important to establish for the public that no different form of appeal will be available to people interested in galloping than there will be for dog-racing or trotting. I know that that provision is distinctly against the original recommendation of the Hancock committee that the galloping code should have an appeal system that is the same as the other codes. I ask the Minister for background information on this matter so that it is a matter of public record.

The Hon. HUGH HUDSON: Discussions have taken place in relation to each of the controlling authorities, and the particular appeal arrangements provided are the consequence of agreement with each of those authorities. Special arrangements are made with the dog-racing people and the trotting people that appear in this Bill where there is an independent appeal tribunal. The S.A.J.C., when the matter was discussed with it, was very strongly of the view that its existing appeal arrangement, which is not to an independent tribunal but to a committee of the S.A.J.C., was fully satisfactory and that no change was necessary. The Government has accepted that view.

Mr. Becker: Is that in its constitution?

The Hon. HUGH HUDSON: Either in the constitution or the rules.

Mr. Becker: This clause, then, covers the situation where the Bill says, "in which the committee is constituted": the appeal provisions are covered there.

The Hon. HUGH HUDSON: I do not think so. I think that that is meant in relation to the composition of the committee in clause 6, and not beyond that.

Clause passed.

Clauses 7 to 10 passed.

Clause 11—"Terms and conditions of office."

Dr. EASTICK: Subclause (1) provides:

A member shall be appointed for a term of office, not exceeding four years, and upon such conditions . . .

This is a longer period than has applied in the past. It does, I believe, give the opportunity for a system of appointment that will allow the retirement of some members on an annual basis, so there will not be a complete restructuring of the board at the one time. Is that the clear intention of the Minister in this matter? If it is, I suggest that it is a commendable method of approach. The situation in the past where the whole board was dissolved and restructured at the one time is fraught with danger.

The Hon. HUGH HUDSON: Yes.

Clause passed.

Clauses 12 and 13 passed.

Clause 14—"Due execution of documents by the board."

Dr. EASTICK: Subclause (1) provides:

A document is duly executed by the board, if it is sealed with common seal . . .

I suggest that a clerical error has been made: the word "the" has been omitted.

The Hon. HUGH HUDSON: That is a grammatical mistake which can be corrected by the Clerk.

Clause passed.

Clause 15 passed.

Clause 16—"Function and powers of the board."

Dr. EASTICK: I am not seeking to be facetious when I ask whether the Minister can explain how any organisation is permitted to borrow money with or without security; more particularly, without security? This is a most unusual circumstance.

The Hon. J. D. Corcoran. Its a matter of whether anybody is silly enough to lend money without security.

Clause passed.

Clauses 17 to 26 passed.

Clause 27—"Constitution of board."

Mr. GOLDSWORTHY: I move:

Page 12, line 40—Leave out "five" and insert "six".
Page 13, after line 1—Insert paragraph as follows:
(b1) one shall be nominated by the National Coursing Association of South Australia, Inc.;

Despite the comments made by the Minister in his response to the debate at the conclusion of the second reading I intend to persist with this amendment which would, in effect, increase the size of the board by one. The Minister has dismissed the National Coursing Association of South Australia, Incorporated, as having no continuing role in relation to the administration of the board. The Hancock committee recommended that the N.C.A. should have a continuing role on this board. In fact, in that board of 11 it was recommended that it have three members from the N.C.A. as representatives. I think that was as large a group as that coming from any body interested in the dog-racing and coursing area. It is quite obvious from the correspondence I read during the second reading debate, and from what we know from what has been said in the press, that the Minister could not make up his mind for a long time about how many members should comprise this board.

It is my view the N.C.A. has a continuing role. There are many people involved in the N.C.A. who are interested in dog-racing. Their prime interest may be in another part of dog-racing and coursing, but there are many people concerned with breeding and training greyhounds. There is not a clearcut division of interest between them and those nominated in this legislation to comprise the board. I do not believe that the Government should cut these people dead in their tracks. They have been involved historically, from the very conception of dog-racing. The Hancock committee recommended a continuation of their role on the board, and all that my amendments seek to do is include one N.C.A. member on a six-man board. That will not upset the balance of the board in favour of either metropolitan or country interests, or any people with a vested interest. It was pointed out to me that the Adelaide Greyhound Racing Club members on the interim board of 11 believed that they were consistently outvoted. That situation cannot occur here, even if the board is increased by one member. With a board of five, if there is a shake-down of city versus country interests, the deciding vote lies with the Chairman. If there is a shakedown on a board of six of city versus country interests, again the Chairman would have the deciding vote. If the Chairman came down on the side of the country people, there would be no argument, and if he came down on the side of the city people there would be no argument, because he has two votes: the legislation says that quite clearly. I do not believe that in any way the addition of an N.C.A. member on the board can be mischievous. It might be argued that his inclinations may be country-orientated in preference to the city or vice versa. Even if that were so, the decision will ultimately rest with this independent Chairman because of the provision that there be not only a deliberative vote but also a casting vote. I do not believe that we are prejudicing in any way the interests of the people who are currently delineated to be represented on this board. However, I do believe we are retaining a place in the sun for an organisation which has been intimately involved, historically, from the outset of dog-racing and coursing in South Australia.

I repeat that this was a recommendation of the Hancock committee. Obviously in the past 12 months the Minister considered including this body; to stop it dead in its tracks at this stage simply because the Minister states that it has no continuing role is an over-simplification of the situation. It is a downgrading of that organisation, and I do not believe it is justified. For this reason, I have moved this amendment to enlarge the board by one to make it a board of six and to include a representative of the N.C.A. on that board.

The Hon. HUGH HUDSON: The role of the Dog-Racing Control Board does not in any way cover live coursing. If it did, I think the argument in favour of the honourable member's proposition would be unanswerable. I would like to put an analogy to him.

Mr. Goldsworthy: You don't think there's any overlapping of interests at all?

The Hon. HUGH HUDSON: I have little doubt that there are greyhound owners in the N.C.A. I have little doubt that owners of race horses are involved in the South Australian Trotting Club, but the existence of that interrelationship is not a justification for adding one more to the Trotting Control Board as a representative of the South Australian Jockey Club. The fact that some S.A.J.C. members have trotting interests is the same kind of situation as the N.C.A. members who have greyhound racing interests. The honourable member would not accept the argument that the S.A.J.C. is entitled to one member on the Trotting Control Board because trotting is another form of horse-racing.

Mr. Chapman: That's not a terribly good example.

The Hon. HUGH HUDSON: It is not bad, though. The member for Alexandra should read the definitions. The Dog-Racing Control Board has no power whatever in respect of live coursing. Coursing in this Bill comes in only under the Betting Control Board. Basically it is that situation that we have to face. The Minister is a very persuasive person, who has put this view consistently over a long period. He took some time to persuade his colleagues; no doubt he will take some time to persuade the members of the Opposition. I have little doubt that ultimately he will be successful in that, too.

Mr. CHAPMAN: A fairer example than that put forward by the Minister might have been the example of gallopers and hurdlers, two completely different types of races. Both areas of horse-racing come under the control of the S.A.J.C. In no way did the Minister's example negate my support for the Deputy Leader. I support him because I believe he has done his homework and is trying to be fair, and more importantly the amendment does not effect the expressed desires of those who have for some time wanted a limited number on the board of control.

I have had it put to me for some months by parties interested in dog-racing and greyhound racing that they are concerned about the unwieldy 11-man team. They do not reflect on any individuals of that team. However, with the number of country members on it, on occasions when matters have been in the interests of the minority, they have not necessarily been voted out on every occasion, but the opportunity for block voting has existed, and I understand that in some circumstances it has been applied. I appreciate their concern and support any move that seeks to introduce some fairness into the composition of the permanent management board.

I mentioned the proposal put to me that involved the appointment of two country members as representatives of the four active country clubs and two city members representing the Adelaide Greyhound Racing Club. It was acceptable to that group of people for the Chairman to be appointed by the Minister, and hopefully he would

be independent in relation to his racing activities. In order to preserve that principle, we have one other very real and responsible request, and it has been pointed out by the Deputy Leader that that request has come from a section of the community involved in a form of dog-racing, a group representing a large number of owners and persons interested in greyhounds generally and interested in the sport involving greyhounds. Therefore, I believe that they should be considered.

I have looked at this subject very carefully because in no circumstances would I agree to destroy the benefits of the concept put to me. I looked at clause 30 (4), which outlines the powers and duties of the Chairman. By electing a representative from the N.C.A. that concept will not be destroyed. As the Deputy Leader said, the amendment still provides for equality of voting rights by the city and country people. If, for example, the N.C.A. was to vote with city representatives on an issue, in all fairness the independent Chairman could exercise his vote and support the country members, making the total vote equal, and by his casting vote he would retain that independent control of the activities. The same situation would apply in the reverse situation. I see absolutely no harm in the proposal put forward, as it has been carefully and responsibly considered. I see the desires of the representatives of the Adelaide Greyhound Racing Club in particular totally upheld. I support the amendment.

Mr. BECKER: I ask the Minister whether, in arriving at the decision to recommend a five-man board, his colleague in another place was guided by the following findings in the Hancock report (page 208):

The decision to accord controlling-body status to the N.C.A. initially is understandable. But it is no longer appropriate for the code to be controlled by a body dominated by open-coursing clubs. Open coursing is a minor pastime; but speed coursing is an important and rapidly growing segment of the racing industry. The N.C.A. has formed a sub-committee—the Greyhound Racing Committee—to make recommendations on matters relating to speed coursing; but this has not satisfied, and in our view could not be expected to satisfy, the aspirations of several of the speed-coursing clubs. The committee recommends that the existing statutory functions of the N.C.A. for dog-racing be terminated. We propose that the functions of controlling body be discharged by a Greyhound Racing Board . . .

The Hon. HUGH HUDSON: I must confess that my original view when the Minister of Tourism, Recreation and Sport first started buttonholing me on this matter was why not stick to the Hancock report? He said that the logic of the Hancock report was that the Dog-Racing Control Board could deal with dog-racing, and not coursing. There is no requirement for it to have powers over coursing and, therefore, it should be constituted in such a way that it is composed of dog-racing interests. I think that that logical conclusion flows from the kind of argument presented there. I do not think the Hancock inquiry took the matter as far as my colleague has taken it. All I can report to the Committee is that, by my colleague's persistence and determination in the matter, he changed my view.

Mr. Goldsworthy: It sounds as though his view was changed two or three times.

The Hon. HUGH HUDSON: I think that the Deputy Leader would applaud the development of a viewpoint that is carried out in a more logical manner. I am sure that he, in his political weavings and meanderings in satisfying the various pressure groups that get to him at one time and another, has not always been consistent right down the line. The day on which he can represent that he has been, I might be prepared to admit that the criticism he has tried to make may be justified.

Dr. EASTICK: The Minister's argument on this matter has been almost persuasive, but it falls flat on its face because of one vital ingredient he has not appreciated, does not know anything about or has wanted to put it in the background quietly. I accept that dog-racing, in the sense in which it appears in the Bill, relates to speed racing, but what he has not told the Committee is that the whole of the register relating to those dogs that will speed race and those that will course is a common register, and that the registration of dogs for racing or coursing in South Australia is now with the N.C.A., which has maintained records for years. Its officers are responsible for identifying pups and for stamping or undertaking the vital registration factor of dogs, regardless of whether they will eventually course or speed race or both. The opportunity exists for them to do both.

It is on that basis that the register is maintained and knowledge or detail associated with it are accessible to the Dog-Racing Control Board. Therefore, I fully support my colleague's contention. I earlier said that I could see an argument in relation to another body, namely, the Owners, Trainers and Breeders Association, but I do not want to get into these muddy waters at present, because a vital principle is being decided by the amendment. This one vital area of the industry plays a dual and significant role: some claim that this is a vital role in providing dogs for the sport.

Mr. Chapman: The interim board had that power.

Dr. EASTICK: It maintained liaison with the association for that purpose. It had a significant number of N.C.A. members on the committee. I believe that the original intention of the Hancock report and the stated intention of the Minister on various occasions that an 11-man board be introduced was absolutely ludicrous, and that it would have put the dog racing industry backwards rather than forwards. I do not resile from that view, even though I fully appreciate the fact that the number of interested groups in dog-racing in my area would have it otherwise. Appreciating the best interests of the industry and its future, I believe that the 11-man board was just not on. I agree with and accept the amendment as providing a significant inclusion on the Dog-Racing Control Board.

The Committee divided on the amendments:

Ayes (18)—Messrs. Allison, Arnold, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy (teller), Gunn, Mathwin, Rodda, Russack, Tonkin, Vandepeer, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson (teller), Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Venning. Noes—Messrs. Broomhill and Jennings.

Majority of 3 for the Noes.

Amendments thus negatived; clause passed.

Clauses 28 to 44 passed.

Clause 45—"Terms and conditions of office."

Mr. BECKER: No mention has been made of bankruptcy and whether a person may be removed from the board if he is bankrupt. I believe such a provision should be written into the clause.

The Hon. HUGH HUDSON: That matter was drawn to my attention this afternoon. I am happy to assure members that the question of whether or not it should be written in will be subject to further consideration; if it is considered necessary, that will be done in another place. The provision as it stands is the normal provision that has appeared in Bills before this Parliament in relation to a whole series of boards established at one time or another. The argument presented by those associated with the drafting of the legislation is that we should not depart from normal practice. However, I think there may be a case in these instances, when large financial funds are involved, for such a departure. I intend to discuss the matter with my colleagues and to see what judgment is reached.

On balance, it may be marginal, because a guy could be pinged under "dishonourable conduct". It may be that, if he is bankrupt, he has not done anything dishonourable, but the only way someone dismissed for "dishonourable conduct" could challenge the board would be by taking out a writ of prohibition in the courts. If he were bankrupt he would not be likely to be in a position to do that. Perhaps the argument that says it is not necessary to provide for this is correct, and it can be covered should the need arise. At this stage I am not satisfied and, if the honourable member will accept my assurance that the matter will be investigated further, I am happy to give it.

Clause passed.

Clauses 46 to 60 passed.

Clause 61—"Premises for off-course totalisator betting."

Dr. EASTICK: Although I cannot pick up the reference, I believe it was indicated earlier that a programme of purchase of premises for the organisation would be carried out. This clause would feature in that purchase. However, no power of acquisition is given to T.A.B. Is it because the board is not a corporation; is it because the Government would undertake acquisition if that became necessary; or is it a clear indication that in no circumstances would property be acquired in the normal sense and that it would be purely and simply a buyer-seller situation so that, if there is no seller, there is no buyer in the general sense of providing premises?

The Hon. HUGH HUDSON: Compulsory acquisition powers are not necessary because normally alternative sites are available for T.A.B. agencies in any area. It is not a situation where the Government or a Government agency must have a site and no alternatives could satisfy them. If compulsory acquisition were necessary, it would have to be by resolution of both Houses that the activity was a public purpose under the Acquisition of Lands Act. It could be covered in that way if it ever became an issue. It is true that the ·5 per cent extra on the T.A.B. was for computerisation and to enable the T.A.B. to avoid some of the more expensive and difficult letting arrangements.

Clause passed.

Clauses 62 to 67 passed.

Clause 68—"Deduction of percentage from totalisator moneys."

Dr. EASTICK: The clause increases the amount to be deducted from totalisator moneys. It is in each case an increase of ·5 per cent. My question is somewhat hypothetical but, having arrived at the figure of ·5 per cent, has the Government considered what is the maximum figure that is possible from this form of taxation before it becomes an uneconomic business? A progressive increase has been deducted over the years. Each time an increase has occurred there have been complaints from various quarters. I am not denying that this increase will be of advantage to the industry, but there must be a break-even point when to extract more from a bet would cause considerable difficulty. Has that point been considered and researched?

The Hon. HUGH HUDSON: It has been considered and was a reason for not agreeing to a further increase in the T.A.B. take above 14·5 per cent It was considered only in the broad term that we were in a period where the rate of increase in T.A.B. turnover was not as great as it had been in the past, and it was therefore a time that directed that caution should be the order of the day. The take on win or place has been 14 per cent since the inception of T.A.B. in this State. Some other States have percentage deductions that are greater than applies in South Australia. I suppose that means that the percentage could go higher. I even regret that it has been increased by ·5 per cent, but it is necessary in order to finance computerisation. In current circumstances we must be cautious and must not kill the goose that lays the golden egg, namely, the growth in turnover.

Clause passed.

Clauses 69 and 70 passed.

Clause 71—"Amounts that may be bet on totalisators."

Mr. BECKER: Will Parliament have an opportunity to debate any decision made by T.A.B. or the Government to increase the minimum bet from 50c?

The Hon. HUGH HUDSON: If the unit were increased from 50c at any time, it would be done by regulation. That is what "prescribed" means. The regulation would be subject to disallowance in either Chamber, at which time debate could ensue.

Mr. Becker: You could introduce a $1 bet, bring it in by regulation, and then—

The Hon. HUGH HUDSON: I do not believe that the Government would introduce a $1 bet if it believed that sufficient members would support the disallowance of a regulation establishing such a bet.

Clause passed.

Clauses 72 to 76 passed.

Clause 77—"Application of balance of fractions by authorised racing clubs."

Dr. EASTICK: During the second reading debate I indicated that, although I did not have a copy of the Bill, I believed that the Minister would decide whether the racing club could retain fractions. Under the provisions of the Lottery and Gaming Act the controlling authority made that decision. Is it general thinking on this matter that the racing club can retain this portion of totalisator funds in its own right so that that portion can be paid back to the Racecourses Development Board to offset the club's interest and/or principal on loans made available to it by the board? That is the situation now, and it is a highly desirable practice. If the Government believes that that practice will prevail, clubs that rely on that money to offset their loan account will not be distressed. However, if the thrust changes, difficulties could arise because funds available to clubs from admission charges, turnover tax from bookmakers and funds from other areas will be insufficient to pay the additional interest and principal payments and, as a consequence, stake money would suffer. If costs were to increase in the whole industry owners, trainers and the like would suffer a decrease in stake money, which they can little afford. I make a plea in the long term for funds to be made available to offset interest and principal payments standing against the accounts of various clubs with the Racecourses Development Board.

The Hon. HUGH HUDSON: Clause 77 indicates that that is a matter for the controlling authority. The technique, as the honourable member suggests, is a perfectly proper alernative for a controlling authority to follow. However, I will not say whether or not the Government believes that that is what controlling authorities should do. The Government established the controlling authorities to make certain decisions and to avoid the Government's telling them what to do. If we were to establish in this clause that that matter should be determined by the controlling authority for each code, the Government should not try to influence any controlling authority about how it should handle the matter. If that system suited dog-racing, that would be all right, but it may not suit the other codes. It is up to each controlling authority to decide. It is a proper procedure.

Dr. EASTICK: I appreciate that it is a proper procedure. I suggest to the Minister that the Government, having given as much attention to all features of this measure as it has, would be aware if that is the general thinking of the authorities as presently constituted. If the Minister is not sure that that is the authorities' attitude, major problems will be created for many clubs that have justifiably, borrowed heavily from the Racecourses Development Board for the benefit of the public. It is not a matter of my asking whether the Government has put the thumb on controlling authorities. I appreciate from the Minister's reply that the Government cannot do that. The Government could believe that the controlling authorities could see the advantage of the present method of distribution continuing.

Clause passed.

Clauses 78 to 86 passed.

Clause 87—"Constitution of Board."

Mr. BECKER: Has the Government considered increasing the size of the board in view of its increased role and importance and because this legislation gives it extra power in relation to allocating bookmakers to the various courses? I ask whether the board should not be increased to five, each racing code being represented and two other members being appointed by the Governor. I ask this question because I query the qualifications of one member of the board.

The Hon. HUGH HUDSON: No consideration has been given to increasing the number of members of the Betting Control Board.

Mr. BECKER: What qualifications do the current members of the board have and what are the necessary qualifications? I would like to know how a person by the name of Deane has been able to gain a seat on the board.

The Hon. HUGH HUDSON: It has been the practice that there should not be a particular qualification for membership of the Betting Control Board. It has been normal practice that one member has been a lawyer. I think that the Minister of the day, in making the recommendation to Cabinet, has to be satisfied that a particular nominee is a man of integrity and capable of carrying out the job in a proper manner. The appointment is made by the Governor and Executive Council. I can assure the honourable member that Cabinet has been satisfied with the recommendations that have led to the present appointments.

Clause passed.

Clause 88—"Terms and conditions of office."

Dr. EASTICK: The answer to this question may be self-explanatory by virtue of the fact this is a three man board. The term of office in relation to this group is for three years, whereas we have been talking previously of a period of up to four years.

The Hon. HUGH HUDSON: A three-member board exists at the moment. One member retires every year, so there is a continuity in the membership of the board.

Clause passed.

Clauses 89 to 104 passed.

Clause 105—"Registration of betting premises at Port Pirie."

Mr. BECKER: This clause relates to the situation of betting shops in Port Pirie. If a bookmaker in Port Pirie relinquishes his licence, is he replaced or is the licence automatically cancelled? Also, can the Minister inform me how many bookmakers or betting shops there are at Port Pirie?

The Hon. HUGH HUDSON: I think it is six or seven. The age of the existing registered bookmakers is such that they will see out the period up until 1983. Subclause (1) is a kind of blanket provision designed to give the Betting Control Board power to deregister a bookmaker if it is effectively satisfied that something is going on which it cannot prove but which it knows is crook. These situations occur in the gambling industry, and there has to be power to control them.

Mr. BECKER: The situation worries me, because it seems a little loose. If something does happen to a bookmaker who has premises at Port Pirie, by 1981 there may be only one bookmaker left, and he would have a complete monopoly. Could I ask the member for Port Pirie to explain this and say whether the people of Port Pirie will accept the situation that betting shops, a feature of Port Pirie, are being phased out?

The Hon. HUGH HUDSON: The Minister has an arrangement with the bookmakers in Port Pirie which provides that, should one of the existing licences be given up, one of the existing bookmakers will have the right to take over the premises if they are better than his own, but will not have the right to take on two premises. As a result, one premises would become vacant and a licence would be issued for the premises to somebody else for the remainder of the period until 1983. Anyone gaining that licence would know that it would only run for that limited period. There will not be a situation that the number will reduce during the remainder of the period until 1983. The number can be maintained and will cut off then. Obviously, the Totalisator Agency Board will have to commence business in a substantial way at that time.

Mr. BECKER: In view of that, and in view of the competition the T.A.B. is expecting (I understand that it is not really a viable proposition), can the member for Port Pirie say what is the situation in relation to closing the betting shops?

The CHAIRMAN: The honourable member for Port Pirie can speak in Committee if he so desires, but not from where he is sitting.

Mr. BECKER: I draw attention to the state of the House.

A quorum having been formed:

Clause passed.

Clauses 106 to 111 passed.

Clause 112—"Permits for licensed bookmakers to bet on racecourses."

Dr. EASTICK: I move:

Page 37, line 30—Leave out "within a racecourse, or".

As I have a further amendment to this clause, may I speak to that amendment also?

The CHAIRMAN: That will be permitted.

Dr. EASTICK: The reason for this amendment, which I canvassed during the second reading debate, is that it has been a tradition for the vast majority of clubs in

South Australia to have the opportunity to determine who shall field on their tracks. I am not sure of the break-up in the metropolitan area since the changeover, but in respect of Globe Derby Park in the trotting field, and I suspect at Angle Park in relation to dog-racing, there is no alternative. The Betting Control Board virtually determines who shall field on those tracks because of the number of licences it makes available for metropolitan fielding.

In country fielding, it has been traditional for the licensing authority to license more bookmakers than are required for each track, individually. Historically, at the commencement of each season, or for each it was not unusual for a club to advertise for persons who were prepared to field at individual meetings, nor was it unusual for a club committee to appoint of its own volition licensed persons, allowing them to field at particular race meetings. More recently, most clubs have accepted a determination for a season or part of a season. This differentiation is because in night trotting the number of patrons is reduced for winter trotting, and it has been a common practice for the club to have fewer fielders for the winter period.

In relation to the permit fee for an individual holder, there has been no recognition by the club of the turnover of an individual bookmaker or of collective bookmakers. There has been no indication in the past in relation to fees of the individual bookmaker as to how much he holds. It has been a set permit fee for each bookmaker. As a result of considerable discussion over some seven months or more, it has been determined that a ring fee will apply and that each bookmaker will subscribe to that fee. I would not say whether they are to subscribe equally to that fee or subscribe in relation to their holdings on the previous year. However, the club is guaranteed a return from its bookmakers for each evening of racing, regardless of the number of bookmakers on the course.

Under the ring fee method, if it has been decided that, if a certain club warrants a ring fee of $400 and there are 40 bookmakers present, each would pay one-fortieth; if there were only 20 present, each would pay one-twentieth. The end result for the club is the same sum. This arrangement is retrospective to April 10 last. The fees are based on ·26 per cent of the previous racing year's turnover. It is indexed in that sense and will be reconsidered after five years.

There will no longer be the incentive for some clubs to increase the number of bookmakers who will attend, purely to use them as a source of income. They are guaranteed a sum of money. This can be substantiated by the Bookmakers Association. It has been consistently said that, within reason, the smaller the number of bookmakers present at a meeting the greater the opportunity for them to make a book, and obviously the greater is their individual holding per night. As a result of being better able to make a book, it is considered by those who punt that they are likely to obtain better odds.

The Hon. Hugh Hudson: That's fallacious.

Dr. EASTICK: I would not be so unkind to the bookmakers as to suggest that. I give them the benefit of the doubt. It means, however, that each will hold more in an evening and there is a greater incentive for them to attend and to function as bookmakers. Earlier we indicated that there were occasions when some attended and bet on some races but not on others. There were those who, having been given a permit for a year, saw fit to disappear for upwards of two or three months or who, for one reason or another, did not attend as often as they might.

As a result of some of those activities and the failure of some to hold an adequate sum of money, the clubs which were in a position to decide who would field on their course were able to obtain a better end result for the club and for the betting facility that they offered to the public. The reverse of this situation is that the Betting Control Board is the authority that registers bookmakers. This board could in the past, had it desired to do so, have sorted out some of the bookmakers who were not achieving a particularly good result or who were not of benefit to the industry. It has not undertaken a sorting out of the bookmakers in that manner. There is a genuine fear amongst clubs which have always had the opportunity to decide who would field on their course that, if the Betting Control Board was totally responsible not only for the licensing but also for the issuing of permits for individual clubs, the club would not necessarily have the type of bookmaker on its premises that it would like. I do not want to besmirch the bookmaking fraternity or individuals in it, even though that inference could perhaps be drawn. I am talking about realities, in line with the figures that I indicated earlier today. We had the distinct position that arose from one set of figures I gave of two bookmakers betting on 29 meetings in a year. One held almost $400 000, whereas the other held only about $72 000 for the same period. That was on local racing, having no regard to interstate racing, which was a component available to them for part of the season.

I believe that the amendment, which is consequential on a later clause and which seeks to maintain the tradition that has grown up in the industry, is worthy of the Committee's support. The amendment is an extension in the manner in which it is worded from the position now applying, because it would enable the South Australia Trotting Club to determine who was going to field on its course, subject to the B.C.B.'s having registered more than the number required, thus giving the trotting club, by making a selection, the same kind of selection that applies to country clubs now. I rest the case purely and simply on trotting, because it is the code about which I know something, but it applies equally to the other codes.

The Hon. HUGH HUDSON: The honourable member will appreciate, from what I said in replying to the second reading debate, that the amendment is not acceptable. I understand that an agreement has been reached with the bookmakers, in all other than metropolitan galloping, for a fee of ·26 per cent of the turnover to apply. The only case in which there is a ring fee, as described by the honourable member, is at Globe Derby Park. That is the information I was given; that is the only case in which a fee for a ring would be shared amoung the bookmakers betting in that ring. The situation at Globe Derby is peculiar, because the current fee is somewhat greater than ·26 per cent, and that arrangement will continue in monetary terms until the ·26 per cent catches up and takes over.

In the metropolitan area, the practice is that bookmakers who are licensed to bet on horse-racing are entitled to bet at all metropolitan courses, and I think that the same position applies to those bookmakers who are licensed to bet on the trots. I suggest to the honourable member that, if we had the B.C.B. licensing more than the number of bookmakers who were going to bet on the trots, and then be in a position to make a selection, it would more or less become a means of controlling livelihoods, and that job ought to be done by the B.C.B. and not the Trotting Control Board.

Dr. Eastick: The trotting club rather than the Trotting Control Board?

The Hon. HUGH HUDSON: Well, the trotting club, but it is not proper that a club should make decisions which, in the upshot, affect the livelihood of an individual, when that matter has already been determined by the B.C.B. The country area is complicated, because local bookmakers are licensed by the board in some areas, and other bookmakers travel to and from the various courses. The position in the Bill is reasonable and broadly acceptable. It is a simpler procedure, and it will not deprive the clubs of any revenue.

Dr. EASTICK: I accept the information given by the Minister and his argument regarding the city, where he would not want to disturb the existing situation. However, he will interfere with the tradition which has applied to country clubs. I speak on behalf of seven country trotting clubs, and possibly others, and they genuinely wish to maintain the position they have held in the past. I say that against the background of the altered approach to the fee that will be paid. They have already indicated their willingness to reduce the number of fielders, because they are assured of an income.

The Hon. Hugh Hudson: That's not in the punters' interests.

Dr. EASTICK: The Minister has proffered to the Committee no information that would sustain that statement. I could provide him with considerable evidence later that would indicate that a reduction in the number of fielders is of great benefit to the racing public.

The Hon. Hugh Hudson: That's not so.

Dr. EASTICK: It is an argument on which we will continue to differ, obviously.

The Hon. Hugh Hudson: There'd be less competition, that's all.

Dr. EASTICK: There is evidence indicating that there would be a better service to the racing public by the decrease in numbers. According to what the Minister is telling us now, if we were to double the numbers in that field, it would be even better for the racing public. That obviously destroys the argument the Minister put up earlier that there are insufficient funds in the area of betting in South Australia for bookmakers to make a proper book. He cannot have it both ways. If we are to reduce the number and give bookmakers the same sum or, at any rate, generate more, as has happened, thus allowing them to make a better book, obviously there is a better facility to the punter. Therefore, the club benefits, and the industry benefits, because the money is put back in the way of stakes.

The Hon. HUGH HUDSON: A better book for the bookmaker means a more secure and reliable profit for the bookmaker for taking less risk. If there are more bookmakers, they are chasing more turnover, and in order to get it they would have to offer a better price to the punter. If there are fewer bookmakers, they are not so concerned about chasing turnover; they get it more easily, and there is a worse price for the punter. Evidence of that could be obtained by going to any betting ring and working it out.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allison, Arnold, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Rodda, Russack, Tonkin, Vandepeer, Wardle, and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson (teller), Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Venning. Noes—Messrs. Broomhill and Jennings.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clause 113—"Operation of bookmakers on racecourses."

Dr. EASTICK: I shall not proceed with the amendment standing in my name; it was consequential on the previous amendment.

Clause passed.

Clauses 114 to 126 passed.

Clause 127—"Constitution of board."

Dr. EASTICK: Subclause (1) (*b*), (*c*) and (*d*) provide for the appointment of two members to the board from each of the codes. There is no definition of whence, from within the board structure, those members will come. In normal circumstances, I believe the controlling authority would see fit to arrange a division of interest as between metropolitan and provincial and/or country representatives, thus advancing the cause of the board.

Clause passed.

Remaining clauses (128 to 154), schedules and title passed.

Bill reported without amendment.

The Hon. HUGH HUDSON (Minister of Mines and Energy) moved:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3—After line 9 insert new clause 4a as follows:

4a. *Power to take plea without evidence*—(1) When a person is charged with sexual intercourse of a person under the age of seventeen years, or with indecent assault, the justice sitting to conduct the preliminary examination of the witnesses may, without taking any evidence, accept a plea of guilty and commit the defendant to gaol, or admit him to bail, to appear for sentence.

(2) The justice shall take written notes of any facts stated by the prosecutor as the basis of the charge and of any statement made by the defendant in contradiction or explanation of the facts stated by the prosecutor, and shall forward those notes to the Attorney-General, together with any proofs of witnesses tendered by the prosecutor to the justice.

(3) The Attorney-General shall cause the said notes and proofs of witnesses to be delivered to the proper officer of the court at which the defendant is to appear for sentence, before or at the opening of the said court on the first sitting thereof, or at such other time as the judge who is to preside in such court may order.

(4) This section shall not restrict or take away any right of the defendant to withdraw a plea of guilty and substitute a plea of not guilty.

No. 2. Page 3, line 10 (clause 5)—Leave out the clause.

No. 3. Page 4 (clause 12)—After line 18 insert new subsections (5) and (6) as follows:

(5) Notwithstanding the foregoing provisions of this section but subject to subsection 6 of this section a person is not indictable for rape, or indecent assault upon his spouse, or an attempt to commit, or assault with intent to commit rape or indecent assault upon his spouse (except as an accessory) unless the alleged offence consisted of or was preceded or accompanied by—

(i) assault occasioning actual bodily harm to the spouse; or
(ii) the threat of actual bodily harm to the spouse; or
(iii) the threat of the commission of a criminal act against a child or relative of the spouse.

(6) Subsection (5) of this section does not apply in any case where the element of sexual intercourse in the alleged rape was constituted by the introduction of the penis of one person into the anus of another or the introduction of the penis of one person into the mouth of another.

Consideration in Committee.

Amendment No. 1:

The Hon. PETER DUNCAN (Attorney-General): I move:

That the Legislative Council's amendment No. 1 be disagreed to.

I do not know what possessed the other place to attempt to introduce this amendment, which is related to amendment No. 2. The combined effect of those two amendments would be that, in the Criminal Law Consolidation Act, we would end up with two sections 57a. That would be a totally ludicrous position, and one which neither this place nor the other could accept for one moment. I do not know why the other place reached such a conclusion. I imagine some sort of ridiculous mistake has been made. So much heat and emotion was concerned with the Bill in the other place that no doubt members were falling over themselves to try to find some method of seeking to defeat the intention and principle of the Bill. In doing so, I can only assume that they have made this ridiculous mistake.

Motion carried.

Amendment No. 2:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 2 be disagreed to.

The same reasons apply. This amendment, which I understand was moved by the Hon. Mr. Burdett, for some extraordinary reason seeks to leave out clause 5 of the Bill as it went to the other place. Clause 5 sought to repeal section 57a of the principal Act. What the Legislative Council has sought to do, by amendment No. 1, to which we have just disagreed, is to put into the Act a provision in the terms of the existing section 57a. If this amendment is agreed to, the situation will be that we shall have a Criminal Law Consolidation Act with two sections 57a, which would be a ludicrous position, and I am sure the Legislative Council never intended that. I do not know what possessed it to put this amendment before us. Certainly, the Government, in all responsibility, cannot see any reason to support this amendment; it opposes it.

Motion carried.

Amendment No. 3:

The Hon. PETER DUNCAN: I move:

That the Legislative Council's amendment No. 3 be disagreed to.

The only amendment of any real substance moved by the Legislative Council is this amendment. This is an amendment to clause 12 of the Bill, which is the clause that deals with the so-called question of rape in marriage. This clause, which was moved by the Hon. Mr. DeGaris in another place, is a fantastic concoction which, whilst giving some recognition to the principle behind the Bill (that a wife or any woman should not be denied the protection of the criminal law), seeks at the same time, in a clumsy fashion, to select particularly heinous types of assault and rape and to provide that those crimes should apply within marriage whilst the normal law should not apply. That is totally unacceptable to the Government, and I will deal with this matter in some considerable detail because it is important that members opposite appreciate just what this amendment intends to do.

It proposes that the Government's clause 12 should stand (that is, that the Government's proposed clause enabling wives to lay complaints and the Government to indict husbands for rape and serious assaults against wives should continue) but it seeks to qualify it by adding a new subsection (5) and a new subsection (6). New subsection (5) provides:

(5) Notwithstanding the foregoing provisions of this section but subject to subsection (6) of this section a person is not indictable for rape, or indecent assault upon his spouse, or an attempt to commit, or assault with intent to commit rape or indecent assault upon his spouse (except as an accessory) unless the alleged offence consisted of or was preceded or accompanied by—
(i) assault occasioning actual bodily harm to the spouse; or
(ii) the threat of actual bodily harm to the spouse; or
(iii) the threat of the commission of a criminal act against a child or relative of the spouse.

For the life of me, I cannot see why this distinction has been drawn. The only reason could have been the fact that there was such an endeavour by the more conservative members of the Upper House to defeat this clause of the Bill that some sort of compromise was sought in an attempt, in effect, to defeat the intention of the clause. If ever I have seen a clause that looks as though it was a Committee job, this is it, because it is an attempt to cover certain situations, but it leaves the wife totally at the mercy of her husband in other situations, which are equally heinous. For example, the rape or the indecent assault, etc., must be accompanied by, under paragraph (i), assault occasioning actual bodily harm to the spouse.

Because of this appalling attempt to draw some middle course in this matter, we now have a situation where a husband could conceivably threaten, for example, to place a bottle of some description in his wife's vagina, and that action would not, under this provision, constitute a serious offence against her, because that would not constitute assault occasioning actual bodily harm; and, if it was done in association with a rape, that rape could not be the subject of a charge of rape in the criminal courts.

Secondly, there is the threat of actual bodily harm to the spouse. Again, it has to be actual bodily harm. That, as members opposite know, in legal terminology means that there must be some injury to the woman; if there is no injury, the appalling example I have just given can be undertaken without any recourse by the wife except the charge of common assault, which of course, as members opposite have conceived in the principal debate in this matter, merely leads to a situation of a fine of $100 or a bond or that sort of fairly minor penalty.

In the third instance, honourable members of the Legislative Council say that a wife should be able to charge her husband with rape where there is the threat of the commission of a criminal act against a child or relative of the spouse; but, if a husband threatens (to use the terms used in this paragraph) the commission of a criminal act against the wife herself and, under that threat, she has intercourse with her husband against her will, there is no method of recourse through the law against him. We have reached a totally ridiculous impasse in this matter. Members opposite should read this clause carefully before they vote on Party lines against it, because it is a serious matter. This is a matter in which members opposite should take some detailed interest.

What has happened is that we have a compromise from the Liberal members in another place which is almost meaningless in terms of applications of the law. It is for Parliament to determine what the definition of a particular offence is; it is not for Parliament to try to determine when, on certain facts, that offence exists and when it does not, and that is what the Legislative Council has sought to do in this instance. This amendment does not cover what might be described as emotional assaults. In normal legal language, an assault itself does not constitute the application of physical force: it is the threat of physical force that is normally understood in legal language as being a definition of assault. In this amendment, any form of emotional assault is completely disregarded. That is entirely unsatisfactory.

Further, in amendment No. 3, which deals with new subsection (5) (iii), rape or indecent assault on the spouse must be accompanied by the threat of the commission of a criminal act against a child or relative of the spouse. What about the situation where the threat is not against a child or relative of the spouse but is a threat against a friend or neighbour or anyone else near or dear to the woman concerned? That is a valid point. Why simply limit it to a child or relative? There seems to be no answer to that. If there is a threat to commit a criminal act against any person, surely that should be taken into account. We have reached the situation where the other place has dealt with this matter in a most clumsy, ham-fisted fashion. Basically, it has accepted the principle that the Government is trying to establish, but in trying to reach a compromise with the more conservative members—

Mr. Mathwin: You haven't got support. None of your mates are here; there are only seven of you.

The Hon. PETER DUNCAN: We will see what happens when a vote is taken. I am trying to deal rationally with this matter.

Mr. Mathwin: Your Party doesn't even support you.

The Hon. PETER DUNCAN: If the honourable member wishes me to deal with the matter in a more direct fashion I will do so, but it seems to me that rational thought would do the cause much good. The Liberal Party in another place has basically accepted the principle that a married woman has the same right to the protection of the criminal law that any other person has. It has said that some situations occur where, because it is difficult to prove the act and where, because evidentionary problems exist, reference should be made to special evidence. In my view, that is entirely unsatisfactory, because it would be impossible to list in a Bill all the corroborative evidence that one would wish to have in support of a rape case. It is not possible to define all the situations that one could imagine. For that reason we should reject these amendments and inform the other place accordingly. New subsection (6) provides:

Subsection (5) of this section does not apply in any case where the element of sexual intercourse in the alleged rape was constituted by the introduction of the penis of one person into the anus of another or the introduction of the penis of one person into the mouth of another.

I find that subsection unacceptable. It seeks selectively to deal with the situation, but it does not deal with the insertion of objects and instruments into a woman's vagina: it does not deal with the insertion of objects or instruments into the anus or mouth of another person. Again, it deals with the matter on a totally selective basis, which I find completely unacceptable. This Government believes that rape is an offensive crime in all circumstances, regardless of the instance. A married woman has the right to the protection of the criminal law, as has any other person in the community. If this amendment is accepted, we, as legislators, will be denying women in the community the right to that protection. It is about time that we in this Chamber faced up to our responsibility to ensure that married women have the same protection as other women, whether those other women live in a *de facto* relationship, a casual relationship or some other sort of relationship. One could cite many instances wherein these amendments produce a farcial result. I have already referred to one example, and I do not believe that a useful purpose would be served by referring to other examples. It is certainly this Government's view that this measure should be passed as it was introduced in this place. This Government believes that the community generally accepts the need for this legislation. I commend the motion to honourable members.

Mr. ALLISON: I do not believe that the other place by inserting these amendments accepted in principle the Attorney's argument. What the other place really thought it was doing was trying to arrive at a compromise. Members in another place should have realised that that was a fairly vain hope, because the Attorney has shown himself to be unwilling to compromise on any issue, whether it be on this or any other measure, referred back to this place from another place. The original amendment put forward in this place would have been more effective than the amendment that has come from another place. I do not intend to enter into the hour-long reasons that I put forward in the second reading debate. My own reasoning has not changed. The Attorney is still single-minded in his purpose, whereas the other place tried its best to keep legislation out of the bedroom. It tried to compromise by introducing several occasions when a wife could well charge her husband with rape when, under present legislation, she could well have charged him with various kinds of assault.

As I said in the second reading debate, the majority of cases which have been brought before the courts and which have been brought to the attention of the Attorney-General and the press were occasions where actual bodily harm was evident. I do not know that I would agree entirely with new subsection (5), because it seems to deal with factors that are equally abhorrent to me. In so far as the legislation as it stands will not, to my way of thinking, make the wife any more ready to charge her husband it will not, I believe, prevent a husband from entering on a highly emotional attack. In so far as I believe that it may well add to the wife's problems, since the penalty to be inflicted on the husband will be so great under these amendments, she may be utterly reluctant to press charges against her husband unless the marriage has already reached the stage where it is absolutely on the rocks and will not continue. In that case, I am sure that the wife could have taken action under existing legislation. These are reasons I put forward in the second reading debate and, for the purpose of seeking some compromise to try to keep the legislation out of the bedroom except in these extreme circumstances which have been put forward by the Upper House, I support the amendment.

Dr. TONKIN (Leader of the Opposition): The Attorney-General accuses the Upper House of bringing in something which is clumsy and ham-fisted. I can only say that, while I believe the whole legislation certainly upholds a principle which is worth upholding, and while I would thoroughly accept that married women have the same rights, I still think it is clumsy, ham-fisted and ridiculous from the point of view that, unless people have been able to use the

current criminal laws relating to common assault, I do not see why they will be impelled to lay a more serious charge simply as a result of this legislation.

This brings me to conjecture that the Attorney went to great lengths about corroborative evidence and about how it would be proved. I could not agree more. One could use the argument to support the case or refute the case. How are we going to prove this sort of thing any better than we have been able to prove assault in the past? This is what worries me about this entire legislation, because I do not think it will achieve the results which the Attorney hopes it will and which some other people in the community hope it will.

I hesitate to say that we are wasting our time but, frankly, I think that is what we have been doing. I cannot see that there will be any more charges proved. I think we could find at the end of 12 months or two years that no charges have been laid. That will be the measure of it. I suppose that there will probably be no charges proved. If that is so, it seems to me that it is much more sensible for us to look at the underlying causes of the problem and look at why relationships break down. If we look at another piece of legislation that is before us at present, we could say at the end of two years: "That is not good enough. There have been no charges proved. There have been no convictions. The legislation is not strong enough. We will bring in a stronger definition of rape within marriage and then reverse the onus of proof." That will be just as ridiculous.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments destroy the intention of the Bill and reverse the principle encompassed therein.

SUCCESSION DUTIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

RACIAL DISCRIMINATION BILL

Adjourned debate on second reading.

(Continued from November 17. Page 2284.)

Mr. ALLISON (Mount Gambier): I applaud this Bill on the ground that it tries to remove racial discrimination from Australia's way of life. I do not know that just passing the Bill will do that. I was particularly annoyed during the past week and with something which happened a couple of months ago because I felt that, in the passing of this Bill, there was discrimination in this House on the part of members of the press, who, two months ago, were absent from the gallery. Perhaps they may be excused. I also felt there was discrimination by members of the House. At that stage I was debating rather spontaneously the Aboriginal issue, which came before the House in a grievance debate. On that occasion I said, to a great amount of heckling from the Government benches, that there was no need for any of us on either side of the House to be patronising towards the Aboriginal race.

I went on to say that this race is superior to the white people in Australia. That was apparently not a very popular thing to say. It did not merit any report in the media the following day. It did not get support from Government members. The member who is calling out now was heckling quite insistently on that evening. I said on that occasion the reason that Aborigines were superior was that somehow or other over 30 000 years they had managed to survive in Australia, a fairly hostile country in many regions. Having come from the north across the land bridge they had settled here within a climate that was harsh; they had no grain crops that they could use, no recognised fruits that they could use, no animals that they could domesticate, unless we count the dingo, and when the land bridge disappeared these people established themselves firmly in Australia and developed a language which was and is one of the most complicated languages anywhere in the world and which has very complex syntax and declension of verbs. They developed a musical structure among the most complex in the world. Apart from that, they had developed a complex family centred way of life which makes it all the more admirable that their tribal laws were most efficiently administered.

They established aeons ago that there was a need for survival. If they married outside the tribe rather than inside the tribe, the chances of surviving and having fine blood lines would give them far more hope of remaining. This is one of the ways in which they became one of the oldest races on the face of the earth. We have been critical. In that debate I put the blame largely at the foot of Charles Darwin, the great anthropologist, who we probably know very well for his *Origin of the Species*, but he seemed to have missed the point completely when he assessed the Australian Aborigine along with the Vedar tribes of Ceylon and the Tierra Del Fuegans. He grouped them all together and said they were amongst the lowest people on the earth, not recognising that *homo sapiens* is one species; there is no difference intellectually, although there may be physiological and colour differences. This is the point of the Bill before us tonight. It was also the point of my argument then. There is no need to patronise these people. There is no need to discriminate against them. They have a fine culture of their own. All we have done over the past couple of hundred years is to bastardise their culture and try to convince them all that our way of life is best. I question our motives and our reasoning for doing that. I suggested we had given them disease, money, drink, drugs, and our own lifestyle which we think is marvellous. We have given them a fraudulent, rapacious, decadent sort of culture. We have destroyed the Aboriginal's natural life style. We have bastardised his culture and replaced it with something inferior—our own culture.

I said a lot more in that debate. I have quoted only a few points which highlight my point of view. I said it was the view of at least one member on this side of the House, but from the reception I received from colleagues after that debate I was quite convinced that that represented the point of view of members generally on this side. No mention was made of that in the media on the following day or on ensuing days. That the media seized on the end part of the comment in a fairly lengthy debate of one member out of 47 members makes me think that there is discrimination after all. Colour is newsworthy.

I would like to comment also on the attitude of the honourable member for Stuart, who came to me after the debate and who seemed, like the rest of his colleagues on that side of the House, rather cross that I had spent some minutes praising the Aboriginal race. He said one thing which was memorable. He said, "It is all very well for you in the South-East to reason along these lines, but you do not have an Aboriginal problem." He used the phrase:

"Tolerance is a question of geography." He used that phrase with remarkable political deviousness or flexibility: I give him the benefit of the doubt. However, he used the same phrase in criticising me for praising Aborigines and in criticising another member of my Party for criticising Aborigines. Perhaps his own motives are questionable. Be that as it may, this whole thing needs to be set to rights. This point of view was given from this side on September 15, and is reported in *Hansard* at pages 1063 and 1064.

It was quite a memorable turn of phrase the honourable member used: he was cross and Government members were cross, probably because I criticised the Whitlam Government's patronising approach to Aborigines, in that the Australian Labor Party Government in 1975 allocated about $161 000 000 for Aboriginal welfare but only $9 000 000 of that was handed out in Aboriginal grants. Those figures give some idea of the massive amount that was spent on administration. Figures quoted in the *Bulletin* of May 24, 1975, stated that Aborigines received $80 a head from the $161 000 000 that had been paid to the Aboriginal people: had they received the money directly, each would have received $1 500. That is the sort of patronising approach adopted by the Whitlam Government, which gave them white administration on the assumption that Aborigines were unable to look after themselves. They do not need that sort of approach, and that was the tenor of my speech in that debate.

This Bill tries to do away with racial discrimination: we have it all around us, because people seize on things which are newsworthy and which are printed and made a fuss of. The Bill seeks to do away with that sort of thing and to level people. When I first read it, I did not intend to speak in this debate, but I was incensed because of what happened last week. I could not speak last week, so I am now taking the opportunity this evening of setting at least part of the record straight. My first impression was that in Australia there are nearly 2 000 000 migrants, and that this Bill would remove discrimination between migrant group and migrant group, between migrant group and Australian born, and between migrants and Australians, because I had assumed that the Bill was dealing with the broad spectrum of Australian life. Somehow it has managed to be pushed into an Australian versus Aborigine point of view, and that is one of the saddest things, because it highlights how large this question looms in our minds.

My point of view has not been established recently, but, as I have said before, it is a point of view that I have had for the past 20 years since I arrived in Australia and did comprehensive research into the Aboriginal way of life from which I could only reach the conclusion that they were a most admirable people. I hope that this point of view is one that would prevail throughout Australia, and that the furore we have had in the press in the past few days is exceptional rather than being the norm. The Liberal Party accepted my speech about two months ago with enthusiasm, and I thought after that debate that this was the point of view espoused by my Party. I was upset by the heckling I received from Government benches, and perhaps that heckling was misplaced, because the original part of the debate hinged on the Whitlam Government's finance and in the heat of the moment Government members were critical of the second part of my debate. I would like to think that that is what happened, and that this matter has been blown completely out of all proportion.

Mr. Keneally: Do you dissociate yourself from what the honourable member for Alexandra said?

Mr. ALLISON: I gave my point of view two months ago.

Mr. Keneally: Do you dissociate yourself from him and condemn what he said?

Mr. ALLISON: I am not condemning anyone.

Mr. Keneally: It is a simple "Yes" or "No" answer.

Mr. ALLISON: Like, do you still beat your wife? The emphasis is on the word "still": if you say "Yes" or "No" you admit you did or you will stop. You must say that you cannot say "Yes" or "No", because you have not beaten your wife. My point of view has been based on personal experience and personal research and, more than that, it has been based on my personal experience with Aborigines. Others may have had fortunate or unfortunate experiences with white Australians or with Poms (and I have heard interjections from the other side referring to so-and-so Poms, but they were not addressed to me). Probably, that situation is over, but it has happened and we do not take umbrage because we accept it as part of the way of life. I believe that this matter has been blown out of all proportion.

The whole problem of white Australians and Aborigines was started by Charles Darwin, who should have known better and who completely misjudged the situation, so that for 200 years we have had a situation based on ignorance, and it is our ignorance rather than the ignorance of Aboriginal tribes, because they are extremely intelligent. I referred to Dr. Charles Duguid, who performed simple I.Q. tests and found that Aboriginal children were extremely intelligent, as were white children, in the same proportion. There is no difference between one group and another. All people who have studied human psychology know this, and we should broadcast it far more, because that point of view is not yet the point of view that the media are ready to accept and spread. They will accept the other opinion which is newsworthy, because that is the point of view that people like to speak about, but it is a wrong point of view. I hope that by speaking this evening I have set the record partly to rights.

I cannot accept this Bill completely: two clauses have nothing to do with discrimination although we may construe them as being inverse discrimination, because they are legal points of view rather than discriminatory points of view. The first is clause 5 (2), which provides:

> A person discriminates against another on the ground of his race where his decision to discriminate is motivated or influenced by a number of factors one of which is—
>
> (*a*) the race of the person discriminated against; or
>
> (*b*) an actual or imputed racial characteristic appertaining or attributed to that person.

There could be a very minor issue which may have racial connotations but which largely is something else as long as there is the smallest proportion of racial prejudice proven, but clause 11 dismisses that possibility because it provides:

> Where in proceedings for an offence against this Act the court is satisfied, on the balance of probabilities, that the offence has been committed, the offence shall be deemed to have been proved unless the defendant satisfies the court to the contrary.

I suggest to the Attorney-General that in many cases where there is a dispute in which race, nationality, country of origin, colour of skin, ancestry, or those things connected with another person or associated with whom he resides are vaguely a possibility, there is more than a likelihood that people adjudicating will say, "Well, there is some racial discrimination here." Even though it may be the most minute possibility, as long as there is the possibility the onus of proof to prove himself innocent lies with the defendant. As the Attorney-General well knows, this situation is against all principles of British justice. I believe that these clauses

are reversely discriminatory because they put the complete onus on the defendant rather than on the appellant to prove the defendant's guilt. That is against all principles of British justice.

We have seen this happen twice in this House in the past couple of days and it is something I do not wish to see coming into legislation. I think it would be a pity to spoil a superb Bill if these clauses were left unamended because the whole principle of removing racial discrimination, whether between white and black persons, or migrants of any country, is a supreme principle. The United Nations Charter is founded on this concept, so it is to be applauded. When legal issues are introduced that change the concept of justice by placing the onus of proof on the defendant there is something wrong with the legislation. I support the amendments foreshadowed by the member for Murray.

Mr. McRAE (Playford): I support the Bill, the purpose of which is clear and, I think, understood by all members. Essentially, it represents an attempt to prevent discrimination between men because of differences in race or country of origin. I congratulate the member for Stuart on his sincere and excellent speech in its defence. In the same way, I congratulate the member for Murray for his contribution. I find also that the member for Fisher made a good contribution, because he pointed out that none of us is in a position to be throwing stones in this area, because we all have our prejudices and petty hatreds, whether in the area of race or in other areas. The Bill ought to be approached dispassionately. The member for Mount Gambier referred to what I think was a confused situation that he said obtained between the member for Stuart and him, and then went on to speak in a dispassionate way and ended up making a good speech, but I could not make much sense of his original comments. The only sense I could make was that some Government members were offended by the references he made to the Whitlam Government, but I am not sure.

Proceeding dispassionately, the key point to me is that, in using the adjective "racial" we are referring to a race and, as soon as we do that, we cause at least some confusion in people's minds, if they have not examined the Bill. It is difficult to find a word that will generically cover the various things the Bill seeks to do. As I understand it, in the technical sense of the word, what we mean by race is a group of the same species, animal or otherwise, that shares certain biological characteristics. A race, therefore, is distinguished by genetically determined characteristics. So, the different races of mankind are distinguished by colour, eyes, facial characteristics, etc., yet by the same token people use the phrase "the human race", which is a good phrase because it demonstrates what is clearly the truth, namely, there is a human race, which is one homogeneous species not differentiated except in small genetically determined and superficial characteristics.

The Bill makes itself clear by saying that what we are looking at is any discrimination based on race in the strict sense of that word, or on a person's country of origin. We hear references to the Nordic race, presumably referring to the Scandinavian countries, or, on the other hand, references to a person's skin colour, etc. I agree with the member for Mount Gambier that, on the latest information available in the library, which includes a comprehensive study on race done by John Baker, in 1974, there is no evidence to suggest that, between the various races of mankind, such as Mongoloid, Negroid, the Australoid, and so on, there is any difference in intelligence or in moral responsibility or the like. From the latest edition of the *Encyclopaedia Brittanica,* that would also appear to be the case, and I do not think that anyone would dispute that situation.

The Bill raises fundamental principles and, because of that, people become emotive about it. Again the member for Mount Gambier was correct. Although the Bill is designed to cover the whole range of discrimination because of race or country of origin, it has been stamped as a Bill dealing with prohibition of discrimination against Aborigines because of the somewhat deplorable history of this country and of the white man's treatment of the Aboriginal. The intent of the Bill clearly is that it is not the Aborigines alone whom it seeks to protect, but other races and people of different nationalities and origins.

The history of the attitude of the Australian people towards other races is a fairly chequered one. It begins with the attitude towards the Aborigines. The first representatives of what we might term the Australian people were a bunch, putting it crudely, of rifle-carrying and bible-bashing people who landed in colonies around the Eastern coast of the mainland and in Tasmania. The worst and most dreadful instance one could think of in their attitude towards the Aborigines occurred in Tasmania, where they systematically slaughtered them as if they were nothing better than animals and were not men like the men who were shooting them down. The only reason they shot them down was that the Aborigines had the temerity to stand up for their land rights.

There is no part of Australia we can single out and say that they were a dreadfully bad lot but that we were not so bad. We cannot say that, because in this State our attitude towards Aborigines has also been violent and despicable for a long time, and every State shares the same history of deplorable conduct. It is interesting to note in reading some material relevant to this subject that Arnold Toynbee, the famous historian who wrote the 12-volume study of history just before his death, wrote a volume entitled *Mankind and Mother Earth.* In that volume, unlike the earlier comparative history, he looked at the analytical history of mankind and took into account the tremendous advances in the analysis of human history that had occurred in the last 10 or 15 years. In that volume, he put it this way: the genus *homo* has been on earth for about 10 000 000 years. The species to which we all belong, white, black, yellow or whatever we may be, has been distinguishable on this earth for about 70 000 to 50 000 years.

Our species *homo sapiens* began its long and somewhat bloody history by destroying its cousin Neandertal man and wiping him off the face of the earth. But in the ensuing 50 000 years, at least the species did not attack each other until the arrival, ironically enough, of what we might term civilisation. That word in itself is a tremendous irony, because we were taught at school that civilisation is an indication of all that is good and responsible and yet, as Toynbee pointed out in this work, civilisation can be pinpointed to have originated in places like Sumer, Egypt and China 5 000 years ago. That is the tiny span out of millions of years of the existence of a recognisable man like us and about 70 000 years of *homo sapiens.* It is only in the last 5 000 years that we have reached the situation where any group of people can form what is a recognisable civilisation. What came out of that civilisation? We got a surplus of food. Because we had a surplus of food we got a differentiation of classes (I am quoting Toynbee), literacy, a style of monumental architecture, urban development, and war.

All these things came from the development of civilisation. I do not say that there were not odd skirmishes before that, but the development of civilisation brought war. As our civilisation went, people became not only representatives of a civilisation but of nations. It occurred to them, because their nations represented a particular race, that in their ego their race was better than anyone else and that they had a God-given right to destroy people of other races and cultures without a second thought. The last 5 000 years has been a blood-stained and horrible history. The example of what happened in Tasmania is a most cogent example in this context. I have given that background history to demonstrate that I shall look at this matter dispassionately, as far as one can with such a dreadful record, and that I understand that this is not just referring to one situation, the Australian Aboriginal, but also to a number of groups of people.

Christians, theists, humanists, agnostics and atheists alike, differentiate between man and the other animals on one of two levels. Theists and Christians see that man is not only elevated from other animals, whilst admitting that he is related to and descended from other animals, but that he is differentiated from other animals because he has a capacity to understand the difference between right and wrong, that he has a conscience, a free will, that because he has these things he transcends the other animals on this earth.

Christians deplore the way in which *homo sapiens* (an ironic Latin adjective, the wise species of man) has seen fit recklessly to slaughter the creatures from whom he was descended and of whom he is a cousin, to destroy his environment and his brother men. Christians see that man is in a unique relationship to a God who they believe created the universe and the planet earth, on which man lives. Humanists say that man is set apart from other animals because he is capable of this reasoning process, capable of dreadful evil, but also of great good. In this context, Christians, theists, humanists, agnostics and atheists all recognise that man is capable of dreadful evil and great good. Man can be differentiated from other animals, both theists and humanists say, because he has that conscience and that determining will, and the consciousness that he knows that he knows (by insight), that other animals do not possess. In the view of the theists he is elevated above that situation by his relationship to a personal God. Both major groups of human thought can see that man is capable of great good as well as great evil. This Bill gives an opportunity for people of good will, whatever their beliefs, whether they believe in God or not, whether they do not know whether there is a God, to differentiate themselves, to make a decision and to carry the decision through, knowing that they can act for good or for evil. It gives to a man of good will an opportunity to evaluate the history of his species on this earth and to acknowledge the dreadful evils created in the name of man—and sometimes even in the name of God as well as man—and to remedy that situation.

This Bill will not remedy an evil; only the process of education can possibly put in perspective what those who have done any work on this topic know to be true. Our whole system of education in schools is so far behind the scientific reality and behind the knowledge of modern historians that it is deplorable, and few of our senior high school students would be able to put in any sort of reasonable perspective the history of mankind as it is now known or the relationship of mankind to the animals and his fellow man, or the relationship of civilisation to customs and morals. Education is a key concept. This Bill is just part of an overall evaluation of a possible solution to an existing problem. The problem is certainly there.

In a way, the title itself is misleading, although I cannot think of any way to remedy that because basically, when we speak to people about this sort of problem, they come up with this sort of comment: "I do not mind having an Indian doctor living next door to me, because he is all right. I do not mind his dark skin, his turban, or his other cultural characteristics or customs, because he is an intelligent man, well educated. I can talk to him and understand him. I can learn from him and he can learn from me. I can safely let my children mix with his children, but no way on earth would I have an Indian coolie living next door because I think he is dirty, and something else."

Therefore, in many cases it is not so much the race that offends but the customs and culture of the race that offend people in the day-to-day situation. As well as race in the strict sense of the word, or in the general sense of the word, we also get the problem of culture and custom that will not be overcome entirely by this or any other Bill. It demands a tremendous amount of education and goodwill to overcome it. I see this as a start in the right direction, a long delayed acceptance by the community, I trust, of what should be done to get this evaluation started, to get incorrect attitudes put right.

I agree with the member for Stuart in saying that it is pointless to go overboard in the other direction. The key factor is to see, to contrast, and to compare man against man without regard to race, so that, if one sees people in Victoria Square doing things that are repugnant or illegal, whether they be white, black, or brindle, if they are doing those things they are guilty. If one sees people, whether white, black or brindle, doing things that are good, they deserve recognition.

Again, for the benefit of the member for Mount Gambier, and without wanting to be in any sense patronising towards him, perhaps I could indicate one other key problem. I support what the member for Stuart says, and it links up with my remarks in saying that the Bill is an admirable start, and I fully support it, but it is one of a number of needed things. In relation to the Australian Aboriginal, there is an aspect of discrimination which the member for Stuart mentioned and which, I think, highlights the case of the Aboriginal group against that of other cultural or racial groups in Australia. It is the question of employment. The member for Stuart said the other night that about 2 400 Aboriginal people live in his district, and it was amazing to him that of the people of employable age, white and black, so few of the Aborigines were given employment. If we are to be honest with ourselves, as we have to be, this Bill is not enough. We must have an education factor and, furthermore, we must also provide the employment that the honourable member was speaking of. I do not doubt that he is correct, but there must be many Aborigines who are not being employed, not through any fault of their own but because they are black.

It is no good just passing a Bill like this; it will take a long time—at least a generation. A Bill is negative in any event. We punish somebody for doing something rather than rewarding him for doing something. The Government and all groups in the community have a responsibility to provide the employment that the honourable member referred to. That is an elementary right. Anybody can brandish slogans, but words count for little and actions count for much more. The real problem lies in us: we are the people who can provide the answers to this. We can do it if we are dispassionate and do not rely on slogans but pursue our actions. I strongly believe in the Bill and I hope it will be passed with an overwhelming majority. The legal difficulties that the member for Mount Gambier saw do not particularly concern me.

I doubt very much that the courts will be as difficult to deal with as the honourable member suggested in either of the matters he referred to, but I hope it will be something more than merely passing this Bill, because that can be construed as mere lip-service. It is more than putting a law on the Statute Book: it is also educating the children and people of our State to see that we get some action to eradicate some of the evils we see around us.

Dr. TONKIN (Leader of the Opposition): I wholeheartedly support the total principle embodied in this Bill. Unfortunately, I cannot agree with the member for Playford that the legal problems will not have an effect on the carrying out of the principle; they must be looked at carefully. However, with those reservations, which are basically legal, and the effect that that is likely to have, I support the Bill wholeheartedly.

Discrimination of any kind is objectionable and abhorrent. We can use, as we have heard in this debate, many adjectives to describe it and there is a growing tolerance in our society, although it is not widespread, which may well be evidence of some sort of growing maturity. The debate, by and large, has been conductd on reasonable and rational lines. Everyone who has spoken, without exception, has made a contribution to the passage of this Bill through the House. The member for Mount Gambier said, and the member for Playford reinforced the view, that *homo sapiens* is only one species and there is no reason to discriminate between members of that species; but discrimination still occurs. Apparently, in our community, as we see so often in other spheres, people are not prepared to accept that other people may hold opinions and beliefs differing from their own. People do not realise that some people may have a life style and a whole set of cultures and standards different from their own or even may be of a different race or of a different colour; yet those people still hold their beliefs and live their lives according to their standards, and they live according to those standards, which are just as important to them as other beliefs and standards are to other people, and even to those people who do not understand what it is all about.

What the member for Playford implied that stayed in my mind most of all is that we all have our hang-ups and none of us is free from the taint of the tendency to discriminate, whether on racial grounds or more particularly because we have inbuilt prejudices which are part of us and which we consciously have to fight against on occasions. The original legislation was introduced to discourage or reduce discrimination on the grounds of race, but in this Bill racial characteristics have been added to that definition; the definition of discrimination has been widened considerably. Subclause (2) provides:

A person discriminates against another on the ground of his race where his decision to discriminate is motivated or influenced by a number of factors one of which is: (*a*) the race of the person discriminated against; or (*b*) an actual or imputed racial characteristic appertaining or attributed to that person.

The definition of "race" provides:

"race" of a person includes (*a*) his nationality; (*b*) his country of origin; (*c*) the colour of his skin; (*d*) his ancestry; or (*e*) the nationality, country of origin, colour of skin, or ancestry of any other person with whom he resides or associates.

That is a fairly wide area. The present Act is based on the proposition that race is the sole basis of discrimination. The change is a major one. The other difficulty which I see and which I must oppose is the burden of proof clause. This provision has been changed considerably. It is even the third time that that change in onus of proof has been brought into this House this year—it may be only two but I think it is three. Even the strongest proponents of this legislation would have serious doubts about the reversal of the onus of proof clause.

I doubt whether the member for Playford is entirely comfortable with it, because most lawyers—even those lawyers who strongly support this legislation, people who have been closely associated with the Aboriginal movement and the legal rights movement—have said to me that they do not like this reversal of onus of proof; it is totally against the principles of justice and it is seen to be. It is a drastic step indeed. One must ask why these two major changes have been made. That brings us to the next question: has the present legislation been successful? Those involved would say (and, I think, with some justification) that the practical results of the present legislation have not been as good as required.

The Hon. Peter Duncan: As was hoped they would be.

Dr. TONKIN: Yes, thank you. I sympathise wholeheartedly with those who are involved in the field and who are closely associated with the problem, because they felt that some concrete results should come out of the legislation to prove that it is working. I take issue with that point of view, because I am not at all convinced that convictions and precedents are necessarily a measure of how well legislation is working. What is the purpose of the legislation, anyway? Is it first to prescribe certain acts of discrimination and provide severe penalties and thus act as a deterrent? In other words, are we trying to use criminal sanctions to stamp out the practice of discrimination? That is one point of view and one attitude.

It is a valid way of looking at it, but I suggest that there is another way of looking at it and members are well aware of this: is it to provide a peg on which to hang a programme of community education to change community attitudes and to change individual attitudes of members of the community and to increase understanding and insight into the situation? I have no doubt that the answer is that both aspects are important. Indeed (and I refer again to the speech made by the member for Playford), I believe that, in the long term, the educational campaign, the changing of community attitudes, will win out.

I have always believed that the first course of action, the strong criminal law approach, the deterrent, the stamping out approach, may well have a real chance of accentuating the problem. In other words, it may be an approach of forcing a group of people to obey the law because of the deterrent effect, but there may still reside in those people resentment and prejudice that will cause them to discriminate anyway if they get a chance. I think it is rather a "bandaid" measure taken over a generation, and probably the Attorney and other members would agree with that.

I think it is "bandaid" style legislation compared to what is needed, namely, a real understanding of the problems and the problems of one another. I do not know quite where we go from here, because the existing legislation, which has been designed basically as the peg on which to hang the educational campaign, obviously has not achieved the results that were hoped for. I do not know how many prosecutions there have been, but I assume that there have not been many. When there has been a proceeding, it seems to have made the headlines, and I can recall only two such cases.

The Hon. Peter Duncan: There have been about six.

Dr. TONKIN: There have been few, and it may well be that we must now increase the strictness of the law to apply the deterrent effect more stringently. We may be able to adopt the stamping-out method. Let us apply the bandaid, but let us not forget the underlying aim to change individual attitudes and increase community understanding. The same sort of situation arose with the Sex Discrimination Bill. Honourable members know that in 1973 I first introduced a Bill to prohibit discrimination on the grounds of sex and, after a long period, last year the Government introduced a Bill for that purpose.

That Bill has become law and is in operation, and much publicity was given to what I thought was not a matter that was as important as may have been brought before the commission, but nevertheless a matter of principle, and much publicity was given to that recently. Again, the difference was very much in the approach to that Bill, because the Bill I introduced was wide in principle and created a tort. It created the right for people to sue for damages in a court in respect of any act they alleged was an act of discrimination against them on the grounds of their sex. I think that legislation was reasonable, because it left much to the court. It did not have criminal sanctions. It applied a right to people to seek damages and, therefore, it was the necessary peg on which to hang a programme of community legislation.

I was not unhappy to see the Government Bill when it was introduced. After such a long time, it was a joy to see something introduced, but that was different legislation, and it applied the criminal sanction. It applied the straight-out legislative sanction, the deterrent, the "Let us stamp it out" philosophy. The Government's Bill was far more complicated; it had far more clauses, and was a tremendously long Bill which set out almost every possible eventuality. It was a different approach altogether, and almost created a new court, inasmuch as it created a *quasi* judicial body. At that time I said that the Bill could defeat its own ends because it could introduce resentment because of the activities that were undertaken by it rather than providing a conciliatory role. In discrimination, whether on the grounds of sex, race, or anything else, there is a tremendous need for conciliation. We are faced with the same decision here. It is a matter of some regret that we must move on to a more strict criminal sanction, or a Bill based on those principles. As far as I can see the question revolves around whether the number of prosecutions is any measure for the success of legislation. I do not believe that that is necessarily so.

A far greater understanding is evident in the community since the first Bill was introduced. A change will not occur overnight: it will take a generation. I have no objection to strengthening the legislation if that is thought necessary. I do not believe that we should go so far that we lose sight of the need for an educational role and a change in community attitude. We certainly cannot rely on criminal sanctions. Taken hand in hand, the proposed measures go a little too far and may have a reactionary effect on the community. I could accept the wider definition of discrimination, but not in the same breath as the reversal of the onus of proof, because that is against all the generally accepted principles of justice. My attitude towards the Bill is summed up in the statement that I oppose discrimination of any kind. I support strongly any moves that stimulate a change in community attitude and promote mutual understanding between all members of the community.

The Attorney is in error in widening the definition of discrimination to the extent that it is widened in this measure. Surely there must be a qualifying factor in the interests of justice to all parties and in reversing the onus of proof. If it were not for that onus of proof factor, the legislation would be completely acceptable to me. As it stands, it is acceptable, but I oppose the onus of proof clause. The reversal of the onus of proof will not make much difference. As I say, it could have a reactionary effect.

I wish now to refer to a few of the matters that have been raised, particularly regarding Aborigines. Quite properly, I have not referred to or specified any race or creed. Several remarks have been made by members from both sides about which I should like to comment. Members speaking to this Bill have in the main spoken sensitively and their views have been heartfelt. I commend the member for Mount Gambier for the speech he made some time ago in a grievance debate. As I recall the situation; he had been watching *This Day Tonight* and had seen a segment on that programme relating to Alice Springs. He came into the House without any preparation and made one of the best speeches I have heard in the House.

Mr. Millhouse: It was wonderful!

Dr. TONKIN: It was remarkable.

Mr. Goldsworthy: Did you hear it?

Mr. Millhouse: No.

Mr. Goldsworthy: Did you read it?

Mr. Millhouse: No.

Dr. TONKIN: I am certain that the member for Mitcham would have read it. If he has not read it he has done himself a disservice.

Mr. Millhouse: I have enough crosses to bear without reading *Hansard*.

Mr. Goldsworthy: Do you proof read your own stuff?

Mr. Millhouse: Never.

Mr. Goldsworthy: That's wise.

Mr. Millhouse: *Hansard* is so accurate that I don't have to.

The SPEAKER: Order!

Dr. TONKIN: The member for Mitcham, having come back into the House for the first time this evening, is his usual rude self. It is apparent from his unnecessary interjections that he is being rude. I repeat that, on September 15, the member for Mount Gambier made an extremely good speech (page 1063 of *Hansard*) which summed up the attitudes extremely well. I do not intend to go through it. However, I recommend that all members who have not read it should take a look at that speech. Perhaps it was a little political, as the member for Playford said, in its reference to the Whitlam Government. However, in its reference to the Aboriginal people the speech was bang on: it hit the nail on the head and was exactly what was needed.

I agree with the member for Mount Gambier and with probably every member that we, as a race, have destroyed the Aboriginal's natural lifestyle. The problems have become so multiple. They have built up from the city Aboriginal and the country Aboriginal. Sometimes, I think that the people who are less troubled by civilisation and who are living farther out from Amata in the Far West in a tribal situation may be the most contented people in the world. Certainly, they do not have the worries that the rest of us, whether we be white, black, or anything else, have.

From the tribal situation to the settlement situation and to the city dwellers who are developing their own lifestyle, we, as society, not as white people, have often neglected them and given these people no encouragement and shown them no understanding. We have not helped them to adopt a Western lifestyle, even though they have chosen to adopt it. The community often

expects these people to conform to community standards, yet it does little to help them adopt our accepted community standards. Aboriginal people are often seen congregating in parks, with little to do, so we are told. Aboriginal people are unemployed, and they find it hard to get jobs, in the same way that white people are finding it hard to get jobs. The point about it is that the social and emotional casualty rate is extremely high.

We must accept that, because of the pressures that our Western society puts on these people, they tend to find the pressures too great for them. The casualty rate is high amongst them, and it would be high for white people put in a similar situation. This is not the fault of Aborigines, who should be helped, and certainly not badgered. Society does little to build up any mutual understanding. Perhaps that comment is not fair, as I think society is doing more now than it used to do. However, it has not done enough. Society as a whole judges and condemns other races, particularly in this case the Aboriginal people, by its own standards.

I am reminded of the situation at Coober Pedy, where, following the visit of some white people to examine Aboriginal housing, a lean-to with a bath and a wood copper with a gravity tank was installed. This was done in an area in which there would not be a tree around for miles to provide firewood and where water is indeed a scarce commodity. This was a perfect example of wasted money that could have been used to help Aboriginal people in a reasonable and proper way. The opening of the opal mine now run by Aboriginal people at Coober Pedy is an example of something which is worthwhile and which can be done.

These people can show that they can be self-supporting. This is something that many white people who now have prejudices should examine. They would have their eyes opened. Many Aboriginals have chosen to adopt a totally European way of life, without forgetting or ignoring their cultural traditions and heritages. These people are helping to extend that understanding between their people and the rest of the community, and I admire them for what they are doing.

These people would be the first to accept that there should be no inverse discrimination, as we have heard. People in the community must be helped, standards must be set, and everyone must abide by them. There have been a number of reports that police action has not been proceeded with when a matter has involved Aborigines. Although these reports have been canvassed frequently, I do not believe that it happens particularly often. Obviously that sort of action is likely to induce resentment in the general society and certainly in those members of the community who lack the insight that is necessary into the problems faced by Aborigines.

Those Aborigines who choose to live in a European life style can be expected to conform to that life style, and they will expect to do so. The police should act and, if necessary, they do. However, they should act only in the same way that they would act with any member of the community, and in no different way. If there are extenuating or special circumstances, it is up to the court to take them into account. Maybe some Aborigines are lazy and some are dirty, but maybe some white people are lazy and some are dirty. It depends on exactly who is making the judgment and what his standards are. All peoples have a range of potential which is equal to every race. What has happened to a greater extent in the Aboriginal community is that society has comfortably tended to ignore the problems and special needs of Aborigines and to apply the "hand out" philosophy. The idea that money will cure all ills (and perhaps salve our society's conscience) is a totally fallacious attitude, but it has induced the "hand out" attitude in some Aborigines, just as it has induced the same "hand out" attitude in some white people, and it has done it on about equal terms. Aborigines have as much or more trouble in finding suitable employment as anyone else. They should have the same rights and privileges as anyone else; that is what we would expect for them. There is a need for this legislation, but I believe it preferable that we achieve acceptance of community standards as a general attitude of mind by changing the attitudes of individuals. I sincerely hope that one day no legislation of this sort will be necessary and that all men and women of all nations, races and creeds can live together in harmony. After all, that is what we are all striving for; it is set down in the Universal Declaration of Human Rights—a fine document. This legislation will do a great deal to further that end. With those two items that cause me to have some reservations, I support the Bill and I trust that it has a good passage through this Parliament.

The Hon. PETER DUNCAN (Attorney-General): The comments made this evening in the debate have certainly, as the Leader of the Opposition has said, been considered, careful, and not expressing great emotion. However, I do not think he can overlook the comments made by some of his colleagues in this debate on another occasion by simply saying that the debate overall was conducted in a non-emotive fashion. This debate has been extraordinarily interesting in the way that it has exposed the views of some members to public scrutiny and public criticism; I refer particularly to the member for Alexandra, whose comments the other day should not have been made. They did not serve any useful purpose and they have done much harm to the honourable member himself, to the Party he represents in this place, and to this Parliament.

Mr. Chapman: What do you mean by "they"?

The Hon. PETER DUNCAN: The honourable member's comments, which I will quote from *Hansard* so that all members will be aware of exactly what was said—

Mr. Allison: You're going to quote them again, are you?

The Hon. PETER DUNCAN: I will quote them again so that all members will know what was said and so that no-one will be under any misapprehension and will say that the honourable member has been misquoted. In the *Hansard* report of November 17, the member for Alexander stated:

I believe whilst there are some very good citizens as black as the ace of spades in this country, generally speaking they are a lazy lot; they are a dirty lot.

Frankly, that is the most disgusting and objectionable comment I have heard since I have been in this House. It is an appalling situation that in 1976 we have a member of this House displaying such blatantly racist views. I appreciate the comments that have been made by other members opposite, and I believe that they have made good contributions to the debate. I refer especially to the contribution of the Leader of the Opposition, who I believe genuinely holds the views he has expressed this evening.

I believe it has been of use for him to express those views and put them on the record, because, although the Leader and his Party have not come out clearly and dissociated themselves from the comments of the member for Alexandra, the Leader's comments this evening make it patently clear that he does not share those views. I believe the comments made by the member for Alexandra have

reflected badly on this House. On behalf of the Government I want, in the clearest possible terms, to indicate that we totally, utterly and absolutely dissociate ourselves from the comments he has made.

I believe that the honourable member's comments were a disgrace and should never have been made. The honourable member referred to several matters with which I want to deal in detail, because I believe that the comments he made regarding Aborigines and the law need to be answered. Probably, as State Attorney-General, I am the best person to answer them in these circumstances The honourable member said that black Australians are overprotected by the law. He stated:

. . . the Aboriginal race enjoyed protection in several ways that the white race does not.

That is patently not the case. Honourable members need only look at the statistics of the number of Aborigines in gaols in this nation and compare those figures with the Aboriginal population in Australia compared to the total Australian population to see that, in fact, in terms of the number of Aborigines in gaol, they are grossly overrepresented in the gaol population of this country.

I believe that situation is totally unsatisfactory and needs urgent examination. Contrary to what the honourable member suggests, that black Australians are protected by the law, unfortunately they are in a group which in sociological or criminological terms is described as being highly visible: Aborigines have a crime rate that is out of all proportion to their numbers in the total population when one takes into account the number of convictions made.

I believe that information gives the clear lie to the comments of the member for Alexandra in this debate. Several studies have been undertaken in this matter, and I refer to the study by Dr. Jeff Sutton, quoted by the Federal Attorney, who is a colleague of the honourable member, with approval in the Federal Parliament recently. The Federal Attorney stated:

Dr. Jeff Sutton has made a study of New South Wales country towns—

that was in 1974—

and found that, where there was a large percentage of the population that were black, the sentences imposed by the court were much harsher than the comparable towns where there were few or no black Australians living.

I believe a similar study in South Australia would show exactly the same situation. Any study of this situation would show that not only are Aborigines still not well treated in this community but they are still positively discriminated against. It is that very discrimination which the Bill seeks to remedy.

I think that several matters the Leader raised ought to be answered, because I think that the details of the Bill may well have escaped him. The problems associated with the existing Act which had been shown to occur in the courts are the problems we have been seeking to solve. The reason why there have been so few prosecutions is that, from an early date in the life of that legislation, it was discovered through court cases that there were significant loopholes in the legislation. One loophole we seek to remedy by broadening the definition, and that problem is that it became well known, particularly amongst some few hoteliers in South Australia, that they could actively discriminate against persons on the grounds of race by simply telling them that they were to leave the hotel, because they would not have persons who were black and dirty in the hotel. Simply adding the words "and dirty" was sufficient to escape the provisions of the existing Act.

The second factor that became apparent was that in many of these instances it was possible to discriminate simply by saying, "You will leave the premises." By picking out a group of black people and singling them out for discriminatory treatment without saying why it was possible to discriminate in circumstances that fell outside the Act. That is why we have found it necessary to reverse the onus in this matter. Where there is a *prima facie* case of discrimination, the person charged will actually have to go along to the court and give the reason why (for example, if he is a hotelier) he required the people concerned to leave the hotel. At present, all a publican has to do is to refuse to say anything, and it is almost impossible to obtain a conviction. That is the reason why the Government is seeking to reverse the onus of proof in this matter. They were the two matters the Leader raised which I think, in technical terms, needed answering.

I believe this is good legislation. It has the support of the Aboriginal Legal Rights Movement and other Aboriginal groups in the community, and of migrant groups in the community. Several prominent people in various ethnic groups have expressed their support for the legislation and I believe that, when it is passed, while it will not be a solution to the problems in total, it will provide a framework in which we in South Australia can continue to build a more tolerant society. I believe that the legislation will lead towards that end. I accept the points made about the need for education and the need for activity in other areas. This Government has a good record in seeking to do that. I believe that, in the past 10 years, if one considers the development that has taken place, one can see that South Australia has become a much more tolerant society towards ethnic minorities and other groups in the community. I believe that the legislation should be carried and passed in the form in which it was introduced. I hope that all members will vote for the legislation, as a clear endorsement that the House overwhelmingly rejects the attitudes and views expressed by the member for Alexandra.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Discrimination to which this Act applies."

Mr. WARDLE: I move:

Page 2, lines 21 and 22—Leave out "by a number of factors one of which is" and insert "to a significant extent by".

I shall not canvass the situation as I did in the second reading debate. I wish the Attorney had replied to some of the questions I asked then, although to some extent he answered some of them in a general way in replying to the Leader of the Opposition. I ask the Committee to accept this amendment. The proportion of discrimination on the basis of race should be significant. Perhaps the thought can flash across the mind of the individual regarding a person's race. It could appear that he is discriminating, and that is sufficient. In the second reading debate, I said that perhaps 2 per cent of discrimination relates to race, and it is neither just nor correct that such a small percentage of motivation should make him guilty. It should be considerable or significant. Otherwise, the extent of the motivation should not be referred to at all, and perhaps the court could be allowed to decide whether the act of discrimination was on the basis of race. Either the extent should be significant or it should be deleted from the clause.

Mr. CHAPMAN: I support the amendment. I shall not canvass the remarks I made in the second reading debate; it is not necessary to do so. The member for Murray has given good reasons why, in his opinion and in the opinion of this Party, the long-term effects of clause 5, if implemented, will not be in the best interests of the community at large. I believe it will be not in the best interests of other races, groups, or sections in the community. I confine my remarks to the amendment, which I support. I hope the Government will support it.

The Hon. PETER DUNCAN (Attorney-General): The Government does not support the amendment. It flies in the very face of one of the important changes we seek to make in introducing this Bill. As I explained a few moments ago, the difficulty that has arisen with the present legislation is that it has become common knowledge that one way to avoid the provisions of the Act is to say, "Yes, I did discriminate but that was only one of the reasons why I refused to serve a certain person; there were other reasons as well." In those circumstances, unless we have a clause with wording of the nature of that introduced in the Bill, it will be possible for people to claim in the wording of the amendment, "Yes, I did discriminate, but not to a significant extent. The most significant factor in my mind was some other matter." That is a situation that we cannot accept. It is difficult enough in any case to prove discrimination. It is only in a relatively small number of cases that it is possible to prove it. As I say, it is difficult enough and it is necessary, in order to be able to prove discrimination, that a fairly broad provision, as is provided in clause 5 (2), be inserted in the Bill.

Mr. WARDLE: I do not accept the explanation given by the Attorney-General. It could be that 50 per cent of the complaint that a person may have and 50 per cent of his motivation may be that a person does not pay or that a person is foul-mouthed and he does not want him on the premises; but there in the background it is difficult not to have in one's own make-up a little bit of prejudice in many respects. This, of course, occurs amongst all groups and nationalities. There may be many good reasons that show much of why the person does not want to give service or accommodation to an individual. The fact of discriminating on the basis of race may be trifling, small and insignificant, yet the person concerned would be in difficulty with the law because in his mind there might be a sense of discrimination on the grounds of race. The Attorney's explanation is as unsatisfactory to me as my point of view is to him.

Mr. COUMBE: The Attorney, instead of being obstinate and stubborn in preserving his own legislation at all costs, should give reasoned consideration to this mild and important amendment. The words proposed to be inserted would make the legislation far more workable, as the clause as it stands is open to wide abuse over trivial matters. Regarding any action that may be brought before a court, I believe that there will be much difficulty in getting justice, as the provision stands. If these words were inserted, justice and actions in the court would stand up much better.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Rodda, Russack, Tonkin, Vandepeer, Wardle (teller), and Wotton.

Noes (21)—Messrs. Abbott and Max Brown, Mrs. Byrne, Messrs. Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hopgood, Hudson, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Venning. Noes—Messrs. Broomhill and Jennings.

Majority of 2 for the Noes.

Amendment thus negatived.

Mr. WARDLE: I do not wish to proceed with the remainder of my amendment.

Mr. CHAPMAN: As I outlined during the second reading debate and when supporting the amendment moved by the member for Murray, this clause concerns me. I detailed the elements of that concern when I spoke on both occasions. It is the general principal of the clause that concerns me. Now that our amendment has been lost discrimination will go further than it should go in the general interests of people, irrespective of whom those people or groups may be. Acts of discrimination could be dealt with in this clause in several ways. Reference has been made to the protective element that would apply in the community if this Bill were passed in total. Recently, that statement has been discussed at length and is very much part of this clause. I said during the second reading debate that the Aboriginal race, for example, in some cases received ultra protection, and I take this opportunity to clarify that point. First, I should like to reply to the challenge that has been made to me regarding the references to occasions on which this has occurred. The first one I cite briefly is an *Advertiser* cutting which followed the establishment of an embassy at North Adelaide, in which it was claimed not by me but by residents of the community that:

If white people did what the Aborigines are allowed to do, they would be quickly in gaol. Aborigines here have more rights than we have.

That was said by an apartment resident. I will not pursue that matter. I refer briefly to a couple of remarks published as recently as November 11 in the Murray Bridge *Standard*. Headed "Parks for people, not drunks", the report states:

Murray Bridge councillors are upset over the use of the town's public parks as meccas for no-hoper drunken Aborigines and some whites, and claim ratepayers are avoiding those areas.

The significant point in that is that Aborigines were not the only offenders but made up 95 per cent of the total offenders. The report continues:

The situation has been deteriorating steadily. "Our discussion", the councillor said, "is not racist. I would say the same thing if Rotarians, Anglicans, and Apexians were involved."

The report goes on finally to say:

Our parks have been a pleasure for ratepayers up until these areas became meccas for no-hopers and drunken Aboriginals.

In the same report, it is stated that they seem to be receiving some protection. This is embodied right through reports of this type. I do not wish to refer to that sort of thing in any great depth.

In reply to a promise that I made recently (and it happened to be to a group of Aboriginal students), I feel somewhat obliged to raise a more recent example. It is ironical, but the example that I now bring to the Committee's attention occurred on the very day that the subject was discussed by me in this place during the second reading debate. I understand that on Wednesday, November 17, 1976, at about 11 a.m., two Aborigines, or part-Aborigines, were fighting on the lawns in Victoria Square, Adelaide. The details that I possess regarding this incident were given to me by an Adelaide journalist

whom, for obvious reasons, I will not name. However, I assure the Committee that this person is well known, highly respected and widely experienced in journalism. I have accepted the statements of this person, who claims to be "an eye witness to an incredible case of police ignoring disorderly and offensive behaviour by Aborigines in a public place", and who also claims that, if white people had been involved in the case, it could well have been handled differently.

That is the very point with which I think we are faced in this clause and on which I seek to reply now. It is held at many levels in the community that there is indeed ultra-protection in such instances. I briefly present the following details. The witness was driving west along Wakefield Street, through Victoria Square, on the occasion to which I refer, and arrived at the crossing lights adjacent to the city-Glenelg tram terminus. The witness was driving immediately behind a police car, in which there were four policemen, including the driver. The two men were fighting furiously on the lawn in full view of the occupants of the police car and my witness. Some ladies seated nearby showed obvious signs of disturbance, and they scuttled away. The fight went on. The lights changed, and the two cars moved forward over the crossing, where both cars slowed down again. Throughout the movement, the men continued fighting. They were intent on hurting one another, as it appeared to the witness. They were fair dinkum, and the passenger police continued to observe what was going on. Finally, one or both of the fighters looked in the direction of the police car and appeared to slacken up, if not temporarily stop fighting. The police car moved off slowly with the two back-seat policemen still looking through the back window in the direction of the men, who had recommenced their fighting in earnest.

The police drove away and were followed by my friend, who had witnessed the whole incident from a perfect vantage point. That is an example of what a number of people have witnessed at one time or another, and it disturbs many people. As simple as it may be, it is the most recent example I can find of this kind of occurrence, and it was the basis of my remark that Aborigines receive this sort of protection in some instances. The witness has assured me that, if required, I can give his name and address to the Attorney-General outside the House. He has said, in giving the details to me, the incident has no bearing or reflection on any of his Aboriginal friends or Aboriginal persons, for whom he has the greatest respect. My comments are not intended to reflect on Aborigines or any other individuals, but simply to uphold the statement I made the other day, when I promised to bring at least one appropriate recent example before this place.

Mr. Wells: You're making an attack on the police.

The CHAIRMAN: Order! The honourable member for Florey is interjecting while out of his seat.

Mr. Becker: Interjections are out of order.

The CHAIRMAN: Order! The honourable member for Hanson is out of order. I have called the honourable member for Florey to order.

Mr. CHAPMAN: This incident was purposely brought forward on a low-key note. It constitutes an offence under the Police Offences Act if any person in a public place or in a police station behaves in a disorderly or offensive manner or fights with another person. It is also an offence to disturb any persons to the point where it is claimed that people were disturbed on that occasion. It is not my intention to rake up muck. I appreciate your patience, Mr. Chairman, in this instance, because I have been able to uphold a promise I made to these very people yesterday, when I would not answer the question in public but agreed to do so on this occasion.

[*Midnight*]

The Hon. PETER DUNCAN: At this late hour I would have preferred not to say anything further on this clause, but I cannot allow the honourable member to continue in this place his campaign of denigration against all Aborigines in that fashion without replying on behalf of the Government, which totally rejects his attitude. The Government dissociates itself from the sort of campaign he is intent on conducting. The examples he has just given prove absolutely nothing at all. I do not intend to go into the details of why I believe that is the case. In short, any member of this House could quote examples *ad infinitum* similar to the example advanced by the honourable member, including examples involving black people, white people and others.

To quote one isolated example of that sort proves absolutely nothing. It is simply an example of the honourable member's trying to raise a red herring and justify the totally unjustifiable. The honourable member condemned himself when he said, as he did a few moments ago, that one could (and I think these were his exact words) "rake as much muck as one could"; that is exactly what he did in this House tonight. I hope that the press picks up this matter tomorrow morning and tells the people of South Australia again about the disgusting attitude that he displays on this matter.

Clause passed.

Clauses 6 to 10 passed.

Clause 11—"Burden of proof."

Mr. WARDLE: I strongly oppose this clause, which reverses the onus of proof. In his second reading explanation the Attorney stated:

An important provision of the Bill provides that where in proceedings for an offence against the new Act the court is satisfied on the balance of probabilities that an offence has been committed, the onus then shifts to the defendant to satisfy the court to the contrary. While this provision is rather novel in the field of criminal liability, the Government believes that it is justified because of the extreme difficulty of establishing the basis upon which a particular act of discrimination has occurred.

Mr. Coumbe: One is guilty until one is proved innocent!

Mr. WARDLE: I believe that is a reversal of what we have always accepted as a principle of British justice, namely, that one is innocent until one is proved guilty. This is a sinister provision in the Bill. I believe that this is the first time we have considered legislation in which the onus of proof has been reversed. Certainly, it does not apply in the old Act, and I do not believe that we have previously seen such a provision in legislation. I do not believe it appeared in the Sexual Discrimination Act. This sinister provision is against the principles of the law which we have regarded as precious and which we have attempted to maintain over the years.

Obviously, the Attorney has set his sights on hotelkeepers and barmen, to whom he has referred specifically, in hunting down people and getting them into his clutches and into the clutches of the law. That is obviously the prime reason why the Attorney has sought to reverse the onus of proof. Each speaker in turn in the second reading

debate referred to this aspect and developed it in his own way. There is little point at this early hour of morning in my going over the many examples that members have given. However, I strongly oppose the novel suggestion the Attorney-General has introduced, and express my disappointment that it is in the Bill. I ask him to return to the provision in the old Act, and I ask for the Committee's support in voting against the clause.

The Hon. PETER DUNCAN: It seems to me that the Opposition is intent on trying to draw the teeth of the new legislation to try to get us back to the position we are in at present with the old Act, which is virtually a dead letter. The very reason why it has been necessary to introduce new legislation is that several factors have been found to be unsatisfactory in the old Act. One of the difficulties is that of obtaining convictions where a person who is thought to have discriminated has refused to co-operate in making statements to the police or discussing the matter, and insists on remaining silent. The honourable member said that I seemed intent on getting hoteliers and barmen, etc., into my clutches, but I have no such intent. Most of the cases under the existing Act that have reached the courts have involved a refusal to serve Aborigines in hotels, and that is why I have referred in the debates to the situation involving hoteliers. That is perfectly reasonable, in that basically the only experience we have had has involved hoteliers. We found that it was difficult to get convictions, notwithstanding the fact that, *prima facie*, clear evidence of discrimination existed. For example, in a hotel in which a certain bar is reserved for whites, in which every time an Aboriginal goes in and asks for service he is refused it on some ground or for no reason at all, it is difficult to prove the offence unless the court can have before it and obtain evidence from the defendant.

That is why we are now seeking to introduce this provision, which does not provide for a total reversal of the burden of proof: it provides that, once the prosecution has established to the satisfaction of the court that, on the balance of probabilities, an offence has been committed, the defendant must give evidence on his own account to refute the allegations that have been made. I do not think that, where a case has been made out to a court to the stage where it believes on the balance of probabilities that the defendant is guilty, it is unreasonable to expect him to give evidence to refute the allegations that have been made.

Mr. Arnold: Where is the defendant going to get that evidence from?

The Hon. PETER DUNCAN: He will give evidence on his own account. That is what we will be seeking to do, and that is what the legislation provides for.

Mr. GUNN: I think that the Attorney-General's explanation is one of the weakest I have heard in this Chamber given by the person who is supposed to represent the law of the State. To give such a weak explanation is deplorable. The Opposition does not oppose the principles of the Bill, but surely it is against all the traditional principles of British justice that a person must go before a court and probably have to engage expensive legal counsel to prove his innocence. Will the State pay the legal costs of someone who is dragged before the court? People might refuse to serve a person, who could then claim discrimination, the person refusing service then finding himself in court and having to engage expensive legal counsel. Should he have to mortgage his livelihood to prove his innocence? Surely the normal practice of the prosecution having to prove a person guilty should apply.

For the Attorney to say that it has been difficult to obtain prosecutions is no answer to the problem. If it stands, this clause will cause much disharmony in the community. It will not improve race relations but will have the opposite effect. I hope the Attorney will reconsider. I can think of no reason why such a clause should apply. Even when a person has been charged with treason, such a clause does not apply.

The Hon. PETER DUNCAN: If the honourable member cannot think of circumstances in which such a clause should apply, it is interesting that he has taken so long to reach that view, because this is not the first piece of legislation introduced with such a provision. As to his comments about people charged under the Act, clause 12 provides that proceedings for an offence against the Act shall not be commenced without the authority of the Attorney-General. That provision is included to ensure that prosecutions will not be launched willy-nilly. Careful consideration will be given to prosecutions under the Act. It is not an Act where any person can simply lay a charge against another. Before a charge was laid, careful consideration would be given by my department and by me to the circumstances of the case. The honourable member said that people might have to pay expensive legal fees. That is a fair consideration, but in matters that have reached the court in the past in at least two cases the people charged have had no difficulty in finding expensive counsel to go to the Supreme Court. Whilst that is their right and entitlement, this has not been a difficulty in the past.

Clause passed.

Clause 12 and title passed.

The Hon. PETER DUNCAN (Attorney-General) moved:
That this Bill be now read a third time.

Mr. WARDLE (Murray): It is not my intention to keep the House at this late hour, but I want to say three things. First, I am disappointed that the Attorney-General did not see fit to accept the amendments placed on file and also that he has not changed his mind regarding the onus of proof. This Bill is certainly a much wider Bill than we have been accustomed to in legislation in this State in years gone by. It will have a certain desirable effect. The educational effect of the challenge of the previous Bill did nothing but good in society. As a people, we have become much more tolerant in our attitude to other races. The migrant flow in itself has taught us many valuable lessons in human relations, and we have been assisted to grow up in our attitude to other races because of that migration programme. The Act has assisted many people to adjust their thinking, to consider other races and other people within their own outlook. The Bill has been widened considerably because of its definition of "race" and therefore it will have a much wider effect than the previous Bill had. I hope in the two instances I have mentioned that there are other minds that will look at this legislation and regard these two matters as serious, and will attempt to do something about them.

Dr. TONKIN (Leader of the Opposition): The Bill as it is now before us I still support, even though I believe that, in relation to those two matters that have been canvassed before, it goes too far and runs the danger of inducing some reaction. Nevertheless, the principle embodied in the Bill we all support wholeheartedly, and for that reason I welcome the passing of the Bill, even

though it has those deficiencies in it. I repeat my wish that I expressed earlier, that it would be a pleasant world indeed if we did not have to have legislation of this kind and, although perhaps I or any other member here may not live to see the day, I hope that at some time our children will see the day when they will live in that sort of harmony.

Bill read a third time and passed.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

ADJOURNMENT

At 12.18 a.m. the House adjourned until Thursday, November 25, at 2 p.m.