# LEGISLATIVE COUNCIL

Thursday, December 2, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

## ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:
Food and Drugs Act Amendment,
Health Act Amendment,
Licensing Act Amendment (No. 2),
Police Offences Act Amendment (No. 2),
South Australian Health Commission,
Succession Duties Act Amendment,
The State Opera of South Australia,
Urban Land (Price Control) Act Amendment.

## QUESTIONS

### MEMBERS' INTERJECTIONS

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of you, Mr. President.

Leave granted.

The Hon. M. B. DAWKINS: I was approached this morning by a member of the Parliament House staff, who certainly shall be nameless, who indicated to me that it was well nigh impossible to hear portion of a speech I made in last night's sitting because of the loud and almost continual interjections. I hope that all honourable members believe in freedom of speech and in allowing each honourable member to be heard. If any honourable member believes that it is necessary to correct or contradict what someone has said or to make any comments, the opportunity will occur in due course. In view of the difficulties experienced by the *Hansard* staff in hearing honourable members accurately, will you, Mr. President, take steps to limit the amount of interjection or alternatively (and this should not be required in this place, where the acoustics are so good) will you arrange for a system of amplification, as obtains in the other place?

The PRESIDENT: As all honourable members know, the acoustic qualities of this Chamber are well nigh perfect—

The Hon. F. T. Blevins: That's the only thing that is.

The PRESIDENT: —and this is in marked contrast to those in the House of Assembly. It was seriously suggested to me only a week or two ago that we would have to obtain some sort of microphone system with a tape recording apparatus for the Council. Personally, I should think that that would be an unwarranted expense, having regard, as I have said, to the very good acoustic qualities of this Chamber. Honourable members will recall that only a few weeks ago I drew their attention to certain problems being experienced by the *Hansard* staff because its reporters could not hear what honourable members were saying.

This situation arises for two reasons. There are, I think, honourable members in this Council who speak softly at times. This is something that I think should be borne in mind by honourable members, who, whenever possible, should speak up. By contrast, there are two or three honourable members, or perhaps even more, who have very loud voices, so that even a private conversation being conducted on the back benches, or even on the front benches for that matter, can be heard over and above the honourable member who is on his feet and speaking.

The Hon. N. K. Foster: Open government, Mr. President.

The PRESIDENT: We also experience the problem to which the Hon. Mr. Dawkins has alluded, namely, frequent and loud interjections.

The Hon. N. K. Foster: He's one of the worst.

The PRESIDENT: Basically, the whole of the trouble arises from the discourtesy of honourable members to one another, particularly to the honourable member who is on his feet and speaking. I ask all honourable members to bear this in mind because, if they do not, it will make the task of the *Hansard* staff hard indeed. I should hate to have to recommend the installation of a microphone system in this Chamber, as I do not think that would be warranted. The problem can be solved by honourable members' observing the usual courtesies, not making loud and frequent interjections, and not conversing privately in loud tones. It is not necessary for this to happen and, if the practice ceases, I do not think we will have any trouble.

We have, of course, the give-way rule, which was introduced to solve the problem of an honourable member who wants to make a point. Unfortunately, this rule, which can be used by all honourable members, is not being used as well as it might be, for the simple reason that honourable members are unwilling to give way if they are consistently bombarded before being asked to give way. I ask all honourable members in future to try to observe the usual courtesies in this Chamber. I have been in this place for a number of years and, until this Parliament, I do not think this problem has ever arisen.

### MEDICAL CONSULTATIONS

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Health a question.

Leave granted.

The Hon N. K. FOSTER: Honourable members are no doubt aware that members of the Australian Medical Association come under considerable attack from time to time, and that they come under some form of scrutiny all the time. I should like the Minister to define what is considered to be a long consultation. During the course of the morning, I had two telephone calls from people who are receiving medical benefits as aged pensioners. These people have gone to their local doctors, and on both occasions the doctors left them in a consulting room for a considerable length of time. It is suspected that during their absence the doctors were conducting other consultations. When the doctors returned and asked for the necessary signature on the document, both people, having looked at the document, saw that a long consultation was involved. Will the Minister say what is considered to be a long consultation time from an ethical point of view? Also, will he say whether the practice of doctors delaying pensioners in the consulting room is widespread, because such a practice would well represent a rip-off against the Medibank scheme that is now in operation in this country?

The Hon. D. H. L. BANFIELD: There is a set of recommended fees to be paid to the Australian Medical Association members so that doctors can get payment from Medibank and the fund according to such fees. I am not

sure what the time is at present, but I will obtain that information. I think there is a minimum fee for the first five minutes and that the fees then go on from there.

## EPILEPTICS

The Hon. J. E. DUNFORD: Some time ago I asked a question regarding epileptics, and I understand that the Chief Secretary has a reply.

The Hon. D. H. L. BANFIELD: On behalf of my colleague, I give the following information:

The Registrar of Motor Vehicles, in the interests of road safety, has a statutory responsibility to ensure that persons who are issued with drivers' licences have no physical or mental disabilities which would impair their driving ability so as to endanger their own lives or those of other road users. The medical standards that have been adopted in respect of epilepsy have not been imposed by law, but on the recommendations made by the Committee on Driver Improvement and the National Health and Medical Research Council. These recommendations have also been adopted by the Australian Transport Advisory Council. These standards have in turn been confirmed and added to by the South Australian Branch of the Australian Medical Association, in advice to the Registrar of Motor Vehicles. The medical practitioners and the Registrar are guided by an invariable rule that:

> A person with a history of epilepsy is debarred from driving, irrespective of other considerations, if he or she has had an epileptic attack in the preceding two years and irrespective of the type of treatment being given in efforts to control the disability.

Some years ago, a panel of specialists was formed by mutual arrangement between the Registrar and the specialists concerned. There were four doctors on the panel, which had no official recognition other than departmentally. If an applicant or holder of a licence was known or suspected to have suffered from epilepsy, he was required to be examined by one of the panel after producing a case history from his local doctor. In no circumstances was a licence granted to an epileptic who was not attack-free for two years.

This panel was abolished on the recommendation of the Australian Medical Association following the introduction of special procedures in the Motor Registration Division when dealing with disabilities of drivers including epilepsy. They are:

> The applicant (an epilepsy sufferer) is requested to submit to a full medical examination by a doctor nominated by him. The Registrar forwards the forms (which have been agreed upon by the A.M.A.) direct to the doctor and advises the person to make an appointment for examination.

The forms to the doctor are accompanied by an explanation of the purpose for which they are forwarded. This will also include, if appropriate, the reason and circumstances which led to the need for a medical report and any matter which will assist the doctor in his examination. If the doctor considers that a further opinion is necessary, he may refer the patient to a specialist as agreed upon by him and the patient. As stated previously, if a person has had an epileptic attack within the preceding two years, little purpose is served by allowing him to submit to a medical examination as the A.M.A. advises that this should debar a person from driving, irrespective of whether he is receiving treatment or not.

## WELCOME TO THE GOVERNOR

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to addressing a question to the Chief Secretary, as Leader of the Government in this Chamber.

Leave granted.

The Hon. M. B. DAWKINS: I was really interested in and appreciative of the Premier's comments in his speech of welcome at Government House yesterday. I should like to compliment the Premier on the sentiments he expressed then and on his belief in and references to the Westminster system and the position of the Governor in that system. In view of the sentiments expressed by the Premier, with which I would hope all honourable members would agree, will the Chief Secretary arrange to have it widely distributed to all sections of the community?

The Hon. D. H. L. BANFIELD: It is most unfortunate that the honourable member was not there because he would have seen that the speech was given off the cuff and was not prepared. The honourable member can smile, but he is not capable of giving such a forthright speech as the Premier. I can assure him that the speech was off the cuff and from his heart.

## RACIAL DISCRIMINATION BILL

Adjourned debate on second reading.

(Continued from December 1. Page 2676.)

The Hon. J. E. DUNFORD: I have been asked by my Leader to be very brief on this matter. I know that will make some members opposite very happy. Recently in this Chamber, and in another place, we abandoned discrimination against women. I supported that Bill and I believe it was a decision worth while. It once again put the South Australian Government, and those people who share the responsibility of government, in the headlines all over Australia and I believe it has been discussed internationally. I believe that there should be no discrimination in any form of society. This Bill provides that there will be no discrimination against people because of their nationality, country of origin, colour of skin and ancestry in the supply of goods and services to people and employment, and for these reasons I know this Bill will be supported by some members opposite. It should be supported by everyone who believes that somewhere along the line we are all the same. I have been fortunate as an ex-trade union secretary, and I know the Hon. Mr. Cameron will be interested in this because he is interested in my history and I am going to help him—

The Hon. M. B. Cameron: We don't want part of it.

The Hon. J. E. DUNFORD: The honourable member will not have to sneak around hotels and find out.

The Hon. M. B. Cameron: Tell us about Kangaroo Island for a start.

The Hon. D. H. L. Banfield: Take him out to lunch some time and tell him.

The Hon. J. E. DUNFORD: My Leader wants me to take him out to lunch. That is just not on.

The Hon. M. B. Cameron: How about dinner?

The Hon. J. E. DUNFORD: Not even dinner. One day I will tell the story about Kangaroo Island and I will get much support from members opposite if they are fair dinkum. However, that is only an answer to the interjection. I think all of us at some time of our life have had bred in us that some people who have a different coloured skin or speak a different language are somehow different. The same thing applies to religion. I remember when I was a kid I was not allowed to talk to Protestants because they were Protestant frogs and we were Catholic dogs. In 1976 there were about 3 000 000 people in Australia from all over the world with various ethnic origins. Parliamentarians and people who are forming this legislation cannot now have that former attitude, and I am sure many members opposite will agree with me.

As a trade union official, where I received my early knowledge of people in ethnic groups, I represented people from every country in the world—Russians, Greeks, Italians, Yugoslavs, Irish, Scots, Poles and all those people. When those people came to me as a trade union official, I did not concern myself with the colour of their skin or where they came from. Therefore, I think the Government has a responsibility to do likewise. This Bill does all those things.

We have a particular reason in Australia in that we have something very close to our doorstep in relation to one particular ethnic group—the Aborigines. I have a lot of documentation on this but, because of the demands of legislation before us, I shall not put the Chamber through a history lesson on Aborigines, because some members opposite know more about them than I do. I am pleased to congratulate members, not of the same political persuasion as I am, in the other place, where some debates show concern for the ethnic groups in our society, and more particularly for the Aborigines, so there will not be much opposition to this Bill.

When I was brought up in my younger years in the city, we never saw an Aboriginal in the urban environment then but, because of my lack of education, I read considerably, and one book I read that I shall always remember is *The Term of His Natural Life*, dealing largely with Aborigines. Briefly, Captain John Batman landed in Melbourne, accompanied by many wealthy landowners who became more wealthy—Irish, English and Scottish. There is a plaque in Flinders Street, Melbourne. All those rich squatters set about taking over the land, saying that it belonged to them. They bargained with beads, mirrors and cloth; they bartered with the Aborigines and bought land as far as the eye could see. The Aborigines sold the land to those people, and so it went on and on until today the Aboriginal has no land rights or ownership of land. It is true to say that they are successful on the land; they are necessary in the Northern Territory and I know that the union that I represented and have been a member of for 35 or 36 years was ostracised in this Council recently by the Hon. Mr. Whyte, who said it wanted nothing to do with these people in the country.

The Australian Workers Union directed all its members many years ago not to work with unpaid Aborigines, because it is not many years ago here in Australia that Aborigines living on properties in the far north of Western Australia and Queensland were unpaid. It makes me wonder why people should suggest that a person is lazy if he is unpaid. I have not seen many white people prepared to work for nothing, or for just their food, and give an honest day's work. This is not 50 years ago; this is a report in the *Advertiser* of October 6, 1976, headed, "Viner questioned on black wages." The article states:

The Minister for Aboriginal Affairs (Mr. Viner) said yesterday he was unaware of the basis for figures showing the average weekly income of Northern Territory Aboriginals was between $6 and $8. Replying to Mr. Garrick (Labor, Victoria), Mr. Viner said he also was unaware of the basis for other figures produced by the National Aboriginal Congress showing that:

Only 10 per cent of Aboriginals living outside town have regular access to clean water and lavatories. Ninety per cent of Northern Territory Aboriginals live in substandard houses. Fifty per cent of employable Aboriginal men in the Northern Territory are unemployed. Forty per cent of Aboriginal children do not attend school.

Much has been said about these poor unfortunate people. They were a proud race but, because of the inroads of our culture into their land rights we find that, as with other ethnic groups, the existing position has resulted. This position obtains in regard to all ethnic groups migrating to richer countries. I refer to *The Jungle* by Upton Sinclair dealing with migrants from all over Europe who went to America and worked in the Chicago abattoirs. Those migrants were exploited as are our Aborigines. It is the same in all industries. It is why unions were first formed.

This exploitation explains the development of crime and the use of narcotics in America and Australia. In the early part of the century we saw the growth of the Mafia in America, and its influence now extends into all parts of society including politics, police, and local government. Its growth resulted from the exploitation of an ethnic minority. Before I became a union official and represented people who were asked to do the worst kinds of jobs in industry I travelled extensively for 18 years in the back country. I worked with Aborigines, but I refused to work with Aborigines who were unpaid.

I remember the position at Cloncurry. The shearers with whom I was working were asked to not take an Aboriginal with them to Two Rivers Station. We were told it was because this man was black. After a meeting we told the contractor that unless the Aboriginal came with us we would not go on to the property. The contractor telephoned the owner and said that the Aboriginal concerned did not drink and was a good worker, but was black. The owner in explaining his refusal to accept the man said that many years ago his father was cruel to blacks. I do not know whether that man was gaoled or fined (I doubt he was even fined, but he was probably charged with ill-treatment of blacks), and that was the reason for his refusal to accept that black man. As a result of that dispute with the shearers the son decided with the support of the white shearers to employ that Aboriginal man.

I have given this example to indicate the disadvantages suffered by black people. The Hon. Mr. Cornwall referred to a United States journalist who had travelled through the deep South for many years and injected hormones into himself to turn his skin dark. I do not know whether that is fiction or not.

The Hon. F. T. Blevins: That is fact.

The Hon. J. E. DUNFORD: That journalist travelled the same areas again and tried to use the same restaurants and other facilities but this time with his skin colour changed. He told a horrifying story of his treatment. Bills such as this one before us should break down the prejudice that exists. Legislators should be open in saying how they feel about people of different colours. As a trade union official I was fortunate that, in visiting several oversea countries, I was the guest of people with black skins—Indians, Fijians, Asians, and people with dark skin in Europe. I found them all to be friendly and considerate and, as a friend of mine said, coloured people are no different from us at all; it is just the pigment of their skins. They love their children as much as white people do, and they love food and good wine as much as we do. They are no different at all, yet some racist people say that they are inferior physically and mentally, although there is no medical basis for that. An article in the *Advertiser* of August 26 strikes an archaic note that reminds one of what applied 50 years ago. The article, headed "4 455 Aboriginals living in shacks", states:

More than 4 455 Aboriginal families in Australia are living in humpies, shacks, abandoned car bodies and other makeshift shelters, says a report tabled in Federal Parliament yesterday. The report was compiled by a Senate Select Committee on Aboriginals and Torres Strait Islanders. It says the infant mortality rate for Aboriginals in the

Northern Territory in 1975 was 50·1 a 1 000 live births. The rate for the overall Australian population was 16·1 a 1 000.

So, for every child that white parents lose, Aboriginal parents lose three children. The article continues:

The committee criticises the Federal and Queensland Governments for failing to co-operate with it in its inquiry. Both Liberal and Labor senators on the committee said later the white man's solutions often were inappropriate to meet Aboriginal problems—particularly in the field of health, housing and construction.

The report makes 97 recommendations, including:

That more emphasis be placed on programmes to promote better understanding of cultural factors "so the understanding gap may be bridged."

That greater involvement of Aboriginals in planning and delivery of health services be a high priority for Governments.

That Federal and State Governments take steps to facilitate Aboriginal representation on all State and Commonwealth bodies responsible for the education of Aboriginals.

Another report is headed "Aboriginals are most imprisoned." I am proud to say that a Queensland Senator, even though he does not belong to the Labor Party, in 1976 made a very impressive statement. I seek leave to have portion of the Queensland Senator's speech of September 15, 1976, made in the Senate on the Aborigines and Islanders Bill incorporated in *Hansard* without my reading it.

Leave granted.

SENATOR'S SPEECH

I will digress a moment, Mr. Deputy President and honourable senators, and trace the history of my peoples to refresh your memories, and in some cases to inform the uninformed as to the events which have caused the very real problems that exist for the indigenous and island peoples in their contact with the law, that is, European law. After some 40 000 years of peaceful possession of this vast continent, living under a culture so totally different from, and in many respects much better than, that of their conquerors, many of my ancestors were unceremoniously butchered. Those far too few who escaped the guns, knives, and poisons of your so-called civilised ancestors were herded in droves into reserves and missions, there to live in enslavement, under conditions which were so completely foreign to their former life style. In that former life style they had lived in a strict rotational system, in clearly defined tribal areas, brother to all creatures, and so completely in tune with nature.

Those who avoided death, and the subsequent great round-up, and others who escaped from the missions and reserves, came to the cities and towns, there to be completely shunned by white society and forced to lead the life of pariahs in tin shanties, in bark humpies and in other degrading accommodation, on the banks of creeks, on the outskirts of the towns and, indeed, in any place sufficiently far from the cities and towns so that they would not offend the delicate senses of their so-called superior white masters. These of my race were the fringe dwellers, the legion of the lost, the dirty, ignorant, mentally inferior, "Abos", "Boongs", "Blacks" as you were wont to call us, and treat us accordingly.

It was within this deprived society that I grew up; within these harsh confines of human degradation that I, Neville Bonner, suffered the cruel barbs of discrimination and depravity at the hands of my white brother. Is it little wonder that there is suspicion and mistrust? The wounds are still raw, and the resultant psychological scarring remains. The plight of my Islander brothers was no different from that of my race. They are not indigenous in the true definition of the word as they came or, rather, were brought to Australia after colonisation by the white man. The Islanders, or "Kanakas", as white men so degradingly christened them, were proud people, kidnapped from their Pacific Island homes and brought to Australia as black slaves to white masters. Those who were not kidnapped were duped into signing false work contracts by cunning and sadistic sea merchants called "black birders".

Between 1847 and 1901, about 54 000 Islanders were "employed"—I use the term loosely as it was nothing more than a state of total slavery—on sugar and cotton plantations in Queensland and northern New South Wales. They too were clustered around the outskirts of towns and, like their Aboriginal brothers, were treated to the same cruel and ignorant discrimination and oppression, and shared the same fate as their culture and customs were derided and destroyed. This rampant destruction of our culture, and the socio-economic evils which followed are now indelibly and shamefully inked on the pages of history for all generations to see, a lasting monument to Australian man's inhumanity to man.

As our culture was systematically destroyed and the tribal laws and customs which had sustained us for aeons were deliberately eroded, my forefathers were subjected to the white man's law, laws which were incomprehensible to them and which, in many incidents, were in complete contrast to those which had formerly nurtured them. The white man's law had evolved from custom—European custom—tailored to meet the requirements of the European civilisation and, I stress, a European civilisation that in no single way faintly resembled those codes of conduct which were socially acceptable to my ancestors and to their mode and style of living.

Surely honourable senators must agree that herein lies the conflict which has plagued my people since 1788. The conflict naturally has arisen from this lack of understanding and from, I will go so far as to say, the hostile unacceptance of a new set of rules which were forced upon them, rules which govern what is considered to be socially acceptable in the strict European definition. Align with this the suspicion, mistrust and fear of white authority which was spawned as a result of their early treatment at the hands of the conqueror. These seeds of suspicion, mistrust and fear were sown and allowed to flourish, watered by the hands of ignorance and callous indifference. Therefore, is it any wonder that in such conditions as these we have today the inescapable fact that the indigenous and Islander peoples of Australia are the most incarcerated race in the world?

The Senate Select Committee on Aborigines and Torres Strait Islanders cited the following comments from the first report of the National Population Inquiry:

The terms of reference of the National Population Inquiry laid down that it should include the Aboriginal population not only in the total situation, but also as a separate sub-study. There can be no doubt that a separate study is needed. In every conceivable comparison, the Aborigines and Islanders, whom it is proposed in general to treat as one group, stand in stark contrast to the general Australian society, and also to other "ethnic" groups, whether defined on the basis of race, nationality, birthplace, language or religion. They probably have the highest growth rate, highest birth rate, the highest death rate, the worst health and housing, and the lowest educational, occupational, economic, social and legal status of any identifiable section of the Australian population. Yet less hard data is available about the Aboriginal population than about the most recent immigrant groups. Professor F. L. Jones, author of most of the existing papers on Aboriginal demography, has pointed out that it is a measure of the inequality of the Aborigines' position in Australian society that in a country whose population and social statistics rank among the best in the world, there should exist a group for whom the statistics are as poor as those of most developing countries.

That statement ought to be brought to the notice of honourable members and the public. A report in yesterday's *Advertiser* is headed "Poverty inquiry says: Aboriginal people worst off". The proposed preamble to the Labor Party's platform policy in regard to Aborigines was prepared by people in the Labor movement who are very concerned about Torres Strait Islanders and Aborigines. The preamble is as follows:

For many thousands of years, prior to the white landing at Botany Bay in 1788, the indigenous people of Australia, now known as Aborigines and Torres Strait Islanders were in possession of this entire nation. They had a complete identity, a total being and a way of being. All had a valued place within the structure of the tribe and all were conditioned to meet their requirements, as every society conditions its members.

Tribes were firmly centred in the spiritual and mundane aspects of purposeful living and each person was able, with confidence, to meet the demands and responsibilities

of existence. In every area of his being, a man knew his capabilities and boundaries, he accepted the discipline of his tribe and felt the security of that discipline, he knew his total being in harmony with the land and his dreaming.

With the coming of the white man, his land was taken, his spiritual links shattered, his economy broken, his ritual life ceased and in some cases tribes were murdered and separated. Leadership structures were broken, and most devastatingly of all, the Aboriginal culture and being was systematically denigrated and ridiculed to later generations of Aborigines who knew too little of their own background to be able to withstand the mockery. Having destroyed hunting grounds and game, Aborigines relied more upon the dependency of the white man for food and protection. Aboriginality no longer meant pride, substance and belonging, it no longer meant a life-long exploration of the joys of the spirit. It came to mean constant denigration and contempt, grinding poverty, fear, helplessness, apathy, drunkenness. All the psychological sets of the personality were slowly smashed so that the Aborigines could only identify with white commercial society by shame, embarrassment and cringing at the thought of the once valued images of their co-operative way of life. Very few escaped the influence, and each generation saw a worsening of the conditions.

White society became so conscious of their inhumane treatment to the once proud inhabitants of the country that in 1967 every State in Australia extended powers to the Federal Government to rectify the wrongs and empowered the Government to remove the stain from the national honour by giving justice and equality to the Aboriginal people. It was only with the success of the Labor Government in 1972 that a Department of Aboriginal Affairs was established with a Minister with a sole responsibility to restore to the indigenous people of Australia their land, compensation for the injury inflicted, the restoration of their culture, their self-determination, and a purposeful way of life in accordance with the occupancy of their country by both Aborigines and Europeans. The efforts of the Labor Government were cut short in 1975 but, to restore justice, the Party proposes the following platform for its introduction by the next Labor Government.

That illustrates the Labor Party's attitude. I have spoken to a person who is deeply involved in the Aboriginal movement. Although he is a wellknown person, who said I could use his name, I will not do so. Recently, there has been much controversy in the newspapers regarding the statements made by Mr. Ted Chapman, the member for Alexandra in another place. Ethnic groups need no introduction to those statements. I am not here to denigrate the member for Alexandra in another place, although this is a topic that is worth mentioning.

Mr. Chapman dealt with the matter of discrimination and said, in opposing this Bill, that Aborigines were a dirty and lazy lot. I asked the person to whom I have referred, and who was a teacher, whether he would comment on this matter, as he is more closely associated with Aborigines in 1976 than I am. Indeed, he wrote me a letter, the contents of which I fully endorse. I could not express myself in this respect as well as he has, because I am not as closely associated with Aborigines today as he is. Although I might have met a few dirty and lazy Aborigines, I have never believed that all Aboriginals are dirty. I have lived and worked with them, and I know—

The Hon. C. M. Hill: Did Mr. Chapman say they all were?

The Hon. J. E. DUNFORD: He said "generally".

The Hon. C. M. Hill: I want you to be correct.

The Hon. J. E. DUNFORD: Perhaps the Hon. Mr. Hill should be correct and read what Mr. Chapman said. The honourable member is ashamed of Mr. Chapman, and I do not blame him. Dr. Tonkin, with whom I never agree, certainly disowned Mr. Chapman. Indeed, I do not think there is a member of the Liberal Party who would own him. Mr. Chapman said, "Generally, they are a lazy lot, they are a dirty lot." That is what he said, and it is recorded in *Hansard*. It has not been corrected.

What the man to whom I have referred wrote to me is worth remembering. Sometimes, when one sees things like the statements made by the member for Alexandra in another place, or an Aboriginal drunk in the street, one tends to think that all Aborigines are the same. It is certainly true that, to defend our history, we think that they, not we, are to blame. The letter I received is as follows:

The point about Mr. Chapman's assertion is that it is an excellent political statement in that it sums up a general gut feeling about an important matter. I think that it is important to recognise that people react to an issue like this with their heads and with their guts. Intellectually, people may disagree with what Chapman said, but in their guts it is something that they want to believe. This is what really worries me, since people do a lot of important things like fight wars and lynch people by virtue of their gut feelings and not necessarily what they really think. Of course, what he is saying is empirically false. Certainly in my experience and at S.A.I.T. I have not met people described by Mr. Chapman as being lazy and dirty. In the last week—

I received this only two days ago—

I have been in contact with over 100 Aborigines in various contexts, and again there was no-one I could describe as lazy and dirty. I fully recognise that my experience is not exhaustive and, to be sure, there would be some who meet this description. However, they would be in the minority, and what worries me about Chapman's statement is that he is saying something that reinforces people's prejudice against a particular ethnic group. We are funny people, we human beings. We like to have our prejudices reinforced even though we might intellectually disapprove our own feelings. It worries me that he makes this statement as a community leader, because this is what people respond to. It is inflammatory in the sense that, taken to its logical conclusion, as it is in Northern Ireland, it can lead to violence.

As Western Europeans, we place considerable store by virtues of cleanliness and hard work, and I think it is regrettable that we instantly look down on people who do not in all respects measure up to our standards. Indeed, if you go to Central Australia where there are tribal people, they live in close contact with the earth, and do not really have a concept of dirtiness that matches ours. And I must admit that when I was in Central Australia I did not view myself as being dirty as a result of close contact with the earth. Aborigines view the earth as giving them life; they view it as having some spiritual resource that they can draw upon. That is not just romantic waffle. People believe this and they become very much part of their environment, because they partake of the essence that the earth can give them for their lives.

It is a regrettable aspect of being human that we allow our gut feelings to defend us from people who threaten us by the absurd and certainly unpremeditated offence of being different. We retaliate by social assassination, though taken to the extreme we witness the lynchings of Northern Ireland, unspeakable crimes against American negroes, and of course in the most extreme case the genocide of the Jewish people in the last war and, I might add, the mass killings of Aborigines in last century in Australia. What I am really saying is that violence, whether it is the silent violence of a social assassination or the physical violence of a lynching, really all springs from a gut feeling people have towards others who happen to be different from us and it is a very worrying thing that our guts can rule our heads in such important matters, and I think that in that sense Mr. Chapman's statement is inflammatory.

That letter draws to the attention of most people the fact that we can all answer to the sort of criticism referred to therein. My Leader is now pestering me to wind up my speech. As the Chief Secretary has been patient, I shall comply with his wishes. I conclude by saying that the statement made by the member for Alexandra was the most wretched and inflammatory statement that I have ever heard. Mr. Chapman should be condemned by every free-thinking

Australian. I am pleased to see, as my Leader has said, that Mr. Chapman's workmates and Parliamentary colleagues have no respect for people who say the sort of things that he has said.

These are troubled times, in which minority groups that are attacked unfairly in this place have no redress. I was attacked in this place, which has been referred to as coward's castle, before I became a member. The same person has attacked trade unions and workers generally, having said that they should tighten their belts, that they should be kicked in the guts, and that they should not be employed. He has attacked every ethnic group in Australia, and has come out loud and clear against our Aborigines who, in this situation, have a long way to go to reach our standard of living. In education, they are about 25 years behind us. I hate to mention this person's name. Indeed, I am disgusted with him; he is a disgrace to the Parliament, and what he has said is a reflection on the people of South Australia. I know that people outside this Parliament join me in the criticisms I have made. I support the Bill and commend it to members opposite.

The Hon. R. A. GEDDES secured the adjournment of the debate.

## BUILDERS LICENSING ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

*That this Bill be now read a second time.*

I ask that the second reading explanation be inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It makes miscellaneous amendments to the Builders Licensing Act, 1967-1974. For some time now the Government has been concerned about the activities of people involved in the construction of swimming pools. Many complaints have been made by consumers as to the standard of workmanship, failure to complete construction of a swimming pool within the period promised (or at all), and other allied matters. Some swimming pool contractors have not had the financial resources to carry on business in a proper manner and have got into financial difficulties, leaving the consumer in many cases with a partially completed swimming pool.

I believe honourable members will support the amendments to the Act which include the construction of swimming pools in the definition of "building work". Swimming pool contractors will then be subject to the same system of licensing and control as other builders. The definition of a "swimming pool" will be included in amendments to the regulations. It is expected that this definition will include only swimming pools that have a circulation and filtration system and will not include above-ground pools that are capable of being assembled and dismantled by the owner.

The Builders Licensing Board presently comprises a legal practitioner as Chairman, an architect, a member of the Australian Institute of Building, an accountant, and an engineer. The Government believes that tribunals and boards such as the Builders Licensing Board should include representatives of the persons whose interests the tribunal or board is designed to protect. The Bill therefore provides for the addition to the Builders Licensing Board of two persons to represent the interests of those on whose behalf building work is carried out. This will ensure not only that the board has the management and technical expertise provided by the present members but also that the views of the average consumer will be taken into account in all matters requiring determination by the board.

The principal Act presently enables licences to be granted for not more than 12 months and requires applications for renewal of builders licences to be filed not more than two months before the date of expiration. It has been found that this does not allow sufficient time for the receiving and processing of applications and the renewal of the many thousands of licences that are presently current. It is in the interests of both the efficient working of the board and of the applicants themselves that the present restriction in the Act be removed. The matter can then be dealt with more flexibly in the regulations. The Bill also extends the period to be covered by licences to not more than three years.

There is presently no power in the board to restrict the type of building work which may be undertaken by a licensed builder in acordance with his general builder's licence or restricted builder's licence. In the course of a judgment in proceedings before the Builders Appellate and Disciplinary Tribunal earlier this year, His Honour Judge Brebner said:

> This may perhaps be considered a weakness in the Act, that a person who desires to undertake for others no more than what might be called cottage work of a minor nature, must be the holder of the same type of licence as a person or company who undertakes the erection of multi-storey buildings or other major constructional works. This is a matter which should be drawn to the attention of Parliament.

Similar difficulties exist with regard to restricted builders licences. For example, a person who wishes to obtain a licence so as to enable him to erect aluminium carports and verandahs can be given a licence only under the classified trade of "Roof Sheeter: Metal Deck and Iron Worker". This covers a much wider scope than is necessary for the purposes of the applicant and he may find it difficult to satisfy the board that he has the necessary experience and expertise in the whole of that classified trade. The Bill therefore empowers the board to impose conditions on general and restricted builders licences that restrict the kind of building work that may be carried out under the licence. Such conditions can be imposed only with the consent of the applicant on new licences issued after the amending Act comes into operation.

The Bill also gives power to the board to dispense with certain requirements of the regulations as to information required to be submitted with licence applications. The regulations provide, for example, that an applicant is required to submit character references from some person of standing in the community who have known the applicant for a period of at least three years. Compliance with this requirement has been difficult in the case of some migrants and interstate applicants. The amendments will permit the board to dispense with this and similar requirements in appropriate cases. It is also necessary to give the Builders Appellate and Disciplinary Tribunal and the Supreme Court power to cure any procedural irregularity in proceedings before that tribunal or court. The Bill therefore includes a provision similar to section 26 (5) of the Planning and Development Act, 1966-1975.

It has become increasingly common for a licensed builder to lend his licence to an unlicensed person and for the latter person to display the number of that licence on a building site and pretend to be the holder of that licence. The person who borrows the licence commits

an offence under the principal Act, as he is holding himself out to be a licensed builder. There is some doubt, however, whether the lender of the licence also commits an offence, although he may be an accessory to the offence committed by the borrower. In order to put the matter beyond doubt, the Bill creates a new offence on the part of the lender of the licence in these circumstances.

Some builders are known to be abusing the present inflationary situation by including a rise-and-fall clause in a contract for the construction of a dwellinghouse and stipulating an unrealistic period for completion of the work. Where the rise-and-fall clause covers the whole of the construction time, there is no incentive to the builder to complete the construction within the stipulated time, as his increased costs are covered by the rise-and-fall clause. Consumers usually expect to pay, and make allowance in their budget for, an increase in cost based on completion within the stipulated period.

They are often faced, however, with additional costs far in excess of the increase that would have been payable if the building had been completed within that period. The Bill provides that a contract must stipulate a specific price for the performance of the work and, where a period is specified for the completion of the work, any rise-and-fall clause operates only with respect to work done within that period unless some unforeseeable delay occurs due to circumstances beyond the builder's control. Amounts in respect of prime cost items may be recovered together with 10 per cent over and above those amounts.

Clauses 1, 2 and 3 are formal. Clause 4 amends section 4 of the principal Act to include work involved in the construction of swimming pools within the category of building work. Clause 5 provides for the inclusion of two "consumer" representatives on the Builders Licensing Board. Clause 6 deletes the statutory provision as to the time within which an application for renewal of a licence must be made. In future this matter will be dealt with by regulation. It also provides for a three-year licence term.

Clauses 7, 8 and 9 deal with the granting of licences subject to conditions restricting the amount of building work that may be carried out by the holder of the licence. Clause 10 empowers the Supreme Court and the tribunal to correct formal irregularities in proceedings. Clause 11 enables regulations to be made stipulating the value of building work that may be carried out without a licence. It provides a general penalty for breach of a condition of a licence. It makes it an offence for a person, without the authority of the board, to part with possession of his licence, or to allow any person to make use of his licence.

Clause 12 deals with rise-and-fall clauses in contracts for the performance of domestic building work. A builder is not to be entitled to claim the benefit of such a clause in respect of work carried out after the date stipulated for completion of the work. This does not apply, however, in respect of delays arising from circumstances outside the builder's control. Clause 13 enables the board to waive requirements of the Act or regulations in relation to applications for licences under the Act.

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

## CITY OF ADELAIDE DEVELOPMENT CONTROL BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 4 to 7 and 9 to 22; it had agreed to the Legislative Council's amendment No. 23, with amendments; had disagreed to amendments Nos. 2, 3 and 8; and had amended the words in clauses 7 and 17 reinstated by such disagreement as indicated.

Consideration in Committee.

*Amendment No.* 3:

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That the Legislative Council do not insist on its amendment.

There is little point in again going through the arguments that were canvassed in the Committee stage. The amendment concerns the laying on the table of the proclamation amending the principles.

The Hon. C. M. HILL: I do not oppose the motion. The matter was canvassed widely here and I think the mover of the amendment, who is a member from this side, and those who supported him were justified in expressing fears about the principles in the Bill, because the introduction of those principles was new planning procedure. It is understandable that, in this place, where caution plays an important part, fears were expressed that possibly Parliament ought to be able to look again at these principles through their being laid on the table for the customary 14 days, as applies to regulations.

We have considered the matter further and have had discussions with the Adelaide City Council, which is strong in its opinion that it would be preferable for the procedure contemplated in this amendment not to be put into effect. I hope that time will prove the council's view correct.

Motion carried.

*Amendment No.* 2:

The Hon. B. A. CHATTERTON: I move:

That the Legislative Council do not insist on its amendment but agree to the altered form of that amendment proposed by the House of Assembly.

This is a reasonable compromise and I think it should satisfy honourable members.

The Hon. C. M. HILL: I agree with the Minister. Previously members on this side considered that, as the Minister had the right to tell the council that it had to prepare amendments to the principles, that was dictation of the worst kind, and it was considered that it would be wrong for that provision to be in the Bill. The other place has struck out "Minister" and inserted "commission", and this gives the commission the same right of dictation. However, as the commission will comprise equal numbers from the Adelaide City Council and the Government, the members will be able to discuss, argue and debate whether this procedure should be initiated before it gets to the council. That is a fairer approach to the question.

Motion carried.

*Amendment No.* 8:

The Hon. B. A. CHATTERTON: I move:

That the Legislative Council agree to the reinsertion of the clause, with the insertion after "delegation" on page 5, line 14, of "in relation to minor matters".

I think the Legislative Council's amendment originally was the one moved by the Hon. Mr. Hill, and it was similar to this, but subsequently the whole clause was deleted.

The Hon. C. M. HILL: I support the Minister and I think a satisfactory compromise has been reached. We are permitting some powers of delegation but restricting matters to be delegated to minor matters only. As the Minister said, this proposal was in fact previously approved in this Chamber prior to the clause being deleted, and we are reverting to the original proposal.

Motion carried.

*Amendment No.* 23:

The Hon. B. A. CHATTERTON: I move:

That the Legislative Council do not insist on its amendment but agree to the amendments made thereto by the House of Assembly.

Again I think this is a reasonable compromise. The major alterations to the Council's amendments are, first, to allow a period of six months in which the Bill can come into operation, without restricting the period and making it impossible to implement regulations; and secondly, to reduce the period stipulated in the Council's amendment from two months to one month. Again, I think this is a very reasonable compromise between the views expressed in both Chambers.

The Hon. C. M. HILL: I support the motion. It is very pleasing to see that Parliament is now agreeing to the principle that the planning regulations for the city of Adelaide will be exhibited in the town hall prior to those regulations becoming law. That principle, which was supported strongly in this Council, is an accepted principle in town planning, applying under the Planning and Development Act now in areas other than the city of Adelaide. However, the other place has seen fit (and I do not oppose the two proposals) to reduce the term of exhibition from two months to one month.

This means that there will not be that extra period of delay in the whole process of the regulations ultimately becoming law. I think particularly in the city of Adelaide commercial owners and residential owners are well organised within the commercial and residents' associations in such a way that these associations, acting for the ratepayers, will be in touch continually with the town hall, and there really was not the need for the two-month period of exhibition. I do not think that the initial series of regulations should be held up, because of the need to get this legislative machinery under way. For the first six months, this practice will not occur, but once the Act has been proclaimed and once all the machinery is in motion (and that will take about six months) there will be a need for the City Council to display publicly its proposed regulations, the council thereby giving ratepayers the opportunity to participate and become involved in the whole process. That is an excellent principle which is now in the Bill. I support the motion.

Motion carried.

## ARCHITECTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 2631.)

The Hon. D. H. LAIDLAW: I support the second reading.

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

## MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from December 1. Page 2660.)

The Hon. C. M. HILL: I support the second reading. First, the Bill introduces the same changes from "weight" to "mass" that were made yesterday in this Council in the Road Traffic Act Amendment Bill, and it also introduces a method by which pensioners and other incapacitated persons will in future gain their usual reductions in registration fees through the medium of regulations rather than the present system. It appears that this proposal will allow the Government greater flexibility in regulating changes in these rates for such people, so that with inflation and other financial difficulties that they face there can be a continuous review by the Government on such adjustments. Under the Bill, the incapacitated ex-serviceman will pay in future one-third of the prescribed registration fee; pensioners will pay 70 per cent of the prescribed registration fee, and, where they own a trailer, they will pay 80 per cent of that fee for the trailer. Other people who are incapacitated and are being assisted will have to pay 70 per cent of the prescribed registration fee.

In other words, those percentages are different from each other. If they are the same percentages that the same people are paying on standard registration fees now, I am happy, but I do not know whether perhaps one of those groups may have been cut back a little and others may have been treated more generously. If that is so, on a percentage basis, this Council should know of it. Will the Minister answer those queries at the appropriate time?

An important provision in the Bill deals with the cancellation of learners' permits based on the accumulation of offences. Apparently, this has presented some difficulties in the past in the existing Act, and it is only proper that the opportunity should be there to cancel a licence where there has been a series of offences, because it would warrant action of that kind. Honourable members would consider the most important provision of the Bill to be that dealing with the legislation controlling tow trucks and tow truck owners. We have heard for some time complaints about this matter and the public has been concerned about certain incidents that have occurred in the tow truck industry.

It is only right that some sterner controls be introduced by the Government of the day in an endeavour to ensure that the operators and owners of tow trucks do not offend against the public interest. One serious aspect of this matter has been that some tow truck drivers have brought some undue influence to bear on victims of road accidents to sign authorities allowing the tow truck drivers to take the vehicles away and allowing the tow truck drivers to deliver the damaged cars to persons in repair establishments. In some cases, there is a connection between the repair establishments and the tow truck owners or drivers.

Because road accident victims at that point in time are, in many cases, in shock and need medical attention, it is an improper time for them even to be asked, in all good faith, to sign anything, let alone committing those injured people to considerable expense in regard to tow truck work and repair work on the damaged car. That was always a worrying aspect of this matter, which concerned me.

In the Bill, the Government is seeing to it that no person other than the driver of the tow truck may be in the tow truck while it is being driven to the scene of an accident. First of all, there is a loophole that that may be closing and, secondly, when the tow truck is taking the damaged car away, only the tow truck driver and the driver or the person in charge of the vehicle that is being towed can be on the towing vehicle. That is an improvement on the existing Act.

Then the Government seeks the right to appoint inspectors for this activity in the tow truck industry. These inspectors are being given wide powers, which must be considered

carefully by this Council. They are given the authority, if they hold a warrant that is issued by a justice (and I stress that they do not have this authority unless they have a warrant from a justice of the peace) to break into any premises or seize any document or object that may constitute or furnish evidence of an offence against the Act. That may be worrying to some people but we must acknowledge that we are dealing with an industry that needs firm measures to control its activities. As far as I can see, I am prepared to support the Government in this proposal.

Another aspect that is worrying is that the inspector or inspectors, not necessarily at this point holding a warrant from a justice, may require any person to answer truthfully any question that may be relevant to the investigation. As I said, that gives ground for serious thought whether or not it may be going too far. From my inquiries and from the consideration I have given these provisions, I am at least prepared to support this Bill at the second reading stage; unless I see any amendment that may in some way query that right being given in the legislation, I shall support it. Then a right of appeal is given to any person who is aggrieved by a decision of the Registrar or the Commissioner of Police concerning the suspension or cancellation of a tow truck operator's certificate; the appeal is to a magistrate sitting in Chambers.

Taking the Bill as a whole, I think it has further improved the motor vehicles legislation in this State. I should like to hear the Minister on the matter of those concessions, because I should not like, for example, one of those groups of pensioners to be getting the present concession, which may be three-quarters of the existing registration rate, and then find that the percentage of the prescribed rate is to be fixed by legislation at a lower rate than at present. We must be fair to such people.

In regard to the most serious aspect in the whole Bill—the Government's attempt to improve the standard of activity in the tow truck industry—I think the measures in this Bill are warranted and, unless I hear views to the contrary, I intend to support the second reading and, thereafter, the third reading.

The Hon. J. C. BURDETT: I rise to speak briefly to this Bill; I support the second reading. I shall speak on only one portion of the Bill, clause 13, which inserts a new section 98p in the principal Act. I was concerned about some parts of this, which seemed to me to be an infringement of civil liberties. Proposed new subsection 98p (3) provides:

For the purposes of an investigation under this section, an inspector may—

(*a*) upon the authority of a warrant issued by a justice—

(i) break into any premises;

and

(ii) seize any document or object that may constitute, or furnish, evidence of an offence against this Act;

It seemed to be high-handed, although open, to use the words "break into", but I take the Hon. Mr. Hill's point that the tow truck industry has involved almost a gangster war and strong measures had to be taken in order to control abuses. I am comforted by the fact that the breaking in can be done only on the authority of a warrant issued by a justice.

The inspector would have to go to a justice and satisfy him that he had sufficient grounds to exercise this power, and the power would then be exercised on the basis of the warrant. That seems to be sufficient protection. The other alternative would be that a notice would have to be issued to produce a document or object that might constitute evidence of an offence against the Act, but the weakness there is that, if notice were given, the document or object would probably be destroyed.

I am satisfied that the breaking in and seizing that can be done only on the authority issued by a justice is sufficient protection. Indeed, I was more perturbed by paragraph (*b*) of that provision, which provides:

require any person to answer truthfully any question that may be relevant to the investigation.

Under new subsection (4) (*b*) a person who refuses to or fails to answer truthfully any question is guilty of an offence and the penalty is $10 000. There is nothing entirely novel about the obligation to answer questions in the course of an investigation. Even if a person is charged with murder and questioned by the police, he is not obliged to answer questions whereas, under this provision, if a person does not answer, the fine is to the pain of $10 000. If anything, this alarmed me more than the power to break in with a warrant.

I have accepted the Hon. Mr. Hill's explanation that the position in this industry is so serious and that there are such abuses that high-handed measures are necessary to control the situation. In general, I support the idea of the Bill, although I was worried about the aspect to which I have referred. I do support the second reading, and I do not believe it will be necessary, at least so far as I am concerned, to move any amendments to it.

The Hon. T. M. CASEY (Minister of Lands): The Hon. Mr. Hill referred to the percentage of the prescribed registration fee. Reference is made to 70 per cent for motor vehicles, and 80 per cent in respect of prescribed registration of trailers. I assure the honourable member that these percentages are in favour of incapacitated people and, to the best of my knowledge, that is the situation. Therefore, those pensioners to whom the honourable member referred are not being hindered in any way—they are being helped.

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

## RACING BILL

Adjourned debate on second reading.

(Continued from November 25. Page 2503.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill has been prepared following the consideration by the Government of the report of the Committee of Inquiry into the Racing Industry under the chairmanship of Professor Hancock. As far as I can see, the Bill takes into account most of the recommendations made by the committee. The Bill provides for a controlling authority for the three codes of racing—gallopers, trotters and greyhounds.

I do not wish to say much about the control of horse-racing, which has had a long period of established control under the South Australian Jockey Club, and the Trotting Control Board has controlled the trotting industry similarly. However, the position in respect of greyhounds has changed. Until recently, greyhound racing was mainly devoted to plumpton-type coursing (dog against dog) but, with the advent of speed coursing in South Australia, there has been a remarkable growth in this sport. Through this Bill the Government is introducing legislation for a controlling body to have authority over the dog-racing industry. I do not intend to say much about that, as the Hon. Mr. Burdett has been talking to people involved in this industry and will have more to say on that aspect.

There is not much one can say on this Bill, although I indicate that there is an increase of 0·5 per cent in the amount deducted from totalisator bets to be channelled to the Totalizator Agency Board for capital expenditure. In his explanation the Minister said that capital expenditure involves the computerisation of the board's totalisator operations in the future. I only hope that the experience in computerisation will not be a continuation of past experience. It is fair to say regarding the Totalizator Agency Board that there is a necessity for it to have a computerised operation.

Its recent experience in this field resulted in a considerable loss, and I hope that its next move will be more successful. There is also provision to give some financial relief to country racing clubs by reducing the amount to be paid into the general revenue of the State from their totalisator income to 1·25 per cent of that income.

The Bill also empowers the Betting Control Board to issue permits to bookmakers to operate on racecourses. At present this power is exercised by the racing clubs themselves. I foreshadow an amendment in this connection, because I cannot see why the racing clubs themselves should not appoint what bookmakers they like to attend at their race meetings. I cannot see why the Betting Control Board should appoint bookmakers to those meetings. As far as I know, the present system has operated very well, particularly in country areas.

It may not be of any benefit to the city club to appoint bookmakers, because the number of people licensed is the number of people who operate at city meetings. However, country clubs should have the right to choose the bookmakers who field at their meetings. My amendment will allow the existing position to continue. The Racecourses Development Board is continued in existence by the Bill. This board has so far done an excellent job in assisting in the development of racecourses in South Australia. In some areas there will be a need for transitional provisions to enable the change to the new arrangements to be made.

On several occasions I have pointed out to the Council that, in a place pool, the person who has a ticket on an outsider is at a disadvantage, in comparison with a person who has a ticket on a strong favourite. Under the legislation, there is a need to pay a minimum dividend. In a race where there is a favourite at 2/1 on in the place tote, out of 1 000 tickets, there could be 950 place tickets on that favourite, the other 50 place tickets being on the remaining 10 or 12 horses. As there is a minimum dividend and as the percentage has to be removed from the pool, the winner's place dividend might be 40c. That dividend of 40c is then made up to the minimum dividend by taking money from that invested by people who bet on the outsiders. So, the person who backs a horse at long odds is subsidising the dividend of the person who backs the favourite. It is quite wrong that a person does not get his correct dividend because money is required to build a hot favourite's dividend up to the required minimum dividend. I have previously suggested that, in these circumstances, the fractions that the Government gets should finance the building up of the dividend in the place pool. I am not sure whether clause 75 takes that position into account.

Can the Minister tell me whether that provision takes up the point I have raised several times? To me, it is a matter of fair play that no-one should be denied the right to get his correct dividend. It may be argued that a person may have to get less than his stake, but I point out that the fractions could be used. Further, perhaps the full 14½ per cent might have to be forgone on a particular race, but that is preferable to a person's not getting his full dividend. In his second reading explanation, the Minister stated:

Clause 75 provides that the amount resulting from the non-payment of any fraction of 5c towards dividends on totalisator bets and, if necessary, the account at the Treasury known as the Dividends Adjustment Account may be applied towards the payment of dividends on totalisator bets if the totalisator pool is insufficient to meet the dividends.

I am not sure whether that covers the matter, and I hope the Minister will clarify the position for me. As far as I can see, not much is changed by this Bill, except those maters to which I have referred. I support the second reading.

The Hon. J. C. BURDETT: I, too, support the second reading of the Bill. Part II, Division III, sets up a board to be known as the Dog Racing Control Board to control the whole of dog racing—the racing itself, registration, and so on. Further, the board will deal with the question of finance, which is so important to the sport and the industry. Clause 27 provides:

(1) The Board shall consist of five members appointed by the Governor of whom—

(*a*) one shall be appointed on the recommendation of the Minister and shall be appointed to be the chairman;

(*b*) two shall be nominated by the Adelaide Greyhound Racing Club;

(*c*) one shall be nominated jointly by the South Australian Greyhound Racing Club Incorporated and the Southern Greyhound Raceway Incorporated;

and

(*d*) one shall be nominated jointly by the Port Pirie and District Greyhound Club Incorporated and the Whyalla Greyhound Racing Club Incorporated.

The Adelaide Greyhound Racing Club, which conducts its meetings at Angle Park, is the only metropolitan club. The South Australian Greyhound Racing Club Incorporated operates at Gawler, while the Southern Greyhound Raceway Incorporated operates at Strathalbyn. So, there is to be an independent Chairman and representatives of the clubs enumerated in paragraphs (*b*), (*c*) and (*d*). I have received a letter, addressed to me, from the National Coursing Association of South Australia Incorporated, which has been the controlling body in South Australia for 80 years and which, strangely enough, has been left off the board and out of the Bill altogether. The letter, which is dated November 17, 1976, and which is self-explanatory, is as follows:

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

Three members from N.C.A.
Three members from Adelaide Greyhound Racing Club.
One member from Southern Greyhound Raceway Inc.
One member from South Australian Greyhound Racing Club.
One member from Whyalla Greyhound Racing Club.
One member from Port Pirie & District Greyhound Racing Club.
One member from Greyhound Owner, Trainer and Breeder Association.

That is another body that has been omitted altogether from the board and the Bill. The letter continues:

The board of course has not any constitutional powers, but passes on recommendations to the N.C.A., which puts 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 approached the Minister of Sport, Mr. Casey, to have a smaller board with greater proportional representation for their club.

On July 14, 1976, a letter was received from Mr. Casey advising that 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 had 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 to have the board changed. The N.C.A. does 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:

(*a*) The N.C.A. has a right to be on the board because, while open coursing is separate from greyhound racing, the N.C.A. represents people who own and train greyhounds and cannot just be ignored.

(*b*) The N.C.A. and G.O.T.B.A. representatives provide a balance on the board of people uncommitted to any particular club.

(*c*) The N.C.A. and the board have reached an harmonious agreement over the past two years, and for the future, and this agreement is a bond of good faith.

(*d*) The G.O.T.B.A. should be on the board, as this organisation does represent a significant section of the industry and owners and trainers who are not members of clubs and do require an organisation to represent them. On the S.A.J.C. and the Trotting Control Board, these sections of the industry are represented.

(*e*) When the Hancock inquiry was held, it was firmly established that the industry should be democratically controlled,, and this principle is important for the well-being of all greyhound people. It is far better that all are represented rather than too few.

(*f*) The size of the board is used as the doubtful basis of reducing numbers. This at first sounds convincing but, while the trotting control board has seven members, the S.A.J.C. on the other hand has 14 members. Greyhound racing is a sport most different to either of these and is a much more participant conscious sport which thus requires more of a cross-section to control it. On interstate Greyhound Control Board we find that each metropolitan club has no more than one representative on the board. Parliament itself could be said to be unwieldy because of the number of members, but, of course, all people are entitled to fair representation, and so it is with the greyhound industry. We add that there has never been dissention from any member of the board because of the size of the board.

(*g*) The board is constituted as the Hancock report recommended, which was an independent view given on what was considered best for the sport. We now find that after the Government spent a large amount of money on this inquiry, the Minister now describes the Hancock committee as wrong.

We trust that these facts we have put before you are such that you will support our case to have the particular section of the Racing Bill amended.

That letter was sent to me by Mr. P. McCarron, Secretary of the National Coursing Association of South Australia Incorporated. That association has been in operation for about 80 years, during which it has been the controlling body of greyhound racing, both open coursing and speed racing, where it has existed, in South Australia. As I understand it, there has never been a serious complaint regarding its capacity to act in this way. It is now being left completely out in the cold.

As I understand it, there are control boards in other States, and the coursing associations in those States are represented thereon. Also, the control boards in those States control the actual racing on the track, but not such matters at the stud book, registrations and so on. Under this Bill, the total controlling body shall be the board, and the National Coursing Association is left entirely out of it. The controlling body will comprise representatives of metropolitan and country clubs, and will have an independent Chairman.

The National Coursing Association is by no means restricted to open coursing, as some people would have us believe, having been involved in both speed coursing and open coursing. The sport has been an integrated one. Some dogs are raced for both speed coursing and open coursing, and having the two facets makes the sport more flexible. It is desirable that an overall controlling body control both facets. It has been suggested to me that it is undesirable to appoint the board on the basis of clubs and so set one club off against another.

I have been told that it is usual for the owners and trainers to use all the tracks. One track may suit a dog better, and the dog may get its first opportunity on a particular track. It is desirable to have an integrated body, not one that is likely to cause confrontation amongst clubs. I have been told that the Adelaide club conducts a meeting every week, but the Strathalbyn and Gawler clubs also do that. Whilst the metropolitan club probably leads the way in stake money, takings, and so on, it does not lead by much.

I also have been told that, in the past, within the National Coursing Association, country clubs have wanted the club in

Adelaide, where most people are, to be the premier club, and the other clubs have been willing to help it. I understand that the *ad hoc* boards have made much money available to Adelaide to help it. It seems to me that it is not justifiable to let the Adelaide club have a major part of the representation. The owners and trainers in a sense are the sport in this kind of activity, and they should be represented.

I propose, in Committee, to move an amendment that is now being drafted. It will provide for a board comprising seven members, being two from the Adelaide club (so it is by no means being left out), one from the Strathalbyn club, one from the Gawler club, one from the combined Port Pirie and Whyalla clubs (they have expressed their willingness to appoint a member), one from the National Coursing Association, and one from the owners and trainers. I support the second reading.

The Hon. A. M. WHYTE: The various sporting bodies involved, namely, those interested in gallopers, trotters and dogs, have given the Bill much consideration. Each body has had the opportunity to work on the measure, with the best expertise available. The Bill does many of the things recommended in the Hancock report. The few anomalies that have been raised by other members who have spoken can be sorted out and, in general, the legislation is something that the three codes of racing have been trying to achieve for about 20 years. I congratulate the Minister on his part in having the Bill prepared and I commend the measure.

The Hon. T. M. CASEY (Minister of Tourism, Recreation and Sport): I thank honourable members for their contributions to the debate. The negotiations that have culminated in the introduction of the Bill go back a long time. When I took over the portfolio of tourism, recreation and sport and considered the legislation that was likely to be introduced, I became intimately concerned with the legislation. I hoped that the Bill would be introduced in this session, as it has been. I am pleased about that. In the negotiations leading up to its introduction, I had lengthy discussions with representatives of all forms of racing in South Australia, they being representatives of bodies engaged with gallopers, trotters, and dog racing.

It was suggested that the Trotting Control Board should remain as at present because it has functioned well. There was no representation on behalf of the body concerned with the gallopers, namely, the South Australian Jockey Club, to have that situation altered. Then we came to the rather new sport of speed coursing. The present board, which governs both open coursing and speed coursing, has been more or less run by the National Coursing Association. That arrangement dates back many years, and I appreciate that. The people involved were concerned with open coursing, and I was surprised to hear the Hon. Mr. Burdett say that many dogs were engaged in both open coursing and speed coursing. I should like to know how many dogs are so engaged simultaneously.

The Hon. C. M. Hill: Do you say it does not occur?

The Hon. T. M. CASEY: I am not disputing that it occurs, but it occurs rarely. This Bill deals with speed coursing. Open coursing is a different thing, and at present few open coursing meetings are conducted. That form of coursing has been outlawed in Victoria, and the strange anomaly is that a Bill to outlaw open coursing in South Australia will pass another place, and it will pass in this Chamber from what I have been led to believe. If a Bill of that kind is passed, open coursing in South Australia will be banned for all time.

The Hon. C. M. Hill: Why should that be the end of the N.C.A.?

The Hon. T. M. CASEY: What did it do? What did it do in Victoria?

The Hon. C. M. Hill: It has a position of considerable control in Victoria.

The Hon. T. M. CASEY: The honourable member must be joking. It deals with the registration of dogs in that State, as it does in South Australia.

The Hon. C. M. Hill: Are you saying that that is all it does in Victoria?

The Hon. T. M. CASEY: Yes, and it does not do that in New South Wales. The simple matter is that the speed coursing people in this State should look after their own dog registrations. That is common sense, and today it is a matter of speed coursing, not open coursing. My Cabinet colleagues and I cannot see why open coursing personnel should be engaged in speed coursing. It is a different sport altogether. As I said, if a Bill is passed in another place and passed also in this Council (and I understand the Hon. Mr. Hill is in favour of it), that will be the end of the N.C.A.'s holding open coursing in this State. Strangely enough, I favour open coursing and I believe it is a sport that should be continued.

It is a strange thing that a few years ago we had in this State a Trotting League, comprising a mixture of interests. I was very pleased when the Trotting Control Board came into existence, because what it did for trotting in this State has only to be seen today. I am pleased to know that the Hon. Mr. DeGaris supported the formation of the Trotting Control Board. It should be borne in mind that we have only five speed coursing clubs in South Australia. Angle Park is the headquarters (and, incidentally, is responsible for 41 per cent of the turnover in the State, contrary to what the Hon. Mr. Burdett has said, although admittedly, it holds one race a week).

The Strathalbyn and Gawler clubs also race once a week, only because I went to much trouble in giving them each the permission and privilege to do so. Before that they only raced once every alternate week. I do not set out to help specific clubs, because I am looking at the industry as a whole; not at individual clubs.

Then there are the Whyalla and Port Pirie clubs. A club is starting up at Barmera, and sooner or later we will have one in the South-East. The Hon. Mr. Burdett does not want to split country clubs; he wants to give them representation, giving Angle Park two representatives.

Angle Park, which is the headquarters of dog-racing in this State, had a $10 000 race the other night, and that is pretty big stake money. That honourable member wants to give Strathalbyn and Gawler one representative each, and one representative representing both Whyalla and Port Pirie. To me that is absolutely crazy. He should have been consistent and said that there should be one for Whyalla, one for Port Pirie, one for Strathalbyn, and one for Gawler—and that gets back to an enormous board. The South Australian Jockey Club headquarters has nine people on the board, and there are country representatives elected by delegates from clubs in both the north and the south. A similar situation applies with the Trotting Control Board.

The Hon. C. M. Hill: Was the $10 000 race you mentioned a moment ago sponsored?

The Hon. T. M. CASEY: I do not think it was sponsored by Hill's development company.

The Hon. C. M. Hill: Or, by Casey's pastoral interests.

The Hon. T. M. CASEY: It was sponsored by Solomon's.

The C. M. Hill: Who paid the prize money?

The Hon. T. M. CASEY: Mr. Nat Solomon was responsible for a good deal of it.

The Hon. C. M. Hill: Why are you using that as an example?

The Hon. T. M. CASEY: To illustrate the fact that Angle Park holds races attracting large prizes and that it is responsible for 41 per cent of the turnover in this State. As regards the Trotting Control Board, which has representatives from both the north and the south representing country clubs, there is no domination by the major clubs in Adelaide. This also applies in the case of dog-racing (or speed coursing).

I have much sympathy for the owners, trainers and breeders of dogs in this State, and I have already indicated in the second reading explanation that, when they come along and form themselves into an organisation that can speak for their industry, I am prepared to put them on the board. But at the moment they are few and far between, representing a very small percentage. Strangely enough, the people who are doing all the lobbying with members opposite concerning this Bill are owners and trainers who are members of their club.

I do not mind a little genuine lobbying, but I do not like, for example, being accused of not answering letters to the Editor. I do not answer letters to the Editor: I make that clear, although if someone writes to me I will answer his letter. I received a deputation from the N.C.A. back in August, and I was informed by a committee man from the Gawler Racing Club, who was a sports writer, of the outcome of a meeting before I was informed officially.

He approached me in my office and said, "This is the result of the meeting, what are you going to do about it?" I said, "If that is the official decision of the meeting. I will leave the *status quo*." I was informed later that some members who were not satisfied with what had taken place at that meeting in question, had changed their minds and asked certain questions. As a result, I wrote a letter, which was incorrectly quoted in a letter to the Editor, to the Secretary of the National Coursing Association of South Australia Incorporated, 17 Leigh Street, Adelaide, dated August 10, 1976. It states:

I refer to the interview that representatives of the National Coursing Association had at my office on the 3rd instant regarding the constitution of the proposed Dog Racing Control Board. In view of the fact that members of the board on July 30, 1976, resolved unanimously that the constitution of the board should remain as at present, I do not now propose to take any action to change the constitution.

That was because a further representation had been made to me by other interested parties who were satisfied with the way in which the meeting was conducted in the first place. One club has been lobbying very diligently.

The Hon. J. C. Burdett: The Adelaide club!

The Hon. T. M. CASEY: No, it is not. It is the South Australian Dog Racing Club, at Gawler. Those people have been to see me many times, and each time I have explained to them why in my opinion, and in the opinion of my Cabinet and Caucus colleagues, some people should not be represented on the board. The people concerned want the control of dog-racing in South Australia; they are not interested in the industry, whereas I am looking out for the industry as a whole.

The Hon. J. C. Burdett: How can you be?

The Hon. T. M. CASEY: If you put the owners, trainers and breeders on the board—these people are at the moment members of the Gawler club—

The Hon. C. M. Hill: Some of them are members of other clubs, too.

The Hon. T. M. CASEY: They are not members of other clubs as such. They would vote for the Gawler club; the same with the N.C.A.

The Hon. J. C. Burdett: Do you suggest that the N.C.A. would vote in favour of the Gawler club?

The Hon. T. M. CASEY: I am certain of it. We have the situation of the Gawler club telling the Adelaide Greyhound Racing Club how this matter should be conducted throughout the State, when it should be the industry's decision and not the decision of one club. I have fully looked into this matter and the Government is satisfied that the board should consist of five members, as in the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 26 passed.

Clause 27—"Constitution of Board".

The Hon. J. C. BURDETT: I move:

Page 12, line 40—Leave out "five" and insert "seven". Lines 42 and 43—Leave out all words in these lines. Page 13, lines 2 to 4—Leave out all words in these lines and insert paragraphs as follows:

"(c) one shall be nominated by the South Australian Greyhound Racing Club Incorporated;

(c1) one shall be nominated by the Southern Greyhound Raceway Incorporated;

(c2) one shall be nominated by the National Coursing Association of South Australia, Inc.;

(c3) one shall be nominated by the Greyhound Owners', Trainers' and Breeders' Association of South Australia, Incorporated;"

I outlined the reasons for these amendments during the second reading debate. I certainly refute the Minister's suggestions regarding the Greyhound Owners, Trainers and Breeders Association, and the National Coursing Association.

The Hon. C. M. HILL: I criticise the Minister for his disparaging remarks regarding the National Coursing Association. In the first instance, the Minister implied that the National Coursing Association did nothing in Victoria, simply on the basis that coursing, which is under query in this State, had already been abolished in Victoria. He then admitted that they were involved in registration. I understand that the National Coursing Association has two representatives on the seven-man Victorian board. Will the Minister say whether or not this is so and, if it is, whether it is fair for him not to consider this body's having one nominee on the proposed board in this State?

The Hon. T. M. Casey: What happens in New South Wales?

The Hon. C. M. HILL: I understand that the National Coursing Association still controls the registration of all greyhounds. The Minister seemed to convey the impression that the association was fading out from the whole scene throughout Australia, but that is not so. I have no details to hand regarding the representation on the New South Wales board. However, the Minister undoubtedly has that information, and perhaps he will give it to the Committee. In Victoria, the National Coursing Association has two representatives on that State's seven-man board, yet the Minister is wiping off the association completely in this State. Surely this is a reason why the association should have a nominee on the board.

The Hon. T. M. CASEY: I make no apology, as the honourable member suggested I should. I am sure that, when the Bill to abolish open coursing comes before the Council, the Hon. Mr. Hill will support it.

The Hon. C. M. Hill: That's interesting!

The Hon. T. M. CASEY It is very interesting. If open coursing is abolished, it will leave the National Coursing Association with nothing. The honourable

member cannot squirm out of this one, because he would vote unhesitatingly for the abolition of live hare coursing in this State. I have said that I would not do so but that I would support it, and that is where we are different. Live hare coursing has nothing whatsoever to do with speed coursing.

The Hon. J. C. Burdett: Rubbish!

The Hon. T. M. CASEY: It is not rubbish. I have been attending live hare coursing since I was six years of age.

The Hon. C. M. Hill: You're an expert in this and in everything else.

The Hon. T. M. CASEY: No, I am not. I merely said that I have attended live hare coursing since I was six years of age.

The Hon. C. M. Hill: And you still intend to support it?

The Hon. T. M. CASEY: Yes. However, this has nothing to do with speed coursing. It is similar to the position of gallopers having nothing to do with trotters and trotters having nothing to do with dogs. Should a person be on the Dog Racing Control Board as well as the Trotting Control Board merely because he owns a dog and a trotter?

The Hon. C. M. Hill: His dogs are in both areas of the sport.

The Hon. T. M. CASEY: The honourable member probably has not seen a hare coursing meeting, and I doubt that he has seen a speed coursing event. Has he? He has not.

The Hon. C. M. HILL: If you want me to answer, the answer is "Yes".

The Hon. T. M. CASEY: The honourable member has never seen either.

The Hon. C. M. HILL: I take a point of order, Mr. Chairman. The Minister is making an unfair and dishonest accusation in saying that I have never seen speed coursing. It is not true. I have seen it.

The CHAIRMAN: That is not a point of order.

The Hon. C. M. HILL: Well, it is pulling the Minister up and getting him back on the rails.

The Hon. T. M. CASEY: The honourable member is saying that an enormous number of dogs compete in live hare coursing as well as in speed coursing.

The Hon. M. B. Cameron: That is right.

The Hon. T. M. CASEY: The Hon. Mr. Cameron does not know, either. That is typical of that honourable member.

The Hon. R. A. Geddes: Is it possible for a dog that is suitable for open coursing to go speed coursing?

The Hon. T. M. CASEY: I think the number is few indeed.

The Hon. R. A. Geddes: All the dogs trained in my district go to open coursing before they go to the other. The owners find out whether they can race before they put them in.

The Hon. T. M. CASEY: That could be possible. I come from the honourable member's district, too. Most of the thousands of dogs that are speed coursing dogs are bred outside the honourable member's district, anyway, and they would not see the light of day on an open coursing track.

The Hon. R. A. Geddes: So that they can prove themselves to their owners, dogs do open coursing before they do speed coursing.

The Hon. T. M. CASEY: I do not know. I do not train dogs. There could be dogs that have competed in both open coursing and speed coursing, but the number would be few. The National Coursing Association can conduct its own coursing if it so desires. That does not come into this matter at all. The association is interested in open coursing, and that is what it should be wanting to conduct. The only reason why it wants to get representation on the Dog Racing Control Board is that it wants to justify its existence in maintaining registrations. I do not think that that is suitable under this legislation. The registrations can be kept by the Dog Racing Control Board. If other people want to keep the association in national events, they can do that. It is strange that in another place colleagues of members opposite supported this provision.

The Hon. J. C. Burdett: They moved an amendment.

The Hon. T. M. CASEY: Did the honourable member see the result? Some of his colleagues did not support the amendment. I do not believe that the association has the right to have representation on the Dog Racing Control Board, which will administer speed coursing in this State. I cannot support the amendment.

The Hon. J. C. BURDETT: The Minister has talked nonsense (and it was not the first time) when he has said that open coursing and speed coursing have no more to do with each other than have galloping and trotting. My information is that virtually every dog that races in open coursing has been involved in speed coursing. Also, the people involved in open coursing will almost all be involved in racing dogs at speed coursing. I understand that 90 per cent of the dogs at any open coursing meeting would have been tried at speed coursing. The National Coursing Association has two representatives on the controlling body in Victoria, and it also has that representation in New South Wales.

The control board's rejection of the Minister's proposal for a five-man board was unanimous. As I have said, the Minister made a public statement in August supporting an 11-man board, and the latest correspondence received from the Minister was the letter confirming the 11-man board. The Minister did not have the decency to tell the National Coursing Association that he had changed his mind.

The Hon. T. M. CASEY: In Victoria, the National Coursing Association is not a coursing organisation, because live hare coursing is banned there. I believe that it conducts speed coursing and also does the registrations. I think the position is similar in New South Wales, but I would not swear to that. I also dispute that some dogs—

The Hon. C. M. Hill: You said "hardly any".

The Hon. T. M. CASEY: I adhere to that. Not 1 per cent of the dogs would compete in both open and speed coursing in this State.

The Hon. M. B. Cameron: It is at least 90 per cent.

The Hon. T. M. CASEY: If the honourable member was told that, he was told a furphy.

The Hon. J. C. Burdett: I know owners and trainers who race dogs at both.

The Hon. T. M. CASEY: I dispute that, because it is not true. I know dog owners in this State whose dogs are speed coursing dogs that compete in country areas and in the metropolitan area. Not one of those owners has ever blooded dogs on an open coursing track.

The Hon. J. C. Burdett: Have they told you that?

The Hon. T. M. CASEY: Yes, they have.

The Hon. Jessie Cooper: And they told lies before the Select Committee at the time. They were proven liars.

The Hon. T. M. CASEY: It is incredible that this amendment should be moved, after all the work that has been done on the Bill. It is not true to say that I have not informed the bodies concerned. I have tried to keep everyone informed.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the matter to be considered by the House of Assembly I give my casting vote to the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 28 and 29 passed.

Clause 30—"Quorum, etc."

The Hon. J. C. BURDETT: I move:

Page 14, line 5—Leave out "Three" and insert "Four".

lines 8 to 11—Leave out all words in these lines and insert subclauses as follows:

"(1a) The members shall elect one of their number to be chairman and the member so elected shall, subject to this Act, be chairman for the term for which he was appointed to be a member.

(2) The chairman shall preside at a meeting of the board and, in the absence of the chairman, the members present shall choose one of their number to preside at the meeting."

This amendment is consequential upon the amendment passed to clause 27. It provides first, that one of the seven members elect from their number a Chairman and secondly, changes the quorum.

Amendment carried; clause as amended passed.

Clauses 31 to 74 passed.

Clause 75—"Totalizator pool insufficient to meet dividends."

The Hon. R. C. DeGARIS: During my second reading speech I raised the question of the meaning of clause 75. I pointed out that over some years I have been unhappy with the fact that in a dividend declaration for a place bet with a hot favourite it is built up from the pool of money wagered on other horses. I ask the Minister whether the clause overcomes that problem.

The Hon. T. M. CASEY: No.

The Hon. R. C. DeGARIS: In that case can the Minister explain what clause 75 does?

The Hon. T. M. CASEY: It means that if there is a shortfall of less than 50c on a bet that the totalizator cannot make it up. The extra money in order to make it up to 50c has to come out of the fractions and the dividends adjustment account. That has been the situation right through and still will be the same.

The Hon. R. C. DeGARIS: Where there is a pool and where the favourite would pay 45c it is made up to the minimum dividend and that comes from the actual pool and not from the fractions or elsewhere?

The Hon. T. M. CASEY: No. As I said, if the totalizator cannot make up the 50c, which is a unit, and that is the minimum unit that is paid, and can only meet 45c, it has to take 5c out of the fractions as provided in clause 75a and secondly, the dividends adjustment account, and the Treasurer may pay from that account to the board or the club, as the case may be, such amount accordingly. That has been the practice in the past and that is what it will be in the future.

The Hon. R. C. DeGARIS: My information is different to that. When I asked the Minister whether this clause would make up the payment of minimum dividends for a red-hot favourite in a place bet and that that money would come from the fractions or from the dividends pool the Minister replied "No".

The Hon. T. M. CASEY: If I did, I am sorry. I thought you asked a different question. I thought you said it is to be different from what it was previously and I said no.

The Hon. R. C. DeGARIS: Over a long period of time I have raised this question on a number of occasions and asked that it be changed. Can the Minister say when it was changed? It was not so up until when I last spoke on this matter. As long as this clause overcomes the problem that I have spoken about for some time I am happy that it be passed. I raised the question on two or three occasions when the Hon. Mr. Shard was Chief Secretary and the reply was that there had been no change.

The Hon. A. M. WHYTE: I think my interpretation of the Bill before us is that the shortfall will be made up in the case of there not being sufficient funds to cover the bets placed with the T.A.B. What the Hon. Mr. DeGaris is saying is that in all cases the place bets should not have to supplement the short price favourite that wins. The provision in the Bill is that, if there is not sufficient money to pay out, it will be drawn from certain funds. There are different lines of thought here. The Hon. Mr. DeGaris is saying that the place bet should not be penalised at the expense of a short-priced favourite.

The Hon. R. C. DeGaris: Yes. I should like to know exactly what this clause means.

The Hon. T. M. CASEY: We have told you. The only time the 50c minimum pay-out would not apply would be if there was a dead heat for third, in which case one would not be entitled to a 50c pay out.

The Hon. R. C. DeGaris: Sure.

The Hon. T. M. CASEY: I remember when this was introduced into Parliament in about 1965, since when fractions have always gone to the Government. I think the Leader does not want them to go.

The Hon. R. C. DeGaris: No.

The Hon. T. M. CASEY: But that is beside the point. If a person has a bet on a horse and it is a real hot favourite and it runs third, he gets 50c back.

The Hon. R. C. DeGaris: That is right.

The Hon. T. M. CASEY: Under the totalizator pool provisions, it cannot make it up to 50c—it has not enough money—so it takes it out of the fractions or the Dividends Adjustment Account.

The Hon. R. C. DeGARIS: In my opinion, if that is so, this is a new clause, and that is the question I want answered. For some time, ever since the T.A.B. legislation came in, I have dealt with this matter. If this clause does what the Minister says it does, I am happy; but if it does not, I warn him I shall be looking for an amendment to the Bill at some stage.

The Hon. T. M. CASEY: I am happy about that.

Clause passed.

Clauses 76 to 81 passed.

Clause 82—"Power to conduct off-course totalizator betting outside State."

The Hon. T. M. CASEY: I move:

Page 29, line 26—After "The" insert "Totalizator Agency".

This is a drafting amendment.

Amendment carried; clause as amended passed.

Clauses 83 to 111 passed.

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

The Hon. R. C. DeGARIS: There appear to be two stages here, and my amendment appears to be more specific than that of the Hon. Mr. Whyte. I am prepared to allow him to move his amendment first.

The Hon. A. M. WHYTE: I move:

Page 37—After line 31 insert new subclause (1a) as follows:

(1a) The board shall not grant a permit under this section in respect of betting on a day and within a racecourse except after consultation with the racing clubs holding the races on that day at that racecourse.

This clause deals with the authority of the board to allot bookmakers' permits to the various clubs. In the past, the clubs themselves have had the right to issue a permit to a bookmaker; under this Bill, the whole authority will be vested in the board. Perhaps this is a good thing. At present, the clubs call for a certain number of bookmakers, and some clubs have been prudent enough to ballot excess bookmakers out so that the clubs have a reasonable number of bookmakers on their courses on race days. However, some clubs have not been prudent enough to see that there are enough bookmakers at each meeting, without there being too many at one meeting and not enough at another.

Partly as a result of that and partly because some bookmakers were able to feel so much stronger than their opponents, it was decided some years ago to zone the bookmakers. This did not affect the big bookmakers who were prepared to travel throughout the State; but there were problems and, when zoning was introduced, I contacted all the country clubs in South Australia, and by a small margin they came down on the side of retaining zoning. In this instance, the board will have the power to regulate the number of bookmakers at a meeting. I am sure my amendment will be happily received by the clubs. The board will still have the power, but in consultation with the clubs that are holding meetings.

The Hon. T. M. CASEY: I see what the honourable member is driving at but we must remember that there was a Select Committee that inquired into this matter. Let me read what the Hancock report said about bookmakers:

We feel that the existing arrangements are unnecessarily complicated. The Betting Control Board discharges efficiently the task of registering bookmakers and obtains evidence from the bookmakers' betting sheets about their performances. We recommend that the selection of bookmakers to bet at particular meetings and to bet in particular rings be left entirely to the B.C.B. We have no doubt that the B.C.B. while dealing fairly with individual bookmakers, will give proper attention to any complaints that the clubs may make.

That was the finding of the Hancock report, and we agreed with it. We shall complicate matters if we write into the legislation that, before this is done, clubs must liaise with the Betting Control Board, and *vice versa*. I leave it to the Betting Control Board; it is capable of licensing bookmakers, as it has been doing for some time, and we believe it should be responsible for the delegation of bookmakers to courses. For that reason, I oppose the amendment.

The Hon. A. M. WHYTE: What the Minister says is in part true: he says that the authority should stay with the board. My amendment does not take away the authority of the board. The board, being all-powerful, will have the final say. The amendment asks the board to allot the bookmakers in consultation with the club, and there is no complication whatever, because that is the board's intention. This is new legislation and what is intended should be written into the Bill.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte (teller).

Noes (9)—The Hons. F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the matter to be further considered by the House of Assembly, I give my casting vote in favour of the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS: As the Hon. Mr. Whyte's amendment has been carried, although it does not go far enough (I would prefer to have the decisions made entirely by the racing clubs), I will not move my amendment or another amendment to a later clause.

Clause as amended passed.

Remaining clauses (113 to 154), schedules and title passed.

Clause 75—"Prohibition of conduct of totalizator except as authorised"—reconsidered.

The Hon. R. C. DeGARIS: I want the Minister to be clear about what I am saying on this clause, because I do not want any misunderstanding in the future. I refer to the situation of eight horses in a race, and the money put on those horses for a place bet is $1 000 on horse No. 1, $100 on horse No. 2, $20 on horses Nos. 3, 4, 5 and 6, and $10 on Nos. 7 and 8, a total investment of $1 200. After the percentage that must come out, a pool of $1 020 remains. In place betting it means that the minimum dividend must be made up so far as the favourite is concerned. Having made that sum up to 50c, whence is the money drawn to make up the 50c in a place bet—from the money on the other horses in the place situation or from the fractions in the dividend fund?

It is possible in a place bet pool where, having made up the minimum dividend to the favourite, there is no money left at all for any dividend for other placed horses. That may be what clause 75 refers to. In my opinion it is totally wrong to make up the minimum dividend from the pool rightly belonging to other placed horses. If clause 75 does as the Minister says, that the dividend on any horse in the placed field is made up from the fractions, I am satisfied but, if it is only to make up the total pool, I am most unhappy and I will address the matter further.

The Hon. T. M. CASEY: I can only reiterate what I have said previously: I believe the answer is "Yes", fractions do make up the payout, if it is less than 50c, as calculated by the totalizator.

Clause passed.

Bill read a third time and passed.

## SUPERANNUATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from November 30. Page 2552.)

The Hon. M. B. CAMERON: This Bill has been a long time coming to us; we have been waiting for a long time to see the final stages of the taking over of the South Australian country rail services by the Commonwealth Government. Of course, the people who have been waiting longer

than anyone are the working men in the rail system, the people who have been directly concerned about the delay in finding out what their future and what their superannuation will be.

This whole affair started as a result of an agreement between the Commonwealth and State Governments on the transfer of the South Australian country rail services and, when that occurred, clearly there had not been sufficient discussion on such vital matters as superannuation. When it came to the discussions, it was found that there was perhaps a greater problem than those people who had signed the original agreement thought there would be. The Minister of Transport has attempted, in various press releases I have seen, to imply that it is the present Federal Government that has caused this problem.

The Hon. B. A. Chatterton: That is quite right.

The Hon. M. B. CAMERON: It is hopelessly incorrect, and it goes back to the original agreement. An agreement on this could have been reached at any time after the signing of the transfer agreement; but agreement was not reached even when there were two agreeable Governments at the time, two Labor Governments. No agreement was reached on this measure. There was a period of 12 months in which agreement could have been reached, as the Minister knows.

The Hon. B. A. Chatterton: Oh!

The Hon. M. B. CAMERON: That is correct.

The Hon. F. T. Blevins: How do you arrive at 12 months?

The Hon. M. B. CAMERON: That was the time between when the agreement was first signed and when there was a change of Government.

The Hon. F. T. Blevins: Come on; we were elected in July.

The Hon. M. B. CAMERON: There was a period of some months in which some agreement could have been reached, but nothing happened. It is erroneous to say it did.

The Hon. C. M. Hill: The 12-month period is right.

The Hon. M. B. CAMERON: If the Minister wants to examine the situation, he will find it correct.

The Hon. B. A. Chatterton: But that is not the point; you said it was 12 months in which two Labor Government will that satisfy you?

The Hon. M. B. CAMERON: If I say there was a period of time in which you could have reached agreement; will that satisfy you?

The Hon. F. T. Blevins: It was 2½ months.

The Hon. M. B. CAMERON: No agreement was reached and it was up to a Liberal Government to reach an agreement. You wanted your cake and you wanted to eat it, too. The problem is that members opposite wanted the Federal Government to pay all the costs; they must have known it was not on for certain people in the Commonwealth rail service to have an advantage paid for by the Commonwealth Government; it just could not be done. It would not be right and proper and there were some things that could have happened: the Commonwealth Government could have been registered as a South Australian employer, but for many reasons that was not on. The Commonwealth Government could have introduced the same superannuation as applied to the Commonwealth Public Service but, by the time this agreement was signed, cost-cutting measures were already being introduced by the Federal Labor Treasurer of the time; he was cutting into almost every item in the Budget—education, and so on. The Federal Labor Government was cutting down on Government spending, so an alteration in the superannuation scheme was not on then, and an impasse was then reached.

The present Federal Government has contributed to the final agreement by agreeing to the system which will now operate, under which the State Government will pay a proportion to bring the superannuation of those employees who will be transferred up to the level of that which they would have received if they had remained in the South Australian railway system. The member for Mount Gambier has been the closest questioner in another place on this matter, having constantly brought it forward. I understand that much concern has been expressed by railway employees at the lack of action by the State Government in getting this matter finally cleared up. The member for Mount Gambier has done an excellent job, and railway employees in that area brought a deputation to him to try to get the State Government off its backside.

The Hon. T. M. Casey: How many railway employees are in the Mount Gambier area?

The Hon. M. B. CAMERON: There are enough, as the Minister will find at the next election. The Labor Party has lost them all because of its lack of action.

The Hon. C. M. Hill: There was a survey undertaken down there.

The Hon. M. B. CAMERON: That survey showed that the railway men have not forgotten what has occurred. The delay in finalising the future of these people has lost the Labor Party their support for ever. The uncertainty created by the lack of action for so long and the lack of finalisation has been cruel and unnecessary. This has led the employees concerned to wonder whether they should transfer to the metropolitan system or whether they should stay where they are. It is appreciated now that finally, through agreement with the Commonwealth, through the Commonwealth's coming to the party in this matter, these people can now look forward to a future, remain in that area and not feel obligated to shift or to change their employment.

It is unfortunate that, when the agreement was first drawn up, these matters were not then cleared up. Obviously, insufficient thought was given to this matter, and it has led to much disquiet. Anyone associated with the Government knows that there has been much disquiet throughout the railway union about the lack of interest shown in this problem when the agreement was drawn up.

The Hon. J. R. Cornwall: Disquiet, but not any disadvantage.

The Hon. M. B. CAMERON: It could have been. The Government did not think of these people at the time, and it completely ignored their problem.

The Hon. J. R. Cornwall: That's not true.

The Hon. M. B. CAMERON: It is. The Government signed that agreement without having regard to those problems. It was not until these people got on the Government's back that it found it had to do something.

The Hon. R. C. DeGaris: Many of the questions asked at the time were not answered.

The Hon. M. B. CAMERON: True. I supported the agreement, but I expected the Government to ensure that the people's interests would have been looked after.

The Hon. T. M. Casey: You then thought of those people?

The Hon. M. B. CAMERON: Of course, but it was up to the Government to carry out the details of the agreement and ensure that the employees concerned were not adversely affected by the transfer agreement. Th Government failed to do that on behalf of these people. I do not believe that any honourable member will disagree with

this Bill, which will bring these people back to the sort of parity they could have expected if the Government had shown concern for them at the time.

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

## CREDIT UNION BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): 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

The introduction of this Bill is of major significance to South Australians. It recognises for the first time the separate needs and entity of a rapidly growing credit union movement. Just as the Building Societies Act, 1975, gave separate legislative foundation to building societies, this Credit Union Bill, 1976, answers a Government promise to provide similarly for credit unions in a manner that is more appropriate to their activities and services than the Industrial and Provident Societies Act which previously served both building societies and credit unions.

The introduction of this Bill comes at a time when most other States in Australia are seeking to introduce similar legislation. While New South Wales has a Credit Union Act, this Bill is unique in Australia in its provision, not only for the formation and registration of credit unions, but for a Credit Union Stabilisation Fund to assist their financial stability. In so doing, it draws largely upon the provisions of a model Bill prepared by the Australian Federation of Credit Union Leagues, and upon legislation passed in Canada, where the credit union movement has provided financial services to the community since the turn of the century. In its modern and comprehensive dealing with credit unions, this Bill is certain to serve as a precedent for other States.

While this Bill has only been sought by most credit unions for the past two or three years, credit unions have, in fact, been operating in South Australia since 1948. From this beginning, credit unions have grown until 40 credit unions with assets of more than $42 000 000 now serve over 62 000 South Australians. Throughout Australia there are 738 credit unions serving 900 000 people. The first co-operative non-profit organisation of this kind was established to provide financial services for a group of drought-stricken farmers in Germany in 1850. The use of credit unions spread to North America in the early twentieth century, where every State and province of the United States and Canada now has legislation separately providing for their activities. Today, a World Council of Credit Unions presides over 58 000 credit unions operating in 72 countries and serving 52 000 000 people, and the communities in which they live.

Against such an international background, the reasons for this Bill are virtually self-explanatory—an inevitable step welcomed largely by credit unions as part of their growth and sophistication. It is also natural that this Government would support co-operative organisations of this kind: credit unions are established for the financial needs of their members rather than for profits; members have equal voting rights; loans granted by credit unions to their members are generally small, designed to meet the personal needs of the average person; and credit unions often have a community, geographical or common bond base. However, with such aims, the credit union movement itself has recognised that credit unions are often managed by people who are well motivated but who lack expertise in financial matters. This has caused a few credit unions to flounder in recent times.

This Bill, therefore, seeks to achieve a balance between encouragement of the activities of credit unions and regulations to ensure competent management and financial stability, so as to protect the interests of South Australians who belong to credit unions. It should in no way hinder the operations of a well-run, financially stable credit union. But, importantly, it provides for a Credit Union Stabilisation Board to have powers to supervise the activities of a credit union in financial trouble, and to assist that credit union financially from a fund established by the contributions of credit unions themselves. The self-help nature of a credit union is thereby reflected in the legislation itself, together with appropriate controls seen as necessary by the Government and most credit unions.

In addition to the provisions relating to the stabilisation board and its supervisory powers, the Bill provides for a Registrar of Credit Unions, who is to have administrative control over the formation and registration of credit unions, and to work and co-operate with the board in matters affecting the financial stability of credit unions. The Bill also provides for directors' qualifications and duties, auditors' responsibilities, minimum levels of liquid funds and reserves, authorised investments, and potential controls of maximum loans and interest rates. The Bill also recognises the existence of associations of credit unions, formed to promote the interests of their member credit unions rather than to trade as credit unions. In South Australia, at present, there are two such associations—the Credit Union League of South Australia, which has 19 affiliated credit unions, and the Savings and Loans Association of South Australia. In relation to associations, the Bill provides more flexible and lenient regulation of their monetary policies in keeping with their greater financial strength, management expertise, and differing function.

This Bill is the culmination of six years work to develop adequate legislation. The Government expresses its gratitude to the credit union movement for its contribution to the formulation of the new legislation, and particularly to the Australian Federation of Credit Union Leagues for its preparation of a model Bill. A similar model Bill prepared by a working committee of the State registrars having responsibility for credit unions has also been of use.

Part I deals with formal preliminary matters. Clause 4 deals with the transition of control of credit unions and associations of credit unions from the Industrial and Provident Societies Act to the new Act and Part II deals with the administration of the Act. Clause 6 provides that the Governor may appoint a Registrar of Credit Unions, who may seek advice from the Public Actuary, and may delegate his powers. Clause 8 provides that the Registrar shall maintain a public office, where all documents registered under this Act shall be kept and may be inspected. Clause 10 empowers the Registrar to inspect any records relating to the affairs of a credit union or association, whether the records are in the custody or control of a liquidator or bank or any other institution. A similar provision is in the Building Societies Act.

Part III includes clauses 12 to 26 and deals broadly with the formation and registration of credit unions. Clause 12 is intended to ensure that a body of persons that is carrying on the business of a credit union in South Australia registers under the Act unless it is a credit union formed elsewhere and is exempted by the Minister from registration requirements. A savings and loans society operating in South Australia will be required to register as a credit union under the Act.

Clause 14 requires 25 or more natural persons to form a credit union. This is aimed at ensuring substantial support for a credit union before it starts business. Clause 15 sets out registration requirements aimed at satisfying the Registrar that the credit union will be able to carry out its objects successfully upon registration. Upon registration a credit union is a body corporate. The rules of a credit union must be registered at the time that a credit union is registered. Clause 19 permits the rules to be altered by special resolution of the credit union, and clause 20 enables the Registrar to modify the rules where in his opinion a rule does not conform with the best interests of members of the credit union, the public interest or the Act. (The regulation-making power also provides for model rules to be prescribed to assist credit unions in their operations.)

Clause 20 provides an appeal to the Credit Tribunal against a modification of rules by the Registrar, as well as his refusal to register a credit union or its rules, and clause 22 follows a provision of the Business Names Act in allowing the rejection of a name used by a credit union which is undesirable or misleading. Clause 25 provides that credit unions may amalgamate by special resolution of each credit union that is a party to the amalgamation, after detailed advice of the proposal has been given to its members. Such an amalgamation must be approved by the Registrar who, with the consent of the Stabilisation Fund Board may dispense with the special resolution requirement, where an amalgamation needs to be completed quickly. In this provision can be seen one of the basic concepts of the Act. The Registrar is given administrative responsibilities, and the role of protecting the financial stability of credit unions is given to the board. The board also has power in later provisions of the Bill to order the amalgamation of a credit union that is under supervision with another credit union.

Part IV deals with membership and share capital of credit unions. Each member of a credit union holds the same number of shares. Under clause 29 a corporate body can be a member of a credit union after its formation, but is subject to the same voting and shareholding rights and limitations as any natural member. This protects the interest of members of credit unions, in preventing corporate control. Clause 30 in dealing with share capital provides that shares are of equal value, that each member must hold the same number of shares, and that the full nominal value hereof must be paid before allotment. (This normally is an amount of about $10.)

Part V (clauses 33 to 46) is concerned with the monetary policies of credit unions. Division I deals with raising funds, either by accepting deposits from members, or by borrowing. Clause 34 ensures that a credit union cannot borrow more than an amount exceeding 25 per cent of the aggregate of the total amount of its deposits held, its total paid-up share capital, and its reserves, unless the Registrar, upon the recommendation of the board, approves otherwise. Division II deals with loans, and provides that a credit union may make loans only to its members. Clauses 36 and 38 provide for the Minister to declare maximum interest rates and the maximum amount that may be loaned in any case by a credit union. In the case of loans the maximum amount so declared may vary from one credit union to another. (A Public Service Savings and Loans Society may well be able to make loans up to $10 000, while a smaller credit union may need to be limited to a lesser amount. The sum of $4 000 is the general self-imposed limit of many credit unions at this time.)

Division III provides for liquid funds and reserves. It has been the failure of building societies and credit unions alike to maintain an adequate proportion of assets in liquid funds, and of surpluses in reserve, that has caused those institutions to flounder when public confidence for various reasons has waned. The Government considers that there is an urgent need to require credit unions to hold a minimum proportion of their assets in liquid form.

Clause 41 therefore requires a credit union to maintain as liquid funds a sum not less than a prescribed percentage of the total of paid-up share capital, the amount held by way of deposits, and the amount of outstanding principal of any loan made to the credit union. Clause 42 aims to ensure that a credit union plans for its future financial stability by transferring at the end of each financial year to a reserve account a prescribed percentage of the surplus arising in that financial year from the ordinary business of the credit union.

Division IV defines the manner in which a credit union may acquire property and invest its funds. Clause 43 ensures that a credit union has the consent of the Registrar upon the recommendation of the board for the purchase of real property. Clause 44 outlines the investment policy of credit unions registered under this Act and requires investment in relatively safe investments and clause 46 deals with the problem of dormant accounts.

Part VI deals with associations in a similar manner to credit unions, but without the same strict requirements as to monetary policies. Clause 47 provides that associations of credit unions must register under this Act. Clause 48 stipulates that four or more credit unions are necessary to form an association, to avoid a proliferation of associations. Clause 51 indicates that shareholding and therefore voting in an association may be proportional in accordance with its rules, provided that no member credit union may hold more than one-fifth of the share capital of the association.

Clause 54 applies several Parts of the Act relating to credit unions to associations *mutatis mutandis,* subject to such modifications as are prescribed. In particular, the provisions relating to rules and the Registrar's power to modify them, appeals, name and office, amalgamation, reserve accounts, management, winding up and offences are so applied.

Part VII provides for the internal management of a credit union. Clause 55 vests the management and control of a credit union in a board of directors, which is subject to regulation by a general meeting of members. Clauses 57 and 58 deal with the appointment and eligibility of directors for office, and the circumstances in which such office becomes vacant. Clause 59 is important to proper management in providing for disclosure by a director of contractual interest with the credit union of which he is a director. Clause 60 is similarly important in preventing a director from engaging in activities which may conflict with the interests of his credit union and its members. Clause 65 sets out the duties and liabilities of directors.

Division II of Part VII provides for meetings of members and voting. Clause 66 ensures the annual general meeting of a credit union must be held within four months after the

close of the credit union's financial year. Clause 67 explains that each member has one vote and that a decision shall be made by a majority of those persons entitled to vote who are personally present at a meeting. Under clause 68, a special resolution shall be effective only if supported by not less than two-thirds of the votes cast and if registered with the Registrar. A special resolution is, for instance, necessary for a credit union to alter its rules. Division III deals with registers and accounts, and clause 70 sets out the registers to be kept which include registers of loans made. Clause 73 requires the directors to keep certain accounts aimed at accurately recording the financial position of a credit union. Clause 74 requires the directors to cause a profit and loss account and a balance sheet to be laid before each annual general meeting. It is expected that the regulations under this Act will follow provisions of the Companies Act in stipulating the manner in which such accounts will be prepared and presented.

Clause 75 prescribes penalties of up to $1 000 for non-compliance with the provisions of Division III. Where fraud is involved the penalty is $2 000 or six months imprisonment. Division IV deals with audit and largely follows Companies Act requirements. Clause 77 again foresees regulations based on the Companies Act provisions to ensure that an auditor cannot readily be removed by a credit union. The Government sees the need to ensure that an auditor is free to act independently. In addition to the accounts to be laid before a general meeting by directors, the auditor under clause 79 must also report at that meeting as to whether the accounts are properly drawn up. Clause 79 also gives an auditor powers of inspection of the books of a credit union, and requires the auditor to report breaches of the Act to the Registrar where he thinks it necessary. Division V stipulates the returns to be transmitted by a credit union to the Registrar.

Part VIII in providing for the Credit Union Stabilisation Board, its fund to assist credit unions, and its supervisory powers of credit unions is perhaps the most important part of the Act. It relies largely upon the provisions of the British Columbia Credit Union Act, 1975. Clause 81 deals with the formal establishment of the board as a body corporate. Clauses 82 and 83 provide for the constitution of the board, with five members, not less than two being representatives of credit unions or associations, and the terms on which they hold office. Clause 84 provides for allowances and expenses of members to be paid out of the fund. Clause 87 indicates the functions of the board which are to establish and administer the fund, to encourage and promote financial stability of credit unions by supervision and advice, and to advance the interests of credit unions, Clause 89 provides for staff to be appointed by the board with the approval of the Minister and allows public servants to be borrowed for that purpose with the consent of the Minister administering that deparment.

Division II provides for the establishment of the fund. Clauses 90 and 91 basically envisage three concepts:

(*a*) a credit union is to keep on deposit with the fund an amount equal to 2 per cent or other prescribed percentage of its share capital and deposits;

(*b*) this will involve an annual payment to the fund to maintain such a percentage;

(*c*) a levy may also be imposed on occasion by the board upon credit unions where the fund needs extra funds urgently.

The amount kept on deposit can be seen as an investment and the levy as an occasional expense. The provisions of clauses 90 and 91 also allow the board to relieve a credit union of these obligations wholly or partially where it thinks such action is proper. It is likely that the board may exercise this power while the fund is being established, in order to relieve credit unions from the burden of providing large sums immediately for the fund.

Clause 92 provides for the transfer of assets and liabilities of any existing stabilisation funds administered by an association to the board for the purposes of the fund, and any assets so transferred will be taken into account when the board is determining the obligation of a credit union to contribute to the fund. Clause 93 stipulates the manner in which the fund may be used for the financial assistance to a credit union, whether by way of direct grants or by loans. Under clause 94, a member of a credit union which fails to satisfy its liabilities to the member may claim against the fund. Such a claim by a member would be strong grounds for placing the credit union itself under supervision. Clause 95 is an important provision in supporting the stability of the fund and, therefore, credit unions generally. The board may borrow from the Treasurer or from another source, with the consent of the Treasurer, and that loan will be guaranteed by the Treasurer.

Clause 96 provides for investment by the board with the approval of the Minister. This opens the way for joint Government and credit union involvement in investments likely to assist the community. Division III provides for the board to supervise credit unions in financial trouble. In particular, clause 102 empowers the board to take certain actions in relation to a credit union placed under supervision, including prohibiting lending, appointing an administrator and removing a director. An administrator so appointed has, under clause 103 all the powers of the board of directors during his administration.

Part IX, in dealing with winding up, especially applies provisions used in the Companies Act and the Building Societies Act to credit unions. Part X contains evidentiary provisions and prescribes certain offences. An important provision of this Part is clause 113, under which a board may require a credit union to insure against all risks—a provision similarly stressed in the British Columbia Act. Clause 120 allows the Registrar, upon the application of not less than one-third of the members, or of his own volition, to hold a special meeting of a credit union and inquire into its affairs. This power will be important in assisting the board to determine whether a credit union should be placed under supervision.

Clause 122 provides for the making of regulations on a number of matters. They include provision for model rules for credit unions or associations—an efficient means of implementing the policies of the Registrar, the board and the Act generally, advisory committees (already used in New South Wales), procedures for appeals to the Credit Tribual, procedures for the board, and for modifications to the provisions of the Act in their application to associations. The first schedule to the Bill lists the various bodies previously registered under the Industrial and Provident Societies Act which are to be registered as credit unions under the Act upon its commencement. The second schedule specifies the body that is to be registered as an association upon the commencement of the Act.

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

## ELECTORAL ACT AMENDMENT BILL (No. 4)

Consideration in Committee of the House of Assembly's message that it had disagreed to the Legislative Council's amendments Nos. 1 and 2.

The Hon. T. M. CASEY (Minister of Lands): I move:

That the Council do not insist on its amendments Nos. 1 and 2.

The amendments would reduce the flexibility of the Electoral Commissioner to apply the legislation. The amendments restrict the prescribed area to 40 kilometres which, as I have previously explained, allows the Commissioner insufficient flexibility in respect of the people concerned living in far Northern areas and outside local government areas. As honourable members are conversant with the points raised in the earlier debate, especially regarding the point involving the Commissioner's need for flexibility, I ask the Committee to not insist on its amendments.

The Hon. A. M. WHYTE: I find it hard to understand how the Commissioner or anyone else could say that my amendments inhibited the flexibility of the legislation. Actually, my amendments make the situation more flexible.

The Hon. R. C. DeGaris: What other flexibility would the Commissioner require?

The Hon. A. M. WHYTE: I cannot understand. My amendments apply to the whole of the State, because there could be isolated cases throughout the outlying areas of the State. Some time ago the Commissioner seemed to think that there was no problem associated with my amendments. I therefore oppose the motion.

The Hon. R. C. DeGARIS: I agree with the Hon. Mr. Whyte. The Minister will have to explain what other flexibility the Commissioner would require.

The Hon. T. M. CASEY: I cited some examples during the second reading debate, particularly the Brachina railway siding, where the people cannot get in to vote.

The Hon. A. M. Whyte: They are provided for under the legislation.

The Hon. T. M. CASEY: So is everyone else. The Leader could not say how many people on the Birdsville track were affected.

The Hon. A. M. Whyte: I could.

*Members interjecting:*

The CHAIRMAN: Order!

The Hon. R. C. DeGARIS: Because there is a railway siding at Brachina, which has a regular mail service, the people there should not have the right to go on the general postal voters roll. A distance of 40 kilometres away from a polling booth is the norm that has been established. I cannot see what other flexibility the Commissioner requires. If we start prescribing an area, we will produce grave difficulties. The general postal voters roll is designed to allow people who, because of their isolation, have difficulty in casting a valid vote to cast such a vote. The Minister must do some more explaining.

The Committee divided on the motion:

Ayes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte (teller).

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable the further processes of discussion to continue, I give my casting vote for the Noes.

Motion thus negatived.

## PULP AND PAPER MILL (HUNDREDS OF MAYURRA AND HINDMARSH) ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): 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 short Bill, which has only one operative clause, clause 3, is intended to introduce a new formula for the determination of council rates payable by "the company" as defined in the principal Act, the Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act, 1964. The previous methods of determination of rates payable by the council were set out in section 4(1) and (2). The amendment proposed will substitute in section 4 new subsections (1), (2), (2a) and (2b) and the method of determining the rates is, it is felt, quite self-explanatory. The Government has agreed in principle with the council that the determination of rates provided for in his measure will continue until the rating year 1980-1981 and in that year this matter will be reviewed. This Bill has been considered and approved by a Select Committee in another place.

The Hon. R. A. GEDDES secured the adjournment of the debate.

## EDUCATION ACT AMENDMENT BILL (No. 2)

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

*That this Bill be now read a second time.*

I draw honourable members' attention to the deletion of clause 5 from the House of Assembly Bill, and seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill makes a number of miscellaneous amendments to the Education Act. The most important of these provide for registration of pre-school teachers and modifications in the membership of the Teachers Registration Board. The Government believes that the time has now come to provide for the registration of pre-school teachers. It believes that this move will enhance the status of pre-school teaching, and will ensure the proper care, education and training of young children, a matter of such importance to their future educational development. As a consequence of this amendment, provision is made by the Bill for the Kindergarten Union to be represented on the Teachers Registration Board. Other changes to the composition of this Board are proposed by the Bill. The Bill increases the representation of working teachers on the Board from two members to six members. It provides also that one of these representatives must be an employee of a non-government school. The Bill also amends the principal Act in so far as it deals with handicapped children.

The modern approach to this problem is to deal with mental and physical handicaps, so far as possible, without resort to forms of institutionalisation that might alienate

the child from normal children of his age. But, of course, there will be classes of children, for example, the blind, the deaf and the mentally retarded, for whom special schools must be established and maintained. The Bill removes the concept of a handicapped child from the principal Act and replaces it with a definition of "special school". Under the new provisions, the Director-General can direct the enrolment of a child who needs some particular form of attention in a special school. The Bill makes minor amendments to the provisions dealing with teachers' long service leave; it expands the powers of an authorised officer, enabling him to investigate the reasons for the non-attendance of a child at school; and it makes minor amendments relating to the guaranteeing of loans that are made to school councils.

Clauses 1 and 2 are formal. Clause 3 amends a number of definitions in the principal Act. A "recognised kindergarten" means a kindergarten registered by the Kindergarten Union or any prescribed kindergarten. This definition is to be read with a subsequent provision of the Bill, which prevents a person from teaching in, or administering, a recognised kindergarten unless he has been registered as a teacher by the Teachers Registration Board. A definition of "special school" is included. This provision is to be read in conjunction with subsequent provisions dealing with the enrolment of children who need some special form of education, treatment or care. The definition of "teacher" is expanded to include a person who works, or is qualified to work, in the field of pre-school education.

Clause 4 amends section 9 of the principal Act to make clear that the Minister can acquire, deal with or dispose of real or personal property as he thinks fit. Clauses 6 and 7 make minor amendments to the principal Act designed to ensure that interruptions of continuity of service occurring before the commencement of the new Act do not affect entitlement to long service leave. Clause 8 amends section 25 of the principal Act. This amendment makes clear that the Minister can appoint to the teaching service, on a temporary basis, a person of or above the age of 65 years. A person so appointed does not acquire a right to long service leave. This is in line with corresponding provisions of the Public Service Act.

Clause 9 amends section 55 of the principal Act, which deals with the composition of the Teachers Registration Board. The number of nominees of the Institute of Teachers is increased from two members to six members, and a provision is included that one of these must be a teacher employed in a non-government school. A further member is to be nominated by the Kindergarten Union of South Australia. Clause 10 makes a consequential amendment to the provision dealing wth size of quorum. In the reconstituted board, the Chairman will not have a casting vote. Clause 11 makes a consequential amendment.

Clause 12 amends section 61 of the principal Act. The amendment gives unqualified pre-school teachers a period of two years within which they may obtain registration solely on the basis of experience. This is in line with a provision that formerly applied to teachers of other categories. A consequential amendment is made in subsection (4). Clause 13 amends section 63 of the principal Act. This amendment provides that a person shall not act as a teacher, or principal administrator, in a recognised kindergarten unless he has been registered by the Teachers Registration Board. Another important amendment made by this clause relates to the suspension of the provisions relating to registration. The amendment provides that such a suspension of these provisions can only be made on the recommendation of the board. Clause 14 slightly increases the length of notice that must be given to a party in relation to an inquiry before the Teachers Appeal Board. This is to ensure that teachers in remote areas have adequate time to arrange for their appearance or representation before the board.

Clause 15 deals with enrolment. The amendment provides that the Director-General may in the interests of a child require his enrolment in a special school. Clause 16 expands the powers of authorised officers. It enables them to investigate reasons for the absence of a child of compulsory school age from school. Clause 17 deals with guaranteeing loans to school councils. It provides that, before a loan can be guaranteed, the council must, where the work is to be carried out by the Government, deposit 50 per cent of the proportion of the cost of the project, which will be borne by the council, with the Minister or, in any other case, it must satisfy the Minister that it is in a position to contribute in cash not less than 50 per cent of the relevant amount.

The Hon. JESSIE COOPER secured the adjournment of the debate.

## ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): 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 short Bill proposes three disparate amendments to the principal Act:

(*a*) it adds to the land comprised in the Festival Centre, section 1188 in the hundred of Adelaide. This section is more particularly delineated in the proposed new third schedule to the principal Act;

(*b*) it makes clear that the trust has power to enter into contracts operating outside the State;

(*c*) it rationalises the situation relating to control of motor vehicles and parking in and about the Festival Centre.

Clauses 1 and 2 are formal. Clause 3 amends section 4 of the principal Act by providing a definition of section 1188, which is self-explanatory. Clause 4 amends section 20 of the principal Act and clarifies the powers of the trust in relation to contracts and in the manner adverted to above. Clause 5 enacts a new section 29c in the principal Act and formally "conveys" section 1188 to the trust. Clause 6 amends section 35 of the principal Act: (*a*) by providing a power to make regulations relating to the fixing of fees for parking; and (*b*) by pro-

viding a form of "owner onus" in relation to offences relating to motor vehicles.

Clause 7 inserts two new sections 36 and 37 in the principal Act, and for convenience these sections will be dealt with *seriatim*. Proposed new section 36 will enable the trust to collect "expiation fees", in amounts not exceeding $10, for parking offences. Proposed new section 37 vests in the Adelaide City Council the power to regulate traffic movement, parking and associated matters in and about the centre. This assumption of power by the council in this matter has been proposed following discussions with the trust and in all respects seems to be the most convenient arrangement. Clause 8 inserts a schedule in the principal Act delineating section 1188 in the hundred of Adelaide.

The Hon. C. M. HILL secured the adjournment of the debate.

## ADJOURNMENT

At 5.45 p.m. the Council adjourned until Tuesday, December 7, at 2.15 p.m.