HOUSE OF ASSEMBLY

Thursday 9 May 1985

The DEPUTY SPEAKER (Mr MAX BROWN) took the Chair at 2 p.m. and read prayers.

PETITION: SIMS BEQUEST FARM

A petition signed by 181 residents of South Australia praying that the House support the retention of the Sims bequest farm, Cleve, in its current form was presented by Mr Blacker.

Petition received.

PETITION: HOMOSEXUALITY EDUCATION

A petition signed by 40 residents of South Australia praying that the House oppose the South Australian Institute of Teachers policy on homosexuality within State schools was presented by Mr Klunder.

Petition received.

PETITION: BELAIR-BRIDGEWATER RAIL SERVICE

A petition signed by 267 residents of South Australia praying that the House urge the Government to reject the proposal to discontinue the rail service between Belair and Bridgewater, rationalise existing services, and allow public comment before any further decisions are made to discontinue the service was presented by Mr S.G. Evans.

Petition received.

QUESTIONS

The DEPUTY SPEAKER: I direct that the following written answers to questions without notice be distributed and printed in *Hansard.*

GRAND PRIX ACCOMMODATION

In reply to **Mr FERGUSON** (19 March).

The Hon. G.F. KENEALLY: The Grand Prix Board has appointed TAA to handle accommodation, including home hosting, and the Grand Prix Office and TAA are investigating the legalities in relation to this aspect. Officers of the Department of Tourism will assist both the Grand Prix Office and TAA if and when required. The Marketing Manager, Department of Tourism, as a member of the Grand Prix Off-Course Committee, will keep me informed of developments in relation to accommodation.

TOURIST ATTRACTION SIGNS

In reply to **Mr TRAINER** (21 March).

The Hon. G.F. KENEALLY: The suggestion regarding provision of foreign language tapes at appropriate attractions certainly on the surface has merit. Before implementing such a service to visitors the Department of Tourism would need to identify the following items:

(a) Those attractions where a significant steady demand is made on such services.

(b) If the provision of a tape is the most appropriate method or should a brochure or signage be used.

(c) What languages are required.

I have requested officers of my Department to contact the Edwardstown Lions Club to ascertain whether they are interested in extending this visitor service to other attractions. Their concern to assist in tourism promotion is appreciated.

QUESTION TIME

EXPORT MARKETING GRANTS

Mr OLSEN: Can the Premier say whether the Federal and State police are investigating the fraudulent use of South Australian Government funds allocated for the Export Assistance Scheme? Under the Federal Export Marketing Development Grants Act exporters are entitled to reimbursement of up to 70 per cent of funds they spend in seeking new export markets. Because of delays in obtaining the Federal funds the State Government has a scheme for providing interim payments, which are repaid when Federal funds are finally received.

However, I have been informed that the State Government has been defrauded of thousands of dollars in an abuse of the scheme. This abuse has involved the presentation to the State Government of false documentation for the payment of assistance resulting in exporters receiving more funds than they were entitled to.

The Hon. J.C. BANNON: The answer to that is, 'Yes'. There is such an investigation going on, but I am not able—nor do I think it would be proper for me—to detail the stage of that investigation. The sums involved are not that substantial but certainly it is of great concern that a scheme like this, which requires the good faith of—

The Hon. E.R. Goldsworthy: How much?

The Hon. J.C. BANNON: I cannot recall the exact amount, but I am saying that it is not substantial.

The Hon. E.R. Goldsworthy: Do you call $15 000 not substantial?

The Hon. J.C. BANNON: It involves, I understand, things such as using the grant money for travel which is not necessarily connected with the export of goods, the export incentive for which it is. It is pretty deplorable when these practices occur.

The Leader of the Opposition said that the State Government plays a role by providing funds because it has been found that delays and red tape often involved in gaining approvals under the Federal scheme mean that exporters can miss opportunities that have to be seized as they arrive. On that basis the State is prepared, under a scheme which is properly budgeted for in the Department of State Development, to advance moneys which in turn are reimbursed by the Commonwealth.

That scheme obviously can work only if those taking advantage of it are genuine in the way in which they use the money. If there is an abuse, the problem is that the tendency will be for the Commonwealth and State Governments to withdraw support from such a scheme. We believe the scheme is of value but, if it is abused, it will certainly be stopped.

TAFE NEEDS

Mr MAYES: Can the Minister of Education say what efforts are being made to correct the situation in TAFE colleges where creche facilities for recreational areas are either deficient or non-existent? Since the early 1970s we have witnessed rapid growth in the provision of courses through the Department of Technical and Further Education. Although this growth has been welcomed, it is apparent that

in many situations the planners failed to see some of the needs of many full-time students. The needs of these full-time students have been brought to my attention by my constituents, and I am sure the same question has been raised with other members of Parliament. I ask the Minister to give urgent consideration to this matter.

The Hon. LYNN ARNOLD: I can give the House some information on this very important matter. It is certainly one that needs further work, which is yet to be completed. This Government has attempted, within the resources available to it, to address the issue over the past 2½ years. Recently, it has made more funds available to upgrade or provide certain facilities. Upon this Party coming to Government it immediately made available, by reallocation of resources within the TAFE budget funds, the provision of child care facilities at about four TAFE colleges. Since that time the situation has improved.

One of the basic problems we have faced in providing creche facilities at TAFE colleges is the simple lack of physical space, and that has been quite critical, for example, at the Noarlunga TAFE where there was no space available without the commitment of significant capital funds. Those capital funds have been committed, but it did mean that creche facilities have taken a little longer to come onstream. Likewise, with other TAFE colleges, we have had to provide some capital funds or some funds to modify facilities that already exist. I recently gave approval for the allocation of about $120 000 for the provision of equipment and/or modification of facilities at various TAFE colleges in South Australia to add to the programme of providing creche facilities within our TAFE colleges. They include, amongst other places, the provision of some funds for equipment at Noarlunga, and the modifications to Elizabeth to enable that college to have increased capacity.

The Elizabeth creche quickly showed itself to be inadequate in capacity because the demand was so great for its services; likewise, the extension of facilities at the Whyalla TAFE college. Previously, the creche facilities there were funded under Commonwealth money and limited to a certain range of programmes that were being offered by TAFE. That facility will now be able to be extended in order to meet the needs of other TAFE students. I can provide the honourable member with a list of colleges that are being provided with this most recent allocation of funds.

The Elizabeth example is significant because it shows that what was said to be an issue of irrelevance was a very pertinent issue. Prior to this last election the Elizabeth facility was a voluntary one and had some degree of support, but then, when we had a policy of introducing paid support throughout all colleges if possible in South Australia, we found there was a great degree of community support that suddenly arose. The people said, 'Now there is a facility available, I realise I have access to further education facilities,' whereas previously they had not allowed themselves to think about that. The Elizabeth facility grew quickly in numbers wishing to enrol, and that facility is now full. That situation also applies at other colleges. There is no doubt we will have to make more funds available; we will continue to do so.

The general service fee that is being raised in the TAFE budget is providing important funds to help us do that in addition to the other funds that have been committed by the Government for creche facilities. There is a clear need for the improvement of general amenities for students in our TAFE colleges. That was pointed out to us by the TAFEC Report at the time of the previous Government. The Government is meeting those needs progressively by funds of its own, as well as using funds from the general service fee that this Government instituted two years ago.

EXPORT MARKETING GRANTS

The Hon. E.R. GOLDSWORTHY: Has the Premier ordered an investigation of the administration of the State Government's Export Assistance Scheme? In addition to the fraudulent use of funds referred to in the Leader's question on this matter, I also understand that inquiries have established very lax administration of this Export Assistance Scheme. The scheme requires recipients of the State Government's interim assistance to repay the funds to the State within 30 days of receiving the Federal money. However, I understand inquiries have established that some repayments to the State are outstanding for periods in excess of 12 months. As well as suggesting inept accounting procedures, the failure of people to repay these funds within the agreed period must restrict the cash flow available to help other exporters requiring assistance. In answering this question, will the Premier inform the House how much State funding is outstanding under this scheme?

The Hon. J.C. BANNON: I do not have that detail with me, but the scheme certainly is under investigation. As I said in my reply to the Leader of the Opposition, a scheme like this—which is a very valuable tool for exporters in encouraging exporting—depends very much upon the honesty and attitude of those taking part. I have not been satisfied, but rather somewhat disturbed, by the reports. At this stage no definitive report has been given to me, but I would expect one fairly soon. Certainly, the overall administration of the scheme will be considered.

HENLEY BEACH CELEBRATIONS

Mr FERGUSON: Can the Minister of Tourism say whether his Department would be prepared to give support and publicity to the Henley Beach Jubilee 150 Celebrations Committee in its endeavour to encourage tourism to Henley Beach? The Henley Beach Jubilee 150 Committee has made arrangements for a series of functions to be held in and around Henley Beach during the 1986 Jubilee 150 celebrations. One of these functions will be the re-enactment of the famous Henley Beach carnivals that were held for a period of more than 50 years.

The committee is also planning to re-enact the once famous Grange to Henley Beach procession. During the years 1933 and 1934, as part of the traditional celebrations, weddings were held in the Henley Square. These two events each year drew a crowd of 10 000 people to the Henley Square. The Jubilee Celebrations Committee is seeking any couple who may be contemplating marriage to give consideration to having the wedding ceremony in the Henley Square during the February 1986 Carnival.

The Hon. G.F. KENEALLY: The honourable member stated that in 1933-34 weddings held in Henley Square drew crowds of about 10 000. That would have been the case 30 years ago had all my wife's relatives turned up at our wedding! I believe that all South Australians recognise that Henley Beach has played a significant role not only in the development of the State, but also in the recreational and tourism industry in South Australia. I sometimes think that it is a pity that its pre-eminence has been reduced somewhat by more aggressive competitors along the State's seafront.

Henley Beach has great potential, which I hope will be fulfilled. As the Deputy Director of the Department of Tourism, Andrew Noblet, is on the publicity committee for Jubilee 150, I will refer the honourable member's question to him to ensure that the events at Henley Beach are given the widest publicity. I take it that those events have been approved by the Jubilee 150 Board and that they appear on the Jubilee 150 calendar. I will take up this matter with Mr

Noblet to ensure that both the Department of Tourism and Jubilee 150, in promoting a whole range of very worthwhile events during our sesquicentenary year (1986), give these events at Henley Beach the pre-eminence they deserve.

LABOR CANDIDATES

The Hon. MICHAEL WILSON: Will the Premier order an immediate investigation to establish how much in the way of taxpayers' funds has been used to assist Labor Party candidates for the next election? Will he issue an immediate direction to Ministers to stop the use of public facilities and funds under their control to assist ALP candidates? When the direct use of Government funds to help ALP candidates was raised late last year, the Premier told this House on 5 December:

> There are no specific benefits as members of the Labor Party. I reject that. It is not true.

However, the Opposition now has further clear evidence that taxpayers' funds are being completely abused in this way. This is just one example: this week a news release was posted to the press, radio and television in Adelaide by the ALP candidate for Hanson, Ms Pengelly, who is to be the next President of the Party. That news release was posted in an envelope from the office of a Minister. The postage was paid by the Department—in other words, by the taxpayer. I have two envelopes here: one contains a release from the Minister for Environment and Planning; the other is from Ms Pengelly. Both were sent out on the same day this week; both releases have identical type; and both envelopes are identical and have identical labels (in fact, the labels are very badly printed, and they are obviously from the same word processor).

The Hon. G.J. CRAFTER: I rise on a point of order. It is against Standing Orders to place exhibits before the House.

Members interjecting:

The DEPUTY SPEAKER: Order! There is no specific point of order, but I point out that it is not the practice for members to display exhibits of any kind in the House. It is possible that the member for Torrens could be regarded as displaying an exhibit: I ask the honourable member not to do that.

The Hon. MICHAEL WILSON: The envelope from the Minister for Environment and Planning has, of course, the address of the Department of Environment and Planning on the top left-hand corner and the Government prepaid stamp on the right-hand corner, whereas the envelope from Ms Pengelly has had the address of the Government Department erased using a black felt pen, but it still has the Government prepaid stamp on the right-hand side of the envelope.

The Premier can examine these press releases. While I do not intend to show him the envelopes, because they have an address on them that will identify the media source of this information, I can assure him that they show beyond any doubt that taxpayers' funds have been provided to Ms Pengelly to allow her to prepare and to post a political press statement. Because the gross abuse of taxpayers' money in this way is just the latest example brought to the Opposition's attention, the Premier must order an immediate inquiry into the extent of funds being so used and ensure that the practice stops forthwith.

The Hon. J.C. BANNON: I would be happy to look at the particular example given by the honourable member. If he wants to black out the address on the envelope to protect the identity of his source, that is fine. Really, I think this is a rather trivial sort of statement. We do not know the circumstances involved. Is it suggested—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.W. Slater: People who live in glass houses—

The DEPUTY SPEAKER: And that goes for the Minister of Recreation and Sport, too.

The Hon. J.C. BANNON: Is it suggested that we monitor all the mail that goes through this House to the Leader of the Opposition's office or anywhere else?

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: If we really want to have that kind of investigation, it will be very expensive and rigorous, and it will apply to each and every member of Parliament here and in their electorate offices. I think the end result would be that we would find there is legitimate dissemination of information. I am prepared to accept that, and I would have thought that honourable members opposite would be, too.

'THE BREAKAWAYS'

Mr KLUNDER: Will the Minister of Tourism say whether the possibility of creating some type of official reserve around the sandstone formation known as 'The Breakaways' outside Coober Pedy was raised with him during his recent visit to the area? I understand from constituents that some damage has been reported in this area, thus raising the question of whether there should be some kind of Government control.

The Hon. G.F. KENEALLY: Yes, this matter was drawn to my attention when I visited Coober Pedy recently. In fact, it was first drawn to my attention when I visited Coober Pedy last year, but at that time I did not have the opportunity of visiting 'The Breakaways', which is a sandstone formation, as described by the honourable member, and highly regarded by citizens in Coober Pedy as an area having potentially significant tourism value. During my recent visit to Coober Pedy I was taken to 'The Breakaways' by members of the local ALP sub-branch who have been corresponding with both me and the Minister for Environment and Planning about this issue for some time. They are very keen to have this area protected.

My officers and I were accompanied to 'The Breakaways' by two officers from the Lands Department and by Mr Peter Caust, a resident of Coober Pedy who has shown a particular interest in preserving the quite spectacular formations at 'The Breakaways'. We were also accompanied by Mr John Thrower and Mr Tarki Delithanassis who have both corresponded with me and have also taken up the matter with me privately. I understand that 'The Breakaways' area is similar to the Carrickalinga Range, which I have not visited but which I understand is quite spectacular and is of considerable interest to the Department of Environment and Planning and the citizens of South Australia.

There appeared to be some damage to 'The Breakaways', but I am not competent to make any assessment of the extent of that damage. It was certainly impressed upon me by both Government officers and the citizens of Coober Pedy (particularly those people in the township who are involved in tourism) that 'The Breakaways' area is one of considerable interest and, having visited it, I well appreciate that. I took up this matter with my colleague the Minister for Environment and Planning with a view to having established a national park (which I understand is not likely) or a conservation park (which is probably more likely), or implementing some other method of protecting this area, given that it could be placed under the control of the State or the Coober Pedy Progress Association.

I believe that this area ought to be preserved using whatever method is available. I congratulate those people in

Coober Pedy, particularly those whom I have named, for their enthusiastic support and action in relation to a rather special part of South Australia which can be enjoyed today and in the future not only by us but also by visitors to South Australia, who I am sure will be as impressed as I have been.

ELECTION CAMPAIGN

The Hon. B.C. EASTICK: Will the Premier order the Minister for Environment and Planning to immediately stop allowing public funds and facilities in his office to be used by the Labor Party candidate for Newland at the next election? I have here a letter sent out by Dianne Gayler, the ALP candidate for Newland at the next election, who is employed in the office of the Minister for Environment and Planning. The letterhead carries a business telephone number as a contact for Ms Gayler: it is 216 7905. This number is also on her calling card and newspaper advertising.

A member of the Leader's staff rang that number this morning, the reply being, 'Office of the Minister for Environment and Planning.' Clearly, Ms Gayler is using a telephone paid for by taxpayers to help run her election campaign. That is not all: recently Ms Gayler sent a letter by private courier to the Tea Tree Gully TAFE College, and the courier's bill was paid for by the Department of Environment and Planning.

The letter was a request by Ms Gayler for a blatantly party political message to be sent out by the college under its letterhead: in other words, for further use of public money to help her election campaign. The facts I have disclosed amount to a gross abuse of taxpayers' funds which must be investigated and stopped immediately by the Premier.

The Hon. J.C. BANNON: Again, I am quite happy to look at the matter. The honourable member has made a number of allegations, and it would depend a lot on the circumstances of the case. Perhaps we could have some comments, for instance, on a member of Parliament sending letters out as 'Liberal for Bright', and other material of that nature.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: Taxpayers' money is used. Perhaps some questions could be asked about letters going out from the Leader of the Opposition's office to people asking them to subscribe money to the Liberal tax campaign.

Mr Olsen: Not one cent of taxpayers' funds was used in that—that's a false accusation, and the Premier knows it.

The DEPUTY SPEAKER: Order! I ask honourable members to cease interjecting.

Mr Olsen: It was not from my office, and I'll give you one to prove it.

The DEPUTY SPEAKER: Order! The Chair has always been very lenient in applying the strictures provided under Standing Orders, but I can assure the Leader of the Opposition that if there is another similar outburst the Chair will certainly apply the relevant Standing Orders. I ask the Leader to refrain from interjecting. The honourable Premier.

The Hon. J.C. BANNON: There was a return address to the Leader of the Opposition's office, and I could go on. I really find it extraordinary to hear these matters raised. The line is very thin between that which involves duties and responsibilities and that which involves the legitimate dissemination of information. I suggest again that, if members really want us to go into this in a major way, I would be happy to do that. However, I do not think it would greatly assist the Parliamentary process or our work as members of Parliament.

Mr OLSEN: I seek leave to make a personal explanation.

Members interjecting:

The DEPUTY SPEAKER: Order! I point out to the Leader tha, although it may not be technically correct in terms of the procedure governing this place, for many years (and certainly since the present Speaker has occupied the Chair) it has been the practice to grant leave for a member to make a personal explanation at the end of Question Time or at any other appropriate time during the course of the day's programme. If the honourable Leader of the Opposition wishes to take advantage of making a personal explanation, I suggest that he be patient and let us get Question Time over and the Chair will be only too pleased to accommodate him then.

HOLIDAY TRANSPORT

Ms LENEHAN: Will the Minister of Transport investigate criticism of the State Transport Authority that on major public holidays, such as Australia Day and Anzac Day, inadequate public transport has been provided for commuters from the outer suburbs of Adelaide? I have recently been contacted by several constituents who have outlined a distressing situation that occurred on Anzac Day. Specifically, a constituent from my electorate caught the 721 bus from the city at 5.28 p.m. As the bus was a single bus several people were left at the stop, which was outside the Education Building. It is alleged that the driver telephoned the depot for another bus, but that this request was denied. As the next bus did not leave until 7.10 p.m., many southern residents, including elderly and young people, were left stranded for that time. I have also been informed that a similar situation occurred on Australia Day, and therefore I ask the Minister to investigate this allegation.

Members interjecting:

The DEPUTY SPEAKER: Order! I am trying to be as patient as possible. I assure the member for Mitcham that, next time I get up to pull somebody back to some sort of normality, I shall be warning that member, and I also assure members that that member will receive only one warning. There will be no series of events. I therefore ask honourable members to restrain themselves and not get into halts with the Chair. The honourable Minister of Transport.

The Hon. R.K. ABBOTT: I thank the member for Mawson for her question and I appreciate her concern in these matters. I have not any detail on the incident to which she refers, and I shall be happy to investigate the occurrence with the specific bus and the time. The State Transport Authority makes every endeavour on public holidays to provide adequate buses for whatever function or entertainment is being held, whether football or races, to try to cater for those functions. However, it is not always possible to forecast the demand and that can fluctuate. I do not know why the request for an extra bus was denied, but possibly the buses were available but there were not sufficient employees and on public holidays it is difficult to keep enough in reserve to meet such a demand because of the additional cost involved. I shall be happy to investigate the report and bring down a reply for the honourable member.

TELEPHONE TAPPING

The Hon. D.C. WOTTON: Will the Premier put pressure on the Federal Government to ensure that State police are given authority to tap telephones when pursuing drug dealers? Last month's drug summit agreed that State police should be given this power. The Opposition fully supports this move under which guidelines should be established to ensure

that interceptions may occur on a warrant specifically issued only by a Supreme Court judge. However, reports from Canberra today indicate that moves, led by Senator Bolkus of South Australia, have forced the Federal Government to back down on this move. As the outcome of the drug summit was fully supported by the Premier, and as this power to tap telephones under strict guidelines is vital in the fight against illegal drug trafficking, I ask the Premier whether he will tell the Prime Minister that the South Australian Government fully supports this proposal and seeks its implementation at the earliest possible time.

The Hon. J.C. BANNON: The Prime Minister is aware of my attitude on this matter. I supported the move at the drug summit. Concern was expressed, not by those specifically involved in civil liberties but by the police themselves, that there be a proper system of checks and safeguards in this matter. The police do not wish to be exposed in this area, hence the safeguard that, before such action is taken, a case must be established and the permission of a Supreme Court judge (this was a suggestion anyway) obtained in order for the tap to take place.

That is an important protection for the police as well as civil liberties, and those safeguards have to be developed and have to satisfy all. Contact with Attorney-General Bowen's office suggests that those reports referred to by the honourable member are misleading and there has been no substantial change in policy. It is simply a matter of working out how the safeguards will apply but in general terms, in principle, in cases of dealings in hard drugs, if investigations warrant it and if the appropriate applications are made to and granted by an appropriate authority, I believe such tapping should take place.

HOME INTEREST RATES

Mr HAMILTON: Can the Minister of Housing and Construction state the State Government's position in regard to the deregulation of home loan interest rates? Many of my constituents, who are low income home buyers or potential home buyers, have raised this matter with me as they would be hard hit by such a move. The Minister would also be aware that I have within my district three large Housing Trust estates in which many of these people are housed. I am sure that my constituents would appreciate a statement by the Minister on what is considered by them and me to be a vital issue.

The Hon. T.H. HEMMINGS: I make it perfectly clear that this State Government opposes deregulation of home loan interest rates. It is our contention that the potential impact of such a move is unknown because it has not been properly researched at Government level. There is just as much evidence to suggest that lower and middle income home buyers will be hurt by deregulation as there is to support any other claim.

Deregulation is likely to be followed by steep increases in interest rates on home loans, and most home buyers will be forced to pay a great deal more. The oft quoted Martin and Campbell Reports have received a mixed reception amongst economists, and there is certainly some doubt as to the validity of many of their assumptions and conclusions. On the other hand, no-one seems to disagree that lower and middle income groups will be disadvantaged by the move. Even the Federal shadow Treasurer has predicted that deregulation of home loans would mean people now paying 11.5 per cent to 12.5 per cent will probably end up paying 13.5 per cent to 14.5 per cent or more.

I wonder whether the South Australian Liberal Party Opposition would care to support their colleague's position publicly? The Bannon Government will continue to oppose deregulation. It would also adversely affect our home building industry that this Government has worked so hard to retrieve from the slump into which Mr Fraser drove it.

SHIPWRECK *ZANONI*

Mr BECKER: My question to the Premier is supplementary to a question I asked yesterday. On 7 April, was the Premier in a boat near the shipwreck *Zanoni* in St Vincent Gulf and was he or any other person in the boat spoken to by an authorised inspector about intruding on to a protected zone around the shipwreck?

The Hon. J.C. BANNON: The answer to the question is, 'No'. I would not know where the *Zanoni* was, even if I was shown the map. I am sure it is an admirable historic shipwreck and at some stage I might so find it. I heard the honourable member's question yesterday and I was somewhat surprised that it was suggested that it referred to me. I do not know why that should be: I certainly was not there. I have not been fishing.

SMALL MAINTENANCE CONTRACTS

Mr GREGORY: Can the Minister of Housing and Construction advise whether the South Australian Department of Housing and Construction is having difficulty in contracting private tradespeople to carry out small scale works, such as window and door repairs, painting, etc., on public buildings? If this is the case, will the Department employ additional day labour to overcome the problem to ensure that the community's building assets do not deteriorate to the point where much greater maintenance at greater cost is required?

The Hon. T.H. HEMMINGS: Yes, there has been some difficulty in contracting private contractors to carry out small maintenance needs on public buildings. This is partly the result of the buoyant nature of the housing industry in this state at present, for which the Government can proudly claim some credit. All the relevant building trades are fully employed today and the South Australian Department of Housing and Construction has to compete for scarce labour.

The root cause of the problem, however, is the indiscriminate slashing of the old PBD's work force by the Tonkin Government. This left an ageing work force with a poor skills mix. One of my primary tasks as Minister of Housing and Construction has been to address this mess and try to determine just what trades are needed in the public sector and in what quantities. This process is in train, as is an examination of productivity and funding levels. In the meantime, the community's expectations in terms of maintenance of its building assets are not being properly met, and have not been met for several years. Schools, in particular, are a serious maintenance problem, as many members would know. There have not been enough funds to carry on a proper maintenance programme for some time. That problem was compounded by the previous Government when it crippled the old PBD's work force and cut its funds to unrealistic levels.

This Government has been attempting to determine the level of funding and staffing required to meet the maintenance needs of the community's building assets. The question of day labour is being addressed and the Government believes it can take steps to achieve a better skills mix in the new Department of Housing and Construction, and ensure all of the work force is meaningfully employed. Reorganisation of existing resources is the key. Additional day labour will not be taken on, not only because budgetary restraints prevent this, but also because I am seeking greater

efficiency. However, I would assure the honourable member that the Government is addressing this maintenance problem in a fundamental way.

FUEL EQUALISATION SCHEME

Mr BLACKER: In view of the recent increases in petrol prices, will the Premier and the Government now introduce a State fuel equalisation scheme to ensure that all citizens throughout the State are treated as equals? Fuel price variations throughout South Australia are often as large as 11 cents per litre, that is, when some sections of the community are enjoying discounting at the expense of country residents. As the Federal Government pays for a fuel freight equalisation scheme, my constituents believe there is no justification for the wide disparity that occurs. As country people contribute more to State and Federal revenue, that is, by virtue of the tax on their higher consumption, and as their fuel consumptions are for production and necessitous purposes, will the Government now seriously reconsider this proposal? Both present and past Governments have previously considered that, at the time I raised this issue, the proposal was premature. In the light of changed circumstances I now resubmit this proposal for further consideration.

The Hon. J.C. BANNON: The member certainly raises an important question, one which has caused a good many headaches at national and State levels over the years. As he pointed out, a freight subsidy provides for a country price differential but holds it to no more—on maximum wholesale prices—than 1.2 cents per litre higher in any country centre however remote than in the metropolitan area. However, as the member says, in some country centres prices are very much higher than the going metropolitan price—far above what the maximum wholesale price would suggest it should be. The reason is the practice of discounting arising in part through deliberate policy of oil companies for strategic market reasons or, more importantly, basic competition between resellers.

At present there are no controls over minimum prices: in other words, if discounting were to be eliminated one would have to provide some sort of minimum price which would mean that in the case of some resellers their profit margin would be enormous. In others, perhaps in country areas, the position would still be very tight as it is already. Yet, the benefit in terms of lower petrol prices would not be apparent at all.

No doubt exists that metropolitan petrol users and those in some selected areas in the country have benefited greatly from the discount war. In country areas it is quite possible that such discounting wars could also take place, particularly if the oil companies have a vested interest. The fact that they do not disadvantages the consumer. I repeat that that is not because the Federal Government's freight subsidy is not being applied—it is. It is purely because of the inequitable way the discounting operates. I will refer the honourable member's suggestion to my colleague, and ask him to consider it.

SHIPPING SAFETY

Mr PETERSON: Is the Minister of Marine aware of the number of small craft using the Port River, North Arm, and, in particular, the shipping channel outside the Outer Harbor breakwater at night without displaying the required navigation lights? Will the Minister undertake to have the areas patrolled at night by a boating inspector? Several persons who have had reason to use those areas at night in larger craft have told me of incidents where drastic evasive action was required to avoid a collision, especially with boats anchored without lights and from which people were fishing. As part of the boating policy, will the Minister take action before any serious and perhaps fatal accident occurs.

The Hon. R.K. ABBOTT: I shall be pleased to follow up the matter raised by the honourable member. I am aware that the Department of Marine and Harbors is taking action to install additional warning devices in the area to which the honourable member refers. Whether they are in the exact area to which he refers I am not certain, but I will obtain a report for him.

RADIO STATIONS

The Hon. P.B. ARNOLD: Can the Minister of Recreation and Sport say whether the Government is negotiating with 5KA for the acquisition of radio stations 5RM and 5RU, and what effect will it have on the high standard of service provided to listeners in the regions concerned if the move eventuates?

The Hon. J.W. SLATER: The point I make again, as I have made previously, is that radio station 5AA is not under my jurisdiction as Minister of Recreation and Sport, as it is a commercial company. To my knowledge there are no—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.W. SLATER: To my knowledge, there are no negotiations with 5KA in regard to acquisition of regional stations. It may be that, without my knowledge, radio station 5AA is having discussions with 5KA about regional stations, but the Government is not involved in those discussions: a decision will be made by the Board of Management and directors of 5AA.

SOUVENIR SHOPS

Ms LENEHAN: Will the Minister of Tourism initiate discussions with the Federal Ministers for Tourism and Customs to ensure that souvenir shops on visiting cruise ships are open between Australian ports? It has been put to me that on the *QE2*, which recently visited Adelaide, all the ship's souvenir shops were not open between Sydney and Adelaide or Adelaide and Perth, which meant that passengers were inconvenienced to the extent that they could not even buy photographic film. As obvious detrimental effect on sales of Australian souvenirs on the ship should also be investigated, I ask the Minister to initiate those discussions.

The Hon. G.F. KENEALLY: I thank the honourable member for her question, as this is the first time that this matter has been drawn to my attention. I will certainly have it investigated, and will speak to my Federal colleagues, the Ministers for Tourism and Customs. I can see that passengers in Australian waters, travelling from Sydney to Adelaide or Adelaide to Perth, would feel inconvenienced if they were unable to purchase duty free goods on a passenger liner, and I see no reason why a restriction such as that should be in place. There may be some very good reasons of which the Federal Minister for Customs could convince me.

I will be happy to take up the matter with the Federal Government to ascertain what those arguments are, whether they are valid, and what contribution we as a State Government can make to opening up Australian waters more effectively for passengers on our liners so that Australian goods can be sold at a profit, I hope, to Australian manufacturers.

STIRLING EAST PRIMARY SCHOOL

Mr S.G. EVANS: Can the Minister of Education say why the second stage of upgrading the Stirling East Primary School has been deferred until the 1987-88 fiscal year? The school council recently requested my help in asking for a deputation to the Minister, but that deputation was refused, because the Minister said that he had enough knowledge on the subject.

The school council is concerned that in a letter it received last year it was told that the second stage was on the programme for 1986-87: now it has been advised that it is 1987-88. Some five or six years ago approval was given to rebuild the school completely. However, when the school found it would have excess classrooms, it did the right thing and told the Government Department that it would be a waste of taxpayers' money, and that it was prepared to lose some of its space—I do not think many school councils in this State would do that. The result was that it has paid the penalty not only of not having the school completely upgraded but also of having the work deferred further to 1987-88.

The Hon. LYNN ARNOLD: The advice given to the honourable member as recently as Tuesday or yesterday was that work at the Stirling East Primary School is scheduled for the 1987-88 capital works budget unless capital funds can be found to commence the work earlier than that. The honourable member did not refer to that important part of the letter.

We hope to commence work at Stirling East at the earliest possible opportunity, having regard to the competing accommodation demands in the Education Department capital works budget. I am well aware of the needs of the Stirling East Primary School. In fact, I visited the school in December 1982 and in March 1983 I attended a school council meeting at the school to discuss its redevelopment needs. I know that this matter has had a history of being deferred for some time.

In relation to the point made by the honourable member, the amenability of the school council to enter into discussions with the Education Department, seemingly at times when their own best interests were being written down in terms of the scale of projects, has been noted, and I must say that the council of that school is comprised of a most serious minded group of people who have taken the challenges of the school and the question of the State's competing priorities very deeply to heart. That certainly has been appreciated by me and I am certain by officers of the Education Department.

Of course the thing that they fear is that they will never see something come to fruition because of their having been so agreeable about considering the school's priority, as compared with the priority of other projects, I am quite adamant that the project will go ahead by 1987-88 at the latest. It is one of a limited number of projects that will be commenced earlier if funds become available. That is why I made the point in the letter, and it is not a point that I have added to letters that have been written to a number of other schools that have corresponded with the Department on this matter.

While it was hoped to commence the work in 1986-87, there has been a sudden increase in housing which resulted in sudden population shifts. New schools have had to be provided that were not accounted for in the forward planning of the Education Department. New schools must now be built in the southern and northern suburbs. It was not previously anticipated that they would be needed until the late 1980s or 1990. Clearly, that has strained the capital resources available for the Education Department's capital works programme. Given the other very essential competing needs for capital works for housing in South Australia, capital works for health facilities, and many other things, including transport, that is the reason why it was not possible to proceed with the 1986-87 commencement of stage 2.

However, I can give a guarantee that a starting date in 1987-88 is firmly stipulated in the programme, although if for one reason or another additional capital work funds are available in 1986-87 we will certainly bring the work forward to that year. That point, which is made in that letter, was not made glibly, but in all seriousness. It was made with all due tribute to the school council which, as I have said, has treated this matter in a very serious and considerate way. It is very conscientious about the needs of the school, and in no way is the school council trying to undersell the needs of the students of the school. I do not want anyone to believe for one minute that the school council has not put forward a very hard case on behalf of the needs of its students: it has put forward a very strong case. I therefore do not want to let down that degree of conscientiousness with the project being continually deferred into the distant future. The project will not be deferred beyond 1987-88, and in fact it will be commenced earlier if possible.

WORKERS COMPENSATION

Mr BAKER: Is the Minister of Labour aware of any instructions in relation to rules concerning workers compensation and social security payments? In the past 12 months three constituents have raised with me a problem in this regard. In each case an award had been made to them for workers compensation for injuries received. Those awards have included a component for earnings forgone because of injury.

The Department of Social Security subsequently assessed their income on the basis of their having received that money from which they could earn income. In the three cases to which I refer those involved had spent the money on the basis that it had been an award made under workers compensation provisions for pain, injury, and suffering.

There seems to be confusion in the industry and in the minds of the people receiving the workers compensation awards as to what they have received the money for. The latest constituent to come through the door has had her pension reduced to $13 a week. She has no form of income other than part of the money she originally invested. The rest of her money was spent on an oversea trip, on settling debts that had accrued, and on a car. The money was spent on the basis that she had been awarded it by the courts and she assumed that it was hers to spend.

As this was the third time on which such a case had been drawn to my attention, I believed that it would be useful to raise it in the House. This matter covers two jurisdictions: the State jurisdiction on workers compensation and the other relating to social security. It has been suggested that the only way around this problem is that a certificate be produced by the courts clearly stating the amounts that have been made available as an award for the various components of workers compensation and that that certificate be forwarded immediately to the person in whose favour the award has been made and, further, that a copy of the award be also forwarded to the Department of Social Security if that person is receiving a pension. In that way, the recipient of an award will be under no misapprehension or misunderstanding as to what the income received is for.

The Hon. J.D. WRIGHT: I ask the honourable member to refer to me the individual cases to which he has referred so that I can consider them separately and take them up with the Department of Social Security (which I offer to do) if the honourable member has not already done so.

However, as I understand the honourable member's question, in most of the cases he has quoted the money is refundable. I am not sure whether the honourable member referred to interest on capital with a lump sum payment or wages in relation to a case that had been delayed and in the meantime social security benefits were being paid. Was it interest on capital investment?

Mr Baker: Yes.

The Hon. J.D. WRIGHT: I am prepared to look at it a little more closely. If the honourable member refers the details to me I will have the matters investigated.

PERSONAL EXPLANATION: PARTY CORRESPONDENCE

Mr OLSEN (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr OLSEN: In reply to a question earlier today, the Premier implied that I had used the offices of the Leader of the Opposition and the facilities of Parliament House for the purpose of posting a letter in support of the Liberal Party's anti-tax campaign. That is a false statement, and well the Premier knows it. If his office has seen the letter and the envelope enclosed, I draw to the Premier's attention the fact that he knows that that was a false statement and that under pressure he was prepared to fudge. I would have thought that he would want to preserve his integrity rather than try to cast such an aspersion when he knew it to be inaccurate and false.

The return paid envelopes have all listed on them printing that clearly demonstrates that they are to be paid for by the Liberal Party of Australia (South Australian Division), Fullarton Road, Adelaide. The envelope clearly demonstrates that it is private correspondence and is not mailed at public expense. The letter enclosed in the envelope, inviting donations for an anti-tax campaign, clearly indicates that it is private correspondence and not mailed at public expense. Obviously, the Premier has seen it. Not one cent of taxpayers' money or any Parliamentary facilities are involved.

The office of the Leader of the Opposition on the second floor of Parliament House was not used for this purpose. In fact, the services of a private sector group, which submitted a bill to the Liberal Party organisation, were used, and the Party paid the bill. Even the stationery was not supplied by Parliament House or by the taxpayers of South Australia. I would hope that the Premier would have the good grace at least to apologise for casting aspersions that he knew full well at the time of making them were inaccurate. I might say that, from our point of view, it is pleasing that there has been a fantastic response in donations.

The DEPUTY SPEAKER: Order! The last sentence is purely and simply comment.

PERSONAL EXPLANATION: RESERVOIRS

Mr KLUNDER (Newland): I seek leave to make a personal explanation.

Leave granted.

Mr KLUNDER: On Tuesday evening last, the member for Todd spoke during the debate on the Dam Safety Bill. He argued that, if the Kangaroo Creek dam or the Millbrook reservoir burst, there would be damage within the new electoral district of Todd. He used this as an argument to support the Liberal Party's amendment that the Crown should be bound by the legislation. I interjected and asked whether he was saying that those dams were not being properly checked. That interjection was picked up by *Hansard*. I also interjected by saying that officers of the Engineering and Water Supply Department were checking Government dams. That interjection was not recorded by *Hansard*. I make the point now that I made my second interjection because the member for Todd obviously heard the interjection, even though it was not recorded. On the basis of these interjections of mine, which were in support of the Government position that the Crown need not be bound as the Crown was already carrying out the proper inspection on Government dams, the member for Todd then said:

> He [the member for Newland] is saying that it is already being done and that we do not need the statutory authority. In effect he is arguing against his Minister.

That statement misrepresents my position entirely. Again, the member for Todd said:

> We hear the Minister saying that we need a statutory authority to bring about the safety of dams. Then we hear the member for Newland saying that we do not need that because the Engineering and Water Supply Department officers are already doing it.

Again, I quote the member for Todd:

> On his own admission, the Bill is not necessary and therefore he should vote against it.

Since my comments were clearly restricted to the examination of Government dams, this represents an unwarranted distortion of my position and I reject the comments of the member for Todd as incorrect. Finally, the member for Todd said:

> As the member for Newland said, it is a new statutory authority which really does not have much to do.

I did not say that. I did not even imply it in any shape or form. The member for Todd has misrepresented me to the point of making up his own statement and then attributing it to me. I believe that an apology is in order.

The DEPUTY SPEAKER: Call on the business of the day.

PUBLIC ACCOUNTS COMMITTEE

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That, pursuant to section 15 of the Public Accounts Committee Act, 1972, members of this House appointed to the committee have leave to sit on that committee during the sittings of the House today.

Motion carried.

SELECT COMMITTEE OF INQUIRY INTO STEAMTOWN PETERBOROUGH RAILWAY PRESERVATION SOCIETY INCORPORATED

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the Select Committee of Inquiry into Steamtown Peterborough Railway Preservation Society Incorporated have leave to sit during the sittings of the House today.

Motion carried.

LIFTS AND CRANES BILL

The Hon. J.D. WRIGHT (Minister of Labour) obtained leave and introduced a Bill for an Act to regulate the construction, erection, modification, maintenance and operation of cranes, hoists and lifts; to repeal the Lifts and Cranes Act, 1960; and for other purposes. Read a first time.

The Hon. J.D. WRIGHT: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It is a feature of legislation concerning industrial safety matters that it requires continuous review and revision to reflect contemporary techniques and machinery design and use. The Lifts and Cranes Act, 1960, has not been the subject of substantial review since 1972.

The purpose of this Bill is to replace the existing Lifts and Cranes Act with a new Act, thereby updating and consolidating the statutory requirements for the safety of all lifts and cranes used throughout the State, with certain exceptions. The Bill incorporates some new concepts in respect of design approval and inspection requirements for lifts and cranes.

The regulation of the use of passenger and other lifts has been legislatively provided for since 1908 when this Parliament enacted a Lifts Regulation Act. In 1960 this Act was repealed by the Lifts Act which incorporated the safety requirements for cranes but with certain exceptions, e.g. machinery used in mines and cranes used in factories or for agricultural purposes. The Lifts and Cranes Act (as it was renamed following a 1971 amendment) was amended in 1972 to apply to cranes used in factories and on construction work on the basis that 'there is no need to have different Acts apply to the safety of cranes depending upon where they are installed or used.'

Since the 1972 amendment, restrictions in the scope of the Act and operational difficulties have arisen due to the progress of technology and a reappraisal of industry's obligation to provide and maintain safe equipment. For example, the manufacturer of cranes in Australia has declined significantly in the face of competition from overseas manufacturers in such countries as Japan and the United States of America. The resulting increase in the number of cranes, particularly mobile cranes, being imported into Australia complete or ready-to-assemble has created acceptance difficulties because of differing national codes of practice for design and construction. The Bill allows recognition of overseas codes of practice where they provide an equivalent standard of safety to that required by the Standards Association of Australia.

The present Lifts and Cranes Act provides that the design of every new lift and crane must be examined and approved by the Chief Inspector of Lifts before construction or erection is commenced. In the case of very large or complex equipment a considerable investment of departmental time is necessary to check design drawings, calculations and circuitry to ensure that the requirements of relevant safety standards are met. In such cases the Bill proposes that the applicant organisation be required to establish the safety of the design and construction by means of an independent expert report. Spot checks to monitor the quality of these complex proposals will be carried out before approval is granted.

The inspection and testing of lifts for safe operation is carried out annually by employees of lift manufacturers or lift maintenance contractors. The present Act requires these annual inspections and tests to be witnessed by an inspector employed by the Department of Labour. The Bill permits the period between inspections witnessed by a Government inspector to be extended to two years. Departmental advice is that this will allow the Department to utilise its resouces more effectively and still maintain a high standard of inspection to ensure the safe operation of lifts. For annual inspections not witnessed by an inspector, the owner of the lift will be required to submit to the Chief Inspector an expert report on the condition of the lift, certifying that it is in good repair and may be safely operated for the following 12 months.

The present requirements for registration of lifts are such that all lifts must be registered on an annual basis on or before 31 January in each year. This requirement is now inconsistent with more flexible registration provisions of other Acts administered by the Department. This Bill permits the registration of lifts and cranes to be aligned time-wise with registrations required under other Acts and will enable the Department to include registration fees under this Act on a single account to organisations whose activities attract registration fees under other Acts administered by the Department.

The Bill also provides for the recognition of certificates of competency issued by other States. For example, a certificated crane drive from Victoria will be able to operate the appropriate class of cranes in South Australia for a limited period without the need to be issued with an equivalent certificate under the Lifts and Cranes Act. The same flexibility will apply to mobile cranes registered or approved in another State and used for limited periods on work sites in South Australia. In view of the considerable amount of construction work carried out by companies in more than one State, this reciprocal arrangement will assist in removing some of the regulatory impediments in this area.

During the drafting of the Bill, it became clear that it would not be practicable at this time to apply its requirements to lifts and cranes used in mining operations and petroleum exploration work, both off-shore and on land, because of the specialised nature of the equipment. The safe use of such equipment is presently controlled by the legislation provided under the relevant Acts for mining and petroleum exploration.

While the Bill allows a limited degree of self-regulation for lift inspection purposes, balancing requirements in the form of expert reports and increased penalties will maintain the present high standard of safety associated with the operation of lifts in this State.

The provisions of this Bill have been fully discussed with industry and union representatives and approved by the Industrial Relations Advisory Council. I believe these provisions provide effective and flexible requirements for the safe use of lifts and cranes applicable to today's industrial environment.

Clauses 1 and 2 are formal. Clause 3 repeals the Lifts and Cranes Act, 1960. Clause 4 provides for interpretation. Some of the more significant definitions include 'crane', 'hoist', 'lift', 'lifting apparatus' and 'owner':

'crane' means a power-driven lifting apparatus capable of moving materials simultaneously in a horizontal and a vertical plane:

'expert report' means a report by a person whose qualifications and experience are such that he is in the opinion of the Chief Inspector an expert on the subject of the report:

'hoist' means a power driven lifting apparatus other than a crane or lift:

'lift' means a lifting apparatus consisting of a car or cage attached to or installed in a building or structure the movement of which is controlled by girders. The expression includes chair lifts, escalators, moving walks and any other apparatus declared by proclamation to be a lift:

'lifting apparatus' means an apparatus designed or adapted to raise or lower persons or materials:

'owner' in relation to a lift—means the owner, lessee or occupier of the building in which the lift is used, and where the lift is being installed or worked upon, the contractor engaged in the installation or

work. In relation to a crane or hoist—means a person taking the crane or hoist on hire or lease, or the owner, lessee or occupier of a building or structure in connection with which the crane or hoist is used, or a contractor engaged in installing or working upon the crane or hoist.

Subclause (2) provides that a reference in the measure to any lifting or other apparatus includes a reference to supporting and enclosing structures, machinery, electrical service, equipment and gear used in association with the apparatus.

Clause 5 deals with the application of the measure. Under subclause (1) the measure does not apply to an apparatus used for an activity regulated by the Mines and Works Inspection Act, 1920, the Petroleum (Submerged Lands) Act, 1982, or the Petroleum Act, 1940. The Governor may, by proclamation, declare that the Act does not apply to a specified apparatus or class of apparatus. Clause 6 provides that the measure binds the Crown. Clause 7 provides that the measure does not derogate from the provisions of any other Act, or limit any civil remedy.

Clause 8 provides in subclause (1) that the Chief Inspector of Industrial Safety under the Industrial Safety, Health and Welfare Act, 1972, is the Chief Inspector of Lifts and Cranes. The Governor may appoint inspectors (subclause (2)) and each inspector is to have a certificate of inspection (subclause (3)) which must be produced at the request of a person in relation to when the inspector is exercising a power under the measure (subclause (4)).

Clause 9 provides in subclause (1) that an inspector may for the purpose of determining whether the measure is being complied with—

(i) enter at any reasonable time upon and inspect any premises or anything upon the premises;

(ii) remove, examine or test anything;

(iii) require a person to answer a question;

(iv) require a person to produce books, documents or records;

(v) copy books, documents or records;

(vi) require a person to produce for inspection any certificate, exemption or notice granted or given him under the measure.

Where he suspects on reasonable grounds that an offence against the measure has been committed, an inspector may seize and retain evidence of that offence. An inspector may give such directions as are reasonably necessary for the effective exercise of his powers. Subclause (4) provides that where an inspector considers that the use of a crane, hoist or lift would be dangerous, or would expose a person to risk of injury, or that the measure is not being complied with, he may give such directions as he thinks necessary to the owner to prevent the risk of injury and ensure compliance with the measure, and require the owner to ensure that the crane, hoist or lift is not operated until the direction has been complied with. Under subclause (6) it is an offence to hinder or obstruct an inspector in the exercise of his powers under the measure, and an offence under subclause (7) to refuse or fail to comply with a direction given by an inspector.

Clause 10 provides in subclause (1) that it is an offence to construct, modify or install a crane, hoist or lift otherwise than in accordance with a notice of approval under this clause. Under subclause (2) the Chief Inspector may approve in writing of the construction, modification or installation of a crane, hoist or lift subject to any conditions he specifies. Under subclause (3), the Chief Inspector shall not issue a notice unless the person who proposes to construct, modify or install the crane, hoist or lift has provided him with—

(a) two copies of the plans and specifications of the crane, hoist or lift;

(b) in the case of a crane, hoist or lift of a prescribed class—an expert report on the adequacy of design of the crane, hoist or lift; and

(c) such other information as the Chief Inspector may require.

Subclause (4) sets out the standards to which the Chief Inspector may have regard in determining whether to issue a notice. Under subclause (5) the Chief Inspector must not issue a notice in relation to a crane or hoist of a prescribed class unless satisfied that the person who prepared the expert report had no pecuniary interest in the design, construction, modification, etc. of the crane or hoist. Under subclause (6), a person who proposes to construct, modify or install a lift must give notice of the fact to the Chief Inspector. Under subclause (7) an approval in force under the repealed Act continues in force as if it were an approval under this Act.

Clause 11 forbids the operation of cranes, hoists or lifts of prescribed classes unless they are registered (subclause (1)). Where an application is made in writing with the prescribed fee (subclause (3)), the Director may register it for such term and subject to such conditions as he may specify (subclause (4)). The Director may add to, vary or revoke a condition of registration (subclause (6)) and it is an offence not to comply with a condition of registration (subclause (7)). Subclause (8) provides that registration shall not occur until an inspector, after making an inspection, has approved of the operation of the crane, hoist or lift. Subclause (9) sets out the circumstances under which the Director may cancel registration, including a request by the owner, a change in ownership, removal from the State for more than 12 months and failure to pay a prescribed fee. Notice of a change in ownership must be given to the Director within 30 days of its occurrence (subclause (10)) and, where such notice is not given, the previous owner and the new owner are each guilty of an offence (subclause (11)). Notice must be given to the Director of removal from the State and retention outside the State for a period in excess of 12 months under subclause (12). Subclause (13) is transitional and relates to registration in force under the repealed Act.

Clause 12 imposes an obligation on the owner of a crane, hoist or lift to maintain it in a safe condition. Under subclause (2) a person erecting or maintaining a crane, hoist or lift must perform the work in a safe and workmanlike manner.

Clause 13 provides, in subclause (1), that a person must not operate, or cause or permit to be operated, a lift unless a certificate of inspection is in force in relation to the lift. Under subclause (2) an inspector must not issue a certificate of inspection unless he is satisfied on the basis of a full and proper inspection that the lift is in good repair and may be safely operated. A certificate of inspection expires 12 months after the date of being issued or on the commencement of a modification to the lift, whichever occurs first. Subclause (4) provides, subject to subclause (5), that where the Chief Inspector is satisfied by an expert report made on the basis of a full and proper inspection of a lift that it is in good repair and may be safely operated, he may exempt the lift from the operation of subclause (1) for 12 months. Under subclause (5) the Chief Inspector must not grant such an exemption unless a certificate of inspection relating to the lift was issued by an inspector within the preceding 12 months. Subclause (6) provides that an expert report must be in writing, contain the prescribed particulars in relation to the lift and any other information required by the Chief Inspector and be signed by the person preparing the report and the owner of the lift.

Clause 14 provides that the owner of a crane or hoist shall cause it to be inspected in such manner and at such

intervals as are prescribed. Clause 15 provides that it is an offence for a person under the prescribed age to operate a crane, hoist or lift or to be permitted to operate a crane, hoist or lift. Subclauses (2) and (3) provide for the granting by the Chief Inspector of exemptions from compliance with subclause (1) in relation to cranes, hoists or lifts that, in his opinion, can be operated safely by a person under the prescribed age.

Clause 16 prohibits the operation of cranes of a prescribed class unless the operator holds a certificate of competency or a provisional certificate of competency (in which case supervision is required). Subclause (2) provides for the granting of certificates of competency by the Chief Inspector to persons certified fit by a medical practitioner and who have complied with the necessary conditions. Under subclause (3) a provisional certificate of competency may be granted by the Chief Inspector to persons certified fit by a medical practitioner and who have fulfilled the prescribed conditions. Under subclause (4) the Chief Inspector has the power to cancel or suspend either form of certificate for good cause. Subclauses (5) and (6) are transitional. Certificates of competency and learner's permits in force under the repealed Act remain in force, subject to this measure, for the period for which they were granted or last renewed.

Clause 17 provides that where an accident occurs involving a crane, hoist or lift and as a result a person is injured or a structural member of the crane, hoist or lift is damaged, the owner must forward a notice describing the circumstances of the accident to the Chief Inspector within 24 hours. Clause 18 provides for a review by the Minister of any decision of an inspector under the measure (subclause (1)). An application for a review does not suspend the operation of the decision in respect of which the review is sought. Clause 19 provides in subclause (1) that where a person by whom an expert report is prepared deliberately makes a false or misleading statement in the report or is negligent in preparing the report or in carrying out work on which the report is based, he is guilty of an offence. Under subclause (2), if not satisfied with an expert report, the Chief Inspector may require further expert reports or require an inspector to make a report.

Clause 20 provides that where a body corporate is guilty of an offence all members of its governing body are liable to prosecution unless they can establish that they could not by the exercise of reasonable diligence have prevented the offence. Clause 21 provides that offences against the Act shall be disposed of summarily. Clause 22 is an evidentiary provision. An allegation contained in a complaint that a specified person held a specified office or that a specified authority was or was not in force at a specified time is, in the absence of proof to the contrary, deemed to be proved (subclause (1)). Under subclause (3) 'authority' means any approval, registration, certificate, provisional certificate or exemption granted, issued or given under the measure.

Clause 23 provides that the Director may exempt a person who applies for that purpose from compliance with any specified provision of the Bill subject to such conditions as he may specify. Under subclause (3) an exemption shall not be granted by the Director unless he is satisfied that compliance with the provision is not reasonably practicable and the granting of the exemption will not endanger the safety of any person. Subclause (6) provides an offence in the case of failure to comply with a condition of an exemption. Clause 24 provides that a notice or other document required to be given to a person may be given personally or sent to the person's last known place of business or residence. Clause 25 provides for the making of regulations.

The Hon. B.C. EASTICK secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3) (1985) and MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 7 May. Pages 3919 and 3921.)

The Hon. D.C. BROWN (Davenport): In rising to speak to the Road Traffic Act Amendment Bill (No. 3), I ask whether leave might be granted to allow a cognate debate on this Bill and the Motor Vehicles Act Amendment Bill (No. 2), as they both deal with the same subject and are intertwined in terms of their substance and the effects they may have. By having a cognate debate on both Bills (we all understand that they both deal with the recommendations of the Select Committee on Random Breath Testing), I believe we can simplify the procedure.

The DEPUTY SPEAKER: A request for such leave is not usual, but in this case I take the member for Davenport's point and I would be happy for him to proceed, with leave being granted for a cognate debate on both Bills. However, I point out that at the second reading and Committee stages both Bills will have to be dealt with separately.

Leave granted.

The Hon. D.C. BROWN: These two Bills deal with changes to the operation of random breath testing in South Australia. It is appropriate on a day that this Parliament is debating these Bills that the afternoon newspaper which has just been placed on our benches here in the Chamber should indicate that during the last six weeks of a 'drink driving awareness' campaign conducted by the South Australian police a total of 723 drivers was charged with drink driving offences. I find that an incredible number in a community which I understood was fully aware of the dangers of drink driving, where random breath testing has been operating in this State for nearly four years and where it was known well before the campaign started that the police were having such a blitz. If 723 drivers have actually been caught, I suspect that that represents less than 1 per cent of the people driving on the roads and committing a drink driving offence. If that is the case, one can only say that we still have in our community a serious drink driving problem.

The Liberal Party has been quite clear on this issue, having introduced the random breath test procedure in South Australia, and did so despite considerable criticism. It was introduced on a trial basis for two years, with an assessment period to be conducted at the end of that two years. A sunset clause was included in the original legislation. I have been concerned for two or three years about the delays that have occurred in carrying out that review. At the beginning of 1983 the Minister indicated that he was in a position to then appoint such a review committee. In April he claimed that the people had been identified for that review committee and announcements would be made soon. By September 1983 the Minister announced the terms of reference of the review committee but could not announce who would carry out the review. By about November 1983, when no action had been taken and when the time for the review had almost run out, the Liberal Party in the Legislative Council moved to establish a Select Committee to carry out that review. We did so because the Government had defaulted on its promise to undertake a review.

That Select Committee established by the Liberal Party carried out a thorough investigation of the drink driving problem existing in South Australia and, in particular, the operation of our random breath testing system. For some time I have been a critic of the present system in that it is quite apparent that the RBT is far less effective and efficient than it should be. The effectiveness has worn off since its introduction. For instance, when it was first introduced the

talk at cocktail parties around Adelaide was that one must not go out and drive if one had been drinking, because of the possibility of encountering a random breath testing station. Now, three or four years later, some drivers are saying that they have not yet been stopped by a random breath testing unit, and because they have not been caught or even stopped in three years they wonder what their chances are of ever being caught if they have been drinking too much.

It is quite apparent that people have started to ignore the dangers of drink driving and are taking to the roads with excessive blood alcohol levels. It was for that reason that the review of random breath testing was so critical. It is interesting to see that the Select Committee report contains a comprehensive list of 32 recommendations. The Liberal Party agrees almost entirely with all the recommendations, although we believe that one recommendation is so poorly worded that I would question, if not dispute, that recommendation as it appears in the report.

Mr Hamilton: Which recommendation is that?

The Hon. D.C. BROWN: It is only a minor one and it is not dealt with in this legislation, but I think the intention of what the Select Committee was recommending could be misrepresented. It is the recommendation that states, among other things:

> All matters relating to random breath testing and other road safety programmes, road safety research, the collection and co-ordination of statistical data and the future planning and development of road safety programmes should be placed under the control of the Minister of Transport.

If that is taken literally as relating solely to RBT, it would suggest that the staff operating random breath tests would be supplied by the Minister of Transport rather than by the police. In other words, the police would be excluded from carrying out RBTs. That does not add up with the rest of the recommendations, and that is why I question that particular recommendation as it has been presented in the report.

Mr Hamilton: Which recommendation is that?

The Hon. D.C. BROWN: Recommendation 28. I stress that taken literally it would mean that the police would be pushed out of the RBTs, and that is obviously not intended, because other recommendations cut across that: for instance, police being able to wear plain clothes when conducting RBTs and the Police Commissioner not having to designate the sites for RBTs. That is the only doubt I have involving those recommendations.

I support the recommendations, and I am delighted to see that at last legislation to implement at least some of the recommendations is before this Parliament. I stress, however, that the public, as well as Parliament, needs to be aware that this legislation deals with a minority of the recommendations in that report. The majority of the recommendations have still to be taken up although a number of them do not require changes to the legislation, such as those relating to funding and purchase of equipment, etc. We still have not received a commitment from the Government that it will accept those other recommendations that do not require legislation. I look forward not only to this legislation proceeding through both Houses quickly but to the remaining legislation picking up the introduction of the other recommendations as quickly as possible and the Government giving a commitment on the those other recommendations in the report that do not require legislation.

I do not intend to reiterate what I think most members of this House know to be the dangers of drink driving: the number of accidents that occur; the close correlation between drivers with high blood alcohol levels and the incidence of road accidents associated with that; the fact that in something like half the number of fatal accidents that occur the driver of one of the vehicles involved has a positive blood alcohol level greater than .08 per cent. They are facts that I believe have been brought to the attention of the public all too often. What we are looking for is action.

At the beginning of this year I called on the Minister to ensure that a number of these recommendations were adopted as a matter of urgency. I asked the Minister prior to Easter to ensure that legislation was introduced before Easter to require L and P plate drivers to have a zero blood alcohol level, otherwise they would face the danger of committing an offence and being penalised. Even though it was a reasonable request, the Minister turned it down. After all, his own Premier said in September last year that the Cabinet had agreed to the recommendation that L and P plate drivers should have a zero blood alcohol level. However, part of that legislation is now before us, and I welcome and support it fully.

There are a number of points I would like to take up. The first and most important point of this legislation is that there is to be a zero blood alcohol level for L and P plate drivers. The broad statistics for Australia show that road trauma is a disease of young Australian males who, by their nature and age and other characteristics, tend to be excessively aggressive. Being aggressive, they tend to both drink and drive and, in so doing, fail to have the capacity to do either properly; in other words, they drink excessively and they drive in a dangerous manner.

That is the very target group that this Parliament therefore should be turning its attention to: the young Australian male learning to drive and at the same time trying to learn to drink—that is, if he wishes to drink. In some ways I would wish that the majority would not even want to learn to drink. Therefore, it is appropriate that the most significant part of this legislation is that part that says young drivers with L and P plates are not allowed to drink and drive at all. It is an absolute standard laid down. Our community must educate them in a way where there will be no grey area in relation to drink driving. Unfortunately, as shown by the figures produced in the *News* today, too many mature drivers do not realise that, but the most fundamental point is that, at the stage at which a person is learning to drive, it needs to be stressed that they cannot drink.

Mr Hamilton: What about adults? Why differentiate?

The Hon. D.C. BROWN: Because it would appear that the problem of drink driving is greatest amongst those still learning to drive. The statistics support that statement. That is the most important single measure that can be introduced in any legislation in relation to having an impact on reducing the road toll. Although it appears to be almost Draconian legislation, it sets down a very severe standard for our young people, but it is a standard which I would ask this Parliament to support fully and for the community to support fully.

There has been debate as to whether the level of blood alcohol for L and P plate drivers should be a very low level, such as .02 per cent. The Select Committee rejected that suggestion and I support its reasons. If you go to a level of .02 per cent, that says to the young people with L and P plates, 'You can drink a certain amount,' but the experience has been that they do not know when to stop, so we are laying down an absolute standard that they will understand: you do not even start to drink if you are going to drive.

There are a number of other measures in the legislation. One in particular was not a specific recommendation of the Select Committee of the Legislative Council. I refer to the fact that we are now imposing on L and P plate drivers five different conditions and, if they breach any of those conditions, their licence is immediately cancelled for a period of six months. The principal points are these: they must have a zero blood alcohol level; they must not drive at a maximum speed of more than 80 km/h on the open road; they must display the appropriate L or P plates; if they

exceed four demerit points they will then lose their licence; and the learner has to be accompanied by an appropriate licensed driver. They are the standards and, if any of those standards are breached, then it is automatic disqualification of the L and P plate licence for a six month period and they start again. As I said before, that is a tough standard to lay down, but it is perhaps an appropriate standard.

Apart from the recommendation of the Select Committee, the Government itself decided to introduce this 80 km/h maximum speed limit and, if that is exceeded, there is the automatic loss of licence. At the present time there is an 80 km/h speed limit, but, if they exceed that, they simply lose three demerit points and would not lose their licence. In fact, I would refer the Minister to a Bill he introduced into this Parliament exactly two years ago where he raised in the legislation the number of demerit points that could be accumulated before a licence was automatically lost. The Minister may recall that legislation he introduced where the number of demerit points was increased from three to four before the licence was automatically lost for a period, I think it was, of three months.

I would ask the Minister, in replying to my speech, to perhaps explain why he has decided to go from one point of view stated in 1983 (that is, it was an unfair penalty on young people if they were caught driving at 85 to 90 km/h on the open road that they should lose their licence for three months), to the other extreme that we now have before us where they will lose their licence automatically for a six month period. I know that the Royal Automobile Association is concerned with this aspect and believes that it is out of balance with other penalties imposed on young people who might commit other offences.

Let me give an example. I would have thought that driving on the open freeway, like toad of Toad Hall, at 90 km/h instead of 80 km/h was not as dangerous to either the passengers of that car or other road users as perhaps driving against a red light at a major city intersection, and yet for the second offence they will lose only three demerit points and still retain their licence and be allowed to drive, but for the first offence of 90 km/h they will automatically lose their licence for six months and have to start again. That appears to me to be a contradiction, particularly in light of what the Minister said only two years ago when he introduced amendments to the Act in an attempt to overcome what he felt was an automatic disqualification for exceeding the speed limit which he felt should be rectified. I would like to know why the Government has done that and I would ask the Minister to rethink that point.

I am not going to amend this, because the Opposition has been asking the Government to present a package on road safety, and the Minister has decided that these are the crucial points of that package. It would be wrong for an Opposition which has been arguing for that to then interfere, particularly when the speed aspect and drink driving in young learner drivers are being put up as a combined package. I am not going to amend it, but I think the Minister should rethink that point, because I suspect that there are unfair penalties or inconsistencies existing within this legislation as it stands.

The other point I would highlight is that, if a young driver does not have his P plates on, he will automatically lose his licence for six months. I understand why the Select Committee recommended that if the P plate driver is pulled over at an RBT unit, unless the signs are displayed, the police carrying out the RBT tests will not know whether the driver should have a blood alcohol level of less than .08 per cent, which is the level for a normal driver, or (for the P plate driver) a zero blood alcohol level, so I can understand the reason for that recommendation. However, there could be the circumstance—because we all know that the L and P plates are small plastic signs stuck on by a magnet on the car—where the driver has put the sign on the grille of the car where there may be some plastic. Whilst it may stay on when the vehicle is stationary, as soon as the vehicle takes off the wind could catch it and blow it off, but that driver, perhaps due to an oversight in putting the P plate on plastic, or because the magnet was not strong enough, or because of wind conditions, could automatically face a disqualification from driving for six months if that plate fell off. I think that that is excessive, but that is what the legislation provides as drafted. Whilst acknowledging the reason for the original recommendation, because that is crucial—

Mr Ferguson: We are going to amend it.

The Hon. D.C. BROWN: There are no amendments around, to my knowledge.

Mr Ferguson interjecting:

The Hon. D.C. BROWN: I suggest that it makes futile—

Mr Ferguson: We accept your argument.

The Hon. D.C. BROWN: I am glad that the point is accepted because something should be done to allow for circumstances where a genuine mistake occurs and the plates do fall off. One should not face such a severe penalty. Considerable discussion has been generated within the community on the accuracy of blood alcohol tests. I wish to read to the House a letter I have received from two medical practitioners: one is a chemical pathologist and the other is a chief chemist. They work for a medical pathology group. It is not appropriate to give their names, but I assure the House that they are extremely highly qualified people, with one holding a PhD and the other holding fellowships of two professional organisations. The letter sent to me states:

> We are most concerned that the report on the review of the operation of random breath testing in South Australia has recommended that P and L plate drivers be charged if they are found driving with any alcohol in their blood. On the surface, this recommendation sounds most admirable. However, technically, it would be impossible to police. We make this statement with the backing of considerable experience, since Medical Pathology Group analyses the majority of the optional Road Traffic Act blood alcohol specimens in South Australia which are not analysed by the Government Analyst.
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> Over the past three years we have evaluated and published work on three of the most technically advanced methods available for blood alcohol measurement. These included gas-liquid chromatography, which is the method currently used by the Government Analyst in South Australia, as well as enzymatic and fluorometric techniques. None of these methods can unequivocally determine whether a person with a very low blood alcohol has or has not been drinking. At these low levels several extraneous factors become extremely significant. One may see a small amount of carry over from the analysis of the previous person's blood sample. There may be some minor interference with the analysis from other natural or drug related compounds in the blood. Alcohol may be ingested unknowingly in medications, mouthwashes, etc. The standardisation of the method may have been such that there is introduced a small degree of upward bias.
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> Based on the above as well as statistical considerations, a blood level found to be 0.005 per cent by analysis, implies that the actual blood level lies somewhere in the range zero to 0.01 per cent. In other words, the person found to have this level may not have been drinking prior to being charged. We have written to the Minister of Transport concerning this matter as we feel that a committee of appropriately qualified people should be convened to evaluate the zero blood alcohol proposal. We would like to be represented on any such committee. Unless the minimum blood alcohol level is more judiciously selected, we believe that there is a danger of injustice being done to innocent members of the public. As well, much needless litigation may occur. We would be pleased to discuss this problem with you, if you need further information.

I have spoken now to one of the gentlemen who signed the letter. I have discussed the issue in detail. I have also discussed the matter with members of the Select Committee of the Legislative Council. Pathologists do not realise that police understand that, in carrying out any test, there is a standard deviation and they automatically apply, through

an administrative act, compensation for that standard deviation in the testing procedure. In other words, if the standard deviation or error happened to be .01 per cent, anyone with a blood alcohol level of .01 per cent or less would be assumed to have a zero blood alcohol level. That is done on an administrative basis by the police at present.

The important thing is that it is essential that the courts, the legal profession, the police, the Minister and his Department, pathologists, and chemists carrying out the tests all have a clear understanding as to what those standard deviations are within the testing procedures and that the same accepted standard deviation, whatever the test may be, should apply to all these different groups I have mentioned. The last thing we want is extensive litigation between one group of analysts compared with another group or a variation between one group of police and another group of police as to what standard deviations are being applied. I therefore ask the Minister, while I support the legislation before us today, to immediately establish a Government committee with input or membership of that committee to include people such as pathologists who have written to me (and also to the Minister) and to come down with a standard and clear set of testing procedures and standard deviations that apply for such testing procedures. That information must be widely circulated amongst the appropriate authorities that would be involved. I am suggesting the courts, lawyers, chemists and the police.

It is crucial that we do not take a young person, because of variations that might occur, who is absolutely innocent and inflict upon him a severe penalty of loss of licence for six months simply because there is some form of inconsistency in the standard error which may be applied by the police or other authorities. It is an important point—an extremely important point—if we are going to maintain such a rigid standard on our L and P plate drivers. Will the Minister today give an undertaking that he will establish such a committee, that that committee will report as soon as possible on standard and acceptable standard deviations to apply to each of the testing procedures adopted and, in so doing, to ensure that that committee consults or includes appropriate medical pathologists with considerable experience in this area?

Unless that occurs, I know already of some concern within the legal profession that true justice may not be carried out within our community. The last thing we want is ridicule poured on our random breath legislation because justice is not being fairly meted out under the legislation. This matter was thought of by the Select Committee and I am sure it would wholeheartedly support my suggestion that these deviation standards be accepted and publicised within the industry as quickly as possible. I have only one fear in this regard, namely, that in so doing the information should be kept on a relatively confidential basis within the profession because the last thing we want is for young people to believe that, because of the application of such a standard deviation to a test, they can again go out and drink and drive with a P or L plate licence.

Another area of concern (and I hope honourable members opposite have at least given some thought to this) is the penalty imposed upon a professional driver such as a coach driver. If an adult is caught drink driving with a .08 level, he automatically loses his licence, which means that he needs to return first to a provisional drivers licence. I have no argument with the fact that the person should lose his licence. However, I take the example of a professional coach driver having lost his licence for, say, six or 12 months. He will then be unable to carry out his normal job for a further period of 12 months, because one can hardly have an interstate coach travelling with P plates on it offering a public service and travelling at only 80 km/h, which would be the standard imposed upon him.

There is some concern in the coach industry that the only option open to it would be to dismiss a driver not for the period of loss of his licence but for the loss of his licence plus the period of his provisional plate in addition to that. The courts, in looking at such cases, will need to apply the special provision where special hardship might exist and some exemption could be granted. Whilst I do not believe that this Act should be amended to cover that circumstance, the courts at least should look at such hardship cases to ensure that perhaps such a coach driver is not too severely dealt with.

I stress, however, that if that coach driver shows that he has drunk very excessively whilst driving a personal car, perhaps he should lose his licence not just for six months but also his chance to drive that coach for a further 12 months while he regains his full licence, because if he has shown lack of judgment in driving his own personal car he may do it with a bus loaded with passengers.

The legislation before us does not yet pick up the recommendation of the Select Committee that there must be a zero blood alcohol level for coach drivers, taxi drivers, hire car drivers, and others driving licensed passenger vehicles on the road: in other words, where there is a fee or reward paid by the passengers. The manner in which it is drafted needs to be looked at carefully. I support the recommendation. That adequately covers the points I wish to raise. I fully support the legislation and I hope that it passes quickly through this House. I will not be moving any amendments, but there are several matters that the Government should consider. The most important point is this: I ask the Minister to give an undertaking today that he will set up such a committee to look at standard provisions for testing procedures for blood alcohol level.

Mr BECKER (Hanson): The safety measures in this legislation are to be applauded: any measure taken by the Government through legislation is worth considering. The member for Davenport knows that for some 10 years or so I have mooted this type of move in an effort to raise money by the Government to support road safety measures. We have a system today, following that move, which was accepted by the then Minister of Transport (Mr Geoff Virgo). There is no doubt that he wanted to do what he could to encourage every avenue of road safety but realised that it could be a very expensive operation.

To provide the means for persons to acquire the number plates they want is just one measure. Recently, I had the opportunity to undertake a study tour in California. In certain parts of that State one noticed many motor vehicles showing a licence number, plus a person's name, surname, or Christian names and whatever. That was a little difficult to follow, having been accustomed to the alpha-numero system that we now have.

Certainly, everyone is very worried indeed about the rising road toll in South Australia. Whilst we tend to measure it through the media and everywhere else on the number of road deaths, the injuries are just as big a problem—about 10 000 people are maimed each year. Disabilities follow, and we have paraplegics and quadriplegics in the community; damage is done to people's limbs and people are left permanently incapacitated.

Some people suffer neurological effects. In many cases the opportunity to reintroduce those people into society as worthwhile citizens can be extremely expensive. For neurological disorders it runs at something between $11 000 and $15 000 per annum. Assessment of damages for those people who have been in motor vehicle accidents generally runs to $200 000, $300 000, $400 000 or $500 000. That impacts on the average motorist through compulsory third

party and motor vehicle insurance and causes a tremendous amount of concern and worry for Governments.

Any impact that extra costs and charges have on private motorists and commercial motor vehicles unfortunately tends to be inflationary, because it then rebounds back through the various organisations that use motor transport in this country. It is so vast that we are faced with a situation such as we have at present of the national railways possibly closing down, all except one. Motor transport has made a tremendous impact in this area, but costs to it through Government charges and fees tend to flow on and add to inflation. As a Parliament, we should try to control and contain that expense and study areas where we can create more employment.

I commend the legislation, which was explained by our shadow Minister, the member for Davenport. There is no doubt that he has stated the facts well. Allegations have been made against us in regard to industries—that we never consult with industry and consumers. I know very well that the member for Davenport has consulted in that way, and I concur with his comments.

Mr MEIER (Goyder): Basically, I agree with the member for Davenport's remarks but I wish to highlight a few factors that concern me. However, I know that the random breath testing Select Committee put many hours, days, weeks and months of work into its report. Therefore, as representatives of the people, I suppose that we are meant to applaud its members for their work and give due recognition to the fact that they have obviously considered the situation as thoroughly as possible. Hopefully, their recommendations will assist with the general safety of driving on South Australian roads. If their recommendations achieve that end, then their work has been well worth it.

As has been pointed out by the member for Davenport, the Bill applies to L and P plate licence holders a zero alcohol content; an 80 km/h maximum speed limit; compulsory display of appropriate plates; four demerit points maximum; and learners to be accompanied by appropriately licensed drivers. Penalties for breach of conditions will be six months cancellation of licence and disqualification. I have reservations about the zero blood alcohol content.

I shall be interested to hear the Minister's response to that point. At least allowance will be made for a situation occurring due to other circumstances, involving medication for example. However, what about a case where a young person is an L or P plate driver and that person has a reasonable number of drinks on a Friday night in a hotel and then on Saturday morning drives to a sporting venue? At that time that person might not have a zero blood alcohol content although completely capable of driving a vehicle. I suppose one could say that people should think about that the night before or get someone else to drive the vehicle. However, I hope that we will not be creating an unnecessary number of restrictions in this case.

Of greater concern to me is the 80 km/h speed limit. On the Port Wakefield Road, for example, which is a hazardous road already, especially where there are only two lanes, slow drivers make life very difficult for people travelling at the average speed, and I believe that they are one of the main causes of accidents. At the moment there is talk about a proposal to raise the speed limit of large road haulage vehicles from the present 80 km/h to 100 km/h, which action is to be taken partly because the embarrassment which these vehicles cause on the road if they are staying at the 80 km/h speed limit. At the moment I suppose they have their CB radios and can travel at a sensible speed and keep the traffic moving while notifying one another if there is a radar trap ahead. I am a regular user of the Port Wakefield Road and the slower moving vehicles infuriate me. It is in those circumstances that traffic piles up and people take risks while trying to pass. Therefore, in relation to the 80 km/h speed limit for P and L plate drivers I can see similar problems occurring. Speed itself is not a killer when talking about 80, 90, 100 or 110 km/h, although if one hits a brick wall at those speeds one will not look terribly well afterwards.

It was mooted earlier that the general speed limit would be reduced from 110 km/h to 100 km/h, and the Minister will be aware of the thousands of petitions that have been presented to the House expressing the view that such a move would not be in the best interests of South Australians. The Minister would also be well aware from his involvement in the area around Angle Vale and from the evidence of road transport authorities that the average speed at which New Zealanders travel, for example, is exactly the same as the average speed of South Australian drivers, although the speed limit in New Zealand is 80 km/h and in South Australia it is 110 km/h. Therefore, it appears that the set speed limit in itself makes no difference to the speed at which people travel. All it has achieved is that State Government revenue can be increased by allowing the police to fine people if they go over the stipulated speed limit.

I believe that the key to the speed question lies in the education of drivers, and Liberal Party policy in this area is very much oriented towards the proper education of drivers in the formative stages. With sufficient education in this respect city drivers would be capable of driving at speeds greater than 80 km/h. This does not apply in the city of course where the speed is 60 km/h anyway, but in relation to country areas (where there are many road problems already) problems are exacerbated by drivers who are unfamiliar with driving in country conditions. The number of accidents that have occurred this year is tragic. We are all aware of the articles that have been published in relation to safety on the roads and of the public meetings that have been held and the statements that have been made relating to safety. An 80 km/h maximum speed limit might sound like a safe provision, but it will actually cause more damage than otherwise would be the case.

It may be that the Minister will say that this is just for a trial period and that it will be reviewed after six or 12 months. I am prepared to be accommodating in that respect, because I think we will only really know after that time. I reiterate that the education of learner drivers is very important to enable them to be able to handle travelling at higher speeds. I think that people can easily adjust to that. I remember the first time that I had the opportunity to drive a car on Anzac Highway after I had just turned 16: I was absolutely sure I could drive like everyone else, but on getting to the highway I just about froze and realised that there was more to driving than getting behind the wheel of a car.

In relation to the display of L and P plates, I agree that they are needed, but I hope that suitable provision can be made to cover instances where L and P plates accidently fall off. I realise that it will be difficult to decide whether a plate has been missing for two days or for half an hour before the police caught up with the vehicle. That is a difficult one, but in relation to these things innocent youth can be caught and penalised for no justifiable reason.

Another matter concerns the general concept of increased penalties. I again cite a personal example from earlier days. When I was up on my first speeding offence (I think I had been travelling at 42 miles per hour in a 35 miles per hour zone) I immediately asked people about what sort of fine I could expect to incur. At the time I was a 19 year old and I found that I would be fined the same amount as a 30, 40 or 50 year old. People at that age are possibly on a very good salary while, at 19, I was on an allowance, a pittance

of a salary at the time. Any fine that I incurred would cause real hardship. To an average working person a fine can be taken in his or her stride, but that is not the case for younger people. For that reason I hope that the Minister will not introduce severe penalties applying to young drivers, in the hope that we will encourage the promotion of good driving habits. That will work in the case of a few responsible young people, but those young people would not need to be fined, anyway.

If they do slip up, it will be very occasionally. The irresponsible people come in two categories: first, those who have no care or concern for society and who believe they owe society nothing, simply doing whatever they want when they want to do it; and, secondly, those who perhaps have relatively wealthy parents who have possibly purchased their car for them and are prepared to subsidise the driving activities of their children. If people in this group are detected committing a driving offence, they know that their parents will get them off the hook and will probably pay their fine.

I do not think the legislation will have much effect on younger drivers in the second group, although it might make their parents reprimand them and ensure that next time the youth pays the fine. It is possible that those people in the first group, who believe they owe society nothing, come from a broken family background where the parents do not care about them. Members of this group could face real hardship as a result of the legislation. It could mean real hardship and strife for the family involved. In fact, if it reached a situation where a member of this group said, 'Blow it, I am not going to pay the fine because I can't afford it,' a gaol sentence could be involved. If that occurred, the potential for more trouble in the future is obvious.

I emphasise that these concerns are also shared by the member for Coles, who wished to participate in the debate but is unfortunately prevented because she is attending a meeting of the Peterborough Steamtown Select Committee. I hope the Minister will ensure that the youth of our State are not being unduly punished. Many of the things that we read about in the newspapers today are far more serious than perhaps speeding offences or driving without P or L plates, but the punishment is virtually non-existent. I am not saying that we should remove all the sentence; I am saying that we should not overdo it. I believe that the other points have been clearly put forward by the member for Davenport. In essence, I certainly see this legislation as a positive step forward, bearing in mind the minor areas that I have outlined.

Mr BAKER (Mitcham): I had intended to present some of the evidence that I produced in a report over 12 months ago which outlines some of the problems that we face in determining the cause of road accidents. I suppose there are more than three major contributing elements, but we can say unequivocally that speed, alcohol and inexperience have been identified as the major contributors to the road toll. The legislation imposes further limitations on L and P plate drivers. I will make my remarks in the context of the drinking laws of this State. With a few other amendments, the legislation is principally aimed at under age drinking drivers.

South Australian law provides that young people can obtain a learner's permit at 16 years of age; they then serve a probationary driving period of 12 months, after which time they can obtain a full driver's licence. I am sure that statistics would reveal that the average age at which a person completes their P plate apprenticeship is 18 years of age, which happens to be the same age at which people are permitted legally to drink in hotels in this State. My research indicates that there is a lumping effect which comes after the removal of L and P plate driving restrictions. While it is very difficult to isolate how many kilometres are travelled by L and P plate drivers and how many kilometres are travelled by drivers in other age groups, it is possible to identify the 'at risk' areas, and some conclusions can be drawn.

I believe that much of the road safety area is misunderstood. Many flags are run up the flagpole in relation to road safety and the measures that we should take to alleviate the road toll. However, I think we are all agreed that the road toll is far too high. If my memory serves me correctly, the best performers in the road traffic stakes are the Scandinavian countries and, in particular, I think Sweden has only 90 road fatalities per million of population. The worst performance in the developed countries in the road toll stakes is France, with 250 road fatalities per million of population; and, in between, at the higher end of the distribution is Australia with, from memory, 200 road deaths per annum per million of population.

Some of those statistics can be misleading, because there is a different incidence of drivers on the roads in the various countries. For example, in Australia we have one of the highest levels of road usage by drivers and vehicles in the world. That is simply explained by the fact that we have far greater distances to travel. It is difficult to draw a real parallel between countries, and I think members should be aware of that. Specifically, I think the difference between our performance and that of, say, the Scandinavian countries should be reviewed. I am sure that members of the University of Adelaide Road Traffic Research Branch have spent some time looking at examples of accident rates overseas in trying to draw some conclusions. As I have said, that is quite impossible in some cases. For example, in Sweden the main cause of fatal accidents is animals straying on to the roads. There is a large elk or deer population in that country which often wanders on to the roads and, of course, during the winter months when the roads are icy there is a high fatality rate, despite the fact that the speed limit on the open road is 80 km/h.

As I have said, it is difficult to draw a parallel between the different countries, but perhaps we can learn from the experience in those countries and come to understand whether or not the action they have taken is successful. The prime measure of success is the extent to which the authorities can reduce the number of accidents on the road and then, ultimately, the number of deaths and injuries. The bottom line is that one can always pay for a damaged car, but it is difficult to pay the emotional price of a body in a coffin. In this regard I think it is also worth remembering that our statistics in relation to the proportion of young people involved in fatal or injury accidents are no different from those of the rest of the world. The statistics vary very little for young people, who are very accident prone whether they be in Adelaide, Melbourne, Norway, Sweden or America, etc. Despite the fact that the minimum driving age in Scandinavia is 18 years, the fact is that in the first few years of driving experience all drivers are accident prone.

In this country the statistics are sometimes difficult to obtain and to interpret. For instance, we know little about how much driving L plate drivers do on our roads. However, it has been established that, in their first three years of driving experience, drivers are accident prone. Because of inexperience, rashness and many other factors necessarily associated with young people, they will always be accident prone and will sustain a number of accidents disproportionate to the whole driving population.

It does not matter whether one is in Sweden, which has perhaps the best driving record of any country, or in Adelaide: the proportion of accidents is much the same in the first three or four years of driving. The contribution of young drivers to road deaths and injuries on the road is 40

per cent of the total. The conclusion to be drawn from that is that something must be done across the board because, if action is taken across the board, the accident rate of each age group will fall in the same proportion. Over the past 10 years, in Australia, the proportion of accidents attributed to each age group has not changed by more than one or two percentage points and that has been the experience in other countries.

That leads one to conclude that we should be educating the whole of the driving public, not just the young drivers. If we embark on such a programme, drivers may well adopt a new norm of road traffic behaviour as they become older and wiser. It is worth repeating that the Liberal Party believes that all young drivers should obtain a certificate in first aid. Such a course would have two valuable features: first, such drivers would be more readily able to respond to a critical situation; and, secondly (and this is something on which psychologists agree), by taking people through the process of treating trauma, whether as a result of accident or sickness, they become more responsible in the process. I recommend that the Government, during the remainder of its term in office, seriously consider introducing first aid as a compulsory requirement for anyone taking out an L plate because such a course is valuable if it is structured properly.

The result of such action would be a more responsible attitude by drivers on our roads. We should bear in mind that the more graphic the illustration in an educational advertisement, the more effective it will be. For instance, the more graphic and drastic the illustration of black lungs, the more dramatic will be the impact on people when they think about cancer. It is no use adopting the soft-sell attitude and saying, 'If you want to live to 100 you shouldn't smoke.' It is much more effective to show people what their lungs will look like after they have smoked for so many years. Some of the advertising in the road traffic safety area has been graphic and therefore excellent. Last year, the driving public excelled itself but this year it is performing poorly.

In reply to a question that I placed on notice, the Minister said that the accident rate had not changed but that more accidents were involving multiple deaths. So, while drivers are still hitting each other on the road at the same rate, the fatality rate is higher because the speed is greater or because more people are travelling in the vehicles that crash. That is the way the cookie crumbles, but it should not be, because the television commercial tells us that, if we think that the driver is at risk, we should get out of the car. However, that message cannot be getting through, because in one car there were five or six people who did not survive.

Road deaths and injuries will not go away, so we should be considering an ongoing programme with less emotion and a little more research over the next 20 years. I should be surprised if we did not get a lumping effect once the P plate disappears off the car. This is probably a feature now, although the statistics do not show it.

The fact that people can drink in hotels as soon as they are 18 years of age, that on average most people come out of their P plate apprenticeship at that age, and that we are making fairly solid efforts in this Bill mean that there will be a whole range of people who will rearrange their drinking habits at the age of 18 because they will have unlimited access to hotels and know that they will not be at the same sort of legal risk if they indulge in alcohol. Within a year of the introduction of this measure I expect that the number of alcohol-related accidents caused by 18-year-old drivers will escalate considerably. In saying that, I hope that I am wrong, but my intuition suggests that, once a restriction that has applied is lifted, people will revert to type.

Therefore, we may well need a further phasing-in period with an age prescription, which may reduce the maximum blood alcohol content from .08 per cent to .05 per cent for drivers under 21 years of age. I suggest that because I believe that we will see clear information coming out over the next 18 months that will, unfortunately, prove me to be correct.

A further proposition concerns the value of random breath tests. It is interesting to note that, where these tests are used in Scandinavian countries, the authorities think nothing of closing off a whole block and alcotesting every driver in that block. About two years ago, the Parliament of a Scandinavian country had before it a proposal to increase the number of breath testing units because the people were still worried about the problem of drivers under the influence of alcohol. The Parliament and the people supported an increase in the resources devoted to random breath testing, even though their alcohol was the most expensive, even though they had the lowest accident rate in the world with very low speed limits, and even though drivers in that country were involved in the greatest harassment, which caused up to an hour's delay as a result of intensive random breath testing. The people in that Scandinavian country still believe that random breath testing is an essential part of the national traffic policy.

I do not argue against that policy. Random breath testing has had a salutary effect on my friends and me. I rarely indulge in alcohol, perhaps taking a glass in the evening on the odd occasion, but my friends and I have placed even greater restrictions on our drinking habits so that we do not risk being apprehended for driving with a blood alcohol content above the prescribed limit. From memory, I believe that random breath testing has resulted in 156 drivers being charged for having a blood alcohol content greater than .08 per cent.

The ratio of those apprehended in a normal driving situation was four to the number apprehended through the random breath testing stations of one. There is no doubt that the most effective means of catching people is still the mobile patrol. The random breath test is not a very efficient means of catching those people with higher blood alcohol levels. We know that fewer than 1 per cent of the people tested have a blood alcohol level of more than the limit. The most effective means is still the patrol car. That is the most effective means of catching a person crossing a double line or wavering on the road. I do not think we should condone drink driving. It is one of a number of killers on the road and another great killer is the quality of our roads. Recently the Federal Government has announced that it is about to slash road funding again.

Again, the statistics show quite clearly that the quality of the road has a fundamental effect on accident rates and perhaps one of the most useful devices of Government to improve the road toll is to improve the roads. The statistics are readily available on that subject. There is no doubt that if we can improve the road signage and road quality, we will reduce the number of accidents and the number of deaths caused by road accidents.

This is not a finite measure. I think it is almost a further experiment in the chain of ways of reducing the road toll. The public of South Australia and Australia would say that we must at all costs reduce that toll because most families at some stage have been affected by an injury or accident and they can relate to the fact that one of their relatives or family has been killed or injured on the road, so for them there is a priority. I do not believe we have yet found a reasonable answer that will bring the statistics back to what I suggest is a responsible level: when I am talking about a responsible level, given the number of kilometres travelled in Australia, generally under good driving conditions, except for the roads themselves, I suggest that anything over 120 fatalities per million of population should not be tolerated and any measure designed to reduce it to below that level

should have support, but we do not know how good these measures are.

I support these Bills only on the proviso that we review the lumping effect which I believe will happen at the age of 18 and that we should be looking at the efficiency of the operation of various devices, and at some overseas studies carefully (and I know that will be an ongoing process), so that our package of devices that we will use to bring responsibility to people (and that is what it is all about: responsibility on the road) will be productive in reducing the number of road deaths and injuries.

The Hon. R.K. ABBOTT (Minister of Transport): I would like to express my thanks to members opposite who have made a contribution to this debate. I think it has shown the sincerity of those members and all members of Parliament towards this very important piece of legislation and the bipartisan way in which the report of the Select Committee and its recommendations have been handled.

I also would like to comment on a suggestion that was put earlier by the member for Davenport that we deal with both the Road Traffic Act Amendment Bill (No. 3) and the Motor Vehicles Act Amendment Bill (No. 2) together because principally they are both dealing with the same complex issue. The Road Traffic Act Amendment Bill (No. 3) deals with drink driving provisions and the Motor Vehicles Act Amendment Bill (No. 2) relates to the conditions for learner and probationary drivers licences and other matters. The member for Davenport referred to the need for these changes, and no-one disagrees with that. It is not very often that I agree with him but I cannot disagree with very much that he said in this debate. Neither can I disagree with the other speakers who made a contribution. I think we all regard this as very important and we have worked together to try to bring about these necessary improvements.

The member for Davenport referred to the fact that fewer than 1 per cent of those tested are being caught, and that is probably true, but there are many accidents and I think everyone is very concerned about the high cost of the injuries. The cost is devastating to the community Australia wide and I think any measure we can take to reduce our road toll will assist in reducing that astronomical cost to the whole community and we must proceed with that as quickly as we can. Of course, the greater percentage of the community is now supporting random breath testing. I believe a recent opinion poll showed that 85 per cent of the community is now supporting random breath testing, and that percentage seems to be increasing all the time.

I want to congratulate the Select Committee. I think it worked very hard on the report, which we regard as excellent. Admittedly, it took a little longer than the Government expected it to take. We would have liked it much earlier and, because of the delays, it was necessary to amend the current Act so that the random breath testing sunset legislation could continue until we received the report. The Government certainly got right behind that report. As I indicated in my second reading explanation, the Government accepts the thrust of the report. The member for Davenport made a comment that only a minority of the 32 recommendations has been accepted. That is not quite correct. I have a summary of a number of recommendations that we have accepted, and they total 20 out of 32. Quite a number of the others have been partly implemented and others are under consideration. Those that are under consideration relate to the areas where additional financial resources will be necessary for the police operations in trying to increase the number of motorists who are tested, and the other recommendations relate to additional equipment, vans, and so forth.

We are also making provision for the publicity in respect of the introduction of these new measures, and a considerable cost is involved here. I am not sure of the exact figure but almost $80 000 will be required just for the introduction and the maintenance of radio and media announcements until Christmas. The $80 000 will also be used by the Road Safety Division of the Department of Transport and other money will be required within the Motor Registration Division, where it will be necessary to send out notices to all current P and L plate holders. There is a cost in the issuing of stamps for that purpose, and there are also many other matters that the Motor Registration Division must now implement.

Some concern has been expressed in relation to the zero blood alcohol level in young people. The member for Davenport asked why we have changed our attitude towards young drivers in relation to the amendments that were made in 1983 relating to the four demerit points. I think the total of three points was considered unfair at that time. There was also some concern about employment, and I am reluctant to appear to be too harsh on people who would lose their livelihood if they did not have a licence and could not work. A speed of 80 km/h is not necessarily the only speed one can do on the open roads. It also applies in the metropolitan area for learner and probationary drivers. A speed of 80 km/h for P plate drivers in the metropolitan area is considered dangerous driving, and there is a rather severe penalty attached to that offence. High speed and alcohol are both dangerous to young people, in combination, they are deadly. We are all concerned about the 16 to 25 year age group, where the greater percentage of young people are killing themselves on the roads. We are concentrating on that area and trying to make it more difficult for them in an attempt to convey the message that it does not pay to drink and drive.

The honourable member also asked me specifically whether I would establish a Government committee which would have clear testing procedures and which would report to Parliament. I would be agreeable to that. I accept that the standards of accuracy need to be defined in order to allow those administrative compensations to occur and, provided the information is for technical and professional use only, I think the suggestion of a committee is quite acceptable and I would be quite happy to do that.

I give a guarantee that those areas which were not included in this Bill because of insufficient time will now be worked on by our implementing committee or the Interdepartment Co-ordinating Committee so that we can bring that legislation that is necessary before the next Parliament, that is, in August or September. We want to do that as quickly as possible, because as I said at the outset, the Government is accepting the thrust of the Select Committee's recommendations, so I am quite happy to look at establishing that committee.

In the matter of professional drivers, taxi drivers, coach drivers, etc., we have some problems. We have not included them in this Bill, because we want to talk to the industries concerned, such as the Bus and Coach Association and the taxi industry. I have already received an approach from the Bus Union. It has expressed concern that, if this legislation applied to those operators, it would have serious effects on their social life. There could be a reading left in their bodies that would show the next morning when they went to work after going to a social function the previous night. If the zero blood alcohol reading applied to them, they could still show a reading the next day above .02.

The member for Goyder expressed some concern about the zero alcohol level. We gave this matter serious consideration and some concern was expressed by various Government members, but we thought it was better to spell out

in the legislation zero BAC for learners and probationary drivers rather than inserting .02 in order to allow for any inaccuracies that might occur, because if the legislation says to young people, 'You should not drink and drive,' we feel that would encourage them not to drink and drive more so than if we allow for .02 or any other tolerance. I understand that is what applies in Victoria. There are allowances administratively for any inaccuracies that might apply.

The member for Mitcham made some comments about research. We have taken that into account. The Government accepts that. We are doing much in the research area. The member for Davenport referred to recommendation 28 which states:

All matters relating to random breath testing and other road safety programmes, road safety research, the collection and co-ordination of statistical data and future planning and development of road safety programmes will be placed under the control of the Minister of Transport.

That already applies. Cabinet gave the matter consideration and, when we established the Road Safety Advisory Council, it was then recommended that there be a Cabinet subcommittee. Cabinet also agreed that I, as Minister of Transport, would be responsible for the co-ordination of all road safety matters. That was deliberately done in an attempt to overcome some of the difficulties in relation to duplication and lack of co-ordination between all Government departments dealing with road safety. I think I have responded to some of the more important matters that were raised by members opposite and I do not want to waste any more time on this matter. I think most of it can be dealt with in the Committee stages, but I do thank members for their contributions and support.

The DEPUTY SPEAKER: Before putting the vote for the second reading, I would point out to the House that, in according leave for the debate to continue on both Bills at the same time, I intend to put the second reading of the Bill on file 140 second reading first, allow it to proceed into the Committee stages, put the third reading, then come back and put the second reading on Bill No. 141 without debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3) (1985)

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Learner's permits.'

The Hon. R.K. ABBOTT: I move:

Page 1, line 30—Leave out 'licence' and insert 'permit'.

It is a simple drafting amendment.

Amendment carried.

Ms LENEHAN: I move:

Page 2, lines 9 to 11—Leave out 'there are affixed to the vehicle, in accordance with the regulations, plates bearing the letter 'L' ' and insert—'one plate bearing the letter 'L' is affixed to the vehicle in accordance with the regulations'.

Mr MEIER: If we limit it to one L plate, I am given to understand that the reason the member is moving the amendment is to overcome the situation where an L plate is accidentally lost. The amendment requires that at least one L plate should be on the vehicle. What will stop people from saying that, as the law in technical terms stipulates only one plate, that therefore they are all right. They will water it down from the word go. It is meant to rectify unfortunate situations.

Ms LENEHAN: The first part of my amendment means that a person will be in breach of the conditions if there are no plates on the vehicle at all. I am proposing to move a second amendment to ensure that it is lawful to have two plates on the vehicle and, in fact, if people do not comply with that they will be liable for a penalty of $100. Together these two amendments ensure that if one plate slips off (as those magnetic plates can do) the L or P plate driver will not automatically be disqualified for six months, but will still be liable by law for a penalty of up to $100. We are saying that it is lawful to have both and that that must be done, but if for some reason one should be removed accidentally the person will not be automatically disqualified for six months.

Mr MEIER: I recognise what the honourable member is endeavouring to achieve and there is merit in that. The fine of $100 is substantial and a person who accidentally loses a P plate can then be fined $100.

The Hon. D.C. Brown: It is a maximum.

Mr MEIER: All right. Hopefully, if a person sounds genuine in court he or she will receive a $5 or $10 fine.

Ms LENEHAN: One hundred dollars is a maximum fine and could be expiated to a fine much lower than that as an on the spot fine, as I imagine would happen. It is not a mandatory $100, but a maximum of $100.

Amendment carried.

Ms LENEHAN: I move:

Page 3, after line 13—Insert subclause as follows:

(5aa) The holder of a learner's permit shall not drive a motor vehicle, other than a motor cycle, on a road unless two plates bearing the letter 'L' are affixed to the vehicle in accordance with the regulations.
Penalty: One hundred dollars.

Amendment carried; clause as amended passed.

Clause 4—'Certain licences to be subject to probationary conditions.'

Ms LENEHAN: I move:

Page 3, after line 28—Insert paragraph as follows:

(ba) by striking out from paragraph *(e)* of subsection (1) the passage 'there are affixed to the vehicle, in accordance with the regulations, plates bearing the letter "P" and substituting the passage 'one plate bearing the letter "P" is affixed to the vehicle in accordance with the regulations.'

This amendment is the same as the previous amendment.

Amendment carried.

Ms LENEHAN: I move:

Page 4, after line 23—Insert paragraph as follows:

(h) By inserting, after subsection (5) the following subsection:
(5a) The holder of a licence endorsed with conditions pursuant to this section shall not drive a motor vehicle, other than a motor cycle, on a road unless two plates bearing the letter 'P' are affixed to the vehicle in accordance with the regulations.
Penalty: One hundred dollars.

Amendment carried; clause as amended passed.

Clause 5—'Consequences of learner or probationary driver contravening a probationary condition or incurring four or more demerit points.'

The Hon. R.K. ABBOTT: I move:

Page 5, lines 23 to 28—Leave out subclause (6) and insert subclause as follows:

(6) Where a person has been or is liable to be given notice of disqualification under subsection (2), that person may, in accordance with the relevant rules of court, appeal to a local court against the disqualification.

This amendment extends the right of appeal against disqualification for permit holders under the Bill. Under the Act in its present form the right of appeal on the ground of hardship is limited to holders of licences. Although there is not a right of appeal for learners under the Act in its

present form, in the past there have been cases where the consultative committee has not recommended disqualification where hardship would result. This amendment would enable the courts to prevent undue hardship in certain cases. Further, I move:

Page 5, lines 39 to 41—Leave out all words in these lines and insert 'the date of the order'.

Page 6, after line 7—Insert subclause as follows:

(10b) An order under subsection (9) *(b)* does not affect the period for which probationary conditions endorsed pursuant to section 81a upon a licence issued to the appellant after the date of the order would be effective under that section.

Amendments carried; clause as amended passed.

Clause 6 and title passed.

Bill read a third time and passed.

The Hon. R.K. ABBOTT (Minister of Transport): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 May. Page 3922.)

The Hon. D.C. BROWN (Davenport): The Opposition supports this Bill. The measure is simple: the Government is requesting to sell off all the old numerical number plates that have been used over the years in this State. As someone who occasionally has nostalgic thoughts, I remember many of those old number plates, and I think that most of us here would have our favourite numbers from when we first owned vehicles in the early days or know of vehicles belonging to our parents and friends. I support the idea wholeheartedly and endorse the fact that the money will go into road safety.

However, I will be extremely disappointed if the Government decides to substitute these funds for other moneys that would traditionally come from general revenue for road safety. If there is the slightest hint in looking at the accounts at the end of this financial year or next financial year that there has been any substitution, I shall be extremely critical of the Government, because the Government has laid down the programme of selling off the number plates on the basis that the money would go to road safety. It is assumed automatically that these will be additional funds for road safety. I warn the Minister now, because we all know that there has been a shortage of moneys for road safety—there is a shortage of instructors attached to the Road Safety Centre. On previous occasions I have read out the sorts of problems created in centres like Whyalla due to shortages in road safety instructors. This Government has been responsible for a cut in road safety instructors at the Road Safety Centre at Oaklands Park from 18 down to 12. That is entirely unsatisfactory, especially as those instructors are principally putting in time with school children and stressing the need for road safety with them.

This Bill does not deal with that so I will not talk about it further. I have one reservation about the Bill: a large number of people in the community own old vehicles. They are in the back shed or in the barn on the farm or somewhere else. They are unregistered, but they still have the old numerical plates on them and obviously those people who own those old vehicles would like to be able to retain the number plates already on the vehicle. I propose to move an amendment that would allow those people who have established number plates or who can produce some sort of proof that they were the last registered owners of vehicles that carried those number plates, a three-month period in which to go to the Registrar of Motor Vehicles and apply for those specific plates. Then, on payment of the prescribed fee, they would be able to purchase those plates as personalised special plates. A large number of people already have an established affinity and association with established plates, and they will be able to have first say over whether or not they retain those plates.

It would be necessary to go back through the records to prove that those people were the last registered owners of vehicles with those old existing plates, because as soon as the vehicle was registered under existing law they would have to take on the new type of plate. I understand that records are available back as far as about 1927. I doubt that there are many vehicles for which people would even know the registration number prior to that, and if there were registration discs involved that had not been cancelled or used since 1927 it would be necessary for people to produce proof that they were the registered owners of those vehicles.

I am sure that the Registrar of Motor Vehicles, being a reasonable man who likes to reach any sort of accommodation with people when it is for a fair cause, as this is, would be only too willing to be very amenable in the way in which he accepts evidence on this matter. I support this legislation, provided that it is amended. We will support it through the second reading stage, and I will then move the appropriate amendment to bring about the change that I have already outlined.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Numbers and number plates.'

The Hon. D.C. BROWN: I move:

Page 2, line 40—After 'may' insert 'after the expiration of three months from the commencement of the Motor Vehicles Act Amendment Act, 1985,'.

Page 3, after line 6—Insert new subsection as follows:

(4a) The Registrar may, within three months of the commencement of the Motor Vehicles Act Amendment Act, 1985, enter into an agreement under subsection (4) with a person in respect of a particular number if the Registrar is satisfied that the person, or an ancestor of the person, was the registered owner of a vehicle to which the number was allotted under this Act.

I have already outlined the effect of this provision. I reiterate to the Committee that it would give people who wish to retain one of the old numerical number plates on a vehicle which is not currently registered the right to go to the Registrar within three months and apply for that number. Only the last registered owner of the vehicle that had carried that number plate previously could obtain access to it. Provided that that could be shown or proven from the records available, a person applying for a number could have access to it upon payment of the prescribed fee. Incidentally, can the Minister indicate whether the prescribed fee mentioned in the Bill is the same as that for personalised number plates? I understand that it is, but perhaps the Minister could clarify that point.

The Hon. R.K. ABBOTT: I am sorry that I cannot accept the honourable member's amendments. I appreciate that requests have been made, and requests have also been made to me in relation to this matter. However, it is strange that these requests have come forward as a result of the publicity given to the number plate auction, when people realised that plates have some value. The honourable member's amendment is against the whole purpose of the auction. The reason why requests are being made is that some of the plates have significant value.

The Hon. D.C. Brown: People will still pay a fee.

The Hon. R.K. ABBOTT: Yes. We have not made any decisions yet. Following the appointment of an auctioneer, we will need to decide on the type of plate categories that

will be involved. There are various groups of plates: those with a good deal of value, the heritage plates and the jubilee plates, etc. The Registrar holds a whole series of numbers and groups of plates, many of which people would dearly like to have. The Government cannot accept the amendment, as it would take away the whole principle of the auction. No-one has any priority rights to any of the plates.

If this amendment were included in the Bill the resultant demand could result in auctionable numbers being lost for little monetary return. That would completely defeat the object of the Bill, as I think the member for Davenport would realise. I do not think there is anything to stop those people from approaching the Registrar and trying to make some arrangement with him, if agreement can be reached on the value of the plate involved. Many of the plates have considerable value, and that is the whole idea of the auction, that is, to raise money solely for road safety purposes, as I specifically stated in the second reading explanation. All the revenue raised from auctions will be devoted solely to road safety initiatives. That is the object of the Bill. I am sorry that I cannot agree to the amendment.

The Hon. D.C. BROWN: I must counter the Minister's statement that people making requests for plates have come forward only since this legislation was announced. When I raised this matter for discussion in the Party room, I was amazed how many members of my Party had been approached about this matter on numerous occasions. They had been approached, not just in the previous 24 or 48 hours but on a regular basis for some time previously, by people wishing to obtain their old number plates again. In fact, I think two members at the meeting indicated that they had vehicles for which they wished to obtain the original number plates. That is an indication of the demand that exists.

The Minister cannot really argue that the Government will not obtain the money that it requires because, of course, there is a prescribed fee of $60 stipulated at present. Hundreds of thousands of these number plates are available already. Assuming that 100 000 of them can be sold at $60 a piece, that is $6 million to start with. It is unlikely that that number will be sold, but a large number of plates will be involved. Prices reached at auctions are very artificial and are based on what the people present are prepared to pay. I take it that in relation to the Government auction of plates there will be no reserve price and that plates could go for $5 or $10; therefore, the Government cannot have its cake and eat it too. Will the Government impose a prescribed fee, or will the plates be put to auction?

The Hon. R.K. Abbott: We will put groups of plates to auction.

The Hon. D.C. BROWN: I would have thought that the Government could still adopt this procedure. The vast majority of plates would be left, and they could then be put to auction. Those remaining plates are the ones that the Government intends to put to auction, anyway. I am talking about plates numbered 2, 3, 4, and 5, for example—rare ones such as that—and there are plates such as 1924, which someone who has a 1924 car might want. People wanting plates of that nature would be in the minority, because it is unlikely that the people involved would be suddenly able to go and latch on to their old number plates and find that they were the last registered owners. I ask the Minister to reassess his stand on this matter. As the provisions stand at the moment, a large number of motorists in the community who wish to retain their old number plates will be precluded from doing so.

The Hon. R.K. ABBOTT: The auctioneer will determine the value of plates. If plates are not purchased at auction they will be returned to the Registrar, and if people are interested in those plates they will then have the opportunity to reach agreement with the Registrar and purchase them. The number plates will include low numerical and historical numbers; there are distinctive numerical and historical numbers, such as 1111, 6666, 7777 and 8888. In relation to motor vehicle models there are names, as well as a series of combinations, that can used for Mercedes, Peugeot, Jaguar and Ferrari vehicles. There are the jubilee numbers, such as 00J, a number that many people would be very keen to purchase; there is 007J—'J' being for jubilee; or 007S—'s' being for sesquicentenary. The auctioneer will advise the Government whether it would be better to sell a group of numbers in a certain category or series. The auctioneer will determine the value of the plates. I think the honourable member's amendment takes away the whole objective of what we are trying to achieve.

Mr S.G. EVANS: I understand why the Government wishes to auction the plates—I know that money is involved. I would like the Minister to give some indication of how the Government will decide the grouping of plates put up for auction. For example, will the available numbers between 1 and 100 be made available as a specific category, or will the batches going up for auction be larger than that?

Regarding the amendments, I can see that some people will wish to transfer a number they hold. For example, a constituent of mine contacted the Department yesterday: he has a scooter with a number which was allocated at the time and which he hoped, when the vehicle was done up, would add to its value. That person has several vehicles of the older vintage and that type of number plate helps to make the vehicle more authentic.

If the Minister is not prepared to accept the amendment, is he prepared to accept an amendment, even if it is introduced in another place, providing that, where a person has approached the Department from 1 April to the day the Bill was introduced (8 May) inclusive, at least that person can acquire the desired number? I do not care if the Minister decides to make the fee more than $60: he could make the fee $120 or even more in the case of a special request by an owner who approached the Department in that short period. I do not think too many people would have made such an approach in that period. I would appreciate the Minister's comments on that matter.

The Hon. R.K. ABBOTT: I still cannot accept the amendments.

Mr S.G. EVANS: What about the people who have applied between 1 April and the time the legislation was introduced? Are you prepared to consider them?

The Hon. R.K. ABBOTT: They will be coming forward now because they have heard about the auction. It takes the meat right out of the whole idea.

The Hon. D.C. Brown: It takes the dollars out of the Government's pocket.

The Hon. R.K. ABBOTT: You are saying that we need more money for road safety initiatives and I agree, and that is the idea behind this proposal. Following the introduction of the aplha numeric registration numbers, it was intended that the numerical registration number previously issued would eventually be completely replaced, but the policy at that time was to allow the retention of the numeric registration numbers only if the vehicle to which that number had been allocated was continually registered.

That policy was continued until August 1977 of allowing the reissuing of numerical registration numbers, provided it was the immediate last number that had been assigned to the vehicle in question. However, in view of the Government's recent decision to offer various low historic numbers for auction, this policy has again been changed, and such numbers are being withheld. No. 11 was first allocated to a Darracque motor vehicle in 1906 and progressively was reallocated to various vehicles until 1972. The number was

allocated to the vehicle now owned by a person only for a period of 13 months from 24 January 1962.

I can understand people's disappointment at not being able to get these historic plates—they are valuable. The value of the plates is determined by the auction. If they are not sold, there is no problem with the people who might want a particular plate. They could make an agreement with the Registrar and they could purchase it through that means. We would be inundated if we now started to allow interested people to come in and say that they are interested in a special number.

Mr S.G EVANS: What will happen where a person now has one of those numbers and that vehicle is sold? Will he be allowed to transfer it to a new vehicle or will that number automatically revert to the Department for auction? More particularly, once a person has bought the number, can he keep switching it from vehicle to vehicle indefinitely in the future?

The Hon. R.K. ABBOTT: The only numbers we will be auctioning will be those that are already held by the Department and are not out in the public domain. None of them are being recalled. Those who already have such number plates will retain them. We intend to auction only the plates that are currently held by the Registrar of Motor Vehicles.

Mr S.G. EVANS: That is the answer to the second question, but I want to come back to the first question so that I am quite clear. Where a person now has one of the numbers on a registered vehicle and subsequently wants to transfer that number to another vehicle, does the person own that number or does the number go back into the auction pool at that change of vehicle ownership?

The Hon. R.K. ABBOTT: If the vehicle is sold, the number goes back to the Department.

The Committee divided on the amendment:

Ayes (17)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown (teller), Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, and Wilson.

Noes (20)—Mr Abbott (teller), Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Blacker, Gunn, and Wotton. Noes—Messrs Hopgood, Peterson, and Whitten.

Majority of 3 for the Noes.

Amendments thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

STATE SUPPLY BILL

Returned from the Legislative Council with amendments.

UNLEADED PETROL BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 4008.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I object to Bills being brought in at such short notice and the Opposition then being expected to debate them. I received a copy only on Tuesday. However, the Bill was not introduced until yesterday and here we are, in a very busy sitting week, with members staggering from meeting to meeting and being expected to come to grips with this legislation.

An honourable member: Point 08?

The Hon. E.R. GOLDSWORTHY: The fact that we stagger from meeting to meeting is not because we are inebriated or even partially intoxicated. We stagger from meeting to meeting because there is so much work to do within such a short space of time when the Government organises its business in such an appalling fashion. This Bill has taken five years to prepare. Discussions were being undertaken when I was Minister of Energy. The question of introducing unleaded petrol to the Australian market is not some recent innovation which has to be rushed through this House to plug up some leak in the dyke wall. This is the result of consideration of the matter for about five years. The Bill was introduced only yesterday and we have to debate it today.

Because one cannot make satisfactory inquiries, even though I had a copy on Tuesday, I have no hesitation in saying my first reaction was to oppose the Bill on principle. The Government knows that we have an all morning Party meeting on Tuesday, the House sits on Tuesday afternoon and we sit at night. So what chance does one have to find out what it is all about? Wednesday morning is the first occasion when members on our side have any free time. People concerned about the Bill have not even seen it. The Government gives the impression that every man and his dog have been consulted on this Bill, and they have. The impression is given that they all agree with it. The second reading explanation states that the Government committee was drawn from the Departments of Highways, Planning, Mines and Energy, the Health Commission and supplemented by representatives of AIP, RAA, SAACC and the Oil Agents and Petroleum Distributors Association and that they recommended to the Government that legislation similar to that recently passed in Western Australia should be introduced.

I have been contacted at the eleventh hour by two of those groups, the SACC in particular and the Oil Agents and Petroleum Distributors Association, expressing concern about certain aspects of this Bill. If this second reading explanation is designed to give an impression that we have this much vaunted consensus, which is so dear to the heart of Labor Parties yet so rarely achieved, then it is a false impression.

There are some serious gaps in the information which I can bring to light on this Bill. I make no apology for that but, having made what inquiries I could and having consulted the people I could, I point out that there appear to be some problems, certainly in the minds of some, but all in all I am prepared to support the passage of the legislation with a view to further discussions taking place, albeit in an incredibly short space of time, in relation to what could happen in the Upper House.

The purpose of the Bill is explained, in the main, as being to prevent misfuelling as unleaded petrol comes on to the market. The Bill further requires all resellers to offer unleaded petrol for sale. That immediately causes a problem for small retailers, particularly in country regions. I am not saying that the problems cannot be overcome. They may be able to be overcome by exercising the exemption powers in the Bill, but nonetheless I have had no opportunity to research the nature of the problems. All I know is that I had a phone call this morning from a representative of the Oil Agents and Petroleum Distributors Association, which had not seen the Bill. It rushed somebody in at midday to pick up the Bill and the explanation so it could consider the matter.

They were concerned at the provisions I have just mentioned that the Bill requires all resellers to offer unleaded petrol for sale, because in some country areas upwards of $15 000 would need to be spent to install another tank to handle unleaded fuel, an expense not warranted probably in many cases. They believe that a lot of small retailers

would have to close down. I can understand the rationale behind what the Government wants to do here. If unleaded petrol is to make any inroads into the market, as it must, it has to be available throughout the State. It is unreasonable, and I concur with what the Bill seeks to do, namely, to make unleaded petrol freely available throughout the State so that those with cars that run on such petrol can have it readily available. There are problems and I have outlined one. What the answer is I do not know. Maybe it is in relation to the exemption powers in the Bill. Possibly the Minister can tell us. These people must be reassured that they suddenly will not be faced with enormous capital expenditure that will not warrant their carrying on in business. That point was made to me.

The Bill proposes self certification of service stations. Oil companies have facilities and laboratories for testing petrol and it is intended that they be authorised to perform such a function. The clause causing problems in some areas is referred to in the explanation as follows:

> However, strong representations were received from the AIP and the RAA favouring price parity. Additionally, price parity is favoured by the Federal Government; hence Cabinet has chosen to support a pricing policy which will ensure compatibility with our major adjoining States.

I checked out what the Federal Government had to say; I have become so suspicious of everything said by this Government that I checked to see what its Federal colleagues were up to. On 15 March, in relation to pricing of unleaded petrol, the Commonwealth Minister stated:

> The Federal Government believes that the Australian motorist should not have to pay any more for unleaded petrol than leaded petrol, the Minister for Transport, the Hon. Peter Morris, said today in Canberra. He said there should be no financial incentive for motorists to use leaded petrol in cars designed for unleaded petrol. Australian industry has made a major investment in preparing for the introduction of unleaded petrol. It is important to ensure that its pricing does not jeopardise the environmental objectives.

In fact, a desire exists that there be no price discrimination against unleaded petrol. If one accepts the rationale of this Bill, that point must be accepted. The Bill itself does not quite, in my judgment, reflect that statement in the explanation: it says that the price of unleaded petrol shall not exceed the price of leaded petrol.

Price parity, to me, means that the price will be the same. I can envisage circumstances where somebody may wish to discount for some reasons not known to me. Price parity indicates that the prices must be the same. The Bill does not say that, but says that the price of unleaded petrol shall not exceed the price of leaded petrol. So, in effect that means that if the retailer decides to discount his leaded petrol he will have to discount his unleaded petrol further. In practical terms, the unleaded petrol will be more expensive to manufacture than will be leaded petrol. The cost to the oil company of making unleaded petrol will exceed the price of making leaded petrol.

It is hard to imagine the circumstances in which, when it gets to the retail outlet, unleaded petrol will be discounted whilst leaded petrol will not. The reseller simply wants to make a profit. He may be prepared to discount both or sustain a loss on his unleaded petrol if he is making a profit on his leaded petrol. One does not know, but nonetheless if overall he is making a profit I guess he is happy.

A question was raised in regard to price parity. I will take a moment to read from a submission that arrived this afternoon, highlighting the enormous rush that has accompanied this legislation into this House. It was on the doorstep of the House yesterday, and here we are debating it. This submission came in this afternoon by urgent post from the SAACC—one of the organisations mentioned in the list of those consulted by the Government in drawing up the Bill. It is addressed to me, as Deputy Leader, and states:

> Dear Sir,
>
> The SAACC, which represents the majority of petrol retailers in South Australia, is concerned at the ramifications of the Bill for the Unleaded Petrol Act, tabled in Parliament yesterday. The SAACC supports the concept of the introduction of unleaded petrol and acknowledges the need for legislation to ensure that its introduction is orderly. However, we object strongly to legislation that places all of the onus for compliance and responsibility onto the most vulnerable person in the chain of distribution and use, the petrol retailer, who in fact is the person least likely, able or desirous of disrupting the system.
>
> 1. It is the firm belief of this Chamber that if the petrol retailer is to be expected to submit to legislation that compels him to stock a product, and sell that product at a prescribed level of price (i.e.: the same as super petrol), then surely he is entitled to expect the legislation to be framed so as to ensure that he can also purchase that product at a prescribed level of wholesale price (i.e. the same as super petrol)—

here is a plea for some parity at the wholesale level—

> that will at all times enable price to achieve some return for his investment in the product. (Bear in mind also that the petrol retailer pays cash on delivery for his petrol.) In December 1984 the SAACC prepared and submitted a position paper on the 'regulation of prices as a means of preventing misfuelling' to the Unleaded Petrol Working Group. Although this paper clearly set out how comparative pricing was sabotaged in the USA, and could be undermined by oil companies in South Australia, the committee that made recommendations to the Minister (and ultimately to Cabinet) on the proposed legislation chose to disregard its contents. In March 1985—

this is in the very recent past—

> a small deputation from SAACC met with the Hon. D. Hopgood, Minister for Environment and Planning, to discuss this matter.

To me this is the most interesting part of the letter. The rest is all interesting, but this is most interesting. It states:

> Dr. Hopgood was most interested and sympathetic—

as I am assured he always is when deputations wait on him but then nothing happens. They may as well have talked to the wall or the picture on it.

The Hon. Jennifer Adamson: Not noted for his follow through!

The Hon. E.R. GOLDSWORTHY: Well, nothing happens.

Mr Ingerson interjecting:

The Hon. E.R. GOLDSWORTHY: He smooth talks them and then goes his own way. I have heard complaints from the Chamber of Mines that a small deputation waited on the Minister for the Environment in regard to the proclaiming of parks without any consultation and removing the right to explore already existing parks. They used the same sort of words: he was terribly interested and a terribly sympathetic Minister, but nothing happened. He would have consultations with his colleague, but the problem was that the colleague who sits opposite is further down the pecking order. He is a junior Minister and a fairly apathetic one at that, so nothing happens.

When I read that the Minister was interested and sympathetic I did not get too excited. A most interesting part of the letter referred to the Minister's being most interested and sympathetic. He said he would liaise with the Minister of Consumer Affairs. He is even further down the pecking order than is the Minister of Mines. He sits on a cross bench; that is how far down he is. In a Liberal Government we listen to Ministers wherever they sit, but in the Labor Party where people are elected by their colleagues there is a strict pecking order.

The Hon. Jennifer Adamson: The heavies have got the say.

The Hon. E.R. GOLDSWORTHY: My word! Not in a democratic show like the Liberal Party—not for a moment, in a thoroughly democratic organisation like the Liberal Party. But in the Labor Party if you do not toe the line they break your arm, your neck, or your leg and expel you. What hope has the Minister of Consumer Affairs? Anyway, the Minister was going to liaise with the Minister of Consumer Affairs with a view to issuing a Ministerial statement

to the effect that the Government expected oil companies to supply both leaded and unleaded petrol to retailers at the same net (or rebated) price. That is an interesting undertaking, which I will pursue further in Committee. I hope that the out will not be that the Minister of Mines is not part of this scene. The Minister who normally handles the Bill is interstate, as I understand it. The Minister of Consumer Affairs is not here, so the Minister of Mines is handling it.

Mr Trainer: Where is the Minister of Consumer Affairs?

The Hon. E.R. GOLDSWORTHY: They said he is not here.

Mr Trainer: That is because he is a Legislative Councillor, you goose.

The Hon. E.R. GOLDSWORTHY: Well, why did it not come in in that place? Why has it come in here, you goose?

Members interjecting:

The Hon. E.R. GOLDSWORTHY: I know what his title is—it is Norwood, community welfare. He handles the portfolio of Consumer Affairs in this place. It is the fellow who sits over there on the cross bench.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: Hollywood is getting a bit testy over there.

The ACTING SPEAKER (Mr Ferguson): Order! The honourable member must refer to members by their districts.

The Hon. E.R. GOLDSWORTHY: The Hon. Mr Hamilton.

Mr Hamilton: No, the member for Albert Park.

The Hon. E.R. GOLDSWORTHY: He is getting a bit testy. The Government had given an undertaking that it would make a Ministerial statement. The letter continues:

> While SAACC appreciates the good intentions expressed by the Minister, and the report tabled yesterday contains a statement to that effect, we firmly believe that the legislation should place the same obligations on all affected parties and be fair to all parties. Therefore, our proposed extension to the price clause, contained in our position paper—

and I have not yet had time to read that because it turned up half an hour ago—that is the time scale with which we deal with these matters—

> should be written into the Act. (The report also clearly acknowledges on page 4 that oil companies could easily cause disruption by making super petrol available to retailers at a discount).

I would be very interested to hear the Minister's comments on that clause. The second point reads:

> The SAACC is also concerned about sections 5 and 7 which place the total responsibility for the quality of ULP dispensed from retail outlets onto the retailer. The only possible causes (other than price) for ULP to be 'off specification' could be contamination or adulteration during manufacture, storage, cartage and delivery, all absolutely beyond the control of the retailer.

I do not entirely accept that statement. Of course, the storage tanks could be fouled. There is no doubt about that. Even at first glance there could be other reasons for the fouling of the fuel. The letter continues:

> The retailer can of course check to see that the product looks all right (that is if the delivery is made during his trading hours and he is on the site). But, there is no test kit available for him to ensure that the product is 'on specification' or not adulterated. The clauses specifying penalties for selling adulterated ULP need to tie in every segment in the manufacturing sale chain so that any real culprit can be satisfactorily brought to account. It is simply not good enough to make the retailer the scapegoat for criminal activity further up the line.

That point could be accommodated under the legislation as it stands. The letter continues:

> A copy of the SAACC position paper on ULP is attached for your information and we would appreciate your support in seeking to have the Bill amended to include some protection to petrol retailers when it is discussed in the House of Assembly or Legislative Council.

It is a bit late in the day for us, as the letter turned up half an hour ago and with the Government's time table as it is, to do much about that, but I would like to hear the Minister's comments on those two points. The first point relates to the Ministerial undertaking and the second relates to other reasons why petrol could be fouled further down the chain of events. I would like to hear the Minister's comments in that regard. Consensus is not entirely there.

The main purpose of the Bill is to prevent misfuelling of motor vehicles, because considerable damage can be done to motor vehicles if the wrong fuel is placed in them. The penalty for misfuelling is rather steep—$10 000. I would think that that would be quite a sufficient deterrent and that caution would be urged.

Turning to the clauses of the Bill, it appears that the powers of the inspector are quite wide: an authorised officer could do all sorts of things without much constraint. For instance, clause 11 of the Bill provides:

> (1) An authorised officer may, at any reasonable time—
> *(a)* inspect premises at which petrol is sold by retail;
> *(b)* inspect and test equipment that is used in selling petrol by retail;
> *(c)* take samples of petrol offered for sale or stored on any premises and for that purpose may require the owner or occupier of the premises to open any tank in which petrol is stored;
> *(d)* take samples of petrol carried by a motor vehicle (including petrol carried for the purpose of propelling the vehicle) and, for that purpose, may require the driver of the vehicle—
> (i) to stop the vehicle;
> (ii) to open any tank in which petrol is carried;

Clause 11 (1) *(d)* seems to provide an enormously wide and intrusive power for an inspector. He can stop any motor vehicle anywhere, take samples of petrol, open any tank and test it. I would have thought there should be some reasonable cause to suspect that something was wrong before an authorised officer could embark on that course of activity. It seems quite an unlimited power. Clause 11 (1) *(h)* provides that he can enter any land for the purpose of exercising powers under this section. That is quite unlimited. That, too, seems to be an enormously wide power for an authorised officer to have. He can go on to anyone's property at any time if there is fuel there. So he has open access to any property.

I would have thought that there should be some qualification of that power in terms that at least there should be some reasonable suspicion of a contravention of the Act before that power was exercised. As I have said, it is a bit late in the day to be drawing up amendments to the Bill. I am sure that members of the Upper House will read what I have had to say and, if there is any validity in the points that I have made, no doubt amendments will be drawn up and debated in the other place.

I have a query in relation to the sunset clause of the Bill, that is, clause 18, which provides that the Act shall expire on 31 December 1989. As a rule of thumb, in the main, the Liberal Party considers that sunset clauses are quite sensible. We have a strong deregulation policy, while the Labor Party gives only lip service to deregulation. As I said in debate the other night, Mr Bakewell and his descendants would be fixed up for employment for generations if they were working on deregulation for the Labor Party. However, the Liberal Party has a strong policy on deregulation. Therefore, we are happy about sunset clauses providing for the abolition of legislation in due course, particularly if it is strong deregulatory legislation, as this Bill is.

When one is considering what the Bill seeks to do, one must make a judgment as to whether matters relating to it will still exist at the date specified in the legislation. It appears to me and to others that the problems inherent in this matter will still exist in 1989. I am not necessarily

arguing against the clause, but I am wondering how the Government lit on that date.

I imagine that in 1989 perhaps half of the total number of cars or maybe 60 per cent, will be running on unleaded petrol—who knows? It depends on how the purchasing power of the Australian public fares in the next few years which will influence their ability to buy new cars equipped to use unleaded fuel. If the Labor Party is given its head for a few years, the chances are that the purchasing power of people will diminish fairly dramatically, in which case I would expect that there would be a lower percentage of cars running on unleaded fuel than would be the case if a Liberal Party coalition was in charge Federally and a Liberal Government was in charge in South Australia (as undoubtedly it will be).

Therefore, it is only guesswork as to how many cars will come on to the road as from the beginning of next year until the end of 1989. In round figures, one could guess that maybe 60 per cent of cars will be running on unleaded fuel and 40 per cent on leaded fuel. In that case, the need for this legislation will still exist in 1989. The problems in relation to misfuelling that exist today will still exist at that time, together with all the other problems addressed in this legislation in relation to the introduction of this fuel.

I am a bit curious about the date stipulated in the sunset clause: I do not oppose the clause, but why did the Minister choose that date? Did the Minister think that all vehicles would be running on unleaded fuel by that time (which of course would make the legislation redundant) or that there would be so few vehicles running on leaded fuel that the legislation would be redundant? If that is not the case and, say, the situation is half and half, obviously a need will still exist for this legislation. One also knows that legislation could be reintroduced into Parliament and renewed.

As I have said, Liberal Party policy has a strong deregulation bent, so the Opposition will not argue about the sunset clause. All in all, Mr Acting Speaker (and let me compliment you on the real flair that you seem to have for the office), I am prepared to facilitate the passage of this legislation for the Minister. He will not want to try it too often, or we might have to have a talkfest. As I said in my opening remarks, successive Governments have been talking about this matter for five or six years but we are now expected to come to grips with this Bill which has been introduced on one day and which is expected to go through the Parliament the next: that is a travesty of the democratic process. I point out the enormous difficulties this poses for people who wish to contact members of Parliament and put forward a point of view. With those remarks, I indicate that the Opposition is prepared to support this Bill.

Mr INGERSON (Bragg): I support the Deputy Leader's comments. In the short time that I have been in this Parliament, there have been three or four occasions when matters have been thrown before the Parliament and rushed through. As the Deputy Leader said, this matter has been talked about for some five years and yet legislation is expected to be passed in two days. It was interesting to note the Minister's second reading explanation of the Bill. At one stage there was some question of whether we really needed any legislation at all, but now of course the decision has been made to have legislation that will fall into line with that which applies in Western Australia, resulting in this legislation being belted through in less than two days.

I have discussed this matter with the South Australian Automobile Chamber of Commerce, and I found that, while it had an attitude towards fixed levels of wholesale prices for leaded and unleaded petrol, at that stage it had not even been consulted on this Bill. The Chamber had not seen the Bill, although it was referred to as being a group that had been consulted. I hope that the Minister will tell us why the Government did not take the trouble to consult the retailers, the group that will be most affected by this type of legislation.

I am most interested in the fact that the Bill is setting and fixing the price of petrol. However, in the past few months the Government has publicly said that it did not want to set the price of petrol. Yet, in fact, we have a situation here where the Government has fixed the price of petrol: it has maintained that, if there is to be any movement in relation to the price of a certain type of petrol, another distinctly different type of petrol must be the same price. If that is not price fixing, I would like to know what it is.

Another situation that prevails is that in the past few days the price of petrol has significantly increased. Why has that occurred? It occurred because the Government has recognised the situation pertaining in the Federal sphere where the Federal Government is quite happy to accept parity pricing. Before members question me about the fact that it was a Liberal Government that set up the system, I point out that it was set up (as we all know) to encourage exploration in this country. Exploration had dwindled to a low level and parity pricing was introduced to encourage exploration. Today we have parity pricing purely and simply to collect taxation, to provide the Federal Government with another $600 million—and it is the consumer who pays. This Government maintains that it is interested in the consumer, but I note that it has made absolutely no comment on the $600 million that is being ripped off the community by our consistently staying with parity pricing of petrol.

As I said earlier, it is quite incredible that a demand is now being made that two totally different products will now be subject to price control—sold at the same price. As everyone knows, there is a significant difference in the cost of producing the two petrols.

The Hon. R.G. Payne interjecting:

Mr INGERSON: There is a significant difference: it could be of the order of 1c or 2c, and that should be distinguished by the retailer. However, the Government is now saying that we cannot have two different prices for petrol and that the price for both will be controlled. In the case of bread, for example, we have white, brown and multi grain bread, and of course that is not all the same price.

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

Mr INGERSON: One of the major concerns of the Opposition is that there was no apparent discussion with the major bodies concerned, including the body that contacted me two or three days ago, the SACC, which is principally involved with the retailers. It seems rather odd that legislation that has been in the process of being drafted for some five years should be rushed into the Parliament and expected to be debated within two days. Most people know the problems associated with old leaded petrol, and the introduction of the new unleaded petrol is obviously for health reasons. It seems a shame that the Government has decided to rush through so quickly legislation which really does not need to be rushed through, because the introduction of unleaded petrol is not due until January 1986; yet some seven months before that date the Government is virtually rushing this measure through Parliament.

It concerns me that a health measure which is supported by all persons in the industry—the retailer, manufacturer and user—has to be introduced and rushed through Parliament. The other matter which causes me concern is that again we are placing another statutory requirement on business people. Of course, I suppose it falls into line with the philosophy of the Labor Party: if it is a little difficult, you regulate it and, if something can be introduced in a very

simple way, you do not go about that sort of thing in a simple way but introduce a Bill in Parliament and then regulate the whole system.

The other matter that causes me concern is that the Government in the last few weeks has been saying to the people of South Australia, 'We do not believe we ought to control the price of petrol. What we ought to do is allow the free market to work and allow competition'—that idea which the Liberals support very strongly.

It is interesting, of course, that the Attorney, who is the Minister principally responsible for this sort of legislation, clearly set out in a letter to the Automobile Chamber of Commerce that he did not believe we needed to have any legislative control on pricing, yet here we have a rather unusual instance where the Attorney (I assume he had a lot to do with this Bill) is now prepared to say, 'What we should have is two products which are not really linked: linked only by the fact that they are used to drive a motor vehicle, but not linked in terms of the chemical structure or manufacture'; yet he has said in legislation that the two products cannot be sold at any price other than the same price. If that is not price control, I wonder what is.

It is a pity, because setting up a price linked system guarantees that the product will be overpriced. Only one person suffers from that link, and that is the consumer. I think it is very important to look at the argument of the retailers and recognise that at the moment they, too, are in a very difficult situation where there has been what seems to be an unfair distribution of rebates. The situation has arisen where they are asking, through their association, to have not only the retail price but also the wholesale price of petrol controlled and linked together. I note that the Government is at least consistent in that respect. It has said, 'We will not link together the wholesale price of the two different grades of petrol, but we will link together the retail price.' Instead of being placed in a position of having to manage the level of the wholesale price, the Government has tried (and if this Bill becomes law it will be successful in) linking together the retail price of two unrelated products.

Let me take bread as an example: that is a product that the Labor Party has often mentioned as requiring price control, because if the price is not controlled the consumer suffers. It is interesting to note in the bread industry no attempt is made to link together white, brown or multigrain bread. There is a recognition by the Labor Party that white bread is different from brown bread, but in this case unleaded petrol, which has a totally different chemical mixture, is linked with leaded petrol, and the Government says that both products must be sold at the same price. I recognise what the Government is attempting to do: it is saying that, if we disadvantage the consumer as regards leaded and unleaded petrol, there may be substitution. Although I do not profess to know a great deal about motor vehicles, the advice I have been given is that, if anybody puts leaded petrol into a vehicle that can use unleaded petrol, there will be catastrophic results.

This is one instance where Government should keep out. As we all know, if the individual makes a choice and knows what he is doing, he does it better than Governments. Here is an instance where the individual would quickly learn, and probably already knows, that you cannot put the wrong type of petrol into the new vehicles.

The other matter which causes me concern is that, if a manufacturer chooses to offer a rebate to a reseller in connection with a particular product but does not offer it to him with another product, according to this legislation it does not matter whether there is any link at all or whether or not the price differential is the same: the product will be sold at the same price. If that is not Draconian price fixing legislation, I would like to know what is, because instead of leaving it to the consumer to shop around and make the market place work, the Government is deciding what the price of the commodity will be.

We all know that, if Government becomes involved in the market place, it works very inefficiently. If we want it to work properly, we allow the market force free will, and the consumer benefits. The price is sometimes high, but the most important thing is the counter-action of discounting, and that is possible only if there is freedom of the market and freedom for any individual who wishes to retail a product at the price they choose. I find it most unacceptable that we are linking together two products totally unrelated apart from their use: they are different in terms of manufacture and different in relation to the types of vehicles that can use them; the only common factor with them is that, if a vehicle with petrol in it is started, it goes forward or backwards depending on the gear it is in.

As a pharmacist, I am concerned that the next piece of legislation to be introduced could relate to two different cough mixtures: they are both used to control coughing, and a case could be made out for their prices to be linked because that would be a consumer benefit, irrespective of whether the two products were produced at a different price. The same thing could happen in relation to grapes. It would be an absolute joke to tell the people who control the price of grapes that the price for sultana grapes and the price of grenache should be the same. They have one common link: they are both grape varieties, and they are both used in the wine industry, but one variety is used in the production of one type of wine and the other variety is used principally for the production of riesling wines.

What is even more ridiculous is that, if for the sake of competition a manufacturer provides a discount on leaded petrol for the majority of the market for the next 10 years, the minority market must receive its unleaded petrol at the same price. I hope I never hear of such nonsense put forward by this Government again. As I said earlier, I am concerned that because here again, instead of acknowledging that we have a product which the community, the manufacturer and the retailer accept is needed—no-one would argue that we need to do something about the lead problem, because it is a health hazard—we must look at why we have to regulate to achieve something that the whole of society accepts can be achieved in any event.

As we all know, at the bowser head there is a special inlet for the bowser and one for the vehicle. It is almost impossible to feed unleaded petrol into a vehicle other than into the vehicle for which it is meant. I am concerned that in this situation we are becoming like Big Brother, having to hold the community's hand and say, 'This is too hard a problem for you to look after. We have to fix the price and control all these things, because really it is too hard.' After all, it will have minority appeal in 1985, all new vehicles will have to use this petrol in any case. We are really saying that the community at large is a little dumb and we have to introduce more regulations so that the community can work out the whole situation.

As I said earlier, there is no question about how serious it is from a health point of view. We recognise that lead is a cumulative poison: it has no beneficial use in our bodies. On the contrary, recent studies indicate that even low concentrations of lead can harm our health. Young children are particularly susceptible. The effects observed in children include reduced intelligence, hyperactivity and loss of concentration. As I said earlier, there is no question from this side about the need to introduce unleaded petrol.

I am also concerned about penalties. I have been a retailer for the past 20 years and I find that here again we have another instance where the Government has decided that the person who will have to take total responsibility if there

are any problems is the fellow at the end of the line. Why does the Government always say, 'The mug retailer—the last person in the chain—will wear all the hassles'? Under clauses 5 and 7 the retailer—not the manufacturer—is responsible and cops the penalties if there is anything wrong with the petrol. If the retailer causes the problem, he deserves to wear it.

However, what happens if there is a mistake during the manufacturing process? What happens if there is a mistake in the storage of the petrol at the manufacturer's storage area? What happens if the vehicle transferring the unleaded petrol to the retail outlet is contaminated? What happens if at the delivery point there is a problem with the unleaded petrol? Who wears the problem? The retailer! Who caused the problem? No-one knows. The retailer can do nothing about that except cop a maximum fine of $10 000. I think that is unreasonable, and I hope that the Minister will consider this matter, so that when the inspectorate goes out the penalties can be transferred if the problem is caused at a point other than at the retail outlet. We have a situation of a $10 000 fine being placed on a retailer if he is found to have contaminated petrol. It could have happened during manufacture, transport or storage or even at the delivery point. As I understand it, no test kit is available.

The other thing that is basically fundamental in the delivery of petrol is that most of it is delivered to the site when nobody is there. The man who accepts the unleaded petrol cops the penalty even though he was not there. That is unreasonable and in this instance the retailer, who is the last point and, obviously, the easiest one to get at, cops it right on the chin. I am not arguing for the retailers who are not doing the right thing because they will get caught anyway. However, mistakes are made in manufacture, cartage and storage and they ought to be recognised in this Bill.

The other area about which I have some concern is exemption. The Bill does not really spell out how or why the retailer can be exempted. It does not say whether he can be exempted only because he cannot get it because of delivery. Can he be exempted because he does not want to stock such petrol? If he shows clearly that there is not a need as there is plenty of competition around him and therefore he does not want to stock it, is he going to be controlled and told—for the first time ever I believe at the retail level—by the Government that he will stock a certain line? Will that happen or can he be exempted if he can clearly show that 25 yards or even a mile down the road his competitor stocks unleaded petrol? Will he be forced to stock unleaded petrol when he may economically believe that it is not viable for his business to carry unleaded petrol? Surely no Government is going to step in and say to a retailer, for the first time ever, that he will stock a line irrespective of whether or not he believes it is economical? Will he be told also that if he discounts another line that he knows is economical and profitable he will also discount this line too?

Surely the Minister will see that that is unreasonable from the retailer's viewpoint. I accept the need for it to be available in country areas and also accept the argument that within 20 miles to the nearest point in the country it is an essential service. However, in the metropolitan area no justification exists to say that a person must stock a commodity when he may decide in 1985 that it is not economical. More importantly, in 1986 he may decide that it is a damn good line, that he must stock it and sell it. If anyone knows anything about the market place, one of the things that is absolutely certain is that, if a retailer decides not to stock a line and makes a mistake, he does not have to worry about it because he will not be there tomorrow morning. Competition guarantees that the person who gives the best service and carries the best range of goods survives.

I find it obnoxious that here we have a Government deciding for the retailer what he will stock and, further, is telling him at what price he must sell it. The same Government here is telling the retail petrol people, before the introduction of this unleaded petrol, that it will not step in and control price because it does not believe in it. It believes that it is necessary to have discounting and believes that it is essential that the market place works. I support that strongly. We now have the same Government stepping in and saying that they can discount that product as much as they would like, but once they discount it they will lock in another product, albeit a product for the same purpose. That is unreasonable.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr HAMILTON (Albert Park): It was not my intention to speak in this debate, but in listening to the member for Bragg a couple of things got up my nose, to use an Australian expression. The whole thrust of his contribution was in terms of profit motivation. I am not opposed to profits as they are a fundamental part of the economy of this country. However, he failed to address the important areas of the health and welfare of the community in this country.

Mr Ingerson: You came in a bit late.

Mr HAMILTON: It may well be. If I have been harsh on the member for Bragg, I apologise. I make this point as I have made many times in the past, particularly in Opposition; namely, my concern for these people in the community, particularly those disadvantaged people who have been neglected by past Governments, in terms of pollution and its effects upon the community. I refer specifically to those children who have been affected by lead pollution. Having lived in Port Pirie for a number of years, as indeed did the member for Morphett, I am aware of the sort of problems—

Mr Oswald: It didn't affect you and me though, did it?

Mr HAMILTON: I did not live in Port Pirie all my life nor during the formative years. If the member for Morphett had done more research he would know of the sort of problems inherent in the question.

Mr Oswald interjecting:

Mr HAMILTON: That is an amazing interjection and I will come to it later.

The DEPUTY SPEAKER: Order! I hope that the honourable member does not come to it later because the interjection is out of order.

Mr HAMILTON: I recognise Standing Orders, Sir, but it was an inane interjection. I will address it because for some years since I have been in this Parliament I have been using information that I receive from a very prestigious group of people in the United States—the National Research Defence Council. It looks at a whole range of issues affecting that country. It has had a profound effect on the United States Government in the way it has been able to influence legislation. I can recall talking to a person in Japan in 1977. He said to me, 'Kevin, any time you want information on what is happening on health and environment in the United States, feel free to contact me.' I eventually did so upon my return to this country.

I will quote from an article from the National Research Defence Council headed, 'Respirable Particles: Impact of Airborne Fine Particulates on Health and the Environment.' On page 95 of the booklet it states:

> At present, motor vehicles represent the major source of airborne lead, contributing approximately 90 per cent of airborne lead emissions, or an estimated 500 million pounds of lead each year in the U.S. As much as 95 per cent of exhaust lead has been estimated to be associated with particles of less than 1 micrometer. High atmospheric concentrations of lead have been found near lead smelters—

Mr Oswald: This Bill is about lead out of motor cars, not lead out of lead smelters at Port Pirie.

Mr HAMILTON: Obviously the member for Morphett did not listen, and I will repeat it for his edification:

> At present, motor vehicles represent the major source of air-borne lead, contributing approximately 90 per cent of air-borne lead emissions, or an estimated 500 million pounds of lead each year in the United States.

Obviously, the honourable member does not want to listen to what I am about to say. The report continues:

> High atmospheric concentrations of lead have been found near lead smelters and near city roads where traffic density is high. Studies in New England and New York City show that ambient lead from automobile exhaust is a substantial contributor to the high blood lead levels being found in many children.

When in Opposition, I raised this issue in terms of my concern for many of those children attending schools in my district, and I recall the inane response from the then member for Henley Beach, who asked where there were schools close to main roads in my district. I had to tell him where they were. It is clear that this Government has taken the right approach in terms of unleaded petrol. It is only a matter of time—

Mr Ingerson interjecting:

Mr HAMILTON: The member for Bragg interjects, but his concern at all times is profit motivation, neglecting the health and welfare of those people in the community. It may be all right to be a silver tail, but I do not come from that side of the tracks: I come from that side where I have had to work hard all my life. I did not inherit money nor was I given it. I was not one of the establishment of this State: I have had to work hard for what I have got, and I am not a silver tail. This Government has adopted the right approach, which the previous Government did not have the guts to address in terms of legislation. It could have done so. It knew the problem, but it was not prepared to meet the issue head on in terms of the health and welfare of the local community. The member for Bragg may well laugh about this matter, but he is one of the silver tails that have the money to go to private hospitals if they want to and can look after their own. I have not come from that side. It is interesting to note that the member for Bragg has not done much research into the effects of lead.

Mr Ingerson: Have you?

Mr HAMILTON: I have and, if the honourable member listens, he may learn something. At page 95, the report continues:

> Lead in dustfall is a health problem in urban areas especially affecting children who play near city streets and roadways. It has been noted that within a given geographical area, urban residents show higher lead levels than their suburban counterparts. Sustained blood levels in the range of 30-50 micrograms per 100 ml are now being found in many urban children without pica (i.e., who have not taken in lead in paint chips). It has been estimated that in this country between 250 000 and 600 000 children, one to six years old, have blood levels over 40 ug/100 ml. EPA has recognised that adverse effects of lead have been observed at blood lead levels of 15 ug/100 ml and lower.
>
> As with cadmium, inhaled lead is absorbed into the body to a greater degree than lead which is ingested. According to several reports, in adults, 40-50 per cent of lead particles deposited in the lung is absorbed into the blood, whereas efficiency for absorption of lead from food is only 5-10 per cent (18 per cent for children). Furthermore, children retain more lead through inhalation than adults when exposed to the same concentration of air-borne lead.
>
> Acute effects of lead as a cumulative poison affecting the central nervous system have been well documented and include mental retardation, recurrent seizures, cerebral palsy, optic atrophy, kidney damage, anemia, and death. However, the subtle, long-term effects of lead are likely to go unrecognised. These may include diminished intelligence, nervousness, impairment of co-ordination and mechanical dexterity, and general fatigue. There is growing evidence that long-term chronic lead exposure may cause minimal brain damage, behavioural problems, and neurological impairment in children exposed to lead both *in utero* and during early childhood.

I could read much more into the record if I wished, but I have made the point that this Government has been prepared to meet the problems head on. There is always a cost to the community, whether to supporters of the philosophy that I espouse or to supporters of the Opposition. I listened intently while a previous debate, to which I must not refer, was in progress and when it was stated by an Opposition speaker that certain legislation was considered to be Draconian. This is not Draconian legislation: it is legislation to assist the local community. This evening I have heard various Opposition speakers on this measure, but it may well be that I did not listen to the member for Bragg and others. I may have missed out there because of my committee commitments, but tomorrow I will read with great interest the contributions made by other members in this debate. I applaud the efforts of this Government in acting to solve this problem

Mr BAKER (Mitcham): I support the Bill strongly, except for two minor areas which I believe are open to interpretation. The community of Australia has decided that lead free petrol shall be provided on the market. For that decision there are good reasons, some of which we have heard this evening. The documented history of lead poisoning goes back many years. Whether we have reached a critical stage or whether there is a long way to go is irrelevant. For the betterment of all and the improved health of the community we have decided to adopt lead free petrol.

A substantial cost to the community is involved in this decision, and no-one should deny that. It is important that we understand that that cost must be paid. People may disagree and say that we are not getting towards the critical pollution level, but if people look at that level, even in such a city as Adelaide, from the high points such as Windy Point, Mount Lofty or Bellevue Heights, they will see pollution over the city, caused by smoke and some by exhaust emission. So, I support the concept of lead free petrol.

However, a substantial price must be paid and it is estimated that the additional cost of a car could be between $200 and $1 000, say, an average of $500. The octane levels of the cars must be at minimal standards, so there will be an increase in fuel usage and a limitation on the power of motor vehicles. On the other hand, unleaded petrol is said to be more efficient because the engine of the vehicle will last longer and spark plugs will not have to be replaced so often. So, there is a trade-off in savings. If we look at the level of octane 96 petrol, which is used in the United States of America, there is a 5 cent differential in the price of the commodity.

Some people have suggested that the price has been manipulated by the oil companies. I suggest that that is probably a fair and reasonable differential on the price of fuel: someone has to bear the cost. It has been suggested that we should have a price differential. The major fact that most people miss in relation to this premise is that, if we put a 5c differential on petrol, we will have the same situation as there is in America.

I am not sure what happened in America. Two years ago when I was there I drove a relatively new Buick with super petrol. I do not know what happened in the process. Perhaps it was an old Buick and I thought it was new compared with my car. Interesting things have happened in America, one of which is that many people have bought diesel cars. If anyone has travelled behind one he will know about the massive amount of black smoke that pours out of the back. They became popular after lead-free petrol was introduced. The price of older cars increased.

We are imposing something for a very good reason. If we put 5c a litre on the cost of fuel, we will decimate the car industry in this country: nothing is surer. Not only will the

price of the product increase, but also the price of petrol will go up accordingly. Some people will defer their decision on motor vehicle buying anyway but, if there is a 5c differential, people will hang on to old cars. The motor car industry will face a real problem in January 1986 in trying to sell vehicles because of the price hike. Perhaps people perceive that there will not be enough power in the new model cars. For a variety of reasons, the motor vehicle industry will have problems, and we recognise these problems. A 5c differential on the price of petrol will exacerbate the problems.

Unleaded petrol could take three, four or five years to come into vogue in this country. We have made a commitment in that regard. People have referred to fair competition. I draw the Minister's attention to the fact that the Automobile Chamber of Commerce has stated that petrol resellers are facing difficulty in the market. We are all sensitive to that issue. Governments have come and gone and they have all had the same problem. The petrol resellers believe that, if they are required to sell at an equal price at the retail level (which this Bill prescribes), there should be the same facility at the wholesale level. I might disagree with some members on that principle, but we are imposing a price for very good reasons, principally for the motor vehicle industry of Australia. It is only fair that the wholesale price also be maintained so that the industry has fair and reasonable margins. Now that we have made this very fundamental change it is time to briefly address the situation in the industry itself—the difficulties involved and perceptions of people in the industry.

For many years I have believed that the oil companies should be out of the industry. They provide a product and it should be sold at the farm gate: they should not interfere in the petrol reselling market. I have never had a great affinity for the oil companies. They have been responsible for some of the great crimes perpetrated in various countries of the world. They have restricted innovations in terms of petrol saving devices and alternative fuel research: they have bought up patents to slow down the process.

However, the oil companies still manipulate the market. I do not have to tell anyone about the petrol resellers' situation, because everyone goes to their local garage and inevitably the garage owner will ask, 'Is it possible for us to make a reasonable margin on our product?' Whilst the oil industry continues to manipulate and give rebates to individual sellers, petrol resellers will face problems making a profit in the market.

It has been suggested that there are too many petrol stations in Adelaide and, indeed, in Australia. Anyone who has done a little economic evaluation will find that that is an over-simplification. Who can tell what is an economic throughput for a petrol station? Because a country station may serve only 30 000 litres a week servicing the local community, is that an uneconomical throughput? Should that petrol station be moved so that the throughput can be increased to something like 100 000 litres per week? Can anyone seriously suggest that there is any commonality of margins that represents a fair and true return on capital?

For example, I have been told that most petrol stations in Adelaide require something between 3.5c and 4c per litre to become profitable. We know that independents can put through a very large volume and probably work on the basis of 2.5c to 3c, making a reasonable profit. The situation is complicated by various factors, such as rental charged for premises and the original cost of free standing and freely owned stations. They are probably the lowest margins in the whole retail distribution system.

Four cents a litre on the current price of 57c is a margin of less than 8 per cent on the retail price. If we reduce the number of petrol stations we are talking about only a 2 per cent decrease overall in the ultimate price of fuel. People fail to realise that a large number of petrol resellers provide a wide range of other services. People who have their cars fixed at the local garage will find that the rates are somewhat cheaper because there are common overheads and common premises; mechanical repairs are a fairer price than at those premises dedicated purely to mechanical repairs.

There is no simple answer to economic value or fair competition: it does not exist in the market at all. It is manipulated by the oil companies and affected by independents. The person in the middle is the petrol reseller, who should be able to compete in the market. The petrol reseller should never be told, 'If you have a high volume, you can afford a lower return per litre and still survive in the market.'

If a reseller wants to increase his price and reduce his volume (which is the old supply and demand situation) that is fine, too. The market can determine that if a person has a very high throughput he can make a very handsome profit on a minimal margin. Those operators who provide a wider range of services and employ people have a service differential, so perhaps people are willing to pay the extra 2c a litre. When the differential is 5c or 6c (as we have seen in the market in the past two years) that is when chaos occurs and the small man gets hurt. It has nothing to do with competition. There is manipulation of the market through the situation relating to excess supplies of fuel in the Australian system today.

Everyone knows that discounting of petrol is prevalent in Adelaide because there is surplus fuel. The various distributors want to get rid of that fuel so they offer it at a lower price to independents who are not franchised. Various people have estimated that that situation will pertain for two years or perhaps longer, depending on what happens in the Arab countries.

One of the most disappointing aspects in the history of fuel distribution and fuel pricing in Australia is that when there was a chance for the Australian community to reap the benefits of decreased world prices brought about by the lack of consensus between the OPEC countries, that did not occur. The price did not really fall, but was maintained at the current rate. The Government increased tax on it, and we all lost. The money went into general revenue; the Government used this as a form of raising general revenue. Some people might argue that we were the first people to introduce this system, but I suggest that it was not abused at that time in the way that it has been abused since the Hawke Government came to power.

It is very difficult to work out the most effective means of introducing unleaded petrol into the market place. I realise that a price must be tied to the existing retail price. I realise that there cannot be exceptions to the rule in the general sense and that stations cannot make the choice. We have applied what outwardly are Draconian measures, but they are necessary to implement the will of the people, that is, that unleaded fuel be available in the market place. I could probably spend an hour or two describing the changes that have taken place in the oil market, and the interference that has occurred, but I shall refrain from doing that.

Mr Mathwin: You know a lot about it.

Mr BAKER: I have done some studies because petrol resellers in my district have been talking to me; therefore, I have tried to acquaint myself with some of the vagaries of the market place today. I support the thrust of the Bill, and I realise that the measures would not be tolerated in another situation but that in this case there is a need for them. Clause 5 provides that:

A person shall not introduce leaded petrol into the petrol tank of a motor vehicle designed to use unleaded petrol.
Penalty: $10 000.

We already know that that would affect a vehicle. I understand that the cars will be modified so that this cannot happen, but during the transition stage let us assume that it will be possible to put leaded petrol into a tank designed for unleaded petrol. In those circumstances, if a person entered a self-service station and made that mistake that person would be subject to a fine of $10 000.

Mr Mathwin: What about if you run out of petrol and someone gives you petrol so that you can keep going?

Mr BAKER: Under this provision, if the wrong petrol was introduced into the tank the person would be subject to a fine of $10 000. I understand the Minister's saying that no petrol reseller would knowingly put leaded petrol into a petrol tank for unleaded petrol. That is very simple and I agree with that, and the $10 000 fine is in keeping with fines applicable in other areas (although I find it a little harsh in the total sense). However, this provision applies to anyone who introduces petrol into a petrol tank for unleaded petrol for whatever reason.

Mr Mathwin: A motorist could do it with a can, having run out of petrol and having been supplied with some petrol in a can.

Mr BAKER: As the member for Glenelg says, a friendly motorist could siphon some petrol off from his own car to assist someone who had run out of petrol, although if it was the wrong kind of petrol the person putting the petrol into the tank could be subject to a $10 000 fine under this legislation. One may say that the provisions would not apply under those circumstances, but according to this legislation the law would stipulate that in those circumstances a person would be liable to a fine of $10 000. I ask the Minister to think about that problem. I can understand the objective of preventing leaded petrol being introduced into a petrol tank for unleaded petrol. That is fine in principle, but to apply this to circumstances where it may occur unwittingly would be totally reprehensible. The legislation should be amended in this respect.

I also recommend that serious thought be given to tying the wholesale price, because we are saying that petrol companies obviously will be making a loss. There will be a cross-subsidisation effect between the leaded and unleaded petrol, and they will try to get a return that is as high as possible from unleaded petrol because it costs more to produce. Therefore, conceivably the wholesale price of unleaded petrol will be higher than that applying to leaded petrol. That means that margins will be lower. Indeed this is a very neat way of forcing the closure of petrol stations, because it would put them in a financially risky situation, and that will apply particularly to petrol stations operating on very low margins.

To briefly explain: if petrol is discounted and if the petrol companies stipulate that it must be sold at the same price, it does not affect volume, which has been a very important consideration in the market. We all know that discounting has been functioning on the fact that oil companies want to retain their share of the market. The major market will be for super petrol for at least five years to come. Therefore, it will be maintained that unleaded petrol will not need to be subsidised to the same extent when the price goes down. That means that the petrol reseller will bear the full cost and maybe even sustain a loss on the sale of unleaded petrol. I think that the Minister should take this on board. The Minister should not introduce legislation that will result in the petrol reseller being forced to sell his product at a loss. Something must be done about that, as it is really quite a serious problem. I know that no-one in this House would force anyone to sell anything at a loss, but this legislation is aimed in that direction.

I think that most of the other clauses are essentially part of the package that is needed to introduce this measure and to ensure its effectiveness. I have no real quarrel with the provisions, although this matter does test somewhat my sensitivity and my ideology. It tests some of the things I believe in very strongly. The member for Bragg spent some time talking in the House about the principles of free marketing and profitability. So, I must set aside some of my principles when I am dealing with this matter, because I know that in five to 10 years the end result will be that the Australian community will be better off because of this measure. I have read the very extensively and very well argued report that was produced on this matter. I understand some of the difficulties and the needs for the provisions contained in the Bill.

I would be very pleased if the Minister could amend clause 5 which deals with the introduction of leaded petrol into petrol tanks for unleaded petrol. I would also be very pleased if the Minister could give some serious thought to the problems that arise when a petrol reseller is forced to sell his product at a loss. I do not know what the petrol resellers will do, whether they will put a bomb in their tanks or think of some other disabling mechanism, but they cannot afford to sell something at a loss. Generally, I commend the Bill to the House.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I guess a few years ago, when people said they supported a measure and took so long to explain what was wrong with it, I would have been surprised, but these days I am not surprised, because I have been here a little longer. I realise that every member has the right to be concerned about all or part of the Bill. I will try to be reasonably brief, because there is always the opportunity to speak in Committee, but there seem to be one or two areas of main concern.

One of the major areas of concern was that the Government, through this Bill, was in some way singling out the reseller, that poor inoffensive person at the end of the line who already has a lot of problems. I do not quarrel with the fact that resellers do have a lot of problems. I do not think I would like to be in the petrol reselling industry; I think I would try something else. But the argument being put forward is that all the onus, blame and penalty is being placed on the reseller. That is not so.

If members care to look at clause 7, if they are still interested in the matters they raised, they will find that this description of petrol reseller appears:

A person who carries on the business of selling petrol shall not—

etc. The penalty for breaching the provisions of that clause is $10 000. There is no specific prescription there covering reselling at the retail point, so that obviously takes account of the person who could be argued to be the wholesaler, that is, at the place where the tankers come from. That may have been a misunderstanding, and I hope I have cleared up that aspect of the Bill.

Mr Mathwin interjecting:

The Hon. R.G. PAYNE: Even if in some way the tanker load is adulterated, if the reseller is the person who is apprehended as a result of an analysis, test or sample, remedies at law still exist, and we all know about that. Perhaps it could be argued that it is somewhat awkward when the person at the end of the line then has to sue. That is a fact of life under British common law. A third area which seems to have caused some concern involves the size of the penalty. Of course, the penalty of $10 000 is a maximum. A magistrate is able to look at the circumstances of any particular offence and penalise accordingly. There could even be a conviction without penalty. The normal rules apply in that situation. I hope that that explanation in some way eases the concern of some members opposite.

The member for Bragg said, and I am endeavouring to quote him exactly, 'You cannot put leaded petrol into the

wrong type of vehicle.' I think he was trying to stress that the provisions in this Bill are aimed in that direction. That is not correct, because the practice he described could be carried out through an approved unleaded petrol delivery nozzle. That is the reason for some of the provisions in the Bill and for stipulating offences and penalties. There shall not be other than a certified product in a particular place where it is for sale; it shall be clearly indicated by a proper type of sign; and its delivery into the correct kind of vehicle for that fuel will be ensured, as far as possible, through the physical nature of both the delivery nozzle and the filler pipe in the vehicle.

It was also mentioned by the Opposition that the Government was rushing this Bill through for no other reason than to make life difficult for the Opposition. Of course, that is not true. A number of members who made that comment also pointed out that as from 1 January 1986 the vehicles that will need this unleaded petrol will be on the market. The point is that such vehicles will in fact be on the market then, and some may well have been sold before that date. Therefore, there is a lot of work to be done within the whole industry to ensure that, when owners of vehicles requiring unleaded petrol pull up at a service station, they will obtain the correct fuel. There is quite a lot of work to be done; there are tanks to be purged and purified, involving tests and analyses, so in having legislation passed at this stage we are providing working time for the industry. If we accept the argument of not worrying about the legislation now but, rather, consider it in three or four months—

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: There may be other measures needed next week. The member for Bragg also mentioned that he had only been here a short time. I think that that is a very accurate statement, and I do not say that in any derogatory sense. I had also been here only a short time 13 years ago. One thing I have learnt is that in Opposition members are often faced with legislation that has been put forward rather quickly, no matter which Party is in Government. I have been on both sides of the fence.

I recall not long ago, when in Opposition, we were asked to deal with the Stony Point Indenture Bill and to get it through the Select Committee within two weeks; otherwise the State was going to fail. We did not quibble with that, because it was a matter of vital importance to the State. We had to inspect the area and listen to various views. We co-operated fully, because that was necessary. Now this measure is necessary. I acknowledge that members on the other side are supporting the Bill: even though they have been somewhat critical, they have perceived that it is a very necessary measure. One of the things that makes it necessary is that already by law new cars will be required to have this type of petrol.

The Hon. E.R. Goldsworthy: From when?

The Hon. R.G. PAYNE: From 1 January 1986.

The Hon. E.R. Goldsworthy: So you have to get it through by 1 January 1986?

The Hon. R.G. PAYNE: Here we go. I could have forecast this.

The Hon. E.R. Goldsworthy: I'm asking you.

The Hon. R.G. PAYNE: Yes, we ought to have it through well before then to ensure that the requirements are being met throughout industry. I wish the honourable member had been listening to my earlier remarks. I am not trying to find fault with the Opposition: I am merely saying that there are sensible reasons for what we are doing. I think members opposite are beginning to understand what I am talking about. I do not mean to score any political points, but I am on this side of the House, am I not?

Mr Ingerson interjecting:

The Hon. R.G. PAYNE: I was listening last night, and I remember that the last time members opposite were this cocky was in 1982—and we won. I hope they keep this up, because that means we are going to win again.

Mr Ingerson interjecting:

The Hon. R.G. PAYNE: There are members here who were also here in 1982 and who went to the election. I remember the occasion well. However, I should not and will not digress, because it is our job to try to ensure that this legislation is passed in a form which is going to be useful to the consumers who will need this measure and for those in the industry who will be required to work under its provisions. The sooner it comes into force, any mistakes, errors or omissions will become apparent, and something can be done about them subsequently.

There are one or two other queries concerning members, but I think they can be addressed as we go through the clauses. I thank members for the attention they at least gave to the Bill, and I regret that it took them so long to make their contributions. However, I do not necessarily suggest that that detracts from the contributions they made.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Leaded petrol not to be used in certain vehicles.'

Mr BAKER: I am aware of what the Minister is attempting to achieve, and he has explained about nozzles. I hope the Minister can have an amendment prepared in time to provide for those occasions where a person is allegedly guilty of an offence as a result of a genuine mistake or where a person requires petrol if they are stuck on a country road, for instance. While I understand the need for this provision, I ask the Minister to make it more specific and remove the anomalies occurring between now and when it is introduced in another place. We know that a court's interpretation is based on the wording of the legislation. In fact, lawyers have made fortunes out of mistakes in legislation. I refer to situations where people are forced to put leaded petrol into their petrol tanks when they are running short, and where a natural mistake—not a deliberate mistake—is made. People in those situations should not be considered to be guilty of an offence and subject to a penalty. Under the provision as it stands the courts will convict them, even though it may be without penalty. I believe the anomaly should be rectified.

The Hon. R.G. PAYNE: I understand the motives behind the honourable member's query, and I certainly undertake to have that aspect explored. I will try to ensure that my colleague in another place takes the necessary action, if anything can be done. I suppose many of us know of people who have been convicted without penalty or released under the Offender's Probation Act as a result of a particular law, and perhaps in a not dissimilar area. I have no intention of suggesting that I have a knowledge of the law, but I presume that someone would have to witness the act and apprehend the offender. In the example given by the honourable member someone would have run out of, say, Avgas and needed some petrol to get to another point. I suppose we are drawing together a fairly wide set of circumstances. It means that, if there are at least two vehicles in the area, there is a 50/50 chance that they might use the same type of petrol. It may not hurt for the law to be as sensible as possible. I will have that matter explored in another place.

Clause passed.

Clause 6—'Petrol retailer to sell unleaded petrol if leaded petrol sold.'

The Hon. R.G. PAYNE: I move:

Page 2—Lines 27 and 28—Leave out paragraph *(b)* and insert the following paragraph:

(b) the defendant had made written application to the Minister for exemption under subsection (4) within three days after the unleaded petrol became unavailable for delivery;

Lines 32 and 33—Leave out subclause (3).

The first amendment provides that it is not necessarily an offence to not supply unleaded petrol in certain circumstances. The clause originally provided for exemption to be sought by telephone. The second amendment to the clause deletes subclause (3) where application for exemption can be made by telephone. I understand that that was originally intended to assist those at the retail outlet who found themselves in an awkward position. The Department of Public and Consumer Affairs, which is faced with the administration and regulation of the legislation, felt that that was not the best way to operate in fairness to both sides in a possible dispute.

It is suggested that a fixed number of days to make written application will provide protection to both sides involved in a transaction. I did not draft the amendment, but when I saw it I wondered whether three days would be long enough, given that a petrol station in an outback area could be involved. It was pointed out to me that that had been considered and that a person could send a telegram. At this stage I seek support for my amendment as it stands, but possibly the time limit could be extended, because three days is not a great deal of time.

The Hon. E.R. Goldsworthy: What do you want? First you want the three days, then you don't. You're wobbling around like a bowl of jelly.

The Hon. R.G. PAYNE: One never ceases to be amazed at the discourtesy shown by some members in this Chamber. I will not make any application to vary my amendment.

Mr BAKER: In keeping with procedures previously adopted in this Chamber I will speak to this clause and ask two questions. In reading documents on this matter I was a little unsure of why octane not less than 91 was chosen. Overall, the use of fuel with octane 91 will increase the cost of fuel consumption. I have been advised that we should have specified a higher level of octane, such as octane 95 or 96, which is more expensive to produce, but because of the additional power it would have resulted in fuel savings. We all know that unleaded petrol is almost of the same standard as standard petrol, or even lower. Why was octane 91 chosen?

My second question relates to problems with resellers, as I mentioned during the second reading debate. What steps will the Minister take to ensure that no petrol reseller is forced to sell his product at a loss because of the very stringent requirements of this Bill, whereby a person must sell at a price that does not exceed the price at which super petrol is offered for sale? I have already outlined the circumstances that will arise in the market place with a discount on super fuel because, as the major fuel, there will be no advantage in applying discount to unleaded fuel: in the first few years it will be very much a minor part of the market. Perhaps the Minister can respond to those two questions.

The Hon. R.G. PAYNE: I do not have any detailed information that can be of great use to the honourable member. I have seen written reports about octane ratings and the net benefit of having a higher number than the one used. I have also seen a technical dissertation which says that the design of the engines that will be available in the vehicles for which this measure is designed is such that they will give a better performance and mileage per unit of fuel than occurred before.

The Hon. Michael Wilson: You just reduce the compression ratio.

The Hon. R.G. PAYNE: I do not have an automobile engineering qualification; I was in electronics. I am trying to stay out of an area in which my qualifications would be suspect. I am perfectly willing to accept the honourable member's advice if that is what is being stated.

The Hon. Michael Wilson: It is not a new engine.

The Hon. R.G. PAYNE: My understanding is that the design of the engine is that which is married to the octane rating of the fuel. I have seen reams of stuff on it and heard a great deal at Ministerial conferences on the viewpoints of the refiners and the oil industry which, taking all those sorts of factors into account, would prefer to work on the rating chosen. All the things I have read seemed reasonable. I am not in a position to quarrel technically with some of the points made. I do not know whether I can put forward anything more useful. I could undertake to get a written dissertation from the Energy Branch of the Department—that is quite useful gear. I could obtain it for the honourable member and read it myself to learn more on the topic.

The honourable member also asked about what he saw as the predicament of the reseller who may well be required to reduce the price of unleaded petrol to keep in step with discounting of leaded petrol. That was the point being made. Any Government that can prescribe a scene to handle that sort of conundrum and make it work will be very popular. There has not been one in this country as far as I can remember. We have had a number of inquiries into the whole industry and recommendations about what pricing structures ought to be and what are the costs, yet we are still back at square one where the single most motive force in the whole area is what a manufacturing giant decides to do at any time.

We can witness that daily wherever we live. We can drive down South Road, which I often traverse, and find that for a month petrol costs 49.6c a litre. The next morning it is only 43.7c a litre. We know that the local reseller is not forgoing that profit margin magically overnight. He or she is being assisted in some way by a rebate or other structure which, in most cases, the parent oil company to which the station is an agent decides to make available. There has been support generally from the oil industry for this measure as a whole, namely, to have the benefits of unleaded petrol with respect to the health requirements, emissions, and so on, after initial grumbling that they are going to not co-operate to this extent. If they have a discount going in some way it will work for unleaded petrol.

Members who live on the north side of the city may be better informed, but I was coming back from the north recently and saw a board advertising unleaded petrol at a price and another price for super. The unleaded petrol was a little cheaper than the super. It was the only sign I have seen. I was not in a position to pull up and ascertain the situation, but that was what it stated on the board. I may have been a bit rambly, which may upset my colleague on the other side again. He may accuse me of wavering.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: I take my example from the honourable member's speech, including the one he made earlier.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: I could not suggest that anything incorporated in this Bill will have any effect on that scene. The honourable member knows what I am saying. The forces at work are such that they know what the Government wants at the Federal level. State Governments have agreed that unleaded petrol must be assisted in the market place for it to become the fuel used by the majority of vehicles over the next few years. They will co-operate. I have talked to a number of refineries and to PRA. They did not like the idea, but I do not foresee the difficulty that the hon-

ourable member is suggesting. If it occurs to such an extent that people are being penalised, that is when the Government will look at the situation and try to do something about it.

Mr BAKER: I have received an undertaking from the Minister on this matter. It will happen and I can guarantee it will happen. We are talking about price wars when people will be required to sell their petrol at a loss. There are virtually three mechanisms in train. If petrol resellers cannot get a subsidy from the oil company, they can sell at a price on which they will make a profit on the price per litre. They can then decide whether they want to stay open or not, depending on volume. They may make a profit on the margin, but will make a loss because they cannot pay the rent.

When the price of fuel is discounted there is no moral obligation on the oil company to discount unleaded fuel because it will comprise a minor proportion of the market. They will not feel morally bound to provide a subsidy on the fuel, given that after the first year of operation over 95 per cent of the fuel dispensed will be leaded petrol. That means that, if assistance is provided by oil companies the price of leaded fuel will come down, super will come down and the price of unleaded petrol will also have to come down. This Bill prescribes that the retailer must sell it. It will happen. We hope that they are minor examples. I thank the Minister for his undertaking that if there is a sign that this will happen (and I am assured that it will), if the Minister is still in Government at that time we will see some action on his part.

The Hon. E.R. GOLDSWORTHY: Clause 6 provides in effect that a person, in conducting a business of selling petrol, shall not sell leaded petrol unless unleaded petrol is offered for sale at a price which does not exceed the price at which the leaded petrol is offered for sale. Does that mean parity pricing?

The Hon. R.G. PAYNE: My interpretation of the clause is that it refers to unleaded petrol being sold at a price not exceeding that of leaded petrol, and it may be sold at a lower price.

The Hon. E.R. GOLDSWORTHY: The Minister's second reading explanation refers to parity pricing. Does parity pricing mean the same price? I have already referred to the sympathetic and interested hearing that Dr Hopgood gave representatives of SAACC and the undertaking the gave that organisation. A letter from SAACC states:

> Dr Hopgood was most interested and sympathetic and said that he would liaise with the Minister of Consumer Affairs with a view to issuing a Ministerial statement that the Government expected oil companies to supply both leaded and unleaded petrol to retailers at the same net or rebated price.

Will the Minister of Mines and Energy, in the absence of his colleague, say whether the Government still intends to make the Ministerial statement that is referred to in that letter? This matter is fairly critical to these people who left the meeting with that assurance.

Mr INGERSON: Earlier, I spent a considerable time talking about price and the linkage factor. The member for Mitcham also took up the question of forcing people to sell at a loss. I am concerned that there may be a minority sale product for a considerable time (at least 12 months, possibly longer). As the member for Mitcham said, we are forcing a small business man to sell perhaps at a considerable loss on a specific product because of the philosophy of having it fairly close. I thank the Minister for his assurance that this matter will be examined, but I ask how far must we push it before something happens.

Many small petrol retailers are almost at the brink now and, if we force them in this manner, some will suffer. After all, the petrol companies will still use super grade petrol as their marketing ploy, because there is no point in using unleaded petrol as a ploy as it will be marketed in insufficient quantities to create volume sale and therefore will not be discounted merely to produce volume sales. Can the Minister say what guidelines may be implemented in respect of this matter? How far is the small retailer to be pushed to the brink before it is recognised that he is selling a significant volume, perhaps 10 per cent or 12 per cent of total volume, at a loss? Because of high rentals and small margins, many of the small operators are at the brink now. The guidelines that are to be used in granting exemptions have not been explained, although it has been said that a defendant had applied for exemption within three days.

The Hon. R.G. Payne: It will be three days: make no mistake about that!

Mr INGERSON: Hopefully it could have been longer. The guidelines need to be explained. Will an application be made because a retailer does not want to sell it, or cannot get it or because it is not profitable? Are they the sorts of guideline that the Minister foresees?

The Hon. R.G. PAYNE: I would expect that the main parameters to be taken into account in determining whether a person can be given an exemption would be whether the product is reasonably available to the consumer. I understand the concern of members opposite. If someone is being asked to make a sacrifice here, however, it is everyone. For instance, there is the person who must pay more for a new car. The people in the reselling chain are asked to make a contribution, as is the refiner. They did not want to do this at first but, probably because of the pressure of public opinion and because something must be done to prevent further pollution, they have agreed on it.

I do not see this Bill as a philosophy any longer. This is what the industry said should happen. It was recommended that the Government introduce legislation. Similar legislation has been passed in Western Australia. No-one is cheerful about it, but we should all be grateful because the legislation will benefit children and those coming after us because it will mean that we are not stuffing up the atmosphere with lead.

Resellers have gone broke every day, under the free enterprise system, before unleaded petrol was ever heard of. I am sympathetic in respect of the problem. No Government should allow the scene to get out of hand. However, none of us knows what will happen for sure. The former Minister was logical and direct when he said that he did not like the sunset clause that is provided but that he would accept it. A sunset date is provided, but that can be altered. Better minds than ours have said that they can produce vehicles at a price at which they believe the vehicles can be sold; that petrol can be produced at a marketable price; and that there will be a certain degree of market penetration. So, I agree that there will be some hardship, probably in the first 12 months of the operation of this Bill. There will be some hiccups. If there was any piece of perfect legislation that has ever gone through any Parliament I would ask someone to cite it for me.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: The Roxby indenture will be so much better it is unbelievable now that we are in charge of it. It is not only the legislation, but also how it is interpreted and controlled.

The ACTING CHAIRMAN (Mr Ferguson): Order! We are not dealing with the Roxby indenture. I ask honourable members to come back to the amendments.

The Hon. R.G. PAYNE: Thank you, Sir. I wish we were dealing with the Roxby indenture, because some of the things asked of me I could not answer, and I am sure that the Minister who would normally be in charge of this Bill could not give an answer, nor could the industry. Obviously, much thought and preparation has gone into this. It is

expected that the scheme put forward in this legislation will be a good working base. If measures and changes are needed, I have undertaken that the responsible Ministers in the Government would observe and monitor what is happening, trying to do something about it. But, I am not undertaking that the State Government will be in a subsidy or any other scheme to resellers. We have not entered that area, nor do we propose to.

The Hon. E.R. Goldsworthy: What about my query?

The Hon. R.G. PAYNE: The former Minister asked me about an undertaking. He said (quoting from a letter), 'I was not present at the meeting.' I am perfectly willing to accept it. Who is being touchy now?

The Hon. E.R. Goldsworthy: I am not being touchy, I just want you to see—

The ACTING CHAIRMAN: Order!

The Hon. R.G. PAYNE: The honourable member should know that both of us have been here long enough so that we do not usually accuse one another of not telling the truth. I am trying to put forward the circumstances so that people will know why I am giving a certain undertaking. I accept that it is stated in that letter that the Minister for Environment and Planning, after discussion, gave an undertaking. I have no knowledge of that. He did not tell me about the meeting, but I will take the matter up with him and do what I can to ensure that the statement he promised is made as a Ministerial statement—I think they were the words used.

Amendment earned; clause as amended passed.

Clause 7 passed.

Clause 8—'Certification in relation to tanks in which petrol stored.'

Mr INGERSON: As I said in my second reading speech, it seems that in this instance the retailer has been faced with all the possible penalties as far as supplying illegal petrol is concerned. Has the need to protect the reseller in the event of contaminated fuel reaching his garage prior to his selling it been considered? That is important. The provisions obviously have a purpose (and I support them). We must guarantee that the reseller does the right thing, but it seems that the manufacturing level has been omitted. Will the Minister consider that point?

The Hon. R.G. PAYNE: It might be useful to read some notes, with which I have been supplied, on certification. They put the purpose of clause 8 in context. It is stated:

> The purpose of certification is to ensure that when a reseller first offers unleaded petrol for sale that it meets the lead specification—

and that is important, because we all know that the petrol is not totally lead free—

> and is not contaminated by lead residues in the tankage.

That is at the site, so it involves the first party. It continues:

> Generally speaking, it is possible to cleanse the existing contaminated tank with two tank loads of unleaded petrol. However, to be sure, the oil companies test—

and this is the important point to note—

> the tanks of their own agents before allowing the unleaded petrol sign to be erected. No such safeguard exists for customers of the independent operator.

So it is really designed to cater for both scenes. The report continues:

> Hence as an analyst's report will be required ... in order to meet the requirements of that clause.

If a breach occurs in terms of the clause it is because the proper requirements have not been met by someone. I think that the honourable member will agree with me there. If it is a non company owned site then other persons who are responsible for taking action to put that reseller in a safe position are specified. If it is their own site or an agent's site, basically the parent company and the agent on the site are joined anyway by way of transaction. That should not cause any difficulty. I take it that the suggestion is that in some way an accidental contamination occurs on the way.

The penalty is a maximum. Circumstances can be presented to a magistrate. A simple example might help to reassure the honourable member. From time to time, we all see reports in the press about contamination of food in the health area and circumstances are put before the court. One can see that penalties are wide-ranging—from nothing to the full maximum, according to the circumstances. I am sure that that situation would apply here. That should reassure the honourable member.

The Hon. E.R. GOLDSWORTHY: The second point raised in the letter from the SAACC is the quality of unleaded petrol. I thank the Minister for the undertaking that he will get the Ministerial statement, if that is his understanding. The SAACC is concerned about quality and suggests in its letter that all responsibility is thrown back on the retailer in regard to petrol which is off specification. They point out that everyone involved from manufacturer through the delivery chain to site could be responsible for contamination of petrol. What can the Minister tell these people in that regard?

The Hon. R.G. PAYNE: Clause 8 provides:

> A person shall not sell as unleaded petrol, petrol stored in a tank.

It does not say 'A person, reseller', or whatever.

The Hon. E.R. GOLDSWORTHY: The delivery man is not selling it, but he may be contaminating it. I suppose that the manufacturer is selling it wholesale?

The Hon. R.G. PAYNE: There is a contract of sale. The fellow who carts it, one would hope, would have nothing to do with it anyway. He might not be responsible for contamination. The person who manufactured it or caused it to be contaminated should be responsible. It seems to be drawing a long bow to work out that the transporters or drivers in some way would contaminate petrol in a tanker.

The Hon. E.R. GOLDSWORTHY: These are the words used: 'The only possible causes other than price for ULP to be off-specification could be contamination or adulteration during manufacture, storage, cartage and delivery'—and then in very bold type the words 'all absolutely beyond the control of the retailer'. They are suggesting that they could be lumbered with a $10 000 penalty due to the adulteration of the product when in fact that could occur anywhere along the chain at which time they have no control over it at all. Are they off the track, and what can we say to reassure them?

The Hon. R.G. PAYNE: It is stipulated that, 'A person shall not sell as unleaded petrol, petrol stored in a tank,' and so on; so that is one of the categories to which the honourable member just referred. Taking the provisions of this clause and the previous clause that we have just considered, various cases are defined. For example, reference is made to the person carrying on the business of selling petrol not representing petrol as being anything other than that stated in a contractual arrangement. I do not know where the problem arises. However, if this matter concerns the South Australian Automobile Chamber of Commerce, I shall further examine the matter.

Clause passed.

Clauses 9 and 10 passed.

Clause 11—'Powers of authorised officer.'

The Hon. R.G. PAYNE: I move:

> Page 3, line 37—Insert after 'driver' the passage ', or the person in charge,'.

The reason for this amendment is almost so obvious that it requires no explanation other than to say that there could be occasions where a person driving the vehicle involved is not necessarily in charge of the vehicle.

The Hon. E.R. GOLDSWORTHY: I query the provisions in subclause (1) *(d)* and *(h)* of this clause in relation to the powers of these inspectors. It is stipulated that:

> An authorised officer may . . . take samples of petrol carried by a motor vehicle . . . and, for that purpose, may require the driver of the vehicle—
> (i) to stop the vehicle;
> (ii) to open any tank in which petrol is carried.

It is suggested that that is an unreasonable power unless an authorised officer has good reason to suspect that an offence has been committed. The clause further provides that:

> An authorised officer may, at any reasonable time—*(h)* enter any land for the purpose of exercising powers under this section.

It is not unreasonable to suggest that there should be some qualification attached to these provisions in terms of an authorised officer having reasonable cause to suspect that an offence has been committed before he can do these things. I realise that this refers to authorised officers, but one cannot have any Tom, Dick or Harry entering one's property, and it is a darn nuisance when one is stopped on the road. However, an officer could decide that it was time that he stopped, hopped into a farm and had a sniff around the petrol tanks. There need be no reason, other than his thinking that it was time to get out of the car, stretch his legs and perhaps have a look around. That is not good enough. I do not know what the interpretation of 'at any reasonable time' would be, but an authorised officer should not be able to enter a property at any time of the night or day to have a poke or sniff around the petrol tanks unless that officer has some good reason to suspect that there is something wrong with the petrol tank.

Further, I would not appreciate being stopped on the highway so that an inspector can sniff around my petrol tank. An RBT station is a different matter. I think these provisions should be qualified. I have not had time to draft amendments, although I have briefly discussed this matter with Parliamentary Counsel. However, five minutes before coming into the House is very short notice for whipping up amendments. This does seem to be an unreasonably wide power to give these authorised officers. They should not be able to enter one's property or stop one on the road for no other reason than to have a look at one's petrol tank. I think they should have reasonable cause to suspect that an offence has been committed before exercising that power. I would like to see that qualification inserted.

The Hon. R.G. PAYNE: Powers of this nature have been contained in Bills for as long as the member opposite and I have been in this House. The stipulation is that an authorised officer has the power to enter premises only in terms of the provisions of the clause. Therefore, he or she cannot wander in and be capricious, because there are remedies for that. The stipulations are contained in the specific clauses. That is not to say that one may not encounter a bloody-minded inspector. One hopes that there would not be too many of them, but it is possible. I suspect that I have met one or two.

But there are remedies. Most of the provisions of the clause are similar to those in other consumer protection legislation: there are powers of this nature in the Waterworks Act, the Sewerage Act and the Dam Safety Bill, which was before us recently. Of course, it is wrong for inspectors to exercise their powers other than under the terms of their authorisation. The safety mechanism provided is that only responsible people, skilled in their area of expertise, are authorised. The one difference in this clause is the provision in relation to the stopping of a vehicle.

Mr Gunn: You ought to cut that out at least.

The Hon. R.G. PAYNE: That provision has been included because fuel is sold in bulk from sources other than retail outlets, as the honourable member knows. There are people who sell petrol to small industry operators, primary producers, and so on, and consumers buying that petrol should have the same protections as apply to city consumers. There are always arguments about why country people do not get as fair a go as city people. The aim of this measure is to ensure that, however a consumer obtains unleaded petrol, that commodity is up to spec', uncontaminated, and so on. Therefore, in the circumstances I think this is a reasonable power.

Mr GUNN: The Minister is correct in saying that this is a fairly general provision, but unfortunately I have been involved in cases where people have used these powers in quite a Draconian fashion. The real problem is that the average law abiding citizen—

The Hon. R.G. Payne: Did you do something about it?

Mr GUNN: Why should a member of Parliament have to write letters to the Minister?

The Hon. R.G. Payne interjecting:

Mr GUNN: It goes a little further than that. The average person who is covered by this Bill does not really know his rights. It is usually the first time he has ever been confronted by an inspector. I will give an example of what happened the other day in relation to a Highways Department inspector. A primary school council decided to do some work on the school. Two farmers took their trucks 60 kms to get some materials. On the way back the inspectors, who thought they were catching Ronald Biggs, stopped these two gentlemen, who did not have any idea of the weight of their trucks. The trucks where jacked up and weighed, and an inspector said, 'You're so far out,' and then wrote a ticket. The farmers said, 'We're not carriers. We're carting this to the school.' I had to write to the Minister and ask him to write to the Commissioner. I had to get the school council to write to the Commissioner in order to get any sense. These people wondered what had struck them.

There is another area involving Highways Department inspectors armed with the same sort of power, and they listen to two-way radios. These fellows are constantly sneaking behind bushes and harassing law-abiding citizens. It only needs one fellow who has never had much authority in the past and he stops people to test the fuel in their vehicles. It is unnecessary. The real problem with this sort of legislation is it ends up with members having to mention names in Parliament. That is what happens with the bureaucracy when no common sense has been used.

One can well see the sort of regulations which will come out of this sort of legislation. Fellows will be dressing up in flash uniforms and caps—they remind me of boy scouts who have never grown up—and driving flash cars with signs on the door just like the American constabulary. This is glorious democratic South Australia. We were supposed to be the first State to give the franchise to women, but what are we now doing? We are leading the way in this bloody stupid nonsense. I get very annoyed every time I read one of these Bills.

I represent a very diverse district. Soon after the 1979 election the then Minister of Transport, the member for Torrens, made a statement that, in line with the policy of the Liberal Party, tolerance would be given to people carting grain. That was fair enough. The press statement was released, and I received a copy of it. I then had six people telephone me, and they were very cross. One person had never been spoken to by an inspector before. He was booked at the weighbridge. These inspectors had determined they were going to enforce the old Act, even though the Minister had made that statement. They started to book the people at the weighbridge.

I rang the Minister at night and spoke to him quite tersely, but at least I did get some action. I think there was also some action within the Highways Department. I had to put

the press statement on the notice board so that everyone could see it. When I arrived, the inspectors were there and, of course, they knew who I was. I said, 'Where's the bloody board? Some fool has got me out here,' and I stuck two copies on the board. This is the type of nonsense we will see. I suggest that this legislation be put to one side and redrafted. The time has come to apply a bit of common sense, because it is all very well if a person is stopped and has his wits about him and knows that he can come to his member of Parliament to get something done about the matter, but a lot of people do not know they can do that.

I will give another example of over-zealous people. The member for Goyder was quite rightly complaining about the over-zealous people who check trucks. I know of cases where brand new trucks have had defect notices put on them and the inspectors would not let them be shifted. They have been over the weighbridge and have not been allowed to go through. One poor fellow was driving his truck under low-hanging branches and one of his lights was knocked from the roof. He was told, 'Don't shift it; get it fixed up.' That is absolute nonsense. This is a repeat exercise. It is about time we got a new set of drafting principles. The Minister is only going to generate ill will in the community by this nonsense.

The Hon. E.R. GOLDSWORTHY: The Minister has an amendment to this clause. I also want to move an amendment. What is the procedure? Do I have to put it forward in writing?

The ACTING CHAIRMAN: Has it been circulated?

The Hon. E.R. GOLDSWORTHY: Of course it has not. I just made it up.

The ACTING CHAIRMAN: The Deputy Leader is entitled to move an amendment.

The Hon. E.R. Goldsworthy: I want to know when I can move it—now, or when the Minister has finished?

The ACTING CHAIRMAN: The Deputy Leader asked me a question, and the answer is that he is entitled to move an amendment. As a matter of courtesy, the amendment should have been circularised, but we have to have that amendment in writing.

The Hon. E.R. GOLDSWORTHY: Mr Acting Chairman, it is not your place to read me a lecture when a Bill comes into the House and I get a submission half an hour—

The ACTING CHAIRMAN: I would ask the Deputy Leader to sit down. The Deputy Leader posed a question to me, and I gave him an answer. I would—

The Hon. E.R. Goldsworthy: You read me a—

The ACTING CHAIRMAN: Order! I ask the Deputy Leader to be quiet, or I will have to take action.

Mr Ashenden: Captain Tough!

The ACTING CHAIRMAN: I would ask the member for Todd to be quiet. The question was posed to me and I gave the Deputy Leader an answer. I believe that the Parliament is entitled as a courtesy to receive in writing whatever amendments or proposals members wish to put forward. The ruling I am giving is that, if an amendment is proposed it must be in writing and circulated to everybody.The Deputy Leader can move the amendment.

The Hon. E.R. GOLDSWORTHY: I will call up the messenger.

Mr Ashenden interjecting:

The ACTING CHAIRMAN: I hope the honourable member for Todd is not reflecting on the Chair. While the Deputy Leader's amendment is being copied, the Committee can deal with the Minister's amendment.

Amendment carried.

The Hon. E.R. GOLDSWORTHY: I move:

Page 3—After line 39—Insert the following words:
but only if the authorised officer has reasonable cause to suspect that an offence has been committed.

Page 4, after line 5—Insert the following words:
, but only if the authorised officer has reasonable cause to suspect that an offence has been committed.

As often happens in this place, my amendment is a result of an unsatisfactory explanation from the Minister. I have never heard a question of courtesy raised here before. I will explain my amendment, because I do not want to be discourteous to the Committee; I want it to understand what I am on about.

I think the powers of the authorised officers are unreasonably wide. If the clause was left unamended, an authorised officer could stop any car, remove the petrol tank and sample the petrol. I think that is an unreasonable power to give an authorised officer. There has been a lot of fuss about motorists being stopped for random breath testing, but we accept it because we think it is done for a very good reason. However, I do not think it is reasonable to give an authorised officer the power to stop any vehicle at random and carry out petrol testing. Similarly, with my second amendment, I think it is unreasonable to give anyone unfettered power to enter somebody's property for the purpose of exercising power under this provision, unless there is very good reason for doing so (in this case, if the officer suspects that an offence has been committed).

I do not accept the Minister's explanation. The powers of inspectors have been severely limited in many Acts of Parliament as a result of amendments. I am sure the Minister would recall the argument on the boating legislation almost 10 years ago, when the Labor Party introduced a licensing system. In that situation inspectors were given wide-ranging powers. I well remember the debate and the complaints relating to the unfettered powers of inspectors to enter premises. Whenever Bills have come before this Chamber dealing with the powers of inspectors and we have regarded them as being too wide, too all-encompassing, and too intrusive on people's privacy, we have sought to modify those powers.

I think it is perfectly clear that the Bill as it stands gives authorised officers extremely wide and intrusive powers. That should only be done where there is a very good reason for it. The only good reason for doing it in this case is if an authorised officer has reasonable grounds to expect that an offence has been committed. I think I have fully explained my amendment.

The Hon. R.G. PAYNE: I am sorry, but I cannot accept the amendment. The honourable member gave a very reasoned argument, but the amendment would destroy the whole purpose of the clause. There is nothing wrong with the argument put forward by the honourable member from his viewpoint. The clause provides a fairly simple power: that is obvious to anyone who looks at it. We are talking about spot checking only. I cannot guarantee that there will not be people who become inspectors who should not take that position. We all know of people such as that, and we heard a wonderful dissertation from the member for Eyre, who seems to know a lot of people of this type (and I do not know how, because I have only met one or two of that calibre in my lifetime).

The clause is necessary to ensure that people are not defrauded and do not suffer damage, and so on, as a result of being sold or having offered to them for sale products not in accordance with their requirements. The member for Morphett comes from a profession which would have given him a good understanding of the product requirements and the necessity to ensure that what is purported to be sold within a container is accurate according to the label. In fact, in the member for Morphett's previous profession it can often mean the difference between life and death. It is not suggested that that will apply in the situation we are now considering, but there is still a necessity to ensure that

people are not defrauded as a result of faulty or adulterated petrol which does not meet a specific requirement.

In order to demonstrate that an illegal act has occurred, it may be necessary to stop a vehicle. That is why that power is there. In giving his explanation to this amendment the honourable member pointed out that wide powers are contained in relation to random breath testing. The same scene occurs in this situation—there is no real difference. The person driving on the roads who has to pull in for a random breath test has not done anything, either. We sanction that because it is necessary—certainly for different reasons—and that is why this power is here.

The remedy is not to try to take away the power of the inspector, but to try to ensure that we have better inspectors if evidence exists that there has been a misuse of the power. We have not had any evidence of that from the honourable member in this case, so I can only say that the amendment is unacceptable.

The Committee divided on the amendment:

Ayes (18)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne (teller), Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Blacker, Mathwin and Wilson. Noes—Messrs Hopgood, Peterson and Whitten.

Majority of 2 for the Noes.

Amendment thus negatived; clause as amended passed.

Clauses 12 to 17 passed.

Clause 18—'Expiry Act.'

The Hon. E.R. GOLDSWORTHY: Why was 31 December chosen as the date for the sunset provision? The Minister heard what I said in the second reading debate. Without delaying the Committee, I would be interested to know why that date was chosen.

The Hon. R.G. PAYNE: I do not have any specific information on that. I indicated earlier when speaking on another clause that my understanding was that it was felt that, after approximately four years, the market penetration and the rate of exchange of old vehicles to new would be such that the legislation could safely be removed in relation to the proportion of the newer vehicles using unleaded petrol. Hopefully, I will be one of those who will continue to use my old vehicle. I am lucky enough to have one that should work all right on unleaded petrol. I am referring to that marvellous vehicle, the Chevrolet. I will undertake to find out how scientifically the date was arrived at, but that is the only information I can put forward at this time.

The Hon. E.R. GOLDSWORTHY: That is fair enough, but I would be surprised if the market penetration is more than 60 per cent at that date, in which case the necessity for the protection of the vehicles that will become apparent at the end of this year would still be apparent then. If the Minister can ascertain that information, I will be interested to hear what he has to say.

The Hon. R.G. PAYNE: Earlier in this debate, the honourable member pointed out that it was a long time between now and 1989, and the period may be extended as a result of experience in the intervening four years.

Clause passed.

Title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 8 May. Page 4011.)

Clause 2—'Commencement.'

Mr OLSEN: Last night, I indicated that a new set of amendments would be drafted to pick up the point advanced by the member for Semaphore and, to a lesser extent, by the member for Elizabeth in relation to this measure. Since the House adjourned early this morning, the Parliamentary Counsel has prepared these amendments and they have been distributed to members. I now withdraw the first set of amendments on file in my name and substitute in lieu thereof the amendments that have been distributed this evening. On the second sheet of my new amendments there is a typographical error: the clauses numbered 6 and 7 should be numbered 5 and 6. I move:

Page 1, lines 14 to 16—Leave out this clause and insert new clause as follows:

2. (1) Subject to subsection (3), this Act shall come into operation on the day when Her Majesty's pleasure thereon is publicly signified in South Australia.

(2) Her Majesty's pleasure may be so signified by proclamation.

(3) Section 4 shall come into operation on the day on which the House of Assembly is next dissolved, or next expires, after the commencement of this Act.

The object of my amendment is to ensure that any amendment to this legislation comes into effect prior to the next election day. It would render useless any subsequent amendment in the short term if we were not to ensure that this legislation came into effect on assent to the Bill by Her Majesty. That is to pick up the case example debated in this Chamber thus far and to ensure that the Minister of Agriculture, in this instance and in this place, must abide by this legislation which will come into effect before the election and not apply only to subsequent elections.

It is important that new clause 2 be passed because subsequent amendments would be rendered ineffectual if it were not. The Liberal Opposition has redrafted these amendments to pick up specifically some of the points raised by the member for Semaphore. I am disappointed that the honourable member cannot be in the Chamber this evening. As I understand it, a longstanding commitment in another State has caused him to be absent. I am surprised that the Government saw fit today to remove the Constitution Bill from its position as first item to last item on the Notice Paper, fully knowing that the member for Semaphore would not be in the Chamber later this afternoon or this evening. That is an example of playing around with the agenda to suit the Government of the day.

Clearly, the Government was getting a little concerned that the honourable member was having some sympathy with the Opposition's amendments. He said that he believed in the principle but could not support the first set of amendments. In the closing stages of this debate, early this morning, we redrafted the amendments to pick up the points made by the member for Semaphore, and it would have been impossible for him to do anything but support them. I have no doubt that, had he had the opportunity to be here, he would be supporting the amendments currently before the Committee.

Is there any reason why this matter cannot be held over until next Tuesday so that the member for Semaphore, who has an interest and has expressed a point of view, might be able to participate in this debate and, in fact, vote? After all, if the Government, having placed this item at the bottom of the Notice Paper, insists on proceeding with it tonight, it will disfranchise the member for Semaphore by preventing his voting on this amendments.

The Hon. Michael Wilson: Has he a pair?

Mr OLSEN: There are no pairs on this measure, and that was pointed out to the member for Semaphore. Earlier today, the Opposition requested of the Minister in charge of Government business in this House that this measure be brought on immediately after Question Time, because we wanted these redrafted amendments debated then. The Government refused us that opportunity and the right to debate this measure first up, even though it was the last piece of legislation that we were debating early this morning.

The Hon. B.C. Eastick: It has muted the member for Semaphore.

Mr OLSEN: It has disfranchised him. The member for Semaphore has lost his right and opportunity to vote on these redrafted amendments, and the Government has taken away that right and opportunity because it is running scared that the member for Semaphore would vote with the Opposition. So, what did the Government do? It played around with the Parliamentary process yet again to suit its own short term political ends. The member for Semaphore will not have an opportunity to vote on clause 2 tonight.

The ACTING CHAIRMAN (Mr Ferguson): I ask the honourable Leader of the Opposition to turn to the subject of the amendment before the Chair. He should debate the merits of the amendment, not the order of business.

Mr OLSEN: I have been talking about clause 2, which is before the Committee, and the denial of the right of a member to vote on the clause. How much more relevant could a matter be to the business of the Committee and the debate?

The ACTING CHAIRMAN: I ask the honourable Leader to come back to the merits of the proposition before the Committee.

Mr OLSEN: In an endeavour to give an opportunity to the member for Semaphore to be present, participate in the debate and vote, I move:

That progress be reported.

The Committee divided on the motion:

Ayes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Mathwin, Meier, Olsen (teller), Oswald, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Lewis and Rodda. Noes—Messrs Hopgood and Whitten.

Majority of 1 for the Noes.

Motion thus negatived.

Mr OLSEN: We see democracy well and truly to the fore in this Parliament. The Independent member for Elizabeth is prepared to pull the plug on the Independent member for Semaphore and deny him the opportunity to speak and to exercise his right to vote on this important Bill. The member for Semaphore referred to this clause—

The ACTING CHAIRMAN: The Leader must come back to the subject matter before us.

Mr OLSEN: I just said the word 'clause', with respect. The member for Semaphore spoke on this clause last night, talked about the principle involved and supported the principle espoused by the Opposition. He was seeking—

The ACTING CHAIRMAN: I am asking the Leader to come back to the subject of the clause.

Mr Ashenden: He is on the subject.

The ACTING SPEAKER: I ask the member for Todd to be quiet, please. I ask the Leader to come back to the subject matter before us.

Mr OLSEN: I am quite happy to talk about the clause. We could talk about it for another five or six hours without much trouble if this is the way proceedings will be run, if members are denied the right to have a say and a vote in this Parliament. We will keep proceedings going until people have the right to vote, particularly elected representatives and Independent members. Some members are prepared to pull the plug on their colleagues in this place. Clearly, the Independent member for Elizabeth did that tonight. It is a shame for him to be an Independent member; he might as well be in the Caucus, and well he knows it. The Labor Party laughs all the way to the bank, because it can count on his vote time after time. We have seen it again tonight. The Independent member for Elizabeth was not prepared to stand up for his colleague, the Independent member for Semaphore.

The clause upon which we are voting is to ensure that subsequent amendments come into effect before the next election day to preclude the right of the Minister of Agriculture getting through the system this time round and having the principle applied to everyone thereafter. I note that the Independent Labor member for Elizabeth has placed amendments on file; in his amendments, he has endorsed clause 2. I would expect, therefore, as he has picked up the same clause, that in this instance the honourable member would be prepared to support the amendment moved by the Opposition.

The Hon. G.J. CRAFTER: The Government accepts the first part of the amendments that the Leader has on file—that is, his amended amendments. They are, as he has said, similar to the amendments that the member for Elizabeth also has on file as they relate to clause 2, page 1, lines 14 to 16, providing for an earlier operation of parts of this Bill prior to the coming into operation of longer terms for all honourable members. This gives additional flexibility to the Government and is considered desirable. We accept clause 2, subclauses (1), (2) and (3); in other words, after the commencement of this Act. This will give a further degree of flexibility and allow for the earlier operation of the other sections of this Act. That is considered desirable.

The Hon. MICHAEL WILSON: I want to make the point, so that it is on record, that we see here that the Government is honouring its part of the deal made with the member for Elizabeth.

Mr Olsen: That is the deal cooked up in the early hours of this morning.

The Hon. MICHAEL WILSON: Exactly. I was about to say that in the early hours of this morning, at around 2 o'clock, the members for Semaphore and Elizabeth were absent.

Members interjecting:

The Hon. B.C. EASTICK: I rise on a point of order, Mr Acting Chairman. Will you, Sir, give the honourable member for Elizabeth protection? He is being harassed by members opposite at the moment.

The ACTING CHAIRMAN: The point of order is well taken and I ask members on both sides of the Chamber to desist from interjecting.

The Hon. MICHAEL WILSON: The member for Ascot Park had his back to you while you were giving that instruction, Mr Acting Chairman. At about 2 o'clock this morning the two Independent members disappeared from this House for about an hour and were closeted in the Premier's office with the Premier and Deputy Premier. Obviously, at that stage, a deal was cooked up whereby the Government worked out a method in later consultations with the Attorney-General to get the members for Semaphore and Elizabeth off the hook, as we will see when we get to the next clause and find that it is merely a device to enable them to try to save face. I think that that is a great pity. I do not want to

say more at this stage because the Government is accepting the amendment and one can hardly cavil at that. However, I think that it is necessary for the sake of the record that the public knows why the Government is accepting the Opposition's amendment to this clause.

Mr LEWIS: I will not let this opportunity pass me by, as a member of this Chamber who has a personal responsibility to represent the people who put me here, to make a comment about what is happening, and why, in relation to this clause. It is possible (and frankly, I confess to possessing sufficient cynicism to do so) to imagine the circumstances whereby the Government under the terms of this clause can simply fail to proclaim this Bill until it suits it, which may be never during the course of the term of this Parliament. The Minister, moving the way he does with such uneasy agitation, well knows what I am talking about.

It would be quite easy for Executive Council to simply overlook the necessity to proclaim this legislation, thereby continuing the *status quo* about which we have been debating, and to which we have drawn public attention, accordingly still enabling the Hon. Frank Blevins to put his Legislative Council seat in his hip pocket while he contests the Assembly seat of Whyalla at the next election. If the Government does that, the members of it who survive the next election will never be allowed to forget this matter so long as I am a member of this place.

Amendments carried; clause as amended passed.

Clause 3—'Repeal of ss. 13, 14 and 15 and substitution of new sections.'

Mr OLSEN: I move:

Page 2, after line 48—Insert new subsection as follows:

(6) The person who formerly occupied a seat that has become vacant is not eligible to be chosen by an assembly of the members of both Houses of Parliament to supply that vacancy.

This amendment is a simplified version of the original amendment we had on file and in particular picks up the point made by the member for Semaphore during the debate on this matter early this morning, that is, that a person who has formerly occupied a seat that has become vacant is not eligible to be chosen by an assembly of the members of both Houses of Parliament to fill that vacancy. That picks up not only the point raised by the member for Semaphore but also that raised by the Minister at the table. We well recall the debate during the early hours of this morning when the Minister was concerned that, by referring that vacancy to an election of all people, the most democratic basis for choosing someone—that is, the people of South Australia having a say about who that person should be—we were overturning some convention or tradition that the political Party of the day through the meeting or an assembly of members of the Parliament should have a right to choose who that should be.

That was the Minister's contention. This amendment seeks to pick up the point that the Minister and the member for Semaphore put forward last night—that is, if there is a vacancy created in the Legislative Council that vacancy will be filled by an assembly of the members; that is, the convention of the past will be upheld and that vacancy will not be put to the people in the general election to fill but that an assembly of members will nominate that person, but with the proviso (that included in the amendment) that the person who has resigned from another place to contest an election is no longer eligible for consideration by that assembly. We have stopped the double dipping. We have stopped the bob each way. We have stopped the person who has not got the conviction to follow through and put his job on the line, so to speak.

We have seen the Labor Party attempt to manipulate the Constitution. I repeat that the Constitution is the most important Statute on our books. The Labor Party has been trying to manipulate the Constitution to suit its own ends as they relate to the seat of Whyalla. This is not a hypothetical case; it is clearly a case example because no fewer than three members associated in some way with the Labor Party have publicly put on record that that is the course of action that they intend to follow, given half a chance. We are trying to embody in this legislation an important principle—

Mr Groom interjecting:

Mr OLSEN: The member for Hartley is back again, sniping away at the back bench. We will see if we can embarrass him to his feet again tonight. I hope that we do, because we will be able to highlight—

The Hon. B.C. Eastick: I do not know whether he will apologise for his misrepresentations of last night.

Mr OLSEN: We are accustomed to the member for Hartley's inaccuracies during the course of his interjecting, but when he gets to his feet to debate he is a little more careful about the statements that he makes in this House. We will see whether we are able to embarrass him tonight into participating in this debate. I will be interested to hear his contribution. This clause is important because it embodies the principle of ensuring that double dipping does not take place while at the same time holding the position as it relates to the convention that the Minister referred to in the debate this morning.

During the course of that debate the Liberal Party in this State acknowledged that convention and tradition. It has upheld it in the past, and will uphold it in the future as being an important tradition and convention. It will not be abused by the Liberal Party in this State. Let us make that clear, well understood and on record. I notice in the amendments distributed by the member for Elizabeth this particular aspect is not canvassed.

The Hon. B.C. Eastick: He might be going to support this.

Mr OLSEN: I trust that the member for Elizabeth does support this amendment because it is an important one which does stop double dipping and goes to the heart of the principle that has been the basis of this debate since we started on it some hours ago. For that reason I commend my amendment to the Committee.

The Hon. MICHAEL WILSON: I take this opportunity to say to the member for Elizabeth that he has made a serious miscalculation so far in his handling of this matter. He has made a statement of principle and then made a serious miscalculation in not supporting the motion.

Mr Ashenden interjecting:

The ACTING CHAIRMAN: Order! The member for Todd will come to order.

The Hon. MICHAEL WILSON: The honourable member made a serious miscalculation in not supporting the motion from this side of the House to report progress to enable the member for Semaphore to take part in the debate. The honourable member now has a chance to make amends and to show his constituents that he does believe in the principles that he has publicly espoused. I assure the member for Elizabeth that the amendment that he has on file (and I will not discuss the details of that amendment) is really only a device, and it will not prevent the double dipping or the political hopscotch to which the Leader referred. Therefore, in all sincerity I say to the member for Elizabeth that this is his chance to show members of this House, his colleague the member for Semaphore and, more importantly, his own constituents that he does uphold publicly his principles.

The Hon. JENNIFER ADAMSON: I support the amendment, and I certainly urge the member for Elizabeth to do the same. Every now and again (not often, but occasionally) in political life a politician is presented with an issue that is made to measure in order to cement his or her support

in the electorate. For an Independent those opportunities do not come often, but when they do they are instantly recognisable. This is one such opportunity for the members for Semaphore and Elizabeth. The very issue which ensured that they were elected to this Assembly is the issue of the right of electors to make a free choice, that is, free of manipulation by a political Party. In relation to the members for Semaphore and Elizabeth the voters of those two electorates deliberately and quite convincingly indicated that they wanted a member who would not be subject to the dictates of the Labor Party and its masters at Trades Hall. They made that very clear. It is worth referring to the record in order to refresh our memories as to just what occurred. In an article in the *News* of 5 December 1984, Craig Bildstien stated that Mr Evans won the by-election for Elizabeth with a vote, after the distribution of preferences, of 10 743, as against the vote given to Mr Roe of 6 066. In commenting on that result the member for Elizabeth said—

The ACTING CHAIRMAN: Will the member for Coles please resume her seat. There is a point of order to be taken.

The Hon. G.J. CRAFTER: On a point of order, Mr Acting Chairman, this has absolutely nothing to do with the Leader of the Opposition's motion currently before the Committee—in fact it is quite contrary to it.

The ACTING CHAIRMAN: At this stage I do not accept the point of order. I hope that the member for Coles will tie her remarks to the clause before the Chair.

The Hon. JENNIFER ADAMSON: Certainly, what I have to say is directly relevant to the clause before the Committee, namely, that the person who formerly occupied a seat that has become vacant is not eligible to be chosen by an assembly of the members of both Houses of Parliament to supply that vacancy. This amendment was deliberately designed to ensure that the Minister of Agriculture (the Hon. Frank Blevins) cannot manipulate the electorate by taking the opportunity of virtually contesting two seats with the certainty of being re-elected, whatever the opinion of the electorate of his capacity to represent it. Following his election, the member for Elizabeth said:

> The electorate fully understood who was the endorsed Labor candidate and who was the Independent Labor candidate . . .

Mr Evans further said that when an issue arose affecting Elizabeth he would put his electorate first and speak out as strongly as he could. If ever there was an issue that affected the Labor voters in this State, this is it, because twice in very recent years Labor voters in this State have indicated that they refuse absolutely and convincingly to be manipulated by the Labor Party machine; they want to exercise their own vote, albeit a preference for a Labor point of view, but they have indicated quite convincingly they want an independently minded person to represent them and their interests. Stephen Middleton, the author of an article in the *News* of 7 December entitled 'How Bannon walks the thin line', stated:

> Given their undertakings to look after the interests of their constituents first it—

that is, the issue of the Children's Services Bill—

> was shaping up to be a show of strength. . . Two Independents against the weight of Government. But in the end it fizzled out. They wobbled for a few moments and after Mr Evans' series of talks with Mr Bannon the Bill was adjourned for a day.

He further stated in that article:

> But if the Independents wobbled on a non-issue the indications are Mr Bannon is in a much more comfortable position than he or anyone else first thought.

Subsequently, in the *Sunday Mail* of 30 December 1984, Onlooker made the following observation:

> Contrary to some apparently misguided first impressions, the two Independents in the House of Assembly have no intention of being tame mice to the Bannon Government. In certain circumstances, the two-man sort of independent Labor Party would be prepared to vote against the Government.

Mr Peterson, the member for Semaphore, was quoted as saying:

> My responsibility is not to the Labor Party but to the people of my electorate and of South Australia.

It is very clear that the people of South Australia want to have a say at elections and that they do not want their decisions made for them by a group at Trades Hall, and yet that is quite clearly the situation that this amendment is trying to avert. It lies with the member for Elizabeth as to whether or not that situation is averted. Mr Peterson was further quoted as saying:

> The people who elected us want us to take an independent view. We will not be allowing things that are obviously motivated solely by Left-wing concerns. We will try to keep the Government on the straight and narrow.

In the *Advertiser* of 2 January 1985, Mr Evans stated:

> The Government can expect my support on the vast majority of issues, but there will be areas where we diverge, and this is one of them.

He was then referring to the Children's Services Bill. Asked about moves to outlaw the terms 'Independent Labor' and 'Independent Liberal', Mr Evans said:

> I think that is absurd. People are quite capable of understanding what Independent Liberal and Independent Labor means. If we cannot refer to ourselves in those terms, we do not have a proper description to use at the election. What are they frightened of? They are merely shoring up the two Party system. They must make changes in the way they run their Party, not in the electoral system.

What prophetic words! Who could have guessed that those ideolistic opinions so strongly expressed by the member for Elizabeth in January this year should, so comparatively shortly after, come home to be reflected upon by him and by the member for Elizabeth?

The ACTING CHAIRMAN: Order! I draw to the attention of the member for Coles the amendment that we are debating. The substance of the honourable member's debate at the moment concerns why the member for Elizabeth should exercise his independent vote and that does not relate to the proposition before the Committee. I ask that the honourable member relate her remarks to the clause.

The Hon. JENNIFER ADAMSON: It is very relevant that this Bill to amend the Constitution Act appears to be converted into an insurance Bill for the Labor Party, and if the member for Elizabeth does not believe that to be the case, he is politically naive, and I do not believe that that is so. This very issue, the question of whether voters are to be given the right to determine through their own free will which members will sit in both Houses, is an absolutely critical one.

As I said, if ever there was an issue that was absolutely integral to the role of an Independent in this House, this issue is it. The whole question of the people of Elizabeth and the people of Semaphore (and if anyone represented a Labor view, they do) has been so amply demonstrated that they will not tolerate what the Government is presently trying to do. I think the constituents of both those members would feel thoroughly betrayed if their members voted with the Government in this present Machiavellian scheme, because that is the best way that one can describe it.

Mr Groom: What about the merits of it?

The Hon. JENNIFER ADAMSON: The merits of what the Government is proposing to do in respect of the Minister of Agriculture are questionable. They are more than questionable, they are downright unprincipled. There is nothing whatsoever that can recommmend what the Government is going to do to anyone who calls himself or herself a democrat and certainly the member for Elizabeth will be less of a democrat if he cannot see the merits of the amendment that

has been moved by the Leader of the Opposition. It is worth refreshing the memory of the member for Elizabeth, who, in his maiden speech on 6 December 1984, told this House, 'I campaigned on the basis that the Government would have my full support except where the interests of my electorate—'

The ACTING CHAIRMAN: I have to interrupt the honourable member. I have been particularly lenient, but I would inform her now that the reference to the maiden speech of the member for Elizabeth has nothing whatsoever to do with the proposition that is before the Committee. I would ask the honourable member to come back to the substance of the matter before the Committee.

The Hon. JENNIFER ADAMSON: I am very pleased indeed to link up my remarks, because the whole question of representation is at the heart of this amendment, and the member for Elizabeth, in expressing his view in his maiden speech on what representation really means, dwelt on this very same philosophical question as to whether the people should have the right to decide or whether any outside body—in this case Trades Hall and its dictates to the Labor Party—is going to make those decisions for them.

It so happens that a very similar sentiment was expressed by the member for Semaphore in his first speech in the Address in Reply debate on 19 February 1980. He told this House that the word 'semaphore' means signal and the result in that electorate, namely, his victory over the endorsed Labor candidate, is just that—a signal to the people that they still have the right and the power to decide upon the representatives they want, and it is at a person's peril that those prerogatives are ignored. That was another prophetic speech, which I commend very strongly to the member for Elizabeth.

As I said, it is gratuitous for one politician to offer advice to another, but, if ever a member had the opportunity to identify himself closely with the aspirations of his electors, this opportunity is now presented to the member for Elizabeth and the member for Semaphore. Those people have made it absolutely crystal clear that will not tolerate the kinds of impositions that have been forced upon them or have been attempted to be forced upon them in the past.

The ACTING CHAIRMAN: Order! The honourable member's time has expired.

Mr GROOM: I oppose the Opposition's amendments to clause 3. The Opposition's new found commitment to so-called political principle is really quite hollow. Where were their political principles in 1975 when their Party rejected Supply in the Federal House? Between 1949—and this is dealing with casual vacancies—

Members interjecting:

The ACTING CHAIRMAN: Order! I ask the honourable member to resume his seat.

Mr OLSEN: On a point of order, Sir, would you ask the member for Hartley how an act of any political Party in 1975 in another House has anything to do with the clause that is currently before this House?

The ACTING CHAIRMAN: I was very tolerant with the previous speaker, and I assume that the member for Hartley will link up his remarks with the proposition that is before the Committee. I will be listening with interest.

Mr GROOM: I am pleased to do so, because I will be linking it up with casual vacancies by illustration from constitutional precedents. Their commitment to political principle with regard to casual vacancies was found very wanting in 1975 because, between 1949 and 1975, 25 casual vacancies occurred in the Senate, which adopted proportional representation in 1949, and these were filled by members of the same political Party from which the casual vacancy arose. What did they do in 1975? Their counterparts in the New South Wales Liberal Government appointed an Independent, thus breaking with convention and the evolution of 300 years of constitutional history. What did their Liberal and National Country Party counterparts in Queensland do? They went and appointed Field to the casual vacancy. Where were their political principles? How dare they, some eight or nine years later, come into this Chamber and talk about political principles and manipulation of the Constitution when in 1975 they did just that and would do it again if they had the chance?

Mr OSWALD: I rise on a point of order. We are dealing with the South Australian Constitution Act Amendment Bill. It has nothing to do with the Federal Parliament's Constitution Act. I would like you to rule accordingly, and get the debate back to the South Australian Constitution.

The ACTING CHAIRMAN: I am assuming that the honourable member is linking up his remarks with the proposition before the Committee, and I would remind him of that.

Mr GROOM: For the benefit of the member for Morphett, the fact of the matter is that the provisions in clause 3 are a mirror of what occurs in the Federal Constitution and Federal conventions. The procedure laid down in the Bill is a replica of what has occurred in the Federal Parliament and what has occurred since. I am sure the honourable member, if he reflects, can see the logic of what I am putting—that, by arguing with regard to constitutional precedent with casual vacancies in the Federal Parliament, it must have some parallel with the casual vacancies that occur in this Parliament.

The whole point of the illustration of what occurred in 1975 is to demonstrate the hollow cynicism of members opposite—their new-found commitment to political principle, which they did not have in 1975 and still do not have now. Given the same opportunity, they would manipulate the Constitution to serve their own ends if they had the opportunity. How dare the member for Coles and the Leader of the Opposition—

Members interjecting:

The ACTING CHAIRMAN: Order! I ask the Committee to come to order. I did accept the point of order from the Opposition that interjections should cease and that the speaker should be heard in relative silence. I ask the same courtesy for Government members.

Mr GROOM: Thank you, Mr Acting Chairman. What I was about to say was how dare the Leader of the Opposition and the member for Coles attack the member for Elizabeth with regard to his voting in this Chamber when one looks at the member for Flinders. Where is his so-called independence (because his political philosophy converges with that of members opposite, as does that of the member for Elizabeth with ours)? On what occasions has he voted and displayed his independence and the separateness of his political Party? What two-faced nonsense the Opposition goes on with.

Let us have a look at the member for Flinders' voting record and analyse that. You will never find a departure on any major fundamental issue. What two-faced nonsense emanates from members opposite. The whole point of their exercise and the amendments is simply a cynical political exercise to seek as much political mileage as they can out of the Whyalla situation. Maybe that is good politics, but members opposite cannot pontificate in this House, or pretend and be pretentious about their so-called adherence to constitutional principle. The Leader's amendment, with great respect to him, is ridiculous. It enshrines in the Constitution the disfranchisement of a single member of a political Party. This is an absurd notion. It has taken 300 years to evolve our constitutional principles in relation to responsible government, and members opposite want to enshrine in the

Constitution the disfranchisement of a single member of a political Party. How absurd.

Mr OLSEN: I am pleased that we were able to provoke the member for Hartley from his seat, but once again he has not dealt with relevant matters. He referred to matters of principle as they relate to other Parliaments. The member for Hartley could not give one example of where there has been a breach of principle in South Australian political history. He well knows that the Liberal Party in this State has upheld the convention. He could not give one example in this debate—and we are talking about the South Australian Constitution—of the Liberal Party in South Australia breaching that convention, because it has never breached it and well he knows it.

The honourable member talked about interstate matters that have no bearing on this House, this Parliament or the actions of political Parties in this Parliament. Our track record here is above the accusations the honourable member has made, and he well knows it, because it was the Hon. Mr Feleppa whom this Party supported in filling a casual vacancy in the other place; and, in doing so, we supported that convention and reaffirmed that we will uphold that convention at all times and at all costs. We have never deviated from that course and, whilst I am leading this Party (and I know I speak for other colleagues who comprise the Liberal Party in South Australia) we never will.

The member for Hartley referred to disfranchisement and enshrining such a provision in the Constitution: if ever there was a red herring drawn across the trail, that was it. Someone has been disfranchised here in this House tonight, and that is the member for Semaphore, through the manipulation by this Government of the proceedings of Parliament today. Instead of this matter being deferred until next Tuesday when the member for Semaphore would be here, the Labor Party brought the matter on tonight to ensure he did not have the opportunity of exercising his right to vote. We asked the Government earlier today to bring this matter on at 3.15 p.m., before the member for Semaphore was due to leave at 4 o'clock. It was the last Bill to be debated before the House was adjourned; the Notice Paper turns up, and it is the last item on the agenda. That is manipulation of the Notice Paper in order to disfranchise the member for Semaphore. That is how much this Government cares about democratic principles and the rights of elected members of this Parliament to exercise their vote and participate in the proceedings of this House.

The Labor Party has talked about our attacking the member for Semaphore and the member for Elizabeth and stated that we do not do the same with the member for Flinders. There is a very subtle and important difference. The fact is that in relation to this Bill both the Independent members for Elizabeth and Semaphore have publicly stated their opposition to the proposed course of action and have stated in this House their support for the principle that we are trying to embody in the legislation. That is the difference. They have publicly stated their support for the principle. What we have done is call upon them not just to show their attitude to this matter by talking about it, but with deeds, and that is to vote for the principle that they, on their own initiative, espouse in this Parliament.

It is all very well for members opposite to talk about our action and drawing that to the attention of the Independent members. They ought to speak to some of their colleagues in another place who occasionally take on the Democrats when they exercise some vacillation on matters (rather frequently, I admit, in another place). I can well understand the Labor Party's agitation and frustration in another place. One does not quite know what the Democrats are going to do at any given time. The fact is that Labor members in another place have taken that action with the Democrats, and members opposite well know that.

The member for Hartley's contribution was irrelevant and not of any moment. It drew red herrings across the trail. What we ought to do is return to the clause in question. The debate picks up a very important principle and it has been the basis of the debate thus far on the Bill, namely, to stop someone from manipulating the Constitution and the system for short term gain. That principle does not apply only to the Labor Party in this instance, with the case that has been nominated by members of the Labor Party that they seek to undertake: it will apply to any individual or Party in the future. It is not a principle we are trying to build into the Constitution. It is not a principle we are trying to have enacted that will zero in solely on the Labor Party. The Labor Party's case example has highlighted the shortcomings and the need for the amendment, but it is a principle that will apply to all and not just one individual or political Party.

That is the basis and principle we are fighting for as hard as we can in this House. We believe that that principle is important and that we ought to fight for it in this House. That is why we have taken this debate so seriously. That is why we have argued so strenuously, because it is a principle that ought to apply to all from here on in.

Mr BLACKER: I support the Leader of the Opposition's amendments, because—

Mr Groom interjecting:

Mr BLACKER: I do have some independence. I think I have had a significant influence in this House from time to time. There was the appointment of a Speaker in 1979. I do not think that need necessarily go unnoticed. I am quite proud of that, if anyone would like to take the opportunity to refresh their memory, so if the member has any great concern—

Members interjecting:

Mr BLACKER: The member for Hartley went to great pains to draw analogies with the Federal Parliament and show how wrong the principle was. If it was not a matter of constitutional right in such an instance, it was the principle involved, but I will not go into that matter, as the honourable member would take me up straight away and we would differ on that. The honourable member said that it was wrong and now he is trying to instil in our Constitution wrong principles that he says are the same. How does he work that out? This House is trying to correct a principle within the Constitution, which, as it presently stands, allows for a member to have two bites of the cherry. The honourable member was saying that, because wrongs were done in the past, this side has no right to complain and should go along with a wrong on the Government side. I cannot agree with that. If there is a wrong in the Constitution, it behoves each and everyone of us to see that it is rectified, and this amendment does just that.

When I saw the Leader's amendment in the first instance I thought that we could hurry it up a bit and have the reappointment settled before the general election. I readily admit that that would be unwise, because a joint meeting of both Houses would, in that instance, become a Gallup poll for the next general election, which would be only days away. It would be obvious that the replacement would need to be made after the general election and not in the intervening period between the date of retirement and the general election. A practical need exists to allow that appointment to be made after the general election.

The member for Hartley made a great play on disfranchising one constituent of South Australia. The member concerned is responsible for being disfranchised, having neglected to obey the very terms of appointment, namely, to serve a six year term of Parliament. When a member

forfeits that right, surely that person should go to the polls again to be reinstated to that position. That point needs to be made. So, the honourable member was quite wrong when he said that a member may be disfranchised. The member disfranchised himself: nobody else did it. He would disfranchise himself by doing just as he proposes, and that is what the amendment aims to correct. It means that no-one can double dip in the electoral system. I know of nowhere else in Australia or overseas where a person has the right to a fall-back clause allowing a no loss situation. I support the Leader's amendment, because it does the right thing in trying to rectify an anomaly.

I want to take up the point of the member for Semaphore, and I am disappointed that the Government has not seen fit to defer this matter until such time as he could be available. The honourable member spoke to me a week ago and asked whether I would pair with him. I said that with the exception of the Constitution or Electoral Bill I would consider it. These Bills are of such significance—and I have spoken about them in my electorate—that I needed to be in Parliament during the debate on them and my vote needed to be seen as opposing certain measures they contained. The honourable member's absence tonight is quite legitimate. As all members would know, the member for Semaphore and I often come to an arrangement on Thursday nights, when I like to catch the late plane to get back to my family. The reason why the honourable member is away is very genuine and sincere. I know that he has to be away, and the Government was wrong to try to capitalise on the situation.

Where do we go from here? What was the member for Semaphore going to do, anyway? He spoke in principle in support of the Leader of the Opposition's amendment and then indicated that he would vote against it. I do not know whether any member in this Chamber is clear on the way that the member for Semaphore was going to jump, but I suspect that Government members do know which way he was going to jump and are using this extended sitting, in the clear knowledge that he would not be here, to exercise his vote.

The member for Semaphore spoke in support of the broad principles outlined by the Leader of the Opposition and said that he did not agree, as the member for Elizabeth also said, with the principle of double dipping. This House must seriously look at its own actions concerning what has taken place at this time. The member for Hartley harped on such things as credibility, precedence, and so forth, but members will at some stage look back on this evening's proceedings to see where they stood in what is one of the most serious constitutional debates that we have had for a considerable time. I support the amendment moved by the Leader of the Opposition.

Mr INGERSON: I rise to support the Leader. I wish to refer to three points. Probably more than anyone in this House I have a fair idea of, with a fair amount of personal involvement in, the Elizabeth by-election. I know probably more than anyone here of the selling of personal integrity, honesty and credibility that was done in that by-election. I know that the reason for success in that by-election was the fact that those three points were utmost in the success of the individual concerned. I find it rather incredible that in this, a similar, instance (having known the person concerned for some time) all the years of credibility and honesty that have been built up may be put in jeopardy. The key issue in this whole matter is one involving integrity, honesty and credibility.

The Hon. G.J. CRAFTER: I wish to contrast the Opposition's stance with that which it took last evening. It brought forward an amendment which, as I explained to the House, had a dramatic effect on the franchise of the Legislative Council. It then saw an opportunity, describing its amendment as one of fundamental principle that should be adopted by the whole House, to catch the support of a member on this side. It screwed up its amendment and drew up another based on a statement the member for Semaphore had made. It set aside its principles and picked up another set.

The Hon. Michael Wilson: The difference was technical, and you know it.

The Hon. G.J. CRAFTER: If we look at the style of intrusion into the structure of the Legislative Council that the Leader of the Opposition proposed in his first amendment, we find that it would have resulted in a Legislative Council comprising 12 members elected under one franchise and 10 under another. That would have existed for a period of at least three years. So much for fundamental principles! The whole thrust of the Opposition's style of debating has been based around opportunism of that type. The vindictive personal attacks have been unprecedented in my time in this House. They are an absolute disgrace to the standard of debate: pressure has been placed upon all members to vote in a particular way. We reject that as being most improper of lobbyists.

Members interjecting:

The Hon. G.J. CRAFTER: I do not expect that when people come to see me they abuse me if I do not vote in the way they want me to. Nor do I expect that of members of this House. Tonight, the Leader of the Opposition used the words 'convention' and 'tradition' as if they had the same meaning in constitutional law: they do not. Therein lies the dilemma that the Opposition faces in the debates that it is advancing in this matter.

The Hon. Michael Wilson: We do not have any dilemma.

The Hon. G.J. CRAFTER: It may not have a dilemma in its mind, but it seems to have a series of ever-changing amendments that it hopes might attract some support or other as they go along. The members for Elizabeth and Semaphore, as members opposite well know, have both said in debates that this matter should be left to the people to decide. No truer words can be said.

The Hon. Jennifer Adamson interjecting:

The Hon. G.J. CRAFTER: The Opposition does not want to leave this to the people: it wants to put a fetter on the powers of a joint assembly of members of both Houses of this Parliament—a sovereign plenary body entrenched in our Constitution. Its members wish to place a fetter on a certain category of people. If a member of this side of Parliament got up and said that he believed, if a vacancy arose, in the circumstances of the case that the Leader of the Opposition is so concerned about, he should be replaced, for example, by a woman, an Aboriginal or some other minority group, would they then support that? Would they add that fetter to the filling of that casual vacancy?

Does one direct and limit powers of that joint assembly in that way? No. These are fundamental principles that have embodied themselves in the conventions of responsible Government of this country, as the member for Hartley has so rightly described to this Committee. Further, we have an entrenched provision now in our Constitution that has been established by widespread public debate in the last two decades in Australia with respect to the replacement of retiring or deceased members from the Party whence they came.

That important principle has been accepted now in the community and by all political Parties. That is the fundamental principle that is involved here as well. It should not be overlooked. The Government believes that they are sound and responsible reasons: it does not accept this fetter that the Opposition intends to place on the joint assembly.

Mr BLACKER: The Minister is scraping the bottom of the barrel because, when I heard him talk about trying to

compare between 10, 11 and 12 various members, he was talking about two different franchises and confused the whole issue. This Committee has achieved something over the last two days. If anything, there is maybe a win for the debate on the floor of Parliament when two opposing sides were put into the arena and a compromise came out of the middle, which is exactly what has happened.

Concern was expressed by the Opposition and the two Independents about the very principle of somebody double dipping. The Leader of the Opposition put up a proposal which went into general debate. From that it was found to be achieving it in a different way. I strongly supported the Leader last night. There are problably some ulterior motives in that. If we have 12 candidates instead of 11, for a minor Party the quota is relatively smaller, but there are big problems for the two major Parties and that is why there is opposition from the Government. Instead of 11 candidates being elected where the two major Parties could get five or six, one could get both an equal and a deadlocked House. There were problems in that. The winner in the overall debate is that some good logical debating took place in this Chamber. There has been a compromise: yes, let us replace that vacancy by the tradition and procedures already set out in Parliament, but let us block off the double dipping, which was the very cause of the debate anyway.

We would not be here debating this now if there was not concern about double dipping. It is new; it has never been done before in this State. Everyone to whom I have spoken believes that the principle is wrong and needs to be fought to the very end. Out of the debate that has taken place a workable compromise has come up. A process has been put before this House where it is feasible and practical, first, to provide for the replacement of the person who retires by his own actions (voluntarily cutting short his appointed time) by the democratic process of the election concerned. I support the amendment. I counter the remarks made by the Minister because he was confusing it with the old electorate system when he mentioned 10 members, which was the case.

The Hon. G.J. Crafter: No, as a result of the—

Mr BLACKER: It would not go from 10 to 12 or 12 to 10. In this case it would go from 11 last time to 12 this time and back to 11 next time. Where the 10 to 12 comes in I do not know. I have not been able to fathom the Minister out. I strongly support the Leader's remarks.

Mr BAKER: Government members in particular need to be reminded why we are debating this issue: because the Labor Party is in absolute chaos. That is why the members for Elizabeth and Semaphore are in this place. It is important to remember this: I am concerned about the fragmentation of the Labor Party, which honourable members opposite might find strange. However, democracy is not served by Parties that are somehow torn apart from within.

During the 1970s the Liberal Party went through difficult times. It has come out bigger and stronger than ever under the best leadership this State will ever see. It is important to remember and it is fundamental to this matter that, because of the problems of the preselection process in the Labor Party ranks, because they cannot select members that are appropriate for their areas, because local people do not have a say in the election, we now have two Independent members and the Labor Party is willing to do anything in its power to stop a third.

By that very process they have completely missed the point, and they are taking themselves further down the line to the destruction that must inevitably come from within. Bearing in mind political history, members opposite should look at the way that the Labor Party is going in this State at the moment. Members make all the noise in the world, saying that they are strong and not divided, but we have seen their performance in the House. At the moment the Labor Party is in Government but for how long? There are deficiencies of the membership in the House and quite fundamental problems in the way that the Labor Party operates. Members opposite are still operating in the post war era, the 1950s and 1960s, to be specific.

Mr Trainer: Tell us about gerrymanders and principles!

The ACTING CHAIRMAN: Order!

Mr BAKER: Had the member for Ascot Park been here last night and listened to the debate he would have heard that mentioned.

Mr Trainer interjecting:

The ACTING CHAIRMAN: Order! I call the member for Ascot Park to order.

Mr BAKER: The Labor Party has set itself on a course of self-destruction, and in the process I think the State will be the loser. I make no excuse for that comment. I believe that good government comes from strong Parties; it does not come from fragmented Parties or from a Party that is tearing itself apart. Members opposite cannot realise that they are trying to fix up this anomaly by destroying a tradition long held in the House. It is a bit like common law—

Members interjecting:

Mr BAKER: We had some drivel from the member for Hartley. The common law was established; we did not write it into Statute. Common law was established by taking certain things and putting them in the law. Certain things were set by precedent, and they have stood the test of time in the courts. However, now we can see one of the traditions of the Legislative Council, the Upper House of this Parliament, being broken. This situation now needs to be rectified.

The Hon. G.F. Keneally interjecting:

The Hon. Jennifer Adamson: It is about to be, if you have your way.

Mr BAKER: It has already been signalled; statements have been made that moves have been made to allow—

Mr Trainer: Talk about retrospective law—you are trying to bring in future offences!

Mr BAKER: That was an interesting comment from the member for Ascot Park, who continues to show his ignorance in the House even though he has been here for some time, and I am afraid that we will have to put up with him for a little longer. It is amazing that he can see that an offence is going to be committed and that he will not do anything about that—is that the principle that the member for Ascot Park is talking about? Is he saying that we should let an offence be committed. Perhaps he wants to use that as a basis for the way he operates, but if that is so, it is a sad day for the Parliament to have that member in this place.

This matter has arisen because of the internal problems of the Labor Party and the fact that it does not have the guts to introduce a more democratic election process for its members. The problem would be resolved if that occurred. Yet members of the Labor Party are willing to tear apart the traditions of the Parliament and toss aside traditions that have operated since the Parliament began for the sake of political expediency.

The Hon. G.J. Crafter: Quote some examples.

The Hon. Jennifer Adamson: What you are going to do is unprecedented: there are no examples to quote.

The ACTING CHAIRMAN: Order! There will not be a conversation between the member for Coles and the Minister.

Mr BAKER: You are about to commit a Parliamentary offence, an offence against the traditions of the Parliament. It behoves all members of the Parliament to ensure that that does not occur. The member for Elizabeth has benefited due to the chaos which rules within the Labor Party, although perhaps he would have benefited in a true and honest sense

if he had been party to a proper preselection process in the first place. However, I am unable to judge that, as I do not know the quality of the candidates that were before the college that selected the candidate for Elizabeth, Mr Roe. However, the member for Elizabeth was elected due to the inadequacies of the Labor Party.

During a debate early in my career in this Parliament on the Casino Bill I determined, for what I thought were a number of very valid reasons, that I would not vote on that issue. However, as a result of that a number of people telephoned me, and I learnt a very solid lesson. No matter what principles that I had, I should not have put myself in a situation of promising support for a measure, provided certain things were done, and in fact being told that they would be done, but, finding that those assurances had been retracted, being put in the position of having to leave the House during the vote.

Mr Hamilton interjecting:

Mr BAKER: I felt secure in the knowledge that I had done the right thing. However, a number of people in the electorate contacted me afterwards and told me that they did not appreciate people who sat on the fence and that they respected a person who stood up for what he believed. I explained to them why I had done what I did, but they did not understand and they thought I should have voted. If I had my time over again that would not have happened, but that is the decision that I made. However, people said to me that they would not support a member who did not stand up for what he believed. They said that they would prefer a member to make a decision rather than sit on the fence.

This is the very situation facing the member for Elizabeth, because that is exactly what he is doing. If he is a person of strong conviction (which I presumed he was up until tonight) then he will hurt. If he does not hurt, then he has no soul. But somewhere along the line he knows that if he does not support this measure tonight he will have departed from the very fundamental principles upon which he was elected. How much guts and determination does it take for the member for Elizabeth to stand alone?

Members of this House should reflect on the harassment that occurred after the member for Elizabeth announced his decision to stand as an Independent. I respected the man because he had the guts and determination to stand alone. He did stand alone at the time and he lost a lot of the friends. He could have hung around the Party, like a number of people do; he could have waited for his opportunity to come up when the appropriate time came round, but he determined that he would stand up for what he believed. In doing so, he showed something to the people of his electorate and of South Australia. At the by-election they demonstrated their belief in the member for Elizabeth who had stood alone and under enormous pressure. He showed us and the members of the Labor Party that he could not only withstand the pressure but also that he was a person of principle.

For this very reason I would understand if the member for Elizabeth never forgave himself, and if he did not support this measure tonight, because he will have departed from the very principle that got him into this place, and he will have departed from the very strength and courage he showed when he stood as the Independent member for Elizabeth. He knew the risks; he knew that there was only some probability of his winning the seat; he knew that he would be ostracised from many of his friends if he did not win; and he knew that his friendship with the people that he had grown up with and members of the Labor Party would be placed at great risk—he knew that he may never recover that friendship, which would have been very special to him.

Despite all those difficulties, the member for Elizabeth succeeded, and that is a credit to him. If the member for Elizabeth does not remember tonight the very way in which he was elected and how he showed his courage at that time, he will have lost his standing as a man and as before this Parliament. He will no longer be able to demonstrate that he is a person who has the courage of his convictions. Like all members, he knows that what is being attempted in the shuffle between Whyalla and the Legislative Council is fundamentally wrong. The 47 members of this House understand that that is fundamentally wrong.

There are many measures with which the member for Elizabeth has had to agree. He has no say in the decision-making of the Labor Party: Caucus makes the decisions. I presume that occasionally the member for Elizabeth says, 'I am not too happy about that and you had better modify your behaviour.' But it is not the same as participating in the Party room. In my situation, if I have a point of view I put it forward; sometimes I am successful and sometimes I am not. Those same rights apply to members opposite in relation to the Labor Party. That is the way it should be. However, the member for Elizabeth does not have that right in the primary decision-making process in this Parliament, and he is in a similar situation to the member for Flinders. However, the member for Elizabeth has supported a number of measures in this Chamber, and I know that he would have found difficulty in that because of his fundamental belief in the direction of the Labor Party—

The ACTING CHAIRMAN: Order! The honourable member's time has expired.

Mr LEWIS: I will address some difficulties that I see in relation to this clause. First, I for one am very strongly opposed to the principle that a person, having been rejected by the people, should attempt to use an opportunity provided by the Constitution to return to this Parliament. Secondly, if that person coming from the Upper House does not renounce the right prior to an election to return to that Chamber, I would expect that the people would judge that person very severely, as I would personally.

If I am not mistaken, they were the words in kind (if not in fact) used by the member for Elizabeth in the Chamber last night. Quite clearly, like me he has indicated his commitment to support the proposition which is put in the form of the amendment to clause 3 by the Leader of the Opposition. To do otherwise is to indicate that somewhere there is a flaw either in the argument or in the integrity in the mind of the individual who advanced it. I join with the member for Elizabeth and say to him that by supporting this proposition he and we can ensure that it will never be necessary to require the people to feel as though they have been tricked by a device and a piece of cunning manipulation in relation to the intention of the Constitution.

In the course of the remarks made by the member for Hartley on this clause and on the amendment proposed by the Leader of the Opposition there was an impossibly inane attempt at sophistry which was purile. As much as those remarks were irrelevant and illogical, they were also inane. To give members a clearer indication as to the meaning of the word 'inane', the member for Hartley made remarks which were empty, void, silly and senseless—at least they are the words used in the definition of 'inane' in the Concise Oxford Dictionary. I think that definition aptly describes the member for Hartley's contribution.

The member for Hartley tried to draw a parallel between the so-called Independent Labor members of Parliament and the member for Flinders. However, the Independent Labor members have been manipulated, coerced and cajoled by whatever devices into constantly supporting the Government. The member for Flinders did not contest the last election or any other election as an independent Liberal

member. He has always been the member of another Party, and he has always taken his stand according to his conscience and according to his appraisal of an issue.

Contrary to the interjections from several members opposite, including the member for Ascot Park, the member for Flinders does not take the Liberal Party whip. The other principle upon which the member for Hartley erred was to imply by his remarks that Liberal members take the Liberal whip in the same way that Labor members are required to. Liberal members all stand as individuals and accept responsibility for the decisions they make to take or not take the whip with their electorate committees. No member of the Labor Party can do that and survive. The Hon. Norm Foster, formally a member of another place, demonstrated the proof of that statement through his actions. On occasions too numerous to count or recall several members of the Liberal Party in this Chamber and in another place over the years have constantly exercised their personal responsibility to their electorates, to their Party electorate committees and their consciences in every decision they have ever made. There is a vast difference.

I want the member for Elizabeth to remember not only the substance of the remarks he made last night as they are relevant to the amendment we are considering but also the substance of his statements to the public both prior to and since his election as an independent member of this place. The member for Elizabeth ought not to feel compelled to do anything more or less than respond to the integrity of the argument and the validity of the case, as his own conscience dictates.

There was another statement he made which, so far as I can recall, was very relevant to this amendment and which went something like: if a member resigned very close to the death knell for nominations, there would not be time for the Electoral Commissioner to call additional vacancies. This clause eliminates the need to worry about that aspect. If there was any good, sensible reason to depart from the need to allow the people of the State to vote and decide who should fill that vacancy—and I do not accept there is—at least this amendment puts beyond doubt the concern which the member expressed last night in paraphrase of the remarks as I recall them, because it would be impossible for any member contemplating such a course of action to avoid the consequences in the event that he failed in his bid to transfer from another place to this Chamber. They would be prevented from re-entering the other Chamber as a member nominated by the Party machine and supported by the joint sitting. They could not make such a use or abuse of Parliament.

The Hon. JENNIFER ADAMSON: In debating this amendment, it is certainly worth contemplating the Act itself and the purpose of the Act. The *Concise Oxford Dictionary* defines 'Constitution' as a mode in which a State is organised, a body of fundamental principles according to which a State or other organisation is governed. The purpose of this amendment is to ensure that the fundamental principles according to which the State of South Australia is governed cannot be manipulated for the short term gain of any individual or any political Party. The whole purpose of a Constitution is to organise the distribution of power so that power lies with the people.

What the Government is proposing in the manoeuvres which it is organising for the Hon. Frank Blevins is to deprive the people of the right to exercise power in the choice of their elected representatives. The Labor Party is proposing that that power should be shifted from the people and offered to an individual who can exercise at will which House he will sit in according to his success or otherwise at a poll for the House of Assembly. By anyone's standards, that is simply not fair, not right and not just. Everyone in this Chamber knows that to be the case and yet, as the member for Mitcham said, because the Labor Party is in such desperate straits, because it is determined to hold on to power at any price, it is prepared to exact that price by distorting the Constitution.

Although the Constitution Act of South Australia has been amended many times—some might say that it is a very cobbled piece of fabric now—I would suggest that the reason there is a loophole in the Constitution which permits the depredations that the Labor Party is about to inflict upon it, according to statements by its own senior officers, is that the founders and the framers of the Constitution simply could not have envisaged that any political Party or any individual would sink as low as the Hon. Frank Blevins is proposing to sink in order to hold on to power, both his own and that of his Party. That is precisely what this Bill is all about. The Leader of the Opposition's amendment has been framed precisely for the purpose of preventing that from happening. It is perfectly simple and straightforward. There is no substance or foundation to the Minister's claims that we are here to fetter the rights of any individual member of Parliament or candidate and to limit the franchise by ensuring that one individual cannot stand simultaneously for two Houses with a certainty of being replaced in one if he is not elected to the other.

That is all it is about and we on this side of the House are determined to see that that does not occur. The one person—only one now, because of the Government's actions in ensuring the matter is debated after the departure for interstate of the member for Semaphore—who can prevent the Labor Party from having its way with its manipulation of the Constitution is the member for Elizabeth and, as the member for Mitcham so wisely said, the responsibility on his shoulders is extraordinarily heavy. I think anyone who has had to exercise a responsibility according to their conscience knows that, the longer you put off difficult decisions, the more you choose not to take them, the more difficult it becomes to make even a small decision on a matter of principle. Conversely, and strangely, in accordance with human nature, the quicker you front up to a decision, the easier it becomes to take and the easier it subsequently becomes if necessary to take such a difficult decision again.

I would suggest that the member for Elizabeth, and indeed the member for Semaphore, who thus far have not on one single occasion exercised their independence, are presented with an opportunity now which, if they choose to take it, will richly reward them in terms of their own self respect and the respect that they are accorded by their colleagues on both sides of the House and in both Houses, and more importantly by the constituents in their districts. I believe that the whole notion of independence would be utterly betrayed if, on this particular issue and for this particular Bill, either of those members failed to do the right thing.

The Minister, when he spoke some time back, said that what the Opposition was doing in speaking on this Bill in the way it has spoken (and he alleged that personal attacks had been made) was a disgrace. I suggest that if there have been any personal attacks—and I acknowledge that by way of interjection there has been some very vigorous language used—they have come from both sides of the House. I do not believe that the Minister's colleagues are in any way free of blame in this regard. The speech of the member for Hartley was quite an hysterical and irrelevant diatribe about principles and the way they have allegedly been betrayed. As the member for Mitcham said last night, no-one is disputing that politicians over the years have done whatever they saw as necessary at the time to hold on to power, but what we are talking about now is this Bill, our Constitution Act, the present situation in South Australia and the efforts of the Opposition to preserve a position where an individual

cannot hold on to power, regardless of what the people decide. Who can argue with that proposition? It is unarguable.

The only reason that the member for Elizabeth is in such a difficult position—the member for Semaphore likewise—is that the power structure of the Labor Party is so overwhelming that they fear that, if they should challenge it in this House in any way by exercising their right as Independents to vote as they choose, it will in one way or the other be the end of them. It is deplorable and frightening that individuals should be so intimidated that they do not feel free to exercise the rights that each of us in this House should be able to exercise. It is impossible at this stage to tell how the member for Elizabeth will vote if, indeed, this amendment is put to the test tonight. I find it extraordinary that he was not willing, on a simple procedural motion, to give a fellow Independent the opportunity of exercising his vote and his right to speak on a fresh amendment. In other words, a simple procedural motion that would enable every member who has the right to do so to vote on this Bill was opposed by the member for Elizabeth.

Again, that to me says frightening things about the overwhelming power of the Government, the Labor Party and Caucus and the way in which those powers are being used to bear down on two so-called Independents. It is definitely worth looking again at the statement that the member for Semaphore made in his first major speech in this House. He stated that a signal had been given, a signal that the people will have the right and the power to decide upon the representatives that they want and that it is at a person's peril that those prerogatives are ignored.

As I said when I first spoke on this amendment, if ever an issue was absolutely integral to the issue upon which those two members were elected, it is this issue of the right of the people to decide. The people in those two strong Labor seats have made their decision—and decisive it was in both cases. I feel very strongly—

The Hon. B.C. Eastick: Do you think their belief that somebody was really going to represent their will is going to be lost?

The Hon. JENNIFER ADAMSON: The point made by the member for Light raises what I believe is a very deep-seated yearning by people across the whole electorate, particularly in Labor electorates, for someone just occasionally to buck the giant system, as people see it—the monolithic system of the Labor Party—and allow the voice of truth and reason and representation to come through. It is a big thing for someone committed to a political Party to switch that allegiance in the knowledge that that switch could have a profound effect upon the whole philosophy that they support and the way it is administered at Government level.

It is a major decision, and I am sure it was not taken lightly in Semaphore or Elizabeth. These people gave a message, not only to the Labor Party but to any politician who cares to listen, that those who are prepared to stand up for their principles will have the support of the electorate. Those members may not be right all the time and there may be many people in the electorates of Elizabeth and Semaphore who would challenge those two members on a whole range of issues should they choose not to support the Government, but I feel reasonably safe in saying that there would be scarcely an elector in either of those seats who would challenge either member if they exercised their independence and voted in support of the amendment moved by the Leader of the Opposition which, if carried, will ensure that the Constitution of this State cannot be manipulated by the Hon. Frank Blevins in a last ditch effort to hang on to the seat of Whyalla and thus prevent the election of a third, possibly a fourth, Independent Labor member to this House, notwithstanding the fact that each of those members after the next election will be sitting not on the Government benches but on this side of the House.

I do not believe that any responsible voter in those electorates would challenge or feel the slightest twinge of disappointment—on the contrary, nothing but triumph that at last someone has had the courage to stand up for the electorate. That is all we are asking of the members for Elizabeth and Semaphore: the courage to stand up for the principles on which they were elected and enshrine those principles in the Constitution Act of South Australia.

Mr OLSEN: In view of the time and the fact that the member for Semaphore is not able to be present tonight and exercise his right to participate in this debate, I know that all honourable members would want to give him that opportunity—that fundamental democratic right—and I would therefore move:

That progress be reported.

The Committee divided on the motion:

Ayes (19)—Mrs Adamson, Messrs P.B. Arnold, Ashenden, Baker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Allison and Becker. Noes—Messrs Hopgood and Whitten.

Majority of 1 for the Noes.

Motion thus negatived.

Mr OLSEN: I respond to some of the comments made by the Minister a moment ago in relation to amendments of the Opposition now on file. The Minister referred to that as opportunism on the part of members opposite—in filing a second series of amendments. It is not opportunism by the Liberal Party in filing that second series of amendments. They seek to simplify procedures in line with the expressed view of the member for Semaphore. I draw this to the Minister's attention, and as a person well qualified in this area he would understand that the basic principle (whether it be in the first set of amendments or in the second set we are debating) is fundamentally the same. There is no difference at all in relation to the intent of the amendment.

The Hon. Michael Wilson: It is to stop double dipping.

Mr OLSEN: It is to stop double dipping: that was the principle and the basis for the debate from the very start. I assure the Minister that that principle is still intact: it is still in place as a result of the amendments on file in my name. It is interesting to note that when the Minister has not got substance on which to base his argument he strays into irrelevant rhetoric, and that is what we got. The Minister is capable of much better than that.

He also drew attention to the lobbying activities of members on this side of the House—the pressure that was being applied to the Independents. He would well know that in the early hours of the morning when the two Independents were in the Premier's office with the Deputy Premier there would have been a little lobbying, heavying and debate, I have no doubt. The Minister chose conveniently to ignore that fact. For some half hour discussion and debate took place in the Premier's office. That was clearly lobbying and pressuring the Independent members. Today we have seen in this Chamber members of the Minister's Party, members of the Government, exercising some personal power and lobbying activities with the Independent member. That happened: the Minister has seen it happen as have other members of the Chamber.

Mr Trainer: What's that supposed to mean?

Mr OLSEN: Come on: it was the Minister who referred to lobbying activities on this side of the House. It suits his argument to conveniently forget the activities of members of his own Party.

Mr Trainer: Such as what?

Mr OLSEN: As indeed has the Minister's Party: the Government has done likewise in this debate. It has done it blatantly, to keep the debate going late at night and into the early hours of the morning so that we get it through and so that the member for Semaphore is denied a right to vote. That is the extent of the Government's lobbying activities—to deny the member for Semaphore the capacity and right to vote in this House tonight. The reason we are going until all hours of the morning is because of the Government's attitude in relation to that matter and because the Government refused to allow it to be debated when the member for Semaphore was here this afternoon—that is the manipulation that has taken place.

Mr Trainer: What was the filibustering last night?

Mr OLSEN: The honourable member knows there was no filibustering last night: there was a second set of amendments being prepared during the course of debate last night. He would well know that, and some of the discussions he talks about were taking place in the Premier's office between 2 and 2.30 a.m. today. The honourable member is interjecting from his seat. If he wants to participate in the debate he should be like the member for Hartley and rise and participate in an appropriate manner.

The measure before the Committee is for the purpose of ensuring that someone cannot double dip to remove the right of any individual having taken a course of action on their own initiative to manipulate the Constitution. We have been fighting for that basic principle for a number of hours. If the Government is insisting on staying here we will continue to fight for that principle until the Government is prepared to take the alternative course of action.

The Hon. MICHAEL WILSON: I will be very brief. The Minister referred to the attacks on the integrity of the Independents by members on this side within this House just a minute ago by interjection. Let us make it perfectly clear that the context in which those forceful words were used by the Leader, and myself in particular, was in relation to the two Independent members having stated a position publicly and then reneging on that commitment.

It was not until after those remarks were made by the Leader, and myself in particular, that we started to hear from the Independent members about the question of amendments. It was made clear on this side of the House that if those members were really serious about their public attitudes on this legislation and the particular move by my Leader, they had two alternatives: they either supported the Opposition in its amendment and put the amendment to the test if they doubted its legal validity, or they came up with an amendment of their own which would bring about the result that they wished.

In fact, when the member for Semaphore spoke he then suggested a line of amendment. He should have had it drafted himself if he really believed in the principle which he espoused, but after he said that then the Committee started to move towards a compromise between the Leader of the Opposition's original amendments and what had been suggested by the Independents. Let us put that in context: the original words by the Leader of the Opposition and myself in particular were directed at the Independent members because they had not come up with compromise amendments or amendments to fit in with their own declared principles, nor were they prepared to give the Leader of the Opposition's amendments a go and put them to the test. Let us make that quite plain.

The Hon. B.C. EASTICK: I refrained from joining in until this moment because I hoped the member for Elizabeth would have had the courgage to indicate his hand. The Minister would like to assist me with the speech?

The Hon. G.J. Crafter interjecting:

The Hon. B.C. EASTICK: If we are not going to have the Minister at the table, perhaps we will have the Minister of Water Resources. I want to give the opportunity to the member for Elizabeth to show his hand, because what is being contemplated here is four-square with what he and the member for Semaphore indicated that they wanted to undertake. The member for Hartley's contributions have been referred to. They did not assist the debate because they were not relevant to the local scene and the honourable member completely missed the reality of the facts.

He sought to indicate that the member for Flinders had acted in some rather gutless ways. The member for Flinders very ably looked after himself in respect of those comments. The member for Hartley failed to recognise that the member for Flinders has the opportunity to make a decision and after having made that decision to act on his own volition. However, the member for Hartley is told what his decision will be and he has no opportunity to make a decision based on reality.

In the very near future the situation could arise where there is a divided vote, at which time it would then be necessary for the Chair to consider what it would do in respect of an equally divided vote.

The Hon. G.J. CRAFTER: On a point of order, Mr Acting Chairman. I ask you, Sir, to rule on whether this is related to the matter currently before the Committee.

The ACTING CHAIRMAN (Mr Klunder): Members have been given a fair bit of latitude in the debate. I shall be interested to see how the member for Light links his remarks to the matter before the Committee.

The Hon. B.C. EASTICK: Thank you very much, Mr Acting Chairman. I can assure you and the Minister, who I suspect is getting a little weary, evidenced by the manner in which he wants to intrude into the debate—

The Hon. G.J. Crafter: It is my right.

The Hon. B.C. EASTICK: I am very pleased that the Minister has said that. I point out that it is the right of the member for Semaphore to take part in this very vital debate, but it is the Minister and the members who are sitting behind him who are denying him that right. The point that I was developing is very relevant to the vote that will be taken. A vote has been taken on two earlier occasions this evening at which times the member for Elizabeth failed, I believe, to properly understand his position in this place.

When there is an equality of numbers on the floor and the Chair is asked to make a vital decision there is a precedent which the person occupying the Chair in this House has followed on earlier occasions (and I hope that it will be followed on this occasion). With the assistance of the member for Elizabeth this situation should have prevailed earlier this evening. The precedent is that where an affirmative vote will allow the debate to continue, such a vote is given. I draw the attention of members to an occasion in 1980 when a vital vote was taken in this Chamber. Members on both sides of the House were able to exercise a vote of their own will. At that time prostitution legislation was before the House. There was an equality of votes at the second reading stage; the Chair did not intrude its own will; the Chair voted in favour of the debate continuing with these words:

> There being an equality of votes, it is necessary for me to give a casting vote in the time-honoured tradition of the Westminister system. I give my vote for the 'Ayes' so that the debate may continue.

They were not final votes that were called for this evening: on both occasions the vote was in regard to the Leader of the Opposition's motion to allow the debate to continue at a time when all members would be able to be present to involve themselves in the debate. However, on those two occasions the Government denied the rights of a significant member of this House—significant in the sense that he holds the balance of power in matters of this nature.

If the member for Elizabeth, who has not indicated just precisely what he is going to do in relation to this matter, saw fit to vote for the Leader's motion which is currently before the Chair, you, Mr Acting Chairman, would have the responsibility of making a decision. The Whip must really have been doing some overtime with that heavy fingering work: he is giving me a bit of finger work across the floor indicating that he has already worked out the numbers, and I take it that he is trying to signify to the House that the pressure that he and his colleagues have put on the member for Elizabeth will mean that there will not be an equality of votes on the motion. However, I can assure the honourable member that that will not be the case. He is suddenly silent, and the fingers have gone still.

The point is clear that you, Sir, will be in a position where you will be unable to allocate a vote to any other member of the House. A motion carried yesterday in the House provided that the member for Whyalla would represent the Speaker and that you, Sir, would be the Acting Chairman. Therefore, you have a right to make a decision that will allow the debate to continue by exercising that time honoured role of casing a vote that applies in this place and in the other place. Perhaps I have dwelt on this matter for a little longer than members consider necessary, but I think it is important that we realise that we are not only deciding on the continuance of the debate in this place but also on the continuance of the debate in another place. This does not compromise your position, Sir, in relation to a final vote to be taken at a later stage, after the other members in the other place have had an opportunity to consider various matters and forwarded a message to this House. Later in the proceedings a similar position would apply and that would be in the hands of the Acting Speaker. I am sure that the Acting Speaker after his 15 years in this place would not be unaware of the importance of exercising that casting vote at a time when the vote is for allowing the continuation of debate.

The ultimate end comes after or during the report back from the Legislative Council. I still await the assistance of the member for Elizabeth to make certain that this measure is given the opportunity of proper consideration both here and elsewhere.

Mr MEIER: I am greatly concerned that we are debating this measure at 12.21 a.m. It is a measure of extreme constitutional importance, a measure which certainly every member, if at all possible, should have the chance to debate and vote on. Normally, any member in his right mind would, hopefully, not have to engage in debate after midnight given that there was a 2.30 a.m. plus finish on the previous day. If it was the last week of the session I could possibly understand us considering this amendment at this time. However, there is another week before Parliament rises and I am sure, if it so desired, the Government could call us back for an extra week. Therefore, the Government has plenty of time and opportunity to take a realistic view and I think, more importantly, to let the community appreciate the stunt that the Government is trying to pull on this occasion.

I believe that the community has only become aware of this issue over the past day or two and they are starting to realise that it is another move by the Labor Party to try and entrench itself into office. It is a desperate attempt. The Labor Party is fully appreciative of the fact that it is on a downhill slide. In fact, this evening's news headlines indicate that there is to be a Cabinet reshuffle—a panic move. Earlier in the debate we heard the member for Hartley obviously trying to get on to the frontbench saying that if there is to be a move in the next few days he will be a contender.

Mr Becker: He's still scratching. He's finished.

Mr MEIER: That is not for me to comment on. The Labor Party should see the writing on the wall and appreciate that the Opposition's amendment is the only honourable course of action that can be taken. I am reminded of a similar move by this same Government early in its term of office when we debated the Casino Bill until about 8 a.m. The Government was determined to push it through, and it was only a week or two later that the general public realised why that occurred. The reason was that the Victorian Select Committee Report was handed down and it stated that no way should a casino ever be established in Victoria. In the amendment now before the Committee we have a situation where the Government is scared that the public will suddenly realise the true situation. The Government cannot afford to have a weekend where the public comment might come out into the open. Therefore, the Government has decided to keep us sitting until we finish the Bill this morning.

There is time for the Government to reconsider this situation. The Leader has taken responsible action again in asking that progress be reported. That is the only sensible course of action to be taken. It is sensible for two reasons: first, because of the hour; and, secondly, because it will give the member for Semaphore the right to cast his vote. Information that has been given to me indicates that the reason the member for Semaphore is away this evening is that he had an arrangement that was made some weeks ago. He certainly informed one member of this House a week ago that he would be away this evening. He should have that right because under normal circumstances we would have vacated these premises at 5.30 p.m. on a Thursday.

However, the Government seems happy to ignore reality. The true reality of the situation is that Whyalla will be lost to the Government and then there will be three non-official Labor members in this Parliament. That will not worry the Opposition one way or another. The people of South Australia have seen what this Government has done and how it has messed up the State. One would have thought that with the massive tax increases totalling 40 per cent, that the Government has imposed, we would be on a buoyant run, because all the promises this Government made were made without any tax increases for three years.

Mr Groom: You put up 190 charges.

Mr MEIER: The honourable member has admitted that his facts and figures are wrong, but whether he has or not is by the by because he is not comparing like with like.

Mr Groom interjecting:

Mr MEIER: As the member for Hartley has interjected I will take up a couple of the points that he made during this debate. It was funny to see him clutching at straws while trying to think of an argument that might work. We saw him earlier this morning trying to equate a National Party member with a Liberal Party member. That statement was shown for what it was—a complete sham.

Mr Groom: Tell us what the differences are.

Mr MEIER: I think that the Acting Chairman would call me to order if I got involved in such a debate, and he would have every right to do so. I return to the earlier points raised by the member for Hartley when he went on about the fact that a former Premier (Mr Tonkin) left this House soon after he was re-elected to office. However, he was not prepared to equate that with the similar case of a former Labor Premier who also left office early. As the

member for Hartley well knows, in both cases there was a medical reason for the member leaving.

However, the member for Hartley was not prepared to accept that. He was prepared to throw what he could at the one but excuse the other. If a member has medical advice that he or she should get out of politics then no matter how long it is since they were elected they should have that right. In both the cases mentioned that right was exercised. Other examples of such happenings could be mentioned, but I will not go into them.

There is still time for the Government to reconsider this matter and to take the realistic approach of saying, 'All right, we will let the member for Semaphore have his say. We will let members be in a fresh state of mind to consider this matter. We will give the public the chance to air their views in relation to this matter between that adjournment and next Tuesday morning.' That is the way that I believe democracy should work. The Government should not be using the bulldozing tactics that we are witnessing here tonight.

Mr Groom: What do you think that Bjelke-Petersen does in Queensland?

Mr MEIER: I would love to comment on that interjection, Mr Acting Chairman, but you have been very good to us in this debate and I think the praise that was bestowed on you in an earlier debate should be echoed in this debate; for that reason I will not take up that interjection. I believe that so many of the points put forward have been very relevant. The Government has had one main speaker, that is, the member for Hartley.

Mr Baker: You call it 'main'?

Mr MEIER: I call it 'main' from the point of view that the honourable member recognises there is to be a front bench shuffle and maybe he thought that, as he had not said anything lately, he had better say something so people will remember he is still here. He was not counted in one of the votes last night; he was missed. In other words, his height is not to his advantage, but possibly he has some attributes. Time will tell. Whatever the case, it is time the Government took a realistic approach—at 12.31 this Friday morning. This is very disturbing in many ways. The Hon. Frank Blevins in the other place may realise that the writing is on the wall in Whyalla; it is all very nice to have an escape clause and be guaranteed a seat. I believe he has recognised more and more that the chances of his winning are very slim indeed. Of course, he is prepared to take that chance if he is guaranteed a seat.

I refer to the former member for Goyder, who at one stage was a member of the Upper House. He did the gentlemanly thing and resigned from the Upper House. There was no way he could get back into that place unless he went to preselection again. He took his chances and he was successful. Unfortunately, I did not have the opportunity to serve here whilst he was in Parliament, but the reports I have received are that he was a very honoured and respected member of this House and certainly in the District of Goyder he has a reputation second to none.

I hope that the Minister has taken note of the points put forward. I believe that members on this side have put their points very forthrightly. The counter argument has not held any water or weight at all. In fact, that probably explains why no other members have been game to get up and support the member for Hartley, because they realise all the arguments he put forward were for nothing. Unfortunately, they are tied to the Party platform in that respect, so they would have to vote in a certain way even though their conscience may dictate otherwise.

Mr BAKER: When I left this debate (and I know members warmed to the speech I gave) I was talking about some of the merits of the member for Elizabeth and the decision that he made when he stood for the seat of Elizabeth.

Embodied in that decision was his belief in the principle that the people of Elizabeth, whether in the shape of the electoral college that selected him or did not select him in this particular case, or whomever, should have a right and just say in the person who should represent them. As it has turned out, as history has shown, the electoral college was very purely constituted. It comprised the heavies with their 30 000 or 60 000 votes and, as a result, we now have a situation where we have a so-called Independent member in this House. I was concerned that he would lose face and some of his integrity if he did not support the measures before this House as moved by the Leader of the Opposition.

I have read the *Advertiser* of Friday 10 May, which is today, and we see here that the Minister of Agriculture, Mr Blevins, may have to resign from the Legislative Council to contest a seat in the House of Assembly. There is here a statement by Mr Evans, who has made it clear that he will be moving a forthcoming amendment. I cannot speak about that until we get to that amendment, if we ever do so!

The Hon. Jennifer Adamson: That will be about 5 o'clock today.

Mr BAKER: We think that we will be reaching that amendment at about 5 o'clock this morning. The statement reads:

> If an MP from the Assembly or Council wanted to enter Federal politics, they had to resign from the State Parliament. Under Mr Evans's amendment it would still be possible for Mr Blevins, if he lost, to get back into the Council but only by filling the casual vacancy left by his resignation.
>
> But Mr Evans believes such a move would 'cause great problems in my electorate' and the ALP would have to be prepared to 'wear the wrath of the electorate.'

What absolute garbage! If he really believed in his principle, he would be supporting this particular amendment as moved by the Leader of the Opposition. That is the greatest load of garbage I have read for at least two days.

Mr Mayes: The last one was one of your speeches.

Mr BAKER: I notice that the member for Unley has been remarkably silent on this particular Bill, as he has been silent on a number of other occasions. He is treading on egg shells in Unley. He has cracked a few in the process and he might be cooking an omelette at about election time.

Mr Trainer: That is nothing like the eggs that you blokes laid.

Mr BAKER: One thing that the member for Ascot Park can be assured of is that I will be here in the next session of Parliament, and much beyond.

Mr Groom: That is not what the Democrats say.

Mr BAKER: The member for Hartley has proved to be an expert on most things and he is now an expert on the Democrats. Perhaps we should ask him whether he will join up. Is this a black market job? The Opposition is moving this amendment because we know that the only proper course for Parliament is to prevent that event occurring. Mr Evans has publicly said before this House and in the newspaper today that the ALP 'would have to be prepared to wear the wrath of the electorate'. He has recognised that the electorate will be unhappy. Those people would not be able to exercise a vote on that unhapiness for another three years, which he fails to mention.

Also, the honourable member mentioned in the debate on this matter that he was concerned. He also made this bland statement, which was reported in the press, that if the ALP did such a thing it would have to wear the wrath of the electorate. So, he perceived that an injustice would be done. If one looks at statements he made in the House and in the *Advertiser* today, one sees that it is clear that the member for Elizabeth believes that what the ALP is doing is wrong. Yet, he is quite willing to accept that with his

amendments that wrong can indeed occur. He said that there will be some ramifications: the electorate will be upset. However, the electorate will not be able to express that dissatisfaction for at least three years.

If this Constitution Act Amendment Bill is passed, it will have to wait four years. It is not good enough for that member to express dissatisfaction and clearly show to the House that he believes that it is not satisfactory, and that the ALP should wear the ignominy of this decision. Yet he is not willing to take any positive action to solve the problem. He could do that.

The honourable member could, before this House, declare his support for the Leader of the Opposition's amendment, because it clearly states that that situation cannot occur. The honourable member cannot have two bites of the cherry and go back into the Legislative Council. That raises the question of what has happened to the member for Elizabeth—a person who is so concerned about this possibility. Obviously, he is concerned about a break in tradition and a new precedent being set. He has made that clear to the House.

The Hon. B.C. Eastick: He has not shown much concern for the member for Semaphore.

Mr BAKER: At this stage he has not shown much concern for anyone. I imagine that a person who has displayed so much concern would act on it. That raises a very serious question about what has happened between when the member for Elizabeth first stood before this House when the member for Semaphore made his position clear and when those two gentlemen were called in to see the Premier. Since then it would appear that they have worked out an amendment which will not fix the problem but which will seem to be of some assistance in doing so. He even went to the political reporter for the *Advertiser* and told him his story. The reporter has not drawn any conclusion from this, I note. Perhaps in the editorial in Saturday's paper we will see the conclusion that the whole thing is a farce.

I will go back to the fundamental question of what has happened in the meantime? Is the member for Elizabeth being offered a position? Has the member for Elizabeth been promised a return to the fold under certain conditions and promises, or is there something that can be done for the member for Elizabeth at the next election? Perhaps they will not stand a candidate against him at the next election. There must be some reason. Even the Minister of Public Works—and we know of his contributions to this House—must understand that.

The Hon. T.H. Hemmings: I have helped you a number of times when you have been in real trouble. You know that.

Mr BAKER: I am not sure that the Minister of Public Works is accurate—he is never accurate, so we will discard that proposition.

Mr Mathwin interjecting:

Mr BAKER: Indeed, I raised a question with the Minister in his capacity as Minister of Housing and Construction, we sorted out that problem, and the Minister was of great assistance. I hope that when we are in government all Ministers will assist the members of Parliament, no matter what side they are on, to overcome those problems. I get very good service from certain members of the Ministry. I always say that the best service I get from any Minister is from the Minister of Transport, but that is departing from the debate and I really do not wish to be misled on an important subject like this. I was earlier canvassing the possibilities that somehow between the last public statement made in this House—

The Hon. T.H. Hemmings: You were talking about Evans coming back into the fold.

Mr BAKER: I was, actually. I was canvassing the possibilities. I am not sure whether all has been forgiven and whether they will kiss and make up over there. I am not sure what rules—

An honourable member interjecting:

Mr BAKER: I do need some assistance. He is of great assistance on particular occasions. I was canvassing the possibilities. There has been a massive departure. So that I can recollect my thoughts—I had a number of other contributions to make in this debate—I move:

That progress be reported.

The ACTING CHAIRMAN (Mr Ferguson): Order! The honourable member's time has expired.

Mr BAKER: I just got it in.

The Committee divided on the motion:

Ayes (19)—Mrs Adamson, Messrs Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Allison and P.B. Arnold. Noes—Messrs Hopgood and Whitten.

Majority of 1 for the Noes.

Motion thus negatived.

Mr BECKER: It is very disappointing that we have to continue this debate.

Mr Groom: You don't have to.

Mr BECKER: I know that. We could adjourn and wait until the member for Semaphore returns to South Australia and thus allow him the opportunity to vote on this issue on behalf of the people that he represents. But no, the Government does not want to do that. Government members want to deny the people of Semaphore and their member his democratic right to vote on this very important issue. It was at about this time last night that the member for Semaphore was speaking, and he suggested an amendment. He suggested the wording, and I wrote this down. In essence he said, 'A person cannot return to a casual vacancy in the Legislative Council created by that person during the current or following Parliament.'

That is what the member for Semaphore believed should be included in the amendment, and that is in the Leader of the Opposition's amendment that we are considering. It is the very thing, the very issue and the very principle believed in by the member for Semaphore. I approached the Parliamentary Counsel and sought his assistance in preparing the amendment for the Leader of the Opposition, and the result is now before the Committee. What a terrible shame that the member for Semaphore cannot be here to participate in this debate.

The Minister of Water Resources wanted to know my interpretation of clause 3, which is that the person who formerly occupied a seat that has become vacant is not eligible to be chosen by an assembly of the members of both Houses of Parliament to fill that vacancy. I see nothing wrong with that. Why should a person be allowed to contest a seat in this Chamber while he is a member of the Legislative Council and, if he is defeated, can return to his seat in another place as though nothing has happened? Parliament is not an institution in which members can play musical chairs.

The Hon. J.W. Slater interjecting:

Mr BECKER: That is correct, and it is the Labor Party that does it. The Labor Party has no respect for principles, and it has no decency whatsoever. I have said on many

occasions that, if the Labor Party cannot win, it cheats. That is what it is all about. Let us get to the principle of democracy in this State and let us correct the anomalies that have existed in our Constitution. The Government now has a chance to do that. However, when we give it that chance it backs off, runs away and does all sorts of things.

Mr Groom: Put it to a vote.

Mr BECKER: We will test it and put it to a vote when all members are present and when the very member who wanted this, believed in it and raised this issue in the debate last night is present. I asked him whether he was happy with the set of words used in the amendment to suit the constitutional lawyers and he said that although he was not 100 per cent happy with the amendment he was at least satisfied, and he made a commitment in this Chamber to the effect that the amendment adhered to the principle he believed in.

I also believe that the member for Elizabeth will support that type of commitment. I refer to the headline in today's *Advertiser,* 'Amendments may force Minister's resignation.' We are not trying to pick on the Minister of Agriculture. I cannot help it if Prince John or someone else in the Labor Party wants the Minister of Agriculture to stand in Whyalla because the Government is having a bit of a hiccup. Any member of the Legislative Council could have been used, and there have been many rumours. In fact, I am very disappointed in the usually very astute member for Hartley—I thought I had trained him better. I am worried, because he may not make the front bench.

Mr Mathwin interjecting:

Mr BECKER: That could well happen: there could be a swap arrangement. This Government is pretty good at swapping, particularly when it comes to borrowing money overseas. It swaps in all sorts of currencies, juggles the transaction and then brings it back to Australia and, instead of borrowing, say, $90 million, we end up owing $170 million. The member for Hartley would be well aware of the rumours, and the writing on the back of the lavatory door is that Blevins might stand for Whyalla.

The member for Hartley also knows that the writing on the back of the lavatory door some time ago was that the Hon. Mr Davis might seek the seat of Glenelg, or some other seat in the western suburbs. However, the member for Hartley did not raise that issue; he did not dream that somebody from the Legislative Council might want to stand for a seat in this Chamber. He has not raised the issue that perhaps a member of the Democrats might have wanted to come down and replace Mrs Southcott when she was in this place.

Mr Hamilton: Tell us about the white car.

Mr BECKER: I am pleased that the member for Albert Park is worried about the white car, because I do not recall at any stage since the present Government came to power the Public Accounts Committee wanting to hand back the white car. Never at any stage during a Public Accounts Committee meeting has it been said, 'This is wrong, we have to give that car back'—not on your sweet Nelly! In fact, they are thanking me for taking that car, which I did not want! It was thrust upon me! I was encouraged by Labor members of the committee to take that car, so I had to put up with it. The insults from my neighbours were terrible.

Mr Acting Chairman, I thank you for your tolerance because I am very disappointed about what is happening here tonight. I have always believed in fair play. However, I believe that this Government, the Premier and his Ministers, should have ensured that every member (particularly Independent members) had an opportunity to express to the fullest extent their views in relation to this matter and to vote on it. Any matter involving the Constitution is extremely important, as is this whole question of the principle involved. Why should any member be able to use the institution of Parliament to play musical chairs and to do what he wants to do in picking a seat?

Mr Groom interjecting:

Mr BECKER: I can remember the member for Hartley making attacks in this Chamber on the privileged class (although he still has not been able to explain to me who the 'privileged class' are), saying how they believe that they were born to rule. He makes criticism of those he says believe they were born to rule. Who is he trying to protect now, the class of people who want to be able to move from this seat to that seat and if they miss out on one go back to the other and everything is sweet? That is not on!

The Hon. Jennifer Adamson: Permanent power.

Mr BECKER: It is more than permanent power; it is an insult to the intelligence of people in this State to continue to allow this loophole to exist in our Constitution. Therefore, I urge every member, particularly members of the Government, to reconsider the commitment that they have obviously made to the member for Elizabeth. I respect his analysis of the Constitution and the various amendments put forward, but I still think that he is wrong. I think the member for Elizabeth would be well advised to support the amendment moved by my Leader.

Mr ASHENDEN: What we have here this evening is one of the most cynical exercises that could be imagined in the misuse of political power. We have a Government that is determined to try to hang on to a seat that it knows it is going to lose. Government members have sat down out in the back room and worked out that the only way that the Government can get out of this little problem is to move somebody up to Whyalla who is known there and who has a chance of winning that seat for the Labor Party rather than another Independent member being elected to this Chamber. What the Government wants to do is take a member from the Upper House to do this and, as has been so well pointed out tonight, they want to give him two chances to hold a seat.

I can imagine the member for Brighton would dearly love to have those same opportunities, because she will need them, but at the next election we will find that an Independent member will be returned in Whyalla. That will of course mean that Mr Blevins, if he has the courage of his convictions and does what other people do when they move from one House to another, will resign—

The ACTING CHAIRMAN: Order! I would ask the honourable member to refer to the Hon. Mr Blevins; give him his correct title.

Mr ASHENDEN: All right, the Hon. Mr Blevins in another place.

Mr Groom interjecting:

Mr ASHENDEN: I think the honourable member is out of his seat.

Mr MEIER: A point of order. The member for Hartley has interjected on three occasions from out of his seat.

The ACTING CHAIRMAN: Order! I accept the point of order and I would request that the member for Hartley resume his seat.

Mr ASHENDEN: Thank you, Mr Acting Chairman. The Labor Party is putting all the pressure it can on the Hon. Mr Blevins in another place to stand as a candidate in the seat of Whyalla, but of course it is saying, 'We will fiddle the system. We have found a loophole in the Constitution and there is no need for you to resign, so in that way we do not expect you to really win. We think you have the best chance, but we do not expect you to win, so we will make sure we keep that place for you in the Legislative Council after the next State election.' The members opposite are defending their attitude and are trying to tell us that they believe in democracy.

I have seen only too often in the past 5½ years what the Labor Party means by democracy. Their definition of democracy is any electoral system it can set up that will ensure that it gets its own way. That is democracy Labor Party style, and that is what it wants to do here tonight. It is not content with that. It wants to prostitute the Constitution of South Australia.

We have seen red herring after red herring dragged in here tonight in relation to what happens Federally, what happens in Queensland and what happens in New South Wales but, as the Leader of the Opposition has pointed out, there is not one example that members opposite can point out to the Liberal Party in South Australia where it has in any way tried to abuse the Constitution which we have in this State. Here we have one of the most cynical exercises that we have seen.

Last night we heard speeches from the member for Elizabeth and from the member for Semaphore and both of them stated that they agree that what the Labor Government is attempting to do is wrong. They said they agreed in principle with what the Liberal Party is trying to do. They stated that, if an amendment could be worded with which they agreed, they would support it. The point is this: of those two Independents, at least one has the courage of his convictions. The member for Semaphore has indicated that he is happy with the new amendment that has been prepared, but of course the Government heard that, because last night, I think only about 23 hours ago, we saw that the two members were ushered out of this House and were taken into the Premier's office, along with the Deputy Premier, and they were heavied unmercifully. I would really like to know the deals that were put to those two members, but obviously there were deals and pressure—

Mr GROOM: I rise on a point of order, Mr Acting Chairman. The honourable member's comments have nothing to do with the clause. They are not remotely connected with the clause and I would ask your ruling, Sir, about the relevancy of his remarks about people taking other people out of the Chamber.

The ACTING CHAIRMAN: I would request that the member for Todd return to the substance of the amendment that is before the Committee.

Mr ASHENDEN: The amendment which we have before the Committee was being considered by the two members I referred to, one of whom had indicated his support. That has everything to do with what we are considering. What happened last night was an attempt by the Premier and Deputy Premier to heavy those two members to ensure that they would not vote the way it appeared they were going to. It is as simple as that. Therefore, it has plenty to do with the amendment. That is the way this Government works. That is the way the member for Mawson works. When things go wrong, she heavies and uses all the blackmail she can to get her way and that is what this Government is all about.

Then of course the Premier realised that at least one of those Independent members was going to support the amendment put forward by the Leader of the Opposition. He then of course had pointed out to him: if we can stall this, the member for Semaphore will not be here after 4 o'clock. Regarding the debate which finished at 3 o'clock yesterday morning on this very matter, was that matter listed first for consideration when Parliament resumed today? No! We found it had been put at the bottom of the Government's list for consideration, purely and simply for one reason: namely, they knew that by the time it came up for consideration the member for Semaphore would be attending a long-standing commitment.

Once again, we see what the Labor Government means by democracy: use the system, beat the system, just as long as we get our own way; it does not matter how we do it; it does not matter how dirty we fight; it does not matter how dishonest we are; it does not matter how we abuse the Constitution, as long as we get our way. That is what they are doing tonight. Now they have got the member for Semaphore away, they are going to force us to stay here until the vote is taken. I can assure the members opposite there are many, many more points that can be raised on this amendment and we will make sure that this matter is debated fully. We will make sure the public of South Australia realises there is at least one Party in this State prepared to stand up for the Constitution; that there is one Party in this State not prepared to see that Constitution prostituted in the way used by the Labor Government. There is one Party in this State that has a conscience and will do all it can to ensure that the Constitution is used in the way in which it was intended when it was first written.

I would defy any member opposite to state that the members who drew up this Constitution would have in any way considered the type of abuse this Constitution would be put to that is now before this House. If they had—

Mr Becker interjecting:

Mr ASHENDEN: Exactly. If they had even thought this could occur, I am quite certain the Constitution would have been written in such a manner that this could not occur. I would like to hear just one member opposite stand up and explain how they can in all conscience state that any one person in South Australia should have two chances to win a seat in this Parliament at the same election. That is what they want to do for the Hon. Frank Blevins. They want to give that man—no other person in South Australia—two chances to win a seat in the one election. They call that democracy. It really is absolutely incredible, but that is the way this Labor Government decides to handle the way this State is to be run. There is nothing more despicable than the absolute naked exercise and abuse of power that this Government is putting forward at the moment.

My colleagues have only too well pointed out what the situation is and I note that not one member of the Government has stood up to try and defend the situation in which they find themselves. I would like to hear the members for Unley and Brighton stand up and defend it. I am sure that in their electorates they would like their constituents to know how they feel about this sort of thing. I think the only reason they are not on their feet defending the Government's action is that they know that, if they were to, they would be defending the indefensible.

They would need to get back to their electorates that this is the way in which they want to abuse power. They will not win the next election anyway, so they might as well. At least they would go out in an honest fashion and their constituents would know that they were vocal in their support of the complete misuse of power we are seeing from this Government.

Mr Mayes interjecting:

Mr ASHENDEN: I cannot hear what the member for Unley is saying in interjection out of his seat. Why does he not stand up and take the opportunity to put his point of view? I wish he would, because it would make interesting reading if his speech was letterboxed throughout his electorate. The constitutents would be most interested.

Mr Mathwin: Mr Blevins could jump ship at Whyalla.

Mr ASHENDEN: He could do that. He wants to jump Houses, but making sure he has a House to go back to.

Mr Groom: Why don't you talk about the Mitcham by-election?

Mr ASHENDEN: I will, but that had absolutely nothing to do with abuse of constitutional power, which is what we are talking about tonight. In Mitcham the electors—and that is the very big difference—were given the opportunity

to determine whom they wanted to be their representative in the House of Assembly. That is democracy. I cannot see what we are talking about here: we do not have the constituents of Whyalla, or South Australia for that matter, determining who is to represent them, either in Whyalla or in another place, because they are having foisted upon them, whether the electors want him or not, someone who will be given a dead certain ticket and be returned to Parliament.

I cannot get over this interpretation that the Government has of democracy. It boggles the mind for a Party that squawked so much in 1975 and said that any Party that dares to abuse the Constitution deserves all it gets. I remember seeing a certain person standing on the front steps of Parliament House in Canberra saying some of the most abusive things one could ever imagine about a Governor-General, yet this Party cries crocodile tears because we now find in 1985 that members of that very same Party are prepared to abuse the Constitution, and to stand here and defend that abuse that they are foisting on the electorate of South Australia.

Mr Becker interjecting:

Mr ASHENDEN: We are not allowed to call the member for Hanson the Hon. Heini Becker, but he came into this House having won a marginal seat and because of his sheer ability he has not only held it but increased the margin over time. I know his name and that of his district. I agree completely with the remark made by the member for Hanson. If members opposite believe that they are right, they should stand up and defend what their Premier is forcing upon them. Their silence is condemnation of that action and an admission that they are wrong. When people believe they are right they will stand up and fight for those rights and put forward all the arguments to support their point of view. However, there has been only one speaker from the Party opposite.

The ACTING CHAIRMAN: Order! The honourable member's time has expired.

The Hon. MICHAEL WILSON: The Opposition regards this question as extremely important indeed, as the Government will realise. There is no doubt that one of the most serious aspects of the significance of the last 24 hours has been the way that the Government has rearranged the programme today so that the member for Semaphore was denied his democratic right and indeed his duty to his constituents in casting a vote.

We on this side of the House believe very strongly that the member for Semaphore should be allowed to cast that vote, and consequently we believe that further debate on this clause should be delayed until Tuesday next. Because of that, I move:

That progress be reported.

The Committee divided on the motion:

Ayes (19)—Mrs Adamson, Messrs Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Wilson (teller), and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Allison and Rodda. Noes—Messrs Hopgood and Whitten.

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. B.C. EASTICK: The Government continues to show scant regard for the traditions of this place and for the rights of every member to participate in a debate. On this occasion the member for Semaphore is being denied that right. The member for Semaphore very clearly indicated the course of action that he wanted to see followed, and on this occasion the honourable member has been denied the opportunity to follow that course of action. The suggestion has been made that this matter has been orchestrated by the Government, and the Opposition has no alternative than to believe that that is the case.

It had been known for a considerable time that the member for Semaphore would be leaving for interstate at about 4 p.m. yesterday afternoon to fulfil a commitment that had been made many months ago. When the Deputy Premier was acquainted with that information earlier today and informed that it was important that the Constitution Act be considered immediately after Question Time, that opportunity was denied, notwithstanding that that Bill was in the first position on the Notice Paper. The contribution to the debate by the member for Hartley has sometimes been very wide of the mark.

Mr Lewis: He didn't even see the mark.

The Hon. B.C. EASTICK: He was dwelling in another Parliament in another time and on another matter, which has never been before this House. It concerned a matter which has been canvassed by both Houses of Parliament in South Australia but which has never been used. Because of the measure with which the member for Elizabeth wishes to proceed, a position has now arisen that will create a very discriminatory situation. The course that the member for Elizabeth wants to follow means that a member of the Upper House can resign and contest a House of Assembly seat. However, the member for Elizabeth is denying the passage of a measure that would prevent a person having a second bite at the cherry in the event of—

Members interjecting:

The Hon. B.C. EASTICK: Would the Minister and the Whip want to know where the gag fits into Standing Orders? I hope that they are not going to add fuel to the fire and move a gag motion on this vital issue which, once again, will fly in the face of the member for Semaphore's rights. We have a position where a person who resigns from the Upper House to contest a Lower House seat, if unsuccessful, will get a second chance to go back to the Upper House. Members opposite claim to be completely fair in all these matters, and I ask them to give consideration to the other side of the coin, the other part of the equation. Following the member for Elizabeth's guide, it means that a member who resigns from the Lower House to go to the Upper House will be denied the opportunity to seek to return to the Lower House if they are unsuccessful in their bid to gain a seat in the Upper House.

The position in the Upper House will be closed, it having been won at the election. Likewise, the Lower House position will be denied to them because it will have been won during the general election. So, the person from the Lower House who seeks to be re-elected will have nowhere to go. Therefore, the group of democrats on the other side show a discriminatory approach to this matter, making certain that members of the Upper House who resign will have a second chance, but members who resign from the Lower House will have no second chance.

Therefore, yet again there will be two classes of citizens. Those issues have yet to be debated in full, but they are certainly part and parcel of the total equation. It shows just how unbalanced is the argument of members opposite, because they claim to be fair minded people who are also prepared to undertake what is right for every man; they are prepared to make flesh of one and fowl of another with two entirely different sets of circumstances prevailing.

The other side of yet another equation which I do not believe has been fully aired—but which I believe is very pertinent to the debate—is that the Minister of Agriculture

in another place seeks to come into this Chamber. It is said that he is a reluctant bride for the Lower House, that he is being lured into this Chamber so that he can provide the necessary punch which members of the Labor Party in the Lower House fail to provide as support to the Premier.

The Hon. Jennifer Adamson: Do you think he will compensate for the lack of talent?

The Hon. B.C. EASTICK: Yes, it is an indication of the complete lack of talent, but I wonder how many members opposite are aware of the full thrust behind the move and why the Minister of Agriculture is being so cagey about saying 'Yes', that he will run for the seat in Whyalla. It is because he has not yet been able to extract a guarantee that in a very short time after he comes into this place he will become Deputy Premier—

The Hon. Jennifer Adamson: Deputy Leader!

The Hon. B.C. EASTICK: Or Leader. If the Labor Party won the next election, the Minister of Agriculture wanted a guarantee that he would be the Deputy Premier. He has not been able to extract that guarantee, so he has been very cagey. He is making a few grunts to the effect that if it is the will of the people of Whyalla—

Members interjecting:

The Hon. B.C. EASTICK: Perhaps he was trying to emulate those grunting noises I was talking about.

Ms Lenehan: I think the member for Coles was also out of her seat.

The Hon. Jennifer Adamson: No, I was not.

The ACTING CHAIRMAN: Order! I ask for interjections to cease and the honourable member for Light to address the Chair.

The Hon. B.C. EASTICK: We have a situation where the Minister of Agriculture in another place has been unable to this moment to extract a guarantee that he will be placed in a position of power in the Labor Party.

The ACTING CHAIRMAN: Order! I ask the honourable member to come back to the substance of the amendment before the Committee.

The Hon. B.C. EASTICK: I believe, Mr Acting Chairman, and ask you to monitor closely what I am saying, that the scenario that I am setting is very much involved with the exercise of the amendment before the Chair at the present moment, whereby members of the Opposition seek to make quite certain that entry into this place, indeed into either House of the Parliament in South Australia, will be by merit at the ballot box and not by internal contriving by either Party (contriving at the present moment by members of the Labor Party who are participating in what has turned into a farcical situation of 'win at any price', even if it be the refusal of a vote, a very vital vote, to the member for Semaphore).

All these things are quite pertinent, because this is one of a parcel of amendments that are essential to make sure that every person seeking to gain entry into either the House of Assembly or the Legislative Council will be treated as equal to every other person. The Labor Party is quite clearly, by denying this amendment, seeking to provide a benefit for one group over another. I suggest that it is getting down to an individual, which is the thrust of the argument undertaken over some hours now, that individual being the Minister of Agriculture moving from the other place into this House.

The Liberal Party would be doing less than what is its responsibility on behalf of the people of this State if it did not continue this fight to the very end. It is essential, if we are to have a Parliamentary system in South Australia which the people of South Australia trust, a Parliamentary system which lives up to the whole basic concept of the Westminster system, that it is correctly and at all times without favour undertaken more specifically at the ballot box.

The Labor Party is denying that right in two ways: first, by refusing the passage of this amendment, which is essential to give that parity and also to give that certainty to the people whom we all represent; and, secondly, by denying the opportunity for the member for Semaphore to be in this place to make his position quite clear as an individual both on behalf of himself and, more significantly, on behalf of that very significant one-fortyseventh of the voting public of South Australia whom he is committed to represent. That is why members of the Liberal Party are persistent about this important matter and why they will remain persistent. I strongly suggest that the Minister show the courage that he has been known for in the past by making certain that progress is reported (and that he seeks leave for progress to be reported) so that we can sit at a time that is convenient and correct for the member for Semaphore to attend and undertake his vital role in this Committee.

Mr ASHENDEN: I move:

That progress be reported.

The ACTING CHAIRMAN: I cannot accept that motion at the moment because 15 minutes have not expired since a similar motion was last moved.

Mr ASHENDEN: I want to address myself to the situation we are considering tonight. I can only hope the members opposite will listen to the reasoned arguments that are being put forward by the members on this side. One of the points of debate is that the persons taking part put forward their arguments in the hope that, in doing so, we can convince the persons taking the opposing point of view in the debate of the sense of our argument and, accordingly, convince them to change their minds and vote correctly, so that the members on this side of the Committee are doing that very thing.

The members on the other side are obviously extremely thick and very slow at picking up the points, and for that reason many of us on this side are required to stand up and point out time after time the error that the Government is committing. One can only hope in the not too distant future the points we are making, as I said, will be accepted and the Government will allow to be passed the amendment which has been moved by the Leader of the Opposition.

One of the points is of serious consequence tonight. If the Government had been honest, the composition of the Parliament this evening would be quite different from what it is at the moment, in that the member for Semaphore, a person who has indicated that he is in agreement with the amendment that the Leader of the Opposition has put forward, is not present. If he were present, then obviously the vote would be taking a different line to that which is occurring. On every vote since this Bill has been considered this evening there has been a majority of one. If the member for Semaphore was here, I am confident that the vote would be tied.

The exercise which the Government has undertaken and which has so far been supported by the so-called Independent member for Elizabeth is cynical, and I think that is the kindest definition one can place on what is happening here this evening, because they knew that the member for Semaphore would be away, so therefore they deliberately held back consideration of this matter until he had gone, in the hope that they would then be able to force through the Parliament a Bill which is before it for one reason only and that is to try to shore up the electoral prospects of the Labor Party in Whyalla. That is why we were held here until 3 o'clock last night and that is why we are still here at 1.45 this morning: purely and simply because the Government is determined to try to force through a Bill which it deep down must know is wrong. It must be able to see the point of the arguments that have been put forward by members

on this side of the Committee. However, for purely political gain, Government members are determined to have a Bill passed that is one step towards destroying the South Australian Constitution.

As I said earlier this evening, the Constitution of this State was set up for a specific purpose. In relation to the filling of casual vacancies, the Constitution is quite clear in its intention. However, the Government is saying: 'Bother the intention of the Constitution; we've found a little loophole there. It doesn't matter that that loophole was not intended, and it doesn't matter that the people who drew up the Constitution did not intend that it should be abused in the way that we are determined to do. Having found that loophole, let's not obey the spirit of the law or the spirit of the Constitution: let's abuse it. Let's use it for our own cynical, political gain.'

Last night the member for Elizabeth indicated that he agreed with the points that were being made on this side of the Chamber. The member for Elizabeth said that he was most unhappy with what the Government was trying to do and that, if the Opposition could come up with an amendment that would overcome the problems he saw in the then existing amendment, he would support such an amendment because basically what the Government is trying to do is wrong. I think that is a fair paraphrase of what the member for Elizabeth said on Wednesday. However, this morning we find that the concern indicated by the honourable member on Wednesday appears to have changed.

On the other hand, I think all members of the Committee would acknowledge that such is not the situation with the member for Semaphore, who has also made it quite clear he is most unhappy with what the Government is trying to do. The member for Semaphore also said that if an amendment could be found with which he agreed he would support it. The wording of the amendment put to him was acceptable: the Government knows that and we know that. Unfortunately, the Government also knew that the member for Semaphore had a longstanding commitment and that he could not be here this morning, so once again there is this complete naked abuse of power that we have seen the present Government determined to use at any time to protect its own interests.

I think that, if members opposite look at the most recent poll, they will see that they are trailing and, if an election were held now, they would lose. One reason for that is that the public of South Australia are most dissatisfied with the way that the Government is running this State. One would think that the Government would learn from something from that. If the Government thought sincerely and deeply about what it is doing wrong, it might realise that members of the public of South Australia are sick and tired of being steamrolled with no consideration for them. Members of the Government think they know better, but I think the results of the polls show quite clearly that they do not know better.

The situation we have here now will certainly contribute to the downward slide of the Government's popularity, which is a good thing for South Australia: it should confirm the return of a Liberal Government at the next election with a considerable majority. Certainly that will be good for South Australia, because it will mean that the unfettered taxation increases that have occurred under this present Government will come to a halt and responsible government will return to South Australia. Under no circumstances will the new Government abuse the Constitution as the present Government is doing.

The reaction of members opposite to points made by members on this side shows their complete and utter lack of conscience. They should have at least tried to give some semblance of a reason why they were forcing this Bill through. Those members know full well that the situation confronting them is one with which they disagree; if they do not, they have no conscience at all.

That is the Party that made so much play of the alleged breach of the Constitution in 1975 in Canberra. Here they are twisting the intention of the South Australian Constitution to suit their own purposes. Their problems do not finish there either, because I am informed that the Hon. Frank Blevins is not as keen as perhaps the Premier and the Deputy would like him to be to transfer to Whyalla.

The Hon. B.C. Eastick: Particularly when he can't get a guarantee that the second position will come his way.

Mr ASHENDEN: That is a very good point. It is incredible: they are obviously saying to him, 'Frank, we think you are the man to win Whyalla. We think you're the man we want down here in the House of Assembly so that you can become Deputy Premier.'

Mr Oswald interjecting:

Mr ASHENDEN: There is no talent on the front bench. It would be a brilliant light in the darkness if we were to have a Minister down here with ability.

The Hon. Jennifer Adamson: There might be a dull glow.

Mr ASHENDEN: I have not seen that Minister at work—and I use the word 'work' loosely as far as the Ministers in this Chamber are concerned, having seen their efforts at work. This Government really is made up of this group of pathetic Ministers. I guess they think, 'We need to get someone down here who might have ability.' He would not need much to come down here and show up. The Government wants him here, but at the same time they are saying that, although they want him, they will not give any guarantees about his getting back. Although they are trying to force through a Bill to allow the Hon. Frank Blevins to return to the Legislative Council, it will not give him guarantees as to where he will fit in. The Minister is rather lukewarm about the proposal, so we have a Government forcing through a Bill against the spirit of the Constitution and trying to force a Minister to do something which he himself is not keen to do.

It really is an eye opener. This Government cannot even convince one of its own members that what it is doing is right. No Government member stood up, apart from the member for Hartley. He is a very forgettable chap, however, even though he was the only one who had the courage to stand up and defend the indefensible. It is an amazing situation.

Mr LEWIS: When I spoke on the last occasion I omitted to draw attention to one matter to which the House should give serious consideration. That was the fact that, notwithstanding that it is legitimate in a democracy for a person to seek election to the Parliament and that the Constitution should do all that is required of it to facilitate that course of action, it was never envisaged by those wiser men than us who brought mankind from the days of dwelling in the cave, where the strongest and most capable at wielding the club determined what would happen and who would rule to the present time, that whilst a member of Parliament, any human being, to have on being elected to the Parliament the opportunity to retain that seat, ostensibly represented the responsibilities so conferred by that person's election while they contested an election for another seat.

If we were to just contemplate that prospect for a moment, it is possible that, by applying the principle to which I have referred and which the Government seeks to apply in this instance, one person could end up representing all 47 seats in this place. Would it not be difficult to be Speaker, Chairman of Committees, Premier, Leader of the Opposition as well as both Whips all at once? The seriousness of that proposition needs to come home to members of the Government because, by refusing to acknowledge the legitimacy

of the amendment as put by the Leader, it is clear that whilst the scenario that I have painted might not be able to obtain, it is, however, possible that the President of the Legislative Council could become Speaker of the House of Assembly at the same time.

That is a very serious constitutional position—hypothetical maybe, but nonetheless possible under the present arrangement that the Government seeks to have entrenched in the Constitution, and it will remain there unless we can convince reasonable people of the merit of the argument put by the Leader.

The Committee divided on the amendment:

Ayes (19)—Mrs Adamson, Messrs P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S. G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Allison and Rodda. Noes—Messrs Hopgood and Wotton.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 4 passed.

New clause 5—'Qualification of members of House of Assembly.'

Mr OLSEN: I move:

Page 5 after line 15—Insert new clause as follows:

5. Section 29 of the principal Act is amended by striking out the passage 'Any person' and substituting the passage 'Subject to section 29a, any person'.

The amendment seeks to preclude a member of the Legislative Council from being nominated for candidacy in an election for the House of Assembly. In effect, that means that that member must resign his position in the Legislative Council prior to seeking candidature. If he fails to do so, under this provision which we seek to write into the Constitution, he would not be entitled to have that opportunity.

I now turn to another point, which was summarised as a result of the last vote, which was narrowly defeated 20 votes to 19 as a result of the absence of the member for Semaphore. The result of that vote has clearly highlighted the basis of the Opposition's argument over the past few hours. The basis of that argument is that the Government persistently ignores and refuses to accept that what we have done tonight is to disfranchise the member for Semaphore from participating in this debate and having the opportunity to exercise a vote. The Government has been intransigent in its view and has been almost bloody minded to the extent that it has persevered with this legislation and has forced us to sit into the early hours of the morning, insisting that the matter be dealt with tonight instead of adjourning it to next week when it could be debated at a more respectable hour.

In addition, deferring consideration of this matter would also give the member for Semaphore the opportunity to participate in the debate. I point out that the previous amendment was drawn up on the expressed wish of the member for Semaphore, who put down the guidelines. The first set of amendments that I have put forward clearly indicate the direction that we wish to take. We were able to accept the position in relation to the member for Semaphore because the basic principle was still intact: it had not been changed, compromised or set aside. It was still contained in the amendments, but the language was different; the effect was the same.

The Minister's assertion that compromise was the order of the day and that those basic fundamental principles that we were talking about earlier had been set aside is not right. We are to proceed with a number of other provisions in this Bill. I believe that the test vote on the previous clause without the member for Semaphore being present in the Chamber is a disgrace and a blot on the copybook of the Government because it has seen fit to deny the member for Semaphore the capacity and ability to participate in a debate on the Constitution of South Australia.

The Government has purposely set out to manipulate and keep the votes a little more tightly controlled for its own ends. I do not believe that members of the Government should be proud of that. There are some members of the Government of whom I would have thought better. Quite honestly, I am surprised that they are prepared to take that course of action. I would have thought that fair play was a principle and a belief held by many members opposite. However, we are not getting fair play in the way that this legislation is being dealt with tonight. It is quite wrong to force this Committee to sit into the early hours of the morning for the second consecutive night while we discuss extremely important Constitutional amendments which are dovetailed together to develop a principle.

This is a principle that we believe is basic, which has never been breached in the past, but which has the capacity to be breached in the not too distant future. These amendments were moved for the purpose of closing those loopholes and in an attempt to entrench that principle, a principle that the Independent members in this place have previously indicated they support. It is unfortunate that during the passage of these amendments those principles have not been closely adhered to by Independent members and more particularly in this instance the member for Elizabeth, who has not been prepared to match his actions with his words.

Be that as it may, that is a decision for him. What we seek to do, despite the fact that the previous amendment was lost, is to persevere with these amendments. We will not get the stitch, as the Government hopes we will. We will not cave in to the ruthless, relentless pressure that is being applied to members of this House: the Government is making them sit into the early hours of the morning repeatedly for its own short term gain, its own advantage and its own collating of votes as it sees fit.

The Hon. B.C. Eastick: It won't be a gain; it will backfire.

Mr OLSEN: I have no doubt that the electorate at large will perceive what is going on in this Parliament today. People will perceive this Government as one on the run. With these constitutional amendments presently on file this Government is prepared to play around with the Constitution for its own ends to the extent that it will deny the right of an elected member of this Parliament to vote on these amendments. By so doing, the Government underestimates the reaction that will occur in the community.

If one considers electorates such as Port Pirie, Whyalla, Elizabeth or Semaphore one sees that they are electorates of principally Labor voters. However, those Labor voters will not be taken for granted, as they have very clearly expressed. The Government underestimates the effect of this measure on the seat of Whyalla. It is forcing through these amendments so that it can structure the vote to get its desired end result, which might not necessarily be the desired result of the whole number of members of this House.

The Hon. B.C. Eastick: Price and Briggs will be another two.

Mr OLSEN: Price and Briggs will come a little later. What I specifically seek to do is rule out the opportunity for the Government to manipulate the one specific seat that has been identified thus far. I repeat that we will not get the stitch and will persevere, because there is an important principle at stake—that principle is the right of everyone in this House to participate. The Government denies the mem-

ber for Semaphore that right by putting this measure on the bottom of the Notice Paper instead of leaving it at the top where it should have been. We should have continued this debate at 3.15 this afternoon. The Government knew full well that the member for Semaphore was leaving at 4 o'clock and that is why it refused our request to debate this matter at 3.15.

The ACTING CHAIRMAN: I ask the Leader to return to the amendment before the Chair.

Mr OLSEN: If the Acting Chairman had listened, he would have known that I have dealt with the amendment at the commencement of my remarks. In linking my remarks to the amendment currently before the Committee, it is important to note that this amendment, like the previous one, will not be an amendment in which the member for Semaphore will be able to participate, because that fundamental democratic right has been denied by this Government. I indicate to the Government that we will persevere with the matter in the hope that common sense will prevail and that this debate in this Committee, at what is not a respectable hour for us to be debating a matter of such importance, can be deferred until next Tuesday.

The Hon. JENNIFER ADAMSON: I support the amendment and certainly the Leader of the Opposition's reasons for moving it. I think it was Disraeli who said that, in politics, nothing is contemptible, and, if ever we had a demonstration of the attitude of a political Party in relation to the validity of that statement, one could certainly agree with Disraeli that, as far as the ALP is concerned in South Australia, nothing is contemptible. We on this side of the Committee have a very different view. We regard as utterly contemptible what is happening here in the early hours of this morning, what happened last night, and what happened yesterday morning and the night before.

Consider the position that we have in this Chamber right now. We have members of the Government moving around this Chamber like zombies. The Premier is looking as pale as a ghost, but nothing must stand in the way of the ALP machine as it grinds on, utterly determined that its numbers will carry the day, regardless of principle, regardless of the health of Ministers who are allegedly at risk. Some of them have certainly had absences from this House over recent times because their health is not the best.

Members interjecting:

The Hon. JENNIFER ADAMSON: We seem to have stirred them up. They seem to be anxious. The sleepers are awakening. Behold, listen to them snarling and growling. They are emerging from their very deep sleep, because a raw nerve has been touched. They are very anxious indeed that their leader is insisting that they remain in this Chamber, that the staff of this House remain in this Chamber, all to make certain that the member for Semaphore under no circumstances gets a chance to speak or vote on this clause, on this Bill, or on these amendments. I am fascinated—

Members interjecting:

The ACTING CHAIRMAN: I ask the honourable member to resume her seat. I know that we are facing a very difficult time, but I would ask members to show respect to the speaker and I do not wish to have the speaker drowned out with interjections. I do not need any assistance.

The Hon. JENNIFER ADAMSON: I thank you for your protection, Sir. I found the interjections over the past few minutes very revealing indeed, because they indicate what one might describe crudely as the soft underbelly of the ALP. Members opposite know very well that they are being used and abused for the unmitigated ambition of their leader and those who control them. As I say, it is a pathetic spectacle to see men and women forced to march across this Chamber in a semi-conscious state in order to prevent another member of the Chamber from exercising his right to speak. I do not believe that their efforts will be successful. I am convinced that we on this side have an endurance which will be more than a match for that of members opposite. We have the determination to see that the principles of decency will be upheld and that the member for Semaphore will have a chance to debate. It has become just what I described—a test of endurance. It is utterly ridiculous that legislation should be conducted in such a way that its outcome depends on a battle as to who has the greatest physical endurance, because that is what this is about.

Mr Ashenden: It is legislation by exhaustion.

The Hon. JENNIFER ADAMSON: It is an old and possibly tired phrase, but in this case, how very apt: legislation by exhaustion. I can assure members opposite that there will be no signs of exhaustion on this side in our determination to see that the member for Semaphore has his say.

An honourable member interjecting:

The Hon. JENNIFER ADAMSON: One or two members opposite appear to be intermittently conscious, but they are not willing to speak except for the occasional contribution from the member for Hartley. No-one thus far except the member for Hartley and the Minister has been willing to put his name and voice to this contemptible Bill—not one of them—but they are required by their Leader to be here, simply as voting fodder.

As I say, the ALP machine will grind on and it will grind on in its way to its inevitable destruction. It will be self-destruction, and we can see that destruction taking place before our very eyes. It commenced in Semaphore when Mr George Apap was forced upon by an unwilling local group of ALP members. It proceeded into the seat of Elizabeth. It is grinding on inexorably in the seat of Whyalla and, as the member for Light and the Leader so rightly said, the seats of Briggs and Price are very likely to become part of this domino effect which will end up with the ALP in tatters.

Members interjecting:

The Hon. JENNIFER ADAMSON: I am using the analogy in its direct sense of one seat knocking over another—one contemptible action leading to another. When you start on this course, you cannot just pull back. You have to go further.

The ACTING CHAIRMAN: I request the honourable member to come back to the subject matter of the amendment. We are receiving some repetitive submissions now, and I would ask the honourable member to return to the amendment before the Committee.

The Hon. JENNIFER ADAMSON: I am pleased to do that, and I certainly regret if I have in any way been repetitive. The amendment moved by the Leader deals with the qualifications of members of the House of Assembly. Certainly, it is not possible for one to be a candidate for the House of Assembly whilst also being a member of another House. As I said, when a Party embarks upon a course where it is utterly ruthless in its determination to hang on to power, both totally and in given seats, there is no pulling back. You have to go further and further and further down the road to moral corruption if you intend to hang on. At the end of that road, there is destruction, and I believe, as the member for Mitcham outlined, that the ALP in South Australia is in the inexorable process of destroying itself.

This amendment moved by the Leader of the Opposition is part of a package which will ensure that the integrity of elections for both Houses of Parliament in this State will be preserved. The notion that a member of Parliament should be prevented from voting as a result of the activities of his colleagues is one more fitting for an authoritarian regime than for a freely elected Parliament such as this one.

I cannot think of a precedent, and I do not study these matters deeply.

In my nearly eight years in this House I can think of no circumstance that parallels the one in which we now find ourselves. There is more than a hint of desperation about this. One might almost describe it as a kamikaze tactic on the part of the Government. In an effort to preserve the total they are willing to sacrifice anyone. In this case, it is the member for Semaphore who is the victim of their complete and utter disregard for the normal decencies of political conduct.

As I said, when he embarked upon that course, it is a long and ugly road, and at the end of it there is nothing but misery and, as far as the ALP goes, nothing but a complete lack of esteem on the part of the voters, which is already evident in the polls, and a mutually destructive attitude by one member towards another. It is tremendously disappointing for all of us on this side of the House, and I dare swear for some on the other side of the House also, to see that in respect of the amendments we have before us a member whose youth and promise was quite dramatically demonstrated in December last year, when Mr Martyn Evans was elected as the member for Elizabeth, has already been tainted because he is willing to bow the knee to a power machine, the same power machine that he rejected out of hand.

Mr Lewis: Is it the carrot or the stick?

The Hon. JENNIFER ADAMSON: Yes, is it the carrot or the stick? That was the same power machine that he rejected out of hand when he decided to leave his Party and risk his chances with his electors as an Independent. One might well be tempted to ask what tools are being used to coerce this member: what offers, what threats? What is it that is coercing a member who otherwise has demonstrated certainly personal principles and a fair degree of courage.

An honourable member: I wonder if he has ever worried about the safety of children?

The Hon. JENNIFER ADAMSON: I do not want to canvass any matters of that nature. In speaking to this clause, which inserts in section 9 of the principal Act the words 'any person' instead of the passage 'subject to section 29 *(a)* any person', the events of today, of yesterday and the day before will certainly go down in the annals of the Labor Party as a disgrace.

They will not go unreported or unnoticed. I imagine that even the members of the sub-branches of the Government's Party will by now be feeling extraordinarily uncomfortable, because they can see what is happening to their Party. Nobody knows quicker, and we on this side of the House can vouch for it, what is happening in a Party than the so-called grass roots. They have an instinctive feel. They know when they can rejoice and take pride in the activities and attitudes of the people who represent them in Parliament. They also know when they instinctively shrink from something which normal people would not countenance.

How many people out in the electorate would countenance what is going on in this House this morning at 2.30 a.m.—absolutely shell shocked and war weary troops on that side of the House. They have not got the energy to speak or the courage to support the Minister on the front bench.

An honourable member: Take a look around you.

The Hon. JENNIFER ADAMSON: My colleagues, the men behind and beside me, will not in any way grow weary when it comes to keeping this debate going as long as it needs to be kept going to make sure that the member for Semaphore can take part in it. There will be no flinching or backing down. When Tuesday comes and Question Time is over maybe we will hear what one man can say that can determine whether the Constitution retains some integrity or whether the loophole discovered by the Hon. Frank Blevins is used not just as a loophole but as a funk hole to dive back into when he gets rejected by the people of Whyalla, as he most surely will.

The Hon. MICHAEL WILSON: This amendment and the one following it parallel half of the foreshadowed amendment of the member for Elizabeth. There is common ground in that regard.

The Hon. G.J. Crafter interjecting:

The Hon. MICHAEL WILSON: These two amendments run subsequent to each other and prevent a member of the Legislative Council from being nominated as a candidate for election as a member of the House of Assembly.

Members interjecting:

The Hon. MICHAEL WILSON: I can assure the Minister that the effect is the same. The Opposition and the member for Elizabeth agree that a member of the Legislative Council should not be able to nominate for the House of Assembly—if a member of another place wishes to move to the House of Assembly that member must resign. That reflects the joint approach of the honourable member and the Opposition. However, it has no effect on the case canvassed in this House over the past 36 hours. This will not prevent the Hon. Frank Blevins from standing for election in Whyalla and being reinstated as a member of another place a few days later if he loses, which seems to be likely.

Despite all the rhetoric that we have heard about the principles involved in political hopscotch and what is wrong in allowing such a situation, this amendment will not affect it at all: it is merely 12.5 per cent of the whole that is needed; it is 12.5 per of what we require. In opposing the previous clause the member for Elizabeth nailed his true colours to the mast. This results from the cooked up agreement between the member for Elizabeth and the Premier and the Deputy Premier and latterly the Attorney-General, the night before last, when the members for Elizabeth and Semaphore were closeted with the Premier and the Deputy Premier. This is the compromise. The amendment of the member for Elizabeth which follows is similar but has the reverse effect, which we will consider later.

That is in fact what has happened. This is the result—12.5 per cent of the whole. That is all that the member for Elizabeth can give us. I suggest that the member for Semaphore (and, unfortunately, we cannot hear his views tonight for the reasons that have already been given) was not agreeable to that cooked up agreement and that is why the Government has taken the action it has in delaying the debate on this Constitution Bill until late tonight instead of bringing it on at 3.15 this afternoon when by now it would have been all over and we could have been home had it not been for this ruthless action of the Government. So, that is really where we are at—a compromise agreement worked out behind closed doors as a face saver for the member for Elizabeth.

I suggest that it is really not a face saver and that he is not particularly happy about this within himself. I suggest to him also that he has missed a golden opportunity to show his independence of the Government with impunity because he would have had the support of the people of this State and, more importantly, the people of his electorate. I mention the reasons in some details while we are here tonight and why the Government has taken the action it has. Once again, in due deference to the member for Semaphore, I move:

That progress be reported.

The Committee divided on the motion:

Ayes (19)—Mrs Adamson, Messrs P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Wilson (teller), and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Allison and Rodda. Noes—Messrs Hopgood and Whitten.

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. G.J. CRAFTER: The amendments that the Leader of the Opposition has moved to create a new clause cover a void in the Constitution Act with respect to joint membership of both Houses of this Parliament. The member for Elizabeth has raised a similar concern and the Government is faced with two amendments, one currently before this Committee and one, I understand, that the member for Elizabeth intends to move and has foreshadowed. The Government has taken advice on the wording of these two amendments and believes that the foreshadowed amendment by the member for Elizabeth is the more comprehensive of the two. A reading of that will illustrate that to members. So, the philosophy advanced by the Leader of the Opposition is acceptable to the Government, but the wording is more appropriate in the foreshadowed amendment: for that reason, and that reason only, the Government opposes this amendment.

Mr OLSEN: The amendment standing in my name which is currently before the Committee seeks to preclude a member of the Legislative Council from standing as a candidate for the House of Assembly if he retains his position as a member of the Legislative Council. In other words, we are ensuring that any individual has to resign from the other place before nominating as a candidate for the House of Assembly. That is the position encompassed by this amendment.

The Hon. B.C. Eastick: You have to move out if you want to go to the Senate or the House of Representatives.

Mr OLSEN: Indeed; the former member for Elizabeth took that course of action, as it related to his transfer to another House of Parliament. The Minister says that, in effect, there is no difference between the two, although the wording of the Government's proposed amendment is more acceptable. However, all that the second amendment does is to reverse the principle to apply to a member of the House of Assembly as well as to a member of the Legislative Council.

The Hon. Michael Wilson: It therefore discriminates against a member of the House of Assembly.

Mr OLSEN: Indeed.

The Hon. G.J. Crafter interjecting:

Mr OLSEN: The amendments were prepared in conjunction with Electoral Act provisions. In fact, when the second batch of amendments was prepared they were matched with the Electoral Act, using cross-referencing and checking to ensure that no subsequent action would be required in relation to the Electoral Act following the processing of these changes to the Constitution Act. In fact, when the Electoral Bill comes before this House next week (and it is at that time that we should be debating this Bill) we could have considered changes to that Bill had there been a need for any changes to be made. Notwithstanding, the Opposition's amendments to this Bill do not need any further amendment and they dove tail into the Electoral Act.

The amendments are clear and specific. With the Government and the Independent member for Elizabeth supporting the principle behind our amendments, I see no reason why the Government cannot accept the amendment presently before the Committee. That provision could be applied in the Bill, and the passage of the Bill could proceed, although I remind the House of the Opposition's objection to the fact that during the consideration of this legislation a member of the House has been denied the right to participate in the debate. A 20-all vote on the last measure would have been interesting. In all probability that would have happened if the member for Semaphore had been here. The Government recognised that, and that is why the matter proceeded in the absence of the member for Semaphore, in all due haste. My amendment is specific, readily understood and it achieves its objective.

Mr BECKER: Does the Minister support the principle that, should the member who resigns from the Legislative Council to contest a House of Assembly seat fail to win that House of Assembly seat, that member can then renominate for the vacancy caused through that member's resignation from the Legislative Council?

The Hon. G.J. CRAFTER: As I understand it, the principle in both sets of amendments is that there must be a resignation and that a member cannot have dual membership of both Houses. It appears that the Constitution Act is silent on this matter and this provision clarifies it once and for all. I think, as the Leader has said, that this brings our legislation into line with that applying in other jurisdictions. That is a proper course of events—a resignation, an election takes place and then subsequent nominations are received for any vacancy that occurs arise not with the person remaining a member of another House.

The Hon. B.C. EASTICK: The Minister indicated a course of action that the Government seeks to take. The Government is not averse to the final course of action that will be taken, but still does not believe that it is adequate. It allows for discrimination. I will not canvass all aspects of the amendment to be moved by the member for Elizabeth, which is not before members of the Committee, although the Minister has given us to understand that the end result is pretty much the same. The point made earlier was without the course of action contemplated, or without following the course of action that will flow from the member for Elizabeth moving his amendment: there will be a distinct discrimination between the people from this place and those from the Upper House.

A person from the Upper House will have an opportunity to resign, seek a place in the House of Assembly and, if defeated, he or she, as one of the people who resigned from the group that still had three years to run, will have an opportunity to be considered by a joint meeting of the two Houses, to go back into the position that they vacated. If the reverse is the case and a person from the Lower House decides that they would like to enter the Upper House for a six year term they would go to an election and, if unsuccessful, because their House of Assembly position had been filled at the general election, they would have nowhere to go. They would be denied a second chance, yet the Government is prepared, forgetting all the cynicism, personalities and individuals involved at the present moment, to provide a discriminatory benefit to a group of people (to wit, persons resigning from the Upper House) if they happen to be one of a group that had four years to run, if we assume that other aspects of the Bill before us will proceed.

Therefore, there are two sets of rules; one applying to persons from the Upper House unfortunate enough not to be able to make it in the Lower House as a candidate for that House, and an entirely different set of rules for a person from the Lower House who sought to enter the Upper House, was unsuccessful and was cast aside without any opportunity of taking a place in the Parliament short of there being a by-election in the next four year period. The Opposition does not believe that there should be fish of one and fowl of the other. If it refuses the course of action that is outlined here, the Government is perpetrating that discrimination.

The Minister said on an earlier occasion, in discussion which I think he would accept was not private but was part and parcel of the dialogue that occurs in this place, that the course of action which had initially been suggested by the Opposition was not acceptable to the Government, because it would upset the balance, the convention, or more particularly it would upset the election of three years previous. When that was pointed out and when it was quite clear that there was an alternative way of achieving an equality for both groups of people to meet the requirements of the member for Semaphore and, to a degree we believe the member for Elizabeth, the Opposition then said, 'Right, let us withdraw from that position.

Let us accept what is an acceptable compromise and there will be no benefit to one individual over another,' depending upon whether they were going down or up. I use that in the sense of the two offices. I strenuously seek the Minister's consideration of this point, not in an attempt at politicking or in an attempt to deny the member for Elizabeth the right to move an amendment, but seeking to point out to the Minister, and through him to the Government, that one method is totally fair and, if the Government says it wants to be totally fair, then we will support it.

The other measure which the member for Elizabeth is suggesting will give that favoured position to one group and not the other. With your indulgence, Mr Acting Chairman, I am quite happy to briefly restate some aspects of this issue while the matter is canvassed in another forum. Very clearly, the Government and the Opposition are not far apart at this particular moment. The Opposition accepted the counsel from the Government in the early hours of yesterday morning that a course of action which was contemplated by the Opposition could possibly have been construed as upsetting a balance which had been set in the prior election, that is, three or four years previous. The method of replacement of that person who had resigned would clearly, on the basis of the proposition put by the Opposition, have caused an upset. There would have been an election involving an entirely different franchise: a twelfth person would have been elected in what was initially to have been an 11-person election.

It is conceivable that the 12 people could have run on to 13, 14 or 15 people. I will not develop that further. The same set of circumstances which allowed one person to leave the Upper House to seek a nomination in the Lower House could equally have applied to others. It might well have been that one lot was from the Opposition benches and one lot was from the Government benches and, therefore, instead of seeking to re-elect a person to take that twelfth, thirteenth, fourteenth or fifteenth position, we are in a position where we are completely disturbing what the Minister rightly says was a determination, or the will of the people (which is the term that has been used), three to four years previous.

We acknowledge that. Therefore we sought, in line with discussion with and the contribution of the member for Semaphore, in particular, supported by members on this side of the House (both our colleague from Flinders and Liberal members) and we believe—and I do not want this to be misconstrued at all—supported by the attitude expressed quite cogently by the member for Elizabeth in concert with the member for Semaphore, a course of action which could be seen as totally responsible and quite beneficial to a properly democratic election process.

With all due respect, the proposition put forward by the member for Elizabeth has not produced that result. If we want to be four square, both sides of the House, on a democratic, balanced, fair election, then we will not make fish of one and fowl of the other. We will accept the course of action outlined by the Leader of the Opposition. Could I say to the Minister before he takes an action which has been suggested to him (and I am quite sure I would be speaking for the Leader and other members on this side) that if he wants to test the validity of what I am saying—because I believe there is a genuine doubt in his mind and in the minds of his colleagues now—let him report progress, come back and in less than five minutes on Tuesday afternoon have this matter decided.

I will walk out of the House to allow the member for Semaphore to cast his vote in my absence if the Government fears that the member for Semaphore might come our way rather than going its way, because I am quite convinced that what is being proposed to the Government is as I have just outlined. There is no skin off the Government's nose; there is no political advantage in members on this side saying, 'Let's make quite sure you test the validity of that argument so that we are quite sure when the final amendment is introduced into the package that it will achieve the results which the Government and the Opposition have identified that they want.'

I am a person who keeps his word. I have been in this place for 15 years. I said that I would not vote on Tuesday afternoon if it was a matter of balancing the situation with the member for Semaphore, so that he could exercise his vote—or even without the member for Semaphore. I am quite sure that when the validity of the argument is considered by the Government it will want to test out and accept the course of action I have just suggested.

The Hon. G.J. CRAFTER: The member for Light's argument is not entirely clear to me at all. It followed on from a discussion that we had here privately some time ago. I invite honourable members to look, if that is not contrary to Standing Orders, at the second part of the clause to which the member for Elizabeth has foreshadowed an amendment that he wishes to move in this debate. If that was not passed, the Constitution would allow, I suggest, a person to hold office in both Houses of the Parliament. It is clearly undesirable that that should occur. The Bill now before us entrenches into the Constitution what has formerly been a convention of the election of members by a joint assembly. This amendment now means that prior to a person from this House offering himself or herself for a casual vacancy in the Upper House, that person must resign.

Mr Olsen: He must resign before he offers himself for nomination.

The Hon. G.J. CRAFTER: Before he offers himself for nomination for election at that assembly of both Houses. That would appear to me to be an entirely proper—

Mr Olsen: A candidature in the area in which he seeks election. He has to resign before he nominates. That is the effect of the amendment. Unless he resigns, he is still a member of the House. If he is still a member of the House, he is not entitled to nominate.

The Hon. G.J. CRAFTER: It seems that that is an entirely proper course of action which should be taken.

The Hon. Jennifer Adamson: That is the whole point of our argument.

The Hon. G.J. CRAFTER: That is embraced in the foreshadowed amendment that we have before us. That then overcomes that problem on which the Constitution is silent.

Mr MEIER: It was interesting to hear the Minister's comment in relation to the amendment that the Opposition put forward against the member for Elizabeth's amendment. I do not see that the member for Elizabeth's amendment will be sufficiently all embracing. The amendment with which we are dealing at present construes section 29 in a different form. That section currently provides:

> Any person qualified and entitled to be registered as an elector in and for any electoral district shall be qualified and entitled to

be elected a member of the House of Assembly for any electoral district.

The amendment will change that so that it will read:

Subject to section 29 *(a)*, any person qualified and entitled to be registered . . .

The rest will read as I have spelt it out. We will bring in section 29 *(a)* so it will therefore read:

Subject to the fact that a member of the Legislative Council is not entitled to be elected or to be nominated as a candidate for election to the House of Assembly . . .

It goes on with the normal criteria. Opposition members have stated clearly that we are very disappointed that the earlier amendment was not passed. I will not go over those points, but members should consider what the situation could be if we had not changed this in this way. It is almost a certainty that a Minister in the other place, the Hon. Mr Blevins, will stand as the candidate for Whyalla.

True, one example does not make a great issue, but the situation warrants further examination. In theory, all Labor Party members in another place could be used with positive results as candidates in House of Assembly electorates because they would be well recognised by the public. Independent Labor members could be elected in Briggs and Price, and what is to stop the Labor Party from standing the Attorney-General (Hon. C.J. Sumner) in Briggs and telling him not to worry because if he is not successful he can go back to another place?

The Attorney-General would have a high recognition rating and is guaranteed a place in Parliament. The Labor Party could save its own skin. Similarly, in Price, to save any embarrassment from the election of an Independent Labor candidate, the Labor Party could stand the Minister of Health (Hon. J.R. Cornwall)—

Members interjecting:

Mr MEIER: It is logical. The Labor Party could in the present situation use its top people in another place in House of Assembly districts about which it is worried.

Members interjecting:

Mr MEIER: I would be happy if the Minister of Health or any Labor members in another place stood in Goyder because even with their high profile I would like to take them on. I am disappointed that they would all be guaranteed a seat in Parliament whether they won or lost. We could eventually get to a stage of having 10 Legislative Councillors as candidates in the more marginal seats. In Whyalla the Government can use a high profile candidate who might be successful and whose place in the Legislative Council would have to be filled by a casual vacancy.

Mr Becker: Ten green bottles hanging on the wall—

Mr MEIER: Yes. If one should fall there is always one more to take its place. The member for Hanson has thought that out well. People reading *Hansard* in future weeks, months or years will recognise how ridiculous a position we have reached in this State when at 3.14 a.m. such an important piece of legislation is being abused by the Government with its steamrolling tactics. An earlier conversation with a Government member resulted in his saying that when Opposition members have finished talking Government members will start talking. I hope that member is correct, as no comments have been coming from the Government side recently. This is because Government members are willing to just sit, that is, with the exception of the Minister, who has spoken twice, and the member for Hartley, about whom I will not comment further, although I am surprised that he is not speaking on the amendment. The member for Hartley having the legal brain that he supposedly has, I hope will vote on our side when the time comes.

The ACTING CHAIRMAN: I hope the member will link up his remarks with the qualification of members of the House of Assembly. That is the subject of the amendment before the Committee at this stage. I ask that the honourable member come back to that subject.

Mr MEIER: I acknowledge that I possibly strayed slightly, but the member for Hartley has commented on other amendments and I thought that he would comment on this one. The situation currently applies where the whole 10 members of the Upper House could be used as candidates in those marginal seats. It would be an atrocious situation. It could well happen that, if they felt that a high profile female was needed, the Hon. Anne Levy or Hon. Barbara Wiese might be the next person they put in.

Mr Mathwin: She stood against me once in Glenelg.

Mr MEIER: Yes, as the member for Glenelg points out she has had experience at the House of Assembly level and it could well apply again. It is objectionable to say that it is a once only and will only apply to Whyalla. I cannot see why, when the Government is becoming desperate, it would not use the loophole in section 29 which allows the Government a possible escape route. It has to win for the particular candidate—in this case the Hon. Frank Blevins—because he cannot lose. If he loses Whyalla (which is highly likely) he still in the Upper House.

It makes a mockery of our Westminster system. As has been so aptly pointed out by the member for Light in this debate, we, as the members of the House of Assembly, do not have that right. We cannot say that we have a marginal seat that we might lose but that we will be in the Legislative Council as well. If one was No. 4 on the ticket one would be in, so it does not matter which one comes home. If it swings against us in the House of Assembly we would still be in in the Legislative Council. We do not have that right and should not have it. Likewise, the amendment to section 29 of the principal Act is going to make quite explicit that Legislative Councillors cannot abuse the system.

Mr Becker: What about superannuation?

Mr MEIER: I do not think that superannuation benefits apply to this amendment, although I suggest it would have to be looked at as with the case of the member for Elizabeth. We could look at all those seats. Probably there are about five marginal seats that the Labor Party would be looking at and would be very worried about including Bright, Newland, Unley, Henley Beach, Price, and Florey.

The Hon. Jennifer Adamson interjecting:

Mr MEIER: Yes, the Attorney-General could stand for Florey because the Labor Party would be worried about the seat. It would have a high profile candidate against a person such as Martin Luther. He would have a beard, so probably the average person would not know the difference, except for the colour of his hair.

It is serious that the Attorney-General could be used in that way. I am trying to think where the Minister of Health could best be situated. He would not want a hospital in one of his electorates, but there must be some electorates that would not have major hospitals and where he could be used in that respect.

Mr Becker interjecting:

Mr MEIER: I do not think that it would be fair to use Norwood. I have made the point clearly enough that we are seeing only one case here, but that it would not be hard to extend it to 10, whether it be the Hons Mr Sumner, Mr Cornwall, Mr Feleppa, Mr Bruce, Ms Levy, Ms Wiese, or any of the other Labor Party members: they could all be used in those marginal seats and yet be completely safe.

Mr Becker interjecting:

Mr MEIER: I forgot Mr Chatterton.

The ACTING CHAIRMAN: I request that the member use the appropriate term to refer to people in another place.

Mr MEIER: The Hon. Mr Chatterton, as the member for Hanson pointed out, would probably not want to contest a marginal seat because it may not be to the advantage of

the Labor Party. With that exception, many other people could be used to its advantage. I hope that the Minister in his discussions with his advisers—possibly with the Attorney-General and any others—is coming to the realisation that this is an important area and that we need this to be discussed at a time when we are fresh and not at 3.22 a.m.

Mr MATHWIN: It is shocking that we are here debating this issue at nearly 3.30 a.m. after about 13 hours of debate. Now, we are bogged down on this argument in relation to the fors and againsts of two amendments. The whole situation, as I see it now and as the Minister has attempted to explain, is a desperate attempt to save face for the member for Elizabeth. They are giving him some sort of pay off, to say, 'At last you have something to do here; you can tell your people that you have done some work on this Bill and we have accepted your amendments.'

That is the basis of the whole situation. The argument has been put forward very ably by the member for Light as to what could go on in relation to the two amendments. It is obvious that the Minister has been thinking about this very deeply because he has been in conference—as he might be: there is nothing wrong with that—with the Parliamentary Counsel. No doubt, he has seen the light: the amendment put forward by the Leader is most acceptable and ought to be accepted by him, but he is in a cleft stick now, having promised the member for Elizabeth some sort of pay off and told him, 'We will let you save face if you can with your constituents.'

He has already sold out his constituents and his supporters in Elizabeth and therefore he is grasping at some sort of straw by which the Government can help him out of this predicament. The other angle about it is that the member for Elizabeth has lost sight of his running mate, the member for Semaphore, who, unfortunately, as we know, was called away to go interstate on Parliamentary business or otherwise at about 4 o'clock yesterday afternoon.

We all know that a situation was engineered to consider this Bill when the honourable member, who it was reported would support the Opposition, was away interstate. Therefore, his vote, in representing his electorate of Semaphore, would not be counted at all. All the electors of Semaphore have therefore been excluded from this important debate that we have been plowing through in this place, hour after hour.

No doubt history will refer to this Bill as the Electorate of Whyalla Bill, or perhaps to give it a more personalised heading it could be called the Hon. Frank Blevins Bill. This whole business is based around the Hon. Mr Blevins in another place. He is a Minister, he is well known in the community, and, as far as I have been able to glean, over the time he has been a Minister he has made a reasonable fist of the job. The Hon. Mr Blevins will now be given the opportunity to save the Government in its desperate attempt to get out of its predicament regarding the seat of Whyalla. There is no doubt that the Labor Party is in a bit of trouble up there and is grasping at any straw to redeem the situation.

Some bright spark, some king pin, probably woke up at about midnight one night with a solution to the problem, thinking that perhaps the Party could get a well known sitting member, whose term had not yet expired and who had three years still to serve, to nominate for the seat of Whyalla. In those circumstances that person could be easily talked into it, as there would be no risk involved, because whatever happened, win, lose or draw, the individual would be able to return to his or her original position in the Upper House. Whether names were put in a hat, we on this side of the House will never know, although no doubt Caucus knows about it.

It was tried but it did not work correctly, and we fixed that. I can well admire the Hon. Frank Blevins for taking this on. It was decided that the Minister of Agriculture would be the member to take on this mighty task of saving the seat of Whyalla for the Labor Party—which is what this is all about.

It is unfortunate and unfair that a person can, according to the law, if this Bill is passed, quite legally be a potential member for two seats, because he gets a double chance. Without resigning his position and saying, 'This is the end. I must win this seat, otherwise I am out,' that person knows damn well that if he misses out on a seat in this place he can sit back and say he did his best and retire to the hallowed halls of the Legislative Council. I think that that is quite wrong, unreasonable and most unfair to every other member of this Parliament. It is also unfair to the public of South Australia.

It would be wise of the Government to accept this amendment because, as stated by the Leader and emphasised by the member for Light, there is a distinct advantage to the Government in accepting it. The Minister has said that he will accept an amendment that will follow in relation to this clause which has been placed on file by the member for Elizabeth, who is struggling to convince the people he is a fair, reasonable and honest politician. This is the right amendment and the one that will suffice to solve the problem before us. That should be enough for the Government, which should cast aside its attempt to save face for the member for Elizabeth, who has let his supporters and constituents down badly. He has been put to the test over the past 12 to 15 hours and has failed miserably. If he is a man of any calibre he should be ashamed of himself. The Government should have second thoughts about this matter, consider it in light of what is right, and support the amendment moved by the Leader.

Mr OLSEN: In his contribution a short time ago the member for Light suggested to the Government that this matter should be held over until Tuesday next. If the Government is concerned about the return of the member for Semaphore because that will change the numbers in this debate that the Government wanted to preclude, then the member for Light was prepared to absent himself from the debate to ensure that that did not take place. We have offered the Government the opportunity for this debate to take place next week. The numbers here tonight will be preserved for the debate next week and the advantage that the Government has been able to manipulate today will be maintained for next week. Some confusion concerning amendments has been cleared up in discussions that have taken place. Quite clearly it would be fruitful, in dealing with legislation of this nature, to ensure that the position is clear. I do not believe that some people participating in this debate are clear about the implications of some of the amendments before the Committee.

I think that has been endorsed by the discussions that have taken place with the advisers. The Liberal Party firmly stands by the opposition that is on the Notice Paper in its name. I believe in the circumstances as they relate to time, as they relate to the commitment we have given to the Government in relation to this matter, there is no reason why the matter should not be deferred, as we have consistently asked for it to be deferred, until next Tuesday. To that end, with the commitments I have given on the record to the Government, I move:

That progress be reported.

The Committee divided on the motion:

Ayes (19)—Mrs Adamson, Messrs P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Gunn and Rodda. Noes—Messrs Hopgood and Whitten.

Majority of 1 for the Noes.

Motion thus negatived.

Mr OLSEN: The amendment that is on file by the Opposition is to preclude a member of the Legislative Council from nominating as a candidate for a Lower House seat. It would in fact force that person to resign prior to nomination for the House of Assembly seat. The Government has said it supports the philosophy underlying that amendment: a member in transferring should, as a matter of principle, resign. That was the point put forward by the member for Semaphore and the member for Elizabeth some many hours ago. That being the case, if the Government, the member for Elizabeth and the member for Semaphore support that principle, why has not the amendment before the Committee been supported and the matter despatched? That is a simple direction for us to take, because our objection has been to the provision whereby a member of the Legislative Council could maintain his position in the Legislative Council, run for an electorate in the House of Assembly, not be successful and the position is held—*status quo* prevails. He still has his seat back in the Legislative Council. This amendment prevents that.

This amendment in fact puts that person on his mettle to stand up and be counted. If they are wanting to transfer, they should be prepared to put their money where their mouth is, so to speak, and put their decision on the line. That is the objective.

Initially when we started this debate, the Government did not support that fundamental principle. The Government opposed that concept. That was one of the objectives we wanted to achieve with these amendments. The Government at that time—that is, 24 hours ago or whatever it was: 36 hours ago—rejected that contention. The Government is now saying it believes in that underlying principle. The amendment picks up the principle. Therefore, if the amendment is supported, we can get on with the business and get this matter out of the way. I cannot for the life of me see why the Government is not supporting the amendment put forward by the Opposition.

It has only been in the last hour in this House that the Minister has been prepared to acknowledge the Government is willing to accept that point. Previously the Minister denied and the Government has rejected that contention. It has only been the Opposition and the Independents who have expressed a point of view which wanted to embody this principle in the legislation.

In the Minister's earlier explanation, there seemed to be some confusion on his part, particularly as he explained the Government's position and his understanding of the amendment before the House and the proposed amendments to be moved by the member for Elizabeth which take the matter further. It brings into account another House, a different franchise and a different set of rules. For that reason, we do not believe that the proposal of the member for Elizabeth is appropriate. Our proposal is appropriate and ought to be supported.

The Hon. JENNIFER ADAMSON: The arguments in favour of the Leader's amendment have been put with great clarity by both the member for Light and the Leader. The longer one sits here and observes the Government's stone walling tactics and inability to come to grips with simple logic and justice, the more one wonders at the chaos that is developing among members opposite. One cannot put it more plainly than by saying that it is not only wrong for someone to have the opportunity to retain a seat in Parliament, irrespective of the fact that they ran as a candidate for one House and lost, but equally it is wrong that members of one House should have a facility open to them to do such a thing while members of the other place do not have that opportunity.

It is a signal of the Government's intellectual, political and moral bankruptcy that it even entertained this idea in the first place. The foreshadowed amendment of the member for Elizabeth is so obviously inequitable in regard to opportunities offered to members of both Houses that in normal circumstances—and we are far from being in normal circumstances—I can vividly imagine the reaction of members opposite. Had such a preposterous suggestion been put before them in less than the present climate of political panic in which they are submerged there would have been moral outrage.

I can vividly imagine the members opposite who would suggest that such a notion was absolutely out of court and should never be entertained. The situation on the Government benches appears to have degenerated to the stage where, if my ears are serving me properly, I can hear low moaning. It is possible that someone over there is in great pain.

Mr Trainer: It is the soporific effect.

The Hon. JENNIFER ADAMSON: If that is the case, it is absolutely extraordinary how the member for Ascot Park appears to have woken up. If I am having a soporific effect, it is clear that he has remarkable physical facilities that enable him to overcome the effect that is causing such distress to his other colleagues. I thought I heard the low moan of someone in distress. I venture to say that on the other side there are two score and more members who are in acute distress. Very shortly they will be down on their knees pleading for mercy saying to the Premier, 'Please, please, let us go home. They are never going to give in.' And we are not.

An honourable member: Keep it going Jenny.

The Hon. JENNIFER ADAMSON: I thank the honourable member for the invitation. I will. In fact, it would be instructive if we went back a little way in history and looked at the framework around which this present travesty has developed. I was drawing a sort of family tree of the Labor Party—

An honourable member: You're beating around the bush.

The Hon. JENNIFER ADAMSON: Let us beat around the bush and see what flies out of it. The first thing that flies out of it is the fact that Mr Elkins was rejected in Whyalla by his own Party, which recognised him as the monstrous liability that he is. That event was preceded by the rejection of Mr Rowe in Elizabeth. That event was preceded by Mr Duncan in Elizabeth utterly rejecting the idea of having any further contact with Premier Bannon. This is developing into a pretty thick plot, and it can be seen that every move is preceded by a counter move which causes extreme distress in the Labor Party. Mr Duncan's rejection of his leader, which led to the Elizabeth by-election (which in a chronological sense has led to the extraordinary events of this morning), was preceded even earlier by Mr Apap's rejection in Semaphore when the present member for Semaphore, Mr Peterson, was elected. That was preceded by Premier Corcoran's desperation in calling an election in a panic situation because he feared total annihilation if he remained in office to point where the electorate at large became aware of the economic incompetence of his Government and his predecessor's Government.

We have a stream of events all of which are directly related to each other and all of which have led to elections

in which the Labor Party has been rejected by the people in favour of an Independent candidate. That is about to be repeated in the seat of Whyalla in a matter of weeks or months depending on when the Premier decides to go to the polls. As I said earlier, when one starts on a slippery slope of trying to fix things instead of allowing people to decide in a free and democratic fashion, one ends up at the bottom in a dirty position covered with a lot of unpleasant material. That is what is happening to the labor Party right now.

Mr Trainer: You're lucky to survive the decision in Coles.

The Hon. JENNIFER ADAMSON: I have a very secure position in my district. The beauty of my position in Coles is that I have faced the people as the freely endorsed candidate for my Party on three occasions and I have enjoyed their confidence. As a matter of fact, on the first occasion it was a straight out contest with the present Minister of Community Welfare, who was a worthy opponent if ever there was one. Looking back on it, I think we both enjoyed that battle. On that occasion I formed an opinion of the Minister, which I have had to revise somewhat tonight, namely, that the Minister is a very fair and principled man who would not do the dirty on anyone least of all the peole of South Australia. However, he is placed in an invidious position by his colleagues tonight. The Minister of Community Welfare is carrying the bag for the people in the ALP who cook up the dirty tricks in an attempt to remain in office. That is not a very pleasant position to be in.

Leaving aside the District of Coles, the battle of 1977, the other battle of 1979 (which was not a battle but more of a rout) and the other worthy opponent whom I faced in 1982, I can only say that at this stage the ALP has not dared to venture to endorse a candidate in the new seat of Coles.

Mr Trainer: What about 1982?

The Hon. JENNIFER ADAMSON: I have dealt with 1982, when I faced a worthy opponent who, incidentally, was rejected by the ALP for the new seat of Todd. I would have thought that my opponent in 1982 would have had a considerably better chance than the present member for Newland, who has chosen to become the Labor candidate for Todd. However, I now refer back to the Constitution of South Australia.

This Parliament is comprised not just of Opposition members but it includes the member for Elizabeth, and it can prevent that manipulation occurring. The member for Light indicated that the Government had acknowledged for the first time after being in a state of much confusion that it accepts the principles embodied in the amendment, but it prefers to link them with the amendment of the member for Elizabeth. That is inequitable because it does not close off the loophole enabling a member resigning from another place to return to it, and it imposes on members of this House a completely inequitable and unfair disadvantage compared with the advantage to be enjoyed currently by a member in another place through that loophole.

In framing the plot to have the Hon. Mr Frank Blevins stand in Whyalla, in framing this legislation and in doing a deal with the member for Elizabeth, the Government has failed to take into account that there are two Houses of Parliament with two different methods of election. Once a member of the House of Assembly resigns to contest an election in another place and a general election is held, there is no going back. That should apply rather than going back through the loophole proposed for the use of the Hon. Mr Blevins.

The history of this event demonstrates that every time the ALP tries to fix the system to outwit the people and to deprive its own supporters of a say it falls on its face. That will happen again. It is now 4 a.m. and many members are on their backs, but they will be politically on their faces because there is no way that they can succeed in this case. The people of South Australia are not that silly. Ministers dash in and out of the House and are consulting with officers, which indicates that they know they are in a mess from which it will be hard to extricate themselves. The Government knows that it cannot manipulate the system and get away with it. It cannot fool all those people who will read their morning and evening newspapers and who will learn that the Labor Party will stop at literally nothing in its nefarious intentions to do that. I move:

That progress be reported.

The Committee divided on the motion:

Ayes (19)—Mrs Adamson (teller), Messrs P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Allison and Rodda. Noes—Messrs Hopgood and Whitten.

Majority of 1 for the Noes.

Motion thus negatived.

Mr INGERSON: At 4.5 in the morning it is about time that we introduced some new material into the debate. The temperature is probably only 1, 2 or 3 degrees. I thought that it was probably time that we introduced some new material into the debate and talked about some casual vacancies. I know that one football club has several casual vacancies at the moment: it might have a constitutional crisis as well, but its constitutional crisis could be solved, whereas this one, obviously, because of the difficulty—

An honourable member: Intransigence.

Mr INGERSON: —and the intransigence of this Government will be a little more difficult to solve. It is a tragedy that we have a situation where a member who has been elected to a seat of this House is deliberately unable to vote in this debate. While I am not normally very cynical, being new to this place it seems to me today that the general format of running things is to continue with the debate that was on the previous day and that that goes to the head of the debating schedule for the next day. It is interesting that on this day, when the member for Semaphore had to leave the State at 4 p.m.—

An honourable member: It was yesterday.

Mr INGERSON: It was at least 12 hours ago in any case—we had this cynical exercise of this Government's deciding that matters that were not as important would be placed above the major debate that had been in this House for a long time—the constitutional Bill. That sort of exercise ought to be clearly spelt out to the public of South Australia. I am sure that, not only in discussions in the next three or four weeks, all the members on this side of the House will be adequately able to spread the word around the State. I am sure that when a few of the wives hear about the goings on here tonight they might also help us spread the nonsense that has been carried on by this Government in placing at jeopardy the normal workings of a House of Parliament.

When one comes into this place one expects to see some sort of integrity and common sense, but when one sees the ratbag handling of the business of the House that has been brought about today and on previous occasions by this Government one needs to bring it to task and at least question it. I do not think that any company—small or large—in this country would expect intelligent managers and directors to sit around at 4 a.m. just because a Govern-

ment cannot get its act in order and cannot recognise that a member has been deliberately—and I say it categorically—prevented from putting his point of view in this debate because it just so happens to be opposite to that of the Government. That is a travesty of justice, which shows how morally bankrupt this Government is.

I noted that last night in the general closing stages of this debate there was a need to have an urgent behind the doors meeting in which the two Independents in this House were rapidly rushed out to be heavied. I would not say bruised, pushed around, cajoled, shoved, told or bribed, or anything of that sort, but it is interesting that an hour or so after the process they came back with a couple of amendments that the Government thought were handy and could be agreed to. The ALP process is interesting: 'If we cannot reasonably debate it, we will fix it behind closed doors; then we will come out in public, put up the sham and tell everybody that it is a really good democratic process. We have a few people behind the doors to convince them that the process ought to work.'

The Opposition is concerned with the inequality and discrimination that is being supported by the Government. The Opposition believes that an Upper House member who chooses to stand for a House of Assembly seat must resign. I think that that has now been accepted as a matter of principle by the Government. If a House of Assembly member resigns, contests a seat and loses, then that member is out, which is how it ought to be. The system should be that if one runs in a competition one does not have a second chance. However, in this situation as it stands, whether one runs second, third, fourth or tenth, one still runs first. Having lost, one can still be assured of a result. Under these circumstances one can go to the people, get a clout around the ears and be told that one is not good enough and that one has run out of a place, yet still come first. At least each-way betting on horses is fair: one gets a return only if a horse comes first, second or third. However, in this case one can come fourth, fifth or even last and still come first.

If the Government is fair dinkum, it should reconsider this matter. At the moment it is trying to sell a sham to the people of South Australia, although of course it will not admit it publicly. The Opposition is debating this matter at great length because it believes that everything ought to be run fairly. One can consider the one vote one value situation of the ALP: it is fair if there is one vote one value, but what about when there is a situation of 8 000 votes for one card? That is perhaps not as fair as the one to one situation so often espoused by the ALP.

The turn around by the Government in the past hour or so in recognising that some sort of change is needed is interesting, but it is only a turn around of convenience. The Government is not really prepared to support the Opposition or to put its money where its mouth is. The whole thing is a mess and it has arisen because of an attempt to fiddle or fix the system. It is unfortunate that we still have a Government that wants to continually fiddle with the system.

A major concern is that the member for Semaphore, democratically elected to represent his electorate, has been deliberately denied a vote on this matter. It is a pity that the Minister handling this Bill is not prepared to put off until Tuesday afternoon after Question Time the vote on the final stage of this Bill at which time the member for Semaphore will be back in the House. At that time he would be able to indicate on the public record once and for all his stand on this issue.

One thing he did last night was say very clearly that if a reasonable alternative was put forward (because he disagreed with what was going on) he would be prepared to support it. Unfortunately, matters have gone no further than that, because he has been deliberately prevented from voting on this matter. It is a pity that the Minister is not prepared to put this matter off until after Question Time on Tuesday. He is not prepared to do that, so we will have to continue. One of the situations that has developed during this whole exercise started with the election in Semaphore of Mr Peterson as the member after the ALP preselected a man the public in that electorate were not happy with, Mr Apap, who was the endorsed ALP candidate. The Independent Labor candidate, Mr Peterson, decided to have a go, and that was the beginning of the situation that exists today.

A similar situation occurred in Elizabeth when Mr Evans, after being cruelly treated, knocked back and subjected to broken promises, decided to stand as an Independent Labor member and was able, with the aid of the Liberal Party, to win the seat of Elizabeth thus becoming a member of this House. It is interesting that both Independent members have recognised a need to change the sort of fixing and tomfoolery it is suggested could be carried out by this Government. It is unfortunate that this situation brings into question the whole credibility of the Parliament and individual members.

When a Government is prepared to say that it will bend the rules and play the game in a way that results in its winning at all costs that must cast doubts on its credibility and the credibility of the people making up that Government. It is most unfortunate that this Government has turned out to be morally bankrupt. We have a situation here where a person can run second, tenth or last. At least on the sporting field, or when one goes to the races, one gets a fair go. When one backs a horse each way, if it runs second or third one collects.

The ACTING CHAIRMAN: Order! The honourable member's time has expired. The honourable member for Glenelg.

Mr MATHWIN: I am waiting for the Minister to reply. A few hours ago he made one reply to the amendment and that is all. Since then a fair amount of argument has been placed before him, and he has gone in and out of the Chamber like a rabbit. He has been in conference with the Parliamentary Counsel on a number of occasions. He has also been in conference with the Leader of the Opposition and the member for Light. From what I could see it seemed a serious conference.

The Hon. G.J. Crafter: It was before I spoke. Put it into context. That was before I addressed the Committee, was it not?

Mr MATHWIN: No, the Minister addressed himself to the amendment and then, after that, the member for Light produced his argument. He gave some relevant evidence and information. Then, when the member for Light was in his seat, because of the seriousness of the matter, he offered to give the Government time to consider the amendment. He offered to stay out of the Chamber at the next debate, if the Minister required further time to consider what had been placed before him by the Opposition and Parliamentary Counsel, who were rapidly trying to draft something up. That opportunity was given with no chance at all of any reneging.

The member for Light said he would stay out of the Chamber so that the voting strength as it is now would remain the same. That is how confident he was that the amendment put forward by the Opposition was a worthwhile amendment and one that would work. The Minister has not answered that. He has had conferences with Parliamentary Counsel and members on this side, but he has replied only once since those conferences. I find it hard to accept the one explanation put forward in this matter by the Minister. As I said a little earlier, I am confident that the Leader's amendment is the right way to tackle the problem, and that it is the correct amendment to accept. I am not so

confident about what the Minister said initially, which was a long time ago now; maybe he was grasping at anything. Indeed, it was a promise he made to the so-called Independent member for Elizabeth. Until now, I believe that the member for Elizabeth was an Independent member, but he has certainly proved last night and today that he is no longer an Independent member.

Therefore, I suppose since he has now bowed to his masters, he has now given in to the masters who wielded the stick on him, he deserves some repayment. He deserves some reward, and what reward can he get in this Bill other than for the Government to say: all right, we will help you draft an amendment and we will accept your amendment, good or bad, for better or for worse in relation to the two amendments in this particular clause. As I said earlier, to me it is a sop for him to try and save face, if that is indeed possible, and I doubt it.

His people at Elizabeth, the people who gave him confidence, who supported him at the last election as an Independent, will now realise he is no longer an Independent. He is now merely a tool of the Government, can be manipulated by the Government and can be assisted by the Government to put some sort of amendment through as a face-saving proposition. I would seriously ask (and I do not want to go over all this palava again about this situation) what has happened—what it is all about. We all know; we have had it time and time again. We know it is to save the seat of Whyalla, to save the Government from having another so-called Independent in this place. The two Independents we have now, the two Labor Independents, always support the Government, and no doubt whoever they get at Whyalla will support the Government, whether they be Independent or some person elevated from the other House into this place. For instance, the Hon. Frank Blevins could do with the elevation from the Upper House, the inner sanctum up the passage, into the House of Assembly, the Lower House, the House of the common people, the elected House.

The man, of course, is a quiet talker. He came here from the United Kingdom, and I understand he was not a legal migrant when he arrived here, most probably like the Minister for Housing and Construction and me.

The Hon. D.C. Wotton: He has a very nice grandmother, anyway. She is in a good electorate.

Mr MATHWIN: It is interesting to know that he has a grandmother. That is some sort of relief. I could say something naughty, but I will not. In relation to the Minister who is in charge of the Bill, I would ask him to rethink the situation and maybe give us a further explanation as to whether he has changed his mind following the arguments put up by the member for Light and the Leader as to the better amendment. Indeed, with the consultation he has had with his legal advisers, the Parliamentary Counsel, there appears to me to be some hope that the reality of the situation has now dawned upon the Minister, and he will realise and accept that the Leader's amendment is the better amendment.

I do not think for one minute that the Minister will lose face if he does this about turn. To be completely reasonable I do not believe that the Independent member for Elizabeth would hold it against the Minister anyway if he was to accept the Opposition amendment. Would the Minister like to bring us up to date with his latest thinking on this amendment? I have a feeling that the Minister might accept the amendment, and in so doing he would help the situation and satisfy all concerned.

The Hon. G.J. CRAFTER: I must clarify the position for the member for Glenelg, because I think he is speaking under a slight misapprehension. The amendment before the House has been moved by the Leader of the Opposition. Members opposite are debating whether this amendment is more appropriate than a foreshadowed amendment by the member for Elizabeth. On reading those two amendments one will see that the more comprehensive of the two—and I and the Government believe, therefore, the more appropriate—is the amendment of the member for Elizabeth. However, what the Opposition is debating is not simply the amendment currently before us but the package of amendments, some of which we have not debated and some of which we have already debated and decided against.

Together those amendments therefore form the arguments that are being advanced by the Opposition. As a package they are not acceptable to the Government for the reasons that we have now argued over some days. I will not go over those again, but I should clarify that position for the honourable member. We are debating the respective merits of two sets of proposals.

The Hon. B.C. EASTICK: What I have to say follows along the general lines of what the Minister has said. The difference of opinon and the difficulties have occurred over some period, until finally all the clauses have been put together—reviewed and double reviewed and the like—and relate to the perception of the claim relative to a proposed amendment in the name of the member for Elizabeth that it was better than, or equal to, the proposal which the Leader has moved and which we are debating at present. This has created some problem, because the Evans amendment does not go as far as the Opposition has sought to go—to close a door in relation to any individual.

It has perhaps been regrettably honed on a particular individual as a not so hypothetical case but a possible case. However, the Evans amendment, which we will come to in due course, seeks to make it a little more watertight regarding persons who are members of one House not being able to be members of another House. The Opposition can accept the validity of that argument. There is no difficulty there, but the suggestion that the Evans amendment would provide all of the safeguards that had been tendered or argued by the Opposition does not hold water for the reasons explained before. However, I will explain briefly once again: a person can come down from the Upper House, having resigned as is intended, and will stand for election as a normal nominee or candidate for the House of Assembly.

There are no difficulties there at all. However, if that person unsuccessfully contested an election for the House of Assembly, he would be able under the Constitution as it stands at the moment, and as it will be under the member for Elizabeth's amendment, to go back to the Upper House, if he received the nomination of the Party he represented. That is because the convention followed and acknowledged by both sides of the political fence since 1977 provides that the Party which loses a member through resignation, death or ineligibility to continue because of one of the factors written into the Constitution can nominate the person to replace that member. We all recognise that there would be some difficulties if it happened to be a person who was truly independent: that is, if it was a person who was elected on one or two issues and was not readily identified with a major group.

The position we are discussing involves a member of the Labor Party resigning from the Upper House and presenting for election to this Chamber. If they were successful, the problem would not arise, but if they were unsuccessful, the Party could renominate that person for the Upper House. Before we started with the series of amendments, the person did not have to resign: he could try out for the House of Assembly and would be considered to have resigned automatically on his election to this Chamber. We have a situation where the person could be nominated by his Party back into the Upper House if his candidature was unsuccessful. The Opposition finds that completely abhorrent.

We believe that the public would not accept that in the long term, and I think that that has been conceded by members on both sides of the Committee. However, it is an issue which a Party would have to weigh up. If it occurred soon after an election and the next election was three or four years down the track, I suppose one could hope that the public would have forgotten about it before the next election was held. A parallel has been drawn with the Federal situation in relation to Malcolm Fraser and John Kerr. Some people claim that they were grossly in error in relation to the events of 1975. I do not want to debate that, but it could be contended that those two people along with others have paid a political price further down the track because of their involvement in the events of that time. The self same situation could arise here if the Liberal Party, the Labor Party or someone else undertook to return to the Upper House a member who had been defeated in an election for the House of Assembly. That would create an impression in the public mind that would be difficult to live with, and it could reflect on them badly four years later.

The Hon. Jennifer Adamson interjecting:

The Hon. B.C. EASTICK: Yes, and then again it may not. It would become a matter of course or precedent and all sorts of musical chairs could take place, which would not be to the best advantage of a democratic political system. A person who has been elected to the Upper House, and has nominated to leave the Council, whether of his own volition or at the insistence of his Party, to seek election in the House of Assembly, in the minds of members of the Opposition, is not a fit person to be replaced immediately in the position vacated if he has been unsuccessful in the House of Assembly election. Therefore, the Opposition moved its amendment to clause 3 in support of its view.

The decision taken on that amendment was adverse to the proponents. We are now at an impasse as to the better set of words—those proposed by the Leader of the Opposition in respect of section 29 and new section 29a and those proposed by the member for Elizabeth in respect of new section 43a. The proposals in relation to section 29 and new section 29a are almost on a par with proposed new section 43a, except that the latter new section goes a little further. The Opposition concedes that the amendment of the member for Elizabeth goes further in that it picks up another anomolous situation that would allow a member of one House to seek to become a member of another House and not be called upon to resign. The amendment of the member for Elizabeth is distinctly advantageous in comparison with my Leader's amendment, and the Leader and the Opposition concede that.

However, the member for Elizabeth's amendment does not go far enough to satisfy the Opposition that the Bill without the inclusion of the defeated clause 3 amendment is satisfactory. The proper way to overcome this impasse is for the Opposition to no longer insist on the proposal relating to section 29 and new section 29a now before the Committee, and to indicate, as I have done, that it will support the amendment to be moved by the member for Elizabeth. However, the Opposition would seek the recommittal of the proposal already decided by the Committee in respect of clause 3. That situation overcomes a grave deficiency in the Bill and, if the Opposition had to vote on the measure without the inclusion of the amendment to clause 3, it would consider whether the Bill should be supported at all.

It would condone and introduce into the Constitution a known flaw. It would be saying to the Liberal Party, the Labor Party or any other Party that, when it suits it, it can try itself out by bringing somebody from the Upper House, give them a run in the Lower House and bad luck if they miss out, as they can immediately be put back into the Upper House. They would lose at most about 12 to 16 days of service because they would have to resign prior to the issuing of the writs for the House of Assembly election. We will not argue as to the number of days involved. Both sides of the political fence have agreed that there should be a resignation, precisely what Mr Keith Russack did.

The ACTING CHAIRMAN: Order! The honourable member's time has expired.

Mr LEWIS: The opportunity to make a contribution in this debate has been long in coming for me in relation to this proposed clause in addition to the existing clause 29 and new clause 29a. The first place to start, if one is to make a clear exposition, is with the original Statute on page 761 of volume 2 in the South Australian Statutes. As section 29 stands, it states:

> Any person qualified and entitled to be registered as an elector in and for any electoral district shall be qualified and entitled to be elected a member of the House of Assembly for any electoral district.

The Leader has moved that we delete the words 'any person' and insert 'Subject to section 29a, any person'. We will come to section 29a in a minute. Section 29 would then state:

> Subject to section 29a, any person qualified and entitled to be registered as an elector . . . a member of the House of Assembly for any electoral district.

The Opposition has been arguing throughout the course of this whole debate that, as a matter of integrity, no member of the other place ought to be able to seek election to this place in either of two circumstances: first, whilst they are still a member of the Legislative Council; or, secondly, having recently resigned from the Legislative Council, to seek election but not be re-appointed to fill the extraordinary vacancy so arising from their resignation once the election has been held, given that they lost that election. They must not go back to the Upper House. The Opposition sincerely believes that, as I believe members of the Labor Party do.

Mr Acting Chairman, how would you like me to come from the Legislative Council as a political opponent of yours and, as a member of this Parliament, set up an office in your electorate and campaign vigorously against you for three years, knowing that in the process of so doing I could enhance my prospects of unseating you because I would have no other distractions.

I would have my living provided by my salary as a member of the other place. I would also have my postal allowances and other privileges as a member of the Parliament to enable me to campaign solidly against the member in his electorate for three years. Then, in the event, after resigning five minutes before the writs are issued and contesting the election against the member, that I lost that election, a few days after the poll was declared and the writs were returned my Party could reinstate me to do the same thing again.

Mr Chairman, you and other members of the Government know that that kind of political bastardisation of the Constitution and the role of the Parliament would destroy people's trust in our competence to make laws: not just laws which regulate their behaviour between one another but laws which determine how best we should structure the Parliament to serve the interests of the society that it was established to serve. If Government members cannot see the danger that confronts them by allowing the device that they have sought to put together in this fashion and the threat that it poses to the trust and confidence that the population can have in the integrity of the Parliament as an institution and of the members of it, they ought not to be here.

For as much as it would be possible for me, say, as a member of the Legislative Council to do that, it would be equally possible for a member of the Labor Party from the Legislative Council to do that in a marginally held Liberal seat with some measure of confidence of being successful. In the event that they failed, as is the case in this instance, the member for Whyalla would not become the Hon. Frank Blevins as he now is but some other independent person, some different elector as referred to in section 29, and the Hon. Frank Blevins would then be renominated to fill the vacancy in the Legislative Council. The member for Light has explained how that would happen to other members like the member for Brighton and the member for Mawson and a few other sleepyheads around this Chamber now.

Mrs Appleby: I hope you are not referring to me.

Mr LEWIS: The member for Brighton is sitting upright. I cannot see the member for Mawson; I understand that she is in the Chamber. The members in those marginal seats will be subjected not only to the haranguing that will be deliberately directed at them from members of their substantial opposition Party in the Legislative Council; one could get four good Liberal candidates of different talent and appeal and focus their attention on a marginally held Labor seat, constantly poll the way in which they are perceived by the electors in that marginal seat, and then endorse the one who appears in a poll close to the election to have the best prospect of winning that seat. One could place that member of the Legislative Council two or three minutes or 10 or 50 seconds before nominations close, and have the member resign from the Legislative Council and be placed on the ballot paper, and one could roll that member in a marginal seat.

I want all members of the Chamber to understand this whole process. In the circumstances we would find that it would not only be the major political Party engaging in that practice. In due course, 20, 30 or 40 years down the track, I would say that in fairly short order the minor political Party, at present represented in the other place, the Democrats, would be selecting candidates for the Legislative Council whom they knew had empathy with a House of Assembly seat and allowing them through the Legislative Council to campaign constantly for that perhaps marginal Assembly seat, and doing the same thing in a three-way contest which would ultimately result from that kind of activity.

There would be the sitting member in the Assembly, a candidate from the significant Opposition Party and the Democrat. How would the people in the electorate involved and the people in South Australia generally regard that process? The people living in the seat would be appalled by the amount of attention and bickering constantly going on. But worse than that, the very fact that there were three members of the Parliament focusing their attention on that seat would be perceived by the electors in other seats of the House of Assembly as being unfair additional consideration of the whims of the people living in that handful of marginal seats involved.

These are the realities of the offence of this legislation. This is what the member for Elizabeth (I do not think he is snoring) and the Government want to bring in. This is the kind of *modus operandi* that they envisage, as evidenced by the positions that they have articulated to us. It distresses me to think that that is the kind of Parliament to which they wish to belong in the future and for which they wish to take the responsibility in creating that way by this amendment to the Constitution now.

It will not be a kindly view that posterity takes of any decision that we make here at 5 o'clock in the morning on this Friday (and I refer to those people who come after us, not only members of this place but citizens of South Australia outside this place) if we allow that course of action to develop as a consequence of passing the legislation amended only in the form to be put forward by the member for Elizabeth, ignoring the necessity for the amendments referred to by the member for Light and moved earlier in relation to clause 3 of the Bill.

I want Government members and the Independent members as much as Opposition members to clearly recognise that that is exactly the kind of future that this Parliament will be propelled into if we let this legislation pass in this form—make no mistake about that. I can think of nothing more contemptible, and I want no part of that sort of Parliamentary function. It will not serve the best interests of South Australia. It will certainly destroy people's confidence in our ability to legislate in their best interests. What a tragedy for each one of us if we allow that to happen. If any of us contribute to the passage of such a Bill enabling it to become an Act we will deserve not only the contempt we get here but that of constitutional lawyers throughout the democratic world who will see the stupidity of the Act.

The ACTING CHAIRMAN: Order! The honourable member's time has expired. The honourable member for Torrens.

The Hon. MICHAEL WILSON: I want to extend a matter covered by the member for Light in his contribution and would like a response from the Minister on what the member for Light put to the Committee. I think that the least the Minister can do is give us a response to that. The member for Light put forward to the Government a proposed agreement.

The Hon. G.J. Crafter interjecting:

The Hon. MICHAEL WILSON: The Minister can have his say in a minute when he rises. The purpose of that was to try to resolve the impasse that we are in the middle of at the moment. I think that it is very important that the Committee gives serious consideration to what the member for Light said. His proposal was that we would not insist on the present amendment before the Committee as moved by the Leader to 29 and 29a but would accept the foreshadowed amendment to be moved by the member for Elizabeth on the basis of its superior wording. Also, we would ask that the Committee recommit the previous amendment to clause 3, page 2, subsection (6) that was defeated on the basis that that particular amendment really gets to the nub of the whole of this debate, which is in fact what the member for Semaphore was canvassing when he spoke.

The Hon. G.F. Keneally interjecting:

The Hon. MICHAEL WILSON: I wish that the Minister of Tourism would go back to sleep or go on tour.

The Hon. G.F. Keneally: So the honourable member is getting personal, too, with these little snide remarks.

The Hon. MICHAEL WILSON: The Minister of Tourism has kept up a constant chatter while I have been trying to talk to the Minister and put a proposition to him. I would have thought that there was some courtesy associated with the Minister keeping quiet while I put this proposition to the Minister to try to solve the impasse that the Committee is in.

The Hon. G.F. Keneally interjecting:

The Hon. MICHAEL WILSON: If the Minister keeps interrupting he will get a lecture. This clause gets to the nub of the member for Semaphore's speech. I have a rough copy of the words he used: 'A person cannot return to a casual vacancy in the Legislative Council created by that person during the current or following Parliament.' That is really the nub of the whole debate. I put to the Minister that, if he is prepared to allow that clause to be recommitted, there is no other commitment required by the Minister other than to allow it to be recommitted. We would not insist on the

amendment we are now discussing: we would accept the amendments of the member for Elizabeth, and then the debate could be finalised.

The Hon. G.J. CRAFTER: I cannot see the logic in reconsidering a matter on which the Committee has already decided. The issue to be decided by the Committee at this stage is the merits of these respective remaining amendments, and I suggest that we get on with that.

The Committee divided on the new clause:

Ayes (19)—Mrs Adamson, Messrs P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen (teller), Oswald, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Gregory, Groom, Hamilton, Hemmings, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Gunn and Rodda. Noes—Messrs Hopgood and Whitten.

Majority of 1 for the Noes.

New clause thus negatived.

The ACTING CHAIRMAN: Does the Leader wish to proceed with his new clause 6?

Mr OLSEN: No.

New clause 5—'Disqualification of members occupying seats in both Houses.'

Mr M.J. EVANS: I move:

Page 5, after line 15—Insert new clause as follows:

5. The following section is inserted after section 43 of the principal Act:

43a (1) No member of the Legislative Council shall be capable of being nominated as a candidate for election as a member of the House of Assembly.

(2) No member of the House of Assembly shall be capable of being chosen by an assembly of the members of both Houses of Parliament to supply a casual vacancy in the membership of the Legislative Council.

This is clearly an area where the Constitution is deficient at the present time and I commend the new clause to the Committee.

Mr OLSEN: The honourable member has not addressed a number of questions that have been raised during the course of the debate over the past few hours as it relates to this amendment. The fact that clause 3, which was not accepted by the Committee, has in effect made components of this (that is, the embodiment of that principle to which we have referred) ineffective in the new legislation. In moving the new clause, the honourable member has not seen fit to explain the reasons for drafting the amendment in this form, or the necessity for the second component of the amendment, and I believe he owes the Committee an explanation for that, also picking up a number of queries that were raised during the course of the debate.

The Hon. MICHAEL WILSON: The member for Elizabeth has stated that he does not approve of the principle of a member standing for election for another House and then, if failing, being reinstated in the previous House (the Legislative Council in this case).

Will the honourable member tell the Committee why he has taken no steps in his amendment to try to prevent that happening, because his amendment has no effect on that? All his amendment, which we support, means is that the person has to resign before nominating for the House of Assembly or the alternative House, whichever it happens to be. That is the crux of the matter. Will the member for Elizabeth tell us why he has not proceeded to do that? It is his amendment: surely he can tell the Committee.

Mr BECKER: It is disappointing that the member for Elizabeth is not prepared to stand up and address the Committee in depth, because he was the one last night, with the member for Semaphore, who was greatly concerned about the situation being created by the first series of amendments of the Leader of the Opposition. We sought advice on a workable amendment that would be acceptable to the member for Semaphore and the member for Elizabeth. During the member for Semaphore's contribution he had expressed the principle in which I think he believed, in simple words, that a person could not seek a seat in the House of Assembly whilst still retaining a seat in the Legislative Council.

The Hon. Michael Wilson: He could be reinstated as though—

Mr BECKER: Yes, as though nothing has happened. It has happened periodically in local government. I think it happened one evening at the West Torrens council. A person resigned one evening in a huff, a by-election was created and that councillor turned around, contested the election, and won it. He put his council to considerable expense. That could happen in a by-election here.

We have waited for the member for Elizabeth to make a contribution during the whole of the evening and we have waited until now to receive it. However, printed in today's *Advertiser* at page 3 is an article by political reporter, Kym Tilbrook, headed 'Amendment may force Minister's resignation', which reads:

The Minister of Agriculture, Mr Blevins, may have to resign from the Legislative Council to contest a seat in the House of Assembly.

An amendment which would force his resignation was circulated last night by the Independent Labor MP for Elizabeth, Mr Martyn Evans.

Mr Blevins is considering standing for the seat of Whyalla at the next State election.

The matter has caused political controversy this week, with the Opposition stating it would move to prevent an MP's retaining a seat in the Council if the member sought election for an Assembly seat.

A new amendment from the Opposition is seeking to bar a person's being selected to fill a casual vacancy if he or she caused the vacancy.

It is believed Mr Evans's amendment has the backing of the Government and was expected to be moved in the Assembly late last night. Under the present law, Mr Blevins could stand for the Assembly without resigning his Council seat.

This would mean he could go back to his Council seat if he lost the election for the Assembly seat.

Mr Evans said outside the Assembly last night it was quite clear that if a person were seeking the endorsement of the electorate, he or she could not be responsible to another electorate at the same time.

If an MP from the Assembly or Council wanted to enter Federal politics, they had to resign from the State Parliament. Under Mr Evans's amendment it would still be possible for Mr Blevins, if he lost, to get back into the Council but only by filling the casual vacancy left by his resignation.

But Mr Evans believes such a move would cause great problems in the electorate and the ALP would have to be prepared to 'wear the wrath of the electorate'.

Surely, the member for Elizabeth can do better than that. He wanted a legal solution to the problem; he was concerned that there was a problem and therefore he wanted it resolved legally. We have been trying to achieve a legal solution to the problem through legislation. I believe we had that solution. However, all that has been achieved now is that a person has to resign from either House to contest a seat in another House. That is okay, but it does not solve the problem where the person who creates the vacancy can slip back and be reinstated. That is totally unfair.

A by-election could be forced on the taxpayers of the State by a member of, say, the Legislative Council exerting pressure on his political Party by saying that his talents are needed in the House of Assembly. Someone would then be goaded into resigning their seat to make way for the prospective candidate. If he loses the election, he can return to the Legislative Council and the State has lost $150 000 on the cost of the by-election. Does the member for Elizabeth want that? Of course he does, because that is the type of

position that he has created. All the loopholes must be closed. We had the opportunity to achieve what the member for Semaphore wanted and what we wanted, but it has now been lost. The member for Elizabeth has not solved the problem at all and I am very disappointed.

Mr M.J. EVANS: The member for Hanson indicated that I said I wanted a legal solution to the problem; however, what I said was quite the reverse. I said that this aspect of the problem mentioned by the honourable member requires what I described as a political solution. One can never close all the loopholes. In politics, loopholes will always appear. The only sanction which counts in this business is the political sanction as determined appropriate by the electorate. We have not experienced this problem in our constitutional history, even though it has always been legally available. It has not occurred in the past and it will not occur in the future because the electorate of South Australia will not stand for it. That is what I have said in the newspaper article which the honourable member was kind enough to read into the record and which I believe accurately expresses my view.

I think a legal solution is appropriate with respect to the question of nomination. That is a clear error or omission in the Constitution as it presently stands, but I believe that my amendment corrects it in the best possible way. That is the attitude I have always expressed, and I believe that clears the last of the legal prohibitions which it is appropriate for this Committee to insert in the Constitution. Any other sanctions should be left to the people of South Australia. I am sure that their judgment will be severe on anyone who attempted that, and I have no fears about that. I have no fears that the members of this Parliament would attempt that kind of situation knowing the consequences that would befall them. The Opposition has indicated support for the principles behind my amendment, so obviously they understand it. I believe that what I said previously and what I say now clarifies my position, and certainly the comments read into the record by the member for Hanson further clarifies my position.

The Hon. JENNIFER ADAMSON: What a miserable spectacle and what a miserable and wretched little apology of a speech we have just heard. What an insult for the member for Elizabeth to keep us here until this hour of the morning. All members of the Committee know that, if the member for Elizabeth had stuck by his alleged principles, this whole situation could have been fixed very early in the piece. But no, so much is he hostage to his former colleagues that he has sat in this Chamber contributing virtually nothing to the debate. The pivot point around which this debate resolves is a legislative solution to the problem of the loophole in the Constitution.

The member for Elizabeth has the gall to exhibit one of the rarest displays of pusillanimous behaviour that I have ever witnessed in this House: he says that one can have a legal solution to one half of the problem but that there must be a political solution to the other half. What an absolute lot of nonsense. It is impossible to reconcile those two conflicting principles: either one applies the political principle in both instances or one applies the legislative principle in both instances.

One cannot have a foot in both camps or, in the case of the member for Elizabeth, a toe dipped about one millimetre in a pool of principle in an attempt to give the impression to the voters of Elizabeth—and I do not think they will be fooled for a minute—that the member for Elizabeth has done something constructive. Far from being constructive, the member for Elizabeth has abandoned completely all principles; he has abandoned his colleague, the Independent Labor member for Semaphore; and he has abandoned the justification on which he was elected by his constituents, namely, some semblance of independence and separation from his former bosses.

He then has the nerve to say that this does not need much of an explanation—it speaks for itself. It does not speak for itself. The member for Elizabeth has paid scant regard to the normal principles of debate. If this is such an important matter for the member for Elizabeth, one would imagine that he would have given it more than three minutes—I doubt it—perhaps it was two minutes.

Members interjecting:

The Hon. JENNIFER ADAMSON: That is an important point. One cannot involve oneself in a debate of principle and with the merest fragment of words display the most scant regard—

The Hon. G.J. CRAFTER I rise on a point of order, Mr Acting Chairman. I refer to Standing Order 154. It bars all imputations, improper motives and personal reflections on members. They shall be considered highly disorderly. We have the Opposition which has stated its support for the amendment before the Committee—

Mr Mathwin interjecting:

The ACTING CHAIRMAN: Order!

The Hon. G.J. CRAFTER: Honourable members are not debating. The Opposition has not debated the motion before the Committee but has sought to launch a series of vindicative personal attacks upon the character and motives of another member of this Committee.

The ACTING CHAIRMAN: In upholding the point of order, I ask the member for Coles, in her further comments, to return to the subject matter before the Committee and refrain from personal reflections on other members of the Committee.

The Hon. JENNIFER ADAMSON: In the circumstances in which we find ourselves, reasonable comment on the attitudes expressed by other members is a perfectly legitimate part of this debate. However, if you rule otherwise, Mr Chairman, I accept that ruling. In regard to the amendment, it is clearly inadequate because it deals with only half the problem. The members for Semaphore and Elizabeth and every member of the Opposition are on record as stating that it is unacceptable for a person to stand for election in one House whilst being a member of another and, having failed at that election, to have the right to return politically unscathed to the original position. There is not a Parliament or a democracy in the world that would tolerate such an outrageous proposition, and yet the member for Elizabeth and his colleagues (we will have to describe them as colleagues) are—

The ACTING CHAIRMAN: Will the member for Coles resume her seat? I have expressed a ruling and have asked the honourable member to return to the debate before the Committee. I ask her to cease her personal attacks on the member for Elizabeth. That is a reasonable request and I ask the honourable member to comply with it.

The Hon. JENNIFER ADAMSON: It certainly is a reasonable request. I was extremely careful in my choice of words when I spoke after you, Mr Acting Chairman, gave your ruling. There has not been one single reflection on the member for Elizabeth. I was bound to use his name, because it is his amendment. I said that there was not a Parliament in a democratic state that would tolerate what is being proposed here. My words were, 'Yet, the member for Elizabeth is proposing this very thing and his colleagues (because they are his colleagues) on the opposite side of the House are endorsing that'.

I cannot see that there is any personal or vindictive comment in what I have just said, yet it is the heart of the matter: it is what we have spent all night debating—the fact that an allegedly Independent member of this Parliament opposes an act which is in contemplation and which has

been acknowledged and publicly stated to be in contemplation by a member of the Government. He opposes it on the one hand, yet on the other hand he will not take the action necessary to see that that act cannot take place. Unless the rules of debate are to be confined to an extraordinarily narrow area, it seems unreasonable that we on this side of the House cannot express an opinion on that proposition or attitude. It is certainly one that we universally condemm.

Members interjecting:

The Hon. JENNIFER ADAMSON: Mr Acting Chairman, you seem to be getting some assistance, which I would not have thought you would need, from members on your right. I am speaking in opposition to the amendment, because it is a one eyed amendment and has no justice. If it were weighed on the scales it would come down hard on one side, namely, the side that would enable (if this was passed) the Hon. Frank Blevins to go unscathed from one House to another and back again. That is what it is all about.

No-one can say that that is a balanced approach to a political principle or that it is a protection of the Constitution. Nobody can say that it is fair, right or just. Despite the fact that the member for Elizabeth—and I am responding to his very scant contribution to the debate—said that there is a political solution, namely, that the voters in Whyalla are going to reject the Hon. Mr Blevins or, alternatively, reject the Labor Party across the State (as we believe they will do, anyway), that may be so, and no-one would argue with him that, in the final analysis, the people will have their say as long as there are ballot boxes and elections are held at regular intervals.

However, is it not our job here—and in this case here and now—to ensure that the Constitution and the rules that provide the order, as well as the procedures laid down for good government, are good, straightforward and honest procedures that do not allow people to deviate from proper conduct and decent behaviour? That is what we are supposed to be here for and members opposite seem to have abandoned all notion of responsibility in that regard. I include the member for Elizabeth in this. One cannot except him from it, because he is in the forefront of it. When he chose to become an Independent candidate he put himself in a position where he had no option but at some stage or another to exercise the freedom that he chose for himself as an Independent. The fact that he has rejected that opportunity we believe is a matter that deserves public condemnation. Those who will in the final analysis exercise that condemnation are certainly those who hold the vote in the ballot box.

One cannot help but regret that a magnificent opportunity was lost to reinforce the faith, hope and confidence of the electors of Elizabeth and Semaphore. The electors of Semaphore have been treated so shabbily that they have every right to feel outraged at what the Government has done to them over the past 12 or more hours. Those people have been betrayed. The phrase that this debate could well end not with a bang but with a whimper was well demonstrated 15 minutes or so ago when we had that scanty, puny speech that was supposed to uphold the great principle on which the member for Elizabeth stands.

This is a most unhappy night and morning for a whole lot of reasons, because it has not uplifted the Parliament at all, but degraded it. Everything has happened: the member for Semaphore has been deprived of his opportunity, exhausted members have been dragging from one side of the House to the other, half of them not knowing what they were doing and having to be shepherded, the basis on which the member for Elizabeth was elected has been eroded, and this does this Parliament no credit at all.

As the member for Mitcham said on Wednesday night, the Legislative Council has a very fine record and has kept its integrity despite all the criticisms over the years, including over the Dunstan years; in my memory there have been no acts at which the electorate could feel outraged in respect of the Legislative Council of the South Australian Parliament, but one is about to take place. It has been announced that it will take place. The only reason why it may not take place is that advanced by the member for Light, namely, that the Hon. Mr Blevins has not positively committed himself to the act of standing as the endorsed Labor candidate for Whyalla—for the very simple and straightforward reasons that his Caucus colleagues have not yet guaranteed, and may not guarantee him the position of Deputy Leader of his Party. Being the astute man that we know him to be, it is most unlikely that he will leap across that chasm if there is any possibility whatsoever that he would fall down the crevasse of political oblivion because, if he did not win the seat and did crawl back—and one would have to crawl back into the funk hole that he created for himself in the Legislative Council, his credibility and standing in both the Party that he represents and in the electorate would be at one of the lowest levels that any member of this Parliament has ever stood upon.

The Hon. MICHAEL WILSON: I will very briefly address the argument that the member for Elizabeth gave for not supporting the previous amendment that would have prevented reinstatement. As I remember it—and the honourable member can correct me if I am wrong—he said that it required a political and not a legal solution. However, he then went on to say that it was all right to have a legal solution to the question of resignation but that there was no point in having a legal solution to the question of reappointment. He then went on to say that it would not happen because it would be politically imprudent—I do not think that they were his exact words—for any political Party to carry out that type of action. Yet, we have seen a very serious proposal put forward by the Labor Party, wanting only the approval of the chief player—the Hon. Frank Blevins—to do just that.

I suggest to the member for Elizabeth that that really negates his argument, and, at the very least, it is a likelihood that it will happen: it only wants the Hon. Frank Blevins's approval and it will happen. I am saying that this must have a legal solution, because obviously a political solution cannot be guaranteed and cannot prevent such a thing occurring.

The fact is that the member for Elizabeth thinks that it would be politically imprudent for this sort of thing to happen, but obviously that view is not shared by members of the ALP. I say to the member for Elizabeth that the only way that it can be done is to provide a legal solution, as in fact was referred to in the member for Semaphore's speech, and more recently in relation to an amendment moved previously by the Leader of the Opposition. I make that point very strongly because I believe that the member for Elizabeth is very wrong indeed. I suggest to the honourable member that the only way in which he could have achieved what he publicly stated he wanted to achieve would have been to support the legal solution proposition.

New clause inserted.

Title passed.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a third time.

In doing so, I thank all honourable members for the contributions that they have made to this debate. I think it is erroneous to equate the length of debate with quality. The points that were made indicated once again that members have very strong feelings in relation to matters concerning

the Constitution. However, I believe that there was an incredible amount of repetition in the debate, and I think that the debate could have been conducted much more crisply and that the issues could have been focused on in a much more effective way. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ELECTORAL BILL

Received from the Legislative Council and read a first time.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Adjourned debate on third reading (resumed on motion).

(Continued from page 4180.)

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That Standing Orders be so far suspended as to allow there to be a rescission of an order in relation to the Constitution Act Amendment Bill.

The DEPUTY SPEAKER: I have counted the House and there being present an absolute majority of the whole number of the House I accept the motion. Is it seconded?

Honourable members: Yes.

The DEPUTY SPEAKER: That the motion be agreed to: those in favour say 'Aye', those against 'No'. I hear no dissentient voice and there being present an absolute majority of the whole number of members of the House the motion for suspension is agreed to.

The Hon. G.J. CRAFTER: I move:

That the order in relation to the suspension of the debate be now rescinded.

The DEPUTY SPEAKER: Is the motion seconded?

Honourable members: Yes.

The DEPUTY SPEAKER: I understand that the motion requires an absolute majority, so I must count the House again. There being present an absolute majority of the whole number of the House, I accept the motion.Is the motion seconded?

Honourable members: Yes.

The DEPUTY SPEAKER: For the question say, 'Aye'; against, 'No'. I hear no dissentient voice and there being present an absolute majority of the whole number of members of the House the motion for rescission is carried.

The Hon. G.J. CRAFTER: I reiterate my thanks to all members who have participated in this extremely long debate. I think that, whilst it has been a frustrating debate in many respects, only good can come from constitutional discussions such as this in reassessing the role of individual members and their relationship to the other estates of Government and to the electorate as a whole.

I trust that this measure as it comes out of the Assembly will serve the South Australian community well and that the traditions that we have in this State of constitutional democracy as we approach our 150th celebration of European settlement will be sustained and further enhanced.

Mr OLSEN (Leader of the Opposition): When the measure was introduced in the House, as the Minister would be aware, we indicated that we supported this measure and we did so for the constitutional majority both in the second and third reading of the measure before this House. It was our intention at the outset to do so. However, we wish to address this important Constitutional Bill in a number of key areas. As the Bill comes to this third reading stage, it has been modified in some respects. First, an amendment moved by the Opposition has been accepted, as has an amendment by the member for Elizabeth. Albeit there have been several amendments agreed to by the Committee, the Bill is still deficient. It is deficient to the extent that it does not preclude an individual seeking re-election and being appointed by the assemblies of this Parliament back to a position, having unsuccessfully contested a particular election.

It was that double dipping aspect that was at the core of the long debate that took place in this House over the past couple of days. That debate need not have been protracted into the early hours of the morning had the Government been prepared to schedule this debate either earlier today, immediately after Question Time when the member for Semaphore was present, or Tuesday next, suggestions for which the Opposition put to the Government on numerous occasions and called for it to do so, for it would have enabled the member for Semaphore to participate in this debate. It would not have disfranchised that member and, on an important constitutional matter, the procedures of the Government in this matter on this Bill have in fact disfranchised that member. I believe that is something of which the Government cannot be proud.

Albeit that the legislation has passed, there are several amendments that at least require a member seeking to stand for the other House of Parliament to tender his resignation prior to nominating for a seat in the other House of Parliament. In relation to that, the principle is certainly supported by the Liberals. The principle, disappointingly, is not embodied in the legislation to which both Independent members spoke in a favourable way is the double dipping aspect. It is unfortunate that this House has not seen fit to incorporate that in the Bill, as it now leaves this place to go to another place. I express regrets on behalf of the member for Semaphore that, on such a fundamental and important Bill, he has not had the opportunity to make a contribution.

Mr LEWIS (Mallee): I will not delay the House very longer. I express my concern about those same matters. It is clear to me that, as the Bill comes out of Committee, the effect of the measures as they now stand will be that the Upper House of this Parliament will become the training track for the political colts and fillies, especially of the Labor Party; I do not know that the Liberal Party would stoop to that and I certainly hope not. I will have no part of it.

It is clear that members endorsed and elected to that Chamber will be able to focus their attention on a seat of their selection in the Assembly, work for three years against the sitting member of that seat, and at the last moment before the writs are issued prior to the close of nominations, at the time an election is called, resign. Having so resigned they will contest the election against the sitting member in the House of Assembly. In the event that that fails (their bid to enter the Assembly by the mechanism to which I have referred) they can be renominated by their Party and, in a matter of a week or fortnight after the writs have been returned and the member sworn in, they will again be members of the other place, in keeping with the convention. I think that is crook.

The DEPUTY SPEAKER: As this is a Bill to amend the Constitution Act and provides for an alteration to the Constitution of the Parliament, its third reading is required to be carried by an absolute majority. In accordance with Standing Order 298, it will be necessary to ring the bells.

The bells having been rung:

The DEPUTY SPEAKER: In accordance with Standing Order 298, I have counted the House and there being present an absolute majority of the whole number of the members of the House, I put the question: that this Bill be now read a third time. For the question say 'Aye', against 'No'. I hear

no dissentient voice and, there being present an absolute majority of the whole number of the members of the House, the question passes in the affirmative. I declare the third reading to be passed by the requisite absolute majority.

ADJOURNMENT

At 5.59 a.m. the House adjourned until Tuesday 14 May at 2 p.m.