

HOUSE OF ASSEMBLY.

Thursday, April 12, 1962.

The House met at 11 a.m. pursuant to proclamation issued by His Excellency the Governor (Sir Edric Bastyan).

The Clerk (Mr. G. D. Combe) read the proclamation summoning Parliament.

OPENING OF PARLIAMENT.

At 11.5 a.m., in compliance with summons, the House proceeded to the Legislative Council, where a Commission was read appointing the Hon. Sir Mellis Napier (Chief Justice), and the Hons. Vivian Rhodes Millhouse and John Leo Travers (Judges of the Supreme Court) to be Commissioners for the opening of Parliament.

SWEARING IN OF MEMBERS.

The House being again in its own Chamber, at 11.10 a.m. His Honour Mr. Justice Travers attended and produced a Commission from His Excellency the Governor appointing him to be a Commissioner to administer to the House of Assembly the Oath of Allegiance or the Affirmation in lieu thereof required by the Constitution Act. The Commission was read by the Clerk, who then produced writs for the election of 39 members for the House of Assembly.

The Oath of Allegiance required by law was administered to and subscribed by all members.

The Commissioner retired.

ELECTION OF SPEAKER.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I remind honourable members that it will be necessary next to appoint a Speaker and I nominate the member for Ridley (Mr. T. C. Stott) for that position.

Mr. HEASLIP seconded the nomination.

Mr. STOTT (Ridley): I submit myself to the will of the House.

Mr. FRANK WALSH (Leader of the Opposition): I am pleased to nominate the member for Angas (Hon. B. H. Teusner) to assume the responsibilities of Speaker for the present session.

Mr. HUTCHENS seconded the nomination.

The Hon. B. H. TEUSNER (Angas): While I appreciate the kind offer I beg to decline nomination.

Mr. Lawn: Did your own mates let you down?

There being no other nomination, Mr. Stott was declared duly elected.

Mr. Stott was escorted to the dais by the mover and seconder of his nomination.

The SPEAKER (Hon. T. C. Stott): On approaching this important seat attached to the high office of Speaker I express my appreciation to the mover and seconder of my nomination and to the members of the House in accepting me to be the occupant of this high position. I approach the Chair with trepidation and humility. I realize that mine will be a difficult task—

Mr. Lawn: You're telling us!

The SPEAKER: —and that the position carries tremendous and grave responsibilities. I approach the Chair with trepidation because the previous occupant of this position (Hon. B. H. Teusner) filled it with distinction. His impartiality was well-known to all members who occupied seats and served districts under his guidance. His predecessor in office (Sir Robert Nicholls) also served with distinction. Both my predecessors revealed impartiality in their rulings, and under their guidance this House was conducted with decorum and dignity. I can only do my best, but I have an extremely hard task to emulate the high example set by my predecessors in office. The House has elected me Speaker, but in the early stages, until we get into gear, I hope the House will be tolerant, bear with me and maintain the dignity and decorum of the South Australian Parliament which holds a high position in that respect in the British Commonwealth of Nations.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): On behalf of all members—

Mr. Lawn: Not all members!

The Hon. Sir THOMAS PLAYFORD: —I congratulate you, Sir, on your appointment as Speaker of this House. It is the highest honour this House can bestow and I am certain you will fulfil the obligations of your high office the same as did your predecessor—in fact, a long line of predecessors—in this House. I have no doubt that by your decisions you will uphold the rights of minorities in this House and that you will ensure that each side has a fair opportunity to put forward its views. In that regard I am sure you are fitted to do the job. As one of the senior members of the House who, for a long time as an Independent, has always voted to give any member the opportunity to express his

views and, who has always studied the practices and procedures of the House, you have our utmost confidence in your ability to carry out the duties of your high position as did your predecessor and other distinguished occupants of the Chair.

Mr. FRANK WALSH (Leader of the Opposition): I agree that you, Sir, will have the opportunity of giving much attention to the minority Party in this House. I assure you that your rulings will certainly be tested. You have already made known to the public your political and public career and have expressed views on certain matters. I hasten to assure you that, as the majority Party in this House, we will look for your support when those matters are before the House. Your predecessor in office carried out his duties with much dignity. It appears to me that a political affront to the people he represents has taken place and that it should be investigated. I regret, as does my Party, that he did not accede to the request of the majority Party in this House and submit himself for nomination. This has been a political—

Mr. Jennings: Stunt?

Mr. FRANK WALSH: I do not know whether to describe it as a stunt or what, but I am prepared to—

Mr. Quirke: The Speaker is in the Chair.

Mr. FRANK WALSH: Where is the honourable member? As the Leader of the majority Party in this House, I believe that Mr. Teusner could have acceded to the wishes of the majority on this occasion.

Mr. SHANNON (Onkaparinga): Mr. Speaker, as one who entered this Chamber with you as long ago as 1933, I compliment you on attaining this high office. I regret that the Leader of the Opposition has seen fit to make comments that are obviously derogatory to the office you have assumed. Although I am not surprised that we have heard expressions such as those to which we listened a moment or so ago, I regret them as they are certainly not in keeping with the high standard of decorum which, as you pointed out, this Chamber has always maintained. I trust that the deliberations that will take place under your guidance will not follow the line indicated by the Leader of the Opposition this morning.

The SPEAKER: I accept the thanks of the Premier, the Leader of the Opposition and the member for Onkaparinga, and thank them for their references to me. I assure the Leader that there will be no difference

in according to a member the right to be heard, for which I have always voted in this Chamber. He can rest assured that, in accordance with my public statement, I will vote on legislation according to its merits and that, as the occupier of this office, I will see that the right of the minority to have its say will always be upheld. I thank members for their congratulations.

[Sitting suspended from 11.54 a.m. to 12.25 p.m.]

The SPEAKER: It is now my intention to proceed to Government House and present myself as Speaker to His Excellency the Governor, and I invite members to accompany me.

At 12.26 p.m., attended by a deputation of members, the Speaker proceeded to Government House.

On the House reassembling at 12.41 p.m.:

The SPEAKER: I have to inform the House that, accompanied by a deputation of members, I proceeded to Government House for the purpose of presenting myself to His Excellency the Governor. I informed His Excellency that, in pursuance of the powers conferred on the House by section 34 of the Constitution Act, the House of Assembly had this day proceeded to the election of Speaker and had done me the honour to elect me to that high office. In compliance with the other provisions of the same section, I presented myself to His Excellency as the Speaker and in the name and on behalf of the House laid claim to members' undoubted rights and privileges, and prayed that the most favourable construction might be put on all their proceedings; whereupon His Excellency was pleased to reply as follows:

To the Honourable the Speaker and members of the House of Assembly:

I congratulate the members of the House of Assembly on their choice of a Speaker. I readily assure you, Mr. Speaker, of my confirmation of all the Constitutional rights and privileges of the House of Assembly, the proceedings of which will always receive my most favourable consideration.

[Sitting suspended from 12.43 to 2.15 p.m.]

SUMMONS TO COUNCIL CHAMBER.

A summons was received from His Excellency the Governor desiring the attendance of the House in the Legislative Council Chamber, whither the Speaker and honourable members proceeded.

The House having returned to its own Chamber, the Speaker resumed the Chair at 2.55 p.m. and read prayers.

DEATH OF HON. E. ANTHONY AND
HON. E. H. EDMONDS.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I move:

That the House of Assembly express its deep regret at the recent deaths of two former members of the Legislative Council—the Hon. Ernest Anthony and the Hon. E. H. Edmonds—and place on record its appreciation of their public services: and that, as a mark of respect to the memory of the deceased gentlemen, the sitting of the House be suspended until the ringing of the bells.

I am sure that every honourable member will support the motion. Both these members, with their personal qualities, endeared themselves to members on both sides of the House. Mr. Anthony was a member of this Chamber for many years and took a distinguished part in its deliberations. As well as being a most active member and consistent debater, he rendered fine service on one of our prominent committees. Both these honourable gentlemen gave of their best in the service of their country.

Although it is popular at times for outsiders to say that the work undertaken by members of Parliament is not very arduous, every member will realize that in the conduct of public affairs there are many difficult and arduous duties. These two gentlemen carried out those duties with distinction to themselves, and with great benefit to their country.

Mr. FRANK WALSH (Leader of the Opposition): In seconding the motion, I support the Premier's statements. I pay a tribute to the memory of these two gentlemen. As the Premier stated, both served in Parliament—one of them in both Houses—with distinction. Mr. Edmonds carried out valuable work on committees; I was associated with him on some committees, and knew his value to the State. Mr. Anthony also rendered sterling service.

The motion was carried by members standing in their places in silence.

[Sitting suspended from 3.5 to 3.15 p.m.]

SUPPLY BILL (No. 1).

His Excellency the Governor, by message, recommended the House of Assembly to make provision by Bill for defraying the salaries and other expenses of the several departments and public services of the Government of South Australia during the year ending June 30, 1963.

APPROPRIATION BILL (No. 1).

His Excellency the Governor, by message, recommended the House of Assembly to make appropriation of such amounts of the general revenue for the State as were required for all the purposes mentioned in the Appropriation Bill (No. 1).

SENATE VACANCY.

His Excellency the Governor, by message, intimated that the President of the Senate of the Commonwealth of Australia, in accordance with section 21 of the Constitution of the Commonwealth of Australia, had notified him that in consequence of the resignation of Senator Nancy Eileen Buttfield a vacancy had happened in the representation of this State in the Senate of the Commonwealth. The Governor had been advised that, by such vacancy having happened, the place of a Senator had become vacant before the expiration of the term of service within the meaning of section 15 of the Constitution of the Commonwealth of Australia, and that such place must be filled by the Houses of Parliament, sitting and voting together, choosing a person to hold it in accordance with the provisions of the said section.

Later:

The SPEAKER: I have to inform the House that I have received an intimation from the President of the Legislative Council that he proposes to summon a joint meeting of the two Houses on Thursday, April 19, at noon in the Legislative Council Chamber for the purpose of choosing a person to fill the vacancy in the Senate caused by the resignation of Senator Nancy E. Buttfield.

NEXT DAY OF SITTING.

The Hon. Sir THOMAS PLAYFORD moved:

That the House at its rising adjourn until Tuesday, April 17, at 2 p.m.

Motion carried.

CHAIRMAN OF COMMITTEES.

The Hon. Sir THOMAS PLAYFORD moved:

That the Hon. B. H. Teusner be Chairman of Committees of the whole House during the present Parliament.

Motion carried.

GOVERNOR'S SPEECH.

The SPEAKER: I have to report that, in compliance with the summons from His Excellency the Governor, the House attended

in the Legislative Council Chamber where His Excellency was pleased to make a Speech to both Houses of Parliament, of which I have obtained a copy, which I now lay upon the table.

Ordered to be printed.

CONSTITUTION ACT AMENDMENT ACT.

The SPEAKER: I draw the attention of the House to a proclamation in the *Government Gazette* dated February 22, 1962, notifying Her Majesty's assent to the Constitution Act Amendment Act, 1961, which proclamation I now ask the Clerk to read.

The Clerk read the proclamation.

SUPPLEMENTARY ESTIMATES.

His Excellency the Governor, by message, recommended the House to make appropriation of the sum set forth in the accompanying Supplementary Estimates of Expenditure by the Government during the year ending June 30, 1962, for the purpose therein stated.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer), having obtained the suspension of Standing Orders 43 and 44, moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the Governor's Speech and a Supply to be granted to Her Majesty.

Motion carried.

In Committee of Supply.

The CHAIRMAN: I read from His Excellency the Governor's Speech as follows:

Supplementary Estimates for additional expenditure of £1,290,000 during the current financial year, mainly expenditure of the special grant to which I have referred, will be laid before you.

The Hon. Sir THOMAS PLAYFORD: The principal reason for bringing Supplementary Estimates before the House this year is to seek the necessary appropriation to cover the spending of additional funds which the State received as a result of the Loan Council and Premiers' Conference held in February last to formulate and discuss measures to combat unemployment. At that conference South Australia secured additional funds for 1961-62 amounting to just over £2,000,000, made up of a special grant of £970,000 to be used for employment promoting works and an increase of £1,036,000 in the allocation of Loan moneys for housing.

At the same time the borrowing allocation for semi-government and larger local government authorities—that is those whose individual borrowing programme for the year

1961-62 was £100,000 or more—was increased by £372,000, while for the smaller local authorities—each borrowing less than £100,000—the limit on aggregate borrowings was removed until June 30, 1962.

The Government had done the ground work prior to the conference and was able to take immediate decisions on the allocation of all additional funds and to give instructions to departments to put into effect without any delay the plans for spending the funds on work to create employment. However, while it is not necessary to seek special appropriation by Parliament of either the housing moneys (for which a general appropriation exists in legislation) or the semi-government and local authority borrowing allocation (which is not subject to Parliamentary appropriation) it is necessary now for Parliament to authorize the disbursement of the £970,000 special grant which must in the first instance be credited to Consolidated Revenue as received.

Before dealing in detail with this £970,000 I believe it would be of interest to members if I were to comment briefly on the allocation of the additional housing moneys and of the increased borrowing authority for semi-government and local government bodies. From the £1,036,000 of additional borrowing under the Commonwealth-State Housing Agreement £100,000 was allocated to the S.A. Housing Trust, £900,000 to the State Bank and £36,000 to building societies. I believe that the quickest boost to the economy was given by the allocation to the State Bank, as the bank was thereby enabled to step up immediately its rate of approvals for loans to prospective house owners and to reduce sharply the waiting time of applicants for loans. The funds thus released began to flow out quickly to the building industry and from that industry to a wide variety of other industries.

Of the additional borrowing authority made available to semi-government and local government bodies, all but a net £75,000 has been allotted to local government bodies. I must say at this point how gratified the Government has been at the readiness of local authorities to take advantage of the increased borrowing authority available. They have undertaken works which are both useful to their local communities and effective as avenues of increased employment. On present indications, local authorities will now borrow in 1961-62 about £2,000,000, which is some £800,000 more than was expected to be borrowed in the early months of this financial year.

I now return to the £970,000 grant, the appropriation of which is the main purpose of these Supplementary Estimates. Again, the Government decided that, with the exception of relatively small increased provisions for other activities, the grant should be devoted to essential works to be carried out by the Engineering and Water Supply Department and the Public Buildings Department. These works included both maintenance and similar jobs to be financed through Revenue Account, and capital works to be financed through the Loan Account. The total extra provision for maintenance and comparable works was £325,000, and comprised—Engineering and Water Supply Department, £150,000; Public Buildings Department, £145,000; and Railways Department, £30,000. For the bulk of these provisions, which are shown clearly but in a little more detail in the Supplementary Estimates, Parliamentary authority was anticipated so that they could be committed immediately for the employment of additional direct labour, for the letting of a variety of small maintenance contracts which created employment quickly, and for the purchase of necessary materials which gave further indirect benefits to the employment position.

If from the total grant of £970,000 is deducted the £325,000 set aside for maintenance and similar works, £645,000 remains available for capital works. The proposed transfer of the £645,000 to Loan Account is shown in the Supplementary Estimates under ‘Treasurer and Minister of Immigration—Miscellaneous’. As with the £325,000 for maintenance works, Parliamentary authority was anticipated for the £645,000 of capital works, and departments were instructed to commence additional works immediately. For the ease of members, I have had the special grants marked with an asterisk so that members can see the items covered by the Commonwealth Special Grants.

The allocation of £645,000 to Loan activities was—£385,000 to the Engineering and Water Supply Department for water supply schemes; £230,000 to the Public Buildings Department for various buildings and minor construction projects; and £30,000 for minor activities. I remind members that the programme of Loan activities for the year alongside which the foregoing additional provisions should be viewed was planned on the basis of over-spending the Loan Account by £1,400,000 by using the previous year’s Revenue surplus and by running Loan Account into deficit. Further, before

Christmas the Government had already decided to make additional funds available, if necessary, to the Engineering and Water Supply Department and Public Buildings Department to meet the cost of several jobs undertaken to overcome specific employment problems.

In summary, I believe that in its planning of Loan activities the Government has this year stretched its finances as far as can be considered safe taking into account the necessity to maintain continuity of employment. While dealing with Supplementary Estimates, I have considered it wise to take the opportunity to include several other excess provisions that would otherwise have been met by the authority of the Governor’s Appropriation Fund. To relieve the fund at this stage will permit a little more flexibility in dealing with any further unforeseen expenses late in the year. An additional £40,000 is now provided for the Hospitals Department. This is required to meet the salaries of additional staff, particularly at the Queen Elizabeth Hospital, and the cost of provisions and other running expenses at the Royal Adelaide Hospital, where the requirements of specialized services are increasing.

Under ‘Chief Secretary—Miscellaneous’ a further £100,000 is provided for grants to the Adelaide Children’s Hospital towards a major building programme. The Government is providing £2 for every £1 raised by the hospital for this purpose. At the present rate of progress, an additional Government grant of £100,000 is expected to be required this year. The more rapid progress of this work, too, than was anticipated has been a further boost to the economy and employment.

For the Education Department an additional £120,000 appropriation is sought. Of this, £60,000 is required to meet the salaries of staff, which have achieved and held a somewhat higher level than was originally expected. A further provision is also required for normal running and maintenance of schools. This is due in large part to a sharp increase in total secondary school enrolments, the number of children remaining at school to further their secondary education being greater than forecast. The cost of book allowances alone is increased by some £14,000 on this account. Boarding allowances have been increased and the additional cost will be about £6,000.

The Agriculture Department has undertaken two campaigns this year in protection of the State’s fruitgrowing industry, and £15,000 is provided to cover the unforeseen costs of

combating Oriental fruit moth and San Jose scale: The sum of £30,000 is provided for the Mines Department for additional costs of geological and geophysical surveys. Members may recall that the Loan Estimates for 1961-62 included funds for the purchase of vehicles and equipment to duplicate the seismic survey operations. This the Government considered was the most effective way to give a lead in the search for oil in this State. The vehicles and equipment have been secured most speedily and the excess £30,000 provision now proposed is for the cost of their operation in the field.

A further £15,000 is provided for the purchase of land under the Public Parks Act. The Government assists local authorities to acquire suitable land for parks and open spaces, usually by contributing £1 for each £1 contributed by the local authority. Settlements on account of land purchased under this scheme will, in total, be heavier than estimated, and the additional £15,000 is now required to meet the Crown's share of the cost. These acquisitions in many cases have been a prelude to expenditure and employment in the development of the areas by the local authorities concerned.

While the Supplementary Estimates total £1,290,000, this should not be taken to mean that the original Budget forecast of a nominal surplus of £3,000 will now be converted into a large deficit. The £970,000 grant will be a credit to the Consolidated Revenue Account and there will be, as is usual, other variations in a number of items of receipts and payments within the Consolidated Revenue Account. Among major receipts, stamp duty revenues have been running at a low level, but there has been an encouraging upward move in railway revenues. Among major payments the cost of pumping water through pipelines will be much higher than estimated because of the dry season, but on present indications there will be a marked saving against the estimate for interest on the public debt, and savings will occur because of the absence of an outbreak of fruit fly.

With 2½ months of the financial year still to run, it is not practicable to forecast with accuracy the final outcome of the year's finance. However, with what appears now to be a steadily improving economy, I would not expect any significant deficit on Consolidated Revenue Account. On the other hand, a deposit on Loan Account of about £500,000, after absorbing the considerable Revenue surplus of last year as was

originally planned and forecast when the Loan Budget was presented, seems probable. I move the adoption of the first line.

Progress reported; Committee to sit again.

PUBLIC WORKS COMMITTEE REPORTS.

THE SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Aldinga Beach Water Supply,
 Cummins Area School (final),
 Kangaroo Inn Area School (final),
 Mount Burr Sewerage Scheme,
 Mount Gambier Sewerage Scheme (Revised Scheme),
 Port Augusta Gaol Rebuilding (final).
 Ordered that reports be printed.

COURT OF DISPUTED RETURNS.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I move:

That the House proceed to elect by ballot four persons to be members of the Court of Disputed Returns pursuant to sections 168 and 169 of the Electoral Act, 1929-1955.

I understand I would not be in order in nominating Messrs. Dunstan, Loveday, Millhouse and Pattinson because this has to be done by a ballot.

Motion carried.

The bells having been rung:

The SPEAKER: While the ballot-papers are being distributed, I wish to announce that the method of voting will be that members strike out the name of the person they wish to vote for.

Mr. Lavn: You should have had one this morning for Speaker: there would have been a different result.

The SPEAKER: I appoint the honourable the Treasurer as scrutineer.

Mr. Jennings: You couldn't trust him!

The SPEAKER: Order!

Mr. RICHES: I rise on a point of order, Mr. Speaker. I thought I saw you cast a vote in this ballot. I question whether you are entitled to vote on any issue except when giving a casting vote.

The SPEAKER: The answer to the member for Stuart is that all members are entitled to vote for a Court of Disputed Returns.

Mr. DUNSTAN: I rise on a point of order, Mr. Speaker. I draw your attention to section 37 (2) of the Constitution Act which states that all questions which arise in the House of Assembly shall be decided by the majority of votes of the members present,

other than the Speaker or person aforesaid. Subsection (3) provides that when votes are equal the Speaker or person aforesaid shall have the casting vote. I submit that the Constitution specifically prescribes that the Speaker of the House does not have a vote on any question unless the votes are equal in the House. The fact that under the Electoral Act a Court of Disputed Returns is to be elected by the House does not modify the Constitution.

The SPEAKER: In reply to the member for Norwood, the House has already decided that a ballot shall be taken to elect the members of the Court of Disputed Returns and when a ballot is in progress every member is entitled to vote on it.

Mr. DUNSTAN: I rise further. The House has no right by its decisions—

The SPEAKER: Are you raising a point of order?

Mr. DUNSTAN: I am raising a point of order.

The SPEAKER: What is it?

Mr. DUNSTAN: My point is that the House has no right to decide, other than by legislation, to modify the Constitution. The fact that it decides to take a vote by a ballot does not mean that it is not deciding a question. It can decide a question in a manner it chooses to set forth in its Standing Orders, but that does not modify the legislation which creates this House.

The SPEAKER: Are you raising a point, debating it or what? What are you raising?

Mr. DUNSTAN: I am raising the point that this House has no right to modify the Constitution by resolution of this House in setting up Standing Orders that it will proceed to a ballot, and that that in no way alters the Constitution which provides that questions before the House shall not be voted on by the Speaker unless the votes in the House are equal.

The SPEAKER: I have already given my ruling which is that the House decided on a ballot being taken on which every member is entitled to vote.

Mr. DUNSTAN: In that case, Mr. Speaker, I must disagree with your ruling.

The SPEAKER: Do you wish to move that the Speaker's ruling be disagreed with?

Mr. DUNSTAN: I do, Sir. Section 37 of the Constitution Act provides specifically as follows:

(1) The House of Assembly shall not be competent to proceed with the despatch of business unless there are

present, including the Speaker or the person chosen to preside in his absence, at least 15 members of the House.

(2) All questions which arise in the House of Assembly shall be decided by the majority of votes of the members present, other than the Speaker or person aforesaid.

(3) When the votes are equal the Speaker or person aforesaid shall have the casting vote.

Mr. Millhouse: Look at section 169 of the Electoral Act.

Mr. DUNSTAN: I am indebted to the member. A Court of Disputed Returns is constituted by the Electoral Act—also an Act of this Parliament—and in section 169 it provides that:

The members of the court, other than the judge, shall be elected—

(a) as to the Council members, by the members of the Council after each periodical or general election:

(b) as to the Assembly members, by the members of the Assembly after each general election.

That does not alter the specific provisions that you, Sir, are not entitled to vote on a question before the House. The election can still be held by the members of this House. That in no way qualifies the fact that you are not to take part in a vote of this House unless the numbers are equal. The fact that the election is to be by the members of this House simply means that the members of this House proceed to vote on a question in the manner provided by the Constitution. Simply saying that the Electoral Act provides that the members of this House are to vote for the election of a Court of Disputed Returns does not mean that you are to operate in a manner different from that provided under the Constitution Act, which constitutes your office. I cannot for the life of me see how the member for Mitcham, or anyone else, can suggest that section 169 of the Electoral Act is a modification of section 37 of the Constitution. They are perfectly consistent one with the other. I submit that we should proceed in this election as in every other vote before the House and that you should not take part in the vote unless the numbers in the House are equal.

The SPEAKER: I draw the honourable member's attention to Standing Order 160 which states:

If any objection is taken to the ruling or decision of the Speaker, such objection must be taken at once and not otherwise; and having been stated in writing, a motion shall be made, which, if seconded, shall be proposed to the House.

Will the honourable member do that?

Mr. DUNSTAN: Yes. I move:

That the ruling of the Speaker be disagreed to.

The House divided on the motion:

Ayes (19).—Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hughes, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ralston, Riches, Ryan, Taping, Frank Walsh, and Fred Walsh.

Noes (19).—Messrs. Bockelberg, Brookman, Coumbe, Freebairn, Hall, Harding, and Heaslip, Sir Cecil Hincks, Messrs. Jenkins, Laucke, Millhouse, Nankivell, Pattinson, and Pearson, Sir Thomas Playford (teller), Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Teusner.

The SPEAKER: There are 19 Ayes and 19 Noes. The votes being equal, I give my vote in favour of the Noes.

Motion thus negatived.

A ballot was taken and Messrs. Dunstan, Loveday, and Millhouse, and the Hon. B. Pattinson were declared duly elected.

STANDING ORDERS COMMITTEE.

The Hon. Sir THOMAS PLAYFORD moved:

That a Standing Orders Committee be appointed consisting of the Speaker, the Hon. B. H. Teusner, and Messrs. Quirke and Frank Walsh.

Mr. FRANK WALSH (Leader of the Opposition): I ask that a ballot be taken and, as there is no ballot in progress at this stage, can we abide by the Standing Orders? Until it is necessary for you to give a casting vote, Mr. Speaker, I think you should refrain from voting on any future ballots on these matters.

The SPEAKER: I have to report that, if one member demands that a ballot be taken, in accordance with Standing Orders it is necessary to take a ballot.

While the bells were ringing:

The SPEAKER: Order! Does the Leader wish to speak?

Mr. FRANK WALSH: I desire to ask if you would reply to the question that I raised, whether under the Standing Orders—

The SPEAKER: The Leader cannot ask a question. Is he raising a point of order?

Mr. FRANK WALSH: Well, I will raise a point of order. Your previous decision was that because the ballot was in progress you would not withdraw from it. I point out that there is no ballot in progress now. In the event of an even vote you, Sir, have the right of a casting vote, and in my view that is the only

time, under the Standing Orders, that you are entitled to vote.

The SPEAKER: Standing Order No. 373 reads:

A ballot shall be taken in the following manner: each member present shall give to the Clerk a list of names of any five members, or such other number of members as the House may have directed, whom he may think fit and proper to be upon such committee; and if any list contain a larger or lesser number of names than is required, it shall be void and rejected. And when all the lists are collected, the Clerk, with the Mover acting as scrutineer, shall ascertain and report to the Speaker the names of the required number of members having the greatest number of votes, which members shall compose such committee. In case of doubt arising from two or more members having an equality of votes, the Speaker shall determine by lot which shall be chosen.

I point out to honourable members that the Speaker is *ex officio* a member of the Standing Orders Committee. Members will vote for the three other members required by striking out three names.

The Hon. Sir THOMAS PLAYFORD: Would a ballot-paper be invalid if a member struck out the Speaker's name before you, Sir, made that announcement?

The SPEAKER: If four names were struck out, including the name of the Speaker, the ballot would be valid. I ask the Premier to come forward to count the votes.

Mr. LAWN: On a point of order, Mr. Speaker! Standing Order No. 373 reads:

Each member present shall give to the Clerk a list of names of any five members, or such other number of members as the House may have directed, whom he may think fit and proper to be upon such committee; and if any list contain a larger or lesser number of names than is required, it shall be void and rejected. And when all the lists are collected, the Clerk, with the Mover acting as scrutineer, shall ascertain and report to the Speaker the names. The mover was the Leader of the Opposition: he demanded the ballot, not the Premier.

The SPEAKER: I think the honourable member is wrong. The Premier moved the motion.

Mr. LAWN: The Leader asked for a ballot on this question.

The SPEAKER: The Leader raised a point of order: the Premier moved the motion.

Later:

The SPEAKER: As a result of the ballot the members of this committee, in addition to the Speaker, will be the member for Burra (Mr. Quirke), the Leader of the Opposition (Mr. Frank Walsh), and the member for Angas (Hon. B. H. Teusner).

SESSIONAL COMMITTEES.

The following Sessional Committees were appointed:

Library: The Speaker, Messrs. Clark, Nankivell, and Ryan.

Printing: Messrs. Corcoran, Hall, Harding, McKee, and Mrs. Steele.

JOINT HOUSE COMMITTEE.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:

That it be an order of this House, that, in view of the creation of the Joint House Committee under the Joint House Committee Act, 1941, a Sessional House Committee be not appointed under Standing Order No. 404.

Motion carried.

The Hon. Sir THOMAS PLAYFORD moved:

That, pursuant to section 4 of the Joint House Committee Act, 1941, Messrs. Bywaters, Heaslip, and Ryan be elected members of the Joint House Committee.

Motion carried.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:

That the House request the concurrence of the Legislative Council in the appointment for the present Parliament of the Joint Committee on Subordinate Legislation in accordance with Joint Standing Orders Nos. 19 to 31, and that the representatives of the House on the said Committee be Messrs. Bockelberg, Jennings, and Millhouse.

Motion carried.

ADDRESS IN REPLY.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:

That a committee consisting of Messrs. Freebairn, Laucke and Millhouse, the Hon. B. H. Teusner, and the mover be appointed to prepare a draft address to His Excellency the Governor in reply to his Speech on opening Parliament, and to report on April 17.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL.

Mr. FRANK WALSH (Leader of the Opposition) moved:

That Standing Orders Nos. 43, 94, 226, 243, 293 and 295 be so far suspended as to enable him to move a motion without notice and to proceed through all stages of the matters therein referred to without delay and that such suspension be not limited to this day's sittings of the House.

Motion carried.

Mr. FRANK WALSH obtained leave and introduced a Bill for an Act to provide electoral equality for the citizens of South

Australia, and effective deadlock provisions between the Houses of Parliament. Read a first time.

Mr. FRANK WALSH: I move:

That this Bill be now read a second time.

Its object is to provide for a more democratic method of electing the Parliament of South Australia, and it is based on the mandate given to us by the people of South Australia at the last elections. Clauses 1 and 2 are purely machinery clauses of title and incorporation. Clause 3 repeals the second and third schedules of the principal Act which, at the moment, set forth in detail the boundaries of electoral districts. Under this Bill, the detailed definition of boundaries will no longer be in the Constitution but will alter from time to time on the recommendations of the Electoral Commission. In other words, the number of electoral districts will continue to be stipulated in the Constitution, but the defining of the boundaries will be the prerogative of the Governor on the recommendation of the Electoral Commission.

Clause 4 provides that the alteration to districts shall take effect only from the next elections after the passing of the Bill. Clauses 5 and 6 are consequential amendments of the deadlock provisions which will be explained when dealing with clause 12. Clause 7 is also a consequential amendment. It relates to the repeal of the detailed schedules dealing with the electoral districts and was explained when I dealt with clause 3. Clause 8 provides that in future the qualification of electors for the Legislative Council shall be enrolment for the House of Assembly in the Legislative Council district concerned, and, in consequence, clause 9 repeals sections 20a, 21 and 22 of the principal Act which provide under the present Constitution for the restrictive Legislative Council roll. Clause 10 alters the number of House of Assembly seats from 39 to 56, and clause 11 provides consequential amendments thereon. The first House of Assembly in South Australia was formed with 36 members in 1857 and by 1890 there were 54 members. With the introduction of Federation, the members were reduced to 42 and subsequently to 40 after the Northern Territory was transferred to the Commonwealth in 1911. In 1915, the number of members was increased to 46 and remained at this figure until 1936 when the present unjust system was originated by Act of Parliament and provided for 39 members. The main reason for the reduction at this time was the political motive of foisting a gerrymander on to the people of South Australia

so that the Liberal and Country League would be able to remain in office irrespective of the majority wishes of the people. I think that we can rightfully claim that as a result of the election held on March 3 last.

The only Lower House in the Commonwealth which is smaller than our own is that of Tasmania, which has 35 members, and the others vary in size from 50 members in Western Australia to 94 members in New South Wales. Even although Tasmania has the smallest House, if we had representation on the same population basis the people in South Australia should have more than 90 members. However, if we take the number of members in 1938, which was the first Parliament formed after the reduction of Assembly members to 39 in 1936—and I think all members will agree that this was a particularly small House—and adjust it solely for increases in population, we would be justified in seeking a representative House of more than 56 members. Further, as a result of the policy speech, which I delivered recently on behalf of my Party, I received a mandate from the people of South Australia to proceed with constitutional and electoral reform to ensure equitable electoral boundaries with one roll for all Parliamentary elections, the retention of compulsory enrolment and voting, and the appointment of an Electoral Boundaries Commission on a basis similar to that of the Commonwealth and most other States.

On my being questioned by electors for further amplification of this policy, I further guaranteed, on behalf of the Labor Party, that when returned as a Government, which we have been, in spite of what members opposite may say to the contrary, we would not reduce country representation in the House of Assembly and, further, I guaranteed that as far as practicable we would seek to achieve the democratic principle of one vote one value. In spite of consistent agitation from the Labor Party, all of these aims have been repeatedly denied to the people of this State by the actions of the L.C.L. Government for more than 25 years. In order to meet the wishes of the electors on all these points, it is necessary for the House of Assembly to consist of 56 members, and, as I stated earlier, this condition is catered for by clause 10 and the consequential amendments of clause 11.

The deadlock provisions covered by section 41 of the principal Act are exceedingly complicated and could quite easily result in further deadlocks if they were used in order to express the will of the people. This is detrimental to effective government, and therefore

clause 12 provides for the repeal of the existing deadlock provisions and the insertion of deadlock provisions in similar terms to those existing as between the House of Commons and the House of Lords. This means that if the House of Assembly insists on a Bill in two successive sessions, with a time space of 12 months between each passing of the Bill, then it may be presented to the Governor and become law, even although the Legislative Council does not accept it. This deadlock provision would not apply to money Bills or Bills extending the maximum duration of Parliament.

Clause 13 provides a new Part in the Act constituting a permanent electoral commission. This is modelled on the Western Australian provision, but has certain alterations which make the decisions of the electoral commission automatic and leave no discretion to executive Government as to whether they will be implemented or not. Broadly speaking, the procedure will be this: an electoral commission of three shall be appointed and will be permanent. It will consist of a judge of the Supreme Court, the Surveyor-General, and the Chief Electoral Officer. The commission is—

- (a) to make inquiries into and recommendations in respect of the division of the State into 56 electoral districts for the House of Assembly and five electoral districts for the Legislative Council.
- (b) to divide each of the Assembly districts into subdivisions.
- (c) to publish any proposed new electoral districts and any proposed alteration of an existing electoral district in the *Government Gazette* and in a newspaper circulating in the district.
- (d) to consider any objections in writing which may be lodged with the commissioners within two months from the date of such publication.
- (e) to present a final report of the inquiries and final recommendations thereon to the Governor.

In considering the division of the State into districts for the House of Assembly, the principle of one vote one value shall be observed, but this shall be considered to have been complied with if a district is within approximately 10 per cent of the electoral quota. A district shall be of convenient shape and have reasonable access between centres of population, and there shall be not less than 26 electoral districts which include country areas, and country

areas are defined in the same way as they were defined in the Electoral Districts Redivision Bill, 1954. The commissioners may have regard to the standard matters which commissioners on other occasions have had regard to, but shall consider community of interest to exist between spreading suburbs and the rural areas into which they are spreading, and when dividing the Legislative Council districts, the commissioners shall provide for four members from each Legislative Council district, and the district shall, as far as possible, contain an equal number of electors, but be based upon Assembly electorates.

Within eight months of the passing of this Bill, the commissioners must present their first final report, and subsequent reports shall be made if a resolution of the House of Assembly calls upon the commissioners to proceed to inquiry or if any five Assembly districts differ from the electoral quota by more than 20 per cent. Forthwith upon the receipt of the final report and recommendations from the Electoral Commissioners, the Governor shall publish them in the *Gazette* and, upon publication in the *Gazette*, those district boundaries shall have the force of law except for by-elections where, until the next general election, the previously existing boundaries shall be used. A new English dictionary edited by Dr. James Murray defines democracy as:

Government by the people; that form of Government in which the sovereign power resides in the people as a whole and is exercised either directly by them (as in small republic of antiquity) or by officers elected by them. In modern use, often more vaguely denoting a social state in which all have equal rights without hereditary or arbitrary differences of rank or privilege.

Mr. Hutchens: That would be foreign here.

Mr. FRANK WALSH: We say that the system of having alleged quotas on the two to one basis fails on every count. For instance, members cannot argue that it is democratic to have 13 members of this House in the metropolitan area irrespective of the electoral population of that area. The present system, evolved in 1936 by an amendment of the Constitution, provides that the metropolitan area should be regarded as having 13 electoral districts with the rest of the State having the remaining districts, that is, 26 in a House of 39, and it is important to notice that the number of Ministers has been increased from six to eight since the present electoral system was introduced.

I wish to illustrate, with appropriate population movements and electoral enrolments, the necessity for reviewing the method of electing members of Parliament. I will start with the 1938 elections, because that was the first held in the newly created single electorate system. In 1938, the enrolments in the metropolitan area were 212,000, which represented 58 per cent of the total number of electors in the State. The quota, that is, the average enrolment for each metropolitan electorate, was 16,300. At that time, country enrolments totalled 153,000, or 42 per cent of the total enrolments, and the quota for country electorates was then 5,900. At the most recent elections, the enrolments for the 13 metropolitan electorates had increased to 332,000, representing 63 per cent of the State enrolments, and the quota was 25,600, whereas the 26 country electorates had an enrolment of 199,000 after including the district of Gawler, and the resultant country quota was 7,700. I understand that at present Gawler has about 21,000 electors.

Mr. Clark: That is so.

Mr. FRANK WALSH: The enrolments in the metropolitan area since 1938 have increased by 120,000, or 57 per cent, whereas the country enrolments, including Gawler, have increased by only 46,000—an increase of only 30 per cent. From these figures it can be seen that the rate of increase in the enrolments of the metropolitan area is approximately double that of the country areas. In 1938, that is, the first election held under the single electorate system, the country vote was worth 2.8 metropolitan votes, but there have been such disproportionate population changes that now the country vote is worth 3.3 metropolitan votes. In spite of the great increase, as well as the different proportionate increases in population of the metropolitan area as compared with that of the country, members opposite always maintain that there must only be 13 members in the metropolitan area and 26 members in the country areas.

The Labor Party believes in democracy, democratic government, and in the control of Parliament by democratic methods. One fundamental principle of democracy is that the people should be able to change the Government if they want to. In fact, they should be able to elect the Government they want and defeat the Government they do not want. But this is not possible in South Australia. Let us take the figures for the last four State elections. If I desired to do so, I could quote

similar figures for previous elections. In 1953, the Australian Labor Party polled 167,000 votes and the Liberal and Country League Party 119,000. There were some odd units but I will not mention them. The A.L.P. had a majority of 48,000 votes. In 1956, the A.L.P. polled 129,000 and the L.C.L. 100,000—a majority for the A.L.P. of 29,000. In the 1959 election, the A.L.P. polled 185,000 votes and the L.C.L. 136,000—a majority for the A.L.P. of 49,000, and at the election in March this year the A.L.P. polled 220,000 votes as against the L.C.L. 140,000—a majority of 80,000 for the A.L.P. In these four State elections, the A.L.P. had majorities of 48,000, 29,000, 49,000, and now 80,000, yet it was not enough to change the Government. Where are we going when a majority of 80,000 is not enough to change the Government? In fact, at the most recent State election, Labor obtained 54 per cent of the primary votes cast as against the L.C.L. 34 per cent, and one is tempted to ask just how much a Party has to win by under the Playford rules of Party elections before the Government can be changed.

We believe that the method of having the electoral districts defined in the Constitution should be abandoned. There should be a more elastic system, something like the federal system under which the first principles are set out in the Constitution. Fortunately, the founders of Federation over 60 years ago were alive to the possibility of gerrymandering and they inserted provisions in the Constitution that prevented that being done without the consent of the people. They laid down the method by which the number of members for each State should be determined, having regard, of course, to the minimum of five members of an original State, and by which the quota of electors in each electorate within the State should be determined by a commission, using a tolerance of 20 per cent above or below the average in order to cater for circumstances associated with the sparsity of population, etc. We believe that something like this should be introduced in South Australia but in conformity with the latest recommendations of the Commonwealth Joint Committee on Constitutional Review.

I have examined the latest report of this committee which conducted a full inquiry into certain aspects of, and recommended changes in, the Federal Constitution. The committee was equally representative of the Opposition and the Government but it produced a unanimous report on all except three items. Reservations

were made by Mr. Downer of South Australia about the recommendations dealing with industrial conditions, and Senator Wright of Tasmania dissociated himself from the committee's observations about the Commonwealth legislative machinery. But apart from that, the committee was unanimous.

On the matter of democratic Government, the committee said (*vide* page 193):

The committee considers that some constitutional changes are now necessary to facilitate the maintenance of continuous, sound democratic government in the light of changed conditions since Federation.

It went on to say that:

In the spirit of democracy as a general rule equal weight should be accorded to the votes of electors.

That is precisely what we are saying in this Bill and that is what a committee representative equally of Opposition and Government in the Commonwealth Parliament said as late as 1959. In 1959 the Premier used one specious argument when replying to a similar subject that was before the House. The Premier said (*vide* 1959 *Hansard*, page 605):

I cannot accept the words 'the principle of one vote one value' because I cannot find a principle along these lines ever having been established.

Members of the Opposition quoted numerous authorities for our contention, but without avail and, therefore, I should like to add one more, namely, the 1959 report from the Joint Committee of Constitutional Review (page 46):

The committee feels constrained to say, however, that the one-fifth margin on either side of the quota for a State which the Act allows may disturb quite seriously a principle which the committee believes to be beyond question in the election of members of the national Parliament of a Federation, namely, that the votes of the electors should, as far as possible, be accorded equal value. The full application of the margin each way to two divisions in a State could result in the number of electors in one division totalling 50 per cent more than the number of electors in the other division. Such a possible disparity in the value of votes is inconsistent with the full realization of democracy.

In dealing with allowable variations from the quota, the committee also said (*vide* page 48):

Whilst appreciating that complete uniformity in numbers upon redistribution is not practicable, the committee considers that a permissible margin of one-tenth on either side of the quota for a State should allow sufficient flexibility in determining the electoral divisions for the election of members of the House of Representatives of the Federal Parliament. The adoption of a maximum margin of one-tenth would make a very material contribution towards preventing possible manipulation

of the divisional structure of a State for political purposes.

The views of the committee I have just quoted coincide with the view of the Labor members in this State. Another point which the Premier made in opposing our motion dealing with electoral reform in 1959, and which was not correct, was that members of the Labor Party did not oppose the Constitution Act Amendment Bill of 1955. In effect, he was saying that we did not oppose it then so why should we wish to change it now. I should like to clarify that. The amendment referred to by the Premier was the result of the Electoral Districts Redivision Bill of 1954, which set up the Royal Commission to provide for the redivision of the electorates and which maintained the iniquitous principle of two country seats for every metropolitan seat. We fought this latter Bill all the way because we realized that no matter how fair the Royal Commission desired to be, it was impossible for it to give electoral justice under the restricted terms of reference provided in the Bill.

Mr. Dunstan: I was suspended for calling it immoral.

Mr. FRANK WALSH: It looks as though the Speaker has been suspended. It is good to see the honourable member for Angas back in the Chair.

Mr. Lawn: It looks as though the Speaker has gone back to do some other business at the wheatgrowers' office.

The DEPUTY SPEAKER: Order!

Mr. FRANK WALSH: Surely no matter how we may attempt to conceal it by excuses that will not bear analysis, all members deep down must believe in a democratic system. I submit that I have proved my case up to the

hilt and I suggest that country people do not want their metropolitan brothers to be classified as second-class citizens, yet that is precisely what our present electoral system does. It classifies a metropolitan voter as being a second-class citizen compared with a country voter. All men are equal, or supposed to be equal, under the law. That is a principle, of course, that is accepted by my Party; we believe in the rule of law and in the processes of justice. If we are to have a proper appreciation of the value of the rule of law and if we are to have a complete confidence in the processes of justice, is it not obvious that all men should have an equal opportunity in making the law?

My final point is that over the years, the Labor Party has attempted to remove injustices from the electoral system, but our attempts have been steadfastly rejected by the Liberal members. The consistent attitude of Liberal and Country League Party members in this State in voting against any attempt to make our Parliament more democratic, thus fostering the gerrymander in South Australia, shows lack of respect for the democratically expressed wishes of the people and must, if persisted in, bring our Parliamentary institution into disrepute. As my Party has been given a mandate by the people of this State to introduce this Bill, I submit it to the House for serious consideration. I have good reason to believe that it is fundamentally sound and should be carried in the interests of democracy.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

ADJOURNMENT.

At 5.29 p.m. the House adjourned until Tuesday, April 17, at 2 p.m.