HOUSE OF ASSEMBLY

Wednesday 14 November 1990

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

PETITION: COWELL ELLISTON ARTERIAL ROAD

A petition signed by 776 residents of South Australia requesting that the House urge the Government to seal the Lock/Elliston section of the Cowell/Elliston arterial road was presented by Mr Blacker.

Petition received.

PETITION: MOUNT LOFTY RANGES

A petition signed by 57 residents of South Australia requesting that the House urge the Government to limit the prohibitions on development in the Mount Lofty Ranges as ordered by the supplementary development plan was presented by the Hon. D.C. Wotton.

Petition received.

QUESTION TIME

NATIONAL CRIME AUTHORITY

Mr D.S. BAKER (Leader of the Opposition): Will the Premier advise whether, in view of the very serious criticism of the NCA's South Australian operations made this afternoon by Mr Carl Mengler, former Chief NCA investigator in South Australia, he will instruct officers of the Attorney-General's Department to make immediate contact with Mr Mengler to seek an elaboration of his statements to determine whether the full public inquiry he now proposes into the NCA's South Australian operations is justified? Over three years, including this financial year, the South Australian Government has allocated $11.4 million for the operations of the NCA in this State. On ABC Radio this afternoon, Mr Mengler said that this money could have been better spent on more law enforcement, hospital beds or better roads. He has said NCA operations have been vandalised through 'inappropriate' pressures on operational staff and that it was high time South Australians had some answers to some issues in an open inquiry.

Mr Mengler was the NCA's Chief Investigator in this State between December 1988 and May this year. Before that appointment, he was an Assistant Commissioner of the Victorian Police Force. He is now a Commander with the Queensland Criminal Justice Commission. Mr Mengler had intimate knowledge of the operations of the NCA in this State for 18 months, and his experience requires the Government and this House to take his comments today very seriously.

The Hon. J.C. BANNON: I have already placed on record in this place my impatience with the slowness of the response of the NCA to clear up matters that have been referred to it. In that context, I have referred to the large allocation of resources made by the State to those references. Certainly, I agree with Mr Mengler's reported statement that it would be very good indeed to have spent those dollars in other areas, whether it be on law enforcement, hospitals, the education system or whatever. Quite frankly, I resent every cent that we have to spend on these sorts of operations, but the problem is, having decided—and I say 'decided' in the context of great urging by the Opposition at both State and Federal level—that the NCA should have an office here to which certain matters should be referred, we were obliged to provide the resources.

It is interesting that the Leader asks this sort of question now—whether the expenditure of this money can be justified—when I seem to remember that the thrust of many questions in the past has been: why are we not providing more resources: are we constraining the operations of the NCA, because we are not providing sufficient funds for it? We are getting pretty used to the opportunism of the Leader and his inconsistency in these matters. I make this point only in the context that we provided the resources that have been asked for so that we would not be accused of having constrained the NCA in its unfettered inquiry by somehow stifling resources. Indeed, if we had, the first people on their feet would have been members of the Opposition.

Having done that, we have yet to see the return on the investment of public money to clear up these issues. I have been assured by the new Chairman of the NCA, Mr Justice Phillips, that that is being addressed as a matter of urgency. Indeed, he has cracked the whip in terms of the activities of the Adelaide office. Whilst he is not prepared to give specific dates by which we should receive reports, he assures me that reports are being prepared and that timetables and deadlines are being assembled.

That is as far as I can go. For me to go any further and to inquire, as Premier, about the details of what the NCA is doing, who it is investigating and what sort of report it is getting, would be absolutely and totally improper. I regret the fact that we have to spend this money, but at the moment we have absolutely no alternative. I hope that the results, when the reports are finally delivered, will justify that expenditure of public money by resolving once and for all the rumours, the innuendo and the accusations which made up the reasons why the Opposition and others urged us to go down this path.

CITRUS INDUSTRY

Mr FERGUSON (Henley Beach): Is the Minister of Agriculture aware of a rally being organised by the Riverland Fight for Survival Committee in Adelaide tomorrow? Does he intend to attend the rally, and will he inform the House of the problems facing the citrus industry? I have a copy of a letter from the committee about the rally, which is to be held on the steps of Parliament House tomorrow. The organisers say in the letter:

> Speakers will address the issue of free trade and its devastating effects on the economy of the Riverland.

The Hon. LYNN ARNOLD: I appreciate the honourable member's question on this matter, as it is a very important matter indeed. I have received an invitation to address the rally tomorrow afternoon, and I will do so. I will put to the rally tomorrow the very points of view that I have already expressed to the Federal Minister when, with the President of the UF&S a couple of weeks ago, I went across to identify the serious problems facing agriculture in this State, and I referred to the citrus industry in particular.

Indeed, as a result of that meeting and my suggestion to John Kerin that there should be further discussions between him, the Victorian Minister of Agriculture and me about whether a united approach could be taken to some of the trading issues that face the citrus industry, there will be a further meeting on Friday afternoon between John Kerin, the Victorian Minister and me just to raise those issues. In

the process of that, I will want to hear more advice from the Federal Minister about what he is proposing to recommend to his Federal colleagues with respect to the importing arrangements for citrus juice, and also what he is suggesting with respect to any quota system and various other methods affecting rural assistance or rural adjustment. I believe that this will be a very important—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: We are discussing on Friday the question of the citrus industry; that is the matter before the House at the moment, and the question that was asked. We can deal with live sheep exports if the honourable member chooses to ask a question about that in due course.

The citrus industry is facing a very bleak situation indeed, and I expect that people will be airing their frustrations about that tomorrow. However, I am also aware of the fact that they understand that the issues affecting them are, in the first instance, international commodity price questions and, secondly, certain costs of production questions they face in this country. It is to be noted that the Federal Minister for Agriculture, John Kerin, has already made the point that interest rates are hurting rural producers, as they are affecting many in this economy. What is of particular concern is that rural producers, particularly the citrus industry, have a 2 per cent to 3 per cent premium on their loans which others in the community do not have. Quite frankly, that is an outrageous situation, and something that is clearly affecting the economics of many within the rural sector.

The real issue it comes down to is not the question of free trading or no free trading: it is fair trading. We on this side of the House are arguing that there should be a fair trading scenario, and that is why we have supported the decision that there should be a further inquiry into dumping procedures and the question of how quickly anti-dumping provisions can be brought on. That is why we have indicated our support for the present Federal parliamentary committee in that regard. It is also why we have argued that the non-developed country tariff preference that Brazil has should be seriously reconsidered by the Federal Government, because clearly that is hurting domestic orange producers when Brazil is not, with respect to orange juice technology, less developed. Indeed, it is one of the most developed countries in the world in that industry, and it dominates the world trade in the area.

Of course, we do not want any quick-fix solutions that end up with a long-term, dangerous price tag to them, and that is the issue we will have to sort out. That is the reason why I have said that we have not supported a minimum pricing regime and, at the very most, would be going to a special reserve power position for emergency situations only. I hope to pursue that issue further with John Kerin on Friday afternoon. I have already told him that, if that mechanism is to have any success, it would have to be shared by other States and by the Federal Government as well.

I hope that tomorrow's meeting will be an opportunity for us to put our point of view about these matters in a very cool and sensible way. I draw upon the comments of the Federal member for Barker, Mr Ian McLachlan, in this regard. He says:

> It is unfortunate that some sections of the community have come to believe that targeting particular individuals at public meetings as 'lacking interest in the problem' will bring about a solution.

More significantly, he says:

> I remain firmly convinced that, in the end, the answer to the problems lie with united industry groups undertaking professional strategic planning with a cool head.

And that is precisely the point of view that we would support for the development of the citrus industry in this State.

NATIONAL CRIME AUTHORITY

The Hon. B.C. EASTICK (Light): Having canvassed the background of the NCA in this State, will the Premier now instruct senior Premier's Department officers to make immediate contact with Mr Mengler to seek an elaboration of his statement of this date?

The Hon. J.C. BANNON: I do not know whether that is an appropriate course of action. I have only just been advised of Mr Mengler's remarks, which apparently were on an ABC news bulletin and which were drawn to the attention of the Leader of the Opposition, I would imagine, very recently indeed, and to my attention about five minutes before this Question Time began. I have had no time to look at them, consider them or decide what action is appropriate in the light of them.

POLICE RESPONSE TIMES

Mr HAMILTON (Albert Park): Can the Minister of Emergency Services inform the House what type of response a member of the public can expect when he or she makes a call to the police for assistance? Complaints that I have received at my electorate office include complaints about response times which, I am advised, are often related to a lack of detail, hence it is difficult to judge whether complaints are justified. Constituents have also alleged that police tell them that they are, first, understaffed and, secondly, under-resourced. Complainants have alleged that police resources are not used efficiently and effectively. Constituents have requested that they be given a clear understanding of the level of resources provided to the police, how those resources are allocated, how police handle calls when they are received, whether or not such calls are prioritised and, finally, how available police are despatched in response to a call from the public.

The SPEAKER: Before calling the Minister, I ask him to consider whether a ministerial statement might not answer this question better. I call the Minister.

The Hon. J.H.C. KLUNDER: Thank you for your comment, Mr Speaker. I think that the question strikes at the degree of confidence that people can have when they call the police for assistance. As such, and as the honourable member has indicated to me a very considerable interest and degree of unrest about it, I think that it ought to be answered as a question in the House.

I am aware, as I am sure many members of the House are aware, that the police have been accused of having only two police cars in large geographical areas, the clear implication being that that is all the police strength that is available for assistance to members of the public. That is a matter that I think ought to be laid to rest here and now.

When a member of the public rings the Police Force, that particular call, on the information that is provided, is rated according to a particular degree of priority. A priority A tasking is where the matter is serious and requires immediate police attendance. It therefore includes things such as life threatening or property threatening acts or the possibility of evidence disappearing as the result of delay. The police regard these as time critical calls. Priority B is the level below that. There is not in those cases an immediate threat to any person. In these instances, patrols would be

tasked to attend as soon as possible. Calls of a minor nature are usually where patrol attendance is not necessary, and they are normally referred to the caller's local police station.

Depending on the nature of the priority, a uniformed patrol is normally tasked to the job but, if the incident is of a serious nature, the general police patrol presence can be supplemented by either a supervisor in a separate car or by personnel from other functional units, including CIB, Star force traffic units and so on. At any given time there are any number of people in the area who can be tasked to a particular situation. In the very serious cases, of course, the nearest police patrol vehicle is tasked, regardless of whether that police vehicle has other geographical or functional responsibilities which are not the normal patrol responsibilities.

As regards the second part of the honourable member's question, I think that all members should by now be aware of the Government's outstanding record in the amount of resources which have been made available to the Police Force over the years. Without going into statistical detail—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: —because that would take a great deal of the time of the House, it is enough to say that the total funds allocated to the police have more than doubled in the eight years of the Bannon Government. Indeed, it is no coincidence that the South Australian Police Force has the highest ratio of police to population of any State police force and is the best equipped force.

Members interjecting:

The Hon. J.H.C. KLUNDER: I can well recall a member of the Opposition, who is now interjecting, using figures wrongly to show that it was in fact the worst resourced police force and having to be put right and shown that the figures he was using indicated that it was the best resourced force.

Mr OSWALD: On a point of order, Mr Speaker, I draw your attention to Standing Order No. 98 and point out that the Minister is now starting to debate the question. He has ceased explaining his answer, and I believe that he should draw the answer to a close.

The SPEAKER: I uphold the point of order, and I ask the Minister to come back to the subject of the question.

The Hon. J.H.C. KLUNDER: Certainly, Sir. I am unaware that I was responding to an interjection, which might well have been an imprudent thing to do.

The SPEAKER: Interjections are out of order, and I ask the Minister to return to the subject of the question.

The Hon. J.H.C. KLUNDER: Members would also be well aware that the allocation and distribution of the resources provided by the Government is in fact the sole prerogative of the Commissioner of Police. The Commissioner has deployed his operational resources into 16 geographical locations which have been determined on workloads, community needs and other geographical factors. The Commissioner regularly reviews the allocation and distribution of these resources against patrol workloads.

Each metropolitan subdivision or division has between two and five patrols plus supervisors on each shift to respond to the taskings. In addition, CIB Squad, Star Force, Dog Squad, traffic units and officers from the Operational Support Division are available to respond to urgent radio taskings if required, as indeed would be patrol cars from a neighbouring subdivision if there turned out to be a very high degree of priority A taskings. In other words, the police have an excellent back-up service. The Government budget initiatives in the past two years have recently resulted—

The SPEAKER: Order! The Minister has now been responding for some five minutes. Several times I have asked Ministers responding to questions in the House to keep their responses as concise as possible. I would ask the Minister to draw his comments to a close.

The Hon. J.H.C. KLUNDER: Certainly, Sir. I will just draw attention to how many police have recently been added to the Police Force and how many are coming in the next few months. I think that that is part of the question that the honourable member asked. The initiatives of the past two years have recently resulted in three extra police officers being placed at both Elizabeth and Christies Beach police stations and a further nine officers in country stations. By July next year an additional 10 patrol officers will be based at the Elizabeth patrol base, and a further 45 officers will be allocated to positions in areas of identified high workload throughout the metropolitan and country regions. In other words, in respect of the last budget and, indeed, the promises made before the election, the work that has been done in making extra police officers available to the police will start to pay off over the next 18 months.

CENTRAL LINEN SERVICE

Mr S.J. BAKER (Deputy Leader of the Opposition): I address my question to the Deputy Premier. What investigation was undertaken to answer Question on Notice No. 131 during the last session of Parliament, relating to the Manager of the Central Linen Service, Mr Arnold? Does the Deputy Premier now consider that investigations have been adequate in the light of serious charges laid against Mr Arnold, and has Mr Arnold been stood aside without pay while those charges are dealt with? In Question on Notice No. 131 I asked the Deputy Premier:

> Does the Manager of the Central Linen Service own, operate or have any interest in any private businesses and, if so, what are their names and have any such enterprises undertaken work on contract or otherwise for the Central Linen Service?

On 20 March this year the Deputy Premier gave me a one word answer—'No.' Over the past two years I have asked a series of questions about the activities of the Manager of the Central Linen Service and I have been concerned that those questions have not been properly investigated before answers were supplied. This concern has been compounded by the news that Mr Arnold has how been charged with corruptly using his office to gain benefit for himself or another person and that these alleged activities took place both before and after I asked my questions, suggesting the concerns I raised may not have been adequately addressed at the time.

The Hon. D.J. HOPGOOD: The information that I gave the honourable member was the best I was able to get at the time.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: Whether in fact it is accurate has yet to be determined, because there are matters before the court which the court has not yet spoken of. I am not prepared to presume as to the outcome of that, because I would be presuming as to the innocence or guilt of a particular individual, and I would have thought that I would be breaching all the conventions of the Parliament to so presume.

DUST POLLUTION

Mrs HUTCHISON (Stuart): I address my question to the Minister for Environment and Planning. What steps

have been taken to monitor wind-blown dust emanating from an open bunker grain storage facility at Port Pirie, and what action will be taken in future to minimise or eliminate dust emissions from the stockpile?

The Hon. S.M. LENEHAN: The Air Quality Branch of the Department of Environment and Planning has undertaken a study of emissions from the open grain stockpile at Port Pirie and has produced a report entitled 'Grain dust monitoring at Port Pirie.' This report is available on request from the Department of Environment and Planning. I point out that, while one cannot totally eliminate dust from open stockpiling, South Australian Cooperative Bulk Handling Limited has changed the stockpiling system from one that throws the grain onto the pile to one that conveys grain to the point of discharge to reduce the level of dust.

I must also point out to the honourable member that much of the dust generated by the movement of grain occurs through the traffic that travels to this stockpiling area along unmade roads. This, of course, is a matter for the local council. I have advised both the council and the officers of the South Australian Cooperative Bulk Handling that the department considers open stockpiling of grain to be a rural activity and not compatible with urban development. Also, I have made a recommendation to the District Council of Port Pirie and have given a two-year approval to enable South Australian Cooperative Bulk Handling Limited to establish stockpiles in more appropriate locations. In other words, in consultation with the company, the local government authorities and the local community—

Mr Venning interjecting:

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

The Hon. S.M. LENEHAN: I can assure the honourable member who is interjecting that this is being done by agreement after consultation, because of the disturbance that is caused within an urban area. I think it most appropriate that this facility be relocated, and an appropriate time has been given to the company to relocate into a more environmentally sound area.

JUVENILE OFFENDERS

Mr SUCH (Fisher): Will the Minister of Family and Community Services initiate an immediate and thorough review of departmental procedures for controlling and treating juvenile offenders under its control? I have been approached by the parents of a juvenile offender who, while on a bond 'and required to reside where directed by the Department for Family and Community Services and to attend where directed', was supposed to be living in a departmentally funded intensive Neighbourhood Care house. The department's annual report tabled in the Parliament last week says that intensive Neighbourhood Care 'provides special family care for young offenders and adolescents in crisis'. However, in this particular case, the offender disappeared for five days, from 11 October to 15 October, during which time she travelled to Melbourne and Sydney. On the night of her departure for Melbourne, she had been in the company of the two teenagers who were later found murdered in a roadside reserve near Bordertown.

She travelled on to Sydney with an adult male, aged 19. However, her parents were not notified about her absence until they were contacted on Sunday 14 October—four days after her disappearance—and this notification came not from South Australian authorities but from a New South Wales Adolescent Services Department officer who informed them that their daughter had reported in to a shelter in Kings Cross after witnessing a stabbing.

The New South Wales authorities sent her back to Adelaide on a bus, and her parents checked with the South Australian Department of Family and Community Services on Monday 15 October to ensure that a departmental representative would meet the girl at the bus station. They were assured that this would happen. However, that night at the bus depot a departmental representative was not present, and her parents finally received a telephone call from their daughter at 3 am, when she was then in Hindley Street.

During the five weeks this girl was supposedly residing under departmental control in an intensive Neighbourhood Care centre, she in fact spent only 16 nights there. The torment this has caused her parents has been compounded by the fact that for a period of five hours between 4 pm and 11.30 pm on 29 October at SAYRAC, Enfield, their daughter was interrogated by police about another matter without their knowledge or the knowledge and presence of her lawyer, even thought it had been well understood by the authorities that it was the parents' wish that the lawyer should be present in such circumstances.

The Hon. D.J. HOPGOOD: I do not imagine that I will need to get the specifics of that matter from the honourable member in order to have it investigated, as I imagine that the details that he has given to the House will be sufficient to identify the individual. I will certainly have the case investigated. I would want to know the full facts of the matter and why the girl is in INC placement in the first place, as that is very pertinent. One has to remember that people do not get into that situation for no good reason. The behavioural characteristics which have put them in that situation do not magically disappear overnight as a result of being put into that situation. Therefore, unless the honourable member is arguing that all youngsters in these circumstances should be in custody—

An honourable member: Yes.

The Hon. D.J. HOPGOOD: All right, if that is what the honourable member suggests, I find that amazing because, over a number of years under both Labor and Liberal Governments, we have worked very hard to reduce the number of youngsters in custody, and we can see some very positive results as a result of the very hard work to reduce the number of youngsters in custody. Before the member for Hayward suggests that we reverse that whole process, he should consider carefully the social and individual cost of going down that road. It may well be that further aspects of this matter have not been conveyed to the honourable member, although I have no doubt that he has conveyed to the House all that he has been told. I would not want to make any hasty conclusions before I have had an opportunity to review all matters pertinent to this case.

DAWS ROAD HIGH SCHOOL

Mr HOLLOWAY (Mitchell): Will the Minister of Education inform the House about the extent of damage and likely cause of the fire which destroyed part of Daws Road High School at Pasadena last Friday? Will the Minister advise what has been done to minimise disruption at the school, particularly for those students currently facing exams? Will the Minister also advise when repairs to the school will be completed?

The Hon. G.J. CRAFTER: I thank the honourable member for his interest in this matter. Yes, unfortunately, there was a fire at Daws Road High School commencing at about 2 a.m. last Friday 9 November. It caused considerable damage to the southern wing of the main building of the school.

Unfortunately and sadly it is suspected that the fire was deliberately lit by an arsonist who entered and ransacked desks and classrooms before starting a fire in the office area of that building. The fire quickly spread through the roof cavity of the upper floor. The fire was contained only after considerable effort on the part of the Metropolitan Fire Service before it moved to other parts of the building and school.

The major fire damage was to the upper floor, which contained several general learning areas. The roof and ceiling were extensively damaged with some collapsing into class spaces. Damage to the lower floor of the wing was minimal, although there was some water damage. I attended the school last Friday and inspected the damage. I briefly discussed the situation with the Principal and some members of the staff. The fire certainly caused great distress to that school community and caused the loss of very valuable resource materials. SACON has commissioned a contractor to remove the unsafe roof and a structural inspection will be conducted to determine the full extent and cost of the damage. However, preliminary estimates put the cost at close to $1 million.

The school was closed to all students last Friday with the exception of a group of year 12 students undertaking their examinations. The fire damage is not expected to seriously affect the operations of the school between now and the end of the year as the year 12 students have left the school for the year other than for the conduct of examinations. These examinations will not be affected in any way. A plan to address the loss will be developed jointly by the Education Department and SACON in consultation with the school to ascertain the best approach to remedy the current situation.

WORKCOVER

Mr INGERSON (Bragg): Will the Minister of Labour investigate a case in which a medical bill for an injured worker was reduced by almost 40 per cent when the recipient business decided it would seek a refund for the expenses from Medicare rather than WorkCover to thus determine whether this is further evidence of excessive charging through WorkCover? I have in my possession two bills sent out by the Woodville Medical Eye Clinic for treatment for the same injury. The first is dated 30 August and was for an amount of $150. The second is dated 27 September and is for $92.70. The second bill was received after the small family business whose employee was injured advised the Woodville Medical Eye Clinic that, as it had not yet had a WorkCover claim, it wanted to put the claim through Medicare instead.

The Hon. R.J. GREGORY: This is not an unusual occurrence. I have raised the whole concept of the variation of fees with the Manager of WorkCover, and he advised me that he is investigating it. However, if the member for Bragg wants to give me the relevant particulars, I will have the matter investigated.

MARALINGA REPORT

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Aboriginal Affairs advise the House when the Maralinga people will be responding to the Commonwealth Technical Advisory Group report which is about to be tabled in Federal Parliament? This report is about the clean-up of former nuclear test sites and other contaminated areas in the west of South Australia. I understand that the Maralinga-Tjarutja people have to consider a very difficult and complex question given the financial, environmental and logistical difficulties which would accompany a total clean-up. However, the State Government successfully supported their bid for them to receive independent scientific advice on this very complex report, before deciding on their final position. I understand they have now received this advice.

The Hon. M.D. RANN: As the honourable member has said, the report by the Technical Advisory Group is being tabled in Federal Parliament either today or tomorrow. The report gives the Commonwealth a series of clean-up options of a different nature and extent and with different costs. Tomorrow I will meet with the Federal Minister for Aboriginal Affairs in Canberra to discuss the Maralinga clean-up issue. I have been informed that the several hundred minor trials dispersed up to 22 kilograms of plutonium in narrow plumes out from the test site. The extent of the contamination is considerably more than was previously expected or anticipated. Indeed, some of these plumes extend beyond the restricted area (the fenced off Commonwealth area) into—and this is of more concern—about 30 square kilometres of State Government Crown lands which were handed back to the Maralinga Tjarutja people in 1984. This area is currently open and accessible, and this level of contamination would be dangerous for occupation by Aboriginal people following a semi-nomadic lifestyle and will remain so forever unless the contaminated material is removed.

The South Australian Government is firm in its belief that the clean-up or containment of nuclear waste should be such that the lands are fit for continuous habitation by traditional Aboriginal people. On technical and engineering grounds, it may not be possible to clean up all of the contaminated areas to a condition where safety can be guaranteed for unrestricted occupancy. It is also possible that a complete clean up of nuclear waste may cause even more damage. In such cases, and in consultation with the Maralinga Tjarutja people, such areas should be left in their present condition but be contained and secured more efficiently. If a total clean up cannot be achieved, I would expect that the Aboriginal position would include an expectation of compensation for the risk of detriment to lifestyle, and the loss of the use of their lands in perpetuity. If there is not a total clean up, it is essential that the Commonwealth and British Governments examine this compensation issue in conjunction with clean-up options.

The Commonwealth obviously will have to do some work in negotiating with the British Government in terms of the compensation issue. The Maralinga Tjarutja people have been given a copy of this report, which I expect is about to be tabled in Federal Parliament, and their leaders have received independent advice on its implications. However, before deciding on their preferred course of action, the leaders need to involve the whole community, in particular, the elders, in weighing up the potential damage that would be caused by a full-scale clean-up, with the other alternative of having the contaminated areas of their land fenced off.

I firmly believe that the Commonwealth should not develop its position on a preferred option until the aspirations of the Aboriginal people are known, that to pre-empt this process would be to continue the damage and degradation that these people have endured since the first bomb was dropped in the 1950s. I commend the Commonwealth Government for setting up the technical advisory group in response to the Royal Commission into British Nuclear Tests in Australia, and the manner and sensitivity of the group's chairperson and study convenors in their dealings

with the owners of the Maralinga lands has been noteworthy.

STA TRANSIT SQUAD

Mr MATTHEW (Bright): Will the Minister of Transport explain why arrests and reports by the STA Transit Squad have fallen by almost 25 per cent over the past two years despite a doubling in the number of STA special constables; and will he support the STA Chairman's concerns about inadequate penalties for these offenders by asking the Attorney-General to legislate for tougher action against vandals?

Information I have obtained shows that in the last financial year arrests and reports by members of the STA Transit Squad totalled 855 compared with 1 117 two years previously. This was despite a doubling from 10 to 20 during the last financial year of the number of STA special constables. In the STA's latest annual report to Parliament, the Chairman, Mr Rump, has said that 'a continuing increase in the level of vandalism and graffiti' now costs the authority more than $1 million a year to rectify and that this disgraceful and anti-social behaviour has flourished, encouraged by the difficulty in detecting offenders and the often inadequate penalties given to those apprehended.

The Hon. FRANK BLEVINS: I am pleased that the member for Bright has acknowledged that the Transit Squad has more than doubled over the past 12 months. It may well be that there is some deterrent effect in that—one would hope so, because that is the idea, and that may be the cause of the drop in the figures. I will have that matter examined to see whether anything else can be drawn from the figures as regards penalties.

I have many discussions with the Attorney-General about penalties for juvenile crime, which is an ongoing debate in the community, and also about the responsibility for restitution where damage has occurred. Obviously, very often juveniles do not have the means to make restitution, so the question arises, if restitution is to be made, whether the parents have some obligation in this area.

I remember that a Bill was introduced in this House which imposed additional responsibility on, or clarified the responsibilities of, parents in the area of juvenile crime and misbehaviour. I also remember distinctly that it was not passed because the Liberal Party opposed it. So, if the Liberal Party continues to oppose measures that toughen up on juvenile crime, we will have a continuation of the problem. It seemed to me that the Liberal Party got pretty well burnt on that one—its members had not thought it through—and, when we tried to make parents take greater responsibility for their children, the community was with us, but the Liberal Party and the Democrats unfortunately were not. So, whenever I hear someone opposite complaining about penalties and the increase in juvenile crime, I feel that there is a degree of hypocrisy in that. I would have welcomed the member for Bright's crossing the floor and voting with the Government to clarify the responsibility that parents quite properly have for the behaviour of their children.

HOSPITAL MEALS

The Hon. J.P. TRAINER (Walsh): Does the Minister of Health have any first-hand familiarity with hospital meals? My interest in seeking this information stems from a letter in the *Advertiser* last week from someone who had been a patient at the Royal Adelaide Hospital's thoracic surgical unit. That person invited the Minister of Health 'to partake of just one of the meals served at the hospital'. The correspondent went on to refer to 'dog's vomit, macaroni dish with black cauliflower and hard green peas, or perhaps the shoe-leather steak with grey watery potato and slimy cabbage'. That person further stated:

> Day after day the food was left untouched by the six in my ward as it was completely inedible. The waste must be mind-boggling. Even the nursing staff shuddered at the sight of it.

Two subsequent replies in today's newspaper indicate divergent assessments of Royal Adelaide Hospital food. One correspondent said:

> I would not feed it to dogs, either, because they would not eat it. Nor would pigs . . . If other businesses in Adelaide served meals like it they would be out of business.

Another correspondent said:

> . . . I enjoyed tasty, well-cooked and presented food, chosen by me the previous day from an extensive menu . . . served by pleasant people. Food that I would have been happy to pay for at a restaurant. All for nix.

The Hon. D.J. HOPGOOD: I can understand the honourable member's bemusement: it seems that whether one is in S7 or Q7 determines one's response to the food, or maybe it is the individuals who are involved. I was last an inpatient of a hospital in 1981, and since then I have, as Minister, from time to time enjoyed the hospitality of the boards of hospitals, but not I make clear as an inpatient. However, the honourable member would know that someone who is very close to me had extended stays in hospital last year and also was somewhat equivocal about the hospital food. Indeed, the person to whom I refer reported that, when she visited some of her former fellow patients at the Flinders Medical Centre immediately after the strike last year, one of the things they noticed was how much the food had improved during the strike when, for the most part, they were sending out for food.

I saw the Chairman of the commission, Dr McCoy, and asked, 'What are you going to do about this, Bill?' We discussed a number of options and finally decided that before we did anything else that we should have a survey of the satisfaction of customers in the hospitals. I found the response amazing, but I cannot question it. I would simply like to share with members the results of six questions that were put to a cross-section of patients at this very same Royal Adelaide Hospital, at which there seems to be such a difference of opinion as between S7 and Q7.

The first question asked of 159 respondents was, 'Did the menu have enough variety?' Six per cent said 'Never'; 29 per cent, 'Sometimes'; 43 per cent, 'Most times'; and 32 per cent, 'Always'. So far so good. The second question was, 'Were the serves sufficient in portion size?' Of 162 respondents, 16 per cent said 'Too little'; 70 per cent, 'Just right'; and 14 per cent, 'Too much'. The third question, which we might call the 'Goldilocks question', was, 'Was the food satisfactory in temperature?' Of 161 respondents, 1 per cent said 'Too hot'; 86 per cent, 'Just right'; and 13 per cent, 'Too cold'. The fourth question was whether patients were satisfied with the cooking and freshness of the food. Of 164 respondents 6 per cent said 'Never'; 18 per cent, 'Sometimes'; 38 per cent, 'Most times'; and 38 per cent, 'Always'. Question number five was, 'Was the presentation of the food attractive?' Of 163 respondents, 7 per cent said 'Never'; 13 per cent, 'Sometimes'; 42 per cent, 'Most times'; and 38 per cent, 'Always'. The final question was, 'Were special needs (if any) met?' Of 142 respondents, 1 per cent said 'Never'; 4 per cent, 'Sometimes'; 14 per cent, 'Most times'; 27 per cent, 'Always'; and 54 per cent had no special needs, so it was not applicable.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: In the light of that, the Chairman came back to me and asked, 'What on earth can we do? It couldn't be better if the catering staff had answered the questions themselves.' All I can say in response to the most recent concerns which seem to have centred around the Royal Adelaide Hospital, which has some cooking facilities—whereas there are those hospitals that rely completely on frozen food (and there has been a little debate on that)—is that there has been a $5 million refit to the kitchens at the Royal Adelaide Hospital. That might have had some impact on the food, but I would doubt it in the light of what Mr Bill Kelly of Tea Tree Gully has said. In any event, we are looking forward to the completion of that program before too long.

RELOCATION GRANTS

Mr GUNN (Eyre): Will the Minister of Agriculture explain precisely who is eligible for relocation grants payable through the Rural Industries Assistance Branch to farmers wishing to leave the industry or in severe difficulties and unable to sell their farms? I have been advised that the department has now changed the criteria for these grants. I have received a letter from a firm of public accountants which states:

> Until now we have had numerous examples of father and son and brother combinations who, on selling their farm and receiving little or no net proceeds after the bank had been paid out, have each received the relocation grant in its entirety and have had a fresh start based upon that grant.
>
> In recent days the Department of Agriculture Rural Industries Assistance Branch have been telling us that they are redefining the relocation grant in the way of one relocation grant per farming enterprise. As I understand it, if two brothers are farming on a farm that has become unviable and is sold and they qualify for a relocation grant, that will now mean that they will have the grant divided between them.

I am of the view that this change has dramatically altered the whole basis of this scheme and is causing a number of difficulties and creating some unfair situations, particularly between neighbours who are in different situations. Therefore, in view of this information, will the Minister urgently reconsider this arrangement?

The Hon. LYNN ARNOLD: I thank the honourable member for his question. On the face of it, he seems to have raised a matter which may need reconsideration. I am sure the honourable member would agree that, where three members of one family are operating a combined enterprise, they should not receive more than three separate farmers would receive, if the amounts were added together, operating an enterprise of similar size in total to that of the three members of one family. Likewise, I take it that the honourable member is saying that neither should these three members of one family receive only a third of what somebody in a like situation would receive. On the face of it, if that is happening, that matter needs reconsideration. I will take up the matter with the Rural Industries Assistance Branch and come back with a report for the honourable member.

CHILD-CARE

Mr ATKINSON (Spence): Can the Minister of Children's Services advise the House of the number of new occasional child-care programs that the Government will provide before the end of the year and say how many children will be accommodated by these new programs? Mothers and fathers at my playgroups in Croydon and West Croydon have spoken to me about their need for occasional child-care. Some need to have their children minded for an hour or two when they have an appointment, and some mothers at home without family support or a network of friends sometimes need their children minded while they go shopping.

The Hon. G.J. CRAFTER: I am delighted to be able to inform all members that the first of these new occasional care services has now opened for business. In fact, 19 of these new programs have now commenced, and the service was formally launched this morning by the Premier. The new programs are spread over the metropolitan area, the outer suburbs and rural areas. They include centres at Kapunda, Cowell and Streaky Bay.

The member for Spence will be pleased to learn that among those programs launched today is one in his own electorate at the Greenshields Kindergarten in Brompton. These 19 services are the first in a program to provide 54 new now-and-then child-care services in both city and country areas throughout South Australia over the next two years. They comprise a $1.7 million joint State-Commonwealth program, which reflects both Governments' commitment to giving strong support to families, despite difficult economic times. There has been a massive expansion of child-care services in the past eight years.

For example, we have provided 42 new child-care centres, that is, long day care centres; doubled the provision of before and after school hours care programs in the last 18 months; and expanded family day care and preschool services at the same time. There are now 40 000 children using the various children's services in South Australia. When the occasional care program is fully operational it will cater for an additional 4 000 children each week. The new services are targeted at disadvantaged families and those in need, and are located where they are easily accessible such as in existing neighbourhood preschools or neighbourhood houses.

BONE MARROW DONOR REGISTER

Dr ARMITAGE (Adelaide): I direct my question to the Minister of Health. Will the South Australian Government be contributing to the cost of establishing a national bone marrow donor register and, if so, how much will the Government contribute, when will the contribution be made and when is it expected that this register will be in operation?

The Hon. D.J. HOPGOOD: I will have to get that information for the honourable member.

SUNGLASSES

Mrs HUTCHISON (Stuart): Is the Minister of Health aware of the recent claims of a leading eye specialist that children could greatly benefit from wearing sunglasses during exposure to the sun's powerful rays? If so, will he, together with his colleague the Minister of Education, check the *bona fides* of such a claim to see whether there is a need to enter into educative programs to encourage the wearing of sunglasses by children from five years of age in order to prevent such eye damage?

The Hon. D.J. HOPGOOD: The first point to be made is that the wrong sort of sunglasses are worse than none at all. What we have to be concerned for is damage to the retina which can occur from various segments of the electromagnetic spectrum, not simply visible light. So, a pair of sunglasses that merely reduces the intensity of visible light will in fact make matters worse because the dilation of the

pupil which would otherwise occur will not occur and the amount of incident ultraviolet and infra-red radiation may indeed be increased. So, that is something that people have to be very careful about. They should try to ensure that sunglasses are such as to certainly reduce ultraviolet, and for the most part infra-red radiation is not a problem but it can be in certain circumstances.

There was the phenomenon in the last century of blacksmith's blindness, where men would sit for long periods gazing at their forge and were getting a great deal of incident infra-red radiation. That is the first point: that in fact the wrong sort of sunglasses are worse than none at all. However, the right sort of sunglasses are better than none at all, for a couple of reasons. First, what we tend to do is assist the normal dilation process and wrinkle, and that has some adverse effect on our appearance as we get older, so wearing sunglasses assists there.

There is a final point, though, which is a little subtle but which we cannot avoid: on the retina an energy exchange process is taking place. Light energy, or energy from the various wavelengths, is being converted into an electrical current which transmits the message to the brain. In the process, under the second law of thermodynamics, some heat is produced and that heat does have some deleterious effect on the surface of the retina, and it is a cumulative thing over years. So, to the extent by which we can cut down insulation from whatever wavelength, that obviously has some assistance. So, yes, there should be an educative program. I am prepared to take up the matter with my colleague the Minister of Education, but I again stress that it has to be on the basis of the right sort of equipment.

TRAFFIC LIGHTS

Mr BRINDAL (Hayward): Will the Minister of Transport consider modifying the traffic light arrangements for the greater convenience of travellers in metropolitan Adelaide on Christmas Day? It is my understanding from correspondence from the Minister that most of the traffic lights in Adelaide are now computerised and may indeed be centrally controlled.

I have noted over a number of years that all the traffic lights remain set for the normal traffic flow on Christmas Day, that is, towards and from the City of Adelaide. Christmas Day is the one day of the year when large groups of people, rather than travel to the City, travel across the suburbs via the ring routes. I have noted, for instance, that by 11 a.m. on a Christmas morning there is a wait of some quarter of an hour for traffic proceeding from Cross Road onto Portrush Road. I believe that a re-programming of the lights for Christmas Day would increase road safety, be of greater convenience to the metropolitan public and may save many parents considerable exasperation.

The Hon. FRANK BLEVINS: I will look at the question and see whether there is anything I can do.

POWER LINE ENVIRONMENT COMMITTEE

Mr QUIRKE (Playford): Will the Minister of Emergency Services provide the House with some indication of what has been achieved by the Powerline Environment Committee since its establishment earlier this year to make recommendations on the undergrounding of powerlines in areas of significant community benefit?

The Hon. J.H.C. KLUNDER: I thank the member for Playford for his question, which is appropriate since the Powerline Environment Committee has been operating for approximately six months. As members will be aware, the committee is empowered to spend up to $2.6 million per annum on the basis of $2 for $1 by local government, which makes the total amount close to $4 million per annum that can be spent on various types of improvements on the powerline environment.

I report that, on the recommendations of the committee, I have approved 10 such undergrounding projects worth a total of $1.3 million. The committee has given approval in principle to another 10 projects worth a total of $1.4 million and, in respect of these projects, the committee is awaiting further details before recommending final approval. A further four projects worth another $1.4 million have been deferred until the committee receives additional information it has requested from the proponents. Members may be interested to know that the projects overall are almost evenly split between city and country locations.

STATE BANK

Mr BECKER (Hanson): Will the Treasurer advise what bonuses the State Bank group paid its senior executives for the 1989-90 financial year, and does the Treasurer believe that they were justified? Given that all other major banks publish details of remuneration to their executives and directors, will the Treasurer now request the State Bank to do likewise?

The Hon. J.C. BANNON: I replied to an almost identical question yesterday. I point out that the responsibility in this area is with the State Bank Board. The extent to which it pays bonuses, publishes schemes and so on is a matter that I will refer to it for its consideration.

BELAIR NATIONAL PARK

Mr FERGUSON (Henley Beach): Will the Minister for Environment and Planning inform the House of the extent of work being undertaken to upgrade the Belair National Park, and when will the project be completed? When a decision was taken to charge for entry into the Belair National Park, it raised some criticisms from the community. The then Minister for Environment and Planning agreed that all moneys raised would be used to fund capital works within the reserve itself.

The Hon. S.M. LENEHAN: I thank the honourable member for his ongoing interest and commitment to the Belair National Park. I remind the House that this is the most popular park in South Australia in terms of visitor numbers. Indeed, the money has been very well spent, and spent for the purposes for which it was originally allocated. More than $400 000 worth of upgrading is currently being undertaken at the park and funds to upgrade the sewerage scheme follow some $800 000 worth of improvements already carried out on the water supply and irrigation systems within the park. The completed irrigation system includes an automated sprinkler system for watering ovals, picnic grounds and other grassed areas.

Stage 1, involving the western section of the park, is due for completion before Christmas. The main areas to benefit include the Pines Oval, the Government farm picnic areas, Old Government House, Gums Oval and Walnut Paddock. Work will then begin on stage 2 of the scheme at the eastern end of the park, and I am sure that the local member will welcome this good news. The work at the eastern end of the park will benefit the facilities in the Long Gully, Willows

and Karka areas. I thank the honourable member for his ongoing interest in this most famous of our parks.

SUPERANNUATION ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Finance) obtained leave and introduced a Bill for an Act to amend the Superannuation Act 1988. Read a first time.

The Hon. FRANK BLEVINS: 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

The purpose of this Bill is to make a number of technical changes to the Superannuation Act. The Superannuation Act not only establishes the South Australian Superannuation Fund but also specifies the rules relating to membership of the superannuation scheme for Government employees. The Act also sets out the rules relating to contributions and benefits. The technical amendments contained in the Bill will clarify certain matters relating to the scheme, and overcome some minor problems that have become apparent since the scheme came into operation on 1 July 1988. In addition to the technical amendments there are several new provisions proposed to be inserted in the Act. These new provisions will either improve the operation of the scheme or are necessary to cater for changed employment conditions.

Provision is also made to allow variations to be made to the provisions of the Act where a small public sector scheme is closed and its members transferred to the State scheme. The Bill also seeks to enact a provision that will allow the Governor to make variations to a public sector scheme to ensure that the tax impact on a fully funded scheme is cost neutral to the employer. An amendment that will require the actuary to report on the long term costs of the scheme is also sought in this Bill. The proposed amendments to the invalidity provisions of the Act will ensure that the Superannuation Board has greater control in the area of employees applying for ill health benefits. It is also proposed that the approval of the Board be obtained before an employer can retire a contributor on the grounds of invalidity.

The provisions of the scheme need to be modified to accommodate the new fixed term leadership appointment arrangements introduced into the teaching profession. It is proposed to have the scheme rules relating to these fixed term higher salaried positions prescribed in regulations, and the amendment to section 59 of the Act will make this possible. In general terms a teacher who serves five years in a higher salaried fixed term position will be able to have that higher salary recognised for superannuation purposes. The Institute of Teachers has agreed to this arrangement.

Within the Government area there are many small superannuation schemes that are closed to new entrants. These schemes continue to grow smaller. The proposed amendment to the Act to include some flexibility in dealing with these small schemes will make it easier for the Government to rationalise the number of schemes and transfer the employees to the main State scheme. In some cases employees covered by these small schemes consider they have slightly better benefits or additional options. Maintaining a right to these better benefits will enable rationalisation to take place and eliminate the relatively high administration costs of these small schemes.

Clauses 1 and 2 are formal.

Clause 3 inserts a requirement into section 20 of the principal Act that the trust must prepare financial statements in a form approved by the Treasurer.

Clause 4 replaces paragraphs *(a)* and *(b)* of section 21 (4) of the prinicpal Act with new paragraphs that set out more precisely the subject matter of the report under subsection (4).

Clause 5 makes a technical amendment to section 22 (6) *(a)* of the principal Act.

Clause 6 amends section 23 of the principal Act.

Clause 7 amends section 24 of the Act. Extrapolated contribution points depend upon the number of months between the contributor's age at the time he or she first becomes entitled to benefits and the age of retirement. To avoid an unfair loss of benefits to a contributor it is necessary that part of a month included in the period be treated as a whole month.

Clause 8 replaces subsection (2) of section 25 of the principal Act. The existing subsection requires the board to report to the Minister on a proposal to attribute additional contribution points or months to a contributor. The Government does not believe that it is appropriate that the board should report on such a matter. The subsection is replaced by a provision requiring the board to include details of an attribution of points or months in its annual report.

Clause 9 amends section 28 of the principal Act.

Clause 10 inserts a provision that will enable the board to require an employer to take measures to rehabilitate a disability pensioner or to find alternative employment for such a pensioner.

Clause 11 amends section 31 of the principal Act. Subsections (3) and (4) are replaced as a corollary to new section 30a. After the amendment, employment of a contributor will only be terminated by an employer with the approval of the board or after the procedures in subsection (3) *(b)* have been followed. This will prevent an employer who does not wish to cooperate with the board under section 30a from terminating a contributor's employment on the ground of invalidity.

Clauses 12 and 13 make amendments that correspond to the amendments made by clauses 10 and 11.

Clause 14 amends section 39 of the principal Act.

Clause 15 amends section 43 of the principal Act. The amendment ensures that a pension that is suspended during a period that takes the place of recreation leave cannot be commuted. New subsection (2) provides that the contributor will be taken to have continued in employment during this period and must contribute as though his or her employment had not terminated. The contributor will be credited with contribution points during this period.

Clause 16 amends section 47 of the principal Act.

Clause 17 amends section 59 of the principal Act.

Clause 18 adds a new clause to schedule 1.

Clause 19 inserts new schedule la into the principal Act. Clause 1 enables public sector superannuation schemes to be closed and the contributors of those schemes to be brought into the State scheme. Clause 2 provides for reduction of benefits to offset income tax payable in respect of public sector superannuation schemes.

Mr S.J. BAKER secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959; and to make consequential amendments to the Stamp Duties Act 1923. Read a first time.

The Hon. FRANK BLEVINS: 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

The purpose of this Bill is to amend the Motor Vehicles Act 1959, to give effect to the Government's decisions arising from the 1990 South Australian budget. This Bill will enable the rationalisation of concessions on registration fees currently granted under the Act. At present there are a total of 162 000 vehicles registered at either a reduced registration fee or no registration fee. The total value of these concessions is an estimated $14.2 million per annum which would otherwise be paid into the Highways Fund. A number of these concessions have existed since the inception of registration fees and their original justification has diminished over time.

Major changes proposed include discontinuing registration without fee for some vehicles used for the maintenance and construction of roads and for the collection of household rubbish by local government councils. Councils will be required to pay registration fees on vehicles such as trucks and utilities similar to those paid by other organisations and bodies undertaking similar roadworks and rubbish collection. Vehicles specifically adapted for road-making such as graders, tractors, rollers and bitumen layers will continue to be registered without registration fees.

One metropolitan council and one rural council were taken as samples to examine the effect of these changes. For the metropolitan council, the effect is estimated as an additional $20 000 per annum in a total budget of $17.9 million. The rural council would pay an estimated additional $6 000 in a total budget of $1.4 million.

The concession available to primary producers whereby commercial vehicles are granted a 50 per cent reduction in registration fees is to be rationalised. The concession will continue to be available on any number of commercial vehicles provided that the mass of a vehicle is 2 tonnes or greater. The 50 per cent rebate will no longer be available in respect of light commercial vehicles of less than 2 tonnes mass. It is proposed to discontinue the concession on vehicles such as utilities and small tray tops which are a class of vehicle often used for purposes other than in connection with primary production. Primary producers currently receive a reduced third party insurance premium. A primary producer in the country area pays an annual premium of $43 compared with a premium of $144 for a similar commercial vehicle registered in the country at full fee.

The cheaper third party insurance premium will continue to be available on all commercial vehicles owned by primary producers irrespective of the mass of a vehicle. For individual owners with vehicles of less than 2 tonnes mass currently registered at a primary producer's concession, the net effect of the Government's decision on a typical vehicle such as a Holden or Ford utility is an additional $60 per annum payable on the registration fees. Fees payable overall by primary producers to register and insure will continue to represent considerable savings over the fees paid by other owners of similar commercial vehicles. The 75 per cent rebate on the registration fee for tractors owned by primary producers will remain.

There are currently a small number of commercial vehicles registered at a 50 per cent concession by prospectors. It is proposed to discontinue the prospectors' concession, but in the case of prospectors operating their vehicles wholly or mainly outside a local government area, the 50 per cent concession may be retained by applying for the concession available on vehicles operated in remote areas. Other concessions on registration fees such as those afforded certain pensioners and incapacitated persons will not be varied and will continue to be available.

In the order of 9 000 vehicles will continue to be registered at no fee. This Bill provides for the introduction of an administration charge, proposed to be fixed by regulation at $15, payable on an application to register or renew the registration of a vehicle registered without registration fee. The administration fee is calculated to recover the costs of processing and recording the application and issuing a registration certificate and label. These changes when implemented will result in additional revenue for the Highways Fund of an estimated $3 million in a full year.

At present, provisions relating to the registration of motor vehicles at reduced fee are contained in the Motor Vehicles Act. Provisions relating to registration without fee are contained both in the Act and the regulations. This Bill rationalises these provisions by enabling reduced registration fees and the registration of vehicles without registration fees to be prescribed by the regulations. I commend the Bill to honourable members.

Clause 1 is formal.

Clause 2 provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3 amends section 5 of the principal Act by substituting new definitions of 'prescribed registration fee' and 'reduced registration fee' and by striking out the definition of 'primary producer'.

Clauses 4, 5, 6, 7 and 8 make minor amendments to, respectively, sections 16, 20, 21, 22 and 24 of the principal Act to include references to any administration fee that may be payable for registration of a motor vehicle in lieu of registration fees.

Clause 9 amends section 27 of the principal Act to extend the Governor's regulation-making powers in relation to registration fees to empower the making of regulations that:

(a) require the Registrar to register motor vehicles of a specified class without payment of a registration fee;

(b) prescribe administration fees to be paid in respect of applications to register motor vehicles entitled to be registered without payment of registration fees.

Clause 10 repeals section 31 of the principal Act which requires the Registrar to register certain motor vehicles without payment of registration fees.

Clause 11 repeals sections 34 to 38b of the principal Act which provide for the reduction of registration fees in relation to the registration of primary producers' commercial vehicles and tractors, vehicles in outer areas (that is, Kangaroo Island, the areas of the District Council of Coober Pedy and the District Council of Roxby Downs and all other parts of the State not within a council area or Iron Knob) and motor vehicles owned by incapacitated ex-servicemen or ex-servicewomen, concession card holders and certain other incapacitated persons.

Clauses 12 and 13 make a minor amendment to, respectively, sections 41 and 42 of the principal Act to clarify that references to fees are references to registration fees.

Clause 14 makes consequential amendments to the Stamp Duties Act 1923, to re-enact the definition of 'primary producer' removed from the Motor Vehicles Act, to remove references in schedule 2 to the Stamp Duties Act to section 38 of the Motor Vehicles Act (which is repealed by this Bill) and to set out in the stamp duty exemption provisions the conditions of eligibility for reduced registration fees which were set out in section 38 of the Motor Vehicles Act, and to replace a reference to 'Department for Community Welfare' with 'Department for Family and Community Services'.

The Hon. D.C. WOTTON secured the adjournment of the debate.

DEBITS TAX BILL

The Hon. FRANK BLEVINS (Minister of Finance) obtained leave and introduced a Bill for an Act to give effect to arrangements with the Commonwealth for the transfer of the benefit of the debits tax to the State and for that purpose to provide for the imposition and collection of the debits tax and the making of arrangements with the Commonwealth about matters connected with the administration of this Act; and to make a related amendment to the Taxation (Reciprocal Powers) Act 1989. Read a first time.

The Hon. FRANK BLEVINS: 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

On 20 June 1990 the Premier wrote to the Prime Minister suggesting an 11-point program for reform of Commonwealth-State financial relations. One of his suggestions was that the Commonwealth remove the debits tax (with offsetting reductions in State grants) to leave the field of taxation of financial transactions to the States. It was the Government's intention to rationalise the taxes imposed on financial institutions to assist with micro-economic reform. Unfortunately, there was no discussion of this proposal at the Premiers Conference and, without consultation, the Prime Minister announced his intention to transfer the debits tax to the States.

Despite our best efforts to secure consideration of the original and far superior concept it now seems certain that the Commonwealth will legislate to reduce State grants by the amount of debits tax collected in each State. Discussions have been taking place with the Commonwealth as to the precise start date of the legislation. From that date it will remove its own debits tax but have in place legislation to enable the Australian Taxation Office to collect debits tax on behalf of the States. The choice facing South Australia is simple:

- to take no action and thereby forgo $25 million per annum ($12.5 million in 1990/91) in Comonwealth grants;
- to legislate to impose a State debits tax (collected by the Commonwealth on our behalf) identical to that presently imposed by the Comonwealth;
- to find some other way of raising an extra $25 million per annum (or securing extra expenditure savings of this amount).

The Government has already had to put before Parliament a package of tax measures to compensate for the shortfall in Commonwealth funds. It has also committed itself to finding significant expenditure savings through the Government Agency Review Group between now and the end of the financial year. Given that the Commonwealth will automatically reduce this State's grants by the amount of debits tax collected, the Government has no alternative but to legislate for a State debits tax.

This Bill introduces a tax which exactly replicates the existing Commonwealth tax. Therefore, the overall tax burden on the community will remain unchanged. It is the Government's understanding that all other States and Territories intend to enact similar legislation or take other revenue measures to compensate for the reduced grants from the Commonwealth. The Bill reflects a consultative approach between State Parliamentary Counsel and their Commonwealth counterparts to ensure as far as possible that the precise form of the legislation is uniform across jurisdictions. Consultation with the Australian Bankers' Association has occurred and it has advised that in order for its members to meet the start date those jurisdictions enacting a State debits tax must have uniform provisions.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 sets out the definitions required for the purposes of the Act. The 'applied provisions' are the relevant provisions of the Debits Tax Administration Act 1982 of the Commonwealth applied as laws of the State by reason of clause 9 of this Bill.

Clause 4 provides that the applied provisions and this Act must be read as one. This is technically necessary in the translation of the Commonwealth legislation.

Clause 5, by subclause (1), mirrors the imposition of tax under the Commonwealth Debits Tax Act 1982. Non exempt debits are dutiable whether made to a taxable account ('taxable debits') or to an exempt account, or account kept outside the State if the purpose of the debit is tax avoidance ('eligible debits'). Avoidance is deemed not to occur if the debit is made in a jurisdiction which imposes the debits tax (subclause (2).

Clause 6 provides that debits tax is imposed at the rates set out in Schedule 1.

Clause 7 ensures that a reference in clause 5 to a debit made to an account outside South Australia also includes a reference to certain types of accounts with building societies, credit unions, or similar bodies.

Clause 8 mirrors the Commonwealth legislation to provide that financial institutions' account holders are jointly liable to pay the tax imposed on taxable debits and to provide that the account holder of an account other than a taxable account is liable to pay the tax imposed on an eligible debit made to that account.

Clause 9 applies the Commonwealth Debits Tax Administration Act 1982 (other than sections 1, 2, 6 and 8) as law of South Australia, as if the Act contained the amendments set out in Schedule 2.

Clause 10 enables the Commissioner to make arrangements with the Commonwealth Commissioner of Taxation in relation to the administration of the legislation by the Commonwealth.

Clause 11 confers the functions and powers on the South Australian Commissioner of the Commonwealth Commissioner of Taxation, subject to any arrangement made pursuant clause 10.

Clause 12 introduces appropriate South Australian offence provisions. Subclause (1) makes it an offence to fail or neglect to furnish returns or information, to refuse or neglect to attend and give evidence when required, or to make a false return. Subclause (2) makes it an offence to refuse without just cause or neglect to produce books as required by the Commissioner. Subclause (3) provides that a person who is convicted of an offence and continues to fail to comply with the relevant requirement is guilty of a further offence. Subclause (4) provides that an offence is deemed to continue after the time for being required to do something has elapsed, for as long as the thing remains undone.

Clause 13 makes it an offence to evade or attempt to evade debits tax.

Clause 14 provides for the time for commencing offences.

Clause 15 provides that a payment of a penalty does not relieve a person from the liability to pay the tax owed.

Clause 16 makes it an offence to obstruct or hinder any person acting in the administration of the Act.

Clause 17 relates to offences by bodies corporate.

Clause 18 provides that if the Commissioner becomes liable to pay an amount under this Act, that amount is to be paid from the Consolidated Account which is appropriated accordingly.

Clause 19 ensures that a certificate of exemption granted under the Commonwealth legislation continues to be in force under this legislation until revocation or the expiry date on the certificate.

Clause 20 is a technical provision required because of the Commonwealth Taxation Administration Act which provides for Commonwealth reciprocal investigation assistance when requested by a State taxation officer. Accordingly, it is necessary to authorise the Commissioner to perform the functions of a State Taxation officer under the relevant Part of the Commonwealth Act.

Clause 21 amends the Taxation (Reciprocal Powers) Act 1989 to include the proposed Act in the definition of a 'State Taxation Act'. Schedule 1 sets out the rates of tax. It mirrors the schedule of rates in the Commonwealth Debits Tax Act 1982. Schedule 2 makes appropriate technical modifications to the Commonwealth Debits Tax Administration Act 1982 to apply its provisions as South Australian law.

Mr S.J. BAKER secured the adjournment of the debate.

MURRAY-DARLING BASIN ACT AMENDMENT BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to approve an agreement for amendment of the agreement between the Commonwealth, New South Wales, Victoria and South Australia with respect to the Murray-Darling Basin; and to amend the Murray-Darling Basin Act 1983. Read a first time.

The Hon. S.M. LENEHAN: 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

The purpose of this Bill is to approve amendments to the Murray-Darling Basin Agreement to enable the Murray-Darling Basin Ministerial Council to make decisions otherwise than at meetings. The council concluded some time ago that many issues for which it has responsibility should be capable of being resolved without an actual meeting of council. The benefit would be quicker decisions without the expense of its interstate members having to travel to a common meeting venue. The procedures set down in the present agreement however do not allow out of session resolutions.

It may be of interest that the council was established in November 1985 by informal agreement between the Governments of the States of New South Wales, Victoria and South Australia and the Commonwealth. This was subsequently formalised through the Murray-Darling Basin Agreement 1987 which was ratified by the respective Parliaments and took formal effect on 1 January 1988. The council comprises up to 12 Ministers, three from each Government. It maintains general oversight and control over major policy issues of common interest to those Governments concerning the effective management of natural resources within the Murray-Darling Basin. Significant matters, including funding approval for major projects, require council endorsement.

After extensive negotiations between the parties, an amending agreement has been executed by the Prime Minister and the Premiers of New South Wales, South Australia and Victoria to allow out of session resolutions. This Bill seeks to ratify this agreement.

Clause 1 is formal.

Clause 2 provides for commencement on proclamation.

Clause 3 approves the amending agreements.

Clause 4 amends the definition of 'the Agreement' in the Act so as to include reference to this second amending agreement.

Clause 5 inserts a third schedule in the Act setting out the amending agreement.

The Hon. D.C. WOTTON secured the adjournment of the debate.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL AND REFERENDUM (ELECTORAL REDISTRIBUTION) BILL

Adjourned debate on motion of Hon. D.J. Hopgood.

(Continued from 13 November. Page 1761.)

The Hon. B.C. EASTICK (Light): I thank my colleague the Deputy Leader for giving way so that I can meet a commitment I have a little later. I thank the Deputy Premier for his comments when closing the debate yesterday wherein he expressed his appreciation of the work of members of the select committee. I add my appreciation to all members of the committee.

It was a long and quite difficult select committee. The wealth of information that was made available to us, mainly that which we prised out ourselves, has been placed on the permanent record—a great deal more information relative to electorate matters than I believe any of us fully appreciated previously. I have no doubt that that the information will be taken out and worked over on a number of occasions.

However, I would extend my appreciation to the secretaries who assisted the committee during its deliberations. They had to follow some quite intricate drafting and discussion, and I appreciate their work. The Deputy Premier made mention of having to invite people in. I must say that those who were invited were, once they arrived, very

appreciative of the opportunity and many of them exceeded our wildest expectations. Indeed, a number of them subsequently provided the committee with a wealth of other information. The committee was well serviced by those who appeared before it. There was some variance of opinion but, basically, the one thread that constantly came through was that the present system is severely flawed and that the change from three year to four year Parliaments has placed an impediment upon the existing arrangements for the determination of boundaries. The demographic change in some areas and the lack of appreciation of what demography would do to a number of the seats which were set on low quotas on the last occasion or which were set on rather high quotas but did not lose as much as was expected is very much to the fore in the statistical chart that is part of the report.

I seek leave to insert into *Hansard* the statistical chart that appears on pages 16 and 17 of the report. I recognise that there are two or three lines which are the key to the information contained in the chart.

The SPEAKER: Is the table purely statistical?

The Hon. B.C. EASTICK: Yes, Sir.

Leave granted.

Appendix C

Explanation of Comparative Electoral Quota Changes Diagram

The diagram is based on information provided by the South Australian Electoral Commissioner, Mr A.K. Becker. Electorates are banded by quota and fraction of quotas rather than numerical numbers within each electorate.

Divisions

0.90-1.10	are equally spaced
0.80-0.90	are 0.02 variation per space
1.10-1.35	are 0.05 variation per space

Significance of Dates

29.7.83	Date of Redistribution
12.9.85	Figures at 1985 Election
6.11.89	Figures at 1989 Election
30.6.90	Latest figures provided in evidence

COMPARATIVE ELECTORAL QUOTA CHANGES, 1983-90

Quota	29 July 1983	12 September 1985	6 November 1989	13 April 1990
1.35				Fisher (1.36)
1.30			Fisher (1.34)	
1.25				Ramsey (1.25)
1.20			Ramsey (1.21)	
1.15			Florey (1.17)	Florey (1.18), Mawson (1.17)
1.10		Fisher (1.13)	Mawson (1.14), Baudin (1.12), Kavel, Newland (1.11), Alexandra (1.10)	Kavel (1.13), Alexandra, Baudin (1.12), Light (1.11), Newland (1.10)
1.09		Goyder	Goyder, Light	Goyder
1.08	Price			
1.07	Mitcham, Unley			Bright
1.06	Peake, Walsh, Spence, Bragg		Heyson, Albert Park, Bright	Albert Park, Heyson
1.05	Henley Beach, Victoria	Newland, Victoria		
1.04	Goyder	Light, Price, Albert Park, Bragg, Kavel, Baudin		
1.03	Playford, Hanson, Adelaide, Albert Park	Mitcham, Peake, Murray-Mallee, Alexandra, Chaffey, Mawson, Henley Beach		
1.02	Chaffey, Hartley	Bright	Chaffey, Henley Beach	Chaffey
1.01	Newland, Stuart, Ross Smith, Norwood, Whyalla, Light, Murray-Mallee	Spence, Unley, Florey, Hartley	Todd	Henley Beach, Todd
1.00	Florey, Hayward, Gilles, Mitchell	Hanson, Ross Smith, Playford, Ramsey	Spence, Victoria, Murray-Mallee	Briggs, Victoria
0.99	Fisher, Morphett, Bright, Semaphore	Walsh, Adelaide, Heyson	Mount Gambier, Price, Bragg, Briggs	Spence, Murray-Mallee, Price
0.98	Kavel, Baudin	Todd, Semaphore, Stuart, Flinders, Mitchell	Playford, Mitcham, Semaphore, Peake	Semaphore, Bragg, Mount Gambier
0.97	Mount Gambier, Todd, Flinders, Mawson	Norwood, Whyalla, Morphett, Mount Gambier, Davenport, Hayward	Davenport	Peake, Davenport, Playford, Mitcham
0.96	Davenport, Ramsey		Unley, Hartley, Stuart	Napier, Unley
0.95	Coles	Gilles	Hanson, Napier	Adelaide, Hartley
0.94	Alexandra, Custance	Custance, Napier	Adelaide, Norwood	Hanson, Stuart
0.93	Heyson	Briggs, Coles	Coles, Mitchell	Coles, Norwood
0.92	Napier, Eyre, Briggs		Ross Smith, Walsh, Custance, Morphett	Custance, Mitchell
0.91	Elizabeth	Eyre	Flinders	Morphett, Ross Smith, Eyre, Flinders, Walsh
0.90			Eyre	
0.88		Elizabeth (0.89)	Gilles, Hayward (0.89)	Gilles, Hayward (0.88)
0.86				
0.84			Whyalla (0.84)	Whyalla (0.83)
0.82				Elizabeth (0.82)
0.80			Elizabeth (0.81)	

The Hon. B.C. EASTICK: If one looks at the chart, one sees those seats that have been grossly disadvantaged by improper placement on the last occasion. I do not suggest for one minute that that was deliberate; far be it from me to suggest that. Some of the evidence that was presented on an earlier occasion to the redistribution committee gave expectations which were not fulfilled and, indeed, changes in employment opportunity greatly reduced the likelihood of some of the seats staying at the level that was maintained on the earlier occasion.

One of the significant results of the report we are noting and the action that will be taken as we flow through by putting this into legislation, is that future redistribution will be undertaken after each election. Therefore, the demography, the social changes, and the variations that will be necessary within each seat will be much less in the future than they have been in the past, albeit that there will be some quite major changes on this occasion because of the manner in which the figures have blown out.

I believe that members will clearly recognise that the trigger to permitting this measure to proceed and for a redistribution prior to the next election relates to this simple matter of requiring a redistribution now, rather than after the next election. Every member of the committee, and certainly the witnesses that came before the committee, attested to the great importance of that matter.

There is an excellent analysis contained in the information that was presented to the committee. I recommend to all members who have an interest in how boundaries are drawn up, the features that are taken into consideration, the importance of demography and the methodology of determining where boundaries will go that at some stage they seek out the evidence that has been tabled to obtain a better appreciation of the whole matter from experts in the political analysis field and from those who are political scientists attached to our tertiary institutions.

Without wanting to suggest that any one witness was of greater importance than another, I want to pick up the contributions which were made by people outside the direct political field and which the committee found to be most important. They were from Ms Babbage, the Assistant Project Officer, Development Program Unit, Department of Environment and Planning; Dr G. Hugo, Reader in Geography, Flinders University of South Australia; Mr I. McQueen, Senior Project Officer, Development Program Unit, Department of Environment and Planning; and one could add to that list Miss D. Rudd, Senior Tutor (Geography), Flinders University of South Australia. Those people were able to provide an insight into the new technology which is available and which will be of great value not only to political Parties that are mounting a campaign to seek to influence the commission but also to the commissioners, providing a tremendous amount of important information to enable them to fulfil their role. The preparedness of those people to work on models as a guide to the information that was available from their technology is evident from the proceedings and makes for quite intriguing reading.

In relation to the second last set of amendments, I would mention Mr A. Becker, the Electoral Commissioner for the State Electoral Department of South Australia, and Mr I.T. Spencer, the Australian Electoral Officer for South Australia on the Commonwealth scene. Both of those people were able to identify to the committee a matter which was suspect in the past but which is now very evident from the evidence that they gave, and that is that the electoral rolls are by no means faultless and that, in actual fact, the efficacy or efficiency of the rolls is tarnished by the fact that insufficient funds have been made available from both State and Federal Governments to ensure a properly developed roll.

It is quite clear that, because of the arrangements that exist between the Commonwealth and the State whereby the Commonwealth mounts the major roll detail presentation, the matter needs to be debated at Premier level with the Prime Minister to make sure that that inter-relationship which currently exists can be improved. Whilst not in any way detracting from the value of the earlier recommendations, I draw particular attention to the importance of those claims that require action by the Attorney-General in this State and by the Premier directly with the Prime Minister. It is no good this State putting its legislation into order and providing a series of amendments which would seek to provide the ultimate in fairness in elections if, in actual fact, members from both sides of the House—and not even members, but candidates at any election—went to the election not being certain that the rolls correctly identified those people who should be voting for them or those people who live on the boundaries and, who should be voting for candidates in adjoining electorates.

A lot of evidence is available to indicate that the rolls have been poor in the past and that, therefore, they might have influenced the results of some elections. I hope that one of the quite important side effects of the deliberations of the committee will be to correct that position to make sure that the rolls, be they State or Federal, will in the future better represent the people who are eligible to vote in any particular electorate, taking away the potential of a hearing before a court of disputed returns or other court action that might be brought into play when the end result is very close.

Having drawn attention to that aspect of the recommendations, I point out that I genuinely believe—as, I think, do all members—that the recommendations form an inter-related group. One must give consideration to all the matters contained in the report to get the best result from the deliberations of the committee. Whilst one member may feel that a tolerance of plus or minus 10 per cent might be too wide or too low and another member might believe that the number of seats in the House is too high or too low, the commitment of the committee, after taking all of the material into consideration, was that the group of recommendations in this report is in the best interests of fair elections in the future in this State.

I point out that a couple of the recommendations have, virtually, a postscript attached, because through the evidence there was a clear indication that we ought to give consideration to a top-up scheme. Consideration was given to the Hare-Clark system, and the Deputy Premier mentioned this only yesterday. The committee decided not to take deliberate action on either of those two matters but to draw attention in the recommendations to the fact that, after the next election and perhaps on a continuing basis, it may be time for political Parties or the Parliament to further consider the results of any redistribution and how they inter-relate with the various methods under which fairness is measured.

Whilst the committee comes to finality by the tabling of this report, I do not believe that the issues covered in its deliberations will necessarily come to finality as far as the parliamentary system is concerned. Indeed, I suggest that the parliamentary system would benefit from a close and regular monitoring of the criteria which influence the way we draw boundaries, the way in which we determine seats and the eventual result which may come forward following an election.

One situation that will arise at the time of the next State election if these matters are brought to fruition is that the target date for an election after the determination will be a shorter period of time than will apply in subsequent redistributions. We are already one year into a four year term, assuming that we go the full term, and the deliberations of the commission are likely to take upwards of another eight to 12 months. So, the commissioners will be making a determination at a period of time out from an election that might be as short as one year or as long as 2½ years. I say that because under normal circumstances a Government cannot go to the people in less than three years but, depending upon when the last election was held or when the

Parliament first met, the possibility exists for the term to be extended to 4½ years. So the commissioners are given a moving target in the sense of what will be equality, near-equality or an attempt at equality at the next election day, which must fall somewhere within a 1½ year span.

That will always be in the future. It will be a 1½ year span, the same as it is on this occasion. Certainly, in subsequent redistributions, because the commission will be required to sit within three months of the previous election and may deliberate. One would normally expect, for, say, eight to 12 months, the deliberations will be 2 to 3½ years away from the ensuing election date. As a result of this moving election date, some pressure will be put upon the commission in coming to grips with a day concerning which everything will be equal.

In reality, I suspect that most people—and I would hope that members of the House—would be happy on election day, whenever it may fall, if the variation between high and low were no greater than, say, 5 per cent either way, although it would be closer to Utopia if it were only 3 per cent either side of the mean. Certainly, we must recognise that there will be some variation to the desired end result by virtue of the uncertainty of an election date, and that, even though it will be on a four-year cycle from this point on, the period between redistributions will be much shorter. Thereafter, as the basis of moves in demography and the evidence available from the last election, the deliberation will be more competent than may be the case on this occasion.

I believe that the committee made every possible effort to assist the commission in providing what is required for South Australia, that is, an electoral system which in normal circumstances cannot be challenged by anyone, whether they be political pundits, political Parties or Freds and Fredas in the community. However, the set of criteria determined will give the opportunity for a fair and equitable election and redistribution process. In fact, the Deputy Premier picked up the point in his contribution only yesterday when he said:

> So, we would certainly endorse that part of the Bill which suggests that 'one vote one value' should be restored by an appropriate redistribution of boundaries.

I believe that this matter is one that is uppermost in the minds of all members. The Bill will subsequently be considered in another place, where I hope it will have a speedy passage and, leading to—if the deliberations of the committee are accepted—a referendum in the new year.

I believe that the question before the referendum is quite a simple one that will be accepted by the community, so that the commission can then get on with the job. It will mean that the State of South Australia will in the future be a better place electorally than it has been over the past five years, when electorates have been very much out of kilter, coming nowhere near the one vote one value concept. I support the noting of the report.

Mr S.J. BAKER (Deputy Leader of the Opposition): I think there is some pride in the fact that finally South Australia will have a system of which it can be totally proud. I was a member of the select committee, which met on some 15 occasions and deliberated on the evidence provided by a number of individuals. It is important to reflect on some of the history of the committee. Of course, I know that the committee was established by the Parliament as a result of pressure being placed on the Parliament to resolve certain questions pertaining to the electoral system in this State. It is important to note that, at the time the matter was first raised and the Government indicated its wish to bring forward the date of the redistribution in order to bring electorates back within a reasonable tolerance, the Liberal Party indicated complete agreement with this. We also believed that the system inherently disadvantaged the Liberal Party. It does not matter whether it is the Liberal Party, the Labor Party, the Democrats or any other Party that is involved in such a process: the system under which all Parties operate must be democratic.

The select committee was forced upon the Government at the time simply by the fact that a Party that had gained 52 per cent of the popular vote failed to win Government. In electorate terms, 52 per cent is a significant and substantial majority, as history would teach us, and that led to the formation of the select committee. I pay tribute to the members of that committee, who applied themselves diligently to the task before them, covering the length and breadth of electoral systems in their desire to provide a result for this Parliament of which members could be justly satisfied.

Mrs KOTZ: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The SPEAKER: Order! Members will either resume their seat or leave the House.

Mr S.J. BAKER: At the time, it was our belief—and the belief had been sustained over a number of years—that the system under which we were operating was akin to giving the Port Adelaide Football Club a 10-goal start at the begining of every match. That is the disadvantage that we believe accrued to the Liberal Party as a result of the way the electoral system operated. That position was sustained over a long period, but the evidence really did not become available in such a stark form until the 1989 election when, as I indicated, the Liberal Party gained 52 per cent of the ultimate popular vote but failed to gain Government. Indeed, if one looks at the figures involved, one sees that the Liberal Party would have had to poll in excess of 54 per cent to obtain Government. That has occured only once since the Second World World War, and probably only once this century. So, one can see that the conditions prevailing at the time were not conducive to a change of Government in this State.

I want to make one point very clear. It does not really matter about the name of the Party, or who is being represented under what banner, but for the sake of democracy it is important that the winner does win: that we do not have an unfair system. If the people of South Australia say they desire to change the Government, and that is reflected in the vote, the Government should change: democracy should not be somehow prevented from operating. Two major aspects of the report were tackled in relation to this, the first involving numbers per electorate; and, secondly, the question of which system would best serve this State. I will deal here with the matter of electorate numbers because it is one on which the Labor Government has placed much importance during the debates and, indeed, over a number of years.

Each time we have raised the matter of disadvantage, the Labor Government, and the Labor Opposition during the 1979-82 period, would say, 'As long as we have the numbers right, the system will be fair.' We have contended otherwise, because our reference material suggested that it gave little heart to the Liberal Party.

It is important that we have an approximate equality of numbers, and that was addressed by the committee. It fell under the heading 'Equality'. The committee agreed on two principles very early in the piece. One was equality in terms of numbers of electors per electorate and the other was the matter of fairness in terms of ultimate electoral outcome. It is important to understand that at June 1990 we have

four electorates which are under quota: Gilles, Hayward, Whyalla and Elizabeth. Those which have broken quota at the upper end are: Fisher, Ramsay, Florey, Mawson, Kavel, Alexandra, Baudin, Light and Newland. Some six or seven years after the redistribution, we have a considerable number of electorates which have broken quota.

Further, it was important for the committee to look at the process of boundary delineation to see whether the system could be improved so that the numbers did not get so far out of kilter. As people will see when they look at the front page of the report, it is quite unfair that, for example, in the seat of Elizabeth there are 16 850 electors and in the seat of Fisher there are 27 914 electors. It is inappropriate for a Parliament which believes in equality of representation for the numbers to have got so far out of kilter.

We looked at that matter not in isolation but as part of the broad electoral system under which we are operating. The committee came to several conclusions, perhaps the most important and far reaching being that there should be an electoral redistribution after every election. That is a very important and fundamental change in the way that the system has operated. As members will recognise, the current system provides that after every three elections we should have a redistribution of electoral boundaries. If Parliaments run their full four-year terms, we are talking of 12 years between electoral redistributions. We have already noted that in the space of seven years more than one-third of the seats do not conform with the equality of numbers criteria, so there is something compelling about the proposition that we should redistribute after every election.

There are three, perhaps four, very good reasons why the committee came to this conclusion. The first is that it meant that the commission could more professionally or adequately ensure that the numbers of electors per electorate stayed within the tolerance limits of plus or minus 10 per cent. If anybody is forecasting over a four-year period—or a three-year period, as is the proposed situation with boundary redistribution—it will be far easier than if the commission has to attempt to forecast over a seven-year period or, even worse, over a 12-year period. That was the first of the advantages: that the numbers would stay within the tolerance limits and would meet the criterion of equality.

The second reason was that, by undertaking a redistribution after every election, it would be simple to fix any faults in the system. Those faults could come through inadequacy in perhaps the first round of calculations on the numbers per seat or, secondly, if the criterion of fairness was not met, the commission would have the opportunity to redress that imbalance.

The third reason why we believed that there should be a redistribution after every election was that it would eventually lead to a lower order of disruption in the seats. Everyone would recognise that if we were redistributing seats every four years, with a growth profile in South Australia of between 0.5 per cent and 1 per cent, it would be feasible to move those boundaries in a marginal sense and we would have continuity of representation rather than a dislocation and disruption which would be caused by redistributing after every three terms of Parliament or, more importantly, after every two terms, which was the Government's proposition. There was a very good reason why the Parliament should consider redistribution after every election as a viable and sensible proposition.

There was a fourth reason, which might be termed a 'maybe' reason. With all these advantages, the ultimate costs of redistribution, whilst they would occur twice as often, may be less because of the greater certainty and the less need for significant deliberations on behalf of the commission. We anticipate that if the commission fulfilled its obligations in regard to the ultimate boundary redistributions, after this redistribution we would have an exercise of improvement each time rather than a major exercise of relocation or reallocation. Ultimately, if the feeling of the committee is right on that matter, we would decrease the overall cost of elections. The committee affirmed its belief that equality of numbers, represented by the plus or minus 10 per cent tolerance, should remain. We believe that it is useful and appropriate that that criteria should continue to prevail.

Turning to the recommendations, I should like to deal with the question of fairness, which is probably the most intriguing of all and perhaps has produced one of the most enlightened solutions that has been seen in any Parliament in Australia. I have already dealt with the first recommendation in the report, which is that the boundaries be redistributed along the lines envisaged in the Act after every election.

The second set of recommendations dealt with the retention of the 10 per cent tolerance: that the question of numbers is resolved in some general concept, but ideally the numbers of electors should be approximately the same across electorates on the day for which the redistribution was designed, which was election day.

I should like to spend a short time on that principle, because it is important. We have not saddled the commission with an ultimate demand that every seat be on quota or on the median on the election date. We have said that ideally, if we are talking about equal numbers, that is what the committee believes is important. Within that framework we understand that, given the other criteria, for the drawing of appropriate boundaries it is essential that we do not go down back streets, but that perhaps we should take suburbs rather than parts of suburbs. The numbers do not necessarily have to be so exact as to be equal at election time; there is the capacity for the commission to use the 10 per cent tolerance to get good recognisable boundaries. There is also the capacity for the commission to use the 10 per cent tolerance to ensure that fast-growing seats are well under quota so that, by the time the election comes, they remain within quota and do not burst as they did during the last redistribution.

There is also infinite sense in looking at seats with vast areas and having regard to the areas, which is considered in the report, in addressing those boundaries. Top ups were considered, but we could not reach agreement on the mechanisms involved or the way that they could be adequately addressed. Importantly, the committee did not dismiss the proposition of a top up being unattainable—it just so happens that it was not attainable by the committee at that time, and there is a recommendation that it be looked at after the next election. There is also a recommendation that multi-member electorates should not be taken off the agenda as they are worthy of consideration after the next election if indeed the proposals we have before us today do not provide a fair and reasonable result.

Probably one of the most exciting conclusions drawn by the committee involves the proposed change to the Constitution, as follows:

83. (1) In making an electoral redistribution the commission must ensure, as far as practicable, that the electoral redistribution is fair to prospective candidates and groups of candidates so that if candidates of a particular group attract more than 50 per cent of the popular vote (determined by aggregating votes cast throughout the State and allocating preferences to the necessary extent), they will be elected in sufficient numbers to enable a government to be formed.

In other words, we have said that if a group, a Party or number of people of like persuasion manage to get a majority of votes, they have the right to govern the State. That is enlightening from two viewpoints: first, it is quite feasible, because all the evidence provided to us by the so-called political experts says that it is feasible. We know what the two-Party preferred vote is and it is a thoroughly understood construct within the Australian electoral system. Secondly, one of the most fundamental things is that popular Parties or groups should be elected if they gain majority support within the electorate. That is a fundamental thing to put into the Constitution, even though it is not in any constitution anywhere in Australia. We are saying to the Parties and groups concerned that they do not have a right to govern unless they get majority support. Perhaps we will see Parties really address that principle in electioneering and they will not concentrate their effort on winning only one, two or three marginal seats but will really address the question of gathering popular support because without it a Party does not have the right to govern in this State.

Mr Brindal interjecting:

Mr S.J. BAKER: Yes, the Labor Party has made an art form of that. It is an exciting report. I do not have time to cover all aspects now—I will follow them up in Committee. I commend my colleagues on the committee and the staff who provided services to the committee. I thank all witnesses who took the time to place evidence before the committee. My satisfaction with all their efforts is acknowledged and I commend the report to Parliament.

Mr FERGUSON (Henley Beach): I do not intend to take all the time allotted to me but, as a member of the committee, I have put my name on the report and, naturally, I support it. I thank the Parliament for supporting my candidature to the committee: it has been a most interesting exercise. I agree with the member for Light and urge everyone interested in electoral matters and electoral reform to read the whole of the evidence tendered to us. There is certainly something to be learnt in reading the evidence. I have been interested in politics since I was about 16 years old and have been in this House for eight years, but I learnt many things from the evidence presented to the committee. Those who are at all interested in politics should read the evidence.

I congratulate other members of the committee on the way they handled their task. It is a vital question as far as politicans and political Parties are concerned. The committee itself was conducted in a way that every person in South Australia could be proud of. Each question and each piece of evidence was intelligently looked at and intelligently analysed. There was some difficulty in putting the ideas into plain language. All members of the committee exercised their mind as to how one should put the words together to form this report, even though for most of the time we were all of the one mind on how the report should be put together.

I had some difficulty in the early stages with the concept of a redistribution after every election. My initial reaction was to reject that concept because we would have a situation where the electors at the edges of the boundaries would be moving from one seat to another, depending on how the population rose or fell in their district. However, I was eventually convinced of the logic of the concept when it was pointed out to me that the major disturbance would occur at the first redistribution and then every redistribution thereafter would see only minor changes. Therefore, the changeover of constituents would be minimal. It was a workable proposition. The fact that it is workable means, of course, that it will hopefully provide very fair boundaries.

The two alternative methods of electing members to the House—namely, the top up system and the Hare-Clark system—were examined in close detail. They are still on the agenda. Therefore, if the changes that Parliament is suggesting do not provide the fairness necessary so far as electing candidates to this House is concerned, the matter is still under examination. Personally I was very pleased to see the committee recommend the retention of single member electorates. I looked very closely at the evidence tendered for the Hare-Clark system and analysed in my mind what would happen if the Hare-Clark system was applied to the area that I represent. Using the Federal boundaries, I decided that the electors of Henley Beach would not be well served.

An honourable member: Why not?

Mr FERGUSON: Because the candidates would be wise to concentrate on the areas of greatest support for each particular Party. In my case the greatest support in the Federal electorate of Hindmarsh is in Hindmarsh and in parts of Woodville and Albert Park—areas that are a long way from Henley Beach itself. So, it would be logical, in circumstances such as that, for the candidates to concentrate their efforts in an area where they consider they will get the most votes. Therefore, the marginal areas, which are supported almost equally by both major Parties, would, in my view, miss out under the multi-member system.

So, in order to get the best representation I was very glad to see that the committee was prepared to accept single member electorates, and that is the recommendation that is now before us. Having said that, other methods are still on the agenda. When this House decides to set up another select committee at some time in the future to look at electoral fairness, those particular aspects will certainly be looked at.

I support the remarks of the member for Light with respect to ensuring that the electoral roll is brought up to date as far as is possible. I was surprised by the evidence that was tendered to the committee that, in some electoral districts, particularly in the country, there is difficulty in extracting information from the Federal electoral roll and in placing some of those people in the district to which they belong. On the evidence that was put before us, as many as 160 electors are actually in the wrong place. South Australia has had several very close elections, certainly in the time that I have been in this House. If 160 electors had been wrongly added to the electorate of Henley Beach when I stood for that seat in the 1979 election, it could have made a difference for the whole Parliament.

It is extremely important that the Premier does consult with the Prime Minister so that the quality and accuracy of the elector registration procedures and the roll preparation are accorded such additional funds as are necessary to ensure correct documentation. There are one or two instances, even in the metropolitan area, where people have been found to be on the wrong roll in relation to where they actually live. This could be a vital factor if we have a very close election. If, in fact, the recommendations are successful, we will have a close election because the numbers will be very finely balanced. So, in that respect the committee's recommendation is probably the best approach.

There is great difficulty in trying to frame the words to cover a situation where one party has the majority support following an election. It is difficult to put into words an instruction to the commissioners that the boundaries should be drawn in such a way that the Party gaining 50 per cent plus one of the vote is entitled to govern. Given the voting

pattern in South Australia—with the votes locked up in the country and the hills area by the Liberal Party and in the western, northern and southern districts by the Labor Party—it is difficult to frame a set of words to achieve this.

Everybody knows that that is what we are trying to put forward to the House on this occasion. I do not intend to take up the rest of the time that has been made available to me. I thank the House once more for appointing me to this select committee. It was probably one of the greatest experiences I have had since I have been in this House. It was an education and an eye-opener. I hope this move is supported by every member in the House.

Mr BLACKER (Flinders): I was pleased to be a member of the committee that undertook this task. I was very impressed with the chairmanship of the committee and with the fairness with which everyone was given the opportunity to give their evidence and of the cross-examination that took place. I do not think that any person could have any criticism at all with that part of the committee. It was an excellently run committee. I think the Chairman might have thought that perhaps it went a little longer than was first imagined. However, as the evidence was presented it became very clear that we were not talking about an open-and-shut case; indeed, it was a very complex situation which required detailed working through so that everyone would hopefully be happy with the outcome.

The select committee was initially set up following the last State election when there were general allegations by the Liberal Party that, having received 52 per cent of the vote, the system did not allow it to govern. One can understand and fully sympathise with that concept. However, I think it is also fully understood that those circumstances arose because of the single member system that we have. Nobody could point a finger at anyone else and say that the boundaries were rigged or anything else: the single member system brought about that inequality. I think we would all admit that that variation could further increase or it could decrease depending on shifts of population, wherever it might be.

The classic example would be in my electorate where, at the last election, I had something like 21 per cent of the Labor vote and 78.9 per cent of the conservative vote. Really, in those circumstances, every vote over 50 per cent is wasted. Those extra votes are locked up in an area and cannot be put to good use in trying to elect a conservative member in another seat. It is systematic of the single member electorate system. We could find exactly the same examples in other strongly held conservative and Labor seats. The problem relates more to the system rather than the actual result.

I guess that, if we looked at it a little further, we could say that it is theoretically possible for a Party to win 26 per cent of the vote and govern—it is purely theoretical; it could never happen in practice. Likewise, a Party could win 74 per cent of the vote and not govern—again, that is taking it to the absolute extreme. The select committee was asked to look at whether or not there was a fairer electoral system that could give more accurate political representation in respect of the number of votes cast.

It became obvious to all that what was necessary was a mechanism by which the Constitution Act could be changed. The real method is by referendum, seeking a vote of the people, saying, 'The people want to change the boundaries; we will give the Government power to recall the Electoral Boundaries Commission in order that that take place.' However, I think we would all agree there is some danger in that, because it is a well known fact that the people of South Australia—and Australia, for that matter—are not all that keen about supporting referenda.

The Government was faced with the view that it had to have the support of both the Liberal Party and the Labor Party, at the very least, if such a proposal were to be achieved. Again, we must weigh up whether such a referendum can be justified in terms of cost. It has been estimated that the referendum would cost at least $2 million, and I have read in the press that some people are talking about a $3 million cost for such a referendum. I guess there are people better able to give a more accurate assessment of the cost than I.

In any event, in today's economic situation it is a large amount of money and one to which I personally believe there would be some risk in committing the public. We must, therefore, weigh up the possible success of such a referendum. I venture to suggest that, even though the two major political Parties may support such a referendum, if that is the track Parliament chooses to take, it is not necessarily a guarantee that the public of South Australia will respond in that way.

One would have thought that, under normal circumstances, it should have been the case, and in probably 90 per cent of cases it would be. However, I still believe that there is a 10 per cent or greater risk that the referendum could be defeated, in which case the Government of the day would be placed in an absolutely intolerable position, having gone to the people to seek their approval for a redistribution, having had that refused and then having nowhere to turn. The only situation that could then apply would be for the Government to alter the system by changing the number of members of Parliament, although the people would react against that because they would say, 'We have already told you we don't want a change, and now you're trying to go through the back door to get around it.' Serious political decisions must be made by this Government and this Parliament as to the way in which this situation should be approached.

In my contribution to the committee, I made fairly clear that there was another way to go; that is, to alter the number of members of Parliament. If the numbers were altered from 47 to 49, I could see a number of benefits, particularly from a country point of view. We all know that in a redistribution a quota will have to become larger and that, in turn, means that country districts will become larger. Most members would acknowledge that country districts are large enough when it comes to trying to service those electorates with a fair and equitable distribution.

I am talking purely of the physical ability of individual members to service those electorates, particularly when we compare the effort required by the member for Eyre to serve what amounts to about 82 per cent of South Australia with that required by another member in the metropolitan area who represents only nine square kilometres. In those circumstances, we find a situation in which one member cannot fly around his electorate in days, yet another member can run around his district before breakfast. I am trying to prevent those sorts of inequalities to try to stop country electorates becoming larger. That would occur if we increased the number of members to 49 because the electoral quota would be retained at a lower figure than that proposed and, therefore, the electoral boundaries would be kept pretty well the same as they are now.

Another recommendation of the committee was that there should be a redistribution at every election. Whilst it is difficult to argue against that recommendation on the basis of fairness, there are some practical applications of that proposal that I think the House should consider. First, if

one of the commission's criteria were to require all electorates to be within or as near as practicable to the quota at the time of the next election, the quota for slow-growing areas of the State, areas in which the growth rate was less than the average growth rate throughout the State, would have to be set above the average quota, so that by the time we reached the next election it would be down to the quota.

Similarly, fast-growing areas would have to be put well below quota, so that, by the time of the next election, the quota would have built up. The net effect of that is that all members in slow-growing areas will constantly need to represent more constituents, on average, than will members who live in fast-growing areas, because they will always be below quota.

It can be argued that that will even out in a seesaw arrangement, but it could even out only if there were some regulatory or legislative procedure whereby the redistribution would be effected mid-term between the two elections. In that way, the seesaw effect of the graph would average out, so that, for the first half of the period of the Parliament, a district might be below the quota and then above quota for the second part.

So, there is a problem. A redistribution at every election would mean that the targeting ability of the electoral office would be much greater, and it should mean that never at any time would the tolerance at each election be more than about 2 per cent. In the past, there has been widespread recognition by the Electoral Boundaries Commission that, within that 10 per cent plus or minus tolerance (10 per cent below and 10 per cent above quota) some discretion could be used to allow country electorates that service a very large area to be at the lower end of that quota.

My district has never been above quota; the closest it has come was minus 2.4 per cent. My electorate now has a quota of 9 per cent; at the redistribution before that it was set at 8.3 per cent. So, the ability of the Electoral Boundaries Commission to exercise some discretion to assist those country members will now be taken away. It will mean that the enrolments of country electorates—in particular, the districts of Eyre, Stuart, Whyalla, Custance and Flinders—will have to increase considerably. That will have ramifications on the neighbouring electorates to the south of Custance. All those things need to be taken into consideration.

The member for Mitcham stated that there were some advantages in having a redistribution at every election because it is quite simple to fix up faults, and I guess that is a finetuning arrangement which no doubt will occur. But I suggest to the honourable member that that could well occur at the expense of some of his country colleagues.

The member for Henley Beach referred to his concern about the movement of each boundary at each election and I, too, share that concern although my concern is probably not as well founded as perhaps that of a metropolitan member. It could well be that a member in the centre part of the metropolitan district of Adelaide would find that he could change from not one to another electorate but to three or four electorates if he happened to be on a junction where those electorates happened to meet. That may be due not to the growth factor within those electorates but more likely to the influence of the growth electorates many kilometres on either side, because of the snowball or rebound effect when the electoral boundaries have to be drawn. We all know that, when the electoral boundaries are drawn, one must start at the extremities of the State and work in but cannot finish up with half an electorate at one end of the State. So all of that adjustment, be it at each parliamentary term, will have to be absorbed by those members of Parliament, particularly in the metropolitan area, and of course that will occur occasionally in the country areas.

During the deliberations of the committee a lot of information was given in relation to the top-up system, and it was soon realised that there were many complicating factors with which the committee felt we cannot come to grips with at this time. However, the arrangements for considering the fairness quotient and the recommendations of the committee are good from the point of view that changes to the constitution are recommended. However, I also see some dilemma for the Electoral Boundaries Commission, because one could easily refer to electoral fairness and other criteria in terms of proposed new section 83 (1) and compare that with paragraphs *(a)*, *(b)*, *(c)*, *(d)* and *(e)* of new section 83 (2) and find out that the two points are difficult to reconcile. It is conceivable, depending on the attitude of the Electoral Boundaries Commission, that it could say that, because the District of Flinders reflects such a conservative vote, half of Whyalla will be put into Flinders. Something similar could be done in relation to the electorates of Eyre and Price on the basis that in Price the vote is very much Labor oriented; nearby a conservative vote is reflected, so part of that area could be moved to split Price down the middle, achieving a 50/50 voting situation.

I suppose that, if we look at the theoretical application of what is meant by proposed new section 83 (1), we see that, ideally, the Electoral Boundaries Commission should be looking at 47 or 49 electorates (whatever we decide upon) matching at a 50 per cent or 49/51 per cent vote. In that way the electoral fairness criteria is more likely to emerge in that the political Party or groups of Parties that win the majority of votes will, in fact, win the majority of seats.

I suppose that in many ways we are talking about playing with figures and the practical application of that. Proposed new section 83 (2) *(a)* provides:

> the desirability of making the electoral redistribution so as to reflect communities of interest...

There could be a conflict with new section 83 (1). The Electoral Commission will therefore have to determine upon which of those criteria it will attach the greatest importance. I, for one, would not like to be in the position of the Electoral Boundaries Commission because, as much as it might try, it will always be subject to criticism by one side or the other following the next election, because it will never, ever be able to get it right without infringing one or other of the criteria either presently in the constitution or proposed at this time.

Mention was also made of the Hare-Clark system, which was recommended by a large number of witnesses who believe that, when the electoral fairness criteria are applied, only the Hare-Clark system on a Statewide basis can achieve a true electoral representation, as compared with the electoral vote received. Of course, as we get away from that full, Statewide Hare-Clark system and get back to a Hare-Clark system of, say, 12 electorates by four members, that is a closer and more accurate representation of fairness than with the single member system. Again, it is a matter of degree with which this House must grapple and work through.

I believe that much of the other evidence presented to the committee was very useful, and anyone who has any sort of interest in electoral boundaries or electorate systems should take the trouble to peruse all the committee evidence. Evidence was given by a large number of political analysts, political Parties and others who have some interest in the political future of this State and, no doubt, the nation as a whole. I commend the committee's report and I trust that all members will take the trouble to look at all the evidence that was presented.

I will suggest changes at a later date, because I believe that the recommendations could be further improved and, at the same time, save the Government and the State a lot of money in trying to avoid a referendum.

Mr D.S. BAKER (Leader of the Opposition): First, I welcome the report of the select committee and I sincerely congratulate the members for Light, Flinders, Mitcham, Henley Beach, Hartley and Elizabeth, and the Deputy Premier on their deliberations over a considerable period in looking at electorate reform in this State and in bringing down this report.

I was interested to hear the member for Henley Beach say that he had learnt a lot during the deliberations. I know that electoral reform and electoral fairness is a very vexed question and I must say that not many people truly understand it. I am sure that all those who were members of the committee, if they did not already understand it, are now fully versed in the matter.

The committee recommended significant changes, the first being a redistribution after every State election. The second major change is an overriding criterion for a redistribution of boundaries that gives the Party that wins the majority of the two-Party preferred vote a chance to govern; of course, that is most important. The third major amendment is the scrapping of the existing boundaries and, of course, that is something that I believe has held up electoral commissioners in the past from achieving what we would term a fair redistribution. It is factual that the committee also looked at the top-up system in multi member electorates and it is correct to say that those two matters will be considered when, after the next election, we have a look at the fairness of the boundaries and the election result is drawn up after the new criteria are enacted.

I thought it was interesting to look at the two approaches that the major Parties took at the beginning of this process. One could understand the concern when, for the second time in about 10 years, at the last election the Liberal Party won over 52 per cent of the vote or 52 per cent plus, and did not have an opportunity to govern. Of course, that means that we did not have electoral fairness. We have been arguing about the entrenched sections since the 1970s. We have always said that equality (and that is equal numbers of electors in electorates) has nothing to do with fairness, which is the two-Party preferred majority. The Party that retains that has a chance to form government.

Quite clearly, the 1989 election result demonstrated that although we had equality, though it was out of kilter, there was no question that we had fairness. It did not guarantee fairness, because all that the Labor Party wanted to do at that stage, of course, was to bring back equality and have equal numbers, or near to, plus or minus 10 per cent of electors in electorates. As soon as this Parliament sat in February, I moved that we establish a select committee to look at electoral reform and the Government responded at that stage by saying, 'Look, all we really want to do is to move to more regular redistributions, in fact, after every second election.'

Of course, we know how far out of kilter many electorates have become since the last electoral distribution, when we consider Elizabeth, with some 16 800 electors, and contrast it with Fisher, which has just on 28 000 electors. It will take a considerable redistribution to get those electorates back into line. On 21 March when he introduced this legislation, the Deputy Premier said:

> The Government believes that the current criteria to be used by the Electoral Districts Boundaries Commission will lead to a fair consideration of the appropriateness of various boundaries.

In other words, only seven months ago, the Deputy Premier said that there should be no change whatsoever to the criteria for boundary redistributions. In its submission to the select committee in relation to these criteria, the Labor Party said:

> The Labor Party supports the seven existing criteria or matters that the commission can take into account when drawing electoral boundaries. The Labor Party in particular supports the retention of section 83 *(c)* and vigorously opposes any attempt to have the commission take past or possible future voting patterns into account when re-drawing the electoral boundaries.

The Liberal Party in its submission sought to scrap section 83 *(c)*, which meant that past voting patterns could not be taken into account, and it welcomed the select committee's endorsement of that recommendation. We also proposed a top-up or multi-member system, and I will refer to that in a moment. The Liberal Party recommended to the select committee the inclusion of an overriding criterion under section 83 of the Constitution Act requiring the commission to provide for fairness of outcome in election results, which meant that the Party that received more than 50 per cent of the two-Party preferred vote would have a reasonable chance of governing, and the committee accepted that recommendation.

The second major recommendation that we put forward was the repeal of section 83 *(c)*, which relates to existing boundaries. Again, I was very pleased that the committee saw fit to remove that section. The third recommendation that brought major changes related to the use of past or future voting patterns to assist in meeting the overriding objective of a fair election result. It is reasonable to say that the submissions that we put forward were an attempt to get a fairer electoral system in South Australia than the one which I believe has been shown in the past to be unfair. We put forward the merits of the top-up system, which was rejected, although this matter will be looked at after the next election.

Our main aim was to make sure that, if single member electorates are to remain, a fair outcome will be achieved. I listened to the member for Henley Beach's contribution in which he said that this would be difficult. That is why the Liberal Party wanted the top-up system. That recommendation was rejected out of hand by the Labor Party, but it is working well in other countries. All the Liberal Party was saying was that the only way to guarantee absolute fairness with a single-member electorate system was by using the top-up system.

We then came to the multi-member system. I listened to the member for Henley Beach, who put forward some of the problems associated with that system. I acknowledge those problems and agree that this system would not guarantee absolutely that the Party receiving the majority of the two Party preferred vote shall govern. Many members in this House would say that they prefer the single-member electorate system because each member would represent a specific number of people for whom they would be responsible. Whilst at election time they might have some opponents, they could communicate with constituents and would not try to take votes from one another, and in many cases the candidates would be from the same Party. However, if it is impossible to have a fair single-member electorate system we have no option but to look at the multi-member system which, at the end of the day, is used in several other States and in many countries of the world to give a fair electorate result. The committee did its work well by keeping that issue on the agenda, but we will have to look at what happens after the next election to see how fair our electoral system is.

The other great concern which that has been expressed not only by members on the other side of the House but by the member for Flinders and which I know will be expressed by other members on this side of the House is that the rural representation should not be eroded. I genuinely believe that the ALP does not want this to happen. The member for Flinders and the member for Eyre represent huge electorates, which make it virtually impossible for them to look after their electors. I pay tribute to those members, and to all those who have large electorates, for their efforts to make sure that their constituents are adequately serviced. It is all very well for members who live in the Adelaide metropolitan area, who can walk around their electorates in a couple of hours on a Sunday morning, to say that equality of—

An honourable member interjecting:

Mr D.S. BAKER: I suppose some of you run around them. It has been disproved that equal numbers of electors in electorates gives fair election results and adequate representation. So, we are very anxious that, in any redistribution process, those members who represent large country electorates do not have their electorates chopped up to the extent that they cannot adequately look after their constituents.

When one looks at the size of this House, it is fair to say that there was some consternation among members on both sides as to whether we should go to a referendum or whether the numbers should remain as they are. No matter what we finally decide, members will have different views, but it is my view that, if we have an overriding criterion that the Party that obtains 50 per cent plus one of the votes in a two Party preferred system shall govern, we will go a long way towards ensuring fair elections in South Australia, certainly much fairer than they have been in the past 15 years, and we will adequately satisfy the desires of all members of this House. It is a great tribute to all members of this House that after 15 years we have been able to look at this matter sensibly and in a manner that will result in fair elections in South Australia in a single-member electorate system.

In conclusion, we can do only one other thing to make the electoral system the best it can be in South Australia if this system proves to be successful—and only the next election will tell—and that is to introduce voluntary voting in State elections. I will not canvass that matter at this stage, but it is something in which the Liberal Party has always believed. I welcome the ALP's change of heart, although it has taken Labor 15 years for it to understand the principles of electoral fairness, and I welcome its input in this report and hope that it will continue to give support to fair elections in South Australia.

Mr GUNN (Eyre): I am pleased to take part in this debate. It concerns a matter that I have shown some interest in for a long time. I have always believed in fair and reasonable elections. I have participated at redistribution hearings for many years. The hallmark of any democratic system involves the holding of fair elections and having parliamentary representation. Parliamentary representation is a principle which many people interpret in many different ways. I believe in parliamentary representation because it ensures that citizens are represented in Parliament as they are entitled to be. They are also entitled, in a parliamentary democracy, to organise themselves to have one of their own in the Parliament.

That does not mean that one of their own has to come from one of the two major political Parties. I personally support the political Party system which has developed, but I also believe that the electorates ought to be organised in such a manner that groups within an electorate ought to have the opportunity to have one of their own elected to Parliament. If we are not careful, the situation will be created where, because of the size of the electorates, it will be beyond the physical capacity, the financial capacity and the organisational skills of such groups of concerned or aggrieved constituents to be able to put one of their own in the Parliament—unless they have the backing of one of the major political Parties. This, I believe, is the grave risk we run.

I believe that we have missed an opportunity in not giving more serious consideration to the Hare-Clark system of multi-member districts. I believe that is one of the fairest systems of parliamentary democracy that has so far evolved. One of the problems which people in isolated communities have is that they are out of sight and, unfortunately in most cases, they are out of the mind of Government. Unless they have representatives who understand and who can reflect their views, those people will run second on every occasion.

The select committee has given a great deal of time and effort to this matter, and I commend all the people who have been involved in the deliberations. It has been a reasonably successful exercise. People have looked at the matter with fair and open minds. One of the things that has characterised debates of this nature in the past is that people have attempted to get advantage for themselves, and that has clouded their judgment, and we have not arrived at either fair or just decisions.

The history of arranging Parliaments across Australia has been characterised by one or other side of politics being involved in creating situations to advance their own cause. The figures that have been compiled indicate that that is the case. That has not been good for democracy. It has not been fair or reasonable. Let us hope that we have gone above that arena, that we have arrived at a situation of some fairness and electoral justice. I will never forget one election night, when I went to the tally-room here, being told by the now Senator Schacht, that great proponent of democracy Labor Party-style, that I would not be at another tally-room, that they were going to get me after the redistribution. 'We'll fix you' was his attitude.

That is the sort of attitude that has prevailed. He indicated clearly that 'We're going to put the wagon wheel in.' It is all very well now for the Labor Party to preach democracy and say how badly it has been treated in the past, but if one examines the proposals that have been put before the electoral commissioners, the Liberal Party would never have been in government in this State. If one examines the submission made to the Redistribution Commission in New South Wales in recent times, had that been accepted the Unsworth Government would never have been defeated.

That is the sort of political thinking which has characterised the debates across this nation. There has been no regard for the will of the electorate and no regard for individual groups within the community. The system has been so designed to place the power of electing people to Parliament in the hands of the executives of the major political Parties. That is a concern of mine, and I sincerely hope that, when this debate is concluded, that set of circumstances do not again prevail. If they do it will not, of course, be good for democracy and people will not get a Government which will govern in their best interests.

I have a number of concerns in relation to the recommendations. First, if further down the track we have a referendum, it has been estimated that we might have to spend some $3 million on it. We are looking at an interest bill of many hundreds of thousands of dollars, if that money

has to be borrowed. That in itself could pay the salaries of a couple of extra members of Parliament for a long time. But if Parliament determines that we will have a referendum, I want to know who will pay for the 'Yes' campaign. Will it be the Government of South Australia through the taxpayer? Will it be the Australian Labor Party? Will it be the Liberal Party in South Australia? Who is going to conduct and fund the 'Yes' campaign? If it is the Government, and there are groups who are opposed to that course of action, are they then entitled to funding? Obviously, there will be such groups—I could be one myself if we do not get a satisfactory response—involved in campaigning against it. Who will determine who is going to fund that campaign? Who will prepare it? The answers have not yet been brought to the attention of the public of South Australia.

The South Australian public are entitled to know the answers to those questions, because there is already a situation where, for example, essential services in my electorate are being drastically curtailed. People have campaigned for years to get some justice in public works and facilities. However, according to the news last night, we are now going to spend $3 million. Who will pay? The interest on that will be many hundreds of thousands of dollars—in fact, I understand over $400 000.

What if that referendum is defeated? Where do we then stand? Who will take the next course of action to rectify the situation? As the member for Flinders rightly pointed out, the simplest, fairest and most reasonable way to solve this problem is to increase the size of the Parliament by two. I make a prediction: if the members of this House had a free and secret ballot, the 49 seats would become law, and I challenge anyone to contradict that statement. However, because we have a situation with leaderships, no-one wants to carry the can and they duck the issue. They are looking at one another. There are those people who can influence public opinion in what is a narrowly based media in this State and this country, which in itself is a public disgrace in my view. The media is in the hands of a few people. They are the opinion makers. They have, or could have, some hang-up. Notwithstanding, Mr Jaensch, I understand, this morning supported the concept of 49 seats, as a reasonable, fair and just way of determining electoral boundaries.

I support the majority of the recommendations which the select committee has put forward. I do have some concern in relation to the redistributions after each election, because we run the great risk that people will not be representing the district they were elected to. Let us understand the facts clearly. If we had a redistribution a few months afterwards, and a new seat was created, and member X decides that he is going to stand for that seat, where will he spend his time and put his resources? Everyone knows what the answer to that is; it will be in that seat. In many cases there could be large areas where people may not get any representation. There are disadvantages, and I believe it would have a destabilising effect.

In relation to having the qualification of 50 per cent plus one, and to the Party or groups of Parties that obtain that result, I hope that that is the overriding criteria. When the Deputy Premier responds to the debate I ask him to clearly indicate whether that criteria is overriding and whether it takes precedence over all other criteria that the commissioners have to address in making their determination as that in itself is a particularly important matter and certainly will have a very significant effect on how the boundaries are drawn. That obviously will affect where tolerances are set. Another question, which has been addressed in part at paragraphs 7 and 9 of the report, relates to the setting of the tolerances by the Commissioner and what they will be. Will the large rural areas of South Australia have their entitlements set on, below or above the quota? That in itself will have a significant effect in determining whether or not electorates are fair.

I think the member for Henley Beach pointed out that major political Parties have large areas of blocked up votes. The geographic layout of South Australia has made it somewhat difficult to alter that situation. However, if the Liberal Party in its large rural seats is put well over quota, that in itself will have quite a dramatic effect on electoral results in South Australia and will have an effect on how the boundaries are drawn. I would be pleased if the Deputy Premier, in addressing this matter, would look carefully at the criteria.

One of the unfortunate things is that the select committee did not have the benefit of examining the Electoral Administrative Review Commission's report from Queensland. Having been given the opportunity of participating in the process, I read through the report with a great deal of interest. There has been recognition in Queensland that further consideration should be given to large rural electorates in that State. The same could apply here. The report concludes—and it has been widely accepted around Australia with few exceptions—that the 10 per cent tolerance is reasonable. I understand that Western Australia advocates 15 per cent and Queensland, for districts over 100 000 square kilometres, has another criterion, namely, in the electorate of Gregory, for example, which is 440 000 square kilometres with 8 000 constituents. In that electorate they multiply the 440 000 square kilometres by 2 per cent to give another 8 000 phantom votes to bring it up to 16 000. They then increase the size of the seat by 4 000 to 5 000 to bring it up to quota.

Queensland, with its large areas, has that overriding criterion which is freely designed, as the commission determines, without political interference and which is a proper recognition of the difficulties of isolation and distance. It is a pity that the select committee did not have the opportunity to examine the report. The Queensland commission has recommended that in future it will determine the size of the Parliament. It has recommended that it should review the number of members every seven years.

South Australia does not have the highest number of members of Parliament per head of population, as other States have more. I seek to further explain what I have been saying by incorporating in *Hansard* three tables: the first is from the South Australian Year Book, and it shows the number of electors on the House of Assembly electoral roll from 1953 to 1989; the second looks at the State and Territory representations in the Australian Lower Houses and Upper Houses combined; and the third deals with the members and electorates in the South Australian House of Assembly from 1856 to 1979.

The SPEAKER: Are the tables purely statistical?

Mr GUNN: Yes, Sir.

Leave granted.

South Australian Parliament: Voting at Elections, 1953 to 1989

Date	House of Assembly Contested electorates		
	Electors enrolled	Electors voting	Per cent
7 March 1953	354 273	336 529	95.00
3 March 1956	299 048	280 811	93.90
7 March 1959	426 340	400 531	93.95
3 March 1962	444 197	417 462	93.98
6 March 1965	542 436	513 064	94.59
2 March 1968	609 626	575 948	94.48
30 May 1970	635 533	603 952	95.03

Date	House of Assembly Contested electorates Electors enrolled	Electors voting	Per cent
10 March 1973	696 290	655 937	94.20
12 July 1975	771 414	721 770	93.56
17 September 1977	818 335	764 072	93.37
15 September 1979	826 586	768 985	93.03
6 November 1982	871 215	811 758	93.18
7 December 1985	905 507	846 289	93.46
25 November 1989	941 368	888 918	94.43

STATE AND TERRITORY REPRESENTATION IN AUSTRALIAN LOWER HOUSES

State/ Territory	Number of Members in Lower House	Current enrolment statistics	Enrolment effective as at	Average No. of electors per Lower House Member
NSW	99*	3 666 943	20.08.90	37 040
VIC	88	2 807 960	15.06.90	31 909
QLD	89	1 802 235	31.08.90	20 250
WA	57	992 790	31.08.90	17 417
SA	47	962 455	31.08.90	20 478
TAS	35	312 541	30.08.90	8 930
ACT	17	173 385	01.09.90	10 199
NT	25	80 277	01.09.90	3 211

STATE AND TERRITORY REPRESENTATION IN AUSTRALIAN UPPER AND LOWER HOUSES

State/ Territory	No. of Representatives Lower House	Upper House	Total	Current enrolment statistics	Average No. of electors per representative
NSW	99*	45	144	3 666 943	25 465
VIC	88	44	132	2 807 960	21 272
QLD	89	—	89	1 802 235	20 250
WA	57	34	91	992 790	10 910
SA	47	22	69	962 455	13 949
TAS	35	19	54	312 541	5 788
ACT	17	—	17	173 385	10 199
NT	25	—	25	80 277	3 211

* In New South Wales, the Constitution (Legislative Assembly) Amendment Act, 1990 has amended the Constitution Act, 1902 by providing for the reduction of the number of MLAs from 109 to 99.

Mr GUNN: The interesting thing to note is that when we last increased the size of the Parliament in 1970 there were 635 000 electors on the electoral roll. Today there are 950 000 electors—an increase of more than 300 000. We cannot say that we have been rash or irresponsible in advocating a further two seats. If we look at the number of people a member represents, we find that in South Australia it is approximately 20 500; in Tasmania almost 9 000; in Western Australia only 17 000; in the ACT 10 000, and in the Northern Territory 3 200. The proposition, which is under active discussion, is not unreasonable or unfair but will do a number of things: it will save $3 million of ongoing costs; it will guarantee that those people in the rural areas who are out of sight, and most of the time out of mind, of Governments in this country are given the opportunity to have fair and reasonable representation; and it will maintain a sensible balance in respect of the number of people in electorates and give the Electoral Commissioner more flexibility in determining future boundaries.

I believe the Electoral Commissioners will have some difficulty if Parliament agrees—as no doubt it will—to the 50 per cent plus one criterion. Is it related back to only the last election, or does it go back through South Australia's electorate history? How far back does the commission go in determining it? Does it examine the latest Gallup opinion polls? How is the determination made? People should consider these matters, as this is pace-setting legislation. A number of questions have to be examined. A lesson is to be learnt from the attempts of Premier Dunstan in the 1970s to tie up the electoral system once and for all. There are grave dangers in entrenching things into the Constitution Act if constitutional majorities of the Parliament cannot be altered. We are now stuck with an unsatisfactory arrangement that should never have been entrenched in the Constitution. It is a warning to future Parliaments to tread very carefully when embarking on a similar course of action as it does contain inherent dangers. When we get a situation like we have now where everyone agrees, in the future South Australia will be stuck with it.

If we have a system that requires a two-thirds majority, Parliament itself can reach agreement as that would ensure proper, full, frank and open debate and agreement or it could not be altered. An Opposition would have to be pretty feeble if it could not get a third of the vote in a general election in this State—it would not be a very effective group.

In conclusion, we have been told for years of the effects of gerrymanders. We have had a relatively unfair system in South Australia, but the House should be very aware and careful in making those statements without proper scrutiny. We were told for years that the Labor Party was disadvantaged in Queensland. It is interesting to note that at the last State election in 1989, Mr Goss rightly became the Premier in Queensland but with only 50.3 per cent of the vote. He had a massive majority—

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

Mr S.G. EVANS (Davenport): I support the adoption of the report. I believe that when the history of the State is written, if the tribunal members take note of the changes and the intent of the changes which are recommended in the report and put them into operation in deciding the boundaries, those who served on the committee will go down in the records as having achieved a great deal for democracy and will be recognised for many years. I do not think that any political Party will be recognised as being the great forerunner; the opinion expressed will be that there was an attempt to bring about a just system by those committee members. I congratulate each one on the result. It is not the result that I would have wanted to achieve if I had been doing it myself. Another move would have been made, to which I will refer later and which I believe is critical, in the use of public resources in trying to bring about a just system for the distribution of resources.

When I entered this Parliament, I entered a balanced House, with 19 Liberal members, 19 Labor members and one Independent who tended to lean towards the Conservative side and became Speaker. The Labor Party went to the election on 2 March 1968 with a 49 seat plan. The Liberal Party—the LCL as it was called—went in with a 45 seat plan. When the 47 seat plan was brought in, I opposed it within my own Party. Anybody who reads my speech at that time will see that I indicated how I felt about that move. I strongly believe that, if a Party goes to an election with a promise, it should stick to it, especially if it wins Government, even if it be by a slight majority. It ended in quite an argument and reached the point where the then Liberal Premier had to come to my office and apologise for a statement that he made in private. I would not vote and help to put it through until such time as that apology was given. That is how strongly I felt on that issue.

We got a 47 seat plan, but it is worth noting that, at that time, we had one secretary to five members. Many of us were answering our letters in longhand. I do not know how constituents read mine. However, the Hon. Alan Rodda, the member for Victoria, answered nearly all his letters in longhand.

The Hon. Jennifer Cashmore: He wrote a copperplate hand.

Mr S.G. EVANS: It was copperplate. I have to agree that it was easy to read his writing, which was very well done. We had our offices at Parliament House. Country members did not have anything in their electorates; they had to come to Parliament House. It did not matter where they were; Parliament House was the only place where there were any resources.

There was no ombudsman; there were no public relations people in any Government or semi-Government department. There was no-one in the hospitals who liaised on services or information for potential patients. Throughout the structure there were no personnel available to help back up a member of Parliament or any contact point for members to get information for constituents.

The Hon. Jennifer Cashmore: There was no women's adviser.

Mr S.G. EVANS: There was no women's adviser, there was no men's adviser and no youth adviser. The member for Coles makes the point about a women's adviser. My view is that we need more men's advisers today. That was the position. There just were not the resources. Of course, they are provided today. The only benefit that we had was that there was no stamp limit. Nowadays we have a stamp limit. When I asked a question about it, I was told that one member had sent out 7 800 letters in a year and another member had sent out 68. Of course, when members had to write most of the letters themselves, it diminished the numbers of stamps that were used.

The SPEAKER: Order! The honourable member will come back to the report.

Mr S.G. EVANS: I am trying to draw a comparison between what was available for servicing an electorate and what the report attempts to do in relation to drawing the boundaries. I turn now to one of the major criteria which have been established in this report. It has been read a number of times, but I will read it into my contribution. The report, on page 12, states:

> In making an electoral redistribution the Commission must ensure, as far as practicable, that the electoral redistribution is fair to prospective candidates and groups of candidates so that, if candidates of a particular group attract more than 50 per cent of the popular vote, (determined by aggregating votes cast throughout the State and allocating preferences to the necessary extent), they will be elected in sufficient numbers to enable a Government to be formed.

That is a critical move towards democracy and a great reflection of the voting pattern throughout the State. I hope that the members of the tribunal, in drawing up the boundaries, will work very hard on that criterion.

No-one has taken up the point made by the member for Eyre about rural representation. The tribunal should make use of the tolerance as much as it possibly can to maintain rural representation and at the same time apply that 50 per cent plus one criterion. I believe that it can be done. Members will know that I was advocating such a proposal back in 1974. Those who knew me before I came to Parliament know that I was never happy with the system that we had had over the years—not even the one before 1968. When I came here in 1968, one electorate had 45 000 electors and another had just over 4 000 electors. I think that Frome had about 4 500 electors and Ross-Smith, which was then called Enfield, had something like 45 000 electors. That is how far out of kilter they were. There was plenty of justification for saying that was a form of gerrymander.

In the Dunstan era highly intelligent people set out with mathematical calculations to bring in a Bill which was accepted because people on my side of politics felt that the past performance as regards redistribution had been unfair and a gerrymander. They accepted something that was just as bad in the end as regards what it achieved, but it was more cunningly done. It was not as open; it was more deceitful. When the 1983 redistribution was brought down, members may remember that not long afterwards I made the point that it was a bad redistribution. I do not believe that enough consideration was given at that time to achieving what I feel would have been a proper result.

Members know that I have spoken many times on the subject of the elimination of the criteria for existing boundaries. The only justification for it was that politicians saw it as being to their advantage. It was nothing to do with justice or fair representation of the community; it was there because politicians wanted it there. Some members have asked: what will happen when we go to a referendum, which may cost up to $3 million, if the people vote against it? The best way to make sure that people will not vote against it is to explain to them that there is another way of doing it—by taking up the numbers.

I think that people then will automatically think it is well worth their having a say. It is important that we have enough faith in the people to say that they will see the benefit of this redistribution. We know that in many ways the people do not trust us collectively. They tell us that politicians are all shonkie, but when they are talking to us they say that each one of us is all right individually. That is a pity, but it is a perception that I suppose has been brought about by the way in which the media at times writes it up and by the way in which we behave towards each other. However, I believe we need to have faith that, if the arguments are put to the people in a document pointing out why we are asking them to vote for this proposition, they will see the benefit of this redistribution.

There is no doubt that the ALP is in government by the skin of its teeth at the moment; it won on an unjust set of boundaries that operated at the time. However, maybe one benefit came out of that—although there will be many losses for the people of the State for four years—and that is that minority Parties sat around with majority Parties on this committee, which put forward a fairer method as to how to draw the boundaries. If nothing else, one thing has been achieved—this report. Members should take note of that: if there had not been a 4 per cent advantage to the losing Party in terms of the number of votes gained, we would not be at this point today. I hope that the community understands that also.

The member for Eyre talked about entrenching sections in the Constitution. At the time the Dunstan Government wanted to do that concerns were expressed, and people pointed out the problems that it might cause—and we see that today. I think there is some merit in what the member for Eyre says about having a majority of two-thirds, three-quarters or a figure like that as a percentage of people who must vote in favour of change on issues like this before the Parliament can actually put it in train. I would like to see Standing Orders take this on board, Sir. I support that concept: it is an important matter.

Representation of the people is important. There is no doubt that some people are isolated by distance; others are isolated by the circumstances in which they live. Members should be conscious of that. Because parliamentarians now have electorate offices out in the electorates, that has brought

us closer to many people who were previously isolated and who could not come to Parliament, as was the case before we got offices. We should remember that electorate offices were created for the benefit of the people. The member for Eyre talked about people being isolated in parts of the State. There is no doubt about that, and sometimes they are forgotten. If there were no active members like the member for Eyre, who fights hard for people on many issues, whether it be power supply, water supply or roads, they would be forgotten. They need an aggressive member to do that, and the member for Eyre has that quality. We left one criterion out of the report which has been recognised for future consideration—a top-up system. That is the final part of the scheme that I believe will bring about the fairest system of all.

The Hon. Jennifer Cashmore: Proportional representation.

Mr S.G. EVANS: Proportional representation can be there, but I see that as a second step if the top-up system is not used. I say that because, if we go to the top-up system, every vote wherever cast in the State will have the same value. It ensures that no Government of the future can use the State's resources to buy votes. I have raised this matter in debates in the past, but the press has never touched it. It will touch the argument that Governments buy votes in marginal seats at election time, but it will not touch the other argument that the greatest protection for people to get a fair go in relation to the taxes they pay is to have a top-up system.

So, it does not matter whether a vote is cast at Oodnadatta, Port Adelaide or Springfield; it is just as important in gaining a result at the election. I hope we never forget that; I hope it sinks in. I believe that in the future someone will make sure that that will be included within the criteria to achieve a just result. As far as I am concerned, that is very important.

I am glad that the committee report referred to the Hare-Clark or multi-member system. If what we are doing now does not achieve the result which is intended by the committee and which is reflected in the way in which most members are speaking here, that is the only other alternative to achieve a just system, and it will have to be fought for keenly.

Some people say that $2 million or $3 million is a lot of money to spend on a referendum. For the sake of democracy some people throughout the world have given their lives.

The Hon. Jennifer Cashmore: Not $2 a head.

Mr S.G. EVANS: Not just $2 a head or whatever this will cost: they have given their lives. People fight cases in courts that cost more than $2 million or $3 million just to get justice for a small group of people. But, this is to get justice for the whole State. I believe that we will set a pattern for the rest of Australia and the world, especially if we can achieve a top-up system. The members for Flinders and Eyre said it was important that their electors be taken into consideration; I believe that that is important. I believe it is proper to put the alternatives. I hope that the tribunal will glance through what has been said and stop to think about it when it is carrying out the redistribution.

In supporting this report, and subsequently a Bill and a referendum, I am saying that I have faith in the tribunal to do the right thing and to make sure that, as far as possible, the Party receiving 50 per cent plus one of the vote has a reasonable chance of governing. If not, a redistribution after each election should provide the opportunity to ensure that that is achieved, and that is what we are on about.

I again congratulate the committee that worked so well and so hard. I think we all owe the members of that committee a lot. In particular, the people of South Australia owe them a lot for getting us this far down the track to justice.

The Hon. JENNIFER CASHMORE (Coles): I support the noting of the report of the select committee. This is a momentous debate. It is interesting that, for a debate that represents a watershed in South Australia's democratic history, there have been relatively few members in the Chamber and very few members of the public to hear the debate.

An honourable member interjecting:

The Hon. JENNIFER CASHMORE: It is true that there may be members in their offices keenly tuned in to this debate. The fact is, it is important to recognise that this is a watershed in the history of democracy in South Australia. Certainly, in terms of its implications, it is without a doubt the most important debate that has taken place in the 13 years in which I have been in the Parliament. That is not to deny the relative importance of many other Bills that have been enacted.

Before proceeding to the recommendations of the committee, I should like to make some general remarks about electoral systems and to point out, if such pointing out is necessary, the fact that, no matter how technically perfect the system may appear to be and no matter how idealistic its goals, it is not possible to marry a scientific formula to a dynamic political system and achieve the perfect outcome. I think that we all recognise this. At the same time, we recognise that the system with which we have been living for the past 15 years has been so far from perfect that it has resulted several times in outcomes that were demonstrably unfair. It is well known that in the last election the Liberal Party won 52.4 per cent of the vote, the Labor Party just over 47 per cent, yet it governs today. In November 1989, the Liberal Party won 35 000 more primary votes than did the ALP. Those 35 000 votes, in effect, represented 100 per cent of the primary vote in two whole State electorates, yet we sit on the Opposition benches.

At the previous election in 1985, with 47 per cent of the two Party preferred vote, non-Labor representation in the House of Assembly comprised about 38 per cent of the seats. At the same election, the Labor Party (including independent Labor) had 29 seats with 53 per cent of the two Party preferred vote. It is interesting to compare that outcome with the election in 1979, when the Liberals had 55 per cent of the two Party preferred vote but only 25 seats. Those two most recent election results, of course, as the member for Davenport said, together with sustained public advocacy by the Liberal Party, have served to reinforce in the minds of the people that the system is wrong and must be corrected.

As the Leader of the Opposition said in the debate which led to the establishment of this select committee:

> This Parliament can have no higher duty than to ensure that its successors are elected under the fairest possible system.

Like other members who have spoken in this debate, I believe that, if we are not devising the fairest possible system, we certainly have arrived at a position which is likely to devise the fairest possible system in the circumstances which apply in South Australia in the 1990s.

Turning to the recommendations of the committee, it is clear that we support the recommendation 'that the necessary machinery be set in motion immediately to redistribute the boundaries along the lines envisaged . . .'. That machinery, of course, comprises a referendum that will enable the people to support the necessary amendments to the Constitution Act. 'An electoral redistribution after each general election' will certainly ensure that the frightful out of kilter

results that presently pertain cannot be allowed to occur in future, and that there will be constant monitoring and adjustment to ensure that the recommended 10 per cent tolerance be retained.

The recommendation that '... enrolments in each electorate should be such as to be equal on the day on which the House of Assembly would expire by the effluxion of time' is most likely to be achieved by that redistribution following each election. It goes without saying that, if we are to achieve that, the Electoral Commission must work with the appropriate authorities to ensure that the best data and predictions regarding enrolments are available. The deletion of section 83 *(c)* of the Constitution Act, which requires the commissioners to take account of existing boundaries, is, from the Liberals' point of view, probably one of the most significant recommendations.

The debate on the noting of the select committee has been a relatively restrained expression of opinion and presentation of fact. However, it could have been otherwise; there is no reason why not. There is every justification for the Liberal Party's placing on record its rejoicing that, after 15 years of sustained advocacy and of being left lamenting with a majority of votes but a minority of seats, we have now achieved a situation which we believe to be the fairest obtainable in the circumstances. Recommendation 19.1, relating to the repeal and substitution of section 83 of the Act, is critical and should be read into the record. That recommendation states:

> ... the electoral redistribution is fair to prospective candidates and groups of candidates so that, if candidates of a particular group attract more than 50 per cent of the popular vote...they will be elected in sufficient numbers to enable a Government to be formed.

That is the key recommendation as far as the Liberal Party is concerned. It is what we have been seeking from the outset. It is what every democrat would regard as fair, and it is now the challenge of the Electoral Boundaries Commission to achieve that result. Consequent upon that recommendation, the commission is obliged to have regard to the following:

> ... communities of interest of an economic, social, regional or other kind;
> *(b)* the population of each proposed electoral district;
> *(c)* the topography of areas within which new electoral boundaries will be drawn;
> *(d)* the feasibility of communication between electors affected by the redistribution and their parliamentary representative in the House of Assembly [which is a critical factor]; and
> *(e)* the nature of substantial demographic changes that the commission considers likely to take place ...

Other members have, rightly, spoken about their own electorates. As a member representing a metropolitan electorate, I recognise that both the demography and geography of Adelaide and the demography and geography of the State of South Australia make it difficult to achieve the goals set out in the recommendations. The north-south axis of the City of Adelaide means that we may well have to end up with metropolitan electorates shaped something like sausages because of the very nature of the demography and geography of Adelaide.

Similarly, in what is, in effect, a city-state with the majority of the population concentrated in the metropolitan area, it is difficult to draw boundaries for other electorates that accommodate virtually equal numbers of electors and, at the same time, meet the goals of community of interest set out in the recommendations.

It is important to note that, despite my firm belief that the recommendations, when adopted, will lead to the fairest possible system, none of that in any way derogates from the fact that the Party that wishes to win Government will have to campaign very strongly to do so and will have to present policies which are appealing to the people and in their best interests. Government will not fall automatically into the lap of either major Party as a result of this redistribution.

Mr S.G. Evans: There will be more marginal seats.

The Hon. JENNIFER CASHMORE: As the member for Davenport points out, there will be more marginal seats—

Mr Becker interjecting:

The Hon. JENNIFER CASHMORE: —and, as the member for Hanson points out, it may be in the best interests of the people. I believe it can have an undesirable effect of an election auction, in effect, of policies.

I certainly hope that the next election is fought very strongly on policies which are in the interests of the whole State and not geared solely to the narrow sectional interests of what may end up as being a very large number of marginal metropolitan seats. Any Party that aspires to govern this State must look at the whole and not at the most prized individual parts if we are to have any satisfying future into the twenty-first century. The interests of all the people of South Australia must be served.

As to the referendum, I have confidence in the judgment of the people and in their commitment to the natural justice which is inherent in these recommendations and to their commitment to democracy and a fair electoral system. I believe that, when the recommendations of the select committee are embodied in legislation, that legislation will merit and receive the support of all South Australians.

Mr INGERSON (Bragg): I rise to support the noting of the report. It is a very interesting situation in this House in which we have both the Liberal Party and the ALP putting forward a very balanced report; a report which is obviously—at this point, in any case—in the best interests of both Parties. Having been in this place for some time, I am a little concerned at the ALP's approach to this report.

Mr Ferguson interjecting:

Mr INGERSON: Yes, you do develop a little cynicism in this place. Whilst we have achieved a result for which the Liberal Party has been asking—and in fact almost demanding—for the past two sessions, all of a sudden we now have the ALP agreeing with our stance, which prior to the last election was so vehemently opposed. As the member for Henley Beach said in his very good contribution, an important decision has been made here of fairness, and it seems to me that, whilst I have been—and am—a little cynical about the result, we have to go from here now and establish what I hope will be a landmark decision for us in South Australia. There is no doubt that the committee's recommendation of a 50 plus one result will for the first time allow fairness to play a major role in any electoral redistribution system.

Having played a lot of sport and having been involved in competition in sport and in business for most of my life, I believe that one of the most fundamental things in which everyone in the community is interested is fairness. People like to win, they do not like to lose, but at the end of the day they will want to have a very fair system.

Mr Hamilton: At any cost.

Mr INGERSON: The member for Albert Park says, 'At any cost.' He knows that that is not my position. The honourable member, who was in competition with me some time ago and beat me fairly, ought to know that I am prepared to have a go and to take it right to the limit. This is a good example of fairness and I believe that at last we have achieved an excellent opportunity for the Liberal Party at the next election.

I want to comment on the 10 per cent tolerance rule. It has been my view for some time that, because of the areas in which people have chosen to live in our State, the 10 per cent tolerance rule is not sufficient and should be much wider. However in its wisdom, the committee has chosen to retain the 10 per cent tolerance rule. The member for Eyre and the member for Flinders have clearly put to the Parliament this afternoon their points of view in relation to isolated communities, and it is in relation to those communities that the tolerance factor becomes very important. When the commission looks at the whole area of tolerance, I hope that it will make sure that people in the isolated communities get the maximum benefit allowed by this 10 per cent tolerance rule.

There is no doubt that the move to a redistribution occurring after each election is a very good and sound idea. It has been identified clearly in this report that there are massive differences in the numbers of people represented by each electorate. For example, the Elizabeth electorate has 16 850 voters whereas Fisher has 27 914, a massive difference between the two electorates which, as I think the report clearly recognises, can no longer be accepted. So, the move to a redistribution after each election is a very sound and practical one.

I was interested to hear the comments about the electoral rolls. In my electorate of Bragg not many changes occur in the numbers of constituents moving in and out. A large number of errors have crept into the rolls, and I note with interest the comments put to the committee and clearly stated in its report that we have to make sure that electoral rolls from both Federal and State points of view are cleaned up to achieve the best possible result of an election.

The committee has received a very good and strong report from Dr Hugo of Flinders University, a gentleman whom I had the privilege to meet six months ago. I was able to look at the social atlas developed by Dr Hugo in which he has looked at the spread of ethnicity in the community. His maps are a magnificent presentation of the way that he has been able to work out where ethnic communities live in our society, and I hope that his expertise and that of his group at Flinders University will be used to draw up some theoretical maps in the first instance to look at how we can achieve the best result from this 50 plus one position. We know full well that, when we have that theoretical position, the boundaries will have to be adjusted in relation to main roads so that we do not end up with boundaries running down railway lines. The theoretical model, which the Flinders University will be able to produce through Dr Hugo's group, will give excellent assistance to the boundaries commission.

The issue of single member electorates, which the committee strongly supports, is one that I have supported for a long time. When I lived in Salisbury, I felt that the concept of multi-member electorates needed to be continually looked at, and I am glad to see that the committee has recommended that after the next election we should continue to look at multi-member electorates and at the Liberal Party's concept of top-ups.

I lived in the Salisbury district for some 20 years and it was always frustrating to me and to the 30 per cent of the people who continually supported the Liberal Party that there was no representation in the Salisbury, Elizabeth and Para Hills districts. I felt that the concept of a multi-member electorate would solve that problem in the community, and that is little different from the position in the electorate I currently represent where, in fact, the reverse is true. In my electorate and in most of the eastern suburbs the ALP has only a 30 per cent representation. The argument for multi-member electorates in terms of fairness and equal representation is one which this Parliament will continue to debate and, as I have said, it is an area in which I have been interested for some time. My preference has always been for a single-member electorate and I hope that the proposed changes—in particular, the change to 50 plus one—will achieve that result.

The issue of one vote one value has always been very important to the ALP and to members on this side of the House, but the difference has always been as to what one vote one value really means. It is absolute nonsense to say that equal numbers in each electorate will amount to one vote one value and will give a fair result, because history has shown, not only in this State but in every State of this nation, that one vote one value, when it means equal numbers in each electorate, will not necessarily achieve a fair election result. We saw this in the last election in South Australia, we saw it in 1975 and again in 1979 when the Liberal Party won the election by a record number of votes but had only a slight majority in the Parliament. I hope that this very important change agreed to by both the ALP and the Liberal Party will, for the first time, see a very important result in terms of fairness, and that it will give both Parties—and I say this sincerely—the opportunity to win if they obtain a majority of votes in an election.

I now want to discuss the issue of keeping the community together within an electorate. Whilst I said earlier that it was important to look at Dr Hugo's work or that of any other person from which the boundaries commission could obtain information, and whilst we need that theoretical model, we need also to consider the community of interest that has developed over the years in this State. That applies not only to country areas but to the metropolitan area as well. Community of interest is a very interesting argument, but it is a very difficult thing to separate when the final lines are drawn on a map. We all accept that, no matter where we put these final lines, not everyone will be happy with the result. That is one of the problems with a single member electorate, and it will not go away as long as we argue that we should have a single member electorate. As I said, although I support this argument, there are some negative aspects to it.

However, the committee has done a marvellous job and moved very quickly to recognise that 50 per cent plus one should be the overall factor in deciding how we should finally end up with the Government of our State. As I said earlier, one other issue that concerned me related to the electoral rolls. I hope that we will be able to tidy that up very quickly. Mr Speaker, I thank you for giving me the opportunity to make my contribution this afternoon. I have much pleasure in supporting the report.

Mr M.J. EVANS (Elizabeth): As a member of the select committee, I am pleased to be able to support the adoption of the committee's recommendations. I think that they are a useful, further step along the road to electoral reform in South Australia. Unfortunately, I cannot say that I believe they represent a final step in that direction because the committee chose not to support the proposition of the adoption of a proportional representation system based on the Hare-Clark model. Of course, our progress on the road to electoral reform is necessarily, therefore, incomplete. However, I am certain that, as other members have said in this debate, it will be something that occurs in the fullness of time.

There is no doubt that, in combining together, the major Parties have successfully set back that process by defeating any proposal to look at the Hare-Clark system at this time.

The committee was careful to preserve its options, the options of Parliament and, indeed, the options of the constituent political Parties in this place so that this topic can be addressed in the future, and I am quite certain that it will come up again. The Hare-Clark system does offer the people of South Australia the opportunity to secure a number of improvements in the representation they enjoy in this Parliament, and in the level of democracy to which the Parliament itself can lay claim. There is no doubt that we must always be careful to balance the mathematical requirements of fairness and the need to ensure that the percentages obtained in the popular vote reflect the percentage representation in this House.

Of course, the degree of quality between those two concepts is necessarily one which is difficult to obtain. A single-member electorate system produces that equality only by sheer chance. The Hare-Clark system, at least, offers the opportunity of moving closer and closer to that mathematical certainty, depending on the number of seats placed in each electoral area. Obviously the more seats in an area, the higher the degree of probability that the overall result will be mathematically close to the actual votes of the electorate at large. That is a very difficult balance to strike. I believe that, by choosing a number such as seven or nine members in an electorate, one becomes much closer to mathematical equality, but one loses the very desirable characteristic of local representation. If the number of seats is reduced to a low number, such as two, three or four, the degree of localism involved in the election will be dramatically increased, but the chances of achieving the mathematically correct result will be reduced.

The balance that I have chosen to strike for myself is three members per electorate, because I believe that offers the best combination both of fairness and of local representation. It also produces a number of other positive effects on democracy in South Australia. It would ensure that both the major Parties were represented in almost every electoral district in the State. For example, it would give the Labor Party representation in the South-East and in the eastern suburbs; it would give the Liberal Party representation in industrial areas; and it would ensure that both major Parties had a significant interest in all areas of the State, and not just those areas of the State which choose to return Labor or Liberal members. It would guarantee for the first time that the Labor Party would have to take a significant interest in the rural community of this State and, while several Government members seem to have suddenly developed strong enthusiasm for rural debates in this place, it has to be said that that is not founded on a broad base of electoral support for the Labor Party in rural areas, but rather on a new found, personal interest of those members. There is no guarantee that that will continue beyond the election—

The Hon. D.J. Hopgood interjecting:

Mr M.J. EVANS: Indeed, there is no guarantee, despite the Deputy Premier's concern. I am sure that the honourable member who is retiring at the next election will not be continuing that interest in this place at least, while the other may well choose to do so. However, as I say, that is not guaranteed. It is also the case that the Liberal Party may periodically take an interest in those vital issues which reflect on the northern and southern suburbs and, indeed, on your own area, Mr Speaker, but that is not based on a broad electoral concern for those districts because the Liberal Party is effectively excluded from representing any of them.

The Hare-Clark system would give both major Parties the opportunity to broaden their bases of interest. It would not, as some have alleged, necessarily result in unstable Government. Here one must draw a significant distinction—and one which is not always drawn by those who partake of this debate—between State Government and parliamentary democracy. Stable Government is brought about by having competent Ministers and a competent Government who are able to go about the business of the Executive Government of this State from day to day in an efficient and able fashion. That produces stable Government. Parliament is about the examination of legislation and the oversight of that Government activity, and the approval of taxing and financing measures. Parliament is not about the day-to-day management and government of the State as such; that is the duty and the responsibility of the Executive Government. The Executive Government is accountable to Parliament for the way in which it manages the day-to-day affairs of the State.

One should not confuse stable Government and the political representation in this Parliament: the two are not the same. It is quite possible—and the present numbers in the House demonstrate this quite clearly—to have stable Government at a time when the House is evenly divided and, indeed, when the Executive Government of the day controls neither House with an absolute majority. That is the case in this present Parliament. It was the case in respect of the House of Assembly in the Parliament in which I first served in this place. In both those cases, two Parliaments out of the last three, the State has enjoyed stable Government, but the Government itself has not necessarily enjoyed a majority on the floor of the House of Assembly.

The Hare-Clark system will necessarily produce results where the Parliament is relatively equally divided, but that is due to the simple fact that the electorate is divided roughly the same. One has to expect that the wishes of the electorate will be reflected in the representation in this place. If the electorate is divided 75 per cent for one Party and 25 per cent for the other, that would be the consequence in this House. If the electorate is divided relatively equally 49:51 or 50:50—of course the Hare-Clark system will deliver a similar result in this place. And so it should, because that is the purpose of an electoral system. The purpose is not to give a political Party an overwhelming majority so that it may use its numbers fearlessly in this place to crush the Opposition and to provide that legislation which it feels is good for the public; rather, the purpose of an electoral system is to reflect the wishes of the people in the representation in the House. I submit that the Hare-Clark system is more likely to do that than single-member electorates.

All members of the committee, and I think most members who have spoken, have conceded that a single electorate system is most unlikely ever to do that, except by chance. In relation to fairness in the Constitution, that is an extraordinarily difficult concept to work through. I look forward to seeing how the Electoral Commission manages to do that. I personally think that it will not be possible for it to take these matters into account in the way in which the proponents of the argument suggest, but I am prepared to wait and see because I have more faith in the Electoral Commission than I do in the wording of the provision itself.

The other advantage of the Hare-Clark system in this context is that larger electorates would require less frequent changes to their boundaries. Obviously, a large electorate is more stable in terms of boundary adjustment, and people would be subject to less confusion about that and less frequent intervention in their representation. It also ensures that all seats are marginal seats. I think that those members in this place who currently represent marginal seats have seen the benefits which that brings in the way of major political Party attention. Of course, the Labor Party quite

rightly says that it fights elections on the basis of marginal seat campaigns and, of course, that has been a very successful tactic to date.

If all seats are marginal, that technique is no longer as effective, but it can be applied across the board to ensure that all South Australians receive the benefit of that kind of attention, and I am sure that the other major political Parties would adopt a similar process. It also ensures that the public choose the representatives whom they have in this place. The major political Parties, instead of nominating a single member to represent a district, would be forced to give the public the choice of, say, three of five candidates. That would guarantee that the public chose the candidate who was to represent them in this place, not necessarily a political Party machine which may be insensitive to their needs.

One of the consequences of Hare-Clark is a Robson rotation system, named after Robson, the member of Parliament in Tasmania, who first put forward the system whereby each ballot paper is different from the next ballot paper because the names on that paper are rotated at random, thus removing completely any requirement for a donkey vote and guaranteeing that the public are able to select which of the candidates they want without the influence of 'How to vote' cards, which become irrelevant, with significant savings to the environment and the litter problem as a result.

The vast majority of the witnesses before the committee recommended and favoured the system that I have discussed this evening. There is an overwhelming preponderance of evidence, if one chooses to examine the whole of the record of the select committee proceedings. Those professional witnesses who came before the committee, and who had made extensive studies of this topic in the universities of Australia, came to the conclusion that a Hare-Clark system would produce a much fairer result and was the one that they chose to recommend to the committee. In fact, the only witnesses that I recall who were opposed to that represented the major political Parties in this State. The vast majority of the other witnesses came down firmly in favour of a Hare-Clark system, or a variation on it.

I think that the case for Hare-Clark will gradually find its way into the South Australian electoral consciousness. I am sure that year by year it would bring benefits, not only to the State, but to the political Parties, which would enjoy something of a renaissance of support among the public, were they seem to be more representative and were the system itself seems to be fairer. I do not think that any of us would suffer from that. In fact, I think that we would all benefit from it.

Those members of Parliament who choose to represent their electorates well and who are active members in their local communities would be able to turn any seats into safe seats for those particular members of Parliament because of the work that they had done for their constituents and the high regard in which their constituents would hold them. Any member of Parliament who did not undertake that would no doubt turn what could have been a safe seat into a highly marginal one and would probably lose it eventually to another member of his or her own Party who was prepared to represent the constituents in the way in which they wanted to be represented.

I commend the report of the committee to the House. I believe that it is deserving of support. However, I believe that it represents but one further step along the road of electoral reform. South Australia has come a long way in that regard in the past two or three decades. I suggest that in the next decade it might be prepared to take that further, and I hope, final step along that road.

Mr BECKER (Hanson): I appreciate the time and effort that has been put in by the select committee in preparing this report, and I note its contents with interest. This will be the third redistribution that I have faced in 20 years since I was first elected to this Parliament. During that period I have had to contest eight elections. I know what disruption is caused when an electorate is divided into two, as happened to me in the early 1970s. My seat, the seat of Glenelg, was split in two to create the seat of Morphett—a new seat in the western suburbs. I then built up that seat, only to have that majority taken away in another redistribution and I had to start again. If any member or any person thinks that it is an easy issue to resolve when deciding the future of fair electoral distribution, I can say that it is a lot of hard work, it is time-consuming and costly and it is confusing to the electorate.

I doubt whether the electors of South Australia will accept this very easily. Again, we know what we want. We know that in the last State election the Liberal Party polled 52 per cent of the primary vote and was not fortunate enough to win Government. The people of South Australia would say that that is unfair and wrong; there is something wrong with the system.

I recall the situation in 1968 when Steele Hall won Government with the support of the then Speaker, the member for Chaffey, dear old Tom Stott. The Labor Party came marching into this Chamber brandishing placards and screaming that it was unfair, there was a gerrymander, and goodness knows what. The then Premier, Steele Hall, undertook a redistribution of boundaries and dramatically changed the make-up of the electoral map in South Australia. As a matter of fact, at the 1968 election, there were 13 metropolitan seats and 26 country seats. In 1970 the redistribution brought about 28 metropolitan seats and 19 country seats. Then, after the redistribution in 1976, there were 33 metropolitan seats and 14 country seats. The redistribution just before the 1985 election brought about 34 metropolitan seats and 13 country seats. There has been a vast change in the make-up of political representation in South Australia.

I can well remember being introduced to His Royal Highness Prince Philip one night by Don Dunstan, the then Premier of South Australia. I was asked to describe my electorate, and the debate then turned to one vote, one value. Of course, Dunstan always believed that he could bring about one vote, one value. His Royal Highness said that it was physically impossible and that it had been tried everywhere else in the world. Dunstan tried that experiment and it has failed. It has failed miserably, because, when we look at the statistics provided by Dean Jaensch in his analysis of the various State elections, we see that in 1975 the Labor Party gained 46.3 per cent of the primary vote and won 23 seats; the Liberal Party obtained 31.5 per cent for 20 seats; other political Parties, including Millhouse and those funny days of the LM-cum-Australian Democrats, got 22.2 per cent and won four seats.

The Hon. D.J. Hopgood interjecting:

Mr BECKER: I am glad that the Deputy Premier has raised that issue. In the Labor Party there are three factions, and nobody has ever been able to explain to me the centre, the right, the centre left, the left, and everybody else in the independent groups with wings all over the place.

The SPEAKER: Order! I ask the honourable member to relate his comments to the report.

Mr BECKER: It is important to have clear factions and groups of the left and right of the Labor Party. When the

Liberal Party tried the same thing, who crucified us? There we are. In the 1975 election 22.2 per cent of the vote was gained by other political Parties or independents, and they had only four seats. In 1977, on the new boundaries, the Labor Party had 51.6 per cent of the primary vote and won 27 seats; the Liberal Party had 41.2 per cent of the vote and won 18 seats; the Democrats obtained 3.5 per cent of the vote and won one seat; and the others obtained 3.6 per cent of the vote and won two seats.

In 1979 the Labor Party won 40.9 per cent of the vote and gained 19 seats; the Liberal Party gained 47.9 per cent of the primary vote and won 25 seats; the Democrats 8.3 per cent and no seats; others 2.8 per cent and three seats.

In 1982 the Labor Party gained 46.3 per cent of the primary vote and 24 seats; the Liberal Party gained 42.7 per cent of the primary vote with 21 seats; the Democrats gained 7.1 per cent, still with no seats; and the others gained 3.9 per cent and two seats. In 1985—new boundaries again—the Labor Party gained 48.2 per cent for 27 seats; the Liberal Party gained 42.1 per cent for 16 seats; the Democrats 4.3 per cent, no seats; and others 5.4 per cent and four seats.

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

Mr BECKER: In 1989, 40.1 per cent of the primary vote gained by the ALP returned it 22 seats; the Liberal Party gained 44.2 per cent of the vote and 22 seats; the Democrats gained 10.3 per cent of the vote and no seats; and the other candidates gained 5.4 per cent of the vote and three seats. So, it is quite clear from those statistics that the Democrats over the past four elections have gained 8 per cent, 7 per cent, 4 per cent and 10 per cent, and not one Democrat elected to the House of Assembly. They could legitimately complain and say that they should have a representative when we consider that Independent members get between 2 per cent and 5 per cent of the vote. But, that is the way the whole thing comes out, and that is how we can use and play with statistics by suggesting that this one is getting an unfair advantage over the other.

The fact is that to win government in South Australia in a 47 seat House a Party has to get 24 seats, and it is pretty difficult when it gets 52 per cent of the vote but still does not win government. Some years ago the Hon. Ren DeGaris predicted that the Liberal Party would have to get about 55 per cent of the vote on the current boundaries before it would win government. So, it is a pretty tough task from that point of view.

I am glad that the committee has decided that something must be done, and that something must be done now. If we accept the recommendation of the committee a referendum will decide whether or not there will be a redistribution. I do not believe that the voting public of South Australia is that interested in the politics of the redistribution of boundaries. I think people will be aggrieved to having to go along on a Saturday afternoon, interrupt their sport, recreation or whatever, to vote. It will also be very difficult to get the public to accept that somewhere between $2 million and $3 million of taxpayers' money has to be spent on this type of exercise.

So, we have some problems in that regard when it comes to saying to the people of South Australia, 'You will have to forgo up to $3 million so that the system can be rectified ', when we would have to wait for another four years and it would have been done automatically. I have heard and considered the debate in relation to increasing or decreasing the number of members. At one stage I thought that decreasing the number of members by two might be the way to go, and then there can be an automatic redistribution to save taxpayers' money. That is one option I favoured, but whether that would be fair and reasonable is something that the committee looked at, and I have been guided by the committee's findings.

The committee recommended that the 10 per cent tolerance be retained. I have always believed—and this proves that one vote one value strictly does not work under our current system—that some weighting is needed one way or the other. It is interesting to note that what I thought were marginal Liberal seats—Fisher, Newland and Bright—are in the first 12 electorates that far exceed the quota of 20 628 electors; and Hayward is well under quota, having some 18 207 electors. So, members can see that there is an imbalance in the electorate of Fisher which has 27 914 electors.

The top-up system was also proposed at one stage by the Hon. Mr DeGaris and my Leader, and it has some merit. I commend the committee for having considered it. The suggestion of the Hare-Clark system, as promoted by you, Mr Deputy Speaker, has not been totally rejected at this stage and is there for consideration in the future. There is no doubt that the Hare-Clark system would give the ultimate in parliamentary representation if it were accepted, but I think that that is fraught with danger. Over the years I have looked at and thought about it, and I think the system we have at the moment is the best we can obtain in a democracy.

I am concerned about the considerable number of errors on the electoral roll. The committee picked that up and brought it to the attention of the House in its findings. It is an intolerable situation when we depend on a handful of votes to decide the Government. I hope that, if the boundaries are redrawn, they are drawn in a way such that errors will be eliminated; in other words, we will not have boundaries running through properties, as has occurred in the past. Some years ago in my electorate I found that the boundary separating two local government areas went through the backyards of several of my constituents' houses, the backyards being in the Woodville council area and the frontages being in the West Torrens council area. That caused confusion.

I sympathise with all members who have to go through this exercise, but in the interests of democracy I believe that the people of South Australia who are sufficiently interested in politics and who believe that their vote should count and will count—provided we get as close as we can to one vote one value and a fair redistribution of boundaries—will agree to try this system. If it is not successful, we are no better off. We come back to the illustration I gave: when we talk about votes, the number of votes, the percentage of votes and the percentage of seats that we win, statistics can throw us all over the place. The most important thing is that the will of the people is achieved and observed. That is what we have to look at and that is why I say that we should perhaps look at the top-up system at some stage. If any political Party gains more than 50 per cent of the vote and cannot form a government, there is something wrong with democracy in this State.

Mr LEWIS (Murray-Mallee): I rise tonight not only as the member for Murray-Mallee but also as the Opposition's frontbencher on duty and, even though it may appear there is nobody on the front bench, indeed, I am. I speak from my place in keeping with the requirements of Standing Orders to do so.

Members interjecting:

Mr LEWIS: Notwithstanding protestations from the honourable member opposite, I well regard and respect the appropriate procedures of the House. Let me say how much

I regard this report as being a victory, indeed a great victory, for democratic thought.

The Hon. E.R. Goldsworthy: Twenty years too late.

Mr LEWIS: It is 20 years too late, and that is the pity of it. If only Governments of any political persuasion would realise that people of goodwill elected to positions of responsibility (so long as they are left untrammelled by any requirement to pay lip service, loyalty and worship to some external element, force or device which controls their destiny in some measure or other) can apply themselves to the purpose we all pray for at the commencement of our proceedings each day we sit, that purpose being for the welfare and good government of the entire population of South Australia.

This committee was comprised of such distinguished people as the members for Mitcham, Flinders, Light, Elizabeth, Henley Beach, Hartley and Baudin, being respectively the Deputy Leader of the Opposition, the only member of the National Party, a former Leader of the Opposition and most distinguished Speaker of this place previously, you yourself, Sir, as an Independent, a previous Chairman of Committees (the member for Henley Beach), another member who has represented two electorates in this place in the time that he has been here (previously Morphett and now Hartley) and the Deputy Premier and distinguished Minister for many years, all eminently sensible people. Admittedly, there is not a woman amongst them, but that does not matter as they are all human beings. No man or woman would deny that they are as representative and as competent to be not only representatives of all South Australian people but of this Chamber to examine the options available to us.

They have brought in a report 20 years too late, but a report that deserves the highest praise for the way in which it appropriately analysed and ascribed value to the evidence presented to the committee, the options available to it and the recommendations it makes. Why Governments do not understand that is not beyond me, but it annoys me and annoys the people outside, not just in their scores or hundreds of thousands but the vast majority. Governments, just because they are Governments, are not the sole possessors of wisdom with the right to use their might to impose their will on matters which concern and affect the future composition of the Chambers of Parliament, the fashion in which those Chambers conduct their business and, ultimately, the nature of representative institutional democracy in society. Governments have a job, given to them by the people who elect them from time to time, to make the policy that determines the direction of society in law. They do not have a job and a right to determine the direction of the institution to which they are elected nor a right to determine how the institution shall be composed. That institution is the Parliament.

Mr Atkinson: You really are a Whig, aren't you?

Mr LEWIS: Yes. It is interesting that the honourable member should make that observation and I do believe that there is a great deal of truth in what I have just said, its relevance expounded for more than 100 years by people in the mother of Parliaments that gave us the kind of institution we now have here, the benefits of which I, as a representative of my electorate (and the honourable member opposite who interjected and all other members know that they have, as well as the responsibilities that go with them) to speak freely and in the interests of truth as we see it according to the constraints which we are willing to allow others to impose on us, that is, the Parties.

Parties do not have all the wisdom and should not be the possessors of power in the Parliament to determine its future or its composition. That should be done, preferably by referendum, but at least dispassionately and independently of the Party which happens to be populist for the moment. The abuse by the Parties of that principle resulted in the necessity for us to begin this tortuous course 20 years ago. I guess that this Parliament goes some way closer to the ideal than do most Parliaments in this country, this House most certainly.

If we act now on the recommendations contained in the report we will get (as will the people governed by our deliberations in so far as we contribute to that Government) the benefits of the composition of the Parliament as determined by elections from time to time. I will be as publicly distressed to find after the next election, regardless of who is elected, if a Government, with a majority greater than the Government has at the present time, seeks to impose the will of its Party on this House and on this Parliament to the exclusion of the interests of the others not represented. Let me underline and emphasise that point.

Parties are for the purpose of determining grouping of members with a common allegiance in philosophical terms, so that they can form Governments which know that they can rely on getting supply and passing other legislation for administration purposes. Parties are not for determining how Parliaments are structured: they would not exist if Parliament were not here. It has taken a long time. I am a subscriber to the theory of chaos. It has been coincidental good fortune that we have arrived at where we are today, in spite of the efforts of some tyrants and despots throughout history. Maybe it is the collective wisdom of a strong society (across the centuries) which produces the chance that is now given to us as members here elected to make these wise decisions, facilitated by the report before us.

I will now make some observations about the composition of each of the electorates of which this House is comprised, composition in terms of the Parties represented here by the people so elected and the difference between major groupings that is apparent from those observations. Before I do that, I seek your leave, Sir, and that of the House to insert in *Hansard* a purely statistical table entitled 'Table 1' in the report, having checked that no-one else has sought to insert it to this point. I assure you, Sir, that it is purely statistical.

Leave granted.

Table 1: Enrolments in each Electorate in Ascending Order
June 1990

1.	Elizabeth	16 850	25.	Bragg	20 155
2.	Whyalla	17 109	26.	Semaphore	20 168
3.	Gilles	18 124	27.	Mt Gambier	20 229
4.	Hayward	18 207	28.	Murray-Mallee	20 427
5.	Flinders	18 730	29.	Price	20 513
6.	Eyre	18 773	30.	Spence	20 559
7.	Ross Smith	18 799	31.	Victoria	20 578
8.	Custance	18 870	32.	Briggs	20 648
9.	Todd	18 878	33.	Henley Beach	20 859
10.	Morphett	18 921	34.	Chaffey	21 074
11.	Walsh	18 932	35.	Albert Park	21 799
12.	Mitchell	18 969	36.	Heysen	21 944
13.	Coles	19 141	37.	Bright	21 973
14.	Norwood	19 304	38.	Goyder	22 456
15.	Stuart	19 319	39.	Newland	22 648
16.	Hanson	19 381	40.	Light	22 957
17.	Hartley	19 654	41.	Alexandra	22 966
18.	Adelaide	19 703	42.	Baudin	23 149
19.	Unley	19 793	43.	Kavel	23 378
20.	Napier	19 799	44.	Mawson	23 968
21.	Davenport	19 892	45.	Florey	24 225
22.	Mitcham	20 009	46.	Ramsay	25 707
23.	Playford	20 047	47.	Fisher	27 914
24.	Peake	20 052			

Total: 969 550

Quota: 20 628: Range of 10 per cent tolerance: 22 690-18 566

Table 1: Enrolments in each Electorate in Ascending Order June 1990

Source: State Electoral Department

Mr LEWIS: We can see that there are 47 electorates which vary in population of electors from 16 850 to 27 914, from Elizabeth to Fisher.

Mr Quirke: Peake is at the median.

Mr LEWIS: I do note that Peake falls at the median but is not indeed within 1 per cent: 20 052 electors is more than 1 per cent of 20 628, which is the average of the 47 electorates if we take the total number of electors and divide by the number of seats. The important thing about this table is that it enables us to see that, even though we set out 20 years ago to establish the notion of equi-populated electorates, we now find only relatively few electorates within 1 per cent either side of the median. There are only six: Murray-Mallee, Price, Spence, Victoria, Briggs and Henley Beach. That clearly indicates that something is wrong in the Constitution to allow such a position when it was intended that we should have equi-populated electorates. As the situation stands, unless we make some changes we will go to the next election with an enormous disparity, and there is no such thing as one vote one value in the House in its present form.

Mr Atkinson interjecting:

Mr LEWIS: That may well be, but at no time could it be argued that in the Playford era the Government of the day (the Playford Government) was elected on a minority vote as great as that of the current Labor Government in percentage terms of the entire State. It is piffle for the honourable member to protest that what he would do is look at those stupid statistical tables that have been trotted around politics departments of universities and among members of the Labor Party, to illustrate that, of the seats they bothered to contest, they received such and such a percentage of the vote, and that it is therefore legitimate to extrapolate that they would have received the same percentage vote in all the other uncontested seats.

That would not have happened. They did not bother to contest the other seats because they knew that their ALP vote would not have been high enough in some instances to enable the candidates to get their deposits back.

An honourable member interjecting:

Mr LEWIS: We were not talking about equi-populated electorates; we were talking about whether or not the Playford Government was elected with minority support demonstrably lower than that of the current Labor Government—and it was not. It is not statistically valid, rational or logical to argue the contrary case. I invite members opposite, in their contributions to the debate, to draw out the statistics to disprove what I am saying and prove the truth of what they are saying, remembering that there are no statistics on the record for a good many of the electorates, since the Labor Party chose—as did the Liberal Party (the LCL in those days)—in some instances not to contest some of those electorates, knowing that they could not win them.

So, former Premier Dunstan was not being factual when he said that there was not one vote one value. We have now demonstrably less of one vote one value as we go into the next election, if we do not change things, than we ever had during the Playford era. I invite members opposite to produce the statistics to prove me wrong. In a grievance debate I will produce the statistics that prove members opposite wrong.

Getting back to what I was saying, we find that 27 seats have less than 1 per cent below the quota and 13 seats have above 1 per cent either side of the quota. Let me place on record that the seats of Elizabeth, Whyalla, Gilles, Ross Smith, Todd, Walsh, Mitchell, Norwood, Stuart, Hartley, Unley, Napier, Playford, Peake, Semaphore, Price, Spence, Briggs, Henley Beach, Albert Park, Baudin, Mawson, Florey and Ramsay are seats occupied by people supportive of the Government. Two of the members—the members for Elizabeth and Semaphore—are Independent Labor members, and they are, of course, the Speaker and the Chairman of Committees, who have happily agreed to support the current Government.

If we add up the number of people on the roll in these seats held by Labor, and then divide the number by the number of seats (which is 24), we find that the average number of electors in those seats is 20 301. If we then look at the seats of Flinders, Eyre, Custance, Morphett, Coles, Hanson, Adelaide, Davenport, Mitcham, Bragg, Mount Gambier, Murray-Mallee, Victoria, Chaffey, Heysen, Bright, Goyder, Newland, Light, Alexandra, Kavel and Fisher, we find that the average population in those seats is not 20 301 but 20 884.

The difference as a percentage of the median is almost 3 per cent. That explains to members opposite and to all members of the House why the Liberal Party should be in Government, having received more than 52 per cent of the vote. That is part of the explanation. There are more people living in each of the electorates returning members of the Liberal Party, and/or members who would perhaps be inclined to support the Liberal Party, such as the member for Flinders. There are more voters locked up in seats of greater population where the percentage of those voting right of centre in support of the Liberal Party on a two Party preferred basis is greater than it should otherwise be. So, those two factors—the latter being the more important—are the reason why we unfortunately do not have a democracy in South Australia at present. I put to the Parliament one other point before my time expires: if any candidate cannot obtain sufficient votes in any seat in this House to become elected, that candidate, as either the first or second, does not deserve representation here.

The ACTING SPEAKER (Mr De Laine): Order! The honourable member's time has expired. The honourable member for Kavel.

The Hon. E.R. GOLDSWORTHY (Kavel): My position in regard to this was summed up fairly accurately in one of the better newspaper articles which appear from time to time. This appeared in December 1989, just after the State election, and followed hard on the heels of an unfortunate experience I had during the election campaign. I was telephoned by a journalist from the *Sunday Mail* who is not a favourite of mine, and I have never been a favourite of his since I rang his Editor and complained of his political bias. Nevertheless, he rang me during the election campaign and proceeded not only to misquote me in an article but to tell what amounted to a pack of lies about my view of dumping nuclear waste at Roxby Downs.

But that is another story. When I received a phone call from another reporter from the *Sunday Mail* after the election, I spoke freely to him—as is my wont—and that resulted in an article of which I thoroughly approve and which sums up my attitude to this report of the select committee which, I believe, is excellent.

With due modesty, let me quote the article, which is headed 'Our voting system must change: MP'. Written by this excellent reporter, Andy Williams, it states:

'A shake-up of the electoral system to ensure that MP numbers reflect overall Party support is essential in South Australia', says Liberal elder statesman Mr Roger Goldsworthy. He says alter-

native forms of voting, such as the optional preferential system, should also be examined . . .

This journalist had telephoned me, and that was the basis of his call. He quoted me at length, as follows:

'Not only that, the size of the vote should be reflected in the size of the win,' he said. Mr Goldsworthy said that under present Australian electoral systems there was a bias in favour of the ALP federally and in most States. He said in South Australia in 1975 the Liberals, led by Dr Eastick, attracted a majority of the votes but did not win Government. 'And In 1979 we got 55 per cent of the vote . . . and we won narrowly,' he said. 'In 1985 Bannon got 52 per cent of the vote and got a record majority'.

So I am saying that the Liberal Party, with 55 per cent, just scraped in; Bannon with 52 per cent in 1985 got a record majority. So, if members opposite do not understand that point, I am saying that the size of the vote should be reflected in the size of the majority.

The report continues:

'The boundaries are in the wrong place.' Mr Goldsworthy said that in the WA election the Liberal Party also won 52 per cent of the two-Party vote yet still lost. He said that in SA the slate should be wiped clean and a new set of electoral boundaries drawn up. The problem was that the present electoral Act stipulated that the Electoral Commission had to take into account present boundaries which means making alterations to existing boundaries. 'All that does is to entrench any advantage,' he said.

That was the Labor Party's original throw in this exercise. It would have liked to entrench even further its inbuilt advantage, cut in two the district of my colleague the member for Fisher, tack on a few more Labor voters, and give itself an even greater electoral advantage. That was its original throw. The report continues:

'The commission should be free to draw the boundaries wherever they like to give effect to the principle that the Party gaining majority support governs.' Mr Goldsworthy said a proportional representation system, as operated in the Legislative Council on a statewide basis, or Tasmania with its multi-member electorates, more fairly reflected voter sentiment. 'But a problem with this is that you don't identify a single member with a single electorate,' he said.

The article continues at length. Having had that conversation accurately reported by Andy Williams, and having now reported it to the House, I believe that members would have no difficulty in grasping the fact that I am quite enthusiastic about this report.

Mr Atkinson: You are now.

The Hon. E.R. GOLDSWORTHY: If the honourable member listens carefully and has the wit to take in what I am saying, he will understand that those statements of mine were prophetic in terms of what came out of the select committee. The select committee has given effect to all the sentiments that I expressed in December last year. I would also like to repeat for the benefit of the honourable member who interjected—and who interjected when the member for Murray-Mallee was speaking—that we have all grasped this catchcry of 'one vote one value': that was the catchcry which was noised abroad vociferously by former Premier Dunstan, but the argument which he always mounted to further that case was that he had a majority of the vote but was denied Government.

The conclusion that one was supposed to immediately make was that if you had equal numbers in seats it was therefore ensured that you had a fair electoral system and if you got the majority of the vote you would win. Nothing could be further from the truth. This notion escaped the attention of people like Dean Jaensch, whom I heard on the radio this morning mistakenly reporting on the matters which would be required to go to referendum. Jaensch had it wrong yet again. Although this idea of electoral fairness escaped Jaensch for many years, he has suddenly became a convert to the multi-member electorate. His view of the electoral boundaries was that they were not perfect but they were the best we could devise. Fortunately, there were superior minds around Australia who decided to think about these issues, one being Professor Colin Hughes, formerly Dr Hughes, who was the Federal Electoral Commissioner.

Mr Atkinson: Top bloke.

The Hon. E.R. GOLDSWORTHY: A top bloke, I agree. I suspect that his politics were wrong for some years, although I do not know whether or not they were but at least he was fair. I do not bear Jaensch any ill will, but I always thought that when Blewett was at Flinders University—Blewett, of course who is dyed in the wool and now a Federal Minister—he brought to bear superior judgment and knowledge on political and electoral matters than does Jaensch. It used to be Blewett and Jaensch and I always had a higher regard for the comments of Blewett than I have for those of Jaensch. So Jaensch got it wrong again this morning in terms of what had to go to referendum for public approval.

Anyway, Colin Hughes was the first to enunciate clearly this principle of equality and fairness. He explained quite clearly that, by putting equal numbers in electorates, you certainly did not satisfy any criterion in relation to fairness. Of course, Dunstan deliberately mixed the two up, suggesting that if you had equal numbers in electorates you had fair elections—an absurd proposition. It depends entirely on where you draw the boundaries. You only had to look at the submissions of the political Parties to the boundaries commissions in which each Party was seeking to maximise its own advantage and draw lines, albeit with equal numbers, to see that the Party had the best chance of winning with a minimum vote for the Party. The Labor Party was always better at it than we were when Hugh Hudson was putting forward the submissions to the Electoral Commission. He could always, with his boundaries, ensure that the Labor Party would win with about 40 per cent of the vote with equal numbers in seats; so do not let anybody swallow—

The Hon. D.J. Hopgood: He didn't draw the lines.

The Hon. E.R. GOLDSWORTHY: No, he did not; the commissioners drew them, but they drew them on a set of criteria which allowed for minimum change of boundaries; existing boundaries had to be taken into account. The Minister himself has now reluctantly had to agree that that criterion had to go, and it has gone in terms of this report. I want to pay a tribute here to the member for Elizabeth. The honourable member has been the catalyst in this place to see that a lot of legislation is improved, and he has the courage to take on the Labor Party, which did not have the sense to endorse him in Elizabeth initially. The member for Elizabeth, who I suspect was very influential in seeing that in fact we finished up with this excellent report, was bypassed by the Labor Party in favour of some left wing union hack whom he then proceeded to trounce with Liberal Party help. One of the better things that the Liberal Party has done was to get him into Parliament.

The Hon. H. Allison: And will do so repeatedly.

The Hon. E.R. GOLDSWORTHY: My word. So, I pay tribute to the member for Elizabeth. I see his hand in this result. But Hughes enunciated quite clearly that this criterion of fairness was to be judged in terms of the argument mounted by Dunstan, but falsely mounted, that if your Party gained majority support you should expect to win. But, of course, Dunstan went only half way.

Then we had the unremitting blast around Australia from the Labor Party in relation to the Queensland zonal system. I concede that one should aim to give equality in terms of numbers in electorates as best one can while making allowances for remote areas. However, the Labor Party proclaimed that this was unfair because there were more electors

in some seats than in others, as though, if the boundaries were changed, it would win government. It would have won government only if it had gerrymandered the boundaries because, during those years, it never gained majority support. Not once did the Labor Party poll over 50 per cent of the vote. So, its cries of unfairness rang pretty hollow. The Labor Party never polled much more than 41 or 42 per cent of the vote and had no claim whatsoever to govern.

In fact, in relation to the fairness criterion—that is, the Party that gains majority support having a good chance of winning—it beat the present boundaries in South Australia hands down. We know of all the hypocrisy that goes on in relation to electoral boundaries—never give a sucker an even break! If you can build in an advantage for your Party in politics, grab it—and Dunstan cleverly grabbed it. He got these criteria passed, entrenched the equal numbers but did not give a damn about fairness. So, in my parliamentary career, which will draw to a close, if I see the distance, in three years—

The Hon. D.J. Hopgood interjecting:

The Hon. E.R. GOLDSWORTHY: I am trying to keep well, but it is not easy. In my parliamentary career of 20 years, the Liberal Party has won three elections but governed only once. In terms of the fairness criterion, we have won three elections and, in fact, should be in government now. Moreover, in 1979 when we polled the highest vote ever recorded by a political Party in the history of South Australia we should have had such a thumping majority that the Labor Party would not have been able to leap the hurdle in 1982 to defeat us. We would have had so much in reserve—

The Hon. D.J. Hopgood interjecting:

The Hon. E.R. GOLDSWORTHY: Ever recorded.

The Hon. D.J. Hopgood: Even in 1930?

The Hon. E.R. GOLDSWORTHY: The highest vote ever recorded by a political Party in the history of South Australia—55 per cent plus, yet we had only a slim majority. Bannon polled 52 per cent in 1982 and had a record majority, while in 1989 the Liberal Party polled 52 per cent and lost the election. Those who claim that one vote one value in those terms is fair, having listened to what the Deputy Premier has said, have rocks in their head. So, all praise to the select committee and, in particular, the member for Elizabeth who probably played a pivotal role in the compilation of this report.

The Hon. D.J. Hopgood interjecting:

The Hon. E.R. GOLDSWORTHY: I suggest that that was the only thing that brought the Labor Party to heel. We are in the business of politics, and I think that probably scared the pants off the Labor Party. I, for one, would have gone along with it because it would have been better than the present interpretation of one vote one value. What we have come up with is preferable. I would not like to be starting my political career in a four member seat in competition with my colleagues, but that is just a personal view.

I think there is value in one member representing one electorate because he or she can identify with the people and they can identify with him or her—particularly with her. (Please draw the attention of Diana and the other female members of this place to that comment.) There is some value in that: if a member is any good, a rapport can develop between a member and his or her electorate and a personal sense of achievement can be experienced by the member—something which I, for one, have experienced. So, I think there is much to commend the concept of a one member electorate.

However, I would have gone down the multi-member track if the Labor Party had sought to entrench the advantage which it has had for the 20 years I have been in this place. So, I say to the select committee—well done! I think that the select committee has done an excellent job. The report is all I would have hoped for in terms of the article I quoted earlier, in which I was extensively quoted. It satisfies all the aims and aspirations that I have for Parliament and the electoral system, and I hope that it will pass unchallenged and without hassle into law.

The Labor Party at last has come to grips with the idea of electoral fairness. On numerous occasions members opposite, as is their wont, have propagated half truths and, in some cases, what amounts to untruths, on the populace of this State. What is sad or disconcerting for me is that this line has been swallowed by so-called reputable political commentators who have been prepared to accept it. However, the more reputable ones, who, unfortunately, come from interstate, have said that our system is unfair. They have conceded this, but unfortunately many journalists have been brainwashed by this one vote one value criterion, as has the population. Nonetheless, we are now contemplating a system which I think will serve this State very well indeed.

The Hon. H. ALLISON (Mount Gambier): I rise briefly to support the report before us and to extend compliments to the individual members of the select committee which has brought forward this report on the electoral boundaries redistribution. I do not wish to prolong the debate in any way but, as a member of the Liberal Party's pilot committee which was involved in the investigation of all aspects of electoral boundary reform, I recognise the extent of the debate carried on both within and without the select committee. People other than the members of Parliament involved deserve some plaudits for their work. I do not intend to name them, but I acknowledge the efforts they made.

The report as it is now presented represents a significant step forward in South Australia's electoral reform, and to my way of thinking this is all the more pleasing in view of the fact that previously the Premier and his colleagues (particularly his Ministers), both in this House and in the other place, have at once been dismissive of submissions put to the Government by the Liberal Party and have even gone to the extent of ridiculing any suggestion made by the Liberals that the current system contained an inbuilt electoral imbalance by virtue of the fact that quite severe constraints were placed on electoral boundaries commissioners by these criteria. It is pleasing to see that those criteria have been amended allowing the commissioners a much more free rein to consider precisely where to draw the boundaries.

I was also pleased and a little surprised to hear some Government members speak warmly in favour of the recommended reforms. This factor of itself represents an almost complete about face with respect to the attitude of the Labor Party. I want to acknowledge briefly the concerns of the member for Eyre whose problems in this House are unique. His district, which represents 80 per cent of the surface area of South Australia, is slightly under quota as far as constituents are concerned. He submitted that there should be an additional two members in the House of Assembly, a submission which he justified in part by the accurate claim that electoral numbers in South Australia have doubled over the past 10 to 15 years, whereas members of Parliament have increased by only a couple.

So, each member of Parliament today represents almost double the number of electors represented by members some 10 to 15 years ago. When one already represents 80 per cent of the surface area of the State, any additional constituents to be represented in that area do present sub-

stantial problems. It is the quality of representation to which the member for Eyre was drawing our attention. In fact, he does represent his electorate in an admirable fashion. In closing, I remind members that whatever happens to this report, to the legislation, to the amendments to the Act, the real test will still lie with the electoral boundaries commissioners who will have the task of solving the question of democracy in South Australia by correctly and accurately interpreting the wishes of Parliament as expressed in the new legislation, and of ensuring that government does lie with the Party that manages to achieve over 50 per cent of the popular vote in South Australia. I support the legislation.

Mr SUCH (Fisher): I rise to support the tabling of the report of the select committee, and I intend to make only a few brief comments. Members would appreciate that I have more than a passing interest in this matter knowing as they do that I represent the largest electorate in population terms in South Australia. Table 1 of the report says almost all that needs to be said. I am not reflecting in any way on the member for Elizabeth, but I note that Elizabeth has 16 850 electors and as at June 1990 Fisher had 27 914. Those figures in relation to Fisher are out of date. Fisher is well over 28 000 now and, at the present rate of growth, it could be expected to reach 30 000 electors within two years.

This report is timely because it offers the possibility of improving the current arrangement of electorates in this State. I believe we are talking about people, not just electors. I have a strong commitment to the people in my electorate, and I am privileged to represent them in this Parliament. On the one hand, whilst I am pleased that there will be adjustments to electorates, and my electorate will be the one that will be adjusted the most—downwards in numbers—on the other hand, I am sorry to be losing people from my electorate. I see this move from two sides: the positive aspect of bringing about electoral fairness; and the negative aspect, on a personal basis, of eventually seeing some of my constituents taken from me.

It is fairly obvious that one of the consequences of having a large electorate is that it involves a lot of work, and I happily accept that. One of the aspects of unfairness is that it imposes a great burden upon my secretary. Fortunately, she is a proficient and capable operator. Early this year I sought from the Premier some assistance in terms of hourly pay to help my secretary deal with the large number of electors whom I represent. Unfortunately, that request was refused. At present one of the disadvantages in terms of the size of an electorate such as Fisher is that I get the same resources as are supplied to the smallest electorate and, once again, I am not reflecting on the member for Elizabeth, but I get the same stamp allowance, the same phone allowance, and so on in dealing with an electorate that has 11 000 more electors than the seat of Elizabeth.

No electoral system is totally fair, but I believe what the report recommends offers the opportunity for us to have a much improved electoral system in South Australia. I believe it is enlightened, it is progressive and it is fair. In conclusion, I pay tribute to the members of the select committee. I believe the report brought down by the select committee is excellent, and I look forward to the members of this House supporting its recommendations so that we in South Australia can have the fairest electoral system within Australia.

The Hon. D.J. HOPGOOD (Deputy Premier): I do not want to unduly delay the House, and I certainly do not intend to do a complete dissection of everything that has been put forward in this debate. I will merely pick up one or two things and comment on one or two specific matters that have been raised during the debate. I believe that two themes have run through the debate: one which we might call 'fairness and light'; and the other is 'old hatreds and suspicions'. On the one hand, members have been at pains to congratulate and commend the members of the select committee on the work that they have done—and on behalf of my colleagues I am only too happy to thank members for the positive way in which they have viewed the fruits of our labours—while on the other hand, some members have not been able to escape the temptation to go back to some of those old hatreds and suspicions. We have heard about Don Dunstan and we have heard about the Queensland gerrymander.

The member for Hanson said that Don Dunstan tried unsuccessfully to bring in one vote one value. However, then the member for Davenport said, 'And then along came those highly intelligent people with their calculators' and that somehow changed and bent the process in the interests of the Labor Party. I was sitting here scratching my head and wondering what on earth he was talking about. Then the member for Kavel started to talk about my old mentor, Hugh Hudson. I am sure Hugh Hudson would be most flattered to hear the admission that, when it came to giving evidence and being able to produce an argument, he was usually able to beat everybody else all ends up.

I remind members that it was not Hugh Hudson who drew the boundaries; nor was Hugh Hudson responsible for the reference to existing electoral boundaries. Members opposite suggest that the term 'existing electoral boundaries' somehow puts an impediment in the way of the commissioner changing a system that favours the Labor Party. But how did it come about in the first place that the system favours the Labor Party when all that Don Dunstan ever did was to bring about legislation which provided for the principle of one vote one value, and not on the basis that every electorate would have exactly the same number of electors? Electors have this annoying habit of shifting house, dying, turning 18 and coming on the electoral roll, becoming citizens and all that sort of thing. No-one suggests that there could be mathematical exactitude; rather it is something that is close to that and subject to a reasonable tolerance either way.

Why was I quite happy, on behalf of my Party, to write out of the Act, as will shortly occur, the reference to existing electoral boundaries? I do not think it matters either way. On the one hand I do not share the concern of members opposite that the reference to electoral boundaries is any great barrier to the commissioners doing what they want to do; but, on the other hand, I am caught by the logic of that situation because, it is really does not do anything, it does not matter whether or not it is there. That is the basis on which I was quite happy to agree: that, in reviewing the criteria, that is a criterion that should go. Not because I believe there is any great problem with it but, if it provides a criterion for some members—and I do not see that it really achives very much at all—why not let it go? That cannot be attributed to the Hon. Hugh Hudson, and nor can one blame Hugh Hudson for the way in which the boundaries were drawn.

On a number of occasions on behalf of the Labor Party Hugh Hudson put a case to the commissioners, as somebody on behalf of the Labor party some time next year will put a case to another set of commissioners. Back in the early 1970s, the commissioners could no more accept root and branch the submission from the Labor party any more than next year they will be able to accept root and branch a

submission from the Labor Party, the Liberal Party, the National Party or anybody else.

I remember Hugh Hudson talking to me about this and saying, 'You do not ask for exactly what you want, because you know you will not get it.' There is no way that the commissioners could put themselves in the position of bringing out a report which was simply the Labor Party's submission. What would the journalists, the Liberal Party and the political commentators make of that? I would go so far as to say that I question the utility of political Parties putting submissions before the commissioners at all.

It turns out that the Electoral Commissioner disagrees with me. The Deputy Leader of the Opposition will recall that I quizzed Mr Becker on that matter and he said, 'Listening to argument from the political Parties and looking at the submissions assists in clearing the minds of the commissioners on certain points of detail.' But, having said that, we have to be honest and admit that there is no way that any set of commissioners can allow themselves to be unduly influenced by a set of propositions coming from any of the major Parties. That has been the case in the past; that will remain the case.

Perhaps I can now characterise the way in which I see this Bill. It is very flattering to be regarded as the Chairman of a select committee which is setting a new charter for the future, but in terms of procedures—and people have asked me questions about procedures—the procedures to be adopted in the future will not be radically different from the procedures that occurred in the past. The member for Eyre asked me the very specific question 'How much account will the commissioners take of the fact that in country electorates there is this sparsity of population?' In the past, there has been a tendency for the large, more remote, country seats to be at or below quota, irrespective of demography, simply because they are large country seats. The honourable member asked me, 'What will be the effect of this legislation on that factor in the future?' I suggest that this legislation does not alter that very much at all. If the commissioners, within the 10 per cent tolerance, want to give some weighting to ease the difficulty of communication between various parts of an electorate, they can do so. If they do not want to do it, they do not have to do so.

This is the point of the criteria. Theoretically, the criteria are, I guess, in conflict with each other. It is impossible to draw a set of boundaries and say, 'We have given full weight to every criterion.' For example, we were given evidence, in relation to the electorate of the member for Light, that a very heavy weighting is given to community of interest. It makes sense in that area for community of interest to be given quite considerable weight, but it makes rather less sense in some parts of the metropolitan area to give weight to community of interest. It is the Commissioner's job to balance all those matters. In relation to some of the innuendo which has come across in the debate, notwithstanding the general air of sweetness and light in which we have luxuriated this evening, all I can say is that that has always been the case; at least, it has always been the case since, say, the legislation under Premier Steele Hall, even though in other respects that was quite different from what we have before us this evening or, indeed, what we have had before us since 1976.

I want to say one other thing about this vexed matter of one vote one value, because, again, people bring up this whole question of one vote one value and fairness and all that sort of thing. One vote one value, as a principle, is relatively easy to incorporate into legislation, because in legislative form it is not about political Parties at all; it is about individuals. It is about whether my vote, given that I am enrolled in a metropolitan electorate, has approximately the same value as the vote of the member for Flinders, given that he is enrolled in a country electorate which might have a different enrolment. That is what it is all about.

When Premier Dunstan sought to incorporate this principle in legislation in the early 1970s, he had the advantage that he did not have to bother with talking about political Parties. People say that he ignored fairness, but I think it would be fairer to say—because I talked to Don Dunstan and Hugh Hudson at the time and I had read all the literature—that what they said was that they did not know how one could formulate legislation to go that step further. They did not really think it was possible. I think what honourable members are saying this evening is that this committee has been very imaginative and adventurous in the way in which it has sought to bring down a formulation for the consideration of both Houses of Parliament which will attempt to do that which a former decade did not discount but really felt was just too difficult to tackle.

Finally, in relation to the member for Murray-Mallee and this whole question of one vote one value, I am not in a position right now to race out to the library and get the chapter and verse that he requires, but I can quote a couple of figures that I know from memory. I did one calculation for the purpose of this report, although I do not recall that we put it in the report. I think that members would concede that it is a bit misleading to look at the extremes and say that, for example, Elizabeth has an enrolment which is not much more than half that of Fisher, because, indeed, if they were the only two that were out of kilter and everything else was pretty well on line, we would say that is a reasonably fair distribution, with a couple of anomalies which are easily fixed. On the other hand, we can imagine another sort of distribution where the extremes are not so far apart, yet there are lots of other distortions.

Political scientists have recognised this. They have developed several indices which seek to measure it. The Dauer-Kelsay index is the one that I have usually used over the years. It seeks simply to find the enrolment in the 24 smallest electorates and to express that as a percentage of the total enrolment. We see that in a perfect system it should be roughly 50 per cent plus a bit, depending on how many electorates there are in the calculation. I did that calculation for the present distribution, the one that we are seeking to abandon on this occasion. Despite the criticism that I have of what happened with the enrolments getting out of kilter and the criticism that the member for Murray-Mallee has, that Dauer-Kelsay index still seems to be about 47 per cent.

Mr Lewis: Are you saying that it is fair?

The Hon. D.J. HOPGOOD: No, I am not saying it is fair at all; otherwise we would not be legislating. I am saying that it is 47 per cent. In the Playford era it often got below 40 per cent. As regards around the world, I can recall a political scientist telling me that once in Louisiana it was 7 per cent. They are the sorts of distortions that can creep in. But let us have none of this nonsense about the fact that we have a greater departure from one vote one value now than in the Playford era. In the sense in which people who are learned in the discipline use that term, one vote one value, it is clear that, despite our concerns with the situation that we have inherited, we have a far less drastic departure from the principle than was the case in the early 1960s, 1950s, 1940s and, indeed, earlier. In fact, we can go back to well before Playford. We should not blame Playford for all this. We can go back, I think, to Archibald Henry Peake, whose picture is hanging on that wall, and the famous Peake gerrymander as it was called in 1930. I thank members for

their support for this legislation and commend the Bill to the House.

Motion carried.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

In Committee.

The Hon. D.J. HOPGOOD: With your indulgence, Mr Chairman, I should like to explain to the Committee that there is an agreement that we should deal with the select committee's amendments first and that, after the Chairman reports, we should recommit the Bill to consider the proposed new clauses relating to the size of the Parliament.

Clause 1 passed.

Clause 2—'Electoral redistributions.'

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

Page 1, lines 22 to 25: Leave out paragraph *(c)* and substitute—'*(c)* within three months after each polling day'.

The reason for the amendment would be obvious to members: it relates to the provision that there should be a redistribution after each election and as early as possible in the parliamentary term.

Mr S.J. BAKER: Obviously, the Opposition supports the proposition. It really enables redistribution to take place after each election, for all the good reasons that were outlined in the select committee report and in the debate here tonight. This is a step forward.

The Hon. B.C. EASTICK: There is one point that should be explained to members of the Committee. This is the trigger point to bring about the referendum under the next Bill that we will consider. More than that, it is the issue which would be important to take to a referendum at the next State election, if for any reason somebody decided not to go ahead with the referendum on this occasion, if there were to be the very desirable adjustment of boundaries in the future, quite apart from the circumstances directly associated with the redistribution with which we have been dealing. It is a trigger on two occasions and on each occasion it will be undertaken only once but, on either occasion that was required, it will still be the trigger for the referendum. We have opted quite deliberately to take the referendum in the first instance rather than to go to the next election on the present boundaries, which we believe would be grossly unfair to any candidate, whether they be members of a particular Party or Independents.

Amendment carried.

New clause 3—'Electoral fairness and other criteria.'

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

Page 1, after line 25—Insert new clause as follows:

Section 83 of the principal Act is repealed and the following section is substituted:

83. (1) In making an electoral redistribution the commission must ensure as far as practicable, that the electoral redistribution is fair to prospective candidates and groups of candidates so that, if candidates of a particular group attract more than 50 per cent of the popular vote (determined by aggregating votes cast throughout the State and allocating preferences to the necessary extent), they will be elected in sufficient numbers to enable a government to be formed.

(2) In making an electoral redistribution, the commission must have regard, as far as practicable, to—

(a) the desirability of making the electoral redistribution so as to reflect communities of interest of an economic social, regional or other kind;

(b) the population of each proposed electoral district;

(c) the topography of areas within which new electoral boundaries will be drawn;

(d) the feasibility of communication between electors affected by the redistribution and their parliamentary representative in the House of Assembly;

(e) the nature of substantial demographic changes that the commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the date of the expiry of the present term of the House of Assembly,

and may have regard to any other matters it thinks relevant;

(3) For the purposes of this section a reference to a group of candidates includes not only candidates endorsed by the same political Party but also candidates whose political stance is such that there is reason to believe that they would, if elected in sufficient numbers, be prepared to act in concert to form or support a government.

Mr OSWALD: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. D.J. HOPGOOD: In speaking to my amendment I point out that, in drawing the amendment, despite the significant departure in new 83 (1), the Committee has tried to follow the form of the existing legislation as much as possible. Despite one or two minor changes of wording, the only one of the old criteria that disappears is the reference to existing electoral boundaries, and the only substantial new criterion is new section 83 (1), which has also been explained to members. New subsection (3) is a definitional provision necessary to carry the burden of the terms that we use in new section 83 (1), and I commend the amendment to members.

Mr S.J. BAKER: For all the reasons explained to the Committee, we thoroughly approve of the proposed amendment to the Constitution. I make clear that a vast amount of legal advice was sought on the matter of whether changes to the criteria under the Constitution would constitute such a change that would require a referendum. We have been advised on the best possible advice from the Crown and elsewhere that that would not be the case. On that basis we have proceeded with this amendment, realising that it is a very important fundamental proposition, and I do not intend to reiterate the points. The debate has been constructive and quite lengthy, and certainly the committee spent much time considering how this measure should be worded, given that we had reached agreement on the proposition. I commend the amendment to the Committee.

New clause inserted.

Title passed.

Mr BLACKER: I move:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to the size of Parliament.

Bill recommitted.

Clause 1 passed.

New clause 1A—'Number of members of Legislative Council.'

Mr BLACKER: Mr Chairman, I seek the indulgence of the Committee to speak to the four new clauses, but to take only the first new clause as a test case for the whole package.

The CHAIRMAN: The Chair will permit a more wide-ranging debate on the four new clauses circulated by the honourable member, on the basis that when the other new clauses are moved the honourable member will not debate them.

Mr BLACKER: I move:

After clause 1 insert new clause as follows:

1A. Section 11 of the principal Act is repealed and the following section is substituted:

Number of members of Legislative Council

11. (1) Subject to subsection (2), the Legislative Council consists of the following number of members—

(a) until the first election of members of the Legislative Council after the commencement of this section—22 members;

(b) as from the first such election until the second such election—20 members;

(c) as from the second election after the commencement of this section—18 members.

(2) If the Legislative Council is dissolved under section 41, then, as from the ensuing election, the Legislative Council will consist of 18 members.

I thank the Committee and the Minister for their indulgence for the way in which this matter has been arranged which will ensure that all members have the opportunity to present their case on this Bill. It is important that I explain what these new clauses are all about. It is part of an overall package to come to grips with the problem confronting the Government and the Parliament at this time. The Bill, as part of its overall provisions, proposes a referendum for early in the new year. That referendum will cost the State some $2 million, and there are various estimates that it will cost up to $3 million, which I do not believe the State can afford at this time.

Further, there is no guarantee that the referendum will be carried. I think it is a reasonable assumption that with both major Parties supporting such a referendum it should be carried, but with today's scepticism about political Parties it is reasonable to assume that there may be some doubt. Although that doubt might only represent 10 per cent, I personally recommend against having a referendum at this time. I believe that the community would react against the spending of $2 million for what most people would see as being an unnecessary expense at this financially difficult time.

I guess that some of my concerns were emphasised in an article written by Rex Jory last Saturday week when he talked about the new cause for grumbling. He wrote how the people would react against the Government of the day if it set about spending about $2 million on a referendum. He then referred to the additional costs involved if we were to increase the number of members of this place from 47 to 49, including the extra cost involved in the electorate offices, and so forth.

It is necessary to preserve as much as possible the constraints on the excessive growth in size of country electorates. Those of us who represent such electorates have large distances to travel, and this Bill will make those electorates larger by virtue of the fact that it locks in the provision that the quotas must be as near as possible to equal at the time of the next election. That in itself would tend to make electorates larger than under the tolerance determined by past Electoral Commissioners.

I therefore believe that we should increase the number of members of this place from 47 to 49. That move in itself obviates the need for a referendum at this time, although it does not totally obviate the need for a referendum at some future time. In fact, a referendum should be held, I would suggest, at the time of the next election, so that the cost would be absolutely minimal to the community.

If we increase the number of members of the House of Assembly from 47 to 49 those of us who represent country electorates would basically retain very similar boundaries, although not necessarily the same boundaries because there would have to be a readjustment in order to cater for the changes, but the character of those electorates would remain much the same. At the same time we would relieve the State of a cost of $2 million-plus and nobody can snigger at that in the present circumstances. We should make sure that we endeavour to contain our costs.

I guess my real concern is not trying to avoid what would be seen as a democratic position but trying to avoid what I see as an unnecessary cost because, by increasing the number of members of Parliament from 47 to 49 we can get around the present constitutional requirement and can, therefore, remedy that particular constitutional problem at the next election and not cause any anxiety or drag the people back to the polls early in the new year. After all, if the people have to be taken to the polls in the new year for the sake of a referendum there will be much cynicism and questioning of motives behind the reason for this. Unless that can be adequately explained to the people cynicism will creep in and a negative vote is a likely outcome.

In order to obviate all that, and to rebut the suggestion that we are increasing the number of members of Parliament, I propose that the number of members in the Upper House be reduced by four. I guess I am taking up the very point made by the Deputy Premier when he referred to the Hon. Hugh Hudson's making recommendations to the Electoral Boundaries Commission—that you never draw the boundary exactly where you want it: you put two options one either side of it and hope that the commission draws the line in between. I take it that the Labor Party is probably guilty of that; no doubt the Liberal Party is. I know for a fact that the National Party is guilty of that very same thing, because you cannot put yourself in a position where the commission would like to accept your recommendation but, for obvious reasons, cannot do so.

By suggesting that the numbers of members in the Upper House be reduced by four, while I would see that as being an ideal situation, it may well be that the Government could come to a compromise on that issue and reduce it by two. If that were to occur the number of members of Parliament would be exactly the same. There would be a slight increase in that there would be two additional electorates with electorate offices, but that would be offset marginally by the secretarial and office space that is made available to members now.

If we adopt the position I am recommending, that is, to reduce the number of members of the Upper House by four, there will be a saving to the Government, and that saving I do not believe should be sniggered at. It is a means of achieving all the objects that the Parliament has been trying to achieve over the past six months.

Mr Lewis interjecting:

Mr BLACKER: The member for Murray-Mallee just said, 'How many National Party members would be elected on that basis?' I put to him that this may well be stage one of a two-stage plan, because the next move, as I would see it, would be to remove the two-session terms of Legislative Councillors and make them one-session terms, so that each member comes up for election each time. Therefore, the quota would be reduced by half and would give the smaller Parties—the Democrats, the National Party and so on—the opportunity to be elected to that House on what would then be seen to be a very small quota.

However, that is not a part of my proposals. What I am putting to the Committee is a package designed, first, to save the cost of the referendum and to save people from going to the polls in the new year. It is designed to preserve the country seats at a size similar to the present one and not have them grow to some astronomical size. No doubt, members of this Chamber would have done some calculations in their own minds to see how they might be affected by this proposal. No doubt, some of the country members—including the member for Stuart—would be looking very carefully at how they would be affected by the proposed changes.

My proposal would be of some benefit to the member for Stuart. Reducing the number of members in the Upper House by four, means a considerable saving to the Government. I understand that it has been the policy of many members of this House, particularly those on the Govern-

ment benches, ultimately to abolish the Upper House. I am not suggesting that for one moment, because the Upper House is elected on the Hare-Clark system. It is a statewide electorate and there would be 18 members, a number, incidentally, that that Chamber has comprised in the past.

If the Government were prepared to accept a compromise on this issue and to say that it would agree to reduce the number by two, all we would be doing is taking the numbers back to what they were in the early 1970s. That figure is quite workable and one that I believe can be achieved without causing any great trauma to anyone. The question of who is to step down has been asked. As we all know that at least two members of the Upper House will be retiring, one from each side of the Chamber, there would be no trauma to any individual member.

In all, I can see a lot of merit in this proposal. I thank the Committee for the opportunity to present these additional clauses to this Chamber. I ask all members to give serious consideration to them, because any alternative will be at great cost to the State. It is a big risk to the Government and to the Opposition to be taken to the polls. What is more, if a referendum is held and lost the Government is in an impossible position. The Government cannot then turn around and say, 'We'll get around this by just increasing or decreasing the number of members of Parliament', because this House would then be open to ridicule.

It would be absolute cynicism on behalf of everyone concerned if that were done. Having gone to the people and been told that the people did not want a referendum and did not want the Constitution changed, the Government could not go back to the people on the basis that it changed the number of members of Parliament. What I am suggesting now circumvents all that possible trauma and certainly circumvents the cost that would be involved. Basically, it would achieve the overall objective of getting electorates redrawn using the 10 per cent criterion so that there is some equality of electorates.

To my mind, this proposal will achieve all that at no cost to the Government and will avoid the very serious possible risks that would be involved in holding a referendum. I implore the Committee to accept the new clause.

Mr GUNN: I welcome the opportunity to take part in this part of the debate because, as the Committee would be aware, it was also my intention to move to increase the size of the House of Assembly by two seats—and I gave the appropriate notice—as I believe that it is the most appropriate, responsible and practical way of solving the dilemma in which Parliament now finds itself. I share the honourable member's concern about the unnecessary expenditure of, conservatively estimated, $2 million (but most likely, according to the honourable member, $3 million) of taxpayers' money, when there is no guarantee that the exercise will be successful.

If we are to have a fair, just and adequate parliamentary democracy, I believe that the electorates should be of a size which is manageable, in which people have access to their member of Parliament, and not so large as to deny the democratic right of individuals or groups to organise themselves in such a manner as to have a chance of being elected to the Legislature.

If we are not particularly careful, we will deny people that right, because we will make electorates so large that it will be beyond the capacity of all except the very well organised to achieve that objective. I also believe that the proposal to increase the size of the House by two will give the commissioners drawing the new boundaries far greater flexibility to remove some of the anomalies that currently exist to ensure fairness in the electoral system.

I believe that we have reached a more mature stage of our political debate, whereas in the past these discussions and committee deliberations have been conducted on the basis of what one can obtain from one's own point of view, and there has not been a great deal of goodwill or trust in these sorts of negotiations and discussions. Fortunately, at this stage we have at least advanced to where we have sat down and had some form of reasoned, rational and responsible debate. I believe that this provision increasing the size of the House to 49 will put into effect all those attributes about which I have just been talking. I am of the view that it is not the right of a few to stand for Parliament: it is the right of all citizens, if they have the ability to organise themselves reasonably.

It is also essential that we have parliamentary representation by people to whom the electorate can gain access. Unfortunately, the select committee has not yet had the opportunity to consider the far-reaching recommendations that will be enacted in Queensland in relation to the problems of distance and area. I believe that, had the committee had that opportunity, it would have made an even more informed decision and the people of South Australia would have benefited considerably.

I support the member for Flinders. I believe that it is important that we have the opportunity to give further consideration to these matters, and I understand that the matter will be adjourned to be continued at another time. I am not normally a man of few words or particularly shy in these matters: I am just a simple country lad who has come to Parliament to represent those people in the isolated parts of the State. That is the only reason why I have taken the course of action that I have taken this evening, supporting the member for Flinders in his attempt to amend that section of the Constitution Act relating to the number of members of the House of Assembly. I do so without any problem whatsoever, because I believe it is a nonsense to spend $3 million.

The question of whether the Government will go out and promote the referendum has not been answered. Will they spend taxpayers' money on advertising, letterboxing and electronic mail? Will they go to households in the whole electorate and will they allow those groups opposed to this proposition the opportunity of access to Government funds? I will be supporting the amendment, which deals with the increase in the numbers in the House of Assembly. I understand the sentiments involved in dealing with the Legislative Council. I seek some more time to consider that matter and to have further discussions with my colleagues, because I believe that that proposal involves a number of other matters which should be considered.

It would certainly reduce the overall cost of increasing the size of the House of Assembly. However, if one looks at the expenditure for the Government in financing the $3 million, it will be up for $400 000 in interest at 14 per cent or 15 per cent per year. That, in itself, is in excess of the cost of two new members of the House of Assembly. Therefore, at this stage, I do not believe that an argument can be advanced based on costs. But, a very sound argument can be put forward that a referendum for this particular proposition is unnecessary and should not take place. I therefore look forward to having further time to consider this particular matter.

Mr S.J. BAKER: It is not often that I find myself at odds with my colleagues, but on this occasion I am totally at odds. I cannot understand the stance of the member for Flinders, who was a member of the committee. The matters that we have canvassed in this document were not canvassed before that committee by any member or witness. I

want it to be clearly understood that that was the case. Certainly, it is beyond the pale that an amendment such as this should be put before us in this form at this late stage. Whilst the member for Eyre and I have had some differences of opinion over a period of time, I have always respected his right to fight for his constituents; and we have had some differences of opinion on what should be the construct of the House of Assembly. That should not in any way derogate from the report that we have before us. We are now taking an absolutely radical departure.

The Liberal Opposition is opposed to increasing the size of the House beyond 47 members. In fact, a very strong body of opinion on our side of politics would like to see the size of the House reduced. The other point, which I make quite clearly, is about the referendum. I do not know whether the referendum will cost $2 million or $3 million, but I do know that there will have to be a referendum. If that referendum does not happen now, it will have to take place at the next election. The Government will have to pay to put out the pamphlets, and other paraphernalia normally associated with a referendum and to employ the extra staff and cater for all the other associated costs. So there will be a cost at some stage. We are talking about a net cost under these circumstances, and it may be $1.5 million or $2 million.

I am not going to waste the time of members talking about the economics of referenda. We are talking about what I would imagine every citizen of South Australia would agree to. They may not like politicians but they would recognise that some people are treated very unfairly under the current system. For example, they know that it is not right that there are 16 800 electors in one seat and 27 800 electors in another seat. They know that some electorates, because of their size and expansion, have trouble getting the same quality of representation as other electorates. The referendum will bring forward the redistribution date to bring the numbers back into line with something more acceptable.

The select committee considered a number of things and a whole range of different systems. It did not, at any stage, contemplate the destruction of the Upper House, and this is what this involves—taking four members away from the Upper House. It is quite extraordinary at this late hour that anyone should try this matter on, and I understand that it may have some currency within the Government.

I will be very brief, unless members want to continue this argument. We would expect this matter to be dealt with tonight. That was the undertaking that was given. Certainly, the enthusiasm from our side has meant that the debate has continued for some considerable time, and we have other matters to consider. It is a very essential and important matter for this House to consider but there is no way that the Liberal Opposition will walk away from the fact that we support the report in its entirety.

This flies in the face of the report that is before us because, as I understood it, we had almost total agreement on the quality, the quantity and everything contained in the report except for one or two members who had difficulties with certain aspects. We will not walk away from that report which did not in any way canvass extra members for the House of Assembly at the expense of fewer members for the Legislative Council. We repudiate any suggestion that the Liberal Party would be associated with such a proposition, and we leave the matter in the hands of the Government to tell us exactly what it intends to do.

Mr BLACKER: I would not normally have stood again to participate in this debate, but I reject totally some of the allegations made by the member for Mitcham and his insinuation about my drawing this to the attention of members at this particular time. It is blatantly untrue and I will not have it! If the honourable member wants to carry on in that way, he can if he likes, but this matter was discussed on many occasions and various options could have been discussed.

Mr S.J. Baker: The Legislative Council?

The CHAIRMAN: Order!

Mr BLACKER: No, I am sorry, the reference to the Legislative Council has come in since.

Mr S.J. Baker interjecting:

The CHAIRMAN: Order!

Mr BLACKER: This matter was raised at the last meeting and was not minuted—I acknowledge that—but, in relation to the other measures, I can see what is now happening. There was an arrangement that further consideration could be given to various matters, but that may be blown out of the window, and I do not take to that too kindly. I tell the member for Mitcham that, if this is circulated State-wide, he can accept the blame, because that is the way it will be. There was an option—to prevent the State spending that sort of money—to try to contain the country electorates to a size of some reasonable proportion, but now that is being blown out of the water because of some crazy reason.

I take very strong exception to the innuendo of the honourable member. I was involved in every committee meeting and on only one occasion did I leave half an hour early because of an interstate commitment. Other than that, I know exactly what went on. All of the other measures—indeed the whole thing—were designed to overcome a problem in which the Government and we as a Parliament were involved relative to the Constitution. This problem arose originally some eight or 10 years ago because we changed the term of members of Parliament from three years to four years. This created a compounding factor which meant that the Government and Parliament were faced with a situation that the last redistribution was held in 1983 and became effective in 1985. If we run full four-year terms from now on, we could not have a redistribution until after the next general election, which could be as late as 1994 and which would become effective in 1998.

That is what we were trying to achieve. What I have presented to Parliament tonight is the opportunity to be able to do just that: to be able to rectify the problem with which we are all faced; to be able to do so at absolutely minimal or no cost to the Government; and to be able to achieve the objective of containing excessive growth in the size of country electorates. We had the ability to do that by way of this motion. I believe that it had considerable support from many members on both sides of this Chamber, and I believe that it was achievable.

We must very seriously consider what has taken place in the past 20 minutes because a decision, if it is reached, will direct what will happen for the next 10 years or more, or whenever we bring the Constitution back to the Parliament to be changed again. It is the opportunity of a lifetime to be able to make these changes at no cost and to be able to make various recommendations along these lines.

The honourable member might be concerned about the Upper House quotas, and as I mentioned in my earlier contribution there are reasons to do that. I point out also that I, as a member of Parliament, have the opportunity to raise this issue, and I was granted the leave of the House to do so. I ask members to seriously consider where they are at because I know darned well what I will do. The whole of the State will hear about this and members can be very sure that their speeches will be presented State-wide. If the member for Mitcham and the Liberal Opposition commits

the State to a referendum in a few months, the people will be told in no uncertain way how and why the referendum has been forced on them.

I implore the Committee to reconsider its position and to recognise that what we are considering is something that will commit us for 10 years or probably more—it depends on when the Constitution is again brought before the Chamber and whether there is any attempt to address it in this way. I ask the Committee to consider the ramifications of its actions at this point, and I invite members to support my motion.

The Hon. D.J. HOPGOOD: The Government opposes the amendment and proposes that it be dealt with immediately. That was not originally our preferred course of action. Let me explain the genesis of this matter. If members look at the report of the select committee, they will find some discussion about the pros and cons of increasing the size of the House of Assembly. The members of the select committee did not come to any particular conclusion on that matter, partly because we did not see it as being strictly within our terms of reference. I do not know whether that is the full explanation for why we did not come to a specific recommendation, but given that basically the whole thrust of this legislation is to put constitutional change to a referendum—and that matter was referred to us specifically—it seemed to the members of the select committee—and this was certainly discussed, if not in open session, otherwise—that the separate matter of the size of the House would be better dealt with by the House rather than by way of specific recommendation by the select committee. I think that other members of the select committee will back me up on that particular matter.

Having reported to the House, I can only underline what the member for Eyre has said in the debate about the noting of this report. I know that privately there is a good deal of enthusiasm from members on both sides of the House for a procedure which might not necessarily add to the size of the Parliament, but which would obviate the necessity for a referendum. It seemed not unreasonable to me for the House to be given time for the normal sort of discussion that occurs in the lobbies of this place so that the matter could be thoroughly aired and discussed before finally it was put to bed one way or the other in the Committee stage. So, it was my intention to report progress on this matter so that there could be just a little longer for mature reflection. It was always clear to us as a Government that there was no way in which we would go out on a limb on this particular matter and that, unless there was a very large degree of consensus in this place on this matter, we would have nothing to do with it.

It has been made perfectly clear to me in the past 20 minutes that not only is there no chance of consensus but the very act of seeking an adjournment for 24 hours will be interpreted by certain members opposite as a breach of faith on my part as Chairman of the Committee and as the person in charge of the Bill. I am not prepared to cop that criticism any more than the member for Flinders was prepared to cop some of the things that were said about him. I do not know that I have ever heard the member for Flinders more eloquent than I heard him tonight.

In those circumstances, even though we may be passing up an opportunity, I have no option—particularly in the absence of any specific recommendation from my colleagues on the select committee—but to urge members to vote against the amendment.

Mr GUNN: It is most unfortunate that the Government, and even the Parliament it appears, is not prepared to consider those areas in which some commonsense ought to be applied. The Government and the Parliament will be given two opportunities: first, to vote upon the bulk of amendments put forward by the member for Flinders; and, secondly, if that is unsuccessful, to vote on the amendment standing in my name. The Parliament has an opportunity to do a number of things. One is to take a mature stance in this matter and not continue to lock itself into fixed positions which I believe are not conducive to good government or good parliamentary representations, or in the best interests of people in this State. I am sick and tired of seeing people in outback rural areas being discriminated against, denied what normal people take as their right. Under these provisions currently before the Parliament, those people would have the opportunity to have reasonable expectations to fair representation in the Parliament.

I came to this Parliament with a view to assisting those people in the far flung parts of South Australia, and I do not intend to back off without a fight. I say to the Deputy Premier and members that they might have a fight getting up their referendum, because I have yet to make my final decision. It will take some convincing before I will vote to spend $3 million of taxpayers' money when farmers in my electorate are walking off their farms. The Government does not have the money to upgrade the ports, to even keep the kindergartens open, but it is going to spend $3 million in this regard. It will cost in the vicinity of $400 000 a year in interest, and we are expected to sit by idly and see that course of action. The stage is set for a fight. I am not going to back away from the responsibilities that I took up when I came to this Parliament in 1970.

I think it is appalling that we cannot even have the opportunity to put this matter aside until next week. There is no hurry. We cannot have a referendum until February or March. Why does it have to go through tonight? No reasons have been advanced. Perhaps it suits the hierarchy on both sides of the House. That is my view of the matter. We want to get it off the platform. It is difficult, it might embarrass someone. That is not the way to legislate. That is not the way that the people of this State should be represented. It is my view that this is appalling.

Those of us who live in the isolated parts of South Australia are sick and tired of seeing our rights and our facilities eroded on a monthly basis. We would be abrogating our responsibilities not only to the Parliament but to the people who sent us here if we did not stand up and protest in the only way possible to us. Therefore, I will not be supporting all the amendments put forward by the member for Flinders, but I will be giving the Parliament the opportunity later to vote to ensure that $3 million of taxpayers' money is not wasted. What member of this Committee tonight does not know of an urgent project about which their electors have asked them to try to get the Government to do something? There is not one person. Not one! People are going bankrupt around South Australia. There is an argument going on as to whether people will even get adequate relocation grants, yet the Parliament is quite happy to sweep it under the carpet and spend up to $3 million.

As yet we have not been told—and this is terribly important to the argument (and if the Deputy Premier and the Minister of Finance do not know, will the Premier tell the Committee)—whether the State Government will spend taxpayers' money promoting this referendum. I believe it is unfair, and unreasonable. I want to know whether the taxpayers of South Australia are going to spend $1, $1 000, or $100 000 on the putting of this referendum question and the explaining of it. I want to know, because the taxpayers are entitled to know. This business of sweeping it under the

carpet is not good enough. I want to know whether the Australian Labor Party will put in $50 000, along with other political Parties. Those are questions that should not be left unanswered.

In my view, we cannot make an informed and intelligent judgment on this matter unless those questions are answered. This is the third time I have asked those questions in this Parliament today, and I have not received an answer. Does the Government not know—

An honourable member interjecting:

Mr GUNN: I want to know, and I believe it should be spelt out, because the taxpayers are going to want to know. Therefore, unless a very convincing argument is put forward, I will have great difficulty supporting a referendum being put to the people of this State, particularly when it possibly could do grave political damage to the people whom I represent. I am not doing this for my own sake. I am not a bit concerned about myself.

I have been in this Parliament for a long time, and I have enjoyed the privilege. But with that privilege goes a responsibility. That responsibility is to represent the people who send us here. It is about time a few more people thought about that: they are first and foremost representatives; secondly, they are members of political Parties who get themselves engaged in all sorts of activities with the one purpose in mind of endeavouring to get power at any cost. Sometimes that cost will be very detrimental to the people whom I represent. I take strong exception to this matter being brought on for debate tonight when it ought to be put aside so that the people know what is taking place, so that they have some opportunity to know that there are some members of Parliament who want to have a mature debate on this issue.

If members want to blame someone for increasing the size of the House, I am happy to take the full responsibility. I make no apology for it. I believe I would be irresponsible if I did not take the stand I have taken tonight. Therefore, if the Committee is not prepared to accept the amendment moved by the member for Flinders, I will give it the opportunity on another occasion to put some commonsense back into this debate.

The Hon. N.T. PETERSON: I speak in this debate as the member for Semaphore, and I would like to congratulate the two previous speakers, the members for Flinders and Eyre, for two of the best speeches I have heard from them in the 11 years I have been here. I support everything they have said. I think to put this State at this stage to an expense of at least $2 million, allegedly $3 million, for a referendum on something on which this Parliament has the power to make a decision is absolutely atrocious. Members ought to be ashamed of themselves. I do not know what arrangements were being made earlier today. I am very emotional about this matter, because I think we are walking away from decisions we should make as elected members of Parliament.

I agree with all the things that the member for Eyre said. There are farmers being driven off their farms with no money, and the Riverland is on its knees. We cannot get a dollar for offices in this place, (a little thing in comparison) and we are going to send the State to a $3 million referendum. The member for Flinders put forward a very reasoned argument about the reduction of the number of members of the Legislative Council. It is Labor Party policy to do away with the Legislative Council—to do away with it altogether. It is still in the policy, but it will not cut it down by a couple of members. Why? No-one has said why. It would reduce the overall cost to the State of politicians, and that would not be unpopular in the community.

Let me say that a referendum would be unpopular. There are plenty of unemployed people in my area, and people trying to get houses, who would be very happy about spending $3 million on a referendum! Why do we need it? We are elected members of Parliament: it is our job to make decisions. They are not all pleasant; they are not all accepted by the public in the spirit which we think they should be accepted, but we make them. Every day on which the Parliament is in session, we make decisions, but we cannot make a decision about what we should do about the Constitution Act.

I will be supporting the member for Flinders initially. I think he is right, and I agree with him absolutely. If that fails, I will be supporting the member for Eyre to save this State the initial expense of that referendum, which we do not need. I have taken the unusual step of speaking in this debate. The Speaker of the House does not usually become involved in debates, and I feel personally that I should not do so. However, I feel strongly about this matter, and that this is a Parliament elected by the people of South Australia to make decisions for their benefit and the benefit of the State. We are walking away from a decision and putting a bill of $2 or $3 million on the State.

I support both amendments. I realise that they probably will not get up, because something has fallen away here. I heard the Deputy Leader of the Opposition say that something had fallen to pieces. I do not know what it was. I was not involved in any negotiations but, as far as I am concerned the principles put forward in both these amendments are right, and I will be supporting them both. I am sure that they will lose, because the combined forces of the major Parties in this place will drive it through. But let it be on their head—$3 million out of the public purse to make a decision members should make.

Mr S.J. BAKER: I will not prolong the debate as there is a fair amount of emotion about it. I want to clear up one point. When I accused the member for Flinders of going outside what I believed were the guidelines of courtesy, it was in relation to the Legislative Council matter which had not been canvassed before the select committee whatsoever.

The Committee divided on the new clause:

Ayes (2)—Messrs Blacker (teller) and Peterson.

Noes (43)—Messrs Allison, Armitage, L.M.F. Arnold, Atkinson, D.S. Baker, S.J. Baker, Bannon, Becker, Blevins and Brindal, Ms Cashmore, Messrs Chapman, Crafter, De Laine, Eastick, S.G. Evans, Ferguson, Goldsworthy, Gregory, Groom, Gunn, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Messrs Ingerson and Klunder, Mrs Kotz, Ms Lenehan, Messrs Lewis, McKee, Matthew, Mayes, Meier, Oswald, Quirke, Rann, Such, Trainer, Venning and Wotton.

Majority of 41 for the Noes.

New clause thus negatived.

Mr BLACKER: I will not proceed with other amendments in my name as they were consequential.

New clause 1a—'Number of members of House of Assembly.'

Mr GUNN: I move:

Page 1, after line 12—Insert new clause as follows:

1a. (1) Section 37 of the principal Act is amended by striking out 'forty-seven members' and substituting 'forty-nine members'.

(2) Subsection (1) will come into operation upon the dissolution or expiry of the House of Assembly of His session of Parliament.

This amendment will give the Parliament a second opportunity tonight to save taxpayers in excess of $3 million. It is not often that the Parliament is given that opportunity so quickly, but there is nothing unreasonable, unfair, unde-

mocratic or improper about this amendment. It gives those isolated and rural electorates the opportunity to have some form of fair and reasonable representation. That is not unusual or outrageous, but it is what the average reasonable person in the community would expect a sensible and responsible Parliament to enact—not to have people running for cover or saying, 'Well, it is only the taxpayers—it is $3 million, what does it matter out of a $5 000 million budget?'

I do not accept that principle, because when the time comes to have the referendum, when the whole of the State is dragged out to a poll which most people will not understand anyway, they will be fairly annoyed. Therefore, that will put a number off. Secondly, we will have to marshal a large number of people to operate the polling booths, which is unnecessary in my view. Worst of all, there will be $3 million of public expenditure which could be invested in this State in a productive and sound manner. That annoys me very much, because it is not necessary, desirable or in the long-term best interests of the people of this State.

Members must have a list of requests as long as this bench for things which are absolutely essential, not outrageous, not pork barrelling, but for which the Government does not and will not have the money. However, some Saturday in March or April, we are all to troop out to vote 'Yes' or 'No'. The answer has not yet been given to this Committee. What will happen if we have this scenario and the people of South Australia say 'No', as well they might?

There is growing anger in the community with the performance of Parliament, of the Government and of the bureaucracy. Everyone is hurting. The nation is hurting and the State is hurting. Thousands of people are losing their jobs. I believe that we run a grave risk. We have not yet been told where the Government will go then. Will it duck back to this House and say, 'We made a mistake. Give us a second chance'? We have our chance tonight. We should be prepared to grasp the nettle and show a bit of courage and political commonsense. I know that commonsense is something in which Parliaments do not normally engage. They are not noted for doing sensible or commonsense things, but the public expects them to be rational, responsible and reasonable.

The Deputy Leader has taken it upon himself to say, 'We don't want this; we're not going to have it.' We will see about that. I do not want to be party to a decision in this Parliament which, in my view, will not be conducive to good government, not in the best interests of my electorate and certainly not in the best interests of the people of this State. I am very happy to accept full responsibility for the action that I have taken tonight in this place, or anywhere in South Australia. I make no apology, because I believe that what I am doing is right.

I challenge the Government to have a free vote and a secret ballot to see what the result will be. I am not a betting man, but I would be prepared to have a wager on the result. If I were a devious character, I could go around and actually name those who would vote for my amendment—that would put a few ferrets among the pigeons—but I will not do that. I do not want to embarrass members. I could go round and count the ones who are going to buckle under to the Party Whips. Let us test the water. Let them put their toes in the water and see where they stand. I will not embarrass them, but they know, from the looks on their faces, that I am right in what I am saying.

I make no apology, but I am disappointed that, after all this debate and all the hearings of the select committee, we have now got to a stage where we have a great deal of agreement and some good decisions have been made, but we have created a very divisive situation. The last thing in the world that I want is to be involved in any more controversy in this place or in the public, but in recent days it appears to have been my luck to be involved in all sorts of divisive actions, because I have tried to take decisions which I believe are in the long-term best interests of the people of this State. We are elected to take decisions, not to run away from them. I believe that we are running away from reality and commonsense. Therefore, I ask those who have the responsibilities to remember that the public will be very cynical of the decision that we are taking tonight if, at a bare minimum, we are going to spend $2 million, or most likely in excess of $3 million, when it is not necessary. It is certainly not for the benefit of parliamentary democracy and it is not a reasonable and sensible course of action to adopt.

The Hon. N.T. PETERSON: Once again, I agree with the previous speaker. This is my second option—49 members. Initially, I would have preferred the number to go down. It is to be increased from 47 to 49 members—two extra members. In about five or six years we will kick the $3 million in the guts, but at least it will give us time to breathe over the referendum. However, members will not support that either. This, to me, reflects a lack of trust between the two major Parties. Obviously, some sort of discussion was going on earlier about laying it over and talking about it later. But no longer. Tonight is the night. The decision should be made right now, so let us make it.

As I said earlier, something like $2 million or $3 million divided by 43 is what it will cost this State. When members go to their electorates tomorrow or when we have this referendum, they should tell the public how much they have cost them, because it is on their heads. I think that somebody is calculating it, but 50 into $2 million or $3 million is a lot of money. It is not needed. I agree absolutely with the member for Eyre that it is not required.

We are elected members of Parliament and we stand or fall by the decisions that we make. We are elected to make them and we are not making them. I do not like 49, but it is better than the referendum and I will support it. When the Riverland people come down, because they cannot sell the fruit from their trees and when the farmers come down—there are many rural members opposite—and say, 'We are out for a subsidy because we cannot sell our crops and our sheep', members should try telling them why they have cost them $3 million. It is wrong. We should make a decision here. I shall support this amendment. Even though I do not think it is the right one, at least it will save the State a considerable amount of money in cold hard cash.

The teachers in this State have been granted extra money. Where is that money to come from? Is there a budget item for $3 million for a referendum? I do not know. I have looked through the budget and I cannot see such an item. Where does that $3 million come from? It comes out of the same pot—the pot that is not deep enough now. It is not deep enough to help the people whom it should be helping. We are taking it out for a referendum when it is a decision that we should make. I support the amendment.

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr BLACKER: I support the member for Eyre in what he has put before the Committee. I think that I have made my position perfectly clear. I believe that it is still now possible for the Government to achieve the objective of saving the $2 million or $3 million that a referendum will cost. I would point out that the interest on the money that

a referendum would cost, if it is $2 million at 14 per cent, will amount to about $280 000, and, if it is $3 million at 14 per cent interest, it will be about $420 000. I contend that that is more than sufficient to run the electorate offices and salaries and staff of two extra members.

So, on that basis alone there is some justification for accepting the 49 seat procedure. I repeat my earlier comment: I believe we have now passed up one of the best opportunities that this State has had in a decade to be able to rectify a problem at minimal cost to the Government. I support the member for Eyre's amendment.

The Hon. D.J. HOPGOOD: First, I will respond to a matter that was raised by the member for Eyre in the motion to note the report. The honourable member was not actually in his place when I rose at the end of the second reading, so I did not respond to that particular point at that time; I imagined that at some stage in Committee it would be possible to respond. The member for Eyre raised the matter of the costs of campaigning, and I assume that he used that word in the technical sense. I assure the member for Eyre that any costs of campaigning in a referendum are stood by the political Parties or individuals who are involved. The costs of the referendum itself—the wages of the clerks working in the polling booths, the printing of the ballot papers and those sorts of things—clearly are costs against the community at large, costs against the Government of the day as a representative of the community at large.

But, we are not in this legislation, or indeed in the Bill which will shortly follow now that it seems that this matter is resolved, legislating in any way for the application of public moneys to the actual campaigning, nor do we have in our State Constitution Act that interesting provision that exists in the Commonwealth Constitution whereby Commonwealth moneys are used to provide for a couple of interesting pamphlets that are posted to every elector setting out the case for 'Yes' or 'No'. Therefore, I am sure I am completely in the clear when I make it obvious to all members that any costs of campaigning itself, any advocacy, advertising on television or in the newspapers, would have to be at the cost of the people, groups or Parties who are putting that particular point of view.

I know that that is not altogether germane to the argument the honourable member has now raised before the Committee. However, he asked me that question in good faith and I have taken the first appropriate opportunity to put it in the best way that I possibly can. As to the gravamen of the amendment before us, for reasons which I have already outlined in responding to an earlier amendment, the Government finds itself in no position other than to recommend that we reject this amendment as a Committee.

The Government sees a good deal of logic particularly in a position whereby there could be some adjustment to the numbers in the Houses in such a way as to ensure that there need not be a referendum, to overcome what after all is only a technical matter. In addition, if one likes to do the numbers fairly carefully and one looks at the individuals who are the present incumbents in another place, one can see that it is extremely unlikely that those people would be put at risk by the sort of amendment which was not necessarily canvassed by the member for Flinders but which was indicated might have been an outcome of some modification of the position he put.

Having said all that, I can only reiterate what I said earlier: the Government has made it perfectly clear both formally and informally right throughout this whole exercise that we will not be hung with the suggestion that in any way we were racing unilaterally to increase the number of members of Parliament. Such a legislative exercise is fraught with certain questions as to its acceptability in the wider community, even when it is seen as an offset against the costs of a referendum. We will not give a free kick to the honourable member's Leader in relation to this matter, to be able to go out and suggest that in any way the Government was hell-bent on increasing the size of the House for whatever reason. The only basis on which that could proceed would be on the basis of consensus between at least the major Parties in this Chamber.

It is quite clear that there is no consensus. It is clear that, quite apart from there being no consensus, there is also a good deal of bad faith and suspicion in relation to motives not only about the principles that underlie this argument but even the strategies—the usage of the forms of the House—that might have enabled perhaps a slightly more mature and less emotional examination of this matter. But, in the light of that suspicion and in the light of bad faith, I am in no position other than to urge the Committee to reject the amendment that the honourable member has so eloquently put before us.

Mr BLACKER: I take this opportunity to thank the Deputy Premier for his explanation. I acknowledge that there was an understanding, an appreciation, of the position that I advanced earlier and that there was room for some further consideration of that over a period, but I am disappointed at the ultimate outcome.

Mr S.J. BAKER: It is necessary that we have a referendum because otherwise we go for another 12 years without it. For years we will not have another redistribution unless we want to keep changing the number of members in the House. That is a fact of life. What happens if you change the numbers to 49 or 45? That immediately triggers a redistribution. But, the remaining aspect of the Constitution Act requires still the—

The Hon. S.M. Lenehan: You can have a referendum at the next election.

Mr S.J. BAKER: I am just saying that referendums are expensive.

Mr GUNN: The Deputy Premier is very lucky that he does not have to prepare a pamphlet to send to all the citizens of this State and try to put together an argument to justify the course of action that he has now led the Parliament into taking. He is very lucky indeed, because I think that he would have a great deal of difficulty in getting up the courage to put his signature on such a nonsensical proposition for which he would ask the people of South Australia to vote.

Secondly, it is not necessary, to achieve the desired result to bring a redistribution of electoral boundaries into place after each election, to have a special referendum: you can have that referendum at the time of the next State election. In that situation there would be no extra cost because the polling booths have to be manned and the whole apparatus is in place. Without wanting to delay the Committee any further, I have done what I believe to be in the best interests of the people of this State. It is a sad occasion when people are not big enough to realise that some fairly childish behaviour has taken place. I am very disappointed about what has taken place here tonight. We have all had the opportunity to be big enough to solve this problem and to use a bit of commonsense, but that has not happened.

I accept full responsibility for the course of action I have taken tonight. I do not apologise for it in any way. I am very happy to tell everyone in South Australia about it: whenever I am asked I will have no trouble telling them, but I will have trouble participating in a stupid referendum that will be forced on us. In my view the Parliament has shot itself in the foot. It has taken a most juvenile decision.

If we went to a year 7 class and explained the situation the students would think that we were a mob of naive fools, and I believe the public would think likewise. I commend the amendment to the Committee.

The Hon. B.C. EASTICK: One point I wish to take up is that there is not a single reference on the record in relation to the reduction in the size of the House, which point was alluded to by the Deputy Premier. It is easy to say that we can take off two this time and two next time and it will not upset anyone because two members are retiring from the Legislative Council. We could say the same thing about this House: members have already given public indication that they will be retiring, so no-one is hurt.

If we were to reduce the numbers here, we would have the selfsame argument. But the real issue I want to put on record is that, as we attack the Legislative Council by reduction in circumstances such as this, whether it be by one or two at this stage and by one or two at the next stage, we are seeking to drive in a wedge and achieve the Party platform of the Labor Party. That is something of which this Party will have no part.

Members interjecting:

The Hon. B.C. EASTICK: It has been there for 24 years, and we saw this evening the thin end of the wedge.

Members interjecting:

The CHAIRMAN: Order!

The Hon. B.C. EASTICK: Members can laugh: the fact is that never during the whole discussion relative to the select committee, which ranged over some months, was there any reference whatsoever to the size of the Upper House. That point has been made by the Deputy Leader and has not been refuted. To endeavour to bring this in as part of the Bill by wheeling and dealing and by a little bit of sweetheart activity behind the scenes is of no value to anyone, and I hope that we do not see that sort of subterfuge again. I congratulate the Deputy Premier for supporting the decision of the select committee.

Mr BLACKER: I detect a certain amount of reflection in that contribution. Members of the committee will know that there was some cross-chat across the committee room at that time. Be that as it may, and let us discount all that, it is my perfect right as a member of this House to raise any matter I wish to raise. Three of the four issues were certainly on the record of the committee and, if I have learned one thing from my experience on this select committee, it is that, when I say something and mean it to be there, I will make sure that it goes on the record by way of vote. If members look at the report of the committee, clause 8, I think it is, was put in there expressly for the purpose of giving me a platform at this time to raise this issue. Regardless of that, it is my right as the member for Flinders to be able to stand up and say just that. I know that the chatter across the committee room about the Upper House matter is not on the official record, but I will make sure next time that it is.

The Hon. N.T. PETERSON: There seems to be some thought here that, because people are on a select committee to which witnesses give evidence, that is the source of all knowledge. I agree absolutely with the member for Flinders: we have a perfect right—and I mean a perfect right—to raise in this place any matter at any time about anything that concerns us. I hear a snigger from the member for Albert Park—a man who never misses an opportunity in this place to raise matters of concern to his electorate, and I respect him for that.

Mr HAMILTON: On a point of order, Mr Chairman. I was not reflecting on the member for Semaphore; it was between the member for Henley Beach and me.

The CHAIRMAN: Order! I do not support the point of order raised by the member for Albert Park. The member for Semaphore.

The Hon. N.T. PETERSON: I paid the honourable member a compliment. The honourable member always takes the opportunity to represent his electorate, and I respect him for that, and said that. If he takes umbrage at that, I cannot help it. In this place we all have the right to raise anything that concerns us. Sometimes we are right and sometimes we are wrong, but we have the right to do it. That is the right of any elected member of this House. Once that right is taken away, we might as well not be here, so I support the honourable member in everything that he said.

I want to stress that point: the next time someone comes from a kindergarten and says, 'We want another teacher', we will have to say, 'We cannot afford it; the $60 000 or whatever that the Government gave away to finance the referendum prevents you from having that teacher.' The next time a nurse is needed in a hospital, or an ambulance, we will say, 'It would have been possible: the $60 000 would have paid for it, but we spent it on a referendum.' That is the sort of thing we will have to explain away—nothing else; it is simply that. It is the decision we as a Parliament should have made. It is our right and our privilege to make it, but we do not. We walk away from it, and the extra teacher, nurse or council worker cannot be employed because we spent the $3 million. That is the thing the Government will have to explain, not me.

The Hon. E.R. GOLDSWORTHY: I had not intended to contribute to this debate.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: No, I agree with the sentiment that everyone has the right to say what they like in this place. A few hard things have been said about people here. I do not begrudge the member for Eyre the right to get up here and battle for his electorate. I do not begrudge the member for Semaphore the right to get up here and put his point forcibly; nor do I begrudge for one moment the member for Flinders putting his point of view. However, I have been a bit disturbed about some of the hard things that have been said about the majority of us in this place.

I want to put on record that I exercise my right to speak when I want to here, and I exercise my right to back my judgment on all matters that come into this place to the best of my knowledge and experience and, I trust, in the interests of the people I represent in this place and people at large throughout the State. I am not standing up here fighting: I am just saying that when I exercise my vote in this matter it will be according to my lights and to my judgment, which I am always prepared to back.

I have been a bit disappointed about some of the hard things that have been said tonight, although I understand them. I will be very disappointed if the electoral commissioners show a lack of wisdom and seek to deny proper representation to the people of the outback areas of this State. I will be surprised if they do that, but I will be more than disappointed if they deny people the representation that has been so eloquently advocated tonight by the member for Eyre.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: That is the conclusion I have reached. I have not done the sums in respect of what it costs to fund two extra members of Parliament with their salaries, electoral allowances, transport, postage, staff, stationery and the rest of it, but I do know that it may be difficult to justify the expenditure of $2 million or $3 million on a referendum. If the member for Eyre and others

are correct, it will be a lot of money for the public to swallow.

Likewise, any proposition to enlarge the size of this House has always met with fierce opposition from all quarters in which I have made inquiries, so we have to balance those two aspects. I confess that I have not read all the evidence presented to the select committee, and this matter was news to me. I think the select committee did a first-class job. This is one of the best results from any committee that has been established in this place during my time in this House. For a tribal elder, that is a long time!

I repeat my congratulations to the committee for what I think has been an excellent piece of work, and I pay particular tribute to the member for Elizabeth who I suspect (since I do not know the full deliberations of the committee) was the balance of reason in this exercise, because he at least has an innate sense of fairness and propriety which has become evident to me from the contributions he has made in this place.

As I said earlier, the Labor Party did not have the wit to endorse him but put in some Left wing Party union hack and, of course, the member for Elizabeth was successful with the help of the Liberal Party. Nonetheless, I again pay tribute to the work of the select committee and to the work of that member in particular. I will continue to back my judgment. I become slightly disturbed—but only slightly now—when there is a sort of blanket aspersion on the collective judgment of people in this place, but that just goes over the top.

I will continue to back my judgment in this place; and I will on this occasion. I do not want to have an argument with my friend the member for Light but I point out that members in Upper Houses around the nation have always been loath to vote themselves out of office. I recall—and I think the Deputy Premier tried to make this point—that it was Labor Party policy to abolish the Upper House in New South Wales but, when it came to the crunch, they would not vote themselves out of a job. So the Upper House in New South Wales is alive and well with eight year terms at full pay, and I think they received only half pay for a number of years. Whatever decision we make in this place in relation to the size of the Upper House, I would be very surprised if there was consensus in the other place to reduce their numbers.

As I say, I have not read the full evidence so I do not know what the member for Flinders put on record in relation to this proposition. However, I for one being new to this part of the deliberations—which is sort of an eleventh hour proposition as far as I am concerned—would be very surprised indeed if the Upper House were prepared to vote any of its members out of office. So, in practical terms, I do not think that proposition would fly. I have not risen to stir the pot but to put on record that when I vote it is not because I am a coward; it is because I am prepared to back my own judgment.

Dr ARMITAGE: As I understand the machinations of what has gone on tonight in Parliament and outside, we have actually been organising an option for South Australians to vote potentially at the next election in a system whereby the Party or group getting 50 per cent plus one of the vote will be the Party that governs. I believe that is what this whole series of events is about. There have been momentous events in Europe in the past two years, where the democratic process has seen momentous changes. In fact, almost to the day, we are speaking on the anniversary of the fall of the Berlin wall, so I would have thought that this Parliament would have grasped any possible opportunity to allow the people of South Australia to vote at the next election in the most democratic system possible.

I believe that the deliberations of the select committee give the people of South Australia that opportunity, and I believe that every way in which we vote tonight should extend that opportunity to the people of South Australia. I am going to vote, as the member for Kavel indicated before, for no reason other than that. I take into account the fact that, if we pass all these machinations that have gone on before and allow the select committee report to be the basis for voting at the next election—referendum or no referendum—we will give the people of South Australia the greatest opportunity to vote in the most democratic system possible.

The Hon. TED CHAPMAN: If I were the member for Eyre and were representing approximately 80 per cent of the physical area of this State, I would no doubt have risen in my place tonight as he did and put forward the points of view that he has on behalf of that vast area and the scattered population of his electorate. However, I am not in that situation. Just for the record, and from a sheer parochial point of view, I happen to represent a district that has a natural boundary which is untouchable by select committees, Parliaments, boundaries commissions or anyone else—even Deputy Premiers. They can muck around with the short portion of internal Fleurieu Peninsula boundary of my district, but they cannot interfere with the rest.

So, from a parochial point of view I do not have the difficulties of my colleague the member for Eyre. However, I have some difficulty with some comments implied by him and, indeed, put much more directly by the member for Flinders and then supported by the member for Semaphore when they individually attacked the rural rump of this Parliament insofar as they reflected on those people, neglecting the rural sector and the broad area of the State on this subject.

They talked about the economic difficulties being experienced out there and the reflection was that in that climate they should have more particularly heeded the potential $3 million expenditure that the referendum will incur. I take some exception to that because, if anyone in this place has a feeling and a sensitivity for the community out there who have their backs to the wall, I have and so too have a significant number of other members of this place.

I do not think that it was fair for the member for Semaphore and the member for Flinders to go as far as they did this evening. I can appreciate that in a game of this kind members will seek to deal any card—but I think they were rather dark cards. I rise on this occasion to make it clear that that is what I think and that is what I feel about it. We have a system that allows members on this side of the House to exercise flexibility, to exercise rights and privileges and to speak their mind on whatever the subject. We have a rule that accompanies that flexibility, that is, that we inform our Party at the appropriate time and in the appropriate place of our intentions to so exercise that right or privilege.

I did not exercise that right in this particular instance so, accordingly, I support the Party at large in its support for the recommendations of the select committee. Therefore, I am not supporting the member for Eyre, the member for Semaphore or the member for Flinders in the attitude that they have expressed and, obviously, in the step that they propose to take in relation to this Bill. Others in this place who have spoken have placed much more significance and, indeed, much more trust in the select committee report recommendations than I am prepared to do. I read them and on face value and theoretically it would appear that the select committee has done a pretty good job and, hopefully,

the recommendations will produce a better system than we have now. By hell, if they do not, there will be trouble in the camp.

The thing is that we have to take a punt on this. I have accepted the explanations that accompanied the release and tabling of the report. As I say, I do not find myself in a position to hand out bouquets to members of the committee, as some of my colleagues have, but that is their right and it is also mine. I just hope and trust that, indeed, it produces a result which is desirable—not necessarily for us, not for members opposite or for the Independant members of this place—and fair for the voting community in South Australia. It is in that context and given that background that I am prepared to support, albeit reluctantly, the expenditure anticipated for a referendum now rather than later. It is with those remarks that I identify my position with the supporters of the recommendation which is before us in the report tabled.

The Hon. N.T. PETERSON: I must respond to the member for Alexandra. I also represent an electorate that is fairly secure. It has water on three sides and, if the redistribution threw me out, I am probably one of the few in here who would cop it and say that that is the way it is. So that does not bother me at all. The member for Alexandra also said that people deal any card in the deck. I think he dealt a low one, because I did not, at any stage of my contribution, reflect on rural members at all.

What I said (and I am quite prepared to check this) was that when people come to the honourable member with their problems—and I did not say that he neglected them—he should tell them that he supported the referendum. That is what I said, and I will stand by it. That can be checked, as I know the honourable member will. I did not reflect upon any action taken by any country member, and I do not deny the right of any member—as I said earlier of the member for Flinders—to stand up and speak on any subject and to say whatever is allowed under the Standing Orders I will support that: that is my job in this place.

This is the first debate in 11 months in which I have participated. I have broken my own golden rule, because I do not believe that the Speaker should participate in general terms. However, I feel strongly about this matter. I have always held this principle—as may be seen from previous debates—that members of Parliament are elected to make decisions. That is what they are here for. This building was erected in 1889 so that members could come in here to the House of Assembly to make decisions. The whole evolution of the system is for making decisions, and we are now walking away from it and that is what I said. I refute absolutely that I reflected upon country members, and I am prepared to discuss this anywhere with the honourable member. I did not reflect on country members, and I support the right of the honourable member to say what he likes. Plenty of nasty things have been said about me both inside and outside this Chamber, and I am sure that more will be said in the future.

An honourable member interjecting:

The CHAIRMAN: Order!

The Hon. N.T. PETERSON: If it were stated by way of interjection that members are not backing away from decisions, I would say that that is correct, because every member has to make a decision unless they walk out of the Chamber, and I do not think that anyone would be game tonight to walk out of the Chamber. I do not think that anyone will leave—every member will vote. This is what we are paid a lot of money to do. I have the right to say what I think, as do all members.

An honourable member interjecting:

The Hon. N.T. PETERSON: The honourable member has the right to say what he thinks, and I support that right, but I do not have to agree with him just as he does not have to agree with me. On occasion, I have been the only one on side in this House in a vote, but that does not make me right or wrong—that is just my opinion. As strongly as the member for Alexandra holds his opinions, I hold mine, and I hope that every man and woman in this place holds their principles and what they believe in as strongly as I do. While they do, this Parliament might work. Sure, we will get rolled on this vote, and we might be right or wrong. I think that I am right; I think that the two members who moved the amendments are right, and it is my right to agree with them. The day that I lose that right, the day that the member for Alexandra loses his right, and the day that any member in this place loses their right to say and debate what they think, may the roof fall in, because that is what it is all about.

I respect the honourable member's point of view and the right to have his say. He is wrong in what he said about my reflecting upon him, but I certainly hope that when he finds that he has made an error, he and I will discuss this matter and I am sure that we will come to an agreement. I am sure that he will look at *Hansard* and know that I would not reflect upon him. I respect country members such as the members for Eyre, Flinders, Custance and Alexandra. I do not envy them their jobs at all. I think country members in this place are under-valued, and I would not swap places with the member for Eyre for double the money and two cars a year. I really do not know how he does it and I respect him and other country members absolutely. They travel, they are dislocated from home and office, and I think they deserve every cent they get.

Certainly, I would not reflect on the member for Alexandra, but I do not have to agree with everything that he says, and I will not, because I have my opinion, I know that the honourable member will not agree with me, and that is his right. However, let me say that there is freedom for members on both sides of the Chamber to make the decisions that they want to make, so why do Opposition members not use that freedom? They have that freedom, so they should use it. The one thing about this Parliament that gets right up my nose is that everyone on both sides of this House believes there is only right or wrong in relation to every vote, but there has to be some middle ground. The Opposition cannot tell me that it believes absolutely in every decision that it supports or denies. Members of the Government cannot tell me that they believe absolutely in every decision that they make or reject. This does not happen. There are 47 human beings in this place with all the faults—

An honourable member interjecting:

The Hon. N.T. PETERSON: More times than you have voted against the Liberal Party. It is up to you.

The CHAIRMAN: Order! The honourable member will address the Chair.

The Hon. N.T. PETERSON: I am sorry, Sir. So, that is what I think about this House. Members have a right and I respect that, but they should respect my right to my opinion, and I think they are wrong in relation to this matter.

Mr GUNN: There was some suggestion that the select committee did not debate the decision to increase the size of the House. I think it should be clearly understood that I gave notice to the House when this matter was first brought before it of my intention. It had been my desire to make my views known in great detail to the select committee, but I was prevailed upon not to do that. Unfortunately in my

view, I accepted the advice and guidance that I was given in relation to that matter, a course of action that I will not ever again follow because I am a great supporter of select committees.

In conclusion, I say that this has been a most useful debate tonight because we will sort out the wheat from the chaff in a few moments, and it will be interesting to see what happens as this exercise progresses down the rather bumpy road that lies ahead of it when the sum of $3 million has to be accounted for and when the people are dragged out to the polls. I say that I believe democracy has been denied tonight. However, everyone must live with that and time will take its toll upon those who support the line taken by what will obviously be the majority.

Mr BRINDAL: I feel that some of the questions asked by the member for Semaphore must be answered. There comes a time when as a comparative newcomer—

The CHAIRMAN: Order! The Chair is having difficulty in hearing the member for Hayward. There is too much audible conversation in the Committee.

Mr BRINDAL: There comes a time when people in this place who are relatively inexperienced, such as I, must give way to the counsel of those who are wiser, and in this debate I am sure that I and some of my colleagues intend to do that. However, I would like to place on the record that in my time here I would seek to be at least consistent. Whilst Sir Robert Menzies is not a guiding light of the Party opposite, I point out that he did argue that in this place we should not be mere ciphers of our electorate and that we should use our best endeavours in the interests of our electorates.

The Hon. T.H. Hemmings interjecting:

The CHAIRMAN: Order! The member for Napier is out of order.

Mr BRINDAL: I hope that those people who are, I believe, wiser than I will exercise the best of their intellects in this matter.

The Committee divided on the new clause:

Ayes (3)—Messrs Blacker, Gunn (teller) and Peterson.

Noes (42)—Messrs Allison, Armitage, L.M.F. Arnold, Atkinson, D.S. Baker, S.J. Baker, Bannon, Becker, Blevins and Brindal, Ms Cashmore, Messrs Chapman, Crafter, De Laine, Eastick, S.G. Evans, Ferguson, Goldsworthy, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway, and Hopgood (teller), Mrs Hutchison, Messrs Ingerson and Klunder, Mrs Kotz, Ms Lenehan, Messrs Lewis, McKee, Matthew, Mayes, Meier, Oswald, Quirke, Rann, Such, Trainer, Venning and Wotton.

Majority of 39 for the Noes.

New clause thus negatived.

Clause 3 and title passed.

The Hon. D.J. HOPGOOD (Deputy Premier): Despite the importance of the legislation and in view of the time and all that has taken place, I content myself with moving:

That this Bill be now read a third time.

Bill read a third time and passed.

REFERENDUM (ELECTORAL REDISTRIBUTION) BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Conduct of the Referendum.'

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

Page 1, after line 23—Insert new subclause as follows:
(1a) A political Party registered under the Electoral Act 1985 may by notice in a form approved by the Electoral Commissioner appoint one or more scrutineers for the purposes of the referendum.

It was pointed out to the select committee that there was no automatic power for scrutineers to be appointed. Such powers as reside in the Electoral Act reside in individuals as candidates rather than in political Parties. It is not clear to me whether any of the political Parties desire to appoint scrutineers, but it seemed not unreasonable to provide for the power should they wish to exercise it, and I commend the amendment to the Committee.

Mr S.J. BAKER: The Opposition supports the amendment as it as part of the recommendations. With some degree of caution it was inserted. It would hardly be necessary under normal circumstances. We support the amendment.

Amendment carried; clause as amended passed.

Clause 4—'Regulations.'

The Hon. D.J. HOPGOOD: I seek to give some content to clause 4. This is the power under which a date for the referendum would be set. Without such power it would be necessary otherwise to write a specific date into the Bill and members would have to concede that that would be a very constraining part of the legislation if we were to do that here and now.

Clause passed.

Title passed.

Bill read a third time and passed.

SELECT COMMITTEE ON THE OPERATION OF THE WORKER'S LIENS ACT 1893

Adjourned debate on motion of Mr Groom:

That the report be noted.

(Continued from 13 November. Page 1776.)

Mr INGERSON (Bragg): I support the report of the select committee tabled in the House by the member for Hartley recently. In supporting the recommendations of the select committee I make the point strongly and clearly that the timing of the repeal of this Act will be important to many businesses in our State. I would like to cite the recommendations of the select committee, as follows:

The committee recommends that, in the light of more effective substitutes being available, the Worker's Liens Act 1893 be repealed, and that sections 41 and 42 be transferred to an appropriate Act. The committee further recommends that industry consultation take place in respect to trust funds, voluntary or compulsory insurance schemes, direct payments and bank guarantees.

The Government has chosen to ignore the recommendations of the select committee, namely, that there be further consultation with the industry. It is on that point that I wish to make further comment. There is no doubt that the select committee spent a considerable amount of time making sure that its recommendation to repeal the Act, giving the industry time to put into place possible alternatives, was a very clear decision and one on which the committee spent some time deliberating.

There is no doubt that we need to make sure that the building industry has discussed with the Government and put in place new practices to ensure that small subcontractors will not be disadvantaged. A considerable amount of evidence was put before the select committee to support the repeal of this Act and this is adequately covered in the report tabled recently. Several points are made by Judge Russell of the Industrial Court regarding questions by the Minister concerning payment of subcontractors for work done in the building industry which convinced me that

there are better ways to achieve fairness for all concerned in the application of the Worker's Liens Act.

Judge Russell pointed out the difficulties involved when worker's liens were applied, the problems of continuing work in progress, and in particular the problem of continuing credit to the owners of land if they are a developer, or if they are the main contractor. These two problems often force the developer or the owner into earlier liquidation than desired with all the disastrous consequences for all those concerned. However, there is no doubt that many contractors, large and small, presently use this Act to achieve their desired end point of forcing payment from difficult prime contractors, developers, or owners for services rendered and/or the supply of materials to them. If there is a quick repeal of the Worker's Liens Act, as is now contemplated by the Government, their current position of perceived strength will be dramatically changed.

To back up these comments, the committee received evidence from BISCOA, representing the subcontractors, and from the unions, representing suppliers of labour, on the significant advantage of those two groups under the Worker's Liens Act. I find it quite amazing that the Government has walked away from its traditional source of support, the unions in this matter, because the unions that were directly involved in this industry made a strong submission to the select committee pointing out the disadvantages that they saw for people who were directly involved in putting their labour out to contract.

BISCOA is a head group that represents principally the subcontractors in this State. Its strong position of concern, and the fact it does not see any need for the Worker's Liens Act to be repealed, has been put to me and to many members of the House. I would like to read into *Hansard* some comments that have come specifically from BISCOA on this matter. I refer to a letter, which states:

In terms of effective replacements, I believe that one must draw a distinction between the larger commercial type developments and the smaller self-employed or small business operator of which there are a number in the building and construction industry. We believe that the plight of these people has been totally ignored in the steps to repeal the Worker's Liens Act. We have written to the Minister for Consumer Affairs seeking her support in examining provisions of the Builders Licensing Act to ensure that protection is introduced in that legislation for subcontractors. At present, anyone operating in the domestic marketplace is severely restricted by the Builders Licensing Act. However, there have been no attempts to provide any protection to the sole operator or small business involved in the industry.

On the larger commercial development sites we believe that direct payment should be introduced. This provides for the funds to pass directly from the client to the subcontractors on the project. However, this would not interfere in the contractual relationship between the builder and the client or the subcontract relationship between the builder and the subcontractors. This would ensure however that the funds passed from the client to the subcontractors.

It goes on to mention other methods which may be used to overcome this problem. I have also received letters from a considerable number of individual contractors, and I know members on both sides of the House over the past few weeks have been receiving letters and almost as many submissions as we received in the select committee, putting their point of view in this area. A small electrical services company states:

The repeal of this Act will mean that self-employed tradepersons in the electrical industry who are involved in the building industry will lose the benefit of this legislation which is used as a last recourse to secure debts when all other means fail.

The registration of the workmen's lien is a most effective means of encouraging payment from owner builders and others with whom the tradesmen deal directly.

I also received another letter from a construction company which states:

As a general builder in this State I was amazed at the recent recommendation of the select committee to repeal the Act. Are the members of Parliament aware of the avenues of protection for builders? May I say they are minimal, and your decision without introducing alternative means of effective protection to our industry emcompasses a large number of people in our State, whether it be direct or indirect employment.

It is quite clear from those few examples and others that there is a lot of concern from the small contractor. From evidence, we understood that only a very small number of liens are in fact legally instigated against owners of land. But, importantly, it should be noted that the threat of the possible placing of a lien on the owner's property is, in today's current economic climate, a very effective tool. In other words the Worker's Liens Act was and is used as a pressure point or threat by which dues owed by intransigent prime contractors or owners are in many instances able to be collected for subcontractors.

Many small subcontractors today in the building industry need protection from the practices of the shysters of this industry. The Government now appears to be ignoring their plight. Having recognised these problems, I believe the building industry can and should be putting its own house in order. Several propositions have been suggested to us as a committee that might help: first, that a form of trust account could be set up by the principal contractor for each project to make sure that work completed is adequately paid for before money created by that project is transferred to other allied company or business accounts and used in the wellknown balancing acts that some businesses perform to remain alive in business in this industry.

Whilst I can see some difficulties with this concept from the project manager's point of view it has plenty of merit from the point of view of the subcontractor who has supplied labour and/or materials and not been paid. Since writing this report, BISCOA has conveyed to all members of the committee a proposition that was intended to be inserted in legislation in Alberta, Canada, putting forward trust accounts for owners and subcontractors, and for the subcontractors it sets out a whole opportunity of investigation into trust legislation.

That is the type of example at which the industry should look and which should be thoroughly investigated. Secondly, some form of direct payments from the developer, owner or subcontractor could be arranged. Thirdly, the industry could arrange and negotiate for small subcontractors affordable insurance to cover bad debt possibilities. It is interesting to note that in a recent *Business to Business* magazine put out by *South Australian Magazine*, on 26 October 1990 there is a significant article on insurance on bad debts. It talks about large groups of individuals getting together and being able to obtain reduced insurance costs for bad debts. That is another example in a recent document for the industry to look at.

Fourthly, consideration should be given, before builders are granted licences, to their being required to place bank guarantees of some magnitude with the Licensing Board. It has been put to me that many individuals and small companies set up under the Companies Act have very little by way of guarantees and capital. If we are to allow these people to become builders, more significant guarantees should be put forward. That is another opportunity that needs to be looked at by the industry.

These suggestions should be considered and acted upon by industry groups in consultation with the Government before any decision is made to repeal the Worker's Liens Act. However, having said that, there is no doubt in my mind, as a member of the select committee, that the Act needs to be repealed, because other areas of law now adequately cover bankruptcy and the non-payment of claims

for work done or the supply of materials by individual contractors. There is no doubt that there are other opportunities in the law, plus the alternatives that I have put forward, which will enable the Worker's Liens Act to be repealed. The Act, with the exception of the two clauses which I mentioned earlier in the report, is in my opinion no longer applicable for the purpose for which it was originally created by this Parliament in 1893.

I have clearly argued that, whilst I support the repeal of the Act, there is a timing concern that I and the industry have in relation to its repeal. In view of my arguments tonight in support of repeal of the Act but the need to get the timing right, it is my intention to move an amendment in Committee to give time for the industry to put into position some alternative payment or insurance schemes. There are some opportunities available, but there are others which need time. Whilst the select committee has taken a long time to look at it, the industry has not had time to get its act together with these new working conditions. There is no doubt that the economic conditions that we face in this State present a significant problem in making a quick change.

I should like to bring up another issue which was of concern in the select committee. Halfway through the committee's procedure we had a most unusual situation. A Minister of the Crown decided that there was a need to go out to industry and set up another committee to do the same thing as was being done by the select committee set up by this Parliament, of which the Minister was a member. I would have thought that he would clearly have understood, as Minister of Housing and Construction, that this area was pertinent to the area that he supervised, but he did not seem to understand that we had a select committee looking at the same issues.

The Minister of Housing and Construction, through the Construction Industry Advisory Council, set up a subcommittee to investigate bankruptcy in the industry and gave it a very wide brief to look at the alternatives. It was amazing to me that we were going to set up within that committee a Construction Industry Advisory Council subcommittee at the same time as the select committee was looking at the same issues. The Minister was aware at the same time from the advice that he was getting from subcontractors that we were looking at the same issues. I find it amazing that Ministers of the Crown are not aware or do not bother to take the time to become aware of very important select committees. We should not be looking at the duplication of resources and effort for the same groups of people.

It is fascinating that, because of the delay in discussing this report in the Parliament, this subcommittee set up by the Minister has now reported to him. It is also fascinating to note that it has mentioned matters almost identical to those mentioned by the select committee. It has said that there should be an investigation into direct payments of subcontractors by the client and that we should look at the Alberta proposal which suggested a trust account exercise. It said that the Builders Licensing Act should also be looked at. It also concluded that other areas, such as insurance, should be looked at. What a waste of time and effort when this Parliament had set up a very important select committee to look at the problems in this area. I should like to finish with a quotation from a letter from the Earthmoving Contractors Association, which clearly sums up the situation in the industry, as follows:

> Firstly, we see the retention of the Worker's Liens Act as being necessary, even if it is only for the protection of the first and second parties (i.e. between the client and the main contractor).
>
> Secondly, a mechanism must be in place to protect the third party, the subcontractor, in the event of builder or developer collapse.
>
> A legislated trust account originally proposed by BISCOA Limited and based on a Canadian system would seem to be the most comprehensive method of payment and protection to cover all contractors concerned. All administration should be processed in the normal manner, with the main contractor/builder retaining retention moneys/banker guarantees and issuing cheques direct to the various contractors and/or subcontractors.
>
> We acknowledge that this can be a cumbersome system, adding a further cost to the project. At the same time, it is the most effective and certainly would be less costly when comparing it with the adverse impact on our industry when a builder goes bankrupt and the 'domino' effect it has on subcontractors and suppliers.
>
> Alternatively, as recommended in the Construction Industry Advisory Council subcommittee report, the system of payment from client to main contractor to subcontractor no later than 28 days has a great deal of merit.

The ACTING SPEAKER (Mr De Laine): Order. The honourable member's time has expired.

Mr FERGUSON (Henley Beach): I thank the Parliament for allowing me to participate in this select committee and I congratulate the members of the committee, the members for Elizabeth, Fisher and Bragg and the member for Hartley, who proved to be an excellent Chairman of this committee. The conclusions reached by the committee in the recommendations now before the House are the best conclusions possible under the set of circumstances that prevail in today's industry. The only other alternative view that could have been put forward would have been a very severe amendment to the Worker's Liens Act, and the committee, after considering whether amendments should be moved to the Act, came down in favour of abolishing the Act altogether.

Attempts were made to look at amending the Act and, although it was suggested to the committee by various organisations that there ought to be amendments to the Act, no organisation was prepared to submit a formal draft or a set of words which the committee could utilise in its endeavours to look at the legislation that it was required to look at.

The Law Society was the only body that came anywhere near suggesting alternatives to the present legislation, and it made the observation that, if the committee wished to amend the Worker's Liens Act, it should look at the following principles: first, only workmen performing work on the land who have direct contact with the owner of the land should be entitled to lodge a lien; secondly, any lien should be restricted to a fixed maximum amount; thirdly, the ability to lodge a lien should be restricted to individuals (thus, corporations would be excluded from the benefit of rights conferred by the Act); and, fourthly, a lien would become effective only as and from the date of registration of the Lands Title Office. However, for the reasons outlined the society is strongly of the view that the Act ought to be repealed altogether.

The present legislation works very heavily against homeowners who are often blackmailed into paying out a lien when there is no merit to the claim. Subcontractors whose real argument is with the project builder in order to try to receive the money entitled to them take out a lien on the land of the homeowner who has no direct contract with them and in many cases has already paid the main builder or contractor for the work in progress. We know from evidence tendered to us that the Act is being used as a bargaining tool by subcontractors against the major contractors with the end result that, if a lien is placed upon the title of the land, everybody knows that all activities on the building site will probably cease. The lending institutions, in order to protect their own position, will stop the flow of

money to pay work in progress when subcontractors, or indeed any one subcontractor or supplier, places a lien on the title.

Although successful negotiations are being carried out using the Worker's Liens Act as a bargaining tool, the committee is of the opinion that the advantage that is now being provided for large subcontractors and, more importantly I suppose, the suppliers of building materials should be no greater than any other section of commerce and industry. Specifically, the Law Society said:

> The greater share of any moneys to which liens attach will be realised by large suppliers of building materials. The debts owed to the suppliers will be large in comparison to the debts owed by individual tradesmen. Ironically it is presently these suppliers who are better able to protect themselves in their dealings with the contractors. They have no claim to special statutory protection.

When giving evidence later, the President of the Law Society referred to claims of up to $250 000 that were being made by suppliers using the facilities of the Worker's Liens Act, and he pointed out how absurd the situation is when claims of that nature are being made under the Act. The Act was never designed to look at claims of this nature.

The greatest criticism of the committee's action will come from the suppliers of materials. Although at the moment they have an advantage with this legislation, I agree with the decision that there is no reason why they should continue to have that advantage. I am in very strong support of the committee's recommendation that the industry look at voluntary or compulsory insurance schemes. The object of the exercise is to protect the small contractor and/or the small supplier of materials. The evidence given to the committee was that, if a compulsory scheme was to be introduced, premium rates could be as low as $2 a week for every subcontractor and small supplier of materials. I hope that the industry will look at the recommendations with respect to discussing trust funds, voluntary or compulsory insurance schemes, direct payments and bank guarantees.

I understand the criticism that the member for Bragg has made about the Minister of Housing and Construction, but at least the committee that was formulated by the Minister has given effect to the last recommendation of the select committee, and that is that the committee further recommends that industry consultation take place with respect to trust funds, voluntary or compulsory insurance schemes, direct payments and bank guarantees. The Minister's committee has given impetus to that particular recommendation. In respect of the duplication that was spoken about by the member for Bragg, I would make no comment.

I am totally in favour of repealing this Act as soon as possible. It is probably one of the most unfair pieces of legislation that we have on the statute book. The fact that it is homeowners who eventually cop the flak of a dispute between a major contractor and a subcontractor is totally and absolutely unfair. The Act is being used to blackmail homeowners into making extra payments to subcontractors who in fact have a contract with the major contractor. I believe that this legislation, which was proclaimed in 1893, has served its purpose. Other legislation is now available in the case of bankruptcies and insolvencies which provide a much fairer way of distributing whatever moneys are available eventually in these actions. I hope that the House is prepared to support the proposition that is presently before it, and that we get rid of this most unfair piece of legislation.

Mr SUCH (Fisher): I support the repeal of the Worker's Liens Act, subject to an amendment that the member for Bragg will move later during the Committee stage. The amendment provides for a phasing in period before the repeal of the Act takes effect. I was a member of the select committee, and I would like to compliment the other members of the committee for the work they put in. I believe it was a very constructive and very productive exercise.

I believe that the conclusion was overwhelming: that the Worker's Liens Act is no longer appropriate, with the exception that sections 41 and 42 be transferred to another Act. The report of the committee states that the original intent of protecting the wages of workers is no longer being met; that the worker's liens legislation is used in the main by subcontractors, many of which are large organisations rather than individual workers; that the Act impedes the rational resolution of an insolvent builder's affairs; and it serves to stop the supply of money to building projects. The report raises questions about the effectiveness of the legislation, given that the cost of registering liens is not cost effective unless the amount to be recovered is in excess of $2 000. As was indicated earlier, the Act has been and is being used as a threat, where people threaten to register a lien in order to obtain money. I acknowledge that that is a powerful incentive to some people to pay subcontractors, and that is obviously why some people in the industry would like to see the Act retained.

However, I do not believe that that is a proper or appropriate use of the legislation, and that was borne out during the deliberations of the committee. I believe that the Act no longer serves the purpose for which it was intended. As I indicated earlier, there was one exception to that, and that is in relation to sections 41 and 42 of the Act concerning the disposal of goods under common law liens which will be preserved via the unclaimed goods legislation.

As was indicated earlier, there are some alternatives. Along with the member for Bragg, I will argue strongly that these be operative before the repeal of the Act. One of the alternatives that I believe would help protect the small people in the industry is the establishment of a trust fund, and there are various ways in which that could be undertaken. That was one of the alternatives considered by the committee.

Another alternative was the encouragement of direct payments by way of standardising contracts to enable owners to pay subcontractors directly, and the suggestion that this is best done by industry self-regulation. The committee spent quite a bit of time looking at insurance schemes whereby subcontractors could insure against builders becoming insolvent with a scheme similar to that run by the Housing Industry Association. Such a scheme could be run jointly by trade unions and employer groups. There are some variations on that, but I believe that the general thrust to establish insurance schemes is feasible. I believe that private insurance organisations would be willing to enter that field.

I believe that the Act is no longer effective. It does not achieve what was originally intended—and we need to bear in mind that the original Act goes back to 1893. The Act is often counterproductive, and often works against the best interests of people having a home built. However, I acknowledge, as I indicated earlier, that there are legitimate concerns by the smaller people in the industry, the ones I believe we need to protect. The big operators can generally look after themselves, but we need to protect the smaller subcontractors, which is why I do not wish to see them left high and dry. I do not wish to see this Act repealed until alternative strategies are in place. During the Committee stage I will support the member for Bragg's amendment to delay the repeal until such time as these alternative protective mechanisms are in place.

In conclusion, I appreciated being a member of the committee and enjoyed it very much. I was impressed by the contributions of all members and by the Chairman. As I indicated at the outset, I support the repeal of the Act, subject to the provision of an alternative safeguard for small operators in the industry.

Mr S.G. EVANS (Davenport): I have some grave doubts about doing away with this Act. There seems to be a tendency in Parliament today to bend to the pressure of the big operator, and the small operator has grave difficulty getting his message across, whether through the Building Industry Subcontractors Association or other groups, because he is busy trying to earn some money. Quite often, these small subcontractors in the building industry are only tradespeople. They may register a company for other reasons, or register a partnership with their spouse. I accept that an attempt will be made to defer the repeal of this Act until some other measures are put in place. To suggest that there will be some form of agreement through the industry comes back to the point that it will be the big operators who dictate the terms. The Worker's Liens Act does not operate only in the building industry—it can be in any industry.

An honourable member interjecting:

Mr S.G. EVANS: No, I am saying that it does not necessarily have to be in the building industry where you can apply a lien to recoup your wages. The difficulty is that this Act came into operation in 1893 to protect the wages of men and women. It was long before we had strong unions and, now that there are strong unions, people are prepared to say that this Act is not necessary. The unions quite often can use a threat (if not blackmail) to make sure that people on a particular building site are paid. That argument has not been used anywhere in this debate, but it is the truth.

That is the reason why this Act really came into operation and, now that the unions have so much power, if the job is not complete when the money is due the union is able to apply pressure. Others who fall into the category of small subcontractors but who do not have any affiliation with a union and do not wish to are placed in difficulty. To suggest a compulsory insurance scheme at $2 per week sounds wonderful. However, that is not practical because, once insurance is introduced, people lean on the system and we get higher and higher premiums.

It happens in every area in which compulsory insurance has been established, whether in the area of third party or workers compensation. The rates have become exorbitant. As much as I like the sound of direct payments from the owner back to the subcontractor, the principal contractor loses some rights. Some subcontractors do shoddy work; we all know that. It is not difficult today to become a builder. Some people who enter the building trade do not have much experience, so it is dangerous practice for the owner of a building to have no dealings with the principal contractor. Why be the principal contractor if you do not have control over the situation? I have some doubts about that proposition being taken up by the big operators, although I do not believe that it would be, as they would see the dangers that existed for them.

The building trade is one of the worst for people getting into difficulties, but sometimes it is the person having the house built who is at fault. Sometimes he or she will sit on the money, today more than ever in the history of the country, and say, 'Take us to court.' It can take two years—and, in one case I heard of recently, two and a half years—before a case comes to court, and then people say, 'We are prepared to negotiate to pay', but they do not want to pay the interest on the money that is owed.

At least, the threat of a lien has some power. The costs of applying it are high; sometimes it can be up to $1 500 for an amount of money not much more than that. Perhaps we should have looked at the practice of applying a lien and at a system whereby the legal profession does not get such high fees for operating in that field. If the Government is prepared to look at some other methods of helping those people who find themselves in difficulty in this area, particularly at a time when the building trade is somewhat slack and we have a lot of bankruptcies around (whether the bankrupts be suppliers, subcontractors or major builders), I am happy to support deferring the repeal of the Act until some other measure is in place.

As a Parliament we look at laws to help those who are socially disadvantaged, whether on social or community welfare, physically handicapped or whatever. Given the power of big corporate bodies today, the small people get hurt, and we tend to ignore those in small business. I cannot refer to other debates, but we have done it in recent times. I make the point that I would prefer to see the Act remain, even if we brought in other provisions. It might not need to be used very often. It could still be used by a person on wages if a significant amount of money is owed to them.

Mr Groom interjecting:

Mr S.G. EVANS: The honourable member talks about insolvency. That is not always the best recourse either and it is also quite a long process. The member for Hartley might be suggesting the threat of it, but that does not help the home owner if the home is being built.

Mr Groom interjecting:

Mr S.G. EVANS: The honourable member is suggesting that again we should use the insurance scheme. If we do that all the way through—

Mr Groom interjecting:

Mr S.G. EVANS: I know that the compulsory insurance scheme is there: I fought for it in 1972 and 1973, and the Government rejected it. The Hon. Murray Hill in the other place successfully had it included in the Act, but the ALP refused to implement it. I know it is there and that is the history of it. The housing industry brought it in and made it operative. It is not costing anybody much to have it there; it is not costing the Government anything. I hope that, if an amendment is moved by the member for Bragg, it is accepted by the Government.

Mr GROOM (Hartley): I congratulate members who served on the select committee for their contributions. I am inclined to think, after hearing the contribution of the member for Davenport, that he tends to talk much but says very little. His contribution did not take the debate any further at all. He was all over the place with issues. He talked about the home owner and contractor, but the housing insurance indemnity scheme already adequately covers that situation, so those persons do not need to call in aid the Worker's Liens Act. With regard to wages, there are insolvency laws already in place, and the select committee took evidence on that point. An order of priority exists with regard to wages and debts. Indeed, the Act is not used in relation to wages at all.

Mr Lewis interjecting:

Mr GROOM: The member for Murray-Mallee could have participated in this debate if he saw fit. The evidence before the select committee was that this Act is 95 per cent ineffective. The member for Bragg has asked the House to perpetuate a situation that is 95 per cent ineffective for the sole reason of allowing a certain group of people to continue threats. as that was the only justification advanced by those groups seeking to retain the Act. It is a perceived weapon

to get debts. The moment it is evoked, it can bring about the collapse of a building project and, when you do that, you suddenly find that the work in progress is lost, debtors suddenly are not there and everybody loses, including the person who put on the lien. The financial institutions were unequivocal in their evidence that the moment a lien goes on any further advances are frozen. If they allowed further advances the lien would have priority. The whole project comes to a standstill.

The evidence from the Insolvency Practitioners Association was quite clear on this point. When a receiver gets in to try to salvage a building company, the objective is to keep the work in progress and to keep the contracts going. However, they cannot do it with the Worker's Liens Act in place simply because the Worker's Liens Act, by placing a lien, sabotages the whole process. The select committee accepted the evidence from insolvency practitioners that many bankruptcies in the building industry have been caused by the placing of liens on titles in the three-party situation which I described in my first speech on this matter, in which case nobody gains.

One finds that, if money is owed between the owner and the builder prior to the subcontractor putting on the lien, invariably there is a counter claim that the work was done negligently or faultily, and it ends up with no money being owed in any event because of a dispute between the owner and the builder as to what is owed in the first place. In the meantime, the lien has frozen everything and sabotaged the whole process, and the building company is unable to trade out of financial difficulties, loses its intangible assets (being its work in progress and probably its debtors) and the whole thing collapses.

The members for Bragg and Fisher are asking us to perpetuate this sort of system. South Australia is the only State in Australia that has a Worker's Liens Act. Queensland had one until 1964; and Victoria, Western Australia and New South Wales looked at bringing in a Worker's Liens Act but promptly rejected it, because of the sabotage that it produces. If an Act is 95 per cent ineffective and in fact makes the situation worse by sabotaging the whole process, how can we perpetuate it? It is illogical and irresponsible. As a consequence, the House ought to reject any amendment moved to prolong the agony of this Act.

The Minister of Housing and Construction promptly set up an industry working group comprised of all relevant industry interests in this matter to arrive at a solution. Because it has been around for a long time, the select committee recognised that to suddenly repeal the Act without allowing the industry some opportunity to look at the alternatives and without coupling those alternatives to the repeal of the Act (as there is no point in coupling it) would have an effect. The industry should be assisted to work towards a solution. The industry group has been meeting since July or August and I understand is about to bring down a report in the near future. Hopefully that report will enable the industry to self-regulate and consider an insurance scheme.

The member for Davenport simply has not come to grips with the nature of the insurance scheme in place, and I think that was because he did not think out his contribution. He simply stood up and made another speech, as he does quite frequently in this place, just for the sake of talking. Here we are insuring against bad debts. One cannot draw the analogy between schemes of the Law Society, landbrokers or any other compulsory or professional indemnity scheme in this regard, as we are insuring against someone getting into financial difficulties and not paying the debts.

The evidence from the insurance industry was quite unequivocal that it could deliver a very low cost premium to secure against a certain level of debts for the betterment of all. Of course, the premium is lower if it is a compulsory scheme. There will be claims only if a builder goes into liquidation, receivership or bankruptcy, depending on the nature of the entity, so the argument put forward by the member for Davenport was quite illogical and nonsensical, as were the other points he made in his speech.

Apart from the matters that I dissent from in relation to the member for Bragg and the member for Davenport, as I said in my opening remarks, all the members of the select committee made a fine contribution to producing this report. It was not an easy matter. Although the terms of reference were quite straightforward, it was not an easy matter to consider the repeal of legislation that has existed since 1893 because of, certainly, the attitude of some groups towards the Act. As the member for Henley Beach said, no-one came forward from those groups who wanted to hang onto the legislation to make any sense as to how it should operate for the betterment of the industry.

I do not think it is proper for this Parliament to allow the perpetuation of a piece of legislation which is not in the interests of the industry, which is 95 per cent ineffective, which sabotages the rescuing of building and other companies in the building industry—suppliers or what have you—and which does not assist them to trade out of difficulties.

Motion carried.

WORKER'S LIENS ACT (REPEAL) BILL

Adjourned debate on second reading.

(Continued from 23 August. Page 578.)

Mr INGERSON (Bragg): I made most of the comments I wanted to make in relation to the noting of the report. The Opposition is concerned about the hasty nature in which the Government has proceeded with this matter. There is no doubt that, whilst the evidence before the committee overwhelmingly suggested that the Act should be repealed, a considerable amount of argument was put before the committee that there was a need to give the industry time to get its act together, because this is a very significant change in terms of opportunity in the way in which subcontractors are able to get payment for their goods, chattels and labour. With a little bit of time, the problem would have been solved.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure, and I noted from the previous debate in this place on the noting of the select committee's report that whilst the Opposition agrees that it is appropriate that the recommendations of the select committee be accepted in that the Worker's Liens Act be repealed, it proposes that that not be brought into effect for some considerable time.

I suppose this is always the problem in respect to deregulation: when we actually come to deregulate there is always considerable resistance to the final act of deregulation. In this case a transfer of responsibility from the public sector to the private sector is proposed as well. I suppose we find the other side of the coin: it is always very difficult to bring about that transfer, as desirable as it seems to so many who speak in favour of deregulation.

This is one of the many examples in recent years where this Government has, in fact, brought about deregulation.

A thorough examination of all our statutes and regulations is now part of our system of government and I believe it is serving the people very well to repeal legislation such as this which is not only outdated but which is ineffectual and brings about harm in our community. I believe there are more appropriate ways to deal with the problems it was originally intended to address.

I advise the honourable member, who raised some queries about the committee established by the Minister of Housing and Construction, that that committee was established as a direct result of the work of the select committee of this House. In fact, it has taken up the issues raised by that select committee. So, there could be an articulation between the recommendations of the select committee and the bringing into effect of the industry based regulatory structure which the select committee so rightly recommended.

The Minister has advised me that he anticipates receiving advice from that committee on a number of the matters raised by the member for Bragg in his speech earlier this evening so that these matters may be attended to expeditiously. It is important that this repeal Bill pass the Parliament, but the Government will not bring it into effect until it is considered appropriate to do so. The Government is mindful of the concerns expressed by subcontractors and others in the industry, and it will work expeditiously to ensure that an alternative structure is put in place as soon as possible.

So, that undertaking will be given and more up to date information may be supplied when this matter is debated in another place and further progress has been made. In the Government's view it is inappropriate to place such a rigid limitation on the implementation of this legislation by requiring that it not come into operation for a period of 12 months after the date on which it is assented to, and it is hoped that well before that period of time has expired an alternative structure will be in place in our community in line with the recommendations contained in the select committee's report.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—'Commencement'.

Mr INGERSON: I move:

Page 1, after line 10—insert new clause as follows:
Commencement
1a. This Act will come into operation 12 months after the day on which it is assented to.

There is no doubt in the Opposition's mind that, if this Bill is introduced and repealed immediately, it will have a significant effect on a large number of subcontractors in the building industry. As I said in my second reading speech and in my comments on the report of the select committee, extra time is needed. We are aware that the Minister of Housing and Construction has set up a committee to look at this area. I will correct the Minister on the front bench who said that this committee was set up after the select committee. Unfortunately, it was set up during the running of the select committee and it duplicated the same sort of area at which the select committee was looking. We are concerned that the actions contained in the report of this committee will need a significant amount of time to be implemented, and we ask the committee to support the insertion of new clause 1a.

The Hon. G.J. CRAFTER: The Government opposes the amendment of the member for Bragg for the reasons that I indicated in the second reading debate. I am not sure whether my words were sufficiently clear, but the committee established by the Minister of Housing and Construction certainly was established during the period of the select committee, but it was intended that it would pick up the issues raised by the select committee; that, as I said, it would articulate those matters with the administrative procedures and the involvement of the industry in consultation with the Government to ensure that there was not the long gap which the honourable member feels may be brought about by the repeal of this legislation, and that alternative structures may be put in place to protect the very people to whom the honourable member referred.

The Committee divided on the new clause:

Ayes (22)—Messrs Allison, Armitage, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Majority of 1 for the Noes.

New clause thus negatived.

Clause 2 passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council with amendments.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

STATUTE LAW REVISION BILL (No. 2)

Returned from the Legislative Council without amendment.

UNCLAIMED GOODS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 August. Page 579.)

Mr INGERSON (Bragg): The Bill arises out of the report of the select committee of the House of Assembly on the operation of the Worker's Liens Act. The select committee recommended that sections 41 and 42 be transferred to the appropriate Act. These sections enable a person, after doing work on goods and not being paid, to dispose of goods and the money so raised then used to pay the debt. Notice must be given to the owner of the proposed sale, with sale by auction. Any surplus money is paid to the court. Evidence to the select committee indicated that these sections were necessary and effective.

The current Act (unclaimed goods) requires the court to approve the sale of goods where the value is above $500, that have been left behind and not claimed. As transfer to this Act of sections 41 and 42 would now include work on goods that was not paid for and/or unclaimed, this would be an unreasonable restriction. Thus, the Government

through this Bill wishes to remove the court approval. It is important to note that no court approval is required under the Warehouse Liens Act 1990 or under the Residential Tenancies Act 1978. I support this Bill.

Mr FERGUSON (Henley Beach): I also served on this committee and was happy to accept the recommendation that any person starting off a common law lien would need the opportunity to dispose of that particular item if moneys were not paid to cover the debt.

This Bill is mainly designed to assist the Motor Traders Association. I have made inquiries about the situation with Mr Malcolm Penn in the legal services area, who saw no objection to this Bill going through. I have also made inquiries with the Motor Traders Association, which has promised that, if there is any problem on the other side of the fence—if the motor traders themselves appear to have been unfair with their customers—it would be only too happy to take up the matter on behalf of a particular customer. I understand that in practice this is done and people have been assisted from time to time. On that basis, I am happy to support this legislation.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure, which is consequential upon the previous measure with which the House dealt this evening and arises out of the work of the select committee on the repeal of the Worker's Liens Act.

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

ADJOURNMENT

At 11.56 p.m. the House adjourned until Thursday 15 November at 11 a.m.