LEGISLATIVE COUNCIL

Wednesday, October 28, 1970

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

QUESTION

CANCER

The Hon. V. G. SPRINGETT: I ask permission to make a brief statement before directing a question to the Minister of Health.

Leave granted.

The Hon. V. G. SPRINGETT: Some infectious illnesses and diseases are notifiable to the public health authorities. This enables them to watch the position, which could become serious if it got out of hand. The problem today in a country like Australia is not the fundamental infectious diseases, because there have been important and thorough measures taken by the authorities to control them. One of today's main problems is the extent to which the spread of cancer is known. It is very much one of our major killers today. Will the Minister of Health consider making lung cancer and cervical cancer notifiable diseases? By so doing it will be possible for the extent of these two conditions to be made known so that they can be combated more adequately. I know that this suggestion has the approval of the Anti-Cancer Foundation.

The Hon. A. J. SHARD: I do not wish to fully reply to that question now, but I assure the honourable member that I will consult with medical people and discuss this matter with Cabinet before giving a considered reply soon.

PUBLIC RELIEF

Adjourned debate on the motion of the Hon. F. J. Potter:

(For wording of motion, see page 1715.)

(Continued from October 21. Page 1902.)

The Hon. M. B. DAWKINS (Midland): I support the motion, which was also supported by the Hon. Mr. Kemp who, I understand, intended originally to move it. It refers to the problems of public relief for the sick aged and assistance to pensioners and others in distress. By way of question on October 13, I referred to some of the matters contained in this motion, and asked what the Government intended to do with that portion of the Royal Adelaide Hospital called the Morris Hospital, which is more generally known now as the Northfield Hospital. I asked the Chief Secretary what the Government intended to do, because information I had led me to believe that the previous Government proposed to make this facility suitable for the care of the chronically sick aged people. I was encouraged by the Chief Secretary's reply and the further information he brought to the notice of the Council when he discussed this motion.

I was pleased that the honourable gentleman said that the Government did not intend to oppose this proposition, which refers to the appointment of a Select Committee to consider these matters. This motion also refers to another area of need, that is, the problem of deserted wives, widows, and, in some cases, to widowers with children. In his speech in this debate the Chief Secretary referred to the Government's sympathy, and we were assured that the Government has sympathy for these problems. It would be strange if any Government did not have considerable sympathy for the problems existing in this field. These problems came to the notice of the previous Government, which was also sympathetic. This position was evidenced by the fact that the former Government intended to do something about the Morris Hospital, and the present Government also intends to do something on similar lines. However, sympathy is not enough, and I am pleased that the Government intends to follow through the scheme to rebuild the Northfield Hospital, or the part that was previously known as the Morris Hospital and which was then part of the Royal Adelaide Hospital.

Also, I am pleased that the Government realizes that much more will be needed, because that move, commendable as it is, will be only the first step towards easing the present position. Many chronically sick and aged people, while not being very ill, are considerably below 100 per cent, and they are likely to remain in that condition. Much work that is now being done for them by highly trained nursing staff in hospitals could be done by nursing aides in convalescent hospitals or nursing homes.

Many beds at present occupied in hospitals by sick aged people and chronically incapacitated people could and should be available for more urgent cases. However, I add the important qualification that suitable accommodation and care must be made available for the elderly people to whom I have referred The situation is now very serious. On October 13, I referred to the statement of the Rev. Erwin

Vogt that the situation had reached crisis proportions. When statements are made along these lines, they are not always made in a way calculated to secure the best response, but in this case I believe the statement is by and large factual, not extravagant. In connection with the old Morris Hospital the Hon. Mr. Potter said:

That move will provide limited assistance only, and we should consider further the need for domiciliary care for elderly pensioners in our community, in order to ascertain what further assistance the State can provide, because although the Commonwealth Government has agreed to provide additional financial help for domiciliary services, little has been done so far. I think we need to inquire into what facilities are available and what services can be expanded to help these people.

It is in this connection that the proposed Select Committee can make its most important inquiries. It is not necessarily entirely a Commonwealth responsibility to expand these services: we must see what we, as a State, can do as well. The second part of the motion is as follows:

To inquire into and report upon the effectiveness of the assistance available to deserted wives . . .

I fully concur in this part of the motion, because this area of distress needs to be thoroughly investigated, and it, too, is not entirely a Commonwealth responsibility. I commend the Hon. Mr. Potter and the Hon. Mr. Kemp, who originally intended to move this motion, for having included this matter in it. It is ironic that, provided money can be found in the first place to provide a facility, quite often much money can be saved subsequently through the use of that facility. Of course, this could happen in this case. At present many people are being cared for at very high cost in Government hospitals and subsidized hospitals when they could be adequately looked after for very much less cost, if the necessary facilities were available. Therefore, I believe that the provision of adequate facilities for these people would, in the ultimate, save us much money.

Of course, as the Chief Secretary has said, much money is needed to provide these facilities. I was interested to hear the Hon. Mr. Shard say that we needed much more money, and I agree with that statement. However, I also know that when some people (here I do not necessarily refer to the Chief Secretary) are in Opposition they cry loud and long for miracles overnight, but when they get into Government they realize that more money is needed and that miracles cannot be performed without money, regardless of who is in power. Whichever Government is in power, there is a limit to what it can do.

I believe it would be a good thing if some people outside would realize this also, for we might then get a more sensible approach and fewer inflammatory statements than we get sometimes when some of these shortcomings are brought to our notice. I am not accusing the Reverend Mr. Vogt of an inflammatory statement in this case, although I feel that on occasion even he, along with many others, probably could not claim to be blameless in this regard.

However, from my own observations (and some problems that come very close to my own district) and from the subsequent inquiries I have made, I am convinced that a need exists in these two fields to which the Hon. Mr. Potter has referred. I am sure that the inquiries of this suggested Select Committee can do nothing but good, and I am equally certain that a number of people will be anxious to place valuable evidence before it.

I am glad that the Government has considered the matter. Apparently it has been convinced of the genuine need and has agreed not to oppose the appointment of this Select Committee. I believe that in these circumstances the committee should be established as soon as possible. In closing, I reiterate that I am very glad to support the motion, and I hope that some great benefit will come in the long run from the inquiries of this committee.

The Hon. E. K. RUSSACK secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT REGULATIONS

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

That the regulations under the Planning and Development Act, 1966-1969, made on June 18, 1970, and laid on the table of this Council on July 14, 1970, be disallowed.

(Continued from October 21. Page 1909.)

The Hon. C. M. HILL (Central No. 2): I oppose the motion. I will read the relevant clause of the regulations in full so that it will be included in *Hansard*, because I think this makes it easier for people reading *Hansard* subsequently to follow the debate. Clause 8 of the proposed regulation states:

By inserting the following regulation immediately after regulation 68:

68*a*. Pollution of public water supplies: the Director may refuse approval to a plan of subdivision or resubdivision if:

(*a*) The land or any part thereof is:
(i) within the watershed of an existing or proposed reservoir or source of public water supply; or
(ii) within 300ft. of the normal edge of the River Murray including any flowing anabranch, Lakes Alexandrina and Albert, and any watercourse extending upstream therefrom proclaimed under the Control of Waters Act, 1919-1925, or any amendment thereto; and
(*b*) in the opinion of the Director and Engineer-in-Chief of the Engineering and Water Supply Department the approval of the plan could lead to pollution of a public water supply.

I do not think that the other clauses in the regulations are being questioned; the whole concentration in the debate so far, as I understand it, has centred on that particular clause. In the reasons for the amendments to the control of land subdivision regulations under the Planning and Development Act, the following explanation is given in paragraph (7), and it refers to the paragraph (8), which I have just mentioned. This is new ground, which the Director of Planning can use for refusing approval to plans, and it is designed to safeguard the pollution of public water supplies. The existing regulations require the Director of Planning to refer all plans to the Director and Engineer-in-Chief, Engineering and Water Supply Department, for report. It states:

It is proposed under the new regulation that if the land is situated in a reservoir watershed or near the Murray River and the Director and Engineer-in-Chief is of the opinion that the approval of the plan could lead to pollution of a public water supply, then the Director of Planning may refuse approval to the plan. An appeal against the Director of Planning's decision lies to the Planning Appeal Board.

So the whole emphasis is on future water pollution. Not only is pollution the vital topic, but I stress the aspect of future pollution, because these regulations do not control the use of existing land over which any problems have already arisen. They do not include subdivision nor do they refer to the Planning and Development Act or to the decisions therein that have already been taken. The regulations apply to consideration of proposals to subdivide land in the future.

I think that an important distinction must be drawn: first, there is the fact that we are dealing with problems in the future as a result of subdivision, and, secondly, we must dissect the two headings of subdivision and land use. The question of land use, of course, does not come within the ambit of the Director of Planning or under the Planning and Development Act. When giving evidence, Mr. Hart highlighted this particular aspect and added some very pertinent points. I quote from his evidence, which has been tabled in this Chamber. He said:

I think there are two aspects which are clearly quite separate. One is the subdivision and resubdivision of the land—the granting of a separate title, which is what these regulations are concerned with. What goes on the land and how the land is used is a separate matter. We have no real knowledge of how the land will be developed once a separate title is issued. Therefore, the purpose of tighter control under the Waterworks Act would be to control the use of the land as it exists at present or as it may exist in the future irrespective of how the land is held —whether it is in one big title or in a series of smaller separate titles. However, when the owner proceeds to divide the land into separate allotments the application has to be dealt with under the Planning and Development Act in the issue of a separate title. It is at that stage that these new regulations will come into operation. If it is envisaged, for example, that the titles will create development close to the edge of the river, the Director and Engineer-in-Chief presumably would be of the opinion that the approval of the plan could eventually lead to pollution, and he would advise the Director of Planning accordingly. It is then up to the Director of Planning to use his discretion on whether he refuses that application. If he refuses, he has to face the likelihood of an appeal before the Planning Appeal Board and justify his refusal. No doubt, he would ask for support from the Director and Engineer-in-Chief if he did that.

Another witness who gave evidence before the committee was Mr. K. W. Lewis, Engineer for Water and Sewage Treatment, Engineering and Water Supply Department. He dwelt upon the great dangers and gave warnings of the problems of future pollution that he and his experts foresaw in the metropolitan water supply. Part of what he said reads as follows:

Unfortunately, we have many of the symptoms which occurred in America and Europe 15 to 20 years ago and which were ignored at that time. These problems are now occurring in our watersheds and are, therefore, of great concern and a cause of alarm. These problems were ignored in America 15 to 20 years ago and are now causing many problems and, if we ignore them, we will be in the same situation in 15 to 20 years as America is now.

Later, he submitted that his plans were:

To try to limit future population to the defined townships—

the townships in the watershed of the area of the Adelaide Hills—

so that we can get at and collect and treat their wastes and do something about it as well as to try and maintain the essentially

rural character of the rest of the watersheds by limiting subdivisions to about a 20-acre minimum, with certain minor exceptions. I believe this is the minimal type of water pollution control that one can apply to watersheds under these conditions just outside of Adelaide. These watersheds must be preserved not only for our generation but indefinitely. Even with the limitations that the department has more or less recommended, there will still be many people living on the watershed and, therefore, our water will never be of high quality and I am sure that it will need treatment in the future. However, we should not wait until the water becomes so bad that it is untreatable.

Later, he dealt with the Murray River, and said:

The Murray River is a relatively clean river; certainly it is, compared with some of the rivers in Europe and America, and it must be kept this way because of the increasing dependence on it.

It is my view that there is a need for controls of this kind so that, in the future, pollution of our water supply can be avoided. For that reason I oppose the motion.

If we agree that there is a need for some further control, then some action must be taken, because the present provisions of the Planning and Development Act are not wide enough; but the section dealing with this matter in very general terms, although it really does not affect it directly, is section 49 of the Planning and Development Act, 1966-67, which reads, in this connection:

The Director or a council may refuse approval to a plan of subdivision or a plan of resubdivision if the sewage cannot be disposed of from each allotment defined therein without risk to health.

That is not touching directly the problem of pollution of the Adelaide water supply. Having said that and having quoted the two senior public servants to whom I have referred, let me say that I do not accept without question what experts say. I recall earlier this year many conferences and discussions with these experts on this whole problem (and it is, indeed, a problem of future planning) which, unfortunately, was not faced up to and met, say, 20 years ago; and it is on our doorstep now. I believe in the contentions of these two officers to whom I have referred when they come forward, express their concern and inform us and the committee, as they have done, of the dangers we are facing.

I am worried by the aspect that the regulations are wide, in that there are not specific guide lines set down for the Engineer-in-Chief to decide whether or not a subdivision will cause future pollution. The position is, however, that an appeal to the Planning Appeal Board is available to anyone who has a subdivision refused under a regulation of this kind.

The previous Government discussed this question of guide lines because it thought it was something that had to be faced up to and the department had to be held to some general plan or guide lines when it considered subdivisions that fell under this heading. The guide lines which were laid down a few months ago (and which, I understand, still apply) were that subdivisions in established townships were not to be opposed and that special sewage or effluent drainage schemes taking waste right away from those towns in the hills and watershed areas were ultimately to be installed; but, apart from the areas within the well-established towns throughout the hills, the most contentious aspect, of course, was the subdivision of land in the watershed areas outside of those towns. The plans which were laid down for those guide lines and which, I understand, still apply were these.

The Engineering and Water Supply Department is to be authorized to maintain its objection to the subdivision and resubdivision of land of areas of less than 20 acres over all the metropolitan watersheds now in use or proposed for water supply catchment, provided that no objection will be made, first, to the creation of one new allotment of not less than one acre from any existing property with a title to 20 acres or more, which title existed at April 1, 1970, and, secondly, to the creation of new allotments of not less than one acre in area, provided that each new allotment contains a dwellinghouse constructed or under construction prior to April 1, 1970; and, lastly, to the creation of new residential allotments in the metropolitan watersheds and within existing township boundaries, which boundaries shall be defined as early as possible by the Director and Engineer-in-Chief in consultation with the Director of Planning, State Planning Office.

Apart from guide lines like those being accepted within the department, I am sure that in possible appeals some aspect of guide lines will be considered by the appeal board. I dislike controls of any kind as much as other honourable members in this Chamber dislike them, but there does come a time when future planning simply has to be faced up to in the interests of the greatest number of people in the State. I believe that, in the interests of the greatest number of people in this State, by which I mean the great number of people living within metropolitan Adelaide (mainly

in the Adelaide foothills and on the Adelaide Plains), the proposed action must be taken.

The Hon. R. C. DeGaris: There must be a minority interest: you cannot adopt the attitude of the greatest good for the majority all the time.

The Hon. C. M. HILL: I heartily agree that minority interests have to receive every possible consideration. However, that does not mean that minority interests should always carry the day: it means that they have to be given every consideration. When one considers groups of people, whether minority or majority interests, one must realize that one is dealing with human values and community values.

I regret the adverse effects of this proposal on the people who will be affected. I do not think the adverse comment that has been made already about this matter by people in the watershed areas would have been nearly as strong as it has been had the whole position been placed before them, so that ample discussion could have taken place early this year.

The Hon. H. K. Kemp: It should have been placed before them truthfully, and not in the way it has been.

The Hon. C. M. HILL: The honourable member had better be careful when he speaks about truth, or he will have to stand up and justify what his interjection means. If he can justify it, I shall be pleased to hear it, and I will accept accusations of that kind.

The Hon. A. J. Shard: Good on you.

The Hon. H. K. Kemp: I intend to do that.

The Hon. C. M. HILL: One problem that was faced earlier this year was that there was not enough discussion in the areas concerned about this subject, and I accept my share of blame for that. Having some knowledge of the people in the watershed areas, I firmly believe that, if the whole question had been placed before them calmly and in all detail, their attitude as a whole would have been different today from what it is.

It was a pity (and I am the first to admit it) that as individuals they were not taken into the full confidence of the departments concerned and of the Government of the day, of which I was a member, and had this whole problem discussed with them adequately. It was discussed with them, but it was not, in my opinion, discussed with them adequately. Therefore, a decision has to be made.

The motion concerns not only the watershed areas but also the margins along the Murray River. The question I find I have to weigh up in my mind comes back again to the question of community values. I think we have to consider the price paid by those affected in the watershed areas of the Adelaide Hills areas and the margins along the Murray River, and compare that with the loss and great damage metropolitan people will suffer if the metropolitan Adelaide water supply becomes polluted.

We have the two sets of values to weigh up if we are to be courageous enough to make a decision. Putting it more positively, we can consider the question not of price but of benefits. We have to weigh the benefits to those people now enjoying the possibility of profit as a result of land ownership and future subdivision against the benefits to all people in metropolitan Adelaide in their health and growth with a water supply that is unpolluted.

When we consider those two aspects, and we treat them, as I do, as almost a classic example of community values, we realize that in metropolitan Adelaide in the foothills and on the plains about 800,000 people now live. This number will vastly increase, and one forecast is that in only 16 years there will be 1,250,000 people here. I remember that forecast from our transportation planning. If those people are to be provided with an unpolluted water supply I believe that action like that suggested must be taken, despite the fact that I regret deeply the problems that will be faced by those who are affected and who hold land in the hills.

The same question of community values applies to the Murray River. We have to weigh the benefits to those people who, by future subdivision, can enjoy their holiday houses in regions fronting the river against the benefits of having a Murray River that remains clean and unpolluted. When we consider the question like that, we cannot but come down on the side (despite regretting that some people will be hurt) of saying that the decision should be that action as recommended should be taken. For these reasons, I oppose the motion.

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

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

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

INDUSTRIAL CODE AMENDMENT BILL

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

PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

In Committee.

(Continued from October 27. Page 2029.)

New clause 6.

The Hon. A. J. SHARD (Chief Secretary): As promised yesterday, I have consulted the Attorney-General and he has told me that he has further considered the matter. He has indicated that, whilst he appreciates the purposes motivating the mover of the amendment, he is satisfied that the Act in its present form gives him power to do all that is set out in the amendment, which he regards as unnecessary. In addition, as honourable members will recall, the stated objects of the Bill were to repair certain apparent deficiencies in the principal Act in order to make it a more effective piece of legislation.

It would be highly undesirable if the express spelling out of the matters contained in the amendment (which are, in the Government's view, already covered) gave the impression, even though that impression was incorrect, that in fact the legislation had been weakened or rendered less effective. The field that the legislation covers, that of discriminatory practices, is one that engenders strong feelings and high emotions on all sides. The Government therefore is naturally reluctant to agree to the insertion of an unnecessary provision that may suggest that, in any way, the Act is being "watered down". I am bound to remind honourable members that during the last session of Parliament a measure in almost identical terms to the one at present under consideration was introduced into this place and, after consideration, it was returned to another place with amendments that rendered the measure so ineffective that it was not proceeded with.

I am the first to concede that there is considerable evidence that there has been a change of heart by this place. However, it is not difficult to imagine that those whose interests are most affected—and let me make it quite clear, I am thinking of the groups likely to be discriminated against—mindful of the treatment accorded to the last measure, may entertain some fears that the amendment proposed would decrease the effectiveness of the Bill. It is of very great importance that this new law should have the effect of engendering confidence in those whom it is intended to benefit so that their rights will be effectively protected, and of making clear to those who may be tempted to offend that they may not do so with impunity. That is the Attorney-General's viewpoint, and the Government accepts it.

The Hon. A. M. WHYTE: I am very grateful to the Chief Secretary for the work he has done and for the number of times he has asked that progress be reported so that he could obtain the Attorney-General's view. When I first spoke on this matter I said that I had no desire to water down the purpose of the Bill. If some people need to be prosecuted for discrimination, I will be the first to say that a prosecution should be brought against them. The purpose of this amendment is to bring some form of conciliation to the groups concerned before a prosecution is made. If we prosecute for every offence, whether genuine or not, we will create ill-feeling and a point of no-return between the parties concerned.

I cannot agree that this amendment in any way inhibits the Attorney-General's discretionary powers: he can still do exactly what he said he wanted to do. The amendment simply requires that he give due consideration to attempting some means of conciliation between the affected groups before he prosecutes. I firmly believe that many Aborigines (and this applies to others, too) are not well acquainted with the law. If the publican who threw them out of his hotel is prosecuted, that will not get them back into the hotel and it will not enable them to see what they did wrong. On the other hand, I do not think a prosecution will enable the publican, greengrocer, or draper to understand that he has to be more condescending. The fact that he will be served with a summons because he has been accused of discrimination will not assist anyone. This was the point I tried to make, and I am sorry the Attorney-General has placed a different interpretation on it. I do not desire to see the Bill defeated, because there is nothing wrong with it. I hope my amendment will be carried, because it goes some of the way towards conciliation.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Attorney-General was incorrect in thinking that there had been a change of heart in this place. When this Bill came to us last year the Hon. Mr. Whyte made virtually the same contentions as he has made today. When speaking during the second reading debate the honourable member dealt at some length with this whole question of the need for conciliation, if possible, before prosecution, and the experience of other countries shows that this is the correct approach. Having made this point, the Hon.

Mr. Whyte found that it would be impossible for him to move to set up some machinery for conciliation. He therefore took the only action possible: he proposed that there be some form of conciliation in the hands of the Attorney-General.

This amendment in no way reduces the power of the Attorney-General. However, it does require him to consider all the facts and to ensure that the purpose of the legislation cannot be achieved without prosecution. I think every honourable member would agree with the Hon. Mr. Whyte's contention that prosecutions will not solve the problem; indeed, they may well make it worse. We have received no reply from the Government or the Attorney-General to the contention that there should be a race relations board or some other form of conciliation. Complaints could be made to such a board, which would try to solve problems through conciliation, instead of the heavy-handed method of prosecution, which can only aggravate the problem. Therefore, there is no change of heart by this place: first, honourable members have taken this attitude for some time; secondly, the Hon. Mr. Whyte's amendment will not lessen the Attorney's discretion; and, thirdly, we have had no reply from the Government on the question of establishing some form of conciliation, other than its reply on this amendment. I therefore support the amendment.

The Committee divided on the new clause:

Ayes (15)—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, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte (teller).

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

Majority of 11 for the Ayes.

New clause thus inserted.

Title passed.

Bill reported with an amendment. Committee's report adopted.

KINGSWOOD RECREATION GROUND (VESTING) BILL

In Committee.

(Continued from October 21. Page 1917.)

Clause 3—"Appointed day."

The Hon. C. M. HILL moved to insert the following new subclause:

(3) Nothing in subsection (2) of this section shall be construed as limiting or restricting the power of the corporation, on and after the appointed day, to make arrangements not inconsistent with the arrangements, referred to in that subsection, to permit the use of the recreation ground by children attending any school, whether a public school or not, as a school playground or for the purposes of sport, recreation, physical culture or other activities.

The Hon. T. M. CASEY (Minister of Agriculture): I am happy to inform the Hon. Mr. Hill that I have had discussions with my colleague who introduced this Bill in the other House and he has agreed to accept the amendment, which has been on file for some time. I hope that it will be accepted by honourable members in this Chamber.

Amendment carried; clause as amended passed.

Clause 4—"Vesting of recreation reserve."

The Hon. C. M. HILL: When I spoke to the Bill earlier I sought a further explanation from the Minister in regard to this clause. It seemed to me that with the clause as it reads it might not be possible for the machinery of the Bill to operate. I refer first to the point brought out in clause 3 that the Minister had to fix an appointed day for the handing over of the control of this reserve area to the Mitcham council and that he had to satisfy himself that arrangements were then made for the future use of the area by schoolchildren and, secondly, for the continuation of use by existing occupants or tenants or licensees of the ground; in other words, those playing sport under some arrangement or agreement had to continue to have that right.

It seems to me, as it did when I spoke earlier, that it is impossible for clause 4 to be fulfilled (in other words, for the land to vest in the corporation on an appointed day free from any interest whatsoever) when surely agreements and perhaps even tenancies at that moment exist. In fact, it seems to me that they must exist, because previous arrangements under clause 3 must be concluded so that continuing occupancies can run on. In this respect, it seems that this clause contradicts clause 3. There may be some explanation for this, but I am not yet convinced on the point. Earlier, I thought that at the end of clause 4 words such as "subject to agreement resulting from clause 3 (2) (*a*) and (*b*)" would have to be inserted so that the Act would be workable. Perhaps the Minister can explain the position.

The Hon. T. M. CASEY: I have taken up this matter with the Minister of Education and with the Parliamentary Draftsman and, while it is possible for the Minister to visualize and to

make future provision for his own establishments, it is, I suggest, beyond his power to make formal arrangements for the future use of the ground by organizations and establishments which, at this time, may not even be in existence. I am sure that the Hon. Mr. Hill will appreciate that. If the honourable member finds difficulty in reconciling the passing of the freehold in the reserve with the provision for the effective continuation of future rights and uses, within the framework of the present legislation, it is possible for the council to bind itself to grant, say, a lease of, or licence over, the land to commence on the vesting of the freehold or, indeed, to carry out a more informal arrangement if that is appropriate in the circumstances.

The Minister of Education has said that he has complete confidence that the council will meet to the full its obligations in this matter. However, should any difficulty arise in this regard in the future (I point out that this is at the moment beyond contemplation), the council would be well aware that the land that has been vested in it by an Act of this Parliament could in the same manner be divested from it. The Minister can plan only for what he knows now and until he hands the land over to the council. I have been told by the Parliamentary Draftsman that all of the points raised by the honourable member are covered in the clause.

The Hon. C. M. HILL: I appreciate the Minister's explanation, but I do not believe that it covers the point I have raised. I am concerned about future sporting bodies that might use the land, but I am not greatly concerned with the Unley Girls Technical High School's arrangements, although those arrangements to occupy the land mean that, on the appointed day, the school will have an interest in it. I am concerned, for example, with the present rugby association which, I understand, occupies the land and which I use as an example of the sporting groups that use it now. They have agreements to occupy the land at certain times for a valuable consideration. They have tenancy agreements, and these will continue. The control of the land, the vesting of the fee simple, must be made subject to those agreements.

The Hon. Sir Norman Jude: Hear, hear!

The Hon. C. M. HILL: Apparently I have a keen supporter of rugby behind me.

The Hon. M. B. Dawkins: And hockey!

The Hon. R. C. DeGaris: And a very fair man.

The Hon. C. M. HILL: Exactly. I am concerned only with making the Act work. It seems to me that the Minister cannot ultimately fulfil the provisions of this clause, namely, invest in the corporation for fee simple, clear of and free from any interest whatsoever, if continuing interests exist. The only other way by which I can see that this might be done is that, if the existing tenancy agreements are terminated by mutual agreement and if some kind of bond is lodged by the council as a security, it will give further tenancies to the existing users. It might well be that the problem could then be overcome. This seems a rather cumbersome way of doing it, although the Minister has mentioned some other more formal method of doing it. However, as the Bill stands, I cannot see how it will work because, on challenge, it will mean that the position will remain as it is now and the schoolchildren, the users, the Mitcham council and every other party that hopes to benefit will not obtain that benefit.

Clause passed.

Remaining clauses (5 to 7) and title passed.

Bill reported with an amendment. Committee's report adopted.

CONSTITUTION ACT AMENDMENT BILL (ADULT FRANCHISE)

Adjourned debate on second reading.

(Continued from October 27. Page 2036.)

The Hon. G. J. GILFILLAN (Northern): I rise to speak to this Bill, which is one of the shortest on honourable members' files but which is probably the most far reaching in its implications that this Parliament is likely to have to consider. The implications are far reaching to the whole of the State and to future generations. South Australia has a sovereign Constitution, framed in the last century, and this means it is under the control of Parliament itself and that the protection which members of the public believe they enjoy can be changed by Parliament. This makes it increasingly important that the Constitution should be framed in the best interests of the people.

Although the Constitution was drawn up in the last century, it does not mean that it is out of date: it is a modern Constitution in one of the most modern States in the world. By that, I am not referring to the nations that have been formed since the Second World War, because many of them are still going through a period of readjustment. But, comparing South Australia and Australia with the

other States and nations of the world, so-called democracies, South Australia is one of the modern ones.

Its Constitution as drawn provides for two Houses of Parliament. This was done before the day of political Parties. It was done by our forefathers drawing upon the experience of some thousands of years of government throughout the world, going back to the days of the ancient Greeks and Romans. In their wisdom, they selected what they believed was the best constitutional protection that the State and its people could obtain. One has to live with this problem and be a part of it and of the Parliamentary process to understand truly the implications and problems involved in achieving a proper Constitution.

The Constitution of South Australia and the Legislative Council is there for the protection of human rights. Those who talk of human rights and of altering the franchise of this Council do not do so with human rights in mind: in fact, the reverse applies. The Constitution of the South Australian Parliament carries many protections. It ensures the impartiality of the Commissioner of Police, of the judges of the courts and of the Auditor-General, because these important people cannot be dismissed from office without the consent of both Houses of Parliament. Only recently we saw pressure brought to bear on the Commissioner of Police, who was able to act impartially, knowing that his position had the full protection of Parliament and that he could not be dictated to by the Government or a Minister.

The Hon. T. M. Casey: That is not correct.

The Hon. G. J. GILFILLAN: I believe the Commissioner of Police well knows that it is, and that he is aware of the safeguard he enjoys by the protection of two Houses of Parliament. The Constitution is such that the Legislative Council does not govern the State; it does not initiate policy; it cannot form a Government within this Chamber. It was so designed to review legislation, and I believe the record of Parliament in South Australia upholds the wisdom of the framers of our Constitution.

The Hon. T. M. Casey: Do you honestly believe that?

The Hon. G. J. GILFILLAN: The honourable member will have his opportunity to speak later, if he so desires.

The Hon. T. M. Casey: I will do that.

The Hon. G. J. GILFILLAN: The record of this Council has not been one of obstruction. It has added to and contributed much to the welfare of this State. It has been suggested, too, that the powers of the Council should be restricted. That is not contained in this Bill but it is part of the generally stated Government policy. Of course, if the powers of the Council are decreased, it will mean that it will no longer have the power to defend itself: that is the primary object of the proposal. The franchise has been progressively widened until this present stage where nearly every adult person is qualified to vote for the Legislative Council. The distinction is very slight indeed. It certainly does not discriminate against any particular Party.

The family or household vote, which far outweighs the property holders' and business owners' vote, is important because the family is an essential part of our way of life. It has been said that younger people should obtain the vote for both Houses of Parliament, but let me point out that, however much the voting age is reduced, there will still be people too young to understand the problems involved, and it is to the heads of the family, the mother and the father, that the young people look for protection not only from within but also from without the home.

Our present Constitution Act provides that voting for the Legislative Council is voluntary. Of course, since the introduction of the common roll, this is in practice no longer effective. In the 1968 election, the last election when both Houses of Parliament went to the people, the vote of those enrolled for the Legislative Council was higher than that of those enrolled for the House of Assembly. For the Legislative Council it was 95.15 per cent and for the House of Assembly it was 94.48 per cent.

The Hon. D. H. L. Banfield: But what about the recent by-election with voluntary voting on one day? The honourable member does not give the whole truth and nothing but the truth.

The Hon. G. J. GILFILLAN: I am referring to 1968 and how ineffective it is to have a so-called voluntary vote for one House and a compulsory vote for the other House on the same day. In effect, it becomes a compulsory vote for both Houses. However, in spite of spending huge sums of money on a computer campaign and other means, while some slight difference remains in the franchise it has been impossible to coerce, compel or trick people into enrolling for the Legislative Council. I have here an enrolment card for the Commonwealth House of Representatives and for the House of Assembly. As honourable members

well know, enrolment for the House of Assembly is voluntary whereas enrolment for the Commonwealth Parliament is compulsory. I have read this card very carefully and I am sure anyone who did not have an initimate knowledge of our Constitution Act would believe that enrolment for the House of Assembly was compulsory. Nowhere on this card or on its envelope does it state that it is voluntary. In fact, the envelope bears the heading "Enrolment, and notification of change of address within subdivision, are compulsory." It is here that we find the true reason for this Bill—political expediency. This is the only means that can be found, so far anyhow, to compel people to enrol and to vote.

In South Australia there are two main political Parties which, in some of their aims, are similar, but in their main principles are very far apart. The Australian Labor Party (the political arm, as I should describe it, of the trade union movement) believes that compulsion is an essential part of its philosophy. On the other hand, the Liberal and Country Party believes in individual freedom.

The Hon. D. H. L. Banfield: Then why does it not alter the system of voting for the Commonwealth Parliament if it believes that?

The Hon. G. J. GILFILLAN: Mr. President, it would be out of order for me to criticize the Commonwealth system of voting.

The Hon. D. H. L. Banfield: I am not asking the honourable member to criticize it; I am asking why that Party does not do it.

The Hon. G. J. GILFILLAN: I say that our compulsory voting for the South Australian House of Assembly is completely undemocratic.

The Hon. D. H. L. Banfield: In the interests of the Commonwealth, but not of South Australia.

The Hon. G. J. GILFILLAN: I am dealing with South Australia. If the honourable member wishes to tour the world I have much detail on political systems in other countries, but there is no point in my repeating this. I am not attacking the A.L.P., but I am pointing out that its philosophy of compulsion in almost every field is being applied to gain control of Parliament and the Constitution and of all forms of Government, including local government. However, it first has to gain compulsion of enrolment and compulsion to vote. This would enable it to put its full policy into effect, with some immunity from the ballot box. I believe that this issue is vital: it is not the full story, because this type of legislation is being introduced piecemeal. Other measures will follow, such as redistribution for the Legislative Council on a one vote one value basis that will deprive country people completely of effective representation.

The first important step was the 47-seat redistribution of the House of Assembly, and the second step to ultimate control and compulsion in practically everything is the introduction of this Bill. I believe, after consulting members of Parliament from other countries, that what we have in Australia is unique. In other countries, where the election of members to the second House is much more restrictive than in Australia and in South Australia, the people accept this system as a protection and as a normal form of Parliament. In Australia the A.L.P. has a policy of compulsion to vote (and this exists in only a few countries) and a policy of abolition of all Upper Houses and State Parliaments. The A.L.P. has worked effectively in its propaganda for years to instil in electors this cry of reform. I suggest that it is not reform, but a backward step, although I give the A.L.P. credit for the effectiveness of its propaganda. Not only is it the Party's official policy but we find some members of the Liberal and Country Party inclined to fall into step.

The Hon. D. H. L. Banfield: We got a letter saying that you don't represent the Country Party: it is the Liberal and Country League.

The Hon. G. J. GILFILLAN: If the honourable member wants a breakdown of members in both Parties the list is on the front page of *Hansard*. I believe that those who support the Bill with amendments are naive if they think that this will satisfy the A.L.P. machine and that there will be any lessening of the propaganda to achieve every part of its ambition to control this House and this Parliament. In the history of South Australia there has been no other period in which the need for a second House has been more obvious and important. We are passing through a period of public unrest, a period when people responsible for the maintenance of law and order within the State will be subjected to increasing pressures. We are passing through a period of rapid change, and I believe that, not only in the protection of our senior public servants but also in the review of legislation, the present role of the Legislative Council is even more important than it was when the Constitution was framed originally. We have heard a public threat from the Premier to go to the people on this issue: that will be his decision.

I believe that this could benefit this House, in that, as stated by the Hon. Mr. DeGaris, the people would have a chance to learn the full purpose of the two-House system and to understand what it means to the State and the community. I believe that people would vote for the *status quo*. We had an illustration of this point in the recent Midland by-election and in the referendum. Although some members of the Liberal and Country Party have fallen for the A.L.P. propaganda, strangely enough—

The Hon. D. H. L. Banfield: It is more than 50 per cent of the people.

The Hon. G. J. GILFILLAN: —many electors who vote for the A.L.P. in the House of Assembly have not fallen for it. They appreciate that it is sometimes a protection to have 20c each way. I have found this attitude to be widespread: many electors who vote for the A.L.P. in the House of Assembly either do not vote for that Party in the Legislative Council or fail to register a vote. I believe that we have something more than personal ambition and gain to consider when looking at this measure. Each member has only a fleeting stay in Parliament in the history of the State, and has the responsibility to leave something worth while for the future. I hope that this Bill will be defeated and that, in the final analysis, when the next generation takes control of the State it will at least have a sound foundation on which to build.

The Hon. F. J. POTTER (Central No. 2): This is a short Bill dealing with the question of franchise for this Chamber in simple and direct terms. It does not mean, of course, that the consequences flowing from the implementation of such a measure do not give rise to very difficult problems.

I have listened with much interest and attention to the speeches that have already been made on this Bill, and I agree with much that has been said. However, I could not help feeling that in many ways what was said by some honourable members had (like Gilbert's flowers that bloom in the spring) nothing to do with the case. I ask honourable members: just what is the case we should be considering? It is not the role of the House of Lords or any other nominated Chamber, nor is it the exigencies of the situation in South Australia in 1870: it is the circumstances here and now in this State in 1970. The introduction of a full adult franchise for both Houses of this Parliament—and I emphasize "this Parliament" —is completely right in principle; indeed, no other principle exists.

When speaking on the Constitution Act Amendment Bill in 1968 I posed three major issues that should concern the Legislative Council. The first was the continued existence in this State of the bicameral system. We settled that issue by the entrenched provision that we included in the Constitution last session: the final arbiters on this question of the continuation of the system are now to be the people. And I hasten to point out that the fully enfranchised voters are to cast the die. The second point I made in 1968 was this: what are to be the powers of the Legislative Council as an integral part of that system? That, too, is now beyond question. Section 10 of our Constitution states:

Except as provided in the sections of this Act relating to money Bills—

and we all know the minor procedures that are dealt with there—

the Legislative Council shall have equal power with the House of Assembly in respect of all Bills.

The entrenched provision in section 10a of the Constitution that we approved last year states:

Except as provided in this section—

and all honourable members know that the ultimate sanction is to be the vote of the fully enfranchised people—

the powers of the Legislative Council shall not be altered.

So, by that legislation we have entrenched that provision, too. It is clear that we have opted for the retention of full and equal powers and, having gone to that point, I submit that we cannot dodge the issue of a full and equal franchise. How wide these powers are was highlighted in the press speculation a month ago, when the possibility was canvassed that this Council might reject the Government's Budget. True, we could have done that. In other words, by virtually a stroke of the pen, we could have sent the elected Government of the day to face the people, and we would not have had to go and face the electors ourselves. That is how far-reaching our powers are.

We have, of course, other powers, not the least of which is the power to initiate legislation in the same way as the other House can initiate it. It is a very valuable and precious right, and we have exercised it quite freely. If we want to claim for this Council these rights, privileges and powers we cannot in conscience also retain a limited or artificial franchise; for to do so is to claim that we believe in a limited or provisional democracy.

I do not want to embark on an analysis of what we mean by "democracy"; I agree with other speakers that this word is much used and abused. I sometimes get a little cynical (perhaps all of us do) about how it works in practice. However, the man in the street has one simple fact that he has learnt about democracy; namely, it is a system of Government in which every now and again he exercises a power, through the ballot box, of dismissing an existing Government and replacing it with another. Once he has spoken, the power passes to the new members in Parliament assembled and to the Executive Government chosen from those members.

As I said in 1968, this Council also has a say—and a very effective say—in the Executive Government. As all honourable members know, we return three Ministers to the Executive Government, and those Ministers have responsibilities in their offices and voting powers in Cabinet that are no different in any respect from those of Ministers in the other House. There are only three Ministers from this Council, compared with six from the other place, but, individually, their powers are identical.

Now, there is no doubt that it is widely accepted that the traditional role of the second Chamber is that of a House of Review and that it should not be in all respects a mirror of the other place. We have heard that term mentioned so often; enough has been said about it without my saying anything more. However, the real problem is to find the best way of achieving this in a House whose powers, procedures, rights, pay, and privileges are all a mirror of those in the other House. At present there are some marked differences that prevent this Council from becoming a rubber stamp Chamber, but none of these differences need change with the introduction of a full franchise. As honourable members know, we have six-year terms; so, there will never be such a complete shake-up at an election that all will be suddenly changed.

The Hon. Sir Arthur Rymill: What about in a double dissolution?

The Hon. F. J. POTTER: That is taken care of in the amendment that the Hon. Mr. Hill has foreshadowed. I am talking about a normal election.

The Hon. Sir Arthur Rymill: You are talking about it in a special way—as though that always applies.

The Hon. F. J. POTTER: We know that the deadlock provisions have never been invoked in this State. I am speaking of the normal situation.

The Hon. Sir Arthur Rymill: You didn't specify that it was a normal situation: you were putting it as though it applied in every situation.

The Hon. F. J. POTTER: I am saying that we normally have six-year terms. As a result, in an election we do not get a complete shake-up. We have voluntary enrolment and voluntary voting, as opposed to compulsion for the other House. The amendment foreshadowed by the Hon. Mr. Hill will entrench these features in future. We have multiple electorates as opposed to single electorates for the other House, and we have Party block preferential voting for those districts in an election. Finally, we have electoral boundaries which are completely different from those of the House of Assembly.

Some of these differences can be changed and, indeed, in the process of time they must be changed. I need only instance boundaries. However, the most important difference of all, and the one that displays the real point of difference, I submit, is that of the non-compulsory vote. I agree with other speakers that this is the true democratic vote, the vote of caring and thinking individuals concerned with the true welfare of the State. We often hear the claim that the responsible and caring vote can be based only on some ownership of land, the occupancy of a dwellinghouse or the rendering of military service of some acceptable kind; that is, the things we have in our present restricted franchise. I just ask the simple question: where is the logic in this? What have these things to do with the right to elect members of Parliament?

Nothing shows up such illogicality as the amendments that we passed last session to give spouses of qualified electors the franchise. If we require as a basic qualification that a man or woman must own or occupy property, then by what principle does his wife or her husband also in his or her own right obtain the vote? If we give a vote to a soldier presumably because he has done the State some service, then by what principle does his wife also enjoy that privilege? The franchise that is based on these kinds of property or other qualifications, no matter how wide they may be, is always thus a privilege and not a right, as it should be, to be exercised freely and at will. The Hon. Mr. DeGaris admitted yesterday that usually we find adult franchise for the Upper House.

The Hon. R. C. DeGaris: That is not a correct report, by the way.

The Hon. F. J. POTTER: I took it from the Leader's *Hansard* proof.

The Hon. R. C. DeGaris: I realize that.

The Hon. F. J. POTTER: Nevertheless, I think that what *Hansard* has reported the Leader as saying is the correct position.

The Hon. A. J. Shard: It is not a correct quote, but he is right!

The Hon. F. J. POTTER: There are a few nominated Houses within the Commonwealth, and there are perhaps one or two with a restricted franchise, but in every case they do not hold co-equal powers. I agree with the need to preserve an independent outlook, and I agree that it might be valuable to have minority interests represented in some way in this Chamber. However, I try to be a political realist, too, and I see plainly that we will always retain in this State an elected House and that such changes, if they occur, must do so through some change in the electoral machinery.

I believe, too, that there is justification for maintaining in this Chamber equal representation or adequate representation for the country section as compared with the metropolitan area. This principle, indeed, has been accepted, albeit somewhat reluctantly, in the House of Assembly; but such weighting for country areas can be justified only on the basis of equal franchise. If we retain restricted franchise, based primarily on a property qualification, one is forced to admit that the strength of the argument of one vote one value is evident, because I cannot see that property qualification in the country should be treated in any way different from property qualification in the city. I think this is a danger that we lead ourselves into with the retention of the existing franchise.

I will support the second reading of this Bill because I wish to support the Hon. Mr. Hill's foreshadowed amendments. I do not doubt at all that there will be many problems still to be dealt with if this Bill is ever passed in such an amended form, or perhaps in any form. I deplore the undoubted fact that there is no sign from the Labor Party that it is prepared even to talk about these particular problems. While this is so, the franchise question will remain a very divisive issue. In fact, I think that both political Parties have to do much real homework on this matter. I conclude by repeating a paragraph from my speech on the same subject in 1968, when I said:

I foreshadow that in the future when these difficult issues are solved (and unrelenting pressures from many directions will force a solution), this question of powers *versus* franchise will be at the heart of the matter. If we were prepared to limit our legislative powers, the emphasis would then be on how effectively we function as a Council under these limited powers, not on how representative we are. If full powers are to be held, in my judgment the argument will always centre not on what we do or even why we do it but on whether or not we are fully representative. In saying that, I am not criticizing our existing powers (I have already said that these powers are vital), nor am I contending that they should be immediately altered. I am trying to be clear-sighted and as objective as I can in pointing out to all members, whatever their political allegiance may be, that here is an issue that cannot be shrugged off or clouded by emotional words. I conclude by again making the point that if this issue of power could be solved between the Parties the franchise question . . . would largely disappear.

For those reasons, I will support the second reading.

The Hon. D. H. L. BANFIELD (Central No. 1): First, I take this opportunity of congratulating the Hon. Mr. Russack on his election to this Council. Although I trust that his stay will be a happy one, it will be only for as long as he has the confidence of all the people living in the Midland District. The honourable member came in here on a system which did not show true voting representation. However, that is not the fault of the honourable member. Therefore, I give him my sincere congratulations on his election. I trust that the system that got him here will soon be altered.

I support the second reading of this Bill which, when passed, will have the effect of allowing all adult people who are governed and controlled by the laws of this State the opportunity and the right to have a say as to who will be put in the position of being able to make those laws. I believe that no-one should be denied that right and opportunity. It was indeed refreshing to hear the speech of the Hon. Mr. Potter, who appeared to speak with a clear enlightened viewpoint and sense of present-day reality. This clearly indicated to me that not every L.C.L. member is dead from the shoulders up. However, this was in sharp contrast to the Hon. Mr. Gilfillan, who laboured under very heavy difficulties, possibly fighting against his conscience, because I do not believe that he agrees with the position that makes second-class citizens among our Assembly voters. One could

not help but be impressed by the forward-looking speech of the Leader, who took us back 123 years to the position that existed then.

Unlike the Leader and his deputy in another place who, if reports are correct, have said that they believe no-one should be denied the right to vote for the election of members, the Leader in the Council has clearly indicated his opposition to such an enlightened viewpoint. The Leader went even further in his forward-looking speech and came up with the brilliant idea that, in some cases, Council members should be nominated. I suggest that his ideas are exactly the same kinds of idea and thinking which the Liberals, the Nationalists and the Conservatives (as they are known from time to time) have been putting forward for more than a century.

In his speech the Leader took us back to 1842, when the Legislative Council was first constituted. It provided for four non-official members all nominated by the Crown, in addition to the Governor, the Colonial Secretary, the Advocate General and the Registrar General. This type of government by the Legislative Council continued until 1851, when a new ordinance was passed constituting a new Council consisting of 24, made up of four official members, four non-official members nominated by the Crown and 16 members returned by the electors. This system continued until the inauguration of so-called responsible government in 1857. However, some 123 years later the Leader of the independent Opposition in this Council has come up with the idea that we should revert to a system similar to that which operated very long ago. He made no apology for doing this.

To continue with the backward thinking in the forward-looking speech, the Leader went on to say that he would never change his views if it would take majority representation away from the rural areas. Yet, after 100 years of majority rural representation in this Council, (indeed, in the whole of the Parliament in this State, and in most other States of Australia), it is the rural industry that finds itself in a bigger mess today than does any other industry. I suggest that this has been brought about by majority rural representation in Parliaments throughout Australia.

The Hon. R. C. DeGaris: Are you quoting me accurately on the question of a majority rule?

The Hon. D. H. L. BANFIELD: How does majority rule come about: by a 42 per cent vote for the Liberal Party or by a 53 per cent vote for the Labor Party? Do we believe in majority rule? Let us get our facts straight, then the Leader can talk about majority rule. I suggest those remarks should not come from the Leader's mouth until he gives us the opportunity to allow all the people the right to vote for their representatives. In his opposition to the Bill, the Leader showed a distinct fear of the possible result of a ballot that would give as near as possible one vote one value. He said that a person who received 5 per cent of the vote should have a seat. Surely the Leader can see the writing on the wall. He is making a last bid for his Party to retain control of the Council even when his Party's vote had slipped back from the present 27 per cent support from the people living in a particular Legislative Council district.

The Hon. A. M. Whyte: You are going to abolish the Council.

The Hon. D. H. L. BANFIELD: If a member represents only 5 per cent of the people, as suggested by the Leader, why not abolish the Council? Members in another place who receive 60 per cent of the vote could look after the interests of people in those circumstances. So that there will not be any misunderstanding, I mean that Liberal Party members received only 27 per cent of the potential vote if all adults had had the right and had exercised their right to vote for the Council elections.

The results of the recent Midland by-election indicate why the Opposition is very anxious to retain restricted franchise, voluntary enrolment, voluntary voting, and elections for the Council held on a day separate from House of Assembly voting. The Hon. Mr. Gilfillan said this afternoon that 95.15 per cent of electors voted in the 1968 elections for the Legislative Council. I point out that, of the electors on the roll for the Legislative Council, that is a fair percentage of those who voted. That is the very reason why members opposite want to have elections held on a separate day for the Legislative Council and that is why they want the voting to be on a voluntary basis, because 95 per cent of the people enrolled nearly tipped out the members for Midland at that election. They were very thankful that a by-election was then held on a day when compulsory voting was not required. This resulted in about a 40 per cent vote, as compared with a 95 per cent vote when the election was held on the same day as other elections.

It is no wonder that members opposite want to ensure that they do not continue to get a 95 per cent vote, because it does not serve their purpose. The number of electors on the House of Assembly roll in the Midland District as at September 12, 1970 (and I do not know why the Hon. Mr. Gilfillan could not obtain these figures had he wanted to obtain them to tell the whole story and to give the true picture to the Council; he could have taken the opportunity to obtain them)—

Members interjecting:

The Hon. D. H. L. BANFIELD: Opposition members are worried. They may have a conscience but it has never been used as regards democracy, though there may come a time when it will outshine their other viewpoint, and I look forward to that day.

The Hon. A. F. Kneebone: They are not independent voters, but a team.

The Hon. D. H. L. BANFIELD: Members opposite are a team. They invited me to their Party meeting today, and I apologize for not attending. However, if I had attended I would have known who today's speakers would be. If their invitation is extended again and I am able to accept it, I shall be happy to do so and to point out where they are going wrong. The number of electors on the House of Assembly rolls covering the Midland District (and this is no reflection on the Hon. Mr. Russack) was 101,467, whereas the number on the Legislative Council roll for the Midland District was 44,222, or less than 44 per cent of the number on the Assembly roll. Because it was a voluntary vote and because the elections were held on a day separate from other elections, the number who voted at the by-election was 17,343, or just under 18 per cent of the adults in the district.

The Hon. A. J. Shard: Do you think that the result of that election has caused concern to some honourable members and that is why we have amendments on the file?

The Hon. D. H. L. BANFIELD: Yes. I am leading up to that point. Although the Hon. Mr. Potter appeared to be clear-sighted, he did not want to lose that little edge. He wants the election results for the Council to depend on a hot northerly dusty wind or on a prevailing cold southerly wind so that people will not go to the polls to vote. If elections were held on a normal day, with voting on the same day as a House of Assembly election, people would have to vote, regardless of the climatic conditions. He wants to retain the particular set-up where his Party retains the power.

The Hon. A. J. Shard: It is their desire to control.

The Hon. D. H. L. BANFIELD: Yes—"We may get an extra vote as long as we control it. It does not matter who gets the vote as long as we control it." So, of the 17,343 people who voted on that day—a less than 40 per cent vote compared with a 95 per cent vote when the elections were held in 1968—the Hon. Mr. Russack, the elected candidate, received 9,118 votes, which represents less than 10 per cent of the adults enrolled on the House of Assembly roll. This is no reflection on the Hon. Mr. Russack—

The PRESIDENT: Order! The honourable member will not address another honourable member: he will address the Chair.

The Hon. D. H. L. BANFIELD: My conscience is no clearer than that of any other honourable member of this Council, because I, too, was elected to this Council on a restricted franchise. In a by-election, I probably would not be returned to this Council on more than a 10 per cent vote of the people living in my district.

The Hon. Sir Arthur Rymill: Does that indicate that the people are worried about the franchise?

The Hon. D. H. L. BANFIELD: No; it indicates that honourable members opposite are worried about the franchise. If the other 15 per cent of the people had been allowed to vote, the percentage might have risen to 62 per cent, getting nearer to the 95 per cent. Members opposite are not so worried about the franchise as they are about the day of voting and the fact that people were brought out for the compulsory vote on the recent referendum. The people clearly indicated they did not want too many days for voting, but that does not stop members opposite from proposing an amendment to the effect that an election for the Legislative Council should be held on a day different from that for an election for the House of Assembly. The system will allow less than 10 per cent of the people to elect representatives to this Chamber. So much for democracy, which is spoken about so freely by members opposite! There is no justifiable reason why South Australia should be any different from any other State in its system of voting for members for the Upper House. I think I am correct in saying that South Australia is now the only State of Australia in which there is a restricted franchise.

The Hon. R. C. DeGaris: What about New South Wales?

The Hon. D. H. L. BANFIELD: There, it is nominated. Your Government was in power for a number of years and it did not adopt that system because, obviously, it did not believe in it. Under our present system, with a 10 per cent vote a person can get a seat in this Council. In other words, we treat some of our citizens as second-class citizens. Included in their number as second-class citizens are nursing sisters, matrons and members of the nursing profession, who do not feel they should be obliged to buy property, as suggested yesterday by the Hon. Mr. Dawkins, in order to be eligible to vote for the Legislative Council, because they mostly live in on the job. The Hon. Mr. Dawkins suggested that, if they did not want to purchase property, perhaps they should rent a flat in order solely to be able to vote for the Legislative Council. Also in that group of second-class citizens are ministers of religion and professional men and women without the necessary property qualifications. Surely people in that category should not be treated as second-class citizens.

The Hon. Mr. Dawkins has suggested that they should buy a block of land or rent a flat in order to have the honour and glory of being able to vote on a separate day for the Legislative Council, to put a member into this Chamber; that they should pay $18 or $20 a week as rent for a flat to enable them to be placed on the Legislative Council roll. These people do not want to have their own property to be eligible to vote. There is no logical reason why they should buy a block of land or rent a flat before they get an equal right to elect members to this Council.

The Leader suggests that, if the system of voting is the same for both Houses, it will mean that one House will merely mirror the other. The Hon. Mr. Potter referred to this a few moments ago. With the present system of a term of office of six years for this Council and not more than three years for the House of Assembly and the fact that the boundaries are entirely different for the two Houses, it gives the people an opportunity to have members of different political Parties in each House. The Leader helped for many years to make sure that members of his Party had a majority in both Houses. If he was sincere in his argument that one House should not reflect the views of the other, he should go out and advocate that people should vote for one Party in one House and for the other Party in the other House, but of course he is not sincere. He does not believe that people who express the majority view should have a majority of representatives in this Council. If what we hear is correct, even in his own Party's secret annual conventions the Party does not allow the majority vote to prevail. We have read of arguments and bitter exchanges taking place at L.C.L. conferences between the Leader of the Opposition in this place and the Leader of the Opposition in another place on full adult franchise for the Upper House. The press is not admitted; otherwise, we might get the true story.

The Hon. C. M. Hill: The press was not admitted at Klemzig, either.

The Hon. D. H. L. BANFIELD: I believe I was the only friendly outsider to get an invitation to an L.C.L. meeting in Parliament House. It does not matter where the meeting was held—here, at Klemzig or at 172 North Terrace: the fact remains that the press is not admitted to those meetings. The A.L.P. has nothing to hide from the public. Perhaps at the Klemzig meeting people wanted to run a gambling den; that was because they had a few bob to spare as a result of the lowering of the cost of living in South Australia by a Labor Government, which meant that people were in a position to buy a drink, something they could not do under a Liberal Government because of the high cost of living. (They were able to buy a biscuit as well as a drink!) We have heard at secondhand of the bitter exchanges that take place at L.C.L. conferences between the Leader in this Council and the Leader in the other place, with the Deputy Leader in the other place chipping in with the enlightened thought that we should give everybody the opportunity to elect people to this Council. But can the majority rule at those conferences? Of course it cannot, on just under 66 per cent of the vote, so it loses the adoption of the motion. It loses the chance to grant people the right to enrol for the Legislative Council, yet honourable members talk about democracy. We know they do not believe in the majority rule because, for a number of years, they operated as a Government in this State on much less than the majority percentage of votes cast by the people.

When the L.C.L. opens its monthly and quarterly meetings and annual conventions to the press, perhaps the people of this State will become more enlightened about the skulduggery going on behind the closed doors on North Terrace.

The Hon. R. C. DeGaris: At least we cut the grass from under the house.

The Hon. D. H. L. BANFIELD: You have no grass to cut; your Party is very bare. Its policy is bare; it is not productive. It is like the rural industry today—it has had it. This is the sort of thing that goes on in L.C.L. meetings. It has been going on since the dim and dark ages, and the Leader in this Council was pleased to advocate getting back to a system that operated some 123 years ago. I was interested to hear the Leader say that members of this House were never influenced in their vote for or against a Bill merely because a particular Party was in power in another place. I wish I could believe the Leader, but I think he is now believing his own statements because he has said them so often, but that does not mean that his statements are correct. Let us consider what has happened. In the five years before 1965, when the Liberal Party was in power in both Houses, the actions of this Council brought about only two conferences between the Houses. In the 1965-68 session, when the Labor Party had a majority in another place, there were 24 conferences between the two Houses, and this clearly indicates that the Leader's statement was not entirely correct.

The Hon. A. M. Whyte: Conferences were not necessary when the Liberal Party was in Government because it was sensible legislation.

The Hon. D. H. L. BANFIELD: Council members became independent in 1965! They did not take notice of the Lower House in those three years of Labor rule, but for 25 years before that they did not do a bad job of reflecting the wishes of the members in another place, because Sir Thomas Playford had them under his thumb. He would talk to the Leader in this House, unlike the present set-up where the Leader of the Liberal Party here does not talk to the Leader of that Party in another place. The situation is that, because certain members crossed the floor recently to vote with the Government in the Assembly, some members in this Council now refuse to speak to those members, simply because of the independence that exists. It seems that members here are able to vote how they like, but if that is done in another place the member is ostracized.

The Hon. G. J. Gilfillan: That is not true.

The Hon. D. H. L. BANFIELD: It may not be true in the Liberal blue book but, as it happens, it is perfectly true, and the honourable member knows of whom I am speaking. There were 24 conferences in the short period of three years when the Labor Party was in power in the Assembly, compared to two conferences during the previous five years. In this session of less than 12 sitting weeks there has been one conference, because the Labor Party is in power, but we are nowhere near the end of the session. The Leader can say that we are not reflecting the views of the other House. If he had said that we are not now reflecting those views that would be fair enough, but he should not say that we have never reflected the views of people in another place. The figures that I have quoted do not help in any way to justify the Leader's story. On one occasion in that period during 1965-68, this House refused the House of Assembly a conference on a measure that had been introduced by the Lower House.

The Hon. G. J. Gilfillan: How many Bills were passed?

The Hon. D. H. L. BANFIELD: How many were amended, and how many had to be watered down for us to get half a loaf instead of nothing? They are the questions we have to ask. For years we have had to be content with taking the crumbs from the table when we knew that we did not have a hope of getting a full loaf, and we had to be content with a quarter of a loaf. This situation will continue until the people of this State get the Government they want.

The Hon. C. R. Story: It's a pretty doughy loaf in some cases.

The Hon. D. H. L. BANFIELD: It is, and they are pretty doughy people who control the situation that we complain about today. The Liberal Party should consider the interests of all the people of this State, and not the interests of doughy people only. The Hon. Mr. Gilfillan suggested that it is only the A.L.P. that wants compulsory voting, yet in every State with a Liberal Government there has been no attempt to repeal compulsory voting for the Assembly, the House of Representatives or the Senate. Why does the honourable member attempt to cast so-called reflections on the Labor Party? We do not apologize for our policy: we allow people admittance to our conferences to see how our policy is formulated. When it is completed we do not apologize for using it, and this policy has been endorsed by the people of this State year in and year out, and that is something that cannot be claimed by the Liberal Party. Apparently, Opposition members want the result of a ballot to hinge on whether the day is hot, or something like that. They want anything to happen so long as it does not mean that they will lose control of this Council. I was pleased when the Hon. Mr. Hill

drew the Council's attention to the policy speech of the late Frank Walsh in 1965 that stated:

. . . in the event of forming a Government, early legislation will be introduced to provide for an increase in the number of members in the House of Assembly and an alteration to the voting franchise in the Legislative Council which will mean that every person who is entitled to a vote for the Lower House receives one also for the Upper House pending its abolition.

It was good of the Hon. Mr. Hill to quote this policy speech. This policy was enunciated in 1965, it was again enunciated in 1968 and in 1970, with the result that in 1965 the Labor Party received 53.49 per cent of the first preference votes, and in 1968 it received 50.78 per cent of the first preference votes.

The Hon. M. B. Dawkins: Ha, ha!

The Hon. D. H. L. BANFIELD: The honourable member can laugh, but how many first preference votes did his Party receive? In 1968, when the Labor Party received 50.78 per cent of the first preference votes the Liberal Party received 42.81 per cent. Does that make him smile? I suppose I would be smiling, too, if I could take over the Government with a small percentage of votes such as that. In May of this year the Labor Party received 51.64 per cent of the first preference votes: in other words, 56.24 of the electors voted against the Liberal Party. This result gave the Labor Government a clear mandate, which it had received three times. It is now time that the Council accepted the mandate and gave the people the right to elect members of their choice. I support the Bill.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

CATTLE COMPENSATION ACT AMENDMENT BILL

(Second reading debate adjourned on October 27. Page 2037.)

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

PINNAROO RAILWAY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 27. Page 2029.)

The Hon. H. K. KEMP (Southern): It has taken much research to find out just what areas are dealt with by this Bill, and even now there is uncertainty in my mind as to what they are. When I read the Bill and the Minister's second reading explanation it seemed obvious that the areas were patches of scrub land that controlled the drift of sand immediately adjacent to the railway reserve. However, on investigating further, I find that this is far from the case.

These breakwind reserves stretch pretty well completely over the original areas designated in the 1903 Act, which lays down the area materially to be served by the Pinnaroo railway line. The area includes parts of the hundreds of Pinnaroo, Bews, Cotton and Parilla.

I wonder whether the people who are concerned with the effect of this Bill are aware of what is involved. The second reading explanation says that when an inspection was made of the reserve land laid down in the very old dockets (land which apparently had been accepted as belonging to many people and had been in the possession of councils for many years) it was found that it was being occupied by easements for electricity, and telephone lines and access roads to private property.

This is one Bill that should not be hurried through this Council; rather, it should remain in this Council until the people affected by it can see just what their involvement is. From the small amount of research I have been able to do in the time available, I can say that it is very unlikely that even some district councils, which are involved to a large degree, are aware that much of the land that they have regarded as their road reserves is to revert to the Crown.

Maps should be published showing what areas are affected, because so many interests are involved. I do not think there is any ulterior motive behind the introduction of this Bill, and I hope the Minister will say whether it will be possible to publish details about the land and to give time for the people affected to understand what their involvement is. I am sure that the Bill is to be commended and that it attempts to clear up a position that has probably arisen through both oversight and the course of time. I am astonished that the original Act carried an instruction that land should be reserved so far away from the railway. There has been very little attempt to amend the legislation since the original 1903 Act, and there has been no amendment at all for nearly 50 years.

The Hon. A. F. Kneebone: Probably the Upper House did not carry out its proper function as a House of Review.

The Hon. H. K. KEMP: Undoubtedly it is highly desirable that we should clear up this matter, but we must take a practical attitude. We want to avoid argument and heart-searching.

Some rights must be given to the councils and others that are involved.

The Hon. R. A. Geddes: They are unwittingly involved.

The Hon. H. K. KEMP: Yes. Would anyone imagine that such a strip of land along the railway line was a railway reserve? I commend this Bill to the Council, because its aim is admirable, but it would be wrong to push it through too quickly.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

ADJOURNMENT

At 4.49 p.m. the Council adjourned until Thursday, October 29, at 2.15 p.m.