LEGISLATIVE COUNCIL

Thursday, October 29, 1970

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

ASSENT TO BILLS

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

Branch from Sandergrove to Milang Railway (Discontinuance),

Local Government (City of Woodville West Lakes Loan).

QUESTIONS

WHEAT QUOTAS

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of October 13 about wheat quotas?

The Hon. T. M. CASEY: I have been informed by the Secretary of the Wheat Delivery Quota Advisory Committee that that committee was not aware of any statement regarding a further 20 per cent reduction in wheat delivery quotas for the 1971-72 season. In any case, an authoritative statement of this nature could not be made before the meeting of the Australian Wheatgrowers Federation, when individual State quotas will be finalized.

The Hon. R. A. Geddes: When will that be?

The Hon. T. M. CASEY: Perhaps I should emphasize again that the application of wheat delivery quotas was initiated by the wheat industry itself through the Australian Wheatgrowers Federation, and that that body determines the amounts of States' quotas.

FISHING INDUSTRY

The Hon. V. G. SPRINGETT: Following a meeting the Minister of Agriculture had with representatives of the fishing industry from Kangaroo Island a week or so ago, I understand that the Minister was going to peruse certain correspondence. Can he say whether he has done so and, if he has, what has been the result?

The Hon. T. M. CASEY: I am pleased to inform the honourable member that the correspondence has been perused and a letter is being sent to the deputation that waited on me recently.

DROUGHT BONDS

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: One of the necessary qualifications for a person to cash drought bonds in South Australia or throughout the Commonwealth is to have his area declared a drought area, but I understand that this declaration is a Commonwealth prerogative. Can the Minister of Agriculture say what the position would be of an individual holding drought bonds who considered himself to be suffering from drought conditions, and no-one would be in a better position to observe that than he would be? How does he cash these bonds; what is the necessary requirement to do so; and to whom does he apply?

The Hon. T. M. CASEY: I will discuss this matter with the Minister of Lands, who is responsible for drought areas in this State and for applications dealing with this matter, and when I have received this information I will tell the honourable member.

The Hon. A. M. WHYTE: I am sorry, but I seem to have asked the question of the wrong Minister. I now seek leave for this question to be asked of the appropriate Minister.

The Hon. A. F. KNEEBONE: As I understand it, where an area has been declared a drought area under the Commonwealth Act, persons who were required to sell their sheep because of the lack of feed could invest money in drought bonds, and the funds could then be used for re-stocking when drought conditions had improved. Although this is a Commonwealth matter, I think details would be available in my department, and I shall obtain a considered reply, which should be available next week, for the honourable member.

ABORTIONS

The Hon. H. K. KEMP: Will the Chief Secretary obtain statistics relating to abortions for the first 12 months of the operation of the law in this State, and will he have them analysed and set out in the many sections that are necessary? Various figures have been published, all of which seem to be biased according to the source, and I should like to have a full record.

The Hon. A. J. SHARD: I do not know whether the question is a fair one for the people concerned. Before the Labor Party came into office a committee had been appointed to watch all aspects of this subject. I will refer the question to that committee and to the Director-General of Medical Services. I emphasize that whatever facts and figures have been given to me have been honestly published. I think they have been very full and factual.

Therefore, I do not think we can get much more for the honourable member.

The Hon. H. K. KEMP: I seek leave to make a statement in explanation of my question.

Leave granted.

The Hon. H. K. KEMP: I have no intention whatsoever of questioning any figures that have come from the Chief Secretary. However, the records I have seen have not been published in his name, and various other records have been published very widely.

The Hon. A. J. SHARD: Let me tell the honourable member that the figures that have been published have been published with my consent and I have seen them beforehand. The Director-General of Medical Services has published the exact and factual figures in as much detail as I have had.

TRANSPORTATION STUDY

The Hon. C. M. HILL: My questions, to the Minister of Lands representing the Minister of Roads and Transport, are those that I asked on October 22 concerning Dr. Breuning and the Metropolitan Adelaide Transportation Study, as follows: first, has the report from Dr. Breuning been received; secondly, if not, on what date did Dr. Breuning leave Adelaide; thirdly, when he was paid his total fees, which amounted to $9,263, by what date did he undertake to forward his report?

The Hon. A. F. KNEEBONE: My colleague has supplied me with the following reply:

The report from Dr. Breuning and Mr. Kettaneh has not been received. Dr. Breuning and Mr. Kettaneh left Adelaide on August 27, 1970. No date was specifically stated for the receipt of the report. Dr. Breuning was asked to prepare it as soon as reasonably possible and this was expected to be within about eight weeks of his departure.

HOSPITAL SERVICES

The Hon. E. K. RUSSACK: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. E. K. RUSSACK: In January of this year a committee sat at Kadina to investigate the development of hospital services in the Moonta-Wallaroo-Kadina district. Can the Chief Secretary say, first, whether the committee has completed its report and, secondly, whether such a report, when finalized, will be made available to honourable members?

The Hon. A. J. SHARD: I have heard about the committee but as yet I have not seen any report. Regarding the second part of the question, I do not want to give a definite answer now because there may be some reason why the report should not be made public. I will take up the question with the Director-General of Medical Services and bring back a reply, possibly in more detail.

COUNCIL ROAD FUNDS

The Hon. C. M. HILL: I direct two questions to the Minister of Lands representing the Minister of Local Government. What is the aggregated total proposed allocation of funds to all district councils throughout the State as recorded within the approved road programme for the current financial year; secondly, what were the comparable actual annual expenditures for the preceding six years?

The Hon. A. F. KNEEBONE: I shall convey the honourable member's question to my colleague and bring back a reply as soon as possible.

PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

Read a third time and passed.

KINGSWOOD RECREATION GROUND (VESTING) BILL

Read a third time and passed.

CATTLE COMPENSATION ACT AMENDMENT BILL

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

Second reading.

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

That this Bill be now read a second time.

The number of Ministers of the Crown is at present limited to nine and the Executive has consisted of this number of Ministers since 1965. In a developing State such as South Australia, the responsibilities of administration vested in Ministers is such that each of the present Ministers has a work load in excess of what should normally be expected of any one person. The effect of this Bill is to increase the number of Ministers in the Cabinet from nine to 10, with not more than seven Ministers at one time being members of the House of Assembly. In the other States of Australia the Ministries consist of the following numbers: New South Wales, 16 (plus two Assistant Ministers); Victoria, 15; Queensland, 13; Western Australia, 12; and Tasmania, 9.

The increase in the Ministry provided by this Bill will, therefore, leave South Australia with the smallest Ministry in numbers of all the mainland States. Clause 2 makes the proposed increase in the Ministry possible.

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

INDUSTRIAL CODE AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.

It deals with three main matters. The fact that it is confined to these matters should not be taken as an indication that the Government is satisfied with the rest of the Industrial Code. On the contrary, many requests for amendment have been received from outside bodies and suggestions for other amendments have been made by the Department of Labour and Industry. The Government proposes to have a comprehensive review of the Industrial Code next year but, in the meantime, introduces this Bill because of the urgency of the matters contained therein.

Early last year Parliament passed amendments to the Industrial Code, introduced by the previous Government, to provide for the appointment of a Deputy President of the Industrial Court and Commission. It was then, apparently, the intention that there should be only one Deputy President. Honourable members are no doubt aware that Judge Olsson was appointed to be not only Deputy President but also Public Service Arbitrator and Chairman of the Teachers Salaries Board and, since his appointment as Deputy President in March last year, the major part of his time has been taken up with the latter two postions. One series of amendments contained in this Bill removes the statutory limitation preventing the appointment of more than one Deputy President. In consequence, the Government will have flexibility in appointment and it will not be necessary to introduce further successive amendments each time an additional appointment is needed. As I shall explain later, many of the clauses of the Bill are consequential upon the provision for the appointment of more than one Deputy President.

The industrial magistrate, for whose appointment provision was made in this Act last year, has been included as a member of the court to exercise certain functions, particularly the hearing of applications for recovery of amounts due under awards and agreements, pursuant to section 36 of the Code. The number of applications which the industrial magistrate has been required to hear under this section and in the courts of summary jurisdiction makes it essential for a full-time appointment and will result in a consequent separation of the functions of industrial magistrate and industrial registrar, which are at present exercised in conjunction.

Since 1948, the living wage under the Industrial Code has been increased at the same time and by the same amount as the various increases in the Federal basic wage. Honourable members know that in 1967 the Commonwealth Conciliation and Arbitration Commission decided to express rates of pay in its awards as a total wage rather than dividing the wage between the basic wage and margins. In that year and again in 1968 the Commonwealth Commission, after a national wage inquiry, awarded the same monetary increase to all employees under its awards, and action was taken to increase the State living wage by the same amount. Last year the Commonwealth Conciliation and Arbitration Commission in the national wage case decided to grant a general increase to all employees under its awards on a percentage basis rather than grant a flat monetary increase.

The State Industrial Commission therefore faced a situation in which there was no Federal basic wage or other amount that could be regarded as the equivalent of our living wage, as it had no authority to declare a living wage without a full inquiry, and the expedient was adopted of adding an economic loading to all awards. The necessary provisions are included in the Bill to enable the Full Commission of our State Industrial Commission, having regard to any decision of the Commonwealth Conciliation and Arbitration Commission in national wage cases, to alter rates of pay of employees generally under State awards, either by varying the living wage or by varying the total rates prescribed in awards. This will enable the Full Commission to decide whether increases awarded by the Commonwealth tribunal to employees generally under its awards shall be applied to employees generally under State awards and, if so, the manner in which it will be done. There are a few other amendments of a rather technical nature concerning industrial arbitration which I will explain when I am explaining the clauses of the Bill in detail.

Two months ago, when I introduced into this House a Bill to provide for a referendum concerning shop trading hours to be held in the metropolitan area, I announced that the

Government proposed to introduce legislation during this session to make a complete revision of the present laws that restrict shop trading hours. At that time, I explained the reasons for this decision and, although I do not propose to repeat all of them now, it is appropriate that I should refer briefly to them. The Government faced the situation that there has been no major review of the Early Closing Act since 1950, and the hours at which shops within shopping districts must close are those determined during the early part of the Second World War. The metropolitan shopping district, which was defined in 1926, is hopelessly out of date and there are now areas immediately surrounding the metropolitan shopping district in which there are large shopping complexes as well as the normal types of shop that exist in any suburb. In these fringe areas there are no restrictions on trading hours. It is not only that shops in the fringe areas open on Friday nights while those in the present metropolitan shopping district are not permitted to do so; there are several areas in which shops open all day Saturdays and Sundays and every night in the week.

It is obvious that the Government had to take action in the public interest to stabilize the position. I indicated the Government's decision to introduce a Bill to provide that non-exempt shops in the greater metropolitan area will not be permitted to open on Saturday afternoons or Sundays and that the Bill will also considerably widen the list of exempted goods so that it will be possible for members of the public to buy a much wider range of goods, particularly foodstuffs, outside the normal shopping hours.

The Government has decided to repeal the Early Closing Act and insert the necessary provisions regarding shop trading hours as an additional part of the Industrial Code. There is no other State in Australia in which there is a separate Act regulating trading hours; all of the necessary provisions are included in either the Factories and Shops Act or the Industrial Arbitration Act. When the Early Closing Act was passed in 1926, it repeated many of the provisions of earlier Acts. Many of the existing provisions of the Early Closing Act are now superfluous, as are all of the provisions of the Act that relate to the system of petitioning and counter-petitioning for the creation and abolition of shopping districts, which the Government has decided should be replaced by a less cumbersome system. This Bill contains all the provisions regarding shop trading hours that are considered necessary. It requires all shops to be registered in those areas of the State in which factories and warehouses now have to be registered, as well as the shops in shopping districts that are outside those areas. It considerably extends the present metropolitan shopping district by providing that the metropolitan area will be the metropolitan planning area plus Gawler. This is the area in which the recent referendum was conducted.

There has been so much speculation and comment since the referendum was held that I think it appropriate to remind honourable members that in introducing the Bill for the referendum I said that the Government considered it to be urgent that some action be taken to stabilize shopping hours in the greater metropolitan area so that shopkeepers would have equal trading opportunities. I made clear the Government's proposal that there should be uniform shopping hours within the enlarged metropolitan area and indicated that a further Bill would be introduced immediately after the referendum to give effect to the decision of the people as expressed in the referendum. After the Bill had been introduced in another place by the Minister of Labour and Industry, he made it clear in answering questions outside the House of Assembly that the Government would abide by the will of the people in the enlarged metropolitan area, as expressed in the referendum. In discussing the referendum Bill in another place the Government's belief that uniform shopping hours should apply in the whole of the enlarged metropolitan area was made clear and an assurance given that the Bill, which I am now introducing, would require shops (other than exempted shops) in that metropolitan area to close at 5.30 p.m. on Mondays to Thursdays inclusive, at either 5.30 p.m. or 9 p.m. on Fridays, depending upon the result of the referendum, and at 12.30 p.m. on Saturdays, with no trading on Sundays and public holidays.

This Bill honours the promises of the Government. As can be seen from the certificate of the Returning Officer for the State, published in the *Government Gazette* on October 8, 190,460 electors voted that they were not in favour of shops in the metropolitan area being permitted to remain open for trading until 9 p.m. on Friday, compared with 176,917 who voted in favour. As there were more electors who voted against Friday night trading than in favour of it, the Bill does not include any provision for shops to open on Friday nights. The Government realizes that

this will not be a popular result for people who live in Elizabeth, Salisbury, Tea Tree Gully, Christies Beach and other areas where shops have, until now, opened on Friday nights. However, in a democracy it is necessary that the will of the majority, expressed at the ballot-box, be accepted and this is what we have done. I might say that it was unfortunate that attempts were made to turn what I thought was a social question, which was to be put to the people on a non-Party basis, into a political issue.

The necessary provisions relating to the closing times for shops and the requirement for shops to close at those times are set out in the proposed new sections 221 and 222 contained in clause 45 of the Bill. As I promised in introducing the referendum Bill, the list of exempted goods has been considerably widened and the list of exempted shops has been brought up to date and two additions made—the new clause 223 with the new third and fourth schedules are the appropriate provisions. Two other matters that I outlined in introducing the referendum Bill (namely, a new procedure for the creation and abolition of country shopping districts and uniform hours throughout the State for butcher shops) are contained in the new sections 227 and 220 respectively.

The provisions of the Bill are as follows: clause 1 is formal, and clause 2 delays the operation of the new shop closing provisions to January 1, 1971. This will give shopkeepers an opportunity to change to the new conditions. Clause 3 repeals the Early Closing Act, 1926-1960. The essential provisions of this Act are incorporated in a modified form in the new Part XV to be inserted in the principal Act. Clause 4 makes a formal amendment to the principal Act.

Clause 5 amends the definition section of the principal Act. The salient amendments include a definition of "meat". This definition anticipates later amendments by which the shop closing provisions are extended to butcher shops throughout the whole of the State. A new definition of "the metropolitan area" is included. This definition extends the area constituting the metropolitan area as presently defined. The area that is now to constitute the metropolitan area for the purposes of the Bill is that area commonly designated the metropolitan planning area and, in addition, the municipality of Gawler. The amended definition is necessary for demographic reasons. A more extended definition of "shop" is included. This definition corresponds broadly to that at present included in the Early Closing Act.

Clause 6 amends section 9 of the principal Act. This section at present provides that, where the President is absent from his office, the Deputy President shall take over his functions. In view of the fact that, in consequence of the amending Bill, there may be more than one Deputy President, the amendment provides for the most senior of the Deputy Presidents to assume the duties of the President in his absence. Clause 7 repeals section 9a of the principal Act and replaces it with new sections 9a and 9b. New section 9a provides for the appointment of one or more Deputy Presidents to the Industrial Court. A person, to be eligible for appointment as Deputy President, must be eligible for appointment as a judge of the Supreme Court. New section 9b provides for the appointment of an industrial magistrate. This section is in terms similar to the present section 126a of the principal Act, which is to be repealed. It is considered that the provision for appointment of an industrial magistrate could be more appropriately included in the portion of the Act dealing with the appointment of officers to the Industrial Court.

Clause 8 repeals and re-enacts section 10 of the principal Act. The new section 10 provides that the President and any Deputy Presidents are to be the judges of the Industrial Court. It also provides that the Industrial Court is to be constituted of two or more judges, a single judge, or the industrial magistrate, as the President may direct. Clause 9 makes an amendment to section 11 of the principal Act, which sets out the salaries to be paid to the President and Deputy President. The amendment is merely consequential upon the possible appointment of more than one Deputy President.

Clause 10 repeals and re-enacts section 12 of the principal Act. This section establishes the retirement age for the President and Deputy Presidents and provides that they are not to be removed except in the same manner and upon the same grounds as a judge of the Supreme Court. The re-enactment is merely consequential upon the possible appointment of more than one Deputy President. Clauses 11 to 14 also make amendments that are merely consequential upon the possible appointment of more than one Deputy President.

Clause 15 makes a further consequential amendment and provides that any existing award expressed to apply throughout the metropolitan area shall apply throughout the metropolitan area as redefined by the Bill. This is

thought desirable in order to obtain uniformity of application between existing and future awards. Clauses 16 and 17 make further amendments consequential upon the possible appointment of more than one Deputy President. Clause 18 empowers the commission to make interim awards and orders. It is felt that this new power will lead to a more expeditious handling of industrial matters by the commission, and is similar to the power given to the Commonwealth Conciliation and Arbitration Commission.

Clause 19 amends section 36 of the principal Act. This section provides that an employee or registered association of which the employee is a member may apply for an order that amounts due to that person under an award be paid to him. The jurisdiction to hear this application, at present vested in the commisson, has never been exercised by a commissioner. It is considered, however, that the determination of an employee's rights under an award is a purely legal question and the jurisdiction could be more appropriately vested in the Industrial Court. The amendment effects this transfer of jurisdiction to the commission. It provides at the same time that the provisions of section 51 which permit the commission to hear and determine matters without legal technicality and formality shall apply *mutatis mutandis* to proceedings before the Industrial Court under the amended section.

Clause 20 amends section 37 of the principal Act, which provides for the fixing of a living wage by the Full Commission. The purpose of this amendment is to enable the Full Commission to take into account, in fixing a living wage, determinations of the Commonwealth Conciliation and Arbitration Commission. This amendment can be conveniently considered in conjunction with clause 21, which enacts new section 37a of the principal Act. This new section enables the Full Commission of its own motion or upon application to make appropriate amendments to awards after a determination of general effect upon wage levels has been made by the Commonwealth Conciliation and Arbitration Commission.

Last year the Full Commission was faced with a national wage decision intended to apply to Commonwealth awards throughout the Commonwealth. The decision was expressed in terms of a percentage increase of total wages. So long as the majority of the States adhere to the basic wage plus margins approach to wage fixation, it would seem desirable, in order to facilitate comparisons between wages in this and other States, that the margins component should not be disproportionately deflated or inflated by any national wage variations. A national wage decision expressed in the terms in which last year's decision was handed down affords no guide to the manner in which any increase or decrease should be apportioned between the basic (or living) wage and the margins.

To overcome this difficulty, the Full Commission resorted to an expedient whereby, as it were, a third tier (which the commission called an "economic adjustment") was temporarily added to the two-tiered structure of living wage plus margins. The commission expressed the hope that this would eventually be absorbed by variations of the living wage and margins. Moreover, it was necessary under the present legislation for about 100 separate applications for award variations to be made, and to be made with inordinate haste. The amendments are designed to obviate the cumbersome multiplicity of applications and to make possible a reversion to the customary two-tiered structure of wage fixation. At the same time, it is recognized that it is possible that any industrial commission should be empowered to decide to change to a total wage structure. The amendments make possible this necessary flexibility of approach.

Clauses 22 to 37 make various consequential and formal amendments to the principal Act that are not of a substantive character. Clause 38 repeals section 126a of the principal Act. This section has been re-enacted as new section 9b, where it falls more appropriately. Clause 39 amends section 135 of the principal Act. This amendment is designed to overcome a decision of the Industrial Registrar, upheld on appeal by the President, refusing registration to a union because it had amongst its members persons employed by the Commonwealth Government who cannot be subject to an award of the State Industrial Commission.

It seems unreasonable that registration should be refused solely on this ground and, accordingly, the amendment provides that registration shall be possible in respect of an association partially composed of Commonwealth employees, but that such employees shall not be counted for the purpose of determining whether the association has the requisite number of members to justify registration. Many unions that were previously registered under the Industrial Code have as members persons employed by the Commonwealth Government.

Clauses 40 to 43 make consequential amendments to various provisions of the principal Act. Clause 44 amends section 161 of the

principal Act which defines the application of Part XII of the principal Act, which deals with factories, shops, offices, and warehouses. The amendment merely anticipates the new section 165a, which is to have a slightly different territorial application from the remainder of the Part. Clause 45 enacts new section 165a of the principal Act. This section is consequential upon the repeal of the Early Closing Act and, in effect, incorporates the appropriate shop registration provisions in the principal Act. The registration provisions will apply in all shopping districts and also to those portions of the State to which Part XII is applied under section 161. However, shops which were not previously required to register under the Early Closing Act are given three months within which registration is to be effected.

Clause 46 enacts new Part XV of the principal Act. This new Part is to deal with shop trading hours, and comprises new sections 220 to 227. New section 220 establishes the extent of the application of the new Part. It provides that the new Part is to apply throughout all shopping districts, and also in respect of all butcher shops whether situated within or outside shopping districts. New subsection (2) constitutes the shopping districts for the purposes of the new Part. They are to consist of the metropolitan area, any shopping districts previously existing under the Early Closing Act, except the metropolitan and Stirling shopping districts (which are included within the metropolitan area), and any new shopping district that may be constituted pursuant to the provisions of the new Part.

The new Part does not apply, however, in respect of a shop at an industrial, agricultural or horticultural exhibition or show or any other exhibition or show approved by the Minister. The Governor is empowered to alter or suspend temporarily the closing times prescribed under the new Part. These are similar to provisions of the present Early Closing Act. I have already referred to the closing times for shops, set out in the new section 221, which are:

(*a*) for shops generally, 5.30 p.m. on a weekday and 12.30 p.m. on a Saturday; and

(*b*) for hairdressers shops 6 p.m. on a weekday and 12.30 p.m. on a Saturday,

where the weekday or Saturday is not a public holiday.

New section 222 requires a shopkeeper to close and fasten his shop at closing time and to keep it closed and fastened against the admission of the public for the remainder of the day. He is also required to keep his shop closed and fastened on a Sunday or public holiday. It is an offence to sell goods or have customers in the shop after closing time although, where they entered the shop before closing time, it is lawful under the new section for goods to be sold to them over a limited period as is the case at present. New Section 223 provides, however, that it is lawful for an exempted shop to sell exempted goods at any time when the sale of goods is otherwise unlawful. It is an offence, however, for an exempted shop to sell goods that are not exempted goods at any of the prohibited times. Again, this is a provision similar to that contained in the present Early Closing Act.

New section 224 repeats the exemption in the Early Closing Act in the case of a sale to a person who is ordinarily resident more than five miles from a shop. In this case, the shop may be opened for the purpose of the sale and the goods sold to the customer. This section is intended primarily for the convenience of country people who may not be able to attend the shop premises during the normal trading period. New section 225 also repeats another exemption presently applying in the case of a shop used for the sale of goods for some charitable, religious, or benevolent purpose. If such a shop is not used over a continuous period of more than one week, the shop need not be registered and is not subject to the closing time provisions.

I have previously announced that the hours for the sale of petrol will remain unaltered. New section 227, providing for the issue of a licence to sell motor spirits, lubricants, spare parts and accessories during times that are otherwise prohibited, corresponds to a similar provision at present existing in the Early Closing Act. New section 227 provides for a new method of constituting shopping districts. The cumbersome method of petition followed by counter-petition is removed. The section provides that the application for constitution or abolition of a shopping district or part thereof may be made by a council. An application may not be made in respect of an area outside a municipality if it would result in a shopping district of less than 36 square miles in area.

This continues a current requirement to prevent the constitution of microscopic shopping districts that may give rise to disparities between shopping conditions within a relatively small area. As Parliament will decide the

extent of the metropolitan area, no application may be made under this section in respect of an area comprising any of the metropolitan area. Before such an application is made, the council must attempt to ascertain the views of shopkeepers, shop assistants and other interested persons on the subject of the application. The Minister may, in addition, cause additional inquiries to be made and polls taken. The Minister, if he is satisfied that it is the wish of the people in the area concerned and that it is in the public interest that effect be given to the application, may recommend to the Governor that a proclamation be made creating a shopping district or abolishing a shopping district or part thereof. The Governor is empowered to make a proclamation accordingly. For the purpose of the transition to the new provisions, it is provided that a petition under the Early Closing Act that had not been finally disposed of under the Early Closing Act at the commencement of the new provisions is to be treated as an application under the new section.

Clause 47 enacts two new schedules in the principal Act comprising a schedule of exempted shops and a schedule of exempted goods. These schedules are to be read in conjunction with the shop trading provisions that provide that the sale of exempted goods from an exempted shop is not subject to the closing provisions. The schedules are largely self-explanatory. As I have previously mentioned, honourable members will see that the schedule of exempted goods is very much extended in comparison with the schedules to the Early Closing Act and will enable the public generally to have the opportunity of purchasing a much wider range of goods, particularly food lines, outside normal shopping hours. I commend the Bill to honourable members.

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

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL

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

RIVER TORRENS ACQUISITION BILL

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

CONSTITUTION ACT AMENDMENT BILL (ADULT FRANCHISE)

Adjourned debate on second reading.

(Continued from October 28. Page 2123.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): The Labor Government has presented this Bill to us as though it were totally altruistic, imbued with concern for everyone and full of high ideals, generosity of spirit and loftiness of purpose. Nothing, of course, is further from the truth. The Australian Labor Party wants this Bill because it suits it, because it knows that it will get more votes from a straightout adult franchise than from the present franchise in this Chamber. To put it another way, it does not want the present franchise because that does not suit it, and that is the actuating motive of this Bill.

Labor wants to gain control of this Council not because the Council has been obstructive to anything of any reasonable nature but because it operates as a check to extremism. It wants control of this Council so that it can abolish it and so that it can have complete domination of the lives of the people of South Australia. This is Labor policy, and it is in the Rule Book. It goes further: it wants dominion over all the people of Australia by also abolishing all State Parliaments and the Senate and putting all power in one House in Canberra. Then it can have its unfettered moratoria or worse.

At present, as I see it, this Council is what stands between, so the Labor policy is that it must get rid of it. This is not just a Bill to alter the franchise, and every honourable member knows it: it is the first step towards the abolition of this Council, as frankly stated in the late Mr. Walsh's policy speech of 1965, which I think was quoted by an honourable member yesterday. I think I can remember the words used:

> As a prelude to the abolition of the Legislative Council, we will bring in adult franchise in that House.

That was the gist of it, and I think almost the words, alhough I have not looked them up again. This is the beginning of an attempt at a total takeover of the politics of the country. Local government is also in the complete plan, as witness another Bill to come before us.

There is no altruism in this. Labor does not use one vote one value in conducting its own affairs, where it has the absolute right of control and right to dictate what method is used; not on your life! It uses the card vote.

As I understand the card vote (I can be corrected if I am wrong), it is very much like this: a union has a certain number of votes in the preselection of a member of Parliament; to give an example, a union has 999 members, 500 of whom, we will say, vote for A, and 499 of whom vote for B; A is then elected, and the union representative goes along to the preselection armed with 999 votes in favour of A, not 500 votes for A and 499 for B, which would be one vote one value.

I think the people of South Australia are beginning to wake up. I think the moratorium gave us all a jolt and made us realize that we might not be altogether safe, after all. It has surely made us realize how reliant we are on a decent Police Force and on the constitutional institutions of the State. I think the shopping referendum fiasco has made people wake up, too. It looked at one stage as though certain A.L.P. members were going to represent their electors, but the mailed fist was flourished and we could almost hear the jackboots clicking as they came to attention in response.

We are seeing incidents today in Northern Ireland and Canada about which Sir Norman Jude can tell us a few hair-raising and alarming stories. It is no good anyone saying that it cannot happen here, for one would be a completely unrealistic person if one cared to think that. I believe that the Legislative Council is one of the major items in our constitutional set-up which can see that these things do not happen here or that, if they do, they are dealt with firmly.

One honourable member yesterday congratulated the Labor Party on its propaganda over this matter, and I do likewise. Its progaganda over the years in running down our franchise and preaching other matters has been quite superb. It has got in among the people to such an extent that people who know nothing about it are utterly convinced that the franchise is wrong and, unfortunately, it appears to me that this applies more to Liberal voters than it does to Labor voters. That is why I congratulate that Party. I think the propaganda has penetrated even to the honourable members of this Council, from what I heard yesterday and the day before.

We have had propaganda and catch cries—the parrot cry of "one vote one value being the only just form of electoral status". We now have the new one of "second-class citizens". This was preached in this Chamber yesterday by the Hon. Mr. Banfield. Although I know he is a very quiet speaker, it seems to have penetrated through the walls even into another place, because I saw in this morning's paper that Mr. Virgo, too, had referred to second-rate citizens. This is another catch cry.

The Hon. C. R. Story: Are you suggesting that the Hon. Mr. Banfield writes Mr. Virgo's speeches?

The Hon. Sir ARTHUR RYMILL: He has penetrated. The other technique being used is what one may call the "horrible example" technique—holding up people who are not qualified to vote for the Legislative Council. We have had the Archbishop held up to us often enough, and yesterday it was matrons and nurses. Whatever the position is, we can always get an odd example of people who are excluded, whatever franchise we may have. I shall deal with that a little later but I do suggest it is time the people of South Australia woke up.

The Hon. T. M. Casey: I could not agree more with that statement.

The Hon. Sir ARTHUR RYMILL: The Hon. Mr. Banfield referred to the result of the Midland by-election, which I think was quite illuminating. If I remember rightly, he said that that is why certain honourable members of this Council want the voluntary vote and a Legislative Council election on a different day from an election for the House of Assembly. I put a different interpretation on it. I have here a cutting from a leading South Australian newspaper, stating:

> Only about 38 per cent of eligible voters voted in the Midland by-election on Saturday, which resulted in a comfortable win for the L.C.L. candidate, Mr. E. K. Russack.

At this point I, too, should like to congratulate the Hon. Mr. Russack on his entry to this Chamber and express what other honourable members have expressed—that we have an excellent member in the making in the honourable gentleman, and we look forward to good things from him.

Referring to the 38 per cent vote, I have always felt that a sense of injustice does not breed apathy. If, as Mr. Corcoran is reported to have said after that by-election, the people really thought "this was another of these totally immoral victories for the L.C.L.", why did not the Labor Party voters go out and vote, if they felt that something was immoral, that they were unjustly treated? Why did they not bother to go out and vote? Surely this was their opportunity, on a separate day, if they really felt these things to get out and swamp the ballot, because it was only a 38 per cent vote, and I would say that more

than 38 per cent of the total voters of Midland District are Labor voters. So, if every Labor voter or a large percentage of Labor voters had gone out and voted, Labor would have won by at least two to one—but they did not go. Yet we are told that they are harbouring a sense that the franchise is immoral, that "the will of the people is being frustrated". Yet they did not bother to go out and vote.

If I think someone has done something indecent, immoral, wrong or unjust in relation to myself, I will certainly stand up and fight it out. I do not think there is any honourable member here who would not do so. So surely the truth of the matter is that, in particular, the Labor voter is not really worried about the franchise for this Council; indeed, I think many of them welcome it and, after this moratorium fiasco, I believe that every thinking Labor voter would have second thoughts about it if he had previously believed in the abolition of this Chamber.

I should like to deal now with the franchise of the Chamber itself and say, first of all, that I believe it is widely not understood. We could go to 90 per cent of the people of South Australia and ask them what the Legislative Council franchise is and they could not give us an answer. In fact, I should find it hard to believe that 10 per cent of the people could tell us even roughly what the franchise of this Council is.

The Hon. R. C. DeGaris: That goes for the House of Assembly, too.

The Hon. Sir ARTHUR RYMILL: Yes, I think it does because, as the Hon. Mr. DeGaris has pointed out, I think 99 per cent of the people of South Australia think that enrolment for the House of Assembly is compulsory—but it is not. What is compulsory is that, once a person has enrolled, he is compelled to vote, but he is not compelled to enrol. With this ignorance prevailing, it is hard to get messages across to the people, but I wonder whether the people really understand the franchise of this Council. I wonder whether even some honourable members present understand properly the franchise itself. I know they know the details of it but, having heard their speeches lately, I wonder whether some of them really understand what it is all about. So my first point is that there is an ignorance about the franchise.

My second point is that it is misrepresented as well as misunderstood; it is represented that it is a privilege for people to be enrolled under the franchise of this Council. However, the amount of land they must own or rent to be enfranchised is so small that anybody can do this, yet they are still represented as a privileged race. We have heard several honourable members refer to the fact that it is a family franchise, a family vote. I think this is correct, but it is perhaps better put as a household vote, a complete household vote rather than a heads of household vote, for reasons I shall elaborate in a moment. How many honourable members have thought of the franchise as a method of ascertainment of the heads of the household or of the leading or senior members of the household rather than as a privilege coming through ownership of land? This is what I believe it is. It is the best method of ascertaining who are the senior members of each household in the State. Why? Because it can be said, "There is the house, so that is a household. There are all the houses of the State, each house has a household, a family or possibly more than one family in it; thus, this is a method of ascertaining the household vote"; and the vote is given to the senior members of the households—in the case of most younger people and joint tenants these days, to both the husband and the wife, and, in the case of most older established families, to the husband or the wife. This is what we set out to correct last year, so that we could get all the senior people of the household to vote on behalf of the household. This matter seemed to worry the Hon. Mr. Potter yesterday, because he asked by what principle does a wife enjoy the privilege of a landowner or of a soldier? This suggested to me that he was looking at the words of the franchise instead of at what they mean.

With respect, I would explain the principle to him by saying that, being a household vote and living in the year 1970, and not before the passing of the Married Women's Property Act, the husband and wife are equal in their membership of the household team. Therefore, it is right and proper, whoever is registered as the owner, that both should have a vote. Regarding the soldier aspect, this might, on the face of it, seem a little more difficult when I refer to the household vote, because a soldier, merely by the fact of his oversea service as a member of the armed forces, gets a vote. Why? I think the answer is reasonably simple when one thinks about it.

Because he has so established his status by fighting or by being prepared to fight for his country, he has established himself as the head of a household, even though he has no wife or children. If he has a wife, then she is

another partner of the household. I think that, as has been expressed, the family is still the greatest balancing factor in our civilization: if family life breaks up, I think the whole structure breaks up. I think that this is part of our trouble today with moratoriums, etc., namely, the family group may be weakening and, as a result, we are getting less balance in our affairs than we had previously. This is what our franchise recognizes: the steadiness and the balance of the family and the family vote.

The Hon. A. M. Whyte: That's why the Council is under attack.

The Hon. Sir ARTHUR RYMILL: One vote one value has been represented by the Labor Party as the only just system of franchise. I have discussed in the Council (and I shall not weary honourable members further) on at least three occasions over the years various franchises of various other countries, as well as of the Australian States. There are dozens of different ways of qualifying electors or of appointing Parliaments, because elections are not the only means of appointment, as was pointed out yesterday. There is no absolute in what is just and in what is unjust; it is a question of what suits the particular place and of what is proper in the circumstances of the particular country.

South Australia, with a popular vote in the one House and with a family vote in the House of Review, could not have a better set-up. Regarding one vote one value, I have said many times before that it is a complete anachronism, because it is utterly impossible to achieve it under any political system. Proportional representation gets the closest to it but it is still quite inaccurate, because vast numbers of electors under this system are still not represented. One vote one value in a single electorate system is just nonsense, because there cannot possibly be, if we divide the State into 47 districts, any meaning to the catch-cry of one vote one value. As far as adult franchise is concerned, even the Assembly franchise has arbitrary lines drawn across it. It is not everyone who gets the vote: it is everyone of 21 years of age or over. No doubt the age will be reduced to 18 years, and I think I know the reason why this will be done because, once again, the Labor Party thinks that the 18 years to 21 years vote will go in its favour. That is the actuating reason for it.

The Hon. T. M. Casey: But what do you think?

The Hon. Sir ARTHUR RYMILL: I think the Labor Party is probably right in that attitude.

The Hon. T. M. Casey: I wouldn't know.

The Hon. Sir ARTHUR RYMILL: But we are living in changing times. At present, with things going on as they are, I think the whole matter of how people are thinking is in the melting-pot; that is my impression. It is an intangible that is hard to gauge. I have pointed out before, and I do so again, that, although a person must be 21 years of age to vote for the House of Assembly, 18-year-olds can already obtain a vote for the Legislative Council as a result of war service. There is no minimum age limit for the war service vote for the Council; thus, 18-year-olds, if qualified, can vote for the Council, whereas they cannot vote for the House of Assembly.

I am not criticizing, as such, the idea of giving 18-year-olds the vote. However, I criticize the basis on which it is being sought, namely, that 18-year-olds are more mature nowadays than were 18-year-olds in earlier years. I do not think they are any more mature. Anthropologists have said it takes hundreds of years to alter the human species or human brain. No doubt, 18-year-olds are better educated, and this might entitle them to the vote, but I should hate to force any 18-year-olds to vote. Interviews of 18-year-olds and even older people have been published in the press and many of them have said that they do not think they should have the vote. However, that is another story and, no doubt, we shall hear more about this later on.

I should like to paraphrase what I said in my last speech in 1968 regarding the voting age question. I said then that, first, it may be given to 18-year-olds, then it could be said, "What about 17-year-olds? Why should they not be included?"

One could say that they are much better educated than 21-year-olds were in earlier years, as is said for 18-year-olds. However, many 18-year-olds are still at school. I said that, to carry the example further, why should not 16-year-olds have the right to vote, and so on?

In 1968, I mentioned that it was being publicized that Russians were being trained as soldiers at the age of 10 years and that, if they were sent across the border, they would have a vote under the principles of this Chamber at the age of 10. I said that it would not be illogical to move from 16-year-olds to children of tender years, because they are human beings. If that occurred, there would have to be a

proxy vote. Who would exercise that proxy? The answer, of course, is the parents, and are they not the very people voting at present on behalf of the whole household? So, what is wrong with the present franchise? What is wrong with each household having a vote as a household, rather than each person above a certain age having a vote and people under that age having no vote whatever in any way, whether by proxy or otherwise?

I think we have a good franchise. As far as I know, there is nothing wrong with it, except that it does not suit the Labor Party; hence all this fuss. I think that people are increasingly needing the protection that this Council's franchise, which keeps this place in existence, affords them. Therefore, I propose to vote against the Bill.

The Hon. T. M. CASEY secured the adjournment of the debate.

ADJOURNMENT

At 3.32 p.m. the Council adjourned until Tuesday, November 3, at 2.15 p.m.