LEGISLATIVE COUNCIL

Thursday, February 10, 1966.

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

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Decimal Currency Act Amendment,
Education Act Amendment (Service),
Juvenile Courts,
Lottery and Gaming Act Amendment (Decimal Currency No. 2).

QUESTIONS

SCHOOL BUSES.

The Hon. G. J. GILFILLAN: Has the Minister representing the Minister of Education an answer to a question I asked on January 26 about the minimum requirements for school bus services?

The Hon. A. F. KNEEBONE: I have the following report from the Minister of Education:

It is considered that a group of seven children to establish a subsidized service is a reasonable minimum number. A group of less than seven children could represent one or two families only and it would be unreasonable to expect the Education Department to arrange school transport for a group of six or less children. At present, the Education Department operates 532 fully-paid bus services and contributes the major part of the costs of 72 subsidized bus services. The department's minimum requirements and school transport system compare favourably with those in other States. For instance, in New South Wales all bus services are subsidized. Each bus service is organized and arranged by a group of parents and all parents are involved in contributing towards the operating costs of the service. In Victoria the bus services are arranged mainly for secondary children, whereas in this State there is no discrimination between primary and secondary children. For a number of years, all State Governments have been increasingly concerned regarding the cost of school transport. The request to lower this department's minimum requirements to establish a bus service would obviously result in expansion of the existing school bus services and an increase in school transport costs.

The parents' desire to have the State provide free bus services and relieve them of responsibility of conveying their children to school is understandable, but obviously funds for school transport are limited. School transport services are already a major item of expenditure, which increased from £449,000 in 1960 to £613,000 in 1965.

With regard to the second part of the honourable member's question, it can be stated that when more finance is available it will be possible to give consideration to the matter of increased daily travelling allowances to children not travelling by school transport in country areas.

MOUNT BARKER ROAD.

The Hon. Sir NORMAN JUDE: Has the Minister of Roads an answer to my question of February 2 regarding the Mount Barker Road?

The Hon. S. C. BEVAN: Yes, the answer is as follows:

Because of the imminent construction of the South-East freeway, it is not intended to provide any passing bays between Crafers and Stirling. A considerable length of widening has already been carried out on the existing road between Stirling and Aldgate and this provides opportunities for passing.

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

Leave granted.

The Hon. Sir NORMAN JUDE: Following on the extraordinary answer given by the Minister to my question about the Mount Barker Road, I point out that my question referred to passing bays on the up grade of that road, and that the answer supplied by the department appears to refer to a possible passing bay constructed on the down grade between Stirling and Aldgate. I am personally aware that plans had been drawn up for passing bays on the up grade of this road over a year ago and that certain difficulties were envisaged. If it is not the intention of the department to proceed with the work, I ask the Minister, who decided the change of policy so that there should be no passing bays provided on the very difficult portion from Aldgate to Crafers?

The Hon. S. C. BEVAN: I am unaware of any alteration of policy, as mentioned by the honourable member, in relation to the question of the installation of passing bays on the up grade. Previously Sir Norman directed a question to me in relation to this matter and I obtained a report at the time about proposed passing bays in which Sir Norman was interested prior to last March. Upon investigation it was found impracticable to establish passing bays in the area suggested because of difficulties associated with underground cables. That answer was given in this Chamber. Following on that, Sir Norman asked a further question on the matter and the answer was given today that because of the widening of the section of the road between Stirling and

Crafers it is now adequate for vehicles to pass. Sir Norman Jude is well aware of the position because he has seen the construction. The road is not sealed but is constructed of metal. As pointed out, there is adequate space for passing, if necessary. The only answer I can give at present as to who was responsible for the alteration of policy is that I am unaware of any alteration of the policy previously enunciated.

SWIMMING POOLS.

The Hon. JESSIE COOPER: Has the Minister representing the Minister of Education an answer to my question of January 26 regarding the use of swimming pools in departmental schools during school vacations?

The Hon. A. F. KNEEBONE: Yes, my colleague, the Minister of Education, has supplied me with the following report in reply to the questions asked by the honourable member:

1. The period was reduced from three weeks to two weeks because of the falling off in attendance during the third week in January, 1965. The recommendation for this reduction came from the centre organizers who reported a noticeable drop in attendance during the last week of the school vacation. The Supervisor of Physical Education reports that many parents had indicated to the organizers that they used the last week of vacation in preparation for the approaching school opening. It was also felt that a number of teachers who supervised recreation classes should have a free period for a week before returning to school.

2. The number of centres was, in fact, increased from five to seven.

3. One school included in 1965 was excluded in 1966 in order to "try out" three new centres, thus extending the opportunities over a wider field. As it was impossible to extend the scheme very appreciably, because of financial considerations, it is hoped that the Burnside and Linden Park districts might, to some extent at least, be served by a common centre. Hence the deletion of Burnside.

4. No centres were introduced in country areas because it was felt desirable to use schools near at hand so that regular visits by appropriate officers could be made. As the scheme develops there is no reason why selected country schools could not be used in the future.

COBDOGLA SCHOOL.

The Hon. Sir LYELL McEWIN: Has the Minister of Roads a report following my question of January 26 regarding a second bridge over the River Murray and its relationship to the Cobdogla school?

The Hon. S. C. BEVAN: Yes. Other members have been interested in this matter and the Hon. Mr. Story this week asked for information in relation to the matter. The Hon. Sir Lyell McEwin has asked several questions about a bridge, his interest being mainly in respect of the Cobdogla school. He wondered whether there would be any infringement upon the school grounds. My answer, which can be taken only as being more or less an interim report, is as follows:

It was anticipated that the investigations into a second bridge over the River Murray at or near Kingston would be completed by the end of January. However, it was necessary to extend the investigations on account of poor foundation conditions and the report for the Minister will not be ready until the end of this month.

That means that the report following investigations as to the appropriate position for a second bridge will not be available to me until the end of this month, but immediately I receive it I will be happy to present it to the Council.

HAMLEY BRIDGE.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members may be aware that a new bridge is under construction at Hamley Bridge on the western side of the town on the main road from Hamley Bridge to Balaklava. The old bridge has been demolished, and a Bailey bridge has been placed there for the use of traffic. This Bailey bridge is a traffic hazard and a bottleneck to traffic. I would be grateful to the Minister of Roads if he could inform me of the expected completion date of the new bridge.

The Hon. S. C. BEVAN: I will be pleased to obtain a report for the honourable member and advise him of its contents immediately it is to hand.

STATUTES AMENDMENT (FRIENDLY SOCIETIES AND BUILDING SOCIETIES) BILL.

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Friendly Societies Act, 1919-1961, and the Building Societies Act, 1881-1938. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

It amends the Friendly Societies Act, 1919-1961, and the Building Societies Act, 1881-1938. The Bill has a two-fold object, namely:

(*a*) to increase the amount by which a member may be indebted to the small loan fund from £200 to £500; and

(*b*) to permit friendly societies to establish and operate building societies.

Power to form a small loan fund is conferred by section 9a of the Friendly Societies Act on the South Australian United Ancient Order of Druids Friendly Society and, it may be, other Friendly Societies have registered rules for the establishment of such a fund. This proposed amendment increases the amount by which a member can be indebted to the fund from £200 to £500.

When a member's savings amount to £5 (based upon a member's contributions to the fund at the rate of 1s. a week or multiples thereof) they are allotted a loan unit and receive interest at the rate of 5 per cent on each loan unit. After 12 months' membership a member is entitled to borrow £50 for each loan unit up to a maximum loan, at present, of £200, so that if, for example, a member has £10 in his savings account he can borrow £100, but if he has £20 in his savings account he can borrow up to £200. Members may also deposit lump sums in the savings fund for which they receive interest at the rate of 5 per cent, but such a deposit does not entitle a member to a loan, as loans are only available to members who make regular savings contributions to the fund. Savings and deposits can be withdrawn at any time. Loans are made to members, on application, and repayments to the society may be made over a period of six, 12, 15, 24 or 30 months, and interest is charged at the rate of 4 per cent flat. Since this fund was established three years ago the society in question has granted 943 loans with a capital value of £149,938; 340 loans with a capital value of £47,845 have been repaid in full and at the present time 603 loans with a capital value of £102,090 are current. Loans have been granted for such purposes as purchase of property, house improvements, motor vehicles, household goods and for medical expenses, holidays and so on.

At the present time the savings and deposits received from members of this society amount to £104,148 and, because of the limit of £200 imposed under section 9a of the Act, it is not possible to utilize all the moneys made available by way of savings and deposits. Over the past 12 months the amount available but not used varies from £32,000 to £44,000 and as at October 31, 1965, the society held £44,916 available for small loans. It has been suggested by the South Australian United Ancient Order of Druids Friendly Society, and accepted by Government, that by increasing the amount by which a member can be indebted to the fund to £500 members would be materially assisted, particularly with regard to home purchase. Where large amounts are being lent, some type of security is obviously required and this society, and no doubt other friendly societies, can materially assist some of its members by making a personal loan of up to £500 available as a second mortgage; and as the existing interest rate on personal loans is only 4 per cent a considerable reduction in interest would be saved by members who purchase homes. Clause 4, which amends section 9a of the principal Act, accordingly provides.

The principal amendment proposed by this Bill is to enable friendly societies to establish and operate building societies. This proposed amendment has also been suggested by the South Australian United Ancient Order of Druids Friendly Society. Honourable members will be interested to learn that friendly societies are playing an important part in mortgage financing in this State, and it is worth noting that over the last few years their rate of lending has been slightly in excess of £1,000,000 per annum. Most friendly societies have a waiting list for mortgage finance.

It is anticipated that, if the Friendly Societies Act was amended, as proposed, then friendly societies would have no difficulty in obtaining savings and deposits from their members, which in turn would permit an increase in the amount of money available for mortgage finance. There is, it is considered, a definite demand in this State for the establishment of building societies to permit money being made available for house purchase at reasonable rates of interest. If the proposed amendment is passed, it is considered that it would assist the above-mentioned society and its members, as well as other friendly societies. By clause 3 therefore section 7 of the principal Act is amended by conferring upon friendly societies power to establish permanent societies registered under the Building Societies Act and for joining and co-operating with any other society for that purpose.

By clause 5, section 12 of the principal Act is amended and confers a power upon friendly societies to invest moneys in or make deposits with building societies owned wholly by friendly societies, subject to the consent of the committee of management of the friendly society and the approval of the Public Actuary. Clauses 7 and 8 are consequential amendments to the Building Societies Act to give effect to Government policy enabling friendly societies to operate as building societies. Clause 7

amends section 4 of the principal Act and provides that a permanent building society, the shares of which are owned wholly by a friendly society, may, subject to the amendment made by clause 5 of this Bill, be established by one or more friendly societies and any permanent building society so established shall transmit to the Registrar two copies of the proposed rules of that society for purposes of its registration. Clause 8 amends section 13 of the principal Act and provides that the rules of building societies established by friendly societies must contain certain unalterable rules. I commend this Bill for consideration of honourable members.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

KAPINNIE AND MOUNT HOPE RAILWAY DISCONTINUANCE BILL.

The Hon. A. F. KNEEBONE (Minister of Transport) obtained leave and introduced a Bill for an Act to provide for the discontinuance of the railway between Kapinnie and Mount Hope and for other purposes. Read a first time.

The Hon. A. F. KNEEBONE: I move:

That this Bill be now read a second time.

On June 28, 1965, the Transport Control Board made an order closing the railway between Kapinnie and Mount Hope as from July 12. Mount Hope is the terminus of the railway from Yeelanna, which was constructed pursuant to the Mount Hope Railway Act of 1912. As honourable members know, the Railways Commissioner cannot construct or remove any railway or portion of a railway without statutory authority. This Bill, which follows the usual form in such cases, merely provides that the Commissioner may take up and remove or otherwise dispose of the section of railway between Kapinnie and Mount Hope and dispose of the materials so taken up as he deems fit. The plan showing the portion of the railway to be taken up has been deposited in the office of the Surveyor-General and a copy of it is available to honourable members for their information.

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

EXCESSIVE RENTS ACT AMENDMENT BILL.

The House of Assembly intimated that it had disagreed to the Legislative Council's suggested amendments.

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I move:

The the Legislative Council's amendments be not insisted upon.

The effect of the suggested amendments to these clauses is entirely to negative the Government's policy in this part of the Bill. It is the Government's intention in these clauses to provide that tenancies for three years or more will be excluded from the operation of the Act. Before this amendment was proposed, only tenancies of one year or more were excluded. The practical effect of the Government's amendment is that all tenancies for less than three years will be subject to rent control. This is considered necessary and desirable by the Government.

Clauses 3 and 4 as they originally appeared before the House of Assembly closely followed provisions that appeared in a Bill introduced by the Attorney-General when he was a private member. That Bill did not pass. I understand that the same principle applies in relation to clause 7. I ask the Council not to insist on its amendments.

The Hon. F. J. POTTER: I oppose the motion. Some time has elapsed since this matter was before the Council, but honourable members will recollect that at that time I introduced two important amendments. Actually, one was strictly an amendment to the terms of the Bill and the other was an amendment that merely deleted a subsection. These two matters dealt with the question of bringing back under rent control leases for less than three years. I remind the Council that this was the subject matter of a private Bill which was introduced by the present Attorney-General and which failed to pass this Chamber. It does not surprise me (or, I suppose, many other honourable members) that the amendments completely negative Government policy. Of course they do. It was expected that they would.

The argument I put on that occasion was that this was completely ill-conceived and that there was no need to bring back under rent control all agreements for periods of less than three years. The Landlord and Tenant (Control of Rents) Act has been abolished and the present system regarding leases of one year or more has worked well. Our new colleague, the Hon. Mr. Hill, may confirm that this clause affects most house leases in the metropolitan area of Adelaide, and probably throughout the State.

The existence of three-year house leases is extremely rare. There would be many reasons

why landlords would not be prepared to lease their properties to unknown tenants for longer than 12 months. It may well be that, if these amendments are not insisted upon, and the Bill is restored to its original form, the number of houses available for rental will be reduced. I am surprised that the Government says that the second amendment, which concerns agreements made for the sale of substandard houses, affects an integral part of Government policy. This rather confirms my suspicions that something more was intended in this clause than met the eye.

My amendment was a simple one to provide for the substitution of a statutory tenancy in lieu of an agreement to purchase a substandard house if the house became substandard within six months after the agreement was entered into. It is surprising that this fair and just amendment conflicts with Government policy, and one wonders what was behind the original clause, which was so all-embracing. It would have covered all agreements and would have been retrospective for all time concerning substandard houses.

This Bill received fair and considered treatment by the Council, which obviously thought the amendments were reasonable and necessary. I see no reason, merely because the Government says the amendments conflict with policy, for not insisting upon them. Apparently, it was the policy of the Attorney-General originally. He was the one concerned with this matter because he introduced his private member's Bill a couple of years ago.

The Hon. A. J. Shard: He introduced it on behalf of the Party. That is the only way he could have introduced it. Don't pick on one person.

The Hon. F. J. POTTER: The mere fact that the amendments conflict with Government policy does not deter me from voting against the motion, because I think that what the Council did was fair and reasonable, in view of all the circumstances.

The CHAIRMAN: The question is that the Legislative Council's amendments be not insisted upon. I will put the motion in the positive form—"That the amendments be insisted upon".

The Committee divided on the motion:

Ayes (14).—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Motion thus carried; amendments insisted upon.

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2 to 6 and No. 8 and disagreed to amendments Nos. 1 and 7.

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I move:

That amendments Nos. 1 and 7 be not insisted upon.

For the benefit of honourable members, the Bill concerned is No. 52 and the *Hansard* references may be found at pages 3245 and 3430-1. I take it that we will deal with both amendments together, because I can sense the feeling of the Chamber. Both of these amendments were fully discussed at the time they were before the Committee and I can only advance similar reasons as previously why the Government asks the Council not to insist on the amendments. Amendment No. 1 would render possible and encourage undesirable practices by which the Government could be forced to pay improperly high prices for land and would destroy the basis of the principal Act. It is not my intention to elaborate on it, as honourable members know all about it.

The effect of amendment No. 7 would be that the promoters could recover the excess paid by them only where the claimant had taken proceedings for compensation but not where the promoters sought to have compensation decided by a court. It was moved by the Hon. Mr. Rowe and was debated at length. We advanced all the arguments that we could as to why it should not be accepted and the Committee divided. It was overwhelmingly carried and was sent to another place for discussion. I have expressed my views on why this Council should not insist on the two amendments.

The Hon. R. C. DeGARIS: I believe the first amendment referred to inserted a new clause 3 (*a*) and dealt with the matter of the price to be paid for property acquired compulsorily. Under the present Act dealing with compulsory acquisition of land the valuation of the land is fixed at the price existing 12 months prior to the notice to treat. I consider that this is an injustice, and I can quote cases where injustices have occurred in this

matter. I believe that in Great Britain, for instance, the value of land compulsorily acquired is the price that would be paid at the time of notice to treat plus 10 per cent. That seems to me to approach the matter in the proper way because where land is compulsorily acquired something more than current value should be paid by the person acquiring the land. The person who owns a house or building block may not wish to lose the piece of land, and to force him to accept the price existing 12 months prior to notice to treat is indeed an injustice. Therefore, as I consider amendment No. 1 is reasonable, I ask members to insist upon the amendment.

The Hon. S. C. BEVAN (Minister of Roads): If my memory serves me correctly, when this matter was debated previously I pointed out what effect it would have. The amendment provides that the valuation of the property shall be made when the work commences. Let us have a look at the effects of this Bill on main roads, highways and freeways which, as everyone knows, are vitally necessary to this State. The Highways Department is not planning for six months or 12 months but for 20 years ahead.

It will be necessary for the department to acquire land for the purposes of building main roads, highways and freeways years ahead of the time that the land will be required. This is being done now in the case of proposed freeways, and the department visualizes having to acquire a considerable number of improved properties in the future, usually by means of an amicable agreement arrived at between property owners and the department. However, the property owner and the department do not always see eye to eye, but usually after negotiations take place an amicable agreement is arrived at. The necessary machinery is then put into operation through the Crown Solicitor's Department and the deeds of the property are transferred from the owner to the Highways Department.

The Hon. F. J. Potter: There is no notice to treat involved here at all—is that what you mean?

The Hon. S. C. BEVAN: Under the circumstances that I am referring to at the moment, no. We also have cases where, because no agreement can be reached, notice to treat is served. Nowadays, it is mainly vacant land rather than improved properties that the Highways Department seeks to purchase but, where improved property is sought by the department, then a notice to treat may be served. If land were not purchased by the department so far ahead of its actually being used, more expense would be placed upon this State in acquiring the necessary property. If the Highways Department desires to acquire property, valuation of it is not fixed and cannot be fixed until such time as the department commences working on it.

The Hon. F. J. Potter: What about subclause (*a*)? You pay at today's value.

The Hon. S. C. BEVAN: That should not be the position. What about the fact that there could be an increase in valuation between the time the land was purchased and the time work was commenced upon it. Should the owner get the benefit of that?

The Hon. C. M. Hill: The point is that it is today's value that should be taken, not the value 12 months ago.

The Hon. F. J. Potter: What about the word "or"? It is an alternative.

The Hon. S. C. BEVAN: I interpreted the word "or" as "in any case". The honourable member wants the valuation as at the time the land is taken. This is going to hamstring us altogether.

The Hon. F. J. Potter: You have the wrong end of the stick.

The Hon. S. C. BEVAN: I don't know that I have. Some honourable members say that the owner of the property should get the benefit of any increase in the valuation. We have Acts under which it is quite possible to stop people building on certain land. The person who owns the land cannot do anything with the land and it is tied up. I heard of a case this week of a person going to another State who arrived at an amicable agreement in these circumstances. This was improved property which we will not want to use for another six to eight years.

The Hon. R. C. DeGaris: There is much acquisition of land other than by the Highways Department.

The Hon. S. C. BEVAN: I agree, but I am pointing out the disabilities as far as the Highways Department is concerned.

The Hon. Sir Norman Jude: You won't suffer disabilities.

The Hon. S. C. BEVAN: I am giving my opinion, and if this provision comes into operation we shall see whether it is going to have the effects I have outlined. I am afraid of what the circumstances are likely to be once the notice to treat is served.

An amicable settlement with the owner of the property cannot be abrogated. Where an amicable agreement cannot be reached and the

land has to be acquired for some purpose, a notice to treat must be served; and, once it is served, this provision comes into effect. If it has not the effect that I am saying it will have, then I am a mile off the track. Why does not the person who owns the land get the benefit of it when the job is actually undertaken? Where a notice to treat is served and it is 12 months ahead, where are the odds? There has always been the principle of Land Board valuation in regard to departmental activities in these matters. Those valuations have always been fair and equitable. If an honourable member says he can give instances of where this has not been so, redress has been available. This is the commencement of negotiations, which are not arbitrary.

The Hon. Sir Norman Jude: Don't you think it is fair that once you give a man notice to treat you should be prepared to pay? If you cannot pay, you should not give him the notice.

The Hon. S. C. BEVAN: We are prepared to pay once we give notice to treat.

The Hon. Sir Norman Jude: That is what this provision does.

The Hon. S. C. BEVAN: Does it? It doesn't, the way I read it. I do not know of any case where we have served a notice to treat and gone through the normal processes and, after going through those processes, we have gone back to the owner and said, "Although we have given you notice to treat, we shall come back in the future and say we are not going ahead with it." Once a notice to treat is given, normally the land is taken up, but it can be a considerable period after that point of time that the work commences.

The Hon. F. J. Potter: But the actual taking of the land in the legal sense is when one gives the notice to treat. "Taking" does not mean "taking possession"; it means "giving the notice to treat".

The Hon. S. C. BEVAN: I do not read it that way at all.

The Hon. F. J. Potter: You have to look at the whole Act to see what it means; you cannot get it from the amendment.

The Hon. S. C. BEVAN: I am looking at the amendment. I cannot see where any hardship at all is created here. The honourable member says that once we serve the notice to treat and do not take it over immediately but come in later, although the notice to treat has been served today and we take over in four or five years' time, the notice to treat stops anything else. It puts a reserve on the land, once it has been served.

The Hon. F. J. Potter: That is not the purpose of serving the notice to treat. It means "to commence negotiations to acquire".

The Hon. S. C. BEVAN: Then why use these words "shall be taken to be its value on the day when the execution of the work was commenced"?

The Hon. F. J. Potter: That is where you do not serve notice to treat.

The Hon. S. C. BEVAN: If we commenced the work at some time in the future, the land could by then have another price. That is what I am trying to point out: we serve a notice to treat but we do not acquire.

The Hon. Sir Norman Jude: Once you have served the notice to treat, you are in then.

The Hon. S. C. BEVAN: I am afraid I cannot see it. I may be a little thick in the skull but I do not know that I am all that thick. I have explained the position to the best of my ability this afternoon. I hope we do not insist upon this provision, because it will hamstring the progress of the State.

The Hon. C. M. HILL: I am sure the Government refers matters such as these to its experts, and in these matters the experts would be the Government valuers, all of whom, as experts, are members of the Commonwealth Institute of Valuers. I go so far as to say that there is a strong feeling among the Public Service valuers within that institute in favour of this proposed change. I believe that the valuing profession (and, when we are dealing with the Commonwealth Institute of Valuers, we are dealing with a profession) is worried and sick and tired of this old cumbersome proceeding of having to go back and value a property at a date 12 months before the serving of the notice to treat. In a rising market (and, generally speaking, we have had a rising market and shall probably always have a rising market, as the metropolitan area in the State grows in population) there is this unfairness that comes about in these circumstances; an increase in value occurs over a 12-monthly period, which the owner is unable to claim. Therefore, under paragraph (*a*), where a notice to treat is given and it is given by the department when the department wishes to proceed to purchase the land, a valuation should be made at the time it is given; but, under the existing legislation, it is not. The valuation has to be assessed at a date 12 months prior to that.

Apart from the unfairness to the individual, it of course causes much more expense and bother in investigation into the fixation of the

assessment, because it is much easier to act on current prices and current background than it is to go back and investigate the position as it was 12 months previously, when the background knowledge would necessarily be more obscure. Therefore, I think the position is clear, and there are many Government valuers who favour this proposed change.

The alternative method, paragraph (*b*), is simply fixing a time, as I see it, when the valuation should take place. Let me take the example of an owner in the hills who has been negotiating with the Highways Department about the acquisition of some of his land for the proposed freeway. If during those negotiations notice to treat is not given because the department thinks it can come to some amicable arrangement without commencing this machinery and it is urgent that the land be used for the purposes of the freeway, the owner can simply say, "Very well. You come in and shift my fences". As soon as work begins, the date fixed by subclause (*b*) is the date for the assessment of the valuation of the land.

The Hon. F. J. Potter: If there is any doubt, a notice to treat can be given.

The Hon. C. M. HILL: The department can be asked to do that, and some valuers do request that. They say, "We cannot come to an amicable agreement", and they ask the department to issue a notice to treat. This is covered by subclause (*a*).

The Hon. C. D. ROWE: I moved amendment No. 7 after representations had been made by certain people and, in view of what has happened, I ask whether the Chief Secretary will agree to report progress on this matter so that I may have an opportunity of conferring with the people who approached me.

The Hon. A. J. SHARD: If the honourable member desires it, I am prepared to report progress.

Progress reported; Committee to sit again.

INHERITANCE (FAMILY PROVISION) BILL.

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary) moved:

That a message be sent to the House of Assembly granting a conference as requested by that House and that the time and place for holding the same be the conference room of the Legislative Council at 3.30 p.m. on Tuesday next, February 15, and that the Hons. S. C. Bevan, Sir Lyell McEwin, F. J. Potter, G. J. Gilfillan and the mover be managers on behalf of the Council.

The Hon. F. J. POTTER: This is a crucial stage in the life of the Bill, because we now have a request from another place for a conference. The fate of the measure depends on how we deal with the matter. It is difficult for honourable members to make up their minds. The Bill received much attention from all honourable members in this Chamber and I thought everybody fully understood the effect of the original Bill, and its wide implications. It virtually opened up the categories of people entitled to claim on the estates of deceased persons to a wide extent.

The principal amendments were moved by me, and others were moved by other honourable members. The majorities by which the amendments were carried indicated that the Council was saying, "Beyond this point, we will not go. We will not accept the wide categories that the other place has placed in the Bill. We say they are too wide." We realized that some aspects of the Bill were important. I think all members supported the provision making it possible for intestacies to be the subject matter of orders under the Act. However, when it came to the question of categories of people entitled to claim, this Chamber said it would go so far along the road and no farther.

I was able to quote chapter and verse from legislation operating in the other States of Australia, in New Zealand and in England. Our amendments were a fair and reasonable compromise and I consider that, in view of the attitude we have adopted in insisting on amendments, which apparently have not received consideration in another place, we ought not to agree to grant a conference. It seems that if we do go to a conference on this matter we will have little to confer about. We can endlessly debate the rights and wrongs, and the possibilities under the amendments, as compared with the original provisions. I oppose the granting of a conference.

The Hon. Sir ARTHUR RYMILL: I am afraid that I do not agree with my colleague respecting his attitude on the request for a conference. I agree with his attitude on the Bill itself, but cannot go along with him in relation to the request for a conference, because if we refuse the request the whole Bill is lost.

The Hon. F. J. Potter: I said that in the beginning. I said that was the serious point.

The Hon. Sir ARTHUR RYMILL: Yes. There is virtue as well as vice in this Bill, and I should not like to see it go altogether, merely because we insist on our amendments. I am perfectly prepared to insist on our amendments, because I think they are correct, but if we do not go to the conference room the whole Bill goes. On that point alone we ought to agree to the request. I do not know whether anything will come out of the conference, or whether there are grounds for compromise. I am inclined to agree with my colleague that there does not seem to be much room for compromise. However, if we go to a conference and cannot find a compromise, at least there will be an opportunity to say "If you will not agree to this we will let the amendment go in so as not to lose the whole Bill." That is my attitude on this matter, and I propose to vote for the motion.

The Hon. S. C. BEVAN (Minister of Local Government): The motion before the Council is that we agree to a conference with another place. I am aware of the voting on these amendments, and I agree with Sir Arthur Rymill that there is an opportunity to negotiate and that we should grant a conference. The Hon. Mr. Potter drew attention to the voting on the amendments, but we have had similar illustrations of that type of voting ever since last March. The argument pursued by the honourable member was that, because the voting was 15 to 4 against the amendments, the Council overwhelmingly showed its displeasure with various aspects of the Bill. He said that because of that we should not reverse our decision. That is a nice atttiude for a member to take, and a nice attitude to display to the general public! The honourable member is not prepared to confer on this question but wants to be dogmatic about it. He said that if this Chamber adhered to its previous decision it would be undoubtedly the end of the Bill. He is prepared to sacrifice the Bill because of the vote. If we followed this through, we would never agree to a conference on any Bill. That would have been the position since the change of Government last March, because inevitably that has been the voting on every occasion.

If that is the attitude the honourable member considers this Council should adopt, I say irrevocably that the sooner this Chamber is abolished the better it will be for the State.

The Hon. C. D. Rowe: The sooner the Government goes to the country, the better.

The Hon. S. C. BEVAN: The Hon. Mr. Potter said he is not prepared to confer on the matter.

The Hon. F. J. Potter: I did not say that.

The Hon. S. C. BEVAN: What did the honourable member say? He distinctly said that because of the voting we should do nothing but insist on the amendments. We have had demonstrations of this type of voting on other matters. The voting has been identical, as far as numbers are concerned, but, since I have been a member, this Council has not refused to confer with another place.

The Hon. Sir Lyell McEwin: Certain things happened before the honourable member came to this Chamber.

The Hon. S. C. BEVAN: That may be so, but I am speaking of my experience since my entry into this Chamber. During that time, to my recollection, this Council has never refused to confer with another place when there has arisen a position similar to that existing today.

The Hon. Sir Arthur Rymill: Yes we have.

The Hon. S. C. BEVAN: Well, I have no recollection of it.

The Hon. A. J. Shard: I would like it named.

The Hon. S. C. BEVAN: I have no recollection of a conference not being agreed to. If I am not right I will stand corrected. Since I have been a member I cannot remember such a situation arising. If we are to have the attitude shown here today I consider that this Chamber has outlived its usefulness as a House of Review, and all that we hear about a bicameral system of Parliament is not correct.

I ask honourable members to agree to the request made by another place, irrespective of the outcome of that meeting. The Chief Secretary has nominated me as one of the managers, and I know the views expressed throughout the debate. Irrespective of the results of the conference, surely we can accept the request of another place and meet in conference, and so show to the general public (which at the moment has had its attention drawn to this place because of propaganda) that this is a democratic place.

The Hon. C. R. Story: I take it the honourable member does not want a conference.

The Hon. S. C. BEVAN: I want it. It is the honourable member's prerogative to vote against it, if he wants to do so. Surely we can demonstrate to the general public that this is purely and simply a House of Review and that we are doing a wonderful job. As a democratic Chamber we should meet

another place and discuss the problems, irrespective of results. I urge that we have second thoughts on this question, and that this Chamber will not generally adopt the attitude taken by the Hon. Mr. Potter. We should accede to the request and carry the motion.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): It was not my intention to take part in this discussion until the Minister of Roads spoke. He has completely changed my attitude. What he said about demonstrating to the public outside confirms my view that the Government wants to create a picture outside that this is how the Legislative Council obstructs Government legislation. That is why the Government puts up legislation that it knows is not acceptable to the Council and will be thrown out.

The Minister said that conferences have never been refused, but I have had the experience of being a member of the Government and I know that conferences have been refused. That Government was not stupid enough to suggest amendments and have a head-on collision with another place. The amendments we are discussing do not offer any opportunity for compromise. It is a straight out challenge. There are good provisions in the Bill, and that is the only reason why any consideration is being given to it. As has been said by Sir Arthur Rymill, we don't want to throw away the good with the bad. If the Government throws the Bill out, the responsibility is on the Government and not on this Chamber. I want to make it perfectly clear that, if the Government is going to indulge in a policy of heroics over every Bill, then it can only expect that sometimes the answer will be "No". I will leave it at that.

The Hon. G. J. GILFILLAN: I have listened with much interest to what has been said here today, and I find myself in agreement with my colleagues on some points but at variance on others. I would like to commend the Hon. Mr. Potter on the work that he has done on this legislation. I agree with much of what he has said this afternoon except, perhaps, his concluding remarks. The Hon. Mr. Bevan has spoken strongly on this point, too. However, I fear that he did not altogether help his cause by some of his remarks. I think that this is the first time that this issue has come before many members of this Chamber, and I believe that there is a difference between the obligations placed on a House in requesting a conference, and accepting or refusing an invitation to attend a conference. When a House requests a conference it indicates it either has something further to put forward or is prepared to give some ground. I believe that in accepting an invitation a House indicates that it is willing to listen and, from my own personal point of view. I strongly uphold the amendments that have been passed in this Chamber. I believe they are essential. I also agree with what Sir Arthur Rymill said regarding some of the remaining parts of the Bill as being worthy of some consideration. For those reasons I am prepared to support the proposal for a conference.

The Hon. A. J. SHARD (Chief Secretary): I request the Council to agree to the motion because of the principles involved. The South Australian Parliament is unique insofar as it has always agreed with the idea that everyone should have freedom of speech and that there should be no time limit on speeches, and if the Council refuses a conference it will be the first step to my knowledge of preventing freedom of speech and thought between the two Houses. That is an important consideration.

I do not agree with those who say that nothing can come out of a conference. I have had the experience as Secretary of the Trades and Labor Council of dealing with a firm, with which Sir Arthur Rymill was connected, the top man of which said, "The dispute was within the industry." He told me it was useless to go to the firm as the decision had been made and there was nothing to talk about. I said, "Well, that is all right, but let us talk. You do not know what will come out of talking. Let us keep peace within the industry." He said, "You can come along but the answer is 'No'." I went along with my representatives and he had his representatives. We talked and we came out with a 100 per cent decision our way. That is not an isolated instance in industry.

If we deny to another place the right to what is their point of view we shall be doing something that will be a blot on Parliament. The other place may be quite right or quite wrong on this matter, but perhaps it can put its point of view better at a conference than it has been put here. It should have the right to put its views at a conference. I would be upset, not personally, but for all we stand for—freedom of speech and thought, and giving the other fellow a chance. This is essential to the Australian way of life. I ask honourable members to carry the motion, even if they think there is no possibility of coming to

agreement, for we shall then at least keep our Parliamentary procedure on an even keel.

Motion carried.

ACTS REPUBLICATION BILL.

Received from the House of Assembly and read a first time.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING BILL.

Second reading.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

Its purpose, as the long title states, is to provide for the licensing of electrical workers and electrical contractors. This proposed legislation is primarily designed as a safety measure to protect the general public and workmen in their dealings with electrical equipment. All other States have found it necessary to enact legislation for this purpose: some States have done so many years ago.

Electricity now plays an important—indeed a vital—role in the community. It enters practically every home, every factory and every commercial establishment in the State. Nevertheless, it can be dangerous. Without proper safeguards an apparently innocent piece of metal can kill without the slightest warning. There have been 19 electrical fatalities in South Australia since 1960, and many of these were due to faulty wiring. These are some examples: a workman was killed in a country factory when using an appliance from a power point which had not been earthed; a workman was killed when he came into contact with wires which had not been properly insulated; a woman in a country town was killed when using a washing machine wrongly connected to the supply; a workman in a country town was killed because a power point had been incorrectly wired; and a man was killed in an Adelaide suburb because of a faulty power point.

The Government considers it important that immediate steps be taken to put an end to the present situation whereby any person can install or interfere with electric wiring and cause injury to himself or to others. This legislation ensures that only competent licensed workmen may install or repair electrical equipment, and makes it an offence for other persons to do so. A penalty of £50 is provided for unauthorized work. The Government is convinced that the effect of the legislation will be to provide much safer working conditions and will protect the public against possible dangers of which they would not normally be aware.

In addition to the licensing of electrical workers, the Bill also provides for the licensing of electrical contractors. This is necessary so that the responsibility for any electrical work can be determined. If a licensed worker works on his own it is easy to determine responsibility and take necessary action if the work is faulty. The Bill accordingly provides that such a single licensed worker is able to carry out work without a contractor's licence. Where, however, more than one man works on the job, it is necessary to determine overall responsibility, and consequently an employer—the contractor—must also be licensed. With these preliminary comments I now propose to deal, in a certain amount of detail, with the individual clauses of this Bill.

Clause 2 deals with definitions. The important definition in this clause is that of "electrical installation". It is important because it indicates the scope of the legislation. It covers all electrical equipment to be used at more than 40 volts. It does not therefore include home lighting sets operating at 32 volts or less, vehicle wiring or other special purpose low voltage equipment. This level of voltage is not normally dangerous, and it is not considered desirable or necessary that this level of voltage should be brought within the scope of this legislation. It is to be observed that electrical installations are not confined to those supplied by public electricity supply undertakings, but include all equipment over 40 volts wherever situated unless a particular installation is exempted by proclamation as provided in clause 3.

Clause 3 provides that the Governor may by proclamation exempt any installation from any portion of the Act. This power of exemption is necessary because of the wide definition of "electrical installation". Continuity of power supply is always vital, and it may prove impracticable to ensure that licensed workers are readily available in some remote parts of the State. It may therefore be necessary to exempt installations in such areas. In this connection, it should be borne in mind that the Bill covers all installations operating at over 40 volts and not merely those connected to public electricity supply.

Whether any exemptions will become necessary will be found from the practical application of this proposed legislation.

Clause 4 provides in subclauses (1) and (2) that the Act shall be administered by the Electricity Trust of South Australia and that the trust shall meet the costs and expenses of administering the legislation. It is clearly impossible for the trust itself to deal with all aspects of the administration of this Act; therefore, provision is made under subclause (3) for delegation of authority to trust officers or to the committee established under section 10 of the Act. The purpose of subclause (7) is to ensure that the trust takes full responsibility for its actions in administering this Act. The Crown or its officers will not therefore be liable for any tort committed or any contract entered into by the trust in relation to this legislation.

Clause 5 gives power to the trust to issue and otherwise deal with licences for electrical workers and electrical contractors. Paragraphs (*c*) and (*d*) enable the authority to attach conditions to or otherwise modify licences. It will be appreciated that different classes of licence will be needed. For example, a television repair man or refrigerator mechanic will be an expert in his own field, and may work on a particular electrical circuit, but he need not have the comprehensive knowledge required to justify a full electrical worker's licence. Restricted licences specifying the class of work will be issued in such cases. Similarly, an apprentice will be licensed in such a way that his work is properly supervised.

Clause 6 distinguishes between the two classes of licence to be issued to workers and contractors. The main criterion with regard to the issue of a worker's licence is that the applicant has the ability and knowledge to do reliable safe work. The main criterion with regard to the issue of a contractor's licence is to ensure that the applicant employs only licensed workers and that he accepts responsibility for the work they do. The clause lays down that the holder of a worker's licence is not authorized to work as an electrical contractor, and conversely that the holder of a contractor's licence does not authorize him to work as an electrical worker. Subclause (2) provides that a person may hold both licences at the same time.

Clause 7 is the basic provision in this Bill and provides that, from a day to be fixed by proclamation, electrical work must be carried out by licensed workers and licensed contractors. A penalty of £50 is provided for breaches of this clause. It is desirable that the date of operation of this clause in the Bill should be later than the other provisions thereof so that preliminary work authorized by the legislation can be done first. For example, it will be necessary to issue licences to workers before clause 7 comes into force. This will require the handling of applications from hundreds of workers throughout the State and, in some cases, the conduct of examinations. Since this will take some time to arrange, it is anticipated that no proclamation will be made under this provision until several months after the Act is promulgated.

Clause 8 is a necessary provision that ensures that innocent parties dealing with unlicensed persons shall not be prevented from recovering damages, wages, etc., as the case may be from that unlicensed person acting in contravention of the provisions of this Act. This is very much a "lawyer's provision" designed to enable an innocent party to sue on an illegal contract.

Clause 9 deals with exemptions from the provisions of this Act, and they are important enough to deserve illustration by examples where this is necessary. Subclause (1) deals with a person in charge of machinery. To take an obvious example, it is not necessary for a factory worker to have an electrician's licence because he starts, stops or regulates electrical motors. Subclause (2) permits any person to replace a lamp or fuse in an electrical installation. The replacement of lamps or fuses is simple, and it has become a common practice for the householder to do so. The Government believes that the legislation must permit this practice to continue. Replacement of the ordinary lamp is quite safe provided that the power is turned off at the main switch. Replacement of fuses may not be quite so simple but provided that power is turned off there is no danger.

Since it is thought that fuses will be replaced by householders whatever the law says, the Government considers that it is neither wise nor expedient to prohibit such practices. The work is often done on private premises, and it would be extremely difficult to prove that a fuse was wired by a particular person. It is a well-recognized fact that there are large numbers of people in the community capable of replacing a fuse. If it were made illegal to do so this would discourage the conscientious and law-abiding members of the community without affecting irresponsible members thereof.

Besides, it would not be possible to provide a prompt and efficient service to deal with household black-outs during the night. The trust itself could not provide such a service, particularly in the scattered areas in which power is now available in the State. In short, it is true to say that if it were provided that fuses should be replaced only by licensed electricians this provision would be honoured more in the breach than in the observance, would be incapable of effective enforcement, and in any event would, having regard to the simplicity of the work, put an unjustifiable financial burden on law-abiding people.

Subclause (3) is an important exemption, for it enables a person to carry out electrical work on an electrical installation in on or over any land situated outside a municipality or township as defined in the Local Government Act, 1934-1964, as amended, so long as that electrical installation is used for the business of primary production. The business of primary production is defined in clause 2 as having the same meaning as is assigned to that expression in the Land Tax Act, 1936-1961, as amended. Honourable members will appreciate the significance of this exemption from the provisions of this Bill so far as it affects persons engaged in primary production.

Subclauses (4) and (5) allow electricity supply undertakings and their officers to carry out their normal functions without being licensed. Such undertakings have their own safety rules and practices and it is not necessary that they or their employees should be licensed under this legislation in connection with their own work. If such an employee wishes to work on some private installation he will, of course, need a licence. Subclause (6) permits an electrical worker to do contracting work provided he works entirely on his own. As mentioned earlier, if the work is carried out by a single licensed person, there is no doubt where the responsibility for the work lies. A contractor's licence is necessary only where more than one worker is employed.

Subclause (7) also confers an exemption from the provisions of the Bill to a wide range of persons. The exemption is designed to cover persons who carry on the trade or business of builder or building contractor or the profession of architect or any other trade, business or profession the object of which is the rendering of services other than electrical work in connection with the erection, alteration or repair of any structure, electrically operated machinery or plant. The subclause enables persons in these categories to arrange for electrical work to be done without obliging such persons to have a contractor's licence. The general intention of the legislation is, however, complied with since under paragraphs (*a*) and (*b*) of this subclause the electrical work must still be performed by an electrical contractor or contracting electrical worker. The words "any other trade, business or profession" in this subclause would enable such persons as members of the Institution of Engineers, as well as persons with similar qualifications, to take advantage of this exemption.

Subclauses (8) and (9) permit the repair or reconditioning, etc., of electrical equipment by the retailers or wholesalers thereof or their employees without the need of a licence, provided (*a*) it is a *bona fide* retail or wholesale business; (*b*) the work is done in a workshop; and (*c*) a licensed electrical worker supervises the work and approves each electrical installation before it is offered for sale. Subclause (10) provides for tradesmen to carry out their normal trade on an electrical installation without an electrician's licence, provided no work is done on the actual electrical circuit except by a licensed electrical worker. It will be realized that the definition of "electrical installation" covers a very wide range of equipment from, say, a switchbox to a 5,000 horsepower motor. Without this subclause it would be necessary for the bricklayer who puts in the box and the rigger who arranges to lift the bearing covers of the motor to be licensed. This is unnecessary.

Clause 10 provides for the appointment of an Electrical Workers' and Contractors' Licensing Advisory Committee to advise and assist the trust in the operation of this licensing scheme. The committee will represent a wide range of interests and its establishment is desirable in view of the wide impact that this legislation will have on the community at large. The committee will consist of five members as follows: a representative of the trust, who shall be Chairman; a representative of the Minister, who shall be Deputy Chairman; a representative of the South Australian Branch of the Electrical Trades Union; a representative of the Electrical Contractors' Association of South Australia; and a representative of the Minister of Education. Standard provisions are inserted to provide for the establishment and the procedure of this committee and for the appointment of alternative members to ensure that the committee is properly representative when a permanent member is absent.

Clause 11 deals with the functions of the committee, which are to investigate and report

on any matter referred to it by the trust and to carry out any function delegated to it by the trust. It is the intention of the trust that the actual issue of licences to individual workers and contractors shall be delegated to the committee. The committee may of its own motion bring matters before the trust but the trust will retain the ultimate responsibility for carrying out the administration of this legislation. Clause 12 enables the Governor to make regulations under this Act. Clauses 13 and 14 are normal procedural or evidentiary clauses.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (ELECTORAL).

Adjourned debate on second reading.

(Continued from February 9. Page 3886.)

The Hon. R. C. DeGARIS (Southern): Before I deal with this Bill, I congratulate the Hon. Murray Hill on his election to this Chamber and on the speeches he has already made here. Since his election to this Council, we have had the interesting position (if my figures are correct) that this Chamber now has a slightly lower average age than another place—probably for the first time in the history of the two Houses of Parliament of South Australia. I should like to commend this fact to newspaper cartoonists in their depicting of the Legislative Council.

The Hon. L. R. Hart: We don't wear top hats now, either!

The Hon. R. C. DeGARIS: No. The average ages are: 54.4 for the Legislative Council and 54.9 for another place. We have already had three exceptionally good speeches on this Bill. There is very little more that one can add to what has been said, particularly by the Hon. Sir Lyell McEwin, the Hon. Mr. Rowe, and the Hon. Mr. Kemp. I want to confine myself to one particular portion of the Bill and of the Chief Secretary's second reading explanation, in which he said:

The Upper House, under the new provisions, will be democratically constituted but, because only half its members retire at each election, it may well have a different political view in total from that of the Lower House, where all members must retire at each general election. The Labor Party regards its measures for the Upper House as a step to eventual abolition, as we consider that experience in this area of unicameral legislatures in New Zealand and Queensland has amply demonstrated that a second Chamber is redundant.

This passage from the second reading explanation is the whole crux of the Bill. Yesterday, by interjection, while the Hon. Mr. Rowe was speaking, either the Hon. Mr. Banfield or the Minister of Roads disagreed with the contention put forward by Mr. Rowe that this Bill was the first step towards the abolition of this Council. The interjection went along the lines, "Show us where this is in the Bill!" This, of course, can be done. It we look at the Chief Secretary's explanation, it is obvious that there is in this Bill the first step towards the eventual abolition of the Legislative Council. I don't know whether it was the Hon. Mr. Banfield or—

The Hon. D. H. L. Banfield: I will take the blame.

The Hon. R. C. DeGARIS: I do not know whether the honourable member considers that on this side of the Council we are so gullible that we do not understand the full effects of this Bill.

The Hon. S. C. Bevan: Its interpretation.

The Hon. R. C. DeGARIS: And the interpretation also of the Chief Secretary's second reading explanation.

The Hon. S. C. Bevan: And of what someone else said in another place.

The Hon. R. C. DeGARIS: I do not know about another place. What I know is what I was told in this Chamber. I was told by the Chief Secretary, when he gave his second reading explanation, that this Bill was the first step towards the eventual abolition of the Council, and that experience in New Zealand and Queensland, where there are unicameral legislatures, has shown that second Chambers are redundant.

The Hon. Sir Arthur Rymill: I do not think it could be plainer than that.

The Hon. C. D. Rowe: They change their minds three times in every Bill.

The Hon. R. C. DeGARIS: That is so, but there has not been any change in the attitude of the Labor Party on this question in 50 years. There is no doubt in my mind, or in the minds of most members of this Council, that the Bill is aimed at the eventual abolition of the Council.

The Hon. S. C. Bevan: The general public will abolish it themselves before long.

The Hon. R. C. DeGARIS: I think the general public would need to be consulted on this matter. The Government has had ample opportunity recently to ascertain the reaction of the public. I shall deal with that point later. The abolition of this House of Review would leave us with a one-House system. There would be no House to revise, review or retard extremist and hasty legislation, and that would

obviously lead to legislative absolutism. A one-House system will eventually lead to an interference with the independence of the judiciary, the Auditor-General, the Public Service Commissioner and the Commissioner of Police.

We would see the passage through one House, in a matter of days, of ill-conceived extremist legislation or, on the other hand, reactionary legislation. I know that these are not colourful arguments, but a long period of history shows that they are perfectly true. The history of the last three or four weeks shows that it is true. If we did not have a Legislative Council, two particular pieces of legislation, with which I shall deal, would be on the Statute Book at present. One, which dealt with succession duties, was described in this House as a fraud (an opinion with which I entirely agree) and a piece of legislation that was misleading so far as its publicity was concerned.

The public is still being misinformed on that matter. In that connection I cite an article in a magazine with Australia-wide circulation, in which completely misleading information was given on this matter. This legislation would have been on the Statute Book if we had not had a House of Review. We often hear the statement that this Chamber is undemocratic. Some electorates in Southern District decided overwhelmingly that they did not want the re-introduction of transport control and petitioned Parliament accordingly. They represented most of the people in their areas, but their viewpoint was not heard in the House of Assembly. The only place where it was expressed was this Council.

The Hon. C. D. Rowe: They had representatives in the House of Assembly, too!

The Hon. R. C. DeGARIS: That is so, but these people would have been disfranchised. A second House has the responsibility of seeing that the rights of a minority group are protected. However, this was a case of the majority being denied the right of expression in another place.

The Hon. S. C. Bevan: The Liberal Party has not restored the Legislative Council in Queensland.

The Hon. R. C. DeGARIS: It is a most remarkable thing.

The Hon. S. C. Bevan: No, it is not. They appreciate the position.

The Hon. R. C. DeGARIS: Second Chambers have been abolished throughout the world, but the instances where they have been re-established far outnumber those where a one-House system has been retained. I am not dealing with this matter on a Party political basis at all. Once political Parties have power they do not like losing it, whether they are Liberal or A.L.P. When an Upper House is abolished and a one-House system introduced, the political complexion of the Party in power in the one House does not matter: it is loath to lose the immense power that it holds.

The Hon. D. H. L. Banfield: The same thing happened in this State with two Houses. The Government refused to give up when the people asked it to do so.

The Hon. R. C. DeGARIS: I do not quite understand the interjection about a Government refusing to give up. The only place where a Government can be beaten is in Parliament.

The Hon. D. H. L. Banfield: No, it was beaten outside, at the poll.

The Hon. R. C. DeGARIS: I do not agree. It is a matter of opinion and has nothing to do with the matter before us, but I suggest that people look at *Hansard* to find out who was the Government for three years. Even if a Government is defeated at the polls on Mr. Banfield's terms, there is no reason why it should not govern by right of numbers in the House.

The Hon. D. H. L. Banfield: It no longer had the confidence of the people, but still hung on to power.

The Hon. C. D. Rowe: That applies today.

The Hon. R. C. DeGARIS: One Government had power in South Australia for about 30 years, but after about one year the present Government does not enjoy the same confidence as the former Government enjoyed.

The Hon. S. C. Bevan: Is that why you went out?

The Hon. R. C. DeGARIS: The Hon. Mr. Bevan and the Hon. Mr. Banfield interjected about the abolition of Upper Houses. I suppose the first Upper House that was abolished was the House of Lords in 1649. In 1657 it was reinstated, and Cromwell, at the reinstatement, said that the single-House system exhibited the "horridest arbitrariness that ever existed on earth". He went on to say. "You see they stand in need of check or balance power". In 1657 the Humble Petition and Advice of May 25 suggested, "That Your Highness will for the future be pleased to call Parliaments consisting of two Houses."

We can take two more cases of the abolition of Upper Houses. An Irishman and well-known writer, Mr. Donal O'Sullivan, wrote in

The Irish Free State and its Senate that what happened in the Irish Free State between June 1, 1936, and July 1, 1937, was "likely to be cited in future books on political science as a classic instance of the exercise of power by a single Chamber" and the misuse of that power. If we go back to 1934, we find that in that year Hitler abolished the Reichsrat, the German Upper House, and what happened thereafter is too well etched in all our minds to be forgotten. The second House in Queensland was abolished in 1922. This was after a referendum that was opposed. The question asked was whether the Upper House should be retained or abolished. The abolition was opposed at the referendum. It did not make much difference to the Australian Labor Party in Queensland, and the Upper House was abolished. We have heard much previously about a gerrymander in South Australia, but if anyone has any doubts about what a gerrymander is I advise him to look at what happened in Queensland between 1922 and 1962, a period of 40 years. A close study will show that the dominance of a single Chamber kept a Party in office. That Party would still have been in power if it had not been for a violent split in the Party.

The American States also have had similar experiences with regard to second Chambers. Every State of America (I think there are 51 of them) has a two-House system with the exception of one. I think it is Nebraska. Three other States—Pennsylvania, Georgia and Vermont—abolished their second Chamber and then reinstated it. It is interesting to quote in the case of Pennsylvania a statement made when the second House was reintroduced. It is:

The supreme legislative power vested in one House in this respect is materially defective (1) because if it should happen that a prevailing faction in that one House was desirous of enacting unjust and tyrannical laws there is no check on their proceedings and (2) because uncontrolled power of legislatures will always enable the body possessing it to usurp both the judicial and the executive authority in which case no remedy would remain to the people but by revolution.

Those are the stated reasons for the reintroduction of the two-House system in Pennsylvania after it had worked under a unicameral system.

These views are borne out by practically every writer of former years on political science and the advantages of a two-House system. They are the views of such writers as John Stuart Mill, Lord Bryce and Mr. Justice Story, all eminent historians and political scientists. If anyone has any difficulty in this matter I ask him to read particularly the work of Lord Bryce on the *American Commonwealth* and the advantages of a two-House system.

Coming back to Australia, in 1950, a Select Committee was appointed by the Senate and the report of this Committee is contained in the Journals of the Senate, volume 1. Strangely enough, this Select Committee consisted of all Labor Senators under the chairmanship of Senator McKenna. There were nine Labor Senators, and they reported on the Constitution Alteration (Avoidance of Double Dissolution Deadlocks) Bill of 1950. I will read clause 109 of that report. Bear in mind that it was written by the nine Labor Senators. I quote:

Turning to the Senate's function as a House of review, this function is a universally accepted role of a second Chamber. The necessity for a second Chamber—"reviewing or suspending measures that the lower House has rushed through in an hour of fervor or passion"—is the verdict of history throughout the world. To quote the words of that distinguished nineteenth century writer, John Stuart Mill—

> A majority in a single assembly, when it has assumed a permanent character—when composed of the same persons habitually acting together, and always assured of victory in their own House—easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituent authority. The same reason which induced the Romans to have two consuls makes it desirable there should be two chambers; that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.

The passage of time since those words were written has done nothing to lessen their force. And it is interesting to place on record that the Federal Constitution of Western Germany of 1949 saw the adoption of the principle of bicameral system of democratic Government, with the Upper House—representing the member States—constituted in such a way that it is given certain rights of objection against a Bill passed by the lower House.

The Hon. D. H. L. Banfield: Was any attempt made to try and get reasonably equal representation in our Senate for the different States?

The Hon. R. C. DeGARIS: The Labor Senators did not report on that aspect. If this first step towards the abolition of the Council is successful, we are facing a real danger. It is the danger of having a one-House system. We have Parties that make great demands upon their Parliamentarians, but there is the possibility that in a one-House system there would not be elected

to Parliament representatives of the people of the State. There would be a Parliament controlled by an autocratic extra-Parliamentary directive outside the direct control of Parliament. That, I consider, is possible in this modern age, and it is one of the greatest dangers we face in any move by members for a one-House system in South Australia. As we look at the history of the Legislative Council in this State we see a remarkable picture. Going back to the first days of responsible Government in South Australia, the first Parliament lasted about four months, when the Finniss Government resigned in favour of the Baker Government. The resignation occurred to enable various differences between the Legislative Council and another place to be settled. I point out that there were no direct arguments between the two Houses under that Government. Since responsible Government came to South Australia over 100 years ago, there have been four penal dissolutions of the House of Assembly, but only one of these has been the result of a direct collision with the Legislative Council. That was in 1907, and it was the first time when in my opinion the attitude of the Council was not exactly correct. I agree with the attitude of the Legislative Council in every other case. This is an extremely good record.

The Hon. D. H. L. Banfield: You think the Legislative Council was wrong on that occasion?

The Hon. R. C. DeGARIS: Looking back, my appraisal is that it was wrong.

The Hon. G. J. Gilfillan: What was the opinion of the people?

The Hon. R. C. DeGARIS: It was the same. I am talking about penal dissolutions, of course. Right through this period there have been many arguments about the franchise for the Legislative Council, and time and time again Bills have been introduced to alter it. Gradually over the years it has been widened, but as soon as there is a common roll for the two Chambers this Chamber will become only a rubber stamp for another place.

The Hon. S. C. Bevan: You do not believe the people should have a say about who their representatives should be?

The Hon. R. C. DeGARIS: I think it was well stated in the Address in Reply debate that this Council should consider the permanent will of the people, and I think the Hon. Sir Arthur Rymill would agree. This point was well put by the Hon. Sir Charles Kingston. This Chamber must be elected by those who represent the permanent will or thinking of the people. We can talk about this for a long time, but I believe that household suffrage is possibly more democratic than is a complete adult franchise. A household consisting of man and wife and four or five children makes a great contribution to the State and is entitled to two votes. Another person who may have no responsibility at all and who may even be living in the sandhills somewhere has one vote.

The Hon. S. C. Bevan: For the Legislative Council?

The Hon. R. C. DeGARIS: I am talking about a complete adult franchise. It can be argued that a household vote is more democratic than is complete adult franchise. I am certain that if the present Government had accepted the Bill introduced by the Liberal Government to extend the franchise for this Chamber so as to give a vote to the spouse of an elector the permanent will of the people would have been reflected in the vote.

The Hon. S. C. Bevan: As a sop to the perpetuation of a gerrymander!

The Hon. R. C. DeGARIS: I do not quite understand that. It is like the expression "one vote one value"—I defy anyone to define it.

The Hon. Sir Arthur Rymill: It is a galah cry!

The Hon. R. C. DeGARIS: It is. I can say openly that I agree with one vote one value as nobody can define it.

The Hon. Sir Lyell McEwin: The present Government believed in a gerrymander at one time.

The Hon. R. C. DeGARIS: It did. In 1955 it accepted a Constitution Act Amendment Bill in the House of Assembly.

The Hon. C. R. Story: Would you not suggest that if this Bill were passed there would be a tremendous gerrymander?

The Hon. R. C. DeGARIS: The Hon. Mr. Rowe said that under this Bill the commission could make any recommendation it liked and refer it to the Government, but if the Government did not like the recommendation it could reject it without even bringing it before Parliament.

The Hon. S. C. Bevan: Isn't that what has always happened?

The Hon. R. C. DeGARIS: No, the matter has always come before Parliament. Under this Bill there would be no opportunity to debate the matter, as it would be decided by the Government. We have heard much about the responsibilities of Parliament and of Ministers.

The Hon. S. C. Bevan: In other words, the numbers in this Chamber would not count?

The Hon. R. C. DeGARIS: The numbers in this Chamber could not count if, as soon as it was *Gazetted*, the recommendation was accepted. It would not come before either House.

The Hon. D. H. L. Banfield: Haven't you the right under this Bill to put your point of view before the commission?

The Hon. R. C. DeGARIS: Yes, but I am talking about Parliamentary responsibility. Parliament should always be supreme, but in this case it is not: this matter is being handed over to someone else to decide what the boundaries will be.

The Hon. C. D. Rowe: The commission will decide whom you will represent.

The Hon. R. C. DeGARIS: Yes. I represent Southern District now, but the commission could say that I would have to represent Central No. 1.

The Hon. S. C. Bevan: Heaven forbid!

The Hon. R. C. DeGARIS: At least there would then be some reasonable representation for that district. I shall ask later to have a list inserted in *Hansard*. It sets out details of previous Bills—the year of introduction, the provisions of the Bill in relation to the suffrage for this Chamber, and the fate of the Bill. It is amazing to note that many of the reforms were actually lost in the House of Assembly. As reform came in, there was disagreement in both Houses right through. Last year, when once again a reform in relation to the franchise for this Chamber was introduced, it was once again lost in another place. That Bill was to increase the franchise by enabling the spouse of an elector to be enrolled. It has not always been this Chamber that has stood in the way of altering the franchise. Indeed, it can be said on balance that this Council has always been far-sighted in its attitude to reform in relation to the franchise of this Chamber. It is not long ago (1896, I think) when women did not have the right to vote even for another place. I think that the Legislative Council must have a separate roll, that the vote must be voluntary, and that there must be a franchise that is different from that of another place. Otherwise, this Chamber will be just a rubber stamp for another place. If that happens, there will be a case for the abolition of this Chamber.

The Hon. S. C. Bevan: You would not say that the Senate was a rubber stamp for the House of Representatives?

The Hon. R. C. DeGARIS: I believe the Senate is more a rubber stamp for the House of Representatives than this Chamber has ever been a rubber stamp for any Government in this State. That is a fair statement.

The Hon. S. C. Bevan: I doubt that, after what has been going on recently in the Senate.

The Hon. R. C. DeGARIS: There are many other matters in this Bill with which I should like to deal, but I think I have spoken long enough. The whole core of the Bill is this first step towards the eventual abolition of this Council.

The Hon. S. C. Bevan: You mean, it is your main fear?

The Hon. R. C. DeGARIS: Yes; I will be quite fair and admit that it is my main fear. In fact, it is more than a fear. I have any amount of evidence on this. I did take particular notice of the interjections by the Hon. Mr. Banfield and the Minister yesterday, when they denied that this Bill was the first step towards the abolition of the Legislative Council.

The Hon. D. H. L. Banfield: We did not deny it; we said it was not in this particular Bill. We asked what was in the Bill.

The Hon. R. C. DeGARIS: If it is not in the Bill, why did the Chief Secretary mention it in his second reading explanation?

The Hon. D. H. L. Banfield: We are not ashamed of our policy, but this is not in the Bill.

The Hon. Sir Norman Jude: The Chief Secretary in his second reading explanation did not keep to the Bill.

The Hon. R. C. DeGARIS: It is contained in the Bill, if I may read this passage. Clause 12 states:

> Section 41 of the principal Act is repealed and the following section enacted in lieu thereof:
>
> 41. (1) If any public Bill other than a money Bill or a Bill containing any provision to extend the maximum continuance of the House of Assembly is passed by the House of Assembly in two successive sessions whether of the same Parliament or not and having been sent up to the Legislative Council at least one month before the end of each of those sessions is rejected by the Legislative Council in each of those sessions, that Bill shall, on its rejection for the second time by the Legislative Council, unless the House of Assembly direct to the contrary be presented to the Governor and become an Act of Parliament on Her Majesty's assent being signified thereto.

The Hon. D. H. L. Banfield: Will you have lost your job because of that?

The Hon. R. C. DeGARIS: The Labor Party has over a long period of years from 1911 advocated the abolition of this Council and included that intention in the Governor's

Speech at the opening of Parliament in 1930, and later a Bill was introduced to abolish the Council. Every time the Labor Party has governed in South Australia, in the first session of Parliament in the Governor's Speech references have always been made to the abolition of the Legislative Council, yet members opposite expect me to believe by their interjections that this Bill does not contain any matter towards the eventual abolition of the Council. The only conclusion I can come to—

The Hon. S. C. Bevan: Can you explain to me why the House of Lords has not been abolished?

The Hon. R. C. DeGARIS: There is no way of comparing this Chamber with the House of Lords.

The Hon. S. C. Bevan: It is contained in the British Parliament, as it is contained here.

The Hon. R. C. DeGARIS: We realize that, but there are two entirely different sets of circumstances. The two places cannot be compared. In the first place, the House of Lords is a hereditary House: here, we have an elected Council.

The Hon. D. H. L. Banfield: Elected by a minority.

The Hon. R. C. DeGARIS: No. This is a Council elected on a very slightly reduced franchise, designed to give effect to the permanent will of the people of South Australia; and it is, further, restricted by the attitude of the Labor Party in another place two years ago.

The Hon. D. H. L. Banfield: There are 38 per cent of the House of Assembly electors on the Legislative Council roll. That is a minority.

The Hon. R. C. DeGARIS: It was the Australian Labor Party's opposition two years ago that maintained in this Chamber a franchise more restricted than the previous Government was prepared to make it.

The Hon. D. H. L. Banfield: It was only two years ago that you attempted to alter the franchise. You were in power for 30 years before that.

Thte Hon. R. C. DeGARIS: This is the essential part of this Bill and that is the reason why I oppose it. Part V of the Bill deals with electoral districts. As did the Hon. Mr. Rowe, I examined the Bill to see whether it was possible for it to be amended. As a House of Review we should make every possible effort to amend a Bill without defeating it but in this case in the provisions up to Part V there are so many things to which we cannot agree that the only course is to defeat the Bill. Some redistribution is necessary in the electoral districts of South Australia. It is all a matter whether we can agree to a redistribution that is fair to all concerned. If the proposals made by the present Government could be met half-way with those put forward by the previous Government there would be a possibility of agreement; but it is not for a House of Review to amend these matters.

The Hon. D. H. L. Banfield: You have gone timid all of a sudden.

The Hon. R. C. DeGARIS: Not at all.

The Hon. S. C. Bevan: It is only an excuse for defeating the Bill.

The Hon. R. C. DeGARIS: No, it is not.

The Hon. Sir Arthur Rymill: The Government never expected us for one moment to pass it.

The Hon. A. J. Shard: We want it carried; make no mistake about that.

The Hon. R. C. DeGARIS: Analysing this question and realizing how often mention has been made previously of one vote one value (whatever that may mean), we find in the provisions of the Bill a possible disparity of 35 per cent between two seats and a possible disparity of 50 per cent or more in two particular electoral districts in the State. This is the very policy that has previously been followed.

The Hon. D. H. L. Banfield: What is the greatest amount of disparity between the two, now?

The Hon. R. C. DeGARIS: That does not come into it at all, for this reason, that in South Australia since the 1935 redistribution a great deal of growth and development has taken place. Everyone will freely admit that today the electorates are out of balance in this State, but two years ago a Bill was introduced to give equal representation between the metropolitan areas and the country areas, recognizing the very thing that this Bill tries to do. Much was made of "one vote one value", yet between the metropolitan seats and the country seats the Government is allowing a 35 per cent disparity already in this Bill, and a further disparity in two country seats. The principles are exactly the same except that over a period of years the growth in South Australia has been so rapid that the electorates have become out of balance, and some redistribution is necessary. A redistribution was attempted but it could not be carried out because there was not a constitutional majority in another place. If there was give and take on this matter, the two major Parties in South Australia could

come to a reasonable arrangement about a redistribution, but I do not consider that it is for this particular Chamber, where we do not act as a Party but are all individuals—

The Hon. D. H. L. Banfield: But you are elected on a Party ticket, aren't you?

The Hon. R. C. DeGARIS: Yes, that is quite so, but we have no association with the Party as far as we are concerned here.

The Hon. D. H. L. Banfield: No membership? That is how you get on the ticket!

The Hon. R. C. DeGARIS: I reiterate that we do not act in this Chamber as a Party. I do not think it is possible for the Council to amend an extremely complex Bill like this but I, with all other members, agree that some reasonable arrangement for redistribution could be arrived at. I could say much more but I think I have given voice to my main objection, that the Bill is aimed at the abolition of the Legislative Council. I oppose the Bill.

The Hon. L. R. HART (Midland): I have been doing some research in preparing to speak in this debate, and I have examined the position regarding the Houses of Parliament in more than one State. When doing such research, one invariably comes across the word "gerrymander" but it is used under different circumstances in different States, depending on the political colour of the Party in power. However, in preparing my contribution to the debate, I have endeavoured to find a word or words to describe this Bill.

Various words have been used by other speakers but I consider they do not adequately describe it. I propose to call it a gerrymander with a bias. Its main purposes are to rearrange the boundaries to allow the Labor Party to remain in office indefinitely and to put into operation the Party's socialistic policy, for which I understand that it makes no apology. I think we should examine that policy. First, we find that there is a supreme body known as the Australian Labor Party Federal Conference, composed of six delegates from each State. These delegates are not appointed on a one vote one value basis, but six are appointed from each State, irrespective of the population of the respective States.

Decisions arrived at by that body are binding on every member of the Labor Party and every section of the Party. Of course, every section means every State. This policy is not laid down by the Parliamentary wing of the Party; it is laid down by 36 people who are appointed from the various States, and these people have been known by various names. There was a stage when they were known as the 36 faceless men.

The Hon. D. H. L. Banfield: The Party has never changed its name, though.

The Hon. L. R. HART: That term could still apply. The views of these 36 delegates could and no doubt do vary from those of the political representatives. This was pointed out by the Hon. Mr. DeGaris when he said that a Select Committee of the Senate, consisting of nine Labor members, came up with a view in direct contrast to the policy laid down by the 36 delegates. If anyone doubts this, let us look at some of the policies laid down by the Federal conference of the Australian Labor Party. One section of that policy advocates an amendment to the Commonwealth Constitution to clothe the Commonwealth Parliament with unlimited powers and with the duty and authority to create States possessing delegated constitutional power.

Subsection (ii) of the same part of the policy says, "To abolish the Senate." That part goes on to say a few other things, including, "To provide electoral franchise for all persons reaching 18 years of age." There are one or two other matters that are not of great consequence, but the important thing is that the abolition of the Senate is laid down in the policy, and yet a Select Committee of the Senate, composed of nine Labor Senators, expressed a view that was the direct opposite. The decision of the 36 delegates to the Australian Labor Party Federal Conference is binding on all members of the Labor Party, including those nine members of the Select Committee. Another section of the platform says:

The nationalization of:
(*a*) Banking, credit and insurance;
(*b*) Monopolies;
(*c*) Shipping;
(*d*) Public health;
(*e*) Radio services and television;
(f) Sugar refining.

These decisions are again made by the 36 people and are binding on all members of the Labor Party.

The Hon. S. C. Bevan: What has all this to do with the Bill?

The Hon. L. R. HART: I am leading up to that.

The Hon. S. C. Bevan: You are taking a long time to do it.

The Hon. L. R. HART: I am leading up to that. In another place, the policy provides:

Abolition of the State Legislative Councils and of the office of State Governor.

The important point is that the 36 faceless men make decisions that are binding on the Labor Party in this State. One of the reasons why we have the Bill before us is that it is a decision of the Federal Conference of the Australian Labor Party.

Other speakers have pointed out that it is no fault of the Liberal and Country League that the present state of affairs exists in relation to franchise, boundaries and the number of members. I do not wish to repeat what they have said, but it should be stated that if the proposals presented to the last Parliament had been accepted, this State would now have 66 members of Parliament, whereas the Bill before us contemplates that we will have 56 members, because there is no question that under this Bill we will get the abolition of the Legislative Council. I wish to quote from the Minister's second reading explanation something that has been quoted already by the Hon. Mr. DeGaris, but it is worth requoting. It is:

The Labor Party regards its measures for the Upper House as a step to eventual abolition, as we consider that experience in this area of unicameral legislatures in New Zealand and Queensland has amply demonstrated that a second Chamber is redundant.

I think it has been clearly demonstrated lately that this Chamber is anything but redundant, but the Labor Party has set out to make it so—firstly, by the use of a common roll so that it becomes a rubber stamp of another place and, secondly, by endeavouring to take from it the deadlock provision powers. These points, too, have been adequately dealt with by other speakers.

I think we should look at what happens to countries that adopt the unicameral system, as has been done in New Zealand and Queensland, a system that has the blessing of the Chief Secretary. Looking at New Zealand, we find that it has an economy quite as unbalanced as its Parliament. New Zealand relies on its primary industry exports for 96 per cent of its overseas reserves. At the present time the stockowners in New Zealand are being requested to step up their stock numbers so that the overseas reserves of the Government can be improved. New Zealand is a fertile country. In one area alone it has a pine forest greater in area than all the pine forests in South Australia. New Zealand also has a flourishing tourist trade, which I am told could not function but for the fact that 60 per cent of the waitresses employed in hotels and guest houses are Australians. New Zealand, as I have said, is a fertile country with not a great deal of poverty, yet if one wants a new car the delay in obtaining it is about two years. If one buys a new car and uses it for 12 months it can be sold at a higher price than the original purchase price. This demonstrates to a degree the chaotic position a country can get into under a unicameral system of government.

Let us turn from New Zealand to Queensland, which is probably the State with the richest potential in Australia, yet it has been allowed to stagnate under 25 years of Labor rule under the unicameral system. We continually read that Queensland is seeking Commonwealth aid to develop its undeveloped areas, to develop the North, to assist Queensland's economy. Who developed the South-East of South Australia? Who developed Eyre Peninsula? Who developed the Coonalpyn Plains, once known as the 90-mile desert? Those areas have all been developed by private capital because it has been attracted to this State through the security of the land tenure system here. Queensland's land tenure system is something that one could hardly believe could exist; I believe there are 27 different types of title under which land can be held, although none is a freehold title.

Queensland is in its present state of insecurity because it has laboured under a unicameral system for many years. Perhaps it is not completely true to say that Queensland has a unicameral system because if we study the position we find that it has what is known as the Greater Brisbane City Council, which is, perhaps, a State within a State. It is the largest city council area in the world. It consists of a mayor and 28 aldermen who control such undertakings as water supply, sewerage, electricity, transport and general administration peculiar to all city councils. It works within a fund known as the City Fund, which is credited with general rates, rents, fees and general revenue. One only has to visit Brisbane to realize what an archaic system it labours under and how far behind other capital cities Brisbane is today. The receipts for the City Fund for the year 1964-65 were £32,196,688 and the disbursements were £32,684,878, leaving a deficit of £488,190. The mayor of Brisbane receives a salary of £5,202 and the 28 aldermen each receive a salary of over £2,000.

Much has been heard lately about transport and it is interesting to note the loss on transport administered by the Brisbane City Council last year, a loss which totalled £692,077. I mention these matters to show what happens

in a country or State when it departs from a bicameral system of government.

I believe this Bill is nothing but a subterfuge introduced for the sole purpose of discrediting the Legislative Council. We had an example of this today when this Chamber took what might be considered a reasonable view on a matter before us earlier in the day. We agreed to a conference with another place, a conference that, perhaps, can come to nothing. However, I still believe that the Government of the day sent these matters back to this Council for the sole purpose of embarrassing it. No Labor person in his wildest dreams would expect a responsible House to pass such a Bill as this in its present form. It is inconsistent with Labor policy of taking care of minority rights; it departs from Labor's policy of the right of Parliament to consider and express its views on all forms of legislation affecting the people. It also sets out to give the Government dictatorial powers that should not be tolerated in a democratic country.

The Hon. A. J. Shard: Where does it do that?

The Hon. L. R. HART: The Hon. Mr. DeGaris went to great pains to explain that.

The Hon. A. J. Shard: Why doesn't the honourable member explain it?

The Hon. L. R. HART: I will tell the Chief Secretary if he wants it repeated. The Bill sets up a commission to determine the electoral boundaries of this State, amongst other things. The decisions of that commission will be submitted to the Governor in Council, to the Executive which is, in effect, Cabinet itself. As the Hon. Mr. DeGaris pointed out, together with other members, if Cabinet does not agree with the submissions presented by the commission it will ask the commission to re-examine its findings and Cabinet will not accept them until such time as those submissions are acceptable to it. Can the Minister tell me that it is not a dictatorial power that denies Parliament the opportunity even to discuss the submissions before they become law? The definition in the Bill of "metropolitan area" is outmoded and unrealistic, and it seeks to set up in perpetuity a system unchallengeable by Parliament but subordinate to Cabinet.

I appreciate that there is an imbalance of districts and that adjustments are necessary, not only now but from time to time. I would be prepared to support legislation that set out to give equitable representation to all sections of the community. However, I am not prepared to support a Bill that sets out to destroy the principles of the Constitution under which this Parliament has functioned and this State has prospered for over 100 years. I oppose the Bill.

The Hon. C. R. STORY secured the adjournment of the debate.

ADJOURNMENT.

At 5.17 p.m. the Council adjourned until Tuesday, February 15, at 2.15 p.m.