HOUSE OF ASSEMBLY

Wednesday, September 17, 1975

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

PETITION: BEVERAGE CONTAINERS

Mr. KENEALLY presented a petition signed by 69 employees of Coca-Cola Bottlers, Port Pirie, praying that the House would not pass the proposed beverage container legislation and would seek alternative methods to combat litter.

Petition received.

PETITION: LOTTERY AND GAMING REGULATIONS

Mr. MATHWIN presented a petition signed by 90 residents of South Australia praying that the House support the disallowance of the regulations made under the Lottery and Gaming Act regarding cash ticket machines and roulette wheels and permit licensed clubs to install such machines on a ratio in proportion to membership.

Petition received.

PETITIONS: SUCCESSION DUTIES

Dr. TONKIN presented a petition signed by 742 residents of South Australia stating that the burden of succession duties on a surviving spouse, particularly a widow, had become, with inflation, far too heavy to bear and ought, in all fairness and justice, to be removed. The petitioners prayed that the House would pass an amendment to the Succession Duties Act to abolish succession duties on that part of an estate passing to a surviving spouse.

Mr. SLATER presented a similar petition signed by 1 018 residents of South Australia.

Petitions received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

CROP DAMAGE

In reply to Mr. WARDLE (August 21).

The Hon. D. A. DUNSTAN: The incident referred to by the honourable member occurred in May and June, 1975, when the Monarto Development Commission was engaged in a weed control programme. Part of this programme involved boxthorn removal using private contractors. The method of removal was by pulling or grubbing out the boxthorns and swabbing the stump with amine 2,4-D solution, which was recommended by the Agriculture Department and provided by the commission. Following the above work, claims were made by three people alleging damage to their crops by the amine 2,4-D used by the commission's contractors. It is now understood that only two of the claimants are proceeding with action in the matter. The Monarto Development Commission passed these claims on to its insurers, the State Government Insurance Commission. After inspecting the alleged damage and consulting the Agriculture Department, the S.G.I.C. wrote to the three claimants denying any liability. As liability is denied, it would be most improper for the Government, or the Monarto Development Commission, to pay the legal costs of the persons concerned. It is not correct to state, as the honourable member has stated, that there is a legal prohibition on the use of hormone sprays within certain distances of glass houses. There does exist a set of recommendations for the use of hormone sprays which are more appropriate to cereal crop spraying. I understand the agronomist from the Agriculture Department and the assessor from the S.G.I.C. are of the opinion that there is no substantive evidence to show that amine 2,4-D hormone spray was responsible for any damage to crops in the area.

CONCORDE

In reply to Mr. BECKER (August 7).

The Hon. D. A. DUNSTAN: The South Australian Environment and Conservation Department was aware that Adelaide Airport had been proposed as the prime alternate to Tullamarine for Concorde. Therefore, it sent an officer to Melbourne on August 7, 1975, to monitor the noise levels produced by that aircraft, and a report will be made to the Government to enable it to assess the aircraft's possible impact on Adelaide if it used the proposed normal commercial flight paths associated with the north-east to south-west runway. However, it is pointed out that an environmental impact statement has been prepared and that the Australian Department of Transport estimates, from meteorological data at Tullamarine Airport, that the likelihood of the aircraft being diverted to Adelaide varies from once in three years to once in nine years.

REDWOOD PARK BUS

In reply to Mrs. BYRNE (August 20).

The Hon. G. T. VIRGO: The situation regarding the provision of a bus service for Surrey Downs has not altered since my letter to the honourable member on May 12, 1975. As with a number of similar areas in other parts of Adelaide, no bus service can be provided until the Municipal Tramways Trust takes delivery of some of the 380 new buses it currently has on order. The first of the new buses is not expected to be available until mid-1976 and, as the new buses will arrive over a period of two to three years, it is not possible at this stage to say when Surrey Downs could be provided with a service.

PENSIONER DENTAL CARE

In reply to Mr. NANKIVELL (August 14).

The Hon. R. G. PAYNE: It would not be feasible to provide a dental service to country pensioners through private dental practitioners. It is not reasonable to separate country from metropolitan pensioners in this matter because the only facility available to the latter, namely, the dental department of the Royal Adelaide Hospital, could not manage even 10 per cent of the 141 436 pensioners in this State. If it is presumed that only 20 per cent of pensioners who could not attend the Royal Adelaide Hospital were treated through private dentists in one year, the estimated cost in the coming year would be about $2 250 000. The proposal that school dental clinics provide dental care to pensioners is not feasible, because the present resources of the School Dental Service are fully committed to achieving the Government's first target objective of all 180 000 primary school children in the State by 1980. The service will reach only 40 000 of that group in 1975, and could not expand into pensioner services without retarding development of the school programme. However, the School Dental Service introduced a programme for the treatment of pensioners on a pilot scheme basis about five years ago. The limited service has been provided at Kingscote (Kangaroo Island), Port Lincoln, Port Augusta and Renmark.

BUDGET DEBATE

Dr. TONKIN: Will the Premier move to rescind the votes and resolutions taken yesterday in respect of the Appropriation Bill (No. 2) to enable this measure to be considered in full by this House? The use of the guillotine

during the Committee consideration of this Bill yesterday was an unprecedented action in this Parliament. The reasons advanced by the Premier for the action taken by the Deputy Premier include allegations that the Opposition had been obstructive, and was wasting the Government's time on trivial matters. This is not true. The questions asked in relation to details of the proposed Government expenditure in this State are important to the members who ask them, and important to their constituents. As there has been strong public reaction against the Government's action in gagging the Opposition in its examination of the Budget, will the Premier therefore act to enable appropriate time to be made available for full and adequate assessment of the complete Budget document?

The Hon. D. A. DUNSTAN: The Government does not intend to alter the decision it made. Opposition members have had ample opportunity to co-operate with the Government in providing ample time to all members for the proper consideration of matters before the House.

Dr. Tonkin: In your opinion.

The Hon. D. A. DUNSTAN: The amount of time which has already been spent on the Budget exceeds the time of the total Budget debate last year—

Members interjecting:

The Hon. D. A. DUNSTAN: —and the average for a long time. It was quite clear to any observer in this House that what was happening on the part of the Opposition was a deliberate campaign of the most irresponsible obstruction of the business of this House.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The Government, since the time that the provision for the guillotine has been introduced into Standing Orders, had not until this time moved either the gag or the guillotine.

Dr. Eastick: That's once too often.

The Hon. D. A. DUNSTAN: We proceeded to ensure that, by endeavouring to co-operate with Opposition members in seeking an agreement about the times that they would seek for proper consideration of matters before this House, members had ample opportunity to debate matters.

Mr. Goldsworthy: Who called those meetings off?

The Hon. D. A. DUNSTAN: It has been made very clear to this House by Opposition members that they do not intend to co-operate in getting business through this House. They want to stop business, and indeed the Leader of the Opposition yesterday, during the Committee debate on the Appropriation Bill, moved that progress be reported in order to see to it that the Budget was not debated at length yesterday.

The Hon. J. D. Corcoran: They did it last week.

The Hon. D. A. DUNSTAN: He sought yesterday to prevent Parliament from using time that he later said Parliament should use. That is not the first time he has done this during the Budget debate. It is obvious that Opposition members have endeavoured to use the proceedings of this House to prevent proper consideration of the business before it. There is no course left to the Government, which has been elected by the people of this State to carry out a policy on which it was elected, other than to see to it that that policy is carried out.

Members interjecting:—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If Opposition members refuse to co-operate in obtaining proper consideration by this House, the Government is left with no opportunity other than—

Mr. Millhouse: Rats!

The Hon. D. A. DUNSTAN: —to move the guillotine measures.

Members interjecting:

The SPEAKER: Order! I point out to honourable members that, if these interjections are to continue at this rate, I shall take certain actions to stop them. I am giving everyone fair warning. I have heard many times how Question Time is not used to the best advantage, but that is mainly because so many questions are asked by way of interjection after the original question has been asked. The honourable Premier.

The Hon. D. A. DUNSTAN: The position is that the Government was forced on this occasion to use the guillotine measure, and it did so reluctantly. If Opposition members are willing to co-operate, we will be able to return to the procedure under which that measure is not used in the House, but if the attitude is taken as expressed to me last evening by the member for Mitcham (that the Government now cannot operate as it did in the previous session of Parliament because it does not have a working majority in the House and that, therefore, it has to submit to the kind of obstruction we have seen) the Government will have no alternative but to ensure that the House completes the business regarding which it was elected.

Members interjecting:

The SPEAKER: Order!

Mr. GOLDSWORTHY: Will the Premier inform the House and the people of South Australia whether he intends again to use the procedure of applying the guillotine and, if he does, will he say what his criteria are for such action? The Premier indicated in his reply to the Leader of the Opposition that the Government had been forced to apply the guillotine because it had to get through its legislative programme but, unfortunately, this statement does not line up with the statement he made in the House last week that, in effect, it was not necessary for the sittings of the House to be protracted because the Government had completed its major legislative programme. We are not to sit next week, and some minor alterations have been made to the programme regarding sittings of the House. The fact is that the Premier's statements are at complete variance, and they are also at complete variance with statements made by the Deputy Premier. Therefore, it is no wonder that the Opposition and the public are confused.

The Hon. D. A. DUNSTAN: On a point of order, Mr. Speaker, this is not an explanation; it is a debate on the question.

The SPEAKER: I must uphold the point of order. The honourable Deputy Leader is commenting; he must ask a question.

Mr. GOLDSWORTHY: I am explaining the question and pointing out to the Premier that what he has said today does not line up with what he said last week. I hope that, in reply to my question, he comes up with something more satisfactory than what he said earlier.

The Hon. D. A. DUNSTAN: I have pointed out that the Government is reluctant to use the guillotine procedure and, apart from last evening, has not previously used it on any matter. When it has been necessary for us to extend within reason the sittings of the House to accomplish

effective debate on measures before it, we have previously done so. The only circumstances in which the guillotine will be used are where it is obvious that the Opposition's actions are not to debate a measure before the House in a normal, reasonable and responsible fashion but to deliberately filibuster and obstruct the proceedings of the House. In those circumstances, the guillotine will have to be used.

Mr. GUNN: Does the Premier support the following statement made by the member for Spence last night: "You have got no rights; you are in Opposition"? If he does, will he give his reasons, and if he does not, will he reprimand the member for Spence and see that he apologises to the House?

The Hon. D. A. DUNSTAN: I make quite clear that I do not agree with that statement. However, I point out to members that, if we are to proceed constantly to ask questions in this House about the support of Parties for the interjections made by members during the heat of debate, there are a great many statements made from the Opposition benches, including those of the member for Eyre, that could concern the public a great deal. I am certain that the member for Spence meant only that the rights of the Opposition are limited to those of the Opposition, and they are not those of the Opposition dominating and directing the business of this House to the detriment of the accomplishment of the business before it.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I am quite certain that that is what the honourable member intended; that is the view of members on this side of the House. I point out to the honourable member and other members opposite that the rights of the Opposition maintained in this House by this Government exceed by far those—

Members interjecting:

The Hon. D. A. DUNSTAN: —of Opposition or private members in any other Parliament in this country.

Mr. Goldsworthy: What about when you were in Opposition? Hudson would talk all night.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: That is the position and that is maintained in this House. Not only have the rights of Opposition members been maintained in this House, and indeed extended in a number of ways, but in addition the facilities which are given to members of the Opposition far exceed those which were ever given to an Opposition by a Liberal Government in this State; in fact, facilities were specifically denied to me as Leader of the Opposition by a Government of the Liberal Party to which certain members opposite, in the various sections of those opposed to the Government, belonged.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I have made quite clear that the Government believes that the Opposition in South Australia has rights as an Opposition. Those rights, which are clear, have been maintained and extended by this Government, and the facilities have been enhanced considerably. That situation will be maintained.

Mr. DUNCAN: Is the Premier aware of the public claims by the Leader of the Opposition that the Opposition was gagged in this place by the Parliament last evening? Can the Premier inform this House of the amount of time spent in recent years on the Budget debate? Do the figures for the time spent in recent years on Budget debates support the view of members on this side that Opposition members were merely filibustering to endeavour to defeat the Government's legislative programme?

The Hon. D. A. DUNSTAN: The claims of the Leader of the Opposition have, in one way or another, come to my attention. I can give the figures, as prepared by the Clerk. In 1972, prior to there being any time limit on members' speeches in this House, the time spent on the Budget debate itself (the debate on the first line) and the Committee debate was 23 hours and 17 minutes.

Mr. Goldsworthy: Why don't you go back a bit further than that?

The SPEAKER: Order! I call to the attention of the honourable Deputy Leader of the Opposition that I will not tolerate these persistent interjections.

The Hon. D. A. DUNSTAN: In 1973-74, the time spent was 22 hours and 23 minutes; in 1974-75, 16 hours and 38 minutes; and this year, 22 hours and three minutes.

PORT ADELAIDE REDEVELOPMENT

Mr. WHITTEN: Can the Minister for Planning and Development say whether any progress has been made to further the redevelopment of the Port Adelaide business zone? The Port Adelaide Retailers' Association has made representations to me expressing concern that it would appear that there have been delays in acquiring and redeveloping land in the Port Adelaide district business zone, and that this may continue to occur.

The Hon. G. R. BROOMHILL: There have been continuing discussions for some time between the Port Adelaide council and the State Planning Authority regarding this important business area, and recently these discussions led to the recommendation by the authority to the council that a joint planning authority and council committee be formed to consider the future of this business zone. Both the council and the authority have suggested the names of members who could serve on this joint committee. It is hoped that, as a result of this study, a practical plan can be devised for the redevelopment of this area. If that can be achieved with the joint agreement of both the council and the authority, the necessary steps will be taken to implement a redevelopment scheme for this area. I hope that now that this proposal has been accepted by the parties concerned rapid development will occur in the matter.

WHYALLA HOUSING

Mr. MAX BROWN: Can the Minister of Housing find out for me why there has been such a long delay in completing a block of Housing Trust houses bounded by Cartledge Avenue, McDouall Stuart Avenue and Menard Street in Whyalla, especially the houses facing McDouall Stuart Avenue? This is not the first occasion on which I have raised this matter. I am concerned about the obvious delay in completing these houses, a delay that is obvious to most members of the local community. As this block of houses faces a main traffic artery in Whyalla, the delay is causing much comment. As the time involved in completing the building of the houses seems excessive, an explanation for the delay should be given by the trust.

The Hon. HUGH HUDSON: The honourable member raised this matter with me this morning, but I have not yet had time to discuss it with the trust. In view of his question, I will certainly do so and bring down a reply for him as soon as possible.

PORT WAKEFIELD COUNCIL

Mr. BOUNDY: Can the Minister of Local Government say what is his intention regarding the appointment of a district clerk for the Port Wakefield council? The former

district clerk left the council on August 31 to serve on another council in this State. Applications have been called for a replacement for him, the vacancy was filled by an unqualified clerk, an appointment that must be approved by the Minister. The council's Chairman has been told by the Minister's department that a decision cannot be made until after a further discussion with a neighbouring council about amalgamation. Port Wakefield council needs this officer now, and he is willing to come. The council considers that, at the very least, the Minister's action represents coercion to amalgamate and, at worst, blackmail.

The Hon. G. T. VIRGO: I doubt very much whether the honourable member is really echoing the views of the council when he uses the language he has just used. If the honourable member's nodding suggests that what he has just expressed is the council's view, all I can say is that council is ill-informed. At present 12 South Australian councils are attempting to fill vacancies for clerks but are either receiving no applications or are receiving them from unqualified people. I have followed a fairly consistent line in relation to filling these positions: I will not authorise a person to act in the position of clerk unless and until every reasonable effort has been made to obtain the services of qualified people. I believe local government should employ people who are qualified to serve and should not employ unqualified hillbillies. I have adopted this attitude when asked about the position at Port Wakefield. Port Wakefield council had the remedy in its own hands, as shown by the Royal Commission. Until the final determination has been made by the Government in relation to that report, I am not willing to authorise an unqualified person to serve in a position that calls for qualifications.

PORT AUGUSTA COUNCIL

Mr. KENEALLY: Can the Minister of Local Government say whether he has had any discussions with the Port Augusta council regarding the difficult financial position it is facing in the forthcoming year and, if he has, what was the nature of those discussions? Port Augusta council is in the unfortunate position of having in its area a fairly large industrial sector and receiving less than 1 per cent of its rates from industry. As I understand that it is facing a substantial budget deficit in the forthcoming year, have any discussions been held that would enable the council to face the deficit prospect more hopefully?

The Hon. G. T. VIRGO: Port Augusta council, like many other councils, is finding it extremely difficult to raise sufficient finance through rate revenue because of the limitation placed on councils by the upper limit of the rate in the dollar. Members who were members of this House before the recent election will recall that a Bill came before the House that removed the upper limit and left the discretion for the setting of rates in the hands of each individual council. This is an attitude in keeping with the policy of this Government that the autonomy of local government should, to the greatest extent possible, be in the hands of local government and not be restricted, as it has been for so many years, by the provisions inserted in the Local Government Act by former Liberal Governments. Unfortunately, the Bill to which I have referred lapsed when Parliament was dissolved after the Liberal Party Opposition in the Legislative Council threw out the rail transfer agreement. We went to the people and, as the state of the House shows, we were re-elected. I intend as soon as it is possible to get time in the House to reintroduce that Bill, so that the authority and the autonomy for determining the finance of councils will be in the hands of local government, where we believe it should be.

SILICOSIS

Mr. LANGLEY: Will the Minister of Labour and Industry investigate dangers to the health of workmen who use asbestos sprays? It is reported in the *Advertiser* today that regulations in New South Wales—

The SPEAKER: Order! Order! I must ask honourable members on my left to cease their audible chatter. It is getting so bad that it is almost impossible to hear the honourable member on his feet.

Dr. TONKIN: I rise on a point of order, Mr. Speaker. I point out that the conversation to which you refer was coming equally from the right-hand side of the House as from the left-hand side.

The SPEAKER: I am quite certain of the statement I have made and I stand by it.

Mr. LANGLEY: It is reported in today's *Advertiser* that the Minister for Labour and Industry in New South Wales is concerned that people working with asbestos spray could contract silicosis from breathing the fibres. Asbestos spray is used in the insulation of ceilings. I hope regulations will be introduced to deal with this danger to the health of people using asbestos spray.

The Hon. J. D. WRIGHT: I also saw the report in today's *Advertiser* to which the honourable member refers. Currently in South Australia there is a silicosis committee (it is not directly under my control) that investigates conditions in quarries and similar areas. I am not sure whether it would have the authority to examine the use of sprays and paints in factories, but I will have the matter investigated and, if it is found there is a danger to workers, certainly regulations will be introduced.

TIMBER INVESTMENTS

Mr. CHAPMAN: Will the Premier, as Attorney-General, investigate the viability and credibility of North Australia Consultants Proprietary Limited and that of a person apparently acting for that company in South Australia, Mr. David Miller, whose address is given in the literature circulating in this State as 203 Greenhill Road, Eastwood? Constituents of mine on Kangaroo Island and the Fleurieu Peninsula have asked me to investigate the background of this company, a representative of which has approached them recently seeking investment in a Queensland hardwood plantation. The people in my district have been offered an investment in a spotted gum plantation in the Maryborough district. The salesman has initially called for a $200 cash deposit and thereafter for $40 contribution each three months to ultimately own 250 of these trees at maturity, and there are other details of return at some future date. Whilst I have never met this Mr. David Miller, it seems that he is an extremely skilful salesman, that he is carrying with him colourful and attractive literature, and that he is quite convincing in his approach. I understand from my constituents that he has been successful in gaining several cash deposits of $200. I shall be brief in the remainder of the explanation, except that I pass on to the Premier the fact that some preliminary inquiries have been made. I have found that the telephone number at the address at Greenhill Road, Eastwood, does not answer, despite my repeated attempts to make contact. I have also found that some of the literature being carried by this salesman is produced by Hardwood Plantation (Queensland) Proprietary Limited. In order to get information about that company, I have contacted the Queensland

Companies Office, which is not prepared at this stage to say that this company is disreputable but which states that it has had an inquiry from the Queensland Forestry Department, and that an officer from that department considers that the claims made in the company's brochure are grossly exaggerated and that the advertising is misleading. The department claims that it would be impossible for the spotted gums that are referred to in the brochure to mature in the time referred to in the document. The only other point I would make at this stage is to refer—

The SPEAKER: I draw to the attention of the honourable member the fact that his explanation seems to be unduly long.

Mr. CHAPMAN: I shall conclude by saying briefly, in explaining this most important question, that the shareholders of North Australia Consultants Proprietary Limited are Michael Kuhn, who has 4 999 shares, and a Mr. Iffett, who has one share. They registered their company in Darwin in 1970. I cannot imply that this company is dubious, but the circumstances that have led up to my asking the question of the Premier today suggest that the matter ought to be investigated urgently.

The Hon. D. A. DUNSTAN: Although I have no personal knowledge of the matter that the honourable member has raised, I will investigate it.

BEVERAGE CONTAINER BILL

Mr. ARNOLD: Will the Premier table a report prepared by the Development Division regarding the effects on employment in South Australia should the Government proceed with its Beverage Container Bill? In reply to a Question on Notice asked by the member for Mitcham, the Premier stated yesterday:

The Government has considered the possibility of a reduction in employment as a result of the beverage container legislation, but in view of the uncertainty of the fall in actual numbers of can drink sales a full-scale study has not been undertaken. Any reduction in the can industry will be offset by increased employment in the glass manufacturing industry.

That is quite incorrect: they are two totally different specialised industries, and the unemployment cannot be taken up in the glass manufacturing industry. I ask the Premier whether, in the interests of all the people of South Australia, he will table the report of the Director of the Development Division.

The Hon. D. A. DUNSTAN: No, I have given no consideration to any report at present. If there is a report, it is an internal report to the Government. The question is then whether we discuss this report within the department.

Mr. Nankivell: Open Government!

Mr. Millhouse: It's a bit embarrassing, isn't it?

The Hon. D. A. DUNSTAN: If the honourable member has knowledge of this matter, he may air it in the House. However, discussions between the Minister for Planning and Development and his officers is internal to the Minister and his officers. If the honourable members claims that there is such a report, perhaps he will let us know what that report is and where he got his information.

SOCIAL SERVICES

Mr. WELLS: Will the Minister of Community Welfare say whether he has seen the press release from the South Australian Council of Social Service on Tuesday, September 9, headed "Fears expressed over new Government services"? This organisation, of course, represents the largest group of voluntary organisations in the State and it is vitally concerned about statements in the newspapers. In part, a press release issued by the council states:

The South Australian Council of Social Service today expressed concern at a recent announcement that the Community Welfare Department will appoint voluntary services organisers . . . Some members have rung to say they see the move to establish voluntary services organisers as an attempt to control the activities of voluntary agencies.

As I consider this very disturbing, I believe that an explanation is necessary. I ask the Minister whether there are any grounds for the fears expressed by the organisation.

The Hon. R. G. PAYNE: There may have been, in the minds of members of the organisation, some grounds for the fears it expressed but there were no grounds from the standpoint of the Minister and the department. The objective of the announcement was to let people know that the Government, through the Community Welfare Department, was appointing people to be known as voluntary services organisers, who would assist in the voluntary sphere the work already being done. The purpose of the original announcement that resulted in the press release to which the honourable member has referred was also to make known that the Government was vitally concerned in actively promoting the work of voluntary organisations already involved in social welfare in South Australia. I think I can best reply to the question and put the minds of members at rest by quoting from a media release issued by the council, which is known as S.A.C.O.S.S., on September 15. Apparently, the release was not taken up by the press or the media generally. It was issued by that organisation after a meeting in my office attended by four officers from the council (Father Travers, Anne Rein, Barbara Garrett, and the executive officer of the organisation, Mr. Ian Yates). We had a very fruitful discussion about their concern at the original press release, and we were able to clear up some points. I will quote from the council's press release which was not carried by the newspapers but which might well have been carried to show the position clearly to the voluntary workers throughout South Australia who are giving their time to contribute to the welfare of South Australian society. Part of the S.A.C.O.S.S. release states:

The Minister of Community Welfare (Mr. Ron Payne) today gave assurances that the proposed voluntary services organisers in his department would not compete with or cut across the activities of existing voluntary agencies. After a meeting this morning between the Minister and representatives of the South Australian Council of Social Service, the council's Executive Officer (Mr. Ian Yates) said that the Minister clearly recognised the important role of voluntary agencies, and saw the proposed organisers as assisting the work of these agencies.

That is the way the Government sees the proposal also. The press release concluded by saying:

The Council of Social Service recognises that the State Government has significantly increased funding to voluntary agencies over the last few years, and we accept the Minister's assurance that this new proposal does not represent a change of policy.

It is clear that the South Australian Council of Social Service no longer is in the frame of mind that presumably caused the press release referred to by the honourable member, but on the contrary clearly understands the Government's intention in this matter and fully endorses it.

CONSTITUTION CONVENTION

Mr. MILLHOUSE: Can the Premier say whether, now the Government has decided that its legislative programme is not so pressing as to require the House to sit next week, despite what happened last night, the Government proposes that the full South Australian delegation should go to the Constitution Convention, or what is now the attitude to that convention? The second session of the Constitution Convention is due to be held, I think still in Melbourne,

next week. It has been a matter of much controversy and some States, to my regret, have pulled out; I think the Liberal Party has now pulled out as well. When the dates were first announced, the Premier said, I think in this place, that only half the delegation could go from here because he could not afford to have everyone away while the Houses were sitting. The Houses will not now be sitting, so that reason falls to the ground. Because of that, I have been prompted to ask the question. I have added a second part, because of the regrettable withdrawal of other delegations from various parties, to see what is the attitude now of the Government to the convention.

The Hon. D. A. DUNSTAN: The Government will determine the matter having regard to whether the convention proceeds or not. At this stage of proceedings, that remains something of an open question, and I do not think it will be known for a day or so. If the convention is meeting, information will be given by the officers of my department to all members of the delegation, and it will then be possible for the full delegation to proceed from South Australia, in which case the Government would meet the expenses of the delegates.

REPAYMENT OF COURT COSTS

Mr. MILLHOUSE (Mitcham): I move:

That in the opinion of this House the Hon. J. E. Dunford should now repay to the Government the sum of $9 985 paid by it on his behalf to satisfy the judgment against him in the Supreme Court action, Woolley v Dunford.

I do not suppose that there are many, if any, members of this place, or indeed members of the public of South Australia, who do not remember the payment in 1972 of the costs awarded against that now honourable gentleman in the Supreme Court action to which the motion refers, but, just in case it is necessary to refresh memories, I have here one or two extracts from the newspapers of those days which set out the facts. The genesis of the action was the attempt by Mr. Dunford (then Secretary of the Australian Workers Union) to blackball the wool of Mr. Woolley, one of the graziers on Kangaroo Island. That led to an action in which Woolley was the plaintiff and Dunford was the defendant, and which, of course, Dunford lost. He had to pay costs to Woolley, and he refused to pay them. In the *Advertiser* of June 16, 1972, Mr. Dunford is reported (of course, we are not now sure whether he is ever reported correctly or not: he denies correct reporting when it suits him) in an article under the byline of Bill Rust, as follows:

Mr. Dunford has said he would rather go to gaol than pay the costs.

Other developments, according to this article, were as follows:

The two councils on Kangaroo Island sent telegrams to the Prime Minister and the Premier asking them to use their powers to lift the union ban. Prison officers in Adelaide took the unprecedented step of declaring publicly that they would refuse to imprison Mr. Dunford if he were arrested for not obeying the Supreme Court order.

That was in June, 1972, and the matter went on for a couple of weeks. Then, in the *News* of July 10, 1972, was a story headed "Government will pay $7 000 K. I. costs against Dunford". There was an announcement by the Acting Minister of Labour and Industry, Mr. Broomhill, that the Government had decided to provide funds to meet the Supreme Court order for costs "in the public interest". The article further states:

In his statement today Mr. Broomhill said that the State Government was taking all steps possible to help representatives of the T.L.C. and Kangaroo Island farmers to resolve their dispute.

There is then a report of the reaction of Mr. Dunford.

Mr. Venning: Do you think he will ever sell his Volvo to pay for it?

Mr. MILLHOUSE: I do not know whether he has a Volvo, but, if he has, that is an indication of his ability to pay even without any stoppage from his salary. The article continued:

Mr. Dunford said today: "This whole thing is a surprise. I didn't want any benefactors. I don't think that unions should be forced to pay fines on industrial matters arising from Supreme Court action". Mr. Dunford said: "There ought to be a confrontation, sought by the unions, on this whole question. By paying the fines now the Government is only putting off the day when this confrontation occurs. It still does not settle the matter over which the dispute started".

The report goes on with some comment by my predecessor as Leader of the Liberal Movement (now Senator Hall), as follows:

"The Government has created a chaotic situation with a dangerous precedent which will undermine common law. The Government should recover its costs from Mr. Dunford".

That is precisely what we in the Liberal Movement think, and have always thought, should happen. In the following day's *Advertiser*, the same story was echoed. The report states:

Mr. Dunford then said he would go to gaol rather than pay the costs. Yesterday he said he was "surprised" by the Government's decision, which meant "delaying a confrontation until another time." Mr. Dunford said he was resolute on non-payment of the fine. "I did not ask for any benefactors and don't want them now," he said.

I have quoted from the *Advertiser* as well as from the *News* in case Mr. Dunford should say that he was misreported. It is highly unlikely that he has been misreported even once, let alone twice, and he is reported in much the same way in both papers. Finally, on July 17, the Premier, after having been out of the State, made the following comment:

There is no doubt that South Australia was faced with a very real and serious threat of a general strike over the principle involved in this matter. Such a strike would have very quickly involved the State in costs of millions of dollars instead of the several thousands authorised.

"Several thousands" comes to nearly $10 000. The Premier continued:

There would have been massive losses through lay-offs, factory closures and production stoppages. The State Government, throughout this dispute, has been concerned not to take sides—

Heaven only knows what the payment of costs meant if it was not the taking of sides—

but, solely, to provide the means of its quick and peaceful settlement. Cabinet's decision was completely in accord with this policy. To do otherwise would have been irresponsible.

Then we find in the Auditor-General's Report for 1972-73 that the total figure was the figure mentioned in the motion. The Government paid $9 985 for the legal costs of the plaintiff awarded against the defendant in the Supreme Court action arising in 1971 from an industrial dispute on Kangaroo Island: that is the quotation from the Auditor-General's Report. At the time, the Government's action was widely criticised, and not only by members of political Parties opposed to the Government and to the Government Party. I will quote only one criticism, which is from the editorial in the *Australian* of July 12, 1972, headed "A Provocative Challenge", as follows:

Mr. Dunstan has now used South Australian taxpayers' money to pay costs legally imposed by the Supreme Court of South Australia against the secretary of a union imposing a black ban on shipments to and from Kangaroo Island. This is a course of action which is politically unwise and morally unsound. A union has no greater right to a State Government's protection from the consequences of its action in the High Court than a private litigant.

That second quotation from the *Australian* editorial sums up my views on the matter. I use that quotation because it comes from a source completely divorced from me and from any of us in the political Parties of this State. It was politically unwise and morally unsound to do as was done. Since that time, Mr. Dunford has received the enthusiastic support of the Labor Party and become a member of the Legislative Council, with the endorsement of the Labor Party. Earlier this session (since that event occurred), I asked the Minister of Labour and Industry whether the Government intended to seek the repayment of the costs from Mr. Dunford, and the Minister suffered the humiliation, as he was rising to answer my question, of having the Premier pre-empt him.

The Hon. J. D. Wright: I bowed to superior knowledge.

Mr. MILLHOUSE: Well, I do not know what the Minister bowed to, and I am not interested. The Minister was humiliated in front of all members on both sides. He was about to answer the question when the Premier came in and answered it for him. The Premier said:

The Government does not intend to recover moneys from Mr. Dunford any more than the Liberal Government in Canberra recovered moneys from those A.W.U. members for whom it paid costs in matters that went before the Industrial Court, or any more than the Liberal Government that the honourable member supported in this House recovered damages and costs in the case of the cook at Government House for whom it paid out money.

I have quoted that reply because, undoubtedly, it will be trotted out as an irrelevant defence to the motion. I suggest that both of those actions are totally irrelevant to the question of Dunford. I do not know what the Premier meant nor do I know the details of the two instances he gave, but whatever any other Government did on any other occasion does not give this Government the excuse to do what it did on this occasion. I remind him again of what the *Australian* said: "politically unwise and morally unsound".

That is the situation up to that time. Mr. Dunford is now on quite a good salary as a member of the Legislative Council. He is, in effect, on the Government pay-roll, because Parliamentary salaries are paid out of Government moneys. The Government is, therefore, in a position now which it may not have been in before to enforce the repayment of this sum from Mr. Dunford, and I believe that, in the interests of morality and political wisdom (I adapt the quotation from the *Australian*), that should be done.

I put this simple question to the Government: why should the taxpayers of this State (indeed, the taxpayers of Australia) pay the costs of a man like Dunford arising out of an action like this? There is no reason in the world, except sheer political expediency, which, for all I may know, may amount to fear of the man himself. There is no other reason for it. The Premier puts on his sour grin when I say that, but he has had his moments with Mr. Dunford even in the past few weeks. I remind him, if he needs any reminder (and of course he does not), of Mr. Dunford's opposition to him publicly over sweetheart agreements. The only lame answer the Premier could give here when he was challenged with what Mr. Dunford had said on this matter was to say that Mr. Dunford had assured him that he had been misreported. At page 588 of *Hansard* of September 9, the Premier replied to a question by the member for Light, and the report is as follows:

The Hon. D. A. DUNSTAN: Mr. Dunford has to me disclaimed statements that appeared under his name in the *News*. Further than that I can only—

Mr. Millhouse: The *News* made them up, did it?

The Hon. D. A. DUNSTAN: I suggest the honourable member refer to Mr. Dunford: I can only tell him what Mr. Dunford has said to me.

The Premier does not believe that any more than any other honourable member believes it. Mr. Dunford said those things, to the great embarrassment of the Government, and he meant them. There is no doubt that the honourable member in another place meant those things, and he has made no secret of it. He must be a great embarrassment to his Party.

The Hon. J. D. Wright: He said he was misreported in the other place.

Mr. MILLHOUSE: Did he? If he were misreported in another place, when the Minister speaks in the debate (if his Leader permits him to do so), let him answer two questions for me: why did he not explain it at the time, and why was there no disclaimer in the *Advertiser* the next morning or in the *News* on the next day?

Mr. Langley: Page 1 and page 27.

Mr. MILLHOUSE: Is the honourable member suggesting that there was a disclaimer? Of course, he is not: there was no disclaimer at all. The fact is that Mr. Dunford at that time was willing to accept the accuracy of what appeared in the *News*, and do nothing about it whatever. If he had been misreported, he would have done something about it on such a matter as this. The second question I ask is this: if he were misreported, what did he say about this? Did the newspapers make up the whole story? Was it a complete and utter sham, or did he say something else?

The Hon. D. A. DUNSTAN: On a point of order, Mr. Speaker. May I suggest to the honourable member that, however entrancing it is to wander in the garden of bright images, he is rather straying from the point. Although I do not wish to inhibit what the honourable member has to say, at the same time there is a motion before the Chair with which what he is saying has nothing at all to do.

The SPEAKER: I ask the honourable member for Mitcham to continue.

Mr. MILLHOUSE: I accept the Premier's point. Of course, he is quite right. I do not regret hurting him by referring to this matter, because I have said all that I wished to say on the matter anyway.

Mr. Mathwin: Do you think you hurt him?

Mr. MILLHOUSE: There is no doubt about it. Otherwise, he would not have taken a point of order. The only time points of order are taken by Government members is when they do not like what is happening. I used that only to illustrate the Government's continuing embarrassment of Mr. Dunford. The real point, as the Premier rightly said in his point of order, is whether or not Mr. Dunford should be now required to repay the moneys that were paid out of the public purse on his behalf to keep him out of prison. The reply, in any but the most biased political assembly, would be that he should be obliged to pay back those moneys forthwith.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion.

Mr. Millhouse: Ha!

The Hon. D. A. DUNSTAN: The position is, as the honourable member well knows, that when this action was brought it was clearly Government policy, as stated at elections, that actions of the kind under which damages were awarded against Mr. Dunford were wrong and contrary to Government policy. The Government has persistently put to the people at elections the policy that

there should be no actions for tort of this kind in a civil court and that industrial disputes should be settled before industrial tribunals.

Mr. Millhouse: Is that still the Government's policy?

The Hon. D. A. DUNSTAN: It is, and it has been reiterated at election after election and endorsed by the electors of this State. Since it was also trade union policy throughout the State, had the order for costs been enforced there would have been a general strike in South Australia costing this State enormous sums. The Government took the action it took in order to ensure that that would not occur. I am well aware that the attitude that the honourable member constantly espouses in this House is to provoke, and urge on Government the provocation of, industrial unrest, which he sees to his political advantage. The honourable member, and members who agree with him politically, constantly try to exaggerate the nature of industrial unrest in South Australia in order to try to advance a political viewpoint against the working people of this State.

There is no point in going on with this empty matter moved by the honourable member, because the matter was debated fully by this House two Parliaments ago: it was ventilated publicly and the Government has been before the electors twice since, so members opposite have had ample opportunity to put this matter to the electors. They have not received the support of electors on it. What the honourable member is doing is to raise a matter that has already been fully debated, fully discussed publicly, and resolved. All he wants to do is try to rake over old sores in the hope that somehow or other he will raise some kind of interest among the public. I am sure he will not nor will he even get an editorial in the *Australian* out of this matter.

Mr. MILLHOUSE (Mitcham): I hesitated in rising to reply to the Premier so as to give the Minister of Labour and Industry a chance to reply to the questions I put, but obviously he is under instructions—

The Hon. J. D. Wright: Ask me tomorrow and you'll get an answer.

Mr. MILLHOUSE: Oh, no: why cannot the reply be given in this debate? After all, this is the proper time. However, the replies are fairly obvious anyway.

Mr. Evans: Perhaps he was leant on in the same way as Mr. Dunford was leant on.

Mr. MILLHOUSE: That could be the case. I do not believe the Minister likes it; from the look on his face, he does not like the instruction, but he did not speak in the debate.

The SPEAKER: Order! I ask the honourable member for Mitcham to continue his reply to the debate.

Mr. MILLHOUSE: Certainly, Mr. Speaker.

Mr. Mathwin: Do you think the Minister is embarrassed?

The SPEAKER: Order!

Mr. MILLHOUSE: The only point that the Premier made except to say "No" (because his tactics were to say as little as possible in the hope that there would be as little publicised as possible for something that was embarrassing the Government) was that this would have led to industrial upheaval in South Australia, and that would not have been countenanced. He ignored altogether the point that the law is the law and should be upheld by the Government as well as by anyone else. At law, Mr. Dunford had failed; he had lost the action that was brought against him and he should, like any other citizen of this State, pay the penalty. Unless we are to observe the law (and the Government, above all else, should observe it) there will be chaos in the community. That cannot be denied. The Premier has said not one word about that matter, because he cannot deny it. I do not intend to reiterate the arguments I made: I simply refer again to the telling phrases in the *Australian* that this was an action that was politically unwise and morally unsound. The Premier, every member of his Government, and every member of his Party (whatever they may say and however vehemently they may deny it) knows that that is absolutely and utterly correct and that Mr. Dunford should be obliged to repay the money which he owes to the people of South Australia.

The House divided on the motion:

Ayes (22)—Messrs. Allen, Allison, Arnold, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (22)—Messrs. Abbott, Broomhill, Max Brown, Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Becker. No—Mrs. Byrne.

The SPEAKER: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Noes. The question therefore passes in the negative.

Motion thus negatived.

LISTENING DEVICES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

POLICE OFFENCES ACT AMENDMENT BILL

Mr. MILLHOUSE (Mitcham) obtained leave and introduced a Bill for an Act to amend the Police Offences Act, 1953-1974. Read a first time.

Mr. MILLHOUSE: I move:

That this Bill be now read a second time.

It was prepared for the last session of Parliament, but the Government made sure that it was not debated, no doubt because of its heavy legislative programme, so it has had to remain over the winter months for this new session of Parliament. The Bill concerns the matter of mixed nude bathing in South Australia, and my preparation of it arose out of an executive decision by the Government last February to allow mixed bathing of naked people at Maslin Beach. That decision was announced after much publicity, which showed that the practice of mixed naked bathing at Maslin Beach had been widespread for a considerable time. When I found this out from the reports and from what I was told by various people concerned, I said publicly that I intended to raise the matter in the House when it sat a few days later. My announcement was followed, within a couple of days, by the decision of the Government to which I have referred, and, although no doubt the Government tried to take the full credit for what happened, I have little doubt that it was my announcement that I intended to raise the matter in the House that led to some Government action. I believe the Government had been dithering over the matter for a long time.

The Hon. R. G. Payne: It's interesting where you get your information from.

Mr. MILLHOUSE: I get my information from all sorts of sources. Of course not everyone gave the Government credit for this. I have received several letters from people

who enjoy this form of pastime. I have a letter, dated February 12, from a lady, who comes from an eastern suburb in a Labor-held district. The member for Gilles may be interested in the letter, because it comes from a suburb in his district. The letter states:

Thank you for deciding to bring the issue of Maslin Beach to Parliament. It is high time something was decided about this sordid argument and bad publicity. The police are overworked, and it seems ludicrous that they must spend their time on hot sandy beaches, arresting people who are sunbathing and swimming! My husband and I love Maslin Beach. We go there whenever we can and, if everyone is running about in the nude, we can see nothing wrong, especially as there are no houses overlooking the cliff top, no roads anywhere and the beach is a dead end. Ideal for privacy.

All this unfortunate publicity arose because two weeks ago two people, from Queensland I believe, lay on the beach at the wrong end. Probably they were unaware that the unwritten law that has existed there for years decrees that they should have been at the south end. Now we have uproar when there are so many more important issues for people like yourself and the police to attend to. Freedom of choice is one of this country's greatest assets but, if this growing fashion is banned by law, I feel certain many will disobey it anyway, and the wrangle we have at present will persist.

Nude beaches and islands are common in Europe. With our climate it seems the obvious thing. Couldn't we have one, too? Although I would prefer things to remain as they have been at Maslins during the past few years, it seems inevitable that something has to be decided at Parliamentary level.

I stress that sentence. The letter continues:

Please give us a bit of beach. Just a few hundred metres out of all our coast line is not surely much to ask. We have never seen anyone behaving in an offensive manner. There is nothing going on at this beach that is any different to the others; people just wear less. The thought of going to gaol because one prefers to sunbathe or swim in the nude is surely farcical. Taxpayers money must be spent in better ways than this. I realise you will probably not see this letter, it will no doubt turn into a statistic. However, there is little else a housewife like myself can do except put pen to paper. Whatever happens, please help to clear this stupid business up once and for all; then we will all know where we stand.

There is a signature on the letter (to which I replied) and, perhaps because of the district in which the person lives, I received a letter of great surprise and pleasure that she had received an answer to her letter.

Mr. Harrison: What about sending a copy to the member for the district?

Mr. MILLHOUSE: It never occurred to me, but I shall be happy to seek the lady's permission to show it to her local member if that is what the member for Albert Park wants.

Mr. Harrison: I would like that.

Mr. MILLHOUSE: Good.

Mr. Keneally: Did you seek her permission to read the letter in Parliament?

Mr. MILLHOUSE: The honourable member is a long way behind the mark. I have already read portions of the letter before. I read it today only because of the interjections of the honourable Minister. I introduce this Bill for two reasons. First, I am in favour of setting aside areas for a purpose such as this. I do not believe that it should have been done by Executive act. I believe that such a far-reaching decision socially should be made only in Parliament. After all, Government members seem to have forgotten what are the functions of Parliament. They seem to think it is merely for their benefit, but it is not. One of the functions of Parliament is to act as a forum for debate on issues of controversy in the community (and there is no doubt, whichever side we may be on in this, that this was and is a matter of controversy in the community, and it should be decided here). I believe that a majority of members in this place (I cannot talk for the other place but probably there, too) would be in favour of this Bill. Immediately the Government's decision was announced, the then Leader of the Opposition criticised it and expressed his opposition to it. He has as much right as any other member to be heard and to voice his opposition, and no doubt the more conservative members of the Liberal Party feel the same as he does about it. They should have the opportunity to put the contrary point of view if they want. But the Government deliberately avoided that by the Executive action it took and by making certain that I did not get a chance to raise the matter by way of debate in this House during the last session.

The other reason for raising this matter in the House (and perhaps honourable members may think it a more substantial reason) is one which I gave publicly at the time, and it is that I do not believe that the Government has succeeded in making legal what was illegal before. That is not the role of government, and the Government has not been able to achieve that end by the arrangements it has made. When I said that publicly, the Premier, as is his wont, poured scorn on my view and said it was completely and utterly wrong. That does not worry me, of course; I am used to it, and I have got his measure. I was fortified a little later when I received a letter from Mr. James Crawford, a lecturer in law at the University of Adelaide, agreeing entirely with my view. Because it is in entire agreement with my point of view on this aspect, I should like to quote from a broadcast which Mr. Crawford made on the subject, which sums up all my arguments on this matter. The Minister of Mines and Energy will be interested in this, because he is friendly with the Crawford family, as I am. The broadcast was as follows:

The Maslin Beach Affair

Some weeks ago the State Government announced that nude bathing would henceforth be allowed on part of Maslin Beach, and, as everyone knows, there has been quite a lot of nude bathing, and a lot more nude watching, since then. But is nude bathing really legal? Mr. Millhouse thinks that it isn't: Mr. Dunstan thinks that it is. Until now, prosecutions for nakedness in public have been brought under section 23 of the Police Offences Act, which reads, in part:

> Any person who behaves in an indecent manner in a public place . . . shall be guilty of an offence. Penalty: one hundred dollars or three months imprisonment.

The Government has not changed section 23, and Maslin Beach is still a public place. So why is something that was recently illegal now legal? Mr. Dunstan has this to say:

> Nudity is not indecent in law. There is a law against indecent behaviour and indecent exposure, but what is indecent depends on the standards of the community.

Now, this means one of two things. The first possibility is that the judges who have been deciding that nudity was indecent in law have been wrong. But, if they are wrong then nudity is legal everywhere, not just at Maslin. Keep your clothes on—nudity is as legal as ever it was, in the absence of a judicial decision to the contrary. The second possibility is that the standards of the community make an exception for the south end of Maslin Beach. But what's so special about Maslin Beach? The point I'm making is that Governments can't just change the law simply by saying it's been changed. Chief Justice Coke pointed this out to James the First in 1610 when he said:

> The King by his proclamation cannot create any offence which was not an offence before, for then he may alter the law of the land by his proclamation in a high point . . .

And our own Chief Justice, Dr. Bray, said the same thing in a recent case under a different section of the Police Offences Act:

> No Minister of the Crown or Government official can dispense with the provisions of a penal law without statutory warrant . . .

Now Mr. Dunstan appears to be changing the law in a high point, or, in modern language, dispensing with the provisions of a penal law without statutory warrant. And in reply the Premier merely says that the offence depends on the standards of the community. This is true—the test for indecency is indecency according to the "sexual modesty of the average contemporary citizen", to quote Dr. Bray again. This decision is one for the judge or magistrate, and the standard is a general one. We don't have one standard for Kensington and another for Croydon. According to the law you must be clothed (however inadequately) in all areas—or, to put it another way, you've got to be adequately clothed in the important areas. Mr. Dunstan is not a judge or magistrate, and it's not his function to dictate community standards to judges and magistrates.

Well, what is the Maslin Beach residents association to do about this? Mr. Millhouse suggests a private prosecution, but I think that could be difficult. Imagine asking one of the sunbathers—or should I say the no-bathers—to give his or her name and address and to pose for photographic evidence. One would invite a riot. Even if a private prosecution succeeded, probably no penalty would be imposed, and the prosecutor would be left to pay his costs. The proper answer is an order for mandamus against the Attorney-General to enforce the law. That worked in Blackburn's Case in England in 1968, and I think it would work here. Personally, I'm in favour of nude bathing under controlled conditions—but if it's going to be done it should be done legally, and with proper safeguards. As it is, Mr. Dunstan's word isn't law—not, at least, unless he uses Parliament as his megaphone.

That sums up completely my second argument. At the moment there is at least grave doubt about the legality of nude bathing at Maslin Beach, up the river or any other place where the Government may proclaim areas and that situation should be corrected. It should be done by a decision of Parliament, because it is a matter of the social conscience of the community, and it should be done to make sure that the law is changed by the body charged with the responsibility for changing the law, that is, Parliament. Those are the reasons for introducing this Bill, which is simple and short. It would provide a new section 23a in the Police Offenders Act establishing a defence for a person bathing in the nude in the circumstances that exist now at Maslin Beach, and perhaps in other places, provided that area has been proclaimed by the Government. That is the effect of clause 2. I believe that this is an important matter that Parliament should decide upon, and it is for that reason that I have introduced the Bill. Of course, during the past few months or weeks the matter has not meant much, because not many people like bathing clad or unclad during the winter, although there are some hardy souls who do it. From now on, of course, when Parliament will be in recess, large groups will want to indulge in this practice. I believe that Parliament should make the decision, and I hope the decision will be to safeguard the people.

The Hon. R. G. PAYNE secured the adjournment of the debate.

MONARTO

Mr. DEAN BROWN (Davenport): I move:

That in view of the almost complete cessation of Commonwealth funds for Monarto, this House call on the State Government to hold a public inquiry immediately to completely reassess the future of Monarto and to determine how the resources of the Monarto Development Commission should be dispersed for the greater benefit of South Australia

I move this motion because of the events of the past 12 months as revealed in the House. About a year ago, I clearly laid before the House the requirements of Monarto. The first was to find a suitable site, and several times I mentioned the faults about the site that the Government had selected. I raised issues like the nearness of the river, the nearness of the rock face to the soil surface, and the susceptibility of the whole land area to wind erosion. They are all clearly documented in *Hansard*, in my Address in Reply speech about a year ago.

Mr. Gunn: A very good speech, too.

Mr. DEAN BROWN: It is interesting, because all the predictions that I made then have come true except the final one, which was that the ultimate reality of Monarto would be a granite bust of Don Dunstan looking over the bare plains of what was to be the town of Monarto, the town that never was. That is the only prediction I made that has not come true. I referred to the effect on the town of the down-turn in the growth of population, and the Borrie report has already confirmed it. I made predictions about how the Commonwealth Labor Government would almost stop the supply of funds for the project, and the Commonwealth Budget introduced recently clearly predicted that. The second requirement I indicated was that there neded to be sufficient people to develop the new town.

Initial reports by experts indicate that, for Monarto to become a viable civil centre in its own right, it needs at lease 150 000 to 200 000 people. I can show the Minister, who, we have found, invariably does not read reports, where those figures are quoted in his own reports. The Government has scaled down the whole Monarto project and now, at best, the predicted population by the year 2 000 is 50 000. My assessment is that no such figure will be reached by that year.

The third point that I raised as a necessary requirement for Monarto was in regard to employment opportunities in the town. The Government partly overcame that by saying that 2 500 public servants would be forced to move to Monarto. It is interesting to note that the Government has taken exactly the same policy as the then Minister of Education (Mr. Hudson) took concerning the residents of Burnside regarding water rates. On that occasion, when the water rates were increased by about 80 per cent, the Minister stated that, if the people could not afford to pay the water rates, they should move out of the district. I think that is typical of the Minister's attitude, with no concern whatever for the rights of the individual.

The Hon. Hugh Hudson: That's a great lie. You just can't stop yourself, can you?

Mr. DEAN BROWN: I ask the Minister to withdraw that remark. He has just claimed that I told a lie in the House. I have not done that, and I ask the Minister to withdraw.

The Hon. HUGH HUDSON: I withdraw "lie" and substitute "untruth".

Mr. DEAN BROWN: The Minister can live in his own fantasies, but the statement that he made is recorded and, despite the fact that he tries to live it down, it has been made. The Premier has adopted the same attitude in relation to public servants at Monarto. He stated that, if they did not wish to move to Monarto, they could leave the Public Service. That also is clearly recorded in the same way as the remark by the Minister of Mines and Energy about people who could not pay water rate accounts has been recorded. Another group affected by Monarto is the private sector. Mr. Hopgood, when he was Minister of Development and Mines—

The Hon. HUGH HUDSON: I rise on a point of order, Mr. Deputy Speaker. The member for Davenport persists in referring to members by name. He knows full well that Standing Orders require that members be referred to by the name of their district or by the position they hold.

The DEPUTY SPEAKER: I uphold the point of order.

Mr. DEAN BROWN: I accept that. The present Minister of Education, who formerly was the Minister of Development and Mines and had responsibility for Monarto (I think I can now refer to him as Mr. Hopgood), or the member for Mawson—

The Hon. Hugh Hudson: Keep within Standing Orders.

The DEPUTY SPEAKER: He should be referred to as the member for Mawson or the Minister, not Mr. Hopgood.

Mr. DEAN BROWN: All right. The Minister has spoken about how many private companies have sought information on Monarto. That is to be expected, even though they may not be supporting Monarto. Any company with a future in this State is obviously going to try to keep itself well informed on Government policy. I know of certain companies or people who have sought information, but they have clearly told me that they have no interest in the Monarto development and do not expect it to continue. The final point on the requirements for Monarto is the need for finance.

I have a copy of a letter that the Premier sent to the member for Murray, indicating that the State Government had requested from the Commonwealth Government $125 000 000 over the next five years. I also have a copy of a Monarto report that indicates that, in fact, $600 000 000 would be required by 1984-85. A special report in the *Australian* of September 15 is by a reporter who, doubtless, with the information supplied by the present Minister of Mines and Energy and Special Minister of State for Monarto and Redcliff, has estimated that at least $800 000 000 would be required for Monarto. He goes on to say:

It would be an optimistic Treasurer that could hope to hold the price in the current economic climate.

That indicates clearly that, on present estimates, for Monarto ever to have a population of 30 000 to 50 000, at least $1 000 000 000, as a conservative estimate, would be required. A wellknown developer, a person whom, I am sure, the Government would respect for his judgment, has estimated that the real figure for Monarto on present-day values would be between $2 000 000 000 and $3 000 000 000. That is the opinion of a man who has had much experience in that work. He has estimated that that sum would be required to get the projected population of Monarto by the year 2 000.

They are incredible figures to be talking about, when we turn to what the Australian Government has given for Monarto this year. The South Australian Government was expecting $9 200 000 from the Australian Government but, a week before the Commonwealth Budget was introduced, the Minister of Mines and Energy, being frightened about how much money would be given, decided that the State Government was not likely to get $9 200 000, and he expected the State to get half that amount. The Minister has continually denied making that statement.

The Hon. Hugh Hudson: I didn't say it.

Mr. DEAN BROWN: I can show the Minister a report that appeared in the *Advertiser*.

The Hon. Hugh Hudson: That makes it true, for sure!

Mr. DEAN BROWN: The *Advertiser* report contained the report from the Minister, and it seems we are going through the typical syndrome when, if anything appears in the *Advertiser* that the Government does not agree with, it claims the report was a misreport or totally incorrect.

The Hon. Hugh Hudson: It was based on the same answer to a Question on Notice, and you are misinterpreting it.

Mr. DEAN BROWN: It is interesting that the Minister should say that, because the report referred to appeared in the *Advertiser* before I asked that question. It was that statement in the press that prompted me to ask the question of the Minister. I will show the Minister the exact report. I do not have it at the moment. I will make sure it is included in *Hansard* during this debate. I know that the Minister has denied the existence of such a claim on his behalf before. When the Budget debate came around, we found the Australian Government had given $500 000 instead of the expected $9 200 000. That was a clear indication from the Australian Government that it no longer believed that Monarto should continue. One could ask why it decided to give $500 000. Obviously, it was to save the face of the State Labor Government, and for no other purpose. The Labor Party is hoping to dribble a small amount into the Monarto Development Commission until there is an Australian Liberal Government, because it knows an Australian Liberal Government would not continue to waste money on the commission, and it will then put the entire blame on the Australian Liberal Government for Monarto not proceeding. The sooner the people of the State realise the motives behind the Australian and State Governments, the better off they will be.

The whole future of Monarto is obviously in doubt. Despite continual allegations by the Dunstan Government that the Australian Labor Government has guaranteed funds for the future, no such guarantee has been given. I could document evidence in this House of claim after claim by the Premier and the then Minister of Mines and Energy that, in the near future, an agreement would be signed between the Australian Government and State Government guaranteeing finance for the future of Monarto. This is in a letter sent to the member for Murray, and it clearly indicates such high hopes by the Premier. The Government thought it would get agreement for future funds for Monarto, but no such agreement has been reached, and how can we set out a project that will require at least $1 000 000 000 when there is no guarantee of where the money is coming from? We all know that the State Government has no hope of contributing anything but a dribble of funds to that development.

This year our State resources are strained to the limit in providing $3 700 000. If the Australian Government did believe that Monarto would proceed in the future, but it could not supply funds this year, why has it not signed the so-called agreement that has been promised to this State by the Premier? Obviously it is against that Government's policy, even though it has not openly told Australia what its policy is. The question that the Minister needs to answer is, "How much money will be received from the Australian Government over the next five years?" No longer can we accept glib promises of how much it is likely to give: we need assurance of how much it will give. That is the grim picture in relation to Monarto. The only defence that the Government throws up in relation to Monarto is that it is in favour of decentralisation and we, as an Opposition, are against it.

I ask members to examine this decentralisation rebuttal of the Government, particularly of the Minister of Mines and Energy, because it is the only rebuttal he can come out with. The Government refers to its decentralisation policy at Redcliff and Monarto, and I was pleased to hear the Deputy Premier speaking about it when he opened an office in his district for the Motor Registration Division. It is incredible that the Deputy Premier equates the establishment of an office employing six people in his district in the metropolitan area in the same style of

decentralisation as that of Monarto. I think that shows the completely irrational attitude of the Government towards Monarto. Concerning decentralisation, the Government has not produced any decentralisation whatever at Redcliff. The Government has supported the Redcliff petro-chemical complex on the basis that it would create decentralisation, yet we have 3 000 hectares of land with no people living on that site or employed through the development of that complex. It seems that the Government's decentralisation policy in that respect has totally failed. The other main string to its decentralisation policy is Monarto and that will fail in exactly the same way. What is the point of proceeding with the project that will produce little or no benefit to the State and will bankrupt it on the way? Funds from the Australian Government are not grant funds but Loan funds, and the State Government will have to repay the principal and interest for funds for that development.

The other interesting feature of the report that appeared in the *Australian* is that it boasts that all planning and development in Monarto has been done very openly. Of course, this is not true. Many times over the past 12 months I have related to this House occasions where I have obtained copies of reports that have not been released to the public. The public has been kept ignorant of the real facts behind Monarto. I had to release the soil report, and had to bring out specific facts about costs. These reports have not been tabled in this House, nor have Opposition members or the public seen them. I understand (and I have not revealed this before) that there is yet another report that the Government has not admitted to: a report on the salinity of the soil of Monarto. I understand that a copy of this report went to the Premier's Department, and it was so embarrassed by the report that it immediately gave an instruction that all copies of it had to be called in and put under tight security. That is an interesting fact, and illustrates another classic occasion when the Government has not been open enough. It has always boasted of the open planning for Monarto. I again challenge the Minister to table in this House a copy of that report. I understand it indicated that large areas of the surface soil of Monarto suffered from major salinity problems, which would severely affect the stability of houses, and residents would be restricted in what they could grow in gardens, and the type of vegetation to be grown in the new proposed town would also be restricted. I have briefly outlined the case against Monarto. We have called for an open public inquiry, because it seems that the Government is either unwilling or unable to see the realisation of the entire project. It seems to be incapable of coming out and assessing the future of Monarto itself.

If the Government is incapable of doing its own task, unfortunately, we need a public inquiry to do this for the Government. It is in the interests of this State that I ask for this public inquiry. It is also in the interests of ensuring that this State is not faced with trying to develop Monarto and finding that it has a white elephant on its hands at the end of that expensive experience. I seek leave to continue my remarks, because I notice that there is a Bill before the House that deals with the Monarto Development Commission.

The Hon. Hugh Hudson: That's been introduced. Get on with the motion you've moved.

The DEPUTY SPEAKER: Order! The honourable member for Davenport has the floor.

Mr. DEAN BROWN: That Bill will allow debate on the future role of the Monarto Development Commission, and I had already discussed seeking leave with a Minister on the front bench.

The Hon. Hugh Hudson: Not with me.

Mr. DEAN BROWN: No. A Minister came over and asked me—

The DEPUTY SPEAKER: Order!

Mr. DEAN BROWN: I seek leave to continue my remarks.

The DEPUTY SPEAKER: That the honourable member have leave to continue?

The Hon. Hugh Hudson: No.

The DEPUTY SPEAKER: There being a dissentient voice, the honourable member for Davenport must continue.

Mr. DEAN BROWN: In that case, I will allow the Minister to adjourn the debate.

The DEPUTY SPEAKER: Order! I will decide that. The honourable member for Davenport.

Mr. DEAN BROWN: I will conclude my remarks by saying that I will discuss in more detail the exact role the commission should take, when the Bill dealing with it is before the House.

The Hon. HUGH HUDSON secured the adjournment of the debate.

SUCCESSION DUTIES

Mr. BOUNDY (Goyder): I move:

That in the opinion of this House the scale of succession duties on rural land should be reduced, so that the family farm is not destroyed by this tax.

I will refer, first, to an exercise conducted by Mr. N. J. Thomson, of the Adelaide University, regarding death duties on the South Australian woolgrower and will refer, in part, to his publication and to the historical background of succession duties. His publication states:

South Australia's first death duty was levied under the Probate and Succession Duties Act of 1876. The rate of duty was proportional and ranged from 1 per cent for bequests to close relatives to 10 per cent for bequests to strangers-in-blood. Moves by some members of the Opposition for progressive rates of duty were rejected on the ground that ". . . it could be seen that the rates are based upon those which now obtained and had for some years past in England . . . which were just in principle and moderate in amount".

We would all be delighted if the succession duties in this State were just in principle and moderate in amount, but we are not that lucky. Mr. Thomson's publication continues:

The Succession Duties Act of 1893 gave South Australia a progressive rate of tax a year ahead of England's first progressive tax.

It is this progressive tax that has created a juggernaut of exemptions and details throughout Australia, because all States have a progressive rate of succession duties. The publication the *Australian Taxpayer* contains 20 pages of exemptions and details regarding the administration of succession duties in this country. I think it would be agreed, from the 20 pages of detail included in the publication, that there is a need to simplify succession duties in this State. In the Liberal Movement policy speech, referring to the simplification of State taxes, my Leader (the member for Mitcham) said:

Right across the board, we are not satisfied with our present system of State taxation. It has become most complex and needs simplification.

The 20 pages of detail relating to our succession duties amply demonstrate that need. Our progressive rate of taxation is further aggravated by the inflation which we

have in our economy at present and which has been induced by this Government and its Federal overlords. Inflation has made a mockery of the whole concept of a just and equitable tax for successions. All sections of the community are hit by the inflationary pressures on succession duties. Perhaps the worst situation is that which applies to a surviving pensioner widower taxed on a jointly owned house. He is entitled to only a $6 000 exemption, so hardship falls extremely heavily on such a succession. It is L.M. policy to abolish succession duties altogether on the matrimonial house.

My concern in my motion is with succession duties as they apply to rural land and affect the continued viability of the family farm. Again, L.M. policy is illuminating. We say that we shall, as soon as finances permit, reduce succession duties on rural land so that the family farm is not destroyed by this tax.

The Hon. J. D. Corcoran: When would that be?

Mr. BOUNDY: Fairly soon. That is our policy, and it should also be this Government's policy. It is interesting to note the relationship between duty and taxing. I refer to Mr. Thomson's report at page 11, where he refers to the incidence of succession duties on South Australian primary producers. He states:

The Commissioner of Taxation provides statistics which show by States the proportion of estate duty paid by each of 12 classes of industry including primary producers and retired persons. Table 1 shows that for the seven-year period covered by this survey the estates of primary producers made up roughly one-half the Commonwealth estate duty collected in South Australia. The vulnerability of the farm sector to this form of capital taxation can therefore clearly be seen especially when it is realised that this same sector represented only six per cent of the income tax population and pays six per cent of all income tax.

I seek leave to continue my remarks.

Leave granted; debated adjourned.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (SECRET BALLOTS)

Adjourned debate on second reading.

(Continued from August 20. Page 375.)

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I oppose the Bill. I have opposed this proposal whenever it has arisen in the four years I have been in the House. The Bill, which is rather cunningly designed, has the semblance of wanting to eat right into the heart of unions or take control away from the trade union movement. The concept of the Bill is not new. Senator Hall (when he was a member of this place) introduced a similar Bill in 1971. We are also aware that, in 1928-29, a similar provision was included by the Commonwealth Parliament in the Commonwealth conciliation and arbitration legislation. It is true that, although the Bill has some peculiarities of its own, it is not new, since it is based on previous legislation and on the Bill which was introduced by Senator Hall and which was defeated in this place.

The Commonwealth legislation had a short life, lasting only two years (I hope this Bill will have a short life, too, and that it will be defeated), because it was proved beyond doubt that it would not work. It provided that any 10 members of a registered trade union could demand a secret ballot. In reality, that concept was not new in 1928, because many organisations had similar rules. I was proud to represent the Australian Workers Union, which had this provision, but five members, not 10, could demand a secret ballot. However, there was a difference between Commonwealth legislation and the control the A.W.U. rules offered to its members. I have expressed the view (and will continue to do so) that I have no strict opposition to a union controlling its own affairs and, if it desires, using the secret ballot provision.

In almost every organisation with which I am familiar in South Australia and, for that matter, in Australia, that situation applies. Union members have the right to determine the manner in which they will vote. No organisation will surrender that right (nor should it) to the courts of the land. I am sure the business administrations of John Martin and Company Limited, Myer S.A. Stores Limited, Broken Hill Proprietary Company Limited, or any other large company would not surrender their right to decide how to determine a matter at board level; I would not expect them to surrender that right. The member for Glenelg has the impudence to suggest that that right should be taken away from trade unions and given to the courts. That is what the Bill seeks to do.

The 1929 Commonwealth conciliation and arbitration provisions were kept on the Commonwealth Statute Book for only two years, because it was impracticable legislation and trade unions in this country resisted it strongly. During the 1929 timber strike 15 000 unionists were on strike. In accordance with the Commonwealth conciliation and arbitration provisions, which enabled 10 members of the union to decide whether or not there should be a secret ballot, the court called for a ballot and posted out about 15 000 ballot-papers to union members. Of the 15 000 potential voters, only 6 093 returned their ballot-papers (a third of the union members voted in that ballot). So much for controlled ballots; there was not even a consensus.

The result of the ballot was that 4 500 of the 6 093 union members decided to stay on strike. Is that not conclusive evidence that the system does not work? It is evidence on two grounds. First, the courts' having control does not encourage union members to participate in secret ballots, and, secondly, it certainly does not induce them to vote to return to work. The result of that secret ballot was so drastic that the Commonwealth legislation was repealed in 1930, because it was of no use. The member for Glenelg year after year introduces a similar measure providing for secret ballots in South Australia. I am convinced that I and other members on this side of the House have submitted sufficient evidence from people well informed about the trade union movement and its activities to convince the member for Glenelg that he should stop introducing this type of measure.

It is my view that, on this occasion, the Bill goes even further and attempts to allow the membership of an organisation to determine whether or not a secret ballot should be held before a strike is conducted. I believe that because of the way in which this Bill is framed (and my advisers believe this, too) any association to be affected by a strike could call for a secret ballot. In 1974, milk processers were on strike in South Australia for about three weeks. If this Bill had been law at that time any farmers' association, business requiring milk for production, or the Mothers and Babies Health Association could have interfered and called for a secret ballot to determine whether the strike should continue. Surely that is not a fair proposition.

Surely matters to be determined by the trade union movement or any other organisation should be determined by its membership and not by an outside body, as the member for Glenelg would provide. Even worse, any other union could interfere and ask the court to conduct a secret ballot. I can visualise the sort of difficulty that could occur. We could have all sorts of demarcation

disputes between unions; unions would be fighting amongst themselves and causing all sorts of strikes and troubles in industry. If that is conducive to good industrial relations, I know nothing about industrial relations. It is the inherent right of an organisation to conduct its own affairs and not to be told what to do by the courts or by organisations of any kind.

In the research I have been able to conduct of the effects of this provision on industry and the trade unions, to my knowledge the only reliable source on this matter is the Donovan report that was produced as a result of a Royal Commission which was chaired by Lord Donovan and which heard evidence in England between 1965 and 1968. The Donovan Commission was charged by the Government of the day to investigate three facets relating to union activities, the conduct of unions, and strikes and votes in those organisations. This document states:

(*a*) There was a basic belief that workers are less militant than their leaders.

(*b*) Thus they would often vote against a strike or a secret ballot.

(*c*) The U.K. Royal Commission saw no evidence to support this belief.

1. They stated that experience in the United States of America and Canada is that strike ballots usually go in favour of strike action.

2. Another objection to ballots was that once a vote has been taken in favour of a strike the resultant restriction on union leaders' freedom of action may delay settlement.

Let us examine that point, because it is one of the most important considerations in settling a dispute. If the union leaders have not the right to negotiate and keep negotiating, I believe that the settlement will be delayed. If a question was sent out by the court today to 5 000 or 15 000 members—it does not matter how many—asking, "Do you wish to return to work or stay on strike?", or whatever the question may be, and union members posted their ballot-papers back to the court, it might be that before the replies reached the court, union officials, who were negotiating on their behalf, had been able to negotiate a settlement. In what sort of situation does that leave the union, the court, and the members at that stage, because the result could well have been "No, we do not wish to return to work"? The union leaders could have been sitting on a compromised negotiation which, if they were given the opportunity to put it to the members, could well have been accepted with their recommendations.

This Bill is so much hogwash it is hardly worth debating, but it is necessary that we explain these things every time such a Bill comes before this House, because Opposition members learn hard. They want to interfere continually in matters about which they know nothing. They have no understanding of how the trade union movement works, but want to use their position to interfere continually. I do not see any Opposition or Government members wanting to control the way the ballots are conducted in the B.H.P. boardroom.

Mr. Chapman: But your side wants worker participation.

The Hon. J. D. WRIGHT: Worker participation is to do with giving an equal share and say; it is not to do with taking control of the boardroom situation. I refer again to the Donovan Royal Commission's decisions. Two decisions were made, first, that union leaders should bear the responsibility of when to call a strike and when to call it off. They are not my words, although I support them wholeheartedly. They are the words of a Royal Commission, and that is the only Commission that anyone can point to in English-speaking countries, at any rate, that undertook an investigation and made decisions. No-one can say that any such report has decided in favour of secret ballots; this report of the Commission certainly (and clearly) is the reverse. The second decision of the Commission, and this is the one that I have been labouring for a long time, was that the decision whether to have a ballot, and the method thereof, should rest with unions. That is a fair proposition, and surely it is the right of the organisation itself to determine how that ballot is going to be conducted.

Mr. Allison: Was that decision made by secret ballot?

The Hon. J. D. WRIGHT: I do not see that that makes any difference. I have heard Opposition members make all sorts of wild accusations about stand-over tactics at union meetings, and how people are frightened to put their hand up and frightened to move about. I have never seen it, and I know of no such example where it has occurred. The member for Mount Gambier wanted the position to which he referred determined by secret ballot. This is getting back to the crux of what his Party believes in, that the secret ballot must determine all aspects. I explained, if he had been listening, that 95 per cent of unions hold the right that, if so many members call for a secret ballot, they are entitled to have it. In my own organisation the relevant number of members is five. I have seen ballots called for many times and they have been carried out. That is where the responsibility should lie; it should not lie with the court, which has no right to determine the affairs of organisations. What happened in England, even after this report was issued, is interesting. In 1970, even after having had the advantage of the Donovan report, the English Government decided that the Minister should have the final and only say in whether or not ballots ought to be conducted secretly by organisations.

Mr. Coumbe: Who was he?

The Hon. J. D. WRIGHT: I do not know his name, but he was the Minister at the time. He could order that a secret ballot be held. The Bill was passed by the Government of the day, but it was never used. The important thing to which the member for Glenelg should pay attention is that the Bill has since been repealed.

Mr. Mathwin: It was repealed by Wilson because it was a Tory Bill.

The Hon. J. D. WRIGHT: The Bill was never operative. We have examples in this country and in England where legislation was attempted but was found to be inoperative, impracticable and not in the best interests of the union members or the country itself. For those reasons it was decided that this legislation should be repealed. Now, the member for Glenelg is trying to introduce legislation which was tried in this country 45 years ago but which was repealed. Similar legislation was repealed in England because of its impracticability. This Bill is a backward step that I cannot support, and I am sure no democratic Party would support it, because the Bill takes the control of the affairs of trade unions away from the unions and places them in a court. For those reasons I strongly oppose the Bill. I want to make clear that I am not opposed to unions organising and controlling their own affairs, and if those affairs are such that they require, by a determination of their members, to hold a secret ballot that is their unequivocal right, and not the right of anyone else.

Mr. CHAPMAN (Alexandra): I support the Bill and refer to new section 152a (1), which provides:

Subject to subsection (3) of this section, where the court is satisfied—

(*a*) that a strike is likely to take place and that the members of an association or a section of the members of an association will participate in that strike;

It does not refer to situations in which a strike may occur or has occurred, but to circumstances in which a court is satisfied that a strike will take place. When an industrial situation reaches that stage, it is essential to have an autonomous and unbiased body to determine whether that industrial disruption should continue or be stopped. I support the principle of inherent rights belonging not only to trade unions but also to every sector of the community. I suggest that the Minister is inconsistent, because a day or two ago he openly supported worker participation on the other side of the industrial line. He suggested that the rights of employers and directors of companies would be eroded, because the Government's intention involves decision-making being shared not only by the owners of the company but also by the workers on the assembly line. If it is good enough for employers and employees to be involved in participation in management, surely it is reasonable in preserving the inherent right of the individual unionist that decision-making by the unions (particularly union officials) should be shared by the union members. We on this side of the House wish to protect that right. The Minister referred today to several cases in which, when given that opportunity, union members have voted in a way that demonstrated a firmer desire to continue on strike. He cited examples of situations in which secret balloting could not work.

I would like to cite an example of a group of unionists trying, through the machinery of their organisation (in fact the Minister's own organisation, the Australian Workers Union), to demonstrate their desires. Their so-called rights were cruelly denied to them. Members will recall the Dunford and Woolley case on Kangaroo Island. Not only was the secretary of the A.W.U. involved, not only were the union and the farmer involved, but the whole damn community was involved: union workers, farmers, employers, the lot! In that case, a union demonstrated through its secretary its desire in relation to industrial practice, union membership and the crippling of a whole community, but it did not have the support of its own union members. I cite this example to point out a classic example of dictatorship by union authority that bore no reflection of the union members' desires and gave those union members no opportunity to voice their opinions. At that time financial members of 14 unions resided and worked on Kangaroo Island. In order to demonstrate their point of view, 85 of those union members signed a document objecting to the dictatorial attitude to which I have referred. The document reads as follows:

We, the undersigned workers are employed on Kangaroo Island. We are financial members of various worker unions. We express a vote of no confidence in the senior executive members of the Australian Workers Union, in particular the general secretary, Mr. J. Dunford, for his irresponsible and unreasonable stand, in refusing to accept the judgments handed down in the Woolley case. Also in the senior executive officers of the Trades and Labor Council for their recent action in placing a ban on the transport of farmers' goods to and from the island.

The signing of that document was witnessed by persons prepared to acknowledge the *bona fides* of the unionists. A group of people clearly indicated that they were involved in an industrial dispute through no fault of their own and without an opportunity to organise a meeting or a ballot. Along with the residents of the island, they were black banned and denied rights of the type incorporated in this Bill.

I suppose that every piece of legislation contains immediately desirable and undesirable features. If we study a Bill long enough we will find some aspect of it that will not suit one section of the community. I am the first to admit and accept the examples put forward where secret balloting of the type intended by the member for Glenelg will break down. I admit that if we search for long enough we can find those break-downs, but for the general purpose of giving every individual in the community a fair and reasonable voice of his intent I believe this Bill has much merit. The Bill provides for a court to proceed in a responsible and reasonable way when it is satisfied that an industrial strike is pending, not necessarily for the protection of the employer or the nation's industrial output, but more particularly in the preservation of the rights of the individual unionist.

I believe support for the provisions of the Bill has been demonstrated. Letters have been written to the newspapers about secret ballots. The letters have not been written necessarily by radical employers, or radical employees; they have been from thinking unionists who desire a secret ballot system to be incorporated within the practice of unions. They want a secret ballot system available to them readily, not one they are too frightened to use; they want the protection of legislation. The Minister said that, during the period he was an A.W.U. secretary and employee, he had not known of a situation in which employees were too frightened to exercise their rights and call for a secret ballot. I did not cross the path of the Minister often during that period but I was, and still am, involved in an industry closely associated with the workers he represented. During that period of 24 or 25 years I have not been involved personally in the type of meetings to which the Minister referred, but I have attended a few meetings and I have certainly discussed the subject with many union members who have been directly involved. I know from those experiences that many times members of the Australian Workers Union have desired to have their voice heard but have been too damned frightened to do so. A real example of this fear was demonstrated to me when the petition to which I have referred was being circulated, because, whilst the persons signing the document believed and supported the paragraph at the head of it, several of them said that they probably would be in trouble for giving their opinion and for signing the document, but they said that it was firmly what they believed and, therefore, they would sign it. I understand that a few people who were approached to sign this document refused to do so because of the fears held. I repeat that several who did sign it clearly voiced their fears about having done so.

I will not go into detail about the proposal in the Bill, because the member for Glenelg has explained that. However, I have much pleasure in supporting the principle of cultivating a situation in industry in this State whereby, when a strike is pending or is on, in order to get a true and fair opinion of the work force there should be legislation to provide for a secret ballot within that industrial organisation. Such a ballot should be clearly and readily available to the ordinary unionist.

It is necessary that no embarrassment be caused to the men or women concerned, and they should not be put in a position where they may be caused embarrassment or may be fearful of some stand-over member who may be at the meeting or in the team of unionists. The people concerned must be freely satisfied that they have the right to voice an opinion through the secret ballot system. I support the Bill and call on members opposite who have had industrial experience on this occasion to consider the man in the street, the unionist, who may not have been directly denied but, who, as we know, may be fearful of standing up and being counted.

Mr. McRAE (Playford): I oppose the Bill. I congratulate the member for Glenelg on the way in which he has addressed himself to this matter. On this occasion he has adopted a calm approach, and the member for Alexandra also has done that in this session. However, both members are dismally wrong, as the Minister has pointed out. Some challenges have been made. First, the member for Alexandra said that there was a growing public demand for a Bill such as this. I believe that that is true. I see it reflected in the newspaper, but it is an unwise demand, and that can be demonstrated simply.

Another point was that there was a fear by some unionists about standing up and being counted. I have never been a union official. The members on this side who will follow me in the debate have been. However, I have been closely connected with a wide range of unions throughout the nation. I have been at many rowdy meetings, deciding many questions and trying to advise officials. I cannot honestly recall one meeting at which the suggestion was that a group of workers was frightened to put its views. In fact, the position was the contrary. The problem for the union officials was to keep the meeting under control. It was not as though people were there like people under a Soviet regime, frightend to stand up and talk: they were trying to grab the microphone.

Mr. Chapman: Have you ever been to a shearers' meeting?

Mr. McRAE: It is private members' day, and we try to give everyone an opportunity. My experience has been as I have said, and in this country there are few exceptions to that pattern. We have had the opposite experience about once every 20 years in the whole nation, when one particularly bad incident has occurred. Such incidents generally will be criminal incidents, such as the painters and dockers dispute in Melbourne. In 99 cases out of 100 it is not that members are frightened to stand up and be counted: so many want to stand up and be counted that it is almost impossible for the executive to cope with the situation.

In answer to the people who, with every good intention, write to newspapers saying that the way out is to have a secret ballot, I will quickly analyse the causes of strikes, because, if the intention of the Bill is to regulate strikes, we ought to know why we have them. I will admit that the statistics are not reliable, but about 50 per cent of strikes in Australia are in regard to wages. About 30 per cent are in-plant disputes, on-the-spot disputes, not disputes throughout the industry. These strikes concern working arrangements, rules, and discipline. Another 15 per cent of the strikes are concerned with redundancy, dismissal, suspension, and the like.

If people see the ballot as being a resolution of this problem, and even if we accept that it has some practicality (and I will show that it has not, and I will support the Minister), those people ought to bear in mind that at present at least 50 per cent of our strikes are not industry-wide strikes but are coming from in-plant strikes in relation to matters other than industry-wide claims. That has been the experience right throughout the industrial world. We know that in this State one of the most difficult industries has been the motor industry and, as General Motors-Holden's plant is in my district, I have often wondered why that organisation seems to be so plagued with difficulties, because most of the letters to which one honourable member has referred come from opponents of one side or the other involved in the dispute at G.M.H. at Elizabeth. What is the reason for the troubles in the motor industry in South Australia? Can we put up anything logical?

The first thing put up is that it is the fault of the shop stewards: that it is a vindictive plot on the part of shop stewards to insinuate a political attitude into what is the industrial situation. In some cases that may be true, but that is a rare situation. The overwhelming situation I have found is that, whether I agree with a certain shop steward or not, I have found that they are industrially motivated and not politically motivated, and I wholly disagree with the kinds of sentiment Opposition members have expressed so often by wanting to put a label on every shop steward that he is some kind of political activist, usually acting to the terror of his fellow workmates or under the control of a foreign power. That is so much nonsense.

I suggest that there are some practical reasons at which we must look in the motor industry. First, I think that the nature and the repetitiveness of work induces feelings of frustration and boredom in people, and people who are frustrated and bored can easily make a mountain out of a molehill. I think research ought to be undertaken in this area. Secondly, a great amount of ill will has built up between the various shop stewards, union officials and companies that goes in an ever-declining circle, so that every time we involve ourselves in one of these situations it gets worse, not better. In the motor industry, where have we had the greatest amount of time lost? I suggest that recent experience has shown it is in these areas of suspensions, dismissals, on-the-spot disputes, but not in industry-wide matters. I think also that the circumstances of modern life are such that the ordinary workman is now willing to stand up and fight for his rights in a way in which he has never done before and to an extent which he has never done before, particularly at is affects his livelihood, and the weapon the boss once had of the sack, of getting rid of him, has been removed by reinstatement procedures, and I hope that that will be removed by the decision of the High Court in relation to Commonwealth awards.

Having first talked about the nature of strikes and having tried to demonstrate that more than half the strikes we have are not planned co-ordinated strikes but are on-the-spot strikes, having dealt with those issues, and having then gone on to talk about the motor industry and to scrub, I hope, the sort of idea that has been insinuated through the place that all shop stewards are some kind of political machine motivated by foreign powers or something similar, I will go on specifically to demonstrate that the Bill would have the opposite effect to what the honourable member wants, even though I am sure that he has introduced it in good faith. I support the Minister in this matter and, therefore, I will not repeat what he has said, but I will give one or two extra examples that may back up what he has said.

First, I could not agree more with the Minister when he said that this belief in the community (and there appears to be a belief) that, if there is a ballot, it seems more likely that the result would be no strike than that there would be a strike, is totally wrong, because wherever we have had the opportunity to have a statistical analysis of the situation we have found that the opposite has been the result. That, I think, is further proof of the point I have made that, except in rare instances in Australia, the ordinary member is not being stepped on in any way. Legislation similar to the Bill exists in some Canadian Provinces, and the usual result in ballots that have taken place in those Provinces has been to strike rather than not to strike. That facile argument must go.

The other important matter is that, just as the Minister said, once we put this law into effect we reach the situation that the member for Glenelg does not want to reach. He

says, "Let's arbitrate, conciliate; let's get rid of it." Only as a last resort am I in favour of strikes. If we introduce this legislation, the very people he is urging to conciliate and negotiate and to get on with the job are frustrated, because at every turn of the wheel as offers come and go they must go through the machinery of getting ballots out and back, counted and checked. In all honesty, I do not see how the system could work. The only other point I will make is that the Minister said (and I agree with him) that, in the case of an organisation that wishes to conduct its affairs in this way, it is up to the organisation. I need say no more. In Australia, and particularly in South Australia, our system needs further examination in the relationship between in-plant disputes and industry-wide disputes, because this is where the breakdown seems to be occurring.

I suggest to the Minister publicly that we ask the Commonwealth Government to vest our State Industrial Commission and Commissioners with Commonwealth jurisdiction so that, instead of the dispute going on for days until we can get a Commissioner in from another State, we have one of our own men who are deputed with industrial jurisdiction and send him out on the spot. I think that the case against the Bill, no matter what the good intentions are, is indisputable, and I hope those people in the community who write these letters will grasp the message that the very course they propose is the thing that will prolong and aggravate rather than lessen strikes. I oppose the Bill.

Mr. WELLS (Florey): I oppose the Bill. I have said previously when similar legislation has come before the House that it represents an unwarranted interference in the affairs of the trade union movement. I know of no union constitution that does not contain the right for a gathering of members to ask for a secret ballot on any issue. That was recently highlighted during a dispute involving meat workers who were on strike. A secret ballot was taken on whether they should return to work, and the result was an extension of the dispute. There is one organisation whose members exercised their right of secret ballot. There will always be a minority of trade union members perhaps opposed to strike action because of their make-up. Unfortunately, some trade unionists are willing to accept situations and conditions that are not acceptable to the majority of members. In the main, these members ask, through the medium of newspaper columns (and their articles are generally unsigned), for secret ballots to be conducted by unions in the hope (a hope shared by other members of the community who are diametrically opposed to the existence of trade unions) that somehow or other a secret ballot will weaken the power of unions and precipitate a return to work.

I ask the members for Glenelg and Alexandra, and other members opposite who support this Bill, what would be their position if a union was to conduct a secret ballot, and union members, having had the situation explained to them by union officials, voted by a majority to go on strike. If a secret ballot was held under the provisions of this Bill, what action would the member for Glenelg and other members opposite take? If the secret ballot supported strike action, would they say, "What we require has been carried out. A majority of members has supported strike action; they must be right, and we will support them"? I bet they would not say that. Even if the unions decided to go on strike or not to go on strike after holding a secret ballot, I am sure they would be opposed to the strike. That question should be answered. I want to stress on members opposite because, apart from the former Liberal Minister of Labour and Industry (who I acknowledge has some knowledge of the affairs of trade unions), they are grossly ignorant about the conduct of trade union affairs.

Mr. BECKER: On a point of order, Mr. Speaker. The member for Florey has said that members on this side are ignorant about the affairs of the trade union movement. I take exception to that remark and ask that it be withdrawn. I spent eight years as a member of an association, five years of which time was as President, and I am not ignorant of trade union affairs.

Mr. SPEAKER: There is no point of order. The honourable member for Florey.

Mr. WELLS: With few exceptions, members opposite are grossly ignorant of trade union affairs.

Mr. Venning: I am a member of the Farmers' Union.

Mr. WELLS: And the honourable member gets a good dividend from it. Are members opposite aware that the constitutions of trade unions almost invariably vest in the executive or management committee (who are democratically elected by secret ballot) the power to control union affairs between scheduled stop-work meetings of the union. When a dispute is evident or even possible, the executive or management committee studies the situation and does what it can to avoid any strike action, which, after all, is the last card in the pack for trade union leaders. These people are not fools; they realise that unnecessary action never puts butter on a union member's bread. When the welfare of their members is involved, they have enough courage to recommend strike action. At present, union votes are taken by a show of hands.

I resent the implication from members opposite whom I have heard speak on this subject that some unionists have not got sufficient moral courage to put up their hands and vote against a recommendation, because they fear stand-over tactics will be used against them. That is so much tripe! If a trade union member does not have the moral courage to put up his hand and vote for or against a measure according to his wishes, his conscience or his assessment of the best interests of his union, he has, in my view, no guts, and I have no time for a person of that kind. If a man is opposed to strike action he will vote against it; that is and has been my experience for many years. If a majority of members votes in favour of a resolution, that unionist should have principle enough to fall behind the majority decision of his workmates.

I maintain that the member for Alexandra is obsessed with hatred of the Australian Workers Union; he hates everything to do with that organisation, and I believe his hatred is brought about by self-interest. He spoke about the Kangaroo Island situation. At the time of that dispute I was President of the United Trades and Labor Council and was sent to Kangaroo Island to attempt to reach an amicable agreement with the islanders. I believe I was successful.

When we landed on Kangaroo Island we were escorted by police to the meeting room. I could not understand that action, because the people of Kangaroo Island are fine people. I have been to the island many times. We heard that the people intended to stop me and my committee from landing on the island, by driving motor vehicles on to the airstrip and placing 44-gallon drums there, too, so that the plane could not land. Those people were irate at that time, but it turned out that it was only talk and we landed safely. I met some fine people on the island, and we had a good conference.

The member for Alexandra said that duress was used on union members to vote one way or the other. He said that duress was used on Kangaroo Island shearers to stop

work and that 85 people signed a document about the dispute. He made great play about union stand-over men insisting that Kangaroo Island workers fall into line. It was the member for Alexandra who was the stand-over man. He went to trade unionists, placed a document before them and said, "Sign this." It stated that they had no confidence in the Trades and Labor Council officers (and I am an officer) and that they had no confidence in their trade union leaders. Some of them signed the document but others said that they would not sign it. The stand-over tactics then became evident because the member for Alexandra told the men that they lived in a tight community on Kangaroo Island, and if they did not sign the document their names would be published in the next edition of the local newspaper as having been opposed to the people of Kangaroo Island in their objections to the union activities on the island. He now has the unmitigated gall to talk of stand-over men. He is the biggest stand-over man ever to set foot off Kangaroo Island. It is a disgrace to think that such a person has the temerity to stand in this House and condemn trade union members as being stand-over men. It was an absolute disgrace, and that is what inspired me to enter this debate today. Much has been said about the absolute necessity to have secret ballots, but they are impracticable. I cite an example of a union with 20 000 members throughout South Australia. If a dispute arose wherein the member for Glenelg would say that a secret ballot was necessary, an appropriate ballot slip would have to be printed, the slips would have to be posted to members, replies would have to come back and the ballot would have to be counted.

Mr. Harrison: It takes about six weeks.

Mr. WELLS: The honourable member would know. What happens in the interim? Are the men required to continue working under obnoxious conditions? What if a safety issue arises? I have had the privilege of leading many stoppages about safety matters as a member of the Waterside Workers Federation. What would the honourable member require me to do if, as an officer of the Waterside Workers Federation, I went on to a ship and saw a brow of bags of wheat which was obviously unsafe and needed lashing, and 30 men were working under that brow, which might be 30ft. above? Because they wanted to get the ship out on the next tide the officers of the ship and the stevedores would say that it was not unsafe. In the interests of the men whose lives were at stake, the union officer would call the men out until the unsafe brow was tommed and lashed. Is that union officer wrong? Should he have told the men to stay there until a secret ballot was held even though they might get killed in the meantime? That is too ludicrous for words. What about the situation when men are working with 10-ton or 12-ton lifts and a runner frays? A runner is often declared unsafe, and the ship's mate may ask the men to keep working until the lunch break when the runner will be repaired. In the interim the lives of the men below are at stake. Is it wrong to walk the men off, or should I ask for a secret ballot?

Mr. Allison: No, move an amendment.

Mr. WELLS: Rubbish! Certain situations require certain action, and the strike weapon is used in that respect. No secret ballot could improve it at any stage of the proceedings. The problem is still there, the possibility of danger is still there, and the men must be protected. If legislation were enacted to provide for secret ballots, there would be more industrial unrest in this State than there has ever been, because the rank and file (the people whom the member for Alexandra so despises) would not tolerate being told they could not strike until they had had a secret ballot. So members opposite know what they would say. They would tell the union leaders to go to blazes, they were going on strike, and that was that. What do members opposite want to do: put them all in gaol; put the leaders in gaol?

Mr. Venning: That's a different situation.

Mr. WELLS: It would occur 99 times out of 100, but most members opposite are so imbued with their dislike, if not hatred (but at any rate distrust) of trade unions, that they would embark on any measure to shackle the trade union movement as far as they possibly could. It must be realised that the day of the uneducated worker has gone. The workers know their rights today, they are an educated group of people, and they make sure they get their rights. The secret ballot and a return to penalties, which would follow this Bill, would never be tolerated. I suggest that members opposite should join with members on this side to defeat this Bill, which I oppose.

Mr. ABBOTT (Spence): I oppose the Bill, for two reasons. First, most trade union rules already contain a secret ballot provision, and secondly, and possibly most importantly, the trade union movement generally is absolutely sick and tired of being told repeatedly by conservative elements in this State and by certain organisations and individuals, who are completely opposed to the trade union movement and unionism generally, how to conduct their affairs. When the member for Glenelg spoke to this Bill, he thanked his colleagues and his Party for their support in his endeavours to seek protection for the rank and file members of the trade union movement. He also said the Bill did not override any provisions of the Industrial Code and that it did not contain provisions for compulsory voting. The protection the honourable member seeks already exists in the registered rules of most trade unions. There is no compulsion to vote at the moment; it is done on a voluntary basis.

The member for Glenelg referred to many trade union rule books, some of which he had in front of him. He referred specifically to the rule book of the Vehicle Builders Employees Federation of Australia. I have been involved with that union and rule book for many years, and obviously the honourable member is not able to understand it properly. Rule 31 of the rule book of the Vehicle Builders Employees Federation of Australia, including the Federation and State rules of the South Australian branch, provides:

> Any member shall have the right to demand a ballot on any question before the chair or meeting provided that it be demanded before the question is put to the vote.

We go further: this is not only on strike action, but the rule specifically states that it applies to any question. That is how democratic we are, and that rule has been used often at our ordinary branch meetings and also at mass meetings and factory-gate meetings. The Storemen and Packers Union has been claimed to be a militant union in South Australia, and I have with me the rule book of that union. Rule 9, dealing with voting, Federal Conference and Federal Council, provides:

> On all questions brought before the Federal Conference the votes shall be taken by a show of hands. Any member may demand a secret ballot of members present, and two-thirds of the members present may demand a secret ballot of the whole of the membership of the union.

Rule 10 deals with the appointment and duties of the returning officer in the election of officers, and it also provides for the election of officers by secret ballot. Rule 29 deals with secret ballots on Federal Council decisions, and part of that rule states:

Branches may demand that any resolution, decision or direction of Federal Conference or Federal Council shall be submitted to members by ballot to ascertain the views of members on the resolution, decision or direction.

There are many other union rules. The Shop Distributive and Allied Employees Association has been mentioned, and the member for Florey has mentioned the stop-work meeting of butchers about a week ago that decided to continue strike action. It was reported in the *News* of September 11 that many of the workers on strike at Rainsford Metal Products, Lonsdale, had called for a secret ballot, and the official of the Amalgamated Metal Workers Union stated that his organisation could conduct a secret ballot in the next week and that the matter was purely up to the members.

I see this Bill as providing just another penal provision, carrying a penalty of $200 for trade unions that do not observe the legislation. For the benefit of members opposite, I point out that the trade union movement has firm principles about the right to strike and the penal provisions. The penal clauses in the arbitration system in this country have been strenuously opposed by the Australian trade union movement since its inception, on the basis that those clauses are a direct attack on the fundamental rights of workers' organisations to use industrial strength in support of legitimate claims. The other matter to which I wish to refer is that I, as the President of the United Trades and Labour Council of South Australia, had no idea that the trade union movement was hated so much by the Opposition in this Parliament.

Mr. Venning: That's not true.

Mr. ABBOTT: During my short time in this Parliament, I have been staggered and appalled by the consistent attacks being levelled at the trade union movement and at the slurs directed towards democratically elected officials. In almost every speech made by members opposite, opportunity is taken to have a chop at the trade unions, yet some members have told me that they know nothing about the trade union movement. Several have told me that they would like to talk to me and learn a little more about it, because they did not understand its workings.

In my opinion, what has been done has amounted to union bashing. In Australia the trade union has developed into a recognised national institution. It has established its place as one of the key organs and central factors of Australian corporate life and, as a spokesman for the collective workers, it is an agency with which employers can conveniently communicate and negotiate. Therefore, I suggest that members opposite learn more about the trade union movement and begin to show a little more co-operation than is now being shown. I oppose the Bill.

Mr. VENNING (Rocky River): I did not intend to speak in this debate but, after listening to comments this afternoon by two former big union bosses, I was compelled to say a few well chosen words. I believe that the members of this Chamber who were leaders of unions were extremely moderate gentlemen. The company I am involved with in bulk handling appreciated the negotiations that it had with those two gentlemen regarding wage fixation, etc. Comments by our General Manager have been nothing but good about those two men. This afternoon the Minister of Labour and Industry and the member for Florey have said that there is provision for secret ballots, but the problem is to have a ballot on whether to have a secret ballot.

The Hon. J. D. Wright: Like the chicken and the egg?

Mr. VENNING: Yes. It is fair enough for people to say that they will have a secret ballot, but how do they get through to have it? I know that it is an awkward matter, but that is the situation. It has been stated this afternoon that members on this side hate unions. Members of my family have been members of the Farmers Union all their lives, and my late grandfather, William Jasper Venning, who died in 1921, was one of the founders of the South Australian Farmers Union. I am still proud to be associated with that organisation. The comment that has been made about members on this side is absolutely incorrect.

We know that unions have done a good job in many ways and that they are still doing it, but let us handle the situation democratically, and allow the person who wishes to have a secret ballot to have one. We have heard many times of the pressure put on by the big bosses to have their decision accepted. It is human nature. We are not all born the same: there are strong personalities and there are gentle people. Scripture tells us that blessed are the meek, for they shall inherit the earth. I consider that those people who are not strong personalities are naturally intimidated by the big boss who tells them what they must do.

The point has been made of the complications involved in a secret ballot and that it might take six weeks to conduct. The member for Spence read out the rules which provide that, if a secret ballot is wanted, one will be held. On the other hand, it might take six weeks, and it may not be possible to hold one. I find it difficult to follow that argument. Notwithstanding the conflict on this aspect, I support the Bill, and I believe that it would be a good thing for all trade unions if the Bill were passed.

Mr. OLSON (Semaphore): I welcome this opportunity to express my opposition to the Bill, which can only be regarded as an attack on the trade unions. This was made evident by the member for Glenelg who, when giving his second reading explanation of the Bill, said that he had the full support of the Liberal Party, and proceeded to thank his colleagues for the help they had given him, thus making it possible for him to introduce the Bill. I say to him that it is a great pity that, before introducing legislation of this kind, more time was not taken to study the history of the trade union movement in this country. It is all very well for the honourable member, who comes from an oversea country, to criticise the system used by Australian trade unionists in taking militant or industrial action, but if he had taken the trouble to do some research he would have learnt, for example, that the three Sydney coopers who went on strike in 1824 were tried for conspiracy and convicted. Their sentences were not recorded. I also cite the Sydney journalists strike of 1829.

In all trades and callings, professional as well as manual, at that time workers were faced with competition by assigned labour. This Bill will take us back to 1824. The honourable member, assisted by the usual squatter-type colleagues, pleaded for permission to give the honest trade unionist the right to do something that the honourable member dearly wished him to do. At present, the moderate unionist has the courage to raise his hand from time to time and vote openly. The honourable member wants him to sneak behind the curtain of this legislation. Trade unionists, in common with men in other walks of life, insist on the right to conduct their own affairs without outside interference. Most of them do not object to secret ballots arranged of their own free will, but they resent any attempt by the State to tell them how to conduct their affairs. They will not take orders from squatters any more. It is ironical to hear demands for State control of voluntary organisations from those who are loudest in their protests

against State control of business or other organisations in which they are interested.

Trade unions resent intrusion into their affairs. If this measure becomes law, it will slow down the conciliation work of the courts and again cause long delays in settling industrial disputes. The Bill will throw the weight of the Government and the employers against the trade unions, thereby indicating a fascist trend in legislation. The Bill will grossly and unnecessarily interfere with the control and administration of the trade unions and be the first step in the destruction of the free Australian trade union movement, again indicating a fascist pattern. The Bill will, in effect, prohibit strikes, while leaving employers free to engage in lock-outs, enable vicious punishment by way of fines imposed, cause a reduction in union funds, and frustrate the legitimate and registered objects of the unions by imposing on them impossible tasks in the keeping of records.

At present, it is not always possible for a union member to notify the union secretary of a change of address. For secret ballots it would take considerable time to locate the members involved, even to issue them with ballot-papers. The Bill will encourage unions to escape the application of its restrictive clauses by deregistration. There is nothing to provide at present that, if a union disagrees with the Rules of Court, it cannot contract out. This Bill does not mean that we would get the members back on the job, but it could mean that other organisations would go out in sympathy with the strikers. By failing to recognise an affirmative decision by secret ballot on an impending or actual dispute, the Bill will reduce the secret ballot to a farce and mockery. The Bill is a provocative measure that could cause further deterioration in industrial relations, with a tragic effect on the country's economy.

I speak with some knowledge of the function of the trade union movement and of how legislation of this kind will be received by the movement. The Australian Council of Trade Unions and the United Trades and Labor Council, the two organisations that represent most organised trade unionists in this State, have already made clear that they strongly oppose legislation of this kind. Although introduced at a time when it is desirable to cultivate better relations between employee and employer, the measure will not promote better industrial relations but will engender considerable hostility and suspicion. It will make the smooth operations of our industries more difficult than ever before, and fail to attain its objective. Like the gentle rain that falls from heaven, the legislation will fall on the just and the unjust alike. It will affect not only organisations under militant control but also the whole of the trade union movement because it will be regarded by unionists as an interference with the rights, responsibilities and administration of their unions.

The Bill is bound to cause the greatest of bad feeling. It will strengthen the belief that the passage of the legislation will show that there has been no change of heart by the employer and that the principle to downtread the worker over the years still remains. As the member for Spence has rightly pointed out, it is evident in this Chamber now that Opposition members have the greatest dislike and distaste for the trade union movement. The old theory was that workers could be tamed and disciplined and strikes prevented by coercive action. However, experience proves that, when coercive action is taken against members of a trade union or even against persons who are not members of a trade union but who are engaged in industrial disputes, that action does not achieve its desired result.

On the contrary, when coercive action has been implemented during the course of an industrial dispute, it has increased the bitterness on both sides and has greatly retarded a settlement. It has also left wounds of hostility and suspicion on the union and the employer which, in many cases, have taken years to heal. In addition to the fact that the trade union movement is unlikely to accept these provisions and the fact that the passage of the Bill will make no difference to the framing of trade union policy, the measure will create a further difficulty because trade unionists regard a Bill of this kind as anti-strike legislation. It is being introduced for the express purpose of refusing them the right to strike. That right is one of the fundamental principles of the trade unionist. When all is said and done, the right to strike differentiates between the free man and the slave, because it enables a man to determine how he will dispose of his labour, which is the only commodity he has to sell.

Trade unionists will never surrender that right. They have had to use it in the past and will have to use it in the future, because from time to time to time there arise in the sphere of industrial arbitration instances in which trade unionists can have their grievances adjusted only by using the strike weapon. In fact, the trade union movement right throughout history has had to fight not only employers but also Governments; first, because Governments have tried to suppress unionism; secondly, it has had to obtain legal recognition; and, thirdly, because Governments have thrown their weight on the side of employers against employees. The Australian Labor Party came into existence because in the 1890's the Governments of the day threw their weight on the side of the employers in an effort to crush a strike that occurred in Victoria and New South Wales.

The excuse for this Bill is that it will suppress militancy in the trade unions, but its real purpose is to break up the great Australian trade union movement. Every clause provides for the destruction of the movement. Provision is already embodied in the Conciliation and Arbitration Act, where the court has the power to order a secret ballot on a strike issue when it is considered that such a ballot is justified. Attention has been drawn by the press to a few instances of militant union leadership, with the object of spreading the impression that union officials are eager to push rank and file members into strike action. Nothing could be further from the truth. The greatest worry of any union official is the problem of preventing strikes. I know this because I was a union official for many years. Nothing could be more unrealistic than the newspaper propaganda on this issue. The fundamental principle of the trade union movement is that all avenues of negotiation must be explored before any consideration is given to the taking of direct action.

A union executive committee will go to great lengths in order to prevent a strike. Many a night I have sat up trying to find ways and means of restraining the rank and file from taking direct action. No sane leader likes strikes. Unions prosper while men are at work, and not when they are on strike. Strikes deplete union funds and, when a union's funds are depleted, it is weak and helpless. The object of this measure is to drain away the financial resources of the unions. Frequently, it is the rank and file that insists, at mass meetings, on taking strike action against the advice of union leaders. Members of the Opposition, aided by the press, have carried on a spiteful and malicious campaign against the trade union movement. They know the movement is strong and that it will remain strong, despite this campaign, because it is essential to

the economic life of this country. Do members wish to reintroduce the conditions of the early days in Australia, when a man received $2 a week and his keep and lived in a cow-shed or anywhere that the squatter would let him live? That is quite evident. Members opposite can scream as much as they like, but there is concrete evidence that this was part and parcel of the set-up.

I want to make clear that provisions in the Bill will not necessarily achieve industrial peace. All that I can say about the matter is that experience has shown that such a rule does not prevent strikes. I mentioned earlier the advisability of the member for Glenelg conducting research, as a newcomer to this country, before introducing legislation of this kind for, had he done so, he would have established a fact recognised by many employers. I quote from page 69 of the *Employers Review* of February, 1950, as follows:

> The man who is far removed from the union sphere—and it is one of the weaknesses of the Liberal Party that its knowledge of unionism comes generally from hearsay—is too often prone to believe that if workers were made to vote before a proposed strike they would always vote against it. This is far from the case. A Government which relied on legislation of this kind would soon find this out, to its cost.

I oppose this Bill.

Mr. MATHWIN (Glenelg): First, I thank members for the attention they have given the Bill. It is after some thought that I say that because, when we started today, we expected that, as arranged, there would be two speakers, beside the Minister—the member for Playford and the member for Alexandra. However, that situation has been broken up and we had a filibuster before us. That was upsetting for me because the debate was going very well and I appreciated the manner in which the member for Playford spoke and the Minister replied to my Bill.

The Minister termed it a cunningly devised Bill, and went on to explain the merits or demerits of such provisions way back in 1929, when there was a Bill similar to this in the Commonwealth sphere. He gave us some examples. He also said that the intent was to give the individual advantages and asked what would happen under the Bill if the majority of unionists voted to strike. The situation would be obvious that, if this came about and the majority, by secret ballot, voted for a strike, that would be what would happen if that was the law, and it would be correctly done; there would be no argument from me or from members on this side of the Chamber that that would be the correct method.

The Minister also said that the Bill enables unions to interfere with other unions. Is the Minister suggesting for one moment that unions do not interfere now with each other, when we talk about demarcation issues? We could point to many recent examples of one union interfering with another and causing problems within the other union, particularly as regards strike action.

Another matter that I bring up in reply to that is that members have the right to ask for a secret ballot. Some members opposite say this is available already. The member for Spence read from a Federal rule book. Earlier, I read from a State book of his union, and there it is stated plainly on page 17, item 14, about voting; and there it was by a show of hands. That is supposed to be the secret ballot. I could read it but I have not the time. If that is a secret ballot, I will go he. That is from the rule book of the South Australian branch.

Then there is the matter of the Donovan report, which, incidentally, the Minister and the members know was brought in in 1968, as the Minister said, by the Wilson Government after Mr. Wilson had earlier stated there was no need for a commission or a report; but the Minister says he agrees with the Donovan report, and I shall be interested to see whether he agrees with all of it, because further on in the Donovan report it states that no action should be taken to promote worker participation in management; so I shall be interested to see whether the Minister agrees with all of it. In replying to the Minister I refer to a document prepared for the Parliament of Australia by the Parliamentary Library's legislative research service dealing with, among other things, militant unions and secret ballots in unions, the advantages of which are set out on page 4. The member for Florey said that the basis of the Bill was to weaken unions and to take away power from them. I believe he was in fairyland. He said the Bill indicated a dislike and distrust of unions and was designed to shatter worker confidence.

The member for Spence objected to the penalty of $200, but that covers people who seek to prevent eligible unionists from voting. He also referred to the old adage of "union bashing". He has much to learn, as does the member for Semaphore, who criticised me for being a newcomer to this country. I have been in Australia for 25 years. How long does a person have to be here before he knows something about the country? Many members of union hierarchies have been in Australia fewer years than I have been here. If the honourable member criticises me as a newcomer, when I have been here 25 years, and condemns me for introducing this Bill, I believe he should do something better with his time. He referred to the rights of unionists and the rules that govern them. I point out that most of those rights and rules were devised in the United Kingdom. If the honourable member really knows much about the history of the trade union movement, he would realise that most of the advantages unions enjoy today came from right-of-centre Governments. I suggest, therefore, that the honourable member read again information available in that regard. I believe that, until earlier today, the debate on this matter was good. I appreciate the diligence of members generally and particularly the speeches of the Minister and the member for Playford. I ask you, Mr. Speaker, to support this Bill to enable it to get into Committee. I commend the Bill to the House.

The House divided on the second reading:

Ayes (22)—Messrs. Allen, Allison, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin (teller), Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (22)—Messrs. Abbott, Broomhill, Max Brown, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright (teller).

Pair—Aye—Mr. Arnold. No—Mrs. Byrne.

The SPEAKER: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote in favour of the Noes. The question therefore passes in the negative.

Second reading thus negatived.

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Second reading.

Mr. EVANS (Fisher): I move:

That this Bill be now read a second time.

It was originally introduced in another place. It eliminates an anomaly which exists in the Act and which was an oversight when this matter was considered previously.

Some land agents, because of the anomaly, cannot operate effectively. I seek leave to have the second reading explanation, which is identical to the explanation given in another place, inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is designed for the sole purpose of overcoming an anomaly in the principal Act. At present under section 38, if a licensed land agent opens a branch office he shall nominate and have at all times in his service at such branch office a registered manager. Pursuant to section 6 (3) "Where two or more persons carry on business in partnership and the business of the partnership, or part of that business, consists in the business of an agent, each of those persons shall be deemed to be carrying on business as an agent." Section 37 requires a person who carries on business as an agent to have a registered office, so that pursuant to section 6 (3) agents carrying on business in partnership would be required to state the same registered office. Any other office would be a branch office. The net result is that, where, say, two agents are in partnership and wish to establish a branch office, neither of them may be nominated in respect of the branch office but a third person, who is a registered manager, must be appointed. If A and B, both registered land agents carrying on a business in partnership, have their registered office in town X and wish to establish a branch office in town Y staffed by one of them, they may not at the present time do so, unless they appoint some other registered manager. This is, of course, unduly oppressive, serves no good purpose, and is undoubtedly an accidental result of this extremely complex piece of legislation. This difficulty has arisen in practice. Agents have, in fact, sought to register branch offices under section 38 in circumstances similar to those I have related, and have been advised by the Land Agents Board that they could not do so unless they appointed a registered manager in respect of such office. The board has acknowledged that this is an anomaly which requires legislative attention. It is true, of course, that the agents could overcome the situation by forming a corporation, for example, a limited company to hold the licence. However, they may not wish to do so and the Land and Business Agents Act should not compel them to do so. The purpose of this Bill is simply to make the necessary legislative change and allow land agents, who register a branch office, to nominate either a registered manager or a land agent, who in the case of a partnership could of course be one of themselves, to manage the branch office.

Clause 1 is formal. Clause 2 changes the definition of the word "nominated" so that it is capable of applying to a nominated agent as well as a nominated manager. Clause 3 is the operative part of the Bill. Subsection (2) of section 38 is struck out and replaced with a new subsection (2). This repeats the requirements of the existing subsection (2) but allows a branch office to be managed by a nominated land agent instead of requiring the appointment of another person as registered manager as at present.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I support the Bill, which is a good measure.

Mr. MILLHOUSE secured the adjournment of the debate.

Later:

The Hon. D. A. DUNSTAN moved:

That the sittings of the House be extended beyond 6 p.m., if necessary.

Motion carried.

Mr. MILLHOUSE (Mitcham): In the past few minutes, I have had an opportunity to look at the explanation of this Bill, which was incorporated in *Hansard* without being read to the House. I have also had a look at the Bill itself, and it seems to be a perfectly proper measure which I am willing to support. I think that, by adjourning the debate earlier, I have shown that I am not prepared (nor should any member be prepared) to support something without at least knowing what it is all about and having had an opportunity to look at it.

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

CRIMINAL LAW (SEXUAL OFFENCES) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 4)—After line 16 insert new definition as follows:

"carnal knowledge" includes *penetratio per anum* of a male or female person.

No. 2. Page 1, line 19 (clause 4)—After "male" insert "or female".

No. 3. Page 1, line 19 (clause 4)—After "his" insert "or her".

No. 4. Page 7, line 20 (clause 39)—Leave out all words in this line.

No. 5. Page 7, lines 25 and 26 (clause 39)—Leave out all words in these lines.

No. 6. Page 7, lines 27 and 28 (clause 39)—Leave out all words in these lines.

Consideration in Committee.

Mr. DUNCAN (Elizabeth): I move:

That the Legislative Council's amendments be agreed to.

These amendments were moved in another place by the Hon. Mr. Hill. The first amendment is necessary to ensure that juveniles who engage in the practice of *pentratio per anum,* either males or females, will be committing an offence. It seems desirable that this provision be included in the legislation. The other amendments are consequential on the intention of the legislation, and they merely ensure that, where various offences under the Criminal Law Consolidation Act apply to males, those offences shall also apply to females.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL (MINISTERS)

Returned from the Legislative Council without amendment.

PUBLIC PURPOSES LOAN BILL

Returned from the Legislative Council without amendment.

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

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

Adjourned debate on second reading.

(Continued from September 11. Page 709.)

Dr. TONKIN (Leader of the Opposition): I support the Bill, which, as honourable members know, provides for an increase in the size of the Ministry from 11 members to 12 members. This situation has been well recognised by the Opposition for nearly 12 months. Indeed, the shadow Cabinet appointed by the Opposition since that time has had 12 members, because we recognise that there is sufficient work load to make this necessary and to overcome the difficulties that arise because of the increased demands made on Ministers not only by their departments but also by the public generally. I can see no reason why this increase should not occur, and in this case we must accept the Premier's word that this step is necessary.

Mr. Millhouse: Do you think that is a safe thing to do?

The SPEAKER: Order!

Dr. TONKIN: I am not sure what the honourable member means by "safe".

Mr Millhouse: Well, you remember last night.

The SPEAKER: Order! The honourable member for Mitcham will have an opportunity to speak later if he so desires.

Dr. TONKIN: It is extremely difficult for Opposition members, particularly those who have not been in a Cabinet, to determine what exactly is the work load and how difficult it is. It must vary from Minister to Minister and from department to department. I imagine that the Deputy Premier, who is responsible for the Engineering and Water Supply Department, the Public Buildings Department and his Works portfolio, must be extremely heavily loaded. I sympathise with him. It has been apparent that this is one of the reasons that have made him seek what have turned out to be greener pastures in fields rather closer to Parliament House and the centre of Government than his previous pasture.

Mr. Mathwin: Do you think it makes the Minister bad tempered?

Dr. TONKIN: No, I do not think that at all. I say, sincerely, that I understand some of the problems that the Minister experiences. Nevertheless, we have also seen the resignation of the Minister for the Environment, who now wants to spend more time with his family, a sentiment with which I wholeheartedly agree. I presume that this is the sole reason for his resignation from the Ministry. It is indeed a demanding job and it is extremely difficult for Opposition members who have not been in a Ministry to determine how heavy the work load is. We may have been in a better position to assess this aspect if we had been able more carefully to examine the various departments' expenditures in the Budget lines. Perhaps then we would have got a better idea of what was involved. After all, the Opposition considers that nearly $500 000 000 is still unaccounted for. Although the Bill has been passed, we have not really examined it. I point out that there is a tremendous difference in the allocation to various departments, particularly the Health Department, whose proposed expenditure this year has increased by 50 per cent over that of last year. That is an enormous increase, and obviously there must be increasing pressures on the Minister in the administration of that department.

I do not wish to take up the time of the House any longer. If a Minister wishes to do his job properly it is up to him. However, I suspect that some Ministers have not done their jobs as well as they might have done and that the Ministerial administration of the various Government departments is not up to standard. I suspect, too, that that is one of the reasons behind the unfortunate use of the guillotine provisions last night. If having an extra Minister on the front bench is going to make the administration of this Government more efficient, it is a move to be welcomed. By the same token, however, an additional Minister will be of no value unless the administration generally is tightened up and the Minister is given every possible help to ensure that the Government observes common business practices in the administration of its departments, keeps a tight rein on expenditure and, indeed, ensures that each department is working to full efficiency. All the Ministers in the world cannot bring that about unless they are willing to do their work. South Australia has one of the smallest Cabinets in Australia. Tasmania has only 10 Cabinet members, New South Wales and Queensland have 18 each, Victoria has 17, and Western Australia 12. So, by increasing the size of the South Australian Cabinet to 12 members, we will merely be coming up to Western Australia.

The Hon. D. A. Dunstan: Which has a smaller population.

Dr. TONKIN: That is so. I support the Bill, although I emphasise that neither I nor anyone else on this side of the House is in a position to know what is happening regarding the Government's work load. The Opposition was not given an opportunity to examine the performance of the various Ministers, including the Minister of Transport, yesterday. Although this is an extremely difficult Bill to assess, I must accept the Premier's word that it is necessary, and I support it.

Mr. MILLHOUSE (Mitcham): Although the Liberal Party may be supporting this Bill, the Liberal Movement is certainly not doing so. There is no justification whatever for an extra Minister, and the Liberals are being conned into this because it suits their own convenience to have in their so-called shadow Cabinet 12 members. This is a complete and utter waste of money. I have seldom heard (and I have heard him often now) the present Leader of the Opposition to worse effect than in the few faltering remarks he made in supporting the Bill this evening. I wonder how many members have worked out what it will cost the State to have an extra Minister. In straight-out salary, it is well over $30 000 a year. Besides that there is his personal staff, accommodation, motor car and a driver to be provided for him. I venture to suggest that if all expenses are added together the appointment of an extra Minister would cost the State about $100 000 a year. That is an extra expense that the Liberals are quite willing to put upon the State.

This Bill has been introduced because the Premier does not like being Attorney-General as well as Premier. He wants to get a lawyer into Cabinet so that he can shed that responsibility. There is no other justification of which I know for this. The Leader of the Opposition said his Party was at a disadvantage because none of its members had ever been in Government and did not know Ministers' work loads. Well, the member for Torrens was a Minister for a number of years, and he could have told the Leader what the work load was. I will tell him now what, in my estimation and experience, the work load is. For a conscientious Minister (and I am not sure about that regarding all members of the present Ministry; I do not criticise for that reason all the Ministers, although I have reservations about some of them) the work load is no heavier than that of a busy professional man in the law, medicine or the other professions.

I believe (and I can say with some modesty) that I am able to assess the work load of people in the legal profession and people in politics. When we were in office there were nine Ministers, and we were able, although it was a heavy load for us, to cope with the job we had to do, and we had to do it under the most adverse conditions. We were in a position similar to that of the Government now, because we did not have a majority. We had dissension in our own Party over vital matters that we brought before the House. We were unpopular in the community. We had all these burdens to bear, yet we were able to cope with nine of us. Since then, the Labor Party has added two to its number; it has given two more of its members jobs on the front bench, and now it wants to make it another one. I am disgusted that the Liberals are taken in in this way and are willing to go along with the Government.

We heard from the Leader of the Opposition that the work load must have increased, and he is willing to take the Permier's word for it. I am not willing to take the Premier's word for anything in future. I want it in writing before I will take it. I remind Opposition members that at present there is (and this is part of the deliberate policy of the Labor Party) a transfer of responsibility constantly from State Governments and Parliaments to the Federal Government and Parliament, and it is ironical at a time when it is in office in Federal Parliament as well as in the State that there should be this growth of paraphernalia of State Government. If Government is becoming a heavier burden all the time, it is only because the Government is taking on more and more functions, and that, as a rule, is something I do not like. It goes with the socialist philosophy, and if Liberal Opposition members are willing to accept that for the sake of another Minister I believe that they are mistaken in doing so, and I am surprised that they are all willing to do it, as apparently they are. There is, as I have said, no justification for this Bill either in theory or in practice; or, if Ministers are conscientious and doing their jobs, for their sakes either.

The present number of 11 Ministers should be (and I believe is) entirely sufficient to carry on the tasks of a State Government at present, and it does not advance the argument to say that we have the smallest Cabinet in Australia. Australia is, as a country, grossly over-governed. I have heard the Premier say that on at least one occasion, and it is true. Just because there are perks for members of other Parliaments, there is no reason why there should be perks here. That is all we are doing: we are giving another man in the Labor Party the perks of office. Because of what happened this afternoon in another place, at least we do not have to provide another Minister in that Chamber. We do not have to have any there now, I am pleased to say, but it will be here that there will be another Minister.

Mr. Harrison: Do you object to that?

Mr. MILLHOUSE: If the honourable member has been listening to me, I do not think that he can have mistaken the drift of my argument. I have made it as strong as I can. This is a fool of an idea, and it is merely one more job for the boys, because I do not believe that all the Ministers work hard or are competent. They have plenty of time to spare. I am not talking about any one Minister, but I can think of one who practises his golf *ad nauseam*. I will not mention anyone, but that is what one Minister does. There it is. This is an unjustified measure, and I oppose it.

Mr. EVANS (Fisher): I do not believe that I have been one to jump on the band waggon for increases in Government expenditure, and I believe that my record would show that to be the case.

Mr. Millhouse: You'll vote against the Bill in that case.

Mr. EVANS: When one considers the business world today (and we must consider government as a form of business), we find that even business management, to keep up with its work load, has increased the number of staff to handle a business of similar size in many cases. In some cases, businesses have perhaps relied on computers and on other forms of modern technology to keep up with the work load. I think that we should be honest in discussing such a topic, and to refer to about a $37 000 increase in salary is inaccurate, because the member is already receiving a salary of between $16 500 and $17 000. We should bear that fact in mind. I admit that a motor vehicle and driver are involved.

Mr. Millhouse: And personal staff and accommodation.

Mr. EVANS: Most members also possess a pass they can use on public transport. Some members find it convenient to use the pass, whereas others do not find it convenient. Ministers have a pass if they wish to use it. We should be honest and also bear that fact in mind. I will now go back to when we were in Government, because I was considered to be controversial in my own Party at that time. I do not know that is still the case, but it was then. I recall when such a proposition was discussed then. One of the reasons it was rejected was not because it was undesirable. Perhaps it was because, as the member for Mitcham has said, at that time we were not very popular in the public eye. The member for Mitcham was part of that unpopularity, as was I. I do not discriminate. The fear of publicity may have been one reason why a move was not made then to increase the number, even though the responsibilities were considered to be too great on those who had the work load. There used to be some activity without mentioning members (more than one was involved) as to who would be able to go home early, if there was any chance of pairs, so they could get some rest and be fit and well the following day. The other members would stay behind and see the sitting through.

We sat through until 6.10 a.m. on one occasion. On that occasion (and I am not going to mention members), as Whip I felt somewhat peeved, and I phoned two Cabinet members at 3.30 a.m. and asked them what it was like in bed, because we were still here. There were only nine Ministers at the time, but the strain was felt by everyone in a balanced House. Since then, the Government has introduced legislation (and I disagree with much of it) that takes considerable administering. We have on the Statutes, whether or not we agree with it, a considerable amount of consumer protection legislation and other measures that take much time to administer.

The SPEAKER: Order! The cross-questioning must cease. The honourable member for Fisher has the floor.

Mr. EVANS: I believe that the Minister concerned must be ultimately responsible for that legislation. The argument used that more responsibility has passed to Canberra is not quite true. It is true of Aboriginal affairs, but in other fields the Commonwealth Government has tried to take control. It has not been given the responsibility: it has tried to take control and, by that method, it has placed ties on the moneys it has made available to the State, and placed extra responsibilities on Government departments and on Ministers in answering to the Commonwealth dictators (the Ministers, particularly the Prime Minister), who have forced that situation on the State Ministers and State departments. So, we must also take that into consideration.

Mr. Millhouse: You are running along with them all the time. These are only excuses.

Mr. EVANS: Extra staff is being made available to members. The argument used was that our work load was greater. People approached politicians more readily to obtain help and guidance. After the 1973 election I promoted the idea of having electorate secretaries. As a result, I believe that my constituents receive a better service from either me or the person in my office. The same kind of improvement has occurred in departments, because there are more people in the community with a better education and a better understanding of departmental procedures. These people are able to make the necessary approach, whereas in the past they may have said to themselves, "It is a waste of time, anyway. I won't get anywhere." They would then forget about it.

Some members may say that other members play golf. Whenever possible, I keep Saturday afternoons free. I have some responsibilities; I do not have a small family, and I do not have a small, developed district. I do not say that I settle all my constituents' complaints; we all make errors. I keep as many Saturday afternoons as possible free and, when I do not have any official functions, I play or watch cricket or football when I am able to do so. Other people may go fishing or to the races or football or they may even run along the streets. That is their recreation and way of life, and we should not talk about that, because we are dealing with responsible people who are seeking relaxation. Other people can read a book or even relax while working. Some Ministers may not be as energetic or as enthusiastic as others; the same applies to any Party that is elected to govern. We are all aware of the hectic pace of life nowadays and of the extra work load. The member for Playford has pointed out the difficulties that people experience in getting justice today, because the courts cannot keep up with the processes.

Mr. Millhouse: What has that got to do with the question of an extra Minister?

Mr. EVANS: It means that there is an increased work load in every facet of management today, whether it be in business, Government departments, the Ministry, or even the churches. When the Liberal Party was in Government between 1968 and 1970 we had nine Ministers, but there should have been 10 Ministers, and the increased population must be compared with the possibility of 12 Ministers nowadays. I have not supported spending the people's money unnecessarily, but in this case I differ from a member who spoke earlier. The expenditure involved in this Bill is not unnecessary, and I support the move being made.

Mr. MATHWIN (Glenelg): The work of Ministers is demanding, because Ministers have responsibilities, including answering questions on the Budget. More than half of the Ministers failed to carry out this responsibility last evening, and they got away with it comfortably. If this Bill is related to last evening's fiasco, I am sorry for the Government. I question the wisdom of introducing this Bill at this time. Within two months of the commencement of the current financial year we have a deficit of $21 700 000, which has to be raised somewhere. The Bill will create further expense. A couple of weeks ago we saw the probable applicants for the vacancy vying for a position during a filibuster. The member for Stuart made his bid while he filibustered during private members' business for the full length of his time limit.

Mr. Millhouse: You would need to increase the length of the front bench.

Mr. MATHWIN: When the front bench was enlarged previously, the work cost $8 000. Although I support the Bill, I question the wisdom of introducing it while the State is in a difficult financial position.

Mr. COUMBE (Torrens): I am not ecstatic about this Bill, but I will support it. It has been said that Opposition members have not had Ministerial experience, but I point out that the member for Mitcham, the member for Victoria, and I have had short terms as Ministers; actually, the terms were not long enough. It was the Labor Party itself that successfully opposed a move by, I think, Sir Thomas Playford to increase the size of the then Liberal Ministry. So, the Labor Party was the last Party to oppose an increase in the size of Cabinet. One must ask whether this Bill increases the efficiency of the administration of the State and of this Parliament. I realise that some Ministers bear a greater load than others do; this may result from the nature of their portfolios or the amount of application they put into their work. The question may be asked whether this increase in the Ministry will improve the work of Parliament and the running of the State. Having supported an increase in the size of the Ministry in the past, I will be consistent and vote for this measure.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I thank honourable members who have supported this measure. In fact, the business of government in Australia today is not lessening but, as the member for Fisher has said, in every aspect of administration, whether governmental or not, the burden is in modern times increasing. South Australia for a very long time has had a small Ministry and we have been, over a long period, much more parsimonious in the provision of Ministers than have the other States of Australia.

Mr. Millhouse: And none the worse for that.

The Hon. D. A. DUNSTAN: The honourable member says that. I can only reflect that, at the moment, he does not have affiliations in other States, but politically in the past he has had. I can only say that the affiliations in other States have made it quite clear that they believe from experience in government that a far higher proportion of Ministers to population is required than has been the case in this State.

Mr. Millhouse: What has that got to do with it? It is our decision.

The Hon. D. A. DUNSTAN: It is, but the work load between the States is not so difficult that South Australia requires a smaller Ministry; in fact, this Parliament in the past eight years has passed far more legislation, altering the administration and the substance of the law within the State, than has any other State. In consequence, honourable members in this House naturally enough, and properly, require effective administration of the laws this Legislature has passed, and that the Executive should be competent in the administration of the laws which the Legislature has ensured should be on the Statute Book. That is something that every honourable member should demand. The member for Torrens referred to a previous occasion of a debate in this House; the disagreement which occurred in the House at that time was not about the burden on the Ministry but about the proportion of the Ministry to the then size of the House, because the Opposition was insistent that there should be an increase in the size of the House. I can recall the honourable member for Mitcham at that time being very much in favour of an increase in the Ministry; in fact, his evident discomfiture personally when that Bill did not pass was obvious to every member in the House at the time.

Mr. Millhouse: If that is correct, how does it affect this instance?

The SPEAKER: Order! The honourable member for Mitcham must cease interjecting.

Mr. Millhouse: It is a reflection on me—

The SPEAKER: Order! I remind the honourable member for Mitcham that if he maintains this attitude I shall be forced to act, and I shall. The honourable Premier.

Mr. Millhouse: If he can't have anything more than that it is not much good.

The SPEAKER: Order! I warn the honourable member for Mitcham for the last time.

The Hon. D. A. DUNSTAN: The honourable member for Mitcham has addressed himself to the expense involved in the provision of facilities for a Minister, but I point out to the House that the honourable member is on record as requiring extra facilities for himself, as the Leader of an

alternative Party in this House, at public expense. He wants staff, he wants the same sort of facilities as the Leader of the Opposition has got, and he does not hesitate to require that that be met from the public purse, but suggests that somehow or other it is a depradation upon the public purse that a Minister should be provided in the House with the ordinary provisions for a Minister in this place. How honest can a contention of that kind be considered in this House? The honourable member shows no consistency in his vaunted concern for the public purse.

The requirements of administration in this State demand the provision of an additional Minister. The work load on Ministers at present is such that it is most difficult for us to maintain administration at the level all members in this House would require. The honourable member has made reference to the particular burden which I at present bear. As Premier of this State, in the Premier's Department I have a very much larger administrative load than has any other Premier in this country, by far. No other Premier of any State has the administrative load that I have in the Premier's Department. I have the additional duty of the Treasurer, and at the moment of the Attorney-General, and the Attorney-General's portfolio is one of the largest in this State, as the honourable member would well know.

Mr. Harrison: He held it. He would certainly know.

The Hon. D. A. DUNSTAN: I am sure. That is not something which can be maintained at the administrative level for anyone. I frankly acknowledge that, at the moment, I am not able to meet, with the total of these portfolio demands, the level of administration I believe to be vital for the people of this State, and the provision of an additional Minister, who will relieve me at least and in some cases some other Ministers of an extraordinarily heavy administrative load, is vital, I believe, for proper administration.

Mr. Millhouse: I have never heard such back-scratching in all my life.

The Hon. D. A. DUNSTAN: I am not back-scratching anyone, and I can assure the honourable member not his. I thank honourable members of the Liberal Party for the consideration they have given to this Bill, on which I believe they have expressed themselves sensibly and responsibly. As the alternative Government in this State, they would appreciate, I know, what obviously they would face if they were in office, and that what is now being provided is proper for any Government of any Party in office. The member for Mitcham knows that his Party is never going to be in office in South Australia, and so he does not need to be responsible in this issue.

The SPEAKER: Prior to my putting the question for the second reading of this Bill, I wish to inform the House that, in this House in the past, the practice has been to require that a Bill such as this one which, if passed, would increase the number of Ministers of the Crown should be passed by an absolute majority of the whole number of members of the House. I have received an opinion from the Solicitor-General which says:

It is not every proposed amendment to the Constitution Act which attracts the operation of section 8, but only a Bill "by which an alteration in the constitution of the Legislative Council or House of Assembly is made". In my opinion, a Bill which merely alters the number of Ministers of the Crown is not a Bill of that description, and it follows that section 8 has no application to it.

I therefore rule that the Constitution Act Amendment Bill need be passed at the second and third readings only by a majority of the members present.

The House divided on the second reading:

Ayes (42)—Messrs. Abbott, Allen, Arnold, Becker, Blacker, Broomhill, Dean Brown, Max Brown, Chapman, Corcoran, Coumbe, Duncan, Dunstan (teller), Eastick, Evans, Goldsworthy, Groth, Gunn, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, Mathwin, McRae, Nankivell, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Vandepeer, Venning, Virgo, Wardle, Wells, Whitten, Wotton, and Wright.

Noes (2)—Messrs. Boundy and Millhouse (teller).

Majority of 40 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Number of Ministers of the Crown."

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

To strike out "and" second occurring and to strike out paragraph (*b*).

In view of the passing in another place today of the Constitution Act Amendment Bill (Ministers), which was passed by this Chamber after being introduced by the member for Mitcham, this is a necessary amendment.

Mr. MILLHOUSE: I support the amendment and express my pleasure that it is a necessary amendment. We have at last given the Upper House the potential of being what it should be—merely a House of Review, a House in which it is unnecessary for Ministers to sit. I cannot conceal my satisfaction, even though I bitterly oppose the Bill now before us, at having at last managed to have the Constitution amended in the teeth of the opposition of every colleague of members of the Liberal Party in this place who sit in another place. It does at least something to assuage my annoyance at this Bill. I therefore express my satisfaction that we have at last put the Upper House in its proper place.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment.

The SPEAKER: My attention has been drawn to the fact that the name of the member for Mount Gambier was inadvertently left off the division list for the "Ayes" during the last division. I intend to see that that situation is corrected.

The Hon. D. A. DUNSTAN: I apologise to the member for Mount Gambier, but I am afraid I missed him in the throng; however, I will not do so on another occasion. I move:

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): I oppose the third reading of the Bill. Even though it has been slightly improved by passing through the Committee stage, it is still completely undesirable. It will now undoubtedly mean an extra Minister in this place. That will mean not only the expenses to which I have referred but also (despite the Premier's personal reflections on me, which I still regard as entirely unmerited), amongst other things, a change, I am confident, in the layout of this Chamber. The last time we increased the size of the front bench to accommodate the extra Ministers desired by the Labor Party, it cost as much to extend the front bench towards your seat, Mr. Speaker, as it would have cost to build a small Housing Trust house.

Undoubtedly, we shall get to just the same sort of extra expense again; it is entirely unwarranted. Not one argument has been advanced, from the beginning to the end of this

debate, to justify this Bill. The only arguments, so called, which were used on either side of the House amounted to personal abuse of me and reflections upon me. That is just not good enough for the added expenditure from the public purse that will be required to finance one more job for the boys.

Mr. GUNN (Eyre): I support the third reading. I had intended to speak earlier but did not get the opportunity. One must show a sense of responsibility in examining matters of this nature, and it is obvious that the work load on the Ministry has increased. If we are to have proper administration, from whatever side of the House it comes, Ministers must have the time properly to scrutinise the matters that are put before them. Members on this side of the House, even though they do not agree with their policy, appreciate that the Ministers must have an opportunity to scrutinise the important matters that come before them. If members examine the numbers of Ministers appointed in other States, they will see that not only do we have the smallest number of members of Parliament a head of population but also probably the smallest number of Ministers a head of population. We are not engaging in an extravaganza.

Mr. Millhouse: Do you advocate an increase in the number of members?

Mr. GUNN: I believe that the welfare of the people of this State will be properly served by an increase in the Ministry. Members should make their judgments on what is in the best interests of the people and not in an endeavour to get their photographs on the front page of the morning's press.

The House divided on the third reading:

Ayes (42)—Messrs. Abbott, Allen, Allison, Becker, Blacker, Broomhill, Dean Brown, Max Brown, Chapman, Corcoran, Coumbe, Duncan, Dunstan (teller), Eastick, Evans, Goldsworthy, Groth, Gunn, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, Mathwin, McRae, Nankivell, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Vandepeer, Venning, Virgo, Wardle, Wells, Whitten, Wotton, and Wright.

Noes (2)—Messrs. Boundy and Millhouse (teller).

Majority of 40 for the Ayes.

Third reading thus carried.

Bill passed.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (REGULATIONS)

Adjourned debate on second reading.

(Continued from August 19. Page 351.)

Mr. RUSSACK (Gouger): As the second reading explanation indicates, this Bill is identical with the Bill that lapsed at the end of the last session. The Bill relates to the planning regulations the validity of which has been thrown into doubt by the decision of Mr. Justice Wells in the Myer Queenstown case. Many Opposition members in the second reading debate on the original Bill (and the debate was much beyond the scope of the Bill) expressed many viewpoints, and I do not intend to go outside the direct implications of this Bill, which seeks to amend the Planning and Development Act.

Unfortunately, the provisions of the Bill will apply retrospectively, and one of the main concerns of Opposition members who spoke on the previous Bill was about the retrospectivity of the legislation. The second reading explanation states:

Mr. Justice Wells further decided that interim development control under Part V of the principal Act cannot subsist concurrently with planning regulations. He held that, if, at the time the Government purported to make planning regulations, interim development control was in force, the regulations would be suspended until the expiry of interim development control. In fact, planning authorities have, until now acted on the assumption that interim development control can subsist concurrently with planning regulations. There is therefore an urgent necessity to validate what has occurred in the past.

The last sentence of the explanation states:

This is a retrospective amendment.

Retrospectivity in legislation is a bad principle. Because of that, I do not intend to support the Bill. I understand that the principle is even worse if lawful actions have taken place and retrospective legislation is then passed. Retrospectivity is bad enough where, as in this case, actions which were apparently unlawful were taken.

It now seems that the Government is trying to go back and validate certain of those actions under the Planning and Development Act. When the House previously considered the Bill, I suggested that there was deep concern about retrospectivity, and each subsequent speaker in the debate also referred to this aspect. Speaking on behalf of my Party in this matter, I indicate that we intend to oppose the Bill. Perhaps this approach is a little different from our approach when the Bill was last debated.

Mr. Millhouse: A little different—it is the complete opposite!

Mr. RUSSACK: Not exactly. If the honourable member looks at the speeches made previously he will find that deep concern was expressed, and many indications were given that the Bill would be supported to the second reading stage. Other members said they hoped that the Bill would be referred to a Select Committee. I do not believe that it is necessary for me to say anything further on this matter, because of our objection to retrospectivity, I indicate that my Party will not support the Bill. Therefore, I do not support the second reading.

Mr. MILLHOUSE (Mitcham): I oppose the Bill, as I opposed a similar measure on June 18. I am glad that the Liberal Party has learnt something between then and now because, on that evening, which was the last evening of the last Parliament, it said it would support the second reading, despite the reservations it had about it. I must say that in a gentle sort of way I chided it for that, and apparently the chiding has had some effect on the Liberal Party and toughened it up sufficiently for it now to oppose the Bill outright. I must express some satisfaction at having some influence on this other Party.

Mr. Russack: You cannot take the credit for that.

Mr. MILLHOUSE: Why should I not take the credit? Last time, I was the only member to oppose the Bill. The Bill never got to a vote, because the Minister in his reply sought leave to continue his remarks, and we did not get to a vote. I am sure that there could have been nothing else to guide the Liberals than what I said. What else would have changed their minds? If any honourable member wants to say why the Party has changed its mind apart from the points I have put, let him do so.

I need not repeat all that I said on that occasion. My speech appears on page 3472 of *Hansard* and thereafter. This Bill arises out of one of the most scandalous situations we have had in this State in recent years, and that is the opposition, by hook or by crook, as I said last time, to the Myer Queenstown project. Although Myers were upheld in court, the Government succeeded in holding up the processes of the law sufficiently long to make the whole scheme uneconomic. Myers has now pulled out of the project. This Bill is introduced as a consequence

of the judgment of Mr. Justice Wells, as the member for Gouger has pointed out. The Bill's provisions apply retrospectively. It may well, for all we know, affect seriously the rights of people who are at this moment unascertained and unascertainable, and that is why it is so bad a piece of legislation. That sums up the reasons which, as I have said, I need not expand, because they are already in *Hansard*. I oppose the second reading.

Mr. EVANS (Fisher): As I was the first member to speak on this side in the debate on the original Bill, just before the last Parliament dissolved, I point out that I then expressed some doubts and reservations regarding the Bill. I said that I would support its second reading, as there was to be a delay of some days before it was finally discussed. I am still concerned about one aspect, and I am not sure whether the member for Mitcham has considered this. If the Bill passes, some people may be adversely affected by its retrospectivity.

I am concerned about another matter on which I cannot come to a precise conclusion and about which I am not sure in my own mind I am accurate. If the Bill does not pass, some people who have gained approval from councils for certain actions in relation to planning or development could be challenged and, therefore, adversely affected. That is the difficulty that I find with this Bill. During and since the election there have been opportunities to seek further information to enable me to decide what was the best approach to take regarding my attitude and that of my colleagues. We had an opportunity to make that further assessment. The Party would still have opposed the former Bill had it been proceeded with, as we learnt early in negotiations that there were grave doubts about passing it.

I believe the Minister would be wise to consider the proposition further before he continues, and to liaise and negotiate to see whether there is any way in which his fears about interim control are covered, ensuring that the regulations are not totally wiped out because of a minor discrepancy between council regulations and others. The Minister may have a contribution to make that will clear the air, although I cannot think what he could tell the House that would do so, there having been much discussion on this matter by Opposition members and persons in the planning and development sector of the community. For those reasons, I support what the member for Gouger has said. I am pleased to know that the Liberal Movement, through the member for Mitcham, has a similar point of view.

Mr. MATHWIN (Glenelg): I oppose the Bill and, in doing so, refer particularly to the Minister's second reading explanation, in which he sets out parts of the reasons for the decision made by His Honour Mr. Justice Wells. Of course, this all revolves around the Myer Queenstown problem, which the Government brought upon itself because of its opposition to that scheme and to the local council. The matter was debatable at that time, and, of course, the Government knew it was wrong, because the Port Adelaide council was within its rights to continue, as it did, to the bitter end. Of course, we all know the history of that matter and of the Government's methods in getting the legislation through Parliament to protect other interests in South Australia. Of that, there is no doubt. I find it difficult to understand the following part of the Minister's second reading explanation:

Mr. Justice Wells further decided that interim development control under Part V of the principal Act cannot subsist concurrently with planning regulations. He held that, if at the time the Government purported to make planning regulations, interim development control was in force, the regulations would be suspended until the expiry of interim development control.

Although I agree with that, I do not know what the Government was getting at by referring to that decision, as interim development control exists to enable councils to have that control over their areas in conjunction with their planning regulations. Having brought in those regulations, the council goes through the normal course of exhibiting them and receiving objections to them. Thereafter, the regulations are submitted to the State Planning Office, and the planner gives them the power of interim development control until the regulations are promulgated. Whether this portion of the second reading explanation to which I have referred was included merely to fill it up, I do not know. I should like the Government to say what it was getting at by including it in the second reading explanation, as it is obvious that the two would not be working together. Interim development control is needed only until the planning regulations are promulgated. Thereafter, it is no longer needed.

Although the planner has not really interfered with councils with which I have been concerned, I have heard that in some areas he has refused certain regulations. If that is a valid reason for objecting, I would support it, because I do not agree that the Town Planner should interfere with local government, particularly when the latter knows the local situation far better than does a bureaucracy within the confines of the Adelaide city area. I would put my money on the council in this respect, so I would oppose any suggestion of the planner's overriding councils in this area.

The Bill revolves around the realistic lesson that one would hope the Government had learnt when it burnt its fingers in relation to the Queenstown project. In so doing, it ruined the possibility of an excellent shopping complex being established in the Port Adelaide area. This is now a derelict area, and goodness knows what will happen to it in future. When one passes it, one ought to realise what has made it what it is now: that responsibility rests with the Government and the Premier.

Mr. GUNN (Eyre): I oppose the Bill, as I did when the matter was debated previously in the House. I should now like to refer to a letter that the Minister wrote. I do not know whether all members received it, although I did. I had made certain allegations, for which I make no apology. Will the Miniser tell the House what is the situation regarding all the people in South Australia whose properties have been designated by a dot on all the plans? Have these people been given assurances regarding their future? How many years will it be before the State Planning Office acquires these properties? Many people are concerned. I could go on at length, but that is a simple matter that I should like the Minister to answer, particularly in relation to the Eyre plan, which has been on public display and available to the public for some time. I should be pleased if the Minister would tell the House what programme his department has for all the areas designated in that plan. The main reason why I oppose the Bill is that it contains clauses that amount to allowing the Government to put the clock back, and that is undesirable.

This case has a long history, of which the Minister and the Government cannot be proud. It is all very well for the Minister to write letters to members virtually trying to intimidate them, but it is the right of every member to raise matters that he thinks ought to be brought to the attention of Parliament. If a member is not allowed to raise in Parliament matters that concern him and his constituents, where else can such matters be discussed? I could go on at length in relation to other sections of the

Minister's department, but I would probably be ruled out of order if I talked about the National Parks and Wildlife Division. Can the Minister say what his officers will do about the stations on the Nullarbor Plain which he has said his department will acquire?

The SPEAKER: Order! I call the honourable member for Eyre back to the Bill.

Mr. GUNN: Certainly, Mr. Speaker. I did not deliberately intend to digress, but what I have said is really related to the State Planning Authority. I should be pleased to hear what the Minister has to say.

The Hon. G. R. BROOMHILL (Minister for Planning and Development): I have been disappointed at what Opposition members have had to say on this matter, because they oppose the measure as though in some way they are attacking the Government, believing that by their opposition they will embarrass the Government in one way or another. I will state the actual situation carefully, because I think it important that this measure pass both Houses of Parliament as soon as possible. The advantages of this measure to the Government are absolutely nil. If the measure fails, the Government will be in no poorer situation, nor will it be embarrassed in any way. However, all of those councils which have made decisions based on what was assumed to be the actual legal position over the recent two or three years are likely to find that any decisions that have been made during the time in which they had interim development control and planning regulations running concurrently will be up for challenge.

In addition, any person who has received approval from a council or any planning authority during that period will be in a position where the approval is also open to challenge. Although this measure was introduced late in the last session so that we could as quickly as possible put right what had been done by councils that had acted in good faith, since that time members should have checked with some of their local planning authorities, because I am certain they would have told members that, as soon as the measure was through to protect them, not the Government, the better it would be. I think they may have been misled by the member for Mitcham. I am sure that he is too intelligent to misunderstand the position, but I believe that he is deliberately attempting to raise the Myer bogy again and make it appear as though the Government is introducing the legislation in some way to attack the Myer Queenstown project.

I point out that a provision in this Bill has been deliberately designed to ensure that the rights of Myers in the judgment are preserved in the light of what the judgment had to say. I will repeat that the Bill really does three things. The first thing the court pointed out was that several councils (and the member for Glenelg ran over the pattern well, and I think he may be able to follow what I am going to say), before they had any planning regulations, had first been seeking from the State Planning Authority under the Planning and Development Act the right for that authority to delegate to a local council interim development control. This meant that councils could control all of the development within their area, pending having passed through the House those zoning regulations designating that council area into the various uses. The councils, once having been granted interim development control, were making decisions under that control. At some stage following that, the council had prepared its zoning regulations, put them on public display, and referred them to the State Planning Authority, which was required to ensure that they passed the necessary test under the Planning and Development Act.

Following that, those regulations are forwarded to the Governor, put before the Parliament, and are liable to rejection. On many occasions councils publicly advertised the zoning regulations in a way that varied slightly from the model regulations that the State Planning Authority has adopted. When those regulations went to the planning authority, after they had been publicly exhibited, if the authority recommended to the council that one or two minor changes ought to be made, the council made them, and returned them to the planning office. They went to the Governor, and then to Parliament. What was said in this judgment was that, if the regulations that were finally gazetted were not in absolute conformity with the regulations that were advertised by the council, they were invalid. In other words, it was improper for the planning authority to recommend to the councils that they should have made those minor variations. What the court is saying is that those regulations, therefore, are invalid, and any decisions that have been made by those councils ever since are open to challenge.

Mr. Mathwin: Alterations were made.

The Hon. G. R. BROOMHILL: Not at all; the total regulations. What we are trying to do is not to alter anything but simply to say, "Let us not see that kind of problem occurring. Let us validate any of those decisions that have been made by councils under those regulations because they have been made in good faith." The problem occurred in most council areas (it happened in Brighton, and that is why the honourable member is aware of it) that, once the councils had their interim development control given to them and went through the process of having their planning regulations drawn up, and those regulations were laid on the table of the House, they were still subject to disallowance. So the councils did not rush in the day they became law and were gazetted and withdrew interim development control, but left it running on. The court has said that in some cases not only did they leave the interim development control on during the period that passed through the Parliament, but left it on for some extended periods in some cases.

Under interim development control, councils, while having their zoning regulations approved by the Parliament, wanted the interim development control in some instances so that they would be able to have some firm control over matters not covered by their regulations. I refer, for instance, to the erection of garages. Certain councils wanted to retain that control. They could do it only by their interim development control; so, they had both their zoning regulations and interim development control open to them. This judgment said that councils could not have interim development control and zoning regulations running concurrently; it was illegal. The court said in its judgment that those two things could not occur together. Nearly every council in the State went through that experience. The judgment means that any decisions made by councils or any approvals given to people at that time can be successfully challenged.

By this amendment we are simply saying that we recognise the points that the court has made but, nevertheless, councils' decisions during that time were proper and made in good faith. We should therefore ensure that no litigation should occur simply because of what was really a legal technicality. If Opposition members do not want that, it is no skin off my nose. However, I suggest to members opposite that, in view of what I have said, before they persuade members in another place to adopt the same attitude as that which they have adopted, they should

check with their local planning authorities, which will confirm what I have said and press members opposite to support this Bill.

The House divided on the second reading:

Ayes (22)—Messrs. Abbott, Broomhill (teller), Max Brown, Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (21)—Messrs. Allen, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack (teller), Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Pair—Aye—Mrs. Byrne. No—Mr. Arnold.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Planning regulations."

The Hon. G. R. BROOMHILL (Minister for Planning and Development): I move:

In new subsection (18) to strike out all words after "affect" and insert "any right or interest of the plaintiffs or their assigns arising under or by virtue of the judgment given in actions No. 1017 of 1973 and No. 1963 of 1973 in the Supreme Court".

The amendment, which inserts an additional judgment in the provision, covers a point made by the Opposition previously.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment.

The Hon. G. R. BROOMHILL (Minister for Planning and Development) moved:

That this Bill be now read a third time.

Mr. EVANS (Fisher): I appreciate that the Bill has been improved as a result of the amendment to cover another judgment. However, I express my concern at the Bill in its present form. I understand the predicament the Minister explained, and I know the difficulty: if there is any disagreement on a minor matter that a council may have in a proposal, the whole of the regulations could be classed as invalid. However, what worries me is that the retrospectivity in the Bill may encompass some decisions that have been made which we have not taken into account at this stage.

We have taken into account the case of the previously proposed Myer shopping complex by specifically excluding that by reference to the judgment given on that issue, but neither the Minister nor any other member can be sure that there is not someone in the community who will be disadvantaged by the retrospectivity. That is the main reason for the objection. There is no doubt that a real problem is involved regarding the regulations but I am not sure that the Minister is not creating a problem in another area by this type of amendment. If it gets through this House, I hope that people in another place, through representations from the community, will be able to find a way around the problem, as I see it. I may be too negative in my approach—

Mr. Jennings: You are.

Mr. EVANS: Thank you for the interjection. However, I like to be cautious, because we may be solving a problem for one group and creating one for another. For that reason, I am not happy to support the Bill in its present form.

Mr. RUSSACK (Gouger): I understand and appreciate the explanation given by the Minister, but at the same time I express the doubts so ably explained by the member for Fisher. I oppose the Bill because it applies retrospectively.

Bill read a third time and passed.

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

Adjourned debate on second reading.

(Continued from September 11. Page 710.)

Dr. TONKIN (Leader of the Opposition): I oppose this Bill, because the Liberal Party believes in, and supports most strongly, the preferential system of voting. We believe that the full preferential system is the fairest system that can be devised for all Parties, and we believe that first past the post voting and optional preferential voting, which is a stage on towards first past the post voting, quite definitely react against smaller Parties and minority Parties. This has all been pointed out before, when this measure came before the House in the previous session. It was considered in some detail, and I intend to cover just a few of the points in summary.

There is no doubt that this system does react against minority Parties and that that is the main reason why we oppose the Bill. First past the post voting tends to polarise politics into two-Party voting, into a matter of supporting the two major Parties and of wiping out every other shade of opinion from any chance of representation in the House. Our philosophy as a Liberal Party (and this is where we differ so very markedly from the Labor Party and the socialist philosophy) is that we believe not only that the wishes of the majority should prevail, but that the wishes of the majority should prevail and be implemented in such a way that the wishes of the minority are, as far as possible, also accommodated, and that no-one, of whatever group and no matter how small a group, should be disadvantaged in any way by the action taken to implement the wishes of the majority. In other words, minorities have rights, too, just as we have pointed out on a number of occasions in the past 48 hours.

Mr. Mathwin: The member for Spence doesn't think so.

Dr. TONKIN: That is unfortunate, and I am sure he will always regret that, because it is a statement that, once made, will not be forgotten, and I am sure he will not forget it. I am sure he is not very proud of having made that statement. We learn lessons every day, and I am sure the member for Spence learned one yesterday. I believe, therefore, that we cannot support any system which would tend to destroy the representation of a minority Party; we are committed, therefore, to opposing the Bill. The chief disadvantage of optional preferential voting is that it can result in the election of candidates who are rejected by the overwhelming majority of the voters; that is, a candidate with less than 50 per cent of the votes can win the district.

That is to be contrasted with the chief advantage of the present full preferential system, which makes quite certain that the candidate who is most preferred by a majority of voters wins that district. In any voting system in a district, it is important to consider two main factors. The first of these is that the votes of the electors in the district must be translated by the voting system so that the candidate who polls 50 per cent or a majority of the preferred vote is elected. This is a fundamental, and must always be possible. Secondly, the votes of the electors in the State generally must be translated by the voting system, again so that the Party which polls 50 per cent or a majority of the preferred vote will govern; that is another fundamental factor.

It is quite clearly seen that neither of these prerequisites for a just and fair electoral system is met by the optional preferential system (that is certainly in a single-member district). The fully preferential single-member district system ensures that the first prerequisite is met, that the candidate getting the majority of the preferred vote will win the seat. To be perfectly fair, it can probably be said that no single-member district system ensures that the second prerequisite is met, with the Party getting a majority of the vote gaining government over the entire State. There is no doubt in my mind that the optional preferential system is much more likely to produce a result where that situation will not pertain; in other words that the Party will get less than 50 per cent of the preferred vote, or not a majority of the preferred vote, and will yet gain government. This a matter that must be looked at most carefully before we look at any redistribution legislation that may be introduced. The most recent experience in Australia with the optional preferential system was in Queensland in 1941, a long time ago. Generally, the results of that election are still pertinent, showing quite clearly the defects of the optional preferential voting system. Overall, the Labor Party won 66 per cent of the seats with 51 per cent of the vote, and I suspect—

The Hon. D. J. Hopgood: There were other factors.

Dr. TONKIN: I suspect that there were other factors, but I maintain that an optional preferential vote was one of the major factors in achieving that result. The Minister of Education, during the previous debate, justified the position by saying:

Under any system based on single-member electorates the winning Party gets a bonus.

It seems to me that the difference between 51 per cent and 66 per cent is quite a hefty bonus.

The Hon. D. J. Hopgood: Not necessarily.

Dr. TONKIN: That was the point the Minister made. He was quite right in stating that a certain percentage of the malapportionment that resulted from this could have been due to other factors. I think it is the single-district system which has a built-in disability, anyway, and the way in which the boundaries were drawn. These, of course, are the two variable factors which make a considerable difference. Nevertheless, we cannot ignore the effect the optional preferential system has on the whole system. If the Minister of Education was completely objective he would concede that the contingent preferential voting systems do contribute to a sizable percentage of the malapportionment. A study of the Queensland election results clearly indicates this contention. I have no doubt the Minister of Education is well aware of that. If we consider—

The Hon. Hugh Hudson: What percentage—

The DEPUTY SPEAKER: Order!

Dr. TONKIN: If the Minister of Mines and Energy will be patient he may learn something. It always amazes me that each time he makes a speech it is usually because he is heated for some reason or another; he loses his cool easily and demands that all members be quiet and do not interrupt him.

The DEPUTY SPEAKER: Order! I called the honourable Minister of Mines and Energy to order. The honourable Leader of the Opposition has the floor.

Dr. TONKIN: Thank you, Sir. I appreciate your calling the Minister to order. You were quite right to do so and I thoroughly support your action. If we consider some of the individual seats in that Queensland election we see the inadequacy of the system. There were three candidates in the seat of Windsor. Moorehouse received 41·5 per cent of the votes cast, O'Sullivan received 13·9 per cent of the votes cast, and Williams received 44·6 per cent of the votes cast. Under the contingent voting system only 55 per cent of the O'Sullivan voters exercised their contingent vote and indicated a second preference. Eventually, Moorehouse won the seat with only 46·1 per cent of the voters clearly supporting him. The system is not good enough: it is not fair. In the 1942 by-election for the seat of Cairns (the last time I think this system was used at a by-election) Barnes received 30·5 per cent of the votes, Crowley received 31·4 per cent, and Griffen and Tucker together received 38·1 per cent of the votes cast. This time only 22 per cent of Griffen and Tucker voters exercised their contingent vote, and Barnes was elected with only 36·7 per cent of the voters clearly supporting him.

The optional preferential system will bring this sort of problem with it. It is not a clear cut or fair result, and is not a result that reflects the true wishes of the majority of voters. These examples show clearly that, when voters become accustomed to the optional preferential or contingent preferential voting system, only a few of them exercise that vote. In the Cairns by-election only 22 per cent of voters bothered to record a second preference. The anomalies that occur are far too significant to be left alone or left unattended in this sort of system. They must be dealt with.

The full preferential system is the only way they can be dealt with in a way that will ensure that a majority of voters exercises its preference and that the candidate who wins the seat has the support of the majority of the voters.

I know the Minister will undoubtedly say, "Well, there are two main advantages to this scheme. One is the simplicity of it." It is certainly simple. He will also say, "It is quick. A voter can go straight into a booth and not have to worry about where he is going. He will find the name he wants, put a No. 1 in a square, and that is that." I am sure that simplicity and speed in this system are not important. What we are concerned about is finding out what are the real wishes of the electors. I do not believe the advantage of speed or simplicity can in any way outweigh the system that will find what are the voters' exact wishes.

Some people argue that where many candidates are contesting an election many informal votes are often cast. Another point put in favour of this system is that it reduces the number of informal votes. However, I do not believe that is really the case. When people follow directions clearly they will not make a mistake, but if they are going to make a mistake they will make it regardless of what happens. If a person does not want to vote, because he is forced to go to the polls and because he believes in a voluntary voting system, as we do, and is not willing to exercise his community responsibility, he will cast an informal vote, anyway, whether we have a first past the post system, a preferential system or an optional preferential system.

In the 1974 House of Representatives election in the two neighbouring seats of Werriwa, where there were 12 candidates, and Prospect, where there were three candidates, the informal vote in Werriwa was 2·46 per cent, and in Prospect it was 2·25 per cent. There is no question at all but that, under the present system, a large number of candidates contesting a seat does not in any way add significantly to the number of informal votes. It has also been said that this system provides the maximum degree of freedom and the maximum degree of voluntary voting. That means that people can go along and exercise their

freedom to put one number in a square or follow through a full preferential voting system. If that is the situation, the Government would do well to support voluntary voting, because if it is interested in preserving voluntary voting and the freedom of electors it would introduce a voluntary voting system as well as one of optional preferential voting. I do not believe this is any recommendation whatever towards the optional preferential system.

I maintain strongly that this system is purely a half-way house towards first past the post voting. I have outlined what I firmly believe are the inadequacies of that system. There is no question at all but that first past the post voting can be introduced and superimposed on this system far more easily than it can be on the present preferential system of voting. Personally, I believe that is the only reason why the Government has introduced this measure; the Labor Party will be in a perfect position to introduce first past the post voting in the same way as its Queensland colleagues did as soon as they could.

The Hon. D. J. Hopgood: We have the numbers so we could do it at any time.

Dr. TONKIN: The Government has the numbers (or I should say the number) and could introduce such a system, but public opinion is something of which even the Premier is still conscious, even though he is conscious of it only in a small way. Even he has some degree of conscience, which apparently works every now and again. Not even the Premier would dare introducing first past the post voting as a primary measure, because that is not the nature of this Government. This Government will introduce measures of this nature in easy stages: it will creep around the corner to introduce this sort of legislation, and that is exactly what it is doing. As I cannot support the introduction of optional preferential voting, I do not support the Bill.

Mr. MILLHOUSE (Mitcham): There is a good case in theory to be made out for this Bill and for optional preferential voting. I cannot but say that I am influenced by it. A staunch supporter in my district has given me a memorandum, part of which I intend to quote. As I say, in theory I believe a plausible case can be made out for optional preferential voting. This is what my supporter says:

There is no justification in theory for insisting on exhaustive preferential voting as required under the present Act. That is, requiring the elector to mark a preference in every square on the ballot paper. To do so could result in the vote being counted for some candidate the voter did not wish to see elected, such as a candidate in the opposite Party.

I know that on occasions people have said to me, "Why do I have to mark any sort of a number against a certain candidate's name? I detest the fellow and I do not even want to give him my last preference." That is somewhat akin to the action that my wife took on one occasion when she ignored a how to vote card because in the Senate she detested the candidate second to last on the card more than she detested the candidate who was last on the card, so she swapped them around. The memorandum continues:

Moreover, the voter may not know all the candidates well enough to make an intelligent choice between them or to place them in a realistic order of preference. Nevertheless, he should have his vote counted for the candidate he does know and wishes to have as his representative in Parliament. The voter should be given all possible freedom in choosing his (or her) representative—

I entirely agree with that because my own strong conviction is for voluntary voting, which is the present policy of the Liberal Movement, and I think it is, now that the Liberal Party does have a policy, that of the Liberal Party itself.

Dr. Tonkin: You should keep up to date more than that.

Mr. MILLHOUSE: I am up to date; I know what your policy in those things is. I am just waiting to see whether it is carried into effect in this place. The memorandum continues:

and should have all the options available to him, namely: (*a*) not to vote for any candidate if he does not like any of those presenting themselves for election. He can do this by leaving his ballot paper blank. (*b*) to vote for only one candidate and have his vote counted for that candidate only. (*c*) to mark additional preferences, after the first, for as many other candidates as he chooses in the order of his preference for them so as to ensure that his vote will be counted for one of the candidates of his choice.

Those are theoretical things, but we now come to something which is more practical and goes to the root of the problem which members on this side of the House see in optional preferential voting. The memorandum continues:

There are no grounds for thinking (or fearing) that voters will not mark more than one preference on their ballot papers. The reasons for this are: (*a*) The vast majority of voters are too intelligent to throw away their vote in this manner—

and his estimate is that well over 96 per cent of people would mark all preferences. The memorandum continues:

(*b*) At least 80 per cent of voters follow the Party how to vote cards, and these cards will always show where the Party would wish its supporters to direct their preferences.

I think my own Party in the last election had an average of 88 per cent of those who supported the Liberal Movement, contrary to what the member for Light said on the day after the election: 88 per cent of our preferences held throughout the State. The memorandum continues:

There is solid evidence to support the contention made in the earlier paragraph, namely: (*a*) In elections in the Irish Republic, where voters are required to mark only a first preference and may mark additional ones, the number of votes lost by the exhaustion of preferences is only of the order of 2½ per cent.

They have had the system for 30 or 40 years now.

Mr. Goldsworthy: Is that for multiple electorates?

Mr. MILLHOUSE: I think it may be.

The Hon. Hugh Hudson: That reinforces your opinion?

Mr. MILLHOUSE: I am not putting it forward necessarily as my opinion; let the Minister not jump to conclusions. I am saying this memorandum influences my thinking because I have great respect for this person. The memorandum continues:

In elections in Tasmania for the House of Assembly, exhausted votes run at less than 3½ per cent. In the latest Legislative Council election in South Australia only 5¾ per cent of the votes of minor Parties were exhausted.

I will not quote the rest of this document; I think it is not relevant to the main principle of the Bill. So there is, both in theory and in practice, a strong case to be made out for optional preferential voting. Speaking for myself and, I think, for my colleague, on this, we would not fear that an optional preferential system of voting would damage the Liberal Movement's electoral standing. The Liberal Party may not feel that way; it may have a greater fear of it than that. We certainly would not like first past the post voting, which allows one to mark only the first preference and precludes the marking of any subsequent preferences. That is the problem with the Bill.

The Hon. Hugh Hudson: Here comes the "but".

Mr. MILLHOUSE: I did not put it that way; I said that is the problem with this Bill. I know my friends in the Labor Party well enough to know that they do not

introduce legislation like this unless they see an advantage in it for themselves. Let us not think that they introduce measures like this out of pure theoretical virtue; they do not.

Mr. Coumbe: You are saying that they are not philanthropists?

Mr. MILLHOUSE: No; they are not philanthropists. They will do it if it suits them. I have no doubt that this Bill is meant to be a half-way house towards first past the post voting, and first past the post voting would not, for the reasons I have given on previous occasions, be to the advantage of Parties from the centre to the right of the political spectrum in this country.

As I have already said before, we can argue until we are blue in the face as to which is more democratic. The answer is that there are a number of systems of voting that can be regarded as democratic and, depending on one's point of view, one favours one rather than the other; but it does not mean to say that one is either more or less democratic because one makes a choice different from that of other people. So we return to the question: which system of voting will be advantageous to which political Party, given the equal element of democracy in a number of them? My real reservation about this Bill is that it is not meant to last. If it got through, it would not be too long before the Labor Party would be pushing its own policy of first past the post voting, on the ground that we had something that was fairly close to it.

The Hon. D. J. Hopgood: We have not got that policy.

Mr. MILLHOUSE: I thought you had.

The Hon. D. J. Hopgood: Optional preferences.

Mr. MILLHOUSE: I do not think it would be too long before members opposite changed their policies back to first past the post, because it would suit their Party. Labor Parties have always been in favour of first past the post because, as a rule, except when there have been the disasters of conscription, the Democratic Labor Party, or the Premiers' plan, they are a unified Party, whereas on this side of politics there is often a fragmentation, as there is now; and, of course, we would be the ones to suffer from any change to first past the post voting. I am afraid I do not trust my friends in the Labor Party sufficiently to expect them not to bring that forward very quickly indeed if optional preferential voting came in, and my dear old friend from Florey laughs in agreement with me. He knows perfectly well the pattern.

That being so, I am not prepared to support the second reading of the Bill, because my suspicions of the Labor Party and its motives are still too strong to do so. However, in theory there is much to be said for this. We as a Party do not fear the passage of this Bill, but we do fear a consequence which would flow from it—a rapid move by the Labor Party to the first past the post system. Therefore, despite the memorandum to which I have referred, which has been given to me by one of my supporters, I do not propose on this occasion to support the system embodied in this Bill. I must, therefore, oppose the Bill.

Mr. GOLDSWORTHY (Kavel): I oppose the Bill. I debated this measure at some length when it was before the House and I do not propose to canvass again in full the arguments I advanced on that occasion. It is a fairly radical change in the voting system in this State that the Labor Party proposes. It may not appear to be particularly radical at first sight, but it is, and the explanation that the Government offered in support of this change is minimal. In fact, when the former Attorney-General (now Mr. Justice King) was elevated to the Supreme Court on his retirement from this place, the Bill was introduced and there was no explanation. I recall that he referred to democratic insights which dawned on the Labor Party and its fountain of wisdom. At least there was some attempt to justify it and rationalise it and put forward some logical argument.

However, when this Bill came to the House there was no argument at all. No argument was advanced by the now Mr. Justice King. This was most untypical of that gentleman. However, in examining the explanation this time there is little more in it than before. Although it is not a long Bill, I believe that its consequences would be dramatic in this country. An examination of any evidence would sustain this point.

The Hon. Hugh Hudson: Like the Irish situation.

Mr. GOLDSWORTHY: That is a multi-electorate system.

Mr. Millhouse: I don't think it makes any difference.

Mr. GOLDSWORTHY: It does. There is a pressing need to elect more than one person. If five members are elected, people are as interested in the first person as in the fifth person.

The Hon. D. J. Hopgood: There is a greater chance that people would not mark preferences to the end of the card, because it is longer.

Mr. GOLDSWORTHY: I have not been there, but I believe one would be as interested in the first person as in the fifth. There is no direct comparison between a multi-seat electorate and a single-member electorate, which we are now considering. I refer to the debate in Canberra to see what arguments were advanced there by the senior Labor Party spokesman in its attempts to introduce similar changes in Canberra. Mr. Daly, the Leader of the House in Canberra, was the chief Labor Party spokesman, whose arguments were equally thin, but there was little he could argue to support this change.

He put forward two points, I think, the first being that there was some delay in the announcing of election results under the full preferential system. He believed that it would speed up the declaration of election results if there were an optional preferential system. The second point, and the only other point he advanced, was that there would be fewer informal votes. To sustain that argument he mentioned the complicated Senate cards which the Parties were issuing at the double dissolution when New South Wales had, I think, a record number of candidates, about 70. However, if we examine the informal vote at that election in New South Wales and compare it with the informal vote in the other States where the cards were shorter (about half the length), this point does not stand up.

The Hon. Hugh Hudson: What happens when you compare the Senate election in South Australia with the Legislative Council election and look at the percentage of informal votes arising from that comparison?

Mr. GOLDSWORTHY: If we have a look at the informal vote which obtained at that double dissolution and compare it with the informal vote in the Senate, I think, from memory, there was no great discrepancy.

The Hon. Hugh Hudson: It is optional preferential voting for the Upper House.

Mr. GOLDSWORTHY: One is voting in the Legislative Council for a team and the situation is not analogous. The number of times one marks the card has been cut down dramatically by voting for a team.

The Hon. Hugh Hudson: That is what happens under that system.

Mr. GOLDSWORTHY: All that means is that you have to make fewer marks on the card. I will not be diverted by the Minister, who seeks to distract me. Mr. Daly advanced two points, neither of which can be sustained in this matter. What impels the Labor Party in this instance is what impels it in most of its electoral provisions, that is, electoral advantage for that Party. I should now like to refer to the logical second step, to which the member for Mitcham has already alluded.

Mr. Russack: A gerrymander.

Mr. GOLDSWORTHY: "Gerrymander" is the word often used by members opposite. The next logical step is first past the post voting. If we examine the situation we can see just what advantage this would be to the Labor Party. What would be the results in the Commonwealth elections if the votes cast for the Parties were examined on a first past the post basis? On numerous occasions the Labor Party would be elected to office with a minority of public support. This is further borne out by examination of the British elections. I will now refer to the sort of figures we would get. From the recent Australian election results we find that the inequity of first past the post voting is abundantly clear. In 1969 the Australian Labor Party gained 47 per cent of the vote. The Liberal Country Party and the Democratic Labor Party, who preferred each other to the Labor Party, obtained 49·4 per cent of the vote.

The Hon. Hugh Hudson: Do you include the D.L.P. as part of the coalition?

Mr. GOLDSWORTHY: It certainly preferred the Liberal Party to its former colleagues.

The Hon. Hugh Hudson: If you are going to count preferences, should you not allow for the leakage of the preferences? You cannot just add the figures together.

Mr. GOLDSWORTHY: Be that as it may, I think the discrepancy in those figures more than accommodates any leakage of D.L.P. preferences.

The Hon. Hugh Hudson: What about Country Party preferences?

Mr. GOLDSWORTHY: The leakage to the A.L.P. is even more miniscule.

The Hon. Hugh Hudson: You have to make an allowance for it.

Mr. GOLDSWORTHY: We make an allowance, and obviously from those figures an allowance has been made, because the total of those votes amounts to 96 per cent.

The Hon. Hugh Hudson: But you have left out some of the Australia Party votes and votes for Independents.

Mr. GOLDSWORTHY: By no stretch of the imagination can the Minister suggest that the Labor Party, even with a small percentage of preference votes added, would have obtained more than 50 per cent of the vote cast on that occasion. In 1972 the A.L.P. did gain 49·6 per cent, a greater percentage of the vote against an adjusted total of the anti-socialist votes. I include the D.L.P. in this, because it obviously hated its former colleagues more than the Liberal-Country Party. The Liberal-Country Party and D.L.P. were then outclassed and gained 46·7 per cent. In 1974 the A.L.P. gained 49·3 per cent and the combined total of the other Parties was 47·1 per cent. The actual seats won in 1969, when the A.L.P. got 47 per cent and the Liberal-Country Party and D.L.P. got 49 per cent of the seats, were: A.L.P. 59, Liberal Party and Country Party 66. In 1972, when the Australian Labor Party gained a higher percentage of the vote (although less than 50 per cent) and assumed office, it got 67 seats and the Liberal and Country Party 58 seats. In 1974, the A.L.P. gained 66 seats and the Liberal and Country Party and Democratic Labor Party 61 seats. Under the first past the post voting system, the figures would have been significantly different.

Under that system, and ignoring the other Parties that gained a significant percentage (and I refer to the Country Party and the D.L.P.), the Labor Party would have gained 70 seats with its 47 per cent of the vote, and the other Parties would have gained only 55 seats, although the Labor Party did not enjoy anything like majority support. In 1972, the A.L.P. would have won 81 seats and the other Parties 44 seats, and that is with a vote of 49·6 per cent of the total votes cast. In 1974, they would have gained 74 seats and the other Parties 53 seats, with a total vote of less than 50 per cent. One can see here the Labor Party's obvious enthusiasm to take the first long step towards this system of voting.

If one examines the results in Great Britain, one sees that the same sort of thing can occur, even though in 1974 the Conservative Party gained a higher percentage of the total vote, namely, 38·1 per cent. Despite that, it gained 46·7 per cent of the seats. The Labour Party, having gained the lowest total percentage of 37·2 per cent of the total votes cast, gained 47·5 per cent of the seats, by only a hair's breadth. One can see clearly why the Labor Party is enthusiastic to adopt this system. It makes election results far more haphazard, as the figures to which I have referred show. Not only does it have that effect but also it works against that side of politics on which there tends to be minority Parties. The Leader of the Opposition referred to the last occasion when in the State sphere something close to this optional preferential system was achieved. I refer to the situation in Queensland. The results are unpredictable, showing that members of Parliament can be elected with less than 40 per cent of majority support.

The Hon. Hugh Hudson: Are they under straight optional preferences in Queensland?

Mr. GOLDSWORTHY: They are not far from it.

The Hon. Hugh Hudson: What was the difference?

Mr. GOLDSWORTHY: I am not certain that there was any difference. The present Minister of Education has pointed out to me that there was a difference, but it must have been slight because, by way of his interjection, the Minister could not point out any significant difference. As far as I know, that was the last occasion, in 1941, when this system was tried. If there was a substantial difference (and I do not think there was), I should like the Minister to explain what it was. As the Leader pointed out, in some elections persons were elected with slightly more than 30 per cent of the total votes cast. This makes elections haphazard and results undemocratic in many instances and, indeed, it actively favours the Labor Party. I am convinced that that Party is impelled on this occasion, as it is on most occasions in matters such as this, to achieve some electoral advantage.

I do not think any member has alluded to the other provision in the Bill, which is overshadowed by the aspect to which all members have referred. The Bill refers to section 110a voting. It was, I think, proposed by the member for Torrens in a private member's Bill. I think I am correct in saying that he took the initiative, and that there is a Bill on file covering this very point.

Mr. Coumbe: That is so.

The Hon. D. J. Hopgood: Except that we previously tried to legislate for that.

Mr. GOLDSWORTHY: That may be so.

The Hon. D. J. Hopgood: It is true.

Mr. GOLDSWORTHY: However, the member for Torrens had the initiative to take this action, and it should, of course, enjoy total support in this House. By the Labor Party linking as it often does the bitter pill with a lolly, it hopes that the Bill will pass. Nevertheless, the Opposition has no argument with the other provision in the Bill, although it is certainly not willing to accept the provision seeking to enact optional preferential voting in this State. With those remarks, I oppose the Bill.

Mr. GUNN (Eyre): I, too, oppose the Bill. Having examined the Bill, I do not find it hard to understand why the Labor Party wants to institute this system of voting. It wants to use this as the first step towards bringing in a gigantic gerrymander in this State. If one examines the statements made by Labor Party members across Australia, one can see that that is their aim and desire. The Minister of Education has spoken a lot of waffle this evening.

Members interjecting:

The SPEAKER: Order!

The Hon. Hugh Hudson: What year is it?

Mr. GUNN: I am fully aware of what the Minister of Mines and Energy (commonly known as the Minister for "hot air") is going to say: it has been changed. Of course, this has been changed. I am going to refer to the situation obtaining in 1974, to reinforce the point which the member for Mitcham made and which I want to make. For its own convenience, the Labor Party changed its policy. It wants to try and delude the people of South Australia into a false sense of security. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

The Hon. HUGH HUDSON (Minister of Mines and Energy) moved:

That the House do now adjourn.

Mr. KENEALLY (Stuart): This is my first contribution to the adjournment debate. I have been motivated to speak in the debate by a comment which was made by the member for Mitcham during the Budget debate. That comment was supported by other Opposition members and has at length been supported by the media not only in South Australia but also throughout Australia. Leaders of Government and Ministers are often criticised for going overseas. I have been a strong supporter of oversea trips for heads of Government (Premiers, Prime Ministers and Ministers). South Australia has been poorly served in this respect by our Ministry, and this is a criticism I make of the Ministry. I have drawn up a list (it could be wrong in some small detail, but I think it is accurate) that shows that since the Labor Government came to power in 1970 the Deputy Premier and Minister of Works has been overseas once. The former Minister of Education (currently the Minister of Mines and Energy) has not been overseas. The Minister of Transport and Local Government has had two oversea trips. The Minister for the Environment has not been overseas. The present Minister of Education has had one oversea trip. The former Minister of Labour and Industry (Mr. McKee), now retired from Parliament, had no oversea trip, nor has the present Minister of Labour and Industry or, of course, the present Minister of Community Welfare.

Members interjecting:

Mr. KENEALLY: I suggest that Opposition members be patient and they will find out in due course who the new Ministers will be. I think they need not be afraid that I will be one. The Minister of Lands has had three oversea trips. The Chief Secretary has had no oversea trip. The Hon. Mr. Shard and the Hon. Mr. Kneebone each had one oversea trip, and the former Attorney-General had two.

Mr. Nankivell: Is that all?

Mr. KENEALLY: Yes. The Premier has had at least one oversea trip a year during that time, and in some years he has had two. In my view, a Minister must inform himself of oversea developments in those areas for which he is responsible. I know that the comments I am making do not always meet with the approval of my colleagues on the front bench, but this is a responsibility they have. I think it is a failing we have in Government to be swayed by the media, which continuously refer to Ministerial trips overseas as being Parliamentary junkets. This is extremely unfair to the Ministers taking these trips; they take them as a responsibility they owe to the State. The other evening the Premier was asked how many trips he would take this year, and in reply he said that he did not know at the time what oversea trips he might be required to make. I stress the word "required".

Mr. Max Brown: It's in the interests of the State.

Mr. KENEALLY: Of course it is. Further than that, I do not believe that any Minister can afford only to have the head of his department go overseas to study what happens in other parts of the world and report back to him. I do not object to these people going overseas: in fact, I encourage it, but it is essential that the Ministers do so. The biggest industry in South Australia is the State Government, whose Ministers control a massive yearly Budget. Any private enterprise having one-quarter or one-half of the State Government's turnover would have its executives continually overseas studying developments there. I think it is an absolute disgrace to those members who would jump on a media band waggon to criticise Ministers who need to go overseas, because their trips react favourably on the community in South Australia. Some risks are involved in going overseas, because sometimes, while a member is overseas, his Party may find that it can do without him!

I also strongly support the principle that back-benchers should be given ample opportunity to inform themselves of what is going on not only in Australia but also overseas. I am therefore delighted to see that the number of study tours for members of Parliament, as a group, has been increased from two a year to three a year. Whenever someone raises this kind of matter, some members and some people in the community make snide suggestions that the person raising the matter is doing so for his own personal benefit. Government members would be able to assure those who are in doubt that, at least in my case, that criticism would not be valid. Reports made by members on their oversea trips have shown the value of such trips. The people are entitled to expect that their legislators are completely informed about developments taking place elsewhere. Some members have not travelled overseas; indeed, some members have spent only a very limited time in other States. To some extent this is a fault of the Parliament, and I am therefore delighted to see that the Government is to remedy the situation.

I again make a plea to the media that, when members are required to go overseas for the sake of this State, the media should be responsible enough not to refer to such trips as Parliamentary junkets. On each occasion that Ministers who have made these trips have returned to this Parliament, it has been obvious that their trips have not been junkets. In some cases the Ministers lost a considerable amount of weight while they were away.

I do not know whether the loss of weight was caused by food poisoning or by the hard programme that the Ministers set themselves; actually, the hard programme would be the cause. One of the causes of overwork is the reaction of the community, motivated largely by irresponsible reporting. I hope that in next year's Budget debate, when we are considering lines relating to Ministers' oversea trips, there will be support instead of criticism from the Opposition. Even some Opposition members could benefit from oversea trips.

Mr. EVANS (Fisher): The adjournment debate is the only concession given to Opposition members to help balance their rights. This evening on a television programme I heard the Premier say that the Opposition has had an increased opportunity to express its viewpoint in this Parliament. That is not accurate; indeed, it is an untruth, and the Premier should be ashamed of himself for making such a claim. We have a 30-minute adjournment debate, with a 10-minute time limit for each speaker. Three members may each speak for 10 minutes. Because we have two from one side of the House and one from the other in each adjournment debate, alternating on each occasion, and because we sometimes sit later than 10 p.m. on Tuesdays or Wednesdays or 5 p.m. on Thursdays, we are lucky to have more than two members from either side speak each week.

You may not know, Mr. Speaker, what we have lost but, now that you sit in judgment in this House with little experience of its operation, I believe I should tell you what has happened to the Standing Orders of this Chamber. When I entered this Parliament in 1968, every member had an opportunity to ask questions, as Question Time went for two hours. A member was able to explain the question before he asked it, giving much more leeway in explanation, because no-one knew what the question would be.

Members interjecting:

The SPEAKER: Order!

Mr. EVANS: That was practised in this Parliament from its inception until the relevant Standing Order was changed. The Minister of Mines and Energy has exploited that system more than has any other member in this House during the time I have been here. The time for asking questions has now been reduced to one hour. If we wished to move an urgency motion under the old Standing Orders, it had to be moved between the time of giving of Notices of Motion and the time when the Business of the Day proceeded. There was no limit on the time for which a member could speak. The position now is that we must start an urgency debate within the first 20 minutes and finish it before 3·15 p.m., leaving about 45 minutes. In the past, the time permitted was at least 1¾ hours, so once again members have been deprived of their opportunties to speak. Also, there is a limit on the time that each member may speak in the debate.

When the House went into Committee of Supply, we were formerly allowed a grievance debate every time the motion was moved. Under the new Standing Orders, however, we are allowed only one grievance debate, and that is when the motion to go into Committee for the first time is moved. The opportunity for grievances in a Supply measure was lost. In 1968 and 1969, when the Premier and some of the members sitting beside him now were in Opposition, the Supply Bill was debated for much longer periods: for 48 hours in 1969, and for 49 hours in 1968. The Premier said that was the only opportunity to air grievances then, but that the adjournment debate is available now. However, he was not honest enough to admit in the television interview that our grievance debates had been cut in other ways. He was trying to justify the implementation of the guillotine last evening.

The Premier has said in this House and on television in the past few days that the time of this Parliament is Government time. Whoever gave him the right to say that? I have always believed that the people elect every member of Parliament to use the Parliament's time. It is the Parliament's time, the people's time, and we are the representatives of the people. Our Constitution does not refer to political Parties. Each and every member in this House is elected to represent a district, and the Premier is saying that the Government has a right to go ahead with its programme, regardless of the point of view of an individual member, which his constituents have elected him to express in Parliament. That is exactly what the Premier is saying. We must remember that we are becoming too indoctrinated with thoughts of Party politics and are not thinking enough about the people we represent. We are being denied the right to debate measures in a balanced House. Between 1968 and 1970 each Party in this Parliament had equal numbers, and a so-called Independent was the Speaker. Some people would say that the present situation is the same, Mr. Speaker. Between 1968 and 1970, the numbers were equal, yet the then Opposition (the Government of today, which now has this philosophy) debated the Supply Bill for about 50 hours. What did the Premier attempt to keep the Opposition back to—a miserable 25 hours! Half the time!

In 1968-70 the State did not face the economic crisis it faces today, nor was Australia facing that crisis. Unemployment was not at the level it is at now, which is the highest rate we have had since the depression years, and the Government now says members should not have as long as they had some years ago to debate the Supply Bill. What sort of Premier, what sort of man, would do this when, for years before he became Premier of this State, he said he believed in the right of the individual to come into Parliament and to express his views at all times? However, when on tenterhooks and feeling the strain of government, he employs the guillotine. I understand the pressures on the Government, but it must remember that you, Sir, and all other honourable members have the right to represent the people who elect him to Parliament. The Opposition has been suppressed, and we do not have the same rights as we had previously.

Members interjecting:

The SPEAKER: Order! The honourable member for Fisher has the floor.

Mr. EVANS: I leave with you, Mr. Speaker, the opportunity to go back through old Standing Orders to see by comparison with the present provisions the suppression that has been brought on the Opposition. Even if we wished to disagree to the Speaker's ruling, under old Standing Orders more than two members could speak, and there was no time limit. Today, however, only two speakers can disagree to your ruling, and usually one from each side of the House speaks. You (as was your predecessor), Mr. Speaker, are a little more protected than were previous Speakers by changes to Standing Orders, but those changes represent another suppression of the Opposition. Usually the Opposition would disagree to your ruling because, in the main, you support the Government. At least you have done so on every occasion so far. That is the sort of suppression we as an Opposition face.

I leave you with the challenge, Sir, to go through the old Standing Orders to see how you are perhaps being manipulated to a degree, by being expected to support the implementation of the guillotine. That procedure is totally against the Westminster tradition and the traditions of this Parliament. What happened last evening was deplorable, but what the Premier said this evening was totally dishonest. He knows it was dishonest and Parliament knows it was dishonest. When you look at the Standing Orders, Mr. Speaker, as I hope you will, you will see that what the Premier said this evening on television was totally dishonest.

Mr. LANGLEY (Unley): I have listened rather intently to what the member for Fisher has said. This is the third occasion I have been in an evenly-divided House. On the two previous occasions I was in Opposition, and what is happening now is similar to what happened then. As much as I adored Sir Thomas Playford and admired the Hon. Steele Hall, I assure the honourable member that this is so. At all times the Hon. T. C. Stott supported the Government, except on the one occasion that brought down the Government of the day. The member for Fisher can talk along these lines, but he should remember that what is happening now happened in the days of Sir Thomas Playford who, when he wanted his members not to say anything, just waved a magic wand and they would not utter another word.

Mr. Goldsworthy: Oh!

Mr. LANGLEY: There is no doubt about that. The member for Kavel was not in the House at the time.

Mr. Goldsworthy: But I can read *Hansard*.

Mr. LANGLEY: Whether the honourable member likes it or not, the Government is here to get the business through the House; that is what we are here for. We are the Government of this State, whether or not members opposite like it. I say here and now that we are the Government, and the Government of that day was in the same position as the present Government is in now.

Mr. Goldsworthy: Do you agree with the member for Spence that we have no rights?

The SPEAKER: Order! The member for Unley has the floor.

Mr. Goldsworthy: He is not doing much with it.

Mr. LANGLEY: Many times in this House members say things that they very likely regret later. No-one is infallible; we all make mistakes. If the member for Glenelg can say that he has never made a mistake in this House and if he wants to use that argument, that is all right. I have nothing against that, but mistakes can be made; for example, the member for Davenport made a mistake last night and did not make any excuse for it. So, he, too, is not infallible. I, too, make mistakes. Last evening I made a mistake, and I am not too proud to admit it.

Members interjecting:

The SPEAKER: Order!

Mr. LANGLEY: I am sure the Deputy Leader of the Opposition has never made a mistake!

Mr. Goldsworthy: Was the guillotine last night a mistake?

Mr. LANGLEY: I shall not answer that. The Standing Orders of this Parliament allow it, and I will not say that the honourable member would not have done the same, too.

Mr. Mathwin: Do you agree with the member for Spence?

The SPEAKER: Order!

Mr. LANGLEY: The matter of housing has recently been raised. Every member of this House from time to time refers to a person owning a house. As a result of being in the building trade over a period of years, I must admit that several aspects of buying a house worry me greatly, especially the person who is buying an established house, usually through a land agent.

Some people are interested in improving houses. However, a building consultant should go along to these houses and report on their condition before they go to auction or come up for sale. I am sure that an informative document would be helpful to young couples who intend at some time buying a house. This would be enlightening to members on both sides of the House, because people buy houses, which then go through the process of the one-coat wonder: they paint these houses up. No-one goes up into the roof to see its condition, and people do not look inside the house to make a realistic report on it. I assure the member for Davenport that this is rife in this State. The complaints I get from people in this regard would open his eyes. People put wallpaper on walls and get extra money; they spend about $2 000 or $3 000 on these houses, and they then seek an extra $10 000 or $12 000. The prospective purchasers have no control, while dealers make a lot of money through selling established houses. I only hope that the Government considers this matter. I am not complaining to a great extent, because no other Government has ever attempted to do this, but I believe that, before an established house is sold, a report should first be made on its condition, not only at sale but also when it is put up for auction or sold subsequently, so that the purchaser knows the condition of the house both before and after it has been renovated.

Motion carried.

At 10.26 p.m. the House adjourned until Thursday, September 18, at 2 p.m.