HOUSE OF ASSEMBLY

Wednesday, October 23, 1968

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

QUESTIONS

TOTALIZATOR AGENCY BOARD

Mr. ALLEN: Has the Premier a reply to my recent question about the Totalizator Agency Board turnover on dog racing in Victoria?

The Hon. R. S. HALL: The 1967-68 annual report of the T.A.B. in Victoria reveals that total turnover in that year was $163,000,000, of which $15,000,000 was invested on greyhound racing. The corresponding report of the New South Wales T.A.B. shows a total turnover of $160,000,000, of which $25,000,000 was bet on greyhound racing.

LAMB EXPORTS

Mr. CASEY: I was pleased to see that last week the Premier had discussions about exports with the British trade mission that was visiting the State. Can the Premier say whether, during the course of these talks (and I realize the gentlemen concerned were promoting British exports), he discussed the possibility of more lamb being exported from this State to Great Britain, because this year our lamb exports to that country have been low indeed?

The Hon. R. S. HALL: I discussed with the mission a comprehensive range of matters of mutual interest to South Australia and the United Kingdom. However, I regret that I did not discuss specifically the export of lamb. I remind the honourable member that the mission was primarily a mission to sell, although members of it expressed much interest in the future possible operation in South Australia of British industrial and commercial enterprises. I did not discuss meat exports, which matter did not arise or appear to be a speciality of any member of the mission. However, I will remember the honourable member's question at the next opportunity.

SPRINGTON MINERALS

The Hon. B. H. TEUSNER: I understand that for some time much activity in the search for minerals has taken place in the Springton area, in my district. A rumour is current that recently a valuable discovery of some minerals or a valuable pipe clay was made in that area and that it was likely that some treatment plant would be erected in connection with this discovery. There is concern in the district that, if this discovery has been made and it is intended to establish an industry in connection with it, the industry may be established elsewhere than in the locality to which I have referred, and that would be detrimental to the area and township, particularly in view of the desirability of decentralization. Will the Premier ask the Minister of Mines whether any discovery has been made in the area to which I have referred and, if it has, whether it is intended to build some treatment plant and whether that plant can be established in the district concerned?

The Hon. R. S. HALL: I will make the relevant inquiries and bring down a report for the honourable member.

MOUNT BOLD ROAD

Mr. EVANS: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my recent question about the Mount Bold Road?

The Hon. ROBIN MILLHOUSE: The cost of maintaining the Mount Bold Road No. 438 during 1967-68 was $1,788. This is equivalent to a unit cost of $1,215 a mile.

LAND SALES

Mr. GILES: Has the Attorney-General a reply to my question about land sales?

The Hon. ROBIN MILLHOUSE: The police have investigated this matter, but have found no evidence of any criminal offence. The person in charge of this operation does have an equity in the land, and purchasers will, I understand, receive titles to the allotments purchased, worthless though the titles may be. A breach of the Land Agents Act had been committed, in that the operator was holding himself out as a land agent, and he was served with a complaint in respect of that offence. I am pleased to tell the honourable member that both persons involved in this scheme have now left South Australia.

FREIGHT CHARGES

Mr. McANANEY: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question about railway freight charges?

The Hon. ROBIN MILLHOUSE: The rate charged for the carriage by rail of lambs from Pooraka to Newmarket, Victoria, is $89.35 a van. This is the same rate as applied last year.

ADELAIDE-MANNUM ROAD

Mr. WARDLE: Has the Attorney-General a reply from the Minister of Roads and Transport to my question about the Adelaide-Mannum main road?

The Hon. ROBIN MILLHOUSE: The Highways Department has engaged a consultant to prepare a planning proposal for the improvement of the Adelaide-Mannum Main Road No. 33. Pending the receipt of information on the work involved in this project, and estimates of the cost, this project has not been specifically programmed by the department for any particular year. The need for the improvement of this road is recognized and, when the report of the consultant is to hand, consideration will be given to the inclusion of this project in the department's advanced works programme.

SUPERPHOSPHATE

Mr. EDWARDS: Has the Attorney-General a reply from the Minister of Roads and Transport to my question of October 3 about facilities for unloading superphosphate?

The Hon. ROBIN MILLHOUSE: My colleague states that, if unloading facilities for superphosphate were provided by the Railways Department at certain attended stations, it would be necessary either to review the freight rate or to make a charge for the use of such equipment.

SIGNALLING DEVICES

Mr. ARNOLD: Has the Attorney-General a reply from the Minister of Roads and Transport to my question of October 8 about the use of signalling devices on tractors?

The Hon. ROBIN MILLHOUSE: Tractors and farm implements being driven in accordance with the provisions of section 12 of the Motor Vehicles Act, 1959-1967, are exempt from registration, and flashing lamp turn indicator lights need not be fitted to these vehicles. The Road Traffic Board, however, has also recently exempted tractors that are registered from the requirement to fit flashing turn indicators, provided they are registered in accordance with the provisions of section 35 of the Motor Vehicles Act, 1959-1967.

ROAD TAX

Mr. ALLEN: Has the Attorney-General a reply from the Minister of Roads and Transport to my recent question about the evasion of road tax?

The Hon. ROBIN MILLHOUSE: The Highways Department carries out spotting checks on all roads during the night and weekends in an endeavour to make sure that transport operators pay road charges on all journeys, irrespective of the time they are made. However, there is no doubt that many operators do not show all of their trips, or the correct mileage travelled, on their returns, but these are only two of many of the methods used to evade payment of road charges. Various legislative alterations, designed to ensure a greater percentage of recovery, are currently under consideration.

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:

Sewerage System for Grange (East), Henley Beach (East), Seaton (South), Fulham Gardens and Kidman Park (South)—(Revised Scheme),

Thorndon Park Primary School.

Ordered that reports be printed.

NATIVE PLANTS PROTECTION ACT AMENDMENT BILL

Mr. RICHES (Stuart) obtained leave and introduced a Bill for an Act to amend the Native Plants Protection Act, 1939. Read a first time.

Mr. RICHES: I move:

That this Bill be now read a second time.

I am grateful to members for their indulgence in this matter, and I assure them that I will not take up much time in explaining the measure. This short Bill amends the Native Plants Protection Act in order to protect the Sturt pea. People have been surprised to learn that this flower is not a protected plant, although many plants are declared under the Act. It was thought desirable, particularly in view of the experience over the present season, that protection should be afforded this flower, which has been chosen as the State's emblem. Although 90 per cent of the people of South Australia may have never seen their national flower growing in its natural state, I point out that the reason for this may be that the Sturt pea does not bloom every season. However, in seasons similar to the one we are now experiencing, the plant blooms in profusion, and those who visit a particular site are presented with a picture that has to be seen to be believed.

But when people go to a particular site and take the Sturt pea not by the armful but by the carload, sometimes filling a utility

(as has been reported to me) and denuding the area, I think the State should do something about it. I appreciate that this is a difficult situation with which to deal, because we rely in this regard largely on the good sense and thoughtfulness of the people visiting the area. However, I know of people who travelled several hundreds of miles this spring to see the Sturt pea flowering in its native surroundings only to discover when they arrived at the scene that people who had arrived beforehand had taken the flowers, so that there remained an insufficient number of flowers to warrant the trip and the expense incurred. I believe that, with the necessary encouragement, the Sturt pea could be seen in season, and within easy distance, by people living in the metropolitan area, and that this plant, as was the case this year, could represent the source of considerable tourist revenue to the State.

Indeed, I know that more people visited the Flinders Ranges this year than have visited that area in any other year, and every place from Blinman to Melrose has reported record business in petrol sales, the provision of meals, accommodation and other necessities, and in the sale of gifts and art work to visitors to the area, of whom not hundreds but thousands have come from other States. I believe the knowledge that the Sturt pea was flowering this year has had a considerable bearing on the increase in the number of holiday makers during the flowering season. Although I am not suggesting that prohibiting the pulling of the Sturt pea by its roots will solve all the problems, and I am not suggesting that this provision could be easily policed, I think that, if everyone knew that the Sturt pea was a protected plant that could be taken by its roots only with the permission of the Minister of Forests, the lessee of the land on which it was growing, or the controller of the reserve in cases where the Sturt pea was growing on a reserve, this would have a salutary effect and would ameliorate the position greatly.

The Bill provides that if a person is found with Sturt pea that has its roots attached it will be *prima facie* evidence that the pea has been taken. It is possible that the Sturt pea could be taken by accident, but the Bill covers any such circumstance. Very few native plants are protected. They include the emu bush, bullock bush, native pittosporum, sugar wood, native orange, native peach, bitter quondong, king fern, coral fern, hand flower, hovea, and orchids of all species. Those plants are protected by regulation now, and there is provision also that, in some areas, local councils may make by-laws to protect other plants. In the main, where the Sturt pea grows there is no council. The fact that the Sturt pea is not a protected plant leads people to regard it as something in the same category as salvation jane, wild hops or some of the other everlasting flowers which grow in profusion on the countryside and which receive the same treatment as the other flowers I have mentioned.

Pastoralists have told me that they have been happy to direct people to places where the Sturt pea grows and for those people to take all the time they need to see the flowers, but they have been distressed to see the large numbers of Sturt pea taken away by carload and by utility load with the knowledge that they would be of no use to the people who take them. The Sturt pea can be picked and kept and will last as long as most other flowers, provided it has the proper attention. Just to take the peas, put them in a car and transport them for a couple of hundred miles renders them neither useful nor ornamental at the end of the trip. I have spoken to a number of motorists out in the field who have directed me to places where the Sturt pea could be seen this year. All of these people told me that I had better hurry because other people were taking the flowers by the car load.

I hope that I have not given the impression that most people take these flowers. However, sufficient remove them to cause annoyance to most tourists who go to the area to see them in their natural state. This year the Sturt pea was growing as far south as Port Augusta and its environs: a display could be seen within one hour's ride of the Port Augusta Post Office. However, only those first there were able to see them, with the result that others wanting to see the Sturt pea had to travel 100 or 200 miles. Many people did just that to see this wonderful flower growing in its natural environs. I hope the House will agree to the passage of this small Bill and that, if the Bill is passed, it will have the effect of creating interest in the preservation of the Sturt pea and will encourage its growth, because I believe this flower has an economic as well as an aesthetic value to the people of this State.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 16. Page 1927.)

The Hon. R. S. HALL (Premier): The franchise of the Legislative Council is an interesting subject, having been introduced into this House following much activity on the subject in recent months. Of course, this debate follows a situation that has developed in both Houses in recent weeks. I believe the Leader of the Opposition gave notice of a Bill on this subject on the same day as, or the day after, another Bill on the matter was introduced in the Legislative Council. It appears to me that the Leader's move was prompted by action in another place.

Members interjecting:

The Hon. R. S. HALL: If I might be allowed to express an opinion, I would say that I would have much preferred the subject of the Council franchise or anything dealing with the redistribution of Council boundaries to be left until after the redistribution of House of Assembly districts had been dealt with in this place. From remarks made by members opposite, I should have thought that this procedure was more or less tacitly accepted.

The Hon. D. A. Dunstan: That was redistribution, not franchise.

The Hon. R. S. HALL: I should like to be permitted to develop my argument. Although I know no promises were made on this matter, I accepted that we would deal with the redistribution of Assembly districts first, and then look at matters affecting the Legislative Council. I still think that would have been a much wiser course to take, because obviously certain passions are aroused amongst members opposite at the mention of the Council that I think are prejudicial to a calm, passive outlook on any matters of electoral reform, and that includes redistribution of the Assembly districts. However, this situation has now arisen, although I reiterate that it has arisen contrary to what I consider to be the wiser course. We now have the Leader's moving in this House for adult franchise for the Council on the same day as, or the day after (I am not sure of the exact day), a move was made in the Council to extend the franchise in respect of that Chamber.

Mr. Lawn: It was three days before.

The Hon. R. S. HALL: The matter of the Council franchise has exercised the minds of members opposite for some time. Those members make no apology for their policy that there should not be a Legislative Council.

Mr. Virgo: Why should there be?

The Hon. R. S. HALL: The honourable member emphasizes the point I am making. Members opposite do not run away from this: they believe in the abolition of the Council, and that is the basic difference between the thinking of their Party and the Liberal and Country League on this issue. I stand firmly and unashamedly in favour of the continuance of the Legislative Council and of the bicameral system of Parliament. This difference in attitude is one of the basic differences in the political philosophy of the two Parties. I believe this has much to do with attitudes generated towards the Council franchise. Let us consider the last annual general meeting of the L.C.L. at which this matter was obviously discussed, much to the entertainment of my friends opposite.

Mr. Jennings: "Discussed" or "digust"?

The Hon. R. S. HALL: Somehow or other reports of what at least two members said at that discussion were printed in the daily press, and they made interesting reading for my friends opposite. It would appear to me that the thought uppermost in the minds of members opposite in this case is to try to embarrass other members of the Government and me.

Members interjecting:

The Hon. R. S. HALL: I think that reaction proves the point I am making. However, let me assure members opposite that I am not embarrassed, and that this is a matter on which I am happy to give an opinion, which I shall be glad to express in this place. Let me say at the outset that I stand for adult franchise for the Legislative Council.

Mr. Clark: But!

Mr. Hudson: It has to be uniform throughout the Commonwealth?

The SPEAKER: Order!

The Hon. R. S. HALL: There is no doubt about it: members opposite are interested in my view. As I am sure that members are now interested in what I have to say, I will try, with their support, to continue with my speech. I have said what I believe, and I do have one or two "buts". I believe the intensity of interest of electors in relation to the Council should be somewhat different from that which applies to electors of the House of Assembly. To achieve this and still

have adult franchise for the Council, it will be necessary to have two qualifications for Council voters. First, they must be interested enough to vote. In this connection, I would have a provision that a Council elector must seek his entitlement to vote. As long as a person is on the Assembly roll, he can seek his entitlement and automatically be registered to vote for the Council.

Secondly, I believe a further qualification (although I do not think this has much application) would be that the Council voting must be voluntary. However, to be realistic, I realize that once a person is enrolled to vote for the Council, he or she would obviously make use of that opportunity to vote when voting for the House of Assembly. Therefore, I would have as a pre-requisite for voting for members of the Council that a person must be enrolled on the House of Assembly roll and must be interested enough to enrol on the Council roll. That is the only qualification I make.

The Hon. D. A. Dunstan: Well, that follows from this Bill, actually.

The Hon. R. S. HALL: Of course it does. Again, if the Leader will allow me to finish—

Mr. Ryan: Have you started?

The Hon. R. S. HALL: Apparently the honourable member has not listened: I will probably recapitulate for him at the end of my speech. Perhaps his hat is too far down over his ears.

The Hon. Robin Millhouse: There's not much between the ears, anyway.

The Hon. R. S. HALL: No.

The SPEAKER: Order! There are far too many personal interjections developing in debate. Members know that such interjections are against the Standing Orders, so will they please co-operate and help uphold the Standing Orders?

The Hon. R. S. HALL: Let me say that, at its last annual general meeting, the Party of which I am a member did not agree to a motion that there should be adult franchise for the Legislative Council.

Mr. Virgo: So, you aren't allowed to vote for it.

The Hon. R. S. HALL: The member for Edwardstown delights in putting words into people's mouths and finishing questions with a twist that has its own meaning. If the honourable member will be quiet for a while and release us from the duty of listening to him, he can listen to me. At that time our Party, of course, did not vote for adult franchise. In my opinion, it voted against adult franchise for the Legislative Council because it was frightened that the Council would be abolished by the Australian Labor Party, which has a declared abolitionist policy. This was the basic reason.

Mr. Ryan: In other words, you're frightened of the A.L.P.

The SPEAKER: Order! The honourable Premier will have to link up his remarks, because there is no abolition clause in the Bill.

The Hon. R. S. HALL: I believe I can link my remarks with the franchise because obviously the kind of franchise may indicate a certain type of decision from the Council, having regard to particular areas of political support, and I issue a challenge to the A.L.P. in this State and to members opposite. I will vote for their adult franchise on the condition that they agree to the inclusion in their Bill (and I will try to have this included) of a provision, similar to the New South Wales provision, that the Legislative Council cannot be abolished unless such abolition is agreed to at a referendum of the people of South Australia. Let members opposite indicate their decision on that.

The Hon. D. A. Dunstan: We'll accept that.

The Hon. R. S. HALL: Right, I will accept. I am not bluffing.

The Hon. D. A. Dunstan: Right, let's get together on it.

The Hon. R. S. HALL: If members opposite will accept this, I will support it.

The SPEAKER: Order! I think the honourable Premier will have to give an indication that he is moving this amendment before I can let debate continue on the merits of a referendum. If the Premier so indicates at this stage, I can allow this discussion to continue, but otherwise, I cannot.

The Hon. R. S. HALL: Question Time ended so quickly today that, as I was out of the House for a short time, I missed the opportunity to give notice of motion. However, I have a notice of motion, and I also have prepared an amendment to this Bill to take care of all the points that I have been raising. When this matter reaches the appropriate stage, I will ask the House for leave to suspend Standing Orders to accomplish the things that I am talking about, and I hope that the House will regard this debate as being important enough to warrant its agreeing to

my request. Let me indicate how far reaching is the provision in the Constitution of the requirement for a referendum of the people of South Australia before effect can be given to the abolition of the Legislative Council. This is an extremely binding provision and, once inserted in the Constitution, cannot be removed without a referendum decision to so alter it. I want the House to realize the importance of the provision that I will move to insert. To consider such a matter, I ask members to be patient while I read and have included in *Hansard* the findings of the Privy Council regarding the New South Wales Legislative Council. Adopting the New South Wales Act as a model for my amendment, I will read in full the result of the appeal to the Privy Council in 1931, as follows:

Section 7A of the Constitution Act, 1902-1929, (N.S.W.) provided: (1) The Legislative Council shall not be abolished nor, subject to the provisions of subsection six of this section, shall its constitution or powers be altered except in the manner provided in this section. (2) A Bill for any purpose within subsection one of this section shall not be presented to the Governor for His Majesty's assent until the Bill has been approved by the electors in accordance with this section—

The SPEAKER: I am afraid that I cannot allow the Premier to continue discussing the matter of a referendum. The question before the House is the second reading of a Bill that provides only for adult franchise. There is no clause regarding a referendum and such a matter will not be properly before the House until the Bill has been read a second time and is being considered in Committee. Therefore, at this stage I cannot allow debate on the merits or demerits of a referendum.

The Hon. R. S. HALL: I accept your ruling, Mr. Speaker, and I expect, from the attitude already adopted by Opposition members, that they will allow me, later, to discuss this amendment in full when the various clauses are being considered. In deference to your ruling, I will delay dealing with this decision, but I consider the matter important enough to warrant having it included in *Hansard.*

Mr. Lawn: Let us discuss it this afternoon, in Committee.

The Hon. R. S. HALL: In my opinion, the key to acceptance of adult franchise on a voluntary enrolment basis in this State is the matter to which I have referred and which I must delay dealing with further until the Committee stage. I cannot, however, let the occasion pass without saying that it is also the key to my thinking on the matter. The matter of adult franchise highlights the difference between the attitudes of the two Parties. It is well to remember that there is very little difference, really, between those attitudes now. The enlargement of the franchise by giving a vote to a spouse will, on the information I have been able to get, enable about 85 per cent of present House of Assembly electors to enrol for the Legislative Council. Therefore, the difference between the present provisions and the provisions as they would be under what is commonly termed the "spouse arrangements" would be only 15 per cent.

If we are arguing about 15 per cent, we are arguing about only an extremely small section of the community. I consider that it is time to widen the franchise completely on voluntary enrolment. As I have said, the point at issue is small and I consider that, now that we are tackling the electoral question in South Australia, we must provide for adult franchise. However, I will not support this Bill without the inclusion of the safeguard to which I have referred. The attitude of a large section of the public of South Australia has been one of suspicion of the motives of the A.L.P. in this matter. The amendments I will move will obviously bring into the open the motives of members of the A.L.P. in introducing this Bill, and I believe that we will not have to wait long to find out what these motives are.

Mr. CORCORAN (Millicent): Unfortunately, I did not hear the last remark of the Premier, but I understood that he said he would not have to wait long for the motives of the Party to be revealed. I take it that he considers the motive is to enlarge the franchise purely and simply to gain control of the Council to enable us to abolish it. I think that is what he meant by saying that we would not have to wait long to hear what are the motives of my Party. He has already heard the acceptance by the Leader of the Opposition of his challenge in regard to including in this Bill a provision that the Upper House cannot be abolished unless by a referendum of the people of this State.

The SPEAKER: The honourable member cannot proceed on that line of debate.

Mr. CORCORAN: As the Premier referred to this, I must say something about it.

The SPEAKER: The honourable member is out of order.

Mr. CORCORAN: I have referred to it on that basis. The Premier offered a challenge, and I point out that the Leader of the Opposition has accepted the challenge. That should prove to the Premier, to other Government members, and to the people of this State that we are more concerned with getting some semblance of democracy into the other place than with its abolition. The Premier said that this matter had been of interest to people during the last few months, but I emphasize that this has been a matter of interest to my Party and its members (and they have tried to tell people in this State about the situation concerning the Upper House of this Parliament) for the past 30 years that I can remember.

The Hon. D. A. Dunstan: For the whole of this century.

Mr. CORCORAN: Of course: it has been a matter of vital interest to this Party. Surely the Premier, in subscribing to the widening of the franchise on an adult basis, has admitted that the Council is not democratic and has never been democratic. He knows, as well as we on this side know, of the almost unlimited power of the Upper House.

The Hon. Robin Millhouse: I think your speech was prepared on the assumption that the Premier was going to oppose the Bill.

Mr. CORCORAN: I was pleased to hear the expression of the Premier's attitude but I have a perfect right to say what I want to say about the Upper House, which has so much power. I am sure that the Premier recognizes this, because of his attitude to this Bill, and that he realizes it is undemocratic. Let us consider the excuse that has always been peddled for the need for a second Chamber. It has been suggested that it is a House of Review, that it prevents hasty legislation, and that in it legislation can be considered by a different set of people. When comparing the proportion of Ministers in our Upper House with the proportion of Ministers in the Upper Houses in other State Parliaments, we find that of nine Ministers three sit in the Upper House in this State.

Mr. Riches: In our Upper House we have the Minister of Agriculture away from the people.

Mr. CORCORAN: They have other important portfolios in that Chamber away from the people, because the members of that Chamber are not representatives of the people of this State. This is the highest ratio of Ministers in the Upper House of any Parliament in Australia, and it tends to make that Chamber a House of initiation rather than a House of Review. The House of Assembly is becoming the House of Review, because already this session 12 Bills have been initiated in the Legislative Council.

The Hon. R. R. Loveday: It is trying to justify its existence.

Mr. CORCORAN: Yes, and trying to demonstrate its power. We know that it can reject outright any Bill passed by this House; we know that it can make suggested alterations to money Bills although it is supposed not to interfere with such Bills and that, if we do not accept the alterations, the other House can throw the Bill out.

Mr. Riches: And a private member can do it, too.

Mr. CORCORAN: Yes, although he cannot do it in this Chamber. This is the sort of power possessed by the Legislative Council, and we want people who have this power to be answerable to the people of the State in the same way as members of this House are answerable to them. I am pleased that, as indicated by the attitude of the Premier, at least someone in his Party is enlightened enough to realize that there is a need to widen the franchise and to extend it on the same basis as the franchise used to elect this Chamber, and to try to get some semblance of democracy in that autocratic institution. I think the Attorney-General agrees with his Leader, and no doubt other Government members also agree although they are no doubt a little shocked at the Premier's wish to write into the Bill what he suggested. If the Premier heard a report of what I said during the by-election campaign in Millicent about the abolition of this place, he would realize that the A.L.P. would not abolish this Chamber unless it put it as a major issue at a general election, which is virtually the same as a referendum, and we are not concerned whether it be by a referendum or by the popular vote of the people at a general election. We will do this on the challenge of the Premier. I do not wish to say any more, because I do not want to delay the passage of this important measure: it is a vital measure. I do not agree with the Premier when he says that we should wait until the other matter of redistribution has been disposed of: they are entirely different things. One is a redistribution or alteration of districts, whereas the other simply provides for a wider franchise to elect members to the Council. This has been desirable

since the Council was established, and it is gratifying indeed to members on this side, and I am sure to most people, to know that something may be done to enable those people who are qualified to vote in the House of Assembly to vote for representatives in the Upper House.

The Hon. ROBIN MILLHOUSE (Attorney-General): I support absolutely the stand that has been taken by the Premier in this matter. I said before in this Chamber during the debate in 1965 on the then Government's Constitution Bill, and I have said it publicly since, that in my view there is no justification in this day and age for any restriction of the franchise in respect of any House of Parliament in a democratic community. I believe that restricted franchise is out of keeping with the temper of this age, and I have never heard any argument that appealed to me in favour of restriction of the franchise. I have often been asked by those who support a restriction on the franchise, "If you have the same franchise for both Houses what is the good of having two Houses?" I believe strongly in the bicameral system of Government, but I believe that, if we have voluntary enrolment and voluntary voting for the Upper House in South Australia and retain, substantially, compulsory enrolment and compulsory voting for the Lower House, that, together with the varied size of districts and a different length of term of office, is a sufficient distinction between the two Houses.

I think it is sufficient to ensure that one House is not merely a mirror of the other House. These views will not come as a surprise to Opposition members, because they are views that I expressed during the 1965 debate. The fact is that under the South Australian Constitution at present the powers of the Upper House are almost precisely equal to those of the Lower House, because that is how things were in Great Britain in the 1850's when our Constitution was framed (our Constitution having been modelled, of course, on the Constitution of Great Britain at that time); but the vital difference is that ours is a written Constitution and, to an extent, an inflexible Constitution, whereas the Constitution of Great Britain is a flexible one and it is unwritten.

Over the 110-odd years (a little longer than that) since our Constitution was first formulated and enacted, the powers of the House of Lords have altered but, because here our Constitution is to an extent inflexible, the powers of our Upper House have not altered. The time has come, as I have said, in my view, for an alteration in the franchise of the Legislative Council so that everyone in this State who wants to exercise that franchise may be able to do so. We in Australia are often chided by outsiders because we have a compulsory system of voting for some of our Houses of Parliament. We must remember that almost universally elsewhere the voluntary system is employed.

Mr. Casey: That does not apply in Australia.

The Hon. ROBIN MILLHOUSE: My dear fellow, I have just said that very thing. I thought for once the member for Frome was looking at me and listening to me, but apparently he missed the point. We in Australia, almost alone of democratic countries, have a compulsory system. Therefore, I think it is fitting that we in South Australia should use the models of other countries for the Upper House and keep to the pattern that has been developed in this country for the Lower House, and that is what I hope will happen. Having said this, though, I want to say something about retaining a second Chamber: I have said that I strongly favour the bicameral system; I always have, and I have defended it before in this place. It is perhaps not easy to find theoretical arguments in favour of either the bicameral system or the unicameral system, but the fact is that, again, almost universally the experience in Parliamentary democracies is that the two-House system works better than a one-House system and, wherever one looks, one sees that the overwhelming number of Parliaments in the world have two Houses.

My own experience in this House, even though what I have wanted to do has often been contradicted by members in another place, is the same. In fact, the bicameral system works well, because it is better to have two sets of minds working on any particular problem than one set of minds. That is why I believe it is most desirable that we should retain the two-Houses system here in South Australia.

Mr. Casey: Have you any facts or figures to back up what you have said?

The Hon. ROBIN MILLHOUSE: I think I had better ignore the honourable member. I have already covered the point he has raised.

The SPEAKER: Order! I think the Attorney-General had better get back to the contents of the Bill.

The Hon. ROBIN MILLHOUSE: Sir, I want to say something, though, having dealt with my own view that there should be two Houses of Parliament, about the policy of the Party opposite on the Legislative Council. This Bill, in part, carries that policy (or attempts to carry that policy) into effect. This is what we find in the Labor Party's latest rule book—

Mr. Freebairn: Which page?

The Hon. ROBIN MILLHOUSE: Page 38 of the June, 1968, rule book.

Mr. Freebairn: Does that mean that my 1965 copy is out of date?

The Hon. ROBIN MILLHOUSE: Yes, I am afraid it does.

The SPEAKER: Order! Is the Attorney-General linking up his remarks with the Bill?

The Hon. ROBIN MILLHOUSE: Yes, I am going to discuss the policy of the Party opposite on the Legislative Council, which I understand is the topic of this Bill. The *Rules, Platforms and Standing Orders* of the A.L.P. provide:

Constitutional and Electoral:

1. The ultimate aim of a Labor Government should be an electoral system which, to the greatest extent possible, recognizes—

(*a*) That as each citizen should be equal in the sight of the law—

Mr. McKee: Would you agree with that?

The Hon. ROBIN MILLHOUSE: Yes, entirely.

Mr. McKee: Why are you opposing the amendment?

The Hon. ROBIN MILLHOUSE: I have already said—

The SPEAKER: Order! The member for Port Pirie is out of order.

The Hon. ROBIN MILLHOUSE: I think he is out of his mind as well. I repeat paragraph (*a*) under "Constitutional and Electoral", as follows:

(*a*) That as each citizen should be equal in the sight of the law, so each citizen should have a vote of equal value to the vote of each other citizen in electing the legislators who make that law; and

(*b*) That a second Parliamentary Chamber in South Australia is unnecessary and wasteful of public funds.

The immediate aim should be—

The Legislative Council should be abolished after a favourable vote of citizens at an election at which abolition is an issue.

I am delighted to know that the Party opposite, led by the honourable Leader of the Opposition, is now prepared to abandon that particular policy.

Mr. McKee: Don't be a dill!

The Hon. ROBIN MILLHOUSE: Members opposite are not abandoning that?

Mr. McKee: No, of course we're not.

The Hon. ROBIN MILLHOUSE: As I understood an interjection of the Leader of the Opposition, he will support a referendum.

The SPEAKER: Order! I cannot allow the debate to continue along these lines. I have already ruled the Premier out of order in referring to the referendum. I want to know whether the Attorney-General will link up his remarks on voting. I draw the House's attention to the fact that the debate on this Bill is really very limited, because the measure seeks only to amend sections 20, 20a and 21 of the principal Act and the debate must therefore be confined to that aspect.

The Hon. ROBIN MILLHOUSE: Yes, I linked up my remarks, as I tried to say just now, by referring to the policy of the Party opposite on the whole subject of the Legislative Council, so that I could highlight this particular aspect of that policy, and that is what I was endeavouring to do. I merely said a moment ago that I was delighted that the Leader of the Opposition was prepared to accept the Premier's amendment that the abolition of the Legislative Council could not be enacted without a referendum of the people of this State on the New South Wales model. That, as I understood what was said, is the position of honourable members opposite.

The Hon. R. R. Loveday: What has that got to do with this Bill?

The Hon. ROBIN MILLHOUSE: It has much to do with it. Anyway let me read on, as follows:

Meanwhile, the Council should be reformed by (*a*) altering its powers to conform with those of the United Kingdom's House of Lords;—

and with that I do not agree—

The SPEAKER: The Attorney-General had better hurry up.

The Hon. ROBIN MILLHOUSE: The rule continues:

(*b*) providing adult franchise in the voting for this House; and (*c*) boundaries for the Legislative Council allocated on the basis of one vote one value.

Mr. McKee: What comes after that?

The SPEAKER: The Attorney-General might be out of order in quoting it.

The Hon. ROBIN MILLHOUSE: I would be, because it deals with the topic of another Bill before the House. I think I have said

enough to show that I stand right behind the Premier in his position on this particular matter. I believe there should be full adult franchise for the Legislative Council exercised on a voluntary basis and that, together with that (and we will deal with this again later), there should be a provision against the abolition of the Legislative Council without a majority vote of the people expressed at a referendum.

Mr. McANANEY (Stirling): I support the bicameral system of Government and pay due respect to the work that the Upper House has done over the years. I do not think that that Chamber should be abolished except as the result of a full referendum of the people.

The SPEAKER: The honourable member cannot pursue that line of argument.

Mr. McANANEY: Yes, Mr. Speaker. I disagree to the statement of the member for Millicent that including this matter in a policy speech would achieve the same result as a referendum—

The SPEAKER: The honourable member is out of order in replying to the member for Millicent, who was also out of order.

Mr. McANANEY: —provided that there was a full decision of the people by means of an unqualified vote. I think one should consider just who cannot have a vote at present or who cannot have a vote if the spouses are brought into this legislation. At present, 12.6 per cent of the people of voting age are single. If two, three or four members of this group live in a self-contained flat, only one of the occupants can vote. That is a ridiculous state of affairs. How do they decide which one can vote? Do they draw a name out of a hat? This group of people comprises some of the State's most responsible citizens. I will not go into personalities, but I was not qualified to vote for the Upper House until I was 27, although I had worked since I was 17, had received the Australian Society of Accountants diploma, had obtained a Diploma in Commerce at the university, and had gone overseas on my own initiative for seven months. Despite all these circumstances I was not qualified to vote.

Mr. McKee: The honourable member is not mentally qualified.

Mr. McANANEY: I doubt whether the member for Port Pirie has these qualifications or has done the same amount of work. This is a responsible group of citizens, yet not all of them can vote. People today are more mature at 21 than they used to be and, what is more important, they ask questions: nothing can be put over them. If anything ridiculous is put up to them they will ask the reason why, and any person who cannot give a reason is a write-off. This responsible group of people should be entitled to vote.

About 76 per cent of people are married. I have heard it said that a married person is responsible and therefore should be entitled to vote. Each year, over 8,000 people marry before they reach 21—sometimes by inclination but often from necessity. Are these people more responsible persons than a single person who waits until he has a position in life before getting married? It has also been said that, under the present system, the no-hopers in society are denied a vote, but under the Act what guarantee is there that that is so?

Most people qualify as voters because they are occupiers of houses. Nearly all married people, other than perhaps the few who live with their parents, can vote, whether or not they are no-hopers and lacking a sense of responsibility. It is the person who is not interested enough to fill out a form and get enrolled for the Upper House roll who is not responsible enough to have a vote. If any group of people is to be eliminated it should be that group that is insufficiently interested to enrol. There are thousands of people in this group. When the Leader of the Opposition was Premier he sent out cards to people asking that they be filled in and telling them they were entitled to vote. However, in certain areas those cards did not go back to the electoral office: they went into the waste-paper basket.

Mr. Langley: Thousands were sent in.

Mr. McANANEY: The member for Unley has not bothered to analyse the groups of people entitled to enrol and those not entitled to enrol. If people are not willing to enrol for the Upper House they should not have a say in the House of Review. Although about 1.8 per cent of people are separated, many of these would be entitled to vote because they live in their own houses. About 1.4 per cent of people are divorced, and most of them would still be entitled to vote. About 8.2 per cent of people are widows, but few of these are enrolled. However, as most of them would be over 60 years of age, if spouses were enrolled many of these widows would have been enrolled before being widowed. Many of these widows live in their own houses, but some of them give up their houses and go to live with their children or move into old folk's homes. These people would not be entitled to vote, although they should be at least as entitled to vote as a spouse

whose husband is still living. There is no sense of justice in this. I have never heard anyone try to make out a case, from the point of view of justice and fair play, that these people are not entitled to vote.

All kinds of reason are put up but there is no logical, just or fair reason why these people should not have a vote. It is the height of ridiculousness to say that when three young people live in the same flat only one is entitled to vote. I support the Bill, which is a step in the right direction and which is in line with the modern thinking that each individual has a right, provided he is willing, to make an effort to get enrolled and to show a desire to take an interest and have a say in the Government of the country. That is the only type of person who should be enrolled. I support the Premier in the arguments he has advanced today. I trust that the Opposition will support the Premier's foreshadowed amendment and that we shall be able to progress in this matter for the benefit of South Australia.

Mr. GILES (Gumeracha): At present there is not a full adult franchise for the Upper House. I firmly believe that we must have a bicameral system of Government, otherwise we could have a dictatorship. At present, all people in this State over 21 years are permitted to vote for the House of Assembly. Therefore most people have a say in the Government of the State, because they vote at House of Assembly elections, and most of the work is done in the Assembly. We do not want to have both Houses elected under the same system and by the same people, because, if we did, one House would become a rubber stamp for the other. If a political swing took place, both Houses would be controlled by the same Party.

The Hon. D. A. Dunstan: Are you opposing or supporting the Bill?

Mr. GILES: If the Leader will have patience (which I do not think he has) he will find out what I intend to do. We do not want to have both Houses elected by the same people under the same system because, if a political swing took place, both Houses would have in them a majority of members of the same Party and, in certain circumstances, this would mean the abolition of the Council, with which I strongly disagree. People eligible to vote for the Council at present must have certain qualifications: they must have a certain amount of property in South Australia. The value of property required is ridiculously low, being only $100.

Mr. Freebairn: There are other qualifications.

Mr. GILES: There are. When people own property worth $100, they have a small stake in South Australia and are more interested in it. As I do not think people who do not own property have much stake in South Australia, they should not have a vote for the Legislative Council. I agree that the spouses of people eligible to vote for the Council should have the vote. If this is provided, 85 per cent of the adult population of the State will have a vote for the Upper House. Many people, even when they are 24 or 26 years old, still cannot explain the actual workings of the Council.

The Hon. D. A. Dunstan: Can you explain it?

Mr. GILES: Therefore, I believe that, until they have some interest in South Australia, they should not have a say in electing the Upper House. The Upper House in New South Wales is nominated. The electors of that State overwhelmingly voted for the retention of the Council. Therefore, I strongly disagree with the Bill and sincerely hope it will not be passed.

Mr. FREEBAIRN (Light): I do not greatly favour this Bill.

Mr. McKee: Have you got your copy of the Labor Party rules there?

Mr. FREEBAIRN: Certainly.

The SPEAKER: Order! There are too many interjections during this debate. I notice that the members for Port Pirie and Unley are not on the list of speakers but, if they wish, I will add their names to the list.

Mr. FREEBAIRN: I am not generally in favour of the Bill, but my afternoon has been made for me by seeing the faces of members opposite when they realized their bluff would be called.

Mr. Clark: What bluff?

Mr. FREEBAIRN: I have had the fascinating experience of hearing and seeing the Leader of the Opposition commit his Party foolishly, without referring to Trades Hall. We saw the joke of the Opposition Whip racing outside to telephone Trades Hall to find out what the Party should do about the Premier's action.

Members interjecting:

The SPEAKER: Order!

Mr. RICHES: I rise on a point of order, Mr. Speaker. The honourable member's remarks have no relation to the Bill: also, he knows he is deliberately lying, and I object to what he is saying.

The SPEAKER: The honourable member's point of order is well taken, and I uphold it. The member for Light is out of order in referring to Trades Hall. I have already referred, I think no less than three times, to the fact that debate on this Bill is very limited and must be directed to sections 20, 20a and 21 of the principal Act with which the Bill deals. As the member for Stuart has objected to words used by the member for Light, I ask the member for Light to withdraw those words.

Mr. FREEBAIRN: Yes, Mr. Speaker. I was not able to hear a word that the member for Stuart said, because his voice was drowned out by interjections and interruptions. If anything I have said is objected to by the member for Stuart, as he is a close personal friend of mine I am only too happy to withdraw those words. Does that satisfy the honourable member?

The SPEAKER: It satisfies me, provided the honourable member gets back to the Bill.

Mr. FREEBAIRN: Provided members opposite speak loudly and clearly enough for me to hear their interjections, with your indulgence, Sir, I will reply to them. As I was saying, we saw the interesting spectacle this afternoon, during the debate on this Bill, of Opposition members completely nonplussed by the turn of events. They thought their Leader had let them down because he had committed them to a course of action without referring either to Party Caucus or to the Trades Hall organization.

Mr. Clark: You are out of order again.

Mr. RICHES: I rise on a point of order, Mr. Speaker. The only defence we have against this continual tirade of lies is to draw your attention to the fact that the honourable member is not referring to the Bill. The member for Light realizes very well that there is not a scintilla of truth in what he is saying. I ask that he withdraw his remarks.

The SPEAKER: The member for Stuart has raised a point of order. I must ask the honourable member for Light not to pursue that line of argument. I have already warned him that the Bill refers specifically to sections 20, 20a and 21, and that what he has said does not relate to the Bill.

Mr. FREEBAIRN: I am sorry, Sir, if I have transgressed, but I cannot hear what the member for Stuart says in this House. Either he does not turn on his microphone or there is too much interference for me to hear. During his second reading explanation, the Leader made great play on the desirability of the law's affecting everybody equally. One thing I cannot understand is how the rule of law can affect everyone equally if citizens do not have an equal say both in the way Parliamentarians and the candidates of Parties are elected. I will develop this theme by pointing out that, in one of the other great western democracies, primary elections are open to all citizens. In the United States of America (at least in some States) all citizens have an equal right in the nomination and endorsement of candidates for Parliamentary Parties. How does this apply in Australia, and to the Australian Labor Party in particular? No-one would concede that every Australian citizen had the opportunity to have an equal say in the Australian Labor Party pre-selection of candidates. However, this is not so with the L.C.L., where every person—

The SPEAKER: Order! There is nothing about the Labor Party or the L.C.L. in this Bill.

Mr. FREEBAIRN: With great respect, I was dealing only with some remarks made by the Leader of the Opposition about the principle of one vote one value (page 1925 of *Hansard*), when he said:

> This principle has been dealt with by the most influential court in a democracy today (the United States Supreme Court)—

Mr. McKee: Do you believe in that principle?

Mr. FREEBAIRN: Mr. Speaker, as you so wisely said earlier, if the member for Port Pirie, who is now interjecting, would like to make a speech, he would be welcome to do so. However, you will notice that he has not put his name down on the list of speakers for this debate. I believe in the general principle of one vote one value and, in particular, I believe in the principle adopted in the United States of America, where every State, whether it be the tiny State of Vermont, with about 250,000 electors, or an enormous State like California, with about 12,000,000 electors, has two votes for the Senate.

How can members opposite maintain advocacy of one vote one value and quote the United States of America as an example of this principle and of democracy and yet say that the American Senate system (which protects the American States) is not democratic? The Leader's remarks about the American political scene were rather hollow. I support the American Senate system, which comprises an equal number of representatives from each State. This principle will not be altered by the decisions in *Baker v. Carr* and *Reynolds*

v. Sims, because the principle is written into the American Constitution, which can be altered only with great difficulty. The British Labour Party, under Earl Attlee (as he later became) did not abolish the House of Lords. Although members opposite have suggested otherwise, Earl Attlee strengthened that Chamber by promoting to it distinguished British citizens, who had made great contributions, and making them life peers. Those life peers played a principal role in reviewing legislation in that Chamber. Members opposite are busy having a Party meeting.

The Hon. Robin Millhouse: Actually, there are two Party meetings going on.

Mr. FREEBAIRN: It is easy to see who are the influential people in the Labor Party. The Leader of the Opposition (Hon. D. A. Dunstan), the member for Glenelg (Mr. Hudson), and the member for Edwardstown (Mr. Virgo) comprise the principal group, but that group has now broken up.

The SPEAKER: I think the honourable member ought to get back to the clauses of the Bill.

Mr. FREEBAIRN: I am dealing with Upper House franchises and, in particular, with the House of Lords as it was modified and reconstructed by the Attlee Labour Government. I think the Leader held up the British system as an example of protection. An interesting story is told about a comment made by Earl Attlee after he had resigned from the House of Commons and the incoming British Government made him Earl Attlee. He was then able to take his place in the House of Lords and make his contribution to legislating in that Chamber. A reporter, knowing the historic dislike that Labour Parliamentarians seem to have for Upper Houses, asked Earl Attlee what he thought of the House of Lords now that he had become a member of that august body, and Earl Attlee said, with a happy smile, "It's like a glass of champagne."

When the startled reporter was able to collect his wits Earl Attlee said, "It's like a glass of champagne that's been standing for 24 hours." However, Earl Attlee was only having a joke with the reporter. We all know that the House of Lords makes an effective contribution, by way of review, to the British bicameral system. That is because of the eminence of the life peers who have been appointed to that Chamber. I cannot go along with the British Labour Party and support the system of life peers (even though members opposite may be pleased about having them), as I consider that our elective system is better.

The Hon. J. W. H. Coumbe: You mean Lord Enfield?

The SPEAKER: Order! This Bill does not provide for the appointment of life peers to the Legislative Council. The honourable member must get back to the Bill.

Mr. FREEBAIRN: The Minister of Works mentioned something about Lord Enfield, and I thought that was a charming name. I should like to speak of the difficulty that the Leader of the Opposition and his Party must be in, having regard to what the hierarchy of the Party demands as the policy to be carried out by its Parliamentary members. I have two copies of the A.L.P. constitution and, although one was printed only a year or so after the other, the rules are changed so frequently that one gets confused. A member of the L.C.L. is in a different position, because he sees his principles clearly and they are easy to follow. We do not find in the A.L.P. constitution any reference to developing the Legislative Council as a legislative body, but on page 38 appears the following:

Constitutional and electoral: (1) Ultimate abolition of the Legislative Council—

The SPEAKER: Order! The honourable member cannot pursue that line of debate.

Mr. FREEBAIRN: It is curious that that constitution provides that all matters of wide social interest concerning differences between the Upper House and the Lower House shall be decided by a referendum, so perhaps the Leader of the Opposition, in happily committing his Party to supporting the Premier's foreshadowed amendments, may not have been far off the mark. I wish that members opposite would listen to me rather than have a Party meeting, because my remarks would help them. I have been forced to speak today, although I am not fully prepared and I have not had time to analyse carefully the Premier's remarks because the Leader of the Opposition and his Party have made it clear that they want to vote on the Bill today. Opposition members, who say they believe in democracy, are trying to force this Bill through this Chamber, and they want to get it through today. I have been forced to speak in this debate, because the A.L.P. representatives in this Chamber have demanded a vote today, and a vote today they shall have! I am not happy about supporting the second reading, but I look forward with interest to hearing speeches made in Committee.

Mr. HUDSON (Glenelg): I support the second reading, but it is rather difficult when one follows the member for Light.

Mr. Corcoran: You could make a speech about his stupidity.

Mr. HUDSON: One could also make a speech on the rumours that he circulates in his local paper, but one would be making a speech which would be out of order and which would be a complete waste of time because, when it comes to the point, the views of the member for Light as expressed in this House are not worth paying attention to. This Bill is entirely in line with the principle of democratic government that both Chambers of a bicameral system of Parliament should be elected by all adults in the community, and not that one Chamber should be elected by a restricted section of the community. I do not believe it is possible to distinguish between sections of the community and say that one section has a stake in the country that other sections do not have or that this section has an opinion that is more valuable than that of other members of the community.

Mr. Rodda: Do you agree with a two-House Parliament?

Mr. HUDSON: I should prefer a situation where there was only one House of Parliament, because I think a unicameral system would work well. A bicameral system is often cumbersome and difficult, and over the years the history of Upper Houses in the various States of Australia has not been a pretty one. Invariably, these Upper Houses, elected on restricted franchise, have acted in a way that has been contrary to democratic principles and against the wishes of the majority of the people. The history of our Upper House in South Australia in this respect is probably as bad as, if not worse than, that of any in the length and breadth of the country. I favour a restriction placed on the ability of the second chamber by providing that the second Chamber could delay legislation for only 12 months. This kind of restriction applies in Britain, and I think that the experience of the British Parliament indicates that it works well. However, I am prepared to support the Premier's view as a compromise if that proposition is the best we can get in the circumstances, and I believe it is still a significant improvement on the existing situation. If the Premier wishes to write into the Bill that he will only agree to a universal franchise for the Upper House if there is a provision requiring that any abolition proposal can succeed—

The SPEAKER: The honourable member cannot proceed on that line of debate. The amendment is not before the Chair, and I cannot allow that.

Mr. HUDSON: I should be prepared to accept the amendment the Premier has foreshadowed, as a suitable compromise in the circumstances, if that is the only effective way we can get a constitutional majority of the members of this House in favour of this Bill.

The SPEAKER: The honourable member can make a passing reference to this subject, but he cannot proceed with that line of debate.

Mr. HUDSON: I have made my reference and it will be sufficient in the circumstances. For too long in South Australia democratic procedures have been prevented by the present Upper House franchise, which has no real logic and no real basis other than that it produces a more conservative Upper House than would a general franchise. Therefore, it provides for one section of the community and one Party a more or less permanent veto on the wishes of the majority. I am pleased to find Government members, such as the Premier, the Attorney-General and one or two others (and I hope more to be heard from today), who are opposed to this as contrary to basic democratic principles, and who recognize that the majority of people have the right to determine the laws under which they shall be governed and that no one section of the community has the right to veto any proposals for changing the law of a community.

The present franchise has been one of the reasons why South Australia and South Australian democracy have been called into disrepute throughout Australia and even overseas, and it is about time that we saw to it that it was removed. I do not think that any section of the community is capable of setting itself up as a group that can determine the so-called permanent will of the people: there is no such thing as the permanent will of the people. The permanent will of the people can be determined only by a dictator or by a group that assumes dictatorial powers. If this Bill is carried it will stand as an achievement in the history of the development of democracy in South Australia, as it will result in South Australia having, for the first time in its history, a real form of Parliamentary Government, that is, Government by the elected representatives of all the people in both Houses of Parliament.

Mr. RODDA (Victoria): I oppose the Bill outright. The Party of which I am proud to be a member has a specific platform that has been spelt out at gatherings of our Party in the same way as has been the platform of the Opposition Party. I owe the same allegiance to my Party as members opposite do to their Party: I have no quarrel with them on that, but I stand firmly in support of the platform on which I was elected. We have heard from the member for Glenelg what he thinks about Upper Houses. He paid faint respect to them. However, I do not trust the Labor Party when it starts fiddling around.

Mr. Hudson: But you are in Government because of a fiddle, anyway.

Mr. RODDA: That is the honourable member's opinion.

Mr. Hudson: It's the opinion of the majority of South Australia.

The SPEAKER: Order! The member for Glenelg has made his speech.

Mr. RODDA: Let me quote under "Constitutional and Electoral" the Labor Party's policy, as follows:

1. The ultimate aim of a Labor Government should be an electoral system which, to the greatest extent recognizes—

(*a*) that as each citizen should be equal in the sight of the law, so each citizen should have a vote of equal value to the vote of each other citizen in electing the legislators who make that law; and

(*b*) that a second Parliamentary Chamber in South Australia is unnecessary and wasteful of public funds.

The immediate aim should be—

The Legislative Council should be abolished after a favourable vote of citizens at an election at which abolition is an issue.

That could mean that members opposite had licence during the previous three years to abolish the Legislative Council, if they had the power.

The Hon. D. A. Dunstan: It means exactly the same as the Premier's foreshadowed amendment.

Mr. RODDA: If a member opposite were doing what the Premier is doing today, he would get the axe before sundown this evening. That is the basic difference between the two Parties.

The Hon. D. A. Dunstan: We'll vote for the Premier's amendment.

Mr. RODDA: Of course the Leader will; he would be a fool not to. The Leader has already committed his members to something to which I should not like to be a party. I see the member for Edwardstown (the big boss) smiling, albeit disapprovingly (or was it approvingly?).

Mr. Jennings: Liar!

Mr. Riches: You know you are lying when you make those statements.

Mr. RODDA: Mr. Speaker, I object to that remark, and I ask that it be withdrawn.

The SPEAKER: Order! I am sorry, I did not hear it. Will the member for Victoria tell me the words to which he objects?

Mr. RODDA: The member for Stuart said I was lying, and his colleague called me a liar.

The SPEAKER: To which colleague are you referring?

Mr. RODDA: I am referring to the member for Stuart and the member for Enfield.

The SPEAKER: An objection having been taken, I ask the honourable member to withdraw.

Mr. RICHES: The member for Victoria said that members of this Party were conferring with the "big boss" in this Chamber, and I said that that was a lie and that he knew he was lying when he said it, and all members here know it is a lie. With great respect, I am not disposed to withdraw that statement.

The SPEAKER: The honourable member has explained the statement. I take it he said that the statement made by the member for Victoria (to the effect that the Labor Party was aligned with a "big boss") was a lying statement. He did not actually say (and I did not hear him say) that the honourable member was a liar.

Mr. Riches: I didn't say that.

The SPEAKER: The honourable member says he did not say that.

Mr. RODDA: His colleague the member for Enfield did, Sir.

The SPEAKER: The honourable member for Enfield! The member for Victoria has taken objection to what you have said, namely, that the honourable member was a liar. I must ask you to withdraw that statement.

Mr. JENNINGS: I think the member for Stuart explained the position correctly. He said the member for Victoria was telling lies, and I think anyone who tells lies is a liar. That is my attitude.

The SPEAKER: If the member for Enfield said the member for Victoria was a liar, I must ask him to withdraw.

Mr. JENNINGS: I did say that, Sir.

The SPEAKER: Then I ask the member for Enfield to withdraw.

Mr. JENNINGS: I withdraw.

Mr. RODDA: I am sorry if I offended my friend the member for Stuart in the heat of the moment. He has perhaps taken exception to something that was not meant to be nasty. However, we will not pursue this matter because, after all, we have in South Australia—

The SPEAKER: Order! I will try to help the member for Victoria and other members. There seems to be a tendency this afternoon, in this debate particularly, for much exchange to occur which I think is unnecessary. I have drawn the attention of the House to the fact that this Bill relates only to sections 20, 20a and 21 of the Act and that, consequently, the debate must be limited to these sections. I have taken the trouble (and I admit that in two minutes it is difficult) to try to ascertain what the Leader said when he introduced this Bill, and I must say that he dealt particularly with the sections referred to and did not get away substantially from them. He also referred to the Baker case in the United States Supreme Court and, as that case refers to voting, he was in order in doing so. I ask members to confine their remarks to the Bill, which is an extremely limited measure. As members know, I cannot allow a debate on a proposed amendment until that amendment is before the Chair. I do not mind honourable members' making a passing reference to the amendment, but they cannot pursue the argument; they must confine their remarks to the Bill. I think that if members do that they will contribute usefully to the debate without transgressing Standing Orders.

Mr. RODDA: I bow to your ruling, Sir, and perhaps should follow the pattern set by the Leader in confining my remarks to the Bill which, as you say, is limited. However, if full and proper effect is given to the Bill the consequences will be excessively wide. The Leader referred to the American case, and I think my colleague the member for Light also dealt with that. The Leader also said that some "glimmerings were filtering through" from a certain place on North Terrace, and I think I was developing this point before you intervened, Sir (reasonably, if I may say so). The question is whether we agree, in dealing with the narrow limits contained in the Bill, to the widening of the franchise to one of full adult voting. I think I set out by saying that the platform of my Party (and the platform on which I was elected) was specific on this point, and at this stage I am not prepared to have that part of our platform altered one iota. Representing the people of Victoria, I adhere firmly to the principles of my election to Parliament. There will be an opportunity before this Parliamentary session is over, I hope—

Mr. Lawn: What about other legislation on which you were not elected?

The SPEAKER: Order! The member for Adelaide will have his chance.

Mr. RODDA: Perhaps we shall be able to develop the argument and to talk about the hatless wonder who has just made—

The SPEAKER: Order! Order!

Mr. RODDA: I oppose this Bill hook, line and sinker, and, if necessary, I will divide the House on the second reading.

Mr. CLARK (Gawler): I am at a disadvantage, because the House does not want to take too long over this debate. I will limit my remarks, but this will not be easy for me, as for years I have advocated something that now seems to have a faint possibility of coming to fruition. It has been most interesting to hear the two different points of view that have suddenly emerged from the Government. One was the old point of view, expressed by the member for Gumeracha, that the people who have a stake in the country should have something else besides a House of Assembly member to represent them. It is hard to imagine that in this day and age anyone can believe that. The other point of view was that expressed by the member for Light. With great respect, every time he speaks lately he allows the mania to emerge. He makes a good speech until the mania surfaces and then he is off on the attack again. I suggest it is time he saw a psychologist. Then we heard from the member for Victoria, who is normally a suave and pleasant fellow but he let the smiler with the knife show his face for a few minutes this afternoon. It was a mixture of the old and the new. If we examine what we are talking about, it might be wise to find out what Parliament Houses are for.

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.

What we are trying to do is, in Professor Strong's words, bring about a more vital electoral system. We often hear hackneyed words about democracy. Another portion of Professor Strong's book defines "democracy" as follows:

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.

The thought expressed by Professor Strong in that passage is what we are trying to achieve by the Bill before us. I was pleased to see that at least three enlightened Government members had offered some support to the Bill. 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.

Here again, this is what we are trying to do by means of this amending legislation: to give the expression as near as we can to one man one vote to both Houses of Parliament, although this Bill deals only with the Upper House. Since there has been much interest in this matter, during the last few weeks I have conducted a private poll of my own to find out what people think is the function of the Legislative Council. I have gone out of my way to speak to friends of mine who are members of the Liberal Party. I have some friends who are members of the Liberal Party, and I flatter myself that I have friends in this House who are members of the Liberal Party: they are friends of mine, despite their politics. Having regard to the value of the existing franchise for the Legislative Council, and with great respect to the friends who have put these arguments to me, I think they are all idiotic.

First, I have been told that the present franchise is supposed to be a centre of resistance to the predominant power in the State at any given moment. Surely it is obvious to all members, however, that under our existing system the Upper House is usually the dominant power. That argument does not hold water. Under the Bill, we find that the larger districts would to a great extent vary the political complexion of the two Houses. We must also remember that members of the Legislative Council are elected for six years, so the complexion of the two Parties could not be the same.

The second argument put to me (and this can be classed as a beauty) is that the Legislative Council provides adequate representation for the aristocratic element in the community. After all, if that is what it is supposed to do it does it well. Again, that is what the member for Gumeracha said today but in other words. I think that idea is nonsense. The other reason put to me (and I commend this to all members of the House because I have heard this from a large group of people) is that the present franchise for the Legislative Council makes it possible for men with political, business and administrative experience who are perhaps too old or too busy to campaign electorally in the hurly-burly of an Assembly seat to walk in quietly, take a seat, and give us the advantage of their business and other experience, virtually without contesting an election. However, if a member is not good enough to be voted on to a seat in Parliament in open voting he should not be here. I support the Bill, which shows the first glimmerings of light on the horizon of Legislative Council franchise that I have seen since I have been in Parliament.

The Hon. Robin Millhouse: I said the same thing in 1965.

Mr. CLARK: I give the Attorney-General full credit for that, but I also think he said it in 1965 when he knew that what he said would not make the slightest difference. I have had some experience in this place and I have some fears that what the Minister said this afternoon may not make much difference either. I believe a poet in the United States of America in the last century, James Russell Lowell, spoke in support of the Bill when he said:

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

Were they ever the best? I think we outgrew them before they were first put on the Statute Book. I ask other members to support the Bill. If a certain amendment is moved by the Premier, I shall be delighted to support it.

The Hon. D. N. BROOKMAN (Minister of Lands): I know I will be accused of being conservative, but I oppose the Bill. If it is

considered conservative to oppose the Bill I am not ashamed of being considered conservative.

Mr. Hudson: It is not conservative: it is reactionary.

The Hon. D. N. BROOKMAN: Before one accepts change one should see some desirable result that will flow from it. The debate this afternoon has been rather spectacular not for the reasoning in it but for what might be called the back-bench discussion going on. It would be a good idea to point out the reasons in favour of the Bill rather than merely to say that it is a plank of the Labor Party platform and so on. If one wants to take the point that this is a plank of the Labor Party platform, one can also say that the Labor Party stands for the abolition of State Parliaments, and I do not hear any denial of that. Any moves such as those provided for in the Bill are designed simply to try to weaken the State Parliament so that, within the foreseeable future, it can eventually be abolished (not only the Upper House but the State Parliament also). The Leader of the Opposition has said in this place that he believes in this.

The Hon. R. R. Loveday: What has that to do with the Bill?

The Hon. D. N. BROOKMAN: It has much to do with it. The fact is that this Parliament has brought South Australia in the last few decades from a somewhat insignificant situation to a position where it was in the van, at any rate, of progress in the Commonwealth. We have nothing to be ashamed of in relation to our Upper House, which has played its part. I greatly resent the frequent sneering references made about the Upper House and its members. If members of the Upper House have a fault (and everyone has faults), it is that they are too active rather than that they are not active enough. I believe that the average age of members of the other place is lower than the average age of Assembly members. Members of another place work just as hard, travel just as far, and meet just as many people as we do. They can talk with just as much experience and wisdom as can members of this House. However, members in this House frequently jeer at members of another place. If they stop to think about what the other place has done or not done, they will find that there is little they can throw against it.

Mr. McKee: Don't be ridiculous.

The Hon. D. N. BROOKMAN: Since I have been a member, the policy followed by the Upper House has been generally to accept legislation from this House. Only a few Bills have been rejected, laid aside, or seriously amended by the Upper House. We know well that no Upper House can do more than delay the passage of a Bill designed to provide something that the people really want. It should be able to delay legislation, as it has done occasionally. It has rejected some Bills, and I might say that I have not often disagreed with its action in doing so. Of course, it rejected a few Bills from this House when the Labor Government was in office, but it did this on the grounds that the Labor Government did not have a mandate for the legislation rejected. Who can argue with that principle?

Mr. Casey: That's not right.

The Hon. D. N. BROOKMAN: It is a sound and good principle. Although plenty of criticism can be levelled at the other place (just as criticism can be levelled at this place), very little of it is justified. Just because we do not always get our way in this place, it is not for us to say that the other place must be wrong and therefore should be reformed, yet that is what we are doing.

Mr. Riches: Do you think the other place should interfere with a House elected by the popular vote?

The Hon. D. N. BROOKMAN: I cannot hear the honourable member, but frankly I am not trying to hear him because I want to make my comments. He may make a speech later if he wishes. At present before this House there is a Bill to provide for a redistribution of electoral boundaries for the House of Assembly. This matter has needed attention for years and, incidentally, my Party has tried to introduce a Bill to provide for this for a long time but it has been thwarted in its attempts because of its lack of a constitutional majority. The Labor Government introduced a Bill for this purpose but also failed. As I know it would not be in order to do so, I will not deal with the reasons for the failure of previous Bills (all I can do is make passing reference to this subject). However, the fact is that both Parties have tried to alter the situation.

Mr. Clark: You haven't said why we failed.

The Hon. D. N. BROOKMAN: I would not be in order in doing so but, if the honourable member wishes me to speak about this, I say that his Party failed for discreditable reasons. The Bill his Party introduced defined the metropolitan area as it had been defined

about 50 years previously, and that is why the Bill was defeated. The Bill referred to a town planning definition of 1954 which can be found to be about the same as the definition made about 40 years before that. The point is that, as 12 years has elapsed since the last redistribution took place, a tremendous change has taken place in many districts, in some of which the numbers of people have doubled and trebled. In other districts, the number has steadily reduced. This session the gallery of this Chamber has been full of demonstrators and there have been demonstrations outside in an effort to show how urgent it is for the Assembly districts to be altered. This Government introduced a Bill to provide for this more quickly after coming into office than was the case when the Labor Government came into office in 1965. The demand by the Opposition for a Bill on this subject was tremendous: members opposite said they must have such a Bill. However, since it has been introduced they have let the matter go to sleep. Earlier, they did not speak during the Address in Reply debate because they said it was so urgent for a Bill on boundaries to be introduced. However, since that Bill has been introduced members opposite have dealt with every subject under the sun.

Mr. Casey: We don't control the Notice Paper.

The Hon. D. N. BROOKMAN: Almost every sitting afternoon we have two hours of Question Time, except on private members' day.

The DEPUTY SPEAKER: Order! The Minister is out of order in pursuing that line of argument: he can make only passing reference to it.

The Hon. D. N. BROOKMAN: All right. The point is that, after much disturbance and much demand for such a Bill (and the demand does not seem to have been nearly as genuine as it should have been), we now have a Bill before the House that will obviously bring about far-reaching changes to the Lower House. Surely in this case we should go about making changes to the Lower House and then, if anyone wants to provide for a change in respect of the Upper House, attention can be given to that matter. Why try to sweep away the existing order in one session? I am willing to debate Upper House legislation, but I do not think it appropriate to do so while we have before us a measure dealing with the House of Assembly. The Legislative Council does not merit the criticism levelled at it by members opposite and propagandists outside the House.

Upper Houses throughout the world are traditionally somewhat conservative and, when I was in England, I found the House of Lords to be a conservative Chamber. The Labour members of the House of Commons do not by any means favour the House of Lords in their ideology, nor do they agree that it should exist, but no-one has done anything about it. I heard former Labour Ministers saying, in the House of Commons, that the House of Lords should be left as it was. They liked it as it was. I expected someone to say that the House of Lords did not have the power that our Legislative Council has, and that would be true. However, the powers and method of election in the various Upper Houses differ, and it would be hard to find two Upper Houses with similar provisions in this regard.

My point is that our Legislative Council has not been shown to have served us badly: it has served well. When the Playford Government was in office, members of the Legislative Council disagreed with Sir Thomas many times, but he did not decide to change that Chamber. He amended his legislation, or compromised, or introduced the measure again in another session. That action did not hurt Sir Thomas, the Legislative Council, or, above all, the people. Our system has worked well in the past. We are dealing with radical changes of electoral districts for the House of Assembly and we should not deal with the provisions regarding the other place at the same time. Although it has been said that the restrictive franchise for the Legislative Council creates hardship, no-one has complained to me that he could not get a vote for an election of members of that place. Most of the complaints have been that people are forced to vote at House of Assembly elections.

Further, I do not accept that there is a popular or strong demand for widening the Legislative Council franchise. There may be such a demand later, when the people have thought about the arguments of the propagandists and the true believers in that change, but I do not consider that the people care at present whether they have a vote for the Legislative Council. Householders are eligible to vote but, if voting for the House of Assembly were not compulsory, they would be reluctant to vote at Legislative Council elections.

I see no sign of widespread unrest in that respect. We should use a little caution and perhaps be a little more modest rather than try to say that we know everything and that members of the Upper House know nothing. Opposition members do not agree with me on that, but we should also be aware of the aims of the Australian Labor Party, which are to abolish not only the Legislative Council but also the State Parliament. I oppose the Bill.

Mr. VENNING (Rocky River): I support my Parliamentary colleagues the member for Gumeracha (Mr. Giles), the member for Light (Mr. Freebairn), and the member for Alexandra (Hon. D. N. Brookman). For many years I have considered myself an extremely loyal supporter of the Liberal and Country League in this State. I know that for a long time the policy of our Party has been to have a restricted franchise for the Legislative Council. Although much has been said this afternoon about democracy, I am not concerned about that as long as Government in this State is satisfactory, and it has been so for many years.

The position of South Australia was outstanding under the leadership of Sir Thomas Playford and with a restricted franchise for the Legislative Council. What better Government could anyone wish to have than we had then? I support the bicameral system of Government and I support the retention of the *status quo* in respect of restricted franchise. The people of this State are not necessarily seeking universal franchise, but the leaders of the two principal political parties are vying for fame and power and, in a desire to further his ambitions, one has tried to incite the people of South Australia, but without much success. What is most important in our political interests is to ensure that we have the right Party in power in the House of Assembly.

We do not want the Legislative Council to be necessarily a rubber stamp and, consequently, it is necessary that the franchises be not similar. It is significant that, during the past three years, the Legislative Council, with its restricted franchise, amended many Bills and rejected a limited number. I know that it is the policy and ambition of members opposite to get the upper hand in the Legislative Council and then to abolish it, with their suicide squad. I support the retention of the *status quo* in respect of the restricted franchise for the Legislative Council and will vote against the Bill.

Mr. EVANS (Onkaparinga): I do not intend letting this occasion pass without saying a few words. This will please members opposite, and perhaps it will also please some Government members. I will definitely vote against the Bill: I do not favour it, mainly because it cuts across one of the principles of my Party. I was nominated as a candidate by a Party, and one of the main principles of that Party (and one which was confirmed at the last Party conference) was for the present Legislative Council franchise to remain.

Although our organization has few rules it does have principles. The delegates of my Party selected me to represent them but I also represent the people of Onkaparinga who elected me after I had been endorsed as a candidate by my Party. I must stand by the principles of my Party. In the clubs or organizations to which I have belonged I have never ratted on them by going against a principle, and I cannot go against a principle of my Party today, or at any other time, after I have accepted the Party's nomination. The Attorney-General said he believed that it was right to have a voluntary vote in one House and a compulsory vote in another, but I disagree. I consider that if it is to be democracy it should be a voluntary vote in both Houses.

Mr. Ryan: Or compulsory in them.

Mr. EVANS: If one believes in democracy, it should be voluntary voting. The Opposition comment that there should be compulsory voting makes me smile, when I think of what they have said about democracy. There is no democracy in compulsion to vote, and there should be a voluntary vote. When I was nominated as a candidate by my Party I believed the Party had some trust in me, and today I do not want to make a move to cause the people I represent or members of my Party to distrust me. I hope that they will support me in the future, knowing that I can be trusted to stick by the principles of my Party, and for that reason I shall vote against the Bill. I hope that those of us who believe in the bicameral system but who are voting for this Bill today will do as much in the future to protect the bicameral system as they have done today by starting its abolition.

Mr. EDWARDS (Eyre): I oppose the Bill in its present form, but I would support it if it contained the foreshadowed amendment. If by altering the franchise to include the spouse we get 85 per cent of the people who can vote, I should think that we could get as many as

the Opposition of the remaining 15 per cent of the people who are on the outside. I am sure we would get as many to vote for us as the A.L.P. would get to vote for it. I am sure most young people would vote for us, because they are the majority of that 15 per cent. If we had a voluntary enrolment and a voluntary voting system, together with the amendment suggested by the Premier for a referendum, I am sure we would get many people who would agree with this.

Many people today live in tenements and flats and, although not entitled to vote under the present system, most of them are responsible people and should be entitled to vote. If voting was voluntary, those who were not responsible people would not vote. The Legislative Council should be retained, as there must be a two-House system to have true democratic Government in this State. Even with the addition of a vote for a spouse, this provision does not cover single women who are entitled to vote, because many of them are living with other people or with their families and are, therefore, not entitled to vote. Many of these people are responsible, too, and should be entitled to vote.

I am sure that many people have been under a misapprehension, because of the A.L.P.'s policy to abolish the Upper House, but if the situation were safeguarded by a referendum most young people would support it. Perhaps the member for Gawler (Mr. Clark) should seek a seat in the Legislative Council, after what he said about this House today. The Legislative Council is not a House of destruction but is definitely a House of Review. In 1965, the number of Bills originating in the Legislative Council totalled 56; the total number of Bills considered by the Council between 1965 and 1967 was 244; the number of Bills passed by both Houses was 228; the total number of Bills negatived by the Legislative Council was six; the total number of Bills laid aside by the Council was four; and the total number of Bills negatived and laid aside by the House of Assembly was six. These figures indicate that the Legislative Council is not a House of destruction but that, being a House of Review it amends Bills from this House that are not satisfactory for the welfare of the people of this State. Since 1930, the highest number of Bills rejected by the Legislative Council was nine in 1931, and for many years no Bill was rejected by the Council. In these circumstances, I cannot see why the Council should not continue to be a House of Review. If we study the relevant figures for the time the Legislative Council has existed we realize that this Chamber, far from being destructive, is a constructive House.

The Hon. J. W. H. COUMBE (Minister of Works): I have often spoken about electoral matters in this House and have taken a keen interest in them, and I do not intend to cast a silent vote on this issue. I support the second reading, because I believe foreshadowed amendments, about which I cannot comment, require support because they are important. Today, we are discussing whether there should be adult franchise in the Legislative Council, or variations on that theme. My views on this subject and on electoral matters generally are well known.

I support the principle of the Legislative Council and of the bicameral system in this State. The Council has a fundamental role and function to perform in this State as an integral part of our legislative system. I will always support the role of the Council and the maintenance of the bicameral system in this State. Further, I believe that the work of the Council and the role it has to play in this State will be improved by the widening of the franchise. I believe that this action is overdue. With the widening of the franchise, the status of the Council as an institution and as an integral part of the Parliamentary system will be enhanced in the eyes of the people who matter in this State.

Mr. McKee: Do you agree with me on that?

The Hon. J. W. H. COUMBE: I do not always agree with the honourable member, who was in some difficulties just now. His Leader said he would co-operate, but the honourable member was not sure which way he would co-operate. This move to widen the franchise will enhance the status of the Legislative Council in the eyes of the people who really matter in this State—the ordinary electors. If the honourable member does not agree with that, let him rise to his feet and say so. My views on adult franchise are simple. The time has come for the Legislative Council franchise to be widened, on the basis of voluntary enrolment and voluntary voting. Let me say why. If this is agreed to, as foreshadowed in the amendments, it means that full opportunity to enrol and vote, if they so desire, in a Legislative Council election will be given to all those who are at present legally enrolled on the House of Assembly roll and entitled to vote.

They will be able to exercise their right if they so desire. At this moment enrolment for the Legislative Council is entirely voluntary: people today who qualify for enrolment can please themselves whether they enrol or vote. The franchise should be widened and still the choice should be with the citizens whether or not they want to enrol or vote.

It has been said on several occasions in this House (I am not referring to a Bill at present before another place) that the inclusion of the spouse of an entitled elector for the Legislative Council would greatly widen the existing franchise. This is so. I understand that the remainder, those who would not be entitled to enrol or vote, would amount to only 15 per cent. Why not go the whole way? What is the justification for maintaining this 15 per cent differential? Why should they, too, not have the right to enrol and vote? I can find no logical reason why not, and that is why I am saying this. How can this disparity be justified? If such a measure was to be passed, with the right given to the spouses, it would still be voluntary enrolment and voting. My view is that complete adult franchise should apply to the Legislative Council as it does at present to this place. Those people who are enrolled for this place should be able to choose whether they want to enrol and vote for the Legislative Council.

Earlier today the Premier explained his view and the views of many members of this House, and he foreshadowed these amendments. I suggest that the Opposition should grasp this opportunity that will be offered and accept our views and our amendments, which will be explained in detail a little later. I hope that the rules of the members opposite do not debar them from accepting these amendments. It will be interesting to see what happens. In debating this, we can ask ourselves one main question: what will be the effect of full adult franchise on a voluntary basis applying to the Legislative Council? The only effect with which I am concerned and the only one that will really matter is that all eligible electors will have the opportunity to exercise their vote in both Houses if they so desire. At present, we have compulsory voting for this House but, if this Bill passes, it will mean that the citizens, if they so desire, can exercise their vote for both Houses; they will have two voices in the running of the State's affairs. Having stated my views on this (I should not like to cast a silent vote on this matter) as succinctly and plainly as I can, I suggest that members opposite, when we come to the Committee stage, accept the foreshadowed amendments. I support the second reading and the foreshadowed amendments.

Mr. WARDLE (Murray): I, too, believe in the bicameral system. I do not intend to speak for long, largely because of the difficulty I am having in speaking at all. I am sure it is not at all encouraging to listen to me. However, I do want to make my beliefs in this matter known. I am prepared to support the Bill provided that enrolment is voluntary and (if I may mention it) provided the foreshadowed amendments are accepted by the Opposition. I would have to support a Bill for full adult franchise from whichever side of the House it came. My district is half urban and half rural, and it was interesting during the preselection campaign to detect the two distinct opinions held by the electors.

It has been suggested today that the people eligible to enrol for the Legislative Council number about 65 per cent, or some 400,000. With the widening of the franchise, and including the spouses, it would appear that the number eligible to vote for the Legislative Council would rise to some 85 per cent of the population, representing about 510,000 people. Like the previous speaker, I doubt the wisdom of excluding the remaining 15 per cent from eligibility to vote for the Legislative Council. That 15 per cent as it applies to my own district comprises largely young people in our own homes who are not eligible to vote. It includes also hospital staffs, inmates of aged citizens homes, and elderly people living with their families. Surely these people, who are just as responsible in the community as many other people, should have the right to enrol and vote. I consider that adult franchise will not detract from the prestige of the Legislative Council; in fact, that House will maintain its dignity and position as a House of Review. Its authority and opinions will be accepted and respected in the State. I support the second reading and the foreshadowed amendments.

The Hon. D. A. DUNSTAN (Leader of the Opposition): This is a very happy day for me. Throughout the history of my Party in this State, we have fought for adult suffrage for the Legislative Council and for the effective right of every citizen to have a say in electing each House of Parliament so that he has an effective say in the law that governs him. My Party has never swerved from that course. Time without number, measures have been proposed in this House to amend the Constitution to provide for adult suffrage for

the Legislative Council but, unfortunately, they have not so far been successful. I hope that this measure will be successful; at any rate, it is apparent from what honourable members opposite have had to say this afternoon that the representatives of the overwhelming majority of the people of this State (not merely the 53 per cent that voted for my Party but well over 70 per cent of the people of this State) support this measure.

The Premier has foreshadowed certain amendments, and I cannot do more than make passing reference to these; however, they do not run counter to the principles of my Party. Our principles are these: that the people should be able to decide for themselves what shall be the Constitution and who shall be the representatives who govern them; and, therefore, the proposals put forward by the Premier are in accordance with those very principles. I know that a certain amount of chiacking has been going on this afternoon but, as one who has fought throughout his Parliamentary career (and before it) for this particular principle, I wish to compliment the Premier, members of his Ministry and other members opposite who have spoken this afternoon in support of the Bill, because I realize that considerable pressures to the contrary are exercised at times. I appreciate what was said by the member for Victoria (Mr. Rodda) about the things that appear in the Liberal Party's platform, but the Premier, the Attorney-General, the Minister of Works and other members who have supported them have spoken out on a measure in which they have shown that they are wedded to the basic principle that all adult citizens of this State should have a say in electing both the Houses of Parliament which pass upon the laws governing those citizens. I believe that every member on this side of the House should commend them for the courage and for the forthrightness with which they spoke this afternoon.

Opposition members: Hear, hear!

The Hon. D. A. DUNSTAN: I know that this measure will pass this House, and I hope that it will pass this Parliament. If honourable members in another place are not prepared to listen to the overwhelming number of people of this State, then the future of that place may be not nearly as sure as members opposite would want to see that it is, for if the Upper House shows it is persistently obstructive to the people of this State I am sure that the people will not brook

that obstruction. I hope that the voice of reason, which has been put to the people of this State this afternoon so effectively and so clearly by the Premier, his Ministers and other members who have supported him, will be heard in another place and that the people of this State will have what the majority of them have fought for ever since 1856, namely, the right to choose effectively what laws shall govern them.

The SPEAKER: Order! As this is a Bill to amend the Constitution Act and provides for an alteration in the constitution of the Legislative Council, it is necessary for its second reading to be carried by an absolute majority and, in accordance with Standing Order No. 300, I have counted the House and, there being present an absolute majority of the whole number of the House, I put the question "That this Bill be now read a second time." Those in favour say "Aye"; those against say "No". There being a dissentient voice, it will, of course, be necessary to divide the House.

The House divided on the second reading:

Ayes (26)—Messrs. Arnold, Broomhill, and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Coumbe, Dunstan (teller), Hall, Hudson, Hughes, Hurst, Jennings, Langley, Lawn, Loveday, McAnaney, McKee, Millhouse, Pearson, Riches, and Ryan, Mrs. Steele, and Messrs. Virgo and Wardle.

Noes (10)—Messrs. Allen, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Nankivell, Rodda (teller), and Venning.

Majority of 16 for the Ayes.

The DEPUTY SPEAKER: There are 26 Ayes and 10 Noes, a majority of 16 for the Ayes. Therefore, the question passes in the affirmative.

Second reading thus carried.

The SPEAKER: The Bill having now been passed by the requisite statutory majority, it may now be further proceeded with.

The Hon. R. S. HALL (Premier) moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to: (*a*) the commencement of the Act; (*b*) the Legislative Council, its powers and special provisions as to a referendum; and (*c*) the disqualification of a minister of religion from being capable of being elected a member of Parliament.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—"Qualification of electors for Council elections."

The Hon. R. S. HALL (Premier): I move:

To strike out all words after "and" first occurring and insert "the following section is enacted and inserted in lieu thereof:

20. (1) A person who is entitled to vote at an election for a member of the House of Assembly shall, subject to the Electoral Act, 1929-1965, as amended, be qualified to have his name placed upon a Council roll within the meaning of Part V of that Act.

(2) A person so qualified to have his name placed upon a Council roll, and whose name is on that roll, shall, subject to the Electoral Act, 1929-1965, as amended, be entitled to vote at an election of a member or members of the Legislative Council.

(3) No person other than a person entitled to vote at an election by virtue of subsection (2) of this section shall vote or be entitled to vote at that election."

The amendment provides, first, that a person who is entitled to vote at an election for a member of the House of Assembly shall, subject to the Electoral Act, be qualified for enrolment on a Council roll. In other words, enrolment would still be voluntary, not automatic. This fulfils a very important part of my personal stipulation as to how adult franchise should be accomplished and as to the procedures surrounding its application. Section 33 of the Constitution Act sets out the qualifications of persons who, if enrolled on an Assembly roll, are entitled to vote at an election of a member of the House of Assembly. This means that if a person falls within the prescribed qualifications and is enrolled on an Assembly roll, he would be qualified (but not bound) to enrol on a Council roll. The Electoral Act also sets out certain procedures for obtaining enrolment.

This amendment provides that a person so qualified to have his name enrolled on a Council roll shall, subject to the Electoral Act, be entitled to vote at a Council election. Here again, the provision is made subject to the Electoral Act because that Act has certain provisions that could be construed as qualifying a person's entitlement to vote at an election. Thus subsection (1) prescribes the qualifications for enrolment on a Council roll and subsection (2) deals with the entitlement to vote at a Council election. There is no obligation at present on any person to enrol for or vote at a Council election and this amendment does not alter that position.

The amendment clearly sets out the qualifications on which voting entitlement can be obtained. It is the provision I should like to see to satisfy my cautious but approving attitude to adult franchise. I stipulate that voting at Legislative Council elections must be on a voluntary basis, not automatic according to the House of Assembly roll.

The Hon. D. A. DUNSTAN (Leader of the Opposition): I accept the amendment. I do not think it is in any way different in principle from the clause that originally appeared in the Bill. House of Assembly enrolment is, of course, voluntary, not compulsory. Consequently, a provision that anyone who is qualified for the House of Assembly roll is also qualified for the Legislative Council roll is perhaps a distinction without a difference but, if the Premier and the other Ministers feel happier that it should be expressed this way rather than the way it was expressed in the original Bill, I have no quarrel with that. The enrolment for the other place is voluntary as that is already the provision of the Electoral Act, which never made provision to the contrary. The only way in which the Assembly roll gets as well filled as it does is that enrolment for the House of Representatives is compulsory and the enrolment is undertaken on the same electoral card. As members opposite will know, numbers of people appear on the joint roll with an asterisk against their name because they have opted out of enrolment for the House of Assembly. We have no quarrel with this amendment. Of course, the matter will be dealt with in the Electoral Act in due course. Although the Opposition believes that enrolment and voting should be compulsory in all elections, that is not a matter dealt with under the Constitution. This is merely a question of providing for qualification and, if the Premier wants to make it clear that the qualification does not involve automatic enrolment, we are happy to accept that change.

Mr. RODDA: The Premier said that his amendment would provide a voluntary vote for the Legislative Council. Doubtless, overtures will be made to have people enrol. Does the Premier envisage having two rolls?

The Hon. R. S. HALL: I do not envisage having two rolls. The Attorney-General is far more versed in this matter than I, because his department is involved in the techniques used to compile the rolls. However, as I understand it the rolls are computerized and are therefore expensive. No good purpose would be served by having two rolls rather than one. However, I believe the honourable member would know that what would be

required would be an effort to enrol by an Assembly elector who wanted to become a Council elector.

Mr. Rodda: There will be encouragement.

The Hon. R. S. HALL: Yes, we are not denying that. Much expense was involved by the previous Government in a campaign in this respect into which it entered. However, the honourable member must understand that an additional effort will be required of an Assembly elector. He will have to make some application other than what he would make to have his name put on the Assembly roll. Therefore, I believe the Upper House will become the House elected by those showing greater public interest, because an additional effort will be required to get on that roll. I do not think it would be possible to have two rolls, and it is likely that one roll, with different markings for the Legislative Council, will be used.

Mr. GILES: Has any thought been given to preventing an unscrupulous Party from obtaining support by sending out cards inducing people to enrol for the Legislative Council? By such means that Party would have a higher number of enrolled supporters than would be the case if things were allowed to follow their normal course.

The Hon. R. S. HALL: I do not know how such a provision could be worded. Nothing along those lines is provided in the Bill, but if the honourable member can frame such a provision he can move to have it included. If the amendment is passed, I hope that the new provision will operate in the spirit in which we are passing it; that is, I hope that individual electors will make up their own minds about whether they want to enrol. Obviously, a Party could be active in promoting interest in enrolling among those it thought were its members.

Mr. McKee: There will still be a house-to-house canvass.

The Hon. R. S. HALL: The honourable member knows his Party's attitude. The opportunity will be there for this to be done, and I think little can be inserted to prevent it.

Mr. RODDA: I oppose the amendment. If only one roll is used, with some of the political philosophies in the State it will be a simple administrative act to make this a complete roll. We are at the edge of the precipice, and it is just a case of jumping over.

The Committee divided on the amendment:

Ayes (29)—Messrs. Arnold, Broomhill, and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Coumbe, Dunstan, Edwards, Hall (teller), Hudson, Hughes, Hurst, Jennings, Langley, Lawn, Loveday, McAnaney, McKee, Millhouse, Nankivell, Pearson, Riches, and Ryan, Mrs. Steele, Messrs. Stott, Virgo, and Wardle.

Noes (8)—Messrs. Allen, Brookman, Evans, Ferguson, Freebairn, Giles, Rodda (teller), and Venning.

Majority of 21 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 3—"Repeal of sections 20a and 21 of principal Act."

The Hon. R. S. HALL: I move:

To strike out "and" and after "21" to insert "and 22".

This amendment will extend the proposed repeal to section 22. If new section 20 is accepted, then sections 20a, 21 and 22 would be superflous, as the qualifications of a person for enrolment and voting for Council elections would stem from his entitlement to vote at an Assembly election, as provided in section 33. I think the Leader of the Opposition understands this. This matter needed tidying up, and the amendment is consequential in its effect.

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried; clause as amended passed.

New clause 1a—"Commencement."

The Hon. R. S. HALL: I move to insert the following new clause:

1a. This Act shall come into operation on a day to be fixed by proclamation.

This provision is essential because (a) the Bill, if passed, cannot be fully operative unless certain consequential amendments are made to the Electoral Act to render both Acts workable under the new policy which the Bill lays down, and (b) the amendments to the Electoral Act should be brought into operation as from the date of commencement of this Bill. This amendment would make the whole Bill workable. It states that the Bill will come into effect by proclamation, which is the normal procedure with a measure of this kind, as it must mesh in with amendments to the Electoral Act.

New clause inserted.

New clause 1b—"Enactment of section 10a of principal Act."

The Hon. R. S. HALL: I move to insert the following new clause:

1b. The following section is enacted and inserted in Part II of the principal Act after section 10 thereof:—

10a. (1) Except as provided in this section—

(*a*) the Legislative Council shall not be abolished;

(*b*) the powers of the Legislative Council shall not be altered;

and

(*c*) any provision of this section shall not be repealed or amended.

(2) A Bill providing for or effecting—

(*a*) the abolition of the Legislative Council;

(*b*) any alteration of the powers of the Legislative Council;

or

(*c*) the repeal or amendment of any provision of this section,

shall be reserved for the signification of Her Majesty's pleasure thereon, and shall not be presented to the Governor for Her Majesty's assent until the Bill has been approved by the electors in accordance with this section.

(3) On a day which shall be appointed by proclamation, being a day not sooner than two months after the Bill has passed through both the Houses of Parliament, the Bill shall, as provided by and in accordance with an Act which must be passed by Parliament and in force prior to that day, be submitted to the persons whose names appear as electors on the electoral rolls kept under the Electoral Act, 1929-1965, as amended, for the election of members of the House of Assembly.

(4) When the Bill is so submitted as provided by and in accordance with the Act referred to in subsection (3) of this section, a vote shall be taken in such manner as is prescribed by that Act.

(5) If the majority of the persons voting approve of the Bill, it shall be presented to the Governor for Her Majesty's assent.

(6) Without restricting or enlarging the application of this section, this section shall not apply to any Bill providing for or effecting—

(*a*) the repeal;

(*b*) the amendment from time to time;

or

(*c*) the re-enactment from time to time with or without modification,

of section 11, 12, 16, 17, 18, 19, 20, 44, 45, 46, 46a, 48, 48a, 49, 50, 51, 52, 53, 54, 54a, 55, 56, 57, 58, 59, 60, 61, 63, 64 or 65 of this Act as in force immediately after the commencement of the Constitution Act Amendment Act, 1968, or of any enactment for the time being in force so far as it relates to the subject matter dealt with in any of those sections.

Unless the clause is in the Bill when it reaches the third reading stage, I will oppose the third reading. When I spoke in the second reading debate I attempted to deal with this matter but was rightly ruled out of order, as the amendment was not then under consideration and no information had been given of its pending introduction. I believe there is much opposition to adult franchise in South Australia because of the A.L.P.'s admitted and loudly-embraced policy to abolish the Legislative Council. If there is one way to have the Bill accepted by the Legislative Council and by a large section of the public who would not want the Legislative Council to be in jeopardy and who support the bicameral system of Parliament, I believe it is this new clause. I believe that the Legislative Council should be retained. I have already read a lengthy statement on the result of an appeal to the Privy Council on whether the New South Wales Government could go ahead in the early 1930's to abolish its Upper House without submitting the matter to a referendum.

Mr. Hudson: Is this *Trethowan v. the Attorney-General for New South Wales?*

The Hon. R. S. HALL: Yes. The member for Glenelg can choose the portions on which he would like to comment. The decision is as follows:

Section 7A of the Constitution Act 1902-1929 (N.S.W.) provided: (1) the Legislative Council shall not be abolished nor, subject to the provisions of subsection six of this section, shall its constitution or powers be altered except in the manner provided in this section. (2) A Bill for any purpose within subsection one of this section shall not be presented to the Governor for His Majesty's assent until the Bill has been approved by the electors in accordance with this section . . . (6) The provisions of this section shall extend to any Bill for the repeal or amendment of this section.

That, of course is very important and entrenches the provision so that it cannot be altered unless a referendum permits such alteration. The decision continues:

Section 5 of the Colonial Laws Validity Act, 1865, provides:—

the Attorney-General says that that applies in South Australia—

Every colonial legislature shall have, and be deemed at all times to have had, full power within its jurisdiction to establish courts of judicature, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein; and every representative legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers, and procedure of such legislature; provided that such

laws shall have been passed in such manner and form as may from time to time be required by any Act of Parliament, letters patent, order in council, or colonial law, for the time being in force in the said colony. Held, that the Legislature of the State of New South Wales has no power to repeal section 7A of the New South Wales Constitution Act 1902, or to abolish the Legislative Council of the State, except in the manner provided by that section.

Held, therefore, that two Bills which had been passed by both Houses of the New South Parliament—one to repeal section 7A of the Constitution Act 1902 and the other to abolish the Legislative Council—and which had not been approved by the electors in accordance with section 7A, could not be lawfully presented to the Governor for His Majesty's assent.

Decision of the High Court: *Attorney-General for the State of New South Wales v. Trethowan* (1931) 44. C.L.R. 394, affirmed.

This decision by the Privy Council gives full validity to this section, and it cannot be altered by Parliament unless a referendum is held. The complete explanation of the Privy Council decision follows. My reading it in full would not benefit the House, but I think the issue is so important that the decision should be included in *Hansard,* and I will ask that the explanation of the Privy Council be inserted in *Hansard* without my reading it.

The CHAIRMAN: The Premier will realize that the information would have to be statistical to be incorporated in *Hansard* without his reading it.

The Hon. R. S. HALL: In that case, I will read it, and honourable members will have to bear with me. This matter will be discussed in the community, and *Hansard* is read by many people. If I table the document, it would not be available to those who received *Hansard,* so I will read the document in full. It is as follows:

APPEAL from the High Court to the Privy Council.

This was an appeal against the decision of the High Court: *Attorney-General for the State of New South Wales* v. *Trethowan.* The Lord Chancellor delivered the judgment of their Lordships, which was as follows:

This is an appeal by special leave from a judgment of the High Court of Australia, dated 16th March, 1931, affirming by a majority of three Judges to two (*Rich, Starke and Dixon* JJ., on the one hand; *Gavan Duffy* C.J. and *McTiernan* J. dissenting) a decree made by the Supreme Court of New South Wales, dated 23rd December 1930, whereby it was declared that a Bill to abolish the Legislative Council, or to repeal or amend the provisions of section 7A of the Constitution Act 1902, could not be presented to His Excellency the Governor for the royal assent until approved by the electors in accordance with such section, and whereby several injunctions were granted to restrain the presentation of two Bills framed and designed to effect the above purposes until the same had respectively been approved by the electors in accordance with the said section. The plaintiffs in the action are members of the Legislative Council of New South Wales, and have sued upon behalf of themselves and all other the members of the Legislative Council who are not defendants. The defendants in the action, other than Sir John Beverley Peden, are the Ministers of the Crown of New South Wales. The said Sir John Beverley Peden is the President of the Legislative Council, and was a defendant in the action and is a respondent on appeal. The Attorney-General for England and the Attorney-General for the Commonwealth obtained leave to intervene and their Lordships had the advantage of hearing their arguments.

The question to be determined is in substance whether the Legislature of the State of New South Wales has power to abolish the Legislative Council of the State or to alter its Constitution or powers without first taking a referendum of the electors upon the matter. This question depends upon the true construction and effect of certain statutes both Imperial and local, and before dealing with it, it is necessary for the sake of clearness to set out such portions of the said statutes as are material to the present matter.

The history of the legislation is concisely set out in the judgment of Mr. Justice *Dixon.* In 1853 the then Legislative Council of New South Wales, purporting to exercise a power which it possessed, to establish in its stead a bi-cameral Parliament and to confer upon it the power and functions of that Council. passed a Bill for a Constitution Act which was reserved for the Queen's assent. That Bill contained provisions which it was beyond the powers of the Council to enact, and provisions which the Imperial authorities thought should be omitted. In 1855 an Imperial Act (18 & 19 Vict. c. 54) called in New South Wales The Constitution Statute was therefore passed for the purpose of enabling Her Majesty the Queen to assent to the Bill so reserved as amended by the hands of the Imperial authorities. The Constitution Statute itself contained, amongst others, the two following sections:—Section 4—"It shall be lawful for the Legislature of New South Wales to make laws altering or repealing all or any of the provisions of the said reserved Bill, in the same manner as any other laws for the good government of the said Colony, subject, however, to the conditions imposed by the said reserved Bill on the alteration of the provisions thereof in certain particulars, until and unless the said conditions shall be repealed or altered by the authority of the said Legislature." Section 9.—"In the construction of this Act the term 'Governor' shall mean the person for the time being lawfully administering the Government of New South Wales; and the word 'Legislature' shall include as well the Legislature to be constituted under the said reserved Bill and this Act, as any future Legislature which may be established in the said Colony

under the powers in the said reserved Bill and this Act contained." The Bill so amended was annexed in a schedule to the Constitution Statute, and in that statute was described as "the said reserved Bill," but it was known for many years in New South Wales as the Constitution Act. It empowered the new Legislature to make laws for the peace, welfare and good government of New South Wales in all cases whatsoever, and expressly authorized it, subject to the conditions as to majorities contained in section 36, to alter the constitution of the Second Chamber. From this date, therefore, the Parliament of New South Wales consisted of two Chambers—a Legislative Council and a Legislative Assembly—and within the Colony Her Majesty had power by and with the advice and consent of the said Council and Assembly to make such laws. By an Act in 1857 (20 Vict. No. 10) the New South Wales Legislature repealed section 36, which prescribed the majorities necessary for such alteration of the Constitution as was therein mentioned, and that Act, after being reserved for Her Majesty, received the royal assent. By the Colonial Laws Validity Act 1865, which applied generally to the colonies, and therefore to New South Wales, a "representative legislature" was defined as follows:—"'Representative legislature' shall signify any colonial legislature which shall comprise a legislative body of which one half are elected by inhabitants of the colony." The Legislature of New South Wales has always been a representative legislature within this definition. Sections 5 and 6 of the Act are as follows:—Section 5.—"Every colonial legislature shall have and be deemed at all times to have had, full power within its jurisdiction to establish Courts of judicature, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein; and every representative legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers, and procedure of such legislature; provided that such laws shall have been passed in such manner and form as may from time to time be required by any Act of Parliament, letters patent, order in council, or colonial law, for the time being in force in the said colony." Section 6.—"The certificate of the clerk or other proper officer of a legislative body in any colony to the effect that the document to which it is attached is a true copy of any colonial law assented to by the Governor of such colony, or of any Bill reserved for the signification of Her Majesty's pleasure by the said Governor, shall be *prima facie* evidence that the document so certified is a true copy of such law or Bill, and, as the case may be, that such law has been duly and properly passed and assented to, or that such Bill has been duly and properly passed and presented to the Governor; and any proclamation purporting to be published by authority of the Governor in any newspaper in the colony to which such law or Bill shall relate, and signifying Her Majesty's disallowance of any such colonial law, or Her Majesty's assent to any such reserved Bill as aforesaid, shall be *prima facie* evidence of such disallowance or assent." In the year 1902 New South Wales by an Act, No. 32 of that year, altered its Constitution, and its new constitution was defined by the new Act. "The Legislature" was defined as meaning "His Majesty the King, with the advice and consent of the Legislative Council and Legislative Assembly." The powers of the Legislature were set out in section 5 of the Act, and such portion of the Constitution Act of 1855 as still remained was repealed. It should be stated here, although perhaps rather interrupting the narrative, that it was contended on behalf of the present respondents that the effect of the 1902 Act repealing the Constitution Act of 1855 was entirely to put an end to the 1855 Act, and that therefore the purposes of section 4 of the Constitution Statute of the same year became exhausted. In 1929 the New South Wales Legislature enacted (Act No. 28 of that year) a new Constitution Act, which subsequently received the assent of His Majesty and is known as the Constitution (Legislative Council) Amendment Act 1929 (New South Wales). Section 2 is as follows:—"The Constitution Act 1902 as amended by subsequent Acts is amended by inserting next after section seven the following new section:—'7A. (1) The Legislative Council shall not be abolished nor, subject to the provisions of subsection six of this section, shall its constitution or powers be altered except in the manner provided in this section. (2) A Bill for any purpose within subsection one of this section shall not be presented to the Governor for His Majesty's assent until the Bill has been approved by the electors in accordance with this section. (3) On a day not sooner than two months after the passage of the Bill through both Houses of the Legislature the Bill shall be submitted to the electors qualified to vote for the election of members of the Legislative Assembly. Such day shall be appointed by the Legislature. (4) When the Bill is submitted to the electors the vote shall be taken in such manner as the Legislature prescribes. (5) If a majority of the electors voting approve the Bill, it shall be presented to the Governor for His Majesty's assent. (6) The provisions of this section shall extend to any Bill for the repeal or amendment of this section, but shall not apply to any Bill for the repeal or amendment of any of the following sections of this Act, namely, sections 13, 14, 15, 18, 19, 20, 21 and 22.'" Towards the end of 1930 the Government then in power were anxious to get rid of this legislation, and they promoted two Bills for this object, both of which passed both Houses of the Legislature. The first Bill enacted that section 7A above referred to was repealed, and the second Bill enacted by clause 2, subclause 1, "The Legislative Council of New South Wales is abolished." It is in respect of these two Bills that an injunction was granted restraining them from being presented to the Governor-General until they had been submitted to the electors and a majority of the electors voting had approved them.

It is now possible to state the contentions on either side. The appellants urge (1) that the King, with the advice and consent of the Legislative Council and the Legislative Assembly, had full power to enact a Bill repealing section 7A; (2) that subsection 6 of section 7A of the Constitution is void, because section (*a*) the New South Wales Legislature has no power to shackle or control its successors, the New South Wales Constitution being in substance an uncontrolled Constitution; (*b*) it is repugnant to section 4 of the Constitution Statute of 1855; (*c*) it is repugnant to section 5 of the Colonial Laws Validity Act. For the respondents it was contended (1) that section 7A was a valid amendment of the Constitution of New South Wales, validly enacted in the manner prescribed, and was legally binding in New South Wales; (2) that the Legislature of New South Wales was given by Imperial statutes plenary power to alter the constitution, powers and procedure of such Legislature; (3) that when once the Legislature has altered either the Constitution or powers and procedure, then the Constitution and powers and procedure as they previously existed ceased to exist, and were replaced by the new Constitution and powers; (4) that the only possible limitations of this plenary power were (*a*) it must be exercised according to the manner and form prescribed by any Imperial or Colonial law, and (*b*) the Legislature must continue a representative legislature according to the definition of the Colonial Laws Validity Act; (5) that the addition of section 7A to the Constitution had the effect of (*a*) making the legislative body consist thereafter of the King, the Legislative Council, the Assembly and the People for the purpose of the constitutional enactments therein described, or (*b*) imposing a manner and form of legislation in reference to these constitutional enactments which thereafter became binding on the Legislature by virtue of the Colonial Laws Validity Act until repealed in the manner and mode prescribed; (6) that the power of altering the Constitution conferred by section 4 of the Constitution Statute 1855 must be read subject to the Colonial Laws Validity Act 1865, and that in particular the limitation as to manner and form prescribed by the 1865 Act must be governed by subsequent amendments to the Constitution, whether purporting to be made in the earlier Act or not.

Such are the facts and such the contentions of the parties. It is obvious that these varying contentions overlap and impinge upon one another, and indeed each party claimed to be the protector of the rights and powers of the Parliament of New South Wales, and asserted that it was his opponent who was seeking to fetter or restrict them. Many hypothetical cases were put before their Lordships, and the Board were invited to express an opinion upon many different situations which might arise, but they do not conceive it to be their duty to go outside the point involved in the case, which is really a short one: namely, whether the Legislature of the State of New South Wales has power to abolish the Legislative Council of the said State, or to repeal section 7A of the Constitution Act 1902, except in the manner provided by the said section 7A. It will be sufficient for this Board to decide any other question if, and when, it arises.

The answer depends in their Lordships' view entirely upon a consideration of the meaning and effect of section 5 of the Act of 1865 read in conjunction with section 4 of the Constitution Statute, assuming that latter section still to posses some operative effect. Whatever operative effect it may still possess must, however, be governed by and be subject to such conditions as are to be found in section 5 of the Act of 1865 in regard to the particular kind of laws within the purview of that section. Section 5 is therefore the master section to consider for the purpose here in hand. It will be observed that the second sentence of the section contains an enacting part with a proviso, and it was vehemently contended by the appellants that the effect of the proviso was not to cut down the operative part of the sentence, and that any construction of the words "manner and form," which are contained in the proviso, which cut down the powers previously granted, was repugnant to the power so granted. In their Lordships' opinion it is impossible to read the section as if it were contained in watertight compartments. It must be read as a whole, and read as a whole the effect of the proviso is to qualify the words which immediately precede it. The powers are granted *sub modo*. Reading the section as a whole, it gives to the Legislature of New South Wales certain powers, subject to this, that in respect of certain laws they can only become effectual provided they have been passed in such manner and form as may from time to time be required by any Act still on the Statute Book. Beyond that, the words "manner and form" are amply wide enough to cover an enactment providing that a Bill is to be submitted to the electors and that unless and until a majority of the electors voting approve the Bill it shall not be presented to the Governor for His Majesty's assent.

In their Lordships' opinion the Legislature of New South Wales had power under section 5 of the Act of 1865 to enact the Constitution (Legislative Council) Amendment Act 1929, and thereby to introduce section 7A into the Constitution Act 1902. In other words, the Legislature had power to alter the constitution of New South Wales by enacting that Bills relating to specified kind or kinds of legislation (*e.g.*, abolishing the Legislative Council or altering its constitution or powers, or repealing or amending that enactment) should not be presented for the royal assent until approved by the electors in a prescribed manner. There is here no question of repugnancy. The enactment of the Act of 1929 was simply an exercise by the Legislature of New South Wales of its power (adopting the words of section 5 of the Act of 1865) to make laws respecting the constitution, powers and procedure of the authority competent to make the laws for New South Wales. The whole of section 7A was competently enacted. It was *intra vires* section 5 of the Act of 1865, and was (again adopting the words of section 5) a colonial law for the

time being in force when the Bill to repeal section 7A was introduced in the Legislative Council.

The question then arises, could that Bill, a repealing Bill, after its passage through both Chambers, be lawfully presented for the royal assent without having first received the approval of the electors in the prescribed manner? In their Lordships' opinion, the Bill could not lawfully be so presented. The proviso in the second sentence of section 5 of the Act of 1865 states a condition which must be fulfilled before the Legislature can validly exercise its power to make the kind of laws which are referred to in that sentence. In order that section 7A may be repealed (in other words, in order that that particular law "respecting the constitution powers, and procedure" of the Legislature may be validly made) the law for that purpose must have been passed in the manner required by section 7A, a colonial law for the time being in force in New South Wales. An attempt was made to draw some distinction between a Bill to repeal a statute and a Bill for other purposes and between "making" laws, and the word in the proviso, "passed." Their Lordships feel unable to draw any such distinctions. As to the proviso they agree with the views expressed by *Rich* J. in the following words (1):—"I take the word "passed" to be equivalent to "enacted". The proviso is not dealing with narrow questions of parliamentary procedure"; and later in his judgment (2): "In my opinion the proviso to section 5 relates to the entire process of turning a proposed law into a legislative enactment, and was intended to enjoin fulfilment of every condition and compliance with every requirement which existing legislation imposed upon the process of law-making."

Again no question of repugnancy here arises. It is only a question whether the proposed enactment is *intra vires* or *ultra vires* section 5. A Bill, within the scope of subsection 6 of section 7A, which received the royal assent without having been approved by the electors in accordance with that section, would not be a valid Act of the Legislature. It would be *ultra vires* section 5 of the Act of 1865. Indeed, the presentation of the Bill to the Governor without such appproval would be the commission of an unlawful act. In the result, their Lordships are of opinion that section 7A of the Constitution Act 1902 was valid and was in force when the two Bills under consideration were passed through the Legislative Council and the Legislative Assembly. Therefore these Bills could not be presented to the Governor for His Majesty's assent unless and until a majority of the electors voting had approved them.

For these reasons, their Lordships are of opinion that the judgment of the High Court dismissing the appeal from the decree of the Supreme Court of New South Wales was right and that this appeal should be dismissed with costs. In accordance with the usual practice the interveners will not receive any costs. They will humbly advise His Majesty accordingly.

The CHAIRMAN: The Chair in taking the action it did on this matter had in mind Standing Order No. 138, which reads:

Where a member, in speaking to a question refers to a statistical or factual table relevant to the question, such table may, at the request of the member and by leave of the House, be inserted in the Official Report of the Parliamentary Debates without being read.

The Hon. D. A. DUNSTAN: This is an entrenched clause in the Constitution to provide that it cannot be amended without a referendum, and that there can be no abolition of the Legislative Council nor alteration of the powers of the Legislative Council unless there has been a Bill, which is submitted to a referendum of the people before being submitted for Her Majesty's assent. This clause is not in opposition to the principles of the Labor Party, because on this side we do not fear the people. We believe that the people should be entitled to have their say on what shall be the basis of the rule over them. If we agree to this measure, do we understand (because this is going to affect our vote on the third reading) that, if this goes to the Legislative Council and is sent back with amendments, this Committee will insist on these principles that are now embodied in the Bill, that is, that this entrenched clause will not be consented to by a simple majority here if altered so as to entrench the Legislative Council in some further way? Of course, that is vital for us in agreeing to any third reading. If the Legislative Council roll did not in fact constitute the majority of the House of Assembly roll (or, at least, fairly well the same as the House of Assembly roll) and if the entrenchment clause was altered to read "the Legislative Council roll", this would be entrenching provisions relating to the Legislative Council, which would be very restrictive indeed. We want to be clear that this basis on which we are agreeing now to the entrenching clause will be insisted upon in all its essential particulars once it has passed the third reading in this Chamber.

The Hon. R. S. HALL: I believe the Leader's inquiry is reasonable. Just as I would not, of course, approve of this provision unless certain requirements were observed, so I understand that he, too, would not want, from his point of view, the Bill to leave this Chamber without other things being understood. I can give the Leader no assurance whatever on behalf of my Party in this place or in another place. I can give him only a personal assurance that I give as an individual member and not as a

member of Cabinet. I can give the Leader no undertaking outside of my own vote. I can give an undertaking—

Mr. Hudson: Is this your personal assurance?

The Hon. R. S. HALL: Wait a minute! I do not want it to be taken too widely in this matter. I want to define this properly; there are no tricks in what I am saying but I do not want it to be taken more widely than is necessary. The Leader wants to be sure that, if an entrenched clause is in the Bill, there is adult franchise at the same time. That is the basis of his request.

The Hon. Robin Millhouse: The only entrenching clause concerns the abolition of the Legislative Council.

Mr. Hudson: Or alteration of its powers.

The Hon. Robin Millhouse: Yes.

The Hon. D. A. Dunstan: We want an assurance that the clause will be maintained in its present form.

The Hon. R. S. HALL: I ask the Leader what he means by "in its present form". Again, I want to know the full implications of this request.

The Hon. D. A. DUNSTAN: What we want to know is whether, by agreeing to this, we are not putting ourselves in the position of agreeing to something else: that is to say, we do not want to agree to an entrenching clause in the Constitution that is then amended in another place so that it becomes a distinctly different matter that is entrenched, and then have a simple majority in this place accept that amendment. That would be an impossible situation for us on this side. For instance, I think that it would be a major departure from the principles of this entrenchment for the referendum be held on the Legislative Council roll and not on the House of Assembly roll.

Mr. Hudson: That is an example.

The Hon. D. A. DUNSTAN: Yes, of the kind of thing I am talking about. What I ask the Premier to give me is his personal assurance that he will maintain this entrenched clause in all its present essentials by his vote in the Chamber.

The Hon. R. S. HALL: The Leader is really asking me whether I mean what I say today: that is the essence of it. I can give him only a personal indication here; I want him to realize fully that I can certainly give an indication and an assurance that my vote will be used in this Chamber to maintain this entrenching clause as it is, in all essentials.

The Hon. D. A. Dunstan: That is all we ask.

The Hon. R. S. HALL: If some other factor intervenes that I do not like, then the whole thing may have to be reconsidered, but it would still require an overall majority; we can argue it on that basis. But, on the basis that it comes back here to be decided on a straightout vote, I will honour that assurance I have given.

I have an explanation of new clause 1b. I read the section and then went straight on to the Privy Council decision. This explanation is as follows:

New clause 1b provides for the enactment of a new section 10a on much the same lines as a provision of New South Wales law for a referendum to be held before the Legislative Council is abolished, its powers are altered or the new section is repealed or amended. Subsection (1) of the new section provides that, except as provided in that section, the Council shall not be abolished, its powers shall not be altered and any provision of that section shall not be repealed or amended. Subsection (2) of the new section provides that any Bill for the abolition of the Council, the alteration of its powers or the repeal or amendment of that section, must be reserved for the signification of Her Majesty's pleasure and shall not be presented to the Governor for Her Majesty's assent until it has been approved at a referendum to be held as provided by subsections (3) and (4). Subsection (5) provides that, if a majority of the electors approves of the Bill at the referendum, it shall be presented to the Governor for Her Majesty's assent. Subsection (6) excludes from the application of the section certain specified sections of the Constitution Act. The effect of this exclusion is that those specified sections would be capable of amendment or repeal without a referendum.

Mr. EVANS: I feel at this stage a little like the small boy, that something is here that I would like to have but it is in a jar and, if I reach into the jar to try to take it out, I shall finish up having the jar as well. I am in favour of this provision, for it is the only way we can protect the Legislative Council from a rather hurried abolition. This measure may preserve it a little longer. I do not think it will be for very long, however, because, if enough doubtful legislation is put before the Legislative Council by any particular Government, there will be such a public outcry by people advocating its abolition that they will be able to build up a case for abolishing it. In other words, a Government can keep on introducing legislation that some people would like to have but which the Legislative Council feels is detrimental to the whole community. In that way, a feeling can be engendered in the community that the Legislative Council is not required. I believe members opposite are thinking that we are taking

action to make the Legislative Council elections more democratic and then we shall abolish it! I agree that this clause is necessary.

Almost every Parliament throughout the world at the moment has an Upper House, and we should do all in our power to preserve ours. Most Parliaments that have abolished their second Chamber have restored it later. If honourable members wish me to name those Parliaments, I have about 60 names to hand.

Mrs. Byrne: What about Queensland?

Mr. EVANS: I think that most, though not all, Parliaments that have abolished their second Chamber have later restored it. Many new nations that have assumed government for themselves since the end of the Second World War and have experienced unicameral Government have now changed to the bicameral system. Queensland changed its system and for a long time now has had a single-chamber Parliament. It stagnated for 40 years, with the absolute control in the hands of the Queensland Central Executive. New South Wales voters rejected the move for the abolition of their Upper House in 1961. The Legislative Council has performed a valuable function of review and restraint where it has had the mandate to do so, as has happened in this State. A Federal Labor committee supports the maintenance of the Upper House, but the Communist Party enthusiastically advocates its abolition. If the abolition move succeeds the Lower House will be enlarged so there will not be fewer politicians. Indeed, there will be as many, but they will be all in the Lower House. If that happened here we could perhaps use the Upper House as a squash court and keep fit, and that would be a good thing. I agree with the amendment and hope that it has that restraining power to preserve the Upper House for at least longer than the people in this Chamber expect it to be.

New clause inserted.

New clause 3a—"Disqualification of judges."

The Hon. R. S. HALL: I move to insert the following new clause:

3a. Section 44 of the principal Act is amended by striking out the passage "and no clergyman or officating minister".

That section at present provides:

No judge of any court of the State, and no clergyman or officiating minister shall be capable of being elected a member of Parliament.

This matter was recently raised by the member for Hindmarsh, who is absent today, and in reply to his question I said, on behalf of the Government, that the Government could see no reason for the exclusion of clergymen. I therefore move this amendment to bring up to date in the Constitution this small but important matter to one or two individuals.

New clause inserted.

Title passed.

Bill reported with amendments. Committee's report adopted.

The Hon. D. A. DUNSTAN (Leader of the Opposition) moved:

That this Bill be now read a third time.

The SPEAKER: This is a Bill to amend the Constitution Act and provides for an alteration to the constitution of the Legislative Council. The third reading requires to be carried by an absolute majority of members, in accordance with Standing Order No. 300. I have counted the House, and there being present an absolute majority of the whole number of the House, I submit the motion. The question is "That this Bill be now read a third time." Those in favour say "Aye"; those against say "No". There being a dissentient voice, there must be a division.

The House divided on the third reading:

Ayes (29)—Messrs. Arnold, Broomhill, and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Coumbe, Dunstan (teller), Edwards, Hall, Hudson, Hughes, Hurst, Jennings, Langley, Lawn, Loveday, McAnaney, McKee, Millhouse, Nankivell, Pearson, Riches, and Ryan, Mrs. Steele, Messrs. Teusner, Virgo, and Wardle.

Noes (8)—Messrs. Allen, Brookman, Evans, Ferguson, Freebairn, Giles, Rodda (teller), and Venning.

Majority of 21 for the Ayes.

Third reading thus carried.

The SPEAKER: This Bill now being carried by the requisite absolute majority of the whole number of the House, the Bill therefore passes in the affirmative.

Bill passed.

[*Sitting suspended from* 6.6 *to* 7.30 *p.m.*]

PUBLIC SERVICE ARBITRATION BILL

The Hon. J. W. H. COUMBE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to consolidate and amend the law relating to arbitration in respect of the Public Service and for other purposes. Read a first time.

The Hon J. W. H. COUMBE: I move:

That this Bill be now read a second time.

The first Public Service Arbitration Act was passed in 1961. That Act, which provided for the appointment of the Public Service Arbitrator, was the first special legislation enacted

in South Australia for the appointment of an Arbitrator especially to deal with officers of the Public Service. The Public Service Arbitrator exercised jurisdiction substantially concurrently with the Public Service Board which, until the passing of the Public Service Act, 1967, was itself a salary-fixing tribunal, the nominal employer of public servants being the Public Service Commissioner. However, with the passing of that Act, a number of consequential amendments to the Public Service Arbitration Act appears necessary and, as a result of the practical experience gained in the working of the Public Service Arbitration Act since 1961, the Government considers that some further amendments should be made. Some amendments have been proposed by the Public Service Arbitrator, some by the Chairman of the Public Service Board and others by the Public Service Association of South Australia.

The 1961 Act is quite a short one, and, rather than make extensive amendments to it, a Bill has been prepared for a new Public Service Arbitration Act which will repeal and replace the present Act, thus making the necessary amendments The Bill does not alter the jurisdiction of the Arbitrator, as contained in the present Act, and many of the altered provisions are consequential upon the appointment of a Public Service Board to replace the Public Service Commissioner and the previous board, since this new board became the nominal employer of public servants and ceased to be an independent salary-fixing authority. There are, however, three main provisions in the Bill which differ from the Act at present in force, namely, as follows:

(1) Under both the Act and the Bill a group of officers whose duties are similar may make application to the Arbitrator themselves, that is, without having an association represent them. Some difficulties have been experienced in ensuring that the purpose of this provision was clear, that is, that a number of officers the nature of whose duties are similar should form a group. It is often difficult to determine whether small differences in duties of officers mean that they should or should not constitute separate groups and accordingly provision has been made in the Bill for regulations to be made prescribing offices which constitute a group.

(2) The Arbitrator at present has jurisdiction in respect of any officer of the Public Service other than a permanent head of a department or an office in the State Bank of South Australia. Provision is made in the Bill for the Governor to declare, by proclamation, that the Arbitrator shall not have jurisdiction in relation to any officer or office specified in the proclamation. The provision inserted in the Act in 1964 for the Governor, by proclamation, to extend the Act to certain persons in the employ of the Government or a Government instrumentality is retained in the Bill at clause 21 which provides that any claim in respect of such persons will be made to the employing authority concerned and not to the Public Service Commissioner, as was the case under the 1964 amendment.

(3) When the Public Service Arbitration Act first came into operation Judge L. H. Williams, then Deputy President of the Industrial Court, was appointed to be Arbitrator as well as continuing to be Deputy President. The term of appointment of the Arbitrator is for seven years. Judge Williams continued to hold the appointment of Arbitrator following his appointment as President of the Industrial Commission. With the number of cases which the Arbitrator has been required to hear there is a possibility that the President will not always be able to hold both appointments, so provision is included in the Bill for an appeal against any determination or decision of the Arbitrator to the President which will only operate in the event of a person other than the President of the Industrial Commission being the Arbitrator.

To consider the Bill in some detail: Clauses 1 and 2 are quite formal. Clause 3 sets out definitions necessary for the purposes of this Act, the most significant of these definitions is that of group, mentioned earlier.

Clause 4 repeals the former Act and, with Clause 5, makes certain transitional provisions. Clause 6 provides for the appointment of a Public Service Arbitrator and continues in office the present incumbent for the balance of the term for which he was appointed. Clause 7 provides for the appointment of a Deputy Arbitrator and Clause 8 sets out the salary and allowances of the Arbitrator. Clause 9 deals with the suspension of or removal from office of the Arbitrator and recognizes his "special" position, and Clause 10 deals with the vacation of office by the Arbitrator. Clause 11 sets out the jurisdiction of the Arbitrator and Clause 12 provides for certain exclusions from the jurisdiction. Clause 13 deals with claims by the board and Clause

14 deals with claims by organizations or groups. Clause 15 enjoins the board to give effect to the determinations of the Arbitrator.

Clause 16 sets out the powers of the Arbitrator in some detail. Clause 17 enjoins the Arbitrator to act "according to equity, good conscience and the substantial merits of the case". Clause 18 preserves the operation of Industrial Code, Clause 19 deals with representation, and Clause 20 provides that costs will not be allowed in any proceedings under the Act. Clause 21 provides for an extension of jurisdiction of the Arbitrator to deal with claims of State employees other than officers under the Public Service Act. Clause 22 provides for an appeal in certain circumstances. Clause 23 deals with the punishment for contempt and Clause 24 provides for the summary determination of offences against the Act. Clause 25 provides for the making of appropriate regulations and Clause 26 is the usual financial provision.

Mr. HURST secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL

In Committee.

(Continued from October 22. Page 2061.)

Clause 6—"Amendment of Second Schedule to principal Act"—to which the Hon. D. A. Dunstan had moved to add the following exemptions:

29. Receipt for any payment made to a society as defined in the Friendly Societies Act, 1919-1966, as amended, or to any association, society or trade union composed or representative of employees or for furthering or protecting the interests of employees.

30. Receipt for any payment made to a society as defined in the Industrial and Provident Societies Act, 1923-1966, as amended, all the members of which are engaged in the business of primary production as defined in the Land Tax Act, 1936-1967, as amended, and the objects of which include the storage, marketing, packing or processing of the produce of such members derived from such business.

The Hon. D. A. DUNSTAN (Leader of the Opposition): As the Treasurer intends to move an amendment to add a new exemption, I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. G. G. PEARSON (Treasurer): I move to insert the following exemption:

29. Receipt for any payment of membership contributions made to a society as defined in the Friendly Societies Act, 1919-1966, as amended, or to an organization registered or deemed to be registered under Part VI of the National Health Act, 1953, as amended, of the Commonwealth or for any payment of membership subscriptions made to any association, society or trade union composed or representative of employees or for furthering or protecting the interests of employees.

I understand that this amendment is acceptable to the Leader of the Opposition.

Amendment carried.

The Hon. D. A. DUNSTAN: I move to insert the following exemption:

30. Receipt for any payment made to a society as defined in the Industrial and Provident Societies Act, 1923-1966, as amended, all the members of which are engaged in the business of primary production as defined in the Land Tax Act, 1936-1967, as amended, and the objects of which include the storage, marketing, packing or processing of the produce of such members derived from such business.

This amendment copes with objections raised by producer co-operatives, that their work, particularly as to whether members' contributions to the co-operative or the relationship between the members and the co-operative as a selling or a marketing organization, should not be subject to this tax. Some members of grower co-operatives in this State would not come within the terms of the proposed exemption for declared marketing schemes and, in consequence, there is considerable dismay amongst grower co-operatives at the thought that they would have payments of members to a co-operative society subject to a turnover tax of this kind.

Mr. CORCORAN: I support the amendment, which has resulted from representatations by an organization that would be affected by this tax. We believe it is fair and reasonable to exempt shareholders in a primary-producing co-operative, as they are the owners of this facility, purchase from it, and put into it as a result of their efforts. The Treasurer may suggest that this kind of organization could be covered under section 84 (i) of the Act and that it could be declared a prescribed marketing scheme, but these organizations are not involved in marketing. Although the Minister of Agriculture has authority under this section to prescribe certain schemes as marketing schemes and so exempt them, we do not believe it would go far enough to cover the type of organization to which we refer.

Mr. NANKIVELL: I draw attention to the wording of exemption No. 29:

. . . made to any association, society or trade union composed or representative of employees or for furthering or protecting the interests of employees.

These people are exempt from paying tax, under this Bill. There are two similar organizations representing growers (the United Farmers and Graziers Association and the Stockowners Association of South Australia) that could well be considered to be similar to these trade union organizations, because they represent both employer interests and the interests of a particular group of people. However, as they are corporate bodies neither is exempted from paying tax under this Bill. Will the Treasurer consider producing suitable amendments, either here or in another place, to cover this point, similar to the amendment moved by the Leader?

Mr. CASEY: I support the Leader in his amendment dealing with co-operatives, and particularly those in the river districts such as the Wine Grapegrowers Co-operative and the Citrus Organization Committee, both of which are solely producer organizations. Set up as the result of a poll of growers, they first produce and then market their products. Can those organizations be considered favourably?

Mr. ARNOLD: As the co-operatives on the Upper Murray do not own the produce but act only as agents for the growers, would they pay this duty, even under the Bill as introduced?

The Hon. G. G. PEARSON: Although we have already passed exemption No. 29, I will note the comments of the member for Albert and pass them on at the appropriate time. I cannot accept the amendment in respect of exemption No. 30. As the member for Chaffey has pointed out, the operation of co-operatives is very largely an agency operation. The whole principle involved in this legislation is that, although an agent may temporarily be called upon to pay the tax on behalf of a principal, in order to ensure that the tax is paid, the agent is himself not liable for the amount of tax and will recover it from the principal for whom he is operating. Therefore, the co-operative itself would not benefit from such an exemption as this because it would not, in fact, qualify for tax payment.

Where a co-operative involves itself with normal trading operations as a principal (in other words, where it buys goods from one party and sells them to another) it is trading in the same sense as any other merchant is trading so payments of money on account of such trading are taxable. This is the very principle of the whole Bill, and I cannot accept an amendment that abrogates that principle. The acceptance of that amendment could have serious repercussions on the structure of the Bill, without in fact benefiting the particular organizations to which the Leader, the Deputy Leader, and the member for Frome (Mr. Casey) have referred. Therefore, I ask the Committee not to accept this amendment. I repeat that where the co-operative is acting in an agency capacity it will not be taxable. However, I see no valid reason in equity why it should not be taxable if it is trading and conducting business as a merchant.

Mr. CASEY: I understand that, when the producer is paid by the co-operative for the goods he hands in, the tax is payable and that, when the co-operative sells those goods to the retailer, another tax would be payable on that also. Is that the position?

The Hon. G. G. PEARSON: No, because in that case it would be an agency operation.

Mr. GILES: Although I have already discussed this matter with the Treasurer, will he again clarify the position where growers deliver fruit to a cold store? As I understand that, if a cold store sells fruit to an agent who then sells it to a greengrocer who, in turn, sells it to the public, only one tax is payable on that money, that is, when the grower receives payment. Will the Treasurer therefore indicate the exact position?

The Hon. G. G. PEARSON: Where the property does not change hands, where it is not paid for as a separate and complete business transaction, and where the proceeds of the sale are returned to the grower, only one tax will be payable, except, of course, when an agent collects commission for handling the goods, which he obviously must do in order to make his operations economic. If he is acting not as a principal but as an agent and passes on money from the purchaser to the producer, tax will not be payable, except on commissions that may be incurred on the transaction. However, if during the chain of transactions someone intervenes and, acting as principal, takes possession of the goods, pays for them, and sells them at a profit, a tax will be payable on his transaction.

Mr. GILES: Is a tax payable when a co-operative receives for packaging the goods that are for sale and makes a charge for that packaging?

The Hon. G. G. PEARSON: Yes, a tax would be payable by the co-operative on those charges. Here, the co-operative would be in the same situation as would any person who

buys a raw product and disposes of it at a price that is enhanced because of the beneficial processing it has received. This is a logical provision that follows the main principles of the Bill.

Mr. CORCORAN: The Treasurer said that, where a co-operative acts as an agent and purchases, for instance, implements but does not necessarily sell them to a grower member of the co-operative, the tax would be payable on that transaction. In that sense, it would be difficult to separate any of these transactions. He also said that any product which is produced by a grower who is a member of the co-operative and which is put into the co-operative and handled by it but disposed of by someone else would not be taxable. Is that correct?

The Hon. G. G. PEARSON: Yes. An agent is not liable to pay tax, but a principal would be. If a co-operative purchased an article, took possession of it, put it into store, and later sold it on its own terms to someone else, that would be a trading transaction and the proceeds of the sale would be taxable.

Mr. ARNOLD: Probably the three main fields in which co-operatives in the Upper Murray operate, apart from handling fruit, relate to fuel, manure, and possibly insurance. If a grower places an order through the co-operative to a fertilizer company and that order is filled, the co-operative is obviously acting as an agent. This would apply also to insurance and fuel. The only thing for which the co-operative would be liable regarding this duty would be any commission payable on the items to which I have referred.

Mr. CORCORAN: I do not agree. The co-operative would act as an agent if it did not purchase the fuel or the fertilizer from the company but simply handled the transaction between the company and the grower concerned. Surely an oil company could handle a transaction directly with a grower and not through a co-operative. Indeed, I do not see any purpose in these transactions being handled through a co-operative except that it would be entitled to commission.

The Hon. G. G. Pearson: They are, as a matter of convenience.

Mr. CORCORAN: Does the same apply to fertilizer products?

The Hon. G. G. Pearson: Yes.

Mr. CORCORAN: Then I stand corrected on this point. I understood that the co-operative would be a principal if it purchased goods and then found an outlet for them, because the goods would change hands. However, I can see that, if a co-operative acted merely as an agent, the growers would benefit. I believe that transactions involving implements, to which I referred, would be quite different and would not be handled in the manner suggested by the member for Chaffey.

Mr. GILES: In many cases a group of growers will order in bulk a large quantity of chemical spray through the co-operative so that it may be purchased at a cheaper rate. The accounts for such orders go from the chemical company to the co-operative and then to the grower, the latter actually using the co-operative as a medium for collecting orders and buying for a group. Are two payments of tax involved here?

The Hon. G. G. PEARSON: No.

Mr. GILES: Some chemical companies place stocks on consignment in the co-operative cold stores. Does the co-operative act as agent here?

The Hon. G. G. PEARSON:: Yes. I did not specifically refer to consignment stock, and a rather interesting principle is involved here. This applies to a wide field quite outside the operations of co-operatives. For example, some agents in country towns sell farm machinery and stock all the fittings and parts, etc., that go with an agency business. These agents may operate in either of two ways. They may buy implements from the manufacturer and sell to the farmer, taking his trade-in and selling that. In this respect, they are acting as principals and their receipts are taxable. However, if they operate, as many of them do, in the smaller areas and on a smaller turnover, they may have an arrangement with the principal firm that they will stock its products on consignment and sell on commission. In that case, they are agents, not principals.

Mr. Corcoran: Are they taxed only on the commission?

The Hon. G. G. Pearson: Yes.

The Hon. D. A. DUNSTAN: As I find some difficulty in finding these provisions in the Bill, will the Treasurer say which sections relating to agency transactions he says produce the results he has outlined? I understand that

the agency transactions are dealt with in new section 84c, but I cannot see how this produces the results the Treasurer has outlined. The only exemptions dealing specifically with agency transactions are, I think, not related to transactions in which the principal is in South Australia.

The Hon. G. G. PEARSON: The marginal note to new section 84c is, "As to certain receipts by solicitors or agents." New subsection (1) provides:

Where money has been received by a solicitor or agent as such from his client or principal for payment to another person, the receipt to be given by the solicitor or agent to the client or principal shall be exempt from duty . . .

I agree that, in order to protect duties, in certain cases the agent is liable to pay the tax in the first instance, but he recovers it from his principal. That is clearly provided for in the Bill. That is the only proviso, but the agent pays only on the fees he charges for the service rendered.

Mr. RYAN: I have been asked by an organization operating in my district to seek clarification regarding payments by customs and shipping agents when they clear goods on behalf of a principal. In some cases the principal pays the customs duty direct to the Customs Department, but in many cases the agent pays the complete charges on behalf of his principal and is later reimbursed by the client. This reimbursement includes the duty paid to the Collector of Customs, which amount is exempt. Is the amount of customs, which is purely a reimbursement to the agent acting on behalf of the principal, exempt?

The Hon. G. G. PEARSON: Yes. The shipping agent is, as his name implies, an agent and is able to recover from his client, even though he may have paid the tax.

Mr. Ryan: It would be exempt in the first instance as a payment to the Commonwealth?

The Hon. G. G. PEARSON: If it is not exempt in the first instance, it is when the agent is paid by the principal.

Mr. CASEY: The Cattle Compensation Act is being amended to delete a cattle stamp duty. Under the provisions of that Act, if Nelsons and Producers Meat Markets (S.A.) Limited purchased a beast the initial cattle stamp duty would be applied and when the beast was killed and quartered and the carcass sold to a butcher, the second cattle stamp duty was payable. This second duty will be no longer payable when the amending Bill comes into operation. How is that type of transaction affected by this legislation? Will there be two charges, as a principal is involved in both cases?

The Hon. G. G. PEARSON: I am not sure of the basis on which this company operates: whether it buys direct from the producer and pays him or does it eventually transfer to him the proceeds of the sale? This is the line of demarkation. If the company purchased the beast from the grower at a price, that is a transaction and the company is operating as a principal. If the beast is taken into the market and sold on behalf of the grower, the company is an agent. The agent is taxable only on his commission.

Mr. McANANEY: Most meat handled by Nelsons Meat would belong to the producers; the company would act as an agent and would not have to pay the tax. However, it does buy some meat, and it would have to pay tax on that the same as would a wholesaler buying at the market and selling to butchers.

Mr. CORCORAN: Can the Treasurer explain how wineries are affected? The winery takes grapes from a producer and processes them, and then disposes of the wine, so the product has changed. It must be a principal, not an agent, at some stage. The same applies to canneries. Surely they pay the grower for the fruit; then it is canned and sold, in which case they must be the principals because they must then own the product, the form of which they have changed. The same applies to the people who take fruit for drying. They would not be acting only as agents on behalf of the growers in every case. No doubt this is why representations were made to the Leader to have these co-operatives exempt from this tax, because in these cases they would be the principals, not the agents.

The Hon. G. G. PEARSON: Whether or not the intermediary is a distillery, a cannery or a packer of dried fruits, the commissioner will be charged with the duty of saying whether these people are agents or principals. Where a principal is a trader and he contracts to pay for an article at the price of the raw material, and he processes it and sells it—for instance, he buys some meat, pays for it and that is the final price, and then he sells it—this, then, becomes two transactions, and they are taxable: the grower is taxable in respect of the original price he receives, and the distillery or the cannery is taxable on the proceeds of the sale. There could well be a case (I do not

know how many because I am not *au fait* with the precise details of these organizations) made out of the intermediary to show that he was not making a profit on the transaction on his own behalf but was operating as the instrument of the grower and passing on the benefit of any market appreciation to the grower, and not to himself. He would naturally have to make a charge for his services but, if he could show that was not making a profit out of the processing, that he was in fact an agent or an intermediary, then I think the Commissioner would rule that he was an agent and not a principal; but much would depend on the articles of incorporation of the society concerned, and how it traded or operated. The Commissioner will have to determine the matter, and some other matters as well.

Mr. VENNING: Over the years the set-up with farm machinery agents has changed. Agents have gone out of existence, and we have today this American style of dealing through dealerships. Farmers, under what are known as "early-bird" schemes, order their machinery. The so-called agent is no longer an agent in the eyes of the manufacturer but is a dealer, and in most instances the machinery would go through him to the purchaser. Often a dealer will have machinery on his floor and at a certain time he has to buy that machinery from the manufacturer. Can the Treasurer clarify that situation in this regard?

The Hon. G. G. PEARSON: The crux of the matter is whether this local person is an agent or a dealer. If he buys the goods from the manufacturer and pays for them he is a dealer, irrespective of whether it is in the early part of the season or the late part of the season. His cheque for those goods will go to the firm that made the machinery, and that firm will pay the tax. If that local person still has that machinery on his floor in the following season but he then succeeds in selling it, the purchaser's cheque sent to the dealer will be taxable.

If, as so frequently happens, a machine comes into the hands of the agent and, after putting it together and servicing it, he sends it out to a farmer, that farmer will pay the cheque in most instances directly to the firm that built the machine. If the farmer pays the cheque to the agent and the agent takes his commission out of it and sends it to the manufacturer, then he is an agent. However, if he buys the machine and takes possession of it, the property in the goods passes. In that case, he has assumed control, authority and ownership of it, and therefore is clearly a dealer and not an agent.

The Hon. R. R. LOVEDAY: The Deputy Leader has pointed out that a distillery changes the product by turning grapes into wine, after paying the grower so much a ton for the grapes. I think it was said that this means there would be two points at which the tax would be paid. In other words, the grower would pay tax becauses he gets paid for the grapes, and then the tax would be paid on the added value of the grapes when they were turned into wine. A distillery is really only a grower in another guise, because the growers get together as a co-operative body to do something they would otherwise have to do individually in order to sell that product. I think the tax should be payable only on the final product sold to the consumer, because the distillery is really the growers as a body: they are not separate entities. Until those grapes are turned into wine they are of no value to the consumer.

The Hon. G. G. PEARSON: I have already covered this point. It would depend on what the intermediary did. If the grapes remain the property of the grower (if he has a residual value in them as they pass through the distillery and is paid the proceeds of the wine) the distillery is in the nature of an agent. The honourable member will appreciate that, if a grower sells his crop to a winemaker, he has no further interest in or claim on them. In that case clearly the transaction between the grower and the distillery is completed and the grower has no residual equity in that property. This principle runs through the Bill.

I am not the Commissioner (thank heaven) and I will not have to decide these things on my limited knowledge. The Commissioner has available to him many precedents on which to base his decisions, and he will exercise his judgment accordingly. Where there is a residual equity in the product and the grower still has a claim against the wine proceeds, the distiller would be an agent.

Mr. RYAN: In view of the Treasurer's statement that he would not like to be the Commissioner because of the many matters that will be considered and the questions that members have asked about this clause, and as this is a new branch of taxation that will involve practically everyone except wage and salary earners, will the present Commissioner's

staff be large enough to police the provisions of the Bill? Can the Minister say, therefore, whether his staff will be increased, and, if it will, to what extent?

The CHAIRMAN: I do not think that question is relevant to this clause. Does the Minister desire to answer it?

The Hon. G. G. PEARSON: No.

The Hon. D. A. DUNSTAN: The Treasurer has pointed out that some issues of principle are involved here that the Commissioner will have to decide. However, I suggest that the Commissioner will not have to decide on these matters simply in his own discretion: he will have to decide them according to law and he will, as he does now in many matters, obtain an opinion from the Crown Solicitor's Department in any doubtful case. That opinion will be based on the Act. Where it appears that an industrial or provident society has, in fact, acquired goods, even though it is for the purposes of its members, then it is a principal and does not come under the heading of an agreement. It is a separate entity (a notional entity), and it seems to me that, because of the very nature of dealings involving the goods concerned, these dealings are not exempt as agency transactions. I think it should be clear that, just because a co-operative is acting on behalf of its members, that does not make that co-operative an agent in law.

Mr. GILES: I think an extremely fine line of demarcation is involved in what the Treasurer has said. If a grower owed the co-operative money and the latter used, as security, fruit that actually belonged to the grower, the co-operative's books would show an entry to the effect that it had bought fruit, and it could therefore be a principal. Is this correct, or does it again involve an interpretation on the part of the Commissioner?

The Hon. G. G. PEARSON: This tax does not operate on a net basis, and I do not think the honourable member suggests that it does. The ledger account of the co-operative member relates to hundreds of deliveries which he has made to the co-operative and for which he has obtained payment from it. Clearly the grower cannot be exempted from the tax on moneys which the co-operative pays for him or sets aside for goods that have been procured. The ledger entries of the co-operative must, if proper books of account are kept, show the accounts on a cash basis and not a barter basis. The fact that the co-operative is acting as an intermediary in keeping a book of account on the operations of the grower with the co-operative, and *vice versa*, does not necessarily, in my view, preclude the co-operative from being an agent. The Leader of the Opposition has pointed out that the Commissioner will have to interpret a particular matter according to the Act and some cases may be borderline, but the principle still stands. There will, of course, be matters for interpretation which the Commissioner would be advised to consider, but I think the provision is drawn as clearly as it can be drawn. It is not practicable to meet every eventuality that may arise in complex matters of this sort by setting it out in a Bill. The legislation is clear and, although the questions that have been asked may be important in themselves, there is not likely to be any great difficulty in interpretation.

Mr. ARNOLD: I deliver fruit to Berri Co-operative Winery and Distillery Limited and the Renmark Growers Distillery Limited and final payment for these deliveries is not made until the last drop of wine of that vintage is sold, although interim payments may be made at the rate of, say, $2 a ton this year and $4 a ton next year. In those circumstances, ownership of the fruit must vest in the grower, because he cannot receive money for it until it is sold.

The Committee divided on the Hon. D. A. Dunstan's amendment:

Ayes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, and Virgo.

Noes (18)—Messrs. Allen, Arnold, Brookman, Coumbe, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse, Nankivell, Pearson (teller), and Rodda, Mrs. Steele, Messrs. Venning and Wardle.

Pair—Aye—Mr. Hutchens. No—Mr. Stott.

The CHAIRMAN: There are 18 Ayes and 18 Noes. There being an equality of votes, I give my vote in favour of the Noes. The question therefore passes in the negative.

Amendment thus negatived; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

The Hon. G. G. PEARSON (Treasurer) moved:

That this Bill be now read a third time.

The Hon. D. A. DUNSTAN (Leader of the Opposition): This is not a form of taxation that should have been introduced in this State. It will result in impositions that will fall heavily upon businesses and every family budget in the community; it will do the very things that the Treasurer said of a much milder Stamp Duties Bill introduced by our Party when we were in office, and will do them in great measure; and it will create considerable distress and inhibit business recovery in this State. In these circumstances, the Opposition cannot support the measure and we will vote against the third reading.

The House divided on the third reading:

Ayes (18)—Messrs. Allen, Arnold, Brookman, Coumbe, Edwards, Evans, Ferguson, Freebairn, Hall, McAnaney, Millhouse, Nankivell, Pearson (teller), and Rodda, Mrs. Steele, Messrs. Teusner, Venning, and Wardle.

Noes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, and Virgo.

Pair—Aye—Mr. Giles. No—Mr. Hutchens.

The SPEAKER: There are 18 Ayes and 18 Noes. There being an equality of votes, I give my casting vote for the Ayes. Therefore, the question passes in the affirmative.

Third reading thus carried.

Bill passed.

RAILWAYS STANDARDIZATION AGREEMENT (COCKBURN TO BROKEN HILL) BILL

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.

(Continued from October 22. Page 2039.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I have examined this Bill and I am satisfied that its provisions are the same as were agreed upon by our Government when we were in office and conducting negotiations in this matter. The Bill follows the form of the measure that is currently before the Commonwealth Parliament, and the Opposition sees no exception to it. As it is carrying out what we believe is the right agreement in relation to the standardization of the line from Cockburn to Broken Hill, I support the Bill.

Mr. CASEY (Frome): I, too, support the measure. However, I did not (and I never will) approve of the attitude of the Commonwealth Government in its dealings with the Silverton Tramway Company in this matter. I think the Commonwealth Government was ill advised by its officers handling this standardization agreement. I consider that the deal handed out to the company and to its shareholders left much to be desired from a Government that is supposed to represent the people of Australia.

During the negotiations between the Commonwealth Government and the States in respect of the standardization of the line between Cockburn and Broken Hill, the Silverton Tramway Company was not even consulted until early this year. Then on two occasions there were conferences at which the whole project was discussed very informally and in such a way that no-one could be prejudiced in respect of anything he said during those conferences. Therefore, the discussions were not made public. However, the Commonwealth Government indicated to the company in no uncertain fashion that it would not negotiate on any terms whatsoever. The company's shareholders were merely told that they would be given an *ex gratia* payment of $1,250,000 by way of compensation.

Strangely enough, when the Chairman of Directors of the company wrote to the Commonwealth Minister for Shipping and Transport (Mr. Freeth) seeking clarification on how the Commonwealth Government arrived at this figure, the Minister did not even have the decency to reply. That is the type of negotiation that the Commonwealth Government has conducted in respect of this matter. No-one would deny that we wanted a standard gauge transcontinental line owned and operated by State Governments. Indeed, we would not at any stage of the negotiations have been in favour of a private company such as the Silverton Tramway Company maintaining about 36 miles of track in the middle of a transcontinental route. However, the attitude of the Commonwealth Government towards the company was anything but desirable.

We hear so often from members opposite that they believe in private enterprise, but if one looks back at the agreement between the New South Wales Government and the company one will see that the formula under the

agreement clearly provides what compensation shall be payable to the company should the line be taken over by the New South Wales Government. Of course, the Commonwealth Government took the attitude that it had no jurisdiction in respect of that agreement (which is quite proper because it is an agreement under a State Act) and that Government did not want to consider this aspect when determining the compensation payable. The measly handout that it gave to the shareholders of the company, particularly when the company was faced with the re-employment of personnel employed by it—

Mr. Nankivell: Won't they be employed on shunting operations up there?

Mr. CASEY: There is no guarantee that they will even do that to any great extent. The Commonwealth Government said that they could perhaps be employed by the mining companies in that area, but that may not be the case either because the Barrier Industrial Council in Broken Hill has a rule regarding who shall and who shall not be employed in the mines.

Mr. Nankivell: Doesn't the Silverton Tramway Company cover that area now?

Mr. CASEY: If members opposite would like to ascertain exactly how the Barrier Industrial Council controls employment in Broken Hill, it would be a good idea, because the conditions operating there are of immense value not only to the people of Broken Hill but to New South Wales, to South Australia and to the Commonwealth Government. I assure members opposite that the line between Port Pirie and Broken Hill is the best paying line in Australia.

Mr. Nankivell: Does it pay better than Leigh Creek?

Mr. CASEY: I believe it does. This measure is most essential, as are measures before other Parliaments in the Commonwealth, and I shall be pleased indeed when the project is completed. Strangely enough, if the Commonwealth Government had agreed initially to negotiate with the Silverton Tramway Company with some degree of sanity regarding the route of the line and whether it was prepared to take over the existing Silverton line and had paid the company at once, this project could have been satisfactorily completed by December, 1968, which is now only two months away. However, all this haggling has occurred, and I honestly believe that the Commonwealth Government was ill-advised by its officers in this regard. We find now that the work is only just about to commence, and it is at least 12 months behind schedule. I think the Silverton Tramway Company has bent over backwards to preserve its interests, and I do not blame it for that, because it has had much money tied up in the project and has not known how much compensation it would receive. The Commonwealth would not even indicate at any stage, right from 1963 until early this year, just exactly what would happen with the company's line. During that time, trying to run a business (particularly a railway business, involving the maintenance of rolling stock, etc.) must have been quite a problem. The Commonwealth Government has decided on a completely new route.

Mr. Nankivell: Don't you think it is an acceptable route?

Mr. CASEY: I should not like to say. I have seen the pegs in position and have spoken to engineers who have served as the chief engineer of the Silverton Tramway Company, and they have told me that the best route between Broken Hill and Cockburn is the existing route operated by the company. I believe that if a series of trucks was shunted out at a reasonable speed from the yards in Broken Hill it would gravitate almost to within a couple of miles of Cockburn. There is, of course, an advantage in this, because it involves a train which is travelling from Broken Hill in a westerly direction and which is carrying ore on a downgrade, whereas the return trip is made mostly by empty trucks.

Mr. Nankivell: What about the new route?

Mr. CASEY: I do not know what grade is involved, although I believe that on the new line within South Australia it ranges from one in 80 to one in 120, and I think that those concerned are trying to have these desirable gradients incorporated in the project. Indeed, I suppose this matter has now been settled, because the surveys have been carried out. I know that the Thackaringa Ranges are quite steep between Cockburn and Broken Hill, and the line will follow the existing main road, which involves many gradients. However, with the earth-moving equipment of today, people can work wonders in a short time.

I think that the Silverton Tramway Company has had a raw deal from the Commonwealth Government, which alone was responsible for the action taken. Neither the New South Wales Government nor the South Australian Government has had anything to do with the matter: it has involved purely Commonwealth

action. Indeed, I do not think the Commonwealth Government will gain many friends as a result of its meagre hand-out of compensation to the company regarding standardization. I support the Bill.

Mr. VENNING (Rocky River): I am pleased to support the Bill and to know that agreement has at last been reached between the States concerned and that we will soon see completed the final portion of work covered by the standardization agreement negotiated with the Commonwealth in 1949.

Mr. Freebairn: Do you think the member for Frome is a major shareholder in the Silverton Tramway Company?

Mr. VENNING: I do not know that but, as this line is in the honourable member's district, he must know much about it and must have studied the implications and complications over many years. Compensation has concerned the company, but I understand that the Commonwealth has been reasonably generous to those landowners on this side of the railway line through whose property the line passes. Regardless of compensation payments, values vary and it would be difficult for all parties to agree in the first instance. However, I am pleased that agreement has now been reached and that a contract will be let for the final stage of the work on this line, which will connect the east coast with the west and to which we have been looking forward for some time. There will be much activity in my district as a result of work on the section passing through it, and I look forward to the completion of the project.

Mr. RICHES (Stuart): I, too, am pleased that agreement has at last been reached regarding this line. However, it is a source of keen disappointment to me that the line will not be in use when the first trains run from Perth to Port Pirie in November. I think South Australia is missing out because of delays in railway construction in this State. The delay in carrying out the link referred to in this Bill delays the linking of that line with Adelaide, and that is bad for manufacturing interest. Although we hear much about attracting industry and getting industry moving, little attention is being given to the provision of adequate transport for goods produced. South Australia's great need is to get these goods to the markets, and there should be a concentration on speeding up the construction of these railway lines so that goods and traffic will not by-pass South Australia and so that we will be able to derive full benefit.

Recent statements, even those made in the last week, about the connection between Adelaide and Port Pirie do not give comfort to anyone. By this time we should have learned the lesson of the cost to the State of these delays, and that much more should be done. I see no reason why work could not be carried out connecting Adelaide with Port Pirie concurrently with the construction of the line which is portion of this agreement, but there seems to be no inclination to attend to other parts of the 1949 agreement until the line between Cockburn and Broken Hill is completed. That is not the pattern of operations in other States, and I urge the Government to proceed as speedily as possible to implement the standardization agreement generally, and not to hold up work with these continued hagglings between Governments. The construction of the line as envisaged in this agreement is long overdue, and Parliament can do nothing else but support the Bill, which ratifies the agreement already reached.

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

SITTINGS AND BUSINESS

Mr. BROOMHILL (West Torrens) moved:

That Orders of the Day (Other Business) be made Orders of the Day for Wednesday, November 6.

The SPEAKER: Can the honourable member assure the House that he has the consent of all members concerned?

Mr. BROOMHILL: Yes, Mr. Speaker.

The SPEAKER: Then I accept the motion.

Motion carried.

ADJOURNMENT

At 9.17 p.m. the House adjourned until Thursday, October 24, at 2 p.m.