

LEGISLATIVE COUNCIL

Tuesday, September 28, 1965.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

COUNCIL SITTINGS.

The Hon. Sir LYELL McEWIN: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir LYELL McEWIN: A newspaper report last Saturday (I think it was) referred to a statement that was broadcast about longer sittings here. Of course, there always has to be somebody who thinks he can do better than the Premier, and so we read, in that report, about another Minister having made some reference to the Legislative Council. The inference is obvious. Will the Chief Secretary say whether he wishes to enlarge on this statement and suggest any way in which this Council has been unco-operative in attending to its agenda?

The Hon. A. J. SHARD: I have made a statement on this before, in answer to some people who thought that we had not sat as long in this Chamber as we should have. I said at the time that I thought we had sat as long as, if not longer than, previously. I have checked that, and it is correct that we have sat longer this year than we did last year.

The Hon. Sir Lyell McEwin: Ten days longer this year than last year.

The Hon. A. J. SHARD: Yes. Up to the present, my colleagues and I have no complaints about the conduct of this Chamber. I hope that state of affairs will continue. We have made a deadline for completion in the case of only one Bill, and that debate was finished a day early. That is the only time we might have had any trouble. In fairness to the article, let me say that this matter was discussed in another place and I understand that the report, as printed, exaggerates what was actually said. We will leave it at that.

GENERAL MOTORS-HOLDEN'S DISMISSALS.

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. L. R. HART: In today's *Advertiser* there is a statement by the Minister of Labour and Industry to the effect that yesterday he appealed to South Australian

employers to help find jobs for workers dismissed by General Motors-Holden's Ltd. No doubt, that is quite a laudable statement. Also, in last Friday's *Advertiser* there was a letter written by Mr. S. A. Byrne, Divisional Manager of the South Australian Division of the Australian Federated Union of Locomotive Enginemmen, to the effect that many railway employees had not been able to get leave for as long a period as three years, unless they produced a medical certificate. Can the Minister of Transport say whether consideration has been given by the Government to the recruitment by the Railways Department of some of the men dismissed by G.M.H. and, if not, whether that matter will be considered?

The Hon. A. F. KNEEBONE: These people have been advised to approach the Department of Labour and National Service Employment Office and seek employment. I am certain that vacancies within the South Australian Railways would be amongst those positions recorded in the department as vacancies. If these applicants are suitable, they will naturally be directed to any vacancy that exists in South Australia. The Government will assist in this matter and I appeal to all employers to assist too.

The Hon. R. A. GEDDES: Following the conference that the Premier and the Minister of Labour and Industry had on Saturday with G.M.H., can the Minister say when this firm expects to return to full production and thus re-employ the men who have been put off?

The Hon. A. F. KNEEBONE: I cannot forecast exactly when this matter will resolve itself, and in the discussions Sir James Holden was not able to tell us how long it was likely to last. According to Sir James, many factors are involved. He told us that the sale of all passenger cars in the last five or six weeks had dropped by about half and that this applied not only to the Holden car but to other makes. The effect in South Australia is more severe than in other States, because up to 99 per cent of this car is produced in Australia and a big proportion of it is produced in this State. Although that is a very good thing in times of employment, any slight fall in sales has a more severe effect here than anywhere else. This is most unfortunate, but as against that we are fortunate to have this big industry in this State to provide employment for our people in good times.

I have been told that there is a large number of this make of car standing on wheels and not being sold and that this applies to other cars as well. I, like the honourable member,

hope that this matter corrects itself in a very short time, that these people can soon be re-employed and that in the meantime they can be employed in other employment because, as we all know, it is harmful to the whole economy if one big industry in the State has to carry out retrenchment. This applies particularly at this time of the year, as it may affect all industry. Because of the ramifications of the motor industry, this may affect subsidiary firms supplying parts for the Holden car, and this is very unfortunate. The Premier and I asked Sir James Holden if he would use his best endeavours to minimize retrenchments, and he assured us that the firm did not desire to retrench, as that was not good from its point of view because of the snowballing effect it had. He agreed that retrenchment should be minimized as much as possible and said that he would keep it to a minimum at the request of the Premier and in his firm's interests as well.

The Hon. C. D. ROWE: We appreciate the statement that the Minister of Labour and Industry made about the conference that the Premier and he held with Sir James Holden. I think it is obvious that it is rather too much to expect any industry to operate at full capacity all the time and find an immediate market for its products. It seems to me that the answer to this fluctuation is to have a continuous stream of new industries coming into the State, so that they can provide further employment when people are displaced; and employment also for people coming through our schools and colleges who need employment. I ask the Minister: (1) Is the responsibility for attracting new industry to South Australia vested at the moment in the Minister of Labour and Industry or is it still the responsibility of the Premier, in whose department I believe a department is to be set up to handle this matter? (2) What is the present position about the possibility of new industries coming to South Australia: are any in the offing, and are any likely to be announced? (3) What is the position as regards the new industry for the Wallaroo area? Some two months ago a statement was made by the honourable member for Wallaroo (Mr. Hughes), who stated that he was negotiating for an industry which would be the largest employer of labour in the district; and the Minister of Works made a statement that Mr. Hughes had taken a prominent part in these negotiations. What is the present position with regard to that industry at Wallaroo?

The Hon. A. F. KNEEBONE: As the honourable member has asked a series of questions

and it would be difficult for me to answer all of them (although I could answer some), perhaps he would be good enough to put them on notice.

EQUAL PAY.

The Hon. JESSIE COOPER: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. JESSIE COOPER: In view of the statement made in an Australian Labor Party political commentary in the *Advertiser* last Saturday that the appointment of Her Honour Justice Mitchell shows "the broadmindedness of the Labor Party on the matter of the equality of the sexes", has the appropriate Minister a reply to my question of precisely two months ago in connection with equal pay for male and female officers doing similar work in the Education Department and in other sections of the State Public Service generally, and specifically regarding male and female medical practitioners employed in Government hospitals and other treatment institutions?

The Hon. A. F. KNEEBONE: I regret that I have taken so long to reply to the honourable member but I do not think I shall be giving anything away when I say that the Premier has already made a statement regarding the application of equal pay to teachers and others employed in the Public Service. The general principle is that this will begin to apply from July 1 next year, on the basis that the increases will be spread over a period of five years. Of course, the actual decision regarding the qualification for equal pay for work of equal value will have to be determined by the appropriate tribunals, because in some cases there is a fine line of distinction between male and female work and this will have to be determined by people other than the Government. I think my suggestion that this procedure be handled by the appropriate tribunals will be followed.

EYRE PENINSULA ELECTRICITY.

The Hon. G. J. GILFILLAN: Has the Minister of Labour and Industry a reply from his colleague the Minister of Works to my question in regard to the programme for the Port Augusta to Port Lincoln power line and associated works?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Works, has supplied me with the following report from the General Manager, Electricity Trust of South Australia:

The transmission line from Whyalla to Port Lincoln was originally scheduled for commissioning at the end of 1966. Because of the

time required to obtain and install equipment at the Whyalla substation and at a new substation near Port Lincoln, there has been a slight delay. The line is now scheduled for completion in March, 1967.

SCHOOL BOARDING ALLOWANCES.

The Hon. G. J. GILFILLAN: Has the Minister of Labour and Industry obtained a reply from his colleague, the Minister of Education, to a question I asked on September 16 about living-away-from-home allowances for students?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Education, has supplied me with the following report:

No decision has been made by Cabinet discriminating between children attending private schools and those attending departmental schools with regard to the living-away-from-home allowances previously paid to country students, when the required educational facilities were not available locally, nor is the matter under consideration. On the contrary, the present Government has, in fact, liberalized the provisions referred to. A statement by the Minister of Education announcing this was printed in the *Advertiser* on July 1, and all country newspapers were informed on July 6.

The honourable member has declined to give further details concerning the person who alleges he was informed by an officer of the Education Department, in the course of a lengthy discussion, that Cabinet recently decided that allowances would not be paid for students attending other than departmental schools.

In view of these facts, and as the officers responsible for dealing with these matters categorically deny any knowledge of the incident described by the honourable member, it can only be concluded that the person referred to by the honourable member fabricated the story.

The Hon. G. J. GILFILLAN: In view of the answer I have received I ask a supplementary question of the Minister of Labour and Industry, representing the Minister of Education. In view of the differences that appear to have arisen between the Minister's information and that which I received, is the Minister prepared to issue a direction to the officers of his department that no discrimination shall be made between students from private and departmental schools applying for a living-away allowance?

The Hon. A. F. KNEEBONE: I will convey the question that the honourable member has posed to my colleague the Minister of Education and bring down an answer as soon as possible.

TRANSPORT LEGISLATION.

The Hon. Sir NORMAN JUDE: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir NORMAN JUDE: Quite a number of my constituents, particularly in the Lower South-East, are interested in transport, and they, as well as others who are indirectly interested, are keen to know what will be the provisions in the Bill that the Minister of Transport has referred to from time to time. I point out that economic factors are involved, such as the purchase of new trucks of such and such a size, axle loads, and possible licensing of routes. Can the Minister inform the Council when the Bill is likely to be introduced?

The Hon. A. F. KNEEBONE: I am getting a little tired of members asking once a week when I will bring down the Bill. I thought I had answered the Hon. Mr. DeGaris about this matter recently when I said that it would be brought down within the next two or three weeks. I also thought honourable members would give me two or three weeks before asking the question again. I think I can say to the honourable member that the Bill will not be delayed any more than is necessary, and that it will be brought down within the next week or two.

BREATHALYSER TESTS.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: In the press on Thursday morning a statement appeared from the Chief Secretary regarding breathalyser tests in connection with traffic offences. I was one of those who went along (I think all members were invited) to see the demonstration and I detected that there was a certain degree of human element associated with the operation of the machine, which, of course, could have serious implications for defendants. I noticed that the Chief Secretary appeared to take a very proper view of the matter by saying that the detection of negligible quantities of alcohol only would assist offenders because we know that people may be taken along when suffering from a medical complaint of some sort. The Chief Secretary said that the machine would not convict. Does this mean that it is not proposed to use this machine for the purpose of assisting the prosecution in these cases?

The Hon. A. J. SHARD: It is true that the machine will be used only on a voluntary basis, in the first place (similar to the blood test), and the breathalyser equipment on its own will not be used to convict; it will be used only to support medical evidence similar to the procedure with blood tests. If a defendant does not want to have a breathalyser test, he has only to say "No", and it will not be used. The Police Commissioner (Mr. McKinna), as all honourable members know, has been on a world trip. He brought back evidence that in Britain the breathalyser is accepted, as it is in other countries, as being a fair means of testing, and in many cases it assists the accused person rather than the police. He is of the opinion that it is of benefit to the community and is arranging for further demonstrations for the public to see it. He thinks the people will react accordingly. The honourable member was not the only one at the demonstration: other people and I myself were there. It is true that in many cases the human element is present and there could be a mistake. That is always possible. It applies, not only to the breathalyser but in dealing with other breaches of the law: because of the human element, a mistake can be made. However, I have enough confidence in the people trained to use this machine to believe that they will not allow the human element to act otherwise than in the fairest way possible. The people who will work this machine have been trained and are qualified to do the job. Until it is proved not to be fair, I appeal to honourable members to have confidence in it. Do not let us squabble about it.

The Hon. Sir ARTHUR RYMILL: I thank the Chief Secretary for that answer. Arising out of it, I should like to pursue the matter a little further if he does not mind.

The Hon. A. J. Shard: No, I do not.

The Hon. Sir ARTHUR RYMILL: From his answer it seems that the breathalyser will not be used alone for a conviction; it will be used as supporting evidence. Therefore, in those circumstances, as there is some difference of opinion on this matter, can the Chief Secretary say what concentration of alcohol the court will be instructed constitutes corroboration of an alleged offence? Also, can he say whether a refusal to accept this voluntary test will be used in the court against a defendant, because he may have many other grounds than the consumption of alcohol for refusing a test?

The Hon. A. J. SHARD: Dealing with the latter question first, I think that the position there is similar to a defendant refusing a blood test:

it is not used in evidence against him. As the question dealing with the breathalyser is technical, I will not try to answer it now but would appreciate it if the honourable member would allow me to get a full report on it and bring it down for him.

The Hon. Sir Arthur Rymill: Yes.

CIVIL DEFENCE.

The Hon. C. R. STORY: Has the Chief Secretary an answer to a question I asked on August 17 about civil defence?

The Hon. A. J. SHARD: Yes. The Director of Civil Defence has replied as follows:

The question asked by the Hon. C. R. Story concerning a civil defence course for members of Parliament, which he attended some years ago, refers to a special course conducted at the Australian Civil Defence School at Mount Macedon. This was in the nature of an indoctrination course initiated for the express purpose of spreading a knowledge of the rudiments of civil defence over a wide cross-section of the community. Courses of this type were discontinued over two years ago. However an approach to the Commonwealth Director of Civil Defence for a similar course would no doubt receive sympathetic consideration, but the available accommodation at Macedon would limit the quota for South Australia to four. If it is desired that I take action upon these lines I will make the necessary request to the Commonwealth Director. Nevertheless, I should point out that all available courses have been allotted until June 30, 1966.

PERSONAL EXPLANATION: SCHOOL BOARDING ALLOWANCES.

The Hon. G. J. GILFILLAN: I ask leave to make a personal explanation.

Leave granted.

The Hon. G. J. GILFILLAN: The person referred to by the Minister in his reply is well known to me. He is a person of integrity, who is also well known to at least two other members of this Council. I accepted his explanation in absolute faith and my reason for declining to give the Minister any further information was that the question was not about a specific case but about policy. As not only this person was known to me but also the officer concerned, I did not want to prejudice the officer, who may have acted in good faith, because I believe this incident actually happened.

ROAD TRAFFIC ACT AMENDMENT BILL.

The Hon. S. C. BEVAN (Minister of Roads) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act, 1961-1964. Read a first time.

REFERENDUM (STATE LOTTERIES)
BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 1721.)

The Hon. C. D. ROWE (Midland): I do not propose to speak at any length on this Bill, mainly because the facts regarding it were adequately covered by the Leader of the Opposition, Sir Lyell McEwin, in his speech in this Chamber on the last day of sitting. I express to him my appreciation for the excellent way in which he submitted the case.

I think he made three particular submissions. The first was that he supported the holding of a referendum on this matter, although normally he did not support referenda, and I adopt the same reasoning. In view of the fact that this was mentioned in the policy speech of the Government, when it was stated that a referendum would be held, and as this is a social question, I am prepared to agree to the holding of a referendum, although I should be happy to accept responsibility for voting for or against a lottery without first seeking the opinion of the people in regard to it. The second point Sir Lyell McEwin made was that he protested at the manner in which the question was asked and said that it was rather negative and confusing. Again, I agree entirely with his view. I think that when this Bill is considered in Committee, we shall expect from the Chief Secretary some detailed replies to the questions properly raised by Sir Lyell. I do not want to cover all of them, but it seems to me that the public should have information on them. First, he asked whether the lottery was to be operated through a Government department. He also asked what size it would be.

The Hon. A. J. Shard: He has no hope of getting that.

The Hon. C. D. ROWE: Sir Lyell also asked whether the lottery was to be arranged with another State on a commission basis or whether it was to be operated by an outside company authorized by the Government. He also asked what charities would benefit. On various occasions during this session we have had from the Chief Secretary quite polite lectures about maintaining the dignity of this Chamber and keeping its good name before the public and I think that on this occasion the Chief Secretary will have an opportunity of maintaining its dignity and of seeing that it performs its proper function. As I understand it, the whole of Parliamentary procedure is devised to ensure that members receive the fullest possible infor-

mation on subjects before the Parliament and, more particularly, that the public can have full information. Standing Order 111 says:

A Minister of the Crown may, on the ground of public interest, decline to answer a Question; and may, for the same reason, give a Reply to a Question which when called on is not asked.

That does not relate to questions asked in the course of debate or in Committee. I think it relates particularly to questions asked during question time. However, it sets out the policy on this matter, that normally we are entitled to expect answers to our questions, unless there is any reason why an answer should not be given. In regard to this Bill, it seems to me that in the public interest the public should have as much information as possible and, consequently, I do not think it is unreasonable for us to expect replies to the questions that were raised by Sir Lyell McEwin. I was particularly interested to note in an editorial in our daily press that the writer agreed with the statement made by Sir Lyell and thought that this information should be made available.

If the Government has its way, this referendum will involve every person entitled to vote and, in view of that, everybody who has to record a vote is entitled to the fullest possible information and the exact details on which an opinion is to be given. So far, in many of these matters, the Government has remained silent. I think that only one Minister has expressed a view on it and some doubt has been expressed about that by the Chief Secretary. I am not in a position to say whether the Minister's view was correctly reported but the report was that the proceeds should probably not be used for charity. If the Chief Secretary disagrees with that, then I think we want to know what percentage of the proceeds is to go to charity and what percentage the Government will receive.

I assume that, if a referendum is decided positively and the Government finds itself in the position of having to bring in a Bill, the lottery will be under the administration of the Chief Secretary. The Bill is his responsibility and, consequently, I imagine that is why the questions asked have been left to be dealt with in this Chamber. Therefore, I look forward confidently to being able to get some detailed information from the Minister in regard to this particular aspect.

The third point made by Sir Lyell McEwin, with which again I entirely agree, was that he was opposed to a compulsory vote on questions of this kind. I think it is wrong to compel anybody to vote on a matter in which

he is not vitally interested and in regard to which he is not prepared to equip himself with the necessary knowledge to enable him to cast an intelligent vote. So, in general terms, I am opposed to compulsory voting in all its forms and I am particularly opposed to it on an issue like this, because some people may have no opinion and others may not be sufficiently interested to inform themselves on the pros and cons. Consequently, if a move is made to have a vote on a voluntary basis instead of on a compulsory basis, I shall support that view entirely.

I congratulate my colleague, the Hon. C. R. Story, on his contribution to this debate. He covered ground completely different from that covered by the Hon. Sir Lyell McEwin, and gave us a detailed list of the operation of lotteries in various States of the Commonwealth and of the failures that had in some instances attended efforts to have lotteries put into operation. These are matters that I presume have had the careful attention of the Government, and I presume that it is satisfied that, if the referendum is decided in an affirmative way, a lottery can be operated in a way satisfactory to the State. I cannot imagine that any Government would submit this question to a referendum if it reached the conclusion that the State could not operate the lottery properly. I should like to know from the Chief Secretary whether I am correct in making that assumption, as I think that is information the Council is entitled to have. I do not want to take the matter further. Subject to the reservations I have mentioned, I support the second reading of the Bill.

The Hon. JESSIE COOPER (Central No. 2): I do not wish to reiterate the opinions expressed so far in this debate by many of my colleagues, with most of which opinions I agree. However, there is one matter with which I do not agree—that the referendum should be on a voluntary basis. I am strongly in favour of a compulsory vote on this particular question; I am not prepared to support the waste of the State's finances on a pointless operation, which it certainly would be if only a proportion of the people voted.

In social questions of this type, where the answer required is a fairly simple "Yes" or "No", the result of referenda, or public votes (if the voting is voluntary and consequently performed by only a proportion of the population) may be a distortion of public opinion. This comes about when one or more highly-organized and well-financed pressure groups are able to create a distorted view of what is the

popular belief. I do not consider that in any circumstances a voluntary vote of a mere proportion of the populace can be accepted as a true cross-section of the whole opinion. The whole object of this opinion poll—because it is not more than an opinion poll—is to discover what the majority—and I repeat "majority"—of the adults of this State believe. It is not possible to have a majority opinion if 75 per cent of the people go to football, tennis or the races and refrain from voting, purely on the assumption that the other man will do the right thing. I have in my lifetime seen too many instances of voluntary polls that have given a completely false view of the general desire of the population owing to misleading activities of minority but well-organized pressure groups.

I have been most interested in the views of previous speakers on this matter. I believe that there are two vastly different types of poll. The first is where the vote cast has a power under Statute to determine some course of action, and the second is where the vote cast has no statutory power to cause any line of action but is only the producer of an opinion. In the first type of poll, such as when voting at Parliamentary elections (where constituents are definitely voting to appoint a man as a legislator), or such as when voting in a local government type of poll (when people are voting for a course of executive action), the result of the poll will bring about a specific action. In this type of poll it is perhaps better that only interested parties should vote and that the ignorant or the disinterested should not be compelled to confuse the outcome. However, in the type of poll we are discussing today the outcome of the referendum will produce only an opinion for the guidance of the Government. An opinion that does not represent a simple mathematical majority of the adult population is of no value whatsoever; we may well have the case where the biggest vote for or against represents only 30 per cent of the adult population so we would have 70 per cent who either had expressed no opinion at all or who were against the proposition. It is perfectly clear that if the State's money is to be expended on this huge public opinion poll Parliament is entitled to an opinion of the whole and not just the opinion of minority groups. It is worthless to spend many thousands of pounds of the State's money only to produce an anaemic, incomplete result.

The Hon. R. C. DeGARIS (Southern): This Bill had a long stay in another place and was

involved in much publicity. The Chief Secretary has requested that the matter be handled as quickly as possible in this Chamber and I am sure that honourable members, while giving the Bill adequate consideration, will deal with it as quickly as possible. As a rule I, like other members who have spoken, oppose government by referendum. I think the reasons for that statement have been given adequately by other speakers. The use of referenda except in exceptional circumstances is a way in which a Government can wash its hands of decisions. I think history is studded with such examples of people washing their hands of decisions and blaming the will of the people for their not making an uncomfortable decision. The Government, having decided to hold a referendum on whether this State should have a lottery, should, I think, in presenting this question to the people, leave no doubt about what an affirmative vote would mean. The Hon. Sir Lyell McEwin gave a very long list of some of the possibilities that could eventuate from a vote in favour of a lottery in this referendum.

In this debate I am not arguing for or against a lottery; I am merely pointing out that a question is being put to the people and that they are being asked virtually to buy a pig in a poke. I want to suppose for a moment that a "Yes" vote is carried. The next step would be the introduction of a Bill by the Government, and that Bill could contain controversial or objectionable clauses. For example, it could make available to the Government as revenue the profits, if any, from the lottery to be established. If the people gave a vote in favour of a lottery on the vague question to be put to them, what chance would there be in this Chamber of amending a Bill to establish a lottery and what chance would there be of opposing objectionable clauses in it?

I should like to look at the practical side of this matter. Today in this Chamber Sir Lyell McEwin asked a question about a statement that appeared in the *Advertiser* on Friday or Saturday last, that was reported to have been made by the Attorney-General at the conference of workshop delegates of the Metal Trades Federation in the Trades Hall, that members of the Opposition Party were proving to be as obstructive as they were hard. If this referendum produces a "Yes" vote a Bill will be introduced, and if this Council rightfully tries to amend or oppose an objectionable clause, what charges could be laid against it in relation to being obstructive to the will of

the people? If there should be a "Yes" vote there would be an open cheque to the Government to introduce whatever legislation it liked. Opposition members in this place would then be in a difficult position if they wanted to amend any of the clauses. I make that statement because of the charges that have already been levelled against them. In an interjection the Chief Secretary said that the question to be answered was a simple one, but it is so simple that the electors should look at the matter twice before recording their votes. The Government should tell the people what could happen if a "Yes" vote were recorded. When speaking last week on this Bill the Hon. Sir Lyell McEwin quoted the following statement by the Hon. Crawford Vaughan, who was Labor Premier of South Australia in 1915, when referring to a referendum on liquor trading hours in this State:

The proper course, in my opinion, would have been to have submitted the Bill to the electors. He believed that a Bill should first have been submitted to the people so they would know exactly on what they were voting. There are other precedents, too. We have one in relation to the Commonwealth Constitution, and in countries overseas where referenda are used more frequently than here. I quote the following from a book entitled *The Referendum* by J. St. Loe Strachey:

In practice, we must and we ought to obey the will of the majority. Therefore, let us provide proper means for ascertaining it, and let us beware of the appalling danger of treating the will of a noisy minority as the will of the majority. In order that people may realize what is the method by which a poll of the people is carried out, I append the following example of a referendum voting paper:

PROPOSED BALLOT PAPER FOR THE UNITED KINGDOM.

Ballot Paper.

Poll of the people of the United Kingdom, held January, 1921.

Yes. No.

A Bill for [here insert short title of Bill] having been passed by Parliament is referred to a poll of the people. Those in favour of that Bill, place a cross (X) in the column headed "Yes". Those against, place a cross (X) in the column headed "No".

Now for a much needed caveat. The referendum should never be used in answer to abstract questions, as, "Are you in favour of a monarchy?" or an emperor, or a war, or a peace, or so forth. Those are questions that nobody can or ought to answer in the abstract.

If a man of sense is asked, "Are you in favour of a monarchy?" he naturally asks, "What kind of monarchy do you mean?" When you have got a definite statement of that kind you can say whether on the whole you are in favour of it or not, but you cannot give that answer to a purely abstract proposition.

The only course open to this Chamber is to draw the Government's attention to the matter in the hope that it will recognize that the question in the Bill is unsatisfactory. Every shred of evidence one can find, from the opinion given by the Labor Premier in 1915 to the opinion of political writers who are well-known authorities on the matter, shows that a fundamental principle is involved in this subject, and it is that the electors should know on what they are voting. There should not be an abstract phrase. It should be specific. The Bill should contain all the information possible, particularly dealing with the questions raised by the Leader of the Opposition.

Clause 14 deals with compulsory voting. I am opposed to there being a compulsory vote at a referendum on the ground that the question is phrased vaguely. It is a nebulous and abstract question, and it would be wrong to compel a person to vote on this purely social matter. People have differing views on the subject and there should be no compulsion in the recording of votes. It can be argued that compulsory voting is undemocratic, and that there is a difference between electing a Parliament and holding a referendum on a social matter. I support the second reading, but reserve the right to oppose clause 14.

The Hon. C. C. D. OCTOMAN (Northern): I am opposed to the principle of holding a referendum when the terms are not specific. It would have been more acceptable procedure to have a Bill containing all the details of the proposed lotteries. Then, if the Bill were passed, the matter could be submitted to the people by way of referendum. Some people have complained to me about being compelled to vote on a question on which they have not had sufficient information as to the intention of subsequent action by the Government. For example, who is to conduct the lotteries—the Government or private organizers? How are the profits to be distributed? We have had only one indication concerning the latter, and it was a statement in the *Advertiser* of September 17, and was as follows:

The Minister of Lands (Mr. Bywaters) said it was the role of the Government to provide for charities and in his opinion the profits of the lottery should go into Government revenue.

This is a statement of the utmost significance, but it has received little press publicity. It is obvious that any Government could make attractive disbursements from the profits of lotteries. The money could be used for social services, or any other matter unrelated to charities, as determined from time to time by the Government. I, together with the Hon. Mr. Rowe, sincerely trust that the Chief Secretary will be able to give us some further information on this part of the question.

All previous debate has indicated that lottery profits would not necessarily be used for charitable purposes. The only indication of intent that has been given is the statement by the Minister of Lands published in the *Advertiser*, that profits will be paid into general revenue. Disregarding the merits or demerits of lotteries, this Bill asks us to agree to something which, to my way of thinking, is like the signing of an open cheque. I do not like signing open cheques; I do not like saying, "I will agree to anything you may think up later." In common with some other honourable members, I am definitely opposed to a compulsory vote at a referendum on a social question, and reserve the right later to express an opinion on that.

The Hon. Sir NORMAN JUDE (Southern): I shall apply myself briefly, too, because no-one doubts that in this Chamber the facts have been carefully placed before honourable members by the earlier speakers. I want to make one or two points. First, I accept the fact that it is desirable on this specific occasion to have a referendum on this social question, although in general I am against referenda and particularly the way in which (as my colleagues have mentioned) this question has been placed before us, simple though it is in some respects and complicated in others, in such a nebulous form. Points have been fully and excellently covered by previous speakers. I want to assert my view on this, which is (and I have never changed it) that I favour the licensing of lotteries by a Government. The totalizer is licensed and people pay a fixed tax. I believe in that. Also, bookmakers pay a fixed tax. I have a rigid belief that with what I have left after Commonwealth and State taxation authorities have taken from me I should be allowed to do what I like with the balance, provided I pay reasonable charges. Having said that, I believe that the Government should license lotteries. I am thinking not only in terms of the £50,000 lottery but also in terms of the cake at the church fête and things of that sort—a £5 lottery where a 5s. fee could be paid.

Let us have the whole lot legalized. Why should hundreds of voluntary workers hide under the guise of, "This is a charitable affair" and, "We are working for the church", all the while doing these things illegally? Surely it is objectionable that hundreds of our citizens, including church-going people, should be doing this? Why not pay an ordinary fee, as in the case of the old entertainment tax, and be allowed to go ahead with the particular proposition?

Having said that I am in favour of that, I will make it clear now that I will always oppose any Government setting out to advocate gambling by way of lotteries as a means of getting Government revenue. I think that honourable members will appreciate that that is a very different matter from licensing a lottery for somebody else to run and taking a tax from it, because it will mean that, if this referendum is approved, my colleagues opposite will have to determine (and they have not yet) the form that the lottery will take.

The Hon. A. J. Shard: And bring it back here.

The Hon. Sir NORMAN JUDE: And bring it back here. The Chief Secretary will have much more trouble before he gets it here. As we know, on these social questions honourable members opposite are divided. They would have been better off to get a detailed Bill accepted the first time rather than come back again if it is carried.

The Hon. A. J. Shard: That is where we have a friendly difference of opinion.

The Hon. Sir NORMAN JUDE: Fair enough. I have already suggested that I may in due course, if this is carried, express a vote of sympathy to the Government for its having to operate it. It may put its own view, too. I am opposed to the advocating of gambling by a Government. Its responsibility will be to decide how to operate. I am worried about the proceeds now because I think of the people who have asked me on and off for many years, "What about all this money that goes outside our State for charity? That is lost to our hospitals," and so on. Then I understand by a press statement a Minister of the Crown has said that he is not interested in a lottery for charities. I am wondering whether I can organize opposition from badge sellers. Further, I do not retreat from my intention of voting against the clause for compulsory voting on this referendum. I support the second reading of the Bill and at the same time I shall watch (if the referendum is approved) the proceedings of the Government with the greatest interest, but not much sympathy.

The Hon. L. R. HART (Midland): In rising to speak in this debate, I join other members in expressing my disapproval of the way in which this Bill has been introduced: in fact, the lack of information in the Bill about the actual form that the eventual lottery will take, if it is introduced in our time. One thing that leads me to these conclusions is that many people today are under the impression that, if we have a State lottery, the needs of charity will be taken care of. Many people do not understand that a lottery does not necessarily mean that the charities will be fully provided for. We realize that this is so, because in the other States, although they run lotteries (and fairly big ones, too, that bring into the State much taxation and great profits), they still have badge sellers on the streets.

One reason why some people are inclined to favour a lottery is that they believe that badge sellers in the streets on Fridays will disappear. I am sure that this will not occur. Another problem is that, if a lottery is to take care of charities, we have some form of charities run by church organizations which, on principle, would not be prepared to accept profits obtained by these means. A certain statement by a Minister in another place has been mentioned several times. This thought may have been in that honourable gentleman's mind when he said that the profits from the lottery should go to revenue; by these means the State could look after the needs of charity, and the money would be donated to charities; although it might be money from the profits of a lottery, it would be somewhat less tainted. I do not believe that this would be acceptable to such charities.

As other speakers have said, it is only reasonable that people should be told of the details of the actual lottery to be introduced. They should have some idea of what profits, if any, will be available to the State; whether, as the Hon. Mr. Rowe has stated, the profits together with the tax from the lottery will be available for charity, or whether it will be only the profits from the lottery that will be available. If the profits and the tax are to be available for the benefit of charity, then perhaps charities will be able to get some relief. However, if the profits alone are to be available, I think that, on the basis of the figures for other States where lotteries are conducted, there will be little money for charitable purposes. We have not been very well informed on why a Bill providing for a lottery has not been introduced. Sir Lyell McEwin was probably correct when he said that it was because of division of opinion, not only in Cabinet, but

also in caucus. Because of that, even if this referendum is carried, we are still not certain whether a lottery will be established. I would probably be correct in saying that the Government would be quite happy if the Council threw this Bill out completely.

The Hon. A. J. SHARD: You would be completely wrong.

The Hon. L. R. HART: I think it would assist the Government out of its present dilemma. The Government would then be in a position to say that it carried out the election promise and introduced a Bill for a referendum but the Bill was thrown out by the Legislative Council. However, I am prepared to vote for the second reading of this Bill.

The Hon. S. C. Bevan: Why? Haven't you got the courage of your convictions?

The Hon. L. R. HART: I am opposed to compulsory voting when the people are not informed what they are voting on. It is not correct to say that I am voting against my convictions. I said it was my opinion that the Government would be happy if we threw the Bill out. I support the second reading of the Bill.

The Hon. A. J. SHARD (Chief Secretary): I shall reply to some questions that have been raised but there are some to which I am unable to reply. Let me make the position clear. Our Party decided before the election that if we were returned to power, we would hold a referendum, at which we would ask the people simply whether or not they were in favour of a lottery being conducted in this State.

The Hon. L. R. Hart: What sort of lottery?

The Hon. A. J. SHARD: A lottery. Everybody knows as well as I do what that means. We mean something conducted in a similar manner to those conducted in other States. The question is simple and we want the guidance of the people. We are asking the people whether they do or do not want a lottery conducted by the State or under the authority of the State. I raise no objection when the Opposition expresses its views. It is entitled to do that.

The Hon. R. C. DeGaris: Do you understand Crawford Vaughan's attitude?

The Hon. A. J. SHARD: I am not concerned about what happened in 1915; we are living in 1965. One of the prominent planks on our platform when we went to the people was that we would find out their wishes and, as a Government, we are doing that. Do not make any mistake: anyone who thinks the Government would like this Bill thrown out is completely wrong. I think the people have known my attitude on this matter right through.

If the matter had been left to me, I would not have been going to the people on a referendum.

I consider that the people want a lottery and I would have introduced the Bill if I had been a dictator, but being a democrat I accept the decision of my Party. I come back to what the Hon. Sir Norman Jude said in regard to these social matters and, in my opinion, after we have paid our way, we ought to have the right to do what we want to do with our money, provided that we do not make life uncomfortable for anyone or interfere with other people.

The Hon. Sir Arthur Rymill: Isn't that a feature of your lottery? There is a difference between selling tickets on the street and sending for them by post, for instance.

The Hon. A. J. SHARD: If the people say "Yes" the matter will come back here and honourable members will be within their rights in inserting in the Bill provisions to cover how they think the lottery should be conducted; we have put our view. The Opposition will have the last say, but I warn that if the Bill comes back, the Opposition will have to be careful. I have been left wondering where all the debate can come from on a simple question such as this.

The Hon. Sir Norman Jude: Here, or in another place?

The Hon. A. J. SHARD: In both places. I mix with all sections of the community and not all of the people I know are members of my Party. However, they are wondering what has been going on over this question involving only a simple "Yes" or "No" answer. I give the people credit for much ability and common sense, and some of them have told me that many people in Parliament have not used much common sense over this.

I cannot answer the questions that the Hon. Mr. Rowe asked, because we have not discussed those matters or made up our minds. Sir Lyell McEwin asked whether section 99 could be included in clause 7. We are prepared to accept his amendment and I have told him that. Sir Lyell also has four amendments which are more or less of a machinery nature and we shall accept them. I am free and easy on this point. All we want to do is to let the people have the say. Sir Lyell also asked why August 30 was fixed as the date for the closing of the roll. We fixed August 30 because the Electoral Department said that it needed six weeks in which to get the rolls ready for the referendum.

Sir Lyell McEwin: Why does it take so much longer than for an election?

The Hon. A. J. SHARD: Because your members talked too long in another place.

The Hon. Sir Lyell McEwin: If one asks a silly question, he can expect a silly answer, but that was not a silly question.

The Hon. A. J. SHARD: The honourable member asked why the rolls would close on August 30. We were informed that it would take six weeks to get the rolls ready and we expected that this simple Bill would go through in a week or two and that we could make arrangements to have the referendum early in October.

The Hon. Sir Lyell McEwin: We did not have to do this for an election. What is wrong?

The Hon. A. J. SHARD: I said what was the advice we got, and it turned out to be wrong.

The Hon. L. R. Hart: You have had other bad advice, haven't you?

The Hon. A. J. SHARD: No. We are going along much better than many people expected. If I created the impression that the Minister of Lands had been misquoted, that might not be right; let me say he was misunderstood. He said that he did not think it should be taken that the money would go towards charities, because that might induce people to vote in favour of a referendum and he did not like that to be bait. That was his view, and I accept it. He said that rather than say it would be used for charitable purposes let us say that it would be used for general revenue. As with many other statements, that can be taken the wrong way, but the Minister meant that it was wrong to tell the people that if they voted in favour of a lottery the profits would go to charity. In other words, he did not want any inducement to the people to support a lottery, and I think that is fair enough. I would appreciate it if this Bill could be taken through this Council as quickly as possible.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Application of Electoral Act to referendum."

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I move:

To strike out "99".

During the second reading debate I said that, as an amendment was made to the Bill in another place to provide for scrutineers, it would be necessary for section 99 of the Electoral Act to apply to this referendum, whereas this clause as it now stands exempts

the referendum from the operation of that section. If my amendment is carried, section 99 of the Electoral Act will apply to the referendum. The amendment is to correct a drafting error.

The Hon. A. J. SHARD (Chief Secretary): I do not object to the amendment.

Amendment carried; clause as amended passed.

Clauses 8 to 10 passed.

Clause 11—"Mode of voting."

The Hon. Sir LYELL McEWIN: During the second reading debate I asked the Chief Secretary whether, as the Bill provides for the number "1" to be placed in the square opposite "Yes" or "No", a cross or a tick would be an informal vote. In an election a vote is accepted if the elector clearly indicates for whom he wishes to vote. Will that apply in this case?

The Hon. A. J. SHARD: When there are only two contestants in an election, a cross is regarded as an informal vote, and I imagine the same would apply here.

The Hon. Sir LYELL McEWIN: I am prepared to let this clause pass, but I should like the Parliamentary Draftsman's assurance that the provisions of the Electoral Act will apply here.

The Hon. A. J. SHARD: I am advised by the Parliamentary Draftsman that any mark other than the number 1 will be an informal vote.

The Hon. C. R. STORY: I am disturbed about this matter because I assumed that, because of the mention of so many sections in clause 7, this matter would be covered in the same way as at an ordinary election. We should have in this Bill a proviso similar to the one in the Electoral Act, and leave it to the returning officer to put votes aside for scrutiny later. I understood the Chief Secretary to say that the matter was not covered, and that only a number 1 vote would be regarded as satisfactory. We should make the position clear. Perhaps ticks could be used in this poll. There should be a discretion for the returning officer to determine whether or not a vote is valid.

The Hon. C. D. ROWE: I think we have reached the stage where we should ensure that we get an accurate recording of the views of the people. In the voting some people may use a cross, which I understand would make the vote invalid, but a bigger danger is the fact that some people may vote by putting the number 1 in one square and the number 2 in the other square, which would be an informal

vote. At Parliamentary elections a vote must be recorded in each square. Sir Lyell McEwin has just informed me that there is a provision in section 123 of the Electoral Act.

The Hon. Sir Arthur Rymill: It is excluded by this Bill.

The Hon. C. D. ROWE: If the discretion is taken away we may disfranchise some people. The clause should contain a provision giving the returning officer a discretion. If I were voting at this referendum I would be inclined to put the numbers 1 and 2 if I saw two squares. Not every person will read the small print on the ballot paper.

The Hon. S. C. BEVAN (Minister of Local Government): I think the position is clear. Clause 7 (f) says:

A ballot paper used for the purposes of the referendum shall be rejected as informal only for a reason specified in this Act or the regulations.

Clause 11 says:

A voter shall mark his vote on his ballot paper as follows:

(a) if he is in favour of the prescribed question he shall place the number 1 in the square opposite the word "Yes";

(b) if he is not in favour of the prescribed question he shall place the number 1 in the square opposite the word "No".

If he votes other than is prescribed, his vote is invalid.

The Hon. Sir Norman Jude: We want to be clear about it.

The Hon. S. C. BEVAN: The intention is clear, but if members regard it as unsatisfactory, and believe the returning officer should have a discretion, they can move to amend the clause.

The Hon. C. R. STORY: Despite the Minister's explanation, I am not happy about the matter. If this Bill were recommitted later, would it be possible to move to amend clause 7 to include section 123 of the Electoral Act?

The Hon. Sir Lyell McEwin: That could not be done. We could not put it back.

The Hon. A. J. SHARD: The Parliamentary Draftsman suggests we could put another paragraph in clause 15, which deals with informal ballot papers.

The Hon. C. D. Rowe: Something should be done.

The Hon. A. J. SHARD: We can consider the matter when we deal with clause 15.

The Hon. Sir ARTHUR RYMILL: I think a simple way to deal with the matter would be to have a statement that if there is a vote by using the numbers 1 and 2 or a cross it shall be regarded as a formal vote at a Parli-

mentary election, but an informal vote if it is not a Parliamentary election.

Clause passed.

Clause 12—"Persons present at polling."

The Hon. Sir LYELL McEWIN: I move:

After "doorkeepers" to insert "and authorized scrutineers, if any".

That adds persons who are not specifically mentioned. It is the usual thing regarding scrutineers. This amendment is consequential on a previous amendment dealing with scrutineers.

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14—"Compulsory voting for House of Assembly."

The Hon. C. R. STORY: This very long clause sets out the procedure under compulsory voting. I intimated on second reading that I was opposed to the principle of compulsory voting on social questions. Therefore, I shall vote against the clause. There will be no need for an amendment. The deletion of this clause affects no other portion of the Act; it merely leaves the position that people shall cast their voluntary vote on the House of Assembly roll, as in the case of local option polls and various other forms of local government voting.

The Hon. Sir LYELL McEWIN: I, too, indicate that I intend to vote against this clause. It is contrary to recognized principles to compel anybody to vote on social questions whether or not he is interested. I represent an electorate where people have long distances to travel to the polling booths. It is a hardship on them to suggest that whether or not they are interested, whether or not it is raining or there is a dust storm, they should be compelled to drive 50 or 60 miles to vote on something in respect of which they are inclined not to vote. They should not have to submit to all this rigmarole in this long clause. Conscripting on a question of this sort is abhorrent to me.

The Committee divided on the clause:

Noes (12).—The Hons. R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Ayes (5).—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, A. F. Kneebone, and A. J. Shard (teller).

Majority of 7 for the Noes.

Clause thus negatived.

Clause 15—"Informal ballot-papers."

The Hon. F. J. POTTER: I move at the end of the clause to insert the following proviso:

Provided that notwithstanding the provisions of section 11 a ballot paper shall not be informal for any reason other than the reason specified in this section but shall be given effect to according to the voter's intention so far as his intention is known.

This amendment has been drawn by the Parliamentary Draftsman and will be a proviso to the section.

The Hon. Sir ARTHUR RYMILL: By clause 7 a number of sections has been excluded from the Electoral Act in so far as it applies to this Bill. I am wondering whether it would be desirable to put out the dragnet a little farther and say, "Notwithstanding the provisions of section 11 or any other section . . ." I think that the expressed exclusion of clauses that relate to this matter in the Electoral Act itself could be contradictory.

The Hon. C. R. STORY: I agree with Sir Arthur Rymill. I do not know what the Government intends to do about this, but I think Sir Arthur has a valid point.

The Hon. F. J. POTTER: Since I moved the amendment, the Parliamentary Draftsman has convinced me that it reads in a rather silly fashion and, accordingly, with your permission, Mr. Chairman, I should like to excise the first two words of the amendment, "Provided that", so that the amendment commences with the word "Notwithstanding".

Leave granted.

The Hon. Sir ARTHUR RYMILL: I move:

To amend the amendment by striking out "section 11" and inserting "any other section of this Act".

My amendment will change the wording from, "Notwithstanding the provisions of section 11 of this Act" to "Notwithstanding any other section of this Act".

The Hon. F. J. POTTER: I see no objection to Sir Arthur's amendment and should be happy if my amendment were varied accordingly. No important point is involved; it is merely an expression of the commencement of the section in a different form.

The CHAIRMAN: Would you care to withdraw your amendment for the time being, Sir Arthur?

The Hon. Sir ARTHUR RYMILL: Yes. My amendment may not be necessary but it makes certain that the Act does what is intended. As I see it, there is great complication when clause 7 is read in conjunction with this clause.

The Hon. F. J. POTTER: I ask leave to vary my amendment so that it will read as suggested by the Hon. Sir Arthur Rymill: that is, "Notwithstanding the provisions of any other section of this Act".

Leave granted.

Amendment carried; clause as amended passed.

Clause 16—"Scrutiny of votes."

The Hon. Sir LYELL McEWIN: I move:

After "clerk" in subclause (1) to insert "and to any authorized scrutineers who attend".

In addition, I take it that the printer's error in the word "scrutininy" as it appears will be corrected.

Amendment carried.

The Hon. Sir LYELL McEWIN moved:

In subclause (6) (c) after "rights" to insert "duties".

The Hon. S. C. BEVAN: I wonder whether this amendment is necessary. Subclause (6) gives scrutineers the same powers as those conferred by the Electoral Act, so what more do we want?

The Hon. Sir Lyell McEwin: The amendment makes the wording the same as in the Electoral Act.

Amendment carried; clause as amended passed.

Remaining clauses (17 to 31), Schedule and Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

(Continued from September 21. Page 1605.)

In Committee.

New clause 14a—"Cost of constructing public street".

The Hon. Sir NORMAN JUDE: The explanation given by the Minister was clear and it enabled me to grasp the meaning of the new clause. In layman's language, it means that a legal opinion has been obtained by some councils that notwithstanding any previous charges, going back many years in some instances, for the making of footpaths and roads it is felt that the ratepayers can now be charged the full amount of 1s. 6d. a foot for footpaths and 10s. a foot for roads. I was closely associated with this matter for many years and on several occasions I discussed it with the present Premier. At no time did I feel that the intention of Parliament was that there could be other than a maximum charge of 1s. 6d. for footpaths and 10s. for roads. The point was argued some

years ago whether there could be several bites at the cherry. There may be, provided that the total does not exceed the 1s. 6d. and the 10s. As a result of this legal opinion that additional charges were legal, the Minister has moved to insert this new clause to make the position clear, and I suggest that it be accepted that they cannot be so charged.

New clause inserted.

Clause 15—"Power to pave footpaths."

The Hon. R. C. DeGARIS: During the second reading debate I said that I regarded as excessive the increase from 1s. 6d. to 5s. a foot for the construction of footpaths. I move:

To strike out "five" and insert "three".

The Hon. S. C. BEVAN (Minister of Local Government): The charge of 5s. could be justified in view of the present-day cost of constructing footpaths. The request from the organization concerned was for the amount to be 10s., and at the time I felt as the Hon. Mr. DeGaris now does about the increase to 5s. I said that I could not agree to an increase to 10s., but would agree to one of 5s. Under the circumstances, I am prepared to accept the amendment.

Amendment carried; clause as amended passed.

Clause 16 passed.

Clause 17—"Sewerage effluent disposal schemes."

The Hon. G. J. GILFILLAN: In view of the explanation that has been given regarding this clause I do not wish to proceed with the proposed amendment I have on the files. It is completely covered elsewhere in the Act.

Clause passed.

Clause 18—"General power to make by-law."

The Hon. C. R. STORY: I move:

To strike out "Paragraph (29a) of"; after "amended" to insert "(a)—"; to strike out "therein," and insert "in paragraph (29a) thereof"; to strike out full stop, and insert semicolon; after "surf boards" to insert

(b) by inserting therein after paragraph (48) thereof the following paragraph:—

(48a) For regulating, controlling, or prohibiting the escape of water used for irrigation purposes into upon or under public streets or roads.

The purpose of this amendment is to give councils the power, under section 667 of the Local Government Act, to make by-laws to control water used for irrigation purposes flowing into, upon or under public roads. This amendment follows another being made in the same section; it tags on to the end of it. It has been a source of danger and

annoyance in the past that some people using sprinkler irrigation do not screen the sprays, which are from six feet to 18 feet above the ground. It is conceivable that they deliver eight to 10 gallons of water a minute, which comes out at a pressure of 40 lb. to the square inch. When one is travelling along a road and one's car comes into contact with that jet of water, it can obscure the driver's view and can enter the car through the window. It can be frightening, and some accidents have been recorded as a result of this.

The Hon. F. J. Potter: Is the jet of water strong enough to shatter a windscreen?

The Hon. C. R. STORY: No, but it can obscure the view, especially on dusty roads. A power similar to this was in the Local Government Act and the District Councils Act many years ago but, when consultations took place, it appears to have been left out. So some council by-laws designed to deal with this nuisance are not in force. There is a power under the Irrigation Act to control this but, unfortunately, that power is not available to local government. So, unless a person is wasting a lot of water, the Irrigation Department does not take much action in the matter.

The Hon. S. C. BEVAN: This is not the first time that this proposal has been put forward; it has been before us previously. My attention was drawn to it and it was referred to the Local Government Advisory Committee, which examined the provision and reported upon it. As a result of that report, I refrained from taking further action in the matter. Then the honourable member spoke to me about it some time ago and showed me correspondence on it, suggesting that we should amend the Act to embody this provision. Again, the same reasons were given for its rejection as were given in the first instance. The honourable member told me that the request for this provision came to him more from his own district than from other parts of the State. The objection to it is that it is not confined merely to the irrigation purposes that the honourable member has in mind. If I water my front garden I am irrigating it. Especially in the summer time sprinklers are used for this purpose and much water accidentally escapes down the edges of the roads.

Increasing demands are made on our water services but so much water runs away from gardens that often people walking on a footpath sink down to the tops of their shoes in the loose soil. I appreciate that the honourable member intends, not that this amendment should apply in this way but that it should apply to overhead sprays in orchards, where

they can be a nuisance to passers-by. As the honourable member said, motorists get the spray over their windscreens and this could create a dangerous position. When an Act is amended, the provisions do not apply to one area only. The only redeeming feature is that it provides additional by-law-making power to the councils. Council by-laws must stand the scrutiny of the Subordinate Legislation Committee in the first instance and of Parliament in the second and an unreasonable by-law would not get beyond the committee. This procedure affords safeguards and protection.

The Hon. R. A. GEDDES: I am surprised to hear the Minister say that tap water can get out on the road or can water the footpath in a State where water is such a valuable commodity.

The Hon. S. C. Bevan: I said "accidentally".

The Hon. R. A. GEDDES: The Minister said that many footpaths were being watered through carelessness. If people are going to water footpaths when they should be watering their gardens, councils should have authority to prevent them from doing that. The Hon. Mr. Story's reference to overhead sprinklers is pertinent and what he says happens has occurred to me. When I was returning from the River Murray areas, with the sun in my eyes, one of these sprinklers caused the windscreen to be opaque for a few moments, and this could cause extreme danger at speed. Consideration should be given to any reasonable measure that would help to conserve water.

The Hon. C. R. STORY: I thank the Minister for the consideration he has given the matter and agree to a large extent with what he said. I do not think he is unreasonable in pointing out some of the weaknesses in regard to the matter. However, I am sure that the by-law-making power given to councils under section 667 would not be abused, because the councils would be in trouble with the ratepayers for any abuse of power.

Amendment carried; clause as amended passed.

New clause 19a.

The Hon. L. R. HART: I move to insert the following new clause:

19a. Section 833 is amended—

- (a) by inserting therein after paragraph (b) of subsection (1) thereof the following paragraph:
 (b1) will throughout the hours of polling on polling day be travelling under condi-

tions which will preclude him from voting at any polling-booth; or

- (b) by striking out the words "the day immediately preceding" (twice occurring) in subsection (2) thereof:

The purpose of this amendment is to provide for people who, on polling day, may not be in a place where they can record their votes. We find that because of the times in which we are living, many people are not in South Australia (some are not in Australia) on the day on which local government polling takes place. The amendment would bring the Local Government Act into line with the Electoral Act in regard to postal voting. That is the explanation regarding paragraph (a).

Under the Electoral Act a person may record a postal vote on the day preceding polling day but under the Local Government Act as it now stands he must record his vote on the Thursday. The Minister said I was bringing this forward only because of a resolution passed at a Local Government Association meeting, and that is partly correct. However, I have also been approached personally by other local government bodies requesting me to move that this clause be inserted. The resolution of the meeting came as a result of a motion from the District Council of Munno Para, and was:

That the law relating to procedure for postal voting in the Local Government Act be amended to provide for the same procedure to apply to council elections as currently applies to the State Electoral Act procedure for postal voting.

The Minister endeavoured to influence the meeting (as he was entitled to do) stating that it should send the resolution to the revision committee. Obviously the suggestion of a Minister carries much weight, and that is what the meeting decided to do. However, I have been approached since by local government bodies asking me to proceed with this amendment. One of the reasons for this is that the Minister has said that it will be some time before the decisions of the committee can be put into effect. Some of the provisions I am asking to have inserted were taken out of the Act about 20 years ago.

The Hon. S. C. Bevan: Why were they taken out?

The Hon. L. R. HART: I have not done much research on that, but they were taken out because certain local government bodies requested it. That may have been all right then, but conditions have altered, and they are asking for these provisions to be reinserted in the Act.

The Hon. S. C. BEVAN: I oppose the amendment. The mover mentioned people travelling overseas, but what sort of an election would it be if a poll could not be declared until oversea votes were returned? If a person travelling overseas is sufficiently interested to vote, he can make arrangements before leaving Australia to do so. If a person who is domiciled overseas and owns property here wants a vote, he can do so through his agent. If the amendment is carried the declaration of the poll will be held up.

The Hon. L. R. Hart: For how long?

The Hon. S. C. BEVAN: The honourable member's guess is as good as mine, but it will be a long time. The Act was not amended 20 years ago in relation to postal voting; it was amended in 1946 because of malpractices under the conditions the honourable member now wants put back into the Act.

The Hon. R. C. DeGaris: That is about 20 years ago, though.

The Hon. S. C. BEVAN: It is 19 years ago.

The Hon. L. R. Hart: But don't these practices go on under the Electoral Act?

The Hon. S. C. BEVAN: No, but they would go on under this amendment. The honourable member has said that representations have been made to him for these things to be put back into the Act, but that is a retrograde step. Councils have told me that they are pleased with the co-operation they are getting from myself as Minister, and not one of these councils has approached me in the matter. I attended the conference the honourable member mentioned, but I deny that I influenced it. I said in all good faith that unless it were urgent I would be reluctant to amend the Act while the revision committee was reviewing the legislation. No representations have been made to me from the organizations constituting that conference to refer this matter to the revision committee, which is investigating the Act and will make recommendations on it. Because of malpractices up to 1946 the provision was taken out of the Act. Are we to go back to those malpractices?

The Hon. C. R. Story: What are they?

The Hon. S. C. BEVAN: Prior to 1946 the provisions relating to postal voting allowed the returning officer to post or deliver a postal voting paper to a ratepayer and the ratepayer could post or deliver his vote to the returning officer. In that year Parliament amended the Act by removing the references to delivery of voting papers on the grounds that permission of delivery of voting papers could and did lead to abuse. The amendment was considered to be

desirable to "tighten up" postal voting procedure. If Mr. Hart had examined the matter more closely he would have discovered that these things occurred and then he would have been reluctant to jump in as he has done. He would have awaited the result of the investigation by the revision committee. I did not wait for representations to be made to me because I had already asked the committee to make the investigation. Would it not be a fallacy to put these things into the Act when an inquiry is already being made to meet the wishes of the people concerned? There are malpractices and I am trying to stamp them out. The position in regard to postal voting at local government elections is wide open. It has been said that there is no longer a secret vote because of the way postal votes are obtained. We should not agree to Mr. Hart's proposal and then find at the next local government elections these same malpractices, and perhaps more, are occurring. I ask members not to accept the honourable member's proposals but to allow the matter of the postal votes to be investigated by the committee. I want to tighten up the position, but Mr. Hart's proposals do not do that.

The Hon. L. R. HART: I am not particularly impressed by the Minister's defence, nor his attack. We want to bring the Local Government Act into line with the Electoral Act in the matter of postal voting. If malpractices occur under the Local Government Act why don't they occur under the Electoral Act? We have malpractices under a number of Acts, and we amend those Acts to prevent such practices but we do not deprive people of a vote. If malpractices are likely to take place under my proposals, let us deal with the people causing them. A person should not be deprived of his vote simply because there are malpractices.

The Hon. S. C. Bevan: We are not depriving anyone of a vote.

The Hon. L. R. HART: Yes. At short notice a man may be sent overseas by his employer and under this Bill he would be deprived of a vote, whereas under my proposals he would have a vote. At the last local government elections some people were deprived of votes because the provisions in regard to postal voting prevented them from recording votes. Most members have had experience in local government and believe that my amendment is reasonable. I trust that it will be supported.

The Hon. S. C. BEVAN: The honourable member says that people are being deprived of votes, but if a person is deprived of a vote it is his own fault. The honourable member

wants the provisions of the Electoral Act to apply under the Local Government Act, and if he is sincere he will move for those provisions to be included in this Act, but if he does that we shall have compulsory voting at local government elections. I will gladly accept any amendment he moves for Electoral Act provisions to apply at local government elections. He should not just pick out one small piece of the legislation and want to amend it. If his proposals are accepted local government will not be assisted. They will only delay the declaration of the result of a local government election. It would be possible for me to get a bundle of postal voting cards, go around soliciting for votes, collect the cards and then hand them in. What sort of a local government election would we have if Mr. Hart's proposals were accepted? We should await the result of the inquiry by the revision committee before we consider this amendment.

The Hon. L. R. HART: The Minister made the point that a person can go into an electoral office or to a returning officer and get a handful of postal votes. I understand that a ratepayer may apply for a postal vote but he can make only one application.

The Hon. S. C. Bevan: I can make as many applications as I want to.

The Hon. L. R. HART: It states that he makes application for a postal vote and his application must be signed by a particular person, that person being the returning officer. The Minister is trying to drag red herrings across the trail.

Question—"That new clause 19a be inserted"—declared negatived.

The Hon. L. R. HART: Divide.

The CHAIRMAN: There was only one voice for the Ayes. Are there any other voices? As there is no other voice a division cannot be taken.

New clause negatived.

New clause 19f.

The Hon. L. R. HART: I move to insert the following new clause:

19f. The Nineteenth Schedule to the principal Act is amended—

(a) by striking out the passage "or any minister of religion of any State" in Form No. 1 therein and inserting in lieu thereof the passage "any minister of religion of any State or any person having authority to administer an oath in the place where a ratepayer votes by means of a postal voting paper";

(b) by inserting after paragraph (h) under the heading "AUTHORIZED WITNESSES," in Form No. 3 therein the following paragraph:—

(i) any person having authority to administer an oath in the place where a ratepayer votes by means of a postal ballot paper.

and

(c) by striking out the passage "post it, or cause it to be posted" in paragraph (e) under the heading "DIRECTIONS TO RATEPAYER AND AUTHORIZED WITNESS" in the said Form No. 3 and inserting in lieu thereof the passage "post or deliver it, or cause it to be posted or delivered".

This amendment deals with the Nineteenth Schedule to the principal Act. In effect, it provides for a person who records his vote overseas requiring an authorized witness to sign his postal vote. Under the Act as it stands, no provision is made for anyone finding himself in those circumstances. It is only reasonable that, where a person is recording a vote overseas and needs a witness, an authorized witness should be provided for in the Act.

The Hon. S. C. BEVAN: This amendment is consequential upon other amendments being carried. Who is the person having the authority overseas? Whom shall we vest with that authority? If a person wants to vote overseas he can still do so and have it witnessed by an authorized witness. There is no need for this amendment, although it could have had an effect if the previous amendment had been carried. I oppose the amendment, as the position is adequately catered for.

The L. R. HART: New clause 19f depends upon a preceding new clause being accepted by this Committee. In those circumstances, I ask leave to withdraw it temporarily.

Leave granted; amendment withdrawn.

New clause 19c.

The Hon. L. R. HART: I move to insert the following new clause:

19c. Subsection (1) of section 840 of the principal Act is amended by inserting after the line commencing "VIII" therein the following line:—

IX. Any person having authority to administer an oath in the place where the ratepayer votes by means of a postal voting paper.

This amendment gives effect to what I stated just now: providing a person who is voting outside Australia with an authorized witness, which is not provided for under the present Act.

The Hon. F. J. Potter: Who are the authorized witnesses as the Act stands at present?

The Hon. L. R. HART: The authorized witnesses at present are: justices of any State, legally qualified medical practitioners of any State, postmasters of any State, members of the police force of any State, bank managers of any State, the returning officer for the election or poll, any town clerk or district clerk, ministers of religion, public notaries and legal practitioners. A public notary is not always available except at a charge; a legal practitioner is possibly in the same category. The two last-named may be difficult to obtain as witnesses. My amendment really sets out to provide a further authorized witness.

The Hon. S. C. BEVAN: Who is this person mentioned in this new clause? Where is he? Is this in conformity with the South Australian Act? I say it is not. We do not know what conditions prevail in other parts of the world. For instance, if one of our residents in Russia wanted to vote in his council elections, who would be the authorized persons over there? This is the sort of thing it could involve. This amendment has lost its purpose because of the other amendments moved earlier. The authorized witnesses that the honourable member has just mentioned are sufficient. None of them is hard to find. The honourable member says that the two last-named are difficult to obtain as witnesses. However, there is no difficulty in securing a witness and I ask honourable members not to carry the amendment.

The Hon. C. D. ROWE: I disagree with the Minister. The witnesses mentioned in the schedule he read would be found in any State of the Commonwealth, but we are talking about witnesses required by people who are overseas and it would be extremely difficult to find such witnesses. The amendment extends the list so as to cover any person entitled to administer an oath. My experience of the operation of the law in this country and elsewhere is that a person authorized to administer an oath is a competent person and I should imagine that in most oversea countries people entitled to do this would be consuls, diplomatic representatives, and people of this calibre. However, they are not mentioned in the schedule. When we appoint a person to administer an oath we appoint a person who is just as responsible as any of those mentioned in the schedule. I support the amendment moved by the Hon. Mr. Hart.

New clause inserted.
New clause 19f.

The Hon. L. R. HART moved to insert the following new clause:

19f. The Nineteenth Schedule to the principal Act is amended—

- (a) by striking out the passage "or any minister of religion of any State" in Form No. 1 therein and inserting in lieu thereof the passage "any minister of religion of any State or any person having authority to administer an oath in the place where a ratepayer votes by means of a postal voting paper";
- (b) by inserting after paragraph (h) under the heading "AUTHORIZED WITNESSES." in Form No. 3 therein the following paragraph:—
 - (i) any person having authority to administer an oath in the place where a ratepayer votes by means of a postal ballot paper.
- and
- (c) by striking out the passage "post it, or cause it to be posted" in paragraph (e) under the heading "DIRECTIONS TO RATEPAYER AND AUTHORIZED WITNESS" in the said Form 3 and inserting in lieu thereof the passage "post or deliver it, or cause it to be posted or delivered".

The Hon. S. C. BEVAN: Subclause (c) of clause 19 was deleted by this Committee this afternoon.

The Hon. C. D. ROWE: We are dealing with new clause 19f, not subclause (c) of clause 19.

The Hon. S. C. BEVAN: I was quoting from subclause (c), which uses the term "post or deliver". That has been deleted this afternoon.

The Hon. L. R. HART: I ask leave to withdraw paragraph (c) of the proposed new clause.

Leave granted; paragraph (c) withdrawn.

The Committee divided on the new clause:
Ayes (13).—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart (teller), Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Stroy.

Noes (3).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), and A. F. Kneebone.
Majority of 10 for the Ayes.

New clause thus inserted.

Clause 20 negatived.

Title passed.

Bill reported with amendments. Committee's report adopted.

ADJOURNMENT.

At 5.40 p.m. the Council adjourned until Thursday, September 30, at 2.15 p.m.