LEGISLATIVE COUNCIL

Tuesday, September 23, 1969.

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

QUESTIONS

UNDERGROUND RAILWAY

The Hon. A. F. KNEEBONE: As it was reported in this morning's newspaper that the Victorian and New South Wales Governments were to receive $40,000,000 each for underground railways, can the Minister of Roads and Transport say whether the present Government will seek a similar amount from the Commonwealth Government for an underground railway under King William Street?

The Hon. C. M. HILL: The Government will consider the matter. I have read the report referred to by the honourable member, though I do not know whether it is correct. However, it does state that the Commonwealth Government intends to assist the Victorian and New South Wales Governments in connection with metropolitan railway expansion.

South Australia is not yet able to submit detailed feasibility studies to the Commonwealth Government in connection with the proposed underground railway under King William Street; it might have been able to do so had the Metropolitan Adelaide Transportation Study proposals met with greater approval than they did 12 months ago. We are now planning to investigate in great depth the whole question of the underground railway. However, we realize that at present our urgent priority is money from the Commonwealth Government for gauge standardization work.

DRIVER TRAINING

The Hon. L. R. HART: I ask 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: In this morning's press an article stated that the Chairman of the Automobile Dealer Division of the South Australian Automobile Chamber of Commerce, Mr. J. S. Freeman, said that he hoped the State Government would introduce simulators for driver education. He said that every State except South Australia had taken great interest in simulators, which can each handle up to 50 students at once and record students' reactions to different situations. Can the Minister say whether any consideration has been given to introducing simulators in South Australia?

The Hon. C. M. HILL: This morning I called for a report on the whole question; when I have received it I will have a close look at the whole matter. The Government will then consider whether this form of instruction should be introduced in this State.

VERMIN FENCE

The Hon. A. M. WHYTE: I understand the Minister of Agriculture, representing the Minister of Lands, has a reply to a number of questions I have asked about an increase in the subsidy for the buffer vermin-proof fence.

The Hon. C. R. STORY: I have the following reply from the Minister of Lands:

Cabinet has approved of a variation in the Government subsidy under the Dog Fence Act and a Bill is being prepared for submission to Parliament for consideration.

SILOS

The Hon. R. A. GEDDES: I presume all honourable members received a letter from the Minister of Agriculture this morning dealing with proposed new locations for silo construction, in which it was stated that the silos would be ready for the 1970-71 season. Last week in the press it was announced by the Commonwealth Minister for Primary Industry in Canberra that a sum of about $10,000,000 was to be allocated for the building of storages for wheat, which would be available in mid-1970 for the 1969-70 harvest. Can the Minister say whether the letter that he wrote to honourable members stating that the silos would be ready for the 1970-71 season has any relationship to the announcement by the Minister for Primary Industry?

The Hon. C. R. STORY: I approved the plans for storages, as I am obliged to do under the Bulk Handling of Wheat Act. The funds for those silos mentioned in the letter in which I gave information to honourable members, as published in the press, will come from the resources available to the bulk handling company, either by growers' tolls or by finance negotiated with the Commonwealth Bank. It is nothing at all to do with the announcement by the Commonwealth Minister for Primary Industry that a $10,000,000 plan would come into operation for additional silos and that the Wheat Board would be asked to allocate that money. These are two quite separate things.

This morning I have been trying to ascertain the position in regard to the $10,000,000 mentioned by the Minister for Primary Industry. The Wheat Board will be meeting tomorrow in Melbourne, but at present there is not much information except that the board will be meeting to discuss this whole matter of where these silos should be built and of the allocations to the three States mentioned. At this stage, I have no information about where the money will come from. The Commonwealth Minister in his statement said that it would be made available in the form of loans to the Wheat Board. This is a matter that will have to be considered by both the Wheat Board and the bulk handling company because, if this money is to be repaid, the bulk handling company will have to decide whether or not to take it up, and in what proportions.

MARION RAILWAY STATION

The Hon. D. H. L. BANFIELD: Will the Minister of Roads and Transport tell me the estimated cost of the overway at the Marion railway station, construction of which, I was pleased to see, the Railways Department has commenced?

The Hon. C. M. HILL: I will obtain that figure for the honourable member.

PETROL CANS

The Hon. H. K. KEMP: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Labour and Industry.

Leave granted.

The Hon. H. K. KEMP: Recently I purchased a gerrycan made of plastic to carry two gallons of emergency petrol. It was apparently made with a concealed pourer inside it and, under the pressure that developed as the sun warmed the car, it has failed, even in the cold weather that we have been experiencing.

I understand it is not uncommon for these containers to fail suddenly, spraying a jet of petrol into the car. These cans are not only unsatisfactory but are also dangerous when carried in cars in hot weather. Can the Minister say therefore whether it would be possible to prohibit the sale of these cans, or at least to have them permanently embossed with the following words: "Unsafe for petrol or other volatile fluids"?

The Hon. C. R. STORY: I know the situation to which the honourable member is referring, and I know, too, that certain statements have been made at various times regarding the types of P.V.C. that can safely be used to contain petrol. I will certainly obtain a detailed report from the Minister of Labour and Industry for the honourable member.

RAILWAY STANDARDIZATION

The Hon. A. F. KNEEBONE: During the last couple of days I saw a report attributed to the Hon. Mr. Sinclair, the Commonwealth Minister for Shipping and Transport, in which he is alleged to have said that he hoped agreement would be reached regarding the consultants to be engaged on the Port Pirie to Adelaide rail standardization proposals. Can the Minister of Roads and Transport say whether any agreement has been reached regarding the consultants to be used in this matter and, if so, who they are?

The Hon. C. M. HILL: The procedure that was eventually adopted to choose the consultants was that the State Government agreed to a Commonwealth list of consulting firms. The Commonwealth Government then asked each of these firms to submit a short precis of what its approach would be to this whole feasibility study, and the firms were given one month (or it may have been four weeks) in which to make this short submission. I am told, incidentally, that this is the normal procedure in the choosing of consultants for this kind of feasibility study.

Speaking from memory, each of these firms would have been circulated by the Commonwealth Government about three weeks ago, and, again speaking from memory, in about one week the Commonwealth Government should receive the short reports from the various consulting firms. Mr. Sinclair has assured me that the Commonwealth Government intends to expedite the matter. I should say, therefore, that within a matter of days after that the Commonwealth Government will recommend one of these firms and seek this State's agreement thereto.

Taking the question overall, I should think that within a week or 10 days we will know the firm that is to start this feasibility study, and that firm will start it forthwith.

UNIVERSITY STUDENT

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Local Government, representing the Attorney-General.

Leave granted.

The Hon. L. R. HART: The following report appears in this morning's *Advertiser*:

A student teacher at Flinders University had "brought discredit" on this university through his behaviour during a demonstration near the United States Consulate in Victoria Square on the night of May 7, Mr. J. W. Nelligan, Q.C., S.M., said in the Adelaide Magistrates Court yesterday. Mr. Nelligan said that had he the power he would have made it a bond condition that the defendant either personally or in writing apologize to the United States Consul against whom the venom of the demonstration had been directed.

Will the Minister ask the Attorney-General to consider furnishing the magistrates with this necessary power?

The Hon. C. M. HILL: As requested, I will refer this matter to the Attorney-General.

WILPENA POUND TELEPHONE

The Hon. R. A. GEDDES: Last week I asked the Minister representing the Minister of Immigration and Tourism a question in relation to telephones at Wilpena Chalet. Has he a reply?

The Hon. C. R. STORY: The Director of the Tourist Bureau reports:

Over the years high level representations have been made for the installation of a telephone service at the Wilpena Chalet but the Commonwealth authorities have persistently refused the request unless the lessee company or the State Government supplies, erects and maintains the telephone line for about 30 miles. This would be a costly and continuing job and neither the lessee nor the State Government has been willing to accept the responsibility. The Wilpena Pound motel is connected with the Royal Flying Doctor radio service at Port Augusta.

TEACHERS COLLEGES

The Hon. H. K. KEMP: I seek leave to make a short statement prior to asking a question of the Minister of Local Government representing the Minister of Education.

Leave granted.

The Hon. H. K. KEMP: In this morning's *Advertiser* a correspondent drew attention to the lavish provision of swimming pools and similar ancillary equipment at the new Bedford Park Teachers College while the very difficult conditions under which the Western Teachers College is working remain unimproved and unrelieved. Can the Minister ascertain from the Minister of Education how soon rebuilding and consolidation of the Western Teachers College will be put in hand and, secondly, whether it would be possible to start this reorganization earlier if expenditure on ancillary facilities at the college being built alongside the Flinders University were deferred?

The Hon. C. M. HILL: I will direct the question to the Minister of Education.

HENLEY HIGH SCHOOL ADDITIONS

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Henley High School Additions.

ABSENCE OF CLERK ASSISTANT

The PRESIDENT: I have to inform the Council that, owing to illness, the Clerk Assistant and Black Rod (Mr. A. D. Drummond) is unable to attend the sittings of the Council, and I have appointed the Second Clerk Assistant (Mr. C. Mertin) to act in that capacity during his absence. Consequently, the leave granted on September 4 to the Clerk to attend the Commonwealth Parliamentary Association conference in Trinidad will not be availed of now.

REAL PROPERTY ACT AMENDMENT BILL

Read a third time and passed.

DAIRY INDUSTRY ACT AMENDMENT BILL

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the principal Act. It removes certain difficulties that have been experienced in prosecutions, under section 22a of the principal Act, for the offence of manufacturing or selling a colourable imitation of milk. It removes an obsolete title from the principal Act. It confines the operation of section 19 of the principal Act which requires the owner of a factory, milk depot or creamery to pay the supplier according to the grade of the milk or cream, to factories, milk depots or creameries which are supplied by two or more suppliers.

The provisions of the Bill are as follows:—Clause 1 is formal. Clause 2 inserts a new definition of "milk". At present milk is defined as including anything that is represented to be milk. This causes difficulty under section 22a of the principal Act which makes it an offence

to manufacture or sell a colourable imitation of milk. If "milk" includes anything that is represented to be milk, it is difficult to see how it can be possible to have a colourable imitation of milk. The amendment overcomes this difficulty.

Clause 3 changes certain references in section 7 of the principal Act from "Chief Dairy Adviser" to "Chief Dairy Officer" which is now the correct title. Clause 4 amends section 19 of the principal Act. This section requires the owner of a factory, milk depot or creamery to grade milk and cream and to pay the supplier according to the grade of the milk or cream and the weight of the butterfat. This provision is not thought to be necessary where there is only one supplier and the section is amended accordingly.

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

OPTICIANS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 18. Page 1596.)

The Hon. S. C. BEVAN (Central No. 1): This is an important Bill. Not many amendments have been made, over the years, to the principal Act. Apart from the medical profession, I believe that the Bill deals with one of the most important of the professions concerned with the health of the general public. While it does not appear that in these times the conduct of the profession warrants the passing of a special Act of Parliament, I appreciate that such a necessity may have existed in earlier days. However, with the advancement made in the profession, it does not seem essential that the profession be governed now by a special Act of Parliament. The medical and legal professions are not governed by Acts of Parliament, but they are governed by other means.

I have carefully considered this Bill and I agree that most of the amendments it makes will improve the principal Act. The term "licensed spectacle seller" has not been applicable for many years, so there is no reason why it should remain in the legislation. However, there are one or two matters that I do not agree to. For instance, I do not agree to clause 4, which sets up a board in perpetuity and gives it wide powers. Under the principal Act the board already has very wide powers to deal with matters affecting the profession.

The Hon. R. C. DeGaris: What has the incorporation of the board to do with its powers?

The Hon. S. C. BEVAN: This Bill extends the board's powers: this is my complaint. It already has sufficient power to deal with matters affecting the profession.

The Hon. R. C. DeGaris: New subsection (3) incorporates the board.

The Hon. S. C. BEVAN: Yes, but I see no reason why the board should be set up in perpetuity.

The Hon. R. C. DeGaris: It is not: it relies on an Act of Parliament.

The Hon. S. C. BEVAN: Then why should the Bill say that the board is to be set up in perpetuity with corporate powers? Surely if we set up an organization in perpetuity it will go on and on.

The Hon. R. C. DeGaris: It depends on an Act of Parliament.

The Hon. S. C. BEVAN: I realize that the present Government or a future Government could amend the legislation but I cannot see why the board should be set up in perpetuity.

The Hon. R. C. DeGaris: The Bill provides that the board "shall be a body corporate with perpetual succession".

The Hon. S. C. BEVAN: Why? The Minister's second reading explanation does not say why the board should be set up in perpetuity, and I can see no reason why it should be. The principal Act provides that members of the board shall remain in office for three years and then, if still qualified, be eligible for renomination and reappointment. I do not disagree to clause 6 which, of course, is subject to the repeal of section 5 of the principal Act. Under this Bill representation on the board will be lopsided; it should be the reverse of what it is at present. The Bill amends section 6 of the principal Act but it does not alter representation on the board, nor does it alter the method of nomination and appointment of board members. Section 6 of the principal Act provides:

(1) On the expiration of the period for which the members of the first board have been appointed, another board shall be appointed by the Governor after being respectively nominated, as follows, namely:

I. Two certified opticians, and one legally qualified medical practitioner shall be nominated by the Minister:

II. One certified optician and one legally qualified medical practitioner shall be nominated by certified opticians:

This Bill deals wholly and solely with the profession of optometry, yet the optometrists themselves have the right to appoint only one

member of their profession to a board of five members. The Minister is vested with the responsibility of appointing three board members, one of whom eventually becomes the Chairman. Who advises the Minister in relation to the appointments? How does the Minister know who is the best person to be appointed to represent the opticians? It must be remembered that the opticians themselves have the right to nominate only one certified optician. The reverse should apply: three board members should be nominated by the profession of optometry in this State. Because the Bill definitely extends the board's powers, the change in the board's representation that I have suggested is especially necessary.

I see considerable danger in the amendments to the Fourth Schedule. As I have stated, under the principal Act the board has very wide powers; yet we are to extend them further under the Fourth Schedule, which is the regulation-making part of the Act. It is proposed by the Bill to amend paragraph 9 of the Fourth Schedule. This does not seem to be much but, when we examine that schedule and the proposed amendments, we find that we are striking out "the advertising matter issued by persons registered and licensed under this Act" and inserting in lieu thereof "advertising matter pertaining to optometry". "Optometry" here has a wide scope and, if any person commits a breach of the regulations pertaining to the profession of optometry, the board, by reason of the powers vested in it, can deregister him if it so desires. This practice has prevailed for years. When you, Mr. President, were Chief Secretary, you were conversant with this matter. Advertising has been considered from time to time by the board and breaches of the regulations by optometrists have occurred in the State in respect of advertising.

Let me give an illustration. Various journals are published by unions for the information of their members. A union advises its members that it has appointed a certain person the official optometrist of the union and that for any optometry services required by members they should go to him. The union publishes this in its journal as an advice only for its members and, although the optometrist concerned does not know it has been published and although his consent has not been obtained, it is a breach of the regulations and can be dealt with by the board. These are the present powers of the board.

The Hon. R. A. Geddes: Against whom would the board proceed—the optometrist or the union?

The Hon. S. C. BEVAN: The optometrist is the person against whom action is taken; the board cannot take action against an organization—and neither can anybody else, under this legislation. A breach of the regulations occurs in the circumstances I have mentioned and the board can deregister the optometrist.

The Hon. R. C. DeGaris: Under the present Act?

The Hon. S. C. BEVAN: Yes.

The Hon. R. C. DeGaris: Did the last Government do anything about it?

The Hon. S. C. BEVAN: I would say that an organization was entitled to notify its members in its own way of its own business, without any interference from any board. Under the last regulation passed, a breach occurs if a union notifies its members through its journal but an officer of the union (the secretary, the organizer or whoever he may be) can by word of mouth advise every individual member to go to Mr. Joe Blow, optician, and, as he has been appointed the official optician to the union, it is not a breach.

The Hon. R. C. DeGaris: How is he appointed official optician?

The Hon. S. C. BEVAN: By a general meeting of the organization.

The Hon. R. C. DeGaris: Does it employ him?

The Hon. S. C. BEVAN: It does not employ him. The position is the same as applies to the Public Service with various people operating in respect of supplies of different materials.

The Hon. R. C. DeGaris: He gives a discount, I suppose.

The Hon. S. C. BEVAN: I am dealing only with advertising, with which the board at present has powers to deal; but now, by this Bill, we shall give the board further powers in respect of advertising a matter pertaining to optometry. That is all-embracing, and I do not agree with it.

I turn now to new paragraph 9a of the Fourth Schedule, which will give the board power to prescribe a code of ethics to be observed and obeyed by all certified opticians. I do not object to a code of ethics for a profession being established and abided by but, when a code of ethics is, or can be, detrimental to a profession, it is time that we in Parliament looked at it. What will this code of ethics be? We do not know; we have no information about it. A code of ethics is in operation at present.

The Hon. R. C. DeGaris: Parliament could look at this, couldn't it?

The Hon. S. C. BEVAN: I will come to that in a moment. This amendment will empower the board to prescribe a code of ethics that all registered opticians in the State will have to obey. If they do not obey it, they will be dealt with and punished by the board. In the final analysis, under the principal Act the board has power to deregister an optician if it thinks such action is warranted.

Let me give an illustration. For some years the board as constituted in this State has attempted to prescribe a code of ethics under which the giving of discounts is unprofessional, and a member who gives discounts can be deregistered. Years ago, when you, Sir, were Chief Secretary and this Bill came under your administration, attempts were made to have the giving of discounts deemed unethical. Indeed, this has been tried on many occasions. The last Labor Government was approached in this regard, too.

I am even more suspicious about this matter because, as a result of inquiries I have made, I have been reliably informed that a board member said he knew nothing about these proposed amendments. However, I do not accept that, because no Minister would of his own volition frame and bring before Cabinet amendments to an Act unless representations were made to him and unless he considered that the proposed amendments were justified. I am suspicious of the intent of the code of ethics that the board is so anxious to have amended so that it will have greater powers.

Let us consider who would be affected if these discounts were not given. All patients at the repatriation hospital, the Royal Adelaide Hospital, the Queen Elizabeth Hospital and the Adelaide Children's Hospital and all age, invalid and widow pensioners, if the necessity arises, receive a discount on the charge made for having their eyes tested and for the glasses prescribed for them.

Industrial optometrists play an important part in industry, and their function has increased enormously over the years. They deal with the safety of employees in many industries, and the conduct of many businesses is definitely safeguarded by them. They prescribe safety glasses for persons doing welding and that sort of work, and various other types of glasses and optometrical instruments are used in industry today, all of which are supplied by the profession. Indeed, the profession supplies hospitals and repatriation institutions, and optometrists tender for work connected with various industries; in this respect discounts are given. This procedure is adopted throughout the whole of the optometry profession in South Australia. I understand that these discounted prices are advised on by the Australian Optometrical Association and that they are accepted by the optician and given effect to by him, which should be sufficient. Any interference with this practice would be tantamount to a restrictive trade practice and should not be tolerated in a profession such as this.

The Minister's second reading explanation gives no reasons why these additional powers should be vested in the board, and it does not say that any member of a board or any organization made representations to the Government, yet we are asked to agree to these amendments. I am suspicious of the reasons why the board should have the additional power that it would be given pursuant to this Bill.

The Hon. R. C. DeGaris: Would not the board have to submit its code of ethics to the Council?

The Hon. S. C. BEVAN: I will explain that to the Minister, and I will tell him why I object to new paragraph 9a of the Fourth Schedule.

The Hon. Sir Arthur Rymill: It has taken you a long time to come to it.

The Hon. S. C. BEVAN: I do not ask the honourable member to cut his speeches short, and he is at liberty to add whatever he desires to the debate later. I will say what I want to say in my own time, and I will not ask his leave to do so. Pursuant to the amendments, a regulation could be made by the board excluding all these various bodies I have named this afternoon so that discounts could be given to them but not to anyone else. If that is not total discrimination, I should like to know what is, and if it is not tantamount to restrictive trade practices I should like to be told what is. I agree that Parliament has an opportunity to examine any of the proposed regulations that may be introduced from time to time when it is in session. However, if Parliament is prorogued (and it can, as has happened in the past, be not sitting for up to six months) these regulations will operate from the date on which they are published in the *Government Gazette* and Parliament would have no opportunity to examine them or do anything about them until it resumed sitting, perhaps in six months. It is too late then to try to do anything about it. It would be all right if these regulations

were brought down when Parliament was in session, but perhaps Parliament will not be in session when they are introduced. That is my objection to the provision, and that is why I am suspicious about it. I will certainly vote against the provision when it is put to a vote in this Council.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 17. Page 1543.)

The Hon. H. K. KEMP (Southern): In speaking to this Bill, I wish to comment on several clauses, in some of which I consider that an amendment is warranted. Clauses 6 and 7 deal with sections that regulate the hours of trading. In the sub-metropolitan districts and through many of the country districts at present we find publicans keeping their hotels open until the statutory time of 10 o'clock, but in many instances they are simply sitting there without any custom at all, and it seems to me that publicans in those country districts should have the option of closing when no business is offering.

In the great majority of hotels in the northern towns and in the towns on the eastern side of the hills members would find the publicans sitting in their hotels with the lights on but with not a single customer to carry the costs of their heating and lighting. In order to try to relieve these men of the onerous burden placed on them under the present legislation, I intend to move the amendments to these clauses that stand in my name on the file.

I support the amendments foreshadowed by the Hon. Sir Norman Jude. I think they are warranted. The vigneron's licence has been a very valuable thing to South Australia in past years, and I think that to strengthen it must be the objective of all of us.

Another point that has been brought to my attention is the very meagre provision made under section 26 for the people who are providing accommodation for receptions and functions of this nature. At Glen Osmond we have a very admirable development of this nature in which Mr. Munro Wyley has spent about $150,000 in restoring an old building of historic interest, adding to it and providing, I think, some of the finest accommodation this State has seen for functions of this nature.

Yet, despite all this very large capital expenditure, he is still limited under the present provisions of the Act to purchasing his liquor requirements from the local hotels, the nearest of which is two miles away and the business of which he can in no way be infringing. I do not think this is good enough. I am at present not sure just what correction can be made at this stage, but I hope to be able to do something about it in the Committee stage.

The last and most important provision I should like to see put into this Bill while the matter is open before us concerns the question of habitual drunkenness. All the provisions for dealing with this subject were taken out of the Act recently when it was modified widely. There is a very great need for the habitual drunkard to have special consideration and to be prohibited from receiving liquor. At one time this was possible. However, this no longer applies. Now the Aborigines have been given the privilege of purchasing liquor.

This matter has become an urgent one. We saw in the newspaper last week that one of the inhabitants of Adelaide now has a list of 500 convictions for drunkenness. Others have a record of more than 300 convictions, and there are others rapidly equalling such scores. The present provisions for dealing with these people are completely inadequate. A man can be convicted of drunkenness and, although he is spending so much time in prison, on his release he can go and purchase liquor which again reduces him to incapability.

This was not possible under the Licensing Act a few years ago, for such an individual would be declared an habitual drunkard and the supply of liquor to him would be prohibited. This was an extremely valuable provision, and it was made use of widely in dealing with problem people not so much in the metropolitan area, perhaps, but certainly in the sub-metropolitan area and the smaller communities of this State.

We have been given the opportunity recently to see the tragedy liquor has brought to the Aborigines. It is a rather shocking experience to have a man look one in the eye and say, "It would have been kinder to our people if they had been put up against the wall and shot rather than given the freedom and the privilege to drink." This statement was made to us recently at Coober Pedy by one of the respected individuals of that community.

This matter of habitual drunkenness is giving a tremendous amount of trouble both to the police and to the members of the country districts in which these people are to be found. At present the method of dealing with these people is to convict them of making a nuisance

of themselves and of being drunk and disorderly and committing them to prison. However, this is merely perpetuating the trouble and bringing them into the same pitiable state as that famous person in Adelaide who has been through the hands of the police and the courts now 500 times and is still continuing without any improvement.

I am certain that the whole matter of the excessive consumption of liquor is being handled inadequately at present, and that a new approach to the problem is necessary. It is a grave problem, and one that is leading even to physical danger in some cases. I believe one of the most effective methods of handling that problem existed in the relevant provisions in the old Act that gave power to a special magistrate to declare a person an habitual drunkard and prohibit him from being given alcohol in any form. I am not sure how such a provision could be introduced into the present Bill because obviously it is a matter completely extraneous to it; it will probably need more consideration before I can put forward a suggestion to enable such a clause to be introduced.

A number of approaches have been made to members on the subject of this Bill, particularly by representatives of churches, and some of the suggestions put forward are worthy of consideration. One important item raised is that of an 18-year-old being permitted to serve liquor and to be, in effect, employed as a barman. I think this should be closely examined because it is placing a heavy responsibility upon an 18-year-old; not only is he expected to act as a barman, but he will also, in effect, be left in charge of a hotel during the absence of an older person. I think, when viewed in this light, that the wisdom of such a provision needs further consideration. I do not doubt that any member of a publican's family can be permitted to sell liquor from the age of 18 years onwards if that person so desires, but in the case of an 18-year-old I believe it must always be under the direction or supervision of a person of at least 21 years of age.

Another provision that I think merits consideration is the removal of the prohibition regarding licences being granted to operate in the vicinity of a youth club or organization. I think this merits retention, and I do not think there is any doubt that it would be undesirable for licences to be granted to organizations operating in the vicinity of such youth centres.

I think my comments summarize the points I wanted to raise in connection with the Bill. I hope it will be possible to reintroduce the drunkenness section at a later stage and, with that proviso, I support the Bill.

The Hon. A. M. WHYTE secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

In Committee.

(Continued from September 18. Page 1607.)

Clause 14—"Application for a postal vote certificate and a postal ballot-paper"—to which the Hon. G. J. Gilfillan had moved the following amendment:

In paragraph (*b*) after "is" to strike out "by reason of illiteracy" and insert "for any reason."

The Hon. G. J. GILFILLAN: I ask leave to withdraw the amendment I moved last week.

Leave granted; amendment withdrawn.

The Hon. G. J. GILFILLAN: I move:

In paragraph (*b*) after "illiteracy" to insert "or by reason of any physical incapacity".

I do not need to speak at length on this point because it was fully covered in debate last week. However, some objections were raised to the words in the original amendment because it was thought that the latitude given was too great. After consultation with the Parliamentary Draftsman, I have endeavoured to draft an amendment that will give some further protection against any undue pressure being placed on anybody applying for a postal vote, and at the same time it will give a wide category of people an opportunity to apply for a postal vote instead of confining it to those who are illiterate.

The Hon. A. J. SHARD: I oppose the amendment. I have given the matter some thought over the weekend, and the more I think about it the more I am opposed to the whole clause as well as to the amendment of the Hon. Mr. Gilfillan. These amendments do not appeal to me at all. The idea behind the Bill, when it was introduced in another place, was to make it simpler and more straightforward in order to eliminate any doubts that may arise in future. I believe the amendment would open the gate and allow many things to be done that should not be done. The percentage of people unfortunate enough not to be able to vote because of the clause in the Bill or by the further amendment suggested by the Hon. Mr. Gilfillan (which is

a small one) would not be great, and I do not think we should pander to them. I ask honourable members to remember the shambles that occurred after the Millicent election, and because of that I think it would be wise to leave the Act as it is. I oppose both the clause and Mr. Gilfillan's amendment.

The Hon. C. M. HILL (Minister of Local Government): I believe the amendment now proposed by the Hon. Mr. Gilfillan is a vast improvement on that which he moved last week. He now more clearly defines the reasons for the amendment, and I am prepared to support it.

The Hon. G. J. GILFILLAN: Perhaps I should make two additional points in answer to the Leader of the Opposition. The provisions concerning physical incapacity are similar to provisisions in the existing Act as they relate to voting in a polling booth. I point out that these privileges set out in my amendment are extended to those people able to attend at a polling booth; I also point out that if these amendments set out in the clause are defeated (especially the first two paragraphs) then this will have a consequential effect upon clause 20.

The Committee divided on the amendment:

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

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

Majority of 10 for the Ayes.

Amendment thus carried.

The Committee divided on the clause, as amended:

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

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

Majority of 10 for the Ayes.

Clause, as amended, thus passed.

Clause 15—"Duty of witnesses."

The Hon. G. J. GILFILLAN: I move:

In paragraph (*a*) after "illiteracy" to insert "or by reason of any physical incapacity".

The reasons for my amendment are similar to those for the amendment to clause 14.

Amendment carried; clause as amended passed.

Clauses 16 to 18 passed.

Clause 19—"Authorized witness."

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

In new subsection (1) to strike out "eighteen" and insert "twenty-one".

This clause deals with the age that a person must be if he is to act as an authorized witness to a postal vote. The age of 21 is a more suitable age than 18. Also, so far as postal votes are concerned in South Australia, everyone over the age of 21 has his name on the electoral roll and, therefore, can be traced, whereas, as far as I know, there is no means of finding out who a person over the age of 18 may be or where he can be located. Secondly, the Bill as drafted states "any person over or apparently over the age of 18", which leaves it open for people considerably under the age of 18 to act as witnesses. We have had considerable trouble in respect of postal vote irregularities. If we insist on a person being over 21 years of age before he can be an authorized witness, it means he must be a person who is himself a voter, someone whose name is on the roll and can be traced. It will tend to avoid future irregularities.

The Hon. C. M. HILL: I oppose the amendment, the effect of which would be to raise the age at which a person may be an authorized witness from 18 to 21. The reason why the age was fixed in the Bill at 18 instead of 21 was that by today's standards a person has attained a degree of maturity at 18 sufficient at least, say, to serve in the armed forces. In addition, under the provisions of the principal Act at present in force, persons belonging to at least five of the prescribed categories could be under 21—namely, returning officers or assistant returning officers, postal officials, members of the police force, registered nurses and commissioned officers of the armed services.

The Hon. Sir ARTHUR RYMILL: I support the amendment, for the reasons given by the Hon. Mr. Rowe. I rise merely to query what the Minister has just said, that the effect of the amendment is to raise the age from 18 to 21. I should like to challenge that statement because any age that we have known before has been 21 and I think if this clause is passed it will be reducing the normal age from 21 to 18.

The Hon. A. J. SHARD: I support the Minister's contention. I have listened to Sir Arthur Rymill for many years and all he has done is to use words to meet his own convenience. We all know that the Act at the moment says "a person over 21".

The Hon. F. J. Potter: There is no age limit at present.

The Hon. A. J. SHARD: We are reducing the age from 21 to 18. In effect, we are saying that the age shall be 18: we are not increasing it to 21 under the Bill. The Hon. Mr. Rowe's amendment is increasing the age. The Government has not reduced the age in the Bill. When Sir Arthur Rymill says that the Minister and the Government are reducing the age, that is not according to facts. The reason given by the Minister that it should remain at 18 is sound. I support the amendment.

The Hon. Sir ARTHUR RYMILL: I am afraid the Hon. Mr. Shard did not comprehend what I said. I did not say that the age was being reduced: I said, "the normal age for this sort of thing is 21." If the Leader will read *Hansard* tomorrow, he will see that I made such a distinction.

The Hon. A. J. Shard: You have just corrected yourself.

The Hon. Sir ARTHUR RYMILL: I am repeating what I said at first.

The Hon. A. J. Shard: I hope *Hansard* has it down correctly.

The Hon. Sir ARTHUR RYMILL: *Hansard* will have it down correctly all right. The honourable member need not worry about *Hansard*: they are a very efficient group of people and they will have down correctly what I said the first time, which was that the normal age for this sort of thing is 21. I did not say it was in the Act because, although the Leader made that mistake, I did not.

The Hon. A. J. Shard: Every other member in the Chamber did.

The Hon. Sir ARTHUR RYMILL: Not at all. The honourable member cannot get out of it that way. This is a new type of witness that is proposed in the Bill. What I was saying was that the customary age was 21 for a witness, and the Government by this Bill was reducing it to 18.

The Hon. S. C. Bevan: He has to be an elector on the roll at present.

The Hon. Sir ARTHUR RYMILL: So I repeat what I said before, that it depends on what we think of the Bill, the Act or any other Act of Parliament. This Bill sets out to allow a person to witness a voting paper at the age of 18. As the Hon. Mr. Rowe said, there is no method by which any person under the age of 21 can be identified as such a witness and, if we are to have an unidentified person as a witness, we may just as well not have a witness at all. In the case of an application for a postal vote, I do not think there is much protection in having a witness anyway. I propose to support the amendment.

The Committee divided on the amendment:

Ayes (11)—The Hons. Jessie Cooper, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe (teller), Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, C. M. Hill (teller), A. F. Kneebone, A. J. Shard, and C. R. Story.

Majority of 4 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 20—"Directions for postal voting."

The Hon. G. J. GILFILLAN: I move:

In new section 81(2) after "illiteracy" to insert "or by reason of any physical incapacity".

This amendment is consequential on those already passed to clauses 14 and 15.

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

In new section 81(3) after "residence" to insert "and he shall insert in the place provided the day and time of the day he so signed his name".

The following amendments that I will move will be consequential on this amendment. This Bill repeals section 81, which deals with postal voting. The Bill proposes that a postal vote must be in the hands of the returning officer before the close of poll on the day of voting, but many difficulties are faced in this respect, and many people in cases of emergency who wish to record a valid vote and have it counted cannot do so.

The prime purpose of a poll is to receive an expression of opinion from the people and, because of this, the Electoral Act recognizes that postal voting is important so that the opinions of those who cannot attend a polling booth can be recorded. Although most of South Australia's population is within the metropolitan area, the State and those who vote within it cover a much larger area. Nearly

all rural areas are served by mail bag services, sometimes once a week in the remote areas and sometimes twice a week, the latter probably being normal in the more closely settled areas.

One would probably be involved in a long process to get a postal vote into the hands of a returning officer by 8 p.m. on the day of voting. Many post offices are closed on Saturdays, and I hazard a guess that it is likely in the future that all post offices could be closed on Saturdays. This would mean that a postal vote would have to be in the hands of a returning officer when a post office closed on the Friday afternoon before the election day. This would disfranchise many people who should be able to make a valid vote.

My amendments, of which this is the first, propose that witnesses to a postal vote shall place in the space provided on the envelope the time and date when the vote was made, and this shall be *prima facie* evidence that the vote was made at that time. This will provide a reasonable safeguard, because a fine of $500 is proposed for any breach of the Act in this respect.

The Hon. A. J. Shard: You don't seriously think a $500 fine would stop a person from falsifying a signature, do you?

The Hon. G. J. GILFILLAN: The proposed $500 fine would have quite an effect on people asked to falsify a vote. I do not deny that in any system of voting people are prepared to do this. However, the amendment would enable people entitled to vote to do so and to have that vote counted. The proposed fine would minimize any improper practices. I do not claim that we can stop improper practices. However, I believe that my amendment is fair to the people entitled to vote; it gives reasonable protection against improper practices, and I ask the Committee to support it.

The Hon. C. M. HILL: The Hon. Mr. Gilfillan has said that his amendment and the subsequent two amendments deal with the one matter, and he quite properly has explained the reasons for which he is moving the whole three. The amendment under consideration to section 81 (3) and proposed new subclauses (6) and (7) are intended to revert substantially to the system of counting postal votes as is provided in the principal Act, that is, that votes received up to seven days after the closure of the poll may be counted.

The substance of the Bill is that all votes must be in official hands before the close of the poll. While it is conceded that the honourable member's proposals are to some extent an improvement on the present system in that they make it a little easier to provide some evidence of the time of the casting of the vote, it is suggested that the proposals do no more than patch up a set of procedures which, when subjected to a most exhaustive and detailed examination by the Court of Disputed Returns, were found to be wanting in almost every particular.

Incidentally, the principal Act in its present form at least pays lip service to the principle that the vote must have been posted prior to the close of the poll, while the amendment does not even give the principle a passing glance. I concede that the Court of Disputed Returns recognized the difficulty of proving posting in this day of closed post offices on Saturdays and bulk franking of mail, and I can see the practicability of the solution the honourable member proposes by his amendment; but it leaves me with an inescapable feeling that to this extent his amendment is going in the opposite direction to that inherent in the policy of this Bill which was in this matter to give effect to the views of the Court of Disputed Returns.

In short, the amendment will leave the question of what is a valid vote to turn on the honesty of two people—the voter and the authorized witness—and while it offers some encouragement towards honesty by means of a substantial fine, the honourable member still leaves the matter totally within the control of those people.

I do not doubt that the vast majority of persons are honest, but it is obvious that close elections, which often turn on postal votes, may disclose witnesses whose conduct must result in a searching and expensive inquiry to determine their honesty. I am sure that all honourable members realize that in the circumstances of this State a system of postal voting is desirable and expedient, but surely honourable members will agree that such a system must ensure that a postal voter is no more able to cast his vote after the close of a poll than is a voter who is obliged to cast his vote at the polling booth.

Already the postal voter has some days from the time he receives his postal vote certificate until the last post that will reach any electoral official to cast his vote, whereas the ordinary voter has only one day on which to cast his vote. Already the Bill has provided for the convenience of a postal voter an almost unlimited class of witnesses, rather than the restricted categories previously provided.

Surely this goes far enough. Will not the passage of this amendment inevitably result in witnesses, who may be men or women of the greatest probity, being subject to the most searching and distressing examination of their actions in a future Court of Disputed Returns simply because upon the time that a vote was recorded (a time that is only within their knowledge) may hang the fate of a seat or even of a Government? For those reasons, I oppose the amendment.

The Hon. G. J. GILLFILLAN: The Minister's reply appears to me to be a negative approach to the problem. Condensed into a few words, it merely prevents the counting of votes which, through some misfortune, have missed getting into the hands of the returning officer by 8 o'clock on the day of the poll. There are many circumstances in which people who have voted perhaps even a week or more before the polling day could not get their votes into the hands of the returning officer. There are many reasons for this.

The Hon. A. F. Kneebone: This could happen whatever time was allowed.

The Hon. G. J. GILFILLAN: The subsequent amendments provide for this. The Hon. Mr. Geddes said that he posted from Parliament House a letter to his daughter in North Adelaide and that it took six days to arrive. I do not suggest that this happens in every case. However, the Minister has pointed to close elections and the problems that arise. Surely, if we want to find out the will of the people, the way to do this is not to exclude their votes.

I believe that my proposals carry some safeguard. The Minister said that the amendments did not mention the day of posting. That is true, because the day of posting has in the past been found hard to prove, and this has led to many disagreements about the validity of postal votes. Blurred postal marks, some envelopes not being franked, and that type of thing have led to argument in the past. My amendment proposes that a vote signed in the presence of a witness and showing the day and time of voting shall be *prima facie* evidence.

It was also said that there should be no opportunity for a person to vote after the close of the poll, and that this provision is not available to the person who votes at the polling booth. However, the person voting by post has already taken a positive action by applying for his postal vote before polling day. My only reason for including this fine of $500 is to protect people. The whole point of this is to protect postal voters from undue pressure from perhaps outside people to vote, if they had not already done so, after the close of the poll: it was not to cover this point of having privileges over and above those of people who had to vote by 8 o'clock on a Saturday.

The matter of disproving or proving is one that crops up in almost all forms in the Electoral Act. It is not as difficult as it may appear when it comes to stating the time of day and the date that a vote is cast. If a person incorrectly and illegally witnesses the time and date on a voting paper it can often be proved that that person was somewhere else at that stated time.

The Hon. A. F. Kneebone: The people concerned would take good care to see that that would not happen if it were likely to cost them $500.

The Hon. G. J. GILFILLAN: I believe the present safeguards are sufficient, and I submit that this amendment is an improvement on the existing Act; it is certainly an improvement on the restriction on postal voters as proposed in the Bill.

The Hon. A. J. SHARD: I oppose the amendment. Anybody who attended at the Court of Disputed Returns recently must realize how difficult it is to prove that what a witness says is correct or incorrect as relating to time and place. An outstanding feature in connection with that court was that many witnesses were able to give precise information concerning where they were when they signed the postal vote application, as well as the time, and also where they went afterwards. However, when asked to answer a simple question concerning what they did an hour or so before or an hour or so after that event, those witnesses were not able to answer.

I believe the Court of Disputed Returns took the only action possible and directed that another election be held. In my opinion, I do not think that the court accepted all the evidence placed before it as being truthful. Further, we are being asked to accept as *prima facie* evidence that signing on the day and date by a witness should be acceptable. I inform the Hon. Mr. Gilfillan that I do not think that the threat of a fine of $500 would prevent two people from inserting an incorrect time and date on a postal vote form, because I believe the chance of proving the statement wrong would be negligible. I do not want to be told that such a thing will not occur, because I believe it will happen and I would not blame one person more than any other in that regard.

The only reasonable way to conduct a ballot is to have all papers returned to the returning officer on polling day. I point out that people applying for a postal vote are not the only ones who may miss out on a vote if unable to attend a polling booth. I know of many instances where people have suddenly become ill on polling day and thus were unable to vote, but what are we doing for them? Admittedly, it is possible to lodge an absent vote, but many people who on a Wednesday or Thursday believe they would be capable of voting on Saturday (the polling day) have sometimes taken ill and been unable to do so. I suppose that has happened on at least 15 or 20 occasions in my memory, and on those occasions I have informed the returning officer accordingly. Are such people to be denied a vote while we are ensuring a vote to people applying for a postal vote?

People in the country already know that there is to be a Commonwealth election on October 25 and that if they want to cast a postal vote they need merely make application to do so, but people who are sincere and who want to cast a vote at a polling booth may be unable to do so because of sudden illness. I know it is a difficult situation, but what percentage of people is likely to be affected by this provision? I believe it would be a minute number. For instance, let us consider the recent Court of Disputed Returns; was it the people in outback remote areas who were mostly concerned? No; the people concerned were those living in decent-sized townships. The Hon. Mr. Gilfillan has based his argument on the difficulty of obtaining a vote when living in outlandish places, but the Court of Disputed Returns had to deal mainly with people living in fairly big towns, people who had every opportunity of casting a vote if they so desired.

The Hon. R. C. DeGaris: What was the name of the big town?

The Hon. A. J. SHARD: Millicent.

The Hon. R. C. DeGaris: Who lived there?

The Hon. A. J. SHARD: I do not believe any part of Millicent could be called an "outlandish country area".

The Hon. D. H. L. Banfield: You could get some outlandish people there, though.

The Hon. A. J. SHARD: I do not know about that. However, I can understand the difficulties, but the numbers affected would be minute. The evidence before the Court of Disputed Returns showed that the people affected lived in a large town, in the main, and yet we are asked to extend this voting arrangement to 10 days; I am not sure whether or not the limit has been taken away altogether.

The Hon. R. C. DeGaris: It is seven days.

The Hon. A. J. SHARD: If it is seven days, no returning officer could say when he received the vote or whether it was correctly cast or not. The returning officer is to be asked to accept the signature of the witness as to the time and date. If he does so, then he has more faith in human nature than I have. I want to deal with this matter on its merits and raise the question: where did this thought come from? The thought that the ballot-paper must be lodged on the day of the poll came from no other authority than the Court of Disputed Returns. The court knew that that was the only satisfactory solution to the problem, and it did not take a great deal of notice of the evidence given by many of the witnesses. That is my belief.

If the amendment is carried, then, instead of improving the Act, it will make it considerably worse than it was before. Because of that, I hope that the Committee will not accept this amendment.

The Committee divided on the amendment:

Ayes (11)—The Hons. Jessie Cooper, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, C. M. Hill (teller), A. F. Kneebone, A. J. Shard, and C. R. Story.

Majority of 4 for the Ayes.

Amendment thus carried.

The Hon. G. J. GILFILLAN: I move:

To insert the following new subsections:

(6) For the purposes of this Act or of any proceedings under this Act, the day and the time of day inserted on the certificate on the envelope referred to in subsection (3) of this section shall be *prima facie* evidence that the vote recorded on the ballot-paper enclosed in that envelope was recorded on that day and at that time of day.

(7) An authorized witness shall not insert on an envelope, pursuant to subsection (3) of this section, a day or a time of a day which is to his knowledge not the day or the time of the day on which he signed his name on that envelope.

Penalty: For an offence that is a contravention of this subsection, five hundred dollars.

My amendment is consequential on the previous amendment.

The Hon. C. M. HILL: In accordance with my previous remarks I oppose the amendment.

The Committee divided on the amendment:

Ayes (11)—The Hons. Jessie Cooper, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, C. M. Hill (teller), A. F. Kneebone, A. J. Shard, and C. R. Story.

Majority of 4 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 21 to 24 passed.

Clause 25—"Preliminary scrutiny of postal ballot-papers."

The Hon. G. J. GILFILLAN: I move:

To strike out paragraph (*a*).

My amendment restores the situation that operated at the last election: ballot-papers may be received up to the end of seven days immediately succeeding the close of the poll. There is a similar provision in Commonwealth legislation. Following earlier amendments, it is only proper that postal votes duly recorded and witnessed should have a reasonable time to reach the returning officer.

The Hon. C. M. HILL: I oppose the amendment.

Amendment carried.

The Hon. G. J. GILFILLAN moved:

To strike out paragraph (*b*).

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

In new paragraph (*b*) of section 86 after "requires" to insert "and if he is also satisfied that the certificate discloses that the vote recorded on the ballot-paper enclosed in the envelope was so recorded before the time of the close of the poll,".

That refers to the returning officer and is consequential on the amendment just passed.

Amendment carried; clause as amended passed.

Clauses 26 to 29 passed.

New clause 29a—"Mode of voting."

The Hon. A. J. SHARD: I move to insert the following new clause:

29a. Section 113 of the principal Act is amended—

(*a*) by striking out paragraph (*a*) from subsection (1) and inserting in lieu thereof the following paragraph:—

(*a*) where his ballot-paper is a ballot-paper in accordance with Form D in the fourth schedule he shall vote for not more than the number of candidates required to be elected by placing a cross in the square opposite the name of each candidate for whom he desires to vote:;

and

(*b*) by striking out paragraph (*a*) from subsection (2) and inserting in lieu thereof the following paragraph:—

(*a*) where the ballot-paper is in Form E in the fourth schedule he shall place a cross in the square opposite the name of the candidate for whom he desires to vote:.

This amendment would do away with preferential voting (which, as all honourable members know, is the present type of voting) and institute what is known as first past the post voting. This would mean that people would vote for the number of vacancies. In a House of Assembly electoral district people would vote for one candidate and in a Legislative Council electoral district they would vote for two candidates. I have always been under the impression that preferential voting has caused distress and worry to the voters, and not always the elderly ones: many middle-aged and young people who should know how to vote preferentially do not attempt or want to do so. In the light of what we have been through, I think that this amendment for first past the post voting would simplify things. Also, it would reduce the number of informal votes cast.

It would also do away with something that has developed in Australia (though not to our credit)—splinter groups, which swing Parties to their point of view one way or the other, for good or for bad, by using their preferences. That is not a good thing. If I had to decide which was the best system of voting of preferential, proportional representation and first past the post, I would solidly choose the first past the post. To my mind, proportional representation creates a minute minority group holding tremendous power, and that is not good. We have seen that happen over the last decade in Tasmania and in the last few years in our Commonwealth Parliament.

If we want to make our voting easier and do away with possible sittings of the Court of Disputed Returns, the simple voting by a cross may help. The details are set out in *Hansard* in the speech of a member in another place, so I will not go into them now. In the last three or four close elections in this State, there have been only

one or two cases where a candidate, whether representing the Australian Labor Party or the Liberal and Country League, who won his seat on the preferential voting system would not have won it by the first past the post system.

The Hon. C. M. HILL: This amendment and the proposed new clauses 30a and 31a are designed to change the system of preferential voting in favour of the simple majority system. Since the simple majority system can result in a candidate's being elected by polling only a small proportion of the votes, its use in substitution for the preference voting system has not been favoured in this State since the adoption of that system in the early 1930's. While all systems of voting have their merits and defects, the system of preference voting seems, in the Government's view, the least open to objection. Since it is also favoured in the Commonwealth elections, any departure from it would undoubtedly cause confusion and result in a higher proportion of informal votes in Commonwealth elections than would otherwise be the case.

The Committee divided on the new clause:

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, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 10 for the Noes.

New clause thus negatived.

Clauses 30 to 39 passed.

Clause 40—"Prohibition of certain electoral posters."

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

In new paragraph (*a*) of section 155b (2) after "any" to insert "building, fence, hoarding or structure of any kind or on any".

The amendment will prohibit a person from writing, drawing or depicting any electoral matter directly on any building, fence, hoarding or structure, or on any roadway or footpath. There are many ways in which one can advertise electoral matter and bring out the personalities and policies of a candidate to the electors.

The Bill provides that electoral matter can be put on a structure with the consent of the owner of the building. However, this is likely unduly to embarrass the owners of premises, particularly in country towns, where the local store proprietor might receive a request from one Party to put matter on his premises and, if he receives a similar request from the opposite Party, he would feel bound to allow that Party to do so. I do not think a private person should be put in this position. This course of action will merely lead to much disfigurement taking place, and it will not materially inform people how they should vote at an election. There are ample ways in which a candidate can convey his message to the public, such as through the press or television.

The Hon. S. C. BEVAN: I oppose the amendment as at present a person can, with the permission of the owner of a building, display an advertisement on that building if he so desires. Most people do not care if the whole world knows which political Party they vote for, although perhaps a few people might like to keep this information to themselves. I do not accept, as the honourable member suggested, that some people could be embarrassed if they received a request from a political Party to place advertisements on their property, as they have the right to refuse anyone permission to do so. I should certainly resent someone coming to me and telling me that despite the fact that I owned certain premises I was allowed to or not allowed to put signs on it. If I own those premises I should be able to do what I like with them.

Many people have refused permission in the past to persons who have requested that they be allowed to erect signs on their property, and this has been done because of their circumstances. I do not support the amendment.

The Hon. JESSIE COOPER: I cannot follow the Hon. Mr. Bevan's argument. He said he would not have anyone telling him what he could or could not put on his property. However, we have all heard of the case of an owner of a house on a main road who, having seen a radar trap operating nearby, erected a sign informing motorists that the radar trap was there. That is something one is not allowed to do. Moreover, there are plenty of other placards that would offend the public that one cannot exhibit in one's own home. Therefore, his argument does not hold water.

The Hon. C. M. HILL: The honourable member's amendment seeks to leave the principal Act in its present form by removing the proposed re-enactment of section 155b (2).

This amendment was proposed by the Government to, as it were, render legal a fairly common practice of putting electoral matter on cars and buildings, etc.

I oppose the amendment. It would be a rather sorry day if we took some of the excitement and the glamour out of electioneering by restricting and curtailing electoral matter and material as the honourable member suggests.

Amendment negatived.

The Hon. JESSIE COOPER: I move:

In new subsection (3) (*a*) after "concerned" to insert "in any case where the sign is so posted up, exhibited, written, drawn or depicted on or at such an office or committee room which is situated more than one hundred yards distant from the entrance to a polling booth".

The object of this amendment is to prevent the setting up of committee rooms directly opposite polling booths and there having large notices depicting a candidate's face. Under new subsection (3) (*a*) as it stands, one could see committee rooms springing up opposite every polling booth. The distance of 100 yards would seem to me to be appropriate for country towns as well as for the city.

The Hon. C. M. HILL: At present committee rooms and offices are exempt from the restrictions on the size of electoral matter they may display contained in section 155b of the Act at least in so far as the display relates to the name of the candidate or the Party he represents. This amendment will, in effect, provide that the exemption will not apply to offices and committee rooms that are situated closer than 100 yards from the entrance to a polling booth. Such committee rooms and offices will be subject to the ordinary material size limitations. I believe that the amendment has much merit, and I support it.

Amendment carried; clause as amended passed.

Clauses 41 to 51 passed.

Clause 52—"Deposit applicable for costs."

The Hon. C. M. HILL: I understand that an honourable member wishes to look further into the question of a possible amendment and, so that an opportunity may be given him to do that, I ask that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT

At 4.57 p.m. the Council adjourned until Wednesday, September 24, at 2.15 p.m.