HOUSE OF ASSEMBLY

Wednesday, December 4, 1968

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

QUESTIONS

KINGSTON AREA SCHOOL

Mr. CORCORAN: I was recently approached by the President of the Kingston Area School committee in the South-East and asked to take up the matter of reconstructing the playing area at that school. I think it was in April last that I was notified that preliminary sketch plans had been drawn up for the reconstruction of this yard, but that, because of the addition of buildings that would necessitate further culverts and paving, and because of some difficulty with the Public Buildings Department, it was intended that private consultants would be engaged to estimate and draw up specifications for the work to be done. However, no apparent progress has yet been made. As about 450 children attend this school and as the playing area available to them is rather restricted, I ask the Minister of Education whether she will examine the matter particularly from the point of view of having the work done, if possible, during the Christmas break so as not to restrict the children's playing facilities when they return in the new school year. As the school committee is meeting next Tuesday evening, will the Minister, if possible, obtain information that I may pass on to the committee before that date?

The Hon. JOYCE STEELE: I well remember my visit to the school in, I think, April this year, and a very nice school it is, too, with a co-operative body of parents on the school committee. Several matters were raised on that occasion. However, I was not aware that the matter to which the honourable member referred had not gone forward. I shall be happy to call for an urgent report on the paving of the school playing area and I will try to obtain a reply by next week, if possible.

BOOKMAKERS

Mr. VIRGO: Yesterday the member for Glenelg (Mr. Hudson) asked the Premier a question about the current dispute involving bookmakers, in reply to which the Premier said that he would get a report. Since that question was asked and answered, the position has deteriorated dramatically, as instanced by the following report in this morning's *Advertiser*:

No bookmakers will field at Victoria Park on Saturday and on December 14 following an Adelaide Racing Club decision yesterday to withdraw all bookmakers' applications.

I am informed that this dispute originated as a result of the action of racing clubs in increasing bookmakers' fees from $40 to $60 (an increase of 50 per cent), because bookmakers have no area in which to appeal and because, under the existing provisions of the Lottery and Gaming Act, they are not able to seek arbitration. I am also informed that, when bookmakers requested the Chief Secretary to amend the Act to provide for arbitration, they gave him an undertaking that whatever was the result of that arbitration they would willingly accept it. The Chief Secretary undertook to refer the matter urgently to Cabinet for consideration. As the dispute has now reached a most serious stage, will the Premier treat it as a matter of extreme urgency in the interests of the racing industry as a whole?

The Hon. R. S. HALL: Yes, and I will discuss the matter in Cabinet tomorrow morning. The honourable member will understand that we had almost no opportunity to discuss it this morning. However, I undertake to treat it as a matter of urgency and have a reply tomorrow.

Mr. HUDSON: I understand that the first approach on this matter was made to the Premier or the Chief Secretary last week. I draw the Premier's attention to the fact that the racing industry, on which the Government depends for a considerable amount of revenue, has been going through a difficult period. This has been brought about by a combination of factors: increased costs associated with training, the effect of drought on the ability of owners to finance the training of horses, and the fact that, at the same time as these considerations have been operating, there has been no increase in stake money. This is a fairly serious situation for any racing club, because the ban on bookmakers for this Saturday and the following Saturday may well upset the economic running of a race meeting. The effect on betting turnover and on the return to both the Government and the clubs may well cause a further deterioration in the situation. As a result of the discussion that will take place tomorrow, will the Premier be able to announce an immediate decision? If a decision in favour of arbitration is reached,

will the Premier take the necessary action to ensure that the difficulties regarding next Saturday's meeting will be removed and that the clubs will be requested to reach a temporary arrangement with bookmakers until the arbitration is concluded?

The Hon. R. S. HALL: This is an extended question, the reply to which depends on the results of the conference that I will have with my colleagues tomorrow. Of course, I cannot give an undertaking that I will do something that depends on that initial discussion. All I can do is refer the honourable member to the reply I have given to the member for Edwardstown and assure him that I will deal with the matter as expeditiously as time allows.

JAMESTOWN PRIMARY SCHOOL

Mr. ALLEN: Has the Minister of Education a reply to my recent question about a residence for the Headmaster of the Jamestown Primary School?

The Hon. JOYCE STEELE: A residence for the Headmaster of the Jamestown Primary School is included among a number that the Education Department has listed as being in need of replacement because the existing residences are uneconomical to maintain. However, I regret that I cannot give the honourable member any indication of when the Jamestown residence will be built.

BARMERA HOSPITAL

Mr. ARNOLD: Last Friday evening I attended a large public meeting held at Barmera to hear proposals put by the Minister of Health regarding the future of the Government hospital in that town. Since that meeting, there has been considerable confusion in the district about just what the Government intends. I have been agitating since April for the rebuilding and retention of a Government hospital. Will the Premier have the Government's proposals clearly defined and have all the relevant details circularized to residents of the area before the next public meeting, which I think will be held in about one month or six weeks? Further, will the Premier be attending that meeting?

The Hon. R. S. HALL: I understand the honourable member's deep concern about the future of the Barmera Hospital, and the last thing that I want is that confusion be spread in his district. After discussing the matter with Cabinet, I will certainly bring down a report from the Minister of Health about the Government's proposals for the future of this hospital. Because of the time table of engagements that I have to fulfil, I am unable to say whether I will attend a meeting that may take place. However, I will certainly do my best to get to any meeting arranged about this matter: at the honourable member's invitation, I shall be only too pleased to attend. I will get the honourable member a reply, possibly by tomorrow, outlining concisely and clearly the Government's proposals.

ROADSIDE SALES

Mr. BROOMHILL: My attention has been drawn to a television programme last night regarding children selling fruit alongside roads, these children being forced to sit out for many hours, mainly at weekends, in hot or cold weather, without any shelter. It was pointed out to me that this type of situation would not be tolerated by adults. Will the Minister of Labour and Industry say whether the matter has been brought to his attention and whether he intends to take any action to overcome this community problem?

The Hon. J. W. H. COUMBE: I did not see the programme, because I was in this place last night, and the matter had not previously been drawn to my attention. However, now that the honourable member has referred to it, I will certainly consider it for him.

GODFREY'S PROPRIETARY LIMITED

Mr. JENNINGS: A few moments ago I was speaking to a lady whom I was interviewing when the bells were ringing, and the discussion I had with her revealed that three weeks ago her television set broke down and she approached Godfrey's, by ringing them. Godfrey's is a company, which no doubt the Minister knows of and which is most noted for a television advertisement showing a vacuum cleaner that floats on air, making it look a bit like Mohammed's coffin suspended between Heaven and earth. It seems that a salesman called and offered to sell her a television set. She expected to get it on fairly easy hire-purchase terms, but said that she did not have any ready cash because her husband had no ready cash at all, although they had three blocks of land. She recently had them valued: Godfrey's also valued them and their valuation was considerably higher than the valuation that she had received. In fact, Godfrey's valuation of them (if they carried out a valuation at all) displayed that that company thought the blocks were worth $2,400. So, instead of buying a television set, which she had intended to do, she bought $1,200 worth

of other electrical appliances. I realize that this is a peculiar tale, but she was promised that she could have goods to the value of the full $1,200 and yet get $100 in cash as well. Anyway, she only borrowed—

The SPEAKER: Order! Can the honourable member summarize his question?

Mr. JENNINGS: Yes, Sir, I will try, and I am trying to do that. The letter I have is of six foolscap pages, and I realize that I cannot read that to the House. I do not have much further to go and I hope you will be a little tolerant with me.

The SPEAKER: It is not I but the whole House that the honourable member must consider.

Mr. JENNINGS: I realize that, but I am nearly finished, anyway. Godfrey's has now told the lady that they made a mistake in the valuation. After buying this electrical equipment, the lady has been told that it will be repossessed in three days' time. This matter should be investigated urgently because, although I do not think she has anything to worry about, she is terribly worried, which is understandable. Will the Attorney-General treat this as an urgent matter?

The Hon. ROBIN MILLHOUSE: This is a very tangled skein of unusual colour. I gather the facts are set out in the six-page letter to which the honourable member has referred and, if he would be kind enough to let me have it, I will have inquiries made. Although I cannot promise to be able to help, if I can help I will.

STAMP DUTIES OFFICE

The Hon. B. H. TEUSNER: Has the Premier, in the temporary absence of the Treasurer, a reply to my question of November 14 about the provision of more commodious and salubrious working conditions for the staff of the Stamp and Succession Duties Division.

The Hon. R. S. HALL: My colleague states that in order to house the additional staff needed to administer receipts duty and associated legislation, accommodation is being made ready in a building in Gawler Place immediately at the rear of the Education building. It is intended that the Stamp and Succession Duties Division of the State Taxes Department, at present in the Education building, will transfer to the old Engineering and Water Supply Department building in Victoria Square when the necessary authority is obtained to redevelop portion of the area that has recently been vacated by the movement of officers to the new Government office building. Not only will there be additional space available over and above that now provided in the Education building, but another advantage will be that this division will be situated closely adjacent to the Land Titles Office.

BETTING REVENUE

Mr. HUDSON: Has the Premier a reply to my question of November 20 regarding the amount of revenue received by the Government under the winning bets tax and now under the totalizator agency betting system?

The Hon. R. S. HALL: It will not be practicable to introduce the requisite legislation before Christmas, but it is expected that legislation will be introduced during the resumed sittings after Christmas. During the four months to the end of October, 1968, the Treasury received and paid into the Hospitals Fund $263,552 for T.A.B. commissions, $48,282 for fractions, $26,834 for unclaimed dividends, and $549 for Broken Hill margins. From this aggregate of $339,217, $42,406 was paid in reimbursement to racing clubs for half their loss of funds from the winning bets tax, so that a net $296,811 was made available for hospitals over the four months.

Mr. HUDSON: I am pleased to hear that legislation on this matter will be introduced early in the new year when the House resumes its sittings. The Premier said the net profit to the Hospitals Fund over the four months from July 1 to the end of October was $296,811. Will he be good enough to find out how much was received into the Treasury, after the repayment of a certain sum to the clubs, in winning bets tax over that period?

The Hon. R. S. HALL: I will obtain a report for the honourable member.

REFLECTORIZED NUMBER PLATES

Mr. LANGLEY: Last year many members of this House were invited to a filming of the advantages of reflectorized number plates on motor vehicles and since that time I have raised the matter in the House during debate. It was recently reported in the *Advertiser* that the issuing of these types of number plate had begun in Western Australia and that about 270,000 of them would be issued to motorists in that State. As reflectorized number plates represent a safety factor on the roads, especially in regard to vehicles colliding into the rear of other vehicles, will the Attorney-General ask the Minister of Roads and Transport

whether some form of legislation cannot be introduced on this matter, or, in any event, whether he will consider issuing this type of plate for motor vehicles in South Australia?

The Hon. ROBIN MILLHOUSE: The honourable member could not have been in the House yesterday, because the member for Albert (Mr. Nankivell) asked me a question on the same topic, and I told him then that I knew that the Minister was considering this matter but that there were some practical difficulties about it. I promised to refer the question to the Minister for a reply.

TRAIN PASSES

Mr. VIRGO: The Attorney-General will recall that I have asked him several questions about the issue of passes for South Australian railway employees. With the Minister's recent announcement that certain railway passenger services would be discontinued, I am concerned for the well-being of those railway employees who are required by the Commissioner to be stationed at railway locations served only by private buses. Will the Attorney-General confer with the Minister of Roads and Transport to ensure that, regarding those employees who are at these locations and who are denied the normal use of their privilege tickets and station-to-station passes on annual leave (because of the absence of a rail service), the concession to employees will apply equally on the private buses runing in lieu of a rail service? I wish to ensure that railway employees at stations such as at Wallaroo or stations in the district of Angas and beyond will still be able to travel to Adelaide on privilege tickets and station-to-station passes, as they were able to do prior to the discontinuance of the passenger rail service.

The Hon. ROBIN MILLHOUSE: I cannot give the undertaking which is implicit in the question as the honourable member first framed it.

Mr. Virgo: To confer with the Minister!

The Hon. ROBIN MILLHOUSE: No, the question as I heard it, about half-way through the honourable member's statement was to confer with him with a view to ensuring—

Mr. Virgo: That's right.

The Hon. ROBIN MILLHOUSE: I cannot give any undertaking of that nature, but I will discuss the matter with the Minister.

SCHOOL CLASSIFICATION

Mr. HUDSON: Has the Minister of Education a reply to my recent question about the classification of high school headmasters?

The Hon. JOYCE STEELE: The classification system used in South Australian high schools involves a personal classification of heads of the schools, not of the schools themselves. There is no question of high schools being up or down-graded because of enrolment change and of heads being shifted to meet regulation requirements. I do not know whether the honourable member wants a reply; he has gone out.

The Hon. Robin Millhouse: He's gone out; that's a bit hard.

The SPEAKER: Order!

The Hon. Robin Millhouse: The Minister is giving an answer to the member for Glenelg and he has walked out.

Mr. Virgo: Look at him! He's over there.

The Hon. Robin Millhouse: He's not paying the slightest notice.

The SPEAKER: Order! I think the honourable Minister should complete the reply.

The Hon. Robin Millhouse: It's utterly discourteous; he doesn't even know what we are talking about.

Mr. Virgo: You never listen to us, anyhow.

Members interjecting:

The SPEAKER: Order! The member for Edwardstown and the member for Millicent are out of order. The honourable Minister of Education.

The Hon. JOYCE STEELE: At present there are four classes of head forming a promotion structure from class 4 (lowest) to class 1 (highest), reflecting four broad spheres of responsibility ranging from those to be found in the small comparatively simple school to those of the large and complex. True, most heads are to be found at any one time in schools appropriate to their personal classification. This is not obligatory, however, and a fair amount of over-lapping is recognized as normal. The classification scheme has all the flexibility necessary to ensure that heads are not moved arbitrarily to meet formal classification or promotion requirements. It is not correct to say that a high school's classification alters as it grows, because schools themselves are not classified. The situation envisaged by the honourable member of a high school's having up to three heads in three to five years as a result of the classification system used at present could not occur.

As a matter of policy the Education Department prefers continuity of service in a school for teachers. In general heads are moved only when necessary to take appropriate higher responsibility when a vacancy occurs; or more rarely when a position has grown too large or become unsuitable for the existing capability of the holder. The rapid expansion of the service has created many vacancies in recent years and led to unavoidable movement of heads in excess of what one would desire. It is in this context that the practice is sometimes followed of opening a first-year school in the metropolitan area with a young newly-appointed head. This has nothing to do with classification as such but with the acute shortage of experienced heads. In these circumstances it is not always possible to remove immediately from some existing and responsible appointment, usually in the country, the experienced man who is to be the ultimate head of a newly-established school in the metropolitan area.

In its early stages a new school has a simple pattern of courses, a small staff and a small enrolment. As such it can be handled quite adequately by young and inexperienced heads along broad but clear lines of policy laid down by the Director-General of Education for establishing schools in their formative stage. In these circumstances consistency of policy is reasonably assured and is scarcely an issue. The existing style of personal classification of high school heads is in no way responsible for over-rapid movement, is accepted by the heads themselves, and change is not necessary. I believe I have given the honourable member a courteous reply by providing this long explanation.

GARDEN SUBURB

Mr. VIRGO: About two weeks ago a report in the *Sunday Mail* stated that the Government was investigating the possible amalgamation of the Garden Suburb with the Mitcham City Council. The Minister of Local Government said that the amalgamation could lead to greater operating efficiency. Can the Attorney-General say whether, as member for Mitcham, he has received any requests for this move from his constituents (I can assure him that I have received none from that section of the Garden Suburb that I have the honour to represent) and, if no representations have been made to him, what motives are behind the discussions taking place with the Government?

The Hon. ROBIN MILLHOUSE: This matter has been the source of debate and discussion for many years, ever since I became member for the district. The honourable member may have been told (I do not think he lived in the district at the time) that, in 1956—

Mr. Virgo: I've lived in the district since I was four years old.

The Hon. ROBIN MILLHOUSE: In Colonel Light Gardens?

Mr. Virgo: Yes.

The Hon. ROBIN MILLHOUSE: I see. At any rate, the honourable member was not a prominent member of the district in 1956.

Mr. Virgo: You've never lived in Colonel Light Gardens: only the member for Unley and I have that distinction in this place.

The Hon. ROBIN MILLHOUSE: No, I have not lived there.

The SPEAKER: The member for Edwardstown is out of order in interjecting. Will the Attorney-General reply to the question?

The Hon. ROBIN MILLHOUSE: I am doing my best, Sir; I am not getting much encouragement from the Opposition today, but then I seldom do. In 1956, when Mr. Tom Stephens (whom the honourable member probably knows, in view of his protestations) was about to retire as Garden Suburb Commissioner, a meeting has held to discuss the question of amalgamating the Garden Suburb with the City of Mitcham. I chaired the meeting and it was obvious that most of those present (it was a large meeting) were against any amalgamation at the time, although I had been approached beforehand by the organizers of the meeting to chair it and they were prominent people living in the district. I remember Mr. L. J. Stanley, whom the honourable member may also know, was amongst them. However, because I gauged the feeling then to be against amalgamation, I informed the Minister of the day of the feeling in the suburb and the matter was dropped. Mr. Sellars was subsequently appointed Commissioner. The honourable member may know, if he has looked at the Act under which Colonel Light Gardens, the Garden Suburb, is constituted, that it has always contained provisions for the return of the area to Mitcham. That Act was passed in the early 1920's, or even before that, so that this is something that has always been contemplated. Since 1956, I have discussed the matter with many people, including Mr. Sellars, and it is my view that there would be great advantages in an amalgamation. I think I am right in saying that the rates in the Garden Suburb, which have

been progressively raised in the last 12 years, are now higher than those in Mitcham. I know that this was a most significant factor in 1956 in the feeling against the amalgamation, because at that time the rates were lower than the rates in Mitcham, but now I think that the reverse is the case. In my view, the greatest reason in favour of amalgamation is that the Garden Suburb is just too small to be a reasonably efficient and effective administrative local government unit. It is not possible on the rate revenue that can be expected from the Garden Suburb for it to be administered separately from Mitcham in an effective and efficient way. If it were part of the Corporation of the City of Mitcham this problem would disappear and the costs of the administration, which now take a considerable portion of the income of the Garden Suburb, would almost disappear. The Minister, to whom I have spoken about the matter over the years, especially since he came into office, is discussing and considering the matter. We have talked about it, but no decision has yet been reached whether there should be an amalgamation and, if there should be, precisely on what terms it should be. Obviously, a number of people and parties are interested: first and foremost the people of the Garden Suburb; secondly the Corporation of the City of Mitcham; and thirdly, of course, the Government.

Mr. VIRGO: I am rather concerned at the reply given to me. The Attorney-General said that at the meeting in 1956 (which was the last occasion on which an opinion was expressed) he sensed opposition to amalgamation. However, it appears that the Attorney believes it would be better for these areas to be amalgamated. Therefore, irrespective of his views, I fear that the Minister of Local Government may be persuaded by the Attorney-General to proceed. Although, as usual, I cannot guarantee its accuracy, the newspaper report to which I have referred states:

Although he had not received a petition or a request from Colonel Light Gardens ratepayers, Mr. Hill said he would seek the appointment of a committee to report on the practicability and desirability of merging that suburb with Mitcham.

I point out to the Attorney that, if he goes back a little further than 1956, he will find that an expression of opinion was sought of the people in the area and that they strongly favoured the retention of Colonel Light Gardens as a separate entity. Therefore, will the Minister assure the House that, before any action to amalgamate Colonel Light Gardens and Mitcham council areas is taken, the approval of the majority of ratepayers in the area will be obtained?

The Hon. ROBIN MILLHOUSE: I suspect that the honourable member was busy working out his next question for me before I finished replying to him, because if he had listened to the last sentence of my reply, he would have heard me say that several interests are to be consulted in this matter, and I think I mentioned first those people living in the Garden Suburb itself. I cannot, at this moment, give the honourable member the undertaking that he requests, because this matter is one for the Minister of Local Government, not for me.

Mr. Virgo: You're the member for the district. Remember that you're not a Minister all the time.

The Hon. ROBIN MILLHOUSE: Just because I am the member for the district does not mean that I run everything in the district or that my colleagues have no jurisdiction there. The honourable member knows that as well as I know it.

The SPEAKER: Order! I cannot allow debate on questions. The honourable the Attorney-General.

The Hon. ROBIN MILLHOUSE: Well, if the honourable member interjects and throws fresh arguments at me when I am replying, it is hard for me not to answer him, and I am afraid that that is what he has done. However, although I cannot give the undertaking or assurance that the honourable member seeks, I will discuss the matter with the Minister.

Mr. LANGLEY: As a ratepayer for over 20 years in the Colonel Light Gardens area, and having had several inquiries from nearby neighbours since the press report concerning the amalgamation of Colonel Light Gardens with the Mitcham council, I believe it is the general opinion that an opportunity should be given to residents to decide this issue. Will the Attorney-General ask his colleague to ensure that ratepayers will be given an opportunity to decide the position?

The Hon. ROBIN MILLHOUSE: I take it that the honourable member is such a ratepayer and still living in the District of Edwardstown, in Colonel Light Gardens?

Mr. Langley: Yes.

The Hon. ROBIN MILLHOUSE: I will certainly bring this request to the attention of my colleague.

TAILEM BEND TO KEITH MAIN

Mr. NANKIVELL: I understand that the Tailem Bend to Keith main has now been completed between Coonalpyn and Tintinara, except for finishing off work, and that water can soon be supplied to people in the adjacent area. On Saturday a constituent who will be supplied from this main expressed to me his concern that, according to local opinion, the provision of supply might be delayed because a machine required to trench under the railway line has been committed to work elsewhere. Can the Minister of Works say whether work will be delayed because this trenching machine is not available, and will he use his good offices to have the machine made available so that people urgently requiring water from this main can be supplied as speedily as possible?

The Hon. J. W. H. COUMBE: I will certainly examine the matter to see whether this difficulty can be overcome as quickly as possible. I am concerned at this reference to possible delay, because only this week I have been trying to hurry up work on the main so that it can be completed at a date earlier than was formerly expected. I will certainly examine the matter for the honourable member.

BRIGHTON BOYS TECHNICAL SCHOOL

Mr. HUDSON: I assure the Minister of Works that, normally, I listen very carefully and with great courtesy to replies to questions, and that it was purely a fortuitous accident that I missed the previous reply given by the Minister of Education. I shall study that reply carefully.

The Hon. Robin Millhouse: What do you mean—a fortuitous accident?

Mr. HUDSON: Oh, don't be stupid. Really! The Brighton Boys Technical High School, which has been built for two years, is one of the schools at which the Government will meet the cost of establishing the ovals, but during the last two summers residents of Wattle Avenue, Brighton, alongside the school, have had to put up with much dust blowing in from the high school grounds. Of course, for two years the boys attending the school have not had an adequate playing area, although the school is new. I understand that the department is now in the process of calling tenders. Will the Minister of Works try to hurry up the work as much as possible so that the main work of grassing the school ovals can be carried out before the new school year commences, thus satisfying both the needs of the children at the school and the needs of local residents?

The Hon. J. W. H. COUMBE: Yes, I will examine this matter for the honourable member.

BIRD LIFE DESTRUCTION

Mr. NANKIVELL: A landholder in the Padthaway area has asked me what can be done to prevent councils from putting poison on roads (as they are permitted to do under the new Vermin Act), because of the concern about the preservation of bird life in the area. It is said that many birds inhabit the most thickly timbered areas along roadways, where they have the greatest protection. Can the Minister of Lands say whether landholders can legally object to councils' carrying out this work, even though the councils give notice? Further, can he say whether 1080 properly mixed, as it would be when an authorized and properly trained officer was using it, is detrimental to bird life and causes the deaths attributed to it?

The Hon. D. N. BROOKMAN: I think Parliament has some responsibility regarding the first part of the question, because both Houses passed legislation enabling councils to place poison along roadsides to destroy vermin. I will get a considered report from the Vermin Advisory Officer in the department about whether bird life is endangered when 1080 poison is put down to destroy rabbits, but I know that, in general, the answer to all inquiries has been that the danger to bird life is not considerable. However, I do not know whether certain species of birds are easily poisoned. I will give the report to the honourable member tomorrow, if possible.

NATIONAL PARKS

Mr. CORCORAN: The Minister of Lands will recall that some time ago I asked him about progress being made in his negotiations with the Minister of Forests about setting aside certain areas in the Lower South-East, near Mount Gambier, Mount Burr and Millicent, as national parks. Can the Minister now say whether any progress has been made in this matter?

The Hon. D. N. BROOKMAN: The reply is "No". My discussions with the Minister of Forests have not been completed, and I have not any fruitful result so far. The Woods and Forests Department, which owns the land, is extremely interested in conservation. I

consider that the department plays its part very well, having regard to the attitude to this matter of the State generally. However, no doubt officers of the Woods and Forests Department consider in many cases (and I think with some justification) that the land that they are being asked to set aside should not be taken away from their control. However, this is not a final reply: it will take some time to give a conclusive reply. I point out to the honourable member that considerable areas of national park have been gazetted recently, and more are being processed. From time to time, and particularly in the Upper South-East, national parks will be dedicated, but when I have further information about the land held by the Woods and Forests Department I will give it to the honourable member.

BUS SERVICE

Mrs. BYRNE: At present the firm of Lewis Brothers operates a private bus service to and from Adelaide, passing through a portion of the Valley View area which is in my electoral district, and in which I am particularly interested. This service has been re-routed through this section with (if my information is correct) the approval of the Muncipal Tramways Trust and of the Transport Control Board. Will the Attorney-General ask the Minister of Roads and Transport why the service in the Valley View area has been re-routed?

The Hon. ROBIN MILLHOUSE: Yes.

ADELAIDE TEACHERS COLLEGE

Mr. NANKIVELL: As I have been asked by a constituent of mine to find out the entrance requirements for persons wishing to attend the Adelaide Teachers College, will the Minister of Education obtain this information?

The Hon. JOYCE STEELE: As, obviously, the inquiry comes from one who is anxious to make teaching a career in life, I will obtain a full list of requirements and bring it down for the honourable member.

SUBDIVISIONS

Mr. VIRGO: On November 14, I asked the Attorney-General whether he would investigate the cause of delays occurring in the approval of subdivisions by the Highways Department, to which he replied, "Yes". Subsequently (and I apologize for not having the actual date), he provided me with a reply and said that my statement that applications for subdivisions must be submitted in the first instance to the Highways Department was incorrect. However, I did not say "in the first instance": I said that they must first submit applications to the Highways Department. I am fully aware that applications in the first instance (as my question continued) are required to be submitted to the Planning Department but that the Director (and this was not taken into account in the reply I received), as a standard procedure, refers the proposed subdivisions to the Highways Department, councils, the Engineering and Water Supply Department, and any other utilities that are likely to be affected. From the other part of the Minister's reply it is obvious that he did not read very carefully the question I asked, because I made it plain, and repeat now, that I was not referring to subdivisions that were affected or likely to be affected by the Metropolitan Adelaide Transportation Study plan, or by road widening, or anything of that nature, nor was I referring to large subdivisions of land. I was referring to what could be accurately described as small, inconsequential resubdivisions of already subdivided land. When the applications go to the planning office, officers will not approve of them until they have received the approval of all the statutory bodies, including the Highways Department. Although the planning office can obtain the approval from all other bodies in a few days, and used to get it from the Highways Department in a few days, this period has now lengthened to almost the maximum time of six weeks allowed under the Act. I am informed that this is a result of those officers who normally do this work now being required to handle extraneous inquiries concerning the introduction of the M.A.T.S. plan. Will the Attorney-General again request the Minister of Roads and Transport to ensure that those officers who are normally engaged on approving subdivisions are not bogged down with extraneous work associated with public inquiries dealing with the M.A.T.S. plan?

The Hon. ROBIN MILLHOUSE: I seem to remember the honourable member giving that explanation before.

Mr. Virgo: Obviously it didn't get home, from the reply I received.

The SPEAKER: Order! I cannot allow debate across the Chamber between a member and a Minister.

The Hon. ROBIN MILLHOUSE: I will take up the matter again with the Minister.

STANDING ORDERS

Mr. HUDSON: My question is directed to you, Mr. Speaker, and I refer to matters that

arose yesterday and last week concerning leave of the House being granted to have information inserted in *Hansard* without its being read. Two Standing Orders refer to this matter, but apparently there is a difference. Of the two Standing Orders, Standing Order 127 refers to the answers to questions and Standing Order 138 refers to a member in speaking to a question, or speaking to a matter of debate, I take that to mean. On October 23, in Committee the Chairman of Committees ruled out the Premier from inserting material in *Hansard* when the Premier wished to have inserted the judgment of the Privy Council in the case of *Attorney-General for New South Wales* v. *Trethowan,* on which occasion the Chairman said:

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

I presume, Mr. Speaker, that that ruling would rely on Standing Order 138, which does not contemplate the insertion of anything other than statistical or factual tables relevant to the question being inserted in *Hansard* with leave of the House. Standing Order 127, on which you relied yesterday, Sir, deals with answers to questions, and states:

Answers to questions in the form of tables of statistics or other factual information, by leave of the House, may be inserted in the Official Report of the Parliamentary Debates without such tables being read.

My question to you, Sir, relates to the consistency of treatment of Standing Orders as to the insertion of material in *Hansard,* material arising in the course of debate and material arising as a result of an answer to a question. Can you, Mr. Speaker, say whether consideration should be given by the Standing Orders Committee to adopting Standing Orders on these two matters that would provide consistency of treatment, and, secondly, will you reconsider Standing Order 127 and the interpretation being given to the words "or other factual information" and say whether that means other factual information of a like character to tables and statistics? One way or another I bring to your attention, Mr. Speaker, the fact that there is a difference between the two Standing Orders, and that this difference has been referred to in this session in the rulings given, depending on whether the member concerned is replying to a question or taking part in a debate.

The SPEAKER: Ever since I have been a member of this House the practice has been that if a member asks a question of a Minister and the answer to the question is long, the Minister has always asked leave of the House to have the answer incorporated in *Hansard.* It is always up to any member to object to leave being granted, as it must be a unanimous decision of the House. As Speaker, I am always anxious that, if a member asks a question, he is entitled to get the fullest information he possibly can, otherwise I believe he would not ask the question. Therefore, in order to expedite the business of the House, if a Minister in his wisdom asks leave of the House to have a long explanation inserted in *Hansard,* I see no objection to that. I realize that the Standing Order the member has referred to means a difference of opinion, but if he studies Standing Orders he will no doubt find that the decision is in the hands of members.

Mr. HUDSON: The matter the Premier sought to have inserted in *Hansard* during the debate on the Constitution Act Amendment Bill was the report of the Privy Council in its judgment in the case of *Attorney-General for New South Wales v. Trethowan.* This report was a matter known to at least one or two Opposition members and we were perfectly willing for the Premier to be able to insert this matter in *Hansard* without his reading it. This was a case where, if leave could have been granted by the House, it would have readily been granted and there would have been no worry as to the nature of the material being inserted in *Hansard.* Sometimes in relation to an answer to a question there may be a worry as to the nature of the material being inserted in *Hansard,* and when we give leave we are not sure whether the material should or should not be inserted without leave if the material is not of a statistical nature. Will you, Mr. Speaker, further consider this matter to see whether or not Standing Order 138 could be brought into line with Standing Order 127?

The SPEAKER: I am prepared to look at any question raised by an honourable member. I point out, however, that leave must be granted unanimously, that any member has the right to object, and that if any member objects the material cannot be inserted. After all, it is in the hands of members themselves.

WORKMEN'S COMPENSATION

Mr. VIRGO: On October 24, I drew the Treasurer's attention to the anomalous position that had been created over a number of years, but more particularly as a result of an increase in the State living wage, in respect of the relation between workmen's

compensation and the State living wage, and I suggested that, if the previous ratio were to be retained, the amount of compensation payable to a married person should currently be $44.16 instead of the $32.50 at present applying. The Treasurer said that this matter had not escaped his attention, that he had been extremely busy, but that he would have the whole matter examined promptly and let me know what would take place as a result of the examination. As that was on October 24, can the Premier, on behalf of the Treasurer, indicate when I may expect a reply to a question the Treasurer said he would attend to promptly?

The Hon. R. S. HALL: I will consult with my colleague, find out where the matter rests at the moment, and try to obtain a reply.

KEITH AREA SCHOOL

Mr. NANKIVELL: When the Minister of Education was good enough to visit some of the schools in my district earlier in the year she visited the Keith Area School and there discussed with the school committee certain proposals that were in hand for the drainage of the schoolgrounds. At the time the committee was informed that a group of consultants had drawn up plans for the Public Buildings Department with an estimated cost for the work of about $30,668. The committee drew attention to the fact that it did not feel this sum could be justifiably spent when drainage bores that had been properly constructed in the schoolgrounds were adequately coping with the surplus water. It was said that this matter would be reviewed after the winter to see whether or not the plan would be proceeded with or whether the school committee's plans that further drainage bores be constructed at strategic places would be a more appropriate and far more economical way of dealing with the problem. A report was to be called for after the winter. Can the Minister of Education say whether this matter has been pursued and whether she will call for a report on this matter to see whether the drainage bore that was causing trouble and had been cleaned out has proved satisfactory this year and whether, in view of this, the committee's proposals would not be preferable to those of the consultants? The provision of a water supply to the oval and the remainder of the schoolgrounds from the township water supply and other sources was a matter into which the Minister had undertaken to inquire and which was also the subject of an investigation by the same firm of consultants. Will the Minister of Education say whether these consultants have now reported on the best way in which to provide water to the school and whether the necessary preliminary work has been carried out? The committee would be pleased to have a reply to both questions at the Minister's earliest convenience.

The Hon. JOYCE STEELE: I recall very well indeed the visit I made to the Keith Area School in company with the honourable member and the valuable discussions I had with members of the school committee on that occasion. The two specific matters now raised by the honourable member were discussed for a long time, and I was grateful to the committee for its suggesting that, with much less expenditure, the same result might be achieved in regard to adequately draining the schoolgrounds. I remember the discussion on the school water supply, too. I know that I undertook to obtain reports on these matters, and these would have been referred to the appropriate department for this purpose. As I do not recall having received any submissions on these matters, I will most certainly take them up for the honourable member and see whether I can obtain a reply for him by the end of next week.

PASTORAL ACT AMENDMENT BILL

The Hon. D. N. BROOKMAN (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Pastoral Act, 1936-1966. Read a first time.

The Hon. D. N. BROOKMAN: I move:
That this Bill be now read a second time.

It is complementary to an amendment effected by the Crown Lands Act Amendment Bill, 1968, which was recently before this House. Honourable members may recall that such an amendment made provision for the direct offer of Crown lands, on perpetual lease or agreement, to persons who (*a*) already occupy the land in question under licence from the Crown; and (*b*) have erected or propose to erect permanent improvements on that land. Honourable members may also be aware that, under section 244 of the Crown Lands Act, licences from the Crown may be granted to persons to occupy land already the subject of a pastoral lease. Hence, to give full effect to the intention of the proposal to allow this direct offering, it is necessary to ensure that there is a method of resuming land, for the purposes envisaged, from a pastoral lease so that in

proper cases it can be offered directly under the Crown Lands Act. Clauses 1 and 2 are quite formal. Clause 3 allows for the resumption from pastoral leases of land required for residential or business purposes.

Mr. CORCORAN (Millicent): I support the Bill. As the Minister has said, it is complementary to the amendment passed recently to the Crown Lands Act which will provide permanent tenure for people who have developed facilities in outback areas, including pastoral areas, throughout the State. It is necessary for power to be given under the Pastoral Act for the resumption from pastoral leases of land acquired for this purpose. Therefore, the Opposition has no objection to the Bill. We support the measure, because we know that it will lead to a desirable development in pastoral areas and help overcome a real difficulty that exists in towns such as Coober Pedy and Andamooka.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

GIFT DUTY BILL

Adjourned debate on second reading.

(Continued from December 3. Page 2955.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the Bill. I have for some time believed it is necessary for us to have a Gift Duty Act to cover an area of taxation which has been extant in the other States but not here and which will stop the avoidance of succession duty by a transfer of property *inter vivos*. It is clear that this was a loophole which needed to be cleared up, and I believe the Government has done right in introducing this measure. When the Treasurer introduced his Budget, I said that this was a form of taxation with which the Opposition was in agreement and that we would have introduced it had we been in office. We thought it was entirely necessary to introduce it at this time and, in consequence, we will give the Bill our support. However, one feature of the Bill worries me. We have always provided facilities for the placing of matrimonial property in joint names and to exempt from duty as far as possible the gift of a husband or wife to the spouse by the placing of property in joint tenancy.

This is a reasonable provision between husband and wife to provide the necessary security for a matrimonial property, and I do not think that situation is coped with in the Bill. I think there should be a specific exemption in relation to this particular form of transaction. I do not think this would detract from the general revenue-raising provisions of the Bill, but it would provide a necessary relief for families seeking to provide adequate security in small properties, particularly in house properties. I am not suggesting that an exemption should run to enormous sums or to large properties, but where a matrimonial home (an average suburban cottage) is put in joint names I do not think it ought to be subject to gift duty.

The Hon. G. G. Pearson: Have you a suggestion to make along those lines?

The Hon. D. A. DUNSTAN: Yes, we have had prepared an amendment at which, I suggest, the Treasurer might look. We have been to the draftsman about it. Having seen the amendment, I think it is in reasonable form and, if the Treasurer will look at it, it may be possible for us to reach some agreement. Apart from that one minor exception, I think the Bill is in proper form. I think it has been carefully drafted to cover all situations with which we have been faced in relation to gift duty. Consequently, I support it.

Mr. McANANEY (Stirling): I, too, support the Bill. No-one likes to see an increase in taxation or to see another form of tax introduced. However, if we are to have taxation, then it must be fair and equitable. As we have succession duties (which some of us do not like), it is only fair and reasonable that we should provide for gift duty to stop the people who avoid succession duties when large sums are involved. This tax is a necessary corollary to succession duties and, for that reason, I support the Bill. I support it, too, because it provides for the duty to be on a graduated scale, which means that reasonable gifts can be made without involving the payment of tax. Any person who really looks into the arrangement of his affairs will be able to transfer sufficient money during his life-time to maintain a living area on a farm or to maintain a small business or two-man business. If a person carries out the proper management of his affairs he can achieve this, and I believe it is proper to protect family interests and small businesses. If there is to be a tax of this type, I think the first people to contribute should be those who, for instance, had left to them a small parcel of Broken Hill Proprietary Company Limited shares 30 or 40 years ago and who now have an asset worth $3,000,000 or $4,000,000 and have made no contribution to public welfare

or anything else. That type of person should be affected before the type of person who wants to carry on a business of a reasonable size. As this Bill will be equitable in relation to all sections of the community, I support it.

Mr. CORCORAN (Millicent): I, too, support the Bill. I wish to speak mainly to support what the Leader said about the proposed amendment. I believe that, where provision has been made for the ownership of a house in joint names, it is fair and reasonable that such a transaction should be exempt from this tax. If this exemption covered properties in the range of, say, $6,000 to $10,000 in value, the situation would be covered. I am sure all members will agree that this would be desirable. I think that, in his wisdom, the Treasurer will see fit to accept the amendment. The member for Stirling said that he believed this area of taxation should be considered in the light of such taxes as succession duties. I have said previously and I repeat that the Government must face the fact that it must close some of the loopholes existing under the Succession Duties Act so that the application of that tax will be fairer than at present. I believe the tax proposed in the Bill is desirable. It applies in all other States and, indeed, the tax in Queensland is much higher than is proposed for this State, our rate being more in line with that applying in New South Wales and Victoria for various grades of gift made over a period.

Provision is also made in the Bill to exempt any gifts made before the Budget was introduced in September of this year. That is perfectly fair and reasonable because, before that date, people were not to know about this tax; a knowledge of the tax might have affected their decision on the amount of the gift. With these few words, I hope to impress on the Treasurer that the Opposition is genuine in suggesting this amendment, which is designed to protect what we consider to be perfectly fair and reasonable transactions. As it is sensible to put a house into joint names, that practice should not be hindered by the imposition of a tax of this type, however small that tax may be.

Mr. HUDSON (Glenelg): I support the Bill with the reservation already referred to by the Leader and the Deputy Leader regarding the creation of joint tenancy of a matrimonial home. As a matter of practice, it is often purely accidental whether or not, when a married couple first purchase a house, that house is placed in the name of the husband or in joint names. Should it be placed in joint names initially, no problem need ever arise but, in a case where it is placed in the name of the husband (and that is the most common case), at some later stage, if the husband wishes to convert to a joint tenancy, he has to do so by making a gift to his wife of half the net value (after any encumbrances) of his house. Should he make this gift in the normal way, he will find, even at present, that he has to pay Commonwealth gift duty on the value of the gift. Under the Bill, he would also have to pay State gift duty. That is a fairly severe penalty for circumstances which, in most cases, will have a rise largely as a result of an accidental arrangement at the time. For example, the house I partially own is in the joint names of my wife and me. However, we gave some consideration to this type of problem before deciding to do that. In most cases, when a married couple purchase a house, they do not consider whether or not it would be more appropriate to have that house in the name of one spouse or in joint names.

The amendment the Opposition intends to move will simply provide an exemption up to a certain limit. Where the matrimonial home is in the name of one spouse and where a gift has been made to the other in the creation of the joint tenancy then, up to a certain value, that gift will be exempt. I point out that anyone who fiddles with the law can probably get around the gift duty law legislation governing matters as between husband and wife, as long as the husband lives long enough. For example, the appropriate way to solve this problem is for the husband to sell to the wife his half interest and for his wife to give him an I.O.U. for the amount involved. Then, every 18 months the husband writes off $4,000 of the amount, saying to his wife, "I give you $4,000." If that is the only gift made to the wife in each 18 months, and provided that the husband lives long enough, the wife gets her joint tenancy without paying any gift duty. Anyone who is advised on how to avoid duty would probably do that.

The person caught is the one who wants to go about the matter honestly. In the last three years some of my constituents have encountered this problem, having created a joint tenancy with their wife in an honest and straightforward manner and subsequently discovering that, as well as paying stamp duty on the documentation and paying other fees, they also have to pay Commonwealth gift duty. They do not take kindly to that when

they realize that, when they first bought the house, they could have put it in joint names. Of course, by the time they are liable to pay the duty, it is too late for them to get around the problem.

These are not the types of person who are avoiding large amounts of succession duty: the amount involved is infinitesimal. These honest people do not know that a man who hopes to live for some years can create a joint tenancy with his wife by the phoney transaction of selling a half-interest to the wife and gradually giving her the amount of the debt created until the I.O.U. is eliminated. I consider that this proposal is, in the first place, just. It will not involve the loss of substantial amounts of revenue to the Treasury, and it leads to equality of treatment.

Mr. McAnaney: Are you talking of the Bill or of the amendment?

Mr. HUDSON: I am referring to the amendment.

Mr. McAnaney: There'll be plenty of time for that later.

Mr. HUDSON: I am referring to it now because of the difficulty I have with the Bill. I am criticizing the Bill in its present form. I point out, for the benefit of the member for Stirling, that under section 32 of the Succession Duties Act a joint tenancy passes by survivorship and the widow is entitled to the full exemption of $9,000. It is fairly typical, in dealing with succession duties, for a husband—

Mr. McAnaney: Don't waste your time explaining it. I know as much as you about it.

Mr. HUDSON: Mr. Speaker, the member for Stirling assumes that I am disobeying the Chair and transgressing Standing Orders of the House by addressing him rather than you. Through you, Mr. Speaker, I am addressing all members who care to listen, not only the member for Stirling. In succession duties, it is fairly typical for a husband to will to his wife assets in the form of shares and insurance policies which come under section 32 of the Act, providing for an exemption of $9,000, and also to leave her a joint interest in his house or farming property, which is subject to a further exemption of $9,000. Because this is so typical, by creating this amount of exemption in the gift duty legislation we are putting that legislation on all fours with succession duty legislation. We are not providing an exemption that protects an existing method of avoiding succession duty because this is already provided for.

The Treasurer has explained the necessity for making the provisions of the Bill retrospective to September 6, and we on this side support that retrospectivity. The Treasurer made clear in the Budget speech on September 6 that, as from that date, all gifts made in South Australia would be dutiable, and this Bill gives effect to that statement. It is perfectly normal for this procedure to be adopted in relation to taxation measures. The Commonwealth has often adopted it as a means of securing a fairly determinate amount of revenue in preference to having the escalation of revenues partly dependent on when the legislation is passed. As the Treasurer has explained, this procedure was also necessary in order to avoid a rash of gifts being made in South Australia at the last minute in the hope that they could have been made before Parliament passed the legislation. This is the only fair way of dealing with the matter. No opportunity should be provided for people to evade taxation by rushing gifts through between the date of the Treasurer's announcement and the date of operation of the legislation.

I think the Treasurer has been a little subtle regarding the comparison of the rates that he intends for South Australia with the rates in other States and in the Commonwealth sphere. The rates for South Australia, rather than being close to the Australian average (which the Treasurer's table shows them to be), will, at the levels of gifts up to a value of about $75,000, be the second highest in Australia. When one allows for a further factor, they will be the second highest in Australia up to a level of about $200,000. That further factor is that gift duty in South Australia will apply on all gifts whether they have been effected or evidenced by specific documents or not. Of the other States only Queensland applies gift duty in this manner. The other States apply gift duty only where gifts have been evidenced or made effective through the use of specific documents. It is only Queensland, and the Commonwealth Government at another level, which apply gift duty by this means: that is, by levying duty on all gifts however they are made and whether or not they require documentation to support them. That means that at equivalent rates applying throughout Australia the South Australian, Queensland, and Commonwealth gift duty would all be heavier than those in any other State if the rates of duty were equivalent, because the effective range of gifts that are being taxed is much greater than is the case in the other States.

So, when we compare the impact of gift duty in South Australia with that in other States we have to keep that fact in mind, and if we examine the Treasurer's table (keeping that in mind) we discover that the proposed rate of duty for South Australia will be second only to that of Queensland up to the level of a gift of $200,000. For higher levels of gifts the rates proposed for South Australia would have us lag behind the Commonwealth and New South Wales. So, two features are worthy of notice about the rates of duty proposed to be implemented by the Treasurer: at the lower level of gifts, which are still fairly substantial at up to $60,000 or $70,000, and, when one takes into account the range of documents involved, up to a level of $200,000, the rates of duty to be imposed in South Australia will make South Australia second only to Queensland, while for the very high-value gifts the rates in South Australia will put us in about the middle of the range and on a par with Tasmania and a little higher than Victoria and Western Australia. The Opposition draws the attention of the House to the fact that this means two things: first, the relatively heavier gift duty being imposed in South Australia than is imposed in most other States and, secondly, a kind of progression on the rates of duty that is not as progressive as in other States.

The relatively higher gifts are treated a little differently in South Australia from the way they are in other States. This arises, I suspect, from the need to bring together the rates imposed by way of gift duty and succession duty in South Australia. As we all know, the rates of duty on succession in South Australia are less progressive than those in almost any other State. It is important not to make the gift duty rate rise above the rate of succession duty: the succession duty rate sets the upper limit of the rate that should apply on gift duties, and the fact that our succession duty rates are relatively regressive has, I believe, resulted in a somewhat progressive flavour in the gift duty proposal. I do not see any way around that until such time as our succession duties legislation is amended.

I am pleased to see that the Treasurer and the Government recognize the fact that a substantial amount of succession duty is being avoided at present through the making of gifts. In the Treasurer's second reading explanation he points this out clearly when he gives information about the amount of Commonwealth gift duty levied for South Australia compared with that levied for Queensland; the fact that the amount of Commonwealth gift duty levied for this State, allowing for population, is much greater than for Queensland indicates that many more gifts are made in South Australia a head of population than in Queensland. This again indicates the extent to which succession duty is being avoided in this State by people taking advantage of the fact that there is no State gift duty.

In one sense, this is extraordinary legislation. It enables us to thieve some money from the Commonwealth Government. Perhaps I should not use the word "thieve"; "divert" might be a better word. I have no doubt that, as a result of this legislation, fewer gifts will be made in South Australia and, therefore, the Commonwealth Government will receive less revenue in the form of the Commonwealth gift duty. Later, as a result of fewer gifts being made, South Australia will get more revenue from succession duty, so one effect of the legislation, apart from its effect in raising revenue directly in the form of gift duty, is to transfer Commonwealth gift duty into State succession duty revenue. I hope that all Government members will be delighted at that prospect. No doubt the Treasurer and the Premier are particularly delighted that, while they are not getting a fair deal from the Commonwealth Government in relation to income tax reimbursement grants, they can at least impose this duty which will result in a reduction in gift duty revenue to the Commonwealth Government, so that later the State will receive increased revenue in succession duty.

I know of few other means of diverting revenue from the Commonwealth to the State. Indeed, I can think of only one other way, which has been adopted many times in this State and which has had an effect socially on our tertiary education: that is, by raising university fees. This is another way of diverting Commonwealth Government revenue to the State, or getting the Commonwealth to pay more to the State, because the increased fees imposed means that more is contributed towards the cost of running universities from fees and less from the State Government and, at the same time, some of these increased fees are paid by the Commonwealth Government for Commonwealth scholarship holders. So this is another illustration of the same type of thing.

This Bill also recognizes the need to close loopholes in the succession duties legislation, and the Treasurer, in his second reading explanation, apologizing for this detailed

legislation, explained that it was necessary to have complicated legislation on this matter in order to protect the Crown revenues and to ensure reasonable equity between one citizen and another. In other words, if there are any substantial loopholes in this legislation, the smart cookie devises ways and means of taking advantage of them and gets treated differently from other citizens who make gifts. In his second reading explanation the Treasurer recognized the need for equality of treatment and, therefore, made his legislation complicated, in order to devise ways and means in his initial legislation of getting around all those loopholes that have been thrown up elsewhere in Australia. In a real sense, so far as this legislation is concerned, Australia is the Treasurer's shopping basket: he can select the best from the legislation in other States to ensure that there are no real loopholes in our own legislation. In his second reading explanation the Minister makes an important point when he says that the objective of these provisions is to remove the advantage for a prospective taxpayer in undertaking the procedures involved rather than to deal with them as they occur. They will have most efficiently accomplished their objective if they are not in fact implemented. In other words, if the word gets around that the legislation on gift duty in South Australia has been drawn up so that there is no real loophole or so that the cost of undertaking certain measures to try to minimize gift duty is so great that it is not worthwhile anyone trying to take advantage of these loopholes, many of the complicated provisions of the Bill need never be effectively brought into use, because no-one will try to avoid payment of duty. I hope the Treasurer's wish in this matter will prove to be correct. However, I suspect that the ingenuity of man, and the ingenuity of the learned legal colleagues of the Attorney-General and of the member for Angas in particular—

The Hon. B. H. Teusner: And of the Leader of the Opposition.

Mr. HUDSON: Yes, we cannot leave him out of this. Men with their ingenuity will be up to the task of even finding some devices that can cope with the complications of this legislation. I hope that is not the case, although I suspect it will be the case, knowing the records of those learned gentlemen in matters relating to the avoidance of taxation. I suspect we will be confronted with similar problems in the future in respect of gift duty. I think it is important to start off with legislation that aims at stopping up all possible loopholes, and I for one fully support the Treasurer on what he has done in this matter.

It is not often that the Opposition is in agreement with the Treasurer on a financial matter. The Opposition, while in Government, must, I presume, have given some thought to this matter but decided to test it at election time by announcing a gift duty as part of Labor's policy. I do not believe that that cost the Labor Party any substantial number of votes at the election, as I do not think it was really an issue. Further, I do not think that this piece of legislation will involve any substantial loss of votes. The glum faces on the Government side indicate that many Government members are currently feeling they will have to do some explaining to their farmer friends.

Mr. Hurst: Do you think they will get caught up with it?

Mr. HUDSON: There will probably be some pressure brought to bear on them, and I should not be at all surprised to see some weird amendments moved in another place. Their erstwhile colleagues in that place try to secure special advantages for their friends and the other interests represented in that place.

Mr. Burdon: A solicitor told me last week that pressure was already building up.

Mr. HUDSON: I am certain that is the case. After all, what the Bill does is to take away some of the practice of certain people in the community who are earning money advising people how to dispose of their property in order to avoid succession duties, and what the Treasurer has done is to take away part of their livelihood. They will have to learn the subject over again and find other ways. This was the main source of opposition to the previous Government's succession duties legislation: the most effective opposition came from the people who were using the existing Succession Duties Act to the fullest possible extent.

Mr. Burdon: They will now get it where the chicken got the axe.

Mr. HUDSON: Yes, I hope the Government, so far as this legislation is concerned, will impose some discipline on its members in another place. It already seems there is no hope for any reform of the Legislative Council franchise. There are strong rumours floating around that the Premier's colleagues in another place intend to substantially amend or reject the electoral provision proposals.

The SPEAKER: Order!

Mr. HUDSON: I think it is important that the Premier consult his colleagues in Cabinet and demand of the three who are in another place that they lay down the law to their colleagues there to deliver the goods in terms of votes, not only for his financial legislation because it is important to get it passed but also for the electoral proposals which this Chamber has passed.

Mr. Hurst: Would you say this Bill will raise the revenue to pay the extra members of Parliament?

Mr. HUDSON: I do not know about the way another place carries on. Sometimes when they debate matters in an extensive and difficult way they have one speaker a day on a matter, then have a get-together and say, "That's enough, fellows. Let's adjourn today until tomorrow."

Mr. Lawn: They debate the electoral legislation for 10 minutes and then adjourn.

The SPEAKER: Order! There is no mention of electoral proposals in this Bill.

Mr. HUDSON: No. If I could gain your support, Mr. Speaker, for such reform we might consider moving a contingent notice of motion to enable the appropriate clauses to be included in the Bill. However, I would be out of order in discussing those.

Mr. Lawn: That club up there wants abolishing.

Mr. HUDSON: I will try to make clear to the House and to the public of South Australia that the fact that most members in this Chamber agree with the principles involved in this legislation will not guarantee its passage through the archaic institution we refer to rather inappropriately as "another place". I think it is important on these matters that the public should be made aware of this fact and that the games the members in another place like to play with legislation that has been agreed to by the representatives of the great majority of people in South Australia are given full publicity and that pressure of another kind is brought to bear on the gentlemen to see to it that they show some awareness of popular feelings and attitudes, at least for a part of the time. We know they are incapable of doing it all the time, but if they only did it for part of the time—

Mr. McANANEY: On a point of order, Mr. Speaker, the Upper House is not a question relating to this Bill.

The SPEAKER: I must sustain the point of order. The member for Glenelg should get back to the Bill.

Mr. HUDSON: Thank you for your ruling, Mr. Speaker. I also thank the member for Stirling for waiting to take his point of order until I had finished my remarks on this matter. I hope that when the Bill reaches Committee the Government will agree to the proposals we are putting forward on exemptions in the creation of a joint tenancy of a matrimonial house. I point out to members opposite that the Opposition's amendment applies—

Mr. McAnaney: How do you cover a matrimonial farm home?

Mr. HUDSON: It is covered in the amendment. I was about to point that out for the benefit of the member for Stirling. The Opposition's proposal refers to a gift which includes the value of an interest in a house which is the principal place of residence of the donor or his or her spouse at the time of making the gift. If a joint tenancy is created in a farm and if that joint tenancy, or the gift, includes an interest in a house on that farm, and the house is the principal place of residence of the donor or his or her spouse, that comes under this proposal. Therefore, the amendment applies equally as well in the rural areas as it does in the metropolitan area.

Mr. Hurst: That shows our consideration for the man on the land.

Mr. HUDSON: Quite. I point that out, because I know members opposite, here to represent the rural interest above all else, will be pleased to know that our proposal looks after their friends also. With the reservation about the creation of a joint tenancy in the matrimonial home, I support the Bill and hope it will be passed by this House.

The Hon. B. H. TEUSNER (Angas): It seems that South Australia is the last of the States to introduce a gift duty, the other States of the Commonwealth having been in this particular field for some time. The Commonwealth Government, too, has been in the gift duty field for many years. I recollect that originally Commonwealth gift duty was levied in respect of any gift over £500 (now, of course, $1,000), and that was so until the immediate post-war years when the exemption from gift duty in the Commonwealth field was increased to $4,000. At present, gift duty at the rate of 3 per cent is levied on any gift in excess of $4,000 and up to $20,000,

and from $20,000 upwards there is a progressive increase in the rate of gift duty; that is, duty is paid at a rate above 3 per cent. This Bill and the schedule that has been provided by the Treasurer to members indicate that the gift duty in South Australia in respect of gifts in excess of $7,000 will closely follow the average of the five other States. Indeed, it is quite apparent from the schedule that in respect of a gift of $7,000 the average gift duty for the five other States is $305, and the South Australian duty is also $305.

Looking at the other figures above $7,000, one will find that the gift duty proposed to be paid in South Australia is either the same as the average for the five other States or different only by a few dollars. Therefore, the sum proposed to be levied in South Australia is fair and reasonable if one considers the average of the five other States. Concerning gifts below $7,000, it is apparent from the schedule that, taking into account stamp duty on conveyances, ours is considerably below the average of the other States. I rose primarily to speak to the Bill because of certain remarks made by the honourable Leader of the Opposition who suggested that, although the Opposition favoured the Bill, there should be an exemption concerning gifts between husband and wife in so far as such gifts would be an interest in a house or a cottage in which both husband and wife resided and I am sympathetic to that viewpoint. Throughout the debate, reference has been made to a house being owned in joint tenancy by a husband and wife, perhaps having been paid for by the husband, and to half the value being treated as a gift to the wife. I think the suggestion should go further and should include not only a purchase made by a husband in joint names of the husband and wife but also a house property that is purchased in the names of a husband and wife as tenants in common.

Honourable members will know that a house property that is owned in joint tenancy passes by survivorship. Assuming the husband dies first, the wife automatically succeeds, by survivorship, to the entire property on the death of her husband (that is, if the property is in joint tenancy), but there are many cases where a house property is purchased by a husband and is transferred into the name of the husband and wife as tenants in common. In such a case, if the husband or wife dies, the survivor does not automatically succeed to the property by survivorship; each spouse can devise the property under will to the other or to whomsoever he or she desires to devise it. I consider that if it is intended to grant an exemption from gift duty in the case of a house property owned by husband and wife in joint names, then such exemption should include also a house property that is owned by husband and wife as tenants in common. I understand that an amendment has been drafted, but I have not had time to study it, If the House considers that an exemption should be made, then I believe it should go further than joint tenancy and should also include ownership of a house property by husband and wife as tenants in common. With those few remarks, I have much pleasure in supporting the Bill.

Mr. GILES (Gumeracha): I want to say something about my feelings towards this Bill and towards succession duties and probate. The rural community is greatly concerned by the fact that impositions are placed on a person, who receives a property after his father's death or has a property given to him, that are a big burden on that person. The statistics available in South Australia show that a highly valued property does not return a great percentage to a farmer, irrespective of his efficiency. Figures have been quoted before which show that the most efficient grazier can earn only 3 per cent on the value of his property.

Mr. Venning: He must do the work himself to get that.

Mr. GILES: Yes, that takes into account his own wages. Because of today's inflationary conditions, properties are valued at a high rate indeed, and the amount of money that can be earned from a highly valued property is relatively small, considering the sum invested in the property. This means that, if a father dies and leaves a property to his son, without having previously made over any part of the property to him, the son is up for a big bill in the way of succession duties and probate. Because of the low earning capacity resulting from the economic conditions, the son must either sell a part of the property or go steeply into debt to pay that bill.

This Bill worries me greatly, as I think it worries any thinking person who has anything to do with rural properties. Admittedly, perhaps there should be no advantage in regard to gift duty in this State over conditions applying in other States. The duty proposed in the Bill will add to the cost involved when a gift

of land or money is made by a person to his offspring. The sum involved in this case will be less than that involved in succession duties or probate, but it will mean an additional burden on the person receiving the property. I am worried that the future of our primary industries could be at stake as a result of the high impositions placed on them not only in this way but also by other means. It appears that the primary producer is the last person in the chain of charges. As his market is regulated by supply and demand, in many circumstances he cannot pass on his costs. We are told that primary industries should become more efficient, and this may be a solution to the problem for a short time. However, once the cost of production (which continues to rise) catches up with the improved efficiency of the farmer, where do we go from there?

Mr. Venning: We are in trouble again.

Mr. GILES: We are back where we started. If the price of his produce does not increase, the farmer has no answer. As primary produce is important from the point of view of Australia's oversea income, I think we must look further and find a proper solution to the problem, instead of just a stop-gap solution such as improved efficiency.

As we can see in the table provided to us, the duty proposed in the Bill represents about the average of the duties in the other States. If we have to pay gift duty, then I do not suppose we can growl about the rate of duty in the Bill. However, I disagree with the idea of extra burdens being loaded on to primary producers. I believe we must soon have a close look at the situation of people on the land, as they are an important section of the community. We must see what we can do to stabilize all primary industries so that they become an economic community. Many stock firms have said that they have more money on their books than ever before. If our primary industries are economic, why is this the case? We are finding it more difficult to make a profit from primary production and, as primary produce is an important export earner, we must watch this situation closely. I wanted to say what I have said, because I have felt for some time that the interests of the rural community have been somewhat overlooked. I reluctantly support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Remission of gift duty under $5."

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

Before "Where" to insert "(1)"; and to insert the following new subclause:

(2) Where—

(*a*) the value of a gift that is subject to duty includes the value of an interest exceeding four thousand dollars but not exceeding six thousand dollars in a house (being the principal place of residence of the donor and his or her spouse at the time of the making of the gift) given by the donor to his or her spouse, there shall, for the purpose of ascertaining the duty on such gift, be deducted from the value of that gift the amount of such interest in excess of four thousand dollars;

and

(*b*) the value of a gift so subject to duty includes the value of an interest exceeding six thousand dollars but not exceeding ten thousand dollars in a house referred to in paragraph (*a*) of this subsection given by the donor to his or her spouse, there shall, for the purpose of ascertaining the duty on such gift, be deducted from the value of that gift an amount equal to the difference between two thousand dollars and half the amount by which the value of the gift exceeds six thousand dollars.

The purpose of the new subclause is to enable the normal matrimonial home to be put in joint names without payment of gift duty. As members will know, in many cases a house is in the name of one or other spouse at first registration, and then a decision is taken that, for security purposes, it should be put in joint names. In these circumstances, I believe it is not advisable or proper for us to assess gift duty where a security of that kind is being provided in the family. I believe this is one particular exemption that we should provide for in the circumstances. As this matter has been debated many times before in relation to succession duties, I think it has been adequately debated for most people to have the issue clearly in their minds.

Mr. McANANEY: I oppose the amendment. The Bill as introduced applies gift duties in a way that affects all sections of the community fairly, but this amendment could create all sorts of complication, as in the case of people who live in Government houses or bank houses, save up $10,000 and, when they retire at 65, buy a house, and who would not get this advantage. I think this is a political move whereby the Opposition is trying to convince us that most people will be

involved in the exemption proposed. However, how many people have a half equity in a house to the value of $4,000? About half the people who die in South Australia each year do not have estates at all, and only 10 per cent have an estate worth over $10,000. The exemption would therefore apply to only a small section of the community, and that section would include the wealthier people, whom the Opposition generally advocates should be hit the hardest. The member for Glenelg said that the exemption would cover country houses as well. However, although valuations are made of country houses, as they usually involve a large block of land valuations are most difficult. Although I believe in encouraging people to own their own houses, I point out that not many people have an equity of $8,000 in a house. Therefore, I can see no purpose at all in the amendment.

Mr. HUDSON: I point out that this matter is likely to become relevant for individuals when they are getting on in years and when the fact that the house has been in the name of the husband and not in joint names starts to impinge on their consciences as not a wise decision. It is at that stage that their equity in the house is likely to have built up. I agree with the member for Stirling that, for most people newly married or for people who have had a mortgage on a house for only eight to 10 years, the equity is unlikely to have exceeded $8,000. However, in most cases of people of the age of 55 years or 60 years the mortgage on a particular house has been outstanding for 20 years or more. I think it is relevant that the person who wants to be smart in relation to this matter can always avoid the payment of gift duty, when a joint tenancy is created on something like a house, by the simple procedure of selling a half interest to his wife and accepting an i.o.u. from her which he writes off at the rate of $4,000 every 18 months. If the husband lives long enough to wipe out the indebtedness, he can pass the joint tenancy to the wife, free of duty. This is done to avoid Commonwealth gift duty, and will continue to be done. It could be a way around the gift duty provisions of this measure. The only problem about it is living long enough to eliminate the indebtedness. The justice of the matter comes from the fact that a person who is caught by Commonwealth duty and would be caught by this Bill in regard to State duty is typically the person who does not move in circles in which the smart ways of getting around duties are known. He asks someone to prepare necessary documents for joint tenancy and then the Commonwealth levies its duty and, under this Bill as it stands, the State would levy duty.

The need to pay duty comes unexpectedly to people. One of my constituents, a pensioner, could not pay the duty and had a real difficulty, particularly as the Commonwealth department had valued the house and the equity at what was probably an unfair level compared with market values. The creation of a joint tenancy in the matrimonial home is a peculiar type of case in that it occurs once only. The same position does not arise when someone tries to divest assets to another person whom he expects to predecease. The amendment is equitable and just, and our succession duties legislation contains a similar provision.

The Hon. G. G. PEARSON (Treasurer): I move:

That the Hon. D. A. Dunstan's amendment be amended by striking out "ten" and inserting "eight", and by striking out "half".

There is much substance in what the honourable member has said. Nevertheless, as is always the case in matters of this sort, there is more than one opinion on what is wise, desirable or just. I am prepared to accept the amendment if it is amended as I have moved. This sort of concession is not entirely without precedent, because during the time I have been in Parliament we have granted exemptions in the Land Tax Act and other legislation relating to property in order to protect the interests of people who, perhaps, are hard-pressed to maintain the outgoings involved in small properties. I have no quarrel about the equity of the amendment, but the main reason for my reluctance about accepting it is that the insertion of such a provision opens the door to people who seek a similar provision in other legislation. The Government will not consider the further extension of exemptions but will accept this exemption with the modifications I have suggested. I hope that all members of the Committee adopt that attitude.

The Hon. D. A. DUNSTAN: I am grateful for the Treasurer's co-operation and am pleased to accept the amendment to the amendment. The Treasurer has been most helpful in obtaining a Bill that will have the support of all members. The Opposition considers that the Bill in its amended form is one that it can wholeheartedly support here and in another place, and we will do our best to see that the Bill passes, because it is an essential measure for the benefit of the State.

Mr. McANANEY: I am not satisfied with the arguments advanced by the member for Glenelg. Young people are enlightened enough to have joint ownership of their houses, and most lending authorities advise them to do that. The member for Glenelg said they would not take advantage of the ways of avoiding succession duties. To avoid succession duties by making gifts, they would have to get the assistance of a lawyer, but the honourable member said they would not know about this. If this concession is granted to them they will have advice and take this action. Legislation should be fair and reasonable, but I cannot see that this concession is either of those things. No concession is being made to poorer people, but one is being given to those possessing more assets. I oppose the principle of this concession: it will not cost the Treasurer much, because it will happen rarely, but that emphasizes my point.

The Hon. G. G. Pearson's amendment carried; the Hon. D. A. Dunstan's amendment as amended carried.

Clause as amended passed.

Remaining clauses (12 to 54), schedule, and title passed.

Bill read a third time and passed.

ABORIGINAL LANDS TRUST ACT AMENDMENT BILL

In Committee.

(Continued from November 28. Page 2880.)

Clause 2—"Power to transfer lands to Trust".

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

In paragraph (*a*) to strike out "or for such lesser estate or interest as he may limit or state in the proclamation".

The basic proposal was to provide an estate in fee simple to the Aboriginal Lands Trust, not a lesser estate or interest, and to provide security of title, which the Aborigines understood they would get. That was one of the purposes of the Aboriginal Lands Trust Act, not merely to provide for the establishment of a trust, so that the Aborigines could say, "These are our lands and they cannot be removed from us by any mere administrative act." It was intended that removal must be by either compulsory acquisition of land or some specific Act, so that the matter could be discussed publicly. It was not intended that land could be removed as it had been removed by proclamation from the reserve at Point Pearce, and in instances in Queensland, Western Australia and Tasmania. Something less than an estate in fee simple could be only a licence that could be removed at will by a Government. Consequently, I do not consider that these words should be in the measure: they could be a means of destroying the whole basis of the legislation.

The Hon. ROBIN MILLHOUSE (Minister of Aboriginal Affairs): I see the Leader's point and would like to make one suggestion. However, first I want to explain that the Bill has been introduced as a result of an opinion sought by my predecessor in office and obtained for him from the Crown Solicitor by my other predecessor, the present Leader of the Opposition, when he was Attorney-General. The purpose was simply to put beyond doubt the power of the Crown to vest land in the Aboriginal Lands Trust, because of what was perhaps an imperfection in expression in the Aboriginal Lands Trust Act as it stood.

The Leader and the member for Whyalla (Hon. R. R. Loveday) probably remember that the Crown Solicitor, in his opinion, advised that these amendments should be made to put beyond doubt the power of the Crown to transfer. The opinion (and I have read it again in the last few minutes) suggests that it may be that the Government would not want to include the words that the Leader has moved to strike out. In fact, they were included because at the time I thought it advisable that they should be included. However, I can see that it is a theoretical possibility that what the Leader has put trenchantly could happen, and we do not want that to happen.

I suggest to him that, perhaps, rather than strike out the words, the best solution would be to vary the words to make clear that the Crown may transfer to the trust whatever title it itself has. In most cases, the title will be fee simple. If we left these words out, there would be no doubt about it being fee simple. However, in some cases, as the Leader has said in his second reading speech, the Crown may desire to transfer to the trust a lesser interest than it has. I think we could get over this, and I had hoped to have the opportunity to mention the matter to the Leader before the debate came on. The Leader may be able to make up his mind straight away on my suggestion but, if necessary, we can adjourn the debate while he considers it. If we were to insert "or for such lesser estate or interest as may be vested in the Crown", that would make perfectly clear that the Crown could

transfer all that it had, and I think it would remove the Leader's objection that the Crown may be able to take back what it has given if we leave the provision in the form in which it has been introduced.

The Hon. D. A. DUNSTAN: Yes, I think that would serve the purpose, if the words were "for an estate in fee simple or for such lesser estate or interest as is vested in the Crown".

The Hon. Robin Millhouse: I used the words "as may be vested".

The Hon. D. A. DUNSTAN: That could possibly import some degree of administrative action.

The Hon. Robin Millhouse: I think it is only the correct tense, but it does not matter.

The Hon. D. A. DUNSTAN: If it were put as I suggest, I think that would achieve the objective. If the Minister likes to move accordingly, I will withdraw my amendment.

The Hon. Robin Millhouse: Yes.

The Hon. D. A. DUNSTAN: I ask leave to withdraw my amendment.

Leave granted: amendment withdrawn.

The Hon. ROBIN MILLHOUSE moved:

In subclause (*a*) to strike out "he may limit or state in the proclamation" and insert "is vested in the Crown".

Amendment carried.

The Hon. ROBIN MILLHOUSE moved:

In paragraph (*b*) to strike out "is limited or stated in the proclamation" and insert "is vested in the Crown".

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment. Committee's report adopted.

HARBORS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2881.)

Mr. RYAN (Port Adelaide): Last week I spoke briefly on this Bill, the like of which I have never seen in this House since I have been a member, because it contains 17 drafting amendments. Obviously, it is not good legislation when 17 amendments have to be introduced. When we consider the previous Bill as it reads before this amendment we find it to be laughable, because section 126 (3) as it now reads, provides:

The Minister shall at all times keep exhibited in front of the principal office of the Minister a Minister having painted or affixed thereon lists of all dues, charges, and rates payable for the time being . . .

Other aspects of the Bill are amazing in view of the debate in this Chamber yesterday. In 1966 when the Labor Party was in charge of the Treasury benches it introduced a Bill making drastic changes to the administration of the then Harbors Board. It was solidly supported by every member of the then Government and equally as solidly opposed by every member of the then Opposition, now Government members. Now, we see the Minister requesting amendments to provide that certain powers be conferred on him, but he strongly opposed this suggestion in 1966. The Premier, then a member of the Opposition, said in the debate in 1966:

We strongly resist the change mooted . . . I oppose this attack on this most successful institution, which has given long service to the State.

The present Treasurer, who had a long-standing administration of the Harbors Board, as it was, also said:

Taking the interests of the State as our primary concern in this matter, I believe that we shall be going backwards if we decide to accept the Government's recommendation to abolish the board.

The member for Stirling said:

I oppose the setting up of Ministerial control. . . . It will be necessary to have another Minister to do the job efficiently. Yet I do not see how he can, because he is not in touch with the latest business procedure and administration as the leaders of business are. . . . A change of ideas in any organization is necessary, but can be achieved only in a board of this nature, rather than in a department under a Minister's control.

When the Bill was debated in 1966 the present Premier called for a division which was voted on purely on Party lines, with Government versus the Opposition. The present Minister of Marine was one of those who strongly opposed the Bill, and it is recorded in *Hansard* that he voted against the measure then. Yet, we find that right through this legislation the powers that were vested in the board will now be vested in the Minister. I have agreed with this all the way. I have spoken on many occasions in this House but have never done a somersault the way members of the Government have done today. The present Minister of Marine has probably performed the greatest somersault of any member of this House by introducing this amendment. The Minister may laugh, but it is a fact that, as the member for Torrens in Opposition during the previous Government, he was adamant that the control of this department should be vested in a board

and not in the Minister. Yet, practically every line and clause in the amendment vests the power in the Minister.

Mr. Corcoran: When things are different they are not the same.

Mr. RYAN: Absolutely: consistency in Opposition, but when in Government, "Do not take this away from us." If the Government and the Minister were sincere in this matter an amendment would be introduced to change the department back to a South Australian Harbors Board. That was the Government's attitude in 1966, but now we see the Government wants the powers once vested in the board to be vested in the Minister. I do not have to do any somersaulting nor does my Party generally have to do any somersaulting: any somersaulting is generally done by the present Government and, especially, by the front benches. The Minister's name is shown prominently in the division on the Bill in 1966 when he passed over to the Noes side that voted that the power of the board should not be vested in the Minister. I know what his attitude is now, because he has introduced this amendment. Regarding the Attorney-General, when he eulogized a certain person, I think the Bill clearly shows why this person was told, "You are on your way out", because if it is necessary to bring in 17 amendments and to say in the Bill, "The Minister shall keep exhibited at his office a board having painted or affixed thereon lists of all dues, charges and rates payable from time to time", there is something wrong in some Government department.

Mr. Hurst: He has not been doing his job.

Mr. RYAN: As far as the Act is concerned, there would be no legality in it, and there is no legality in it until the amendment is carried by both Houses, because the powers are still vested in the board. In a legal case there is no validity in the Act as at present drawn. The Minister knows this amendment must go through so that the functions can be legally carried out by the Marine and Harbors Department. Regarding the 17 mistakes made in the previous amendment, it is not much good saying that this was the responsibility of the Minister at that time. The Minister has certain people working under him and, if they do not carry out the duties for which they are paid, the Minister could not be responsible for the wording in the Bill. I pointed that out the other night when I drew attention to a mistake in a Bill similar to this one. There are two main clauses, other than the drafting amendment. One of the two main provisions in the Bill is clause 6 (*c*), which provides:

(*c*) by inserting after subsection (2) the following subsection:

(3) The Minister may, by notice published in the *Gazette*, declare that any such water or other reserve, jetty, pier, wharf or breakwater shall be vested in a council and thereupon it shall become and be vested in the council, and shall be under the care, control and management of the council and shall cease to be under the care, control and management of the Minister.

We all realize that under the present agreement between the department and the Glenelg local government authority there is no legal authority where the jetty may be handed over to the local government authority. While this is a blanket section, I believe there could be other similar positions where the Minister could act under this provision. Over the years, the jetties, especially those along the sea front and in country areas on the sea front, were of revenue value to the Government, but today they have become a distinct liability to the Government. I think all members have had some experience where the department has had to cut its cloth according to its expenditure on something of no value to the State. Now the Minister has the authority, he should look at other jetties, breakwaters and piers, because they are all included in the Bill, and consider that some of these may be of some tourist attraction if the local authorities had the power of ownership vested in them. We know that local government authorities make all the representations when they consider that some necessary maintenance work is required on something they consider a tourist attraction.

I do not think that anyone would deny that jetties have a certain prominence as a tourist attraction in any locality, but if the local council had the power vested in it, it would make greater efforts to use the attraction as an added benefit and, probably, as a source of added revenue, because at present there are jetties that have had to be reduced in size to reduce the cost of maintenance. I suggest to the Minister that he consider handing over some of these jetties, provided they are acceptable to the local government authority, as a means of attracting tourists. I am opposed to any wharf used for any industrial purposes being handed over to any private enterprise, and I think the Minister is well aware that public opinion would be against the department's doing this, as we should retain whatever wharves we have. I agree with the amendment's intention and, generally, I support the Bill.

The only other consequential alteration is the one dealing with Sunday work. At one time, it was debatable whether Sunday should be a working day in this industry, but in recent years modern requirements have necessitated a different outlook on this matter. I agree that today the relevant provision probably results in only a book entry as to whether this work should be done. It is an added cost to the State; it is not necessary; and it does not achieve very much. I support the Bill.

Mr. HUDSON (Glenelg): I support the Bill. Of the two main provisions in the Bill, I wish to speak only briefly about the matter affecting the jetty at Glenelg. Under the previous Government, I was concerned with the negotiations that went on between the Glenelg council and the Government regarding the construction of the Glenelg jetty, and at that time it was agreed that the jetty should be vested in the council and that the Harbors Act should be amended accordingly. I support this particular change, largely for the good reason that a jetty-type construction may well be a local facility that leads to the establishment of other local facilities connected to the jetty. If the council has control over the jetty and owns it, there is no problem about ancillary work being undertaken in relation, say, to the provision of swimming facilities ancillary to the jetty, in relation to providing a kiosk or restaurant, and in relation to the overall control of the jetty and its use.

The Brighton jetty, which is still under the control of the Harbors Department, contains some rather out-of-date notices relating to the use of bicycles and to other matters. No-one pays any attention to such notices, nor are they ever enforced, and I imagine that we would find quite a few archaic things associated with jetties in South Australia if we went into the matter at all fully. I think this provision will give the Government of the day power to make sensible decisions relating to any of these facilities, and it will mean in the case of the Glenelg jetty that, should the local council wish to develop the facilities associated with the jetty in a particular way, it can go ahead and do so; it does not have to go through the often cumbersome procedure of obtaining the permission and approval of the Harbors Department for work to be carried out. After all, the Glenelg jetty is very much a tourist facility (it is not particularly a harbour facility), and it is constructed at a place where important tourist facilities are now developing. The whole fun fair at Glenelg which is being rebuilt and resited and will open shortly, and the Colley Reserve area, which has been entirely redeveloped, are near the jetty, and there has been extensive building of one sort or another along the seafront near the jetty in relation to the Glenelg Sailing Club, the Glenelg Surf Life Saving Club, the Glenelg Lacrosse Club, and so on.

We have, therefore, in stages of development at Glenelg a tourist complex, and I believe that in the years to come that area will once again be one of the main tourist centres for South Australia. I think that we are going to see the development of multi-storey apartment buildings along Colley Terrace and along the Seawall south of the Pier Hotel. We may even see the development of extensive tourist accommodation as well but, one way or another, in the next few years we will see an extensive rebuilding of the older part of Glenelg and a tremendous change in its whole aspect. I refer also to the redevelopment of the area immediately adjacent to the jetty incorporating the Glenelg Town Hall, the series of cafes, some of which have been taken over by the Police Department for extension of its premises, the courthouse and existing police building, and the Glenelg Post Office. The council has been trying to get agreement for the reconstruction of this whole area and for the establishment of a community centre, and, of course, that means further development in this particular area, again emphasizing the way in which this part of Glenelg can be used to attract people and to provide facilities for the local community.

The jetty becomes very much an extension seawards of community and tourist facilities that are provided on the shore immediately adjacent to it, and it is to be thought of in that connection. In this regard, it is most appropriate that the jetty should be under the control and care of the local council. I hope the current Government, in relation to the establishment of this community centre, will see its way clear to associating itself with the Glenelg council possibly in an approach to the Commonwealth Government to incorporate in the plans the rebuilding of the post office, so that the whole area which, in part, is rather an eyesore can be redeveloped in a way that provides a facility not only for the local community but also for the people of the State and for all visitors who come to Glenelg.

We have seen the beginning in the Glenelg area in recent years, first of all, of extensive tourist accommodation being re-provided in a new and better form. Further, we have seen the development of extensive accommodation

for elderly citizens. Last Sunday I attended the opening of the Murray-Mudge settlement, a first class residential which has been erected by the Central Methodist Mission and which will provide accommodation for about 120 elderly people either in pensioner flats or in an infirmary. This means that we are dealing with an area which is in the process of altering its character almost entirely. It is not going to be particularly a residential area for young families but it will be an area that provides extensive tourist accommodation of a high standard and an area that is a residential one for elderly people and for those who desire flat or home-unit accommodation. In these circumstances, I believe that the Government should do everything possible to encourage the efforts of the Glenelg council to hurry along this development and to ensure that it takes place in a rational and sensible way. For these reasons, I particularly commend this measure to the House. While it is not directly related to the point, it will nevertheless, I believe, be the first step in the complete re-establishment of Glenelg as the most important tourist centre in South Australia.

The Hon. J. W. H. COUMBE (Minister of Marine): I appreciate honourable members' support for the Bill. I wish to refer to one or two important points raised by the member for Port Adelaide (Mr. Ryan). Regarding South Australia's country outports, it has been the experience over many years, as he pointed out, that, whereas jetties were put up in the early days of the State to provide for communication and an outlet for products which were, in those days, revenue producing, this is no longer the case. At many of these outports, the cost of maintaining the jetties has been so high that the department has in some cases been forced either to fence off the outer part or demolish the asset. Many approaches have been made by the councils concerned to see whether the department could lease that facility to them, and this has not been possible. The main purpose of this provision will be to achieve what the honourable member has referred to, and this will be the case at Glenelg. I assure the House that this particular circumstance will be widely accepted by many country councils at some of the more remote outports. It will be the intention of the Government and of the department to foster this action.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Control over waters and jetties, etc."

Mr. RYAN: Although I agree that the reference to "wharf" in paragraph (*c*) may be necessary to overcome some future eventuality, will the Minister give an assurance that this provision will not be used so that the wharf being used for industrial and commercial purposes can be handed over to any authority other than the Crown?

The Hon. J. W. H. COUMBE (Minister of Marine): The explanation is simple: the department would certainly not lease a wharf used for industrial purposes because, if it did so, it would immediately cease to receive money from levies or charges. Therefore, the honourable member has that assurance.

Clause passed.

Remaining clauses (7 to 28), schedule and title passed.

Bill read a third time and passed.

FRUIT AND PLANT PROTECTION BILL

Returned from the Legislative Council with amendments.

EXPLOSIVES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

POOR PERSONS LEGAL ASSISTANCE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PRISONS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2872.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the Bill.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 28. Page 2872.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the second reading but I consider that some provisions will require amendment in Committee and that some additional matters should be discussed at that

stage. Unfortunately, we are not able at present to have our amendments on file. I appreciate that, during the second reading stage, one cannot discuss proposed amendments, but it would be helpful to members if they had some forewarning of them. Instructions have been given to the draftsman but I appreciate that he is under considerable pressure and has been unable to complete the amendments, although he hopes to have them ready this evening. I have also had representations from beyond the Parliament on various aspects of the measure and I consider that, in consequence, amendments should be made.

I want to deal with the provision that postal voting can take place by means of an authenticated mark and that a witness can carry out certain of the duties of postal voting for an elector who is not capable of carrying out those duties himself. Frankly, because of the myriad of complaints that have been made about the influencing of postal voting at past elections, even in present circumstances, I consider it most unwise and unwarranted to extend the area in which misuse can take place. In my district there are about 20 or 30 homes for elderly people, including people who have previously been in a mental institution, and I have had many complaints about what has happened in connection with voting by these people. Many of these people have difficulty in knowing precisely what is taking place when they are voting, and many of them are considerably disabled. True, they have not been certified or had an order made against them under the Aged and Infirm Persons' Property Act, but they are, for the most part, not able to adequately exercise an independent mind on the matter. The number of complaints about the ways in which signatures have been obtained makes me wonder what could happen if Party organizers proceeded to obtain authenticated marks.

In these circumstances, the returning officer would not be able to reject a postal ballot-paper or a postal vote certificate on the grounds that it appeared to be inadequate or that it appeared to be a printed or guided signature. He needs to see that it is a signature that has been properly recorded and he needs to compare the signature on the application with the signature on the postal vote certificate, but an authenticated mark could be a cross and the cross could have been made with a guided hand. Even in present circumstances many complaints have been made, and the returning officer would have no control if this provision were allowed to remain. I do not consider that that is a proper way to proceed.

If the Attorney wants to give postal voting facilities to people who at present are unable, because of disabilities, to vote by post, the only way that it should be done is by placing the voting directly under the control of an officer of the Electoral Department, entirely independent of authorized witnesses outside the department, so that the returning officer would then be able to exercise control. I realize that it is not easy to organize all the areas of the State, but this is the only possible way to extend the facilities and, if this cannot be done, there should not be any extension at all. We should extend postal voting facilities only to people whose votes can be checked and about whose signatures and marking of the papers there is some effective control, as there is at present.

We intend to refer to many other matters in Committee, but the Bill provides many sensible amendments that have been needed for some time. Many of these proposals were made to the previous Government, which intended to introduce an amending Bill, and I am pleased that a Bill has been introduced to clear up the anomalies. Previously a proposal was made by the Labor Party, when in Opposition, that postal votes should be counted only if they were in the electoral process before the close of poll. The Government at that time rejected the proposal. However, I am pleased that the present Government, following the events in the Millicent by-election, has incorporated that proposal, because I consider it to be the only sensible way to deal with the problem that caused so much concern to the public, and to the Court of Disputed Returns when it tried to sort out late ballot-papers. With those remarks, I indicate my support of the second reading. We will discuss many matters in Committee and, depending on the drafting of amendments, I may have to move a Contingent Notice of Motion.

The Hon. Robin Millhouse: It won't go past the second reading today.

The Hon. D. A. DUNSTAN: It may be more appropriate to deal in the Committee stage with other matters.

Mr. EVANS (Onkaparinga): In the main I support the Bill, but I consider that the provision that permits the witnessing of postal votes can well be deleted, because there is no need to witness such votes. The only votes checked are those in dispute before a Court of Disputed Returns. In the main, every person who witnesses a postal vote is not checked. I understand that votes are not witnessed in Western Australia, although I have asked the

Attorney-General to check this point. I do not think it is necessary for anyone to witness a postal vote but, as the Leader has said, I believe these points can be discussed in Committee.

Mr. CORCORAN (Millicent): I support the Bill, but with certain reservations. As the Leader said, the previous Government was considering this matter and would have introduced a Bill, had it remained in office, so that certain anomalies would be rectified. The result of the general election at Millicent on March 2 highlighted the anomalies in the present Act, and not only did the Government become aware of them but also most people in the State realized that the Act needed amending. I support the move concerning postal votes, because it will mean that a postal vote must be in the electoral system before the close of the poll. There will be no doubt about when it was posted and there will be no need for statutory declarations and investigations like those carried out in relation to Millicent after the last election. The Bill proposes to have a referee to whom votes in dispute at a recount can be referred. At present they would be referred to the Returning Officer for the State. I oppose this provision, because I believe that a person qualified as the Returning Officer for the State to deal with all other matters in this Act should also be qualified to decide disputed votes.

Mr. Virgo: He most certainly is.

Mr. CORCORAN: That is so. Although the present Returning Officer for the State will not remain in office forever, I think his performance in this regard has been beyond question and most creditable. It can be taken as a reflection on the ability of the Returning Officer for the State if this duty is taken from him and put into the hands of a legally qualified person. The person who administers this Act is suitably qualified to act as a referee in the matter of disputed votes. I intend to oppose the clause establishing a referee, because I think it is unnecessary. The Returning Officer for the State is fully qualified to consider matters in dispute and to give a sound decision on them.

The Bill provides for a member of Parliament to vote in the district he represents irrespective of where he lives. I cannot agree with this provision: I know it exists in the Commonwealth Act, but this clause does not provide for the member to be enrolled in the district he represents. This provision is not reasonable: if a member represents a district but does not live in it, he should not be able to vote for himself in the district he represents. He should vote for the person who represents him in the district in which he lives.

Mr. Langley: I voted for the late Hon. Frank Walsh.

Mr. CORCORAN: That is so. The honourable member lives in the Edwardstown district. This provision applies to members of Parliament but does not apply to other candidates. It would be better to leave it as it is at present.

Mr. Lawn: It has worked all right up to now.

Mr. CORCORAN: Of course, and there is no need to change it. The returning officer for a district is to be given an ordinary vote but his casting vote is to be taken from him, a provision with which I do not agree. People may say that a casting vote is an unfair responsibility to place on the returning officer for a district if the voting is tied: this nearly happened in the general election in Millicent, but I am satisfied that if the returning officer there had had to exercise this responsibility he would have done so and it would not have worried him unduly. The returning officer's casting vote should decide the issue if the votes are tied, rather than drawing lots. I oppose this provision. It may be argued that he is denied his normal vote.

The Hon. Robin Millhouse: He is denied it.

Mr. CORCORAN: He gets it when it counts, and rather than having the haphazard approach of drawing lots, I think the responsibility should remain with the returning officer.

The Hon. Robin Millhouse: One of the principles of the Act is the secrecy of the ballot.

Mr. CORCORAN: Yes, but this would affect one person.

The Hon. Robin Millhouse: Yes, but in a vital instance.

Mr. Hudson: He is likely to cast his vote for the sitting member.

Mr. Nankivell: There isn't one.

The Hon. Robin Millhouse: What does the member for Glenelg say about that?

Mr. Nankivell: What if there are two new candidates?

Mr. CORCORAN: I agree with the provision that any person over the age of 18 or apparently over the age of 18 years will be able to witness a postal vote. The member for Onkaparinga said that there was no need to witness a postal vote, but I do not agree. It should be witnessed: anyone could collect a postal vote and sign the name of someone else.

Because a person could establish whether he was 18 years of age, I agree with this provision. However, I cannot agree with another provision.

The Hon. Robin Millhouse: Would you say a little more about the danger of not having a witness? I could not follow it.

Mr. CORCORAN: If I inquired on behalf of someone I knew was absent, signed his name on an application, filled out the postal vote and sent it back with the same signature, there would be no variation in the signatures. This could be done if the signatures did not have to be witnessed, but that would be prevented if the signature of a witness was required. I believe there should be a witness to a signature. At present a right exists for an endorsed candidate at an election to witness an application for a postal vote. This is denied under the Bill, but I cannot see any harm in a candidate at an election witnessing an application for a postal vote. Certainly it is not reasonable that he witness a postal vote himself. I know from my own experience, and I am certain other honourable members know from their experience, that often one is called on to assist people with an application for a postal vote.

Mr. Langley: It could be made out already.

Mr. CORCORAN: It could be. It is reasonable that the candidate, whoever he may be, should be able to witness that person's signature on an application. Nothing untoward could happen at that stage. I see no reason for the necessity to remove that feature of the Act, as this Bill would do.

The Hon. Robin Millhouse: It is better that the candidate should be right out of it.

Mr. CORCORAN: He is not out of it: he is in it up to his neck. He is campaigning as vigorously as he can.

The Hon. Robin Millhouse: But so far as the process of applying for a postal vote—

The SPEAKER: Order!

Mr. CORCORAN: What harm could be done by a candidate witnessing an application for a postal vote?

Mr. Hudson: He gets many requests.

Mr. CORCORAN: Of course he does.

The Hon. Robin Millhouse: What about the metropolitan area?

The SPEAKER: Order!

Mr. CORCORAN: Members in the metropolitan area may not have been placed in this position in the past, but members in the country are continually asked to assist people with their applications. I think it is fair and reasonable that they should be able to witness the signature of the person applying for the postal vote. Where can anything be wrong in their witnessing a signature to an application? This is splitting hairs and rather ridiculous, and I think the Attorney-General on mature reflection will agree with my point of view.

The Hon. Robin Millhouse: I'll certainly consider it.

Mr. CORCORAN: I hope the Attorney-General will. This is a desirable Bill. Apart from the things I have mentioned (and there may be smaller things in the Bill as I go through it in detail), these things with which it deals need some alteration. First, I oppose the provision relating to the referee on the basis that the Returning Officer for the State is a fully-qualified and competent person; otherwise, he would not be in the position to decide a voting dispute. He is continually administering the Act and he would be able to decide as well as any legally qualified person would. I am sure his decision would be sound. In Committee, I will oppose the other matters I have mentioned and will move to amend them.

Mr. GILES (Gumeracha): I support most of the clauses of this Bill. Very often a situation has to become awkward before we realize that anomalies exist. This was proved by the situation at Millicent. Anomalies existed in the Act, and these proved embarrassing to the returning officer and to many other people. I think the Attorney-General's Bill will remove a considerable number of these anomalies. Possibly, some of the Bill's provisions will not be used in our lifetime, because a situation such as that at Millicent may not arise again, but we must provide for such a case should it arise. I do not agree with one or two clauses, but these will be dealt with in the Committee stage. I support the second reading.

Mr. VIRGO (Edwardstown): I, too, support the second reading but, in common with the Leader and Deputy Leader, I hope we will be successful in Committee in straightening out some of the points the Attorney-General has failed to straighten out in this Bill. First, I express appreciation to the Attorney-General for reversing the decision he gave this afternoon that the Bill would be put right through to the third reading stage tonight.

The Hon. Robin Millhouse: Who on earth said that?

Mr. VIRGO: That is the advice the Attorney-General gave our Whip, and I am pleased that common sense has prevailed and

that the Attorney-General has now indicated that the Bill will proceed only to the second reading stage.

The Hon. Robin Millhouse: I'm afraid your Whip was sadly mistaken if that's what he thought.

Mr. VIRGO: Unfortunately, the Attorney-General, perhaps trying to be facetious at times, is not very impressive, but when the Whip inquired of him of what was the position, this was the information given. If the Attorney wishes to laugh it off, that is his business. I wish to correct one blatant misconception of the member for Onkaparinga regarding postal votes. I suggest that he read section 86, which requires the returning officer at the scrutiny to compare the signatures of the elector on the postal vote certificate with that on the application. Let us dispel any foolish ideas that postal vote certificates and applications are looked at only when votes are in dispute. If returning officers and scrutineers do their jobs properly they do this at all times and at all elections. I turn now to the Attorney-General's second reading explanation. I regret sincerely that he is still following the line he has followed on numerous occasions by saying that the Returning Officer for the State was the cause of the upset at the recount and the subsequent Court of Disputed Returns. It was most noticeable that the Attorney-General, when giving his second reading explanation, departed from the typewritten script in front of him after he had dealt with the clause that provides for the court to award costs, and said:

The Government made an *ex gratia* payment to both sides, in the Millicent petition, of $2,500. This was not sufficient to cover the costs of either side, but it went some way to ameliorating the financial burden imposed on them, a burden that was caused in part at least because of deficiencies in the administration during the time of my predecessor.

That is nothing more than an insult to the Returning Officer for the State, and the Attorney-General ought to apologize publicly for having said what he did.

The Hon. Robin Millhouse: You look at the judgment and you will see exactly the same words.

Mr. VIRGO: I am pleased the Attorney-General has become upset over this.

The Hon. Robin Millhouse: I am not upset.

Mr. VIRGO: From the tone of his voice, the Attorney-General is upset. Indeed, I was upset with *Hansard* when it did not put in my interjection when the Attorney-General was explaining the second reading. I found out why *Hansard* did not do so: the Attorney was too astute; he did not reply, so that let *Hansard* off the hook. But the plain fact remains (and the Attorney-General knows it) that I interjected and said it was an insult to the Returning Officer for the State and to the officers who were involved in the Millicent election.

The Hon. Robin Millhouse: I am telling you the same words as those I used appear in the judgment.

The SPEAKER: Order!

Mr. VIRGO: I think we ought to look at the judgment. I am pleased the Attorney-General has raised this point—

The Hon. Robin Millhouse: I didn't raise it.

Mr. VIRGO: —because the President of the Court of Disputed Returns had a different view from that of the Attorney-General. The final judgment of the court delivered in this House on May 28 states, in part:

In considering the issues raised by the petition and cross-petition, the court has taken the view that the primary questions for decision are whether the petitioner has established that the respondent was not duly elected, and if it be found that he was not so elected, whether the petitioner has shown that he was in fact duly elected. In the event of the petitioner succeeding on both points, he would be entitled to a declaration of his due election. The word "election" connotes a choice by the majority of valid votes polled and signifies "a true ascertainment of the will of the majority of the electors".

I hope members of the Government will take note of those words.

Mr. Ryan: That's something foreign to them.

Mr. VIRGO: Yes. Various references follow in the judgment that have no relevance to this point, and the next quotation is in the second paragraph.

The Hon. R. S. Hall: Which page?

Mr. VIRGO: It is on page 20. Page 20 obviously follows page 19, and I should have thought even the Premier would know that.

Mr. Rodda: The Premier didn't speak on the Bill.

The SPEAKER: Order! There are too many interjections.

The Hon. Robin Millhouse: I didn't know you had started on page 19.

Mr. VIRGO: If the Attorney-General had been listening, he would have heard that I started at page 19, Mr. Speaker, because I am

sure that you, listening as attentively as you are, heard it clearly, and you are sitting much farther away from me than the Attorney-General is sitting. The judgment continues:

Having carefully weighed the evidence and arguments submitted by both parties, it appears to the court that material errors on the part of electoral officers, in the conduct of the election and in the scrutiny of ballot-papers, have been proved beyond question, and that these errors have clearly affected the result of the election.

This is, of course, where the Attorney-General stopped, but I hope he will pay particular attention to the following:

In fairness to the officials concerned, it must be said that the errors occurred unintentionally and that there can be no suggestion that any one of these officers acted *mala fide*.

The Hon. Robin Millhouse: I never suggested otherwise.

Mr. VIRGO: If one compares the statement in the second reading explanation in *Hansard* with the statement the Attorney-General just made by way of interjection, one will find a complete contradiction, but, unfortunately, that is the usual form of the Attorney-General.

The Hon. Robin Millhouse: It's my judgment you are quoting.

The SPEAKER: Order! The member for Edwardstown!

Mr. VIRGO: I wish to put it on record that South Australia's Electoral Department is headed by a Returning Officer for the State who is second to none, and its staff is one of which any member of Parliament or any candidate can always be justifiably proud and in which everyone can have complete confidence.

Mr. Ryan: Except the Attorney-General!

Mr. VIRGO: It gives the Attorney-General little credit to jibe continuously at the Returning Officer for the State and at the person who was the Returning Officer for the District of Millicent and who, I understand, has subsequently retired from that position.

Mr. Rodda: That is most unfair.

Mr. VIRGO: I am pleased the member for Victoria accepts that it is unfair to criticize these people.

The SPEAKER: Order! There are far too many interjections. Complaints were made to the Speaker yesterday by both sides about interjections. I intend now to stop interjections if I can. I ask members to refrain from interjecting. The member for Edwardstown.

Mr. VIRGO: I think it has been made plain that the errors that occurred and the resultant recount of votes, together with the proceedings of the Court of Disputed Returns, can in no way be properly attributed to a fault on the part of the Electoral Department or its officers, in whom I have full confidence. I think it behoves everyone who has anything to do with that department to spread the word as much as he can that the department and its officers are discharging their duties in the interests of democratic elections to the extent that the Act will allow. The faults that occurred at Millicent were the faults of the Electoral Act and not those of the officers administering it. I believe this lends weight to the attitude that members on this side will take in opposition to the Attorney-General's proposal to replace in this regard the Returning Officer for the State.

The Bill is nothing more than a vote of no confidence in Norman Douglass, and the Attorney-General knows it. Indeed, the House should know that the Attorney-General is placing a vote of no confidence in the Returning Officer for the State. The reason is the decision the Returning Officer for the State gave at the hearing in the Police Club building, because the Hon. Mr. Potter did not get his way. The Attorney-General was there; in fact, he and the Hon. Colin Rowe were the blokes feeding Potter, but they did not feed him the right stuff. I wish to refer to the evidence of the continuation of the hearing that took place following the recount at Millicent, because that evidence shows adequately the point I am making. Unfortunately, the first part of the hearing at Millicent was not recorded, as no facilities were available. On Monday, March 18, the hearing was continued in the Police Club building and, at that stage, 17 votes were still under dispute (in fact, 15 of them were postal vote certificates). Unfortunately, too many people continue to confuse the issue by referring to postal vote certificates (which may or may not contain ballot-papers) as ballot-papers. Even in the Bill, the Attorney-General has perpetuated that position by continuing to refer to ballot-papers when he should be referring to postal vote certificates. These 15 votes came before Mr. Douglass following the earlier part of the hearing at Millicent, when about 100 votes were resolved. Of course, Mr. Douglass did the only thing anyone could do, whether or not he had legal training. As an officer of a Government department, he had to be guided by the

decision of the legal adviser of Government departments, namely, the Crown Solicitor. The Crown Solicitor gave him the following advice:

I do not think that the returning officer having disallowed a ballot-paper may re-open the matter and receive further "evidence". Paragraph (*d*) (ii) of section 86 provides that disallowed unopened envelopes shall be sealed up in a separate parcel and preserved before proceeding under paragraph (*e*) for the scrutiny of the postal ballot-papers which have been accepted for further scrutiny. Although perhaps not conclusive, I think that the provisions of this section show that, if upon the information before him when the envelope is examined, the returning officer disallows it because he is not satisfied as required by section 86, then that envelope is not again to be referred to but that the scrutiny is to proceed.

What could the Returning Officer for the State do in the light of that opinion from the Crown Solicitor?

Mr. Hudson: Under which Government was that opinion given?

The SPEAKER: Order!

Mr. VIRGO: That opinion was given by the Crown Solicitor when the Frome by-election was held in 1960, when members of the Liberal Party were running around the countryside gathering affidavits claiming that people had posted their votes before 8 p.m.; they did the same sort of thing after the Millicent election.

Mr. Rodda: Of course, you didn't do that!

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

Mr. VIRGO: No, we did not; we did not submit affidavits claiming that postal vote certificates had been posted before 8 p.m. I will deal with that matter later. In the eyes of the Government, this was the first blunder made by the Returning Officer for the State. He rejected the pleas of their scrutineer (Mr. Potter) that these votes should be considered, when clearly he was faced with a direction in the form of an opinion from the Crown Solicitor. Only a biased person would criticize him for taking the action he took. I believe he was completely right, but perhaps I could be accused of being biased, because I happened to be fortunate enough to state the case.

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

Mr. VIRGO: Before the dinner adjournment I was dealing with the points that had been raised by the Attorney-General in relation to the inability, as he alleged, of the Returning Officer for the State and the staff in handling the matter of elections. As members will recall, the Attorney-General had tried to refute the allegation that he was critical of that officer. However, I now remind the Attorney of his second reading explanation, in which he said:

Two further ballot-papers were disputed on the grounds that they were improperly marked. Both of these papers could have been considered by the Returning Officer for the State and that officer would have been expected to make, putting it no higher, a *quasi*-legal decision. It is felt that, as a layman, he is not entirely equipped to make such decisions and, accordingly, it is proposed that this duty will devolve on a legally qualified electoral referee of substantial experience.

That statement can be construed only as an attack on the ability and qualifications of the Returning Officer for the State, and what the Attorney-General may say now is of little consequence. I quoted the Attorney's words, because I read from the typewritten copy of the second reading explanation that he was good enough to give to the Leader of the Opposition.

Mr. McKee: Do you think he meant that?

Mr. VIRGO: I am certain he did, because previously he had consistently criticized that officer on the way he had conducted the election. In fact, as I said before the adjournment, the Attorney-General considers that the Court of Disputed Returns would not have sat but for the incompetence of that officer. I consider this to be a grave reflection on a person whose integrity is beyond reproach. I shall also refer to a statement at page 23 of the Parliamentary Paper setting out the supplementary reasons for the court's judgment, because I think this statement is relevant to the amendments made by this Bill. The court was dealing with the reasons for the judgment that it had previously brought down. I may say here that the Attorney-General was one of the majority who subscribed to this report: the only dissentient was the Minister of Lands (Hon. D. N. Brookman). The court, including the Attorney-General said:

Much of what we have said will doubtless appear very obvious, but we think that it may have been the importance of the matters to which we have alluded that prompted Issaacs J. to make the following observations in *Kean v. Kirby* (1920) 27 C.L.R. 449, 461:

> I fully recognise the necessity after a closely contested election of carefully scrutinizing evidence of this nature. It is always possible that a witness who has not done all the law requires him to do in order to exercise his franchise, might afterwards, when so much depends on the matter, consciously or unconsciously carry his testimony beyond the exact truth. I have been critical of the evidence and studied the demeanour of the witnesses,

> so that, while conserving their right of voting, I might avoid the dangers of their political partisanship. And I have, in case of doubt, given weight to the onus of proof.

That is the end of the quotation from Mr. Justice Isaacs, and the court continued:

> Certainly the observations of the learned judge are very much to the point in the instant case.

His Honour the President of the Court of Disputed Returns acknowledged that much of the court's difficulty had been caused by the doubtful nature of some of the evidence placed before it. Therefore, for the Attorney-General to say that the Returning Officer for the State caused the difficulty is useless. On the contrary, that officer assisted the court and the parties with much information.

It is appropriate to refer to one clause of the Bill about which we will say much in Committee. That clause deals with the reconstitution of the Court of Disputed Returns and permits the court to accept affidavits and statutory declarations. The Minister proposes to insert a new paragraph in section 51 of the Act to provide that the court shall be empowered to receive evidence in that way. It is worth considering what would have happened at the recent sitting of the Court of Disputed Returns if that provision was in the Act at that time. I shall refer to the transcript of proceedings before the court to make my points about the doubtful nature of statutory evidence and the political flavour associated with the proceedings leading up to the court hearing. This is an extract from the cross-examination of one witness:

> When were you first approached by anybody to give information as to how you completed your vote or the qualifications of your witness? . . . I beg your pardon?

Apparently, the question was not very clear. The evidence continues:

> I suppose somebody spoke to you after the election about who the witness was and the circumstances under which you completed your voting papers? . . . Yes.
>
> When did that first happen? . . . I could not say the exact date.
>
> Was it a matter of a day or two after the election, or a week or two, or longer? . . . I think it would be a week, at least.

At that stage the President was getting a little exasperated and he asked how old the witness was and was told he was 25 years. The evidence continues:

> And who spoke to you? . . . I think it was Mr. DeGaris. I think there were a couple of other people, too.
>
> Where did Mr. DeGaris speak to you? . . . He came out to see me.
>
> At your home? . . . Yes.
>
> And when Mr. DeGaris came out, what did he say? There were others with him, were there? . . . Two other men.
>
> When you refer to Mr. DeGaris are you referring to the Chief Secretary, a member of the Legislative Council? . . . I don't follow politics all that closely.

This is the type of material that the Attorney-General is saying should not be questioned. It shows clearly that these votes that came before the court were politically inspired by the person who now holds the office of Chief Secretary. Let us further consider the question of statutory declarations being received. These witnesses had their postal votes witnessed by a person in Victoria who used as his authority under the Act the title of business executive. Suddenly, Mr. DeGaris found out that this was not an acceptable qualification, and we were then faced with a statutory declaration stating that this particular person was qualified under the terms of the Act. I have a copy of the statutory declaration, which states:

> I acted as an authorized witness for the purpose of this election. I was commissioned during the Second World War as a Flight Lieutenant in the Royal Australian Air Force. Upon my discharge I was placed on the reserve of officers.

The Attorney-General will remember this incident, because there was much legal argument about it. Here was a man who said that he had been placed on the reserve of officers, but those who have studied this matter know that once a person is placed on the reserve he remains on the reserve. But what did the Liberal Minister for Air have to say about it? This was not a Labor Minister but a Liberal Minister, who said:

> Our records show that Mr. So and So—

I will not quote names—

> is not on the present reserve list of officers and never was on the officer reserve.

Yet the Attorney-General is saying that the Court of Disputed Returns should accept this type of material. It is difficult to believe that the Attorney's appreciation of his profession has subsided to the extent that he wants to accept incorrect information in that form of statutory declaration. I should have been more interested if the Attorney-General had indicated that the Government was to take action against persons who tendered false information in statutory declarations to the Returning Officer for the State, because that is exactly what happened. It did not start and finish with that case, as I can further illustrate. We had the

case of another person who submitted a statutory declaration to the Returning Officer for the State, stating that he had posted his postal vote certificate at 11 a.m. on March 2 at Carwarp Post Office, Victoria. That was an interesting case, because not only did he make that declaration but also his wife did. Later, we had a declaration from the postmaster stating that all mail posted prior to midday on Saturday, March 2, would bear the 5 p.m. postmark of Saturday, March 2. But this declaration had the postmark of Sunday, March 3. When the postmaster came into this Chamber to give evidence and to be cross-examined he admitted that he had altered the date on the date stamp to satisfy his customers. He frankly admitted that in this Chamber, and had altered the date as a service to his customers. I remind members of what was said in cross-examination, as follows:

Your purpose in keeping the mail open so to speak, on Saturday afternoons is for the convenience of your local customers, is it not? . . . That is correct.

So that people who post mail on the Saturday afternoon will get it away on the Sunday night's train instead of having to wait until Monday night's train? . . . That is correct.

And it is contrary to the regulations? . . . That is correct.

You stretch them to accommodate your customers? . . . Yes.

Is there any reason why you did not continue that practice into the Sunday for the convenience of the customers who might wish to post mail on Sundays? . . . I am willing to bend regulations to a degree to assist the locals, but Sunday is a day when we try to cut down on our amount of work.

You do in fact, open all day, do you not? . . .Oh! Yes.

This is the sort of statutory information and evidence that the Attorney-General wants this Parliament to accept but he is critical of the Returning Officer for the State when he won't accept it, and that does not make sense. Let us follow this case further, because these voters were approached by a person called Ian Backler, who admitted that he was acting on behalf of the L.C.L. candidate for Millicent and who said that he would get a statutory declaration. He went off and got one. What happened to that one? We found that it was signed by a man by the name of W. G. W. McLaren of Kingston who signed it as a J.P. We have a letter from the Attorney-General's office which reads as follows:

The Attorney-General directs me to inform you that Mr. W. G. W. McLaren of Kingston became an *ex officio* justice of the peace in 1953 and would cease to be same once he retired as chairman of the district council. Mr. McLaren is not on the roll of justices of the peace.

In fact, a further letter from the Local Government Department stated that he had retired as chairman in 1964. Alhough this man falsely signed a statutory declaration as a J.P. (because he was not a J.P.), the Attorney-General states that we should accept it. Surely the Attorney should be instituting proceedings against these acts. I continue with one or two other illustrations, which show clearly what amount of political intrigue went on before the sitting of the Court of Disputed Returns: in fact, it was political intrigue that caused the court to be held. A lady claimed that she voted in Melbourne and admitted that she had been approached by a person of the name of Mr. Colin Rowe, whom she identified as being a member of the Legislative Council. More importantly, the transcript of her questioning reads:

He presented a typed document to you, did he? . . . Yes, but not where I was staying or what State I was in or what time I posted it or where.

Let us look at the statutory declaration that was presented to the court. Remember she said, "It was not filled in". She did not say where she posted it or when; but it was a typed document, which she claimed was filled in at the time, and he used a Biro from his pocket, but here there is a nice, neatly typed statutory declaration, and the typewritten words say, "I personally posted the said postal vote at a pillar outside Bourke Street Post Office, near Spring Street, Melbourne, at approximately 10.30 a.m., before 12 noon, on Friday, March 1, 1968." This is a document that was not filled in before Mr. Rowe went there, but when he came back it was all typed out; they did not have a typewriter, but only a Biro. These are the facts that were placed before the court by way of statutory declaration, and they showed clearly the extent of the political intrigue by people who should show some responsibility within the community.

Mr. Lawn: Was the declaration witnessed?

Mr. VIRGO: Yes, by Colin D. Rowe, justice of the peace in and for the State of South Australia. There was another member of this Parliament, a very prominent member, who was also involved in the political intrigue that took place before the Court of Disputed Returns was held. A witness was asked the following questions, to which the following answers were given:

Did somebody approach you after the election about the circumstances in which you cast and posted your vote? . . . Yes.
Who was that? . . . Mr. Steele Hall.
And when did he contact you? . . . March 10th.
Did you tell Mr. Hall when he rang what time you had posted your vote? . . . Yes.

Mr. Hall was ringing this person in Hobart at the Mercury office, presumably on the Government budget. Continuing:

And what happened then? Did you have some other approach or contact? . . . He asked me to sign an affidavit form.
And did you agree to do that? . . . Yes.
You knew that Mr. Hall was the Leader of the Parliamentary Liberal and Country League in South Australia, did you? . . . Yes.

The transcript then goes on to show that arrangements were made for a person by the name of Mr. Wright (who turned out to be none other than the Liberal and Country League Senator of Tasmania) to complete the affidavit form. Surely, the court should have taught us that we cannot accept such evidence. The Attorney-General sat through the whole of these proceedings, and I am amazed that he has brought forward a suggestion of this nature in the Bill. One of the other points I desire to mention is a point which the Attorney-General made by way of interjection this afternoon, which I think has some bearing on the actions of the Court of Disputed Returns, and which is in keeping with the strong view I have: the secrecy of the ballot should be preserved at all times. But it is not, and the Attorney-General knows it is not.

The Court of Disputed Returns did not preserve the secrecy of the ballot when it ordered three postal votes to be opened by the Clerk of the House who, I think, was acting in the capacity of clerk of court. The court then reported that the three postal votes had all been cast in favour of Mr. Cameron, so the whole world knew who cast the votes and how they voted. The secrecy of the ballot must be maintained at all times. I argued this point unsuccessfuly with the Returning Officer for Murray when a parcel of six or seven absent votes were opened in the correct form: the envelopes were sliced open, the ballot papers withdrawn and dropped into the ballot box, and then taken out. The scrutineers knew, and I had a record of the names of the persons who cast those votes; yet every one came out for the present member for Murray. The secrecy of the ballot had been destroyed, and I do not think the secrecy of the ballot should be destroyed. Regarding some of the isolated polling places, when I see 25 votes for the L.C.L. candidate and none for anyone else, I think there is some room for wondering just what went on but, what is more important, the secrecy of the ballot has been completely destroyed because everyone knows who cast the votes in that particular place and automatically knows the way the votes were cast.

Mr. Corcoran: It has been said that sometimes the returning officer is asked to hand out the cards.

Mr. VIRGO: I have heard those allegations, but whether they are true or not I do not know. There are one or two points on which I shall touch regarding the main purpose of the Bill and, in common with the Leader and Deputy Leader, I hope that in Committee we will be able to amend some of the obnoxious clauses and eliminate those that cannot be rectified. Also, in common with the Leader and Deputy Leader I strongly resent the sacking of the State Returning Officer, as the Bill seeks to do. I do not believe that in the future there will be the judicial decisions to make that perhaps there were in the past: there will be no need to adjudicate on whether or not a postal vote has been posted before the close of the poll because it must be in the electoral system somewhere before the polls close, so there will be no argument about that. Nor do I think there will be any argument about the qualification of a witness, because the amending Bill is so wide that any signature must be accepted as *prima facie* evidence that the person is over the age of 18 years.

For these reasons I do not believe there will be any argument other than determining whether the mark on the paper is the required one, two, or three, or whatever number is required. Surely the Attorney-General will not tell the House that a legally qualified practitioner is more capable and experienced in determining whether it is a one, two, or three, than is the Returning Officer for the State, but that is what he will try to tell us. That is utter rubbish, and nothing more than evidence of the Attorney-General's spleen to get back at the Returning Officer for having given the wrong decision as far as the L.C.L. was concerned. The Attorney-General will have to come up with a sound case in support of sacking the Returning Officer for the State, but he has not done so yet. I have read his second reading explanation fairly carefully, but it contains no reason at all for this action.

Mr. McAnaney: Last night, you didn't believe—

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

Mr. VIRGO: Clause 30 inserts a new provision altogether in the Act, namely, new section 110b, which is a special provision designed obviously to protect members of Parliament who are not prepared to live in their own districts.

The SPEAKER: Order!

Mr. VIRGO: Mr. Speaker, this provision is designed to protect members who do not live in their own districts. The Attorney-General said that Commonwealth members of Parliament had enjoyed this privilege for many years. I think he called it a "privilege", but there is no privilege involved; it is just straight-out skulduggery. This provision, of course, is not the same as the Commonwealth one, and it is not as bad, but that is about the best the Attorney-General can say for it. As the Leader of the Opposition has said, this provision merely permits a person to vote in the area he represents and not to be enrolled. The Commonwealth Act goes the whole way and allows the person to be enrolled and, as a result, I understand the Minister for the Navy (the Hon. Mr. Kelly), who lives at Burnside, is enrolled for Wakefield. Is that honest? What happens with the Legislative Council? I suggest that, if the Hon. Sir Norman Jude, who lives at North-East Road, Walkerville, but who represents Southern, wishes to vote for Southern, he should move to that district, and this applies equally to the Hon. Sir Lyell McEwin, who lives at St. Peters, the Hon. Sir Arthur Rymill, who lives at North Adelaide, and the Hon. Colin Rowe, who lives in Prospect. If these people wish to vote for the district they represent, I suggest they move to that district. If they choose to live outside their own districts, that is their decision, but I do not believe that this House ought to make special provisions for members of Parliament that are not available to any other elector in this State, yet that is what this Bill provides for.

Mr. Broomhill: Does it apply to a candidate?

Mr. VIRGO: No; no other person in South Australia would enjoy this perk (and that is about all one can call it—a perk to members of Parliament). I refer now to the provisions that the casting vote of the returning officer should be taken away and that he should be given a deliberate vote. I think what has prompted this is the fact that the Returning Officer for Millicent cast a vote. He was the first to admit it openly, and there was no political skulduggery attached to it, as there was to the Premier's telephoning Mr. Lewis in Tasmania and to other members of Cabinet running around the countryside getting false declarations. The returning officer for Millicent openly admitted what he had done and he made a mistake. But if there is a man in this House who has not made a mistake, I should like to see him stand up.

Mr. McAnaney: You're standing.

Mr. VIRGO: I am forced to stand because of Standing Orders, but I assure the member for Stirling that I have made plenty of mistakes and will make many more in the future. To take away the casting vote of the returning officer and to replace it with casting a lot is reducing an election to nothing short of a lottery. Why have an election at all? Why not let a person nominate and then pull straws out of a hat and save all this time and money in connection with people going to the polls? I will never agree to determining an election by lot, for I think it is far too important for that. The Electoral Act is the very basis of the electoral system; it is something we have to guard with our lives to ensure that justice not only is done but is seen to be done. To determine elections by lot is so contrary to the traditions of proper elections that we should under no conditions countenance such a thing. There are, of course, clauses in the Bill which I sense the Returning Officer for the State has had included as a result of prevailing on the Attorney-General. With my Leader, I applaud the provision to require postal votes to be in the electoral system by the close of poll, and I am also quite happy to see that the grounds for the applications for postal votes are widened for other people outside the one religious group at present catered for.

I think also it is a distinct advantage to have the Returning Officer for the State authorized to issue postal vote certificates and ballot-papers. These are commendable alterations, but I am concerned that there are one or two omissions from the Bill concerning matters which should have been rectified. Not the least of these is the omission of a provision allowing, where an election is in dispute, a court to entertain a cross-petition. The Attorney-General has completely ignored that aspect. As I think that certain provisions in the Bill are commendable, I will certainly support the second reading and hope that when we reach the Committee stages we shall be able to achieve a considerable degree of alteration in those provisions which we on this side consider to be obnoxious.

Mr. ARNOLD (Chaffey): The Court of Disputed Returns undoubtedly showed up many of the weaknesses that exist in the Electoral Act. Basically, they revolve around the postal vote.

Mr. Corcoran: And some around the court itself.

Mr. ARNOLD: In the main, I think honourable members would agree that the court spent most of its time arguing over postal votes. The franking of envelopes was one point argued for a considerable time. In the last week or 10 days I received a letter posted in Brighton. It travelled through the postal channels to my letter box at Cobdogla but, when I received it, it had no franking mark on it. If this had been a postal vote, under the Act it would have been automatically rejected, even though it could have been posted and cast in all good faith.

Mr. Corcoran: Not the way the court handled it.

The SPEAKER: Order!

Mr. ARNOLD: The provision for the classification of witnesses is also an important point in the Bill. I see no need for the strict qualifications that existed previously and the problems they caused the Court of Disputed Returns. This Bill provides that a person over or apparently over the age of 18 years can witness a postal cote. I do not know that this is necessary. Any citizen of the Commonwealth should be entitled to witness a ballot-paper. The member for Edwardstown raised several objections to the Bill, referred to the position of the Returning Officer for the State, and said that the Bill would take away this officer's authority, but I do not think that is the case. Whether a ballot-paper is legal should be determined by a legal practitioner, as this is a specialized field.

Mr. Corcoran: What's magical about a legal practitioner?

Mr. ARNOLD: What is magical about a doctor? However, a person does not go to a lawyer when he needs an operation.

Mr. Corcoran: You aren't suggesting that this is a case with the returning officer, surely?

The SPEAKER: Order!

Mr. ARNOLD: A legal practitioner must know something about the law. What is the legal profession for? It becomes a legal point, but this is no slight on the Returning Officer for the State, who does not claim to be a legal practitioner. A Minister of the Crown who is in charge of a department is not necessarily an engineer or a qualified person. Being in charge of the Hospitals Department does not make the Minister a doctor.

Mr. Corcoran: Do you believe a legal man—

The SPEAKER: Order!

Mr. ARNOLD: The member for Edwardstown said that he disagreed with the drawing of lots, and went to considerable length to point out how essential it was that the ballot remain secret, but it is hardly a secret ballot if the returning officer has a casting vote.

Mr. Corcoran: You're very observant.

Mr. ARNOLD: To put the returning officer in the position of having to declare his hand is unfair. If we are to retain the secret ballot, how can the returning officer have the casting vote?

Mr. Corcoran: What about the Speaker's casting vote!

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

Mr. ARNOLD: An important point borne out during the Court of Disputed Returns is that there is little advantage in having members of Parliament as members of the court.

The Hon. D. N. Brookman: Some of them gave a good judgment.

Mr. Hudson: Your judgment was a shocker.

The SPEAKER: Order!

Mr. ARNOLD: With due respect to the Minister, I consider that in future a judge would be able to come to the same conclusion as the court did. I support the Bill, although I will probably have something more to say in Committee.

Mr. HUDSON (Glenelg): The Bill is largely a Committee Bill and, no doubt, the debate will be extensive in the Committee stage. I support the second reading. However, certain matters are sufficiently important, I believe, to warrant some comment in the second reading stage. I think it is absolutely clear that the matters before the Court of Disputed Returns can be divided into certain categories. First, there were the seven postal votes concerning which argument arose on whether they had been posted on time and, in one or two cases, on whether they had been correctly witnessed by an authorized person.

There is absolutely no doubt that, if these new amendments had applied, each one of those seven postal votes that were in dispute before the court would not have been accepted, because each one of them was received after

the close of the poll. Not one of them, under the amendments proposed by the Attorney-General, would have been admitted into the count, and there would have been no doubt about it at all. I think that is an important point to establish, because it is in relation to those seven postal votes that matters of legal judgment and legal assessment of evidence arose. It is not in relation particularly to any of the other matters that came before the Court of Disputed Returns that the question of a real legal assessment to be exercised by the Returning Officer for the State, as the initial appealing authority, could have been determined.

Concerning the seven postal votes, the issue that had to be determined by means of evidence before the Court of Disputed Returns was whether they had, in fact, been posted prior to the close of the poll and, in two cases, whether they had been correctly witnessed. It was made clear by the court that no returning officer was in a position properly to assess the merits of evidence on this sort of question; the returning officer could proceed, if he were to proceed at all, only on the basis of the evidence of the documents before him. He could not (because he was not qualified) admit evidence either in the form of statutory declarations or affidavits or in the form of evidence from witnesses actually present, as they would be in court and hearing evidence arising through the cross-examination of witnesses.

All of this was made clear before the court, and I do not think any member of this Chamber would have any substantial argument against that conclusion, that is, that only a person with some legal qualification would be in a proper position to assess the merits of evidence on whether the requirements of the existing Act were met in connection with postal votes. However, the amendments now proposed by the Attorney-General do away with this problem because, instead of having a large area of doubt on whether a postal vote has been posted prior to the close of the poll on the Saturday night, it is now simply a question of whether the postal vote has been received into the electoral system by the close of the poll on the Saturday night.

This change would have solved five of those seven postal vote cases, and the other two would have been solved by the change proposed concerning the authority of a witness. The principal Act requires a witness, if he is not an elector of South Australia, to have certain other qualifications, such as being a justice of the peace, an Army officer, a minister of religion, or a postmaster. The proposals of the Attorney-General, which we are supporting, alter that and make the authority of the witness only that he be a person over, or apparently over, the age of 18 years.

If this amendment had been in the principal Act at the time of the general election, the two votes of the Greens would have been admissible on the grounds of the authority of the witness, although they still would not have been admitted into the count, because they arrived too late. If these amendments were part of the principal Act, the Greens' votes would have been rejected along with the other five postal votes. It was these seven postal votes that caused the great problem before the Court of Disputed Returns: they caused extensive argument and the extensive examination of witnesses and were, in the main, responsible for the heavy costs involved in that procedure.

Mr. McKee: It was the most expensive mock court ever held.

The SPEAKER: Order!

Mr. HUDSON: I do not think it was a mock court in the sense of the judgment of the court which was, in effect, the judgment of Mr. Justice Walters. I think Mr. Justice Walters did his best to assess everything put before him in the fairest possible way.

The Hon. D. N. Brookman: So did the other members of the court.

Mr. HUDSON: Yes, but if the decision had been left to the two Liberal and Country League members of the court it would have resulted in a win to Mr. Cameron; and if it had been left to the two Labor Party members, the result would have been a win for Mr. Corcoran.

The Hon. D. N. Brookman: You couldn't agree with the court.

The SPEAKER: Order!

Mr. HUDSON: The two L.C.L. members of the court accepted the petitioner's entire case concerning the seven postal votes. One of the members of the court from the Opposition side (Hon. R. R. Loveday) would have refused to admit any of the postal votes, while the Hon. D. A. Dunstan would have admitted one of the postal votes. Therefore, if the decision had been left to the Labor members of the court, the petitioner's case would have failed. Secondly, if the current Minister of Lands had had the judgment all on his own, Cameron would have been declared duly elected as the member for Millicent, and there would not have been a by-election. If it had been left to the Attorney-General, the petitioner's case

would have been accepted, but enough of the respondent's case would have been accepted to permit a by-election. It therefore ill behoves the Minister of Lands to interject and say that the political representatives of the court played an important role.

The Hon. D. N. Brookman: I didn't say that; I said they all took their work seriously.

The SPEAKER: Order!

Mr. HUDSON: I do not doubt that they all took their work seriously: the point I am making is that they need not have been there because they had no substantial effect on the decision of the court. The effect of the representatives of either Party, no matter how seriously they took their work, was to nullify each other, and the only result was that the time of four people was wasted during the period the court sat. Also, as there were five members on the court, the proceedings were probably unnecessarily delayed through adjournments necessary so that disputes could be sorted out amongst the members of the court.

I do not think anyone has any doubt that the proposal of the Attorney-General to provide for a Court of Disputed Returns presided over by a single judge, without any members of Parliament on the court, is a sensible one, and it is one which we on this side of the House can fully support. Regarding the judge to constitute the court, I can see a case for the alteration from the present position. However, I want to make it absolutely clear that I have no doubts, and other members should make it clear that they have no doubts, as to the work of Mr. Justice Walters on the Court of Disputed Returns that sat on the Millicent election. I think all of us would agree, if we sat down and read it carefully, that his judgement was carefully considered and that there is not a scintilla of evidence to suggest he took a view of the matter that in any way favoured one side or the other. However, the Act provides that the President of the court shall be the junior puisne judge. There are two points to make about this: first, there is no alternative if, for some reason, the junior puisne judge is unavailable, and secondly, the junior puisne judge is always the last judge to have been appointed and therefore there could be a suspicion in someone's mind, if the judge has been appointed by the Government previously in power, that there may be some prejudice.

I do not think that suspicion could be held by anyone about Mr. Justice Walters. I have the highest opinion of the man for his work and scholarship and for the way in which he ran this court and, as one who sat through almost all the hearings involved in the Millicent election, I think I can give a reasonable judgment on that point. The Attorney-General's proposal will make the Court of Disputed Returns consist of the senior puisne judge or, if he is unable to act, the judge next in line, and I think that is a reasonable arrangement. This means that we can always have a court whereas, under the Act, there could have been great difficulty. We could have had a real hiatus in South Australia if the unfortunate events that occurred during the Murrie Royal Commission had been repeated during the Court of Disputed Returns and, therefore, I think the Attorney-General's proposal is necessary. However, I want to place it on record that I, for one, valued the experience a great deal of being able to watch Mr. Justice Walters at work during the Court of Disputed Returns.

The other matters before the Court of Disputed Returns were not matters on which the court was in any way at variance with the Returning Officer for the State. I have already made it clear that the seven postal votes are now no longer in question because the Attorney-General's proposal takes care of that problem and of the difficulties that arose in relation to Millicent. On all of the other matters, there was no variation at all between the attitude of the Returning Officer for the State and that of the court. First, in relation to the two ballot-papers which the respondent brought before the court, the court took exactly the same view of them as did the Returning Officer for the State, namely, that they were informal. Secondly, in relation to the three postal votes which the respondent held were incorrectly admitted to the count, when these were brought before the attention of the Returning Officer for the State at the recount, he said, "There is nothing I can do about these, because these have already been admitted into the count." Of course, if that situation were repeated, the only recourse anyone would have would be to a Court of Disputed Returns. Even the referee established under the Bill could not do anything different from what was done by the Returning Officer for the State in regard to the Millicent election.

Finally, as to the double vote, the Returning Officer for the State did not have to adjudicate on that matter which was adjudicated on only by the court and, I believe, adjudicated incorrectly by the court. I believe there are members of the House who know there was a double vote at Millicent during the last election.

However, this was not a matter that came before the Returning Officer for the State. Therefore, on the matters that arose before the Court of Disputed Returns that could be said to show a difference of opinion between the court and the Returning Officer for the State, the possibility of those matters arising again has been excluded by the Bill. The only matters that could arise again are matters where the Returning Officer for the State and the Court of Disputed Returns are of the same opinion. Let us make this point absolutely clear: regarding the judgment of actual ballot-papers, the Returning Officer for the State happens to be the most experienced person we can get.

Mr. Virgo: And competent.

Mr. HUDSON: Yes. The Electoral Department in this State has adopted a practice for years whereby officers lean over backwards to interpret the intention of the voter and, if the intention of the voter can be ascertained and the voter has left no more than the last square blank, the intention of the voter will be carried out: if it can be ascertained clearly, that vote is formal. This type of judgment was made by the Returning Officer for the State in relation to a figure "1" which looked for all the world like a figure "11" and, when Mr. Virgo and I first saw that vote at Millicent (and it was a vote for Mr. Cameron), we decided that it would surely be called informal. However, the Returning Officer for the State upheld it as being a formal vote, because he said he thought the intention of the voter could be ascertained.

Mr. Virgo: The referee might not decide that way.

Mr. HUDSON: No, he might take a more narrow view of the matter because, after all, he is not conducting elections every year throughout the year. The Returning Officer for the State is not merely involved in conducting elections for the House of Assembly and the Legislative Council. During any one year he has to conduct a number of other polls and, over the years, there has developed in that department a tradition as to the way in which ballot-papers shall be approached, and that tradition has applied consistently and is best understood by the Returning Officer for the State and his immediate officers. If the scrutineers (Messrs. Virgo, DeGaris, Potter and I) agreed on one thing, it was the extreme competence of Mr. Douglass in conducting the recount and in adjudicating on the ballot-papers referred to him in both Millicent and Murray.

Mr. Virgo: The last time the papers—

The SPEAKER: Order!

Mr. Virgo: —were referred to the Returning Officer was in 1962.

The SPEAKER: Order!

Mr. HUDSON: Mr. Speaker, I find the information given by the member for Edwardstown valuable and most helpful.

The SPEAKER: He has already made his speech.

Mr. HUDSON: Yes, but he is so well informed on this matter that he could probably make three or four speeches.

The SPEAKER: Order!

Mr. HUDSON: I should like to nail another lie. I think this Bill already admits that the result of the Court of Disputed Returns, which was that a by-election be held, was just. I have heard some members opposite say that Mr. Cameron was cheated out of being the member for Millicent, but that statement has been shown to be untrue. I also make clear that the Millicent election in March was a much better conducted poll than the poll in Murray, as I am sure the member for Edwardstown would agree.

Mr. Virgo: Hear, hear!

Mr. HUDSON: If we had a Court of Disputed Returns hearing on the Murray poll, that hearing would have continued for twice as long as the Millicent hearing took, because many more things went wrong there. Fortunately for the present member for Murray (Mr. Wardle), he won by a bigger margin. However, instead of there being seven postal votes in dispute, as there were in Millicent, there would have been 17 in Murray, because both the member for Edwardstown and I saw 17 votes that were admitted to the count, although there could have been doubt about their validity on the grounds of witnessing or postmark.

Mr. Virgo: And the secrecy of the ballot was destroyed there.

Mr. HUDSON: Yes, but I am afraid I am not quite with the honourable member on that particular point. However, the point that needs to be made regarding the reputation of Mr. Douglass and Mr. Behenna is that the first election in Millicent was remarkable for the few errors. After all, at the second election I could tell members about a couple of errors on the second occasion, despite that much more care was taken then than had been taken at the earlier election. The mistakes in relation to the three postal votes incorrectly

admitted were honest mistakes, and everyone knows that the returning officer's mistake in voting was also an honest mistake. These were the only things that one could effectively pick on. The seven postal votes determinations will be in dispute until the cows come home, because no-one will ever know for sure whether any one of those votes should have been admitted. It is largely a matter of judgment on the evidence placed before the Court of Disputed Returns.

Mr. Virgo: There was a lot of bodgie evidence there, too.

Mr. HUDSON: Yes, for sure. I take the view that the remarkable thing about the March election in Millicent was that so few errors were made. I am confident that, if any other election at that time had been referred to the court, more errors than turned up in Miliicent would have been found, and in the case of Millicent both sides were looking for everything that they could lay their hands on. Both sides were looking for the maximum number of errors. I do not understand how that experience, coupled with the fact that the postal vote situation is to be rectified by these amendments, is sufficient justification for not having the Returning Officer for the State conduct a recount and for substituting a referee who has some legal training. Most of the matters that go to a recount are not such that legal training is needed in order to make a decision on them. The fact that someone is learned in the law does not make him an expert in assessing the correctness of a ballot-paper. Surely someone dealing with the conduct of elections year in and year out is likely to be much more expert in that. From now on, the bulk of the matters that go before a recount will be questions about particular ballot-papers. I think the other scrutineers at the Millicent by-election will agree that of the 110 ballot-papers referred to the Returning Officer for the State for recount—

Mr. Virgo: That 108 shouldn't have been.

Mr. HUDSON: Well, I go a little of the way with the honourable member and say that 100 or more should not have been. Probably, we could have a fair dinkum argument about only 10. On the others we could have only froth and bubble arguments. I do not think anyone could have any dispute with the way Mr. Douglass adjudicated on those votes. If we were to keep the same system of postal voting and if we were to allow votes to be counted so long as they were posted before 8 p.m. on the day of the poll there might be a case for the Attorney-General's suggestion that these quasi-judicial matters be referred to a legal referee. However, the need for such matters to be decided has mainly been removed. I think the Attorney-General would agree with that if he thought about it. With the Act as it stands, there would have been no matter before the recount that would have been upset by the Court of Disputed Returns. I completely oppose the amendment that allows a member to vote for the district that he represents, irrespective of where he lives. If we insert such a provision, we should also give any candidate at an election a similar right. If we are not prepared to do that, the sitting member for a district should not have an advantage that a candidate who is seeking to topple him does not have. What is the justice of that? There is none at all. It just happens that there are a number of members who do not live in the district that they represent and in which they would like to vote. If they really want to be able to vote in that district they should move to it. Otherwise, there is no case for it at all: it is the kind of change that makes people suspicious about what politicians are up to.

Regarding the question of determining close elections, I prefer the current position to that put forward by the Attorney-General, who proposed that an election should be determined by lot in the case of an equality of votes and that the returning officer should be given an ordinary vote. It is important in the general run of elections for the people to believe that the returning officer has no direct interest in the result. The fact that he does not have a deliberative vote is one way of creating an aura of independence around his position. This, after all, is the basic reason why the returning officer has not been given a vote in the past—to make it clear that he is independent and completely above the battle of Party politics. In these circumstances he can be relied on to give a casting vote.

This is the only fair way of doing it. I suspect that, if ever there was an equality of votes and the matter was determined by lot, after the election a court of disputed returns would be set up—I would be very surprised if this did not happen. It would be very difficult to find an election where there was no mistake or where the mistakes exactly cancelled out. It is important that it be established that the returning officer does not normally exercise a

vote in an election and that he is instructed that he must not vote unless there is an equality of votes. This is the appropriate way, and the way in which the independence of the returning officer is properly established.

Postal voting is a privilege that we allow people to have and it therefore needs to be surrounded with prescribed conditions that are carefully set out and which must be complied with. I do not believe we can or should go very far in making postal voting easier, because I believe it can be abused. This would particularly be the case if the person concerned were allowed to make a mark instead of writing his signature. This could clearly lead to serious abuses. I do not want to see extended provisions whereby a witness can mark a ballot-paper for an elector. The subject of electoral expenses has been a joke for years and no-one has effectively observed the provisions of the principal Act, least of all in the Millicent by-election. As everyone is aware, the provision relating to electoral expenses has been a dead letter for many years and the sooner it is removed from the principal Act the better. I oppose the change in respect of the size of posters. Posters of 120 square inches involve a sufficient disfigurement of the landscape: we do not need still bigger and better posters. I have always believed that these posters do very little good and that the people who put them up are wasting their time. I have not seen posters that I thought were likely to swing votes. Why anyone should vote for Mr. Clark because he saw a poster saying "Vote Clark No. 1" is beyond my understanding. Most posters are an insult to electors' intelligence, and I believe that electors have a good deal more intelligence than we give them credit for. I would be happy to see posters cut out altogether—even posters of 120 square inches often lead to a permanent disfigurement of the landscape.

Mr. McAnaney: What about how-to-vote cards?

Mr. HUDSON: If we could have a system of advice inside the polling booth, so much the better. Better still, we should have the system of first past the post. This would largely obviate the need for how-to-vote cards. Since on other occasions I have had relatively harsh things to say about the Attorney-General, I must say that I am rather surprised about the merits of this Bill: it is a much better Bill than I expected it to be. It makes some meritorious changes.

I was particularly pleased that the Government has seen fit to provide a clear-cut way of determining whether a postal vote has been received in time. This provision is long overdue: it is the only effective way of getting around the trouble that occurred after the Millicent election, the Chaffey election in 1965 and the Frome election in 1960. The situation whereby scrutineers race around Australia checking up on witnesses, voters and justices of the peace is not pretty. Where scrutineers and other Party workers do this, it is unlikely that justice or truth will be served. By this provision we are establishing a clear-cut dividing line—a postal vote must be in the returning officer's hands at the close of the poll. This will overcome most problems that have arisen with the various close results of elections we have had in South Australia in recent years. Particularly for that reason, I support the Bill.

Mr. McANANEY (Stirling): As the members for Glenelg and Edwardstown have made such short speeches and have not covered many points, I move that the debate be adjourned so that I can prepare a long speech.

The SPEAKER: The member for Stirling cannot move a motion for adjournment now. He will have to seek leave to continue his remarks.

Mr. McANANEY: I support the Bill.

The Hon. R. R. LOVEDAY secured the adjournment of the debate.

ADJOURNMENT

At 9.32 p.m. the House adjourned until Thursday, December 5, at 2 p.m.