HOUSE OF ASSEMBLY

Tuesday, August 3, 1971

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

ADDRESS IN REPLY

The SPEAKER: I have to inform the House that His Excellency the Governor will be pleased to receive honourable members for the presentation of the Address in Reply at 2.10 p.m. today. I now propose, accompanied by the mover and seconder and other honourable members, to proceed to Government House.

At 2.2 p.m. the Speaker and members proceeded to Government House. They returned at 2.18 p.m.

The SPEAKER: I have to inform the House that, accompanied by the mover and seconder of the motion for the adoption of the Address in Reply to the Governor's Opening Speech and other honourable members, I proceeded to Government House and there presented to His Excellency the Address adopted by this House on July 29, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the second session of the fortieth Parliament. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing upon your deliberations.

QUESTIONS

DARTMOUTH DAM

Mr. HALL: Will the Deputy Premier take immediate steps to introduce for prompt ratification a Bill similar to the measures passed by the Commonwealth Government and the New South Wales and Victorian Governments, thereby removing the reason for further delaying the commencement of work on the Dartmouth dam? The following article, headed "Solving a Dam Fiasco: Three Minus Two Equals Economic Commonsense", appeared in the *Financial Review* of July 28:

In one hit it could be possible to save the Commonwealth $60,000,000 and end the undignified interstate wrangle over the choice of Dartmouth before Chowilla as the next dam on the Murray River. The solution could be to build neither and use water stored in the existing Blowering dam on the Tumut River in New South Wales to supply additional water for South Australia, the main reason for a new Murray River dam . . . Construction of Dartmouth, to cost nearly $60,000,000 on current estimates, has not started because of the South Australian Government's electoral commitment to agree to Dartmouth only if a pledge is made to construct Chowilla in the future. The more rational members of the South Australian Parliament realize by now that Chowilla is a poor proposition because of evaporation, environmental and salinity problems and could accept the Blowering proposal as a chance to get off the hook and also save hard cash.

It goes without saying that Opposition members identify with the more rational members of the South Australian Parliament referred to, but we do not support the proposal to replace the Dartmouth dam with some water entitlement from the Blowering dam. Therefore, we are most anxious to know when the Government will accept the Dartmouth dam ratification proposal. The need for urgency in this matter is all the more acute because, as evidenced by the report to which I have referred, experts in other States are already beginning to talk about an alternative to Dartmouth. This is alarming Murray River area residents who know that, if drought conditions similar to those which obtained between 1937 and 1945 are experienced again, the river plantings will perish. In view of this great concern which is based on what is known about the effects of the previous drought, and in view of the possibility that in other States the opinion that Dartmouth is not necessary may gather weight, I urge the Deputy Premier to consider this question, treating the matter with all the urgency that it deserves, as it concerns the existence of River industries and affects future metropolitan economic development.

The Hon. J. D. CORCORAN: I entirely agree with the Leader's assessment of the alternative, which has been put forward by the so-called experts in other States and which involves additional water being made available to South Australia via the Murrumbidgee River, because the Coleambally project may not be developed fully. This is purely hypothetical at present because, as I understand the situation, the New South Wales Government has not yet decided on the future of the Coleambally development.

Mr. Hall: It's still open to question.

The Hon. J. D. CORCORAN: Yes. If that Government does go ahead with the scheme, the situation could change at any time in future; any additional water that might be available to South Australia as a result of any agreement with the New South Wales Government would be available for only a short term. Therefore, I do not believe that this offers an alternative to the construction of the Dartmouth dam. I believe that my Party has made it perfectly clear all along that what it

has attempted to do is protect, as well as it can, the future of Chowilla in any agreement entered into regarding the building of Dartmouth. We are trying to rescue some of the things that the Leader and his Party threw away last year.

Mr. Hall: At the price of getting nothing.

The Hon. J. D. CORCORAN: When I last reported on this matter to the House a week or so ago, I had received a letter from the Premier of New South Wales, and I gave details at that time. I have just recently also received a letter from the Prime Minister on the subject. I will not worry the Premier about this matter immediately upon his return this evening, but tomorrow I will place these two letters before him. The Government is, however, still awaiting a reply from the Victorian Government, which seems to be doing a little hedging, as a result of which we do not know what is the situation regarding that State. Having received letters from the Prime Minister and the New South Wales Premier, the Government will, immediately upon the Premier's return, discuss the whole matter, after which it will be able to indicate to Parliament its future intentions in this regard.

Mr. MILLHOUSE: Will the Deputy Premier say how long the Government considers this matter can be allowed to run without endangering the building of the Dartmouth dam?

The Hon. J. D. CORCORAN: The Government will decide how long.

Mr. Millhouse: I asked you to say.

The Hon. J. D. CORCORAN: This is a matter upon which the Government will decide. It will be part of the general question under discussion when the Premier returns, and when the Premier is ready to make an announcement to Parliament he will do so.

Mr. RODDA: Can the Deputy Premier say whether there will be a general ratification of the River Murray Waters (Dartmouth Reservoir) Bill? In conversations I have had with members of Parliament in Victoria, those members have been concerned that that Bill was not in the form of corresponding Bills passed by the Parliaments of New South Wales, Victoria and the Commonwealth in that two clauses were different. Those members of Parliament were also concerned that this State (I am expressing the private opinions of private members of Parliament) was more than generously treated through the additional water that it would have received. In replying to the member for Torrens, the Minister has said that the river is over-committed now. As there is real need in the interests of South Australia (not a political reason), can the Minister say when the work provided for in the amending Bill will be commenced?

The Hon. J. D. CORCORAN: I have already replied to the honourable member's question.

MAINTENANCE PAYMENTS

Mr. EVANS: Has the Attorney-General a reply to the question I asked on July 27 about maintenance payments?

The Hon. L. J. KING: Statistics of the number of maintenance accounts current in the years 1968-69 and 1969-70 are not available. However, the trend is well illustrated by the number of new maintenance accounts that were opened in each of the last three years.

The SPEAKER: Order! The Attorney-General is replying to a question asked by the member for Fisher, and he must be heard without interruption. Chatter between honourable members must cease.

The Hon. L. J. KING: The figures are: 1968-69, 797; 1969-70, 964; and 1970-71, 1,063. It is most unlikely that any savings in administration costs would result from the introduction of a scheme by which maintenance payments were guaranteed by the Government. Indeed, these costs might be expected to increase. The Social Welfare and Aboriginal Affairs Department would often be faced with the problem of ensuring that maintenance payments should be continued in the absence of information from either the wife or the husband. If it did not do so, the husband might later dispute his liability to reimburse the department because children are working or because there are other altered circumstances.

Mr. PAYNE: Will the Attorney-General outline to the House how the present difficulties regarding maintenance orders made by Masters of the Supreme Court have arisen and, for the benefit of many unfortunate people in this State, say what can be done to resolve those difficulties?

The Hon. L. J. KING: I think I should take the opportunity to supply some detailed information on this matter to the House. Prior to the passing of the Commonwealth Matrimonial Causes Act, 1959, the divorce jurisdiction in South Australia was administered under the South Australian Matrimonial Causes Act. Under the South Australian Act and Rules, the Master of the Supreme Court had power to deal with ancillary matters and regularly made orders regarding maintenance, access to children, and interlocutory

matters. At the time of the passing of the Commonwealth Act in 1959, there was considerable discussion about its possible effect on the jurisdiction of the Masters. Under the Commonwealth Constitution, Commonwealth jurisdiction may be conferred on State courts. The Commonwealth Matrimonial Causes Act in fact conferred the jurisdiction on the Supreme Court of South Australia. It was considered by some that Commonwealth jurisdiction could be exercised only by a court consisting of judges, and that the Master, as an officer of the court, could not exercise the Commonwealth jurisdiction. Such doubts were expressed by the then Master of the court (Mr. K. H. Kirkman), the then Deputy Master (Mr. G. H. Walters, now Mr. Justice Walters), and Miss R. F. Mitchell (now Justice Mitchell), who made a report on behalf of the Law Society of South Australia.

Mr. Justice Piper of the South Australian Supreme Court raised the question of the Masters' jurisdiction at the Australian Legal Convention in Perth in 1959, the Commonwealth Attorney-General (Sir Garfield Barwick) being present. The then South Australian Parliamentary Draftsman (Dr. Anstey Wynes) took a strong view that the Masters could not exercise judicial power under the proposed Commonwealth Act. Dr. Wynes put forward a proposal to amend the Supreme Court Act by making the Master part of the court, thereby, as he thought, enabling the Master to exercise the Commonwealth jurisdiction. Others held the view that, when Commonwealth jurisdiction is conferred, the Commonwealth takes the State court as it finds it and that for that reason the Masters could continue to exercise the jurisdiction. Amongst those who were of this opinion was the then Commonwealth Attorney-General (Sir Garfield Barwick). In a letter to Senator Laught, the then Commonwealth Attorney-General said:

It seems to me that the constitutional theory has been misconceived. As I understand it, to invest a State court with Commonwealth jurisdiction is to submit the administration of the Commonwealth jurisdiction to the statutory organization of the State court. In other words, Commonwealth jurisdiction may be exercised in exactly the same way as State jurisdiction is exercised. The court which is invested is not a group of judges but a court as organized by Statute; if the Statute provides for delegation of function, the Commonwealth, if it invests that court with Commonwealth jurisdiction, must submit to its exercise in accordance with the statutory organization, including the provisions for delegation.

He dismissed Dr. Wynes' suggestion about an amendment to the Act with the words "To my mind this is an unnecessary exercise." Nevertheless, the Commonwealth Attorney-General made it clear that he preferred to see, if at all possible, the jurisidiction in alimony exercised by a judge.

The then judges of the Supreme Court of South Australia, having considered the legal position, decided in conference on December 22, 1960, that the Masters would exercise jurisdiction under the Commonwealth Act in the same way as they had done under the State legislation. The Masters continued with their work on the basis of this direction. In 1962, the validity of the exercise of the jurisdiction by the Masters was questioned before Mr. Justice Chamberlain in *Nicholls v. Nicholls*. He held that the jurisdiction was validly exercised. In 1964, Mr. Justice Dovey of the Supreme Court of New South Wales in *Crawford v. Crawford* refused to make an order for the attachment of a husband who had defaulted under a maintenance order made by a Master of the Supreme Court of South Australia on the basis that the Master could not validly exercise the jurisdiction. Following this decision, correspondence passed between the Master of the Supreme Court of South Australia and the Secretary to the Commonwealth Attorney-General's Department, and the Commonwealth Government's attention was drawn to the problem. In a letter dated January 12, 1965, the then Master of the Supreme Court suggested to the Secretary of the Commonwealth Attorney-General's Department as follows:

The desirable course in Crawford's case is for Selby J. to state a case under section 91 of the Matrimonial Causes Act for the opinion of the High Court. If a case were stated, both the Commonwealth and the State of South Australia might feel disposed to apply for leave to intervene. The question could then be fully argued and a binding decision given.

This suggestion does not appear to have been followed up. I should mention that the suggestion made by Dr. Wynes for an amendment to the Supreme Court Act to make the Masters part of the court was not acted upon but, in the light of the attitude that the High Court has taken, it can be seen that it would not have overcome the difficulty. An amendment was made to the Supreme Court Act in 1963, apparently with a similar object, and subsection (2) of section 83, which was then introduced into the Act, provides that the Master, when engaged in the exercise of any jurisdiction conferred upon him by this or any

other Act, shall be deemed to have and have exercised the jurisdiction of the court. In the ultimate outcome, this amendment proved to be ineffectual to save the Masters' jurisdiction.

The Masters continued to exercise the jurisdiction without challenge. In 1969, Mr. Justice Zelling, in *Ullrich v. Ullrich,* held that the Masters could not validly exercise the Commonwealth jurisdiction and that Mr. Justice Chamberlain's decision in *Nicholls v. Nicholls* was wrong. The question was referred to the Full Court of South Australia and the then State Attorney-General (Mr. Millhouse) authorized the payment of the costs of the parties to argue the case. The Full Court in *Thomas v. Thomas,* 1969 *South Australian State Reports* 177, held that the Masters could validly exercise the jurisdiction. This case was not taken to the High Court of Australia.

Following the South Australian example, New South Wales conferred the power to make ancillary orders on an officer of that court, namely, the Registrar. His power to make the orders was challenged and the case went to the High Court. The High Court, which delivered its judgment in *Kotsis v. Kotsis* on December 24, 1970, held that the New South Wales Registrar did not have the power to exercise the Commonwealth jurisdiction. It seemed to me that the reasoning of the High Court in *Kotsis v. Kotsis* made it unlikely that the jurisdiction of the Masters of the Supreme Court would stand. I decided therefore that the matter must be tested in the High Court without delay.

Arrangements were made for a test case at Government expense. This was the case of *Knight v. Knight,* in which the High Court of Australia held that the Masters of the Supreme Court are not members of the court and therefore have no jurisdiction to exercise any of the powers conferred upon the Supreme Court by the Commonwealth Matrimonial Causes Act. I have set out the history of the matter for the information of the House, not only because of its intrinsic importance but also because of suggestions made in the press that the South Australian Supreme Court was guilty of a blunder. In fairness to the judges of the South Australian Supreme Court, it must be said that the issues involved are difficult and have been the subject of differences of opinion from the beginning. Even in *Kotsis v. Kotsis,* Mr. Justice Gibbs dissented from the view of the majority of the High Court. Moreover, the view that was followed in South Australia was the view of the Commonwealth Attorney-General who was in charge of the Commonwealth Matrimonial Causes Bill.

A variety of orders has been made over the years by Masters which may well be invalid. Doubt has also been cast upon the validity of certain divorces granted by Commissioners on Circuit who were not judges of the court at the time. Both the Solicitor-General and I have been in close touch with the Commonwealth Attorney-General and the Commonwealth Solicitor-General in relation to the matter. The Commonwealth has undertaken a study of the problem and, in particular, the feasibility of legislating to validate past orders. A definite decision has not yet been made about the course to be followed.

The House will appreciate that this is a matter of Commonwealth jurisdiction and that there is little that the South Australian Parliament can do in the matter, except perhaps by way of legislation complementary to any Commonwealth legislation that might be passed. I have pressed on the Commonwealth authorities the urgency of the matter. In the meantime I stress that it is in the interests of persons affected by orders made by a Master to continue to observe those orders. Failure to do so would be likely to result in a further application to a judge, with consequent additional costs that would have to be borne, in most instances, by the defaulter.

CHRISTIE DOWNS INTERSECTION

Mr. HOPGOOD: Will the Minister of Roads and Transport place before the Road Traffic Board the early necessity, following the sealing of Flaxmill Road at Christie Downs, to provide adequate warning devices at the intersection of that road with Brodie Road? This intersection is already dangerous, despite the fact that Flaxmill Road at present has only an unmade surface. With the projected sealing of seven-tenths of a mile of this road in the coming 12 months and the development of population in the Christie Downs area, it is certain that a relatively heavy volume of traffic will be using this intersection soon.

The Hon. G. T. VIRGO: I shall be pleased to do that for the honourable member.

MURRAY RIVER PUMPING

Mr. COUMBE: Will the Minister of Works say whether his department is still maintaining a general ban on the issue of licences to pump water from the Murray River and whether it is likely that this ban will continue in the foreseeable future?

The Hon. J. D. CORCORAN: The ban, as it applied when the honourable member was Minister of Works, continues to apply, and I cannot see any possibility of its being eased in the relatively near future or, indeed, for some years. The honourable member will know that, even if the Dartmouth dam were constructed, we are well and truly overcommitted on the Murray River at present. We would need to examine the situation closely and consider any additional sources of supply that we might have in the future before the ban could be lifted. I think the honourable member appreciates that the ban will continue for some time.

Mr. WARDLE: Can the Minister of Works say how many people are employed installing meters for persons pumping from the Murray River, what size meters have been installed, and how many meters remain to be installed? The Minister will recall that about 18 months or two years ago it was decided to meter those people who were pumping from the Murray so as to ascertain the amount of water being taken from the river. I understand it was the intention at that time that the larger pipes would be metered first.

The Hon. J. D. CORCORAN: I will obtain the information for the honourable member as soon as possible.

ISLINGTON SEWAGE FARM

Mr. JENNINGS: Can the Minister for Conservation give the House any details about the protection that will be afforded people living near the old Islington sewage farm from the pollution emanating from the 300-acre light industrial area that is to be established under the plan that the Government is adopting? After a long time the Lands Department submitted to the Public Works Committee three alternative proposals. As a result of a question that I asked last week I ascertained that the Government was proceeding with the proposal that the committee recommended. However, there is much agitation in both my district and the Spence District, which adjoins the farm, about the pollution that may emanate from the light industrial area. Can the Minister assure me that proper protection will be provided for people in the district and, of course, the State in general?

The Hon. G. R. BROOMHILL: I appreciate the honourable member's concern about this matter, which it will be necessary for me to examine in depth. If the area is to be only a light industrial area, the honourable member will have no problem, because no industry can be established in such an area if it is likely to create any noise, dust, dirt or pollution problem. I shall be happy to examine the matter closely and provide the honourable member with any additional information available.

GOVERNMENT ACCOMMODATION

Mr. RYAN: Can the Minister of Works say what progress has been made on the preparation of plans, etc., for the building of a multi-storey office block at Port Adelaide to house all Government departments in that area? If the plans are in the process of preparation, can the Minister also say whether the building will be erected on the present site of the Port Adelaide police station?

The Hon. J. D. CORCORAN: Offhand, I cannot give any accurate information to the honourable member, but I will take up the matter with the Public Buildings Department and obtain a detailed report as soon as possible.

HOLDEN HILL SEWERAGE

Mrs. BYRNE: Will the Minister of Works obtain a report on the Engineering and Water Supply Department's intentions regarding the sewering of an area at Holden Hill which includes such streets as Waninga Drive and which was omitted from previous sewerage schemes for this area?

The Hon. J. D. CORCORAN: I shall be happy to obtain a report for the honourable member.

STAMP DUTY

Mr. NANKIVELL: Is the Minister of Works, representing the Treasurer, aware that in cases where a contract for sale and purchase is entered into and stamp duty is paid, if the contract also involves the sale of vehicles, those vehicles attract a special sales tax as a result of a change of ownership? This matter was raised with me by a constituent of mine on Friday. He said that when he bought a business he had entered into a contract for sale and purchase involving a certain sum. The contract had to be receipted, and was, of necessity, stamped. Also involved in the contract were certain vehicles, whose ownership had to be changed, and they, in turn, had to be taxed separately. This meant that a double tax had to be paid on those items in the contract. If this is the intention of the legislation, all right; but if it is not the intention, will the Minister see whether something can be done to remedy the situation?

The Hon. J. D. CORCORAN: Is the honourable member referring to stamp duty or sales tax?

Mr. Nankivell: Stamp duty.

The Hon. J. D. CORCORAN: I will have the Under Treasurer examine the matter and bring down a report for the honourable member.

DEFENCE INSTALLATION

Mr. PAYNE: Can the Deputy Premier say whether the Government knows of any plan by the Commonwealth and United States Governments to set up a defence installation (such as Omega) in the South-East, near Port MacDonnell? I have been told that last Tuesday a commercial aircraft flying to Mount Gambier carried several Americans who were supposedly from the United States Defence Department and also some officials from Mr. Gorton's department in Canberra. I understand that several cars met these persons and that they were driven to the Port MacDonnell area. I cannot vouch for the accuracy of that information but, in view of the importance of the matter to the citizens of this State, I ask the question.

The Hon. J. D. CORCORAN: The Government is not aware of any plans that the Commonwealth Government or the United States Government has to establish defence facilities in the area near Port MacDonnell. I would be extremely interested to know whether there were any such plans.

Mr. Millhouse: Has that something to do with you? It's your electorate.

The Hon. J. D. CORCORAN: The member for Mitcham is on the ball for once: he realizes that I represent that area.

Mr. Millhouse: However imperfectly.

The Hon. G. T. Virgo: The Minister represents it very well, which is more than the member for Mitcham can claim about his area.

The Hon. J. D. CORCORAN: I will make appropriate inquiries to try to find out whether there is any truth in the information that the honourable member has been given.

STUDENT INDOCTRINATION

Mr. GOLDSWORTHY: Will the Minister of Education say what action he will take when teachers try to indoctrinate students with a particular political philosophy? Complaints have been made to me on this matter from time to time, but I ask the question because of a letter in the current issue of the South Australian Institute of Teachers journal. The letter refers to the recent events at the Angle Park Girls Technical High School and I should like to quote from it, because it is pertinent. The letter states:

Less funny, however, was a meeting held in Adelaide on Monday, April 19, at which one of the main protagonists in the Angle Park incident was present. There she heard speakers sponsored by the Radical Education Alliance outline a policy for bringing radical activism into schools. Those who spoke included such well-known educators as Brian Medlin, Graham Smith, Lyn Arnold and Julie Ellis. About 30 young teachers and a sprinkling of secondary school students heard a member of S.A.I.T. explain how students in schools could best be led to support the aims of the Vietnam Moratorium Committee. A student contact was needed to distribute literature to other students. If school authorities tried to suppress this literature, the task could still be continued but with greater caution. Then to get one's own radical ideas across to students in lessons, the "comparative method" could be employed. For example, compare Australia's role in the First World War with our present involvement in Vietnam. That way, what one really thought could be presented to students under the guise of impartiality. A teacher at an Adelaide secondary school was named (and so was the school) as being a most successful user of this method. It was admitted that there were some risks but "they can't watch you all the time."

I ask what action the Minister would contemplate when teachers consciously tried to indoctrinate students in this way.

The SPEAKER: The honourable member for Kavel has asked the Minister a question about what the Minister contemplated on some matter that might arise. The question is hypothetical and I am not prepared to ask the Minister to reply. I rule the question out of order.

Mr. GOLDSWORTHY: With respect, this question refers to a particular incident that occurred recently at the Angle Park school and refers to a particular incident that has occurred at the secondary school.

The SPEAKER: The question asked was what did the Minister contemplate he would do. This is a hypothetical question and I have ruled it out of order.

Mr. GOLDSWORTHY: Will the Minister of Education state his policy with regard to political propaganda activity by teachers and others in schools? You, Mr. Speaker, deemed my earlier question hypothetical. The subject matter of this question is similar, and the letter I quoted earlier is pertinent to this question. This letter referred to a meeting that was addressed by Professor B. H. Medlin, who is the Professor of Philosophy at Flinders University, and Mr. G. Smith, of the South Australian Institute of Teachers. From the import of this letter, it is perfectly obvious that a conscious attempt is being made to

indoctrinate students in schools. In the light of this letter, I ask for the Minister's policy.

The Hon. HUGH HUDSON: I congratulate the honourable member on reframing his question in a well-phrased manner.

Mr. Goldsworthy: I changed it.

The Hon. HUGH HUDSON: I think honourable members have heard me before on this subject. As we do not believe that teachers should engage in any type of propaganda activity in the schools, wherever our attention has been drawn to anything of this nature, action has been taken in relation to it. Allegations have been made that lecturers have indulged in this type of activity. Recently, an allegation was made of a possible National Socialist influence being used in relation to students. I think it is worth re-stating the position. We believe that teachers should adopt an impartial position in their dealings with students. However, this does not mean that there should not be discussions within schools on controversial issues. I do not think there is any point in kidding ourselves about this: students, especially senior students aged 16 years to 18 years, are interested in many controversial questions. In these matters, I believe the responsibility of the school extends to seeing to it that all points are canvassed and that students are left to make up their own minds. Although this is the policy that the department and I follow, in many respects I am not as worried as other people are about attempts made at propagandizing the students, for I have much more faith than probably many other people have in the ability of students to make up their own minds and to consider alternative points of view. After all, one of the main purposes of the education system is to enable students to think about and to learn things for themselves. I think that we are doing the vast bulk of students an injustice if we believe that they are not capable of sorting out those who are indulging in propaganda, and if we do not believe that they are capable of making up their own minds.

Mr. Mathwin: They can be brainwashed.

The Hon. HUGH HUDSON: I think the honourable member is inclined to judge what might happen to others in terms of his own feelings or in terms of what he thinks might happen to him. However, I have great confidence in the ability of the vast majority of students to determine their own attitudes. That does not alter the policy which has been stated before and which is clear cut. In no circumstances will we go along with an attempt by anyone to put over to students in an exclusive way a certain point of view; that applies whether the point of view comes from the left or the right.

RURAL ASSISTANCE

Mr. McANANEY: My question is directed to the Minister representing the Minister of Lands. Why do not the people running the rural reconstruction scheme interview the applicants for assistance and inspect their properties? Now that the Commonwealth Government has announced that the period for repayment of loans could be extended to 25 to 30 years, will protection certificates be given to those applicants who have already been refused until this new circumstance can be taken into account in assessing their position?

The Hon. J. D. CORCORAN: I imagine that the committee that deals with the applications may, in certain circumstances, interview applicants or inspect their properties, but I should imagine that in many cases it is able, prior to doing this, to establish quite clearly that they are not eligible. It is probably for that reason that the inspections have not been taking place, but I will get a report for the honourable member from my colleague.

SOOT FALL-OUT

Mr. HARRISON: Will the Minister for Conservation take immediate steps to investigate the cause of a black soot fall-out emanating from the boilerhouse chimney at the Queen Elizabeth Hospital with a view to rectifying this complaint? I have received several complaints from constituents at Albert Park to the effect that they are having a nuisance created, in particular on washing days. A black soot falls on to the washing of many of the housewives in that area, and the clothes have to be washed two or three times to restore them to a clean state. Also, when people leave their windows open, the soot gets inside the house and ruins the curtains. Will the Minister see that this problem is immediately investigated?

The Hon. G. R. BROOMHILL: I shall be pleased to have the matter investigated immediately.

PORT LINCOLN HOSPITAL

Mr. CARNIE: I direct my question to the Attorney-General, representing the Chief Secretary. Has further consideration been given to additions to the Port Lincoln Hospital? Early in the last session I wrote to the Chief Secretary making certain suggestions about

additions to the hospital, particularly regarding the provision of a geriatric section. His reply to that letter was that consideration—

The SPEAKER: Order! There is too much audible conversation going on. The honourable member for Flinders.

Mr. CARNIE: The Chief Secretary's reply to my letter was that consideration was being given to this matter along the lines suggested by me. I therefore ask my question. If the answer is "Yes", is it likely that the plan will be proceeded with in the foreseeable future?

The Hon. L. J. KING: I will ask the Chief Secretary for an answer and bring back a reply.

REFLECTORIZED NUMBER PLATES

Mr. LANGLEY: Can the Minister of Roads and Transport inform the House of the quality and price of reflectorized number plates to be in use late this year and their effectiveness, and of their use in other States? Recently, on a television segment, several different types of reflectorized number plates and prices were quoted. It appeared that the life of the reflectorized plate costing $1.70 was short and compared unfavourably with the dearer ones.

The Hon. G. T. VIRGO: One of the major areas of investigation undertaken prior to the Government's reaching a decision on reflectorized number plates was price. There is undoubted value in having reflectorized number plates fitted, but we did not desire to introduce them in an atmosphere in which motorists would feel that they were having a heavy charge imposed on them. Accordingly, we have pursued this question with much vigour and in depth, and I am pleased to say that we have now reached the stage where, without having anything so definite that there cannot be some slight adjustment, it seems certain that plates will be available at the retail price of $1.70 a pair. These will be sold, from the time of their introduction, by the Registrar of Motor Vehicles only: he will be the sole controller and issuer of number plates. At present I understand that some of the firms that sell number plates are selling them at $7 a pair, so that it is not surprising that people are complaining because they will be run out of business; they are making about $5.30 or more a pair on number plates. The motorist should not be fleeced. We have investigated this matter to the stage where the price is more than comparable with that of ordinary number plates, and I hope that, in the not too distant future, I shall bring down the necessary legislation to give effect to the introduction of reflectorized number plates.

COOBER PEDY KINDERGARTEN

Mr. GUNN: Has the Minister of Education a reply to my recent question about facilities at the Coober Pedy Kindergarten?

The Hon. HUGH HUDSON: Approval has been given for a dual timber unit to be made available for the pre-school kindergarten at Coober Pedy. The sketch plans of the new school show that this timber unit is to be left on the site.

CHAFFEY HOUSING

Mr. CURREN: Has the Deputy Premier a reply to my question of last week asking for details of the Housing Trust housing programme that is being undertaken in the River districts?

The Hon. J. D. CORCORAN: At present the trust depends mainly upon vacancies occurring from its existing houses in the Murray River towns to house those requiring rental accommodation. However, in each of the towns referred to by the honourable member the trust is currently building, and has programmed for, further houses. Details of the present situation in the towns referred to are as follows. At Barmera, 55 rental houses are occupied. Currently, the trust has 19 applications from people at Barmera, and has six houses programmed, four of which are under construction and two to be started shortly. Applicants who applied in March of 1970 are currently being housed, but the waiting time is expected to shorten as handovers occur. It is expected that a further eight houses will be built in Barmera during this financial year, and that about 40 per cent of the houses built will be sold.

At Berri, 119 rental houses are occupied. There are 21 rental applications on hand for Berri, and six applications to purchase. The waiting time for rental applicants is about eight to nine months, and there are eight houses under construction. It is expected that a further 16 houses will be commenced during this financial year and, of these, 10 houses will be for rental and six will be sold.

At Renmark, 95 rental houses are occupied. The waiting time for rental housing at Renmark is between six and seven months, and 23 rental applications and five applications to purchase are held. It is expected that, during this financial year, 30 houses will be commenced in Renmark and of these about 10 are expected to be sold.

At Waikerie, eight rental houses are occupied. The waiting time for rental housing at Waikerie is at present in excess of 18 months. As a rental programme was recently introduced there, it is expected that this time will be quickly reduced. Six houses are under construction, and it is expected that a further 10 houses will be commenced during this financial year. Twenty rental applications are on hand for Waikerie, and it is expected that about 40 per cent of the houses being built will be sold.

The demand for housing at Moorook has been spasmodic, and houses have been built to meet the demand at given times. Currently, there are four people interested in housing at Moorook, and two houses are nearing completion. It is expected that a further house will be commenced at Moorook during this financial year.

TORRENS RIVER EFFLUENT

Dr. TONKIN: I understand that the Attorney-General has a reply from the Minister of Health to my recent question regarding the Torrens River and lake.

The Hon. L. J. KING: My colleague states:

The boating pool in Rymill Park is supplied with water from Torrens Lake which is examined microbiologically from time to time at the Engineering and Water Supply Department laboratory at Bolivar. These examinations are made when requested by the Adelaide City Council. The last examinations were made in March, 1971, prior to the swim through Adelaide. The Medical Officer of Health for the city, on examining the results, stated that the water was suitable for the event to be held. The Department of Public Health advises inquirers that fresh water swimming should be confined to pools which are filtered and chlorinated, and that overcrowding must be avoided. This advice is frequently not accepted.

TRASH RACK

Mr. BECKER: Has the Minister of Works a reply to my recent question regarding the trash rack for the Sturt River?

The Hon. J. D. CORCORAN: The trash rack for the Sturt River has been designed and a construction drawing is being made for its manufacture. It will be installed as soon as it has been fabricated.

ENGINE NUMBERS

Dr. EASTICK: My question is directed to the Attorney-General, representing the Chief Secretary. Is it an administrative direction that now prevents police officers in the gazetted metropolitan police area from reading motor vehicle engine numbers and issuing interim registrations, or is there some wider control which is not immediately apparent? In the past it has been possible for police officers of the Gawler police station not only to remove registration discs and sign a certificate that they have been removed correctly but also to read the engine number on the vehicle and, under certain circumstances where it is not possible for the person to proceed to Adelaide for full registration, to issue a limited registration allowing the vehicle to be used. Recently it has become necessary for persons who wish to have these two services provided to travel to Freeling or to Adelaide for the necessary action to be taken. This seems quite unnecessary; if police officers are able to authorize or to note that they have witnessed the removal of the disc, then surely, as they have been permitted to do in the past, they could indicate they had read the engine number and sign the necessary document for the interim registration?

The Hon. L. J. KING: I shall obtain a reply for the honourable member.

MORPHETTVILLE PARK SCHOOL

Mr. MATHWIN: Will the Minister of Education inquire into the possibility of building an additional room for use as a staff room at the Morphettville Park Primary School? The existing staff room is too small and is very poorly appointed. It could be used for a general office. At the moment the clerical assistant is working in a very poky and unhygienic store room.

The Hon. HUGH HUDSON: I shall be pleased to take up that matter for the honourable member.

McDONALD PARK SCHOOL

Mr. BURDON: Will the Minister of Education ascertain what progress has been made in regard to providing an entrance to the grounds of the McDonald Park Primary School from the northern boundary? Over the past two years a gate at the northern boundary of this school has been the subject of long negotiations between Education Department officers and the school committee, and the Engineering and Water Supply Department also is involved. Because of the increasing number of children attending this school, I believe that it is a necessity (indeed, it was a necessity a long time ago) that an entrance be provided on the northern boundary of the school to enable children to reach the schoolgrounds without having to proceed about another half-mile around the road to the

existing entrance. Will the Minister inquire into this matter?

The Hon. HUGH HUDSON: I shall be pleased to do that for the honourable member.

INDUSTRIAL DISPUTES

Mr. MILLHOUSE: Will the Minister of Roads and Transport say what action he has taken to avert a rail strike in South Australia? As members will be aware, there is grave danger of a national rail stoppage beginning, I think, at midnight this evening. I see in the paper this afternoon that the Secretary of the Australian Railways Union in this State said (I think this morning), "We expect a wage offer to railway workers from the South Australian Government today," and there are other references in the report to a last-ditch effort by the Minister to exempt South Australia from the national rail strike. I should have expected the Minister to be using his influence with the union to avert the strike—

The SPEAKER: The honourable member is commenting.

Mr. MILLHOUSE: —but I recall the attack on him by the A.R.U. at the end of June, and no doubt his position is not as strong as one would expect in this regard—

The SPEAKER: Order! The honourable member must ask his question. He is not permitted to comment.

Mr. MILLHOUSE: —but that is by the way, and I ask—

The SPEAKER: Order! Will the honourable member take his seat. The Minister of Roads and Transport.

The Hon. G. T. VIRGO: I completely ignore any of the irrelevant comments, which were both impertinent and out of order. The member asked me what the position was regarding the rail strike: yesterday morning, a conference took place before Conciliation Commissioner Neil. A further conference was to take place this morning, and when I have been told what occurred at that conference the Government will consider any action that it can take.

Mr. MILLHOUSE: I address my question to the Deputy Premier, as it is a matter of policy. Does the Government intend to make a wage offer to railway workers in South Australia? Earlier in Question Time I asked the Minister of Roads and Transport what action he had taken to avert a threatened railway strike and I quoted the front page of today's *News* to that effect, but he ignored that aspect altogether. Therefore I ask the Leader of the Government what action the Government has taken with regard to a wage offer?

The Hon. J. D. CORCORAN: The honourable member is correct in saying that this is a matter of Government policy. Any offer that will be made to the railway workers, or a decision whether any offer will be made by the Government, is a matter for Cabinet to discuss. However, no detailed discussion has taken place on this matter and, if it is necessary, I will let the honourable member know at an appropriate time.

The Hon. D. N. BROOKMAN: Can the Deputy Premier say whether his attention has been drawn to a statement in the official organ of the Australian Railways Union of June 26 in which the Minister of Roads and Transport is alleged to have created an atmosphere of distrust, and has this statement any connection with the report in this afternoon's newspaper that Mr. Alexandrides has said, "We expect a wage offer to railway workers from the South Australian Government today"? At present Conciliation Commissioner Neil is trying to avert a pending strike that can have most serious consequences, and the only information that members of this House get about the negotiations is from what we read in the newspapers. We have read two statements, one a short time ago criticizing the Minister of Roads and Transport and one stating that an offer to railway workers is expected to be made. Every attempt to get any information about what is going on has been foiled in this House by the Deputy Premier's failing to give any information at all. This matter is of vital importance to South Australia and it is up to the Deputy Premier, as Leader of the Government at present, to tell us what is going on, whether a wage offer is being made, and whether efforts are being made to settle this strike outside the offices of the Conciliation Commissioner. I want to know what is going on.

The Hon. J. D. CORCORAN: I am upset to see that the honourable member is getting a little stern over this matter. I think that I, as Leader of the Government, am the person to decide what I will tell this House.

Mr. Millhouse: I see. You're the big dictator!

The SPEAKER: Order! I will not tolerate members taking points of order and then deliberately breaching Standing Orders. I ask honourable members, whether they are on the Government side or on the Opposition side, to contain themselves and act like responsible citizens. The Deputy Premier has been asked

a question and he is entitled to reply. The honourable Deputy Premier.

The Hon. J. D. CORCORAN: In reply to the first part of the honourable member's question, my attention need not be drawn to the statement. I did read the report in the Australian Railways Union paper to which the honourable member has referred and, although I do not consider that the Minister of Roads and Transport needs any protection, the report offended me and, as Leader of the Government, I took appropriate steps to counter some of the abuse and misleading statements in that report by writing to the journal, and I hope that those concerned publish my letter. That is the first point I want to make to the honourable member, but that has no bearing on any decision that the Government may make in relation to the current industrial problems in the Railways Department. I want to make that clear. Also, it would not impair the judgment of the Minister of Roads and Transport in this matter or affect any responsibility that he may have.

So far as any determination by the Government in relation to a wage offer is concerned, I think the honourable member knows as well as I do that this is not a matter on which one makes a snap judgment regarding the amount, and he would agree that it was only yesterday that we had warning of an impending strike, when we found out that there was supposed to be a strike from midnight tonight. At 4 p.m. today Central Standard Time a further conference will be held in Melbourne under the chairmanship of Commissioner Neil on this very matter. So far as the Government's part in making any offer is concerned, we have already had inquiries made through the Railways Commissioner and the department's Industrial Officer about what sort of proposals we could even consider, and we have not yet had time to consider them. I am not trying to deceive the honourable member or mislead the House. It is a matter of sheer time, and I would hope that the honourable member would appreciate that.

Mr. MILLHOUSE: Will the Premier's deputy give a report to the House on the employment situation at General Motors-Holden's and Chrysler Australia Limited, in view of the strikes which are affecting production by those two companies? In last Saturday's newspaper it was reported that the Managing Director of G.M.H. (Mr. Gibbs) was in Adelaide on Friday last and had talks with the Deputy Premier, the honourable gentleman to whom I have directed this question, and the report goes on to say that people would be laid off progressively from the beginning of this week. We know that, unfortunately, the strikes are still continuing and, presumably, this regrettable action has begun. Therefore, I ask the question of the honourable gentleman and hope he will be willing to give the House a full and frank reply.

The Hon. J. D. CORCORAN: I will not give any report on the situation so far as employment at both Chrysler Australia Limited and General Motors-Holden's is concerned. True, the Managing Director of G.M.H. (Mr. Gibbs) spoke to me last Friday afternoon. He also spoke to the Minister of Labour and Industry, who has been handling this matter, and I cannot understand why the member for Mitcham has directed his question to me when another Minister has this responsibility, is handling it adequately—

Mr. Millhouse: I thought you would be more competent to answer it.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: —and is quite capable of answering the question that the member for Mitcham has asked. I point out, too, that the employment situation of the two companies is the companies' business and I do not know whether Mr. Gibbs would appreciate either my or the Minister's giving in the House the report that the honourable member has asked for. I should think it proper that a report of that kind would emanate from the companies themselves. Regarding industrial strife, I take this opportunity to ask both parties concerned in it to see a little reason, get down to the business of talking, and solve the problem as soon as possible. The only way it can be solved is by these two parties getting together and talking in a reasonable and rational way. That has not been achieved to date and I hope, for the good of the State and the persons involved, that it will be achieved soon.

PENSIONER FARES

Mr. HARRISON: Will the Minister of Roads and Transport investigate the possibility of granting to war widow pensioners the same concessional fares in respect of bus and rail transport as are granted to age and invalid pensioners?

The Hon. G. T. VIRGO: I will have the matter examined.

THEVENARD WHARF

Mr. GUNN: Will the Minister of Marine ascertain whether it is possible to alter the works programme relating to the Thevenard wharf? I have been approached by members of the Ceduna Branch of United Farmers and Graziers to see whether the Minister can have postponed or altered the work scheduled to take place on the wharf in November, as this is the time of the year when it is expected that early barley shipments will have to be loaded at this wharf, this being the first year that barley shipments will take place at Thevenard. It is feared that, if the wharf is out of operation in November, growers in the area may be penalized through being unable to ship their barley from this port.

The Hon. J. D. CORCORAN: As I understand the position at present, everything possible is being done by the Marine and Harbors Department to expedite the work referred to by the honourable member. However, in the light of this question, I will have the matter re-examined and let the honourable member know the outcome of that re-examination.

PRISONERS' AID SOCIETY

Mr. HOPGOOD: Will the Minister Assisting the Premier ask the appropriate Housing Trust officer to consider placing at the disposal of the Prisoners' Aid Society one or two houses for use in rehabilitation? I understand that, because of the present housing problem, it would be difficult for the trust to meet this request. However, I understand that the society has made one or two approaches about this in the past, possibly to previous Governments. I believe the Government could well look into this matter.

The Hon. G. R. BROOMHILL: I shall be pleased to raise the matter with the Premier to see whether anything can be done to comply with the honourable member's request.

COCKATOOS

Mr. EVANS: Will the Minister of Works ask the Minister of Agriculture how many permits have been issued in South Australia in each of the last four calendar years for the export of Major Mitchell cockatoos; how many birds have been involved in each permit; and to which countries the birds have been exported?

The Hon. J. D. CORCORAN: I will inquire of my colleague.

VISTA TANK

Mrs. BYRNE: Has the Minister of Works a reply to my question of July 28 about the construction of a 2,000,000-gall. reinforced concrete water tank at Vista?

The Hon. J. D. CORCORAN: On present indications the tank being built at Vista will be finished by about the end of 1971 or early in 1972. It will then be tested and is expected to be in full service by early February, 1972. The distribution mains are part of the total scheme, and these will be completed and in full service before the end of 1971. These new mains will give the flexibility in operation and distribution sought by the department and will be operable and able to achieve this even in advance of the completion, testing and commissioning of the new tank at Vista in February, 1972.

JIB OVERHANG

Mr. BECKER: Has the Minister of Roads and Transport considered introducing legislation to control jib overhang on mobile cranes that are using our highways? I understand that, in other States, regulations controlling jib overhang apply in the interests of road safety.

The Hon. G. T. VIRGO: I will have the matter examined, but I believe that there is already a provision in South Australia covering this matter.

KINDERGARTEN SUBSIDY

Mr. WRIGHT: Can the Minister of Education say what sums are paid by the Commonwealth Government and the South Australian Government as a subsidy to the Lady Gowrie pre-school kindergarten?

The Hon. HUGH HUDSON: Although I think that is covered under our grants to the Kindergarten Union of South Australia, I may have to inquire of the Kindergarten Union what sums are available. I will look into the matter and obtain the information as soon as possible.

PINNAROO POLICE

Mr. NANKIVELL: My question deals with the policy of the Police Department with regard to future police activities at Pinnaroo. As Pinnaroo is a border town, one would expect it to be developed as a police centre. Notwithstanding this, fears have been expressed by the people at Pinnaroo that the station there may be closed down in favour of the development of a regional station at Lameroo. Will the Attorney-General ask the Chief Secretary whether it is intended in future to close the station at Pinnaroo or, if it is not, whether the station may be continued and in the long term upgraded, with additional officers being

placed there in view of Pinnaroo's being a border town?

The Hon. L. J. KING: I will ask my colleague for a reply.

PRINCES HIGHWAY

Mr. WARDLE: Is the Minister of Roads and Transport aware of any further worthwhile deposits of copper ore having been discovered near Callington and has his department met with landowners concerning the path of the new freeway? The Minister will recall saying many months ago, in reply to a question I had asked, that there was a hold-up in plotting the path of the new Princes Highway west of Callington. The Minister is no doubt aware that work on this project has been done to a certain locality, to which the freeway has at present a road bed and has been fenced and designed. However, nothing is certain about the path of the road from that point on. Therefore, has the Minister any further information to give the House?

The Hon. G. T. VIRGO: I will discuss this matter with the Minister of Mines and the Commissioner of Highways and bring down a report.

NORTH ADELAIDE SCHOOL

Mr. COUMBE: Has the Minister of Works a reply to my recent question about the North Adelaide school?

The Hon. J. D. CORCORAN: The proposed painting of and repairs to the North Adelaide Primary School will be carried out by contract during the current financial year.

FIRE-FIGHTING VESSEL

Mr. RYAN: Has the Minister of Marine a reply to my recent question about the sale of the *Fire Queen,* a fire-fighting vessel at Port Adelaide?

The Hon. J. D. CORCORAN: Towards the end of last year a careful examination was made of the *Fire Queen's* suitability as a fire-fighting appliance and of the vessel's apparent mechanical and physical condition. Reports of senior Fire Brigade officers stated that to convert the vessel to a reasonable standard of usefulness would require major rebuilding operations, including: (*a*) fitting of separate new engines for propulsion and pumping (the vessel had only one engine to cover both purposes); (*b*) replating of the hull and engine bed foundations (provided the hull could stand this work); (*c*) modifying propeller drives and rudders to cope with new arrangements and provide better steerage; (*d*) deck cabin, elevated "snorkel" and massive plumbing modifications; and (*e*) various other modifications, as well as the usual routine maintenance.

The foregoing requirements were established in conjunction with marine engineers, ship surveyors and Fire Brigade mechanical engineers. As the estimates of costs appeared to be far beyond what should reasonably be spent on such an old vessel, action was deferred until the next annual docking and inspection. In April, arrangements were made to place the *Fire Queen* in dry dock at the Central Slipping Company for the annual service and survey, and a programme was drawn up for the maintenance necessary to maintain the float's normal state of efficiency. The Technical Adviser of the Adelaide Steamship Company and the Chief Engineer for the Marine and Harbors Department stated that paint should be chipped back to bare metal; this was the first operation commenced when the float was docked on May 3.

On May 5 it was reported that there were several holes about 2in. in diameter in the hull in the amidships area, and it would be necessary to remove cement lining from inside the hull to ascertain the full extent of the deterioration. The float was inspected by the Ship and Engineer Surveyor of the Marine and Harbors Department on May 6, and his report confirmed that holing, pitting and wasting of the plating and floors was extensive and the hull was most unsatisfactory for repair. Because of the condition and age of the vessel (44 years) and its general inadequacies in relation to handling and efficiency for modern ship fire fighting, the Fire Brigades Board, after discussion with the Director of Marine and Harbors, decided that the float could no longer be used for fire fighting. For the foregoing reasons, the *Fire Queen* was disposed of on May 13, 1971.

MINISTERS' STATEMENTS

The Hon. D. N. BROOKMAN: Mr. Speaker, will you remind Ministers of the appropriateness of their asking leave to make Ministerial statements if they have information that they wish to impart to the House? It has been the custom, at least in the years during which I was a Minister, that, if a Minister has a long reply to a question or, as so often happens, a prepared statement, he has to find a member to ask him a question that will elicit the information. When such information extends beyond a couple of pages, it is better for the Minister to ask leave of the House to make a Ministerial statement. With the

most constructive purpose in mind, I remind you, Mr. Speaker, that the Attorney-General a few minutes ago read a statement to the House. He had been asked a question by a member of his own Party, in reply to which he produced a statement that occupied many pages. It would have been better for him to ask leave of the House to make a Ministerial statement and then to give the information.

The SPEAKER: I agree with the general principle stated by the honourable member, but this is a matter for the discretion of the Minister.

PENOLA COURTHOUSE

Mr. RODDA: Can the Attorney-General say whether any progress has been made on the proposed new courthouse and police station at Penola?

The Hon. L. J. KING: I will look into the matter and bring back a reply for the honourable member, or, if I consider it appropriate, I will seek leave to make a Ministerial statement.

TRANSPORT POLICY

Mr. HALL: Does the Minister of Roads and Transport believe that the description given of the current situation regarding the Metropolitan Adelaide Transportation Study plan by Mr. John Miles in last Saturday's *Advertiser* is a correct interpretation of Government policy and Government intentions? My question follows a long period during which the Minister has refused to state the Government's transportation plans. The following is portion of Mr. Miles's article:

Anyone who believes that the M.A.T.S. plan is dead is thinking on a wrong track. Freeways are still scored deeply into the future pattern of Adelaide and freeways are still strong in the concepts of the men who are actually planning, designing and building our transport facilities. The Government is committed to at least some freeways. In his policy speech, the Premier (Mr. Dunstan) said, "Freeways from north to south, to Tea Tree Gully, to Port Adelaide and Glenelg, will be necessary, but we do not believe that a massive concentration of elevated freeways will produce eventually anything other than a city cut up and jammed up with private cars."

That massive concentration of freeways—

The SPEAKER: Order! I should like to point out to the Leader that possibly his question should be reframed. He is asking whether a press statement is accurate.

Mr. HALL: I thank you for your advice, Mr. Speaker. I rephrase my question by asking the Minister whether freeways are still within the Government's planning for metropolitan transportation, whether the Premier's statement that freeways from north to south, to Tea Tree Gully, Port Adelaide and Glenelg will be necessary is still the current idea behind Government transportation planning, and whether the controversial M.A.T.S. Hindmarsh interchange is still to be built? I draw the Minister's attention to the various contentions that have been raised by his action and by the actions of others that whatever has been said by Dr. Breuning and by him and whatever is being done by the State Planning Authority all leads to the belief of many people that freeways will still be built in Adelaide. I therefore submit the question, which is centred on the Premier's previous statement and on this reporter's contention, to which I have just referred, that the M.A.T.S. Hindmarsh interchange will still be built.

The Hon. G. T. VIRGO: I sometimes wonder where the Leader would be if newspaper reporters did not do three-quarters of his homework for him. The position in relation to Government policy on transportation is completely clear to all, other than to those who do not want to understand it. The policy was stated in simple, clear and single-syllable words in this House when the Government introduced its motion to adopt the Breuning report. A full explanation was given at that time. The matter was fully debated, and this House voted by a majority to support the policy enunciated by the Government.

The Hon. D. N. Brookman: Are you going to build freeways or are you not?

The Hon. G. T. VIRGO: I will try to answer the Leader, and I think I should ignore the honourable member, who just made a long speech about whether Ministers should give long replies or whether they should make Ministerial statements.

The SPEAKER: Order! These comments are out of order. I ask honourable members, irrespective of their Party, to observe the Standing Orders.

The Hon. G. T. VIRGO: The matter was debated in this House, and what was said then is now being given effect to. We have asked the State Planning Authority to do something which should have been done two or three years ago but which the former Government failed to do: determine high-speed corridor routes for the use of transport in the future. The Government has said that it will not proceed with any of the freeway proposals for at least another 10 years, and the Government stands by that today.

The Hon. D. N. Brookman: Shame!

The Hon. G. T. VIRGO: It might be for the honourable member in getting his pigs to market, but it might not be for the public of South Australia.

ADELAIDE RAILWAY STATION

Mr. COUMBE: Will the Minister of Works consider improving the car parking position at the Adelaide railway station? Some time ago I and other honourable members suggested the construction of car parking facilities over at least a portion of the present platform area as a useful exercise. This suggestion has more virtue today because steam has been replaced by diesel, and ventilation would be easier than it would have been years ago. Such a proposition, which could easily be effected by a private developer or others, would provide income to the State as well as providing additional off-street parking space. Will the Minister re-examine this matter which, I believe, has great potential?

The SPEAKER: The Minister of Roads and Transport.

The Hon. G. T. VIRGO: I understood the honourable member to address his question to the Minister of Works.

Mr. Coumbe: No, to you.

The Hon. G. T. VIRGO: If it was addressed to me, then I shall answer it. Air rights over railway property are receiving consideration. This is an area in which the finances of the railways might be considerably improved. However, it is not simple to cover in an area while diesel power exists. Conceivably, it is probably less of a problem to exhaust fumes from diesel than it would be from coal-fired locomotives, but there is still a major problem. I have been told, although no investigation has yet been conducted in depth, that colossal sums would be involved. Despite this, the matter is being pursued to obtain the facts of the case. If it is possible to use the air rights as a whole, not just merely over the Adelaide platforms, the matter will be pursued.

MURRAY BRIDGE HIGH SCHOOL

Mr. WARDLE: Has the Minister of Education a reply to my question of July 27 regarding the Murray Bridge High School?

The Hon. HUGH HUDSON: I have checked the matter of the availability of the Murray Bridge High School for adult education purposes and find that there has been no variation to the statements made before the Public Works Committee in 1969 which indicated that the present high school solid-construction buildings will be available for adult education classes.

WHARMINDA SCHOOL

Mr. GUNN: Will the Minister of Education take action to improve the inadequate heating facilities at the Wharminda Primary School? Last Friday, in the course of driving through my district, I called at the school. It was one of the coldest days of the year, and the only heating available to the school was an old combustion type heater. It was totally inadequate, having regard to the size of the classroom. The school is connected to a 240-volt electricity system, and it would appear to be a simple matter to rectify the position.

The Hon. HUGH HUDSON: I shall be pleased to examine this matter for the honourable member.

FRANCES SCHOOL

Mr. RODDA: Can the Minister of Education say what arrangements are being made at the Frances Primary School complex? I understand that there is an arrangement to close the Binnum school and incorporate it in the Frances school.

The Hon. HUGH HUDSON: Offhand, I am not aware of the information the honourable member is seeking but I will get it for him and let him have it as soon as possible.

PROSPECT INTERSECTION

Mr. COUMBE: Has the Minister of Roads and Transport a reply to my question about works on an intersection at Prospect?

The Hon. G. T. VIRGO: I have a reply, and perhaps it is in the form of a Ministerial statement. As the honourable member was aware, the acquisition costs of property adequate to carry out the proposed roadworks would be extremely high; about $170,000. An interim plan that has been prepared eliminates the exclusive left-turn lane from Regency Road into the Main North Road. However, as the number of left-turning movements is comparatively small, the elimination of this lane should not seriously inconvenience the west-bound traffic using Regency Road. It is expected that this scheme should operate satisfactorily for several years until warrant exists for the large expenditure involved in the final scheme. I have sketch plans of the interim and final schemes and, if the honourable member cares to see me later, I would be only too pleased to show them to him.

At 4 o'clock, the bells having been rung:

The SPEAKER: Call on the business of the day.

ROAD SAFETY

Mr. CARNIE (on notice):

1. How many motor vehicle accidents involving loss of life occurred in this State during the period July, 1970, to June, 1971?

2. How many of these accidents were the subject of inquests?

The Hon. L. J. KING: The replies are as follows:

1. 205.

2. Seventy-three inquests have been completed and six inquests are pending. In a further 15 cases, no decision has been made on inquests pending the result of prosecutions.

LOXTON PRIMARY SCHOOL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Loxton Primary School.

Ordered that report be printed.

MINING BILL

The Hon. G. R. BROOMHILL (Minister for Conservation) obtained leave and introduced a Bill for an Act to regulate and control mining operations; to repeal the Mining Act, 1930-1962; to amend the Petroleum Act, 1940-1969; to amend the Crown Lands Act, 1929-1969; and for other purposes. Read a first time.

The Hon G. R. BROOMHILL: I move:

That this Bill be now read a second time.

It was introduced during the last session but pressure of other business prevented its proceeding beyond the initial second reading introduction. It is, accordingly, now presented again and Standing Orders require that the present second reading speech be again delivered. The period of time available since the previous submission of the Bill has provided an opportunity for several further representations to be made by the mining industry and by some opal field interests. The Bill as now presented has some minor drafting changes and additions. There have been no major changes in it.

The Mining Act, 1930-1962, has grown to its present form by additions and amendments from time to time. It includes many obsolete requirements and provisions and, on the other hand, does not provide adequately for some modern aspects of exploration and mining. In order to explain the proposed reconstruction of the Act, it is necessary to review some of the fundamental concepts relating to ownership of minerals and the community interest therein.

It is important to appreciate that the winning of rocks and minerals from the ground is the fundamental basis of all economic growth and urban development. It is as necessary to a modern community that minerals be mined as it is that other primary industries (agriculture, etc.) be developed. When minerals are not available within a community, they must be imported from elsewhere. It is equally important to emphasize that, unlike some other forms of primary production, the location from which minerals can be economically recovered is not a matter of choice. Minerals are where you find them, and they are not easy to find.

For these reasons (community need and the expensive and risky exploration necessary) it is the policy in all industrialized countries to encourage exploration and mining by providing access to potentially mineralized areas notwithstanding the surface rights thereto. Access is usually qualified in relation to the value of the material and the use to which the surface of the ground is being applied. The principle of encouraging access to minerals was recognized in very early legislation in this State. Before 1889, land grants carried with them ownership of minerals on or under the land. Since that date, land grants have reserved ownership of minerals to the Crown.

The present Mining Act, accordingly, recognizes the two forms of mineral ownership. Land, the title to which includes mineral rights, is referred to as private land. Land in which the Crown owns the minerals is known as mineral land. It is emphasized that freehold land in the present use of the term may be either private land or mineral land, depending on the date of the original grant. Access to minerals on mineral land is available through the simple possession of a miner's right. Access to minerals on private land is provided by a complex procedure involving authorities to enter, and other machinery. The latter procedures have been proved by current experience to be not only cumbersome but also ineffective in protecting rights to discoveries. We thus have an anomalous situation in which by historical accident some freehold land (probably as much as half) is mineral land and the opportunity for mineral discovery is available on it, whereas other freehold land is subject to procedures that are inhibiting and unsatisfactory.

It is interesting to point out now that the problem of division of ownership was recognized, in the case of petroleum, in 1940, when all petroleum in the ground was proclaimed

to be the property of the Crown; and in the case of uranium the same principle was applied in 1945. The proposed amendments now presented recognize the right of those people who have inherited or acquired freehold land containing mineral ownership to receive the equivalent of royalty from minerals obtained from such land, but intend that in all other respects such land should revert to the status of freehold mineral land. There is, however, another important qualification. Under the existing Act, stone, sand, gravel, or shell are exempt from the operation of the Act on private land, whereas on mineral land, including freehold mineral land, these materials can be acquired by pegging. Because the mining of these relatively low-value materials can cause hardship to landowners out of proportion to the value of the materials, it is proposed under the present Bill that on freehold land only the owner of the land can peg these materials. On all lands other than freehold, they will be available to all parties under the Act, as indeed they always have been.

The procedure provided under this Bill involves the immediate resumption of all mineral rights by the Crown, provided however that any current mining operations on private land, or any such operations commencing within two years of the proclamation of this Act, may be registered as private mines and continue to operate outside the Act. It is further provided that the royalty payable on any minerals brought into production during a period of 10 years afer the proclamation of this Act will be paid to the former owners of the mineral rights, and such royalty will continue to be paid until the mine ceases operation. The proposal has the effect of placing all freehold land throughout the State on an equal footing, regardless of historical mineral ownership, with the prior opportunity available to present mineral owners during the next 10 years to prove the value of their ownership and obtain benefit therefrom.

The proposal will enable the Crown to grant mineral exploration rights over areas of land that are presently excluded from effective investigation. It is believed that this will stimulate exploration in areas where it is now inhibited, and it is also considered that the transition and compensation arrangements are equitable to all concerned. While dealing with exploration on freehold land or land held under perpetual lease or agreement to purchase, it can also be pointed out that the Bill provides that notice of entry must be given in writing to owners at least 21 days before entry, and owners may lodge an objection to the operator and to the Warden's Court, which shall then determine the matter of entry and the appropriate conditions if entry is approved. It should be emphasized that even the most protected landholder under the present system does not lose under the provisions of the Bill any effective protection, while many other landholders who are not so well protected under the present legislation obtain substantial advantages under the provisions of the Bill.

Regarding miners' rights, prospecting claims and mineral leases, the Bill provides as follows: the possession of a miner's right (proposed cost $2) authorizes entry on land for prospecting purposes, subject to the previously mentioned restraints in respect of freehold land. The owner of a miner's right can peg a mineral claim the size of which will be set out in regulations and, after registration of the claim, he can proceed to determine its value by sampling, drilling and so on. He can, at any time within up to 12 months, apply for a mining lease to cover the same area. Until a mining lease is applied for and granted, he cannot dispose of minerals obtained from the area other than for testing purposes. If he fails to apply for a lease within 12 months the claim lapses. A mineral claim is not transferable—that is, it cannot be sold or traded. A mining lease will be available to the holder of a mineral claim.

A mining lease requires the payment of rent to the owner of the land, requires the payment of royalty (2½ per cent of the value at the mine), and is subject to such conditions as may be appropriate and specified in the lease in respect of damage to the land, restoration, compensation, and so on. A mining lease is for a specified period not exceeding 21 years, has rights of renewal, and is transferable with the approval of the Minister. These provisions do not differ greatly from those of the existing Act. However, the latter permits actual mining operations on a mineral claim as well as on a mining lease, and does not require an application for a lease until payable results are obtained from the claim. Furthermore, a mineral claim remains current as long as the miner's right is kept current. The effect of this has been to perpetuate many mineral claims upon which no effective work is taking place. Furthermore, the existing Act makes no provision for imposing operating conditions on a mineral claim, and no rent or royalty is payable.

The present Bill, by ensuring that actual production can only take place on a lease, enables conditions and controls to be effective. Returning to the matter of the rights of an owner, the Bill provides that an owner or lessee of any land may, at any time, object to the unconditional use of declared equipment upon his land (declared equipment being bulldozers and other earthmoving equipment). It also provides for compensation to the owner for any financial loss arising from mining operations, for the assessment of such loss—failing agreement between the parties—by the Land and Valuation Court, and for the prior lodging of a bond or security by the operator against compensation obligations.

Regarding redundant titles, much of the existing Act is a carry-over from earlier times, in which the basic assumption is that gold is the principal commodity to be mined. This is no longer valid, and all special provisions for gold mining are deleted. Gold mining is provided for in the same way as any other mineral. The existing Act provides special leases for the mining of salt and gypsum (miscellaneous leases). These are now deleted, but provision is made in the granting of ordinary mining leases for special terms and conditions to meet the particular requirements of certain materials. This discretion applies to the size of the lease and to the operating conditions. Similary, the existing Act provides for coal leases: these are deleted and any coal (or shale) mining can be accommodated by making special provision in an ordinary mining lease.

The existing Act provides special conditions to cover the mining of uranium and thorium. These are now regarded as industrial minerals and no special provision is made for them. The existing Act provides for occupation licences, but none has been issued for many years. Authority for occupation for mining purposes other than that covered by the right to reside on a mineral lease is now obtained by licence from the Lands Department. Occupation licences are accordingly deleted. The existing Act provides that search licences may be granted for an area up to five square miles and for a restricted list of minerals. This form of tenement is not suitable for present-day operations. Search licences are also deleted.

The existing Act provides for the issue of special mining leases to meet special or unusual conditions of mining. The terms and conditions of a special mining lease are completely discretionary. Hitherto, this form of tenement has been used to permit large-scale exploration, and many hundreds are current at present. The present Bill deletes this tenement, and covers the special or unusual conditions which may be met in, say, salt or gypsum mining or any other, by providing wide discretionary powers over the conditions of an ordinary mining lease. Exploration requirements are to be met by a new tenement to be known as an exploration licence. Similarly, the present Act provides for a dredging lease, but this has been deleted for the same reasons. The net effect of the above deletions is a tremendous simplification of the Act, achieved principally by providing for the issue of mining leases tailored as necessary to meet special conditions.

To provide a suitable tenement for exploration purposes, an exploration licence is introduced. As mentioned above, these licences will supersede the existing use of special mining leases that have hitherto been adapted for exploration purposes. An exploration licence, which will enable exploration for all minerals except precious stones, will be issued for periods not exceeding two years, and will normally be granted over areas not exceeding 2,500 square kilometres. The holder of an exploration licence will have the right to obtain a mining title for any minerals found. Provision is made for the method of application and issue, the terms, the right to acquire other titles, the lodgement of the technical information with the department, the right of access and objection to access by the landholder, and for bonds to ensure satisfaction of any incurred civil or statutory liability. Provision is made for exploration licences to be held by the Director of Mines, thus avoiding the complicated machinery of reserving an area from the operation of the Act when departmental investigations are envisaged.

The proposals regarding precious stones (opal) are designed to reserve known areas for small prospectors, and to make provision for reasonable restoration of the ground after use. The proposals have been submitted to the opal fields for comment. Several deputations have been met and lengthy written explanations provided. There is still some objection by bulldozer operations to any requirement that their activities be restrained, but I believe in all other respects the Bill is acceptable to the industry. The boundaries of a precious stones field will be defined, and the opal fields will be declared as such. A special type of miner's right (precious stones prospecting permit) will be required before a claim can be pegged

out for precious stones. To prevent further destruction of land in the manner that has occurred at Coober Pedy and Andamooka, the use of bulldozers will be prohibited except on a registered claim, and operators will be required to tidy up their cuts before making a new cut on another claim.

To meet some of the objections raised by bulldozer operators, provision is made to enable the joint operation of up to four adjoining claims by mutual agreement of the individual claimholders. Another provision will expedite registration of a claim by permitting the lodgement of an application for registration to be deemed to be registration for the purpose of operating thereon. As an office of the Mines Department is located at each of the major opal fields, and this office will be open for the lodging of applications on certain hours each day of the working week, there need be no delays in dealing with applications for registration. The Bill also provides for the following: (1) provision is made for delegation of some of the administrative functions of the Minister to the Director of Mines; (2) provision is made to prevent the improper use of confidential information; and (3) provision is made to enable the Minister to examine and approve or otherwise all dealings with leases including takeover operations.

Turning now to the Bill in detail I am sure that honourable members will be interested to note immediately that all measurements specified in this Bill are in metric form. Part I sets out the form of the Act and provides definitions and transition arrangements. Because of the many changes in procedures, titles, etc., it is important that the rights and obligations of all parties are protected during the transition period. Clause 5 ensures that this is so by providing that all tenements and titles continue for the remainder of the period for which they were granted and that rights of renewal, if any, are continued. In regard to clause 6, attention is directed to the definition of minerals, which is a very wide one, thus bringing within the scope of the Act most materials won from the ground or recovered by evaporation of mineralized water. Where appropriate, some of these materials (such as precious stones, quarry materials, etc.) are exempted from subsequent provisions of the Act.

Clause 8 permits the proclamation of any part of the State as mineral lands for the purpose of the Act, including three miles to seaward from low water. This latter provision already applies by virtue of regulations under the present Act, but is now taken into the Act itself. Honourable members will be aware that the Commonwealth Government has expressed an intention to legislate for control over all offshore minerals other than those in the so-called inland waters. However, no action has been taken and none seems imminent, and it seems desirable to stake the State's claim to the three-mile limit quite firmly. Access to the inland waters by the State is also specifically covered by clause 8. Clause 9 exempts built-up and otherwise occupied areas from the operation of the Act. Clause 12 enables the Minister to delegate some of the formal administrative aspects of the Act to the Director of Mines. This does not, of course, relieve the Minister of full responsibility, but it will enable more efficient administration of matters not directly involved with policy. Such matters could include minor variations of operating conditions imposed on mineral leases, and reimbursement of statutory royalty to private landowners where necessary.

Clause 14 makes it an offence for any officer appointed under the Act to use confidential information for personal gain. It should be pointed out that this clause is included for formal reasons only; there has never been a case in this State where such confidence has been abused. Clause 15 provides for a continuation of the powers of the present Act, which enables the Government to carry out geological and geophysical surveys and to publish or otherwise make known the results of the work. Operating within this power, the department has built up a bank of published and unpublished information, which has provided a basis not only for systematic exploration but also for important scientific understanding of the distribution and structure of the rocks and minerals of the State. Clause 16 vests all minerals throughout the State in the Crown, and provides the basis in law by which such minerals can be recovered and sold. As mentioned in the introduction, the operation of the clause is cushioned by transition arrangements, which provide that a former owner of mineral rights may exercise such rights for a specified period under clause 18.

Clause 17 sets out the royalty provisions which, in fact, are those operating under the present Act with the addition of a right of appeal to the Land and Valuation Court against an assessment. It should be noted that royalty is not payable by owners recovering extractive materials from their own freehold

land for personal use. Clause 18 ensures that, in cases where royalty is payable, ownership of minerals recovered from the ground does not pass to the person recovering the minerals until the royalty has been paid. Clause 19 provides for the declaration of a private mine (the case of a mining operation currently operating, that is, established within two years) on land where the mineral rights are at present privately owned. Subclause (6) further provides that royalty will be payable to the present owners of the mineral rights on minerals recovered from any mine established under the Act within 10 years of the proclamation of the Act.

Clauses 20 to 27 provide for the issue of a miner's right by virtue of which mineral claims may be pegged out on mineral land. It should be noted that a miner's right is not operative upon a precious stones field. Application for registration of a mineral claim must be made within 30 days of pegging. These provisions vary the present Act in the following respects:

1. At present a mineral claim is renewable annually by the simple act of renewing the miner's right. The Bill provides that the claim is current for one year only.
2. At present a mineral claim permits mining and ownership of minerals. The Bill requires that the claims must be converted to a mining lease before there is any right to sell or dispose of minerals. In effect, a mineral claim enables the holder to determine the nature and value of the minerals by exploration as a preliminary to obtaining a mining lease.
3. At present a mineral claim can be sold or transferred. This privilege is confined to a mining lease and a precious stones claim under the Bill.

Clauses 28 to 33 provide for the issue of an exploration licence. This is a new tenement not previously provided under that name. In the existing Act use has been made of the special mining lease provisions to enable the grant of large areas for exploration purposes. The introduction of the exploration licence provides a more formal and appropriate form of tenement for exploration purposes. The procedures and terms and conditions which are set out in the Bill are largely those which currently apply to special mining leases under the existing Act. It is important to point out that, while an exploration licence grants an exclusive right to the holder to peg a mineral claim, it does not in effect grant an exclusive right for entry and exploration. It is also important to point out that an exploration licence does not give any rights in respect of precious stones.

Clause 28 specifies the maximum area for which an exploration licence may be granted, namely, 2,500 square kilometres (about 1,000 square miles) but also provides that, if circumstances warrant it, a larger area may be granted. Subclause (5) enables an exploration licence to be granted to the Director of Mines. This is an interesting provision which is inserted to overcome the present complicated procedure necessary to protect an area while the Mines Department is carrying out investigations. At present it is necessary for such an area to be reserved from the operation of the Mining Act by proclamation of His Excellency the Governor. The new provision enables the department to undertake its work, to prepare reports and for the area to be made available again to other parties once the work is completed.

Clause 29 sets out the procedures by which an application for an exploration licence shall be lodged. Clause 30 enables the Minister to include such conditions in the licence as the circumstances justify. This clause is the basis upon which the Minister will require a licensee to ensure that he carries out his work with minimum disturbance to the landholder or to the land itself and that any damage he does is satisfactorily restored. This clause also specifies that the maximum period for which an exploration licence shall be granted is two years. This provision is the same as that which applies in the existing Act under the special mining lease provisions and has proved to be an important control over the technical performance of exploration companies. The Minister has issued notes on policy guidelines from time to time for the information of exploration companies. In these he has stated that, while an exploration tenement is limited in time, he will always grant a further tenement to the holder thereof if he has satisfactorily met the obligations of the tenement. In other words, although there is no statutory right of renewal, the Minister makes it known that he will in fact grant an effective renewal so long as the licensee performs adequately. Clause 32 requires the holder of an exploration licence to keep complete records of his work and to submit these to the Mines Department. This is an important provision that has enabled the department to accumulate a very large bank of technical information throughout the

State. The data received is regarded as confidential during the currency of a licence but, as soon as the area is surrendered or the licence has expired, the reports are placed on open file and are available to any new explorers. This system has been operating for many years under the existing Act and has proved of tremendous value not only to the State but also to the exploration industry.

One of the problems that has been experienced in the past with exploration, tenements concerns the right of tenement holders to deal with their tenement in respect of company floatations, mortgages, farm-ins, etc. Because an exploration licence is granted on the Minister's discretion to a person who has financial and technical competence, for the purpose of an approved exploration programme and for a limited time, it has been regarded as inappropriate that the tenement holder should gain any financial advantage by trading with his tenement. For this reason, rigid guidelines have been laid down, and these are known to the exploration companies in advance of the granting of the tenement. These provisions are retained in the present Bill through the application of clause 82 to exploration licences. This clause is discussed in more detail later.

Clauses 34 to 41 deal with mining leases. By making provision for the prescribing by regulations of various classes of mining lease, the Act itself has been greatly simplified. Whereas the present Act provides for different types of lease including different terms and conditions for such materials as gold, salt, gypsum, uranium, etc., simplified provision for these will now be included in regulations. It is not proposed that the size or operating requirements be significantly changed from present practice. However, it is important to stress that a mining lease of any type may be subject to such terms and conditions as the Minister may specify in the lease. It is here that the Minister has the opportunity of ensuring that the lessee carries out his operations in a satisfactory manner with proper provision for progressive restoration and rehabilitation where the circumstances warrant this. This is a new provision giving a power not previously available in the granting of a mining lease. Furthermore, as explained earlier, since mining can no longer be undertaken on mineral claims, every mining operator is obliged to apply for a mining lease and to be subject to such conditions as are appropriate.

Under Part VII, clauses 42 to 51 provide for the prospecting and mining of precious stones, with particular reference to opal mining. These provisions have been discussed over quite a period of time with the responsible delegations from both opal fields. In effect, the provisions in this Bill will not change the day-to-day operations of the opal miner but they do require a different administrative procedure, and they provide power to impose some restraints on the use of heavy earthmoving equipment. Clause 42 introduces a precious stones prospecting permit, which replaces the miner's right so far as opal mining is concerned. Clause 44 sets out the rights of the holder of a permit and provides in subclauses (4) and (5) that a group of not more than four persons may consolidate their claims for operating purposes.

Clause 45 permits the prescribing of the size of a precious stones claim. It is proposed that the regulations will specify an area similar to the present dimensions, namely, 50 metres x 50 metres (150ft. x 150ft.). Clause 8 permits the Governor to declare any mineral land to be a precious stones field. It is proposed to declare each of the main opal fields in this category, whereupon these areas are protected exclusively in favour of holders of precious stones prospecting permits. Clause 46 provides for registration procedures, and it is this section that provides the machinery for the speedy registration of a claim by deeming a claim to be registered when a valid application has been lodged. Clause 48 provides that prospecting or mining can be undertaken within a precious stones field only upon a precious stones claim. The use of bulldozers and other earthmoving equipment on opal fields, which has been a topic of some previous discussion in this House, is covered by general provisions regarding the use of such equipment in any mining operation. The Bill deals with the problem amongst the general provisions in clause 59 but because of the specific problems of the opal fields I propose to discuss them at this stage.

Clause 59 provides that a mining operator shall not use declared equipment (declared equipment will be set out in regulations and will include bulldozers and other heavy earthmoving equipment) except upon a registered claim or upon a registered precious stones claim. Subclause (2) goes on to ensure that a mining operator shall give notice to the owner of the land at least 21 days before using such equipment and the owner may object to the Warden's Court, which shall hear the objection and determine the conditions under which the equipment may be used or alternatively may determine that it should not be used at all. However, these latter provisions including the giving of notice do not apply on a precious stones field but it should be noted that if

bulldozers are used outside the boundaries of a precious stones field subclause (2) will apply. Returning now to the precious stones section of the Act, clause 49 provides that the waste or spoil from a claim shall not be deposited outside the boundary of the claim without the permission of a warden or inspector. This clause has been the subject of considerable discussion and objection from some of the bulldozer operators on the opal fields, it being claimed that it will be impossible to use a bulldozer on a claim which is only 50 metres square, without the waste material at some stage being pushed over the boundary of the claim. Although regulations will permit the amalgamation of a maximum of four claims for purposes of labour requirements, such amalgamation does not include automatic approval to push overburden or spoil from one claim to another. However, in practice an inspector or warden will give consent for spoil to be moved across the boundary of a claim to an adjoining claim with the consent of the adjoining claimholder, provided that he is satisfied that in due course the ground will be reasonably restored to a satisfactory condition. Although there has been objection that this provision puts too much power in the hands of an inspector or warden it appears to provide a reasonable compromise between the requirements of the earthmoving operators and the necessity to minimize the disturbance of the ground. Furthermore, as provided in clause 44 previously discussed, where up to four miners intend a joint operation they will have the right to use a bulldozer immediately they have lodged their applications to register their claims. This matter is further dealt with in clause 60 and discussion thereon will be deferred until that clause is reached. Clause 50 ensures that precious stones claims shall not be pegged out on freehold land. This is a remote possibility only on present knowledge but it is thought wise to include this provision. Clause 51 ensures that a precious stones field is exempted from any mining tenement other than a precious stones claim.

Under Part VIII, clauses 52 to 56 provide for the granting of a miscellaneous purposes licence. Such a licence enables the licensee to undertake ancillary operations connected with mining, such as treatment plant, drainage, establishment of waste heaps and such other purposes as may be required related to the mining operation. Clause 52 sets out the purposes to which such a licence may be granted. Clause 53 provides for the mode of application, for notice to the owner of the land and for objections to be lodged. Clause 54 provides for compensation where applicable. Clause 55 specifies the maximum period for which such a licence may be granted, namely 21 years. Clause 56 provides for the cancellation of such a licence for any contravention of the terms and conditions thereof.

Under Part IX, clauses 57 to 62 deal with the entry upon land, compensation and restoration. Clause 58 provides that a mining operator must give at least 21 days' notice before entering upon freehold land or land held under a perpetual lease and also provides for objection to entry by the owner. Subclause (4) provides for the hearing of the objection by a Warden's Court and sets out the basis upon which such an objection may be sustained and provides for the determination of conditions of entry if any. Clause 59, which has been mentioned previously in respect of precious stones fields, is included in this Part because it in fact has a general application. Subclause (1) prevents the use of declared equipment in the course of any mining operation except on a registerer claim or a mining lease. Subclause (2) ensures that a mining operator shall give at least 21 days' notice to the owner of his intention to use declared equipment. This requirement does not, however, apply upon a precious stones field. Subclauses (3), (4), (5), (6) and (7) set out the procedure for which objections may be lodged by the owner and heard and determined by the Warden's Court.

Clause 60 provides that a mining operator who uses declared equipment may be required to restore the ground disturbed by his operations to a satisfactory condition, and it also provides that the Warden's Court may order that no further claim shall be pegged out by a person who has failed to meet the requirements of satisfactory restoration. It should be pointed out to honourable members that this clause is deliberately phrased to permit an inspector to use his judgment as to what is satisfactory in the circumstances by way of restoration. It may at first glance appear that this is giving substantial power to an inspector; however, in practice this power will be used with great discretion and in such a way as to ensure that the restoration required is in keeping with the local circumstances. It should also be pointed out that a similar power is already provided under the Mines and Works Inspection Act by which an inspector may require an operator to carry out such work as may be necessary to prevent damage to or restoration of an amenity. Very clearly, the

requirements of the restoration at, say Coober Pedy would be very different from those in the Adelaide Hills, and it is thought unwise to attempt to specify in the Bill the details of those requirements.

Clause 61 provides for compensation to the owner of any land upon which mining operations are carried out. I draw the attention of honourable members to the definition of "owner" in clause 6, an "owner" being any person with an estate or interest in the land and including the occupier. Subclause (2) provides for an agreement between the operator and the owner in respect of compensation or, in default of agreement, reference to the Land and Valuation Court. Clause 62 permits the Minister to require a mining operator to lodge a bond for the satisfaction of any subsequent claims for compensation. Under Part X, clauses 63 to 69 cover the procedures and powers of a Warden's Court. These provisions are substantially those which presently operate under the existing Act, but they are set out in a more precise manner and introduce one or two new features. In particular, clause 64 (2) provides a new power enabling the Warden's Court to grant an injunction. Under the present Act, if an objection is lodged with the court against some operation or practice, there is no power to prevent this practice continuing while the matter is before the court. Provision is now also made for an appeal against an order of the Warden's Court to the Land and Valuation Court. Clause 65 provides for the making of rules for the operation of the court. Clause 66 sets out the jurisdiction of the Warden's Court.

Clause 67 enables the court to hear an application by the Director of Mines for the cancellation of a miner's right or precious stones prospecting permit; such an application by the Director of Mines could be made in the case of a person who has contravened or failed to comply with the provisions of the Act or in some other way has committed an offence of sufficient gravity to justify the application. Clause 68 enables the court to hear disputes concerning mineral claims or precious stones claims. Subclause (2) permits some discretion by the court in making its decisions by permitting the court to satisfy itself that the matter is of sufficient gravity to justify forfeiture. Clause 69 permits the court to hear disputes on mining leases; it also permits discretion in respect of forfeiture. By way of general comment on these last two clauses, I think honourable members should perhaps be reminded that under the Act, as it presently stands, it is possible for plaints to be lodged against mineral tenements on minor technicalities, such as the shape or size of pegs, and the court has little discretion in dealing with such applications. The provisions now included in this Bill will enable the court to deal justly with matters before it.

Under Part XI, clauses 70 to 72 permit the Minister to assist exploration and mining operations where necessary by the loan of moneys which are recoverable as a debt, and also permit the Minister through the Mines Department to undertake research and investigation programmes either on the Government's account or on behalf of other persons, in which case costs can be charged and recovered. As members know, the Mines Department has a substantial fleet of drilling plants and other equipment which it uses in the carrying out of quite thorough investigations throughout the State, and these are also available to private persons and companies to hire on a cost-recovery basis. This has been a feature of the department's work for many years and is a greatly appreciated stimulus to the mining and exploration industry.

Under Part XII, clause 73 provides substantial penalties for illegal mining. This has not been a serious problem in South Australia hitherto but there have been cases recently, especially on the opal fields, and this clause re-enacts provisions in the existing Act but with increased penalties. Clause 74 is a very important provision. As pointed out in the introduction, it is the intention to ensure that owners of freehold land are protected in respect of extractive materials. This clause sets out the proposed arrangement. It states quite simply that no mineral claim or lease may be pegged out on freehold land in respect of these materials except by the effective owner of the land or, as a transitional arrangement, the person presently holding a claim in such land may be granted a lease. Subclause (2) enables an owner to obtain materials from his land for his own personal use.

Clause 75 provides for the submission of returns twice yearly, and clause 76 ensures that proper records and samples are obtained and kept by the holder of a mining tenement excepting on a precious stones claim. Clause 77 sets a limit on the age of a person who shall be permitted to hold a miner's right or a precious stones prospecting permit or a mining tenement. Clause 78 permits some discretion by the Minister in varying the conditions of a mineral mining lease or licence. As explained earlier, such leases or licences will

be issued subject to a variety of conditions and requirements, and it is the object of the Act in general to ensure that these are carried out satisfactorily. However, it is known from long experience that circumstances change from time to time and that it is necessary to have the power to vary these terms when justified. Clause 79 provides that any land shall not be subject to more than one tenement at any one time. However, special clause 2 enables this requirement to be varied by mutual consent of the respective tenement applicants. This provision would be rarely used, but circumstances may conceivably arise when for example one party may wish to mine salt from the surface of the ground while another is extracting valuable minerals at depth. Clause 80 points out that this present Bill does not derogate from the provision of the Pastoral Act relating to the conduct of mining operations. Clause 81 is a procedural matter permitting the Minister to consent to the surrender of a lease or licence.

Clause 82 is an important provision, as it ensures that any dealing with the lease or licence must have the consent of the Minister after a full disclosure of all considerations involved. Such a provision has always been written into exploration tenements granted under the existing Act and a similar provision exists in the Petroleum Act, but hitherto it has not been included in the Mining Act itself. These provisions are regarded as essential to ensure that public interest is protected in all dealings with tenements. Clause 83 is procedural. Clause 84 provides for forfeiture for non-payment of dues. Clause 85 enables the removal of plant from a forfeited or surrendered tenement, or the disposal of abandoned machinery. Clause 86 is a completely new provision that enables the Minister to intervene, if it is in the public interest to do so, in respect of take-over proposals involving mineral tenements. Clauses 87 to 90 are procedural. Clause 91 contains the regulation-making power, and the matters for which regulations are required are set out therein.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1970. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

It makes several separate and unconnected amendments to the Local Government Act. It contains many of the matters which were included in a previous Bill submitted to this House and, in fact, is basically an amendment of the Bill considered and passed by this House last session and then submitted to the Legislative Council, where it was regrettably thrown out, because members apparently were too tired to do the work necessary to amend it. Allegations have been made that the Bill introduced last session was not capable of amendment: I hope we shall hear no more of that nonsense, because this Bill is virtually the original Bill submitted in an amended form, and it undoubtedly proves that, had those members who were opposed to some parts of the previous Bill sincerely desired to amend that Bill, it could have been amended then as simply as it has been amended now.

Basically, there are five alterations to the Bill previously submitted and, of those five alterations, two come within the category of omissions and three within the category of additions. The Government has decided to omit two basic provisions, one provision relating to adult franchise and the other provision giving councils and the people in the area the right to elect whether they desire compulsory or voluntary voting. Regrettably, both of these provisions have been dropped from this Bill, but I make it plain to honourable members that the fact that they have been omitted in no way alters the principle on which the Government stands. The Government still believes in democracy: it believes the people of this State are far more important than is the wealth a few people might possess. However, it is also realistic enough to know that, in the form in which this Bill was previously submitted, it is highly unlikely that members of the Liberal Party cum Country Party in the Legislative Council would pass it. Rather than see councils denied the benefits that they desire, the Government has decided that, in the interests of councils, these two matters should be excluded from the Bill we are resubmitting. Therefore, on this occasion members of that place will not have the weak and completely unsubstantiated claim to make that the Bill is incapable of being amended. The presentation of this Bill proves beyond all shadow of a doubt the fallacious nature of that claim. I know that this amuses the member for Bragg, because he, like a lot more of the League of Rights members of that House, has a similar view—

Mr. MILLHOUSE: I take a point of order, Mr. Deputy Speaker. I have listened in silence (I have had some difficulty in keeping silent) to the Minister reflecting on members of another place and on the other place as a whole. However, I think he has gone too far, and I ask that you do not allow him to continue in this strain, as it is contrary to Standing Orders to reflect on decisions of another place.

The DEPUTY SPEAKER: The honourable member for Mitcham having raised the point, I must bring it to the notice of the honourable Minister that no honourable member may reflect on members of another place.

Dr. TONKIN: I rise on a point of order. I take exception to the words used by the Minister. By his words he has labelled me a member of the League of Rights, with all the implications that go therewith. I take exception to this and ask the Minister to withdraw.

The DEPUTY SPEAKER: The honourable member for Bragg has taken exception to words used by the honourable Minister. Does the honourable Minister care to withdraw?

The Hon. G. T. VIRGO: Will the member for Bragg indicate the words to which he objects?

The DEPUTY SPEAKER: The honourable Minister has asked for the words to which the honourable member for Bragg objects.

Dr. TONKIN: I am objecting to the words the Minister used when he said, "He and a lot of his other friends are members of the League of Rights."

The Hon. G. T. VIRGO: They are not the words I used: I cannot withdraw words I did not use.

Mr. Millhouse: There is a clear imputation.

The DEPUTY SPEAKER: Order! Order! The honourable Minister has stated that he does not wish to withdraw the words objected to by the honourable member for Bragg.

Dr. TONKIN: I am sorry, but I must insist that he does. By imputation, he has labelled me a member of the League of Rights, a body of which I am not a member and with which I do not wish to be associated. I take strong exception to that.

The DEPUTY SPEAKER: I can only reiterate that I have asked the honourable Minister to withdraw the words to which the honourable member for Bragg has objected. The withdrawal of words is left to the honourable Minister, who may withdraw if he so desires. I call on the honourable Minister.

The Hon. G. T. VIRGO: As I was saying, the position at present is that the Bill has been reintroduced with two omissions and three additions.

Mr. McAnaney: Then you are a member of the Communist Party.

The DEPUTY SPEAKER: Order!

The Hon. G. T. VIRGO: I have dealt with the question of the omission of the provision with regard to adult franchise. I now turn to the other omission, which has to do with giving the right to the people of various council districts to decide for themselves whether voting should be compulsory or voluntary within their areas. I am at a complete loss to understand why this right should be taken away from the people concerned who, after all, provide at least a large part of the finances of councils and who play a large part in the affairs of councils.

Mr. HALL: On a point of order, Mr. Speaker. As I understand that the matter of franchise for local government elections is not in the Bill, I draw your attention to the fact that the Minister is persistently addressing himself to this subject. I believe that what the Minister is discussing does not come within the province of the Bill he is explaining.

The SPEAKER: I ask the honourable Minister to confine his remarks to the contents of the Bill.

The Hon. G. T. VIRGO: I was not even talking about franchise: I was talking about the right to have compulsory or voluntary voting, and I was attempting to explain why these matters were omitted from the Bill. However, if it hurts the Leader and other Opposition members to have these explanations given, I will now deal with other matters, because obviously I am touching on a very sore point.

Mr. Mathwin: And very rudely, too.

The Hon. G. T. VIRGO: The honourable member says I am doing this rudely. I should have thought that he would have a greater interest in local government and its welfare than to adopt the attitude he is adopting of attempting to deprive councils of the very things that they have sought.

Mr. Mathwin: That's not right, and you know it.

Mr. Coumbe: Why don't you obey the Speaker's ruling?

The Hon. G. T. VIRGO: The honourable member is not the Speaker. I will take directions from the Speaker, who I think is capable of controlling the House without any assistance from the member for Torrens.

There are three additions to the Bill previously introduced; I assume that honourable members may be interested in them. I assume that even the member for Mitcham, who, at the moment, is trying to log-roll you, Mr. Speaker, is interested. The previous Bill provided that the qualification for a person to vote or to stand for office at a local government election should be the same as the qualification for a person to vote or stand for office at a House of Assembly election. As all members know, this House, with the support of the Upper House, has passed legislation lowering the voting age to 18 years. Therefore, it follows as a natural corollary that that provision should apply to local government as well.

The second addition is a special provision that will at this stage apply only to the Walkerville council, although it is framed in such a way that, should such a similar event occur in the future, provision will exist for the raising of finance to cater for an area that has ceded from one council to another without the necessity for further legislative alteration.

The third alteration is designed to provide that councils with industrial or commercial properties within their areas should receive the same benefits as this Government proposed in the former Bill, which was defeated, to provide for dwellinghouses. In other words, in the former Bill we removed the restriction that rates would be payable on dwellings that had been purchased by the Government only if the property was occupied on the day the assessment was made. This provision has been extended so that it applies not just to dwellinghouses but to all properties, be they commercial or industrial.

Mr. Coumbe: Does that include hospitals?

The SPEAKER: Order! The Minister of Roads and Transport is giving a second reading explanation, and I ask honourable members to refrain from interjecting. If they do not, I will apply Standing Orders.

The Hon. G. T. VIRGO: I thank you, Sir, and hope that as a result of your plea even the member for Torrens will cease interjecting.

The SPEAKER: Order! The honourable Minister must speak to the Bill.

The Hon. G. T. VIRGO: I was about to make the point that, first, this Bill has been reintroduced at the request of the Local Government Association and that, secondly, provision for the peculiar situation that has developed, with the Walkerville council taking over the Vale Park area, has been introduced as a result of the advice the Government has received from His Honour Judge Johnston, who has laboured on for a long time in an effort to resolve this question. He has provided the only solution possible in the interests of both the Walkerville and Enfield councils.

The third point (the matter of industrial property) was placed before the Government in a submission by the Hindmarsh council. The Government immediately acknowledged the validity of that council's claim and acted accordingly. I stress, first, that this Bill has been introduced at the request of local government generally and, secondly (and perhaps more importantly), for its benefit, and I hope that, as a result of our efforts on this occasion, local government does not receive yet another set-back. I now turn to the clauses of the Bill.

Clause 1 is a formal provision. Clause 2 amends the definition of ratable property in section 5 as regards Government-owned houses and certain other buildings. At present Government-owned dwellings and other buildings are ratable if occupied by tenants when the council adopts its assessment. This is considered to react harshly on councils in some instances, and the amendment provides a fairer basis of rating buildings which are owned by the Government but which it leased or intended for occupation by private persons. Clause 3 amends section 8 to provide that a council may borrow money to pay a liability that may arise following severance of an area from one council and annexation to another. This is necessary following the severance of Vale Park from Enfield and its annexation to Walkerville. The judge who held an inquiry into the matter has recommended certain adjustments of assets and liabilities between the two councils and, in order that Walkerville may meet its net liability, it must be able to borrow. According to advice from the Crown Solicitor, a council does not have power under present provisions to borrow for this purpose.

Clause 4 amends section 26, which concerns the amalgamation of two or more councils. At present, to achieve amalgamation, a petition must come jointly from both or all councils concerned. The amendment alters this to provide that a petition may come from any one or more of the councils involved. At present, desirable amalgamations can be achieved only if all councils agree. This joint agreement is difficult to obtain and has prevented amalgamations that would be desirable in the interests of economy and efficient operation. The amendment means that amalgamation will not be automatic, but it will enable an interested

council to have investigations commenced to reveal whether amalgamation is desirable or otherwise. This matter is of considerable concern, and honourable members will be aware of comments made by the Auditor-General and other responsible persons on the desirability of amalgamation in some cases. The rights of ratepayers to demand polls on the question is continued.

I firmly believe that, if local government is to continue to play the part it should play in the community, serious consideration will have to be given to the economic viability of many councils. I had before me only a few days ago a case (particulars of which I have no intention of revealing) where a council was doing a tremendous job under extremely difficult conditions. It desired to achieve a certain objective, which would have cost about $800 but, because of its economic situation, that council had to see whether it was possible to meet that commitment over a period of years. When one examines the economic position of some councils, one finds that they are not economic units and, unless positive steps are taken in the future to overcome this situation, a bleak picture lies ahead for some councils. I do not refer to all of them, as many are strong, viable economic units: I refer specifically to those councils that do not fall within the category to which I have just referred. The amendments contained in this Bill will do much to restore local government in that sector to the status that it should enjoy.

Clause 5 amends section 27a, which refers to the severance of an area from one council and annexation to another. The clause provides that a petition may come from one council concerned and need not necessarily, as at present, be executed by all of the interested councils. Clause 6 amends section 52, which refers to the qualifications of members of councils. The section is altered to provide that every ratepayer of the age of 18 years or over is qualified to be a member. This is in accordance with the now recognized age of majority. It is stressed that such person will have to qualify as a ratepayer.

Clauses 7, 8, 13 and 40 amend sections 53, 54, 139 and 752. At present a member of a council can resign with the licence of council. Concern has been expressed in recent years because some councils have refused to permit a member's resignation, with the result that the member is prevented from contesting a higher office. This has meant that the council, not the ratepayers, has to some extent decided who shall be mayor. A member should be permitted to resign if he wants to. The amendments to sections 53, 139 and 752 are necessary following the amendment to section 54. If any member of Parliament for any reason desires to resign (and I hope no member will), he is free to do so.

Mr. McAnaney: Especially if he belongs to the Labor Party!

The Hon. G. T. VIRGO: I shall ignore that stupid interjection.

The SPEAKER: Order! Honourable members would considerably assist the conduct of proceedings if they observed requests from the Chair. After the Minister has given his second reading explanation, there will be ample opportunity for members to speak on the Bill.

The Hon. G. T. VIRGO: Clauses 9, 10, 11, 12, 14, 41, 43, 44, and 45 amend sections 88, 101a, 115, 122, 157, 754, 819, 820 and schedule 5, form 2A. These provisions refer to the minimum age at which ratepayers may vote at elections, meetings and polls; and the minimum age for a person to be a clerk or engineer. The amendments reduce this age to 18 years for the reasons I have already given in respect to the amendment of section 52.

Clause 15 inserts new section 215a, which will enable a council to declare a garbage collection rate of up to $10 a year. This will not prevent a council absorbing such costs within its general rates, as many now do. However, some councils in the past have, under powers available to them in other parts of the Act, charged fees for removing garbage. These powers only permit the charging of persons from whose property garbage is actually removed. This has encouraged some persons, even though they are on the route of a service, to refuse such a service. This has caused a rubbish problem because in some cases garbage is being deposited in unauthorized places. The new provision will enable a charge to be made on all persons on the route of a service.

Clause 16 amends section 286 regarding signing of cheques. At present cheques, other than those made from an advance account, are signed by a member or members and an officer. The amendment provides for cheques to be signed by two officers if a council wants this. In large councils, particularly where the number of cheques is considerable, it is extremely difficult to obtain a member's signature in every case. The signing of cheques by officers is in accordance with modern practices, provided internal checking procedures are adequate. The approval of the Minister and the council auditor will ensure this.

Clause 17 amends section 287. At present councils can spend revenue in subscribing to an organization whose principal object is the furtherance of local government in the State. This provision is extended to the furtherance of local government in the State and Australia. The Adelaide City Council, in particular, is a member of a local government organization relating to capital cities, and the extension of the provision is desirable. However, it is considered that such expenditure should not be unlimited, and accordingly provision is made for obtaining the Minister's approval.

Clause 17 also inserts a new power in section 287 that will authorize the expenditure of revenue on the employment of social workers. This is an important activity to local government, but it is more particularly related to other powers relating to services to the aged and others which I will mention later. Clause 17 also amends section 287 (1) (*k*), which empowers a council to spend revenue on promoting a Bill before Parliament. It is considered that this type of expenditure should not be unlimited. Accordingly, provision is made for the Minister's approval to be obtained.

Clause 17 further amends section 287 by providing a new overall provision to enable councils to pay the expenses of councillors in attending meetings of the council or committees and all expenses connected with a member's undertaking special business for the council. The present provisions in sections 288 and 289, which are repealed by clauses 19 and 20, provide for differences in procedure according to whether the council is a municipal or district council. Councillors in district councils can have travelling expenses in attending meetings reimbursed, but councillors in municipalities cannot. There is also some doubt about whether expenses of overnight accommodation can be reimbursed at present. This is unreasonable, for a councillor should not be out of pocket by reason of his official duties.

Clause 18 inserts new section 287b, which is of paramount importance. It will empower a council to spend money in the provision of homes, hospitals, infirmaries, nursing homes, recreational facilities, domiciliary services and other services for the aged, handicapped or infirm. The new section provides that:

(1) A council may require a one-third donation of the cost of a unit from an incoming occupier. This is available to private organizations, and it is important that councils be not in an inferior position.

(2) After one such donation has been received, all further donations shall be paid into a fund to provide for infirmary or nursing home accommodation, or for other purposes approved by the Minister. A council may refund an amount not exceeding the donation if circumstances warrant it.

(3) A council may charge rentals, and shall pay one-third into a fund to provide for maintenance and improvements.

The first indication that councils might enter this field came when the Commonwealth Government amended its legislation in 1967 to provide that councils shall be eligible bodies to receive subsidies. The Local Government Act Revision Committee has thoroughly investigated this matter and is more than satisfied that there is room and a need for local government in this field. In addition, the committee is satisfied that there is a need for councils to enter the field of domiciliary care. Existing organizations, such as Meals on Wheels, provide a wonderful service, but more effort is required from others. The committee is satisfied that councils should enter this whole field of welfare service, not just one facet of it. Councils will not have to enter this field, but many are anxiously waiting to do so. This is an exciting field of activity, and I particularly commend these provisions to members.

Clause 21 extends the investment power of councils by including trustee investment in section 290a. Sections 292, 296 and 297 refer to the preparation of statements and balance sheets and their publication in the *Government Gazette*. Clauses 22, 23 and 24 amend these sections by deleting the requirements for gazettal, and provide instead that a council may publish them in any appropriate way and provide copies on request to ratepayers free of charge. Complaints have been received of the high cost to councils for gazettal. In view of the requirement of regulations for copies to be provided to certain authorities, the Government is satisfied that gazettal serves little or no purpose.

Clauses 25 and 26 make consequential amendments to sections 301 and 305 in consequence of the introduction of the new Land and Valuation Court. Clause 26 amends section 305 concerning resolutions of councils declaring streets to be public roads. The amendment provides that, where the Registrar-General has made an entry in a register book

or has issued a title in compliance with provisions in section 305, the land concerned shall be conclusively presumed to be a public street. This is necessary to cover the situation that occurred when a council inadvertently failed to issue a notice to a person and found it could not recommence proceedings. A person who might be involved in such a situation is protected by the amendment, in that he may apply to the Land and Valuation Court for compensation. Clauses 27 and 28 make consequential amendments to sections 415 and 420 as a result of the new Land Acquisition Act, 1969.

Section 437 lays down that borrowing by councils shall not be subject to an interest rate of more than 7½ per cent. The highest current borrowing rate for councils is now 7.4 per cent and, whilst no-one wants to see it increase, it could conceivably increase sometime in the future. Councils cannot be barred from desirable loan programmes, and therefore clause 29 amends this provision. Clause 30 amends section 454 to provide that park lands may be used for camping ground or caravan park purposes. In many council areas, caravan and camping areas are located in park lands, but a recent legal opinion indicates some doubt of the legality of this. Such use is recreational and the use of park lands for such purposes is, we believe, reasonable. Section 459a of the Act empowers a council, with the Minister's consent, to dispose of reserves not exceeding half an acre in area if the land is not required as a reserve.

Clause 31 removes this restriction of half an acre. In disposing of reserves, size should not be a determining factor, but rather the usefulness of the reserve for the purpose of public use or enjoyment. Buildings such as kindergartens have been established on some reserves. The Government does not want to see needed reserves used in this way. However, councils often have surplus reserves, or portions, that could be made available for such purpose. The amendment will permit the disposal of redundant reserves where it is appropriate.

Clauses 32 and 33 make consequential amendments to sections 471 and 483 because of the Land Acquisition Act, 1969. Clause 34 amends section 530c concerning the provision of common effluent disposal drains. When councils provide such drains, as many have successfully done, they are empowered to recover costs by means of separate rates. Because of the nature of these schemes, it is more practicable in many cases to charge a fixed annual amount rather than a rate in the dollar. Because some doubt has been raised about whether a separate rate may include a fixed amount, clause 34 removes this doubt.

Clause 35 amends section 666 concerning removal of vehicles left on roadsides and public places. The section at present requires the council to go through certain procedures of advertising and then sell the vehicle by public auction. These provisions are cumbersome and expensive, particularly as most vehicles left on roadsides are worthless, and rarely can a council recover its costs. The amendment streamlines these provisions and provides as follows:

(1) The provisions shall apply to vehicles left on roadsides, public places, and property owned by or cared for by the council.
(2) The council may sell the vehicle or dispose of it as the council sees fit.
(3) Surplus proceeds, if any, are to go to the council rather than State revenue.
(4) Owners of vehicles are to be responsible for costs of removal, custody, sale and disposal of the vehicle.
(5) Councils will still have to take the required advertisement procedures.

Clause 36 amends the by-law making powers in section 667 to empower councils to make by-laws to regulate, restrict or prohibit parking of vehicles in park lands and similar places. Councils can and do permit parking for certain purposes, such as parking near kiosks, and recreational activities, and they should have by-laws to control this. Clause 36 also amends section 667, paragraph (48a). The present provision permits a council to make by-laws regarding the escape of water on to roads. Owing to a legal opinion which holds that water does not "escape" on to roads, it is necessary that more appropriate wording be used, and clause 36 does this.

Clause 37 amends the regulation-making powers in section 691. Power at present exists to make regulations, and regulations have, in fact, been made in respect of qualifications for clerks, engineers, surveyors or overseers. The power is extended to permit qualification regulations to be made in respect of other council officers if such should be desirable. It is stressed that this is a regulation-making power only and any regulations would have to be submitted to Parliament. I have received requests from general and traffic inspectors in councils that they be given an appropriate qualification.

Clause 38 repeals section 715. This section provides a fee of 50c for laying complaints and issuing summonses. The Chief Summary Magistrate has pointed out that this sum is long out of date. He has also pointed out that it is unnecessary to have this provision in the Local Government Act as other legislation prescribes fees.

Clause 39 redrafts section 743a to widen its effect. At present, the section provides that proof that a vehicle was standing or stationary in a street shall be *prima facie* evidence that the owner was the driver at the time. This is known commonly as owner-onus. Clause 39 extends this principle to vehicles standing in other areas where parking is controlled; for example, in park lands. Parking is permitted in park lands at such places as the Weir and Alpine Restaurants. These parking places are intended for patrons of the restaurants, but today motorists tend to use the areas for full-day parking. Owner-onus provisions, which have applied for some time to parking in streets, would be beneficial in the control of parking in these other places.

Clause 42 amends section 783 regarding depositing of rubbish on roads and public places. Subsection (1) (*a*) refers to a person who deposits rubbish. Some years ago the wording of paragraphs (*a*) and (*a*1) was altered so that now the wording of both is very similar. Paragraph (*a*1) is not required and, therefore, is repealed. Section 783 provides a penalty of up to $80 for depositing rubbish. In an endeavour to help stamp out this practice, the maximum penalty is increased to $200 and a minimum penalty of $10 is introduced.

As I said at the commencement of this explanation, the Bill, apart from the five alterations to which I have referred, is basically the same as the one that was debated in this House last year. I commend the measure to honourable members, in the interests of local government, and I urge them to support it on this occasion.

Dr. EASTICK secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from July 29. Page 473.)

Mr. HALL (Leader of the Opposition): I think that what I said last Thursday after the Attorney-General gave the second reading explanation encompassed most of the things I wanted to say on this issue. The matter has been discussed frequently in this House and has pre-occupied the Labor Party when in Government or in Opposition. It is one that the Government now sees as being divisive for the Party that I represent, and it is on this basis that the Government introduces it now. Clearly, the Attorney-General tried to further the controversy at the weekend by adding his little remarks now and again on this rather large subject.

If there is one practical reason why we need a House of Review, it is the Minister who has just sat down, the Minister of Roads and Transport, because in him we have a practical demonstration of arrogance and dictatorial methods in administering departmental activities. That needs the supervision of a second House, a House of Review. We know that the object of this Bill is to divide support for the Legislative Council. One must not assume that the Government is interested only in the provisions of this rather simple Bill: it is also interested in denigrating the Council continually and, as I have said, in reducing the regard that the people could have for that House. In this way the Government has a vested interest in the restricted franchise.

I am certain that the Government does not want this matter resolved. It does not want full franchise in South Australia, because we saw in regard to the reform of the House of Assembly districts how the Labor Party, then in Opposition, was unable to criticize the Liberal and Country League after the redistribution, and we know that, as soon as the Legislative Council franchise is fixed, the Government will lose its prime basis of criticism as far as the L.C.L. is concerned. Therefore, it is interesting to see the Attorney-General, with his mixed motives, introducing this Bill.

I remember speaking on this issue last year and pointing out that this great Party of reform, the Labor Party, still had on its books the method of voting by cross and I also pointed out to the House, to show how forward-looking the Party opposite was, that it had so much faith in the electors of this community that it considered they should be entrusted only with a "cross" system of voting and should not be allowed to use the preferential system! This sort of policy does not brand members opposite as being representative of a reform Party.

Members opposite are interested only in division, as they have been in all their political activities. They live on political division and the type of class warfare that they promote and have a vested interest in. They do not want to see this matter resolved. Therefore, the Deputy Premier has been vocal in opposing

my views to establish a true House of Review by having elections for the Legislative Council held on a different day from that on which elections for the House of Assembly are held. This irks members opposite; it does not meet with their approval because it does not allow them to exercise their prejudice against the Legislative Council by instituting elections on the same day for both the House of Assembly and the Upper House. They want to make the Legislative Council a duplicate House of this House so that they can then say to the public of South Australia, "It doesn't do anything worth while; it is only duplicating the work of the House of Assembly; let us remove it." That is the attitude of the Labor Party. My thinking is to set up the Legislative Council as a true House of Review on a separate basis, with elections on a separate day, and to entrust it with the job of reviewing legislation from the House of Assembly. I know that that is objectionable to members opposite because it does not fit in with their design for South Australia.

Mr. Rodda: The member for Salisbury may have something to say on that.

Mr. HALL: He has been known to assist me in the past and I say "Thank you" to him for that. There is little more for me to say about this Bill. We could enter into a lengthy debate about the usefulness of Upper Houses, the policy of the Labor Party, how it has acted dictatorially since it came into office last year, how it had to be stopped in the years 1965 to 1968 from destroying many of the freedoms enjoyed by people in South Australia and how we have those freedoms today only because of the Upper House. I could go on detailing all that kind of thing. It is interesting to see the Attorney-General laughing his head off. He remembers, no doubt, the set-up of transport in South Australia and how the Labor Party unashamedly set out to drive road transport off the roads of South Australia. This may be something practical for the Attorney-General, because he is not a practical man; all he has ever done is to argue points of law.

He is not in commerce and has not produced anything. In that respect, he may be said to be a parasite, but I do not go as far as that. He is a non-practical man and would not understand how much road transport means to South Australia. Without the continuing existence and supervision of the Legislative Council in those years 1965 to 1968, the Premier of South Australia today would have been unable to say during the election campaign in 1968 that he believed in free road transport, because the Legislative Council threw out the Bill designed to destroy road transport; it gave the Labor Party a chance to change its mind, which it did in 12 months; so the Legislative Council was able to save the Labor Government from its own folly. There is no better demonstration of the value of the Legislative Council than that case. The Attorney-General has no reason to continue his rather impractical laughs from the rather theoretical world in which he lives.

As I have said, there are many members who could illustrate the practical value of the Upper House. It is to establish its permanence as a House of Review and its democratic base that I support full franchise. It is for the first point—establishing its permanence as a democratic House of Review—that I will move later, with the permission of the House, that a clause be considered to establish an election for the Upper House on a separate day to make sure that the attempts of the Labor Government to abolish that House cannot be successful. On that basis, I support the second reading.

Before I sit down, I make it plain that my support of the second reading and of the third reading, regardless of how my amendments are treated in this House, does not mean that I support adult franchise for the Legislative Council without having the vote on a separate day. It is obvious that, whilst the Labor Party is in power in this State, any successful amendments to this Bill, as it is brought in year by year, will have to come from the Upper House. I shall vote for my amendments. If I lose them, I shall vote for the third reading for the purpose of getting the Bill through to the Upper House. I would vote for the third reading insisting that any final compromise on this Bill must include provision for voting for the Legislative Council taking place on a separate day. I put it to the Government that, if it is serious, it should accept these amendments. It will not get full adult franchise if it does not, and it will be its own action that will stand in the way of the public getting full adult franchise for the Legislative Council. It will not be the fault of this side of the House; it will be the Labor Party's fault.

Mr. Clark: You are not threatening us, are you?

Mr. HALL: Already, we have had indications through the public media that the Government intends to reject the only means by which full adult franchise can be obtained for the public. If it refuses to accept this amendment, the failure to obtain full adult

franchise will be on the heads of Government members. I support the second reading.

Mr. WELLS (Florey): I support the second reading. The remarks of the Leader indicate the fate that this Bill will suffer in another place. It is perfectly obvious that whilst the Leader spoke of the Government's not wanting full adult franchise as far as the Legislative Council vote is concerned—

Mr. Rodda: On your terms.

Mr. WELLS: —I suggest that it is the Opposition and the members of the Legislative Council representing the Opposition in that House now who do not, have never and will never agree to any measure that may weaken their power in that Chamber. I maintain it is proper that every elector in the State should cast a vote in respect of the Legislative Council. I believe it is not only the right but also the duty of every elector to exercise that franchise.

The Leader also spoke of the alteration of electoral boundaries in this State. He was speaking, of course, of the gerrymander that existed prior to the alteration of those boundaries. Through the foresight and the ability of the Labor Government, we have overcome this to a large extent, but it still remains to a degree. We were castigated not only in the States of Australia but also worldwide as being a "hill-billy State" because of the gerrymander that existed in favour of the L.C.L. in this State. We are still being castigated, even more so, in respect of the restricted and privileged franchise exercised in respect of the Legislative Council. The Legislative Council perpetuates, then, the title "hill-billy State", and we shall retain it until the voter has a legitimate say in the affairs of this State. Great exception is sometimes taken to the fact that, with full adult franchise for the Legislative Council, one House may mirror the other. I have no objection to this at all, because, if the voters of this State say they want the situation regarding both Houses to be on a similar basis, I agree with them, and so should every member in this House.

Mr. Rodda: You object to Upper Houses; that's what you signed for.

Mr. WELLS: The member for Victoria does not know what he is saying; either that, or he is completely and deliberately misrepresenting the situation. He knows as well as I that the Legislative Council cannot be abolished unless it is abolished by its own vote, and then only after a referendum of the people of this State is held. If such a referendum were held and the people of this State said that they wanted the Upper House abolished, I would support its abolition, and so should the member for Victoria. Of course, we can confidently expect that there will be amendments, about which we have all read in the press. The Liberal and Country League wants to retain the Legislative Council as a House of Review, but only as long as the Legislative Council is dominated by that Party. This situation must be brought to a finish sooner or later, and the sooner the better. The foreshadowed amendments clearly indicate the intentions—

The DEPUTY SPEAKER: Order! I cannot allow discussion on amendments during the second reading debate.

Mr. WELLS: Well, I have read in the press that certain things that may take place in this House could alter this Bill, but any attempt to alter the Bill is purely and simply a shallow and transparent subterfuge. It is an attempt to convince the voters of this State that the L.C.L. has had a change of heart, having recognized that in the past it has espoused an undemocratic way of election concerning another place, and that it will now give the voters an opportunity to express their will. Of course, nothing could be further from the truth and, as I say, this is purely and simply a subterfuge that will reflect itself in the rejection of the legislation that we hope to pass. The subterfuge will be carried out in this way: certain amendments will be moved to alter the Bill, making it entirely unacceptable to the Government, as members opposite know. The subterfuge has been designed to bring about a rejection by the Government of suggestions which, although rejected in this place, will be accepted in another place. We are not an inflexible Party. We will listen to common sense and to suggestions that will assist the people of this State, but we will not in any circumstances agree to perpetuate further the disgusting situation which has existed for so long in this State and which gives a privileged class the opportunity to reject in another place legislation introduced in the interests of the people of this State.

Mr. Rodda: Do you say the householders of this State are privileged people?

Mr. WELLS: I say that the 15 per cent of the people, who are disfranchised, are the under-privileged class.

Mr. Rodda: You are saying the electors of Florey are privileged people?

Mr. WELLS: I say that the electors of Florey should be given every opportunity to exercise their will in respect of Legislative Council elections. It is perfectly obvious that, despite the actions and activities of the Opposition, members opposite fear the voice of the

little people. These people may appear little to members opposite, but to us they are of the greatest importance; they are electors of this State: the people whom we respect, to whom we look for support and who give us that support. We are determined that those people will have their rightful say in the management of this State and that they will no longer be subjected by members of another place to the rejection of legislation introduced on the people's behalf by a democratically-elected Government. I am referring to a situation that has existed for decades, supported, to the Opposition's shame, by many members opposite. I do not refer to all members opposite, because I know that certain members of the Opposition are in favour of full adult franchise. The Leader said several times that a day other than the day on which a general State or Commonwealth election was held might be determined as the day for the holding of an election for the Legislative Council. However, this would be entirely unacceptable to the Government. If an election for another place were held on such a day as he suggested, what a disgusting and horrifying waste of taxpayers' money this would represent.

Mr. Rodda: What about your referendum?

Mr. WELLS: I am not sure that it could have been held on the day of an election. I maintain that the people of this State will plainly demonstrate that their voice will be heard. We represent the people, whom we shall be able to tell that we have been obstructed at every turn by people who are elected undemocratically under a privileged franchise. We will tell them that we have been prevented from giving the voters of this State the things concerning which they have put us here. However, the people of the State will tell members opposite that they are in a poor position and, immediately they have an opportunity, the voters will see that the people whom they want seated in the Legislative Council will be so seated there in place of the people representing big business. I support the Bill.

Mr. MILLHOUSE (Mitcham): There were points in the speeches of the Leader and the member for Florey to which I took exception. Why the member for Florey should insist on reflecting on the motives of members of this side I do not know, but the whole of his speech was uncharitable and, uncharacteristically, made up of reflections on the motives of Opposition members. Apparently he thinks that all we are interested in is to perpetuate what he regards as the scandal of the situation in the Upper House. I wish that the member for Florey would be prepared (and he normally is) to accept the assurance of the Leader and others that we are not so badly motivated as he has tried to make out. Apart from that, I can agree with most of the matters of principle to which the member for Florey referred. With respect to the Leader, I take exception to one matter he raised. I do not mind his reflecting on the Attorney-General, who often deserves it, but I take issue with the Leader when he reflects on the Attorney-General simply as a member of the legal profession, and that is what he did on this occasion. It seems that the member for Peake is with the Leader, so it looks as though we will have some cross-voting on the matter. Apart from that aspect of the Leader's speech, I fully support the point of view which he put to the House and which is my point of view. Undoubtedly the Government has introduced the Bill at this time with the object of causing us the maximum embarrassment. It knows, as everyone in the State knows, that the annual meeting of the Liberal and Country League is to be held later this week and that this is one of the matters on the agenda. I do not blame the Government for doing this; if the situation were reversed, no doubt we would try to take political advantage of the Labor Party. Indeed, we have tried that often in the past and succeeded beautifully. That is the only reason why the Bill has been hurried into the House: the hope is that it will embarrass us.

The Leader has said that there is no need to speak at length on the matter. I have spoken in debates on this subject ever since it was first introduced, I think at the end of 1965 and in 1966. I hope that in the first speech, and certainly since, I have made my position clear, and it is the same. I will state it again briefly. In my view the fundamental tenet of Liberalism is that all citizens in the community are equal in right. In South Australia, both Houses have equal or substantially equal powers in passing Acts of this Parliament. This legislation affects all citizens in South Australia. Therefore, it seems to me irresistibly to follow that every citizen should have an equal right in electing the members of both Houses of Parliament. This means that there should be a full franchise for both Houses. When one has said that, I think one has said all that needs to be said on the question of principle. Moreover, I believe strongly in a bicameral system of government. One can argue in theory until one

is blue in the face that this is unnecessary, but the overwhelming experience in all countries that have a Parliamentary system of government is that a two-House system works better than a one-House system. In the United States of America, 49 of the 50 States have two Houses of Parliament, Nebraska being the only State that does not. Australia and other countries also have mainly two-House Parliaments. Experience shows that the two-House system works better.

I do not think (and here I differ with the member for Florey) that one House should be a mirror of another. By this I do not suggest that merely the two Houses are of the same Party complexion. That is one aspect of mirroring, but there are many other aspects. It is a good thing for two separate sets of minds, whether or not they be of predominantly the same political complexion, to have a go on any problem that may come before Parliament. Therefore, mirroring means more than simply political complexion. I do not think that one House should mirror the other. If that is to be avoided, there must be differences in the constitution of the two Houses. However, for the reasons of principle that I have given, I do not believe that that difference should be achieved by having a restricted franchise for one House. The principle of a full franchise is overriding, but there are plenty of other ways in which we can avoid one House becoming a reflection of the other.

A system of compulsory enrolment and voting for one House and voluntary enrolment and voting for the other House is one difference, and we already have that substantially in South Australia. However, if this distinction is to be real and not merely a sham, it is essential to have elections on separate days: otherwise, if people are compelled to come out and vote for one House, if they are on the roll they are almost certain to exercise the franchise for the other House. Therefore, the element of voluntariness is almost entirely taken away. I admit that, if my contentions are accepted, this means that there will be another day on which some sort of election is held in South Australia. However, I believe that is a small price to pay to attain the contrast between compulsion and voluntariness. It ill becomes the Labor Party, of all Parties, to reflect on this when we think of the number of occasions on which it has cheerfully gone to the people of the State, taking their opinion by way of referendum. We had one referendum last year, and at least one during the term of the previous Labor Government. Maybe we had two in that term.

The Hon. G. R. Broomhill: What was it on?

Mr. MILLHOUSE: On lotteries. The Labor Government does not scruple to turn on a referendum when it believes that it is necessary, and I point out that a referendum costs almost exactly the same as does a full general election. Therefore, except to make a Party political point, that argument about cost is not a very good argument for the Labor Party to use. Other distinctions which there should be and which we now largely have in this State between the constitution of the two Houses are differing districts and differing terms of office, and I believe these should be retained. If we do have these differences, I think we will have a most effective bicameral system of Government, and we will have got over what I regard (and I have said this often) as the reproach of limited franchise for one of the Houses. For these reasons, I intend to support the second reading and the amendments to be moved by the Leader, but for the reasons he gave I believe that, as the overwhelmingly important matter with which we are concerned now is full franchise, whatever the fate of the amendments may be, I intend (certainly as I feel at the moment) also to support the third reading.

Mr. HOPGOOD (Mawson): The member for Mitcham said that the member for Florey accused Opposition members of being insincere, yet his Leader has just done the same thing. The honourable member for Mitcham said, "I fully support the point of view of my Leader", so he, too, accuses the Government of insincerity. It is convenient for the Leader of the Opposition to accuse the Government of insincerity, because that means he does not have to put up a case, as happened today. He spent a considerable time wandering around and introducing peripheral side issues without really getting to the core of the matter. For example, he said that the Labor Party was not able to criticize the Liberal and Country League over the Liberal Government's House of Assembly redistribution. One wonder whether the man has been going around with wax in his ears. The Labor Party has continued to criticize the present apportionment of electoral boundaries.

The member for Kavel said recently, and also in the previous session, that the Labor Party could no longer criticize the present allocation of electoral boundaries because the percentage of seats it got in this House was greater than the percentage of votes it obtained. As Government members have

pointed out to the honourable member before, this is ineradicable in an electoral system based on single-member districts. The member for Kavel has not said he wants proportional representation, but that is the only way in which he could overcome this difficulty.

Mr. Goldsworthy: It is the argument that you used to use.

Mr. HOPGOOD: No, and that is not what the member for Florey is now saying. We have said in the past that, if a Party gets a percentage majority of the votes, it should get a percentage majority of the seats. Labor members have never said that the percentage of the majority of seats should mirror exactly the percentage of the majority of votes. If the percentages had been reversed at the last election and the L.C.L. had got the percentage of votes that the Labor Party got, and vice versa, how would the seats have lined up then? On my calculation, the L.C.L. would have got 29 House of Assembly seats if it got the Labor Party's percentage of votes. I invite the honourable member to do that calculation. Indeed, I will give him some assistance with it. The point is that the House of Assembly boundaries are still gerrymandered against the Labor Party because of the country weighting.

Mr. Evans: Do you mean to say that the country people won't vote for you?

Mr. HOPGOOD: It is undoubtedly obvious that the majority of support for the Labor Party lies within the metropolitan area, and that the majority of support for the honourable member's Party lies in the country. The Labor Party says that in the electoral process each voter should count equally. I thought the member for Mitcham was going to make that point. He said that a fundamental tenet of Liberalism was that all citizens should have equal rights, and he used that argument in order to justify adult franchise. In this respect, I agree wholeheartedly with him. However, had he been at all consistent he would have gone on to say (and again I invite the honourable member for Kavel to consider this point) that, if all citizens should have equal rights, their votes should have equal value. I invite the House to consider the present situation that exists in, say, Mawson District compared with that in a country district such as Frome. The present enrolment for the Mawson District is 18,943, whereas the enrolment for the country seat of Frome, which absorbed most of the old seat of Burra, is 8,122. I rather imagine that that enrolment is declining as much as the enrolment of Mawson, the largest district in the State, is rapidly increasing.

Mr. Rodda: That doesn't line up very much with your remarks in the Address in Reply debate. You were worrying about pollution then.

The SPEAKER: Order! Will the honourable member for Mawson please resume his seat temporarily. The honourable member for Victoria is not permitted to refer to a previous debate.

Mr. HOPGOOD: Thank you, Sir. Perhaps the member for Victoria will be able, when he speaks in this debate, to outline the import of that interjection. I assume he means that the system of one vote one value will accelerate centralization. Under the Playford gerrymander, this State saw the most rapid acceleration of centralization.

The Hon. D. N. BROOKMAN: I rise on a point of order, Sir. According to the clock in the Chamber, the honourable member still has 45 minutes to speak, but he has been speaking for at least five minutes.

The SPEAKER: There is no point of order. For the benefit of the honourable member, the time at which the member for Mawson began speaking has been noted, and I will ensure that Standing Orders are followed.

Mr. HOPGOOD: I seem to have that effect on the timing device in this place, Sir, I would not want the member for Alexandra to think that I was speaking for longer than the permitted time. I was simply making the point that under the notorious Playford gerrymander, which weighted the country vote considerably, there was a rapid acceleration in centralization, and it therefore seems that the argument that one vote one value will accelerate centralization has no substance. The Playford Government had a vested interest in the centralization process that was going on for as long as the boundaries were prevented from being relocated. The Leader of the Opposition referred to the preferential voting system as a sideline, and he talked about cross voting. I do not know what that has to do with the Bill before us. I wonder why in some circumstances a person must indicate his preference. I do not think my preferences have ever been allocated since I have been voting (with the possible exception of Senate elections), because I have always voted for the person that has finished first or second in a poll. In Senate polls the lower numbers are not considered by the people who allocate preferences and determine quotas and so on. For this reason, I do not see why preferences, which we know will not be allocated,

should have to be indicated. Indeed, I will go even further: in the Address in Reply debate I said that in the Southern District by-election—

Mr. EVANS: On a point of order, Sir, the member for Mawson is referring to a previous debate that took place in this House this session.

The SPEAKER: The honourable member should confine his remarks to the Bill.

Mr. HOPGOOD: I simply make the point that I see no reason why we should have to stick rigidly to stating all preferences, when we could even not indicate a first preference.

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

Mr. HOPGOOD: To round off what I was saying before the dinner adjournment, I repeat that I do not favour the preferential system of voting. However, if we have it, why should it be necessary for people to indicate all their preferences? Why, in fact, should it be necessary for people to indicate even their first preference where there are more than two candidates, if they decide that their vote should be effective only in the allocation of preferences rather than with the first preference? The Leader of the Opposition made some personal observations about the member for Salisbury and the Attorney-General. No-one really understood the Leader's remark about the member for Salisbury, so I suppose the Deputy Leader of the Opposition would describe that remark as "essentially sterile". It seemed to me that the Leader, in his reference to the Attorney-General, fell into the old Marxian habit of assuming that all wealth is produced by toilers, by hand. It is a remark that perhaps might have been made by various political leaders through the years, but we are really most surprised that it should have been made by the Leader. He went on to talk about a practical use of the Upper House. The examples to which he referred were extremely meagre, and there are plenty of counter-examples that one can put up. One need only refer to the whole business of the Local Government Act Amendment Bill, which has already been referred to today.

In the last session the Upper House had the opportunity of striking out of that Bill those clauses to which it objected, but it messed up the whole thing by defeating the Bill on the second reading. I very much doubt whether that can be regarded as a useful or, indeed, a responsible use of the powers of review. The member for Mitcham in his political credo, which he delivered to us, said that all citizens should have equal rights. I have already referred to this, and I have suggested that the Liberal and Country League is rather ineffective and rather erratic in the way in which it applies this principle. He then talked about the bicameral system. It must be made clear that the whole business of the bicameral system is not at issue in this Bill, which seeks to enfranchise for the Legislative Council all those persons who have a vote for the House of Assembly; that is important. The Bill says nothing about the bicameral system.

I know that members opposite want to say that the Australian Labor Party in this State is committed to the abolition of the Upper House; that is true. They want to say that adult franchise will tend to lead to a majority of Labor members being elected to the Upper House; that, again, is true but it is one thing that I thought the Opposition might have wanted to keep quiet about. However, as the member for Florey has already pointed out, it is impossible for a majority in the Upper House to vote that place out of existence unless the matter has been referred to the people by referendum. It is also impossible for a vote of the Upper House to remove the referendum clause from the Constitution of this State, now that it has been inserted. In short, the Upper House is entrenched, except by way of referendum; furthermore, the entrenching clause is itself entrenched. I make this point because the bicameral system is not at issue in this debate. What is at issue is whether all House of Assembly electors should receive a vote for the Upper House, but members opposite persist in talking about the bicameral system as though it were at issue.

What honourable members say about the bicameral system is interesting. For example, they tell us that most countries in the world have retained that system. However, they say little about the fact that the countries that have abolished the Upper House or, like the United Kingdom, have effectively neutralized it (which amounts to the same thing) have not moved to restore it. Do members of the Liberal Party and Country Party in Queensland, colleagues of members opposite, intend to restore the Legislative Council in the Constitution of that State? That Government has been in office for a long time.

Mr. Gunn: And they will be there for a lot longer.

Mr. HOPGOOD: That is beside the point. Is it conceivable to the member for Eyre that,

however long his colleagues are likely to be in office in Queensland, they are likely to restore the Upper House?

The Hon. L. J. King: They can't be too confident; otherwise, they would not be trying to redistribute the electoral districts up there.

Mr. HOPGOOD: That is true. The other point that I want to make about the examples with which the member for Mitcham regaled us was that he gave us an example of where bicameralism has been retained and where it has not. However, he does not say much about countries that hold their polls for the Upper House on a different day from that on which they hold polls for the Lower House. Sauce for the goose is sauce for the gander and, surely, if it is competent for the member for Mitcham to try to justify what we understand his Leader will try to do in the Committee stage, by submitting a list of countries that have retained the bicameral system, it should be also be competent for him to give us a list of those countries that hold polls on separate days for the two units in their bicameral systems.

The Hon. G. R. Broomhill: I do not think there would be many countries on that list.

Mr. HOPGOOD: I do not think so.

Mr. Evans: How many countries have compulsory voting for the Lower House?

Mr. HOPGOOD: About 12 countries have this, but the Leader of the Opposition intends to show us, I understand, that, when it comes to a certain principle in which he says he believes, even though South Australia may be the only place in the world that may hold polls on separate days, he will still believe in it, so what is the point of his giving us statistics of what other countries may or may not have compulsory voting, or what other countries may or may not have a bicameral system? It is simply wasting our time.

Mr. Gunn: Have you looked at Tasmania?

Mr. HOPGOOD: Tasmania still has, of course, a restricted franchise—

Mr. Gunn: It does not.

Mr. HOPGOOD: —and I sincerely hope that it will be possible to do away with that before long. The main point that members opposite have made and may make is simply that there should be some differences between the voting systems for the two Houses in a bicameral system, and I point out for the benefit of the House that this is exactly what we in South Australia have at present, and my Party certainly is not committed to any move to alter it. For example, we have different electoral boundaries as between the House of Assembly and the Legislative Council. Secondly, we have multi-member districts in the Legislative Council, whereas we have single-member districts in the House of Assembly. Thirdly, in the Upper House, of course, members retire by rotation. They are not all re-elected *en bloc* as they are to the House of Assembly. This seems to me to be sufficient to represent a difference between the way in which the two Houses are elected.

I wonder how it is possible for members opposite to justify different constitutional arrangements in this State from those that apply in the Commonwealth Parliament or over our border in Bolte-land. What are the specific conditions that exist in South Australia that would justify our being so different from these other States that we should hold a poll for the Upper House on a separate day and that we should go through the various gymnastics whereby we shall offer the shadow of suffrage, on the one hand, and withdraw the substance of it, on the other hand? I shall suggest to the House what it may be—why the Leader of the Opposition can suggest that we go it alone as opposed to what happens in the other States, and indeed in the Commonwealth Parliament, because in the last week or so we have been reading in the press exactly why this should be so.

I refer, for example, to the *Advertiser* of Friday, July 30, which came out with a headline "Wide split in L.C.P. averted". I think that is supposed to be L.C.L. I recall that last year the Country Party waxed indignant that the L.C.L. in this State should be referred to as the L.C.P. I cannot blame the Country Party for this.

Mr. Jennings: It was in a state of high dudgeon about it.

Mr. HOPGOOD: Indeed, yes. It was suggested by the *Advertiser* on that day that broad agreement had been reached at Wednesday night's meeting on the tactics that would be adopted by the L.C.L. in future in the debate on the Bill to bring down adult franchise. It said:

> Former dissident members who heard the speech said afterwards they had no hesitation in accepting Mr. Hall's view that the structural differences between the Houses were more vital now than they had ever been.

Why had they no hesitation in accepting that they were more vital now than ever before—more than, say, in 1888 or 1856? It was "because of the A.L.P.'s avowed intention to abolish the Legislative Council". Did the A.L.P. adopt this policy of the abolition of the Legislative Council last week or the week

before? When I joined the A.L.P. this was one of the grounds on which I joined it, because it had just this policy, going back many many years.

The Hon. D. N. Brookman: What Party were you in before?

Mr. HOPGOOD: I was not a member of any other political Party before joining the A.L.P. It is quite inconceivable to imagine myself being a member of any other political Party. This is obviously some sort of red herring. For many years the Labor Party has been in favour of the eventual abolition of the Upper House by constitutional means, so what, in fact, are the new conditions? Why is it more important than ever to the L.C.L. that there should be differences between the two Houses? We know the reason: that the Labor Party for many years now has been obtaining the majority of votes at House of Assembly elections, that the Labor Party has become established as the dominant Party in this State, and that members opposite can see no light at the end of the tunnel; and, therefore, some sort of tactic has to be adopted so that the process that has brought this Party irresistibly to a majority in the Lower House can be halted before it brings it irresistibly to a majority in the Upper House. This is the sort of tactic being adopted. This is a tactic to plaster over the problems that the Leader of the Opposition is having with his own Party, because, following that argument in the *Advertiser* of July 30, on the following day, Saturday, July 31, the State President of the L.C.L. (Mr. Ian McLachlan) denied that agreement had been reached on the issue of adult franchise for the Legislative Council. He said, in fact, that the Party would investigate a formula that it could adopt. House of Assembly members who said they could not give their names to the *Advertiser* for obvious reasons (although these reasons are not so obvious to me) said that they found Mr. McLachlan's statement "incredible".

Mr. Slater: They didn't say "incredulous"?

Mr. HOPGOOD: No. They said that the final vote on the Wednesday evening had been carried unanimously. Mr. McLachlan, of course, came back to them yesterday and said this in a letter to the *Advertiser*:

> . . . every effort will be made to find a formula of which adult franchise can be a part and which will preserve the Legislative Council as a true House of Review.

He also said that his statement, which had been published in the paper on the Saturday (the statement that the unnamed House of Assembly members of the Liberal Party had found incredible), had been read by him to, and approved by, Mr. Hall before it had been handed to Mr. Eric Franklin of the *Advertiser*. I believe that there was a further meeting of the Liberal Party this morning; I do not know whether a final formula was adopted, but we know that almost certainly the foreshadowed amendments of the Leader of the Opposition are no different from those amendments with which he tried to con us in the last session. So, whatever formula was decided on by the Liberal Party this morning, or at some other time (depending on whom we can believe), members opposite have been able to come up with nothing new.

I stand fully by the principle of adult franchise. I believe that we do not offer the shadow of adult franchise and then withhold the substance of it by implementing a series of gymnastics that mean, for example, holding a poll on a separate day. The foreshadowed amendments are simply a means whereby the Leader of the Opposition is trying to get himself off the hook, and we look with interest to further speeches on the second reading by those members of the Opposition who voted against the second reading of a similar Bill last session.

The Hon. D. N. BROOKMAN (Alexandra): I oppose the Bill. When I first came into Parliament, the other place was honoured by all sections of the community, and it was treated by members of this House with the respect it deserved. In those days, members observed Standing Order No. 150, which provides:

> No member shall use offensive words against either House of Parliament.

The undignified abuse of the other place that has developed in the last few years saddens me, I suppose; indeed, it gives me nothing but contempt for people who choose to insult that place. Having examined debates that have taken place in England on matters relating to this subject, I have noted that those debates were treated with dignity and that the speakers did not abuse the members of another place. They left that alone entirely, discussing the shortcomings of the people opposite them at the time or dealing impersonally with the merits of the question before them. That is the sort of thing that used to happen in this House. However, in the last few years we have seen a stream of abuse directed at the other place. I can remember when there was virtually no Labor Opposition in this House worth mentioning.

Mr. Brown: Now there is no Liberal Opposition worth mentioning.

The Hon. D. N. BROOKMAN: In those days, we used to call the then member for Chaffey the Leader of the Opposition, as the three or four Independents in the House used to provide the opposition, and of those he was the most vocal. As an Opposition, the Labor Party had little to say, and certainly nothing to say on this subject. It was not until the late member for Adelaide (Mr. Lawn) became a member of the House that I heard any complaint about the electoral system. From that day forward that system was under an attack that was initiated by Mr. Lawn. Although he was not the only member to speak about it, he was the first to do so, and he made a successful complaint about the system; it was sucessful to the extent that it put people against the L.C.L. in regard to the electoral system for this House. As all members in the House know, the blame for this system could have been divided about equally: It should not have been placed on one Party, as both Parties set out at different times to alter the system for this House.

Although both Parties tried to alter it, neither was able to provide a system that was satisfactory to the other. Therefore, because of the way the House was made up at that time, with neither Party having a constitutional majority, no Bill on this matter could be passed. It was not for want of trying but for want of reaching agreement that we went so long in this House before the electoral boundaries were adjusted. I can remember the previous Labor Government, in its first year of office in 1965, introducing an electoral Bill which was so outrageous that it could not be accepted in any circumstances by the people of the State. It provided for a metropolitan area similar to that defined in 1908. Another provision safeguarded the seat of the then member for Frome (Hon. T. M. Casey). Not unnaturally, the Bill became known as the "Casey Protection Bill".

Mr. King: Is this relevant to adult franchise for the Legislative Council?

The SPEAKER: Order! I shall have to ask the honourable member for Alexandra to speak to the Bill; we are not concerned about previous Bills.

The Hon. D. N. BROOKMAN: Mr. Speaker, I point out that this matter is very relevant to the Bill. On the matter of relevance, it is hard to find a model to follow after listening to the member for Mawson. I assure honourable members that I will not continue long on this point. Abuse of the other place occurs as a direct consequence of the fact that, when the electoral system was altered in this House, an achievement that was largely to the credit of the present Leader of the Opposition, the Labor Party was able to label the L.C.L. as being a Party unfair in electoral matters. By doing so, the Labor Party was able to distract attention from its own unjust proposals.

The "Casey Protection Bill" was as unjust as any Bill I have known, yet it was moved and enthusiastically supported by every Government member. Despite this, the Labor Party was successful in making it appear that the L.C.L. was blocking electoral reform while it was disinterestedly proceeding to act, with a sense of justice, in the interests of the people and, of course, with no sense of political advantage: Labor members gave the impression that they would not stoop to anything like that. That campaign was so successful (quite wrongly) that members opposite decided to turn their attention to the other place. However, the people of South Australia are not stirred up about the so-called injustices in the electoral system regarding another place. Although an attempt has been made by the loudest voices in the Labor Party to stir them up, it has not been successful. If anyone doubts this, let him examine the records to see the percentage of voters that vote at a by-election for the Legislative Council when they are not forced to vote. The percentage is so low that anyone can see this is not a public issue of front-page importance. Indeed, there is no live dispute on this matter.

Some members of our community will continue to blacken this State and its electoral system. The member for Florey (and I say this with goodwill) has said that South Australia is called a hill-billy State, and he sounded as though he thought this was a just comment. There is no point in running down our own State. Indeed, there is no more point in the honourable member's calling South Australia a hill-billy State than there is in Mr. Whitlam's trying in China to fight an election by saying what the Labor Party would do if it were in office. Through the efforts of its people and despite the efforts of many irresponsible Labor speakers and interjectors, South Australia has come from a very low to a high position in the Commonwealth of Australia; so let us hear a little less abuse of South Australia and let us have a little more dignity in our arguments about the other place. The members of the other place are much the same as we are.

If we examine our opinions of those members, we will find that some Legislative Council members are more intelligent than we are, and some are perhaps less intelligent than we are; some Council members are more useful than we are, and some are less useful; some Council members work harder than we do, and some do not. Basically, however, they are about the same. I have not seen any firm statistics on the matter lately, but I believe that the average age of Legislative Council members is slightly less than the average age of Assembly members. On the average, I think that they work just as hard as we do. Consequently, there is no point whatever in the attacks that are continually made on them.

Let us consider what the Labor Party is trying to do. First, it believes in abolishing the second House. It said, not in its last policy speech but in the previous one, that it was working towards eventual abolition of the Legislative Council. The present Premier is on record in this House as saying that he believes in one policy-making Government for the whole of Australia. That was not denied, and he was not in any way criticized by his own people for saying that. This means that the Labor Party hates the second House. Sir Winston Churchill said, "Democracy is not a caucus obtaining a fixed term of office by promises and then doing what it likes with the people." Sir Winston was arguing in favour of an Upper House in order to ensure that people who got into office by promises had an Upper House that at least could exercise a measure of restraint upon them. Sir Winston Churchill's reference to caucus is apposite to this question, because the Labor Party is ruled by a caucus which, in turn, is ruled by an outside body. No-one in the Labor Party may transgress the instructions of that outside body. We have plenty of evidence in this House—

The SPEAKER: Order! I am afraid that, if the honourable member continues to talk in that strain, honourable members opposite will want to answer him. I therefore ask the honourable member to speak to the question of franchise, which is the subject of the Bill. I do not want this debate to stray too far from the provisions in the Bill.

The Hon. D. N. BROOKMAN: I am linking my remarks with the question of the Upper House, and I freely tell you, Mr. Speaker, that I have mentioned this point before. You say that Labor Party members may want to answer it; I can only ask that they do so. I have mentioned it before, but it has never yet been answered.

The SPEAKER: It is irrelevant.

The Hon. D. N. BROOKMAN: It is relevant to the existence of a second House.

Mr. Clark: The Speaker said that it was not.

The Hon. D. N. BROOKMAN: When a Party has been returned to office at the poll that believes that it should be entitled to put through any legislation it likes and, if it believes legislation is urgent, to put it through in one day, is there no case for a second House?

The SPEAKER: Order! This Bill does not deal with the question of abolishing a second House: it deals with the question of franchise. I therefore ask the honourable member to link his remarks with the Bill.

The Hon. D. N. BROOKMAN: I support the existence of an Upper House, and I claim that that House should, by nature, be more conservative than the Lower House. In the system of Government that we have, there is a House of Assembly that goes to election every three years or, occasionally, more frequently. The Parties in this House go to election with a platform that the people judge and the Government can then put its platform into operation, but we know very well that in this House a Government majority allows the Government to put into operation more than its platform. It can put into operation a whole series of legislative actions and a conservative-minded Upper House (and I do not mean conservative in the narrow sense) can sit in judgment on wheather this House is behaving as the people have a right to expect it to behave.

Without that, this Parliament would be like a motor car without brakes. The House of Assembly is the accelerator and there is no reason why there should not be an Upper House that can apply the brakes occasionally. Sometimes legislation has been introduced in this House by a simple suspension of Standing Orders, without notice of the measure having been given, and the measure has passed through all stages in one day before anyone else in the State can have an inkling of what is going on. If the Upper House does anything, it slows up that process, and that, to my mind, is a vital part of this system.

I do not know that there is any particular holy principle embodied in whether there should be a restricted franchise or whether it should be a full franchise, but I do say that Upper Houses by nature should be more conservative in approach than Lower Houses, and it should be necessary for more effort to

be put into an argument for a change than is required to defend an existing position. I shall give an example of this. Of the modern Constitutions, that of the United Nations insists that, for certain kinds of decision, it shall be necessary to have a two-thirds majority; in other words, more effort is required to admit a new member to the United Nations than is required to defend the present membership.

Mr. Harrison: You cite the United Nations when it suits you.

The Hon. D. N. BROOKMAN: I cite it now, in the particular relevance that it has especially made provision in its Constitution to favour the conservative point of view in matters affecting radical change, and that argument supports my point that Upper Houses, by nature, should be more conservative than Lower Houses.

Mr. Keneally: Who puts the brake on the Upper House if it becomes radical?

The Hon. D. N. BROOKMAN: It would be most improper to have a radical Upper House. The legislative initiative should always come from the House of Assembly. We do not want to have Bills passed through the Lower House in one day, without their being capable of restriction by an Upper House. We do not want a same-day service.

Mr. Curren: How often does that happen?

The Hon. D. N. BROOKMAN: It has happened quite frequently.

Mr. Curren: It has happened only once.

The Hon. D. N. BROOKMAN: Whilst it has happened with the agreement and approval of every member of the House, it has also happened against the wishes of the Opposition. Motions can be moved without notice by the simple suspension of Standing Orders so that, if I argue that there should be some sort of conservatism about the Upper House, I do so confident in the knowledge that I would be supported by many people—if not by members opposite, by the people who framed the Constitution of the United Nations and, on many occasions, by the people of Australia generally. I remind honourable members of the days when bank nationalization was an issue when an Upper House forced an election, an incident that led to the upset of that far-reaching legislation. If it is possible to argue that there should be adult franchise and, as I say, there is no particularly holy principle one way or the other, there should be some argument in favour of a conservative look at Lower House legislation.

Whether it be through adult franchise with all sorts of other provisions attached, or how it should be, I do not very much mind, so long as it achieves the same effect. The Government this evening has a Bill that it calls the voluntary vote. It calls it that because no-one under this Bill will be specifically requiried to vote at Legislative Council elections; but we know very well that it is not a voluntary vote in the true sense of the word.

Mr. Wells: Who are you to say that?

The Hon. D. N. BROOKMAN: I know very well that Legislative Council votes will be associated with compulsory Assembly votes. We saw last year an attempt by the Labor Government to impose a semi-voluntary vote on the people of Midland by introducing a referendum on shopping hours on the same day as the voting at a by-election for the Midland District. Fortunately, that trick was thwarted. If it had not been, we should have had a semi-compulsory vote—

The SPEAKER: Order! The honourable member must not reflect on the decisions of the Chamber.

The Hon. D. N. BROOKMAN: I am not reflecting on the decisions of the Chamber: I am reflecting on the motives of the Labor Party. It tried to pull a trick on that occasion by having a compulsory vote in Labor-held electorates while there would be a voluntary vote in non-Labor electorates. That is the truth, and that was exposed last year. The Leader of the Opposition has an amendment to have voting for the Legislative Council on a different day. I do not mind looking at it. It is better than the proposal of the Labor Government, because at least it provides that there will be no compulsory vote at the same time. Whether it is practicable and whether it would be possible to put into effect I do not know, but I have my doubts. I believe the Leader is on the right track but I do not think he has the complete answer.

As far as I can see at present, I intend to support him, but with some misgivings because I do not think the amendment will go far enough. The fact is that we should approach these matters cautiously. There are matters of extremely serious constitutional importance, and it is time the Government took the initiative in some other way than just pushing and pushing and pushing through Parliament; the other thing it can do something about is to start having constructive conversations.

Mr. Curren: With whom?

The Hon. D. N. BROOKMAN: Why should not the Premier or some of the Ministers

talk to the Leaders in another place? Why should not the Premier, by discussing the matter in this way, arrive at a solution that will be satisfactory to everyone? It is possible for this sort of discussion to be successful only if it is approached in a constructive and optimistic spirit. However, we have heard nothing but a scream of abuse about the other place and, in an atmosphere such as that, we cannot even hope for a satisfactory conclusion. There is no reason why the problem cannot be solved.

If members note the number of districts in the State and divide that number by the number of Legislative Councillors and then try to institute a system of one vote one value, they will find that only six members out of 20 will be farther away from Adelaide than Gawler. For the whole 256,000,000 acres in South Australia outside the metropolitan area, there would be six members if a system of one vote one value were adopted; yet the Government expects us to deal with this legislation sympathetically. I suggest that if it is going to ask for sympathy the Government should first ask for a proper and constructive discussion. I thought the member for Mawson made the worst speech that I have ever heard him make. For one thing, he said that the L.C.L. Party had a vested interest in centralization.

Mr. Hopgood: Yes, for as long as the electoral boundaries favour country voting.

The Hon. D. N. BROOKMAN: The member for Mawson represents a district which was a country district and which was decentralized initially by the establishment, largely through the efforts of a Liberal Premier, of an oil refinery. It was largely through the efforts of Sir Thomas Playford, and by good negotiation (better negotiation than we are seeing at present), that that oil refinery was secured. One of the representatives of the company concerned told me that, having been associated with the establishment of oil refineries all over the world, he had never known a negotiation to go so easily as this negotiation had gone, because the then Premier had recognized the company's problems and had set out to solve them.

The member for Mawson represents that district, and it is now a centralized district, not a country district. Of all the members in this House, he is the last member who should make the statement that he did. He also asked questions, in a rhetorical sort of way, about other Upper Houses. In almost every other part of the world, there is voluntary voting. Australia is one of the few places where, in any election, people are forced to vote. Although this Bill is supposed to provide a form of voluntary voting, as I think I have amply shown, very little voluntary voting is possible under it. It would be possible for a person to go to the poll, under instructions to vote for the House of Assembly, and to reject the proffered ballot-paper for the Legislative Council, thus exercising his right not to vote. How often would that happen, though? It would happen hardly at all.

Let us look at a few facts in this matter. I have pointed out the futility of abusing the other place and putting up legislation that it obviously cannot be expected to accept. I have pointed out how, when a constitutional majority was required, the present Leader of the Opposition was able to gain the approval of the other Party and achieve the new electoral system for this House. He brought about that constructive legislation not by abusing the other Party but by making its members a realistic offer that they were interested in looking at. How can members of the other place, believing as I do that it should be a House of Review, accept the sort of proposition put up in this Bill? They cannot accept it, and it is time the Government realized that. I am sure that the people of this State want a House of Review, and one day that will be proved. They want to see a Government allowed to govern with the mandate it is given, but they also want to see a House of Review that will offset the Lower House if it gets extravagant with and excited about its power.

At times we have seen how a Labor Government gets excited and extravagant. Driven by forces outside of Parliament, a previous Commonwealth Labor Government tried to nationalize the banks, and how it fell! I can only say that there is an inbuilt feeling in Australia that there should be some offsetting influence against the power of Governments. This was proved when a referendum was held on the breaking of the nexus between the Commonwealth House of Representatives and the Senate. Although both major Parties supported the breaking of the nexus, the people opposed it; they did not want to lessen the power of the Upper House. They want to see an Upper House as a House of Review exercising its influence, though perhaps only occasionally, as the Legislative Council does now. Last year it rejected two out of 110 Bills. If they are ever asked to make a decision, I know the people of the State will

support the continued existence of a House of Review in its truest sense. I oppose the Bill.

Mr. JENNINGS (Ross Smith): Speaking more in sorrow than in anger, I support the Bill and, in doing so, I shall be mercifully brief. Most of the speeches in the debate so far have been brief, mainly because most members who have addressed themselves to the Bill have spoken on this matter on innumerable occasions since they have been in this House. Indeed, only recently we all went through the same exercise that we are going through tonight. One exception was the member for Alexandra, who spoke at considerable length. However, it was easy for him to do so in the circumstances, as he did not speak to the Bill at all. He said there should be an Upper House with a conservative outlook; presumably, he ties up that statement with the view taken by many of his colleagues that the Upper House should not be a mirror image of the House of Assembly. In that case, should he not be advocating a more radical Upper House? Although that would be just as logical, it would not, of course, appeal to the honourable member.

The Hon. L. J. King: Have you worked out what sort of a House would be more conservative than the member for Alexandra?

Mr. JENNINGS: No. The only Upper House that would be more conservative than that to which the honourable member is willing to agree would be one that he really secretly supported: an Upper House that said "All right, if this is something that is coming from a Labor Government, we automatically reject it."

Mr. Curren: What about the League of Rights?

Mr. JENNINGS: I do not think I will go into the League of Rights at present. The member for Alexandra said that the Upper House has the duty to do what it thinks the people would like it to do. Do you, Sir, remember "the permanent will of the people"? The Hon. Mr. DeGaris, the Leader of the Opposition in another place (a great friend, I understand, of the Leader of the Opposition in this House), spoke about the permanent will of the people and said that only the Legislative Council, on its basis of restricted franchise and voluntary voting, could accurately interpret the permanent will of the people. Yet we now have the member for Alexandra saying that the more conservative Upper House should vote as it thinks the people would like it to. Some people certainly think that members of the Legislative Council have a crystal ball.

There is not very much for one to answer in this debate. The Leader of the Opposition spoke about the Upper House being a House of Review. How many times need we say that the Upper House, as it is constituted at present (with its tremendous powers), is not a House of Review at all? Indeed, it is far from being a House of Review. In fact, it is frequently a place in which legislation is initiated. Under this Bill it could not be a mirror image of the Lower House, because Legislative Council members are elected for six years, instead of three years as in this House. Legislative Council districts are different from House of Assembly districts, and the boundaries overlap.

Mr. Clark: But that is not quite enough for them.

Mr. JENNINGS: This is not the real reason for the opposition to the Bill. The Leader of the Opposition said virtually nothing, apart from that. However, he reflected greatly on his own Deputy. He virtually called his Deputy a parasite because he knows nothing except arguing cases before law courts; he has never done anything productive in his life.

Mr. Coumbe: What have you done?

Mr. JENNINGS: I have certainly done many things other than representing people in law courts; I have never done that at all. I was once a deckhand on a submarine! The Leader of the Opposition has foreshadowed amendments that will provide for Upper House elections to be held on a different day from the day for Lower House elections. Not long ago the present Government held a referendum to ascertain whether the people believed that shopping hours should be altered, and Opposition members accused us of wasting public money; we were berated on this question day in day out for a long time. Of course, circumstances alter cases! If this will give any solace to members opposite, I am not sure that they were not right and that we did waste a lot of public money on that issue.

The member for Mawson spoke about the spate of press statements relating to the recent activities of the L.C.L. in connection with this issue. I think that those statements will soon be published in a paperback; I do not know what it will be called, but it certainly could not be called "How We Won the West".

The Hon. L. J. King: What about "the collective mouth"?

Mr. JENNINGS: Yes, it could be, "How they kept their collective mouths closed" or,

"How we saved the Council," but I think it should be written in the form of the old poem about Abdul Abulbul Amir and Ivan Skavinsky Skavar that includes these lines:

They fought all the night in the pale yellow light,
The din it was heard from afar.

I do not think I will go any further with that. One very peculiar thing is that one of the Leader's amendments is that the electoral rolls for the Legislative Council shall be kept and maintained separately from the electoral rolls for the House of Assembly.

Mr. Clark: And in a different colour ink, I understand.

Mr. JENNINGS: It would certainly be a very blue ink, I think. This is ridiculous when one thinks about it, and shows how inconsistent members opposite can be. There is an item on the agenda for their annual general meeting, which I understand will be held soon—

Mr. Mathwin: Have you an invitation?

Mr. JENNINGS: No, and I would not go if I had one: there is enough pollution about without my going there. One agenda item that I was going to read refers to the adoption of an Australian national anthem, but that is not the one I want to refer to. Another item states:

To support a call for the return of a single telephone book for the whole State.

They want one telephone book for the whole State, yet they want—

The DEPUTY SPEAKER: Order!

Mr. JENNINGS: —two separate rolls for this Parliament. The press certainly will not be allowed in to the meeting.

Mr. Clark: We will never know the result!

Mr. JENNINGS: We will not know what happened. The press reporters will be waiting outside.

Mr. Clark: "Onlooker" will be there.

Mr. JENNINGS: Well, it would not matter whether "Onlooker" was there or not, because I do not think he has ever given an accurate report of anything in his life, and I do not think it would make much difference whether he was in or out. Let us look at all these newspaper reports. I do not usually take much notice of newspaper reports, but many of these are written not by "Onlooker" but by Mr. Eric Franklin, whom we can regard as a much more responsible person and a person capable of assessing a situation like this, because of his long experience. The first session of this saga was in the *Advertiser* on July 29. It was on the front page and, when I unrolled the paper in the morning, I saw first the photograph of my esteemed friend, Mr. McAnaney, the member for Heysen, and underneath his photograph just one word—"ridiculous." Who am I to disagree with that, Mr. Deputy Speaker? Obviously, this was before he got his Napoleonic hairdo. On top of Mr. McAnaney was Mr. Hall, saying "What meeting?" Then I realized what the article was about. It was headed "Urgent meeting by L.C.P. Council franchise secrecy." The article states:

A dramatic meeting of the Liberal and Country Party late yesterday attempted to resolve the issue of Council adult franchise which has threatened the Party's leadership.

Of course, the Leader of the Opposition assured us, after he thought the thing was over, that there never was at any stage any threat to his leadership. I couldn't care less. I do not think it matters very much who is the Leader. From our point of view, there could not be a better Leader of the Opposition. The article continues:

The meeting was attended by members of the Parliamentary L.C.P. from both Houses.

History was certainly created there. That was probably the first time, in recorded history anyway, that both Houses had their Liberal members meeting together. On this occasion there must have been conversations between members who had been in this Parliament for years, both groups calling themselves Liberal members, who had never spoken to each other. I think probably the respective Whips stood at the door and introduced the members as they walked in. The article then states:

After the meeting, where it was said there was a strong possibility that the Assembly leadership might be challenged, the Chairman of the meeting (Mr. McAnaney) said he had no comment.

He had not thought of anything to say at that stage. I cannot possibly read out all these things, but the following day, July 30, we see the headline "Wide split in L.C.P. averted". The article states:

The L.C.L. has averted a crisis on the Legislative Council franchise issue. Support has swung to the Leader of the Opposition (Mr. Hall).

Then we see:

Wearing of seat belts to be law.

That is apparently a different item. That was on July 30. Again, on July 30, the Country Party decided it would get into the act. An article in the *Advertiser* states:

The South Australian Country Party is trying to upstage the Liberal and Country League with a franchise motion claimed to be arousing keen interest in Liberal Country Party circles. The Deputy Prime Minister (Mr. Anthony) will

open the eighth annual conference of the Country Party at Nuriootpa next Friday, the same day as the Liberal and Country League annual meeting of delegates.

So Mr. Anthony is to tell them how by blackmail the Country Party in Canberra keeps the balance of power and gets a lot more for its members and its supporters than its numbers entitle it to. Now, after this agreement, which averted the split, we see in the *Advertiser* of July 31 a faceless man coming into it, namely, the President of the Liberal and Country League (Mr. McLachlan). The article in the *Advertiser* states:

The President of the Liberal and Country League (Mr. Ian McLachlan) denied yesterday that agreement had been reached on the issue of adult franchise for the Legislative Council.

The Hon. L. J. King: They were still fighting like cats and dogs.

Mr. JENNINGS: Yes. On the previous day—

Mr. Clark: Mr. McAnaney said, "No comment."

Mr. JENNINGS: Yes. Mr. McLachlan was apparently trying to tell these elected members how they should conduct themselves in this House, even though, for as long as I can remember, we have been told that L.C.L. members of Parliament are answerable to no-one except their constituents.

Mr. Gunn: That's quite right.

Mr. JENNINGS: Why were these meetings held not here in the House but in the Liberal Party building at 175 North Terrace?

Mr. Gunn: You weren't snooping too well.

Mr. JENNINGS: I was not snooping, because I do not snoop about things like that. In my opinion, undoubtedly there is no need to have an Upper House at all.

Mr. Mathwin: Isn't it in your book that you shouldn't have one?

Mr. JENNINGS: What about it? I am not complaining about that. I helped make the things that are in that book.

Mr. Hall: That's pretty evident.

Mr. JENNINGS: One of the objectionable features of the Upper House in this State is not only its undemocratic base, for it has tremendous powers. I would not have anything like the same objection that I have to the Legislative Council if it had only a delaying power, or something of that nature.

Mr. Crimes: Such as the House of Lords has.

Mr. JENNINGS: Yes. The Upper House in this State is not a House of Review; it is not a House that can hold things up for a while to let the people examine matters and become cognizant of what is in a Bill, so that perhaps it can be sent back with an amendment that the Lower House has the opportunity to consider. The Upper House here can just throw things out completely, and that is absolutely ridiculous when we note that it is elected on such a basis as it is elected at present. Recently I heard the following speech by the Chief Opposition Whip in the House of Commons (Right Hon. Robert Mellish, M.P.):

The British Parliamentary system was old-established and Parliamentary democracy had slowly evolved; the crux of the system was that the Government should be allowed to govern, while the Opposition should be allowed to oppose. The Opposition could, if it wished, be extremely obstructive (for example, it could force the Government to keep 100 members on call at all times to vote for the closure), but, in fact, co-operation had to be the keynote of the system or else the Government of the day might be tempted to change the rules. The Government, conversely, had to give the Opposition time to air its grievances, and this was ensured through the allocation of 26 Supply days on which the Opposition chose the business for the day.

The Chief Conservative Whip (Right Hon. Francis Pym), who is a direct descendant of one of the most famous Parliamentarians in British history, said exactly the same thing, agreeing completely with the Chief Opposition Whip. Referring to the powers of the House of Lords, Lord Nugent, a Conservative peer, said:

The House of Lords also had a positive power to reject a Commons Bill and, under the Parliament Acts of 1911 and 1948, to cause a delay of up to 13 months. This was an important power, which could enable the House of Lords, with a permanent Conservative majority, to frustrate a Labour Government in its last year of office. In the last Parliament, however, this power had not been used, for the Conservative peers realized that to use it was unfair and might result in curtailment of their powers. Instead therefore amendments had been made, which had not been insisted on when disagreed with by the Commons.

Therefore, a member of the House of Lords is saying that the House of Lords did not have the power to reject absolutely legislation from the Commons but it could hold it up for a year. However, it realized that, if it did this in the last year of the Government's term, it would prevent that Government from having these measures passed before an election. As it considered this would be unfair, it decided to include amendments that it thought were important, and if the Commons

did not agree to the amendments the House of Lords would just let it go. That is the view of a Conservative lord, and judging by its actions during the last year of the Labor Government in Great Britain, that lord's own Party obviously shares that view. It is remarkable that the House of Lords, which has a huge inbuilt Conservative majority, should take this attitude to its own powers, whereas in South Australia an undemocratically elected Upper House insists upon maintaining its power to frustrate completely the will of the representative and popular House in this State. I support the Bill.

Mr. RODDA (Victoria): I refer first to the speed with which the Government has introduced this Bill, and to the capricious comments of the member for Ross Smith, who referred to newspaper reports and who tried to denigrate the Leader of the Opposition. He also had the temerity to suggest that we on this side of the House are divided. One can judge from the laughter emanating from the Government benches just how serious those members are about that matter. How wrong they are! They seem to have the mistaken idea that, because we did not have dinner with them one night last week, we were doing something that underlined—

The Hon. L. J. King: We got it from Mr. McLachlan.

Mr. RODDA: I do not know where the Minister got it from, but it is wrong. We on this side of the House are free to express ourselves as we like and we are not bound down by certain signatures that have a far-reaching effect. The basic difference between the Party of which I have the privilege to be a member and that of our Socialist opponents is that the latter believes in the abolition of the Legislative Council. Indeed, every speaker from the Government side has underlined that.

Mr. Brown: That isn't in the Bill!

Mr. RODDA: Of course it is not. It is the Attorney-General's philosophy to give the medicine in small doses, and now we are having the first instalment. The member for Ross Smith seems to think that we on this side are having difficulties and that there are several leaders on this side of the House. However, that is incorrect: we have our leader here, despite newspaper reports to the contrary and stories that have been bandied around. When the Address in Reply debate was wound up last week, we were reminded of the wishful thinking of Government members. However, one should examine the background and the philosophies of the two Parties involved in this issue; this is relevant to the Bill. When asked whether he wanted to abolish the Legislative Council, the member for Florey objected and replied, "No." However, when one looks at the little black book—the rules, platforms and Standing Orders of the Australian Labor Party—one can see that it advocates the abolition of the Legislative Council after a favourable vote of the citizens at an election.

The Hon. L. J. King: Would you emphasize that last bit again?

Mr. RODDA: For the Attorney's benefit, the A.L.P. rule book states:

> Meanwhile, the Council should be reformed by (a) altering its powers to conform with those of the United Kingdom's House of Lords; (b) providing adult franchise in the voting for this House; and (c) boundaries for the Legislative Council allocated on the basis of one vote one value.

That is specifically designed to accord with the beliefs of the A.L.P., the members of which are unificationists and centralists. In a broadcast the Premier said that he believed that State Parliaments should be abolished. When asked when that should be done, he replied, "Not in the foreseeable future, but we must work towards it. We must have regional councils." We have already seen a first instalment of that policy. A basic difference between the philosophies of the two Parties is that the Liberal and Country League believes in retaining the Legislative Council as a stabilizing factor in the face of unbalanced socialistic legislation. The L.C.L. believes that Parliamentary representatives should uphold the traditions of a freely elected assembly and should be responsible solely to the people.

The Hon. L. J. King: That is your black book, is it?

Mr. RODDA: I do not have to toe the line in connection with schedule 2, and I know that to do so is distasteful to the Minister. The Minister signed his pledge and he will honour it, but I am sure he does not like doing that. The L.C.L. has no control over Liberal members of Parliament.

Members interjecting:

The SPEAKER: Order! There are far too many interjections. The member for Victoria must be heard in silence.

Mr. RODDA: The L.C.L. believes that members of Parliament should be free men and women in a free society representing free people. They should be responsible solely to the people who elect them. The Government wants to provide for full adult franchise

in Legislative Council elections. It has watered down this Bill but, from past experience, we know that it is only a first instalment. I do not say this in an unkindly way to the Minister; he has, fortunately or unfortunately, the job of trying to convince Parliament that the Bill is a good measure. However, my view has not altered from what it was in the past. Despite what the member for Florey has said, I believe that the Legislative Council has worked well in the interests of South Australia. As the member for Alexandra has said in his well documented speech, the Minister is keen to get this Bill to a vote, because he believes that Opposition members are in difficulties. However, I assure the Minister that he is incorrect.

Members on both sides have argued whether one House should be a mirror image of the other House. The member for Mawson made great play of the mirror image aspect and sought to denigrate country people. Actually, he could not have picked a worse example than the Frome District as a district that would support his argument. The member for Mawson said that the member for Frome represented 8,000 people in his small cubby-hole, but the member for Mawson had no concept of the long and arduous travelling that the member for Frome must undertake. Country people are entitled to representation and they have a great appreciation of the work of Legislative Councillors. When we consider country representation in terms of the redistribution for the House of Assembly, we find that there are 19 country districts and more than 50 per cent of them are more than double their previous size. The member for Mallee has a long drawn out district, and the Minister of Works has an elongated district. The people who live at Salt Creek, for example, are just as entitled to representation as are the people represented by the member for Mawson.

Mr. Hopgood: I didn't deny that.

Mr. Keneally: What about the people in Iron Baron?

Mr. RODDA: I am pleased that the member for Stuart has reminded me. He is a rural member, although he does not act like one. This House is being asked to consider the Bill in undue haste. If this built-up argument that we are supposed to be having had not occurred—

Mr. Clark: You told us it didn't occur.

Mr. RODDA: There is great harmony on this side, as history will prove. I know that the Minister is keen to complete the second reading of this Bill, and the Leader of the Opposition has dealt with some aspects of what should be done.

The Hon. L. J. King: Will you be supporting your Leader?

Mr. RODDA: I would never agree to an amendment regarding the Legislative Council unless something better went in in its place, and I consider that what the Leader intends to do is much better than the Minister has done. I oppose the Bill. I will help the Leader to try to convince the Minister that the amendments make the Bill immeasurably better than it is in the form in which the Minister has introduced it. However, I am considering the Minister's Bill, and I have much pleasure in opposing it.

Mrs. BYRNE (Tea Tree Gully): I am sure it comes as no surprise to members that I support the Bill. I support the principle of full adult franchise for the Legislative Council. This is not the first occasion on which the Australian Labor Party has introduced this kind of legislation, and I should like to think that it would be the last time. However, I doubt that the Bill will be passed in the other place, for the obvious reasons that I shall explain later.

I have been interested to hear the speeches that have been made, particularly those made by Opposition members. I have noted that the Leader of the Opposition and the member for Mitcham are supporting this legislation, while the members for Alexandra and Victoria are opposing it. From this it seems that there has been a split, although this has been denied. The member for Victoria quoted again from the A.L.P. rule book. That is something that members on this side have come to expect. The pledge that members of the Labor Party sign has been referred to, although I consider that that is irrelevant. Nevertheless, I am sure that, when members of the Opposition stand for Parliament and seek endorsement of the Liberal Party, if they do not sign a pledge they certainly sign something else. It may not appear in their rule book but I am sure they sign something.

The member for Victoria has said, too, that L.C.P. members are answerable not to any outside body but only to their constituents. This myth has been dispelled this evening by the quotations from newspapers made by the member for Ross Smith. We on this side always knew it was a myth, but it is something that members opposite like the public to think is correct. We know that the members of the Opposition are free, as we are, only

in certain cases, but at times they are not. It has been proved in the past that, if some members opposite fall out of line, we do not see them any longer in Parliament. The reason why I believe this legislation should be supported is that the present franchise for the Legislative Council is too restricted. We all know that the only people who can enrol as electors on the Legislative Council roll are those who own or lease land or occupy a dwellinghouse (which is being a tenant of a dwellinghouse) or who are servicemen or servicewomen; and in 1969 electors' spouses were added—but only because public opinion was such that the Liberal Party knew it was forced to take some action in that respect.

The Legislative Council franchise should be broadened to include all adults, as is the case with the House of Assembly roll. There is no reason why this should not be so. After all, these electors also vote at House of Representatives and Senate elections. There is only one roll in that case. The franchise emphasis should be on people and not on property, as has been the case in South Australia for the last 100 years—and, if some members opposite had their way, it would continue for the next 100 years. We all know the people of South Australia, whether or not they vote for the House of Assembly and for the Legislative Council, have to abide by the laws of this State; so there is no reason why they should not have a say in who is elected to the Legislative Council, because four members represent each district there compared with one member representing a district in the House of Assembly. Those members represent their constituents just as we represent our constituents in this Chamber. It has been stated incorrectly that the Legislative Council is a House of Review. I have proved in this House previously that, in fact, it is a House of rest, but I do not intend on this occasion to quote the figures of times sat.

Mr. McAnaney: Your figures weren't too good.

Mrs. BYRNE: They were quite accurate, and no-one was able to refute them. The reason why the Legislative Council is not a House of Review is that members are elected on political lines: not one member of the Legislative Council is independent. Also, although this would be denied by the members concerned, many of the votes are taken on political lines. Of course, some members occasionally vote with members of the Government (there are four Government members in a House of 20 members) on a roster system. Every now and again, someone votes with the Government just for the record, to make it look good, and to try to show that the votes are not taken in a political way. Also, the Legislative Council has power equal to that of this House, except regarding money Bills. Bills can be initiated in that House and, of course, the procedure is the same as applies in this House. Therefore, duplication takes place, and I cannot see the necessity for it; I consider that it is a complete waste of taxpayers' money.

Mr. Mathwin: What do you think about the referendum?

Mrs. BYRNE: I am talking about the Upper House, but I can talk about the referendum on another occasion if the henourable member wishes. In South Australia, we have a bicameral system but, as members on this side have already pointed out, such a system was abolished in Queensland in 1920 and, although there have been Liberal Governments in that State since then, none has seen the need to re-introduce the bicameral system. Therefore, there has not been a Legislative Council in Queensland for about 50 years.

The member for Alexandra said that the Legislative Council defeated two Bills in the last session, but that is not so. During the last session eight conferences took place, and agreement was reached on the following disputed Bills: the Building Bill: the Constitution Act Amendment Bill (Voting Age); the Dangerous Drugs Act Amendment Bill (General); Industrial Code Amendment Bill; the Mines and Works Inspection Act Amendment Bill; the Referendum (Metropolitan Area Shop Trading Hours) Bill; the Succession Duties Act Amendment Bill (Rates); and the Workmen's Compensation Bill. Those members opposite who are still thinking in the past and who wish to retain the power of the Legislative Council will try to convince us that these conferences took place because the legislation in question had been reviewed. However, in my opinion, that is not the case: I believe that seven of these conferences took place because the Legislative Council disagreed to the legislation purely on political lines.

No agreement was reached at conferences on the Commonwealth Powers (Trade Practices) Bill and the Constitution Act Amendment Bill (Adult Franchise). The reason these Bills reached the conference stage and the reason why no agreement was reached was that votes taken in the other place were purely

along political lines. In addition, 10 Bills did not pass into law, and it is interesting to note what happened to some of these Bills. Referring to the Commonwealth Powers (Trade Practices) Bill, The *House of Assembly Digest* 1970-71 states:

A Bill in terms similar to this Bill was passed by the House of Assembly during the 1966-1967 session but was eventually laid aside by the Legislative Council after a conference had failed to reach agreement on amendments made by the Council which were unacceptable to the House of Assembly. The 1970 Bill followed an identical course. Having passed the House of Assembly, amendments were made to the Bill by the Legislative Council. The amendments were not agreed to by the House of Assembly and, although a conference was held, agreement was not reached and the Bill was laid aside by the Legislative Council on December 2, 1970.

Under the heading "Capital and Corporal Punishment Abolition Bill" the *Digest* states that the Bill lapsed in the Legislative Council. The Constitution Act Amendment Bill (Adult Franchise) was subsequently lost at the second reading stage in the Legislative Council on November 3, 1970. Referring to the Evidence Act Amendment Bill, the *Digest* states:

Amendments made by the Legislative Council proved unacceptable to the House of Assembly and the Bill lapsed in the Legislative Council on prorogation.

The Lifts Act Amendment Bill was introduced on March 17 and passed its third reading without opposition on April 7. It subsequently lapsed in the Legislative Council. The Local Government Act Amendment Bill (Franchise) passed its third reading in the House of Assembly on March 10 but was defeated on the second reading in the Legislative Council. To sum up, three Bills (the Capital and Corporal Punishment Abolition Bill, the Evidence Act Amendment Bill and the Lifts Act Amendment Bill) lapsed in the Legislative Council, the Commonwealth Powers (Trade Practices) Bill was laid aside, and the Constitution Act Amendment Bill (Adult Franchise) and the Local Government Act Amendment Bill (Franchise) were lost or defeated. I am sure that the reason why the Bills to which I have referred were laid aside, lost or defeated in the Legislative Council was not that the legislation needed reviewing but that politically they were unsuitable to the Legislative Council. I used to wonder why some members of the Liberal and Country Party opposed full adult franchise for the Legislative Council. The reason for this is obvious to me now and is becoming obvious to the people of the State: these members want to keep power. They realize that the Labor Party will be in power in the House of Assembly (the popular House) for many years.

Mr. McAnaney: That's a dream.

Mrs. BYRNE: Not a dream: a fact. Indeed, the honourable member's Leader said publicly once that he expected the Labor Government to be in office for 10 years. Members of the L.C.L. who are opposed to this legislation merely want to keep their Party's power, and the only way in which they can do so is to retain the Legislative Council as it is, so that their colleagues there can prevent certain legislation from being passed. It is obvious that, if there were compulsory voting for the Legislative Council, this would not be the case. Apparently, members of the L.C.L. have no faith that the electors will support them when voting in Legislative Council elections. I am sure that the longer they retain this attitude the fewer votes they will get.

Although members of the public have not become as radical in their views as has been stated, they are, nevertheless, tired of the conservative attitude of some members of the L.C.L., especially those in the Legislative Council. It has been stated that we on this side of the House believe in the abolition of the Legislative Council, and that this legislation is a forerunner of its abolition. I make no apologies for believing in the abolition of the Legislative Council, or for stating the case for its abolition when I have the opportunity to do so. Indeed, I will continue to do so in the future.

Mr. McANANEY (Heysen): When telling people that the Legislative Council should be abolished, I hope the member for Tea Tree Gully does not suggest that members of the Upper House do not work or that they do less work than she does. If one looked at *Hansard,* one would see that the average number of speeches made by the Legislative Council members would far exceed those made by the member for Tea Tree Gully. Indeed, much more research on speeches would be done by Legislative Council members than by the member for Ross Smith or the member for Elizabeth, who got up in the Address in Reply debate and said nothing in two hours. Certainly that sort of thing does not happen in the Legislative Council. We on this side of the House are united in our belief that the House of Review should be retained, and most of the people with whom I come in contact also believe this. The people of this State need the extra time during which legislation

is considered by both Houses so that they can become informed of what is happening. When the road transport Bill was before Parliament, the public had time in which to influence the Government of the day on certain matters.

I have not retracted what I have said in the past regarding adult franchise in the Upper House. I have never heard anyone advance any sound argument against the full franchise; members should consult *Hansard* and see what I have said previously. Where else does a restricted franchise apply, other than in Communist countries, dictatorships or South Africa. And let us remember that blood is being shed in Ireland over the restricted franchise. I am a conscientious objector to adult franchise, even if it means that I have to go out of Parliament. Of course, that does not happen in my Party. If I had been in the Labor Party I would have been out of it by now.

Members interjecting:

The SPEAKER: Order! The member for Heysen is trying to lift the standard of this debate, so I hope honourable members will endeavour to assist him.

Mr. McANANEY: I said a few moments ago that I was a conscientious objector to adult franchise, but I really meant to say that I was a conscientious objector to restricted franchise. Whenever I make a mistake in this House I correct it.

Mr. Clark: It keeps you fairly busy.

Mr. McANANEY: I repeat that I have never heard anyone make out a valid case for restricted franchise. There is nothing in the United Nations Charter that restricts anyone's right to have a say in the government of his country. Many people in South Australia have a misunderstanding, in that they say that the no-hoper is being restricted—the man who does not have a stake in the country. Who are not allowed to vote? My statistics may not be strictly accurate, but I believe that about 11 per cent of House of Assembly voters are single people, and are therefore not entitled to vote in Legislative Council elections. It has been said that, if single people buy a block of land or a house, they will be entitled to vote in Legislative Council elections; those who make such statements say that there is therefore some justification for a restricted franchise. However, a schoolteacher or an employee of a stock firm does not know where he will need a block of land later in his life. Consequently, the argument advanced by some people is silly. Furthermore, many young people are living in flats nowadays. The Headmaster of Seacombe High School recently told me that some Matriculation students were living in flats (I do not know who paid the rent). The student who signs the lease for the flat is entitled to have a vote.

Mr. Gunn: Where did you get that information?

Mr. McANANEY: The honourable member does not like the facts. I consider that persons who marry or buy property are of mature mind. Although I have not accurate figures on this, fewer than 1 per cent of the married people in my home town are not occupiers. We may say, therefore, that almost everyone can be enrolled for the Upper House. Ten per cent of the persons in that town are divorced or widowed. In the recent by-election campaign in the District of Adelaide we found that many such people were living in homes, and persons who live in cottage homes are still entitled to vote. Therefore, who is being eliminated? I say that a proportion of the younger people are being eliminated and, if they are not allowed to vote, they will consider that unfair.

For those reasons, I firmly believe in adult franchise. I repeat that no member of either House has submitted a logical reason why these people should not be entitled to vote. I consider that there must be, for elections, some difference between the House of Assembly and the House of Review, as is the case in other countries. Voting is voluntary in Germany and countries that have voluntary voting for the Lower House also have voluntary voting for the other House. In South Australia enrolment for the House of Assembly is voluntary but voting by those enrolled is compulsory. On polling day voters are given ballot-papers for each House, so we do not get an honest voluntary vote for the Legislative Council at present.

Although it is said that we are getting into a permissive society, it is obvious that many of our liberties are being restricted. Some restriction may be warranted, but it has been said that one's liberty ends where another person's nose begins. I am almost as opposed to compelling people as I am to a restricted franchise. In these days, we have much compulsion. Because the union leaders cannot do a good enough job for the workers, the workers are not willing to join unions. Government members say they must be compelled to join but I have enough faith in the average Australian to know that, if he thinks he is getting a service and that something is being done for

him, he will join a union and make his contribution.

I am not against unions: in fact, I have been a member of a union. However, the unions are in a low state at present, with strikes taking place for political reasons. Already we are getting a reaction from this, such as in the Maryborough by-election in Queensland, where the vote for the Labor candidate was so much reduced. The matters of compulsion and law and order are extremely important in Australia at present. We are getting around to compulsion in the unions. The Minister of Roads and Transport orders the Railways Department not to allow certain people to use the railways, whether or not he has the authority to do so. This reveals a willingness to compel. If one has not the intelligence or brains to lead people or to think up something successful to benefit them, one resorts to compulsion. It is the same with voting. A person should have the right not to vote if he does not want to.

Mr. Hopgood: He does not have to vote; you know that.

Mr. McANANEY: He is being enrolled, and the next step will be an attempt at compulsion. I shall vote for the second reading of this Bill because I believe in adult franchise. If, however, in the Committee stage the Government does not make the necessary concession to get genuine voluntary voting by those enrolled, I will have to consider whether I shall go along with the Bill on the third reading. This compelling attitude of the Government to force people to do things is building up into a feeling of rejection about this Bill, for I know that the next step will be an endeavour to change the Electoral Act so that everybody will be put on a common roll, with compulsory voting. There will be compulsory enrolment and compulsory voting, which I do not think will be desirable in this State.

I do not believe in this form of compulsion, so I am caught in a cleft stick: I oppose restricted franchise, yet I am not prepared to take a step that will mean compulsion in any shape or form. I think I have made myself clear on this. Government members know what my feelings are on this matter. The word "conservatism" has been used in this debate. Up to a point, I am conservative in that, before I believe in change, something better should be produced. "Conservatism" was mentioned but I do not think that the connection in which it was used denoted conservatism. It is a mid-Victorian attitude to life where we think that one section of the community should have more say in something and should deprive somebody else of something. That is not conservatism; it is a mid-Victorian attitude that we would hope disappeared years ago.

Mr. COUMBE (Torrens): I am not in the habit of casting a silent vote so I want to indicate my views at this stage. I have spoken on electoral matters ever since I have been in this House, and I intend to vote for the second reading stage of this Bill. I recall (and some members, too, will recall) that I have spoken in support of full adult franchise both when I was a member sitting on the opposite side of the Chamber and when I have been sitting on this side of the Chamber, so there can be no accusation that I have switched sides in this matter. Speaking as dispassionately as I can (in contrast to some members opposite who have spoken on this matter, and particularly the member for Ross Smith), I say that at present we have about 15 per cent of the populace entitled to vote for the House of Assembly who are not entitled to vote for the Legislative Council. This 15 per cent includes a surprisingly wide range of people. In my opinion, there is no justification for depriving the greater number of these people of the right to vote for the Legislative Council if they so desire. Recently, with the member for Mawson, I was debating one evening at a college in my district, in which there are five university colleges. The audience comprised graduates, some of whom had a Masters degree, and most of whom were studying for Masters or Honours degrees or for doctorates. The Master of that residential college had a vote, and so did the caretaker, but the students in the audience did not have a vote for the Legislative Council, and to me this was iniquitous.

The Hon. L. J. King: It would have been just as iniquitous if the caretaker did not have a vote.

Mr. COUMBE: I agree. Another example in my district is that relating to hospitals, many of which are in North Adelaide and at which there are qualified sisters who reside at the hospital. Those sisters are not at present permitted to vote for the Legislative Council. If we go through the Legislative Council roll we will probably find that those entitled to vote would be only the matron and, once again, the caretaker (and there is no reflection on him).

Mr. Clark: Religious sisters are in a similar situation.

Mr. COUMBE: That is so. I think there is little justification for this demarcation. I believe that it is difficult to argue for the exclusion of the 15 per cent or so who at present are denied the right to vote for the Legislative Council. Therefore, I repeat what I have said in this House several times previously: I believe in the principle of adult franchise in respect of both Houses, but I differ from several members (and listening to them this evening I am more than ever reinforced in this view) on the matter of compulsion. This Bill does not compel: it provides for voluntary voting. However, I regard this measure as being the thin end of the wedge. because sooner or later we will have a Bill from the Government to amend the Electoral Act, and we will be considering a move to have compulsory voting.

I say to the Government quite advisedly that, if during the Committee stages it has the courage to accept the amendments that have been foreshadowed, it will achieve what it has been trying to achieve for years. Having been in Parliament for some years, I realize the facts of life: I realize how one has to compromise at times to get legislation through. This is the opportunity for the Labor Party in Government to achieve the objects for which it has been striving for years, and I suggest that the Government grasp the nettle. Further, I suggest that it throw off for a minute all the old shibboleths and grasp this opportunity. Members on this side have spoken for and against the Bill, and they are still members of the Party. They are not thrown out because they disagree with the views of other members of the Party. We are free men who express a free opinion on behalf of the people who elect us. I remember being represented in the Commonwealth House of Representatives by a very honourable Labor member, Mr. Cyril Chambers. However, when he spoke against the policy of the Labor Party he was sacked. Members on this side have often disagreed, but they are still members of this great Party; they have not been kicked out, and they are not likely to be kicked out. In Committee, Government members should grasp this opportunity to achieve what they have been trying to achieve for years. However, I know that it is a fact of life that this will not happen.

After considering this matter for many years, I firmly believe in the bicameral system of government, which presently obtains in all but one of the Australian Parliaments and in the Parliaments of most democratic countries in the world. When it received independence this year or last year, Fiji established a bicameral system of Government. This emerging country, which was formerly a colony of Great Britain, has now established an Upper House. I believe it is imperative that we maintain the two-House system in this State. I believe that people should have the right to enrol and vote for the Upper House if they want to do so, but that they should not be forced to do so. However, members opposite do not believe in the voluntary system, and that is the main difference between what we say and what has been expounded by members opposite with varying degrees of heat and sincerity; we even had the light, comic remarks thrown in by the member for Ross Smith. I support the second reading.

Mr. GOLDSWORTHY (Kavel): Although I did not intend to speak on the Bill, I subscribe to the view of the member for Torrens that one should express a view on this matter. In speaking to a similar Bill recently I made my position clear and I do not intend to speak at length. In explaining this Bill, the Attorney-General took a somewhat different tack from that which he took last year when presenting a similar Bill. From what she said, the member for Tea Tree Gully has obviously had little contact with members of the Legislative Council.

Mrs. Byrne: I hardly ever see them out my way.

Mr. GOLDSWORTHY: The fact is that, being the Labor member for the district, she probably does not wish to see them and perhaps takes steps to see that they are not invited to functions in the district.

Members interjecting:

Mr. GOLDSWORTHY: I know that the members of the Legislative Council are only too happy to receive invitations to functions. I refute completely the personal remarks that the member for Tea Tree Gully persists in making about members of the Upper House, and I emphasize the point made by the member for Heysen that, if one compared the work done by the members of the Legislative Council with that done by the member for Tea Tree Gully and some of her colleagues—

The SPEAKER: The honourable member must confine his remarks to the Bill and must not indulge in personalities.

Mr. GOLDSWORTHY: I am referring to the specific remark made by the member for Tea Tree Gully during the course of the

debate: that the Legislative Council is a House of rest.

Mrs. Byrne: And I still say that it is a House of rest, and I make no apology for saying so.

Mr. GOLDSWORTHY: It is fair to say, Sir, that members have the opportunity, if they are allowed—

The SPEAKER: Order! The honourable member can rebut what has been said but he must not do it on a personal basis. The member for Tea Tree Gully was discussing the overall situation, and no personalities were mentioned.

Mr. GOLDSWORTHY: I will confine my remarks to the point the honourable member made, Sir, namely, that the Legislative Council was a House of rest. Far from being a House of rest, it is one in which many intelligent contributions are made in the deliberations on legislation that passes through this Parliament. There is no foundation whatsoever for her remarks, and it is obvious to me that the honourable member, who has been in this House for a considerably longer period than I, has had very little contact with the members of the Legislative Council. The course of action suggested by the member for Alexandra, that she confer with them more often and ascertain just what they do, was a sensible one.

I pass now to a point that has become more and more evident during the course of the speeches made by Government members, who have criticized the Legislative Council. They have made it clear that this is the first step towards the abolition of this State's House of Review. They say that it will be difficult to abolish the Legislative Council, but I am sure that that is the motive behind the legislation. The Attorney-General, when introducing the Bill, invited members with almost missionary zeal to espouse the democratic faith. However, democratic faith as advanced by the Labor Party is not a particularly attractive faith, if I may say so. We have had many instances of this, some of recent origin and some not so recent, which I will not amplify. However, I refer to compulsory unionism.

The phrase "democratic ideal" has always implied to me a choice being given to individuals. I thought the whole essence of democracy was freedom. However, the Labor Government is not prepared to give this freedom to employees, who are to be compelled to join a union. I well remember compulsory unionism being a live issue recently.

Just what democracy was there as a result of the referendum held last year? We remember the dilemma of the members for Tea Tree Gully, Playford and Salisbury, and others who espoused this democratic faith, and all members know now how much democratic faith they were willing to afford the people they represent. The democratic faith as enunciated by the Labor Party has very little taste to me in light of the lack of freedom and the domination that is evident in all the affairs and working of the Labor Party.

Mr. Mathwin: You are speaking about compulsory democracy!

Mr. GOLDSWORTHY: The member for Adelaide said that in Queensland the one-House system had worked effectively. Last year I said that opinions about the success of the Queensland Legislature were far from unanimous. The member for Alexandra argued most forcibly in favour of having a true House of Review. He warned about what could arise when a political Party, the Labor Party, was dominated by a caucus. The following is an extract from a book entitled *The Government of the Australian States* by a senior lecturer at the Queensland University:

The long dominance of a single organized political Party further contributed to the decline of the Assembly by transferring public interest from Parliament to the Party. Long before polling day it was obvious that no change in the Government was likely. Hence what the Parliamentary Labor Party decided in caucus inevitably became the law of the State. However closely fought the proposal may have been in caucus, the Party voted solidly in the House. Once introduced into the Assembly, the Bill marched irresistibly through all stages, and no Government Bill was ever defeated and very few were even laid aside. Nor was there much hope of any amendment by the Assembly. The Opposition frequently attempted to achieve some changes, but in general without any serious hope, though a very few successes were achieved. It is not surprising that in such circumstances the standard of debate should deteriorate.

That does not sound to me like a very successful system of Government. The bicameral system has been proved successful in all established democracies. I do not believe there is any merit in converting the Upper House into a pale reflection of this place, because it would then have no function as a House of Review. There should be a significant difference between the method of election of the Assembly and that of the Legislative Council. Maybe some system of election can be worked out that will accommodate the principle of full adult franchise. However, the Labor Party's motives are obvious

from its policy speech and from its 50c book. The Labor Party aims to render the Legislative Council incapable of being a House of Review. Because that Party wants eventually to abolish the Council, I oppose the Bill.

Mr. GUNN (Eyre): I, too, do not wish to cast a silent vote. I oppose the Bill because I do not believe its real aim is to give the people a vote in Legislative Council elections: it is the first step in a plan by the Socialist Government to abolish the Upper House. We know that the Government aims to have a one-House system of Government in this State. If that aim is achieved, the people will be governed by a small clique of trade unions. Democracy will end on the day that the Upper House is abolished. That is the only reason why this Bill has been introduced. This is just the first step towards abolition of the Upper House.

Mr. Payne: Are you afraid to give the people an opportunity—

The SPEAKER: Order! There is nothing in the Bill about abolition. The honourable member must link his remarks with the Bill.

Mr. GUNN: One honourable member opposite has said that I will read from the little book, and I will do that, because it is pertinent to the Bill. This little obnoxious document sets out the policies and aims of the Government, and we all know that members opposite are bound by the principles and platform of the A.L.P., because they must sign this obnoxious pledge that is on page 56 of the book. Members opposite are unlike members on this side, who can vote according to their conscience. We on this side, unlike members opposite, represent our constituents. I oppose the Bill because it has been introduced not to further democracy in this State but to abolish the Legislative Council.

The Hon. L. J. KING (Attorney-General): I suppose that the strongest impression one gets from the debate that has just concluded is that there is simply no argument against the proposition that voting for the Legislative Council should be on the basis of full adult franchise. If one needed any convincing of that one would have only to reflect on what the members opposite have said. Few of them have discussed the issue of adult franchise, and those who have discussed it have dealt with it in only a small part of their speeches. Why is this? I suppose it is because in 1971 it is just about impossible to put forward any serious argument against the proposition of adult franchise, and not many members opposite have tried to do so. They have tried to turn the debate on to a series of issues that simply have no relevance to the Bill.

Mr. Gunn: That's only your opinion.

The Hon. L. J. KING: Some of them (and the member for Eyre, who has just completed his speech and has just interjected, is one of those) have sought to say, "Well, you know, we haven't anything against adult franchise as such, but it is all going to lead to the abolition of the Legislative Council, the abolition of this House of Review." The first thing to say about that is that this Bill has nothing to do with abolition of the Legislative Council. It is a Bill to provide for full adult franchise, and the Legislative Council could be abolished only if the people of South Australia elected to this House a majority who favoured its abolition and elected to the Legislative Council a majority who favoured its abolition (so that a Bill was passed through both Houses of Parliament for the abolition of the Legislative Council) and if abolition was then approved by a majority of the electors at a referendum. I ask the honourable members opposite who have spoken along these lines whether they say that, if all that happened, nonetheless the Legislative Council should be kept in existence.

Mr. Rodda: You're not against getting rid of it, are you?

The Hon. L. J. KING: I am in favour of abolishing the Legislative Council if the majority of the people of this State want it abolished, and I ask honourable members opposite—

Members interjecting:

The SPEAKER: Order! All honourable members have had the opportunity to contribute to this debate. It is now the Attorney-General's privilege to reply, and he will be heard without interjection. I warn honourable members, irrespective of what side of the House they are on, to cease their interjections. The Attorney-General is quite capable of replying without assistance from either side.

The Hon. L. J. KING: My position on this is quite clear: if the people of South Australia want the Legislative Council abolished, I favour its abolition. Do members opposite say that, even though the people of South Australia want it abolished, it must not be abolished? That is what they are saying in this debate. They are saying, "We cannot have adult franchise for the Legislative Council on any meaningful basis because that might lead to its abolition." The member for Eyre said it, and the member for Victoria said it by direct implication.

What members opposite have said is that adult franchise might lead to the abolition of the Legislative Council and, therefore, they cannot accept it on any terms that would be meaningful. That is what several of them have said. What that involves is that, even if the people, exercising their adult franchise, elected a majority of members of this House pledged to the abolition of the other place and a majority of members of the other place pledged to its abolition, and its abolition was approved by the people at a referendum, nevertheless it would not be acceptable to members opposite, and the Legislative Council should be kept in existence, nonetheless. That proposition, which ran as a theme through all the speeches made from the benches opposite—

Mr. RODDA: On a point of order, Mr. Speaker. The Attorney-General is reflecting on opinions that have been expressed by members on this side.

The DEPUTY SPEAKER: I cannot uphold the point of order. The honourable Attorney-General.

The Hon. L. J. KING: The proposition to which I have referred ran as a theme through the speeches of practically every Opposition member and was finally crystallized in the remarks of the member for Eyre, the last speaker for the Opposition. I refer to the remarks of the member for Kavel, and I repeat what I said during my second reading speech—that to take that view is a denial of the democratic faith. If it is not, I do not understand the democratic faith, and evidently the member for Kavel does not.

Mr. Goldsworthy: We do not understand your brand.

The SPEAKER: Honourable members must cease interjecting. I will not rise to my feet again. The first one to interject again will be named. The honourable Attorney-General.

The Hon. L. J. KING: Members opposite made repeated reference to the fact that the Legislative Council was a House of Review, and, because it was a House of Review, for some reason I could not quite follow (and nobody cared to explain), it should not be elected on the basis of adult franchise—at any rate, on a basis of adult franchise similar to that applying to the House of Assembly. The plain fact is that the Legislative Council is not a House of Review; it exercises the power to reject outright any law that is proposed to it; it has power to initiate its own Bills. All the 20 Legislative Council members are elected on a Party ticket. Each of them is endorsed by one or other of the political Parties. The Legislative Council is no more a House of Review than this House is. It consists of members who are pledged to political policies, the policies enunciated by the Party to which they belong. Indeed, if it was true, as has been suggested, that the Liberal members of the Legislative Council were not pledged to and bound by the programme of their Party, the electors of South Australia were grossly deceived, because, at the last election at which members of the Legislative Council were elected (1968), they went to the people on the basis of their Parties' programme and, indeed, three of them were members of the Liberal Cabinet. How can those members be heard to say that, even though their Leader made a policy speech telling the people what he would do if his Party were returned with a majority in this House, they are not bound by what their Leader tells the people during the course of his electoral campaign? That proposition is absurd; the plain truth of the matter is that the Legislative Council consists of members of political Parties pledged, in the same way as are members in this House, to adhere to the policies put before the people during an election campaign as being the policies of the Party concerned.

Other remarks were made that had little to do with the Bill but, as they have been made, I shall have to refer to them. The member for Victoria, who said virtually nothing about this Bill, devoted much of his time to explaining the difference in the philosophies, as he saw them, of the major political Parties, and amongst the things he criticized was the fact that members of the A.L.P. signed a pledge that they would adhere to the principles and platform of the Party. He criticized this as in some way being inconsistent with democracy and freedom. The pledge that members of this Party sign when they stand for Parliamentary office was evolved, in the earliest years of the A.L.P., as part of a process which continued for a period of years and which resulted in a constitution that places the power and the right to formulate the policies of the A.L.P. in a conference at which is represented all of the constituent and affiliated bodies of the Party.

That is the most perfect instrument that has yet been devised for ensuring that the voices of the ordinary rank-and-file members of the Party are heard in formulating the policies that a Labor Government will put into effect when it attains office. The pledge is part and parcel of that constitution, because it ensures

that, when members of the public vote for a Labor member, they know the platform and the policy to which he is pledged, and they know that when elected to Parliament he will do his best to implement that policy. If it is true (and I gravely doubt that it is) that members opposite simply go their own way and ignore their colleagues and the decisions of their Parliamentary Party, my only comment is that the people are deceived, because, having voted for a member of Parliament, they are entitled to know what he stands for. They are entitled to know what he will do when he is here, and they should not be subjected to his vagaries and whims and to his going off at a tangent every time an issue comes before the House. So much for an issue which I really do not think is relevant but which the member for Victoria seems to think was pertinent to this debate.

The Leader of the Opposition led off in this debate and really, apart from his personal reflections on me which occupied such a considerable part of his speech and which I suppose I may ignore, he did not say much. However, he indicated that he favoured adult franchise on the condition (and on the condition only, apparently) that we had elections for the Legislative Council on a day different from the day of Assembly elections, that the voting was voluntary and that we had separate rolls. As we have had much discussion about voluntary voting during the course of this Parliament, I will not go into that subject again. However, neither the Leader nor anyone else has explained what logical reason there could be for holding a Legislative Council election on a day different from that on which the House of Assembly election was held. This would be highly inconvenient for the public and would cost the State an additional $100,000 or thereabouts on each occasion that the election was held, and what would it achieve?

The Hon. Hugh Hudson: Do you think it would help the L.C.L.?

The Hon. L. J. KING: The thought had occurred to me; I suppose it had not occurred to members opposite. The member for Alexandra said—

The SPEAKER: Order! The subject matter which the Attorney-General is now debating must be dealt with in Committee.

The Hon. L. J. KING: I only wanted to make a general comment; this matter was discussed by the Leader and more than one member opposite. However, I will reserve what I want to say on the subject until the Committee stage and simply observe that the conditions which the Leader seeks to attach to his support of adult franchise have simply not been explained on any rational basis at all. Apart from the possibility that the Leader thinks that they might produce some electoral advantage to his Party, it is impossible to imagine what reason in sense or logic there could be for them.

I thought that the member for Alexandra made one of the frankest speeches I have heard in the House. Although he made a frank speech on this subject when it was last before the House, I think that if anything he rather exceeded in candour his effort on the previous occasion. His speech was clear, concise and closely reasoned, but the only comment I can make is that he has demonstrated that he possesses one of the finest minds the 18th century has produced. We were treated to a demonstration of the honourable member's faith in conservatism that would have been staggering if it were not for the fact that his sincerity was patently transparent. He gave an electoral history of South Australia that was a rather remarkable display, as he ignored most of the facts of history. I feel bound to say that his account of Assembly electoral redistribution has simply no relation at all to the known facts of history. I do not intend this evening to trace the history of the electoral gerrymander in South Australia, the long struggle to overcome it, or the ways in which it was finally overcome, but for the record it is important to say that the account given by the member for Alexandra was false.

The honourable member referred to the history of the controversy over the franchise for the Legislative Council, saying that this was not a live issue until the former member for Adelaide (the late Mr. Lawn) came into the House. He said that, although one or two other members had referred to it from time to time, is was not really a live issue until then. I can only say that I do not know in what circles the member for Alexandra moves. For as long I can remember in this State the franchise for the Legislative Council has been a burning issue amongst those who do not possess it. The people who did not possess a vote for the Legislative Council in the 1930's when I was a boy felt strongly about it; and everyone was conscious of it. When I first joined the Labor Party immediately after the war in 1946, it was a burning issue. Indeed, it was a leading plank

in every election policy speech that I can remember since 1946.

I do not understand the suggestion that the reform of the Legislative Council franchise sprang into life in the 1950's. If the member for Alexandra does a little reading of South Australia's history he will see that the franchise for the Legislative Council was a burning issue in this State in the last century—indeed, almost from the time that the Council came into existence. The member for Alexandra made some remarkable statements in which, I have no doubt, he sincerely believed. He said, rather casually, that there was nothing sacred about adult franchise one way or the other, as though it was an unimportant matter. Many people regard the issue of adult franchise for both Houses of Parliament as the most important political issue facing the State, and many believe that this has been so for at least 30 years.

The struggle to obtain full democratic rights for the people of this State is an issue of transcendent importance, and none of us is entitled to rest until the objective of full adult franchise for the people of this State has been achieved. The honourable member also made the rather remarkable observation that an Upper House more conservative than the Lower House was needed. The thought crossed my mind that the honourable member was a Minister in the last Government, and the thought of a Legislative Council more conservative than the member for Alexandra simply makes one's imagination boggle.

The Hon. D. N. BROOKMAN: On a point of order, Sir, during this debate you have frequently called members to order for making personal remarks, and lately you have ruled that anyone who interjects will be named without warning. You have made that ruling in favour of the Attorney-General and no one else. I ask you, Sir, whether I am allowed to object, or whether I am going to be protected from personal criticisms by the Attorney.

The SPEAKER: That is not a point of order. The honourable Attorney-General.

The Hon. L. J. KING: I am astonished at the sensitivity of the member for Alexandra. It so happens that during this debate I was subjected to some keen, striking and rather cutting personal criticism, not by the honourable member but by his Leader. I thought I made it perfectly clear that what I was saying was in no way a personal reflection on the honourable member who, I honestly believe, sincerely stated his point of view. Indeed, I think his speech was one of the most candid and sincere that I have heard in this House. However, I am bound to comment that it displayed a degree of conservatism that staggered me and that the terms of praise in which the honourable member spoke of conservatism made me think that I could do nothing else but pay him a tribute that he would appreciate. Certainly I disavow any intention of reflecting on the honourable member. I am merely trying to describe his political and social outlook as it emerged from his speech tonight. The ideal of an Upper House that is more conservative than the Lower House is, of course, an ideal that the member for Alexandra is perfectly entitled to hold. If he thinks that that is desirable for the State, he is entitled to hold that view and express it. But why does he think that he is entitled to produce that result by denying to some people of the State their right to elect members of the Upper House?

If the people of South Australia, endowed with full adult franchise, agree with the member for Alexandra and think that they ought to elect members of the Upper House who are more conservative than members of the Lower House, so be it. But why does the member for Alexandra say that not only must members of the Upper House be more conservative but this must be brought about, if necessary, by denying the people of South Australia their democratic right to elect members of the Upper House? This is an attempt by the honourable member to impose his concept of the Upper House upon the people of South Australia, whether they want it or not. Of course, the other question that was raised in one's mind by the honourable member's proposition was this: to whom is this conservative Upper House to be accountable? It is to be accountable to the people of South Australia at large? What if they do not agree with the honourable member? What if they do not want it? Or, is some privileged group to have the right to frustrate the will of the people? Is the "permanent will of the people" to be in some way divorced from the genuine will of the people at large? Will members who are not accountable to all the people be able to frustrate the will of the people? Is that really what the honourable member is asking for?

The argument was advanced that the Government, representing the majority in this House and, therefore, the majority of the electors, should somehow seek sympathy from Legislative Council members; it was said that, if we wanted sympathy, we could expect to get it

only by conferring with Legislative Council members. Since the majority of the people of the State voted a Party into office pledged to secure full adult franchise in Legislative Council elections, why should that Party have to go to those who are entrenched in their power and privilege by this restricted franchise and ask for sympathy? It is not something that we ask for as a benefit for ourselves: what we put forward in this Bill is a claim of right on behalf of the people of South Australia. It depends not on any claim for sympathy but on a claim of right based upon any reasonably understood principle of democracy.

We are asked, "What is the use of putting up a proposition such as this? How can the Legislative Council accept it?" Why should the Legislative Council not accept it? It represents the democratic principle applied to a bicameral system. We are told that this would somehow make the Legislative Council a mere carbon copy of the House of Assembly. Of course, it would not do that, because Legislative Council members are elected for six years. Furthermore, because of the provision that Legislative Council voting must be on the same day as voting for the House of Assembly, the term of some Legislative Council members may be greater than six years. Members of this House are elected for not more than three years. So, of necessity, half of the Legislative Council members will retire at alternate elections. In addition, Legislative Council districts are not single districts and they cannot coincide with Assembly districts. So, there is no reason why the Legislative Council should be a carbon copy of the House of Assembly. If the majority of the people want to elect Labor members to the Legislative Council, just as they want to elect Labor members to the House of Assembly, can anyone tell me why they should not be entitled to do so and can anyone tell me what is intrinsically wrong with the people electing a majority of Labor members to the Legislative Council if they so desire?

Is all this talk by Opposition members of having a House of Review that differs from the House of Assembly merely a camouflage and a mealy-mouthed way of saying that the people may, if they wish, elect a Labor majority in the House of Assembly (and, therefore, a Labor Government) but they are not to be entitled to deprive the Liberal Party of its permanently entrenched majority in the Legislative Council? Is that what this debate is all about? Is anyone willing to say that that is what it is all about? If it is not, will someone explain to me what is meant by saying that we must not have a Legislative Council that is a carbon copy of the House of Assembly and that, therefore, we must ensure that the franchise for the Legislative Council is on a different basis from that for the House of Assembly?

You see, Mr. Speaker, this legislation will either produce a majority of Legislative Councillors of the same political complexion as the majority in this House or it will not. If it does not, then it is likely that the Legislative Council is not reflecting the true will of the people of the State and, if it does, then inevitably we will have a majority of members from the same political Party in both Houses of Parliament. It is true that we can have a House of Review in which the members retire at alternate elections, so that in that way there is some brake on sudden changes in political actions. That exists in the case of the Senate and, by this Bill, it would exist in the Legislative Council.

It is not true to say that this Bill simply makes the Legislative Council a carbon copy of the House of Assembly. The plain fact of the matter is that this Bill is concerned with one special matter, and one special matter only, and that is adult franchise for the Legislative Council. The issue is perfectly simple. Those who favour adult franchise for the Legislative Council will vote for the Bill and those who oppose adult franchise will vote against the Bill. It is a simple issue, despite the quite determined efforts that have been made during the debate to confuse the issue.

The SPEAKER: As this is a Bill to amend the Constitution Act and provides for an alteration of the Constitution of the Parliament, its second reading is required to be carried by an absolute majority and, in accordance with Standing Order 300, I now count the House. There being present an absolute majority of the whole number of members of the House, I put the question that this Bill be now read a second time. Those for the question say "Aye" and those against say "No". There being a dissentient voice, it will be necessary to divide the House.

The House divided on the second reading:

Ayes (35)—Messrs. Becker, Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Carnie, Clark, Corcoran, Coumbe, Crimes, Curren, Eastick, Groth, Hall, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, Mathwin, McAnaney, McKee, Millhouse, Nankivell, Payne. Ryan,

Simmons, Slater, Tonkin, Virgo, Wardle, Wells, and Wright.

Noes (7)—Messrs. Allen, Brookman (teller), Evans, Ferguson, Goldsworthy, Gunn, and Rodda.

Majority of 28 for the Ayes.

Second reading thus carried.

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

Mr. HALL moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses to enable (*a*) Council and Assembly elections to be held on different days; (*b*) enrolment as Council elector and voting at Council elections not to be compulsory; and (*c*) electoral rolls for Council to be kept separate from rolls for Assembly.

Motion carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 10.47 p.m. the House adjourned until Wednesday, August 4, at 2 p.m.