

**LEGISLATIVE COUNCIL**

Tuesday, June 26, 1973

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:

Appropriation (No. 1),  
Supply (No. 1).

**ADDRESS IN REPLY**

The PRESIDENT: I remind the Council that His Excellency has appointed 2.30 p.m. as the time for receiving honourable members with the Address in Reply, and I invite the mover (Hon. C. W. Creedon) and the seconder (Hon. B. A. Chatterton) and other honourable members to accompany me to Government House.

*[Sitting suspended from 2.18 to 2.40 p.m.]*

The PRESIDENT: I have to report that, accompanied by honourable members, I have been to Government House and there presented to His Excellency the Governor the Address in Reply adopted by the Council on Thursday, June 21, to which His Excellency has been pleased to reply as follows:

I thank you for your Address in Reply to the Speech with which I opened the first session of the Forty-first Parliament. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing upon your deliberations.

**MINISTERIAL STATEMENT: CONSTITUTION BILLS**

The Hon. A. F. KNEEBONE (Chief Secretary): I seek leave to make a statement.

Leave granted.

The Hon. A. F. KNEEBONE: I wish to make clear the Government's position on the Bills affecting the Constitution. I know honourable members are interested to know what is the situation in regard to the handling of these very important Bills in this Chamber. The adult franchise Bill has been previously debated here. It has been refused by this Council on a number of occasions. The Government has gone to election on the issue and received a mandate for adult franchise. That Bill must pass and will be brought on for debate today. Opposition members must be aware of the constitutional effect of their refusing to debate the issue, or of their amending the measure.

The Government will not accept conditions being attached to adult franchise, no matter what the voting system, districting system, or the like, may be for the Legislative Council. There can be no question of every citizen's right to a vote, and we will not have adult franchise used as a bargain to enable this Council to extract concessions from the Government on its other policies. The citizen's right to vote is not negotiable. The Government will agree to allowing a debate on the second reading of the proportional representation Bill to proceed today to the end of the second reading stage. We will then bring on for debate the adult franchise Bill and require that it pass. If, in the meantime, the Opposition has reached agreement with the Government on the principles of the proportional representation Bill, so be it. But I emphasize that the Government will not accept that that position be reached as a condition of this Council's passing adult franchise. I trust that I make myself quite clear.

**QUESTIONS****GLADSTONE HOSPITAL**

The Hon. R. A. GEDDES: I seek leave to make a statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. R. A. GEDDES: For some years the Gladstone Hospital Board has been raising money to build a new hospital at Gladstone and has been seeking Government support for this venture. I understand that recently the hospital board wrote to the Minister asking him to reconsider a decision that the Government had made, namely, that at present it was not possible to give Government financial assistance to the board. Will the Minister indicate to the Council whether the Government's decision can be reconsidered in view of the latest representation from the Gladstone District Hospital Board in this regard?

The Hon. D. H. L. BANFIELD: I am aware that the Gladstone District Hospital Board and the people in that area have done a very good job in raising money for the establishment of a hospital in the township of Gladstone. Soon after coming into office, I found myself in the position that I had to make a decision whether we could subsidize a hospital at Gladstone. On May 23 I informed the board that we were unable to subsidize a hospital in that district. I received a letter dated June 15 asking me to reconsider the matter and, after further consideration (I did not view the matter lightly), I had again to inform the board on June 21 that we could not grant a subsidy for a hospital there. I hold out no hope to the hospital board that a hospital will be subsidized there in the future.

**AGRICULTURE DEPARTMENT**

The Hon. C. R. STORY: I seek leave to make a short statement with a view to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: Following lengthy investigations and submissions to the Public Works Committee, which have been favourably received, it has come to my notice that there could be a change in Government policy in the moving of the headquarters of the Agriculture Department from Adelaide to the new town of Monarto. Is it true that this matter is being investigated? If so, will the Minister disclose to this Council the personnel who would be making that investigation?

The Hon. T. M. CASEY: The matter of the transfer of the headquarters of the Agriculture Department to Monarto has been undertaken by the Department of the Premier and of Development. It has been looked at in some depth by Cabinet but no agreement has been reached so far. I sincerely hope that agreement will be reached at some stage so that I can inform the Council of it.

**OPAL**

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Minister of Development and Mines.

Leave granted.

The Hon. A. M. WHYTE: Opal miners have asked me whether the Minister will clarify for them the question of the sale of rough opal in Australia. Current rumour suggests that the Commonwealth Government at present is considering control on the sale of rough opal. Since it is realized that our Minister here represents a major portion of the opal mining industry in Australia, we believe he

would have knowledge of any such discussions on the matter. Will he ascertain the position from his colleague?

The Hon. A. F. KNEEBONE: I shall be pleased to pass on the honourable member's question to my colleague and bring down a reply as soon as it is available.

#### **YORKETOWN HIGH SCHOOL**

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the projected new high school at Yorketown. Over a number of years, I have had representations made to me upon this matter, and my colleague, the Hon. Mr. Story, and I were present at the Yorketown Area School some years ago when instruction was being given in the corridors and the situation was very crowded. I understand that recently tenders have been called for the erection of a new high school adjacent to the town on an adequate area, and I should be pleased to hear whether this is so. I ask the Minister whether he will obtain from his colleague some indication of the suggested time table for the erection of this high school and of when it is expected that it will be in use.

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring back a reply.

#### **FISHING**

The Hon. C. R. STORY: Has the Minister of Agriculture, in his capacity as Minister in charge of fisheries, a reply to my question of June 21, 1973, about the taking of prawns in and about the coast of South Australia?

The Hon. T. M. CASEY: The total catch of prawns since commercial fishing for prawns began in South Australia is about 13,130,000 lb.

#### **ORDER OF BUSINESS**

The Hon. A. F. KNEEBONE (Chief Secretary): In line with my Ministerial statement, in which I said I would ask the Council to proceed to the second reading debate on the Constitution and Electoral Acts Amendment Bill (Council Elections), which is Order of the Day, Government Business, No. 2 on the Notice Paper, I now move:

That Order of the Day, Government Business, No. 1 be taken into consideration after the conclusion of the second reading debate on the Constitution and Electoral Acts Amendment Bill (Council Elections).

The Hon. R. C. DeGARIS (Leader of the Opposition): Am I, Sir, able to move an amendment? If I am, I will move an amendment to the motion.

The PRESIDENT: Standing Order 68 provides:

When the Business of the Day is called on by the Clerk any Member in charge of any Order of the Day, which appears on the Notice Paper or which may have lapsed therefrom, may move, without notice, that such Order be postponed, discharged, or revived for a future day, as the case may be; but no discussion or amendment shall be allowed on such motions.

The question is "That the motion be agreed to."

Motion carried.

#### **CONSTITUTION AND ELECTORAL ACTS AMENDMENT BILL (COUNCIL ELECTIONS)**

Adjourned debate on second reading.

(Continued from June 21, Page 93.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill, with general agreement now achieved on the question of the franchise for the Legislative Council, assumes, as far as I am concerned, the centre of the

political stage. It assumes that position because the Government has seen fit to call Parliament together to discuss two financial Bills and two constitutional and electoral Bills only; in other words, it is a short session. All the other Bills brought before us in this session have been passed expeditiously through all stages or into the Committee stage, leaving only this Bill occupying the spotlight of attention. Since I have been a member here, this Council has always paid attention to the Government's policy speech delivered before any election and has always given reasonable weight to a Government's claim to have a mandate to legislate for matters clearly enunciated in an election speech.

The question of a mandate is difficult to define but, as honourable members fully appreciate, we have always given due weight to the question of a mandate that the Government may have received. Any claim that a Government has an inalienable right to legislate for its interpretation of every item contained in a policy speech is hardly a practical proposition. Nevertheless, as members of a second Chamber, we need to give reasonable weight in our analysis of any Bill to the policy enunciated at any election. Therefore, the first step one should take in considering this Bill is to examine the Government's policy speech to see what clear promises were made in relation to any matter. The following is an extract from the Premier's policy speech delivered on February 19 at the Norwood Town Hall:

Our firm policy for all elections is that there must be one man one vote, and one vote one value.

That becomes extremely difficult to interpret. The Premier's policy speech continues:

In this, we will insist that in elections for the Legislative Council there shall be adult suffrage . . .

Honourable members can see here that the promise was that adult suffrage was tied quite clearly in the policy speech to the question of an electoral system that would interpret without any reservations one man one vote one value. I intend, first, to examine the Bill before us in relation to the specific policy announcement made by the Premier in the Norwood Town Hall on February 19, 1973. I repeat the announcement in the policy speech:

Our firm policy for all elections is that there must be one man one vote, and one vote one value. In this, we will insist that in elections for the Legislative Council there shall be adult suffrage . . .

In the Premier's policy speech these two issues were undeniably tied together, so how can one accept that this Bill introduces a policy of one man one vote one value? The Bill contains certain defects in relation to the actual promise made to the people of South Australia in the Premier's policy speech. How can a policy of one man one vote one value be introduced when the proposed voting system in the Bill (if allowed to pass unamended by the Council) actually disfranchises an undetermined number of electors—a percentage which will not be less than 10 and which could be as high as 25?

In other words, in any election under the Bill, although every person will possess the franchise, by a rather quaint electoral device the votes of not less than 10 per cent and possibly 25 per cent of the people will have no value whatsoever, and the electoral system will effectively disfranchise them. The main argument that has been levelled against the existing franchise for the Legislative Council has been that about 15 per cent of the people entitled to vote in a House of Assembly election do not possess the qualification to be enrolled on the Legislative Council roll.

The Hon. D. H. L. Banfield: It got that far only in the last two or three years.

The Hon. R. C. DeGARIS: It is strange that, now that we have agreed on the question of the franchise for the Council (that is, to enrol all those who are not now enrolled on the Council roll), we should, in a different context but just as effectively, be arguing about the same principle, that people should not be disfranchised, with the protagonists changing sides in this argument. On this question, I can speak for every honourable member, including, I hope, the members who represent the Australian Labor Party, in saying that this Council will ensure that every vote cast in an election for the Council will count effectively. In other words, not by any quaint electoral device will there be a percentage of voters who will be second-class citizens in South Australia. The Bill determines, in what might be termed an electoral lottery, who those second-class citizens will be, and this situation cannot be supported.

Having dealt with that aspect of the proposed voting system, having made a comparison with the Government's proposals announced in the Premier's policy speech on February 19, and having pointed out that the two issues (one man one vote one value and adult franchise) are irretrievably tied together, I shall now examine the proposal advanced for the list system to be used in place of the Hare-Clark system or some similar system where proportional representation is part of the electoral machinery. In order to do this, I intend going back to the Bill introduced in the Council last year which contained proposals for a true proportional representation system of voting, with a single transferable vote, or a form similar to the proportional representation system now used in the Senate. In that proposal, the State was to be divided into two districts: country and city.

The Hon. D. H. L. Banfield: About 33½ per cent to about 66½ per cent.

The Hon. T. M. Casey: Was that loaded!

The Hon. R. C. DeGARIS: If the Minister will be patient I will show him clearly that the concept of one man one vote one value was more clearly enshrined in that Bill than it is in the one now before us. If the Minister will be patient, he will be able to see the point I am making. Before adopting that proposal for submission, the Liberal and Country League members in this House considered that the only way that could give equal value to each vote cast in South Australia would be an election over the whole of the State, with no boundaries.

The Hon. A. F. Kneebone: But it was not in the Bill, though.

The Hon. R. C. DeGARIS: If the Chief Secretary will let me put my argument, he will see my point.

The Hon. D. H. L. Banfield: Don't mislead us.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: It would be an election over the whole State, with no boundaries, and using a system of proportional representation. However, the adoption of that system over the State had one serious drawback, in that the ballot-paper for such a system that would give equal value to every vote would be so large, particularly if a double dissolution was contemplated, as to make it impracticable. The only way such a ballot-paper could be arranged was by using the whole State as the electorate and using the list system. In consideration at that time the list system was passed over in favour of the two-electorate system, because it could be argued that the list system also had a serious defect as it denied the democratic right of a person to vote for an individual in a group.

The Hon. D. H. L. Banfield: Do you think your Bill was democratic last time?

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: If the Minister will wait, he will see clearly that the Bill presented last session was a much closer interpretation of one man one vote one value than is the present Bill.

The Hon. D. H. L. Banfield: Two to one value!

The Hon. R. C. DeGARIS: I have asked the Minister to be patient. I could reply to him now, but I should like him to see my reasoning. I repeat that the list system has one serious difficulty. The list system denies the elector the democratic right to vote for an individual in a list. In relation to that point I will quote, from the *Hansard* report of the debate last year, my statement and a statement made to this Council by the Hon. Mr. Potter. Page 950 of *Hansard* reports the debate as follows:

The first point that members of the Government should decide is whether or not they favour proportional representation as a means of election for the Upper House. If the answer is "Yes, we will go along with proportional representation and have no objection to it; the most democratic method of election that could be devised is that based on a system of proportional representation." . . .

If the Government accepts this principle as a first principle, let it say so. The Premier said in the press recently that the proposals put up by the L.C.L. regarding the structure of the Upper House would not be acceptable to him or to the Labor Party, but that he would go along with proportional representation and an election over the whole State for the one election.

The Hon. D. H. L. Banfield: There you are: you've got your answer.

The Hon. R. C. DeGARIS: Here, there is at least some ground on which we can speak. I shall now try to explain to the Hon. Mr. Banfield (but I know I will have much difficulty because, obviously, he already has his instructions— . . . how we came to introduce the Bill as a basis for discussion. We started off with one district (the State) and we looked at the voting card for an election over the whole of the State for the one House, but we found that the card would be so large as to be impracticable. The proposal of limiting the Council to a total of 24, to which the Government has raised no objection in this Chamber so far, can be justified when it is compared with the position in every State and the accepted principle that the Upper House should be not less than half the size of the Lower House. This system would produce a voting card with about 50 names on it to select 12 members, and it would be unwieldy. The quota for a person to be elected would be about 7 per cent.

The Hon. D. H. L. Banfield: Under your Bill, they could be elected for less on voluntary voting.

The Hon. R. C. DeGARIS: If the Hon. Mr. Banfield would pay attention, I might have a chance of convincing him of the logic of what I am putting.

Later I said:

As a group, we studied the question of one district for the State, and the Premier supports this: he has said so. We did not go along with it because of the large voting card; because of the very low proportion of votes required to elect a person, and because it would not produce a Council that represented a true reflection of the wishes of the people. That is the reason why we moved away from the one electorate. If this is the Government's only objection, I ask it to tell us and to make its own statement on the question.

During the debate, the Government made no statement on the matter. The report of the speech of the Hon. Mr. Potter in that debate states:

Then, the Minister criticized the fact that in his Bill the Leader provided for a system of two electoral districts in this State, and he pointed out the disparity of voters that existed in the proposed two electoral districts. Again, he completely overlooked the fact that the Bill proposed proportional representation. Therefore, irrespective of the number of electors in either of the districts, the return to the political Parties will be the same, anyway.

The Hon. D. H. L. Banfield: Let's make it all equal.

The Hon. F. J. POTTER: If the honourable member says that, why was there no suggestion that this should be considered? It could be moved as an amendment.

The Hon. D. H. L. Banfield: It's not our Bill. If you are fair dinkum, you can put it in.

The Hon. F. J. POTTER: The honourable member apparently thinks, as does his Minister, that he will have nothing to do with the Bill merely because he did not introduce it. Because it is not their Bill, they will not lift one finger to effect a proper amendment to the Bill according to their beliefs. We in this Council have come to a pretty pass if, because of pique over the matter, no Bill will be considered if it is not introduced by the Government.

The Hon. A. J. Shard: You are reading that into it. That was on this specific Bill, which is useless from our point of view.

The Hon. F. J. POTTER: In other words, the Minister says his Party will have nothing to do with any system of proportional representation.

The Hon. A. J. Shard: I wouldn't say that.

The Hon. F. J. POTTER: If the Minister would not say that, this Bill is capable of amendment in a number of directions. If the Minister proposed a system whereby there would be proportional representation over the whole State, I would support him.

The Hon. A. J. Shard: You wouldn't get me to do it. When that Bill was introduced, we asked the Government to tell us what system of proportional representation it would accept, but no statement was made by the Government. The Bill was criticized on the ground that it did not provide for one man one vote one value; it was said that for that reason it should not be passed. At that time, the Government could have suggested to the Council what the Government would accept, but it declined to do so. As I have said, it criticized the Bill on the basis that there could not be proportional representation if districts were not equal in population.

Having said that, I will now analyse what the result would have been had the proposal of two districts been accepted, and I will compare that with what the result would have been under the terms of the Bill now before us. Honourable members can then make up their minds about which system would give one man one vote one value. Had the two-district system been adopted, under the previous Bill, over the last two elections the result would have been a Council of 13 members on one side and 11 members on the other, with the A.L.P. having 13 members. Therefore, the A.L.P. would have had 54 per cent of the membership in this Council.

The Hon. D. H. L. Banfield: That shows what we've been denied over the years by you people.

The Hon. R. C. DeGARIS: The A.L.P. would have had 54 per cent of the membership of the House with a 52 per cent vote over the whole State. If one examines it, one can see that the proposal would have provided in the Council a true reflection, or near true reflection, of the principle of one man one vote one value, and it would have accurately represented in this Council the proportionate State-wide vote.

What would be the result of the Bill before us? As is known, there would be a complete destruction or disfranchisement of a certain percentage of votes. The electors disfranchised by this electoral device could vary from 10 per cent (and I do not believe it would be less than 10 per cent) to 25 per cent. I shall look at a card that goes something like this: for group A there is a 49 per cent vote; for group B there is a 45 per cent vote; and for each of groups C, D, E and F there is a 4 per cent vote.

Under the Government's proposal, that 16 per cent, consisting of four groups of 4 per cent, would be virtually taken out and destroyed; those votes would have no value. The people who voted for one of the four groups would be effectively disfranchised. The remaining 84 per cent of the vote would comprise 49 per cent for group A and 35 per cent for group B. Needing 7 per cent as the quota for

election to the Council, group A would gain seven of the 11 seats and group B four. Considering this in the light of proportional representation, we find that group A with 49 per cent of the vote would return 63.4 per cent of members to the Council, yet the Government claims that this Bill provides for one man one vote one value. The Bill effectively disfranchises at least as many people as are disfranchised now: anything up to 25 per cent of votes cast would have no value and we would have a system where one group, irrespective of Party could return to this Council 63.4 per cent of members with only a 49 per cent vote. Yet that system masquerades under the magnificent emotional phrase of one man one vote one value!

The previous system offered to this Council would have returned 13 Labor members (or 54 per cent) with a 52 per cent vote. On that comparison alone, the Government has already rejected a measure which would have interpreted more accurately the phrase one man one vote one value than would the rather quaint electoral system in this Bill. The proposed electoral system in this Bill would not only disfranchise probably more than 15 per cent of the people who have no vote now, but also produce a disproportionate representation throughout the State. Group A would return seven out of 11 as a result of the voting pattern I have outlined and each vote would count for 1.3 per cent of its true value, yet the Government—

The Hon. T. M. Casey: How does 35 per cent work out for the other Party?

The Hon. R. C. DeGARIS: At 36.6 per cent of the seats, yet the Government and its spokesmen call this a proportional representation Bill! I reiterate that there is in this Bill an effective disfranchisement of an undetermined number of votes—not less than 10 per cent and not more than 25 per cent. Indeed, going back to 1938, which is going back a long way, if this system had been in operation at that time it is more than likely that 28 per cent of the voters in South Australia would have cast a vote that had no value whatsoever.

The Hon. D. H. L. Banfield: How would that be?

The Hon. R. C. DeGARIS: They would have been effectively disfranchised by a rather quaint electoral device.

The Hon. D. H. L. Banfield: What is—

The PRESIDENT: Order! Interjections are completely out of order and I must warn honourable members. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: Let me rephrase this more simply. Under the Bill submitted last year by the Liberal and Country League a group polling 52 per cent of the vote over the whole of the State under that two-district system would have returned probably 54 per cent of the members of this Council. However, in this Bill a group polling 49 per cent could, and almost certainly would, elect 63.4 per cent of the members at some election in the future. Where stands the Government's bold claim of one man one vote one value, for some votes under this proposal now before us would have no value whatsoever and other votes would have a value of 1.3 compared to the true value of one? Where stands the Government's bold claim for proportional representation?

This proposal, in my opinion, would by comparison make a dishonest horse dealer look like a saint. Sometimes I wonder whose brainchild this Bill really was. What can be done to correct this situation without completely redrafting the Bill? Given time, this Bill could be redrafted to produce a situation where there would be a true system of one man one vote one value in operation in South Australia, but it would be a long and difficult task. However, at least there should be some

form of justice, and justice should seem to be done with that rather tarnished principle the Australian Labor Party has paraded before the people for so long—one man one vote one value.

The first point to understand is that, if the whole State is to be used as one electorate, to overcome the impracticality of the very large ballot-paper the list system must be used. This was the point that we rejected last year as not being a true reflection of one man—

The Hon. D. H. L. Banfield: The Council didn't reject that.

The Hon. R. C. DeGARIS: I did not say the Council did. I said that, as a result of the consideration the L.C.L. members gave this matter last year, the list system was rejected for that reason. The impracticality of a large card makes it important that, if the whole State is to be used as an electorate, the list system should be used. As I have said previously, the list system in use in a proportional representation voting system cannot be said to be completely democratic, but the Government has made further additions to make it even less democratic. Nevertheless, I am prepared to accept the list system, provided that a solution can be found to the second point; but, more important, there must, as we seek these amendments to the democratic principle, be no denial of the right of a person to determine who will represent him in Parliament or of his right to cast a vote that will be counted and have a true value.

I refer here to the point I have made several times: that in this Bill there is a virtual disfranchisement of an undetermined number of electors in South Australia ranging, in my opinion, from 10 per cent to 25 per cent. I would prefer a system where there was a single transferable vote but, using the whole of the State, that is not possible and therefore it is necessary to introduce the list system. I have proposed to the Government that, in order that every vote cast shall have a value (which I think this Council will agree is a democratic right for anyone under a proportional representation system or any other system), the preferential system should be retained. That is the first step that must be made to preserve a value for every vote cast, but the allocation of preferences should be undertaken only from those persons or groups that fail to reach a quota or some part of a quota which the Council may determine is fair and just.

The system suggested in the Bill has many serious defects. The one of which I now speak is the principal one—the disfranchisement of a certain number of electors. If A.L.P. members in this Council (who have spoken so vehemently against the fact that under the present franchise 15 per cent of the electors on the House of Assembly roll cannot vote at Legislative Council elections) do not support such an amendment, then the allegation can be made that they are guilty of double standards. If these suggestions are not accepted, then the emotional cry of the Premier of one man one vote one value is no more than a mockery.

The essential thing is to preserve a preferential system, but attaching to the preferential system a list system, and this does present some problems; but with the preferential system an undetermined number of votes would have no value whatsoever. My suggestion is that the preferential system be preserved up to the point where all votes excluded because they do not reach a prescribed number for a candidate or group are allocated by preference to a group that has a number of votes higher than that prescribed number. This means, under this amendment, that every vote cast will have a value and will assist in electing a member to this Council.

The point to discuss at this stage is to determine the prescribed number for allocation of preferences. In this discussion a most interesting point emerges and it is associated with the use of the list system. It is that, in order to ensure that every vote has a value, the prescribed number should be one full quota. I know that this is an extremely difficult question, but we are using the list system, and any prescribed number that is less than the quota produces another situation where the difference between the prescribed number and the full quota has no effective value and would probably play no part in electing a member of this Council; otherwise, there will still remain those votes that have no value.

It can be argued, of course, and it has been argued most strongly (and I believe this has been used by members in this Council in an argument against the proportional representation system), that a group or individual unable to gain sufficient support to make the quota should not be considered for election. This argument has been used against proportional representation for some time in regard to the Hare-Clark system, in that it tends to allow a small minority vote, or a group with a small minority vote, to hold the balance of power in any House. An examination of the French system will clearly indicate this.

The suggestion [am making] eliminates that point unless that minority group can muster at least one quota, in which case I believe that it deserves representation in the Parliament in its own right. As I said previously, using the full quota ensures as near as possible that under a list system each vote cast shall have a value and shall play a part in electing a representative to the Parliament. Restating the major difficulties that I visualize under this Bill, I point out, first, that the list system does not interpret voting with any accuracy. One could have a situation where a group in this Chamber could be controlling 63.4 per cent of the votes with only 49 per cent support in the community, and that does not interpret accurately the idea of one man one vote one value.

Secondly, the Bill does not interpret as near as possible a proportional representation system. Thirdly, the Bill has the defect that the vote of a certain number of people in the community will have no value whatsoever, those people being effectively disfranchised by what I call a rather quaint electoral device. Although they are the main matters I raise in my objection to this Bill, I should like to touch briefly on certain other matters. I believe that we should progress immediately to the situation where the Council reaches the proposed number of 22 members. To me, there is little reason why there should be a two-stage increase, that is, from 20 to 21 and then from 21 to 22. The proposed increase can be achieved in one election and should be achieved in that way in order to cover quickly the transitional provisions.

Next, I refer to the ability of the President to cast a deliberative vote. This is designed to allow the Council to achieve a constitutional majority that could not otherwise be achieved, but there are several difficulties here. Although I am not completely acquainted with the total British system, I believe that even here certain objections can be made. If one considers the American system in a sovereign situation, one finds that not only is a constitutional majority required: a two-thirds majority is required to pass a constitutional Bill. I suggest that providing the President with a deliberative vote only produces a situation where a simple majority may be converted to a constitutional majority, and that issue needs extremely cautious handling in regard to changing the Constitution Act in South Australia.

I repeat that I support the Bill at this stage but, as I have indicated, there is a need for careful consideration in the Committee stages, because this complex measure introduces a totally new method of voting in the Parliamentary system as we know it in Australia. As I have said, I support the list system because it is the only practicable way that one can achieve a proportional representation vote over the whole State of South Australia in regard to a House of 22 members. However, I reiterate my statement that in the Premier's policy speech the two issues of adult franchise for this Chamber and of one man one vote one value were tied together. Last year, we introduced a Bill that also would have introduced this proposal. As far as I am concerned, adult franchise can be achieved provided that we are completely satisfied that as near as possible we have an electoral system under which every vote cast in South Australia will not only have equal value but also will be counted and be seen to have equal value in the election of members to this Council. I support the second reading.

The Hon. M. B. CAMERON (Southern): I, too, support the second reading, but I must say that it seems to me that the issue at stake is not what the Hon. Mr. DeGaris may prefer in this matter or what I may prefer, or what any other members in this Chamber may prefer: surely the issue at stake is what the people prefer. The two Bills coming before this Chamber were passed without a dissenting voice in the House of Assembly, and surely we must take some notice of the fact that the people's House has shown what is clearly a majority opinion. Today I have been lobbied by a group called the League of Rights.

The Hon. D. H. L. Banfield: Tell us more about it!

The Hon. M. B. CAMERON: I received a telegram saying, "Will you stand with Mr. DeGaris today", signed Charles Gaitskell. I have not had time to answer Mr. Gaitskell yet, but the answer is "No".

The Hon. D. H. L. Banfield: He'll get the message.

The Hon. M. B. CAMERON: I think he will. I do not believe, and the Party I now represent solely in this House does not believe, that these Bills are necessarily tied together. In fact, I will support the Bill for adult franchise whether or not agreement is reached on the Bill for proportional representation, because, as the Minister has said quite rightly in this case (and I do not often support him), I do not believe that we can bargain with the democratic rights of the people of this State and, indeed, the people concerned have been left far too long without a vote.

I am amazed to hear that one of the arguments put forward by the Hon. Mr. DeGaris against the proposal for proportional representation is that a percentage of the population may be disfranchised. Surely to goodness we must first of all give those people the franchise, bearing in mind that 15 per cent of adult South Australians are without a vote for this Chamber, a situation that cannot continue any longer. Perhaps this system will lead to some depreciation of the vote of the minority in the community and it will be some sort of lottery, but I believe this will be fairer than the present system whereby people are denied a vote merely because they do not happen to own property or do not qualify for some other reason.

I should like briefly to look back on the record of these newly-formed democrats that I am hearing about in this Chamber. Quoting from a speech made by the Hon. R. C. DeGaris, I will leave out the section about full adult franchise because I do not wish to embarrass these

people too much, and, of course, that is the matter referred to in another Bill that will be considered later. The Hon. R. C. DeGaris said:

I do not quite understand that. It is like the expression "one vote one value"—I defy anyone to define it.

The Hon. Sir Arthur Rymill then said, "It is a galah cry!", and the Hon. Mr. DeGaris said:

It is. I may say openly that I agree with one vote one value as nobody can define it.

There seems to be a remarkable degree of definition in the last few days. What is meant by "This is a galah cry"? Are we trying to change this Bill that has been described as a "fiendish mongrel" into a "galah cry"? There seems to be an emotional turn of phrase being used in relation to this matter. This measure, of course, is supposed to make this Council more representative of the people. Frankly, I cannot see that the Government should find it necessary to take out votes that do not reach a quota, and I shall be interested to hear the reasons for that. Why should any vote be excluded from the count in this system? I cannot see that it affects the end result to any great degree. I, as a right-of-centre politician (and, as was pointed out to me in the last vote in this Council, of a different Party from the normal right-of-centre groups in this Council), hope I still retain some idealism. I do not believe that members on this side of the Chamber (I am speaking of the Liberal and Country League in this matter) should reject again full franchise for any idealism, because the Government has put forward this matter time and time again.

I entered this Council as a member of that Party on the basis of letting through the principle of full franchise and I do not believe I am in any way retracting or have retracted from it at any time since I have been in this Chamber. I shall watch the passage of the Bill with interest but shall have great difficulty in moving any amendments, because I have not a seconder in the Council—through no fault of my own.

The Hon. D. H. L. Banfield: You had two on one occasion, for a while.

The Hon. M. B. CAMERON: I did for a little while. We had what we call still-born members. We gave birth to them but the Minister should know that they did not breathe. It took us a lot of effort to get them that far, too. However, I will support the Bill for full adult franchise. I will examine any amendments. I trust the Government will not be too harsh in its treatment of the proportional representation Bill, because I believe some changes can be made. I am sure some people do not realize they are being disfranchised by their votes being excluded.

I fail to see why that provision should be in the Bill. I trust this Council will not attempt to go to the people on that issue. I cannot see how any Leader of the Opposition in another place can go to the people saying, "I and my Party voted unanimously for this measure. Certainly, there were no dissenting voices but now I believe we should have that election." I cannot see it happening. I believe the Bill will pass and the people of this State will at last receive what should have been theirs a long time ago—a vote for this Council.

The Hon. D. H. L. BANFIELD (Minister of Health): I want to find out how the Hon. Mr. DeGaris's heart bleeds for that 15 per cent or 10 per cent to 25 per cent of the people whom he says this Bill disfranchises, when for years prior to 1965 and 1966 his heart did not bleed for the 50 per cent of the people who were not allowed on the Legislative Council roll through the actions of members opposite. Now he is complaining of the fact that he claims (I do not agree with him) that 10 per cent of

the people may be disfranchised under this Bill. It took us until 1966 before we could get the spouses of the electors enrolled, because of the actions of members opposite who worry so much about someone not being able to vote for representation in this Council. How much concern did they show on those occasions when time and time again a Bill for full adult franchise was brought into this Chamber and was not backed by members opposite?

Today, the Hon. Mr. DeGaris tells us how worried he is about the small percentage of people who, he claims, will be disfranchised under this Bill. He points out the possibility of a Party receiving 49 per cent of the votes of the electorate getting 63 per cent of the members elected to this place. How his heart bled for those people who missed out for years under the Liberal and Country League system! In the 1973 elections the Australian Labor Party got 51.52 per cent of the votes cast for the Upper House; yet it has only a 30 per cent representation here. Whose fault is that? It is the fault of the Hon. Mr. DeGaris and his Party, who today claim that we must not disfranchise anyone, who today complain because a Party that might get 49 per cent of the votes cast could secure a 63 per cent representation in this place. What did the Liberal and Country League get in 1973? It got 39.79 per cent of the votes cast and it had 70 per cent of the members returned to this Chamber. Why the sudden change? The Hon. Mr. DeGaris has not told us why the sudden change has occurred. Is it at all likely that the stranglehold of his Party on this place is at last being weakened to some extent? Is that the reason for the change of heart? The Hon. Mr. DeGaris did not inform us on that point.

The Leader complains because a Bill that he introduced in the last session which was going to divide the State into two and was going to make things a lot different (much better, as far as the State was concerned) was defeated. He proposed by that Bill to divide the State into two, one country district and one metropolitan district, giving the same representation for each district; but, as the State was divided, 33 per cent of the people would elect 12 members and the other 66 per cent of the people would elect only 12 members, too. Today, the Hon. Mr. DeGaris's heart is still bleeding because a few people, he claims, may be disfranchised. Why did he not tell us of the change of heart? The Australian Labor Party has gone into this matter thoroughly. We believe this is the best system that can be devised to give the people as nearly as possible one vote one value. The Opposition's proposed amendment will not do any better than this Bill does at present. Whichever way we count the votes, there must be some people who, to some extent, are disfranchised. The people disfranchise themselves, because they know very well that, if they vote for an Independent or a member of a small Party, they have no hope of representation; so the people are disfranchising themselves at present under the Liberal Party set-up.

Already, 15 per cent of the people are disfranchised. We cannot be fair dinkum in saying that adult franchise is the ideal thing if we are going to attach strings to it. Anyone can say, "Yes, you are entitled to a vote; why should you not have a vote for the Legislative Council because it has as much control as the House of Assembly has"—actually, it has more control—"so you should have that right to vote provided you do certain things." Why that proviso? If a person is old enough to vote, he should be entitled to vote. If people are going to represent the electors and make laws for them which they must obey, we must allow them to have a vote and not attach strings to their voting rights; but this is not good enough for the Liberal and Country League. Its members have found that their

stranglehold is gradually being whittled away and this is a last-ditch stand to try to strangle the State again—the "permanent will of the people", as the Hon. Mr. DeGaris called it previously. He has said that the Upper House represents the permanent will of the people. It is true that it has been so ever since the inception of the Upper House, but this Chamber is now at an end and, the sooner members opposite realize that the people will not suffer this second-class citizenship which has been spoken of, the better. They must now give full adult franchise to the people in respect of the Legislative Council, and they must do it without any strings being attached. This Bill goes very near to any other system of giving people full franchise for representation in an Upper House. I support the Bill.

The Hon. T. M. CASEY (Minister of Agriculture): I do not want to speak at length on this Bill, because the Council is satisfied in its own mind exactly where it is going. I was extremely pleased to hear the Hon. Mr. Cameron say that he would support the measure and that it was high time the members of this Chamber realized that the Bill now before it would be more acceptable to the people in the community who for so many years had been disfranchised. I have spoken on a measure similar to this in another place many times and I have spoken on a similar measure in this place previously, and I consider that at long last this State will have some form of democracy in this Chamber.

I want to query some remarks that the Leader has made about the list system as it applies in this Bill. First, he states that the list system does not deny an elector the right to vote for the candidate of his choice. That is true. The only thing is that, under any system of election to any Parliament in Australia, the more complicated the system is made for the voters, the higher will be the number of informal votes.

We are trying to get a system whereby the people who elect us to Parliament will be given a system that will be as simple as possible. This system, the list system, will do this. If we look at the voting figures in this State at the most recent Senate election, which was held on November 21, 1970, we see that 609,268 people voted. The total number of informal votes was 42,306, or 6.94 per cent. Automatically, those people were disfranchised, because they cast informal votes, so nearly 7 per cent of the voters in this State disfranchised themselves at that Senate election.

The reason for this is that the system of voting at Senate elections is extremely difficult for the average voter. He must place a number in every square. The position becomes even more complicated on an Australia-wide basis, and particularly in New South Wales, which usually has a string of candidates for Senate elections. I have not the figures for that State and have taken only the figures for the whole of Australia. However, many people must have disfranchised themselves because they did not vote correctly, owing to the complication of the voting system for the Senate. At that Senate election 6,213,763 persons in Australia voted and the informal votes totalled 584,930, or 9.41 per cent.

The Hon. R. C. DeGaris: I remind the Minister—

The Hon. T. M. CASEY: Let me elaborate more on the figures that the Leader has given. He has cited a hypothetical case under the list system, and he must agree with me in that. I will quote figures that have been taken out as a factual experiment, based on the 1973 House of Assembly election, if we may use that as a guide. They are not hypothetical figures, such as the Leader has used.

He has claimed that we should not disfranchise 10 per cent to 25 per cent of the people of this State. I do not consider that that could happen. It may be possible, but I have serious doubts about it.

The Hon. A. F. Kneebone: It is a hypothetical case.

The Hon. T. M. CASEY: It is. Let us consider a factual case, where we can relate figures to the Parties that contested the election.

The Hon. M. B. Cameron: Do they include figures for the Liberal Movement Party?

The Hon. T. M. CASEY: That Party did not exist then. Some members had not quite made up their mind.

The Hon. M. B. Cameron: So, your case is hypothetical, too.

The Hon. T. M. CASEY: No, it is not.

The CHAIRMAN: Order!

The Hon. T. M. CASEY: Since then, the Liberal Movement Party has seen the light.

The Hon. M. B. Cameron: It has not come your way.

The Hon. T. M. CASEY: I would not expect it to, because it is very much right of centre and we are a centre Party.

The Hon. M. B. Cameron: Thank you.

The Hon. T. M. CASEY: At the 1973 House of Assembly election, 629,142 formal votes were cast. I have not the percentage of informal votes, and I should have got that. However, I think it was about 5 per cent. On that occasion the Australian Labor Party polled 324,135 votes, or 51.52 per cent. The Liberal and Country League polled 250,312 votes, or 39.79 per cent. The Country Party polled 24,810 votes, or 3.94 per cent. All the other Parties combined (that is, taken together with the Independents), obtained 29,886 votes, or 4.75 per cent. The Country Party, together with the other smaller Parties and the Independents polled 54,696 votes, or 8.69 per cent of the total, in the State.

The Hon. G. J. Gilfillan: Not all districts were contested.

The Hon. T. M. CASEY: That does not matter. I am using this as a factual experiment.

The Hon. R. C. DeGaris: Your figures are more hypothetical than mine.

The Hon. T. M. CASEY: This is not hypothetical, whereas the Leader's case was. The fact remains that the more complicated we make the system the more informal votes we will have. In the Senate election to which I have referred, the percentage of informal votes, because of the complicated system of voting, was 9.41.

The Hon. R. C. DeGaris: You must admit that the informal vote in Salisbury was 12 per cent.

The Hon. T. M. CASEY: The system set out in this Bill will not be complicated: it will be straight out. A person will vote for the candidate that he wants and we will not have the many informal votes that we have under the system adopted for the Senate. The Leader also stated that, if we adopted the system adopted for the Senate, that would be more equitable. At the Senate election to which I have referred, a gentleman named Harris stood under an education candidature. He was not elected to the Senate, but under the list system he would have been elected.

The Hon. R. C. DeGaris: It is not the list system: it is the percentage of the vote.

The Hon. T. M. CASEY: How can we agree with the Leader, who says one thing at one time, using a hypothetical case and quoting specifically that the list system does not measure up to the Senate system and does not give small Parties an opportunity? It is quite specifically shown in the list system that, if that method of voting

had been used, Mr. Harris would have been elected, and he was in one of the minor Parties. The Leader has claimed that, under the Senate system, the small groups would win election to Parliament. I am pointing out that Mr. Harris, under the Senate system, did not win election, whereas he would have been elected under the list system.

The Hon. A. F. KNEEBONE (Chief Secretary): I am amazed that we hear so much about the Opposition's attitude to this Bill and that we hear from the Leader such caustic comments on it, yet he is the only member of the Council on his side who has spoken, except the Hon. Mr. Cameron. I do not know whether it is embarrassment at the situation.

The Hon. Sir Arthur Rymill: I thought that you wanted the Bill passed speedily.

The Hon. A. F. KNEEBONE: There will be plenty of time today to get the Bill passed.

The Hon. Sir Arthur Rymill: We agree with it over here, also.

The Hon. A. F. KNEEBONE: Last year honourable members opposite were not in a hurry to talk about a Bill of this nature. We have heard so much talk from the Leader, yet none of his supporters has spoken on the Bill at all. The Leader spoke about a mandate, and I thought we would be given a discourse on that question, as was done on other occasions when the Government said it had a mandate. We have heard people pulling to pieces the question of a mandate and saying, "When you have a whole string of matters in your policy, you, in effect, have a mandate for nothing, because no-one voted for the whole of your policy." However, on this occasion we have a mandate. For as long as I have been a member of this Council our policy speeches have referred to adult franchise for the Upper House. So, we have a complete mandate. Last year some honourable members tried to get a Bill of this nature laid aside so that it could not be considered; they went on strike and would not speak on it. We eventually forced the situation, and a vote had to be taken on the Bill. The Hon. Sir Arthur Rymill was the only honourable member who seemed to have the situation in command; he realized that something had to be done in relation to it, and eventually the Bill was defeated.

The Hon. Sir Arthur Rymill: I do not think that is quite fair to my colleagues.

The Hon. A. F. KNEEBONE: The honourable member's colleagues did not deserve much credit on that occasion. Because the people knew that this was our policy, they eventually woke up to the situation, resulting in a great upsurge of people before the last election who wanted to be enrolled and to vote in Legislative Council elections. Since the last election I have visited various parts of the State and found people scrambling to be enrolled for Legislative Council elections under the present system, so that they can elect people to this Council who will give them what they desire in regard to the Legislative Council franchise. Most of the points raised by the Leader have been answered by my colleagues. The Leader has said that he wants to make sure that everyone gets an equal vote. What has happened here? It is only since the last election that the A.L.P. has had more than 20 per cent of the number of members in this Council.

The Hon. D. H. L. Banfield: We had only 20 per cent prior to the last election.

The Hon. A. F. KNEEBONE: Yes, and the other Party had 80 per cent of the members, although it received a smaller vote than did the Labor Party. It amuses me to hear the Leader adopting a "holier than thou" attitude in regard to this Bill; he says that it has to be a perfect vote



on this occasion. I am convinced that we cannot get a perfect electoral system that gives an absolutely even vote; I agreed with the Leader when he said that some time ago.

The Hon. R. C. DeGaris: But you can get as close as possible.

The Hon. A. F. KNEEBONE: That is what we are trying to do. The Hon. Mr. Cameron referred to the Leader's statement made during the week before last when he looked at what was reported in the press as a result of the Premier's statement and said, "This is what we have wanted all the time. We have been advocating proportional representation for the whole of the State; all we have to do is dot the i's and cross the t's, and we will then have a perfectly fair system." However, today the Leader has pulled the Bill to pieces and plucked out of the air a hypothetical example and said, "This will do such and such." However, the only way we can arrive at the hypothetical result that the Leader has dreamed up is by having a great proliferation of small Parties and Independent candidates, and that is not likely to happen in this case. My Ministerial colleague has referred to a couple of examples. I have looked at the recent election results and found that the situation that the Leader referred to was not arrived at. Further, I cannot find a situation that matches anything near what the Leader put up. If one refers to the electoral history of this State, one cannot find an actual situation that matches the Leader's hypothetical situation.

The Hon. R. C. DeGaris: What about 1938?

The Hon. A. F. KNEEBONE: I shall recount the history of 1938. In that year, as a result of the Parliament voting itself an extension of its term of office from three years to five years—

The Hon. T. M. Casey: It was a Liberal Government.

The Hon. A. F. KNEEBONE: —the electors rose up and elected Independents to Parliament in greater numbers than had ever been done before in this State, and that is what should have happened. Although I have not looked at the 1938 figures, I do not believe that even they go as far as does the Leader's hypothetical example. The Leader evidently has to go back to that situation in an attempt to justify what he has put forward. As I said before, we cannot achieve a perfect electoral system, but the system proposed in this Bill has been used overseas and proved effective there.

The Hon. R. C. DeGaris: Where?

The Hon. A. F. KNEEBONE: In Europe.

The Hon. R. C. DeGaris: No. The only country that has used it is Guiana and, if you want to follow the policies of that country, good luck to you!

The Hon. A. F. KNEEBONE: The system proposed in this Bill exists overseas. This system brings the prescribed number below 5 per cent.

The Hon. R. C. DeGaris: There is no case of a whole House being elected in that way.

The Hon. A. F. KNEEBONE: I was under the impression that the Leader was leading members who were quite concerned about this Bill, but apparently my impression was incorrect, because the only two non-Government speakers have been the Leader and the Hon. Mr. Cameron. The only point raised by the Hon. Mr. Cameron was a minor one; he supported the rest of the Bill. I remind the Leader and other Opposition members that the Bill in its present form was carried without a dissentient voice in another place.

The Hon. T. M. Casey: By their colleagues.

The Hon. R. C. DeGaris: This Bill?

The Hon. A. F. KNEEBONE: Yes.

The Hon. R. C. DeGaris: But the Opposition moved amendments.

The Hon. A. F. KNEEBONE: Amendments were moved, and one has been incorporated in this Bill.

The Hon. R. C. DeGaris: I assure the Minister that the Bill will be carried here without a dissentient voice, too.

The Hon. A. F. KNEEBONE: I am pleased to hear the Leader say that.

The Hon. R. C. DeGaris: At the second reading.

The Hon. A. F. KNEEBONE: If that is the case, I shall conclude my remarks.

The PRESIDENT: As this Bill amends the Constitution Act and alters the constitution of the Legislative Council, the motion for the second reading must be carried by an absolute majority of the whole number of members of the Council. In accordance with Standing Order 282, I have counted the Council and, there being present an absolute majority of the whole number of the members of the Council, I put the question: "That this Bill be now read a second time". For the question say "Aye", against say "No". The "Ayes" have it. I declare that the second reading is carried.

Bill read a second time.

In Committee.

Clause 1—"Short title."

The Hon. A. F. KNEEBONE (Chief Secretary): At the commencement of this session I stated my intention regarding the constitutional Bills before us and, in line with what course I said that I required to be followed, I ask that progress be reported and that the Committee have leave to sit again.

The Hon. SIR ARTHUR RYMILL: [ find it passing strange that the Government is holding pistols at our heads, trying to make us pass these Bills without all the consideration we would like to give them, and that, our having considered them as quickly as we could, the Government now wants to delay the passage of this Bill. I cannot understand it. There seems to be some political objective behind this. I do not propose to vote that progress be reported, because I think we ought to go straight through with the Bill just as the Government has asked us to do.

The CHAIRMAN: Order! Standing Order 371 states that, when a motion to report progress and for the Committee to have leave to sit again is moved, the motion shall be decided without discussion. I therefore put the question: "That the Committee report progress and have leave to sit again".

The Committee divided on the question:

Ayes (7)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. I. Shard.

Noes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, Sir Arthur Rymill (teller), V. G. Springett, and C. R. Story.

Majority of 4 for the Noes.

Question thus negatived.

Clause passed.

Clauses 2 to 4 passed.

Clause 5—"Number of members of Legislative Council."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

In new section 11 (1) to strike out "(4)" and insert "(3)"; in new section 11 (2) to strike out "(4)" and insert "(3)", to strike out "and until the day on which the second periodical election next after the commencement of the Constitution and Electoral Acts Amendment Act, 1973, is held," and to strike out "twenty-one" and insert "twenty-two"; to strike out new section 11 (3); in new section 11

(4) to strike out "(4)" and insert "(3)" and to strike out "(1), (2) or (3)" and insert "(1) or (2)"; and in new section 11 (5) to strike out "(5)" and insert "(4)".

The amendments have been distributed. The amendments will ensure that the increase to 22 will take place at the first election. I said in the second reading debate that I thought it was unnecessary to increase the number from 21 in the first election and then to 22. The amendments will ensure the increase to 22 may occur as a result of the election of 12 honourable members at the first election and that the last one so elected will be elected only for a three-year term. If the Government insists that there should be a step from 20 to 21 and then to 22, I am willing to withdraw my amendments. However, I believe my amendments provide a more practical way than is provided in the Bill.

The Hon. A. F. KNEEBONE: I have seen these amendments for a few moments before entering the Chamber, but I have not considered them completely. My colleagues have not seen them, and I ask the Leader to agree to report progress to allow them time to consider them.

The Hon. R. C. DeGARIS: The Government has asked that these Bills be expedited, and we are doing our best. A copy of the amendments was made available to the Government.

The Hon. A. J. SHARD: Aren't we part of it? I have not seen them. We don't do as we are told all the time.

The Hon. R. C. DeGARIS: A copy was made available to the Government. If the Government objects to the idea of going immediately to 22 members, I believe the amendments should not proceed. We have a Minister in charge of the Bill: no doubt he has received his instructions and knows the Government's viewpoint on this matter. In order to proceed expeditiously, I do not think progress should be reported.

The Hon. A. J. SHARD: I take strong exception to what the Leader has done, and if the position were reversed and we had the numbers to put it over the Leader as he is trying to put it over us, hell would break loose. Whilst I appreciate what the Government has done, I shall not vote blindly for it, and I wish to consider the three foolscap sheets of amendments in order to make up my mind what I should do. Without considering them, how can I be expected to know what these amendments mean and to cast a vote?

The Hon. Sir Arthur Rymill: That is what you are asking us to do on everything.

The Hon. D. H. L. Banfield: Rubbish! The Bill did not come into it, and members opposite know that.

The Hon. Sir Arthur Rymill: Of course it does.

The Hon. A. J. SHARD: Last Thursday this Chamber was gracious enough to allow the Leader the weekend in which to consider the Bill. All we are seeking is a short period so that we can examine the amendments and see what they mean. A member opposite said a pistol was being held at Opposition members' heads: a cannon is being held at ours. If we are not allowed time to study the amendments, Hitler was only an apprentice!

The Hon. M. B. CAMERON: Not having seen these amendments, I would like the chance to consider them, because I may consider that I should support parts of them. However, I cannot do that without having received advice. These amendments seem to be drawn up in a way that perhaps only a lawyer can understand, so I should like to receive advice on them.

The Hon. R. C. DeGARIS: The first is simple and deals with the question whether we step straight to 22 members in the election or, as provided in the Bill, we

step to 21 and then to 22 members. The amendments were provided to the Premier many hours ago—

The Hon. D. H. L. Banfield: How many?

The Hon. R. C. DeGARIS: Fifteen. Much pressure has been applied to the Council to deal with the matter expeditiously. I think the amendments correct several defects in the Bill, and I cannot understand why the Government, at this stage, should wish to report progress on such a simple matter. The Government has had its chance to examine the amendments, and it should be able to proceed.

The Hon. A. F. KNEEBONE: The Leader knows the wishes of the Government about these constitutional Bills. The franchise Bill was introduced first in another place, and was passed quickly with little debate, because it was realized that similar Bills had been introduced on more than one occasion previously. We introduced it in this Chamber, and the same procedure as was followed in another place was followed here: the franchise Bill was introduced first, and the Bill to amend the Electoral and Constitution Acts was then introduced. The Leader has shown several times that he is not willing to give the people of this State the sort of franchise they want, unless it is on his terms. He now seems to be using extra pressure and leverage on the Government.

The Hon. Sir Arthur Rymill: What was that statement you read? If there was pressure on this Chamber, that was it.

The Hon. D. H. L. Banfield: He merely gave a clear indication.

The Hon. A. F. KNEEBONE: This seems to be pressure being used in relation to this Bill so that members can make up their minds whether they pass the other Bill. The only reason we are not given the right to discuss the other Bill is that some honourable members are scared that they will not get everything they want out of this Bill if they pass the other one. Opposition members have had the whip hand in this Chamber for as long as I can remember, even going back to my father's time here, and they are fighting to the last ditch. Opposition members are suggesting amendments in this Bill and they also wish to amend the other Bill, so that, if conference is granted on this Bill, honourable members will say, "O.K., you give us what we want in this Bill, or we will not give you what you want." That is the reason for the Opposition's attitude now. I point out to the Leader that what he is doing now is giving us grounds to go across the road to Government House immediately and ask for a double dissolution.

The Hon. D. H. L. Banfield: We should've fixed it up while we were there this afternoon.

The Hon. A. F. KNEEBONE: The Leader is refusing to deal with the adult franchise Bill. If he continues in the present vein, he is virtually asking us to go across the road. If I had stayed in the job I had before I entered Parliament, I would have retired before now, so it does not worry me if there is a double dissolution and if my term as a member thus ends, as I will retire at the next election. Another election does not worry the Leader, as he is in the safe Southern District, as is the Hon. Mr. Springett. However, I can tell other members that, if the Leader's actions lead to a double dissolution, those members will not be here after the next election. I want members to know what they are doing; the course the Leader is taking is giving the Government grounds to call for a double dissolution.

Members are delaying the passage of the adult franchise legislation, despite the fact that we have asked them to deal with it. Members have spoken on that matter so

often that I can almost repeat what they have said on other occasions. They have no reason for taking the course they are taking other than the hope that they may gain some leverage in respect of amendments passed to this Bill to use on the Government in relation to the other Bill. Honourable members know that they have used every argument possible in relation to the adult franchise measure; all they want to do is delay that Bill. We have warned members about causing a delay. We have said that if they do not agree to consider that Bill and pass it they will be denying the vast majority of people in South Australia the right to adult franchise, because we have a mandate for this legislation. Members need not try to say that this Bill can be distinguished from the mandate we have for other legislation.

The Hon. R. C. DeGaris: That's what I've said all along.

The Hon. A. F. KNEEBONE: The mandate we have for the adult franchise legislation is clear, as our reference to this legislation has stood out like a lighthouse in our policy speeches over the years. This may be the only item of policy that has not altered at all over the years. People who have voted for the Labor Party at earlier elections and at the last election know that our main policy has been for adult franchise for this Chamber and that that policy has not changed over the years. By delaying the passage of the adult franchise Bill until they can have their wishes granted on this Bill, members are now refusing to recognize this mandate. By this means they are giving us the grounds to go across the road. I hope members realize what they are doing.

The Hon. G. J. GILFILLAN: What the Chief Secretary has said is more about another Bill than about the one before us. Does he know that the Premier, at a press conference on the steps of Parliament House, has revealed that the Hon. Mr. DeGaris went to the Premier's home last evening with a copy of the amendments?

The Hon. T. M. Casey: At half-past one?

The Hon. R. C. DeGaris: No, at half-past seven.

The Hon. D. H. L. Banfield: It must be half-past one, because you said 15 hours.

The Hon. G. J. GILFILLAN: The Chief Secretary knows precisely what is in the amendments, and he is merely employing a tactic by his refusal to debate them. Members on this side are willing to press on with the Bill. If members opposite do not know what is in the Bill, I suggest they see the Premier.

The Hon. A. J. Shard: We don't know what is in the amendments; we know what is in the Bill.

The Hon. G. J. GILFILLAN: Yes, the amendments.

The Hon. D. H. L. Banfield: The Premier couldn't call us together at half-past one.

The Hon. G. J. GILFILLAN: It was not half-past one.

The Hon. D. H. L. Banfield: The Leader said it was 15 hours ago.

The Hon. G. J. GILFILLAN: It was half-past seven, after most people have returned home from work. During the last three days of last session, I think we passed 24 Bills. Our members worked diligently then on very complex legislation. However, in this case, although amendments were put in front of the Premier some hours ago, Government members are trying to stall on this Bill as some sort of tactic. This is rather amazing, especially when there is an accompanying threat to members with regard to another Bill that is distinctly different. I think the Government may be sorry that it is doing this.

The Hon. T. M. Casey: The Leader said the Bills were tied together. Now you say they are different.

The Hon. G. J. GILFILLAN: During the last few weeks, I have travelled quite extensively in country and metropolitan areas, and I believe the Government could sorely rue the day that it called for a double dissolution, if that is the action it takes.

The Hon. D. H. L. Banfield: We'll take a chance.

The Hon. G. J. GILFILLAN: Yes, and I assure members that is what they will be taking.

The Hon. Sir ARTHUR RYMILL: Some most serious threats have been made, and I do not like threats very much. However, I suppose one has to accept them. I believe that the Chief Secretary has gone far beyond the pale in talking about going across the road if we will not consider another Bill at this very minute—4.40 p.m. The Bill to which the Chief Secretary has referred was introduced last Thursday. As the Government seems to be in a terrible hurry about this Bill, we gave the Chief Secretary the right to go on with it, by our agreeing to the suspension of Standing Orders so that it could pass its remaining stages. If we had followed the normal procedure laid down by our Standing Orders, the Bill would have been read a first time and adjourned until today, when the Chief Secretary would have given his second reading explanation. According to normal procedures, the debate would then have been adjourned until tomorrow for the Leader of the Opposition to reply. Then the debate would have taken several days while various members spoke. It would have gone into the Committee stage and, after that, been delayed another day for the third reading. How on earth can the Chief Secretary expect anyone but a child to believe that the Governor could grant a double dissolution because we did not today pass a Bill which was introduced only last Thursday and which under normal procedures could not possibly have been passed until the week after next?

The Hon. T. M. Casey: Dear me, you're going back to the 18th century.

The Hon. Sir ARTHUR RYMILL: I know that the Minister does not have a deep intellect with regard to Standing Orders.

The Hon. D. H. L. Banfield: You were ruled out on Standing Orders this afternoon.

The Hon. Sir ARTHUR RYMILL: I suggest that he look at Standing Orders, because I have stated absolutely correctly what is laid down in Standing Orders. The Chief Secretary had to get Standing Orders suspended to do what he has done; otherwise, he could not have had the second reading stage of the Bill commenced until today. Assuming the Bill passed the second reading today, according to Standing Orders he could not have had it read a third time until tomorrow.

The Hon. D. H. L. Banfield: That wouldn't have been next week.

The Hon. Sir ARTHUR RYMILL: These Standing Orders are designed to allow members to express, over a period, their views. The Hon. Mr. Shard said an Opposition member spoke about pistols: it was I. Government members do not mind pointing pistols at our heads, but when they get their own medicine in return they do not like it: they squeal like stuck pigs. They cannot take what they give. I suggest the Government let the Bill go through, as it has urged us to do, and then proceed to put the other Bill through. Then it can consider whether or not to go across the road.

The Hon. T. M. CASEY (Minister of Agriculture): I will admit, as I think Sir Arthur Rymill would admit, that no-one in the Chamber knows all the Standing Orders. He has made mistakes in his day.

The Hon. Sir Arthur Rymill: Plenty of them.

The Hon. T. M. CASEY: We had only two contentious Bills to debate in this Parliament; the Bill we are now dealing with, and the adult franchise Bill, a Bill on a subject we have debated since time immemorial. If everyone here spoke on that Bill it would be only to say what has been said over and over again. What is the use of debating something that has been fully debated? It has always been the prerogative of the Council to have only one speech a day on each matter, and this is absolutely disgusting. When I came into the Council from another place I was confronted with this type of "look-see" at legislation, which amazed me. We have a job to do here; let us get on with it. I consider that Standing Orders should be streamlined to allow us to deal with legislation rather than go through the paraphernalia handed down as tradition. Instead of having one speech a day we could have a dozen so that we could deal with legislation.

The Hon. A. F. Kneebone: Standing Orders do not say there can be only one speech a day.

The Hon. T. M. CASEY: But that is the way the Opposition interprets them. If the Government wishes to do something about their actions, members opposite take the business out of the hands of the Government. It is exactly what is being done now. The Government has asked that progress be reported, and I do not know how Opposition members expect back-benchers, the Minister of Health and me to voice an opinion on amendments we have just received. I received my first indication during this debate that the Bill was to be amended, and I cannot believe that the Opposition would expect us to consider the amendments, as it is not in the best interests of Parliamentary procedure. I wish to have time to discuss the amendments with my colleagues to see what we shall do. If we ask this Chamber to report progress I can see no earthly reason why the application should not be granted. After all, we are the Government. What is the Opposition trying to do: dominate the Government as it has done in the past? We have the example of the fiasco created during the last session when we introduced a Bill and no vote was taken. The Opposition took the business out of the hands of the Government then, and at 9.30 a.m. the Hon. Sir Arthur Rymill entered the Chamber after we had been sitting all night and asked what we were doing in here and why we had not voted, so members opposite voted the Bill out. Sir Arthur does not sit at nights. He likes his supper. We had to wait until he came back.

The Hon. Sir ARTHUR RYMILL: I must ask that the statement that I do not sit at night be withdrawn. It is totally untrue.

The CHAIRMAN: Objection has been taken, and accordingly I ask the Minister to withdraw.

The Hon. T. M. CASEY: Yes. I would say quite categorically that Sir Arthur does sit occasionally at night, but very occasionally.

The Hon. Sir ARTHUR RYMILL: Mr. Chairman, I object to that. It is totally untrue and I ask that the honourable member withdraw that remark.

The CHAIRMAN: I must ask the Minister of Agriculture to withdraw that remark.

The Hon. T. M. CASEY: Very good, Mr. Chairman. I withdraw that remark.

The Hon. C. R. STORY: When I came into this Council nearly 20 years ago there were a few ethics, a few things people believed in, and these have been carried down. Two members followed me into this Council; one was the Hon. Mr. Shard who, for a number of years, represented the Government as a Minister in this place and played a

great role, and the other was the Hon. Sir Arthur Rymill. I have clear recollections of our early days in this place where we had a code of ethics delineating the way in which Bills would pass through this Council.

At one stage when I was a Minister in this Council I wanted to put through a most important measure and my honourable friend Mr. Shard stood on his hind legs and said, "You have not waited long enough. You wait for the precise time." I did not press it in any way, although I had the numbers; I waited until I could get my money Bill through. This honourable Johnny-come-lately Casey, who has been here virtually about 24 hours, talks about Sir Arthur Rymill not having served properly in this Parliament. That is too ludicrous even to be recognized by *Hansard*, and it should be struck from the record. Sir Arthur Rymill has been an excellent member of this Parliament and has given a lifetime of service to the City Council and to the various enterprises of which he is chairman, and so on. For the honourable gentleman to say what he did about Sir Arthur is very paltry. I remind Government members that, as recently as four years ago, such matters were ruled out of order when a Minister tried to get them through the Council with undue haste, and they were ruled out by those people who are now sitting on the Government front bench (and one on the back bench) in this place.

The Hon. D. H. L. Banfield: We have never been the President to rule anything out. The President gives the ruling.

The Hon. C. R. STORY: They have been ruled out of order by a gentlemen's agreement, something the Minister would not know much about.

The Hon. D. H. L. Banfield: Would you? The honourable member has read it somewhere.

The CHAIRMAN: Order! Comment must be confined to the matter before the Chair.

The Hon. C. R. STORY: What has been said was most unkind, it was untrue, and I support the statement that we have never pushed legislation through this place. However, it is quite untrue to say that we had only one speech a day. If we ever did so it was because we were waiting for the long-winded guff from another place.

The CHAIRMAN: Before the Hon. Mr. DeGaris speaks, it has been reported to me that the interruptions from the gallery are interfering with members' hearing. I do not wish to have to take action regarding the gallery, and I ask for proper behaviour.

The Hon. R. C. DeGARIS: We were discussing my amendment to clause 5. I shall refer to a letter I received from the Premier which would indicate what the Government's attitude to my amendment should be. The letter states:

I refer to our conversation of yesterday evening and am now in a position to place some matters that have been considered by my colleagues before you.

I ask that that be noted. The letter continues:

For convenience I will discuss the matters in relation to a paper "Notes on amendments to be moved by the Hon. R. C. DeGaris, M.L.C." a copy of which is attached hereto. As the Premier has made a big stand on the question that both Bills must be handled expeditiously, I took the opportunity last night of presenting to the Premier a copy of the amendments I would be moving today, in an attempt to expedite the passage of these Bills through this Council. In relation to the amendments to clause 5, the Government's notes read:

The Government does not agree with these amendments and desires that the "stepped" increase in the number of members of the Legislative Council be provided for as is in the Bill.

That is the official Government attitude towards these amendments, determined by a conference of the Premier's colleagues this morning. That being the case, I am quite willing to agree to the Government's request on this. I moved these amendments because I believed it would be better and more efficient, as well as easier to understand, if the Council immediately increased to 22 members. The Government insists that it be a stepped increase. This point does not have a great bearing on the total issue. The viewpoint of the Government is that in a proportional representation system the number elected at each election should be an odd number, and there is some reason for that. In my opinion, the move straight to 12 in a total increase to 22 is the only time an even number would be elected, but the Government insists on its view that the increase should be in two stages, 11 in one election and 11 in the next. On balance it is not a tremendously important question. The purpose of my amendment was to make easier the transition from 20 to 22. As I have put for the Chief Secretary the Government view, as it has been provided to me, I have pleasure in withdrawing the amendments to clause 5. There is argument both ways, and I do not intend to insist. I now seek leave to withdraw my amendments.

The Hon. A. F. KNEEBONE: First, I shall reply to what the Leader has said. Certainly he did approach the Premier last night regarding the amendments he proposed to move. These were considered in detail by the Premier and a committee of members. That took most of the morning, so I was not able to get my colleagues together to discuss the matter with them and to acquaint them with the comments that had been made on the Leader's amendments.

The Hon. Sir Arthur Rymill: They would never go against them. They would get the sack if they did.

The Hon. D. H. L. Banfield: Are you speaking from experience?

The Hon. A. F. KNEEBONE: It is not true, of course, that Government members in this Chamber get the sack if they do not support the Government's view. However, people are disciplined in the Opposition area, as we well know.

The Hon. D. H. L. Banfield: They have to sign a pledge.

The Hon. A. F. KNEEBONE: I have heard that before as regards controlling and making members vote a certain way. It happened here and in the other House, where members voted against their Party and those members disappeared from the scene. Let us look at it in that light, the control of members of Parliament by their Party: that is what happened and that is what happens in every Party that I know of, so let us not talk about people being forced to sign the pledge. I noticed statements made about the Opposition Party in the last few months and what action was taken there to see that no member of the other Party got into any of its meetings. Members who are members of Parliament have been asked to indicate whether or not they still remain members of another organization, so let us not talk about people not being allowed to vote.

True, these amendments have been considered by the Premier and a committee appointed by our Party to look at the franchise but I am telling the truth when I say that the honourable members behind me did not see these amendments until they came here today. That is the situation. In fact, I myself did not see them until today. It is apparent that the Opposition intends to bulldoze the Bill through and nothing I may add can evidently convince it that it should report progress, so that we may

deal with the other Bill. At the commencement of today's business, I clearly stated what the Government wanted, and it is evident that the Opposition is using its numbers in this Chamber to take the business out of the Government's hands. No Government can accept this situation for long, that an Opposition can take the business out of the Government's hands. No Government can operate under a system where the Opposition takes the business out of the Government's hands. In this case, we told members of the Opposition that we desired to deal with the other Bill, which was accepted by Opposition members in another place and passed unanimously at every stage in a very short time. I cannot see why the Opposition in this Chamber cannot act likewise, except that its members want to use this as a lever to force their will on the Government in regard to this Bill. I have pleaded and I have asked previously that progress be reported. After speaking and listening to others speak, I again ask leave to report progress.

The CHAIRMAN: The question before the Chair is "That the Leader have leave to withdraw his amendments".

Leave granted; amendments withdrawn.

The Hon. A. F. KNEEBONE: I now ask the Committee to report progress and have leave to sit again.

The CHAIRMAN: I put the question: "That the Committee report progress and have leave to sit again."

The Committee divided on the question:

Ayes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 5 for the Noes.

Question thus negatived.

Clause passed.

Clause 6—"Qualification of Member of Legislative Council."

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

To strike out "passage 'at least thirty years of age' and" and insert "word 'thirty' and inserting in lieu thereof the word 'twenty-five'"; and to strike out "inserting in lieu thereof the passage 'of the age at which he is entitled to vote at an election for a Member or Members of the House of Assembly'."

This is a simple amendment that can be dealt with quickly. It is in line with the present Statute dealing with jury service.

The Hon. A. F. KNEEBONE: The Government's policy in regard to the age of majority is well known. Therefore, I oppose the amendment.

The Hon. A. J. SHARD: I want to make clear my position in this matter. In the course of debate, when we stated that amendments had just now been put before us, someone said, "You have to vote for these amendments, or you will get the sack." That is not true. As a member of the Government, my attitude always has been to support a Bill as it has left another place and, until I have examined these amendments or discussed them with my colleagues, I will take that attitude and vote against all amendments, because I know nothing about them.

Let me hasten to say that this amendment is brief and that I oppose it, in any case. However, I want to say that I do not vote under threat of being sacked. Most honourable members here will realize that in this Chamber I have always supported a Bill as it has left another place, unless there has been consultation between the Government and the people concerned, resulting in an amendment being moved and in the Government's supporting it. When

an amendment such as the one now before the Committee is placed before me, until I know what the amendment does and what it means, I will vote against it in any circumstance.

The Hon. F. J. POTTER: I do not intend to vote for this amendment. I intend to vote for the clause as it came to us in the Bill from the House of Assembly. We debated this matter in the Fortieth Parliament, when I supported reducing to 18 years the age at which a person qualified to be entitled to stand for election to this Council and to vote for the Council. I have dealt with that matter on two occasions and I do not think any more need be said. However, I point out to honourable members that, since we last debated the matter in this Chamber, the Victorian Parliament has considered it and has reduced the age of qualification to be elected to the Legislative Council in Victoria to 18 years.

The Hon. D. H. L. Banfield: What about the other States?

The Hon. F. J. POTTER: I have not checked on the other States but that is what has happened in Victoria since we debated the matter and it is in line with the policy that I have espoused already.

The Hon. M. B. Cameron: Mr. Chairman—

The Hon. R. C. DeGARIS: If I speak before the Hon. Mr. Cameron, that may solve the problem. I seek leave to withdraw the amendment, in the light of the statement by the Hon. Mr. Potter, who obviously opposes the amendment. The Hon. Mr. Potter has said that he will support a reduction of the age to 18 years and, if I have leave to withdraw the amendment, that may facilitate the Committee's work.

Leave granted; amendment withdrawn.

Clause passed.

Clause 7—"Term of service of Legislative Councillors."

The Hon. R. C. DeGARIS: The amendments to this clause that I have on file are consequential on my amendments to clause 5, on which I actually put the Government's viewpoint. Consequently, I seek leave to withdraw the amendments to this clause.

The CHAIRMAN: The honourable member has not moved the amendments, so he cannot withdraw them.

Clause passed.

Clause 8—"Periodical retirement of Legislative Councillors."

The Hon. R. C. DeGARIS: I think the amendment to this clause that I have on file also is consequential.

Clause passed.

Clauses 9 to 11 passed.

Clause 12—"Quorum of Council."

The Hon. R. C. DeGARIS: If I may speak on clauses 12 and 13 together, I say that I oppose these clauses. They seek to give the President in this Chamber and the Speaker in the House of Assembly a deliberative vote to achieve a constitutional majority. As I stated in my speech on the second reading, this provision changes totally the constitutional position that has existed in this State for many years and I consider that it is contrary to the accepted principle involved in developing the British Parliamentary system.

I also remind the House that we are dealing here with a sovereign Constitution that can be altered only by Act of Parliament in this State, except in relation to certain matters which, by the Constitution, must be referred to the people at a referendum. In America, not only a constitutional majority but a two-thirds majority is required before the Parliament can alter the Constitution. Therefore, I consider these provisions in this Bill unnecessary and I oppose clauses 12 and 13.

The Hon. A. F. KNEEBONE: We think that this is an important provision, although we may consider a suggestion that it be used only in relation to section 8 of the Constitution Act, which requires a constitutional majority. We could consider something like that, but the Leader has not suggested that, so we must insist on the present provisions until some other suggestion is made.

The Hon. D. H. L. BANFIELD: At 4.25 p.m. I received a sheet headed "Constitution and Electoral Acts Amendment Bill (No. 3), 1973. Amendments to be moved by Hon. R. C. DeGaris, M.L.C.". I have not had a chance to look at these amendments or to study them. I see on the sheet regarding clause 12, "Clause 12, page 5, oppose this clause." I think the Hon. Mr. DeGaris has told an extremely good story and that we should consider what he has said. In line with the honourable member's proposal, I suggest that we should consider this clause.

After all, this is a House of Review and, as I have said, we have only just received this list of amendments at 4.25 p.m., although the Hon. Mr. DeGaris has assured me that they were given to the Premier 15 hours earlier than that, which takes the time into the stealth of night, about 1.30 this morning. I ask the Chief Secretary whether he will ask that progress be reported at this stage to give me the opportunity to see what the Hon. Mr. DeGaris means by "Clause 12, page 5, oppose this clause," on the sheet that I have been given. I want to see whether that fits into the Bill and, if we report progress, I will have a chance to consider the matter.

The Hon. A. F. KNEEBONE: I do not know what is the attitude of the Opposition regarding this matter or whether my colleague has been more eloquent than I have been in trying to have progress reported. However, to test the feeling of the Committee again, I ask that progress be reported.

Question negatived.

The Hon. F. J. POTTER: We are dealing with clause 12, and clause 13 enacts a somewhat similar provision regarding the House of Assembly. I regard the subject matter of clause 12 and clause 13, as being of almost paramount importance. In some ways it will have an effect far more important ultimately in this place than whatever system of proportional representation may be hammered out at later stages of the Bill. This provision attempts to deal with a difficulty that will confront the Government in presenting for Her Majesty's pleasure any constitutional Bill from now on. It seeks to get over the difficulty that is set out in section 8 of the Constitution, which provides that no Bill may be presented for Her Majesty's assent which alters the constitution of the Legislative Council or the House of Assembly unless the second and third readings of that Bill have been passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Council and of the House of Assembly respectively, and that every such Bill is to be reserved for the signification of Her Majesty's pleasure thereon. The latter part, about reserving the Bill for Her Majesty's assent, is not of any great importance today, because it is a relic of the old colonial system, and it will not really make any difference, because we all know that Her Majesty will assent to any Bill if she receives the advice of Her Ministers to that effect.

The important thing is that the Bill, although passed in this place, cannot go to the Governor for transmission to Her Majesty without the second and third readings being passed with the concurrence of an absolute majority of the whole number of members of the House. This is the

problem that faces us, and it is very likely that, with the new system in operation, it will be necessary for the concurrence of the President or the Speaker to be granted in regard to a Bill to alter the Constitution before it can go to Her Majesty. This raises two questions that we should consider very carefully; the first question is whether it is a fit and proper thing for the Presiding Officer of this place to be given a deliberative vote rather than a casting vote, because that is all that he has enjoyed up to the present.

The second of the two questions is this: what are the appropriate procedures that ought to be adopted in any Parliament when it comes to the question of altering the Constitution, usually a document or Statute which is regarded with much veneration by most citizens and which should not be altered lightly? Turning to the first of the two questions, I have made a brief examination of the constitutions of the Parliaments in Australia and overseas. As one might expect, no firm pattern arises, but in the Victorian, Tasmanian and New South Wales Legislative Councils the President has only a casting vote. This is in line with what has existed in South Australia. In the House of Representatives the Speaker is allowed only a casting vote, but in the Senate there is no casting vote allowed to the President; it is a deliberative vote only. One may say that that supports the Government's argument but, of course, the Senate is a States House, and the reason why a deliberative vote, not a casting vote, was given to the President of the Senate was to preserve the equality of voting of the States. So, a special reason existed in that Chamber for the change from the normal pattern in Australia.

So, we are making a very radical departure here by passing clauses 12 and 13. I made a brief examination of the situation overseas; in Canada there is only a casting vote for the Presiding Officer, but in the House of Lords a deliberative vote is given to the Presiding Officer, the Lord Chancellor, and no casting vote at all. The rule in the House of Lords is that the actual vote of the Presiding Officer is taken first, before any vote is sought from any other member. Of course, the way the vote is taken in the House of Lords is different; instead of the votes being called Ayes and Noes, as we call them here, they are called Contents and Not-contents. The rule is that, if the Contents and Not-contents are equal, the question is, according to the ancient rule of law *semper praesumitur pro negante*, resolved in the negative. In other words, where there is an equality of votes, it is always presumed to go in the negative. Having consulted Jefferson's Manual, I find that in the Congress of the United States of America the following rule applies:

The voice of the majority decides; for the *lex majoris partis* is the law of all councils, elections, etc., where not otherwise expressly provided. But if the House be equally divided, *semper praesumitur pro negante*.

In other words, the author is again quoting the ancient law. We are here, for the purposes of obtaining the necessary Royal consent to a constitutional Bill, going to depart from very long-established traditional practices laid down not only at common law but also in statute law and in rules of procedure that have existed over many hundreds of years. We are doing it precisely to overcome a difficulty in section 8 of the Constitution. Therefore, on that question alone I think we ought to pause and be careful to consider whether this provision should be carried.

The Hon. D. H. L. Banfield: Move that progress be reported.

The Hon. F. J. POTTER: I am not ready to report progress yet. There is another question to look at, and that is whether or not, in circumstances particularly of an alteration to a Constitution, this procedure should be adopted—a procedure really of expediency rather than of principle. We all know that the Australian States have their own Constitutions, which can be amended by the Parliaments themselves. This right has been given to them by the Imperial Parliament (by which, in some cases, the original Constitution was passed), but with the operation of the Statute of Westminster and the Colonial Laws Validity Act the Australian States can by their own procedures pass by absolute majorities alterations to those Constitutions.

However, in every State the change must be passed by an absolute majority. That provision, in itself, is virtually the only check on constitutional amendments throughout the States. There is a slight alteration, I understand, in Tasmania, where the assent of the Upper House must also be given, apart from the question of the constitutional majority. I do not know all the background of that provision, but it is probably unimportant at present. We all know that, if an alteration is proposed to the Commonwealth Constitution, it must be done, first of all, by obtaining a consent to the proposed Bill by a referendum of the people, in which it is not only essential to obtain a majority of the whole number of electors of Australia but also as a majority of the States.

New Zealand has only one House of Parliament, and amendments to its Constitution or to certain vital sections of the Constitution require a majority of 75 per cent of the members of the House before the Bill can become law. The amendment or repeal of the law must be passed by 75 per cent of all members of the House of Representatives or must be carried by a majority of the valid votes cast at an election of European or Maori districts. Honourable members will know that there are special provisions for Maoris in New Zealand, who must be separately consulted. I mention that to show again how important the vote is on constitutional matters.

To go farther afield again (to the U.S.A., which was referred to by the Leader of the Opposition) its legislation provides that an amendment to the Constitution must be proposed by a two-thirds vote of both Houses of Congress. There is also another allied procedure, namely, application may be made by a two-thirds vote of State Legislatures for consideration of proposed amendments. In an even more august assembly, namely, the General Assembly of the United Nations, all decisions of the General Assembly on any important question must be made by two-thirds of all members present voting. We have not extended the requirements of this Parliament to anything like that. The legislation must be passed by a vote of the Council and the second and third readings must be concurred in by an absolute majority of the whole number of members before the Bill can go to the Governor or to Her Majesty for assent.

I do not really know what has been wrong with our procedures in the past, but someone obviously thinks that there will be some trouble in the future. It may well be that, as we have heard, there will now be a much closer division of the Parties in this Chamber than there has been in the past. It may well be that for a period the vote here will be almost equal, although it will never be equal in normal circumstances on the floor of the Chamber. It is important to understand that, so long as the President is in the Chair and not voting, it will not be necessary for him to use his casting vote, because the Chamber should

always have an odd number of people on the floor of the House.

In considering this matter, a difficult and interesting situation seems to arise. Section 26 of our Constitution provides:

All questions which arise shall be decided by a majority of the votes of those members of the Council who are present exclusive of the President . . .

It seems to me that at all times there will be a decision on the floor of the Council that will be made by all honourable members, exclusive of the President. Therefore, a Bill can be passed by the Council by that process but, because of the provisions of section 8 of the Constitution, a Bill cannot go from the Council or Parliament to Her Majesty *via* the Governor, as her representative, unless there is a concurrence of the absolute majority of the whole number of members. This provision brings in the very question raised in section 8, namely, whether for the purposes of the acceptance of the Bill by the Crown the Presiding Officer may be allowed to concur. This provision raises another interesting point because, as I said earlier, it has been inserted in the Bill as a matter of expediency to overcome that constitutional problem. All honourable members know that section 8 is one of the entrenched sections that cannot be altered without a referendum of the people.

It seems to me that it may be of doubtful legal validity whether what the Government is attempting to do in the Bill can be sustained. We have entrenched certain sections in our Constitution, and section 10 A specifically provides, *inter alia*; that the powers of the Legislative Council shall not be altered unless a Bill for so altering those powers is submitted to a referendum vote of the people of this State. It specifically exempts certain sections in the Constitution from the operation of that provision. It is interesting to note that section 26, now being altered by this Bill, is not one of the exempted sections. *Prima facie*, one would suspect that it may be one that would affect the entrenched provisions that the powers of the Council shall not be altered without a referendum. For the purposes of section 8 (another entrenched clause), if we give the right for the President to concur in allowing a measure to go to the Governor for consent, we have altered the powers of this Council. Even if this section is accepted by the Council, one may find that it could be subject to a constitutional challenge in the courts.

That is not for us to determine or worry about, but we should consider the ramifications and be concerned that what we intend to do, and what the Government includes in a Bill, can be lawful. I am not saying that it is unlawful: I say there may be a good argument to suggest that it is unlawful. This is one of the most important matters in the Bill, as it will make a complete break with past tradition here, in other States, and in other parts of the world, because it gives a vote to the President for specific purposes. There may be many times when this will not be of great importance, but there will be other times when it will be extremely important. I am thinking of any measure that intends to alter the districts or boundaries of the Legislative Council or of another place. If this measure is passed, the boundaries of the State will be the only boundaries for the districts of this Chamber. It is possible that, in future, we may return to the old system.

The Hon. D. H. L. Banfield: You wouldn't want that!

The Hon. F. J. POTTER: I did not say I wanted it, but it is possible. However, more important than that is the point that another place is constituted and elected on a system of district boundaries, which are drawn by an

independent commission but which owe their existence and legal effect to a Statute of this Parliament. I doubt whether we should pass clauses 12 and 13: I have considered all the possible ramifications and I cannot think of an amendment to the clause under discussion. It is either accepted or not accepted. The Hon. Mr. DeGaris opposes clause 12, and I would be inclined to support him.

The Hon. D. H. L. BANFIELD (Minister of Health): Earlier this afternoon the Hon. Mr. DeGaris suggested that people would be disfranchised, but he is now willing to oppose the right of the President to exercise a vote in this Council. He is not consistent. I have the greatest confidence in whoever we elect as President of this Council, and I am sure that that person will be capable of making up his mind on how to vote on particular issues. He is a representative of people who have elected him as a member of this Council, and he should have the right to vote in the interests of those people. The people outside do not elect the President: we do that, and he should not be debarred from exercising his right to vote. I support the clause.

The Hon. M. B. CAMERON: No doubt the Hon. Mr. Potter has done much research, but I am not convinced that the person elected as President should not have the right to vote in any situation. As I am not sure whether he will have two votes, I would like this point clarified, but I support the clause.

The Committee divided on the clause:

Ayes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 5 for the Noes

Clause thus negated.

The Hon. A. F. KNEEBONE: As it is now 5.50 p.m. and about the usual time for dinner, I ask that the Committee report progress and have leave to sit again.

The CHAIRMAN: The question is "That the Committee report progress and have leave to sit again."

The Hon. R. C. DeGaris: No.

The Hon. A. J. Shard: All right, we'll sit right through, without dinner.

Clause 13—"Quorum, etc."

The Hon. D. H. L. BANFIELD: The Leader has said that he wants everyone's vote to count, yet now he is depriving the President, who is elected nine times out of 10 unanimously by this Chamber and who therefore clearly has the confidence of honourable members, of a vote. For years the Leader and his Party denied over 50 per cent of the people of South Australia the right to vote for this Chamber. Recently this has been relaxed a little, and now only 15 per cent are denied this right. Now the Leader wants to deny the President the right to vote. How can this attitude be consistent with the Leader's statement this afternoon that he wants everyone to have the right to vote? The Leader has not given any reason why the President should not have the right to vote. He has not told people outside this Chamber that one of their representatives will be denied this right.

The CHAIRMAN: Order! The Minister is speaking to clause 12, which has been passed. We are now dealing with clause 13.

The Hon. D. H. L. BANFIELD: Both the Leader and the Hon. Mr. Potter said that clauses 12 and 13 were related; I am merely pointing out that, by opposing this provision, the Leader will deny the President a vote. Again,



in this case, we find that this clause was carried unanimously by members of another place. When there is no pressure on them, members opposite may vote in various ways. However, now that the pressure is on them, they will join together to oppose this clause. It is not the eloquence of the Leader that has persuaded them; it is simply that the whips have cracked. It is no wonder that we hear about strings being pulled. In this case, we will now see L.C.L. members joined together to stop the President from having the right to vote on measures that come before this Council.

The Committee divided on the clause:

Ayes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, Sir Arthur Rymili, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 5 for the Noes.

Clause thus negated.

Clauses 14 to 16 passed.

New clauses 16a, 16b, 16c, 16d, and 16e.

The Hon. R. C. DeGARIS: I move to insert the following new clauses:

16a. Section 26 of the principal Act is amended by striking out from subsection (2) the passage “, and for the Council district of which that Assembly district forms part,”.

16b. Section 28 of the principal Act is amended:

(a) by inserting in subsection (1) after the passage “placed upon” the word “Assembly”;

and

(b) by inserting after subsection (1) the following subsection:

(1a) Where a name has been placed upon an Assembly roll that name shall be placed upon a Council roll.

16c. Section 30 of the principal Act is repealed.

16d. Sections 33 and 34 of the principal Act are repealed.

16e. Section 35 of the principal Act is repealed and the following section is enacted and inserted in its place:

35. (1) The Returning Officer for the State, on receipt of notice from a registrar of an enrolment of an elector on an Assembly roll, shall forthwith enrol the elector on the roll for the subdivision of the Council that corresponds to the subdivision of the Assembly roll on which the elector is enrolled.

(2) The Returning Officer for the State on receipt of notice from a registrar of a transfer of enrolment from one subdivision of an Assembly roll to another subdivision of an Assembly roll shall forthwith make such consequential alterations to the Council roll as may be necessary.

The effect of these new clauses is to provide that a person enrolled as a House of Assembly elector shall be automatically enrolled as a Legislative Council elector. No separate claim for enrolment will be required.

The Hon. A. F. KNEEBONE: I have pleasure in supporting the new clauses.

The Hon. D. H. L. BANFIELD: We are pleased to see the change of heart on the part of the Opposition. At long last its members are seeing the light. For many years, they have insisted that it is necessary to make a separate application for enrolment to elect a representative to this august Chamber, and they have kept it to themselves. At every election many people have wanted to exercise their right to vote for the Legislative Council, only to be told that, although they were on the roll for the House of Assembly and also for the House of Representatives and the Senate, it was necessary to make a separate application to be on the roll for the Legislative Council. I do not know the reason for the change of heart.

Obviously members opposite have had their instructions from somewhere on North Terrace. From their past performance it would never have entered their heads that there should be only one roll. I want it on record that we appreciate that, after more than 100 years, the people opposite are seeing the light.

New clauses inserted.

Clauses 17 and 18 passed.

Clause 19—“Forfeiture of deposit.”

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

In new paragraph (a) to strike out “the prescribed number of votes ascertained by reference to subparagraph (b) of paragraph (9) of section 125 of this Act” and insert “two per centum of the number of first preference votes cast at the elections.”

This is a short amendment to reduce slightly the percentage of those who in an election poll a certain number of votes and lose their deposit. I have chosen the figure of 2 per cent as the number of first preference votes cast at the election for a person to lose his deposit as a candidate. The Bill ties it to the question of the quota that is required before ballot-papers are withdrawn from the count and take no further part. It is a matter for the Committee to debate and decide. Further amendments are on file to make an alteration to the question of a quota. This amendment is open to debate: I suggest 2 per cent as the figure below which a deposit shall be lost.

The Hon. A. F. KNEEBONE: I do not accept the amendment.

The Hon. R. C. DeGARIS: Then I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clause 20 passed.

New clause 20a—“Errors not to forfeit vote.”

The Hon. R. C. DeGARIS: I move to insert the following new clause:

20a. Section 106 of the principal Act is amended by striking out subsection (2).

I think I shall have the Government's support on this amendment. It is consequential on the new clauses 16a to 16e, dealing with the automatic enrolment on the Legislative Council roll of an elector on the House of Assembly roll.

New clause inserted.

Clause 21 passed.

Clause 22—“Informal ballot-papers.”

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

In paragraph (b) after “group” to insert “and consecutive preferences for all the remaining groups: Provided that, where the voter has indicated preferences for all the groups except one and the square opposite the name of the one group has been left blank, it shall be deemed that the voter's preference for that group is his last and that accordingly he has indicated his preference for all the groups”.

This is a simple amendment, which provides that, substantially, numbers must be placed in all squares on the ballot-paper; it is consequential on a further proposal. We are here dealing with providing a system in which every vote cast shall have equal value and every vote cast shall have an effect on electing a member to this Chamber. This amendment preserves the present situation for voting in House of Assembly elections; it preserves the same system as exists in the Commonwealth House of Representatives elections and a system similar to that existing for the Senate. It preserves a preferential system which must be adopted in this Bill to ensure that every vote cast has equal value and has an effect on the election of a member to this Council.

The Hon. A. F. KNEEBONE: I do not accept this amendment. We have heard this afternoon that the Leader

has made approaches to the Premier and to members of his Party about these amendments. The reaction of the Government to those proposals made by the Leader to the Premier (I take it, after consultation with all the members of his Party, both in Parliament and elsewhere) was that in a reply to the Leader by the Premier suggestions were made about his amendments. The Leader knows as well as I do that we were prepared to accept some of them. I indicated just now that, if the Leader had not been prepared to move an amendment, I would have moved it. It has been suggested to the Leader that we could come some of the way on the other proposals. That is why in the Ministerial statement I made at the commencement of today's sitting I referred to the possibility of some agreement being reached on the provisions of this Bill.

We have looked at this amendment. Because of the amendments that have been made to the Bill, there will undoubtedly be a conference between the Houses; we can be sure of that. I do not accept this amendment, but that does not mean that it will not be open to negotiation subsequently.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for those comments. The attitude of this Council is that all these matters are open to negotiation. We are trying to ensure that every vote cast shall have a value; that is the main purport of the Bill. This Council believes that the only way in which this can be achieved is by preserving a preferential voting system. I have had discussions on this in this Council before, and I know the attitude of honourable members on it.

The Hon. D. H. L. Banfield: But there are some new members here now.

The Hon. R. C. DeGARIS: That is so, but under the Bill it is a "first past the post" system on a proportional basis, which does not give a fair proportion to the minorities. Nevertheless, we believe strongly that there is a need to preserve preferential voting for this Council.

The Hon. B. A. CHATTERTON: Several times the Hon. Mr. DeGaris has said that each vote must be counted. The point that is missed completely in saying that preferential voting is the only system that implements this is that there must be some weighting even in the preferential system. Let us take an actual example instead of the type of example we have had this afternoon, and look at the last Senate election, where we see a very strange result from the system of preferential voting. The last person to be elected was Senator Geoff. McLaren, who was elected on the sixth preferences of the Liberal and Country League. This seems to me to be an extremely strange way to count preferences, because we really have an effect opposite to what those voters really require. If we were to apply the same sort of logic to a single-member district where only two persons were standing for election, we would say that one was elected unanimously because he received 54 per cent or 60 per cent of the first preference votes and then got all the second preference votes also.

This is where preferential voting breaks down completely, in that we are applying preference votes all through the system, without making any allowance for whether they are first preference, second preference, eleventh preference or, as they may be in this case, fiftieth preference votes. This is where we claim that the system in the Bill cuts through all the morass of the preference system that is of dubious value and places voting on a straightforward and clear-cut basis that everyone can understand.

The Hon. R. C. DeGARIS: I think the Hon. Mr. Chatterton does not understand the system of counting for Senate elections. Here we have a transfer of a single vote that has a declining value as it moves through. It is

impossible to apply that sort of count to a list system but it is just as much a denial of justice to have a system where, because preferences are not allocated, some votes have no value. People will be disfranchised under the system that he proposes, and, by a first-past-the-post system, in most cases a person whom the majority does not want is elected.

The Hon. M. B. CAMERON: I remember very well the situation regarding the Senate election that the Hon. Mr. Chatterton has mentioned, because preferences of persons who had voted for me put Senator McLaren into that position. I do not support first past the post voting, despite that experience, but, as I understand this Bill, this matter was considered closely by our Party.

The Hon. D. H. L. Banfield: Which one?

The Hon. M. B. CAMERON: I had a consultation with my Whip. We had a Party meeting and came to this conclusion.

The Hon. A. J. Shard: That is a good Party, comprising only one member from here!

The Hon. M. B. CAMERON: That makes it much easier.

The Hon. D. H. L. Banfield: Do you get unanimous agreement?

The Hon. M. B. CAMERON: We get unanimous agreement of the Party. It seems to me that the system dealt with in the amendment would develop into an extremely complicated system of counting votes. It would be difficult to have a transfer, so I intend to support the original proposal in the Bill. However, I do not want that to be taken as implied support for first past the post voting at any future stage, because I do not support that system.

I will examine any compromises reached between the differing forces. I hope that this compromise can be arrived at here and that it does not have to go to another place, but doubtless I will see a proposal put forward in due course. In the meantime, I support the clause as drafted.

The Hon. A. F. KNEEBONE: I made a statement a short time ago about considering this matter in conference. Of course, honourable members will realize that the holding of a conference on this matter is problematical. I said that, as far as I could see, a conference would be held. However, subsequent events may have some effect on whether that conference will be held.

The Committee divided on the amendment:

Ayes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Crendon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 23—"Scrutiny of votes."

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

In paragraph (9) to strike out subparagraphs (a) and (b); to strike out "(c)" and insert "(a)"; in paragraph (c) to strike out "then" and to strike out "that have not, pursuant to subparagraph (a) of this paragraph, been excluded from further consideration at the scrutiny," and to insert the following new subparagraphs:

(b) The ballot-papers relating to any group that did not obtain a number of first preference votes at least equal to the number of first preference votes represented by one quota determined pursuant to subparagraph (a) of this paragraph shall be attributed to such of the groups that obtained a number of first preference votes greater than a number of first preference votes represented by that quota in the manner provided for by subparagraph (c) of this paragraph:

(c) The group to which a ballot-paper shall, be attributed pursuant to subparagraph (b) of this paragraph shall be the group, that obtained a number of first preference votes greater than the number of first preference votes represented by one quota, first indicated in the order of the voters' preferences on that ballot-paper and thereafter for the purposes of the scrutiny each ballot-paper so attributed shall be deemed to represent a first preference vote received by the group to which it was so attributed;

in subparagraph (d) to strike out "(c)" and insert "(a)" and to strike out "a fraction of a quota"; in paragraph (12) (a) to strike out, "as the case requires" and to strike out "the number of ballot-papers that were pursuant to subparagraph (a) of paragraph (9) of this section excluded from further consideration at the scrutiny and"; and in paragraph (12) (b) to strike out "or which were so excluded from further consideration at the scrutiny".

During the debate on clause 22, the Hon. Mr. Cameron stated that the counting of preferences under this system would be extremely difficult. I assure him that it will be quite simple, because it is not an absolute preferential system right through the card. As much as we would like that to happen to give the truest possible reflection of one man one vote one value, it becomes quite impossible when one uses the list system. Therefore, rather than have a situation where, without the preferential system, certain votes will be destroyed, or will take no part in the count and will have no value, it is necessary to introduce the preferential system that the Committee has just accepted in the amendment to clause 22. During the second reading debate I explained that in relation to the question of a quota or a half-quota (or whatever the figure may be) in connection with the exclusion of certain votes from taking any further part in the count, those preferences would be allocated to those people who had sufficient votes to remain in the count. The Bill refers to the question of a half-quota. If we accept the preferential system in regard to the group with a half-quota and transfer those until they reach those who still remain in the count, we reach a situation where a large number of votes cast have no value. Therefore, in my amendment, instead of using a half-quota, a full quota is used; that is, the votes for any person who does not have a full quota are transferred to the nearest group that has a quota. I know that this whole question can be debated, and it can take many forms. However, the amendment results, as nearly as possible in the list system, in every vote having a value.

The Hon. A. F. KNEEBONE: There may be room for movement, but at this stage I intend to stick to the Bill.

The Hon. M. B. CAMERON: During the second reading debate I said that I could not see why the Government should exclude the votes that did not reach a quota; they certainly should have an effect. My major objection to the Bill is that votes are excluded in the first count and are not considered in arriving at a quota. That objection will be raised by the community.

The Hon. D. H. L. BANFIELD: Mr. Chairman, is it possible for the amendments to be taken *seriatim*, so that the Leader can explain them individually? Members on this side have not had an opportunity to see the amendments; with a little bit of luck the Opposition may just be able to convince me that the amendments are justified! I therefore seek a ruling from you, Mr. Chairman, on whether I can move that these amendments be taken *seriatim*.

[Sitting suspended from 6.30 to 7.30 p.m.]

The Hon. D. H. L. BANFIELD: As I do not think that any explanation will be forthcoming, I shall not persist in my request for an explanation of the amendments.

The Hon. R. C. DeGARIS: I explained when I moved the amendments that, following the amendment regarding

preferential voting, they allow for a quota to be established before a person's vote remains viable; anything under quota is distributed to the groups that have a quota. From there, no preference is distributed, but the quotas remain on those that remain viable.

The Hon. A. F. KNEEBONE: As I said earlier, I am not willing to accept the Leader's amendments, because I think that the provision in the Bill is reasonable. As I said earlier when the Leader gave the result of a hypothetical case, it was unlikely to happen, and we could not provide for every eventuality. I also said that I had examined the results of many previous elections. The Leader had to go back to 1938 to support the amendments. I said that that situation was brought about by the indiscretion of a certain Parliament at that time which resulted in a multiplicity of Independents seeking election and being elected to Parliament. It is such a rare occasion that I see no need to amend the provision in the Bill. I draw the Leader's attention to the most recent election result for the Council, regarding formal votes: the Labor Party received 53.09 per cent, the Liberal and Country League received 45.81 per cent, and the other candidate received 1.11 per cent. Informal votes were 7.66 per cent, so that the small proportion of people who voted other than for the main Parties justifies what I have said regarding the unlikely situation of ever reaching the stage of the hypothetical case the Leader put in support of his amendment. I ask the Committee to vote against the Leader's proposals.

The Hon. R. C. DeGARIS: The Chief Secretary cannot take the figures in a single-man electorate system to achieve a result in regard to what he termed the hypothetical case I gave. With a limited number of Independents at the last House of Assembly election, effective destruction of about 8 per cent of the votes would have occurred if that vote had been reflected in the proportional representation system over the whole State. So, at the last election, when we did not have Independents standing all over the State but only in isolated districts, 8 per cent of the votes cast was destroyed. The Chief Secretary said that I had gone back to 1938 to find the 28 per cent, which was the Independent group in that election. If that Independent group had stood in the Council election the whole 28 per cent would in all probability have been destroyed votes.

In 1941, 18 per cent would have been destroyed; in 1944, 16 per cent; in 1947, 16 per cent; in 1950, 15 per cent; and in 1959, over 10 per cent of the vote would have been destroyed. Although there has been a decline in support for minority Parties and Independents, nevertheless, when there is a proportional representation system electing 11, there will be an increase in the possibility of votes being destroyed under the Bill. My amendments ensure that every vote cast shall have a value and an effect on the election of a member to this Chamber.

The Hon. T. M. Casey: You mean a formal vote cast.

The Hon. R. C. DeGARIS: Yes, because an informal vote cast surely has no effect. Every formal vote cast shall have a value. Although the Chief Secretary said that I used a hypothetical case, I was using the experience of elections over the last 30 years. In the Senate, where only five are elected, the quota is about 16.6 per cent. In this circumstance, there is no encouragement to a minor Party or an Independent to stand, because to gain 16 per cent of the vote over the whole of South Australia would be an extremely difficult task for any person. When electing 11, and where only a quota of 8.3 per cent is required, a proliferation of Independents and minority Parties will be standing. Under this system, I would not

give a hypothetical case, but it is almost certain, based on the House of Assembly at the last election, that a minimum of 10 per cent of the votes would be destroyed and have no value. Although a few Independents and other groups stood in the last House of Assembly election, about 8 per cent of the votes cast would still have been destroyed. Every vote cast must have a value.

The Hon. B. A. CHATTERTON: The Leader does not seem to have understood my point, which was that these votes are destroyed when they come down low on the preference list. He said that, under our system, minority Parties' votes would not be counted. But I am suggesting that, if their preferences are transferred and the votes are counted in the sixth or seventh preference, this is the same thing, because the votes of the L.C.L. may elect a Labor member. In New South Wales, the votes of the Labor Party elected a D.L.P. member.

The Hon. R. C. DeGaris: That was an expressed preference.

The Hon. B. A. CHATTERTON: Not at that stage when counted that far. Voters expressed those preferences only because they had to by law; otherwise the votes would have been invalid. I do not see that that is the expressed wish of the people concerned. That is not the system we propose, in which it is put forward clearly and honestly, when the series of quotas have been filled, that the person remaining with the highest proportion of the quota of primary votes shall be elected. It seems to me that he should not be able to gather dubious votes from other Parties because of the order on the ballot-paper.

The Hon. R. C. DeGaris: You will support voluntary voting, I suppose?

The Hon. B. A. CHATTERTON: The preferences are not of equal value. If they are counted on the line in this method it does not have the validity suggested by the Leader.

The Hon. M. B. CAMERON: I have now considered these amendments, and it seems that it should be possible to reach a compromise whereby people can express a preference, that is, that there will be an optional preferential system. However, it seems to me that the problem will not be solved by discussing the matter in this Chamber, but at a conference. To have a conference, these amendments must be supported, and I will support them, not because I oppose the Bill but because I want the situation clarified to the satisfaction of all members.

The Hon. A. F. KNEEBONE: I make clear to the Leader that the figures I quoted related to the Legislative Council.

The Committee divided on the amendments:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 7 for the Ayes.

Amendments thus carried; clause as amended passed.

Clause 24 and title passed.

Clause 19—"Forfeiture of deposit"—reconsidered.

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

In new paragraph (a) to strike out "the prescribed number of votes ascertained by reference to subparagraph (b) of paragraph (9) of section 125 of this Act" and insert "two per centum of the number of first preference votes cast at the elections".

Following the amendment to clause 23, it is imperative that my amendment on file be moved because we have now moved away from the situation where a prescribed number is required in relation to establishing those votes that will be destroyed, and we have to decide the question of when a candidate loses his deposit. I have suggested two per cent, because that is as close as I can get to the situation regarding the loss of deposit in House of Assembly elections.

The Hon. A. F. KNEEBONE: I oppose this amendment now just as much as I opposed it originally. The fact that this clause now has to be recognized justifies the Government's earlier requests that progress be reported so that back-bench members on this side could see the effect of the Leader's amendments. Now, having passed the other clauses of the Bill, we are asked to reconsider a clause and to consider an amendment, which the Leader withdrew when he moved it previously.

The Hon. R. C. DeGARIS: That is not the position. This clause was not affected until a subsequent amendment was passed.

The Hon. D. H. L. Banfield: You said that if there was opposition to it you would withdraw it.

The Hon. R. C. DeGARIS: The change in this clause depends on an amendment that was made to clause 23. Therefore, we have dealt with these amendments in the correct order.

The Hon. F. J. POTTER: That is the position. The clause could have remained as it was but, now that the Committee has amended clause 23, an amendment to this clause is necessary. However, I question whether 2 per cent is adequate for this purpose.

The Hon. R. C. DeGARIS: That's 14,000 votes.

The Hon. F. J. POTTER: Although this is not necessarily related, with regard to the House of Assembly, a deposit is lost if a candidate does not poll 20 per cent of the votes achieved by the winning candidate, and that is a fairly high figure. Here, the quota is 8.3 per cent. A half quota would be about 4 per cent, so we are getting down to a quarter of a quota when we get to 2 per cent. I suppose that, in a double dissolution (and I hope we do not have one of those)—

The Hon. D. H. L. Banfield: You mean after this one.

The Hon. F. J. POTTER: When this system is introduced, we still might have a double dissolution.

The Hon. R. C. DeGARIS: The figure is based on consideration of a double dissolution.

The Hon. F. I. POTTER: If it is based on a possible double dissolution, in which case the percentage would be half the quota at that election, that is getting a bit remote. If the system is adopted and we have 22 members and proportional representation voting, it is fairly remote that the spectre of a double dissolution will loom up again. Therefore, I think that 4 per cent, which would be, in effect, half the quota in a normal election year, would be more appropriate than 2 per cent.

The Hon. R. C. DeGARIS: To facilitate the passage of the Bill, I am willing to ask leave to withdraw my amendment, so that the Hon. Mr. Potter can move an amendment.

Leave granted; amendment withdrawn.

The Hon. D. H. L. BANFIELD: Now the original amendment has been withdrawn and a fresh amendment will be moved by the Hon. Mr. Potter, yet we still have not had a chance to look at this matter. Perhaps the Chief Secretary will take this opportunity to ask that progress be reported, so that we can consider this clause.

The Hon. A. F. KNEEBONE: I want to know what will be the effect of jumping from 2 per cent to 4 per cent.

The Hon. F. J. Potter: It's only related to whether or not a candidate loses his deposit.

The Hon. A. F. KNEEBONE: What does 4 per cent really mean?

The Hon. R. C. DeGaris: It will be 28,000 votes.

The Hon. F. J. Potter: Yes, 28,000 votes, out of 650,000.

The Hon. A. F. KNEEBONE: The 28,000 is more than 2 per cent, but I still oppose the amendment.

The Hon. F. J. POTTER moved:

In new paragraph (a) to strike out "the prescribed number of votes ascertained by reference to subparagraph (b) of paragraph (9) of section 125 of this Act" and insert "four per centum of the number of first preference votes cast at the elections".

The Committee divided on the amendment:

Ayes (12)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter (teller), Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), A. J. Shard, and C. R. Story.

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

Bill reported with amendments.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:  
*That this Bill be now read a third time.*

The PRESIDENT: As this is a Bill to amend the Constitution Act and provides for an alteration to the constitution of the Parliament, its third reading requires to be carried by an absolute majority. There being an absolute majority of the whole of the number of members of the Council, I put the question "That this Bill be now read a third time". There being no dissentient voice, I declare the third reading carried by an absolute majority of the whole number of members of the Council.

Bill read a third time and passed.

### CONSTITUTION ACT AMENDMENT BILL (FRANCHISE)

In Committee.

(Continued from June 21. Page 90.)

Clause 1 passed.

Clause 2—"Commencement."

The Hon. R. C. DeGARIS (Leader of the Opposition):  
I move:

To strike out "This Act" and insert "(1) Subject to subsection (2) of this section, this Act"; and to insert the following new subsection:

(2) A proclamation under subsection (1) of this section shall not be made unless the Governor is satisfied that an Act that makes provision for—

(a) the constitution of the State as a single Legislative Council electoral district:

and

(b) the election of members for the Legislative Council, by a system of proportional representation,

has been passed and is in operation.

We have just completed consideration of a Bill dealing with the voting system for the Upper House. There has been general agreement on most of the principles; the only thing remaining to be decided is the fairest and best system of interpreting the question of one man one vote one value. This Bill introduces the question of adult franchise for the Legislative Council, and every member has indicated support for it, provided that the voting system in this State shall be one that is completely fair and that all votes cast shall have, as nearly as possible, equal value. It is necessary for these two Bills to be interwoven; they concern one

matter. Whilst we agree absolutely with the principle of adult franchise for this Council, provided it is tied to a completely fair system—

The Hon. D. H. L. Banfield: How can you agree absolutely if you are putting in a proviso?

The Hon. R. C. DeGARIS: I am explaining that. It is necessary to see that these two matters are interwoven. There has been complete co-operation on most matters in this Chamber today and it is necessary to see that these two matters are interwoven as they were in the Premier's policy speech on February 19, 1973.

The Hon. A. F. KNEEBONE (Chief Secretary): As I mentioned when speaking on another measure before the dinner adjournment, Opposition members in this Chamber wished to ensure that their own desires in regard to that Bill were achieved before they would agree to consider the measure now before us. It is quite evident from this amendment that this is what they wished to do. The Leader gave a very short explanation of this amendment, which does not make clear what sort of proportional representation is being talked about. He is not insisting that it be exactly as he is proposing, but he is saying that this measure shall not come into operation until the other measure has become law. The previous Bill, as a result of what has happened in this place, will go to another place and must be considered there. The Leader wants us to say that, if it is passed, it will not come into operation unless the other place agrees to the Bill being sent from here.

The Hon. Sir Arthur Rymill: No.

The Hon. A. F. KNEEBONE: If the other Chamber decides not to accept the amendments to the previous Bill and it comes back to this place, and if this Council, elected by a minority, insists on its amendments, that Bill will never be passed. Then we shall never have the franchise that everyone is looking for and that the Leader's Party has so long denied. That is the position that is being put to us. That is where the crunch is. That is what I told honourable members this afternoon—that, unless the majority of the members of this Council get what they want, that proportional representation Bill now going to the other House will never be passed and therefore, with this sort of proposal in this Bill, we shall never get the franchise, either. That is all I have to say.

The Hon. R. C. DeGARIS: Of course, the whole matter of what the Chief Secretary says is a two-edged sword. If the franchise Bill passes, then the other side of the coin is exposed; I think honourable members will agree on that. As I pointed out previously, the policy speech of the Premier on February 19, 1973, stated that there would be adult franchise for the Legislative Council and a system of voting that would express one man one vote, and one vote one value. The opportunity to bring that about was last year in a Bill that entered this Chamber in which there was no co-operation from the Government by way of an expression of its views on a proportional representation voting system that would interpret one man one vote one value.

The Hon. A. F. Kneebone: What you put up was not that, though; you thought about it but did not put it in.

The Hon. R. C. DeGARIS: I have already explained that, that it was much closer to achieving it, but at least we were willing to listen to any proposal made by the Government at that stage. We were submitting that for discussion, and that was much closer to an interpretation of one man one vote one value than this present Bill is. I can give the Chief Secretary an absolute assurance that, as far as this Chamber is concerned, the Bill that has just passed will not be obstructed in any way except that we

insist that wherever possible in any amendment every vote cast shall have as nearly as possible an equal value. If there are any further changes to be made in this Bill and if it can be brought closer to an interpretation of one man one vote one value, those amendments will be made. They will be considered and altered, if necessary, if a conference is called but, if there is any movement away from an interpretation of one man one vote one value, this Council must fight to preserve that interpretation.

The Hon. A. F. Kneebone: Who is to be the arbiter? You?

The Hon. R. C. DeGARIS: Always at conferences there has been much co-operation between the two Houses. I give that absolute assurance to this Committee that at any conferences to discuss the amendments we have moved the main consideration (I will say, almost the only consideration) will be to achieve as closely as possible a situation where every vote counts in South Australia and every vote will have, as nearly as possible, an equal value. With that statement, I think I have given the Chief Secretary almost an unqualified undertaking that that will be the approach of this Council to any conference that may be called between the two Houses. No other consideration will weigh in our minds.

In the Bill that has already passed, we have done our best to try to get closer to an interpretation of each vote counting equally. That is what we attempted to do. We may not have succeeded; we may have made mistakes, because there has been tremendous pressure on members to understand a rather complex issue. I should have liked to have much more time, because we could then have produced a much fairer proportional representation system than we shall get.

The Hon. D. H. L. Banfield: We gave you an opportunity, but you voted against it.

The Hon. R. C. DeGARIS: No.

The CHAIRMAN: Order!

The Hon. R. C. DeGARIS: A redraft could have produced something much closer to each person having the right to vote as an individual and each person having a vote of equal value. However, we put that aside and we have now worked on what is called the list system to attempt to achieve that situation. I have given an unqualified undertaking to this Committee that in any conference between the two Houses on the Bill just passed the only consideration of any changes will be to improve the situation in order to produce a situation mathematically closer to the interpretation of each vote cast in an election in South Australia having equal value throughout the whole State.

The Hon. A. J. SHARD: I oppose the amendment. The Leader has put his case in a rather peculiar way. In effect, he says he does not trust the Government.

The Hon. R. C. DeGARIS: You think the same of us.

The Hon. A. J. SHARD: The Leader gives an unqualified statement of what he will do. I will give an unqualified statement that we are just as keen on the other Bill as the Leader is. We have shown that, as a Government and as the Australian Labor Party. We have gone a long way along the road to meeting honourable members opposite. We heard something this afternoon about pistols being pointed at members opposite: this is not a pistol, this is a cannon. The Opposition has said, "Unless you reach agreement with us there, the people will not get full adult franchise. We do not trust you." Members opposite want us to give them a guarantee and then they could, if we accepted this amendment, which is totally unacceptable and will not be accepted by the Government, say, "Unless you give this guarantee, we will not see this

through." That is what members opposite are saying. Let us be clear on this. I know what a double dissolution means to me: I will not be back here. In our policy speech we said:

We will alter the Constitution of South Australia to achieve democracy in our Parliament. Our firm policy for all elections is that there must be one man one vote, and one vote one value.

We aim to get that. We will go along with proportional representation to get it. Just as honourable members opposite are telling us that they will not trust us, how do they expect us to trust them? I have been in this Chamber long enough to have grave doubts about that. I say that fairly because I have seen some things here that have been done. In the second paragraph under our "Electoral Policy" we read:

We will insist that in elections for the Legislative Council there shall be adult suffrage, compulsory enrolment and voting, and simultaneous elections with the House of Assembly for the half of the Legislative Council retiring each Assembly election.

That was our foremost plank and that is what we wanted to be carried out. The people outside Parliament understood it and returned us with an overwhelming majority.

At the end of my career I am happy to stand here and expose the situation, as I have done for the past 17 years in this Chamber. Sometimes, I doubted whether we would ever reach the day when we could say: "You never had the political courage to challenge us on this question." I am elated that the Labor Government has said, "We are going to have adult franchise and, if these Bills are not passed, we will go to the people and let them make the decision." Have no misgivings about it—the people want it and, if this Council insists on refusing the Government what it wants, they will demand it; and, if the public demands it, I do not know where we shall get to. I say that distinctly and clearly. I am not bluffing, and the Government is not bluffing. We will not accept an amendment to this clause.

If honourable members opposite insist upon it, we will have a double dissolution. My colleague and I will not be back in the new Parliament, but it will give me happiness and satisfaction that the result of all my 17 years of fighting for it in this Chamber has at last been achieved. Let it be understood clearly that the Government will not accept this amendment. The Opposition is asking us to accept its word, but it will not trust the Government to do something, notwithstanding that the Chief Secretary has given the Opposition an undertaking that that will be done.

I do not know how offside with public opinion the Opposition can get and how unfair it can be to the Government that was elected last March by an overwhelming majority. I ask the Opposition to be reasonable in this matter and to trust the Government. I go further and say that, if the Government does not honour its word, I will have something to say about that. We have pledged our word. I say frankly that I doubt that the Opposition has been let down in any undertaking that I have ever given on behalf of the Government.

I give an undertaking that we are not funning about proportional representation. We will see that one vote one value is achieved as soon as it can be achieved, but we will not accept this amendment. We will have a Bill passed for full adult franchise for this Chamber without any tags on it or we will have a double dissolution. Let me make that plain and clear. The Opposition knows what it is doing and it knows the position. I hope the Committee refuses to accept the amendment.

The Hon. M. B. CAMERON: In my second reading speech, I made clear my position and that of the Party

that I represent here. I do not consider that these Bills should be tied together and, therefore, I will not support this amendment. I do not consider that any House of Parliament can attach what is obviously a condition on the democratic right of the people of this State to have a vote for the election of members to this Chamber. I refer to all the people of the State in that matter. In the short time that I have been associated with the political world, I have seen many changes in people and not the least dramatic of these changes have been the changes in people who represent in this place the Party to which I used to belong. Perhaps I ought to give some examples. I do not like going back into history but I think that, on an occasion like this, it is essential so that people will understand the changes that have taken place. On one occasion the Hon. Mr. DeGaris said:

This Chamber must be elected by those who represent the permanent will or thinking of the people. We can talk about this for a long time, but I believe that household suffrage is possibly more democratic than is a complete adult franchise.

How often in the past few days have I read that this gentleman has always believed in full adult franchise? I quote from a speech by the Hon. Sir Arthur Rymill, who stated:

The next question I ask is: what is wrong with the present franchise for this Council, particularly the franchise as we are trying to make it now or as this Council has agreed to make it by passing the Hon. Mr. Rowe's Bill? It is estimated that about 85 per cent of the people as a whole would have a vote under the franchise as altered by that Bill. The cry immediately goes up, "Why not the other 15 per cent?" I would reply to that, "Why the other 15 per cent?"

He, too, now claims to believe in full franchise. I do not know how people in the political world in this State can believe that they can go to the people and say, "We want a mandate from you to give you a vote, provided you agree with what we want." That is a remarkable situation and one that I would not be willing to put to the people, even if I was still in the Party that I have now left. I will not be supporting this amendment. I will probably be doing a little bleeding from the throat, too, like some other honourable members, but I would rather go out of this Parliament as I came into it on the same issue than support an amendment like this.

The Hon. A. M. WHYTE: It seems a great pity that we have reached a certain stage of negotiations, which have taken place throughout the day and have perhaps portrayed Party politics at their worst, and let us remember that we have got some distance in achieving a means of electing this Chamber that should have been achieved many years ago. I can claim that, since I have been in Parliament, I have been a firm advocate of proportional representation for the election of members to this Council.

The Hon. T. M. CASEY: What about adult franchise?

The Hon. A. M. WHYTE: Yes, there was no worry about adult franchise with proportional representation.

The Hon. T. M. CASEY: When I was at Port Augusta one evening, you did not support adult franchise. I will tell you about that.

The Hon. A. M. WHYTE: I challenge that. As a matter of fact, the Minister's Leader at that time, the Hon. Bert Shard, was one of those people I approached. That was very early in my career in Parliament and I know that he will guarantee that what I am saying is true, namely, that I have always maintained that, if we had proportional representation, there would be no need for a restricted franchise, because under a true proportional representation system this Chamber could not be abolished, and that was what I had in mind. I considered that it was not necessary

to have dominance by one Party or another in this Chamber.

The Hon. D. H. L. BANFIELD: But one Party has kept it that way.

The Hon. A. M. WHYTE: Yes, unfortunately that is right. When I learnt that the Premier had suggested that a method of proportional representation would be introduced, I was delighted. However, I found that it was not true proportional representation, that it was not the system that would give a true one vote one value, and that it was not one of the list systems that operate throughout the world. It was a concoction that was loaded one way. During today's struggle we have seen a genuine attempt by both sides to reach some sort of preferential system that can be written into what is half a system of proportional representation. The system in the Bill does not amount completely to any list system that is operating elsewhere.

It amazes me that, although some of these methods of voting on the list system have taken more than 100 years to perfect in the countries that they exist in, we had to decide on a different one again instead of adopting one that would give a true representation and had been tested by the countries using it. However, that is not important. Perhaps our tacticians have reached the point where our Bill is better than anything operating elsewhere in the world, so let us try it. When we make a decision like this one, which is on a Bill of far greater magnitude than any other Bill that has been considered here since I have been a member and a Bill that affects not only my future but also that of those who will follow me, it is a pity that we have the threat, "You will do this or I will dissolve you twice".

If one thing gives me pleasure, it is replying to a letter from one of my constituents stating, "This is my desire on that Bill and, unless you vote as I say, I will deal with you at the next election." I know that that person is wrong in doing that and it gives me pleasure to tell him what to do with his vote. I want to do exactly the same thing regarding this Bill, inasmuch as people are talking about how sorry we will be if there is a double dissolution and I imagine that there is every chance that, if there is, I will be one who will fall by the way. Being probably closer than is any other honourable member to qualifying for a pension, I may have every reason to say, "All right." However, I am not willing to do that, nor am I willing to vote in accordance with the Government's wishes, even under the threat of a double dissolution. I am determined to express my opinion on this Bill sincerely, because it is of major importance to the State.

The Hon. T. M. CASEY (Minister of Agriculture): Members opposite never cease to amaze me. In the first place, they have accused the Government of threatening them in no uncertain terms. Exactly what has this place been doing to the people of this State for many years? Members opposite have been dominating the political scene in South Australia for as long as I can remember. This place has been elected on the most shocking franchise of any voting system in the world, and members opposite have been representing one Party, the Liberal Party.

The Hon. M. B. CAMERON: The L.C.L.

The Hon. T. M. CASEY: If it is not the L.C.L., it is sometimes the L.C.P.—whatever suits the occasion. Then, members opposite claim outside that they are members of a House of Review. They can fool the people some of the time, but they cannot fool all of the people all of the time.

The Hon. Sir Arthur Rymill: Is that original?

The Hon. T. M. CASEY: It is a pity that honourable members opposite did not take note of it. Thank heaven that the people of South Australia have suddenly realized

that there is a place known as the Legislative Council which has been elected on the most shocking franchise of any voting system in the world; as a result, the people are now demanding adult suffrage. The Opposition's colleagues in another place specifically referred to this Bill as being quite separate from the Bill that we debated earlier today.

The Hon. Mr. Cameron referred to this point; he has withdrawn from the L.C.L. and apparently this is on the Party platform. Actually, I do not know what is on that Party's platform, because the Party never seems to have a policy. When members opposite go to the people, all they do is attack the Labor Party's policy: it is the Labor Party that always makes the moves. We have bent over backwards to introduce a proportional representation Bill, but members opposite had the opportunity for years to do it, yet they did absolutely nothing. Whenever we introduced measures we were told that they did not meet the requirements of members opposite.

The Hon. A. M. Whyte: When did you last bring a proportional representation Bill before this place?

The Hon. T. M. CASEY: The honourable member should not talk about anything, because I can remind him of an incident at Port Augusta! Over the years the Labor Party has introduced many Bills into this Parliament to get a better deal for South Australian electors, but the L.C.L. has always rejected them. The whole political set-up in this Parliament for many years was built on a gerrymander. For 10 years I represented a House of Assembly district that had 5,000 electors, and the value of votes in that district was about seven times the value of votes of people in Glenelg or Enfield, where there were about 35,000 people on the roll. I am referring to the system of weighting country votes in comparison with metropolitan votes. Members opposite did not attempt to give people their just rights.

The Hon. R. A. Geddes: Who changed that situation?

The Hon. T. M. CASEY: We tried for years to get a more equitable system, but to no avail. First, we did not have a majority in the Lower House but, even if we had had a majority there, members opposite would have rejected the Bill when it reached this place. Now, for the first time under a Labor Government we have a mandate for adult suffrage in elections for this place. The Hon. Mr. Shard quoted the relevant portion of the policy speech. I cannot understand the argument that this Bill has got to be merged with the other Bill that we have dealt with today; each of the two Bills is completely separate. Members opposite have their backs to the wall; they and their advisers are trying to use all the methods at their disposal. They may reach the stage where the only opportunity they have left is to make a deal by merging the two Bills. However, I believe that they cannot do that, because the Government has a clear mandate for adult suffrage. The people of South Australia have suffered far too long under the inappropriate system that has applied. For God's sake, let us give the people of South Australia adult suffrage for Legislative Council elections, so that they can democratically elect members to this place for the first time in its history.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the amendment. Our clear and precise policy on this matter was stated not only prior to the last election but also prior to some previous elections. We have told the people that we have a policy of adult franchise for Legislative Council elections. For many years we have received more than 50 per cent of the votes of the people of South Australia, but at many elections we have been

denied the opportunity to govern. However, we have never changed our policy over all those years. We have always maintained that all the people should be entitled to a vote to elect their representatives who will make laws affecting them. We have made a compromise in our policy to try to overcome difficulties that were besetting the Liberal Party. We have said that we are willing to give one vote one value, and we have gone as far as we can in another Bill. Indeed, we went further and said that we would give every person an opportunity to vote in Legislative Council elections, and that is exactly what this Bill provides.

We did not have to bring forward the second Bill but, out of consideration for the wishes of members opposite, we have done it. This, of course, will react against us in future years because, at the next election if we have a double dissolution without the other Bill being passed, we will have a complete majority in this place. So, it was not necessary for us to attempt to meet the desires of the Opposition. We were willing to do it and we showed our good faith to the Opposition. We were willing to introduce a Bill that we thought would meet with the Opposition's approval. The Leader said, "We will co-operate with you. We will go to conference. I promise you that we will co-operate with you, but we must have a back-stop. Our co-operation can stop at any point because, if you do not do what we tell you to do, we will throw out the other Bill." The Leader knows that the Government will not accept the amendment. He talked about co-operation and trust, but he is not willing to display any co-operation or trust.

At least, the Government has kept its word by introducing the two Bills. True, it did not tie them together, and it had no intention of tying them together. The Government did not say in the Premier's speech that it would tie the two Bills together. The Government is happy to go to the people on a double dissolution under the present system. I say to the honourable members for Midland, Northern and Central No. 2 that the Government will capture their seats at the next election. I go even further and offer each and every one of those honourable members a job when they are out of work after a double dissolution.

*There being a disturbance in the Strangers Gallery:*

The CHAIRMAN: Order! If there are any more interruptions, I will be compelled to clear the galleries. The Hon. Mr. Creedon.

The Hon. C. W. CREEDON: I am new here and I was amazed by the debate we heard this afternoon about the threat of guns being pointed at the head, and double-edged swords were mentioned. A vote for all eligible people is all that the Government wants. We want everyone who is entitled to vote to have a vote. I have maintained this for a long time, but the Liberal and Country League is always able to find some excuse to hide behind in order to escape its responsibility. The L.C.L. Government started out by refusing to give the people who were entitled to vote a vote, and it has held that view ever since. Although there have been minor alterations to its policy, it has done nothing to allow people to have the right that is theirs. Probably one of the worst features of the system is that most women have been deprived of the right to vote, and it is only recently that some women have been permitted a vote if their husband went along and made his claim; this is treating such women as second-class citizens. Today, young people who are able to vote at 18 years of age add to the 15 per cent mentioned by the Opposition.

The Labor Party has always fought for a vote for all people and it has always encouraged people to put their names on the roll. It has always been the Labor Party's attitude that, if people are entitled to a vote, they must get



it. Throughout the debate on these Bills I listened with much interest to some of the excuses and suggestions made by various honourable members that the L.C.L. had had 130 years in which to do something about this matter, but it made no attempt whatsoever. Every amendment moved by the Opposition has been an excuse to avoid its responsibility and to keep for itself the privileges to which it has become accustomed. I do not think the Opposition has any right to deprive people of this right. People must be treated as human beings. Mankind, which must come first in this world, is deserving of better things than it has been given by the Council over the years.

The Hon. A. F. KNEEBONE: It looks as though we are at the end of the road in this matter. I stated more than once today what the Government's intentions were in regard to these two constitutional Bills. Then, in line with my suggestions and statement regarding what the Government wanted to do, I moved that item No. 1 (Government Business) on the Notice Paper be deferred and taken into consideration after the second reading debate on the Constitution and Electoral Acts Amendment Bill, which was the second item on the paper. The Opposition did not comment on what I said, but went along with what I moved. The Opposition knew what was in the motion I moved after the end of the second reading debate in regard to the Constitution and Electoral Acts Amendment Bill; it did not object, but supported my motion. That was about the end of the co-operation we received today in regard to these matters.

When we reached the end of the second reading debate, because of the way in which the motion was moved, it was necessary to proceed because Standing Orders provide that, once the second reading debate is completed, the President shall immediately proceed to the Chairman's seat and deal with the Bill in Committee. This was done; then out of the blue, when I was led to believe that there was no opposition to my earlier motion, the Leader proceeded to take the business of the Council out of the Government's hands. I attempted more than once to revert to what had been carried unanimously at the beginning of the sitting, but the Opposition would not co-operate with the Government one iota. It insisted on having its way, namely, that it would deal with that Bill and complete it before reaching the stage I had indicated we would reach at the commencement of the sitting.

Let us hear no more about the "co-operation" we received today, because there was no co-operation. We were completely frustrated by the Opposition. The Government was elected by a majority of the people, and even in the Council the Government received 53 per cent of the votes of the people eligible to vote. The Government was re-elected in another place by popular vote of the people, and that was an outstanding re-election vote.

This was the first time a Labor Government had been re-elected in the State's history. However, the Government has been frustrated by the Opposition because of the franchise for Council elections. As I said earlier, although the Government received at least 50 per cent of the vote at the last election, it received only 20 per cent of the Council representation. We hear the Leader, who has supported that sort of system for as long as I have been a member, saying that this Bill does not provide absolutely the apex of what it should provide concerning the voting system. It turns my stomach to hear people saying these things, because they would not agree on anything, no matter how much we pushed it at other times. Although I have not referred to what honourable members said

previously, an Opposition member has quoted what has been said.

The Hon. C. R. Story: How do you work that out?

The Hon. A. F. KNEEBONE: The honourable member is on your side: he is not on the Government's side.

The Hon. M. B. Cameron: That is for sure.

The Hon. A. F. KNEEBONE: Members opposite would not participate in the second reading debate, because they were embarrassed as a result of the changes that have occurred in recent times. They have realized that everyone in the State should have a vote: at least, that is what they have said. They have changed their minds because the people of this State have demanded a vote with adult franchise. That is illustrated by the votes cast in the last election, and we were surprised at the number of votes we received in some districts. The people of South Australia have demanded adult franchise for the Legislative Council, even on the basis of the old system. However, the Leader would have us believe that the people desired adult franchise only under certain conditions. The people of South Australia want adult franchise on any basis, but they prefer it on the basis of the Labor Party's policy of one man one vote one value.

The Hon. R. C. DeGaris: Hear, hear!

The Hon. A. F. KNEEBONE: We have come close to it. I have heard some excellent speeches from my previous Leader, the Hon. Bert Shard, but this evening he reached his finest hour, and I agree with what he said. In this Chamber, and on the hustings outside long before I became a member, I have battled for adult franchise, and I still support it. We will get it, even if it is as the result of a double dissolution. If we do, I know that I and some of my colleagues will go; it has been whispered that the President could be one of those who will go, too, not as a result of being defeated but for other reasons. I am sure the Hon. Mr. Cameron will go—

The Hon. M. B. Cameron: That's for certain.

The Hon. A. J. Shard: Don't mention the other certainties to go, because they may become upset.

The Hon. A. F. KNEEBONE: At least two others will go, and I am convinced that, as a result of the work that I and my mates have done in Northern and Central No. 2, others will go, too.

The Hon. M. B. Cameron: There will be some changes in the Lower House.

The Hon. A. F. KNEEBONE: I am convinced that, as a result of the antics of and attitude adopted by members of this Council, the Labor Party will win more seats in another place.

The Hon. M. B. Cameron: So will the Liberal Movement.

The Hon. A. F. KNEEBONE: I shall not comment on that point, but what the Hon. Mr. Shard and my colleagues have said is completely correct. We will not accept amendments to this Bill: we will not accept adult franchise on behalf of the people of this State on the basis that, if we do not accept the amendments to the voting Bill, we will not get this Bill. We do not accept the Opposition's attitude of "We will accept one Bill if you accept amendments to the other Bill." The Opposition seems not to trust us, so why should we trust it? Are Opposition members so "holier than thou" that they should be trusted, but we cannot be trusted? I assured the Leader that we would consider, discuss, and negotiate his amendments to the earlier Bill if this Bill were passed, but the Opposition cannot have it both ways. It is the people of this State being affected, and we are fighting to give them adult franchise. The Opposition is doing everything in its power to ensure that the people do not get it, unless the Opposition

gets what it wants. Do members opposite not think the people know this?

The Hon. T. M. Casey: The people have got the message.

The Hon. A. F. KNEEBONE: I shall not be a candidate at the next election, but I will tell people of this State what we have experienced here in this Chamber where the majority of members, representing a minority of the votes, are telling a Party elected by the majority of the people what it should do. I have done all I can to achieve for the people of this State adult franchise without strings. I leave it at that.

The Hon. M. B. CAMERON: It seems that we have reached the situation where the Government wants an election on this basis. From what I can see of the Opposition, I think that it, loo, wants an election. What an interesting election it will be! As we agree with the Government on this issue (although we disagree with it on almost every other issue), we will face the threat of a double dissolution calmly. We will be the only Party that is not constipated on this issue. We will put issues to the people but not purely on this basis. We support full franchise. We think that a compromise could have been achieved on the Bill providing for proportional representation. However, as I still believe that the Bills should not be tied together, I will vote against the amendment.

The Hon. A. F. KNEEBONE: There is one point on which I disagree with the honourable member.

The Hon. A. J. Shard: We don't want an election; let's make that clear.

The Hon. A. F. KNEEBONE: We do not want an election. I have almost talked myself hoarse today trying

to stop honourable members from forcing a situation in which there will be an election. I want the people of South Australia to have adult franchise for this Chamber without there being a double dissolution. However, if it is necessary to have an election to get full franchise for them, we will have that election, although we do not want it.

The Committee divided on the amendment:

Ayes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (3 and 4) and title passed.

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

The Hon. A. F. KNEEBONE (Chief Secretary) moved: *That this Bill be now read a third time.*

The PRESIDENT: I have counted the Council and, there being present an absolute majority of the whole number of members of the Council, I put the question: "That this Bill be now read a third time." I declare the third reading carried by an absolute majority of the whole number of members of the Council.

Bill read a third time and passed.

#### ADJOURNMENT

At 9.8 p.m. the Council adjourned until Wednesday, June 27, at 2.15 p.m.