LEGISLATIVE COUNCIL

Wednesday, November 13, 1968

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

SCIENTOLOGY (PROHIBITION) BILL

The Hon. A. J. SHARD: I ask that Standing Orders be suspended to give me leave to move a motion without notice.

Leave granted.

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

That I be discharged from the Select Committee appointed under the Scientology (Prohibition) Bill.

The action taken by this Council yesterday afternoon has led me to consider seriously my position as a member of the Select Committee inquiring into scientology. I have now had an opportunity of consulting with my colleagues in the Parliamentary Labor Party, and it is with their unanimous approval that I now make known to the Council my desire to be discharged from membership of this committee. The censure motion carried yesterday, in my view, interfered with the civil rights of an individual who had given evidence before the committee. This person was given no opportunity to argue his case before the Council—

The PRESIDENT: The honourable member is not in order in criticizing any decision of the House. He is in order in asking to be discharged, but he cannot criticize a decision of the House.

The Hon. A. J. SHARD: If I am not allowed to give my reasons, I must accept your decision and be bound by it. I regret that I am not allowed to make public in this House my reason for asking to be discharged.

The Hon. S. C. BEVAN: Mr. President, I also desire to be relieved from the committee on more or less the grounds briefly outlined by the Hon. Mr. Shard. Therefore, I make the same request.

The PRESIDENT: This will require another motion for the suspension of Standing Orders, because the two requests cannot be treated as one.

The Hon. S. C. BEVAN: I had thought the applications could be dealt with conjointly. I ask that Standing Orders be suspended to allow me to move a motion without notice.

Leave granted.

The Hon. S. C. BEVAN: If I may pursue the matter, I, too, move to be relieved of membership of the Select Committee on Scientology (Prohibition) Bill.

The Hon. A. F. KNEEBONE seconded the motion.

The PRESIDENT: As suggested, I now propose to deal with these two applications together and the question will be:

That the Hon. S. C. Bevan and the Hon. A. J. Shard be discharged from attending the Select Committee.

The Hon. R. C. DeGARIS: Mr. President, I seek your advice on this matter. Would you accept a motion for the adjournment of this motion until tomorrow? If so, I move:

That this matter be adjourned.

The PRESIDENT: I think the request of the Chief Secretary is in order, because it is necessary, if members are discharged from the Select Committee, that others be appointed by ballot, and that will require some consideration by this Council. The motion for the adjournment of the debate will require to be seconded.

The Hon. Sir NORMAN JUDE seconded the motion.

Motion carried.

The PRESIDENT: The question is "That the debate be adjourned until—?"

The Hon. A. J. SHARD: On motion, Sir.

The PRESIDENT: Those in favour say "Aye"—against "No". I think the "Noes" have it.

The Hon. A. J. Shard: Divide.

The Council divided on the motion that the debate be adjourned on motion:

Ayes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, M. B. Dawkins, Sir Norman Jude, A. F. Kneebone, A. J. Shard (teller), and C. R. Story.

Noes (10)—The Hons. Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, V. G. Springett, and A. M. Whyte.

Majority of 3 for the Noes.

Motion thus negatived.

The PRESIDENT: It will be necessary now to set down a time when the motion will be considered.

The Hon. R. C. DeGARIS moved:

That the debate be made an Order of the Day for tomorrow.

The Hon. C. R. STORY seconded the motion.

Motion carried.

PERSONAL EXPLANATION: SCIENTOLOGY

The Hon. C. D. ROWE: I desire your indulgence, Sir, and leave of the Council to make a personal explanation.

Leave granted.

The Hon. C. D. ROWE: My explanation relates to a news item that was broadcast over

the Australian Broadcasting Commission stations last night and, I think, again this morning, in relation to the discussion on the Scientology (Prohibition) Bill that took place in this Council yesterday. To inform members fully I think I should read the news item that was given in which, as far as I can see, I was misquoted. The following was broadcast:

The four Opposition members in the Legislative Council yesterday voted against a motion to censure a man who had sent a letter to the Select Committee on Scientology, questioning the impartiality of its chairman, Mr. C. M. Hill. Kenneth Eric Klaebe, of Ridgehaven, was censured after he had appeared before the Bar of the House.

During the debate on the motion the Leader of the Opposition in the Council, Mr. Shard, said he felt that every citizen had the right to draw the attention of a committee to the fact that he considered its chairman or member might be biased. Mr. Rowe, L.C.P. Midland, who supported the motion, said he felt there was some justification for the opinion expressed by Mr. Klaebe. Contact was made with Mr. Hill before the constitution of the committee, requesting an interview. From the reply received, Mr. Rowe said Mr. Klaebe could be justified in thinking that Mr. Hill was biased.

That is all I shall read. However, the words attributed to me in that release were not spoken by me; nor did I say anything like it, or convey that meaning by inference. I think what has happened is that the words spoken by the Hon. Mr. Bevan have been quoted in this news release as having been spoken by me. During his remarks on the Bill the honourable member said, and I will quote an extract from his remarks which, I think, he will feel is a fair quotation:

I feel there is some justification for the opinion expressed by Mr. Klaebe in relation to this matter because of what has in fact transpired. Indeed, contact was made with the chairman himself prior to the selection of the committee, requesting an interview. We all know the results of that: it was stated that Mr. Klaebe would be well advised to consult a member other than the Minister himself. In view of the reply he received, Mr. Klaebe could be justified for accusing (if I may use that term) the chairman of the committee of perhaps being biased in relation to the inquiry into scientology.

Quite obviously, what has happened is that these words spoken by the Hon. Mr. Bevan have been attributed to me in this A.B.C. news item. These mistakes occur, but it has caused some embarrassment to me, because I did not say this or anything like it. What I said was that I felt quite sure that the committee was capable of acting independently and impartially and I said that I thought Mr. Klaebe had been assured on that point. I raise this matter so that the record can be put straight.

QUESTIONS

WHEAT

The Hon. R. A. GEDDES: I ask leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: Representations have been made to the Hon. Mr. Whyte, to me and through A.B.C. news items that farmers are very concerned with the problem of the delivery of their wheat during the coming harvest. Following a question I asked some weeks ago, I again ask the Minister: will he take up with South Australian Co-operative Bulk Handling Limited the question of its assisting in controlling wheat deliveries during the coming harvest?

The Hon. C. R. STORY: The honourable member obviously gets up at about the same time as I do, because I, too, heard this morning that certain meetings were being held in the country concerning this matter. The present position regarding rationalization of deliveries is that, as I told the honourable member before, I have had some discussions on this matter. Three things must happen before any action along these lines can take place. First, there would have to be a request by the industry that it desires such a scheme to operate. Secondly, an amendment would be necessary to the Bulk Handling of Grain Act in order that the co-operative could act along these lines. Thirdly, legislation currently before the Commonwealth Parliament and which will be before this Council this afternoon would have to be ratified in both spheres and in all States so that the necessary power could be given to the co-operative. With those three provisos, we would have a very serious look at the matter. A meeting of representatives of the United Farmers and Graziers Association will be held in Adelaide tomorrow. A meeting of the directors of the co-operative will be held next Friday. Following any discussions they may have and any approach they may make, I will raise this in Cabinet as an urgent matter.

HANSARD DISTRIBUTION

The Hon. JESSIE COOPER: Has the Minister of Local Government obtained from the Minister of Education a reply to my recent question concerning the availability of *Hansard* in the State Library?

The Hon. C. M. HILL: My colleague reports:

The delays in making the issues of the South Australian *Hansard* available to the public at the State Library have been caused by shortage of staff. The periodicals department files between 3,000 and 4,000 periodicals, many of which are received weekly. There is a heavy load of work in entering and processing and getting individual issues on to the shelves for the public expeditiously and, because of this shortage of staff, there has been a tendency to give priority to the journals for which the public demand is heaviest.

Instructions have now been given by the State Librarian that the South Australian *Hansard* must be processed and put on the shelves for public use immediately it is received.

PRICES

The Hon. D. H. L. BANFIELD: Last Thursday I asked the Chief Secretary, representing the Treasurer (the Minister in charge of the Prices Branch), if he would obtain answers for me concerning the number of items that have been released from price control since April this year; the items that are still under price control; and the increases in the retail prices of nationally branded men's welt shoes since they were decontrolled. Has he a reply to my questions?

The Hon. R. C. DeGARIS: I have a reply from the Prices Commissioner, who reports as follows:

Thirty-four items have been decontrolled; 34 items are under price control with prices fixed by the department; and 19 items have been retained under control but prices are not fixed. Details of all of these items are set out on pages 1347, 1348, 1411 and 1412 of *Hansard*.

Although still a controlled item, retailers have been allowed to establish their own prices on most men's and women's footwear. On nationally advertised branded men's welt shoes, retailers have increased prices since September, 1968, to levels applying in other States as follows:

Brand	Current retail price	Increase
	$	$
Raoul Merton	12.95	0.85
Marshall	12.99	0.84
Julius Marlow	15.99	1.04
Saxone	16.99	1.09
Packard	17.95	1.00

DEEP SEA PORT

The Hon. A. M. WHYTE: Some months ago the Minister of Agriculture, representing the Minister of Marine, said he believed the report of the committee inquiring into a deep sea port on eastern Eyre Peninsula would be tabled last month. Has the Minister any further information regarding that report?

The Hon. C. R. STORY: I apologize to the honourable member if I said it would be tabled last month. However, I have waited as patiently as he has for this report. I confidently expect (as confidently as I can expect) that the report will be in the hands of the Minister during the next 10 days. The inquiry has given the committee a tremendous amount of work. A very fine balance exists as to where this terminal port should be located, and the committee has resorted to the use of a computer because of the magnitude of the amount of finance involved. As I have said, the balance is so fine that the use of a computer, and an economist, has been necessary, but the Chairman of the committee has assured me that the report will be available within 10 days.

FIRE PRECAUTIONS

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. DAWKINS: Last week I asked the Minister a question relating to the wording of bush fire notices announced on the radio because of the great fire hazard that will exist during this coming season, and I intend to take that matter up again shortly. However, today I wish to draw the Minister's attention to land held by the Agriculture Department, the Department of Lands and other Government departments that could become a bush fire hazard this year with growth as it is. Can the Minister tell me the Government's intention regarding fire precautions on Government-held land?

The Hon. C. R. STORY: The question of whether the terms used for the bush fire warning should be changed is still being investigated. In answer to the second part of the question, I have taken whatever action I can possibly take in bringing to the notice of the public the terrific potential danger. Following inspections of the West Coast, the South-East, and the North very recently—

The Hon. R. A. Geddes: Eyre Peninsula?

The Hon. C. R. STORY: Yes, both upper and lower Eyre Peninsula. The whole of this area I have mentioned is a potential fire hazard at present. I have circulated a letter to all departments asking all Ministers that they take up with their departments and the statutory authorities under their control the question of bush fire hazards on Crown land, including vacant blocks and things of that nature, and I am sure that the Ministers will act in the matter. Of course, it is not possible that all

Crown land can be completely protected. What is asked is that in those areas where there is a serious hazard to other people every precaution be taken, and I am sure that we will receive the co-operation of all departments in this matter.

STUDENT TEACHERS

The Hon. G. J. GILFILLAN: Has the Minister representing the Minister of Education an answer to my question of November 7 regarding the cost of educating trainee teachers?

The Hon. C. M. HILL: My colleague reports as follows:

It is not possible to isolate teacher-training costs on the basis of the various courses, but overall the average cost of training all students is $1,420 a year. This figure covers student allowances, salaries of lecturers and college staff, teacher education contingencies, Public Buildings maintenance costs and a proportion of Education Department administration salaries and contingencies. Interest and sinking fund payments on Loan funds expended on college buildings are not included but if added would bring the average cost to $1,510 a year.

Using an average period of training for each course, the following training costs result:

	Average period of training Years	Cost excluding Interest and Sinking Fund $	Cost including Interest and Sinking Fund $
Primary teacher	2¾	3,905	4,152
Secondary teacher	4	5,680	6,040
Art/Craft teacher	3	4,260	4,530

PADDOCK BINS

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. L. R. HART: Many grain growers these days are using bulk handling facilities known as a paddock bin. In some cases, although not in all cases, it is a modified trailer. However, it is used exclusively as a paddock bin for the receival of grain until such time as the grain is transferred to another vehicle for delivery to the nearest bulk handling facilities. As the Motor Vehicles Act stands, a person wishing to deliver one of these vehicles from the place of manufacture to the farm is required to have it registered, as it is not regarded as a farm implement. This causes some inconvenience to the primary producer, and I believe that the amount of inconvenience caused is out of all proportion to the small amount of revenue that is received by the Motor Vehicles Department in this respect. Will the Minister of Roads and Transport inquire whether it is possible for the local police officer to be given discretionary powers to grant a permit for the movement of these vehicles from the point of manufacture to the farm, particularly in view of the fact that once they reach the farm they do not leave it again? Another problem arises in taking the vehicle from paddock to paddock, for sometimes it is necessary to cross a road, in which case also registration and insurance are required. If such discretion is not permitted under the Act at present, will the Minister look into the possibility of having the Act amended to provide for the local police officer to have discretionary powers for issuing permits in such circumstances?

The Hon. C. M. HILL: During the last few weeks this question has been raised with me by people representing farmers who are finding difficulty over the matter. The relative section in the Motor Vehicles Act is section 12, which excludes tractors and farm implements of primary producers from the need to be registered. At the present stage the particular farm bins referred to do not fall within the category of a "farm implement", in the opinion of the Motor Vehicles Department.

I agree that a very strong case can be made out for this particular kind of grain bin being classified as a farm implement. I do not think the answer lies in any special discretionary power being given to the police in this matter: I think a greater problem occurs in the second example the honourable member quoted of farmers having to tow this trailer from paddock to paddock along a country road than occurs initially when farmers actually take delivery.

I have asked the Registrar of Motor Vehicles to look into the question to see what can be done, because I think it is a problem that has to be faced and a reasonable solution found.

Personally, I think the easiest way out is to have a specific kind of bin classified as a farm implement and therefore excluded under section 12 of the Act. When I have a complete report from the Registrar I will bring that report down for the benefit of the honourable member.

ANSWERS TO QUESTIONS

The Hon. D. H. L. BANFIELD: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. D. H. L. BANFIELD: We sometimes find that when Ministers give an answer to a question they have been asked some time before, more especially when they are representing a Minister in another place, the member who has asked the question receives a typed copy of the reply, whereas on other occasions a typed copy is not made available. Will the Chief Secretary take up with his colleagues the question of providing in future typed copies of the replies to questions asked by honourable members?

The Hon. R. C. DeGARIS: This is a matter for individual departments, but I will take it up to see whether the honourable member's request can be met.

ABORIGINAL CHILDREN

Adjourned debate on the motion of the Hon. H. K. Kemp:

(For wording of motion see page 1733.)

(Continued from November 6. Page 2247.)

The Hon. L. R. HART (Midland): In discussing the Aboriginal problem (and undoubtedly there is a problem), one has to be very careful because any utterances are often misconstrued and one could find oneself accused of being unsympathetic to the cause of bettering conditions for the Aboriginal race. While it cannot be denied that there have always been human problems relating to Aborigines and their children, it is true that since the granting of drinking rights the problem is more acute and, in spite of the hopes of many that once Aborigines became used to their new-found freedom the problem would ease, the problem is actually growing. The decision to grant drinking rights to Aborigines has been described by competent people in responsible positions of Aboriginal welfare as both premature and incredibly irresponsible.

The decision was, no doubt, political as at the time it was made the Director of Aboriginal Affairs was on long service leave in the United States of America. The Acting Director was not notified, nor were the superintendents or even the people responsible for the running and maintenance of mission stations. This was a problem of some magnitude to thrust upon people who spend the best years of their lives in the interests of the Aborigines. It would not have been so bad had provision been made for Aborigines to use these rights within the confines of their own homes or reserves. The commonsense move would have been to have controlled, guided drinking on reserves and missions. This, in turn, would have encouraged rational spending on drink. To allow and even encourage people whose wages come almost entirely from the State Treasury to spend so much of their sustenance on drink is not only unreasonable but also not in the best interests of the Aboriginal himself.

In the first year at Koonibba, the nine marriages that broke up did so because of drink. Children were shuttled to and from Adelaide, as sometimes both parents were gaoled at the same time. Other children were cared for by relatives. There is absolute evidence of children going 25 miles to the Ceduna Area School hungry and without a cut lunch, dirty, unkempt and tired, having had little sleep because of drunken brawls in the homes. There is widespread malnutrition amongst the children because of drink, and one child has actually died from this cause. However, when these matters are raised, there are always denials by departmental officers, who are obviously under strict instructions. These people have much to offer and I believe they should be allowed and encouraged to talk.

It is not for me today to suggest how we should provide the care for Aboriginal children. That is the purpose of setting up a Select Committee. I believe, however, that we should closely examine the machinery and methods used to satisfy ourselves whether some improvment can be effected. We should see whether better results can be obtained by more co-operation between the department and the church missions. I believe the church has a better record than the Department of Aboriginal Affairs in dealing with the more primitive types of Aboriginal. It must be remembered that the church has been in this field for a long time, and indeed was nurturing Aborigines and their children while others were still shooting them. The church has nothing to gain materially from its care of the Aboriginal people: indeed, it is possibly the church's greatest liability.

It is quite untrue that the churches indulge the Aboriginal with handouts, as no church

has the money to provide this sort of benevolence. The biggest offender with handouts is the department when it props up uneconomic employment on reserves with Treasury funds. Aborigines are not fools and, when four men shift rubbish from one place to another on a front-end loader (which tips anyway), they know only too well they are engaged in dead-end work, and act accordingly. Work needs to inspire, enourage, train, uplift, and give a sense of dignity and worth to the community, and not be a substitute for the dole, as at present. I wonder how many people realize that the net annual cost to Consolidated Revenue of keeping the 1,700 Aborigines (men, women and children) on and in the eight principal reserves and institutions under the control of the Department of Aboriginal Affairs is $862 a head. I emphasize this. The provision of welfare for Aborigines over the last four years has increased by 44 per cent. One is, therefore, entitled to ask: is this money being wisely spent and to the best advantage of the Aboriginal?

Let us look at child endowment. There has long been a cry for equality for the Aborigines. It has been said that, as the whites receive their child endowment direct, why should not the Aborigines? We must look at the ability of these people to handle this type of money, because we realize that many of them have large families, so the amount of child endowment available to them is substantial. At the same time, they must exercise some responsibility in the use of child endowment moneys, which must be spent for the benefit of their families and not be used to have a standing order for drink to be delivered to them once a month when child endowment is available.

It is interesting to look at what the Auditor-General has to say about one particular reserve. Under the heading "Industries at Koonibba" he states:

During the year an investigation was made into attempts by the department to establish industries at Koonibba reserve for the purpose of providing employment for the reserve's Aboriginal population. The industries proposed were for the manufacture of furniture and concrete posts. The projects involved considerable expenditure of public moneys which yielded no substantial opportunity for training, nor were the funds properly employed or accounted for. The accounting procedures were not carried out as laid down and Ministerial authority for expenditure was improperly applied.

Since the investigation, $10,000 provided to finance these industries has been paid to the Treasury and all expenditure has been charged to Consolidated Revenue. As a result of these operations the reserve now has plant and machinery beyond its normal requirements. The department also purchased 20,000 yards of screenings costing $9,800. Approximately 5,000 yards of those screenings have been utilized on other projects and the balance is still situated on the property of the vendor.

The Aboriginal himself must realize and be taught to understand that every privilege carries a corresponding responsibility. He must learn to control his habits, discipline his life, accept responsibility for his family and observe the hygiene standards demanded of present-day life.

I believe that in his more primitive state he observed this code of ethics. Since his contact with the white race, he has departed from this line, and the white man must accept the responsibility of helping him to regain his self-respect. The obvious way is to be certain that Aboriginal children are given the opportunity of being useful and worthwhile citizens. I support the motion.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from November 5. Page 2175.)

The Hon. R. C. DeGARIS (Chief Secretary): I know most members appreciate that as a layman it has taken me hours of conscientious study to come to some understanding of the complex constitutional and legal implications of this Bill. The effects of this Bill, which passed the House of Assembly in probably record time, cannot be understood without intensive study coupled with expert advice. Even in the week during which I have had to look at this matter, expert advice has varied markedly. During his second reading explanation the Leader said that this Bill, if it passed and became part of our Constitution, would make the abolition of the Legislative Council somewhat more difficult. He also said he supported the abolition of the second House in this State. I find difficulty in believing that statement, although I strongly admire his loyalty to the principles of the Party he represents. I understand very well the enthusiasm for this Bill by the abolitionist because, as drafted, it provides the vehicle to wreck the Constitution of South Australia. If the Bill makes the abolition of the Legislative Council more difficult, one may well ask why the obvious delight of those who follow policies of abolition.

The Hon. M. B. Dawkins: He only said it would be somewhat more difficult.

The Hon. R. C. DeGARIS: I am referring to other statements that have shown much delight at the passage of this Bill into this Council. If the Bill makes abolition more difficult, why are those people so delighted at its passage? In order to gain advantage over the years, political Parties have tried to portray this Council as obsolete, redundant and obstructive. We freely admit that the Lower House, as part of the Legislature (it does not matter whether at Commonwealth or State level), has avenues of greater publicity. It has greater access to the mass media and, if one may say so, it is the grandstand or the main oval for political activities and political actors. This Chamber is not and never has been a publicity-seeking Chamber.

The Hon. D. H. L. Banfield: You got your share yesterday.

The Hon. R. C. DeGARIS: We have a disadvantage in conveying to the public of South Australia the message of this Council. I do not complain about that, but it illustrates that this Council never reaches the stage where it is competing on the State's political stage. Perhaps I could examine this question statistically, in relation to the claim that this House is obstructive to the general will of the House of Assembly. I have a document setting out the position from 1930 to 1967, and I ask leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

RECORD OF THE LEGISLATIVE COUNCIL OVER THE PERIOD 1930-67.

Year	Bills discussed	Originated in Council	Amended	Laid aside by L.C. for for further consideration	Passed	Defeated in L.C.
1930	57	7	25	2	50	5
1931	81	13	35	1	71	9
1932	49	14	17	1	44	4
1933	42	9	24	1	40	1
1934	65	20	25	2	58	5
1935 (1)	7	2	3	1	6	—
1935 (2)	63	10	27	1	60	2
1936	83	6	20	1	80	2
1937	50	5	16	1	46	3
1938	55	5	29	4	48	3
1939	57	8	23	5	49	3
1940	69	9	24	2	66	1
1941	52	10	21	1	51	—
1942-43	38	3	15	—	38	—
1943	41	4	12	2	39	—
1944	40	8	15	1	39	—
1945	49	6	16	2	45	2
1946	59	16	15	3	53	3
1947	58	13	12	3	52	3
1948	60	9	13	—	59	1
1949	69	12	14	2	67	—
1950	62	20	18	3	58	1
1951	53	8	9	—	52	1
1952	57	14	14	—	56	1
1953	58	9	11	1	56	1
1954	70	12	13	—	69	1
1955	63	21	15	1	61	1
1956-57	62	19	8	—	60	2
1957	52	12	15	1	51	—
1958	62	17	4	1	59	1
1959	56	15	11	2	54	—
1960	74	20	11	1	72	1
1961	53	19	8	1	52	—
1962	60	18	5	3	57	—
1963	80	21	19	1	78	1
1964	54	20	17	2	52	—
1965-66	97	26	21	1	90	4
1966-67	87*	22	24	2	81*	1
1967	60	8	21	2	57	1

*Incl. restored L.C. Bill.

The Hon. R. C. DeGARIS: If one studies this table one can see that the claim that this House has been obstructive to the House of Assembly is unfounded.

The Hon. S. C. Bevan: You can defeat the purposes of a Bill by amending it, though.

The Hon. R. C. DeGARIS: In 1938, 29 Bills were amended compared with 21 in 1967. The attitude of this Council has been one not of obstructing but of improving legislation, and since the history of responsible Government in South Australia the deadlock provisions in the Constitution to overcome this situation have never been invoked. In the last three years this Council has been subjected to abuse and inaccurate allegations, yet not one of the Bills defeated here became vital election issues at the last election.

The claim that the Council is obsolete and redundant is also unfounded. I claim that more than ever before in our history the democratic protection of a second Chamber is required, and such democratic protection should be removed from the influence of the dominating Party machines. We have seen developing over the last 40 years, in Australia and South Australia, Party machines demanding absolute loyalty to the dictates of executives outside of Parliament. If that loyalty is not forthcoming, there is expulsion and non-endorsement. In these circumstances, I submit that there is a greater need than ever before to have some effective safeguard. I do not mind how this is done: it is done in many different ways around the world. However, for democracy to survive effectively it is necessary that the bicameral system be maintained and that as much independence as possible be preserved in the second Chamber.

The bicameral system provides the most satisfactory guarantee of the continuation of the democratic system. An effective House of Review must not be obstructive, nor must it be a weak echo of the Lower House. I firmly believe that our present Constitution provides exactly the means of avoiding these dangers. This has been effected, in our particular way, by the election of the second Chamber on a different franchise from that of the House of Assembly.

Much more could be said in support of the bicameral system, which I have previously dealt with at length. No doubt other honourable members will raise this matter in their contributions to the debate. If we look at the history of this Council we realize that it can never be charged with obstruction. Honourable members of this Council have rarely been averse to change or to necessary reform that is in the interests of the State. Many people boast of the fact that South Australia led the world in many democratic reforms.

The Hon. A. F. Kneebone: It was a long while ago, though.

The Hon. R. C. DeGARIS: That may be so, but I believe we are still leading the world in many of these matters. Every one of these magnificent reforms of which we boast was passed with the concurrence of the Legislative Council, which over its history has a very proud record as an effective House of Review. If this Bill passes as it is presently drawn, first, will the Legislative Council still be able to maintain its independence as a House of Review? Secondly, will the Legislative Council run an increasing risk of abolition? In the present situation, the answer to the first question is "No". If this Bill passes in its present form it will reduce this Council to a House dominated by the Party machine.

The Hon. S. C. Bevan: Is it not now, by any chance!

The Hon. R. C. DeGARIS: No, not in any way whatsoever. When one looks at the list that I have already read, it is remarkable that between 1930 and 1967 this Council's attitude did not vary to any marked degree statistically, irrespective of the political colour of the Government in the House of Assembly. As honourable members know, we have always maintained this spirit of independence in the Legislative Council. Honourable members like the Hon. Mr. Banfield have frequently alleged that this Council is controlled by the Party machine, but such honourable members know that the allegation is unfounded. I even believe that a second Chamber controlled by the Party machine would still be of some benefit, but this would reduce its effectiveness and remove the detachment of its members.

The growth of the dominating Party machine as a modern political reality means, more than ever before, that it is absolutely essential to have a second Chamber somehow designed to allow thought to be given to legislation outside the influence of the machine. In his second reading explanation the Leader of the Opposition attacked the present franchise as being undemocratic. If this Bill passes we will face the situation that the Legislative Council will become a mere Party echo of the House of Assembly and, consequently, we will lose an important part of the democratic process.

Perhaps we should look at the question of giving protection to honourable members in this Council from the demands of a dominating Party machine. I should like to recount the situation that occurred in New South Wales in 1926. Of course, New South Wales has no franchise at all for its Upper House: it is a nominated House. In the New South Wales Upper House the nomination is for 12 years and in the Canadian Upper House it is for life. In 1926 the New South Wales Labor Government decided to nominate to the Upper House sufficient members, who were known politically as the suicide squad, to vote for the abolition of the second Chamber. These nominations were made but, once the suicide squad was nominated, there were certain defectors from the dictates of the dominating Party machine.

The Hon. A. F. Kneebone: Shame!

The Hon. R. C. DeGARIS: This is why there is great joy concerning this Bill among members of the Labor Party: their policy is the abolition of this Chamber, which policy would place our Constitution firmly in the hands of a dominating Party machine. This is exactly what Labor Party members require. It is necessary to design a system somehow that removes the influence of the dominating Party machine from the decisions made in this Council. It is necessary for honourable members in this Council to realize that they should not be obstructive to another place and it is necessary for them to judge this matter independently, outside the dictates of the Party machine. This is exactly what happened in New South Wales, because the members there had the protection of a 12-year term. This gives those people some feeling of security and independence. They have done it in New South Wales with a 12-year term. I again emphasize that this Council is not averse to change or reform provided that safeguards are inserted to ensure as far as possible that the bicameral system and independence from the dominance of the Party machine are also included in the reform. I come now to the second question—

The Hon. S. C. Bevan: Irrespective of the opinion of the people.

The Hon. R. C. DeGARIS: The Hon. Mr. Bevan has said "irrespective of the opinion of the people", but what he is really saying is that a vote at election time is a vote for any Party to do whatever it will.

The Hon. S. C. Bevan: Nothing of the sort.

The Hon. R. C. DeGARIS: This is exactly the situation that will occur constitutionally if there were no safeguard in this Chamber.

I turn to the second question: whether this Chamber, if this Bill is passed, would run any greater risk of abolition, and I think that once again the answer would be "yes". I believe that the so-called safeguards of the entrenching clauses in this Bill as drafted are open to grave doubts and, if those doubts prove valid, then this Bill can be looked upon as an abolition Bill.

The Hon. A. J. Shard: That is where you and the Premier disagree again.

The Hon. R. C. DeGARIS: I freely admit I disagree with the Bill at it appears before us, but whether it is a disagreement between the Premier and me is another matter. I am dealing with this Bill and, in my opinion, as it is drafted and as the entrenching clauses appear, it is open to grave doubts.

The Hon. S. C. Bevan: Is this your experts' advice, that the phraseology is still open to grave doubts?

The Hon. R. C. DeGARIS: On the authority of the experts I have contacted (and I have obtained a variety of opinions) and from discussions I have had with various people, I believe that what I have said is true: that the entrenching clauses in this Bill are open to grave doubts.

The Hon. S. C. Bevan: They were not in New South Wales, were they?

The Hon. R. C. DeGARIS: I will deal with certain matters concerning that in a few moments if the honourable member will allow me to get on to them. On many occasions previously I have spoken strongly in favour of the bicameral system of Parliament and I have also spoken on the dangers of the unicameral system. I have said I do not intend to do so again during this debate, although other members may wish to examine that question.

As it comes to us, this Bill only nibbles at the total question of change and reform, but it nibbles so effectively that I believe it plays firmly into the hands of the abolitionists. The Bill, in my opinion, is an excellent illustration of the sort of hasty legislation that would appear on the statute books if the Legislative Council were abolished. Bills would be rushed through the House of Assembly in what I may say would be almost a slap-dash way without any Parliamentary consideration of the implications of other statutory provisions and without any inquiry into whether its referendum provisions were legally watertight. In

fact, the whole drafting of the Bill betrays the fact that no thought has been given to many of the questions I will raise in a few moments. For example, it appears to me reasonably obvious, if the Constitution Act is examined in association with this Bill, that section 8 of the Constitution will be affected, but no attempt has been made to provide for this in the Bill. More importantly, I have grave doubts whether the referendum provisions in this Bill are legally watertight.

The Hon. D. H. L. Banfield: You are now casting reflections on the High Court!

The Hon. R. C. DeGARIS: I am casting no reflection on the High Court and I think the honourable member, as far as casting reflections is concerned on anything at all, would have greater knowledge than I would on the matter. I do not intend to argue that clauses in the Constitution Act cannot be entrenched although I believe that, unless many amendments are made to other parts of the Constitution Act, new section 10A may be by-passed.

Arguments can be advanced that once a referendum provision is in the Constitution, even if it is legally possible to by-pass this, no Government would ever be game to do it. I refer, if any member has doubts about this, to the J. T. Lang move in 1929-30 in New South Wales. At least I believe that to prevent the possible by-passing of section 10A a great deal more expert advice is needed. Much has been made in the debates on the Bill of the Trethowan case, and no doubt many members of this Chamber have some knowledge of that matter, but perhaps once again I can go through a short history of it as I know it.

I have already stated that in New South Wales in 1926 the then Australian Labor Party Government swamped the Legislative Council with a suicide squad for the express purpose of voting for the abolition of the Legislative Council. However, when the Bill came down there were certain defectors and the reason for the defection from the dominating Party machine was the 12-year term for members of the Legislative Council. It had been provided in the Constitution of the New South Wales Parliament since 1855 that any Bill altering the laws concerning the Legislative Council were to be reserved for the Royal pleasure and such Bills would have to lay before both Houses of the Imperial Parliament for 30 days before signature. However, giving Royal assent to the abolition Bill of the Legislative Council in Queensland showed clearly that any Bill passed by a State Parliament would not be refused Royal assent. With this in mind, the Liberal Government in 1929 in New South Wales inserted new clause 7A in its Constitution providing that any Bill to abolish the Legislative Council or to alter its constitution or powers must first be agreed to by a referendum of all electors of New South Wales. Moreover, the provisions of new section 7A in the New South Wales Constitution provided that it could not be repealed except by the same procedure; that is, a referendum of all the electors of the State.

In 1930 the Lang Government came to power in New South Wales and immediately introduced two Bills. The first Bill repealed section 7A, the referendum provision, and the second was to abolish the Legislative Council. Both Bills were passed by both Houses, but were not submitted to a referendum. Two members of the Legislative Council sought an injunction to prevent these Bills being presented to the Governor for assent before a referendum of all the electors of New South Wales had been taken. The Supreme Court of New South Wales found that the Bill had to be passed by a referendum before presentation. There was in this case an appeal to the High Court, and that appeal was made on the following three grounds: first, whether Parliament had the power to abolish the Legislative Council; secondly, whether Parliament had the power to alter the Constitution or powers of the Legislative Council; and, thirdly, whether section 7A could be repealed except by referendum. The High Court, in a three to two judgment (I emphasize that), found that the special manner and form procedure had to be followed, that is, that a referendum had to be held. This decision was upheld by the Privy Council.

At this stage, two questions arise. I admit that they are technical matters, but they are matters that are not dealt with, I believe, in the Bill before us. Neither the question of *locus standi* nor whether an injunction could be taken were before the High Court or, I believe, before the Supreme Court of New South Wales. Before dealing with these technical matters, I would like to refer to a High Court decision of 1960 in the case of Clayton v. Heffron. This also was a case involving a constitutional question in New South Wales. At page 250 of the *Commonwealth Law Reports* the following appears:

It may be said that to do this goes beyond the literal meaning of the words "constitution, powers and procedure of such legislature".

But be that as it may, section 5 of the Constitution Act, 1902-1956, appears on consideration to contain a sufficient power not only to change the bicameral system into a unicameral system but also to enable the resolution of disagreements between the two Houses by submitting an Act passed by the Assembly for the approval of the electors in substitution for the assent of the Council, and moreover to include in the application of that legislative process Bills for the abolition of the Legislative Council and Bills otherwise falling within the description dealt with by section 7A. The reasoning supporting this conclusion is indeed simple. It rests on the plain if very general words of section 5 of the Constitution Act. The first paragraph of the section is as follows: "The Legislature shall, subject to the provisions of the Commonwealth of Australia Constitution Act, have power to make laws for the peace welfare and good government of New South Wales in all cases whatsoever.

If one looks at section 5 of the Constitution Act of New South Wales and then looks at section 5 of our own Constitution Act, one finds that they are almost identical. I do not know what that decision has to do in relation to this matter, but it may well be that new section 10a can be by-passed; I do not know. I am merely submitting a finding of the High Court in Clayton v. Heffron, in which case the decision is perfectly clear that section 5 of our Constitution, even though there is a referendum clause in our Constitution, can be directly by-passed and can transfer a bicameral system to a unicameral system under its own weight.

I just make that quotation; I do not know whether it is a valid one or not, for I am only a layman. I would like some explanation of this decision in Clayton v. Heffron. I come back to these technical difficulties to which I referred. In any entrenched clause, a special manner and form of procedure is supposed to be followed; but supposing that an entrenched clause is violated: I believe that an insurmountable difficulty may arise in seeking a remedy. In the case of a person or persons wishing to take action to challenge such legislation, the questions of *locus standi* and the remedy available have to be considered. As I pointed out, in the Trethowan case the question of *locus standi* was not before the court. In Clayton v. Heffron the defendants conceded *locus standi* in order to obtain a decision on a constitutional issue.

In my reading on this matter, I have noticed it is generally conceded by quite a number of legal authorities that if this concession had not been made the High Court would have decided that the plaintiffs did not have sufficient interest. I understand the situation in that event is that the matter could never reach the court. In Trethowan's case the question whether an injunction should be granted was also not before the court. The High Court of Australia has on at least two occasions indicated quite clearly that it doubted the correctness of the decision of the Supreme Court of New South Wales in granting the injunction. Although I will not read it, I refer honourable members to page 250 of the *Australian Law Journal,* which seems to deal with this matter much better than I can deal with it. I believe it is possible to get a declaration that the Act was invalid after Royal assent has been received. One may say, in the words of Ben Chifley, that it is very difficult to unscramble an egg.

If a declaration as far as an injunction is concerned cannot be obtained until after Royal assent has been given, I think it is quite obvious to many people that then it would be too late. I believe that as far as South Australia is concerned section 31 of the Supreme Court Act may be used to seek a declaration. However, one must also appreciate that the Supreme Court Act could be altered very easily by a simple majority in both Houses. It appears to me that in the Bill before us the only way to fight the issue, if these particular circumstances are provided when a special procedure has been by-passed, is to seek a declaration after the enactment, and I believe it would then be too late anyway. In any case, on my reading of section 10a (not that I am an expert in this field) and the New South Wales section 7A, it appears to me that the new section 10a in South Australia does not support an injunction as well as does section 7A of New South Wales.

I would like to pose one other question, and this is a question purely from a layman's point of view. If entrenched clauses are binding on sovereign Parliaments, how far can they go? I believe entrenched clauses can play a very important part in the preservation of our democratic system, I believe they can be used to that advantage. But also, along the same lines, supposing an entrenched clause needs a 90 per cent majority at a referendum or an 80 per cent majority vote of both Houses of Parliament: this surely must mean that by a majority in both Houses matters could be entrenched that could not be altered, except by some fantastic majority at a referendum. What I would question is whether such an entrenched clause would be legally binding or does this question I am putting cast a

severe doubt on the legality of entrenched clauses, anyway? I have dealt with this matter and the point of a layman struggling with a mass of legal material. Many other matters could be raised. For instance, I could ask why clause 8 has not been specifically stated in relation to new clause 10a, and why the deadlock provisions have not been included—for that is an obvious way in which the difficulty could be surmounted. I could ask why the Constitution of the Legislative Council has not been included. However, in conclusion, I would say that this Bill as drawn does not give the necessary guarantee that the bicameral system will be protected; nor does it protect the Legislative Council from amendments to section 41, through which the whole procedure can be attacked. There is no entrenchment of the constitutional powers of the Council.

This Bill tampers with the Constitution of South Australia (a Constitution that has served this State well so far) in such a way that I am sure no-one in this Parliament at this stage can give a clear picture of its effects. I repeat that this Bill only nibbles at the whole question of change and reform, and it nibbles in such a way that it can only lead members in this place to be highly suspicious of what is proposed in it. I repeat, too, that this Council has never been opposed to necessary reform and changes for the benefit of this State and, if such changes are necessary, then we have a duty to protect the future of an effective House of Review from the demands of the powerful Party machines and to preserve a bicameral system, which is the best means of ensuring a democratic system.

The Hon. A. F. KNEEBONE (Central No. 1): I listened with great interest to what the Chief Secretary said but, before commenting on that, I draw attention to what has happened in the last couple of weeks in regard to the Constitution Bills that have been before this Council. On October 17 I registered my disapproval of the manner in which Government business was set aside by Government members in this Chamber in a most unseemly manner in order that, for some undisclosed reasons, a private member's Bill for constitutional reform could be dealt with. If I had not raised my objections at that point and my colleagues had not supported me, that Bill would have been rushed through its remaining stages on that day.

I ask honourable members to bear in mind that this was a private member's Bill on constitutional reform; also, that it was a Thursday on which it was being dealt with, and not a Wednesday. Last week the Hon. Sir Arthur Rymill sought to delay the passage of another private member's Bill on constitutional reform, saying it was normal procedure for private members' Bills to be dealt with on a Wednesday. As I have seen Standing Orders applied since entering this Chamber seven or more years ago, private members' Bills take precedence on a Wednesday; on the other days of the week when this Council sits, they are debated also, but they always follow Government business on those days unless, for some reason, a private member seeks to have the proceedings deferred to some later date. If, however, the private member whose Bill it is desires, for some reason, that it be dealt with urgently, this request is usually granted. I am sure that, if Sir Arthur Rymill had told us last week that there was some legal point he desired to look at there would have been no objection to the adjournment. If he had come to my colleagues and me straight-out and given us a reason, there would have been no objection and we would not have had the exhibition we had here last week. Incidentally, I notice that the honourable member who adjourned the matter until today is not here to speak to it, anyway. If he was not ready to speak, surely other members on the Government side should be ready to, as is usually the case when an honourable member himself is not ready to speak: some other honourable member speaks, thus giving the honourable member time to do his homework on the matter.

When speaking to the Bill dealing with the franchise for the Legislative Council, introduced by the Hon. Mr. Rowe, I said I would support it only because it made some improvement in the present conditions in regard to the franchise for this Council. I said then, and still maintain, that there should be no restriction upon the franchise for this Council. I feel that the present Bill does not go far enough. Despite what the Chief Secretary has said about it and his reference to the fact that, if the franchise for this Council was the same as that for another place, this Council would not, in effect, be a House of Review, I draw attention to the fact that, even in this Bill, the franchise is not the same. The voting for the Lower House is compulsory for the people on that roll. This Bill does not provide for compulsory enrolment or voting. Therefore, in these circumstances, the franchise for the two Houses would be different.

I was interested to hear the Chief Secretary's reference to a list of Bills rejected by this Council between the 1930's and today. This is all very well and statistics can be made to talk, but I should like to know which were the Bills rejected here. That is the important thing—which Bills they were. How important were they? How much were they the policy of the Liberal Party? How did the Council act in regard to those policies? The point is not the number of Bills that were rejected but what they were because, in my experience in the short time I have been in this Chamber (which certainly does not go back to the 1930's but at least covers a few years), when the matter under consideration is important Liberal Party policy, it is carried in this Chamber. We have had experience of that. When we were in Government and I was a Minister, I was amused to see, when I introduced industrial matters that I knew would not receive the support of the majority of the members then in Opposition, how the matter was taken care of by a few Opposition members voting with me on those matters. Although the principle was the same in regard to industrial matters being put forward in subsequent clauses the same members did not vote with me; different members did. This was for the purpose of creating the illusion that they were not tied to any policy.

The Hon. D. H. L. Banfield: They have to take it in turns.

The Hon. A. F. KNEEBONE: That is right. We had the experience last week when a motion was moved by a Government back-bencher, to which an amendment was moved (of course, the amendment was not the main question, as, indeed, an amendment never is) where some Government members voted against the Government to create an illusion, and when it appeared that the Government might be criticized, there were sufficient members voting with the Government to ensure that it was carried.

This afternoon members divided on a certain motion, and a certain member apparently received the wrong riding instructions because he hesitated in the middle of the Chamber before going the other way. Even if he had come over with the Opposition the motion would not have been carried in our favour, but this is what goes on. Members opposite should not kid themselves. When a Liberal and Country League Government is in office in another place, Party matters get carried here and any amendments made are not important because they do not affect the main principles of the Bills.

The Hon. C. R. Story: I think you are being hard on your supporters.

The Hon. A. F. KNEEBONE: I may be, but the supporters that come with me—

The Hon. C. R. Story: As a matter of fact, you are being extremely unfair.

The Hon. A. F. KNEEBONE: I may be, but it is hard to distinguish from the Government ranks, who are my main supporters, because they change so frequently.

The Hon. V. G. Springett: That illustrates their independence.

The Hon. A. J. Shard: You always make sure you have the numbers on the right side.

The Hon. A. F. KNEEBONE: The Chief Secretary said that we were delighted at the introduction of the Bill because it provided for the abolition of this Council.

The Hon. R. C. DeGaris: I didn't say that.

The Hon. A. F. KNEEBONE: The Minister said it contains a provision that could be overcome. He said it does not ensure the existence of this Council. I think he said that the Bill could eventually provide for its abolition.

The Hon. A. J. Shard: The Minister said that this Bill helps the abolitionists.

The Hon. R. C. DeGaris: Yes.

The Hon. A. F. KNEEBONE: I make no excuses for supporting the abolition of this Council, but I am sure we have been sold a pup by the Premier. I am not a constitutional lawyer; nor is the Chief Secretary.

The Hon. A. J. Shard: He did not claim to be.

The Hon. A. F. KNEEBONE: The Chief Secretary expressed a doubt whether the views he was putting could be substantiated. I am not ashamed for supporting the policy of the Labor Party for the abolition of this Chamber because, after all, I helped to formulate the Labor Party's policy, as I have attended conferences and I have power to vote at them.

The Hon. D. H. L. Banfield: They are open to the press, too, aren't they?

The Hon. A. F. KNEEBONE: Of course they are. I think the Chief Secretary was trying to justify his disagreement with the Premier. He referred to the dominating Party machines and the fact that people who disagreed with those Party machines could face elimination in pre-selection ballots.

The Hon. R. C. DeGaris: I gave the illustration of New South Wales, which bears out what I said.

The Hon. A. F. KNEEBONE: And the Minister is concerned regarding his future in these matters.

The Hon. A. J. Shard: One of them will have to go.

The Hon. A. F. KNEEBONE: Yes, either the Premier or the Chief Secretary. One of them was wrong. I think the Minister insinuated that the Premier had an ulterior motive. The Minister said we were delighted at the Bill, but I indicated that it does not fill me with delight, because it refers only to the franchise of this Council. It does not go far enough. The Minister insinuated that there is an ulterior motive regarding this Bill because of its provisions. However, those provisions were offered to the Opposition by the Premier, so the Premier had an ulterior motive in relation to this Chamber when he introduced it. In this case the Premier, as well as some of his Cabinet members, have designs on this Chamber despite the very good deal they get from it.

The Chief Secretary said that entrenched clauses of this nature are usually inserted to defend democratic institutions. However, I submit that they are not protecting a democratic institution when protecting this place, because its franchise is not democratic. He then referred to the record of this Council, and of its having passed some of the great electoral reforms in past years, and, as I interjected, this goes back a long way. However, it should be noted that these great electoral reforms which took place and which the Chief Secretary said this Council supported did not affect to any great extent the franchise of this place. They were electoral reforms regarding the franchise of another place.

The Hon. R. C. DeGaris: And many others!

The Hon. A. F. KNEEBONE: That is all I wish to say regarding the Bill, except that I will vote in favour of it. I accept that it does not allow this Council to be abolished without a referendum. Even though this is against my policy and thoughts in regard to this Council, I accept that by the provisions of adult franchise there will be a much greater opportunity for the Party of which I am a member to have more members in this Chamber and perhaps eventually we shall have a majority, despite the fact that the Bill is not entirely satisfactory.

If we had the majority here, it would be necessary to hold a referendum for the abolition of this Council. That is acceptable to me. I am sure that if this Council acts in the way it has done in regard to most Bills I have seen since I have been here, a referendum for the abolition of this Council would be carried and, if so, the Council would be abolished. I cannot see how it can be abolished, in the terms of the present Bill, without such a referendum.

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

The Hon. A. J. SHARD moved:

That the adjourned debate be made an Order of the Day for tomorrow.

The Hon. Sir NORMAN JUDE moved:

To amend the motion by striking out "tomorrow" and inserting "Wednesday, November 20".

The Hon. D. H. L. BANFIELD: I support the Hon. Mr. Shard's motion. It is consistent with what took place recently, when another Bill to amend the Constitution was debated on a day other than a private members' day. Because this Bill is just as important, it should be discussed at the earliest convenience, not set aside for another week.

The PRESIDENT: The Hon. Sir Norman Jude's amendment provides that the debate be adjourned until Wednesday, November 20. It will be necessary to put the question in the form as it is put in Committee. The motion is: "That the adjourned debate be made an Order of the Day for tomorrow." The amendment provides that the date should be Wednesday, November 20. The question as it is put to the vote will be: "That the word proposed to be struck out stand part of the motion."

The Council divided on the question:

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

Noes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude (teller), H. K. Kemp, F. J. Potter, C. D. Rowe, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 10 for the Noes.

Amendment thus carried; motion as amended carried.

CATTLE COMPENSATION ACT AMENDMENT BILL

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

PRICES ACT AMENDMENT BILL

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

LICENSING ACT AMENDMENT BILL (No. 1)

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

WHEAT INDUSTRY STABILIZATION BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave and introduced a Bill for an Act relating to the marketing of wheat and the stabilization of the wheat industry. Read a first time.

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

That this Bill be now read a second time.

Since 1948 there has been in operation a scheme for stabilizing prices in the wheat industry. Provision has been made in Commonwealth legislation for the establishment of the Australian Wheat Board to undertake the marketing of wheat at home and abroad, and the board is also empowered to administer the price stabilizing aspects of the scheme. On September 30 of this year the scheme covering the five seasons prior to that date came to an end. The legislative framework of that scheme was, as far as this State is concerned, the Wheat Industry Stabilization Act, 1963, of the Commonwealth and a complementary Act of this State (the Wheat Industry Stabilization Act, 1963-1964).

As a result of discussions between the responsible State and Commonwealth authorities and representatives of the industry, it is proposed that the stabilization scheme will be continued for another five seasons within a not dissimilar legislative framework. For its part, the Commonwealth is in the process of enacting a Wheat Industry Stabilization Act and this Bill is, as regards this State, the necessary piece of complementary legislation. Honourable members, on examining the Bill, will find that in substance it closely follows the Wheat Industry Stabilization Act, 1963-1964, of this State, except of course that it is expressed to apply to the five future seasons whereas the 1963-1964 Act applied to the five past seasons. Thus, the mechanics of the proposed scheme are for practical purposes the same as for the former scheme.

Before proceeding to a discussion of the detailed provisions of the Bill, I will indicate the principal differences between the scheme that operated over the past five seasons (which, for convenience, I will call the "previous scheme") and the scheme that it is proposed will operate over this and the next four seasons (which, for convenience, I will call the "proposed scheme"). Although both schemes were expressed to operate for five seasons under the proposed scheme, the Australian Wheat Board has been given a statutory life of seven seasons. This is to enable the board to make forward contracts during the last years of the proposed scheme. Under the previous scheme, a guaranteed price was fixed at the equivalent of $1.44 a bushel for the base year, that is the first year of the scheme. This price was an f.o.r. one and was based on a "cost of production" formula that used data obtained from the Bureau of Agricultural Economics survey of the wheat industry, together with certain other items. The whole formula was based on a yield of 17 bushels to the acre. During the five years of operation of the scheme, annual variations have advanced the guaranteed price to $1.64 a bushel.

The proposed scheme has a base guaranteed price of $1.45 a bushel f.o.r., which is not related to the "cost of production" formula used in the previous scheme but was fixed after negotiation between the Commonwealth and the Australian Wheatgrowers Federation and which has regard to the availability of Commonwealth funds. Annual variations up or down are provided for and the variations are to be based on producers' cash cost movements, together with an allowance in respect of the interest on notionally borrowed capital. It is obvious that the annual variations under the proposed scheme will be less than the annual variations under the previous scheme since more items were included in the "cost of production" formula than are represented by cash costs and interest on borrowed capital. The quantity of wheat, the subject of a guaranteed price, has, under the proposed scheme, been increased by 50,000,000 bushels to 200,000,000 bushels.

In the calculation of the home consumption price there is a significant variation between the schemes. Under the previous scheme, the home consumption price was fixed at the guaranteed price plus a loading on account of Tasmanian freights. Under the proposed scheme the home consumption price of $1.70, plus a loading for Tasmanian freight of 1c, has been fixed and this price is subject to annual cash variations equal to the annual cash variations on the guaranteed price. While the home consumption price is in advance of the home consumption price for the last year of the previous scheme, I would point out to honourable members that, if the previous scheme had

been projected into this year, the home consumption price arrived at would have been rather more than the effective $1.71 proposed.

The ceiling of the stabilization fund has been raised by $20,000,000 to $80,000,000, and under the proposed scheme a significant concession has been made in relation to the tax levy necessary to support the fund. Previously the tax, up to a maximum of 15c, has been levied on each 1c by which the guaranteed price is exceeded; under the proposed scheme the tax will operate up to the same maximum only when the guaranteed price is exceeded by more than 5c. This, then, represents the substance of the variations between the schemes. I will now deal with the details of the Bill.

Clause 1 is quite formal. Clause 2 is intended to ensure that this Bill has effect in this State on the same day as the Commonwealth Bill has effect in this State. Clause 3 is formal. Clause 4 repeals the previous Wheat Stabilization Act of this State and makes appropriate transitional provisions. Clause 5 provides a number of definitions necessary for the Act. Clause 6, in effect, provides that, while the Act itself is capable of applying for seven seasons to ensure that the board will be able to make forward contracts, the stabilization provisions provided for in section 14 (7) and (8) will apply for the period of the scheme; that is, five seasons. Clause 7 ensures that this Bill will, if any constitutional difficulty arises, be as effective as it validly can be.

Clause 8 sets out the powers of the board in substantially the same form as they were in the 1963 Act of this State, with the exception that the power has in paragraph (*c*) been extended to cover forward sales of wheat. Clause 9 is a new provision which is thought to be desirable and which is intended to protect the members of the board while acting in their official capacity. Clause 10 confirms the board's power to grant licences, and subclause (2) continues in force licences in existence immediately before the commencement of this Act. Clause 11 deals with the delivery of wheat to the board and generally follows the provisions of the 1963 Act. Clause 12 relates to delivery to a licensed receiver and, in effect, provides that delivery is not effective until it is received by a licensed receiver. Subclause (2) coupled with a corresponding provision in the Commonwealth Act will enable this State to legislate effectively to provide rationalized delivery schemes. Previously it would not have been possible for the State to do this.

Clause 13 deals with unauthorized dealings in wheat and again follows the corresponding provisions of the 1963 Act. Clause 14 deals with the price to be paid for wheat and its determination by the board and is generally self-explanatory. The references to guaranteed price are to the guaranteed price of wheat fixed by the Commonwealth after consultation with the States in accordance with the provisions of the Commonwealth Act. Clause 15 relates to payments by the board and is again generally self-explanatory and quite closely follows the corresponding provisions of the 1963 Act. I draw honourable members' attention to the provisions of subclauses (6), (7) and (8), which are peculiar to this State and which were last enacted as an emendment to the 1963 Act. Clause 16 relates to declarations to accompany delivery of wheat of a season prior to the season in which it was actually delivered.

Clauses 17 and 18 are self-explanatory and in general arm the board with appropriate powers to cause entry and search of premises for wheat to be made and also allow the board to call for returns. Clause 19 is intended to ensure that wheat, the property of the board, will be properly looked after. Clause 20 fixes the home consumption price of $1.70 and provides for that price to vary up or down by the same amount as the guaranteed price varies from the amount of $1.45. Clause 21 continues in operation the special account for freight to the State of Tasmania. Clause 22 will permit the use of the board's funds in any State subject to the board meeting its obligations in this State. Clause 23 is a fairly usual general offences provision, and clause 24 is a general regulation-making power. As the Bill is of major importance to the economy of this State, I am sure I will have the co-operation of honourable members in obtaining its speedy passage through this Chamber.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

TEXTILE PRODUCTS DESCRIPTION ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Textile Products Description Act, 1953. Read a first time.

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

That this Bill be now read a second time.

The Textile Products Description Act, 1953, was enacted following many conferences

between representatives of the Commonwealth and State Governments. There are similar Acts in all other States and similar provisions in the Commonwealth Commerce (Imports) Regulations. Last year two amendments to the textile labelling legislation throughout Australia that were proposed by the Australian Wool Board were submitted to, and endorsed by, the Australian Wool Industry Conference and were also considered by the Australian Agricultural Council (which comprises the Commonwealth and State Ministers of Primary Industry and Agriculture). This Council supported the amendments, which were then considered at conferences of Ministers of Labour of all States (in each State the Ministers of Labour administer the textile labelling legislation), and all these Ministers agreed to introduce legislation to give effect to the requested amendments.

The Textile Products Description Act defines "wool" as meaning the "natural fibre from the fleece of any variety of domestic sheep or lamb", and it provides that if any textile product contains 95 per cent or more by weight of wool the label shall include the words "pure wool". The Australian Wool Board requested that if a textile product contains at least 80 per cent of sheep's wool and the remainder comprises (apart from the 5 per cent tolerance) specialty animal fibres, being alpaca, mohair, llama, vicuna, camel hair and cashmere, the Act should allow such products to be labelled as "pure wool" or to be labelled so as to show the actual fibre content of the product. The request was made so that the internationally recognized symbol "Woolmark" could be applied to such a combination of at least 80 per cent wool and animal fibres, the object being to increase the sale of wool on the international market.

The use of the symbol "Woolmark" in these circumstances is already permitted in all countries of the western world, with the exception of Australia, New Zealand, South Africa, Belgium and Mexico. In September last, the Managing Director of the International Wool Secretariat advised that similar action to that now being taken in Australia was in train in New Zealand and Belgium and that Mexico had the matter in hand. The intention of South Africa is to follow the Australian legislation when it is amended. In order that the Australian Wool Board may implement a new promotion scheme in 1969, the Ministers of Labour in all States have agreed to introduce the enabling legislation this year so that the amended legislation may be in operation by January 1, 1969.

The second request initiated by the Australian Wool Board, and also agreed to by the Australian Agricultural Council and the Ministers of Labour, was to allow carpets and furnishing fabrics with a pile consisting of 95 per cent or more of wool but a non-wool foundation or backing to be described as "pure wool". It was possible to give effect to this request in respect of carpets (which usually have jute backings) by an amendment to the regulations under the Textile Products Description Act made on February 15, 1968, but amendments are necessary to the definition of "textile product" and to the regulation-making power in section 9 of the principal Act to enable regulations to be made allowing the composition of backings to be disregarded when considering the composition of certain articles, thus giving effect to the request with respect to furnishing fabrics which have various types of backings.

There are two other matters dealt with in the Bill. The first is to permit the words "all wool" to be used as an alternative to the words "pure wool" in describing a textile product that contains 95 per cent or more by weight of wool or in blends of wool and specialty animal fibres that contain at least 80 per cent of wool. Some manufacturers prefer to use the alternative expression, and as it has substantially the same meaning the Ministers in all States have agreed to introduce amending legislation accordingly. When the Act was passed in 1953 it applied to all carpets because at that time carpets were woven, knitted or felted. However, since then new methods of production (for example, "tufting") have been introduced, so because of the method of manufacture some carpets are not now subject to the Act. This anomaly can be overcome by including carpets specifically in the definition of "textile product", and this has been done in the Bill.

Clauses 1 and 2 of the Bill are formal. Clause 2 will permit the Act to be brought into operation on the same day as similar legislation in the other States of the Commonwealth. Clause 3 introduces the new definition of "specialty animal fibre" and alters the definition of "textile product" in the manner I have already mentioned. Clause 4 enables the alternative expression "all wool" to be used in describing articles that now have to be shown as "pure wool", and permits of textile products that are a mixture of not less than 80

per cent wool and specialty animal fibres to be described as "pure wool" or "all wool". Clause 5 alters the provision relating to the making of regulations to permit articles to be declared not to be "textile products" for the purposes of the Act.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

REGISTRATION OF DOGS ACT AMENDMENT BILL

Read a third time and passed.

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That this Bill be now read a second time.

It amends the Stamp Duties Act to provide for the levy of a stamp duty on certificates of compulsory third party insurance that are lodged with the Registrar of Motor Vehicles in accordance with section 21 of the Motor Vehicles Act, together with applications to register motor vehicles. Similar levies are made in Victoria, in the form of a surcharge levied under the Motor Car Act, and in Western Australia in the form of a surcharge levied pursuant to the Motor Vehicles (Third Party Insurance Surcharge) Act. In Tasmania a charge is levied on the insurance companies in respect of each such policy issued, thus leaving it to the companies to recover from their clients. The rate of the levy in each of those States is the same—$2 on each annual certificate of insurance.

In this Bill it is proposed to levy a stamp duty of $2 on certificates of insurance lodged with applications to register vehicles for 12 months, and $1 on certificates of insurance lodged with applications to register vehicles for six months. The duty will be denoted on the certificate or interim certificate of registration or on some other appropriate form issued by the Registrar of Motor Vehicles with the approval of the Commissioner. It is proposed that the total proceeds of the duty shall be paid to the Hospitals Fund and used exclusively for the purposes of public hospitals and Government-subsidized hospitals.

The present general charge for vehicular accident cases in public hospitals is $12.50 a day. In the Royal Adelaide Hospital, which handles the majority of accident cases, the average daily cost of treating and maintaining a patient in 1968-69 will be about $26. In the Queen Elizabeth Hospital, which also treats a high proportion of accident cases, the average daily cost this year will exceed $30. The problem of actual costs being much greater than fees charged is also faced by other Government hospitals and by the many subsidized hospitals to which the Government must give considerable financial support each year. As honourable members know, the moneys available in the Hospitals Fund from lottery and T.A.B. operations, to be supplemented by this special stamp duty, are allocated, administratively, first towards meeting the increased grants to subsidized hospitals and then towards the increased costs of Government hospitals.

It should be noted that duty is payable only in respect of certificates of insurance lodged with the Registrar on the making of an application to register a motor vehicle. It follows, therefore, that no duty will be payable in respect of certificates issued in connection with vehicles exempt from registration. These include fire-fighting vehicles, certain primary producers' vehicles and other vehicles that travel on roads only for repairs to be effected at the nearest repair shop. Likewise, no duty will be payable in respect of certificates required to enable the vehicles to travel on a permit—for example, isolated journeys by heavy equipment, primary producers' vehicles that use roads only to travel between different parts of the owner's farm property.

Clause 2 of the Bill provides for the Act to come into operation on a day to be proclaimed. This provision is necessary because related to this Bill is a Bill to make certain consequential amendments to the Motor Vehicles Act and it would be essential that both Bills be brought into operation at the same time. Clause 3 amends the heading preceding section 42a of the Act indicating that stamp duty will apply to certificates of insurance as well as to applications for motor vehicle registration. Clause 4 is a drafting amendment by which the definition of "application to register a motor vehicle" is redrafted by excluding therefrom the exception relating to any application by a person for renewal of his existing registration. This exception has been converted by clause 9 (*a*) to Exemption 15 of the exemptions (in the Second Schedule) to the liability to pay duty on every application to register a motor vehicle. The effect of the present law is not changed by the amendment.

Clause 5 amends section 42b of the Act to provide that the stamp duty on the insurance

certificate is to be paid to the Registrar of Motor Vehicles at the time of making an application to register a motor vehicle. This is the same as the procedure already laid down for the payment of duty on applications to register or to transfer registration of a motor vehicle. The duty will be denoted by cash register imprint or by impressed stamp, or by both. It also provides that the duty in respect of the certificates of insurance shall be paid to the Hospitals Fund and used in the same manner and for the same purposes as moneys derived from lotteries and T.A.B. activities and paid into the Hospitals Fund. Clauses 6 and 7 merely extend the present application of sections 42c and 42d, which deal at present with claims for exemption and for refunds of over-payments of stamp duty on applications for registration or for the transfer of the registration of motor vehicles, to stamp duty in respect of insurance certificates. The Commissioner's authority to make refunds in certain cases is extended to permit him to authorize the Registrar to make refunds on his behalf.

Clause 8 amends section 42e of the principal Act by widening the regulation-making power to include power to repeal, vary or add to the exemptions to the liability to pay duty on certificates of insurance. The section already contains a similar power in relation to exemptions to the liability to pay duty on applications for registration of motor vehicles. The opportunity is taken in clause 9 to amend the Second Schedule by including in the list of exemptions shown in the Act relating to applications to register or transfer registration of vehicles the various exemptions that have been prescribed by regulation since the original statutory exemptions were enacted in 1964. This means that, instead of having to search the *Gazettes*, all the exemptions will appear in the Act. Exemption No. 10 is reworded so as to exempt not only municipal and district councils but also bodies wholly constituted by municipal and district councils and carrying out certain council functions. The "controlling authorities" mentioned in this exemption are authorities formed by councils co-operating to carry out functions such as weed and vermin control, drainage, etc. This clause also adds the further exemption (Exemption No. 15) that I mentioned earlier to make it quite clear that duty on an application to register a motor vehicle is not payable if, immediately before the date of the application, the vehicle was registered in the name of the applicant in any State or Territory of the Commonwealth.

Clause 9 also inserts in the Second Schedule the new item "Certificate of Insurance" and sets out the appropriate rates of duty of $2 where the vehicle is to be registered for 12 months and $1 where it is to be registered for six months. It then sets out the various exemptions to this duty which follow very closely the exemption from duty on applications to register or transfer registration of motor vehicles. They apply to certificates of insurance lodged by persons who are entitled to free registration; for registration of trailers; by the Crown and statutory bodies of the Crown; to register large passenger buses; by local government authorities and certain authorities constituted of local government authorities; by certain incapacitated exservicemen; and by certain incapacitated civilians. I commend the Bill to honourable members and move the second reading. In so doing, I seek the indulgence of the Council to deal expeditiously with this Bill and the Motor Vehicles Act Amendment Bill (No. 2), both of which are related Bills and complementary to one another.

The Hon. S. C. BEVAN secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That this Bill be now read a second time.

It is complementary to the Stamp Duties Act Amendment Bill (No. 2), which is before this Council. As honourable members are aware, that Bill amends the Stamp Duties Act to provide for the levy of a stamp duty on certificates of compulsory third party insurance which are lodged with the Registrar of Motor Vehicles under section 21 of the Motor Vehicles Act at the time of making application for the registration of the motor vehicles to which the certificates relate. Provision is made in clause 2 for the Bill to be brought into operation on a day to be fixed by proclamation. The reason for this provision is to ensure that this Bill and the Stamp Duties Act Amendment Bill (No. 2), which is related to it, are brought into operation at the same time.

Clause 3 amends the definition of "stamp duty" in section 5 of the principal Act because at present that definition is restricted in its meaning to stamp duty on an application for

the registration or transfer of registration of a motor vehicle. The definition in its amended form would be wide enough to catch up stamp duty on certificates of insurance as well. Clauses 4 and 5a make drafting amendments to sections 11 and 16, respectively, of the principal Act. Clauses 5 (*b*), 6, 7, 8, 9, 10, 13, and 14 amend various other provisions of the principal Act so as to ensure that payment of the stamp duty imposed by the Stamp Duties Act Amendment Bill (No. 2) is received by the Registrar of Motor Vehicles before registering a motor vehicle or before issuing a permit authorizing the use of a motor vehicle pending its registration.

Clause 11 amends subsection (3) of section 43 of the principal Act which provides that if the registration fee or the stamp duty payable on registration of a motor vehicle, or both, are paid by cheque which is dishonoured, the registration is to be deemed void. The clause merely extends the application of the sections to cases where the stamp duty on a certificate of insurance is paid by a cheque that is subsequently dishonoured. Clause 12 requires the Registrar of Motor Vehicles, when registering a motor vehicle, to issue to the owner not only a registration label but also a certificate or an interim certificate of registration relating to the motor vehicle. This is the present practice and it is being written into the Act because provision is made in the Stamp Duties Act Amendment Bill (No. 2) for the stamp duty on the relevant certificate of insurance to be denoted on the certificate or interim certificate of registration issued by the Registrar in relation to the vehicle in question.

The Hon. S. C. BEVAN secured the adjournment of the debate.

ELECTORAL DISTRICTS (REDIVISION) BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2351.)

The Hon. A. J. SHARD (Leader of the Opposition): With certain reservations and misgivings I support the Bill, which provides for the appointment of a commission to make, and report upon, a division of the State into proposed electoral districts, and for purposes consequent thereon or incidental thereto. The intention of the Bill is to increase the number of members in another place from 39 to 47, and to enlarge the metropolitan area for the purpose of fixing electoral boundaries. I do not wish to speak at length on it today, because it is more a Committee Bill than one for debate on the second reading. However, I intimate that from my reading of it and following it in another place I have some doubts whether the metropolitan area, as defined in the Bill, can be considered proper. I have not studied the Bill in detail although I will do so and, perhaps, propose an amendment.

Both Parties, whether they be dominant political Parties or otherwise, agree that there should be an increase in the number of members of Parliament in another place. We also believe that there should be a more democratic distribution of electors in various districts to bring them more into balance. I do not know whether this Bill will effectively do that (I say that with some reservation) because pursuant to clause 9, after the State and the metropolitan area are divided and certain quotas are fixed, the commissioners have the right to recommend metropolitan districts to numbers of electors that fluctuate 10 per cent one way or the other. Yet, having loaded the country districts in the House of Assembly at a given figure to the disadvantage of an enlarged metropolitan area, there can be a fluctuation in country districts of 15 per cent either way of the country quota. I do not know why the metropolitan area should have a 10 per cent fluctuation while the country areas should have a 15 per cent fluctuation. I should be pleased to hear something about that from the Minister.

I wonder whether the Government is sincere in its efforts to bring about a more even distribution in the number of electors in various districts. It proposes having a redistribution that is of advantage to country areas, though I have no great argument that the weighting in the first instance in favour of country areas is not justifiable. We all know that the numbers of people in country areas are not as substantial as those of the metropolitan area. However, having been given that advantage, the country electorates are to be allowed a fluctuation of a further 5 per cent.

The Hon. R. C. DeGaris: But they are not, really.

The Hon. A. J. SHARD: The Minister did not speak very much about this matter or tell us much about it. I have read about this and listened to what has gone on in another place, and I am not unintelligent. The Bill provides that they can be given that further advantage, and knowing the form of the L.C.L. gerrymander I venture to say that they will get it.

The Hon. C. R. Story: I thought that the previous redistribution was a unanimous vote

of Parliament. Why was it a gerrymander by the L.C.L. Government?

The Hon. A. J. SHARD: We have told you before that we accepted it because it was something better than the previous gerrymander. That has been made quite clear.

The Hon. C. R. Story: What remarkable logic!

The Hon. A. J. SHARD: I was not in the Chamber at that time, but that is the position.

The Hon. D. H. L. Banfield: Half a loaf is better than none.

The Hon. A. J. SHARD: I am afraid that what the public and this Council have been told could not be achieved by the passing of this Bill. I will give you—

The ACTING PRESIDENT (Hon. Sir Norman Jude): Order! The honourable member should address other members through the Chair.

The Hon. A. J. SHARD: Very well, Sir. Through the Chair, I will give the honourable member a written guarantee that if the redistribution proposal is anything like it is today it will not be accepted, because we have some latitude too. I support the Bill in the hope that the commissioners will do the reasonable thing.

The Hon. C. R. Story: Don't you think they did that in 1938?

The Hon. A. J. SHARD: They did, in accordance with the ambit of their terms of reference. It has grown worse and worse since then. If the Minister has not read *Hansard* and the second reading debate, I advise him to do so.

The Hon. R. C. DeGaris: Do you remember a Bill that was once before this Council that provided, among other things, for two seats?

The Hon. A. J. SHARD: I accept that, but this has not been put in with this idea.

The Hon. R. C. DeGaris: Yes, it has.

The Hon. A. J. SHARD: No. There will be a certain value for a vote in the metropolitan area, another value for a vote in bigger country towns, and another value for a vote in the sparsely populated areas.

The Hon. R. C. DeGaris: Should Mount Gambier be an area on its own?

The Hon. A. J. SHARD: Irrespective of the result, every metropolitan person's vote should be about equal, and every country person's vote should be about equal.

The Hon. R. C. DeGaris: In other words, you do not accept community of interest?

The Hon. A. J. SHARD: No. Parts of Port Pirie are attached to Port Augusta. Is that community of interest?

The Hon. R. C. DeGaris: How do you account for the fact that there were two seats in your Bill with no quota at all?

The Hon. A. J. SHARD: They were two extremes. I doubt whether there are any worse examples in Australia than those two examples.

The Hon. R. A. Geddes: Which seats do you mean?

The Hon. A. J. SHARD: Eyre and Frome. We can agree that possibly there is some justification for these extreme cases, but the others have no such justification.

The Hon. D. H. L. Banfield: What about Gawler?

The Hon. A. J. SHARD: I have Gawler at the back of my mind. It does not make sense to say that Willunga should be in the metropolitan area but Gawler should be left out. I have always thought that Gawler should be included in an enlarged metropolitan area.

The Hon. M. B. Dawkins: I thought the metropolitan area stopped at Gepps Cross in your previous Bill.

The ACTING PRESIDENT (Hon. Sir Norman Jude): Order! The Hon. Mr. Shard.

The Hon. A. J. SHARD: Thank you for your kind help, Sir, but I do not need it. I foreshadow amendments to clauses 7, 8 and 9, and I shall have more to say on the various clauses during the Committee stage. I hope the Bill is passed, possibly with some amendments. If the commission is given reasonable latitude to fix the boundaries in the interests of Parliament and of the people, I am sure a reasonable result will eventuate. Let me assure the Hon. Mr. Story that, if I do not think the situation is reasonable when the commission has finished with it, I will not be backward in saying so. Unless I think it is fair and reasonable I shall do all in my power to have it rejected.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL (No. 1)

Adjourned debate on second reading.

(Continued from November 7. Page 2313.)

The Hon. G. J. GILFILLAN (Northern): In general, I support the Bill. Like the Hon. Mr. Shard in speaking on the Electoral Districts (Redivision) Bill, I believe that this Bill is largely a Committee Bill. I am sure all

honourable members appreciated the Chief Secretary's action in making available copies of his second reading explanation, one passage of which says:

This is not an easy Bill to understand and to assist members in their examination of the various clauses I propose to make available to members a copy of the explanation of the Bill which I have just given.

The Chief Secretary's statement that this is not an easy Bill to understand is, I believe, the under-statement of the year: it is a very complex and involved piece of legislation designed to bring in more revenue. Stamp duties are already the main income-earner for the Budget Account. Three of the main sources of revenue are stamp duties, succession duties and land tax. To meet the obligations that face the Government at present, the field of stamp duties must be widened. I do not question the Government's motives in introducing this legislation, because this State faces a serious financial situation and some means must be found of finding the necessary revenue. When we realize what a limited field is left to the Government from which to obtain more revenue, we see that the Government has come forward with measures that will have the least impact on the community, in view of the large sum of money to be raised. The Hon. Mr. Shard, in speaking on this Bill, said:

Another ground on which I oppose the legislation is that it is inequitable. It will be based on what each person buys, irrespective of his ability to pay. This is neither fair nor reasonable.

I cannot understand the precise meaning of these words. Surely, if any legislation spreads the payment of taxation over a wide field, it is the Stamp Duties Act. Furthermore, greater amounts will be paid by those people who have the largest financial transactions.

The Hon. S. C. Bevan: Aren't the greater majority of those people able to pass it on?

The Hon. G. J. GILFILLAN: Not always. If honourable members examine the Act in detail they will find many instances where stamp duty is paid on moneys received by people perhaps as their final income. I refer particularly to business men and rural people who receive cheques in large sums and then pay those amounts straight into their bank accounts. I think probably what the Hon. Mr. Bevan is referring to is the receipt duty on multiple small transactions.

The Hon. S. C. Bevan: Don't you think the firms' action in discontinuing discounts is the result of this proposal?

The Hon. G. J. GILFILLAN: This is one question no honourable member in this Council can answer. The announcement in the press was that the stores were discontinuing discounts as a matter of policy; it had no reference to stamp duties.

The Hon. S. C. Bevan: Was it the result of this policy?

The Hon. G. J. GILFILLAN: It would be possible to blame any measure for the firms' discontinuing discounts to their customers; it could be attributed to any of the measures during the last two or three years that added to their costs.

The Hon. D. H. L. Banfield: You reckon this might be the last straw?

The Hon. G. J. GILFILLAN: No, I do not. I think this is a completely wrong argument, because there is no proof that any particular form of taxation had any influence on that decision.

The Hon. D. H. L. Banfield: On the other hand, there is no proof that it did not have any influence.

The Hon. G. J. GILFILLAN: The honourable member will have his opportunity to speak later, and I hope he speaks more constructively than he is doing at present.

The Hon. D. H. L. Banfield: I hope you speak to this Bill along the same lines as you did in 1965.

The Hon. G. J. GILFILLAN: Mr. President, in the last financial year stamp duties brought in $12,491,620, and in the year before that $11,208,387. Stamp duty is a taxation field that will rise with the growth in the economy. This is one of the big handicaps State finances have had to meet. Most of our taxation field is related directly to what might be called capital taxes. I do not view this Bill with any enthusiasm, because I believe that any increase in taxation is unpopular and that most honourable members would prefer to avoid such increases. However, here we have a set of circumstances where the Government has no choice but to find more revenue somewhere. Not only is this a complex piece of legislation to understand, but I think it is going to cause many problems in business generally and amongst the general public.

The Hon. D. H. L. Banfield: What do you think about having to issue a receipt for every amount?

The Hon. G. J. GILFILLAN: It is not necessary to issue a receipt for every amount. On certain transactions there is an exemption under the sum of $10, and arrangements can

be made for businesses handling many small transactions to pay their stamp duty in at regular intervals.

The Hon. D. H. L. Banfield: They have to keep a record for three years.

The Hon. G. J. GILFILLAN: Yes. I point out that in the scope of this legislation, which covers a very wide field and which will bring in a large amount of money, the actual rate of duty is not high. The amount of 1c in $10 means $1 in $1,000, and even on the larger transactions individually this will not hit the people as hard as do some of the more direct forms of taxation.

I say these things in support of the Bill. As I said earlier, I find it hard to have much enthusiasm for it, but I believe that the Government has honestly tried to do its best to raise the necessary revenue without hitting any one section of the community in particular but spreading it throughout the community and at the same time recognizing the ability of people to pay. With one or two reservations that I hope will be answered in Committee, I support the Bill.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

RAILWAYS STANDARDIZATION AGREEMENT (COCKBURN TO BROKEN HILL) BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2349.)

The Hon. C. M. HILL (Minister of Roads and Transport): Mr. President, this Bill was introduced by the Chief Secretary because the Premier handled the measure in another place. However, as some queries raised in the debate so far concern me, coming as they do within the administration of my department, I will reply to those queries and also make some submissions to the debate.

The Hon. Mr. Geddes has suggested that the Government delay ratifying the agreement in respect of rail standardization between Cockburn and Broken Hill until the Commonwealth Government agrees to a rail standardization programme between Adelaide and Port Pirie.

While his efforts to exert pressure on the Commonwealth are commendable, it should be understood that to take this course of action would, first, be a breach of faith on what has already been agreed between this Government and the Commonwealth and New South Wales Governments and, secondly, could delay the construction programme for this line with the consequent result of the State being delayed in achieving the operating benefits which will derive from this standard gauge line.

The Government fully appreciates the importance of standard gauge proposals between Adelaide and Port Pirie, on the Peterborough Division and certain associated works in and north of Adelaide, as mentioned by speakers on this Bill. It is true that the State considers that the next programme of rail standardization should be what we describe as an integrated plan including a standard gauge connection from Wallaroo through Snowtown to Brinkworth, to connect with the Broken Hill standard gauge project at Gladstone. This proposal would bring substantial benefits to Wallaroo and surrounding areas.

Our proposals regarding this integrated plan are the proposals recommended by our Railways Commissioner.

The Hon. M. B. Dawkins: You don't propose to hold up the Adelaide to Port Pirie extension if you cannot get agreement on that particular section you have just mentioned?

The Hon. C. M. HILL: By the comments I intend to make, I think I shall be able to answer that question because I want to highlight the fact that the Government is not concerned with a single line: it wants the proposals it has submitted to the Commonwealth. As I said a moment ago, these are the recommendations made by our Railways Commissioner.

The Hon. R. A. Geddes: How long ago were these submissions made—recently or some years ago?

The Hon. C. M. HILL: They were made by our Railways Commissioner to the Commonwealth some years ago; they were supported by the previous Labor Government in correspondence with Canberra, and they are required by the present State Government, which, in submitting these requirements, is in no way being greedy: it only wants for this State a fair deal, and it claims and insists on a fair deal from the Commonwealth in this matter.

There has been some thinking on this whole question that South Australia is asking for the standardization of all lines north of Adelaide; that is not so. Indeed, in some correspondence from the Commonwealth the inference is clearly made that the Commonwealth is not prepared to expand the study that we hope will be undertaken to cover all lines north of Adelaide. We have never asked for that, nor do we want it.

We want only the plan that the previous Government sought and that this Government is seeking—a duplication of the line from Adelaide to Virginia; the building of a standard line from Virginia to Port Pirie; the construction of a line from Wallaroo through Snowtown and Brinkworth to Gladstone; and then two subsequent lines to the north of the main east-west trunk connection, one coming down from Quorn through Wilmington to Gladstone and the other coming from Orroroo to Peterborough. They are the proposals that the State Government requires and that this State needs in its best interests.

There are many other lines north of Adelaide that we have not submitted for standardization. For instance, there is the line from Moonta to Wallaroo, Bowmans and Balaklava; that is a line north of Adelaide. Then there is the line from Adelaide to Gawler, Hamley Bridge, Balaklava and Brinkworth. That is directly north of Adelaide. There is also the line from Adelaide to Gawler, Hamley Bridge, Riverton and Spalding, and there is another line to Peterborough to meet the main trunk line.

We are not asking that those lines be standardized. Then there are the other shorter routes north of Adelaide: for instance, from Adelaide to Gawler, Eudunda and Robertstown; and another one from Adelaide to Gawler, Angaston and Truro, via Nuriootpa. These are lines north of Adelaide but they are not in our scheme.

The Hon. R. A. Geddes: The standard line would go through Gawler?

The Hon. C. M. HILL: The standard line would not go through Gawler. It runs as a duplicated line from Adelaide to Virginia, and then goes through Roseworthy to Bowmans and Snowtown; then one line goes directly north to Port Pirie and another line goes to Brinkworth and then to Gladstone. So the Gawler route is not included in this proposal.

At present the Commonwealth Government does not accept these proposals. This is a great disappointment to the South Australian Government and, I am sure, to all South Australians. It is also a particular disappointment to commerce and industry in this State because we all know how important it is to South Australia for our products to be shipped on a common line to the eastern seaboard where the great markets for our secondary production lie. Only recently an industrialist was considering establishing his works in South Australia. We were trying to sell South Australia to him in the face of competition that we knew existed in the other States, because the principal of the firm who was here had been to the other States and had had propositions put to him there.

We made all our submissions to him and he came back and said, "But you have not got a standard line through to Sydney, have you?" Of course, we had to admit we had not. This one example indicated to me how this State is at a considerable disadvantage and how our progress will be restricted until we achieve this goal and the Commonwealth agrees to our request to establish this integrated system.

The Hon. A. J. Shard: But that position has been obvious for a long time, has it not?

The Hon. C. M. HILL: As I have said, the present Government and previous Governments have been seeking Commonwealth co-operation in this matter. Time has moved on and it is now a long time since the first request was made.

The Hon. A. J. Shard: Yes.

The Hon. C. M. HILL: I am voicing my strong disapproval of the Commonwealth's not agreeing so far to this scheme. So far, it has not accepted our proposals. It is suggested that an independent feasibility study be conducted. The State Government has agreed to this, and it is to its advantage to do so. The study will be conducted by consultants approved by both Governments, with terms of reference approved by them. In view of the Commonwealth Government's past attitudes, it is logical for the State to accept this proposition, and there is every reason to feel confident that it will bring us closer to agreement with the Commonwealth than we are at present.

The Hon. R. A. Geddes: How long is that likely to take?

The Hon. C. M. HILL: I will make that point in a moment. With the information that will be immediately available to the consultants, it is confidently expected that their report will be available within a period of six months. If their report supports South Australia's proposals, we shall then be in a much stronger position to obtain Commonwealth approval. This is the only course we can take at this stage.

The Hon. Mr. Hart referred to the Commonwealth proposals to build a standard gauge line between Port Augusta and Whyalla. He is right in assuming that the Commonwealth Railways propose to build this line but, when he says "It has not come under State control

at all", I advise him, without going into details, that there are certain constitutional rights when the Commonwealth proposes to construct a railway within a State.

The Hon. Mr. Dawkins yesterday drew attention to the provision of a standard gauge connection between Adelaide and Port Pirie. If he envisages this as just a single line (I refer to the interjection he made a few moments ago) without any consideration of its effect on traffic flows on other lines such as the one running from Wallaroo through Snowtown and Brinkworth to Gladstone, I inform him that he is submitting a proposition that would involve increased operating costs compared with the State's present proposal, brought about by the disruption of traffic flows and additional transfer facilities.

The Hon. M. B. Dawkins: I am not against the other things; I want us to get first things first, if we can.

The Hon. C. M. HILL: I see. I assure the honourable member that the plans that have been put to the Commonwealth have been put in the best interests of the State. Nevertheless, it is to our advantage to have all members expressing their views on overall rail standardization proposals during the debate on this Bill. I assure honourable members that their remarks will receive the Government's full consideration. This Bill is an urgent measure to enable us to proceed with the completion of the standard gauge work between Port Pirie and Broken Hill, and I hope that members will now assist in its immediate passage through this Council.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Powers of Railways Commissioner to carry out work, etc."

The Hon. R. A. GEDDES: In view of the remarks that the Minister has made, will the Chief Secretary consider allowing members to study the Minister's report in *Hansard* tomorrow, not so that we can be obstructive in this matter but so that we can examine it and possibly ask further questions of the Minister.

The Hon. R. C. DeGARIS (Chief Secretary): I am happy to bow to the honourable member's request.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.23 p.m. the Council adjourned until Thursday, November 14, at 2.15 p.m.