HOUSE OF ASSEMBLY.

Wednesday, June 29, 1955.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

ELECTORAL COMMISSION'S REPORT.

Mr. O'HALLORAN—Has the Premier any information as to when the report can be expected from the commissioners who were appointed under legislation passed last session to re-arrange State electoral boundaries?

The Hon. T. PLAYFORD—Yes. Sir Geoffrey Reed, the chairman, telephoned me this morning and said that the commission had reached certain conclusions and would be able to present its report fairly early next month, but, if it was desired to include maps with the report, the report would be delayed for about three weeks to enable them to be prepared. I believe members would prefer the report to be accompanied by maps because it would be difficult to follow the boundaries merely from the section numbers. As the House will not be sitting in July I considered it advisable to have maps with the report, so that they could be exhibited. I understand the report will be available towards the end of July, before the House resumes in August.

Mr. DUNSTAN—Will the Premier consider asking the chairman of the Commission whether it will release its report in its present form, and provide members with maps as soon as possible thereafter? It is desirable that this information be released to members as soon as possible so that those who wish to make out the information without the aid of maps may be able to do so?

The Hon. T. PLAYFORD—When asked by the chairman, I indicated the contrary view: I believed that honourable members would prefer to have the report with maps attached so that they could study the boundaries shown. That was my view, but if any honourable member has a contrary view I have no objection to his expressing it. I still believe it would be advantageous for members to have maps because the definition of a district simply by hundred boundaries or section boundaries would involve considerable research without any certainty of the findings being precise. I would prefer a map, and I point out that maps are being prepared as rapidly as possible.

MYPONGA URANIUM DEPOSITS.

Mr. BROOKMAN—Can the Premier say what progress has been made with the mining of the Myponga uranium deposits which were discovered some time ago?

The Hon. T. PLAYFORD—The deposits of uranium at Myponga, although rich in quality, were of limited extent, and a geological investigation showed that they did not persist at depth. The ore found has been mined and will be treated at the Port Pirie works. I fancy that it has been, or speedily will be, mined out.

MOTOR WORKS FOR WALLAROO.

Mr. McALEES—Has the Premier made any approach to representatives of the Hudson motor company to establish works at Wallaroo, where there is an extraordinarily good seaport? There is a desire to have major works established in the district, where there is labour in abundance.

The Hon. T. PLAYFORD—An appointment has been arranged for me with a man from overseas who represents the Hudson interests. He has come to Australia to consider the possibility of establishing works for the company. I understand the officer is making a thorough investigation of the potentialities of various States and localities. When I meet him I shall know more accurately what his intentions are and whether it will be possible to induce the company to establish works in South Australia.

Mr. O'HALLORAN—The suggestion that the Hudson Automobile Corporation should seriously consider establishing a plant at Wallaroo is an excellent one. When the representative of that firm discusses the matter with the Premier will he ascertain the company's views on the question of steel production in South Australia as regards the availability of steel from existing sources and the impact the possibility of establishing a steel works at Whyalla would have on the company's decision to establish a plant in South Australia, particularly as Wallaroo is only across the gulf from Whyalla?

The Hon. T. PLAYFORD—If this company is established in Australia its steel requirements will be for high grade rolled steel, which will certainly come from Port Kembla where the hot strip mills are being established at a cost of £50,000,000 or £60,000,000. Wherever the company is established in Australia it will get its supplies from Port Kembla. The production at Port Kembla will be adequate for

Australia's requirements. It would be impracticable to supply the highly polished surface steel used for motor car production from any other plant, at any rate to supply all Australia's requirements. The establishment of a steel works at Whyalla would have only a remote bearing on the company's decision. I understand that the quantity of steel required by the company will be readily available from Port Kembla and, indeed, all motor car manufacturers in Australia will rely on Port Kembla for that type of steel.

QUARRYING IN FOOTHILLS.

Mr. GEOFFREY CLARKE—A great deal of concern has been expressed by many residents in the foothills, and particularly the Burnside district, at the extent of quarrying, and the blasting which takes place from time to time in the quarries. Does the Premier propose to introduce legislation to limit the extent of the blasting and give directions as to how the quarrying shall take place?

The Hon. T. PLAYFORD—At present two authorities deal with the matter of quarrying. There is the local government body and the Department of Mines, which deals particularly with the safety of working in the quarries. It is proposed to introduce legislation this session to put the general question of quarrying under the Department of Mines instead of having dual control. I do not want the honourable member to be misled into believing that the purpose of the Bill is necessarily to close down certain activities. The quarrying industry is important to South Australia and it is essential that we get from the Adelaide hills high grade metal for road works. The Bill will not take existing rights from people, but will establish proper quarrying methods. I believe that by insisting on those methods we shall overcome many of the difficulties that at present arise from unconfined shots, which produce a tremendous amount of reverberation in the districts nearby but are not necessarily the most effective method of quarrying.

LOAN EXPENDITURE.

Mr. STOTT—On his return from Canberra the Premier referred to the possible curtailment of Loan expenditure because South Australia did not get the finance required. Can the Premier say whether it will mean a curtailment of major works, and, if so, where is it envisaged the curtailment will take place?

The Hon. T. PLAYFORD—The total amount of money allocated for the States this year, directly through the Loan Council, was £190,000,000, as against the amount received last year of £180,000,000. Therefore, the total amount allocated this year is £10,000,000 greater than the amount expended by the States last year, though last year the States asked for £200,000,000. Even taking into account marginal wage increases, we should be able to undertake this year about the same volume of work as we carried out last year.

Mr. Macgillivray—Does that apply to road works?

The Hon. T. PLAYFORD—Road works have never been financed in a major sense from the Loan programme. The Highways Department has received small amounts from the Loan fund: I think last year not more than £250,000 from loans but that was largely made available to councils in the form of interest-free loans for the purchase of plant and equipment. The only money used by the Highways Department itself for road works from the Loan fund has been for bridges. Road works have always been financed from revenue from motor taxation and from the percentage of petrol tax that we get from the Commonwealth. The actual allocation of Loan funds for this State is about £1,500,000 greater than we received last year, which means that we can carry out a programme approximately equivalent to that of last year.

BUSHFIRE RELIEF.

Mr. WILLIAM JENKINS—I ask the Minister of Agriculture whether final payments have been made, or are about to be made, from the Bushfire Relief Fund administered by his department, and are the accounts and payments to be audited by the Government Audit Department and published in the daily papers?

The Hon. A. W. CHRISTIAN—We have arranged for the Auditor-General to audit the fund and a full statement of the audit will be published in due course. The Bushfire Relief Committee, by whom the fund is administered, met last Monday and decided upon the final distribution, though I point out that much of the work has been done by officers of my department. Some distributions have already been made to the victims of bushfires to the extent of their being provided with fencing material and fodder, and a substantial progress payment was made in recent weeks. We expect that the final distribution will be completed about the end of July.

SUPPLY OF LIQUOR TO ABORIGINES.

Mr. MACGILLIVRAY—During the Treasurer's absence at the Loan Council meeting I asked whether a report would be obtained from the Commissioner of Police about the administration of the law controlling the supply of intoxicating liquor to aborigines, the opinion being held, I understand, by some police officers and justices of the peace that the present law is inadequate. Has the Treasurer received a report on this matter?

The Hon. T. PLAYFORD—No, though I believe that some time ago a report was submitted from the Police Department suggesting that the present law could be strengthened by the imposition of more drastic penalties. However, the fact that a department requests a certain provision does not presuppose that the Government will fall into line. The present law is fairly restrictive upon a certain section of our inhabitants, and there are many people who advocate that the aborigine be given the same rights of citizenship as the rest of the community, so there are two views on this matter. I look forward to the time, and I hope it is not far distant, when we shall have so advanced the status of our aborigines that we shall be able to wipe out the present legislation, which is discriminatory. I am not condemning this legislation, for it was designed in the interests of the aborigine and to protect him, but any suggestion for tightening the law in the direction suggested should be closely examined. I doubt whether the amount of evil which is arising is sufficient to justify an extension of a system which in itself has considerable objection.

Mr. TRAVERS—Is it not a fact that a considerable number of aborigines are exempt from the provision of the law relating to the supply of liquor? If so, what is the procedure for obtaining such exemption, who grants the exemption, what are the criteria applied in considering applications for such exemption, and with what evidence are aborigines equipped to show to a person about to supply them with liquor that they are exempt?

The Hon. T. PLAYFORD—The honourable member has asked for a number of details which, obviously, I would not have with me at the moment. The whole matter is controlled by an Act, and the Aborigines Protection Board has been set up, with the Chief Protector a permanent Government officer. That board has the permanent duty of establishing and maintaining the welfare of the aborigines, and the power to grant exemptions, including conditional exemptions. It may grant an exemption applying for a probationary period. The board is the authority to which application is made, and when it grants an exemption it gives a certificate of exemption to the aborigine. As far as I know, a probationary certificate may be revoked, but not a permanent certificate. Of course, it complicates the problem in which Mr. Macgillivray is interested that a person may represent himself to be exempt under the Act when he is not really exempt and has no exemption card with him. Another complication is the fact that whenever aborigines get liquor they are steadfast in maintaining silence about their source of supply, even though they may be convicted. I presume they do it from a sense of loyalty. I believe that applies generally. This is not an easy problem. The Government would not necessarily support out of hand a recommendation by the Police Department because that department has not to consider the niceties of the law as Parliament has.

Mr. MACGILLIVRAY—The Premier was absent when I asked my question, and I doubt whether he had an opportunity of reading it, because the reply he gave had no bearing on it. I agree by and large with all he has said, but my question related to those people who illegally supply intoxicating liquor to aborigines. It was debated here last session and the House was unanimously of the opinion that the penalty should be increased and that for a first offence there should be imprisonment for six months. The court cannot punish unless there is a conviction. Courts along the river are tired of punishing aborigines for drinking and at the same time allowing the suppliers to go scot free. Will the Premier get a report from the Police Commissioner on whether the present laws are sufficient to meet the position.

The Hon. T. PLAYFORD—I do not need to get a report in order to reply to the question. A number of cases have come under my notice and there has been a strong agitation to take away the discrimination against aborigines. Much of the liquor supplied to them does not come illegally from hotels but from aborigines who are exempted under the Act, or are on probation. One case came under my notice from a district other than that represented by the honourable member. A native on probation made a regular habit of going to a hotel and lawfully buying large quantities of liquor, which he made available to all and sundry. This is one way in which liquor is distributed to aborigines. I am not keen on yarding up a number of aborigines, just because we

have a law which discriminates against them. Heavy gaol sentences are not justified by the evil.

Mr. MACGILLIVRAY—Evidently the Premier is so obsessed with his own views on this matter that he has missed the point raised by me. I do not want the aborigines to be rounded up and imprisoned. I ask that the suppliers of the liquor be rounded up and imprisoned, as this House decided should be done. If the Premier does not favour stopping the supply of the liquor, will he have the law amended to remove aborigines from control, which perhaps would be the saner thing to do? Now they are sitting shots for the courts, whilst the people who exploit them are allowed to do so for their own benefit. Will the Premier get a report from the Police Commissioner to see if the law can be implemented and if it cannot be implemented will he remove aborigines from control?

The Hon. T. PLAYFORD—I thought my previous answer made it clear that the Government did not intend to rush into this matter. Already this session we have had two questions on the subject. One dealt with the number of offences and the information was given. I think it was shown that the number of persons apprehended for supplying liquor to aborigines was four. A number of aborigines were apprehended for having liquor in their possession. The honourable member's question today is based on wrong premises. Justices in the district have not complained that they continually have to impose inadequate penalties on the suppliers of the liquor. The Police Commissioner has reported that only four have been apprehended, so it cannot be a matter of the penalty. I am not keen to have heavy gaol sentences imposed on all and sundry. I think there should be a good deal of limitation on the punishment that can be meted out by justices of the peace.

HOSPITAL MATERNITY CHARGES.

Mr. MACGILLIVRAY—During the Treasurer's absence at the Loan Council meeting I asked for information about charges for maternity cases in our public hospitals, and I now ask him whether he has that information.

The Hon. T. PLAYFORD—No, but I will get a report from the Director-General of Medical Services.

GUMMOSIS IN APRICOTS.

Mr. TEUSNER—During the past few years I have made frequent representations to the Minister of Agriculture's predecessor in office, and also to the present Minister, pointing out the considerable losses that have been suffered by horticulturists, particularly apricot growers, in my district, as a result of the infestation of many orchards by gummosis die-back. Following on a deputation to the Minister's predecessor, which urged the appointment of a research officer, an appointment was made about the beginning of last year. I understand that this officer submitted a first progress report last year and I ask the Minister whether he can now give me any further information on the progress made by Mr. Carter in his research?

The Hon. A. W. CHRISTIAN—I have a further report from Mr. Carter and it has been summarized by Mr. Strickland, the chief of the plant division of my department. I pay a tribute to the research work done by Mr. Carter. He is the Plant Pathologist at the Waite Research Institute and has applied himself tirelessly to this problem. No doubt he has often felt completely frustrated in his work, because many difficulties are involved in this problem. Results of research always seem so far ahead, and we owe something to research workers of this kind who apply themselves constantly and sometimes with little result. Mr. Strickland has summarized Mr. Carter's report as follows:—

As indicated in the attached report by Mr. L. C. Smith, Horticultural Research Officer, the following main points are covered in Mr. Carter's report:—

1. Levels of irrigation and nitrogenous fertilizer do not appear to affect the incidence of gummosis in the field.
2. Infection is probably possible at any time in the year given wounding and sufficient rain to disperse inoculum.
3. The perfect stage of the gummosis fungus (*Eutypa*) has been established, and can be found widely on dead apricot wood of considerable age.

Work with the perfect stage has been carried out since this report was prepared in February, and indications are that ascospores may be produced from old apricot wood in great abundance, and airborne over very great distances. The most important avenues of future work are determination of the periods during which wounds are susceptible to infection by ascospores, and on fungicidal and physical means of protecting wounds. The Department of Agriculture will be concerned mostly with the latter of these two avenues. Discovery of the long suspected perfect stage of the gummosis fungus represents a very great step forward in our knowledge of the fungus and great credit is due to Mr. Carter in this connection. However, advances in the practical control of gummosis still rest upon discovery of an effective means of protecting wounds during the period of their susceptibility to infection.

BEACHPORT-MILLICENT ROAD.

Mr. CORCORAN—On learning recently that the Highways Department had not included the bituminizing of the Beachport-Millicent main road in its 1955-56 programme, the Beachport council naturally expressed keen disappointment and agreed to ask me to press for the sealing of at least portion of the road. Although I do not desire to harass the Government on this matter I feel it is my responsibility to act in accordance with that request and ask the Minister of Works to again take up this matter with his colleague the Minister of Roads to see whether the department's programme can be altered to provide for the sealing of at least portion of the road in 1955-56 on the understanding that the work will be completed later?

The Hon. M. McINTOSH—There is often a little catch at the end of the question. When I was Minister of Local Government deputations that waited on me over the years always said that theirs were the worst roads in the State, and I am not unaware that in my own district some roads, which even 16 years ago were listed for bituminizing, and which are on the main highway between Adelaide and the district referred to by the honourable member, have not been bituminized simply because other roads have been given higher priority. I will take up this matter, and the work will be given its rightful priority, but I will not say what priority because every work done today must be done at the expense of some other work.

STATE'S TAXING POWERS.

Mr. TRAVERS—Can the Premier indicate whether at the recent Premiers' Conference there was any further evidence available to indicate whether the States are likely in the foreseeable future to again obtain their taxing powers? These powers were surrendered to the Commonwealth for war-time purposes and we are still in the extremely unsuitable situation of being called upon to spend money which we have not the right to raise and which we have not the responsibility of raising. As the war concluded a long time ago we should revert to the former situation as soon as possible. Has any progress been made towards that end?

The Hon. T. PLAYFORD—No. From time to time some lip service has been given to the suggestion.

Mr. O'Halloran—In this place?

The Hon. T. PLAYFORD—No. I have made my Government's position quite clear both when uniform taxation came into being and on a number of occasions since. Several of the States would revert to the old system tomorrow if that were possible. Victoria expressed that view at the recent conference. It has suffered more heavily than any other State through the operation of this system and it would undoubtedly revert to the old system of taxation tomorrow if the choice were available to it. Before we can revert to the old system two things must happen. In the first place, there is the general requirement that the Commonwealth must vacate a portion of the taxing field now occupied by it to enable the States to come in.

Mr. Pearson—Which portion?

The Hon. T. PLAYFORD—That has been the question. The total grant to the States this year is £157,000,000. If the Commonwealth tomorrow would agree to reduce the amount of income tax it collects by that amount, it would enable the States to come into the field without the general level of taxation being increased. The second requirement is that the Commonwealth forgo the provision that makes it impossible for a State to collect any amount of taxation from any individual until that individual has completely satisfied all the requirements of the Commonwealth. The Commonwealth has the priority for taxing purposes and members will realize that very few persons at any time can say that they have no outstanding obligation to the Commonwealth. While that provision is held to be law it is impracticable for the States to collect any taxation whatever. If South Australia decided to tax tomorrow it could only collect income tax from an individual after that individual had satisfied all the requirements of the Commonwealth Taxation Commissioner, and considering that every time a man collects wages he is banking up a new obligation with the Commonwealth, at no time is he free from the demands of the Commonwealth Taxation Commissioner. Under those circumstances it is obvious that the States can only come back into the income tax field with the concurrence of the Commonwealth Government, and I regret that up to the present the Commonwealth Government has revealed no disposition to remove the priority of collection section or step down from the total collections—

Mr. Travers—It has formed the taxing habit and apparently cannot break it.

The Hon. T. PLAYFORD—People do form habits that are difficult to break. The time

will, of course, come when the Commonwealth will find the demands of the States so insistent and strong that it will climb down, but there is a good deal more experience to be gained before that will happen.

PINE PLANTING AT BEACHPORT.

Mr. CORCORAN—My question relates to experimental pine plantings on the outskirts of Beachport. The following is an extract from *The South-Eastern Times* of June 21:—

Councillor McCourt also reported on an inspection of adjacent land (sections 68, 69 and 70) by himself, Councillor Braham, Forester A. J. S. Adams and his successor. He said the forest men had seemed to favour the idea of using this area (between 70 and 80 acres) for experimental planting of *pinus radiata* and *P. pinaster*. Running from the sea across the railway line to the edge of the damp ground the area would give an ideal cross section of soil types. If the experiment succeeded it would mean that two-thirds of the hundred of Lake George, as well as large parts of the hundred of Rivoli Bay would be suitable for pines and this would benefit Beachport town and district, Councillor McCourt said. The council agreed to write to the Woods and Forests Department asking that the experiment be initiated.

Has the Minister of Agriculture heard anything about the proposal and, if not, when it comes to hand will he take it up and see that it has serious consideration?

The Hon. A. W. CHRISTIAN—I have not heard of the proposal but I shall be glad to have it investigated.

LOTTERY AND GAMING ACT AMENDMENT BILL.

Mr. FRANK WALSH (Goodwood), having obtained leave, introduced a Bill for an Act to amend the Lottery and Gaming Act, 1936-1954. Read a first time.

CONSTITUTION ACT AMENDMENT (LEGISLATIVE COUNCIL FRANCHISE) BILL.

Adjourned debate on second reading.

(Continued from June 22. Page 402.)

The Hon. T. PLAYFORD (Premier and Treasurer)—I was not privileged to hear the speech made by the Leader of the Opposition, and I have not had much time, since my return from Canberra, to study the Bill, but I am satisfied that it makes a not unimportant amendment to the Constitution. The Bill contains only four clauses, two of which deal with incorporation with the principal Act and its short title. The Constitution provides for two Houses of Parliament, one to be elected upon adult suffrage and the other by people with property—the property qualification is fairly low. The Bill provides for complete adult suffrage for the Legislative Council, although I understand that the present large districts would be retained. There is also a relatively unimportant clause in the Bill repealing the provision that candidates must be over 30 years of age before being eligible for election to the Upper House. I think most members will agree that a Parliamentary system with only one House is not the most desirable. From time to time members opposite have talked about the abolition of the Legislative Council.

Mr. O'Halloran—Your Party believes in that in Queensland.

The Hon. T. PLAYFORD—In that State a Labor Government abolished the Legislative Council.

Mr. John Clark—And the Liberal Party did the same thing in New Zealand.

The Hon. T. PLAYFORD—I will deal with New Zealand in due course, but I think most members believe it is a good thing to have two Chambers. Legislation which will have drastic repercussions may be passed rapidly in this House and if it then has to be considered by another place the public has an opportunity of knowing what is proposed. It is then probably considered from different angles in the Legislative Council. That is a correct procedure, and I think that members opposite with Parliamentary experience agree with me.

Mr. O'Halloran—I do not propose to disturb that set-up.

The Hon. T. PLAYFORD—The honourable member agrees with me, but he wants to disturb it just as surely in another way, not by a direct attack upon the system of dual Chambers but by making the Legislative Council innocuous.

Mr. Lawn—No, by making it a democratic Chamber.

The Hon. T. PLAYFORD—He wants to make it an exact replica of this House. What is the purpose of having two Chambers if both are elected upon the same formula? The Leader of the Opposition has not come out in the open and made a bold attack by saying, "Let us abolish the Legislative Council"; he has been a little more astute. It is a well accepted principle in the British Parliamentary system that it is desirable to have two Chambers. There are very few exceptions to that, and I wish to deal with those about which I am competent to speak.

Queensland is one of the largest and richest States in the Australian Federation; it has magnificent forests, a good rainfall, and vast mineral deposits. Because of its climate it has a monopoly of the Australian tropical fruits and sugar industries. One would expect that under those circumstances it would be the most progressive State. Mr. O'Halloran said that it had the right sort of Parliamentary institution, and undoubtedly nature has bestowed on it every possible advantage.

Mr. Teusner—Including its form of government.

The Hon. T. PLAYFORD—According to the Leader, it has the proper form of government as well as its natural advantages, yet it is significant that on one occasion when the Commonwealth Government sought to return to the States their taxing powers the Queensland Government said it could not carry on unless uniform taxation continued. In fact, in order to get the Queensland Government to consider the return of taxing powers to the States, the Commonwealth Government said that Queensland would receive, under a new taxing scheme, a Commonwealth grant of £7,000,000. Why? Because from the point of view of production, the only point of view on which the progress of a country can properly be judged, the magnificent State of Queensland is the most backward State.

Mr. O'Halloran—It does not receive a disabilities grant as South Australia does.

The Hon. T. PLAYFORD—A disabilities grant cannot be justified where there is no disability. Queensland suffers no disability: it suffers from inertia. With its great natural resources and productive potential it has the lowest production per capita of any Australian State. Under those circumstances it would not be a good thing to deliberately set out to copy what has happened there. I now refer to the position in New South Wales. For many years it was the undisputed policy of the Labor Party in that State to abolish the Upper House, but only recently I heard the view expressed by a most reliable authority that, as Labor now controlled the Legislative Council there, its abolition would not be necessary. In explaining his Bill Mr. O'Halloran said:—

But there is no reason to suppose that if the council were elected on adult suffrage, it would be composed of persons any less capable of judging issues of importance to the State than those who now grace the benches of that House. In fact, much hasty and ill-advised legislation has been passed through both Houses during the last few years. Frequently we are asked to agree to amendments correcting drafting errors in previous amendments; in other words, because legislation has been rushed through in the dying hours of the session, it has been found later not to mean what it was intended to mean. This has resulted in an almost interminable procession of Bills making drafting amendments.

In effect, he says that many Bills are introduced merely to correct drafting errors made in hastily considered legislation. I cannot, however, find the Bills referred to. Occasionally when a Bill is being introduced, opportunity is taken to incorporate a drafting amendment. Our Parliamentary Draftsman is a man of great eminence and we are fortunate in having his services available to us. Occasionally, however, honourable members set out to draft their own amendments, and surely he cannot be held responsible for any errors they make; but to say that drafting errors have resulted in an almost interminable procession of Bills is not correct. Indeed, I do not remember introducing one Bill the sole purpose of which was to correct a drafting error. I have studied legislation of other countries and States and consider that probably fewer drafting amendments are introduced into this Parliament than in any other in Australia. I refute the statement that, because the Legislative Council is elected on a mild property franchise, hasty legislation results. The property franchise is now so low that even the Leader admits that it does not amount to anything. Indeed, because of the depreciation in the value of money the Leader admits that it does not matter any longer.

Mr. John Clark—If you agree with that you will not mind everyone having a vote for the Legislative Council.

The Hon. T. PLAYFORD—I do not agree. I merely said that it is a very mild form of franchise and one that is becoming progressively milder.

Mr. John Clark—Then you do agree with what the Leader says?

The Hon. T. PLAYFORD—I agree with that statement, but I do not agree with him when he says that because the franchise is so mild it should be wiped out. I believe that, if this House is merely reproduced in another place, the purpose of the other place is nullified because the same people would be thinking the same thoughts, making the same speeches and arriving at the same results twice.

Mr. O'Halloran—We are quite used to that now.

The Hon. T. PLAYFORD—The other place scrutinizes legislation, and I do not believe that its functions are to prevent reform and to delay important improvements.

Mr. Stephens—The Legislative Council delayed some of your improvements.

The Hon. T. PLAYFORD—Although the Legislative Council has amended and occasionally set aside legislation, it has never taken the view that its purpose is to delay progress or to disrupt legislation passed by this House. In fact, more Bills were defeated in this Chamber last year than in the Legislative Council. One important measure was set aside last year by the Legislative Council but on most occasions legislation has been accepted by the Council and frequently great improvements have been suggested. The suggestion that the Legislative Council has delayed progress cannot be substantiated. My view of this Bill is that it would have greater reactions than the Leader would have us believe. It represents a fundamental change in the Constitution. I do not believe the Leader has set out grounds of sufficient importance to justify this important change and I oppose the second reading, but if it reaches Committee stages I will seek to improve it.

Mr. LAWN (Adelaide)—I support the Bill with the greatest of pleasure. By the time I have completed my remarks this afternoon I shall have placed sufficient information before members to counter the Premier's weak excuses for opposing it. As a matter of fact, he did not discuss the Bill. That, of course, is his usual policy.

Mr. Macgillivray—He does not even answer questions.

Mr. LAWN—If it suits him he does not accept a question in its proper sense nor does he reply. He has the happy knack of being able to turn questions or debates to suit himself. The Bill provides for two amendments to the present legislation. Firstly, it provides that any adult person shall have the right to contest a seat for the Legislative Council and, secondly, that the House of Assembly roll shall be the roll for the Legislative Council. The Premier said that from time to time members referred to the abolition of the Legislative Council and discussed whether it was a good system to have two Houses or only one House of Parliament. That matter is not raised in the Bill and I do not intend to discuss it. He said that it was a good thing to have two Houses of Parliament. That is debatable. Apparently his Party in New Zealand does not think that, nor does his Party in Queensland, because it has been in power since the Queensland Legislative Council was abolished and did not attempt to restore it. The Premier then referred to the fruit, timber and sugar industries in Queensland, but I cannot see what that has to do with this measure, which is to determine whether or not we believe in democracy and in giving every person the right to vote for the Legislative Council. The Premier then discussed uniform taxation and concluded by suggesting that the Bill would have greater reactions than the Leader suggested. It gives all people over the age of 21 the right to vote for the Legislative Council, the same as for the House of Assembly. If they are good enough to vote for the House of Assembly they are good enough to vote for the Legislative Council. At the last elections there were 449,630 people enrolled for the House of Assembly and 168,758 for the Legislative Council. In other words, about 36 per cent of the people on the roll for the House of Assembly were enrolled for the Legislative Council.

One hundred years ago it would have been said that sponsors of a Bill similar to this were attempting too much or were moving too fast and trying to pull to pieces the grand and glorious Constitution which had made the British Commonwealth of Nations what it was. To admit this fact then would have been admitting that there was much in our Constitution which had come down from the dark ages when the rights of the people were not recognized. To admit it now would also be admitting that those who have the power of the vote today are ensuring that they retain it.

Mr. Brookman—Do you believe in State Parliaments at all?

Mr. LAWN—That is the most stupid remark I have heard since I have been a member of this House. About the only time the member for Alexandra opens his mouth it is to make one of the most senseless remarks I have ever heard from his side of the House.

Mr. Brookman—I notice that you do not answer the question.

Mr. LAWN—I happen to believe in State Parliaments—

Mr. O'Halloran—If they are properly constituted.

Mr. LAWN—Yes. The member does not know what he is talking about.

Mr. Geoffrey Clarke—Do you believe in unification?

Mr. Dunstan—Of course we do.

The SPEAKER—Order!

Mr. LAWN—I have answered the suggestion that I do not believe in State Parliaments.

although I cannot see what it has to do with the Bill. However, I answered the member who made that stupid interjection. Apparently more stupid interjections are now being made.

The Hon. T. Playford—All interjections are out of order.

Mr. LAWN—I think the Speaker earlier told the Premier that he was out of order in answering interjections. Those who have the right to vote today are going to ensure that they retain that right. The present age is one of progress and what was thought to be right 100 years ago is thrown out of court by modern thought and activity. Why shouldn't some progress be made in our Constitution? From year to year we alter other legislation. Attention is frequently drawn to anomalies in our Acts.

Mr. Hutchens—Perhaps section 92 of the Federal Constitution should be amended.

Mr. LAWN—We passed legislation relating to registration fees on interstate transport but that was held to be invalid and the Premier now must amend legislation to put it right. We are continually reviewing our Statutes, so why shouldn't our Constitution be reviewed? The members for Alexandra and Burnside, in opposing this Bill, would suggest that it penalizes one section of the community, but doesn't all our legislation penalize some section of the community? The people conducting interstate transport considered that our legislation penalized them. If a murder is committed there is a demand for justice, but justice would be detrimental to the murderer.

There is no justification for continuing this protection of privilege. Every loyal subject, whether male or female, rich or poor, is worthy of being recognized as part of the State and of sharing responsibilities, rights and privileges. If this is recognized why do we discriminate and deny rights and privileges to one loyal subject while granting them to another? Why is a political discrimination drawn between those who are equal in loyalty to the Crown? It may be claimed that some have no interests at stake and therefore should not ask for the same voting rights as those who have property to protect, but if this mode of reasoning were applied to the whole of our national life what would be the result? Should such reasoning be applied, in war-time men and women would only act in proportion to the interests they had at stake and the privileges they enjoyed. If the obligation to protect the State, property and life is binding on all alike, irrespective of sex or property qualifications, then equal privileges should be enjoyed by all. The State which demands the one and refuses the other is partial and unfair in its dispensation of justice to the people.

I have been interested in the development of the right to vote and have undertaken research on the subject in the Parliamentary library. In his book *Equality*, David Thomson in chapter 4, entitled *Political Equality*, states:—

As with so many reforms of the nineteenth century, it is difficult for twentieth century minds to appreciate the full horror with which the prospect of universal suffrage was viewed by men a century ago. The idea that the right to vote should be co-extensive with adult citizenship was one of the fundamentally revolutionary conceptions of the nineteenth century throughout Europe and Great Britain. The eighteenth century had regarded politics as reflecting the balance of wealth; economic power as necessarily and rightly determining political power. This notion, which today smacks of Marxism, was the orthodox and generally accepted doctrine of the English Constitution in the eighteenth century. Political theorists from John Locke to Edmund Burke were well-nigh unanimous in holding that the right men to govern England were men "with a stake in the country"—the oligarchy of big landowners, who clearly had most to lose if the country were misgoverned or if there were foreign invasion. It was even revolutionary to suggest—as did mercantilists like Thomas Mun or freetraders like Adam Smith—that the wealth of nations might lie in trade or industry and not only in land. Once the suggestions were accepted it was an easy next step to demand that these forms of wealth, too, should be represented in Parliament. Writers like Bolingbroke and Hume normally thought in terms of different blocs of economic interest and social connection such as the "landed interest," "the moneyed interest," the "labouring interest," "the dissenting interest," and so on. Until the rise of the radical movement in the late eighteenth century, coinciding with the American and French Revolutions, it was generally assumed that property and not persons ought to be represented in Parliament.

Later all "interests" were changed to "persons," and the book continued:—

In a real sense, therefore, the very notion of political equality could not arise as an operative ideal until it was widely accepted that persons, and not property, ought to be represented in Parliament.

After referring to adult suffrage for males, he said:—

The political emancipation of slaves was granted by Lincoln as a by-product of the Civil War; and it is noteworthy that black men were accorded the vote before it was given to white women, so that even race was regarded as a less important reason than sex for political inequality.

Over the years there has been much opposition to people having the right to vote and it has come from the people represented by Government members. We on this side are democrats and believe in all people having equal voting rights. It is clear that the right to vote was first granted to big landowners who it was considered had most to lose if the country was misgoverned or invaded by a foreign power. Later it was argued that the landed interests seemed too heavily represented and that the moneyed or manufacturing interests had insufficient representation. The next step was to claim a vote and representation in Parliament for all interests. Next it was claimed and accepted that political equality could not arise until persons and not interests had the vote and representation. The next step was the extension of the right to vote and representation to adult males, and even coloured males, before white women. Then it was claimed and accepted that the most democratic nation was that which harnessed political power for the general benefit of the community, and that to achieve this it was necessary to grant universal suffrage to all citizens irrespective of sex. This, of course, applied only in respect of the Lower House. In respect of the Upper House, or shall we say the House of privilege, much the same has applied, except that the Bill now before us is a belated opportunity to complete the harnessing of political power for the general benefit of the community instead of for the privileged. There is an opportunity now, but it has come 100 years later than it should have done. It is generally accepted that in a democracy the people elect the Government they want and vote it out when they no longer desire it. That is not the position in this State and it cannot be until all the people have the right to vote and to representation. Even if the Government were changed in this State there would still be a Legislative Council that could hold up legislation introduced in the Assembly.

The right to vote for the Council is vested in landowners and occupiers of property, and in the main they are males. The present voting position for the Council is no doubt a carry over from previous days, when females had no voting rights. If Government members think that the head of the house should be able to put a brake on the votes of his womenfolk I suggest that they take note of several quotation I shall make. The first is from *The Theory and Practice of Modern Government,* by Herman Finer, published in 1949. On page 233, dealing with the question of who may choose representatives, there is the following:—

> Female sex was an almost universal exclusion from the vote until a generation ago; the prohibition lasted longest (until very recently) in France, Italy and many other, especially Latin, countries. Female disfranchisement arose out of no rational consideration of women's need to participate in political activity, but out of the general social position of women, as determined by sexual role, family life and religious tenets. It was assumed that man was or should be the head of the family and the lord of women, and that women's place was the home; it followed that women were "represented" in politics by their husbands. They were put off with cant about their beauty and modesty. But with the insistence of natural rights theories upon the uniqueness of individual experience women found a way into political life. Among the pioneers of reform were men like John Stuart Mill and Charles Bradlaugh, not Christians in the ordinary sense of the word. The mass of men, securely installed in authority, were proof against argument until women formed militant organizations and worried and shocked them out of their domineering complacency. Some statesmen have ascribed their conversion to the efficient services of women in World War I.

Much of the opposition to the Bill, even though members opposite may not say so, is due to what I have just said. They believe that their wives and daughters should have the right to vote at Assembly elections but that the head of the house should be the only one in the family to vote at Council elections. It is time that belief was thrown overboard. These things are now being forgotten and adult franchise is being universally accepted. On September 12, 1894, one member of the House of Assembly in referring to this matter was reported as follows:—

> He thought the present members were just as capable of managing the country as members elected by women would be. If men were unable to govern the colony he was quite sure that women never could. When it came to a question of finance they would be more likely to get an intelligent answer from the men than the women, who were more concerned in whether crinolines were to be worn or what was the latest fashion in bonnets.

Another member then interjected "Or the result of the next football match." This shows clearly that at one time there was a prejudice against female voters. It was suggested in those days that the home was the place for the woman and that she should be there looking after her babies, but we have left those days behind and now women take a greater interest in politics. Nevertheless, some members still do not want universal suffrage because of their

prejudice against female voters. Then there is the following quotation from page 466 of *The Substance of Politics,* published in 1942. In referring to the electorate it states:—

Adult suffrage may indeed be supported by several strong arguments:—

(1) It is a personal injustice to withhold from anyone, unless for the prevention of greater evils, the ordinary privilege of having his voice reckoned in the disposal of affairs in which he has the same interest as other people. If he is compelled to pay, if he may be compelled to fight, if he is required implicitly to obey, he should legally be entitled to be told what for; to have his consent asked, and his opinion counted at its worth.

(2) Political equality is a basic principle of democracy; any form of restricted franchise necessarily infringes the principle of equality between individuals in some degree.

(3) If the right to vote is denied to some, their interests may be overlooked by the legislature.

These arguments have not, however, been allowed to pass unchallenged. It has been urged that where there is *prima facie* proof that those who have been excluded will not suffer by exclusion, their interest being adequately cared for by the representatives of those included, their disfranchisement is justified. The political interests of wives, daughters, and sisters, for instance, are safe in the hands of husbands, fathers, and brothers, on account of the intimate relations of affections that bind the members of the family.

There we see the emphasis on personal injustice. The book refers to those who are compelled to pay, fight, or obey, and says they are entitled to have their consent sought on various matters, and that can only be done through the ballot box.

Mr. Geoffrey Clarke—All men and women who have served in the forces have the right to vote for the Legislative Council.

Mr. LAWN—The honourable members says that part of what I have just contended for is granted in this State. Will he tell us whether all citizens who have to obey our laws and pay taxation should be consulted by Parliament?

Mr. Geoffrey Clarke—That is absurd if you take it to the extreme. For instance, children have to obey the law.

Mr. LAWN—I am speaking about people over 21. The honourable member agrees that they should have the right to vote for the House of Assembly. I remind him that people under the age of 21 are not treated the same as adults. Many people have not the right to vote for the Legislative Council, and I ask him why he does not believe they should have that right. The book from which I have just quoted states that democracy cannot be achieved under any form of restricted franchise. The book also supports my earlier quotation. It says:—

The case for universal suffrage rests, both historically and philosophically, on the belief that if any section of the community is deprived of the ability to vote, then its interests are liable to be neglected.

The farming interests are safeguarded by the Legislative Council by its depriving rural workers of the right to go to the State Industrial Court for an award. Farm workers have no right to vote for the Legislative Council if they do not occupy land or own property. Their interests are neglected by the Legislative Council.

Mr. Geoffrey Clarke—Your Party could remedy the position in New South Wales, but it doesn't.

Mr. LAWN—My statement about the political interest of wives and daughters being safeguarded by the right of husbands to vote for the Legislative Council is supported in *Theory and Practice of Modern Government.* All authorities state that the theory that women are represented in the Upper House by their husbands or fathers is not the theory of democracy, which is government of the people, by the people, for the people. Next year my two daughters will be eligible to vote for the House of Assembly, and Mr. Clarke is trying to say that their interests are safeguarded by my vote for the Legislative Council. I should like him to tell that to them and to other women in the district of Adelaide. What would they say if he told them their interests were being watched by Sir Wallace Sandford and Sir Frank Perry.

Mr. Geoffrey Clarke—Who looks after the interests of women in New South Wales?

Mr. LAWN—The honourable member represents the people of Burnside and should look after their interests. He should not worry about what applies in New South Wales, France, or some other country. I look after the interests of the people I represent, and I do not go all around the world criticizing other people. Many people in Burnside have not the right to vote for the Legislative Council, but that is not the principle of democracy. We should rectify anomalies in the law of South Australia, not New South Wales.

Mr. Geoffrey Clarke—Are you expounding Labor policy now?

Mr. LAWN—I am expounding the principles of democracy.

Mr. Geoffrey Clarke—Not of the Labor Party?

Mr. LAWN—The principles of democracy, which are the same. In South Australia the Liberal Party has no principles, let alone principles of democracy. Some sections of the Liberal and Country Party in other parts of the world advocate the principles of democracy, but they do not in South Australia. Strong's *Modern Political Constitutions* states:—

A very broad franchise is therefore characteristic of all existing constitutional states. The older states have carried out electoral reforms which have led to either adult or manhood suffrage, while the newly established states almost invariably wrote into their constitutions a clause bestowing universal suffrage, irrespective of sex.

Older states, like Great Britain and Australia to some extent, started with a constitution favouring a certain privileged section, but carried out some electoral reforms. On the other hand, the newer states, as a result of the experience of the older countries, adopted the principles of democracy. They are now far ahead of South Australia, for we still have a restricted franchise. In 1950 a Country Party Government in Victoria passed a Bill somewhat similar to the one before us.

Mr. Geoffrey Clarke—Why wasn't that done in New South Wales?

Mr. LAWN—Members opposite have little to say on this Bill and try to justify their actions by putting up a smoke screen. The Premier said all sorts of things about this Bill, but hardly touched on the subject. He said it dealt with abolishing the Legislative Council and the growing of tropical fruits in Queensland, and the member for Burnside can only utter inane interjections about what has happened in New South Wales and Queensland. The matter under discussion is whether all people over 21 should have the right to vote for the Legislative Council. I realize that democracy has certain faults, but I still believe in it, although I feel ashamed at times when its defects are reflected by people like the member for Burnside. We must face up to the other main drawback of democracy, its slow working, although that may have its advantages. As representatives of the people we should be able to discuss matters that interest them. In introducing a Bill similar to that now before this House, Mr. Dodgshun, Chief Secretary in the McDonald Country Party Government of Victoria, said in 1950:—

There has been no redistribution of the boundaries of the Legislative Council since 1936. When honourable members study this measure they will find that it embraces certain principles that were laid down in the legislation of that year. Because of the general trends throughout the world we feel that we can help to safeguard democracy by giving responsible people the right to elect their representatives to Parliament. In the community there are men and women who saw service with various arms of the fighting forces. They were prepared to lay down their lives to safeguard those at home and to preserve the principles for which this nation stands. Because of restrictions in the present Act many of those ex-servicemen and women, together with other members of the community, have no voice as to who shall represent them in the Legislative Council. This Bill proposes to rectify that anomaly. The Country Party believes in the bi-cameral system of Government that operates in Victoria and will endeavour to preserve it.

The Premier said he believed in a bi-cameral system, and Mr. Dodgshun's statement proves that the Victorian Country Party believed that an extension of the Upper House franchise to all adults would help preserve democracy and the bi-cameral system of government. Mr. Dodgshun continued:—

The principal purpose of the Bill is to provide for the election of members of the Legislative Council of Victoria on the basis of universal adult franchise instead of the restricted franchise which is in operation at present. Coincident with the liberalizing of the franchise, it is proposed to revise the qualifications for membership of the Council, first by rescinding the legal requirement that a member of the Upper House must be in possession of freehold property in Victoria having an annual value of not less than £25 and, secondly, by bringing the qualifications generally into conformity with those required for membership of the Legislative Assembly. The introduction of adult franchise for the Legislative Council will permit the use at Upper House elections of joint Commonwealth and Assembly rolls, which are prepared in a system of compulsory enrolment and include the names of all residents of Victoria who have attained the age of 21 years and who are otherwise qualified as electors for the Legislative Assembly. To enable the Assembly rolls to be used for Council purposes, it is essential, of course, that the subdivisions which form the unit of Assembly enrolment should be uniform with the subdivisions of Legislative Council provinces.

The only difference between the Victorian Bill and that now before this House was the extension by the former of the franchise for all ex-servicemen and women, a franchise enjoyed at present by South Australian ex-servicemen and women. The Victorian legislation was passed in order to preserve the bi-cameral system. Government members often talk about efficiency, but they want efficiency only in industry and believe that the word is synonymous with driving the worker

till he sweats. The Victorian Parliament, however, considered that greater efficiency was to be gained by the use of one roll rather than two rolls. Enrolment and voting for the Commonwealth Parliament are compulsory, and if this Bill is passed that roll will be sufficient for elections of both Houses in this State. In referring to world trends, Mr. Dodgshun probably had in mind the fact that many Asian and European countries had adopted a Communist regime and that representatives of the British Commonwealth of Nations attending United Nations conferences were seeking to impress upon representatives of Communist-controlled countries the fact that inherent in democracy was the people's right to elect their own Government. No doubt Mr. Dodgshun represented a Government that wished to make it possible for our representatives to speak with truth at the conference table.

In South Australia not all adults have the right to vote at Legislative Council elections, and this Bill seeks to rectify that deficiency by placing South Australian electors on the same basis as those in Victoria. It is generally accepted that in democracies the people can vote out the Government and that under dictatorships they cannot. All members realize that this leads to a dictatorship Government becoming irresponsible and tyrannical. Not all South Australians have the right to vote for the Legislative Council; therefore, it is not true to say that they can change their representatives whenever they wish. People are born with different capacities, and therefore they should be given an equal chance. This cannot be done unless all have the same obligations, rights and privileges. I am reminded of a text taken from Galatians, chapter III, verse 28:

> There can be neither Jew nor Greek, there can be neither bond nor free, there is no male and female; for ye are all one man in Christ Jesus.

A good South Australian should share in the democracy of South Australia as a good Christian shares in the Kingdom of Heaven. The existing state of affairs in South Australia in regard to Upper House elections cannot be reconciled with our concept of democracy. All men and women should be given equality of opportunity to vote for their representatives in that House, which has so much to do with the making of the law. Unless these people are given the right to vote it cannot be claimed that their wishes are being consulted when legislation is being passed.

Mr. JOHN CLARK (Gawler)—I support the Bill. I am disappointed because I had hoped to follow the Premier, but, as I was called out of the Chamber just before he concluded his remarks, my place was taken by the member for Adelaide (Mr. Lawn), who did full justice to the occasion. It is usually satisfactory to follow the Premier in a debate, and it would have been especially so this afternoon because he made one of the worst speeches he has ever made in this House, certainly the worst since I have been here. I was amazed at the brevity of his speech, particularly on a matter he described as "not unimportant." It seemed to me that the brevity of his remarks was due to one or both of two reasons: either his case was so weak that he ran out of arguments, or he was so certain how his henchmen would vote that he considered it unnecessary to advance valid arguments. I consider that, if a member knows before he speaks how other members will eventually vote, this state of affairs says very little for democracy as it is practised in this Parliament.

I listened with great attention to most of the Premier's speech and am sure that members on this side gave his speech much more attention than it deserved. His remarks showed that he was eager to continue South Australia's advance towards totalitarianism, and, if I may coin a verb, his arguments outfutiled futility. Valid arguments were simply not there. It is sad to see the Premier of an enlightened State advocating something that in most democracies is at least 200 years out of date and in some has been out of date even longer. It is difficult to comment on such a speech. It appears to me that the Premier and some of his followers still worship the same idols with the same gestures and the same lack of thought as their great-great-grandfathers. As one of my colleagues said to me only this morning, "They climb the same trees as their ancestors, and they climb them in the same way. To them there cannot be any other way." If a new way is pointed out to them they suggest it is completely wrong or, if not wrong, it is unwise to attempt it. We must endeavour, in this House, to study the past and learn from it. Unfortunately the Premier and some of his followers refuse to admit that it is possible to learn from the past. I am happy that the Premier admitted that this Bill was not unimportant, but he only gave 12 minutes of his valuable time to discussing it. Apparently that is how important he thought it was.

The Hon. M. McIntosh—What about the situation in New South Wales?

Mr. JOHN CLARK—I will answer that interjection as the Premier answered my interjection when I questioned him about New Zealand. He said 'I will come to New Zealand later'' but he never did. I am not interested in New South Wales.

The Hon. M. McIntosh—Because it doesn't suit you.

Mr. Lawn—The Federal sphere doesn't suit you, either. What do you want to refer to New South Wales for?

The SPEAKER—Order!

Mr. JOHN CLARK—The system in New South Wales was introduced by gentlemen of the same political colour as the Minister who interjected.

The Hon. M. McIntosh—It didn't even approach it. You should go back to school again.

Mr. JOHN CLARK—If teaching did not give me anything else, it gave me the capacity to detect childish mistakes. The Premier seemed to be in difficulty in deciding whether it was a very low or a very mild property qualification for the Legislative Council. Why is there any need for a property qualification at all? It does not matter whether it is mild or not. It was also suggested that this Bill would render the Legislative Council innocuous. Even if it did, that would be better than being obnoxious, as it is now, but it would not make it innocuous. The Premier said the Legislative Council would be elected under conditions similar to those for this House, but that is not so. We all know that the Legislative Council districts are entirely different from House of Assembly districts and that Legislative Council members are not all elected at the same time. Surely it is obvious that under a complete adult franchise system for the Legislative Council the different districts and the procedure of electing some members at one time and others at another would give the Legislative Council a different perspective and an entirely different composition from this House. Its voting outlook would be on a different and yet a just basis. I admit that any second Chamber would be entirely useless without this difference because it would be merely an echo of this House.

The Minister of Works by interjection, asked me about the position in New South Wales. I have only been to New South Wales twice, but have never had the privilege of listening to debates in that Parliament. I do not think the situation there has anything to do with our system. If New South Wales people like their system they can have it, but I do not like our system. The Premier provided a mass of irrelevant material about Queensland, but he did not attempt to prove that the Queensland disabilities—if they are disabilities—can be attributed to its lack of a Legislative Council. His suggestions entirely lacked proof and I think he realized early in his diatribe on Queensland that he was wasting his time. However, one should remember that from 1929 to 1932, when Mr. Moore was Premier of Queensland, the Liberal Party made no attempt to reinstate the Legislative Council. I do not advocate the abolition of the Legislative Council. I am merely endeavouring to answer one or two of the irrelevant matters introduced by the Premier into this debate. I believe and am open to correction—that the Liberal Party platform in Queensland makes no mention whatever of reintroducing the Legislative Council. Apparently the system in Queensland, which our Premier suggests has been the downfall of the prosperity of that State, is favoured there. Those people should be able to judge what is best for their State.

Mr. Hutchens—Don't you think his mention of Queensland was a red herring drawn across the track?

Mr. JOHN CLARK—I think it was one of the largest and most odorous red herrings that have ever been drawn across a track in this Chamber. The Premier said that we do not want to copy Queensland. We certainly do not. We have not suggested abolishing our Legislative Council. By the same token I do not think Queensland would want to copy our system. Whenever the Premier seeks to oppose sound proposals put forward by the Opposition he refers to the position in Queensland. If he does not like the Queensland form of Government I suggest he will have an opportunity of doing something about it at the next Premiers' Conference. He can suggest to the Premier of Queensland that its system does not suit his arguments and that it reintroduce the Legislative Council. I do not know what Mr. Gair's reply will be, but I have a fair idea. I regret that the Premier sat down in such haste—although I cannot blame him for so doing—because I was keenly looking forward to his promised exposition on New Zealand. Apparently he forgot all about New Zealand. I can appreciate that a busy man like the Premier will forget things, especially when it is convenient

to do so in a debate on which he knows he is well and truly on the wrong leg, and, to mix metaphors, well and truly in deep water.

Let me make it clear just what this Bill provides. Firstly, it provides for the abolition of property qualifications now applying to Council electors and makes enrolment, and therefore the right to vote, the same as for this House. And why not? Although the Premier upheld the principle of these "mild property qualifications," he did not attempt to tell us why there should be such qualifications. I am anxious to hear what members opposite will say in support of these qualifications. Of course, if this debate follows the normal course adopted in debates of this nature, there will be an extreme paucity of Government members speaking. The Premier has spoken and I know that one other Government member proposes speaking, but I hope that will not be the end of it. I trust that we will not have to keep putting forward our arguments without hearing reasonable arguments in reply.

The second purpose of the Bill is to provide for the abolition of the requirement that a member of the Legislative Council shall be 30 years or older—frequently the members are very much older—and to give anyone who has the right to vote for the Council elections the right to submit himself as a candidate for that Chamber. Again I ask, why not? I have examined many books and have questioned knowledgeable men from both sides of the House as well as members of the judiciary, but cannot ascertain why this requirement of 30 years of age has been imposed for the Legislative Council. I believe that the two suggestions proposed by the Leader of the Opposition would bring our electoral system nearer to modern democratic requirements. If I am biased in believing that I frankly admit my bias, and I believe that most people who claim to have democrocy at heart would also have to admit that they are biased. We are at present so far from democracy that even under our electoral system, which is heavily weighted against certain interests in this House, we would be better off without a second Chamber. We do not advocate the abolition of the second Chamber. The Premier's argument was based on the premise that we do, but that is not so, and it is not mentioned in the Bill. To understand this debate properly it is necessary to understand why we have Houses of Parliament. The following is a quotation from *Modern Political Constitutions,* by Professor C. F. Strong, M.A., Ph.D., formerly of the Adelaide University:—

In modern constitutional States the legislative power is in the hands of a Parliament consisting as a rule of two Houses, one or both of which may be elected by the people. The functions of the legislature increase with the growing complexity of modern society and with its consequential demands upon the law, making authority for the social good. In all States this pressure is brought indirectly to bear upon the action of the legislature by the very nature of society, in some more directly through a vital electoral system.

We on this side, and I believe a number of members opposite, do not believe that ours is a vital electoral system. It not only denies people the full value of their vote for the Assembly and negatives their desires and aspirations, but denies many a vote for the Council. In fact, it will not even let them be a member of that Chamber until nine years after they have attained their legal majority, and nobody knows why. Generally speaking, where a second Chamber is elected it is a much greater force than where it is not elected. We cannot say that our second Chamber is elected, because virtually that is not so. I hope members will agree that a Parliament does its work best when it has the active consent of all its citizens, yet that is denied to a great extent in this Parliament. Another portion of Professor Strong's book defines "democracy" or "democratic government" as:—

That form of government in which the ruling power of a state is legally vested not in any particular class or classes, but in the members of a community as a whole.

If that definition is of any value, it is not applicable in South Australia. The definition refers to "members of a community as a whole," and I think that means everybody over the age of 21 years, but that is not the position here. We seek to obtain it at least partly by the passage of the Bill. If we want to understand the sort of Parliament we are getting we should have some knowledge of political institutions. If we follow the advance of these institutions from ancient times we find that democracy has been increased in corresponding ratio to the increase and extension of the franchise. There are three or four forces that have tended over the years to increase democracy; they were mainly absent in former times. Those forces are religious ideas and ideals, abstract theories, social and political conditions favouring equality, and discontent with misgovernment. If these forces did operate in the ancient

world at all they arose from quite different causes from those operating in modern times. In the Middle Ages there was a complete eclipse of all interest in democratic politics except for some obscure strivings after equality. Here again we must not confuse democracy with republican stirrings, which existed many years ago.

In regard to the Reformation we may have different ideas, but it made everybody think more deeply about religious beliefs. After the Reformation religious ideas began to play a part in asserting political rights. Things were not taken so much for granted. People did not think that because something was preached to them it was necessarily right. In the times of the Stuarts the quarrel between the Crown and Parliament resulted largely from ideas that came from religious beliefs. I mentioned earlier the influence of abstract theories. We go a long way back into history before finding where these theories were felt in democracy. They certainly played an important part in the eighteenth century. They are to be found in documents relating to the French and American revolutions. They are in the Declaration of Rights and the Declaration of Independence. The following is another extract from Professor Strong's book:—

> The influence of the theory of equality upon the franchise has been tremendous because the most obvious application of it was in the attempt to realize the idea of one man one vote.

We have been told often by the Premier that he does not believe in one vote one value, but most believers in democracy do. In spite of this cry for equality eighteenth century Parliaments were specifically designed to reflect politically the existing social balance, and they did it successfully, and some still do. Our Legislative Council still does, or attempts to do so. In these times of enlightenment our Legislative Council still preserves that archaic and undemocratic principle, and it is therefore easy to see why the Premier sat down so quickly after making his speech. He did not have any justifiable argument. In the nineteenth century the people's material conditions were improved and there were great advances in popular education. Generally circumstances favoured the extension of the franchise, and later the power of the Upper House was curtailed. In time women attained the right to vote and a general belief grew that in a theoretically perfect body of citizens there should be no discrimination at the polls. The Labor Party still believes in and is prepared to fight to maintain that view. In England particularly, and in other countries, reform Bills gradually extended the franchise, but what a howl there was in the first place! According to some people it was the beginning of the end of the world, but the world is still with us. Reforms were gradually introduced and the power of the House of Lords was gradually curtailed, and even women got a vote.

The Hon. M. McIntosh—*Even* women!

Mr. JOHN CLARK—Yes, and many people were horrified at the time. Some women took up arms to fight for the rights of their sex. They were called suffragettes, but they should be given a more noble name. There is no reasonable argument against the granting of the franchise to women once we admit that all males should have the right to vote. If men may vote it is logical that their wives, who are their equals, should be entitled to vote. The countries slowest to give women the vote were the southern European where women are considered more as chattels than they are in British countries. We have now come close to attaining the democratic ideal of complete suffrage for both Houses of Parliament. The idea of universal suffrage and political equality rests not on a superstitious and hypothetical view that all men become equal in wisdom or intelligence simply by acquiring a vote. It rests on the assertion, which I believe it is impossible to disprove, that if any section of the community is deprived of the ability to vote or of the value of the vote its interests are almost certain to be neglected in favour of the interests of the better-represented group. The grievances arising from this neglect will inevitably lead to disharmony in the State. It should be obvious that if any section of society is given additional voting power, as in this State, by sheer force of human nature it tends to use that additional influence to manipulate legislation in favour of its own interests. That cannot be denied. Therefore, the Labor Party advocates one citizen one vote, and one vote one value. The member for Adelaide (Mr. Lawn) quoted from a valuable little book, *Equality*, by David Thomson, M.A., Ph.D., who says:—

> The general rule of one citizen one vote is the best practical device yet discovered for enabling public opinion to express itself in State action.

The Premier has often told us that he does not believe in that, and we can easily understand why. David Thomson also said:—

As with so many reforms of the nineteenth century, it is difficult for twentieth-century minds to appreciate the full horror with which the prospect of universal suffrage was viewed by men a century ago. The idea that the right to vote should be coextensive with adult citizenship was one of the fundamentally revolutionary conceptions of the nineteenth century throughout Europe and Great Britain. The eighteenth century had regarded politics as reflecting the balance of wealth; economic power as necessarily and rightly determining political power.

It still does here. This move by the Labor Party to democratize (if I may use that term) the franchise for the Legislative Council, is, of course, not new. Let me go back only as far as 1941. There were many attempts before 1941 to pass legislation similar to this, but in that year a reform Bill lapsed. In 1942 it passed the second reading, but not with a Constitutional majority. I am amazed that it passed the second reading at all, and evidently some Government members voted for it. In 1943 it passed the second reading, but again without a Constitutional majority. In 1950 and 1951 it lapsed. I shall quote from the debate in 1942. I agree with these views:—

The ever growing demand in all free countries today is that democracy shall be its true self and not just a mere shell . . . There is no logical reason why one house of Parliament should represent the people as a whole and another House represent a section of that people and yet have the power to nullify the will and decision of the people's House. There is a very obvious reason why the Legislative Council should not represent a minority of the people while it exercises so great an influence on the legislation of the State.

I do not think members will be surprised to learn that those remarks were made by the Hon. R. S. Richards, who was Leader of the Opposition. Those who know Mr. Richards would expect a man interested in democracy to speak in that way. Another extract from the 1942 debate states:—

How can we call the system we have in existence a complete or assured Democracy unless we broaden at least to some extent the franchise for the Upper House.

Again, I entirely agree. Those remarks were made by the present Minister of Agriculture, the Hon. A. W. Christian. I doubt whether he wanted to broaden the franchise as much as the former Leader of the Opposition, but he strongly expressed his desire for a wider franchise for the Legislative Council. I hope he still feels the same way, and I think he does. In the past few weeks I have been conducting a private Gallup poll amongst some of my friends who do not share my political beliefs. Like other members, I am happy to have some friends who do not agree with my political views, and I asked them to say what were the best arguments in favour of a restricted franchise for the Legislative Council. Most of their arguments were more suitable for debating the abolition of the Legislative Council, but I told them the Labor Party had introduced a Bill to permit universal suffrage for that Chamber. Some of the arguments put forward were pitiful. Firstly, I was told that the Legislative Council prevented the passage of hasty or ill-considered legislation. The Premier adopted a similar line this afternoon and said that the time element gave people an opportunity of acquainting themselves with the legislation being considered. He argued that the more time there was to consider legislation the greater the opportunity the people had to hear of it, but I say it all depends on what the people hear or read about legislation. It is not easy for the people to get a true picture of legislation before Parliament from reading about it in the press.

The contention that the existence of the Legislative Council prevents the passage of hasty legislation might be valid in arguing against the abolition of that Chamber, but surely the existence of a democratically elected Upper House, such as we advocate, would also prevent ill-considered measures being passed. In fact, it would do it much better because the wider franchise would give a better reflection of the will of the people. The second argument advanced was that the Lower House would be given a sense of unchecked power, which would lead to an abuse of power and tyranny, but there is no reason why that should happen if both Houses were elected democratically, as we hope they eventually will be. Neither House in South Australia is elected democratically at present, but we are trying in this Bill to have the Upper House elected democratically and hope that in time the Lower House will be democratically elected also.

The third argument given me was that the Upper House is supposed to be a centre of resistance to the predominant power in the State at any given moment, but it is obvious that at present the Upper House in this State is often the dominant power. Although under this Bill these Houses would be elected on the same franchise, the larger districts in the Upper House would help to vary the political complexion there, and in this respect members

must bear in mind that only half the members of that House are elected at the same time. Fourthly, I was told that the Upper House provided adequate representation for the aristocratic element in the community, and, if it is supposed to do that, I agree that it is achieving its objective. I point out, however, that in a democracy members of the Upper House should be good enough to be elected in open company. The fifth argument advanced was that a second Chamber, elected on a restricted franchise, makes it possible for men with political and administrative experience and ability, who because of age or health are not likely to try to enter the Lower House through the arduous process of electioneering, to be brought into public life and thus serve the State. When my friend advanced this last argument I thought he was joking, but I went to the trouble of studying various arguments on this matter and found that this one had been stated over and over again.

Mr. Macgillivray—Is the Upper House a sanitorium?

Mr. JOHN CLARK—Far be it from me to suggest that, but it appears to me that if its members are not willing to submit themselves to the choice of the people in a democratic way they have no right to be there. I was given many other arguments but most of them were too ridiculous to be mentioned here although they will probably be advanced by members opposite and my colleagues will have much pleasure in rebutting them. As the Upper House is at present undemocratically elected, what right or authority has it to thwart the will of the people? Morally none, but legally it has that right. Obviously, the more the electing of the second Chamber is out of popular control, the more it tends to become detached from the realities of politics and thus lose vitality. The closer Parliament is to the people the closer we are to democracy. For those reasons I support the Bill. Let us live in the present and give South Australia two Houses elected on a democratic basis. In conclusion I quote the words of James Russell Lowell, who, though not a great poet, was a true one:

> New times demand new measures and new men;
> The world advances and in time outgrows
> The laws that in our fathers' days were best.

In supporting the Bill members will be supporting the vital principle contained in those three lines of poetry.

Mr. BROOKMAN obtained the adjournment of the debate.

MOTOR VEHICLES REGISTRATION FEES (REFUNDS) BILL.

Adjourned debate on second reading.

(Continued from June 28. Page 461.)

Mr. O'HALLORAN (Leader of the Opposition)—As far as the Bill is concerned very little need be said. It merely provides for the refund of registration fees illegally imposed on interstate vehicles. No objection can be raised to the conditions to be fulfilled by persons claiming refunds. The sum of £9,000 that has been mentioned in connection with this legislation is a small one and represents the sum likely to be refunded to those interstate hauliers who successfully appealed against the imposition of certain charges. Had the legislation been held to be *intra vires* of the Constitution, South Australia would have lost heavily from the damage done by interstate hauliers, from whom the contributions derived would have been insufficient to pay the repairs of such damage.

The need to pass a Bill of this nature betrays two unsatisfactory circumstances, namely the provision for the double taxation of vehicles used in interstate trade (by insisting that interstate vehicles must be registered in another State also) and the uncertainty surrounding the interpretation of section 92 of the Commonwealth Constitution. A vehicle registered only in South Australia may be used continuously throughout the period of registration in this State, but an interstate vehicle (a vehicle registered in this and another State) may only be used on South Australian roads for portion of the time in respect of such registration. That is due to the fact that it is physically impossible for such a vehicle to be in two States at the same time, and therefore a vehicle registered in two States may be used in South Australia for half the time or a greater or lesser proportion than a vehicle which is registered at the same fee in South Australia and which may use our roads for the full period of registration. Therefore, it seems that any scheme involving this duplication of registration, even under some reciprocal arrangement between the States concerned, would conflict with section 92. The only sound method of avoiding the implications of that section as it is now interpreted would be to impose a uniform tax in respect of the use of roads by vehicles, that is, one that did not discriminate as between the States.

The judicious use of the petrol tax legislation (supplemented, if necessary, by provision for a corresponding tax on diesel oil) seems to be the solution. In this respect the proposal

advanced by the Premier at the recent Premiers' Conference was entitled to more consideration than it was given by the Prime Minister, who dismissed it with a wave of his hand. After all, the tax imposed on the fuel used in vehicles on our roads is a rough, but fairly just measure of what would be a fair and reasonable contribution by the owner of a vehicle towards the upkeep of the roads he uses. It is necessary to have exemptions and to provide for liquid fuel that is used in stationary vehicles, and for other forms of motor power not used on roads, but it should not be beyond members to pass legislation that is fair and just. To make the whole thing work it must be implemented Federally, and probably that is the origin of the Prime Minister's opposition to the proposal. Naturally he would not want his Government to be called on, with the consent of the States, to impose a tax that would mean money being handed back to the States for expenditure on roads.

The Hon. M. McIntosh—Would that not apply to any Party?

Mr. O'HALLORAN—When Mr. Chifley was Prime Minister he dealt fairly generously with the States, and during the critical days of the war he did not get much credit from the Minister who interjected. At present a considerable proportion of the funds devoted to the construction and maintenance of roads in every State is derived from petrol tax, which is an approximate index of the use of roads by individual vehicles. It is obvious that section 92 ought to be amended in order to clarify the position. However it may be interpreted by the different courts, and in the light of changes in the relations between the States and in the mode of transport adopted, there is no doubt that the framers of the Federal Constitution sought to ensure that trade between the States would be exempt from the customs duties which prior to Federation each State levied against the others as part of its financial policy.

The reference to the anticipated imposition of such duties by the Commonwealth on behalf of the States, and the retirement of the States from that field of revenue, in addition to the circumstances obtaining at the time, the commercial basis of Federation, and the meaning with which such expressions as "free trade" were used, all imply that commercial transactions as between the States were to be free of these import duties. It is most likely that the expression "absolutely free" was intended to mean that not one article of interstate commerce was to be taxed by a State and that not the smallest amount of duty was to be imposed. That is a fair statement of the position at the time section 92 was drafted. When the Constitution was drafted it was obvious that the only thing that concerned the framers was the existence of border tariffs. Interstate transport was not known then. Whenever goods went interstate it was by either rail or ship. Motor cars were only beginning to be used in Australia and road haulage vehicles were unknown. It is clear that the framers of section 92 intended that "absolutely free" meant no border tariffs at all. Because of interpretations by various courts we have reached the stage where section 92 is intended to prevent State Governments from taking action in various ways. We do not know the fields that will be closed to us as the result of further decisions of courts.

I suggest that if there is one thing more than another that brings the position into bold relief it is the necessity to subject the Constitution to an overhaul. Whenever the Opposition has suggested that the Constitution be overhauled, in order to overcome difficulties which could not be foreseen by the grand old men who did the framing, we have met solid opposition from the Premier and other Government members. To them I say that most of the difficulties that have resulted from the decision of the High Court in the recent case are not due to any failure on the part of the pioneers of Federation to foresee the future, but to their own handiwork. It carries the imprimatur of Liberalism masquerading as Conservatism. Those who oppose anything in the way of progress must accept some portion of the blame. In view of the fact that the Commonwealth now has almost complete powers in respect of imposing taxation the obvious solution seems to be to place on the Commonwealth the whole responsibility of providing revenue for roads. This would be much simpler than abrogating a provision in the Federal Constitution which was deliberately included for a good reason, and which in principle is sound and even fundamental to Federation. If section 92 were designed to prevent the imposition of border tariffs it is an essential part of the Constitution, but if it is used to prevent the States from protecting their roads, or from collecting a fee from those who use the roads, it should be amended at the earliest possible moment. No doubt there is considerable joy amongst some members, particularly Mr. Macgillivray, about the decision of the High Court.

Mr. Macgillivray—I am delighted.

Mr. O'HALLORAN—Of course, but I wonder whether the honourable member would be delighted if all assistance to his area were withdrawn by the Government.

The Hon. M. McIntosh—The railways that cart the superphosphate?

Mr. O'HALLORAN—The railways have pioneered the development of the area and they are still essential to maintain that development, irrespective of anything Mr. Macgillivray says to the contrary. The railways run on their own tracks, but the honourable member wants the road hauliers to run on tracks paid for by someone else. If he can find a magic formula to help in this matter I shall be pleased to listen to it. Until that formula comes along interstate road hauliers must comply with the law, because they are using the roads in the same way as the ordinary citizen. If the interstate hauliers had been happy with the law they would not have challenged it, and it would not have been declared *ultra vires*. Probably they will lose in the long run because one day someone will devise a a system that will be accepted by the High Court, and their second condition may be somewhat different from the first. I draw attention to the urgent need for something to be done in this matter. Prior to the decision of the High Court there was little heavy road traffic between Adelaide and Broken Hill. Only a few vans with furniture travelled on the road, which is lightly constructed. It is said that it never was a good road, but a small gang of men have managed to maintain it in fair condition over many years. It was possible because there was no heavy traffic on it. Since the High Court's decision many heavy freight vehicles have travelled over it, with the result that the railways are losing freight, and the time is not far distant when the road will be seriously affected. I support the Bill.

Mr. QUIRKE secured the adjournment of the debate.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

The Hon. M. McINTOSH, having obtained leave, introduced a Bill for an Act to amend the Public Works Standing Committee Act, 1927-1954. Read a first time.

ADJOURNMENT.

At 5.32 p.m. the House adjourned until Thursday, June 30, at 2 p.m.