LEGISLATIVE COUNCIL

Tuesday, March 25, 1975

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (AMALGAMATIONS)

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That Standing Orders be so far suspended as to enable the conference to continue during the sitting of the Council.

The PRESIDENT: Those in favour say "Aye", those against "No".

The Hon. Sir Arthur Rymill: No.

The PRESIDENT: There being a dissentient voice, there must be a division.

The Council divided on the motion:

Ayes (9)—The Hons. D. H. L. Banfield, J. C. Burdett, B. A. Chatterton, T. M. Casey, C. W. Creedon, M. B. Dawkins, G. J. Gilfillan, A. F. Kneebone (teller), and A. J. Shard.

Noes (9)—The Hons. M. B. Cameron, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, Sir Arthur Rymill (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

The PRESIDENT: There are 9 Ayes and 9 Noes. There not being an absolute majority, the motion will not pass.

The Hon. A. F. KNEEBONE (Chief Secretary): As I understand the position, the managers of the conference have to meet for a few minutes or so to look at the printed report, which is being typed at present, so that a report can be made to the two Houses on this matter. It will not take very long.

[*Sitting suspended from* 2.22 *to* 3.11 *p.m.*]

At 3.11 p.m. the following recommendations of the conference were reported to the Council:

As to amendment No. 1:

That the House of Assembly do not further insist on its disagreement.

As to amendment No. 2:

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendments:

Clause 8, page 2, lines 41 and 42—Leave out the words "twenty per centum" and insert in lieu thereof "fifteen per centum"; and after the passage "affected by the proposal" insert the words "or fifty such ratepayers whichever is the greater number of ratepayers".

and that the House of Assembly agree thereto.

As to amendment No. 3:

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendment:

Clause 8, page 3, lines 4 to 6—Leave out all words in these lines and insert in lieu thereof the words:

"unless—

(*a*) a majority of the ratepayers of any one area affected by the proposal and voting, vote again the proposal; and

(*b*) the number of ratepayers voting against the proposal in that area comprise at least forty per centum of the total number of the ratepayers on the voters roll for that area."

and that the House of Assembly agree thereto.

Consideration in Committee.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the recommendations of the conference be agreed to.

The conference sat for more than three hours this morning, and from the start there was a spirit among the managers of both Houses that the Bill should be saved. There was a certain desire for a compromise on both sides. Discussion continued for longer than was at first thought necessary, but as a result of the continued discussion the managers have reached a fair compromise in relation to the amendments originally rejected in another place. I congratulate members from this Council on the way they have stuck to their guns.

The Hon. G. J. GILFILLAN: I support the Minister's remarks. The first amendment ensures that a vote of the council must be an absolute majority of the council rather than a simple majority. The second amendment relates to the number of people petitioning against a proposal for amalgamation, and the third ensures that, in a final test, the ratepayers in each council area have the right to determine their own future and are not swamped by larger adjoining councils.

The Hon. M. B. DAWKINS: I, too, support the remarks of the Minister and also of the Hon. Mr. Gilfillan. The conference was conducted in an amicable manner and a spirit of compromise was obvious. The result in this instance was quite satisfactory. It was suggested that the House of Assembly should not further insist on its agreement to the first amendment, which related to an absolute majority of councillors in each case needing to agree before proposals could be implemented. The additional alterations suggested to the second and third amendments do, as the Hon. Mr. Gilfillan said, make it possible for each council to have a measure of self-determination. Under the original proposal it would have been possible for a small council to be swamped at a poll by the numbers in a larger council with which it was considering an amalgamation. The last amendment means that each council will have a say in its own determination. I believe that a satisfactory solution has been achieved.

The Hon. C. M. HILL: I, too, support the recommendation, and I am satisfied with the result of the conference. I am especially pleased that the question of an absolute majority being necessary was included in the recommendation; that is, an absolute majority within the councils concerned. In relation to amendment No. 3, I had serious misgivings about this proposal in the previous Committee stage, principally because it did not require a percentage of ratepayers voting against the measure to upset it. In terms of the proposal now before the Committee, at least 40 per cent of the total number of ratepayers in an area must actually vote against the proposal before the amalgamation can be upset. I am happy with that facet of that amendment.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

GAWLER HIGH SCHOOL

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

SHEARERS ACCOMMODATION BILL

Bill recommitted.

In Committee.

Clause 5—"Interpretation"—reconsidered.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

In the definition of "employer" after "employment" to insert "and the occupier of the land on which the shearing shed is situated"; to insert the following new definition: "occupier" of land includes any person responsible for the management or control of the land; and in the definition of "shearer" to strike out "holding" and insert "land".

It has now been found that, because of the insertion by the other place in clause 8 of a new subclause, another definition is needed. The word "occupier" has been used in the new subclause, but the term is not defined. The purpose of the first two amendments to clause 5 is to include the necessary definition. The third amendment is to correct a drafting error.

The Hon. R. A. GEDDES. As the person responsible for looking after this Bill in this Chamber, and as the mover of some of the previous amendments, I agree that these definitions are necessary because of amendments made to clause 8, and I support the Government's amendments to this clause.

Amendments carried; clause as amended passed.

Clause 8—"Inspection of buildings"—reconsidered.

The Hon. D. H. L. BANFIELD: I move to strike out subclause (2) and insert the following new subclause:

(2) Where an inspector proposes to carry out an inspection under this section—

(*a*) he shall, before entering the land on which he proposes to carry out the inspection, give reasonable notice, orally or in writing, to the occupier of the land of his intention to carry out the inspection;

or

(*b*) if it is not reasonably practicable for him to give notice before he enters the land, he shall, as soon as practicable after doing so inform the occupier that he is an inspector and that he intends to carry out the inspection.

Subclause (2) was not included in the Bill as first drafted. It was included in the other place but, in its present form, would create many practical difficulties and could unnecessarily increase the cost involved in ensuring that the Act is complied with. The Government agrees with the intention of the subclause, which is that the person in charge of the property should be notified before the inspection is commenced. The difficulties have been discussed and they can be overcome by deleting the subclause in its present form and inserting a new one in the form set out in the amendment.

Amendment carried; clause as amended passed.

Clause 9—"Notice to comply with prescribed requirement"—reconsidered.

The Hon. D. H. L. BANFIELD: I move:

In subclause (1a) to strike out "to such extent as he thinks fit" and insert "for a further period not exceeding 12 months"; and in subclause (3) to strike out "sixteen" and insert "eighteen".

New subclause (1a), which I accepted, virtually gives the Minister completely unlimited power to extend the period of non-compliance with the order of an inspector. In the present Act which is now being repealed, the Minister's power of exemption is limited to a period of 12 months, and the purpose of the first amendment is to retain that in this subclause. The last amendment is to ensure that an inspector may serve a notice on an adult person only, that is, someone who is 18 years of age or older.

The Hon. R. A. GEDDES: It is with much regret that I must accept the first amendment. The Bill provides that an inspector may stipulate that work on shearers' accommodation must be completed within 12 months, the amendment already carried allows for a person to apply to the Minister for an extension, and the Minister may grant an extension as he thinks fit. Apparently, that provision is not acceptable to the Government, and under this new amendment the Minister may grant an extension for a period not exceeding 12 months. This means that an owner will not have more than 24 months to complete such repairs. Bearing in mind the difficulty of getting builders to go to country areas, and more particularly to country stations, an owner could commit an offence, under the regulations that are to be promulgated, if he did not get the top job done within two years. However, he will have redress to the court. If an owner can show that he has tried to effect alterations, he will have still further redress. This means that he will have two extra grounds on which to succeed if his complaint is a substantial one. I therefore accept that amendment.

Regarding the other amendment, honourable members will recall that many members have argued that 16 years of age seemed too young an age for a person on whom a notice could be served. This applies particularly to persons of that age in station country. In its wisdom, the Government has seen fit to move an amendment, providing that a notice cannot be served on a person less than 18 years of age. I also support that amendment.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

Later:

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

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 20. Page 3067.)

The Hon. C. R. STORY (Midland): I rise to oppose this Bill. I have over many years believed that we in Australia have a good voting system, which is envied by many countries. There is only one problem with our system: that we weakened it at one stage and forced compulsory voting on electors. Otherwise, I believe that the preferential system of voting, on a voluntary basis, is a good one, and anything that takes away that system is, in my opinion, obnoxious. Therefore, right from the word "go", I make it clear that I do not support a system that is the first step towards first past the post voting. That is indeed a retrograde system, which is a creature of the Australian Labor Party's making and which has kept Governments in and out of office solely because the Governments concerned have been able to manipulate it to their own liking, which is wrong. In his second reading explanation, the Minister said:

Honourable members are no doubt aware that, following the enactment of the Constitution and Electoral Acts Amendment Act, 1973, this system of voting applies in Legislative Council elections.

Although a somewhat similar system applies in relation to Legislative Council elections, it is by no means an identical system. There is very little comparison between a voluntary voting system and a compulsory system of voting. After all, we did not want an optional preferential system for

the Legislative Council: this was the best that could be arranged in a difficult set of circumstances.

The Bill which came from another place and which was sent up in the name of electoral reform provided, in fact, for the first past the post system. The Opposition believes in a system of preferential voting and, therefore, a compromise was eventually reached, that is, the optional preference system. However, I stress that it was to be on a voluntary voting basis. It is therefore glib for one to say that this is the same system and that, because it has been accepted as the method of voting for this Council, it should become the norm for voting in both Houses of Parliament.

All honourable members know that this is a part of the Labor Party's policy and that the system of first past the post would actually be in operation in the Commonwealth Parliament if the Labor Party had a majority in the Senate. South Australia has over the years been the experimental station for the Canberra Labor Government. We are always one or two years ahead of what happens in Canberra, and this matter is no exception. I believe that the one short step along the road to a first past the post system is a fatal step. The Labor Party delights in this kind of voting, because it knows that its voters and supporters in the unions are disciplined people. They are disciplined, because they know only too well that, if they step out of line, there are the various means of redress and imposed penalties they will sustain for not conforming to the Party line.

In the main, the first past the post system suits the Labor Party because, except for the fellow travellers in the Australia Party and the Communist Party, the other Socialist Parties are united. It has always been a *fait accompli* to the anti-Socialist Parties that they have been free to do what they wanted to do. We have always had far more Independents running at elections on an anti-Socialist ticket than the Socialists have ever had. If a person is a unionist and is a member of the Australian Labor Party, he is unable to stand as an Independent without incurring the prescribed penalty under the rules. This is a good reason why there are not nearly so many Labor Independents as there are Liberal Independents and people on the right of centre.

As a consequence, the first past the post system suits the Labor Party, and it would not have been introduced for Legislative Council voting unless it had suited the A.L.P. One of the great advantages the Government has is that it has control of the Lower House; therefore, it can adopt any system it likes and push it through to the Upper House at any time. I suppose that is one of the spoils of war a Government has—to take avantage of its position of occupying the front benches in another place. I compliment the Leader of the Opposition on the great amount of work he has put in, on the great amount of analytical detail he has made available to the Chamber, and on the amendments he has placed on file.

Among that material, he has demonstrated the many systems available, if one likes to search around under proportional representation and other schemes of voting. The situation is that these are exceedingly complicated systems and whilst they may, on the surface, appear to be very democratic or to give greater democracy to the voter than exists at present, when a matter is ultra complicated, what it usually leads to is smart operators being able to manipulate all kinds of system to the benefit of one Party or another. After all, the system of voting belongs to the elector, not to any Party. The system should belong to the voter, who should be able to see what the effect of his vote will be if he casts it in a certain way. I am sure that a voter would not know what the effect of his vote would be if we adopted the proposals contained in this Bill. I know that I would not know what effect my vote would have.

I was raised under a system of voting for local government in Renmark called plump voting, which could easily be adapted for the proposal the Labor Party has put before us in the form of the Bill, and which, if used improperly, could be most detrimental to the voter's democratic rights. I instance the period when a certain small group of people in Renmark had complete and utter control of the Renmark Irrigation Trust, because first past the post voting was used, and one could plump for one or two candidates. As a consequence, those people who could organise in groups were able to control the destiny of that body, and it was difficult for others to organise against that set-up.

In much the same way, the system in this Bill could operate in isolated areas because, if some organising was done and if the word was passed around, a block vote of 100 or 200 votes in a closely-held area could alter the entire voting pattern. In these days of computers and in which we find people in politics who are highly qualified in certain matters, these things could happen. However, under the preferential system I do not believe that there is nearly as much opportunity for that kind of thing to happen. I am happy with the system of preferential voting, which has been part of my Party's policy for a long time, and, what is more, we are always consistent in our attitude to this matter. We elect our Party officers in the same way—

The Hon. R. C. DeGaris: So does the A.L.P.

The Hon. C. R. STORY: The A.L.P. system is optional preferential, and the voter can plump at the same time.

The Hon. A. F. Kneebone: I don't know what you mean by that.

The Hon. C. R. STORY: It is very complicated and I understand it is not the same principle as the A.L.P. uses in electing its officers. However, I do not think it would be acceptable to this State's electors if it was used to elect members of Parliament. I have no doubt that, if the Labor Party thought it was to its advantage, we would be considering a Bill with which it thought it could get its way. The Bill is the first short step towards first past the post voting. We have a very good system that has stood the test of time. If this Bill was not to the Labor Party's advantage, it would not have been introduced and, since it is to the Labor Party's advantage, it is not to the advantage of the people of South Australia. I therefore cannot support the Bill. I compliment the Leader of the Opposition on the immense amount of work he has done in connection with the amendments he has foreshadowed as regards the Legislative Council's voting system. It is generally accepted that the managers at the conference on the Constitution and Electoral Acts Amendment Bill (Council Elections) had a tremendously difficult job in reaching a compromise. In doing that, they arrived at a system that was not bad but, of course, there are always small things that are overlooked. The amendments that the Leader has foreshadowed would certainly lead to a greater degree of democracy for the people. Should this Bill reach the Committee stage, I hope the Government will support the Leader's amendments. However, I intend to vote against the second reading.

The Hon. A. M. WHYTE (Northern): I oppose the Bill. The Bill changes a system that has worked well and is recognised as one of the fairest in the world to a system

that could easily deny many people an opportunity of registering a valid vote. The Labor Party has often claimed that people have been disfranchised, and I point out that this Bill makes an attack on minority groups and will disfranchise more people than any previous legislation. Under the Bill, they would not qualify for any representation at all. Unless a great change is made to this Bill during the Committee stage, I will vote against the third reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I listened with much interest to speeches from Opposition members, particularly the speech of the Leader. Most of his speech dealt with the matters that he hoped would be debated as a result of his motion for an instruction to the Committee being carried. His speech related to further amendments to the principal Act.

The Hon. R. C. DeGaris: To the same section.

The Hon. A. F. KNEEBONE: Yes. I believe the Leader is still smarting from the results of the confrontation that took place in 1973, when the Government introduced two Bills affecting the franchise and the method of voting for the Legislative Council. I take it that the Leader was referring to that occasion and an earlier occasion when he said:

The position was that the Legislative Council, under extreme pressure and threat by a ruthless political operator, and threatened on all sides, betrayed by political sharpshooters, was able at least to achieve some alleviation of the gerrymander provisions of the Government's original Bill.

This confrontation and the subsequent conference resulted, according to the Leader, in the legislation having a degree of mathematical gerrymander. However, he did not make clear what that degree was.

The Hon. R. C. DeGaris: I said 7½ per cent.

The Hon. A. F. KNEEBONE: I should like honourable members to hear what the Leader said when supporting the report of the managers—

The Hon. C. R. Story: He was very tired.

The Hon. A. F. KNEEBONE: —of the conference between the two Houses. He said:

All the subjects in dispute were thoroughly discussed and all the managers applied themselves to the task of finding a satisfactory solution. Right throughout the debate on this matter the main point of contention has been the fact that a certain undetermined number of votes cast would be lost. I pointed out, I think on many occasions, that the use of a list system, when 11 members are being elected to the Council, makes it difficult to implement a full preferential system. Nevertheless, we have achieved a situation where every vote cast in the election will have a value and in most cases play some part in electing a member to this Chamber.

The Hon. R. C. DeGaris: I said every vote would have a value. I did not say "equal value".

The Hon. A. F. KNEEBONE: In the same debate the Hon. Mr. Cameron said:

Having had a brief look at the amendments agreed to at the conference, I see that they contain a provision that meets the only objection I have had about this Bill. Certain votes were previously excluded from the count, but it is clear from the amendment that the votes will now be considered. I believe we will now have an optional preferential voting system, so that a person may or may not indicate a preference as he wishes. I had thought that this matter could be included in the scheme, and the Party I represent regarded it as desirable.

In relation to the adult franchise Bill, the Hon. Mr. Cameron said:

We seem to have retained this Bill, which was previously described as a fiendish mongrel, and we are at last going to get one vote one value for this Chamber.

Although the Leader was a party to the report of the managers of the conference and although he supported that report, he now attacks the decision by saying:

On the solving of this problem will rest the reputation of this Government: will it permit its record to show it to be the first systems gerrymander in South Australia?

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

The Hon. A. F. KNEEBONE: The Leader then went into a mathematical example, which he claimed demonstrated that 47 per cent of the vote would return six members out of 11 candidates.

The Hon. R. C. DeGaris: It could.

The Hon. A. F. KNEEBONE: He made extravagant statements in expressing abhorrence at this situation, and his sudden espousing of the cause of one vote one value amazes me. I can only use an expression that I have heard him use—political garbage peddled for publication. It may impress a public that generally quickly forgets, but it must fail to impress those who know the real facts of the long struggle of the Labor Party to defeat the very real gerrymander that existed in this State. It took the threat of a double dissolution, to which the Leader referred, to achieve it. The only moves that were ever made in regard to that gerrymander by the Liberal and Country League when in Government were only minor and designed not to upset the *status quo* to any great extent. The Leader talks about one vote one value, yet for so long he saw nothing wrong with a system which, by any stretch of the imagination, did not even approach that, the system which for many years returned only four members of my Party compared to 16 members of his Party in this Chamber. He saw nothing wrong with that very real gerrymander for the other place under which 60 per cent of the population returned 13 members in that House out of 39.

The Hon. R. C. DeGaris: That is not necessarily a gerrymander.

The Hon. D. H. L. Banfield: Not much.

The Hon. A. F. KNEEBONE: Not much it is not! We all know how hard he and his Party have fought to defend and preserve a situation such as I have just described. I believe he has described that situation as preserving the permanent will of the people. We have been told by the weekend columnist who more and more appears to be the champion and chief press secretary of the Opposition that now the Leader's great crusade is for a non-elected Legislative Council. The Leader has told us that the present system for the election of members to the Legislative Council is to a degree a mathematical gerrymander and therefore is not democratic, yet we now find that he is a crusader for an appointed Council. Where is the desire there for the value of the vote to be recognised?

Let us consider how hard the Leader and his Party fought to retain the very real gerrymander that made such an indelible blot on the political history of this State for so long. How many times has my Party introduced Bills intended to amend the electoral set-up in this State, only to have them rejected? When Steele Hall was Premier, the Labor Party, in Opposition, introduced a Bill to provide for 56 members of the House of Assembly, and from the Opposition point of view 26 members in country areas seemed to be the stumbling block. Steele Hall, apparently without consulting his colleagues, offered a compromise to the Opposition. That compromise resulted in the present numbers. I am convinced that that action of Steele Hall was the beginning of the end for him with the Liberal and Country League Party. It was apparent that it was Mr.

Hall to whom the Leader was referring when he said the Legislative Council had been betrayed by political sharpshooters.

The Hon. R. C. DeGaris: I was not. That is not quite right.

The Hon. A. F. KNEEBONE: That seemed to fit the bill. Here again, I cannot understand how the Leader refers to the Legislative Council being betrayed. I always understood the Legislative Council consisted of all the members in this place, and I did not feel betrayed by what happened, nor did at least five other members in this place. That seems to be how the Opposition always looks at this place; it is theirs, and we are just interlopers.

The Hon. A. J. Shard: We are only a necessary evil.

The Hon. D. H. L. Banfield: It is the Liberals' Council.

The Hon A. J. Shard: We make up the numbers.

The Hon A. F. KNEEBONE: I think we can all recall one long night when L.C.L. members endeavoured to play out time so that they would not have to vote on a Bill designed to provide adult franchise.

The Hon. D. H. L. Banfield: They didn't even want to vote on it.

The Hon. A. F. KNEEBONE: No. They could not bring themselves to vote for a Bill and thereby bring about a more democratic form of franchise, yet they talk of being interested in democracy.

The Hon. D. H. L. Banfield: That was a disgraceful performance.

The Hon. A. F. KNEEBONE: However, they were aware that more and more people in this State were demanding a more democratic form of voting for Legislative Council elections. Those honourable members also were aware of the deadlock provisions in the Constitution. However, with the return to the Chamber of one honourable member at the point where most Opposition members had spoken and the inevitable was near, sane counsel prevailed, the vote was taken, and the Bill was laid aside. When I consider those actions of the L.C.L. members regarding gerrymanders, it is difficult for me to accept that the Leader has changed so much that even what he describes as only a degree of mathematical gerrymandering is so abhorrent to him that at last he espouses the cause of one vote one value.

The Hon. R. C. DeGaris: Do you admit there is a mathematical gerrymander?

The Hon. A F. KNEEBONE: No, I said the Leader had said it.

The Hon. R. C. DeGaris: Do you agree on that point?

The Hon. A. F. KNEEBONE: I do not mind saying that it is difficult to get a perfect system.

The Hon. R. C. DeGaris: Not under P.R.

The Hon. A. F. KNEEBONE: It is most difficult to get a perfect system, as the Leader must know, because he said that what the conference agreed on last time had brought about what he wanted.

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

The Hon. A. F. KNEEBONE: It is most difficult to get a perfect system, and I do not say the present system is perfect.

The Hon. R. C. DeGaris: It is a gerrymander.

The Hon. A. F. KNEEBONE: I will not admit that it is a gerrymander, but I admit that it is not perfect.

The Hon. R. C. DeGaris: Would you be prepared to improve it?

The Hon. A. F. KNEEBONE: Yes.

The Hon. R. C. DeGaris: Right; you will accept my amendments.

The Hon. A. F. KNEEBONE: The Leader's amendments will not improve it. I am amazed to hear that the Leader is now espousing the cause of one vote one value, because in 1973 he said it was indefinable and, when the Leader said that, the Hon. Sir Arthur Rymill said it was a "galah call".

The Hon. R. C. DeGaris: In a single-member electorate, that is so.

The Hon. A. F. KNEEBONE: The Leader said that no-one could define one vote one value, and his reference to incorporating that principle is all eyewash for the benefit of publication, because he has said it cannot be defined. In his proposals regarding Legislative Council voting he talked for some time on the options that should be available to the voter. He said that the voting system should make the voter king and interpret his wishes, both individually and collectively, as nearly as is mathematically possible. I agree that that should be so, and I believe it would be difficult to achieve perfection. I am convinced that an optional preference system goes closer than do most others.

I do not believe that a person's votes should be used to elect someone whom that person did not want elected, and the Leader's proposition could do just that. After talking about the various options that should be available to the voter, the Leader proposes to introduce an amendment which, as far as I can find, does not bring about that position. If the voter votes in only one square because he believes that candidate is the only one worth voting for, according to the Leader's explanation of his proposals, that vote eventually will be passed on successively to all other candidates on the ballot-paper, or perhaps all except one.

The Hon. R. C. DeGaris: Not successively.

The Hon. A. F. KNEEBONE: If it is not successively, how does one vote extend to 50 people, as was the case in the Senate ballot-paper in New South Wales some time ago?

The Hon. R. C. DeGaris: Single transferable voting—a wellknown principle.

The Hon. C. R. Story: We are dealing only with House of Assembly single electorates.

The Hon. A. F. KNEEBONE: But it is possible to have a list of members for an individual election. I cannot see how it could be equally divided. When there is a multiplicity of candidates, how is the last candidate to receive a vote on equal terms with the one received from the first candidate eliminated? We are talking of the one-man vote, not a number of votes where 100 people are involved. We are talking of one man where only one voter did not indicate his preferences. How can that be applied equally to 49 other people?

The Hon. R. C. DeGaris: Quite easily.

The Hon. A. F. KNEEBONE: With fractional voting, yes. In reply to an interjection from me, the Leader said that in a case like this a voter could vote for more than one candidate. I asked whether they would get one vote each. The Leader said, "No. Listen, and I will explain." However, although I listened, the Leader did not explain. Heaven forbid that we should have fractional voting, with 50-odd people involved,

each of whom could be getting one-fiftieth of the vote. In effect, the Leader's proposal is for a simple compulsory preferential system, under which the voter would be required to indicate every preference. Otherwise, the vote for his preferred candidate would be passed on to the other candidates.

I do not think that anyone who votes in an election thinks the same about every candidate. Most voters want to vote for the person that they want elected and, under the optional voting system, they can do so and eliminate the rest. That is how it should be. If a voter does not vote for everyone, he is assumed to think, under the Leader's system, that every candidate not having a vote is equal. When the candidate for whom a person votes is eliminated, the vote goes to the other candidates successively, regardless of the fact that the person's vote goes to the candidates that he wishes completely to reject. Under the Leader's system that person will not get a preference.

The Hon. R. C. DeGaris: Yes, he will. I don't think you understand it.

The Hon. A. F. KNEEBONE: Well, the Leader did not explain it too well. This is the drawback of any preferential system other than an optional one. The only interpretation I can put on the Leader's amendment is that he is creating a compulsory preferential system.

The Hon. R. C. DeGaris: Do you like compulsory voting?

The Hon. A. F. KNEEBONE: I do.

The Hon. R. C. DeGaris: Very well.

The Hon. A. F. KNEEBONE: It must be apparent to all honourable members that in one amendment the Leader has on file he is rejecting the principle of compulsory voting, whereas in another he is introducing a compulsory preferential system of voting. How inconsistent can one be? I had hoped that we would see the last of any moves to do away with voluntary voting in South Australia. All the Leader's friends have given it away. It is impossible, of course, for one to get a real estimate of what the community believes regarding Parliamentary elections, unless citizens are under a duty to record their vote. This has been demonstrated often enough. No doubt honourable members will recall a by-election that was held for Southern District in 1973 when just over 30 per cent of the people voted. This was a ludicrous situation in which virtually a handful of people elected a member of this Council. I know this comes back on me, as I was elected under that system, but I do not believe in the voluntary system of voting, which no-one wants to continue. Indeed, I do not want it to continue, despite my having been elected under it. It was a Liberal and Country League Government that introduced compulsory voting in South Australia and, ironically, the only moves to change that system seem to come from Liberal Party members in this State. To the best of my knowledge, there have been no moves in States under Liberal Party Governments to return to voluntary voting.

The Hon. R. C. DeGaris: That Bill was not introduced by a Liberal Government.

The Hon. A. F. KNEEBONE: But it was supported by that Government.

The Hon. D. H. L. Banfield: And it was supported by all Liberal members in this Council.

The PRESIDENT: Order!

The Hon. A. F. KNEEBONE: I recall that some time ago the Leader of the Opposition in South Australia went to a Liberal Party gathering in Canberra with such a proposal, and I am heartened by his singular lack of success. In the light of that, it seems odd that the Labor Government here should be accused of favouring compulsory voting, because the Government believes it is politically to the disadvantage of the Opposition. Evidently, the Opposition believes that it will derive considerable advantage from a change, as it continues to try to revive the lost cause of voluntary voting, a system which is anti-democratic. In a democracy, the majority of the people should have the right to determine who shall represent them in Parliament. The only way to ascertain the will of the majority is to impose a legal obligation on citizens to indicate their wishes through their votes. That obligation does exist.

The Hon. M. B. Cameron: Vote by conscription!

The Hon. A. F. KNEEBONE: I do not know how the honourable member aligns that thought with what he said in 1973, when he supported the optional preferential system. According to the Leader, the honourable member is in the same boat that I am supposed to be in. That obligation to which I have referred does exist and, if a person does not vote, a penalty can be imposed. This is a discipline that the community imposes upon itself so that it will know that the Parliament it elects does reflect the will of the majority of the people.

I am sure all honourable members will agree that representation in Parliament should not be influenced by, say, sporting events or the vagaries of the weather. Members would not need to be reminded of the election before last in Britain, when the people, satisfied by the opinion polls that the Government of their choice would be elected, stayed at home and watched the world series soccer. Democracy can survive only if Parliament has the best possible representation chosen by the majority in an informed electorate. We do not wish to turn back the clock, and I must oppose the Leader's amendment.

The Hon. R. C. DeGaris: I have not moved it.

The Hon. Sir Arthur Rymill: You may not get a chance to move it.

The Hon. A. F. KNEEBONE: I suppose, as a result of what I have said, that the Leader may not move his amendment. Regarding the Leader's proposed electoral commission, my memory, unless it plays me false, is that the Labor Party once proposed such a commission, but it was rejected. I do not support his proposal, and for once the *Advertiser* leader writer agrees with me, or perhaps I agree with him. After describing the Leader's proposal, the leader writer said:

> The trouble is, of course, that this ideal would be most difficult to attain. In the long term, too, there would be a very real danger that the commission would become resistant to change, even though such change might be considered highly desirable by the community at large.
>
> There can be no denying that the present system of determining electoral boundaries leaves something to be desired. At least, however, the commission is ultimately responsible to Parliament and, through Parliament, to the people.

With those few remarks, I ask honourable members to support the Bill in its original form.

The Council divided on the second reading:

Ayes (10)—The Hons. D. H. L. Banfield, J. C. Burdett, B. A. Chatterton, T. M. Casey, C. W. Creedon, R. C. DeGaris, R. A. Geddes, A. F. Kneebone (teller), A. J. Shard, and A. M. Whyte.

Noes (8)—The Hons. M. B. Cameron, J. M. Cooper, M. B. Dawkins, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill, V. G. Springett, and C. R. Story (teller).

Majority of 2 for the Ayes.

Second reading thus carried.

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

That it be an instruction to the Committee of the Whole on the Bill that it have power to consider amendments to section 118a of the principal Act dealing with compulsory voting and section 125 dealing with voting for the Legislative Council.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

New clause 2a—"Repeal of section 118a of principal Act."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move to insert the following new clause:

2a. Section 118a of the principal Act is repealed.

This is the first of the amendments I have on file, and the Chief Secretary has accused me of being inconsistent in my views. If we are going to open up the options for voting, the first thing we must do is to give the original option: to vote or not to vote. That appears to me to be fundamental in giving the voter the options in recording his vote, and my amendment provides the first option the voter should have: to cast or not to cast his vote. In his second reading explanation, the Chief Secretary said that the Legislative Council had accepted the principle of optional voting for Legislative Council elections, as the result of a compromise reached at a conference, whereas our original aim was a fully transferable vote, not optional voting. The need for compromise is always present at a conference. The Legislative Council has voluntary voting, which is an important ingredient in this whole matter.

The Hon. A. F. KNEEBONE (Chief Secretary): My views on the amendment must be fresh in honourable members' minds, because I have only just expressed my opposition to voluntary voting. I oppose the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, J. M. Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

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

Majority of 3 for the Ayes.

New clause thus inserted.

Clause 3 passed.

Clause 4—"Scrutiny of votes."

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

To insert the following new subclause:

(*aa*) by inserting in paragraph (5) after the passage "to be elected" the passage ", subject to the succeeding paragraph of this section,"; to strike out subclauses (*c*) and (*d*); and to insert the following new subclauses:

"(*c*) by inserting immediately after paragraph (5) the following paragraphs:

(5a) In the second count referred to in paragraph (5) of this section, there shall be attributed to each continuing candidate a number of attributed votes equal to the number of exhausted ballot-papers, representing votes received by the excluded candidate at the first count, divided by the number of candidates.

(5b) In each succeeding count, if any, there shall be attributed to each continuing candidate a number of votes equal to the number of the available votes, if any, of the excluded candidate, divided by the number of continuing candidates.

(5c) Where a division referred to in paragraph (5a) or (5b) of this section does not result in an equal number of votes being attributed as between continuing candidates, each attributed vote over shall be attributed to a continuing candidate by the returning officer by lot.

(5d) For the purposes of paragraph (5) of this section a vote attributed to a continuing candidate in a count shall, for that count, be deemed to be a vote cast for the continuing candidate to whom it is so attributed.

(*d*) by striking out from subparagraph (*b*) of paragraph (9) the passage "one more than".

(*e*) by striking out from subparagraph (*c*) of paragraph (9) the passage "one more than".

(*f*) by inserting in paragraph (13) immediately after the definition of "an absolute majority" the following definition:

"available votes" in relation to an excluded candidate means the sum of the attributed votes, if any, previously attributed to the candidate and a number of votes equal to the number of exhausted ballot-papers representing votes for that candidate immediately before his exclusion: ;

and

(*g*) by inserting in paragraph (13) immediately after the definition of "description" the following definition:

"exhausted ballot-paper" means a ballot-paper that does not indicate a preference for a continuing candidate: .

The amendments cover two matters and, as they are both involved in section 125 of the principal Act, I will deal with both at the same time. As I stated in my second reading speech, the clause in the Bill is defective in that it assumes that the voter wishes to kill his vote after marking the figure "1" in one square.

In my opinion, the only way to interpret that vote is to look at those candidates who do not have a number in the square alongside their names as an expression of the voter's will that he does not wish to express an opinion about a preference. In other words, he looks at the remaining candidates as being equal. The amendments produce a situation whereby no candidate will be elected at an election with less than 50 per cent of the vote, and that is important.

The Hon. A. F. Kneebone: It doesn't mean a thing if people don't vote for them.

The Hon. R. C. DeGARIS: That may be so, but, under the Government's system, people can be elected with less than 50 per cent of the votes cast. The amendments also remove the ability of political Parties to manipulate their voting patterns in different districts to suit a narrow political advantage. If a Party can advocate a "1" vote in one district and a full preferential run in another, that allows a subtle manipulation of the procedure, and in my opinion that should not be tolerated.

I am prepared to go along with the Government's views that a vote marked "1" should not be informal and that any marking of papers that does not give a full run of preferences should not be automatically classified as informal. My amendments allow those votes so marked to be counted as formal, but they always remain formal in the count. However, the Government wants it to be a formal vote up to a certain point, when it suddenly becomes informal. The Government wants a vote marked "1" to be formal for one count only and, as it proceeds, that vote becomes informal.

I am sorry that it is not possible for me to move other amendments that I indicated in my second reading speech that I would move. However, I think honourable members appreciate that, at this late stage of the session (I

believe we are adjourning tomorrow) and with the pressure of legislation before us, it is not possible to draft the extremely complicated amendments that would be necessary to fulfil all the matters that I raised in my second reading speech. I hope at some time in future to be able to present a better concept than the one I am moving for now, although I believe that the amendments overcome some problems in relation to straight optional preferential voting.

The other part of my amendment deals with voting for the Legislative Council. I could not quite follow the logic of what the Chief Secretary said when replying to the second reading debate. He assumed that a gerrymander existed in South Australia previously. I am willing to debate that issue with him if he so desires, because other factors were involved at that time, particularly in relation to the Legislative Council, for which there was no protection against abolition, and that was an important consideration.

The only way to judge a gerrymander is by looking at the preferred vote for two major Parties and, if the pivotal point of change between Government and Opposition is not 50 per cent of the votes, that is the only suggestion of a gerrymander. Every single-man electoral system is a gerrymander: no system that relies on a single-man system is not a gerrymander. In 1962, when the Playford Government had 19 members, the Labor Party 19 members, and there was one Independent (and I think those figures are accurate), the combined Liberal and Independent vote, on a preferred basis, was about 48 per cent, and that returned slightly more than 50 per cent of the members.

That shows that a gerrymander existed in 1962 of about 3 per cent against the Australian Labor Party. In 1965, with no change in the boundaries and on a preferred vote, the A.L.P. polled 52 per cent of the votes and returned about 56 per cent of the members, indicating that with exactly the same boundaries there was about a 3 per cent gerrymander to the A.L.P. in that year. The only way to judge a gerrymander is in relation to the pivotal point of change of Government at 50 per cent.

The Hon. A. J. Shard: If you go back, you will see that it was gerrymandered more in favour of the L.C.L.

The Hon. R. C. DeGARIS: I am willing to debate the question that there was no gerrymander in South Australia as far as the preferred vote was concerned.

The Hon. A. J. Shard: On one occasion we got 53 per cent of the votes but could not form a Government.

The Hon. R. C. DeGARIS: I ask the Hon. Mr. Shard when that was.

The Hon. A. J. Shard: It was back in Mick O'Halloran's time.

The Hon. R. C. DeGARIS: No. I challenge honourable members to deny that, until 1959, in South Australia the A.L.P. did not poll more than 50 per cent of the vote.

The Hon. A. F. Kneebone: Tell us what the L.C.L. polled.

The Hon. R. C. DeGARIS: I will send for the figures and come back to that matter.

The Hon. A. J. Shard: I hope you have a cartoon that the *News* published about it.

The Hon. R. C. DeGARIS: Cartoons are hardly a way to interpret voting figures. The assumption has been made that, because a gerrymander existed in the minds of some people in this place, there is a right to gerrymander now.

The Hon. A. F. Kneebone: No-one has said that.

The Hon. R. C. DeGARIS: Yes, the Chief Secretary did. I always object when I think there is a gerrymander in regard to the mathematics of a system, and I have said that the time when a Government should change is when 50 per cent or more of the people vote against it. In that case, that Government should not be in office. I have never varied from that point of view. The Labor Party in the Commonwealth sphere is governing with less than 50 per cent of the vote.

The Hon. A. F. Kneebone: Because the rest of the vote is split between four different Parties.

The Hon. R. C. DeGARIS: It does not matter. This will always happen in a single-electorate system. Of course, there is a vote over the whole State in Legislative Council elections. The Dunstan Bill at that stage was the greatest mathematical gerrymander ever produced in any Parliament in Australia, because it contained a possible 20 per cent gerrymander to one Party. Let me refer to the television debate that took place at that time, and let us see what the Premier undertook to do before the only jury there is in electoral matters—the people of South Australia. Part of the transcript of that debate is as follows:

Mr. Dunstan: I think most of the State don't know the Legislative Council exists. This is part of the problem, but in fact, of course, this is not the argument at the moment. The argument at the moment is whether every citizen of this State should have a vote, an equal vote.
Mr. DeGaris: An equal say.
Mr. Dunstan: Not merely an equal say, but they should at least get a vote.
Mr. DeGaris: I agree.
Mr. Dunstan: But at the moment they don't get that.
Mr. DeGaris: But each vote should count equally.
Mr. Dunstan: Mr. DeGaris, when we can get you to agree . . .
Mr. DeGaris: I'll agree to that.
Mr. Dunstan: There will be everybody enrolled . . .
Mr. DeGaris: Yes. An equal . . .
Mr. Dunstan: . . . for the Upper House and that each . . .
Mr. DeGaris: . . . that each vote will count equally.
Mr. Dunstan: . . . each voter can have an equal and effective say in the Upper House, then we'll start to get somewhere.
Mr. DeGaris: Well, we've already reached that point.
Mr. Dunstan: I fail to see that.

In that debate the Premier undertook that every vote would be counted and that every vote would count equally, yet he introduced a Bill in which there was a mathematical gerrymander of 20 per cent toward the majority Party and in which there was annihilation of possibly 15 per cent of the vote.

The Hon. A. F. Kneebone: You told us 10 per cent the other day.

The Hon. R. C. DeGARIS: It could be. Any vote below 4 per cent was to be thrown away. In that emotional atmosphere I was very proud of the way in which honourable members of this Council stood up to the pressure. Some honourable members here could have helped to maintain themselves in politics through giving in, but they did not give in. Our amendments produced a complete equality of vote value, but the Assembly disagreed to those amendments. And let us remember that in the Assembly were the people who had argued that they hated the so-called gerrymander, yet they disagreed to the amendments carried here, and the Bill had to go to a conference. With the threat of a double dissolution hanging over our heads and with political sharpshooters firing at us, we finally agreed to a system in which every vote would be counted: no vote would be destroyed. However, the system does not produce votes of equal value: it produces a mathematical gerrymander that

leaves the principles of the Government under severe question.

Let me outline the voting patterns in past elections. In 1938 the Liberal and Country League received 83 413 votes; the Australian Labor Party received 76 093 votes; and others received 65 780 votes. The A.L.P. received 33·8 per cent of the votes. In 1941 the A.L.P. received 33·6 per cent of the votes; in 1944 it received 43·8 per cent; in 1947, 39·7 per cent; in 1950, 39·7 per cent; in 1953, 42·8 per cent; and in 1956, 46·4 per cent. So, up to 1956 the A.L.P. failed to receive 50 per cent of the votes. In 1959 the A.L.P. received 48·4 per cent of the votes, and the first time the A.L.P. received more than 50 per cent of the votes was at the 1962 election.

The Hon. C. W. Creedon: Was that when all the seats were contested?

The Hon. R. C. DeGARIS: As usual, the honourable member does not understand. I have made a correction for every uncontested seat. Where there was an uncontested seat, I have taken the figures for the nearest Senate election to that time. If the honourable member reads statements of political academics he will find that that is the only way in which one can make an examination of the figures.

The Hon. A. J. Shard: You have made your point very forcibly, and we don't want to hear the figures, because they are doctored.

The CHAIRMAN: The honourable member's allegation of doctoring is not up to Parliamentary standard.

The Hon. A. J. Shard: I will think of a better word directly.

The Hon. R. C. DeGARIS: The only way of getting the correct figure is to use the figures for the Senate election closest to the State election. The State Liberal Party's vote was about 3 per cent better than the Liberal Party's vote in the Commonwealth sphere at that time, so my figures are probably leaning in favour of the A.L.P.

The Hon. A. F. Kneebone: What was the figure in 1962?

The Hon. R. C. DeGARIS: It was 51·3 per cent for the A.L.P.

The Hon. A. F. Kneebone: How is it that the A.L.P. did not win the election and govern? Surely there must have been a gerrymander.

The Hon. R. C. DeGARIS: In 1965 the A.L.P. vote was 51·3 per cent. At that election the gerrymander was toward the A.L.P. Let us get away from the talk of gerrymander and come back to the point I was making. Existing today in the Legislative Council is a mathematical gerrymander of about 8 per cent. I do not believe that this Parliament or this Government should allow that gerrymander factor to remain. Suppose there are four groups in the Legislative Council election in which group A polls 47 per cent, group B polls 42·4 per cent, group C polls 5·3 per cent, and group D 5·3 per cent; and 11 candidates are to be elected. Can any member say that a group polling 47 per cent of the vote is entitled to six out of the 11 members to be elected? Can one person on the Government benches justify that?

The Hon. C. W. Creedon: It has not happened yet.

The Hon. R. C. DeGARIS: It could happen. Government members must accept my figures. Group A polls 47 per cent of the vote. The quota is 8·33 per cent, so we divide 8·33 into 47 and we get five members elected with a surplus of 5·4 per cent. Group B polls 42·4 per cent, and dividing by 8·33 per cent we get five elected with a surplus of 0·8 per cent. The other two groups get no candidates in, with a surplus of 5·3 per cent each. Out of those two groups, 10 are elected with one more to be elected. Under the terms of the Act, the greatest remainder gets it, so the group with 47 per cent gets the last man in, thus electing six out of 11. I challenge the Government to say that it supports a system that will return to this Chamber, when the undertaking was given by the Premier on television that every vote would count equally, 54 per cent of the members of the Council with 47 per cent of the vote. Can they agree with that system?

The Hon. A. F. Kneebone: That is what you agreed to.

The Hon. R. C. DeGARIS: We did not agree. We amended the Bill so that each vote had an equal value. We got to the conference with all the threats of double dissolution and all the play-acting on the steps of Parliament House, and the Chief Secretary knows how close we came to a double dissolution; I know it, too. We had to reach a compromise; that is our principle. This system is a mathematical gerrymander imposed by a gentleman, the Premier of this State, who stormed around the State accusing other people of gerrymandering while he introduced a Bill which was the greatest mathematical gerrymander ever introduced into South Australia. I will argue that point on television with any member here and with the Premier if he wants to be faced with these figures.

Is there a Government member prepared to defend the fact that 47 per cent of the vote under this system can return 54·5 per cent of the members? In a proportional representation system over the whole of a State such as South Australia, no group should gain a majority of members unless it holds 50 per cent of the vote. If it does, it is entitled to a majority; if it does not, it is not entitled to a majority. One of the problems of the system is the use of the droop quota. In proportional representation, the droop quota is obtained by dividing the total votes by one more than the number of members to be elected. If 11 are to be elected we divide by 12. In the Senate where five are to be elected we divide by six. The droop quota is used where there is a single transferable vote, and it is used to make the counting system easier.

The gerrymander in this Bill lies in the combination of the droop quota, which is obtained by dividing by one more than the number of members to be elected, and the list system, with no transferance of preferences. This is where the mathematical gerrymander occurs. If one uses the Andrae quota, which should be done where the list system is used to produce the correct mathematics, that is the system where a Party must poll 50 per cent of the vote before getting six out of 11 or seven out of 13. The actual use of both the droop quota and the list system is how the mathematical gerrymander has been achieved in the Upper House.

There are two ways to overcome the Dunstan mathematical gerrymander. One is to change the Act and to adopt the Andrae or the natural quota, the divisor being 11, the number of members to be elected. If one reads all the books in the Parliamentary Library on proportional representation systems, that is the recommendation. The alternative is to adopt the system of full transferability with expressed preferences. To adopt the latter course is an extremely long and involved process. I have looked at the matter of drafting amendments along these lines and, although it can be done, it is extremely difficult in relation to the list system. In the time available in this session it has not been possible for me to work on it, but it can be drafted. The simple answer comes down to changing

the quota from a droop quota to an Andrae or a natural quota.

I return now to the figures I quoted previously: party A, 47 per cent; party B, 42·4 per cent; party C, 5·3 per cent minus; party D, 5·3 per cent plus. The quota under the Andrae system becomes 9·09 per cent, not 8·33 per cent. Party A, with 47 per cent, returns five candidates with a 1·55 per cent remainder; party B returns four candidates with a 6·04 per cent remainder; party C returns no candidates with a 5·3 per cent plus remainder; and party D returns no candidates with a 5·3 per cent minus remainder. We have elected nine and there are two more to be elected. The greatest remainder gets them: party B and party D. The correct mathematical result is as follows: five members for the party returning 47 per cent, five for the party returning 42·4 per cent, and one for the party returning 5·3 per cent plus. We have the position where the party holding 47 per cent of the vote returns five and the parties returning 53 per cent of the vote return six. That is mathematically accurate at that point. The adoption of the natural or Andrae quota removes the inherent mathematical gerrymander (the Dunstan mathematical gerrymander) and prevents a minority group from gaining more than 50 per cent of the members.

In the use of the proportional representation and the list systems of voting, the most favoured system is the d'Hondt system. In Europe, where proportional representation is used the d'Hondt system of counting is also used extensively. It relies upon dividing the number of votes for each group by one, then two, then three, then four, and so on, until the total number is selected. This system produces a slightly majoritarian principle not in the Andrae principle. If one uses the d'Hondt system for electing 11 members, where we divide by the odd numbers 1, 3, 5, 7, and 9 (Lague variation of d'Hondt), in a vote where 47 per cent voted for party A, 42 per cent for party B, 5·3 per cent for party C, and 5·3 per cent for party D, under the d'Hondt counting system it comes out at five, five, and one, which is mathematically accurate. No-one can convince me that it is not a gerrymander when a group of people can be returned to office with a majority with 47 per cent, or even 46 per cent, of the vote. If we want to produce a mathematical system which will ensure that a Party must poll near to or over 50 per cent before it gains a majority of seats, my amendments must be agreed to, as they produce a mathematical formula that will not allow a minority group to gain a majority of the members coming into this Chamber.

I am willing at any time to face the Premier or any Minister of this Government on television, before the people of South Australia, to argue this case. I know that what I am saying is correct: that existing in the system today is a mathematical gerrymander which, if known by the public, would test this Government's credibility.

The Hon. C. R. STORY: One cannot but admire the Leader of the Opposition for his tremendous knowledge of this subject. He has put on record in *Hansard* some valuable information that will be of use not only to this Parliament but also to future Parliaments. However, I intend to vote against the amendments, as I believe that the part of them dealing with the Legislative Council's franchise would be more properly dealt with in a private member's Bill. Also, I must oppose the clause, as it will bring us one step nearer to the first past the post voting system, which I oppose.

The Hon. A. F. KNEEBONE: The Leader is trying to get away from the optional preferential voting system. Under his amendment, unless a voter indicates to the last preference his feelings in relation to each candidate, it will be assumed that he thinks equally of everyone except the person for whom he has voted, and even that vote will be passed on. This therefore effectively kills the Government's proposals for an optional preferential scheme. The result of the conference that was held previously was said to be satisfactory. We have not had an election since and, now that the storm has died regarding a double dissolution of Parliament on this matter and something has been achieved, the Leader wants to change the system.

The Hon. R. C. DeGaris: All I want is for the undertaking which the Premier gave on television to be fulfilled.

The Hon. A. F. KNEEBONE: I strongly oppose the amendment.

The Hon. R. C. DeGARIS: As the first part of my amendment deals with House of Assembly voting and the second part deals with Council voting, I am willing to have the two aspects dealt with separately. This may help the Hon. Mr. Story and the Chief Secretary. I seem to have convinced the Chief Secretary that there is a mathematical gerrymander.

The Hon. A. F. Kneebone: You haven't convinced me at all.

The Hon. R. C. DeGARIS: The first part of my amendment, including paragraph (*aa*), and new paragraphs (5a) to (5d), relate to House of Assembly voting, the rest of my amendments relating to Legislative Council elections. Perhaps the Hon. Mr. Story would say whether he would like the amendments dealt with separately.

The Hon. C. R. STORY: I think that would make it easier for those honourable members who have any qualms about the matter. However, I am not sure whether it will change the way in which I vote.

The Hon. R. C. DeGaris: I am willing to split the amendments.

The Hon. A. F. KNEEBONE: To enable the matter to be sorted out, I ask that progress be reported and the Committee have leave to sit again.

Progress reported; Committee to sit again.

Later:

The Hon. A. F. KNEEBONE (Chief Secretary): The Leader has been considering dividing his proposed amendments into two sections. If the Leader wishes to proceed in that way, I am agreeable.

The Hon. R. C. DeGARIS: I seek leave to withdraw my amendments so that I can proceed with them in two parts.

Leave granted; amendments withdrawn.

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

To insert the following new subclause:

(*aa*) by inserting in paragraph (5) after the passage "to be elected" the passage ", subject to the succeeding paragraph of this section,"; to strike out subclauses (*c*) and (*d*); and to insert the following new subclauses:

(*c*) by inserting immediately after paragraph (5) the following paragraphs:

(5a) In the second count referred to in paragraph (5) of this section, there shall be attributed to each continuing candidate a number of attributed votes equal to the number of exhausted ballot-papers, representing votes received by the excluded candidate at the first count, divided by the number of candidates.

(5b) In each succeeding count, if any, there shall be attributed to each continuing candidate a number of votes equal to the number of the available votes, if any, of the excluded candidate, divided by the number of continuing candidates.

(5c) Where a division referred to in paragraph (5a) or (5b) of this section does not result in an equal number of votes being attributed as between continuing candidates, each attributed vote over shall be attributed to a continuing candidate by the returning officer by lot.

(5d) For the purposes of paragraph (5) of this section a vote attributed to a continuing candidate in a count shall, for that count, be deemed to be a vote cast for the continuing candidate to whom it is so attributed.

This part of my amendments deals with optional preferential voting in the House of Assembly.

The Hon. A. F. KNEEBONE: If a person votes for only one candidate, under the amendments he would be presumed to have voted equally for all candidates on the ballot-paper. On this basis, I oppose the amendments.

The Hon. C. R. STORY: I oppose the amendments, but for reasons different from those of the Chief Secretary. As I have consistently maintained, I see this concept of optional preferential voting for the House of Assembly as the first step towards first past the post voting. In my opinion that is a retrograde step, and I will have no part in it.

The Hon. M. B. DAWKINS: I oppose the amendments for the same reason as that given by the Hon. Mr. Story.

Amendments negatived.

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

To strike out all words after "amended".

I have moved this amendment with a view to moving further amendments. I am not willing to go along with the idea that a ballot-paper becomes informal after the "No. 1" vote is counted. I agree with the Hon. Mr. Story that that is a step toward first past the post voting. If we are going to have optional preferential voting, it must be widened completely, so that the elector is given every possible option. The elector must have the right to vote how he likes, even to the extent of voting "No. 1" for two candidates. Why should a person not split his vote if he wants to do so? Elections for the Senate of the Adelaide University are conducted in that way. This is the only step that can be taken.

The Hon. T. M. Casey: It is not the only step.

The Hon. R. C. DeGARIS: It is. If the Minister wants optional preferential voting, we must provide for all options.

The Hon. T. M. Casey: No.

The Hon. R. C. DeGARIS: The Minister said earlier that we should give all the options. Well, I am willing to give all the options, but the Government is not willing to do that. My step is more democratic, because it provides that no person can be elected without 50 per cent of the vote.

The Hon. A. F. KNEEBONE: I completely oppose what the Leader is trying to do. He still has me confused about the question of a voter being able to cast more than one "No. 1" vote.

The Hon. R. C. DeGaris: The university uses that system.

The Hon. A. F. KNEEBONE: We do not have to do it simply because the university does it. I thought the Leader was opposed to uniformity; he has said that we ought to do our own thing. I have always said that optional preferential voting is the most suitable system for the person who wants to vote in the way he wishes to vote.

The Hon. R. C. DeGaris: No.

The Hon. A. F. KNEEBONE: An amendment moved by the Leader has already been defeated; he tried to achieve something in one way, and now he is trying in another way. I am still waiting to learn how a system could be operated under which a voter could vote "No. 1" for more than one candidate. How can it be one vote one value if a voter can vote equally for two candidates? Under the Leader's proposal, if there are eight candidates on the ballot-paper, a voter could vote for all of them, and thereby have eight votes. The Leader is confusing not only us but also himself.

The Hon. C. R. STORY: I am very taken with the amendment because it strikes out almost all the clause.

The Hon. R. C. DeGARIS: If we are to have optional preferential voting, let us ensure that all the options are open, not just the one option that the Government wants. If the Government wants to give all the options, it must look at the systems of voting accepted in other places, including the university. If a voter cannot differentiate between two candidates, he may say, "I would like to give both of them a 'No. 1' vote." So, there is half a vote for each candidate. It is just as easy to count in halves as it is in ones. A person should be able to express his vote exactly as he wishes. This is done in many democratic countries. The amendment on file provides for an attributed value. If there are 800 "No. 1" votes for a candidate and no more squares are filled in, and there are eight other candidates, each one gets 100; that is all.

The Hon. T. M. Casey: What does that achieve? Nothing!

The Hon. R. C. DeGARIS: If it achieves nothing, why not accept it?

The Hon. T. M. Casey: It is not necessary.

The Hon. A. F. Kneebone: It assumes that a voter attributes an equal vote to people for whom he does not want to vote, anyway.

The Hon. R. C. DeGARIS: How do you know that? It is more logical to assume that he says, "I want that person, and the others I look at equally." It overcomes the problem of electing a person with less than a 50 per cent vote. The Minister of Agriculture says it makes no difference; if that is so, why is the amendment so strongly opposed? All I can do to try to save the Bill is to move the exclusion of this clause, because an excellent amendment has been defeated very soundly on the voices. I am not complaining about that, but I cannot accept the view that optional preferential voting, as in the Bill, is logical.

The Hon. A. F. KNEEBONE: The Leader speaks as though we are insisting that each voter votes only for the first person he wishes to vote for. The whole option is open to every voter to vote right down the list. The Leader speaks as though this is first past the post voting. All options are open except the one the Leader is talking about, voting by fractions. The vote of the individual voter for, say, Joe Blow is perhaps split into one-fiftieth for every candidate on the ballot-paper.

The Hon. R. C. DeGARIS: What the Chief Secretary says is not the position. Either he has not read the amendments or he has been badly advised. The possibility of having one-fiftieth of the vote does not occur. Votes remain whole, but they are equally divided and where there is a fraction they are drawn by lots, the system used in other parts of the world.

The Hon. Sir ARTHUR RYMILL: The aggregation of wisdom expressed on this clause has convinced me that I must vote against the whole clause.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 4 for the Ayes.

Amendment thus carried.

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

(*d*) by striking out from subparagraph (*b*) of paragraph (9) the passage "one more than"; and

(*e*) by striking out from subparagraph (*c*) of paragraph (9) the passage "one more than".

This alters the counting system for the Legislative Council vote. The original Bill had a mathematical gerrymander of the worst type, with a mathematical gerrymander factor of up to 20 per cent. If one reads the books on proportional representation, one will find that the droop quota, as used in the present Act, is used only as a means of shortening the count, particularly where a single transferable vote is used. The combination of the droop quota and the list system produces a situation where, in many instances, a group with well under 50 per cent of the vote could have 55 per cent of the members elected. This is untenable, and by moving to the Andrae or natural quota the gerrymander factor of the combination of the droop quota and the list system is eliminated and we get a system more mathematically accurate in regard to representation.

The Hon. A. F. KNEEBONE: The Leader's proposal is fundamentally astray and will produce the reverse result to what he professes to be achieving. Under the system as it stands, 8⅓ per cent plus one vote is necessary to elect a member to the Legislative Council. Ten members would use up 83⅓ per cent plus of the total votes. This leaves slightly less than 16⅔ per cent among the remaining groups to determine the eleventh seat. That may indeed be determined by a whole quota. Unless the remaining group exceeds four, the highest fraction of quota must exceed ·5 per cent, and is likely to be closer to 1 per cent than ·5 per cent in most circumstances. Under the proposed amendment, 9⅑ per cent plus one vote is necessary to elect a member to the Council, and 10 members would use up to 90 10/11 per cent plus, leaving slightly less than 9⅑ per cent among the remaining group to determine the eleventh seat.

The Hon. A. M. Whyte: You've sure done some sums!

The Hon. A. F. KNEEBONE: No-one could get an extra quota and, with the same number of groups remaining, the remaining fractions would be correspondingly smaller. With four groups remaining, the final seat could go to a group having only slightly more than ·25 per cent of a quota.

The Hon. R. C. DeGaris: Absolute rubbish!

The Hon. A. F. KNEEBONE: These are the figures, which I am assured are accurate. The Leader's proposal would lead to a greater, and not a smaller, distortion. I therefore suggest that the Leader withdraw his amendment on that basis.

The Hon. R. C. DeGARIS: I do not know who has advised the Minister (I suppose it was a Labor Party backbencher who does not know much about it), but I have not heard so much nonsense in this Chamber for many years. The Chief Secretary has said that a group polling 2 per cent of the vote could gain on the remainder. How could that be when every person receiving under 4·16 per cent of the vote was eliminated and the preferences counted? What the Chief Secretary has said is complete bunkum; there is absolutely no basis for it. Every vote under 4·16 per cent is eliminated and the preferences allocated before the remainder occurs. There is, therefore, no possibility of what the Chief Secretary has suggested ever occurring. I do not know who his adviser is, but I suggest that the Chief Secretary find another one.

On many occasions, 90 per cent of the vote will be allocated but only nine persons will be elected. Two will be left over, so that 20 per cent of the vote will be left in the group from which to draw the extra two candidates. Under my amendment, it will be impossible for a group polling less than 50 per cent to gain more than 50 per cent of the representation. Under the system that the Chief Secretary is defending, a group polling 46 per cent of the vote could gain 55 per cent of the membership of the Council. If the Government wants to continue supporting such a system, it must be exposed as the first mathematical gerrymander in this State's history.

The Hon. Sir ARTHUR RYMILL: I support the amendment. However, in view of the rejection of the previous part of the Leader's amendment, I see no possibility of the House of Assembly's accepting this one. I will therefore be realistic and vote against it. I will then proceed to vote against the whole clause.

Amendment negatived.

The Hon. Sir ARTHUR RYMILL: Clause 4 now provides, "Section 125 of the principal Act is amended", after which there is a dash and a blank space. I suggest that the Committee vote against the remaining few words.

The Committee divided on the clause, as amended:

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

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

Majority of 5 for the Noes.

Clause thus negatived.

Title passed.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I have worked manfully to try to amend the Bill, but I do not seem to have got far with it. My recommendation now is to vote against the third reading. Clause 2 amends section 110a and clause 3 as it remains now is ridiculous and it makes the Bill ridiculous. Therefore, I have only one course open now, and that is to vote against the third reading.

The Hon. C. R. STORY (Midland): I do not want to delay the matter any longer. In fact, I resumed the debate on this Bill earlier today. The Hon. Mr. DeGaris has given much time to the Bill.

The Hon. D. H. L. Banfield: We all have, five hours too long.

The Hon. C. R. STORY: Useful material has been put forward and perhaps when the Government next introduces a Bill for electoral reform it will introduce something that is good for the whole electorate, not only for the Labor

Party. Then we may get a decent debate on the matter and not be bogged down. The preferential system is good and I will stick by it. I oppose the third reading.

The Council divided on the third reading:

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

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

Majority of 6 for the Noes.

Third reading thus negatived.

LAND TAX ACT AMENDMENT BILL (EQUALISATION)

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

Since 1972, there has been a considerable inflation of land values in both urban and rural sectors. The higher values have been reflected in new general revaluations made by the Valuer-General for land tax purposes under the Valuation of Land Act, 1971-1973. Under that Act the Valuer-General has had to adopt a cyclical system of revaluation whereby about one-fifth of the State is revalued each year. It is physically impossible for him, with existing resources, to undertake revaluations for both land tax and water and sewer rating in each year for the whole of the State although, with the development of computer systems, annual revaluations for all rating and taxing purposes may ultimately be possible.

The first revaluation of one-fifth of the State made in 1972-73 produced fairly moderate increases in the land tax assessments. The next one-fifth of the State was revalued during 1973-74, at which time the inflation of land values was reaching a peak. As a result, there were substantial increases in the valuations which, for the areas concerned, imposed sharp increases in the amounts of land tax when the new valuations became operative for taxing purposes in 1974-75.

Whereas for 1974-75 taxing purposes the other four-fifths of the State were taxed on lower levels of valuations established in 1970-71 and 1972-73, there is now a serious inequity in the incidence of the tax as between different areas of the State. The inequity in the incidence of land tax cannot be corrected by the imposition of differential rates as in the case of water and sewer rating, where differences in levels of valuation can be compensated in this manner. As land tax must be calculated on the aggregate value of all land owned by the taxpayer irrespective of its location, there can be only one scale of rates. It is therefore impracticable to adjust the tax scale to compensate for sharp increases in valuations for a portion of the State, unless the valuations for other portions of the State are brought to the same level.

A working party, comprising the Valuer-General and the Deputy Commissioner of Land Tax, was requested to develop an effective land tax equalisation scheme. In their report they concluded that, under the cyclical system of general revaluations, the only means of preserving equity between taxpayers was the use of "equalisation factors" which, if applied to the existing valuations for the areas not subject to a general revaluation in the specific year, would bring them into line with the level of valuations established for the areas that are subject to general revaluation. They said that any method of reducing the tax calculated on the new valuations for land subject to a general revaluation would not be equitable. This, basically, is because of the effects of the graduated tax scale under which increases in tax are not in direct proportion to increases in the valuations if values in excess of $10 000 are involved. Fundamentally, it is the value of the land that determines the rate of the tax; therefore, if equity is to be preserved, all valuations must be brought to the same level.

The proposed tax scale halves the basic amounts of tax payable on taxable values up to $40 000. There are significant reductions for the middle range values, the reductions tapering to about 17 per cent when the maximum rate of 38c is reached at $200 000. This maximum was previously reached at $180 000. In addition to the benefit of the new scale, primary-production land will be subject to a basic exemption of $40 000 in lieu of the existing rebates of tax and exemptions for values up to $12 500. Computer studies have been made using the new scale and the new concession for primary producers in application to the level of values that might be expected to apply under the equalisation scheme. These studies show that, in relation to land in the lower value ranges, increases in tax that would have otherwise occurred will be substantially reduced and, for land in areas revalued for 1974-75 taxing purposes, there will be reductions in tax. However, for higher value properties, sharp increases in tax can still be expected in 1975-76. Current trends indicate that taxable values for higher value land within the commercial centre of the city of Adelaide are unlikely to be increased for 1975-76 taxing purposes under the equalisation scheme; on the other hand, that land will benefit from some reduction in tax under the new scale. Land outside the city of Adelaide that is coming into the high value brackets must expect to bear the same incidence of tax applying to high value city properties.

The extension of the concession for primary-production land has necessitated some tightening of its application. The existing definition enables the concessions to be applied to high value land in areas within and adjacent to the metropolitan area, where the land is not owned by people deriving their main livelihood from primary production or an associated business. The significance is mainly confined to the "rural" area proclaimed under section 12c of the Act so that, within this area, a tightening of the definition will apply. It is proposed to give some further relief from land tax to non-profit organisations that contribute significantly to the welfare of the community. Land owned by religious, charitable, and educational organisations, and subsidised hospitals qualify for full exemption only if it is used solely or mainly for their particular purposes. Land owned and used for purposes incidental to their activities, for example, for a minister's residence, is subject to partial exemption under section 12a of the Act. It is proposed to exempt such land fully, with the exceptions of land held for investment purposes. The partial exemption is to be extended to land owned by ex-servicemen's organisations, trade union and employer associations, progress and community associations, and agricultural societies, and to land of historic value held for preservation by trust or other organisations, provided in each case that the land is actually used for the purposes of the organisations. The partial exemption will extend also to land owned by sporting bodies and used for the purpose of organised sport.

It is estimated that land tax receipts for 1975-76, based on the modified tax scale and the allowance of the exemption of $40 000 for primary producers, will be about $18 000 000. This estimate is based on the level of land values likely to prevail when the equalisation scheme operates from July 1, 1975. There could be some variation depending on the equalisation factors finally determined by the Valuer-General.

Clauses 1 and 2 are formal. Clause 3 amends the definition of "land used for primary production". It is obviously undesirable that a land speculator who purchases land in rural areas that are ripe for urban subdivision should be able to obtain the benefit of the major statutory exemption proposed for genuine primary producers by the Bill. Accordingly, the new definition provides that, where land is in a "defined rural area", that land will not qualify for the exemption unless the principal business of the taxpayer consists of primary production or some related industry. Clause 4 grants a total exemption from land tax in respect of land that is used, or is intended for use, for a charitable, educational, benevolent, religious or philanthropic purpose. Clause 5 provides for the equalisation of valuation levels and provides for a statutory exemption of $40 000 on land used for primary production. Clause 6 repeals the present land tax scale and enacts a new scale in its place. Clause 7 enacts new provisions relating to the partial exemption of land from land tax.

Clause 8 amends section 12c of the principal Act, which entitles a taxpayer who holds rural land in an area ripe for urban subdivision to the benefit of rural valuation provided that, if he subsequently sells the land, the tax remitted during the preceding five years then becomes payable. The amendment provides that a declaration entitling a taxpayer to the concession shall not be revoked by reason of the new definition of "land used for primary production". Thus no taxpayer will be faced with a sudden demand for deferred tax by reason of the amended definition. However, where the land ceases to be land used for primary production by virtue of the new definition, no further concessions will be made under the section. Clause 9 makes a consequential amendment.

The Hon. M. B. DAWKINS (Midland): With some reluctance, but with no real alternative, I support the Bill. I support it not because it makes the situation better than it should be: it makes the situation only better than it would be at present, considering the inflated values we have. It does not make it better than it should be, because it increases land tax revenue from $12 000 000 to $18 000 000. I support the Bill because it effects improvements on what would be (and certainly is already in some cases) a very difficult situation for many people under ruling land tax rates, combined with today's grossly inflated values. It has been estimated that, had the Government not introduced this legislation, it may have collected as much as $28 000 000 to $30 000 000 in land tax revenue in the situation to which I have just referred, with high rates, exceedingly high values, and aggregation. Regarding aggregation, last year (as reported at page 1988 of *Hansard*) the Treasurer said (referring to land tax legislation):

That legislation has not been altered, except to provide two things: first, the aggregation of the total amount of land tax; and, secondly, more frequent assessments in order to get a better periodic valuation than previously . . . Land tax administration in South Australia is in accordance with the provisions originally laid down by Liberal Governments with only the alterations that I have outlined, one of which was specifically made by this Government to advantage rural areas in South Australia.

How the Treasurer was able to conceive that aggregation could advantage rural areas in South Australia I am completely at a loss to understand. I will quote just one instance (although this could be repeated in many other cases) of what aggregation, which was introduced by this Government, as the Treasurer has admitted, has done. In the case of a fairly large property in the Mid North, the land tax paid in respect of separate sections amounted to $213 in total. As a result of aggregation and the properties being combined into one unit for land tax purposes, they were assessed this year, after the new valuation, at a tax of $2 164.

That is one of the inequities that has occurred as a result of the actions of the Dunstan Government. I support this Bill not because I think it is good legislation but because it will relieve this situation, amongst others, considerably. It will reduce the tax on this unit from $2 164 to a little less than $1 000, but I point out that, even with this reduction, the tax of nearly $1 000 is still more than four times as much as the tax paid only a year or two ago. I support the Bill because it relieves the situation temporarily, not because I think it is a good Bill. No doubt the Government, being a Socialist Government which does not know how to restrain spending (I have never known one of that colour that did) and which grasps every dollar it can from the long-suffering public, is pleased to be able to put forward legislation that increases revenue from this source by about 50 per cent and at the same time receive the lavish praise it has received from some sections of the unthinking press.

The Government has been told that this is a generous Bill. However, it is generous only in relation to the shocking situation that would have obtained had the present rates and high values caused the sort of bills which people have been getting and to which I have referred. No doubt the Government wishes it could introduce more Bills that would have a similar result, producing a 50 per cent increase in revenue and at the same time receiving praise from some sections of the public. There is little doubt that the praise springs not so much from joy as from relief being provided from the impossible conditions that would have obtained had the Government not acted in this case. These impossible conditions are now operating in part of the State, causing real problems, as the Treasurer has realised. Last week, Graeme Jennings, a rural journalist, reported in the *Chronicle* as follows:

South Australian primary producers face substantial land tax relief, and they can thank their producer organisations for many of their provisions which make that relief available. The changed provisions are contained in a Bill to amend the Land Tax Act. The Bill was introduced in the House of Assembly on Tuesday by the Premier (Mr. Dunstan).

Mr. Dunstan paid a tribute to the role played by the United Farmers and Graziers and the Stockowners' Association in shaping the provisions of the Bill. Many of them were contained in a submission from the two organisations which was presented to the Premier last year. Some farmers are in line for immediate relief.

There may be some truth in that statement. However, Mr. Jennings should remember the unceasing questions that have been raised in this Parliament seeking to get land tax reduced or abolished in some cases. A case in point is the work of the member for Gouger (Mr. Russack) in another place. He has done hard and unremitting work in this connection. On many occasions he has brought to the notice of the Government the impossible situation faced by individuals under the present assessment. Mr. Russack would be the first to admit that other members in both Houses have been bringing pressure to bear for a considerable time in connection with this matter. I would

remind Mr. Jennings that it is not only the producer organisations that have done some work on this matter. In one case one producer organisation suggested that there should be a $25 minimum tax all round on all primary producers, but that organisation was oblivious of the fact that in two areas many primary producers, who would probably be members of that organisation, do not pay any land tax at all because of their relatively small holdings. Obviously, some people have not done their homework.

The Hon. T. M. Casey: Would there be 13 000 primary producers who do not pay any tax?

The Hon. M. B. DAWKINS: I do not know the actual number, but I think there were 13 000 primary producers who did not think much of the Local Government Act Amendment Bill (Boundaries), and the Government eventually took some notice of them. In an article in the *Stock Journal,* Mr. Steve Swann was nearer the mark when he said:

But to the majority of rural landholders, those whose properties have not been revalued recently, the apparently attractive proposed rebates and concessions will be of little real monetary value. The basic nature of South Australia's land tax law will not be changed if the legislation is carried. It will remain a progressive, capital tax which hits the property with a relatively higher unimproved value much harder.

That is a fairly accurate statement, but I would query the following statement by Mr. Swann:

Some credits against next year's tax bills will also be allowed for those rural landowners who have faced disproportionately high increases in the current financial year.

Later in this article Mr. Swann refers to the following matte :

Credits to be paid to some rural landowners, hard hit by tax bills this financial year.

I want to know where that matter is provided for in the Bill. I and other honourable members cannot find it. The Treasurer said much earlier that he had no power to give refunds to people who were victimised by savage taxation. I believe the Treasurer is now trying to justify his comment in his second reading explanation by saying, "It is a Cabinet decision." I would like the Hon. Mr. Dunstan, who some time ago said he had no power to do this, to say how Cabinet suddenly acquired power if it did not have it before. If it is not written into the Bill, will the Treasurer write into the Bill a provision stating that credits will be given to people victimised in this way? The article by Mr. Swann continues:

After June 30 next year, the general effect of the scheme will be to bring all valuations for land throughout the State into line with current trends in values up or down.

I suggest that the trends will be mostly "up". The article continues:

It is this factor which may prove deceptive to primary producers. Instead of being slugged with a huge increase in the year after revaluation, they will be steadily hit every year through the multiple effect of the Valuer General's "factor". Given a continued inflation rate which is reflected in their land values, then the spiral will continue and, after the initial apparent respite from heavy tax burdens, they will be caught up again. The proof of Mr. Dunstan's pudding will be in the valuations and multiple factors applied in 1975-76 and thereafter.

Because the present Bill provides temporary relief for some people, I support it, and for that reason only. In recent years, once a person received his assessment he could say with a certain amount of assurance, "This may be high, but at least it gives me a fairly good idea of my annual liability for land tax for the next five years." This man could then budget accordingly. In future, he will not be able to do this. Under equalisation, a person will get temporary relief but, in effect, his property will be revalued every year. In areas that are not being revalued in detail in a particular year, there will be a spot check or a random sample to keep values up to date; the word "up" is the operative word here. The position of this Council relative to this Bill is that we have no bargaining power. Despite the Bill's shortcomings and despite the fact that it will increase land tax revenue by about 50 per cent, it must pass to relieve temporarily the many people who are in dire straits because of the exorbitant tax assessments that the Treasurer said he had no power to relieve. My Party's policy is for the abolition of land tax on rural land, as obtains, with minor variations, in all the other mainland States.

The Hon. T. M. Casey: What minor variations?

The Hon. M. B. DAWKINS: The honourable member could probably find the details in *Hansard.* I have in my office a summary of the variations in the different States. The Minister will find that rural land tax does not obtain in the other four mainland States, but there are some minor variations. In some urban areas there are exceptions to the rule; this obtains in Victoria.

The Hon. R. C. DeGaris: Is the Hon. Mr. Dunstan correct in saying that Mr. Fraser is a harsh man with a harsh policy?

The Hon. M. B. DAWKINS: I do not think so. The Treasurer himself has been a fairly harsh man with harsh policies. For example, at present we are paying on average about $3·60 in various taxes for every $1 we paid when the Labor Government came to office. In dealing with my Party's policy, I did not mean to say that I believe (or that my Party necessarily believes) in complete freedom from land tax for primary producers or rural dwellers. I believe it to be not unreasonable that they should be expected to pay land tax on their own dwelling and possibly on the immediate buildings around it, as well as the additions to it, in the same way as other citizens pay tax. However, we believe that rural primary producing land should be exempt from land tax. I have placed on file an amendment to that effect. We believe rural land should be treated similarly to the manner in which it is treated in other States.

Some portions of the Bill are definitely an improvement, and I have referred to what I consider to be its defects. In the interpretations clause there is a definition of land used for primary production which I think is quite a good definition, and I commend the Government on its introduction. Clause 4 exempts land for educational, benevolent, religious or philanthropic purposes. In some cases "the main buildings" used for these purposes were exempt previously, but the "support buildings" were not. The one instance given by the Treasurer in another place was the residence of a minister of religion. These exemptions are to be extended to worthwhile purposes of education, religion and philanthropy, and I am pleased that that has been done.

Clause 5 repeals section 11 of the principal Act and enacts new sections 11, 11a and 11b. New section 11a provides for equalisation. I have already made some comments on equalisation which will have some temporary but certainly most necessary benefits for some people.

The Hon. A. M. Whyte: That is the only part of it that is any good.

The Hon. M. B. DAWKINS: That is so, and that is why I support it. Perhaps the Chief Secretary will elaborate on the manner in which the Valuer-General will use this

equalisation factor and how he will work out the equalisation factor in the various areas. Whilst new section 11b in some respects is a considerable improvement, and I am not prepared to criticise it unduly for that reason, I think it should be withdrawn and replaced by an amendment exempting primary production land. I have had an amendment to that effect placed on file.

Clause 6 amends section 12 and provides an improved scale of tax rates which in other circumstances (and I underline those words) could well be regarded as generous if one did not realise that, owing to the inflated values and the reassessments that have occurred, the Government is still likely to collect an increase of 50 per cent in revenue from this tax. Nevertheless, clause 6 provides an improved scale of tax rates which will assist those who are in trouble at present. I do not wish to comment further on the remaining clauses of the Bill at this stage. I have given some reasons why I find it a little difficult to support, but as a necessary piece of legislation I support it.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill. The viewpoint put by the Hon. Mr. Dawkins that there is little bargaining power as far as this Chamber is concerned is correct. The Bill provides for a lowering of the rate of land tax and an increase in exemptions to primary producing areas. Whatever we do, we run the risk of losing the Bill, and that cannot be contemplated. Much publicity has been given to the decrease in the rate of tax and the increase in exemptions, and many people think this Bill will reduce their land tax; in fact, it will not. Land tax will go up and the revenue of the Government will increase from about $11 000 000 this year to about $18 000 000 in the next financial year.

There is no actual reduction in taxation, although there is a reduction in rates and an increase in exemptions. I refer to the statement made by the Treasurer when he said that Mr. Fraser was a harsh man with harsh policies. If the Treasurer were to speak to a few people who have been hit by land tax in the past few years, and to a few widows or husbands whose marriage partners have died, he would understand that it is not necessarily Mr. Fraser who is a harsh man with harsh policies. That particular capital taxation area in this State has increased fourfold in many cases in the past few years. Capital taxation is a harsh tax that really cuts into the viability of families.

As I understand the provision (and perhaps the Chief Secretary can correct me) the Government has indicated that a rebate of land tax will apply for this financial year only where rural valuations for the 1973-74 year have increased by 100 per cent or more on the 1970-71 valuations. This rebate possibly could be viewed in a somewhat different way. I believe it should apply where an increase has been incurred in tax payments. For example, we could have a 90 per cent increase in valuation which would mean a 300 per cent or 400 per cent increase in tax payable, but a 100 per cent increase in valuation does not mean such a high increase in tax payable. The more equitable method of giving a rebate would be not on the valuation but on the tax payable.

The Hon. A. M. Whyte: On the rate of tax?

The Hon. R. C. DeGARIS: No, on the actual amount payable. There could be a case of an increase in valuation of 90 per cent, and no rebate will be applicable, whereas the increase in tax payable could be 300 per cent or 400 per cent. With an increase in valuation of 100 per cent, the increased percentage in tax payable would be nowhere near as high. I would highlight one case to point this out. I refer to the case of the Flagstaff Hill golf course. I think the tax payment this year is $25 000. Admittedly, the golf course is privately owned, but it is also part of an open-space area that has been left by a developer. Despite this, the Treasurer refers to the harsh policies of the newly-elected Leader of the Federal Liberal Party. I do not believe this or any other Government can justify a tax of $25 000 a year on a golf course, which is a public amenity.

The Hon. D. H. L. Banfield: It is not entirely public.

The Hon. C. W. Creedon: It is selective.

The Hon. R. C. DeGARIS: But every golf course is selective. If honourable members want me to cite cases, I can do so. I refer, for instance, to a dairy farm at Victor Harbor comprising about 48 hectares and milking 40 cows. The land tax for that farm, which has a net income of about $1 200 or $1 300 annually, has increased from $51 to $781 a year. It has also had to meet a consequent rise in council rates. One could go on citing case after case where the impact of land tax is utterly ridiculous in relation to the viability of the enterprise. I have already referred to the Flagstaff Hill Golf Club, which must pay $25 000 annually for land tax. If a rebate is given (and I can see no provision for this in the Bill; this seems to be a Government statement only), we should look at the rebate in relation not to the increase in the valuation but to the tax payable.

The council has little bargaining power in relation to this Bill, as any amendment that is carried will probably result in the Government's threatening to drop the Bill altogether, thereby leaving everyone in the position of having increased valuations as well as the old rate of taxation, which would be untenable. I therefore support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

In paragraph (*b*) (i) of the definition of "land used for primary production", after "used", to insert "and the land is used to a significant extent for the purposes of that business".

This amendment will clarify the situation in relation to land used for primary production.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—"Basis for calculation of land tax."

The Hon. M. B. DAWKINS: I indicated in the second reading debate that the amendment I had on file would bring South Australia substantially into line with the other mainland States. Although I was unable then to answer a question that the Minister of Agriculture asked me, I can now give him some details. I am sorry, therefore, that he is not now present in the Chamber. Regarding Victoria, until December, 1973, land tax was not paid on land used for primary production or on rural land. The legislation was amended on January 1, 1974, so that land used for primary production and situated in an urban-type zone, according to the town and country planning regulations, is now exempt from land tax, provided that the owner's principal occupation is farming. That phrase is not dis-similar to a provision in this Bill. The test is, therefore, the owner's principal occupation, and not the type of land. All other rural land in Victoria is exempt, irrespective of the owner's occupation.

Regarding New South Wales, rural land used for primary production is exempt from land tax if owned by individuals. However, if it is owned by a company it is not exempt, unless the company is of a type exempted under the Act. I understand that the type of company exempted is a family company or an agricultural company. I am aware of manufacturing companies that buy up land for primary production, and that type of company is not exempt from land tax.

In Western Australia, individuals are exempt, except where the income is derived from primary-producing land situated in an urban area. To be exempt, the person must prove that the occupier, not the owner, derives a substantial part of his gross income from this source; otherwise, all other land, such as broad acres used for primary production, is exempt.

I understand that a similar situation obtains in Queensland. I said in the second reading debate that it is the policy of the Party of which I am a member that no land tax should be payable on land used for primary production. In view of the situation that obtains in the other States, would the Government consider a policy of exempting from land tax land used for primary production?

The Hon. A. F. KNEEBONE: I am sure the honourable member appreciates that the Government has accepted many suggestions concerning complaints about land tax. It was approached by officials of United Farmers and Graziers of South Australia Incorporated, and the Government has included in the Bill more than was asked for by that organisation. I cannot accept this proposition.

The Hon. M. B. DAWKINS: We need the Bill, so I will not move the amendment I have on file. Will the Chief Secretary explain the equalisation factor in some detail?

The Hon. A. F. KNEEBONE: As honourable members are aware, land valuations in this State are carried out in a five-yearly cycle, about one-fifth of the State being valued each year. In a period of rapidly rising land values this means that a substantial increase occurs every five years in the valuations of any specific area. This increase results in substantial increases of the various forms of rates based on land values. The purpose of using the equalisation factor is to increase the value of land in each of the four areas of the State that in any given year are not revalued, the factor applicable to each area being determined by (*a*) the general rise in land values throughout the State, and (*b*) any specific factors affecting valuation of land in the area to which the factor is being applied. In each of the areas referred to above, the factor will be applied each year so as to increase the valuations by a relatively small amount in order to avoid the marked increase of values that would occur on a valuation only once in every five years.

The Hon. R. C. DeGARIS: I understand the Treasurer has said there will be a rebate applicable where the valuation has been increased by 100 per cent between 1970-71 and 1973-74. My point is that there could be an increase in valuation of 100 per cent but the tax increase would be only limited, whereas with an increase in valuation of 90 per cent there would be a tremendous increase in tax. Nothing in the Bill refers to this matter, and the equalisation scheme has nothing to do with it. I seek a rebate applicable to the tax payable, as that is more important than the valuation.

The Hon. A. F. KNEEBONE: I will reply to the matter raised by the honourable member during the third reading stage, probably later today.

The Hon. R. C. DeGARIS: I am satisfied with that.

Clause passed.

Remaining clauses (6 to 9) and title passed.

Bill reported with a suggested amendment. Committee's report adopted.

TEACHER HOUSING AUTHORITY BILL

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

MANUFACTURERS WARRANTIES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 2 and 4 but had disagreed to amendment No. 3.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the Council do not insist on its amendment No. 3.

I agree with the House of Assembly's reason for disagreement to the amendment—that it would provide an avenue for an unscrupulous manufacturer to avoid the consequences of failing to comply with a statutory warranty. I therefore ask honourable members to support the motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): The manufacturer had a defence in relation to the supply of spare parts; that defence was that he could not reasonably be expected to foresee any difficulty in supplying parts. This Council supports a further defence, relating to a situation where the matter was beyond the control of the manufacturer. The Government's argument is that the manufacturer could use this defence as a loophole, but I point out that some matters could genuinely be beyond the manufacturer's control. However, in view of the fact that the House of Assembly has accepted the other amendments of this place, I am willing to support the motion.

Motion carried.

LISTENING DEVICES ACT AMENDMENT BILL

The House of Assembly intimated that it insisted on its amendment, to which the Legislative Council had disagreed.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the Legislative Council do not further insist on its disagreement.

As I said previously, I believe that the amendment inserted by the Hon. Mrs. Cooper could disadvantage people threatened with blackmail. I therefore urge honourable members to support the motion.

The Hon. JESSIE COOPER: The Government's main objection to my amendment relates to cases of blackmail. However, I point out that, while the number of cases of blackmail must be very small, there are many cases where recordings are made of preparatory business deals, discussions on taxation problems, and negotiations in Government offices. I will continue to try to have my amendment included in the legislation. A recent radio programme showed that people are becoming increasingly afraid of the dangers involved in the recording of conversations.

The Hon. R. C. DeGARIS (Leader of the Opposition): Can the Chief Secretary say whether the tape recording of a person's conversation, without his knowledge of such recording, would have constituted a ground for action under the privacy legislation that the Government would have liked to pass?

The Hon. A. F. KNEEBONE: I cannot answer that question because I do not have the legislation before me.

The Hon. R. C. DeGARIS: Does the Chief Secretary agree that the tape recording of a person's conversation, without his knowledge of such recording, would constitute an invasion of privacy?

The Hon. A. F. KNEEBONE: In certain circumstances, yes. We must bear in mind the seriousness of some offences in this connection and the difficulty involved in stamping them out. The Hon. Mrs. Cooper did not take this aspect into consideration. In some situations it can be an invasion of privacy, but it is important to stamp out some of the examples that have come before us, and that would be most difficult to achieve.

The Hon. R. C. DeGARIS: I think the Chief Secretary will agree that, where a person does not know his conversation is being recorded, such recording could become a means of blackmail. If we do not have some provision preventing the actual recording of a conversation without a person's knowledge, rather than overcoming the possibility of blackmail we could create a greater area to be used for blackmail. On balance, I am on the side of the Hon. Mrs. Cooper's amendment, which is a reasonable one. From recent controversy on talk-back programmes, I think it is obvious that there is strong feeling in the community that some protection should be afforded against indiscriminate tape recording of people without their knowledge.

The Hon. C. M. HILL: In supporting the Hon. Mrs. Cooper's contention in this matter, I fail to understand the Government's opposition to her proposal. As a Minister of the Crown, I had personal experience of this when someone telephoned me at my home and recorded the conversation without my knowledge. It had far-reaching effects, which I do not want to go into at the moment, but since that experience I have been convinced that such a practice should be unlawful under State law. I think the amendment would make such a practice unlawful, and it is one reason that influences me in my opinion on this subject. If the Government were to take this question outside Parliament and canvass the views of the average man in the street, I am sure he would wholeheartedly come down on the side of the amendment.

The Hon. Sir ARTHUR RYMILL: I have voted for the Hon. Mrs. Cooper's amendment on two occasions now and, if the Government is not prepared to accept this very simple amendment, I think it is useless for me to continue to pursue voting on this occasion for the amendment, because it seems it will not get us anywhere. All we can do, if we jack up on the matter, is to make the Government drop the Bill altogether. This Bill, in my opinion, is not a very important one. I do not think it matters much whether it is carried or whether it fails. The Hon. Mrs. Cooper's amendment is important because it is a matter of principle, but if the Government is rigid about not accepting her amendment, and it is obvious that we cannot get it through, I suggest to the Hon. Mrs. Cooper that, rather than press the matter at this stage, she should introduce a slightly more comprehensive private member's Bill in the next session in an effort to clear up not only this matter, but also one or two other undesirable elements of this Bill which should be cleared up. I think the amendment has every virtue, but I cannot see that I, for one, will get it further by supporting it again. We have tried to get the Government to accept it on two occasions and it has refused to do so. I suggest adopting that procedure to air the matter more publicly next session.

Motion carried.

MARGARINE ACT AMENDMENT BILL (INCREASES)

Returned from the House of Assembly without amendment.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the amendments made by the Legislative Council.

Consideration in Committee.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the Legislative Council do not insist on its amendments.

These amendments were fully discussed and canvassed when the Bill was going through the Council. I give the Hon. Mr. Story credit for having stuck to his guns but, since the other place is not convinced that the reasons are good, I suggest that we do not insist on our amendments.

The Hon. C. R. STORY: I am most surprised that a Government of the Labor Party persuasion could possibly adopt this attitude in relation to co-operatives. There seems to be some strange thing in its mind, particularly in the mind of the Attorney-General, that co-operatives are set up especially for the Labor Party and for a Socialist regime; anything further from the truth I cannot imagine. The co-operatives set up in South Australia have been set up by private enterprise and they have functioned extremely well, yet we find this situation where they are being inhibited in their proper functioning. That sort of attitude is completely wrong. I have discussed the matter with the Attorney-General and I find his attitude to the subject completely irrelevant. I cannot imagine how a man, trained as he is in these matters, could possibly adopt the attitude towards the co-operatives that he has adopted.

I am most disgusted about the whole matter. I am asking only a simple thing: that the rights already established by law should be allowed to continue. People have put their hard-earned money into organisations on the understanding that their votes have had a certain value, and they are now being denied this right. I will see to it that co-operatives are well and truly apprised of this Government's attitude toward them, and I will do all I can to dispel any nonsense that is noised abroad from time to time about the Labor Party's being a friend of co-operatives. I ask honourable members to insist on the amendments.

The Committee divided on the motion:

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

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

Majority of 6 for the Noes.

Motion thus negatived.

[*Sitting suspended from* 5.43 *to* 7.45 *p.m.*]

VERTEBRATE PESTS BILL

Adjourned debate on second reading.

(Continued from March 20. Page 3072.)

The Hon. V. G. SPRINGETT (Southern): There are many other and varied vertebrate pests beyond the bounds of this legislation and of the legislation that preceded it. The vermin dealt with in this Bill are rabbits, dingoes and foxes. In some parts of this country kangaroos are in pestilential numbers and activity. Mice at times breed and

spread themselves in plague proportions, while rats can do likewise. These are all vertebrate, as are birds, reptiles, fish and wild cats. In other words, they all have spinal columns.

The history of Australia was changed completely when rabbits were introduced here. The widespread nature of their breeding habits and their destruction of pasture land and crops caused man to wage war on the rabbit, which in some parts of the world is little more than a pet or, when killed and cooked, is a succulent meat dish. Even this Bill makes allowance for rabbits to be kept as pets. It seems ridiculous that, in the one breath, we talk about trying to exterminate them and, in the next breath, we talk about their being pets. The use of myxomatosis seemed at one time to be the answer to the rabbit pest. However, in common with many similar pests, the rabbits began to breed themselves an immunity to chemicals that at first had proved fatal. Alas, the good old-fashioned ripping of burrows still remains the No. 1 method of extermination.

This Bill is meant to provide a more effective means for the control of vermin. Basically, it means that the owner or occupier of the land has the duty and responsibility to control the numbers and spread of vertebrate pests on his property and, by doing so, to reduce the loss and damage to stock and land in general. State authorised officers will be provided; they will be answerable to a new authority, the Vertebrate Pests Authority. Local councils will be empowered to appoint local authorised officers, whose powers are limited. State officers will have the power of entry into any property where they think pests are not being controlled adequately, and they will be able to give notice to the owner or occupier. Failure to carry out the requirements will lead to the work being carried out by the authority and to the recovery of the costs involved.

The chain of control seems to start with the State authorised officers, who can enter a property anywhere in the State. Then, local authority officers will deal with properties within the bounds of the local authorities concerned. If the local authority officer does not take action, the State authority may do clearing work or arrange for clearing work to be done, and the cost can be charged to the offending owner or occupier of the land. Under this Bill the central body will take a large role in enforcement within local government areas. The local authorised officer can inspect, complain and issue a warning notice to a defaulter, but that is all.

Local authorities will be required to notify the central authority of the extent of the problem in their area and the extent to which they are dealing with it. The Bill makes clear that the central authority will play a larger role in local government areas, leaving the local officers with little more than the issuing of warning notices and the checking of the condition of properties. Perhaps some local councils want to pass the buck; perhaps they want to pass the major responsibility to the central body. Central control of more and more functions is true doctrinaire Socialism. It is said that, under this arrangement, the burden on local government will be lessened.

I may be cynical: relief of the local burden there may be, but at the same time it represents the acquiring at local government level of further control by the central body. Neighbouring local authorities can request that they be combined as one single board, and they can share the work to be done and share its costs. If they do not do this voluntarily, the central body can act, if it is considered expedient, to force into being such a grouping of local councils for the purposes of this legislation. The old vermin boards will cease to exist because they have been ineffective for some time, with certain exceptions.

The authority is to consist of a Chairman and six other members, of whom not less than three shall be primary producers occupying or owning land on which they are active. I take it for granted that their primary production experience will have a direct connection with areas where there are plenty of rabbits and that they will have knowledge of dog fencing and dingoes. The nominated members shall be appointed for not longer than three years and, upon the expiration of that period, they shall be eligible for reappointment. A quorum at a meeting will be four members.

The functions of the authority are set out in clause 12. I can summarise the functions as follows: first, to ensure that the provisions of the legislation are enforced within the State; secondly, to take measures to control pests on Crown lands; thirdly, to conduct research into the control of vertebrate pests; fourthly, to maintain records recording the species, numbers and distribution of vertebrate pests in the State; fifthly, to co-ordinate and advise on the development and implementation of measures to control the pests; and, sixthly, to perform other functions to help in the above plans being implemented. Clause 16 deals with the always touchy situation of staff. How big or how small the empire is to become, only time will tell.

Financially, there is to be a dingo control fund. This fund is to pay rewards for the destruction of dingoes and for other related purposes. The amount to be paid will vary and it will be gazetted. The rating of land for vertebrate pest control will be published in the *Government Gazette,* and we are told that the amount will not exceed 10c a square kilometre. Clauses 26 and 27 state that the control authority shall appoint State authorised officers. Local councils shall appoint a local authorised officer, but this latter officer can act only within the boundaries of the local authority that appointed him. The powers of the former officer are State-wide, and he will have quite considerable powers of entry. Such officers can search the land for evidence of pests and they can question the owner or occupier of the land. Such an officer need not go alone, but may take with him any such persons as he considers necessary to enable him to exercise his authority. Presumably that includes the police.

Too many functionaries are getting the right to invade a person's property. Admittedly, they are all in good causes, but their proliferation is becoming legion and *in toto* they represent central forces at their busiest and most oppressive peripherally. I wish more time was available to discuss this Bill as well as other Bills which are still coming to us. I support the Bill.

The Hon. C. R. STORY (Midland): I support the Bill, which is a consolidation of existing Acts. As I read it, most of the powers it contains are already provided in legislation on the Statute Book. It is more or less a consolidation and a tidying up of the general provisions for the control of wild dogs and vermin. Much time and effort has been put into this by people who are expert in their own fields, whether primary producers or departmental officers. All have had much experience, and more than 12 months was taken to give this legislation a thorough going over after it was put into reasonable form. Interested bodies were circularised and the proposals were widely circulated through pastoral areas, those areas covered by the Pastoral Board as well as by the dog fences, and other areas interested in such matters.

With the amendments on file, this legislation must improve the existing situation. I do not see anything in it that unduly worries me. The Stockowners Association was represented on the committee that investigated the matter and assisted in the drafting of the legislation. I think all sections mentioned in the Act to be repealed are in the schedules attached to the Bill. All those interests have been thoroughly canvassed, and I see no great problems in passing the legislation so long as the amendments on file are carried in this Chamber.

The Hon. J. C. BURDETT (Southern): I support the second reading, although I must refer to two small matters. Clause 31 provides that a person shall not sell or offer for sale a vertebrate pest. A vertebrate pest is defined as including, for example, a rabbit. Is a dead rabbit not a rabbit? I know the question has been raised previously and that officers of the Lands Department have been to councils throughout the State where the matter has been discussed. I understand the argument is that the body of a dead person is a corpse, and not a person, and that the body of a dead rabbit is a carcass, not a rabbit. If vertebrate pests include dead rabbits, the clause, if the Bill is passed, will prohibit the sale of dead rabbits. It is a question of dictionary definition of what is a pest and what is a rabbit, and whether a dead rabbit is still a rabbit. When I see dead rabbits on the road, I usually say to my wife, "There are dead rabbits on the road." They are still rabbits.

In the previous vermin legislation, councils had the power to enter on land where vermin control had not been carried out, to do that work, and to recover the cost as a debt from the owner. Under the provisions of this Bill, they do not have that power. A person authorised or appointed by the council does have the power, under clause 26, to remove any vertebrate pest from the land and destroy it, but there is no power for the council to recover. Clause 42 gives power to the authority to do this and to recover the cost. The authority is a new concept in vermin control, or vertebrate pest control, or whatever it might be called. We seem to be having a change in our nomenclature. We had this recently with Mrs. and Miss (or Ms, or whatever it was), and apparently now we have it with vermin. They are not vermin any more; they are vertebrate pests.

The new authority has the power to enter on to land and carry out the work of vermin control, and also to recover the cost as a debt from the landowner or occupier. Previously, councils had this power, but they will no longer have it. That may be all right; it may be that, as far as the council is concerned, prosecution is the answer. It may also be that the council can always rely on the authority to do this when necessary instead of having to do it itself. I point out that councils have been deprived of a right that they had previously of carrying out the work of vermin control. With those reservations, I support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): I, too, support the second reading. I should like to raise one or two matters which are of concern to me and which the Chief Secretary may examine for me. Already, the Hon. Mr. Burdett has referred to one matter relating to clause 31. He referred to the use of the word "live"; this is something that needs to be examined, and I hope that the Chief Secretary will examine it.

Regarding clause 41, I believe the powers of local government are being eroded slightly in relation to the control of vermin. I am concerned that under this Bill there may not be the co-operation with local government that is so necessary, and I should like to hear the Chief Secretary's view on this matter. As I understand the Bill, and particularly clause 41, if a council is working on a certain scheme that it considered beneficial to the area, the authority may consider otherwise. This seems to be a matter of concern. Indeed, I know that it is a matter of concern to some councils that there may be a conflict of interest between the authority and councils working on vermin control.

I should also like the Minister to expand on the matter of subsidies to councils, to which clause 43 relates. I am concerned that, where a council derives income from a controlled scheme, its subsidy may be reduced. This is possible under this provision, and I know that this matter is causing local government some concern. Clause 44 also seems to be an erosion of local government's powers. It gives the authority the right to recommend the establishment of boards. I know that some councils do a first-class job in regard to vermin control, whereas other councils may not be doing the job to the best of their ability. The recommendation relating to the establishment of boards concerns local government, where councils may be forced to take part in the activities of a combined board. I should like the Chief Secretary to give his views on that clause.

The Hon. A. F. Kneebone: This is a Committee Bill and that point can be dealt with in Committee.

The Hon. R. C. DeGARIS: I did not know whether the Chief Secretary wanted to look at those points before the Bill went into Committee. Although there are one or two other matters to which I should like to refer in Committee, by and large I support the second reading. At least the opinion of local government, which has been expressed to many honourable members, should be freely discussed. One thing we do not want to see is a conflict between the authority and local government carrying out its functions under the old Vermin Act.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—"Authority subject to general control and direction of Minister."

The Hon. A. M. WHYTE: I move to insert the following new subclause:

(2) Where the authority is exercising or discharging its powers, duties or functions under this Act in relation to the control of dingoes upon lands that are lands within the meaning of the Pastoral Act, 1936-1974, the authority shall consult with, and have regard to the advice of the Pastoral Board constituted under that Act.

This amendment has a long history. In the second reading debate I said that those concerned with the eradication of pests in South Australia were qualified men who had spent over two years working on this legislation. The Bill does all the things that councils and people concerned with the control and eradication of pests desire. However, there remains one area in which there was some concern and a diversity of opinion. I refer to the control of dingoes.

With the repeal of the Vermin Act and the Wild Dogs Act, there were not many people concerned with the eradication of pests in South Australia who understood matters relating to the control of dingoes. It is recognised that the public servant with the most authority and probably the only one with any real knowledge of the eradication of dingoes is the Chairman of the Pastoral Board. Some people considered that he should be a member of the new authority. If this happened, it would mean removing one of the landowners from the authority, thus creating an imbalance. As a compromise has been reached, I hope

that my amendment will be satisfactory to all concerned. The Bill provides that the authority shall meet at least four times a year, and it could be argued that the Chairman or members of the Pastoral Board might be absent on inspection, and this could lead to problems regarding dingoes. However, I doubt that that would be possible, because we are dealing with dingoes, which is only one facet of this complex Bill. The Stockowners Association and members of the Dog Fence Board believe that the authority should consult with experts on the dingo problem, but I do not intend that my amendment would make it necessary for the authority to consult and have regard to the advice of the Pastoral Board as a whole. It means that consultation will take place.

The Hon. A. F. KNEEBONE (Minister of Lands): The Chairman of the Pastoral Board is an expert on dingoes, because he is also Chairman of the Dog Fence Board and, no doubt, other members of the Pastoral Board would come in contact with the dingo problem from time to time. As the amendment provides that the authority shall consult with the entire Pastoral Board, it means that a quorum of the board must be present. The board could meet more than four times a year, and any urgent dingo problem would have to be considered by a quorum. I assure the honourable member (and this assurance has been given to the Stockowners Association) that, any time when the authority discusses dingoes, the Chairman of the Pastoral Board will be present.

The Pastoral Board, the Dog Fence Board, and the Vertebrate Pests Board all come under the Lands Department, and no difficulties should be experienced in discussing all these matters together. Every consideration will be given to ensuring that one of the three primary industry representatives will be from the pastoral industry, and my department would be reasonable in administering the legislation, without having the provisions included, that the entire Pastoral Board be consulted. The three primary industry representatives will include a pastoral industry representative, who would surely know much about dingoes and who would protect his industry's interests, in much the same way as the Chairman of the Pastoral Board would be consulted about dingoes.

The Hon. A. M. WHYTE: I thank the Minister for strengthening my case.

The Hon. A. F. Kneebone: Don't you trust the Lands Department?

The Hon. A. M. WHYTE: I have the greatest respect for the Minister, and I am sure that his undertaking would be his bond. However, undertakings from Ministers are not quite the same as spelling something out in legislation.

The Hon. C. M. Hill: The Minister may not be here for very long.

The Hon. A. M. WHYTE: That is a pity, because this place will be the poorer for his absence. Not many South Australians understand how to eradicate dingoes. The Minister referred to the possibility of an emergency in relation to dingoes. I would imagine that if this did happen the first man who would know about it would be the Chairman of the Pastoral Board.

The Hon. A. F. Kneebone: But you are asking for the whole board.

The Hon. A. M. WHYTE: Perhaps that was wrong, but I feel sure the Chairman would have related his knowledge to the rest of his Pastoral Board members.

The Hon. A. F. Kneebone: They have to consult the whole board.

The Hon. A. M. WHYTE: It does not matter.

The Hon. A. F. Kneebone: It does matter.

The Hon. A. M. WHYTE: I am sure I could quickly get all the information I wanted from the Pastoral Board.

The Hon. T. M. Casey: Have you ever consulted all members of the Pastoral Board together?

The Hon. A. M. WHYTE: I do not think there would be any case where these people could not be consulted. I would consider agreeing to amend my amendment to provide only for the Chairman.

The Hon. A. F. KNEEBONE: I would have thought the honourable member would withdraw his amendment. There is only one person with the necessary knowledge—the Chairman of the Pastoral Board.

The Hon. R. C. DeGaris: The honourable member might accept that.

The Hon. A. F. KNEEBONE: No; he is standing by his amendment.

The Committee divided on the amendment:

Ayes (12)—The Hons. J. C. Burdett, M. B. Cameron, J. M. Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte (teller).

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

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 16 to 30 passed.

Clause 31—"Offence to sell vertebrate pests."

The Hon. A. F. KNEEBONE: In reply to a question raised earlier, I point out that a dead rabbit is not a vertebrate pest.

The Hon. R. C. DeGARIS (Leader of the Opposition): I only hope that the Minister's information is correct. We must be clear as to whether a dead rabbit is provided for in this Bill. The Hon. John Burdett may have taken advice to ascertain the position, but we must be most careful that it is as has been stated.

The Hon. A. M. WHYTE: The latest regulations in relation to rail freight mention quite clearly "rabbit, live" and "rabbit, dead". I always thought a dead rabbit was a carcass, but the legal interpretation could mean that a dead rabbit is still a rabbit.

The Hon. V. G. SPRINGETT: Speaking on medical lines, the presence of a corpse would certainly indicate a dead person, but would the carcass of a rabbit extend further afield the infections that caused its death? Are they still pests when they are dead?

The Hon. J. C. BURDETT: I am still not satisfied that a dead rabbit is not a rabbit. By definition it must be some sort of a rabbit.

The Hon. A. F. KNEEBONE: We are talking of pests.

Clause passed.

Clauses 32 to 42 passed.

Clause 43—"Subsidy to councils."

The Hon. A. F. KNEEBONE: The subsidy contemplates 50 per cent of the salary of the authorised officer. If the council recovers its costs it cannot expect a subsidy, as that is not warranted; otherwise, it would make a profit to the extent of the subsidy.

The Hon. R. C. DeGARIS: That is not absolutely fair. One council could be doing an excellent job and recovering its expenses while another council might not be doing very much and getting a subsidy. No consideration is given to the efficient council. Where a council derives income from this control scheme will the subsidy be lessened accordingly? I object to that. A straight subsidy of 50 per cent to the councils doing the work is a far better way to overcome the problem than to hand out subsidies where the council concerned may be at fault. I will not take action to redraft the clause, but I think this aspect is important. We do not want to create a situation in which a council is paid not to be efficient in its work. I am still concerned that that is so.

Clause passed.

Clause 44—"Authority may recommend establishment of boards."

The Hon. R. C. DeGARIS: Unless a reasonable explanation is given, I shall oppose this clause, which sets out to give the Government power by proclamation to establish a board to discharge the duties covered by this legislation. Under the Bill, two or more councils that are contiguous may, by proclamation, be joined together in a pest board. When the authority recommends the creation of a board it must consider that one or more of the councils to be joined together might not be adequately discharging its duties. This appears to leave the door wide open. First, there is the use of the proclamation; secondly, forcing a council that might be most efficient to combine with another that is not efficient in a board to which it does not wish to belong is a principle to which I object. Clause 45 gives the authority sufficient power to overcome the problem where the council is not carrying out its duties adequately. Under that clause, the authority can remain responsible and carry out the work. Subclause (7) provides that any proclamation made under this section shall have effect as if it were enacted in the Act. Before I will vote for the clause, the Government must give me a good reason why it should remain as it is.

The Hon. A. F. KNEEBONE: If a council is not involved in rabbit control, its landholders will not be able to obtain the poison material to be used. Why should ratepayers be penalised and why should the authority stand back and allow this to happen? It is obvious from the whole Bill that it is intended to act through the councils. The contents of the Bill have been discussed with as many councils as possible in the time available. While we have been progressively getting this legislation ready we have been discussing problems with the councils. It is important that rabbits should be controlled, and I know the difficulties of some councils. I have seen areas where rabbits have completely eaten out properties and where the whole of a hill seems to move because of the number of rabbits there. That is why the Bill has been introduced.

The Hon. A. M. Whyte: That happens in some of the wild life reserves, and they aren't even allowed to trap them there.

The Hon. A. F. KNEEBONE: It happens in council areas, too. Because of the constitution of some councils, the difficulties in relation to the control of rabbits have been immense. Only four out of 21 councils have replied in detail regarding this provision, although the vast majority of councils contacted support it. If honourable members decide to defeat this provision, they will remove much of the effectiveness of the Bill.

The Hon. J. C. BURDETT: I support what the Leader has said. It is strange that the authority may make a recommendation only when one of the councils involved is not discharging its duties under the Act. The Government may make a proclamation only after the authority has made a recommendation so that, when there is a body corporate comprising two or more councils, it will happen only when the authority decides that at least one of the councils is not discharging its duties.

There will always be a team with one council which is not discharging its duties being combined with two or more councils that are doing so. That seems innocuous. I agree with the Chief Secretary that some councils do not control their rabbits. However, there are powers elsewhere in the Bill to enable the authorities to deal with those councils. It seems to me to be iniquitous that, when a council is not carrying out its obligations, the authority may make a recommendation to tie that council with other councils that are carrying out their duties.

The Hon. R. C. DeGaris: It could involve six councils.

The Hon. J. C. BURDETT: That is so. This is making the strong carry the weak, instead of dealing with the wrong-doers, and there are powers in the Bill to deal with the latter. The Bill refers continually to "proclamation". It seems to me that a council that is fulfilling its obligations could be victimised in this respect, because the authority had decided that it must be tied with another council that might not be doing so. As this clause could result in a council that is doing its job being victimised, I certainly cannot support it.

The Hon. R. C. DeGARIS: I do not want to defeat the clause, although I consider that some protection should be provided. We do not know what the authority may recommend or the Governor may proclaim. I have pointed out that some proclamations made under the National Parks and Wildlife Act have been ridiculous. If this was done by regulation and the regulations had to come before Parliament, I am sure that the learned members of the Joint Committee on Subordinate Legislation would be able to make certain recommendations. The power is indeed wide, and it might perhaps be acceptable to honourable members if "proclamation" was changed to "regulation" so that the matter came before Parliament. If there were, say, 14 councils between Renmark and Mount Gambier, one of which was not doing its job, a proclamation could suddenly be issued and it would involve one vertebrate pests board. This could happen under the Bill. One may say that what I have said is ridiculous and will not happen. However, the power exists to enable it to happen. We give people certain powers to take executive action so that, when Bills leave this Council, we have no control over them.

The Hon. A. F. Kneebone: No, they will be representative bodies.

The Hon. R. C. DeGARIS: That may be so, but some authorities representing people have at times done some silly things. We are passing legislation that could be on the Statute Book for a long time and, from the point of view of protecting the interests of councils, whether or not they are doing a reasonable job, they should be subject to the scrutiny of Parliament. Clause 45 gives the authority power to ensure that councils are doing their job. If "proclamation" was amended to "regulation" it might go some way towards overcoming the difficulties to which I have referred.

The Hon. M. B. DAWKINS: I must agree with what the Leader and the Hon. Mr. Burdett have said regarding this clause. No honourable member wants to see the Bill or the clause lost. However, the Government should

examine the suggestion of using "regulation" rather than "proclamation". Perhaps the Chief Secretary would be willing to adopt that course or report progress to enable him to have a further look at the matter. Although it can be said that we can trust the Minister, the Acting Director and his officers, we are putting legislation on the Statute Book that might remain there for many years. Perhaps this evening or tomorrow I will have to speak on a Bill that seeks to replace legislation that has been on the Statute Book for 51 years, it having been amended only once, 49 years ago. This illustrates that we are putting legislation on the Statute Book that may remain there long after the present Minister and his officers, who have worked so hard on this Bill, have retired. I therefore ask the Minister to examine this matter and to consider further the suggestion made by the Leader.

The Hon. R. C. DeGARIS: I should like to examine clause 44 to see exactly what can be done with it. I would certainly not like to see it removed completely from the Bill. Perhaps we could leave this clause and move on to other clauses, because I will move to have the Bill recommitted, in order that we may discuss a foreshadowed amendment to this clause. That might save the Committee's time.

Progress reported; Committee to sit again.

Later:

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

In subclause (1) to strike out "proclamation" and insert "regulation"; in subclause (3) to strike out "proclamation" first occurring and insert "regulation", to strike out "in the proclamation" first occurring, and insert "by regulation"; and to strike out "in the proclamation" second occurring and insert "by regulation"; in subclause (4) to strike out "by a proclamation made", and to strike out "in the proclamation" and insert "by regulation"; and to strike out subclauses (6) and (7) and insert the following new subclause:

(6) The Governor may, upon the recommendation of the authority, by regulation, amend, vary or revoke any regulations made pursuant to this section and may, by regulation made upon a like recommendation, dissolve a board established pursuant to this section and make provision for any matters relating to the dissolution of the board and the disposition of any property of the board.

I make the point again that objection always has been raised in this place since I have been here to provisions regarding a proclamation, particularly where district councils are concerned. I believe that the Government wants this clause included and I know that there is advantage in the clause, but I cannot agree with the Governor's being able to proclaim vermin boards against the wishes of a council. There may be good reason why councils should be formed into combined boards, but that matter should be examined by Parliament. I believe that the Government may accept these amendments.

The Hon. A. F. KNEEBONE: I am not pleased about them, but at this late hour I have become a realist and know that the science of numbers is against me. I will probably have to accept the amendments.

The Hon. Sir ARTHUR RYMILL: This is a serious matter in which the Governor takes out of the hands of councils matters that have been assigned to them to deal with, and do it by order. Parliament should retain some control, and I wholeheartedly recommend the amendments. It is not just a question of numbers.

The Hon. A. F. KNEEBONE: I was not referring to the seriousness of this matter, but to the aspects of the debate of proclamation *versus* regulation.

Amendments agreed to; clause as amended passed.

Clauses 45 to 52 passed.

First and second schedules and title passed.

Bill recommitted.

Clause 5—"Interpretation"—reconsidered.

The Hon. J. C. BURDETT: I move:

At the end of the definition of "vertebrate pest" to insert "but does not include the carcass or part of the carcass of any such rabbit, dingo, fox, or animal".

This amendment arises from my doubts about whether a dead rabbit is still a rabbit. To put beyond doubt that it would not be an offence to sell a dead rabbit, this amendment will make clear that the carcass of a rabbit, dingo, fox, or animal is deemed not to be a vertebrate pest.

The Hon. A. F. KNEEBONE: Although I had been assured that the Bill as it stood presented no problem regarding dead pests of this type, I accept the amendment.

The Hon. V. G. SPRINGETT: There would be a great difference between a dead carcass in a paddock as a result of myxomatosis and a dead rabbit on sale in a butcher shop.

Amendment carried; clause as amended passed.

Clause 15—"Authority subject to general control and direction of the Minister"—reconsidered.

The Hon. A. F. KNEEBONE: I have discussed this matter with the Hon. Mr. Whyte, and I understand he will move an amendment.

The Hon. A. M. WHYTE: I move:

In new subclause (2), after "advice", to insert "of the Chairman".

When I moved my original amendment I said that it would satisfy my requirements if the Chairman of the Pastoral Board was the person to be consulted and not the entire board. It is most unlikely, of course, that the board would be consulted without the matter first having been discussed with the Chairman.

Amendment carried; clause as amended passed.

Clause 41—"Notices to councils relating to inspections and certain information"—reconsidered.

The Hon. R. C. DeGARIS: I have looked at this clause in conjunction with clause 44, as both of them slightly affect the work of councils. Where a council is working reasonably well on a scheme controlling a rabbit problem throughout its area, the authority may think otherwise about the effectiveness of the scheme and could, under the provisions of this clause, order council inspectors to work in a different part of the council area. I have no amendment to this clause, but I raise the question with the Chief Secretary because some councils are concerned about this matter, especially councils that have approached me where their work is of a high standard. I do not believe the authority will cut across the good work being done by good councils; nevertheless, this question arises.

The Hon. T. M. Casey: They'd be very foolish if they did.

The Hon. R. C. DeGARIS: That is so, but the question has been raised by two or three councils whose work is of a high class. I should like the Chief Secretary to comment.

The Hon. A. F. KNEEBONE: I agree with the Leader that it would be unfortunate if a council that was doing work of high standard was affected by the authority. However, I do not think that will happen. Under subclause (3) a council has the right of appeal, so the Leader need have no fears.

The Hon. R. C. DeGARIS: I am happy with that explanation. I believe the same applies to clause 44, under which Parliament has certain rights.

Bill reported with further amendments. Committee's report adopted.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (MAJOR ROADS)

In Committee.

(Continued from March 20. Page 3072.)

Clause 2 passed.

Clause 3—"Giving way at intersections and junctions."

The Hon. G. J. GILFILLAN: No doubt, there will be intersections at which there will only be lines on the road to indicate to drivers that they must stop or give way. However, as the lines on many metropolitan area roads are somewhat indistinct, particularly on rainy nights, it is almost impossible to see a "stop" line or "give way" line where vehicles have left their wheel marks. Will the Minister ask the Road Traffic Board to assume some responsibility in this matter by ensuring that all intersections are clearly marked, because, by passing this legislation, we could be creating dangerous situations in locations where accidents could occur because the lines were not clearly defined?

The Hon. D. H. L. BANFIELD (Minister of Health): I will ensure that my colleague takes up this point with the board.

Clause passed.

Remaining clauses (4 to 6) and title passed.

Bill read a third time and passed.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (APPEALS)

Adjourned debate on second reading.

(Continued from March 20. Page 3074.)

The Hon. C. M. HILL (Central No. 2): When I spoke to the Bill last week, I explained some of the points I wished to emphasise. I am particularly concerned that, this evening, I have spoken to senior members of the Royal Australian Planning Institute (South Australian Division) and have found to my surprise that the institute has not been consulted by the Government on the preparation of the Bill. This seems to me to be a gross neglect of duty of any mature Government. A Government that talks of open government, of involving the public, and seeking the participation of individuals interested in various matters does not seem to tie up with the situation that exists in regard to the Bill, when the President and immediate past President have come to Parliament House at such a late hour as this when, I understand, the Government is trying to make progress this evening and tomorrow. These gentlemen have not even been consulted.

One gentleman told me that he had asked the Minister of Environment and Conservation, who is in charge of the Bill in another place, for a copy of the Bill, but it had not been supplied to him. These gentlemen are not upset only in regard to that point. They have extensive representations to make in regard to the Bill. One sees the predicament in which the Council is placed. These representations, proposals, comments and criticisms from the institute will be sent down to the Council during the forenoon tomorrow, and those honourable members interested in studying them must take time to do so. So, the time factor in regard to this matter becomes a crucial point.

The Hon. T. M. Casey: You could have supplied them with a copy of the Bill had you wanted to.

The Hon. C. M. HILL. It is not my duty in the first instance.

The Hon. T. M. Casey: You knew that they wanted it.

The Hon. C. M. HILL: Is the Minister saying that it is the Government's policy not to refer Bills to expert professional institutes in this State? This is the kind of attitude that grows with too much power. Adequate time should be given so that the voice of these people can be heard. A report by His Honour Judge Roder forms the basis of some of the provisions of this Bill. In regard to any comments I make regarding clauses that result from Judge Roder's report, I do not want those comments to be construed as criticism of that gentleman, for whom I have a very high regard. This Bill was initiated because Judge Roder and his committee were in the process of drawing up a report concerning major changes to the planning and development legislation.

That report has been made to the Minister, who said that parts of the report had been dealt with in this Bill; he said that another Bill would be introduced next session in connection with the balance of the report. That is the kind of report that ought to be made public, so that those interested in planning can see it and comment on it. It is only in that way that the Government can ever achieve successful planning legislation. There must be public participation from the word go. I made this kind of comment nine years ago, when I said that the planning and development legislation would fail if the Government did not initially involve the public sufficiently in the preparation of the legislation.

Clause 14 deals with the power of the Crown to intervene in proceedings before the Planning Appeal Board. In this Bill the Government is introducing a policy whereby the Crown has the right to involve itself in proceedings before the Planning Appeal Board. It causes a shadow to hang over matters brought before the board. Whether the Crown should have the right to do this if it believes that a matter is of major public importance is very doubtful. This reminds me of the problem that arose in connection with a proposed major shopping development at Albert Park. When the matter went before the Planning Appeal Board the Crown interfered to an unnecessary extent. I believe that the Government should consider whether the Crown should have this right.

Clause 14 also deals with the question of costs resulting from the intervention of the Crown. If the clause remains as it is, expert witnesses and representatives of principals in hearings of this kind may well be treated unfairly as regards costs. Clause 17 deals with recommendations for the making of planning regulations. It inserts the following new subsection:

(6a) Where the authority or a council proposes to recommend the making of a planning regulation amending some prior planning regulation the Minister may, on application—

(*a*) by the authority;

or

(*b*) by the council supported by the recommendation of the authority,

exempt the council or the authority from compliance with, or waive the requirements of, any of the provisions of subsections (2), (3), (4), (5) and (6) of this section subject to any conditions that the Minister thinks fit to impose.

The requirements to which new subsection (6a) refers deal with the public display of proposals and with objections that may be brought forward by members of

the public. Clause 17 permits the Minister, under certain conditions, to exempt the council or the authority from compliance with the requirements; as a result, the public may be denied the opportunity of seeing a public display of the proposals or of making objections. The attempt to circumvent these requirements must be looked at very carefully. Clause 18 deals with the granting of interim control, in part, to some councils. In principle, I support the proposal in this clause, but it also provides that the authority may vary or revoke a delegation to a council. New section 41 (5c) provides:

The delegation of power under this section shall not affect the power of the authority to act itself in any matter.

Surely the authority cannot have it all ways: it cannot delegate a right to local councils to supervise interim control and at the same time hold to itself the power to vary or revoke that delegation; nor should the authority have the right to act in that way when, in turn, the council also has a responsibility. Surely there may be clashing of policy if a council is proceeding with interim development control and, in regard to the same issue, the authority also wields power within the ambit of the interim development control. I wish to refer again to the need for compensation to be paid to owners of land in the hills face zone; they fear, because of this Bill, that the value of their properties will decrease. The provision in the Bill in relation to the hills face zone is that no further subdivision shall be permitted within that region. I said previously that I thought a special commission could be set up so that people could apply for compensation, and so that the matter could be discussed and negotiated. However, time is short and I have not had an opportunity to develop that thinking any further on those lines.

I have on file an amendment to provide that people who are in the hills face zone can apply to the State Planning Authority for that authority to acquire their land as a result of this legislation. I have worded the amendment to provide that the authority is obliged, within 12 months after receiving notice, to begin negotiations for acquisition.

The period required for acquisition to take place by a public authority under the acquisition legislation is a considerable time after negotiations commence. The whole period may be up to two years, and I suggest that during that time the Government has adequate time in which to endeavour to arrange finance for purchases of this kind.

I do not think every owner will rush in wanting his land taken by the authority, but if the Bill will force owners into a situation where they cannot subdivide their land they should be able to offer it to the authority; in due course the authority can purchase that land. This would have the ultimate aim in many years to come of the authority owning all the hills face zone.

I am not concerned with land already divided into allotments with houses erected on them. I do not mind if that kind of holding is excluded from my proposal, but I am concerned for the owners of broad acres. I want to see the land facing the Adelaide Plains remain as hills face, and the only way I can see that being achieved, at the same time dealing fairly with the present owners of the land, is by a proposal for ultimate acquisition.

I do not care how long it takes; in the history of Adelaide, it will be a relatively short period. I look on the Government's responsibility and the authority's responsibility to acquire that land ultimately and to hold it as a backdrop to this city, as an open rural space, as an objective as important as the planning and building of the Adelaide Festival Centre.

The time has come when the Government must make a move to initiate a project of this kind and to fulfil its obligation to the landowners, the conservationists, the environmentalists, and the whole of metropolitan Adelaide in totality, by ensuring that this area is protected as a rural backdrop to the city, at the same time ensuring that those who at present own open spaces there receive fair and adequate compensation. My foreshadowed amendments have that motive.

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

Later:

The Hon. C. R. STORY (Midland) moved:

That this debate be further adjourned.

The Hon. T. M. CASEY (Minister of Agriculture): I point out to honourable members that this is an extremely important matter.

The Hon. J. C. Burdett: Then why was it brought on so late?

The Hon. T. M. CASEY: The Bill was introduced into this Parliament on March 6; almost three weeks ago.

The PRESIDENT: Order! The motion does not allow for any debate. Is the motion seconded?

The Hon. R. A. GEDDES: Yes, Sir.

The Council divided on the motion:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill, V. G. Springett, C. R. Story (teller), and A. M. Whyte.

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

Majority of 5 for the Ayes.

Motion thus carried.

The PRESIDENT: The question is "That the adjourned debate be made an order of the day for—".

The Hon. D. H. L. BANFIELD: On motion, Sir.

RUNDLE STREET MALL BILL

In Committee.

(Continued from March 20. Page 3076.)

Clause 2—"Arrangement of Act."

The Hon. R. C. DeGARIS (Leader of the Opposition): I have just received a petition on this matter that I shall be presenting tomorrow. I have not yet had any amendments drafted, because I have been awaiting the petition which arrived only a few moments ago. Therefore, I ask the Minister to report progress. First, however, can the Minister say whether there would be any objection to changing the name "Rundle Street Mall" to "Rundle Mall"? It appears anomalous to refer to the Rundle Street Mall when there is no street. The eastern end, of course, will be Rundle Street. It seems a contradiction in terms.

The Hon. D. H. L. BANFIELD (Minister of Health): Will the Leader give me some idea what his amendments will be?

The Hon. R. C. DeGARIS: There will be two amendments: one in relation to the name, which I think is anomalous; the other on the question of representation. I have a petition signed by all the traders in Rundle Street asking for a change in the committee to four representatives from the traders, two from local government, and one from the Government, and I shall be moving an amendment accordingly.

The Hon. D. H. L. BANFIELD: In view of the Leader's explanation, I ask that progress be reported.

Progress reported; Committee to sit again.

BUILDING SOCIETIES BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It repeals the Building Societies Act, 1881-1968. Because of rapid changes in economic conditions, particularly since the late 1960's, there has been an increasing and urgent need for revised legislation. The existing Act lacks the necessary power to control monetary policies of societies so that the problems of fluctuating interest rates and problems associated with an inflationary economy and shortage of liquid funds can be solved. Hence the primary aim of such legislation, namely, the protection of the investing public and the borrower, cannot be achieved under existing legislation. Consequently the Government and the building societies mutually agreed that new legislation was of vital importance to enable protection to be restored to the investing public. As a result, the Public Actuary and the Building Societies of South Australia have co-operated and combined their resources and experience, and over a period of several years have developed this Bill, in an endeavour to overcome the present legislative deficiencies.

The Government expresses its gratitude to the building societies for their contribution to the formulation of the new legislation. The Bill strongly emphasises monetary policies dealing with loans, liquidity and reserves and confers extensive powers upon the Registrar of Building Societies to guide and control the raising of funds, investments and guarantees.

Part I is formal. Part II deals with the administration of the new Act. Clause 6 provides that the Governor may appoint the Public Actuary to be the Registrar of Building Societies, and provides for delegation of his powers. Clause 8 provides that the office of the Registrar shall be a public office where all documents registered under the Act shall be kept. Clause 9: The Registrar is empowered to inspect any records relating to the affairs of a society whether the records are in the custody or control of a liquidator or bank or any other institution.

Part III includes clauses 10 to 23, and outlines the objects of a society registered under the Act. The formation, registration, and incorporation of a society, and the amalgamation of two or more societies are dealt with in this Part. Clause 10: The primary objects of a building society are the raising of funds as authorised by the Act, and the making of loans. Clauses 11 and 12: The requirements for formation, registration, and incorporation as established by these clauses are far more stringent than in the repealed Act. Formation can only be effected with a minimum of 20 natural persons and a minimum of $500 000 paid-up share capital. Previously, a society could be formed by a minimum of 10 persons and $20 share capital. Accordingly, the new Act effectively provides a strong foundation of protection for any intending societies and their investing public.

Clauses 13 and 17: These clauses provide the Registrar with the power to analyse critically any rule of a society and, where in his opinion a rule does not conform to the best interests of the members of the society, or the general public interest, he has the power to modify the rule. Clause 17 (4) provides that any decision by the Registrar to modify a rule is subject to a right of appeal by a society, and such an appeal will be determined by the Minister. Clause 18: No society shall be registered with a name that the Registrar considers undesirable. Clauses 19 and 20: Every society shall have a registered office for serving of documents. Its name shall be clearly printed on all documents associated with its activities, and the name shall be affixed to its place or places of business.

Clause 21 establishes the means for any two or more societies to amalgamate and apply to be registered as an amalgamated society. Clause 22: A society desiring to amalgamate with one or more other societies must forward to each of its members a statement setting out the financial position of the society and any other society with which it intends to amalgamate, stating any interest that the directors may have in the amalgamation and other relevant matters. Clause 23 allows a society to apply to the Registrar for his approval of an intended amalgamation, notwithstanding that the approval of the shareholders has not been obtained.

Part IV includes clauses 24 and 25 and defines the objects of an association, and provides for registration. Clause 24: Three or more societies may form an association and shall adopt such of the objects as are authorised by the new Act. Part V includes clauses 26 to 43, and deals with the monetary policies of societies. Division I of this Part sets out the loan policy of societies, and provides a means for fixing a maximum rate of interest at which moneys may be lent. Clause 26 deals with the basic function of a society which is to advance moneys on the security of a mortgage over land. Clause 27: The maximum rate of interest in respect of such a loan may be fixed by the Minister. Clause 28: Moneys are not to be lent on the security of a mortgage over vacant land, unless a dwellinghouse is intended to be erected thereon. Clauses 29 to 33 provide for limitations on the nature and extent of the loans that may be made by societies. Clause 34: A loan is not to be granted upon the security of a mortgage over land, unless a valuation has been obtained. Clause 35: The balloting for precedence for loans shall not be permitted under this section, but this does not affect any existing Starr-Bowkett society.

Division II deals with liquidity and reserves. Clause 36: Because of the failure of certain institutions to maintain an adequate proportion of assets in liquid funds, and in particular because of the run upon its funds experienced by one of South Australia's largest building societies, the Government considers that there is an urgent need to require societies to hold a minimum proportion of their assets in liquid form. These liquid assets must amount to at least 10 per cent of the aggregate of (*a*) the paid-up share capital of the society; (*b*) the amount held by the society by way of deposit; and (*c*) the outstanding principal of any loan made to the society.

If a society is to grant a loan, it must hold liquid funds that comply with the above requirements. A second, and major, aspect of the control of liquidity is the power to prescribe some other ratio between liquid and total assets, if economic conditions dictate a change in this respect. Clause 37: At the end of each financial year, a society is required to transfer to a reserve account 2 per cent of the surplus arising in that financial year from the business of the society. Division III provides the Registrar with the power to prohibit the raising of funds by a society if he considers it expedient to do so in the public interest.

I point out to honourable members that the Legislative Council Bill has not yet been received. The Bill now being distributed is the House of Assembly Bill, which has been amended only slightly. Honourable members can follow it, if they so desire, as I give the second reading explanation.

Clause 38: Whilst such a prohibition as previously outlined remains in force, the society shall not accept the

deposit of, or borrow, any money, or accept any subscriptions for a share in the society. However, this section does not prohibit a society from borrowing from a banking or finance company or from an officer of the society. A right of appeal by any society against a prohibition is conferred by subclause (5).

Division IV defines the manner in which a society may invest its funds and raise funds. Clause 39: A society may purchase or acquire any real or personal property necessary for carrying on its business. Clause 40: This clause outlines the investment policy of societies registered under this Act. Societies may only invest in the relatively "safe" investments prescribed by this section. Clause 41: This outlines the borrowing powers of a society. In summary, this Part provides for firm control over the operations of a society, but at the same time does not detract from prudent and profitable management. Clause 43: The Treasurer may execute a guarantee in favour of any person or body of persons for the repayment of any advance made to any society. This is designed to enable the Government in the last resort to help a society out of financial difficulties.

Part VI, including clauses 44-50, includes the rights and liabilities of the members, and provides for the issue of shares by a society. Clause 44: The members of a society are those persons who are admitted to membership in accordance with the rules of the society. No rights of membership accrue until payment in respect of membership as provided by the rules is made. Clause 45: A minor may be a member of a society. Clause 46: A body corporate may be a member of a society. Clause 47: A society may from time to time raise funds by the issue of shares. No member of a society shall, unless exempted by the Registrar from the provisions of this section, hold more than one-fifth of the total share capital of the society. Clause 48: This clause deals with the case where shares are held jointly. Clause 49: A society shall, in respect of any debt due from a member or past member of the society, have a charge upon the shares, credit balance, dividend, etc., due to that member or past member and may set off any such sum payable against the debt. Clause 50: A contribution, not exceeding 5 per cent of a society's surplus in the preceding financial year of the society, may be made to charity.

Part VII includes clauses 51-64 and provides for the internal management of a society. Clause 51: The clause provides that the management and control of a society is to be vested in a board of directors. The board is, however, subject to regulations by a general meeting of members. Clause 52: The general age limit fixed for a director is 72 years, but a person of or above this age may be appointed or reappointed as a director to hold office until the next annual general meeting of the society. Clause 53 deals with the appointment of directors, and subclauses (3) and (4) are of particular importance, for they limit the eligibility of prospective appointees. Clauses 54, 55 and 56 contain further provisions designed to ensure that a society is properly managed. Clause 57: Meetings must be held by societies. The annual general meeting shall be held within four months after the close of a society's financial year. Clause 58: A decision shall be made by a majority of those persons entitled to vote who are present at the meeting either personally or by proxy. Clause 59: A special resolution shall be effective only if supported by not less than two-thirds of the votes cast. A special resolution must be submitted to the Registrar for registration. Clause 60: The registers and accounts required to be kept by a society are set out in this section. They may be inspected by any person authorised by the Registrar.

Clause 61: A society shall keep at its registered office and at each branch office certain further documents that may be inspected by any member of the public without fee. Clause 62: The financial year of a society shall end on such a day in each calendar year as is provided by the rules of the society. A society is required to lodge such returns relevant to its financial position as the Registrar may require. Clauses 63 and 64 deal with the auditing of the accounts of a society.

Part VIII deals with receivership, official management and winding up. Part IX contains evidentiary provisions and prescribes certain offences. Part X confers on the Registrar the power to control advertising by a society. Clause 81: The Registrar must first consent to any advertisement that relates to a society proposed to be formed or registered under this Act. Clause 82: The Registrar may prohibit the issue by a society of advertisements of a certain description, or may require that specific information be included in an advertisement.

Part XI deals with miscellaneous matters. Clause 83: Full and accurate minutes of every meeting of a society must be kept. Clause 84: Any document may with the permission of the Registrar, and on payment of the prescribed fee, be inspected by a person with a proper interest in the matter. Clause 85: A member is to receive a copy of a policy of insurance taken out by a society over property in respect of which the society holds some security. Clause 86 provides for the making of an inquiry into the affairs of the society, and provides for the calling of special meetings of a society to resolve problems that may have arisen in the administration of a society.

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

COMMUNITY WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 20. Page 3071.)

The Hon. A. M. WHYTE (Northern): I support the Bill. We have often been told that it is not the role of this Chamber to interfere with money Bills. Although this Bill has no provision relating to money, reading between the lines one can see that, unless we accept the Bill, not much money will come to this State from the Commonwealth Government for expenditure on community welfare. The provisions of the Bill are a departure from what has been the procedure in the past. Finance will be provided direct from Canberra. Clause 8 amends section 27 of the Act. Consultative councils, which have done an excellent job in the State advising on the distribution of welfare money, will now be called community councils and will consist of 16 members, whereas previously consultative councils comprised eight members of the local community.

Of the 16 members of the new council, two members must be officers of the Public Service, with at least one being an officer of the department; in other words, an officer of the Commonwealth Government. This procedure is quite a departure from the procedure under the present legislation. I think that this is a retrograde step, as the consultative councils did an excellent job. However, obviously, if we want money for welfare services (and the sum that can be obtained is considerable), we have no option but to accept the Bill, so that Commonwealth funds will be provided. I believe it is a great pity that we must take this step, as we will take away from local communities their right to distribute this money and to give advice on how it should be spent. Now we will have one more of these unwieldy ventures run entirely from Canberra.

Clauses 17 and 18, which deal with sections 84 and 85, are concerned with the control of Aboriginal reserves, and I can see nothing wrong with them. By these provisions, the Governor has the right, if he desires, to give more authority to Aboriginal councils; he also has the right to revoke such a delegation of power. These are excellent provisions. For some time Aboriginal reserves have been largely under the control of Aboriginal councils. Therefore, the provisions include nothing new, as the system is already working. Now the Minister will have the right, if a council is not administering the welfare of a reserve as the Minister thinks it should, to revoke its authority and have another body established to run the reserve. I can see nothing wrong with the Bill except that once again State power will be eroded. We are passing over to the Commonwealth Government further administrative authority but, if we want the money that we require, we have no option but to accept this. I support the Bill.

The Hon. C. M. HILL (Central No. 2): I, too, support the Bill. I support what the Hon. Mr. Whyte has said, particularly his remarks about the provisions in the Bill relating to Aborigines. With regard to community councils, I do not feel as strongly as he does about the powers of the State that will be eroded or affected adversely under the Bill. I believe that, in practice, it will become a matter of co-operation between the State and Commonwealth authorities. The South Australian programme in the whole area of community welfare will, I believe, continue to operate almost precisely as it does at present.

The Commonwealth representation on the community councils for social development will be only one of 16 members. That is not a sufficient proportion to affect the policies greatly. Since 1972, when there was a change of Government in Canberra, there has been considerable confusion surrounding the Commonwealth Department of Urban and Regional Development, through which this arrangement is being made with the South Australian authorities.

I hope that, in practice, the policies of the State and Commonwealth Governments will be well co-ordinated, to the betterment of the South Australian community, which needs social welfare facilities. Under the Bill, South Australia will continue to receive all the benefits it received previously, plus further benefits as a result of Commonwealth money being supplied for purposes for which our money had previously been allocated. Our programme will operate almost precisely in the same way as it has done in the past. The advisory bodies, being dispersed throughout the community, will be advantageous to the community. I therefore support the second reading.

Bill read a second time and taken through its remaining stages.

FENCES BILL

Adjourned debate on second reading.

(Continued from March 20. Page 3079.)

The Hon. M. B. DAWKINS (Midland): I support the Bill, which replaces legislation enacted in 1924. As far as I can see, the only amendments made to that legislation were made in 1926. So, the legislation has been unchanged for 49 years. This Bill brings this matter up to date and it gives effect to the recommendations in the twenty-sixth report of the Law Reform Committee. I believe that the Chief Secretary was correct when he said in his second reading explanation that nowadays most fencing disputes are urban, whereas the original legislation dealt with country conditions rather than urban conditions. In past years, disputes occurred in rural areas in connection with fencing arrangements between adjoining properties, but in my experience there have been few such disputes for a considerable time. Because the emphasis has shifted from country areas to the urban scene, there is definitely a need for new legislation. Although the original legislation was good in its day, it is now deficient in some respects.

I refer now to the Bill. The improved definitions in clause 4 will lead to fewer disputes. In his second reading explanation the Chief Secretary also said that the Bill was aimed at eliminating the gaps and uncertainties in the present law; after examining the Bill, I believe that, generally speaking, it does exactly that. Although this Bill is a good Bill, nevertheless I shall refer to some deficiencies in it when I deal with the clauses. As I have indicated, the definitions in clause 4 are more adequate than those in the 1924 legislation. Clause 5, dealing with the question of notice of intention to perform fencing work, provides:

(1) Where the owner of any land proposes to erect a fence dividing his land from the land of an adjoining owner, he may serve notice of that intention upon the adjoining owner.

I presume that the serving of notice could be done by post, certainly by registered post. There is an indication that it must be done by registered post or personally, and some of my legal friends no doubt could put me right on the requirements of the phrase, if I have not interpreted it correctly.

Clause 5 (2) then sets out the conditions that an owner must advise the adjoining owner, as in form No. 1 of the schedule, regarding the length and condition of fences and the nature of the fences, together with an estimate of the cost and the amount he intends to seek to recover from the adjoining owner. All these things must be set out. Subclause (3) contains somewhat similar provisions regarding the performance of any replacement, repair, or maintenance work in relation to a fence dividing his land from the land of an adjoining owner. He should serve notice of that intention and the notice must be in similar detail to the previous notice I have mentioned. These conditions as set out serve to replace, in some measure, section 17 of the old Act. They are set out in form No. 2 in the schedule. Some provisions concern me, and I query some of them in clauses 6, 7 and 8, mainly regarding the lack of adequate notice required by the Bill as it stands. Clause 6 (1) provides:

Where an adjoining owner objects to any of the proposals contained in a notice served upon him in pursuance of this Act, he may, within twenty-one days after the service of the notice, serve a cross-notice upon the proponent.

The cross-notice will be in the form set out in form No. 3 in the schedule and it must detail the way in which the owner objects and any counter-proposals he wishes to bring forward. The period of 21 days is quite inadequate in these days when people move around the world and could be away for a period much longer than 21 days; these provisions in the Bill should be extended. I have on file amendments to extend the period to 35 days, but I have seen since then that the Minister has amendments on file to extend it to 30 days. While I do not wish to argue over five days, I have re-examined the old legislation and the period there has been one month. That has served for 50 years, so perhaps I will not proceed with my amendment but will agree to the amendment of the Minister, although I still feel that 30 days is short enough. The Minister said that clause 7 was consequential. That may be so, but it is equally objectionable in relation to the period, and possibly more so in one sense. It provides:

Where a person to whom a proposal or counter proposal has been made under this Act does not serve notice of his objection to the proposal or counter proposal in accordance with this Act, he shall be deemed to have agreed to the proposal or counter proposal.

As it stands at the moment, the period referred to in this clause must be 21 days. This is definitely an inadequate period of notice. It is possible for people to be some distance away for much longer than 21 days. Some may be resident in the same State but may own a property some distance from their place of residence. The period is too short. Clause 8 also has something to do with the period of 21 days. It provides:

(1) Where notice of the proposed erection of a fence, or the proposed performance of replacement, repair or maintenance work in relation to a fence has been served in accordance with this Act,—

there again, it would be the 21-day period—

the proponent may proceed with the fencing work—

(*a*) after the expiration of twenty-one days from the date of service of the notice,

I have the same objection about that. Clause 9 (1) provides:

(1) Where a person desires to perform fencing work in the nature of erecting, replacing, repairing, or maintaining a dividing fence, and the identity or whereabouts of the adjoining owner has not, after reasonable inquiry by the proponent, been ascertained, he may—

(*a*) affix a notice of his intention to perform the fencing work in the form No. 1 of the schedule to this Act on some prominent part of the land of the adjoining owner, and, if no cross-notice is served upon him in accordance with this Act, proceed with the work as if the adjoining owner has agreed to the proposals contained in the notice;

Here again, the period is far too short. Other clauses in the Bill to which I will refer are reasonable. Clause 11 refers to the case where the fence divides land from a public road and the owner of land abutting upon the road derives benefit from the fence. The clause provides:

(1) Where a person has erected a fence dividing his land from a public road, and any other person who is the owner of land abutting upon the road derives use of, or benefit from the fence, by reason of the proximity of the fence to his own land the person by whom the fence has been erected may institute proceedings in the court for the recovery from that other person of a contribution towards the cost of erecting the fence or any further fencing work in relation to the fence.

I do not think that is unreasonable. That may apply more in the country than in the city, especially regarding roads leased to landholders. Quite often, one fence is used for the division as the road is not required to be fenced on both sides. In such a case both landholders are getting some benefit from the adoining fence, and it is not unreasonable that the landowner who actually owns the fence should have some claim on his neighbour.

Clause 12 sets out in considerable detail the powers of the court. I think they should be set out in detail, and to my mind they appear adequate. I do not intend to elaborate on them, but some of my legal colleagues may have something to contribute. Clause 14 refers to arrangements between landlord and tenant, and here again I think the arrangements are satisfactory. The landlord may recover, as a debt due to him, contributions towards the satisfaction of any liability incurred by the landlord during the tenancy in respect of fencing work performed in relation to fences dividing the land occupied by the tenant from the land of adjoining owners. Four paragraphs in subclause (2) set out the amount that can be recovered, according to the length of time remaining in the tenancy. These provisions are quite reasonable. Clause 16 refers to urgent repairs and gives one party the right to make urgent repairs, if necessary, without notice to the adjoining owner, and to recover one-half of the cost of the fencing work. Here again, this is probably a necessary provision. Clause 18 refers to the power of entry; this situation may occur in the city and certainly would occur in the country from time to time. It is necessary sometimes in order to erect a new dividing fence to do the work from the land of the adjoining owner. Provision is made in the Bill to enable this to be done whenever necessary. I know from experience that in some country areas it is occasionally necessary for the work to be done from a neighbour's land. That provision seems to be reasonable.

The forms to which I have referred, enabling notice to be given to various landowners, are set out in the schedule, and they seem to me to be reasonable. Having examined the Bill and compared it with the old Act, the Bill seems to be a satisfactory one, with the minor qualifications to which I have referred and which, I hope, will be largely cleared up as a result of the amendments that have been placed on the file. I support the Bill.

The Hon. J. C. BURDETT (Southern): I, too, support the second reading and what the Hon. Mr. Dawkins has said. I have examined the Bill in detail, and it seems to me to be satisfactory. I would say in passing that the existing 1924 Act has, for the period for which it has been in force, served the State well and given a fair degree of certainty to the law in relation to fencing. The Hon. Mr. Dawkins referred to service of notice, expressing concern about the time limit referred to in the Bill and the possibility of persons being away. Clause 19 provides:

(1) Any notice under this Act must be signed by the person giving the notice or his solicitor, attorney or agent.

(2) Service of a notice under this Act must be effected personally or by registered post.

There are none of the provisions which one sometimes finds stating that a notice shall be deemed to have been served in the ordinary course of the post, or something of that kind. Therefore, when a party relies on the service of a notice, he must prove that service has been effected personally or by registered post: in other words, that the document has got to the notice of the recipient. This means that the fears expressed by the Hon. Mr. Dawkins about persons being away would not be real fears, as the notice would not have been served had they been away. Nevertheless, I agree that the times referred to in the Bill are too short, and I will support the amendments moved by either the Hon. Mr. Dawkins or the Chief Secretary (I do not care by whom they are moved). As the Bill is in order and, indeed, an advance on the existing Act, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Cross-notice."

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

In subclause (1) to strike out "twenty-one" and insert "thirty"; and in subclause (3) to strike out "twenty-one" and insert "thirty".

I have listened with interest to the Hon. Mr. Dawkins, who is more or less inclined, I think, to accept my amendments, which are a good compromise between what the honourable member wanted and what I suggested.

The Hon. M. B. DAWKINS: I am willing to forgo my amendments and to accept those moved by the Chief Secretary. I think 30 days is a short enough period, but the Hon. Mr. Burdett has stated that a notice must be served personally. In that event, the period of 30 days will probably be satisfactory.

Amendments carried; clause as amended passed.

Clause 7 passed.

Clause 8—"Performance of fencing work."

The Hon. A. F. KNEEBONE: I move:

In subclause (1) to strike out "twenty-one" and insert "thirty".

This amendment is similar to those which the Committee has already carried.

Amendment carried; clause as amended passed.

Clauses 9 to 11 passed.

Clause 12—"Powers of court."

The Hon. A. F. KNEEBONE: I move:

In subclause (2) (*d*) after "Act" to insert "(including an agreement that is, by virtue of a provision of this Act, deemed to have been made)".

This amendment covers a matter raised previously by the Hon. Mr. Dawkins. If an agreement is accepted within a certain time, and no counter-claim has been filed, it can be assumed that agreement has been reached. This provision will enable the court to reopen such an agreement.

Amendment carried; clause as amended passed.

Clauses 13 to 25 passed.

Schedule.

The Hon. A. F. KNEEBONE: I move:

To strike out "twenty-one" wherever occurring and insert "thirty".

This is a consequential amendment.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

DOG FENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 20. Page 3079.)

The Hon. R. A. GEDDES (Northern): I support the Bill, which amends several clauses of the principal Act. Clause 4 amends the definition section as well as including several definitions that reflect those contained in the Vertebrate Pests Bill, and inserts a definition of a local dog fence board. These boards are intended to replace some of the vermin boards established under the Vermin Act, whose principal function for some time has been the maintenance of the dog fence.

The Hon. A. M. WHYTE (Northern): I, too, support the Bill, which is consequential on the passing of the Vertebrate Pests Bill, as some provisions of that Bill have now been included in this legislation. The present dog fence, constructed from the New South Wales border to the coast of Eyre Peninsula, is about 2 400 kilometres long and is the only protection for about 16 000 000 sheep in South Australia. The provisions of this Bill transpose existing provisions in the old Vermin Act and change what were known as vermin boards into local dog fence boards, eight of which have the responsibility of maintaining the fence. Clause 8 amends section 24 of the principal Act, and refers to the rate imposed on landowners to maintain the dog fence in good repair. Converting to the metric system, the rates have been slightly increased, but the state of the fund has meant that the maximum rate has never been used.

Under the old Act landowners paid 35c into a dog fence fund, which was subsidised by the Government, and a payment of $40 for about a kilometre was made to landowners from which they maintained what is generally known as the buffer fence. In these days of inflation one wonders how this amount could be sufficient, but at present the fund is able to cope with all demands made on it. As the pastoral industry is passing through a severe recession, it is hoped it will not be necessary to increase the taxing rate. A levey of 5c was also paid into the wild dog fund but, under the Vertebrate Pests Bill, this becomes a dingo fund. The two measures are closely interwoven and it is necessary to accept both of them. This is a combined effort to bring under one authority measures necessary to control pests in South Australia.

The Dog Fence Board has been constituted of four members comprising two members of the Stockowners Association, one from the Vermin District Association, and the Chairman, who has always been the Chairman of the Pastoral Board. That authority has performed its duties competently, and I cannot recall any major disputes concerning the upkeep of the dog fence. At times the board has been concerned about people driving bulldozers through parts of the fence, and wombats in the Far West do their best to demolish the fence. Generally, the Act has worked well with the board comprising competent men, and I presume that its members will continue in the same role that they have previously played. I accept the provisions of this Bill, and support it.

Bill read a second time and taken through its remaining stages.

WARDANG ISLAND

Consideration of the following resolution received from the House of Assembly:

That this House resolves that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, a recommendation be made to the Governor that sections 326, 691 and 692 north out of hundreds, county of Fergusson, known as Wardang Island, subject to rights of way acquired by the Commonwealth of Australia over the above land as appears in *Commonwealth Gazettes* dated November 12, 1959, at page 4002 and April 27, 1967, at page 2088, vide notification in L.T.O. dockets numbered 3041 of 1951 and 2528 of 1964, be vested in the Aboriginal Lands Trust.

(Continued from March 20. Page 3078.)

The Hon. C. R. STORY (Midland): I support the resolution. At the outset I should like the Minister of Lands to convey to the person responsible for the research that went into the preparation of his explanation my congratulations, because it is an excellent account from the first days of Wardang Island to the present. Chronologically, it deals with the various functions that lessees have played on the island, and deals with the Aborigines themselves. This land has always had deep historical associations with the Aboriginal people, and it is fitting that if this resolution passes both Houses in this or the next session it will become law under section 16 of the Aboriginal Lands Trust Act.

This land has been in the hands of Broken Hill Associated Smelters Proprietary Limited and also a private developer, Mr. H. G. Pryce. Once this resolution is passed the land will be handed over completely to the Aboriginal Lands Trust. The Commonwealth Government has a right of access over certain parts of the island, areas which are delineated on a map attached to the Minister's explanation. The areas concerned are sections 691, 692, 675, and a small part of section 376. The small part of section 376 contains a lighthouse and helicopter landing site adjacent thereto. Section 675 has an airstrip constructed on it and, on sections 629 and 691, there is an access road from the coast to the airstrip. All the land is Commonwealth Crown land. All the provisions laid down in the Aboriginal Lands Trust Act have been observed, and I only hope that Aborigines will have more success with this island in future than they

have had in the past. At various times the island has been leased to missions, but this is the first time Aborigines have had absolute control of the land.

The Hon. A. M. Whyte: It's the second time!

The Hon. C. R. STORY: True, because the first time was before white men settled here, and the Aborigines had it in their own right then. I sincerely hope that the efforts that have been made to make this land available to Aborigines will ensure that the island is of some benefit to them. I support the resolution.

Resolution agreed to.

MARINE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 20. Page 3082.)

The Hon. C. R. STORY (Midland): The Bill is short. It contains two provisions which, on the face of it, make it easier for certain classes of vessel (to be prescribed) to operate. At present, commercial vessels such as houseboats come under the provisions of the Marine Act. As they are commercial vessels, they are subject to survey, which is not only costly but is also time consuming. Under the Bill, houseboats and various other classes of vessel will be prescribed from time to time and exempted from the manning provisions of this legislation.

Clause 2 amends section 14 of the Act relating to regulations. At present, most vessels of this class are covered under the Boating Act, which was recently passed by this Chamber. However, vessels deemed to be commercial vessels are still covered by the Marine Act. It is intended to prescribe various classes of vessel by regulation. I am disturbed only by the fact that a letter has been received from some sections of the houseboat hirers' industry setting out certain requirements under the Marine Act that owners will have to meet. Owners will be responsible for training people who wish to hire and use these vessels on the river. However, the extent of the responsibility is not clear at present. As I understand it, before a person takes charge of a houseboat he is required to have one hour's instruction, with the owner of the houseboat being responsible for providing that instruction.

It is not clear who will be responsible for deciding whether a person is proficient in the use of a vessel. Presumably the owner will be responsible, but I am not sure about the legal position. If a person is permitted to take a boat and subsequently proves to be incapable of handling it, causing damage or loss of life, I do not know who will be responsible. I realise that eventually this will be spelled out in the regulations. Unfortunately (and this is typical of what happens in the last couple of days of the session), we are left up in the air on this matter. If the Bill is passed, as soon as the legislation is proclaimed, regulations will be brought down, and at any time from a fortnight hence until we meet again in June the regulations may operate. We have no idea what they will prescribe in relation to this fairly important tourist industry.

We should have at least some rough idea of what is in the mind of the Minister of Marine in asking for this legislation, so that we may know something about the form the regulations will take. If Parliament decides that the regulations are too harsh, it can oppose them. However, we are asked to put our trust entirely in the Minister; we can only hope that the regulations will be satisfactory. I know that we will meet again in June, when we can perhaps disallow regulations that are unsuitable. It is not desirable to disallow regulations after people have been put to inconvenience by having to conform to them. I hope the Minister of Agriculture can say something about the regulations.

The Hon. T. M. CASEY (Minister of Agriculture): I point out that the provision relating to the driver's licence will not operate until June 1, 1975, so that the regulations will not operate until the same time. Only a short time will pass between then and when Parliament meets, so that possibly few people will operate under the new regulations in that period. I cannot say what will be contained in the regulations, other than to refer members to the second reading explanation. I do not think they will be nation-rocking provisions. I believe that the provision relating to the driver's licence is clearly required. All members will be aware that to steer and control these craft a person needs some experience of handling a motor-driven unit. Therefore, a driver's licence seems to be the appropriate qualification.

It has been said that perhaps one hour's tuition is too long. I point out that much responsibility is attached to driving and manoeuvring these craft. Punt operators have said that, unless people are fully conversant with what is required in operating these craft and in judging distances, a collision could occur when they approach a punt in mid-stream. That is why instruction for one hour has been laid down. If I were intending to hire a houseboat (and I have never driven one), I should be happy to receive an hour's tuition, particularly with regard to manoeuvring the vessel. A person needs to learn not only how to manoeuvre the craft but also how to operate the fire prevention system and the cooling system. I do not believe that a period of instruction of less than one hour would be acceptable. Following our opportunity to see how the regulations work, they can be put before the Subordinate Legislation Committee, which can disallow them, if necessary.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Regulations."

The Hon. C. R. STORY: I point out to the Minister that the Subordinate Legislation Committee cannot disallow regulations: only Parliament can do that. Parliament must be sitting if the committee is to be able to recommend to Parliament that the regulations be disallowed. I cannot see any provision stating that the driving licences will come into operation on June 1.

The Hon. T. M. Casey: It came about in the course of the recommendations of the Select Committee on the Boating Bill.

The Hon. C. R. STORY: But we are now dealing with the Marine Act. The boating legislation will not have any effect on this legislation. I imagine that the regulations under this Bill will be separate.

The Hon. R. A. GEDDES: In his second reading explanation the Minister said that the Bill provided the means for excluding certain types of vessel from the operation of the manning provisions in Part IIIA of the principal Act. Those provisions state how many crew members there shall be on a boat and what shall be the qualifications of a skipper, and other matters in relation to ships. The Minister's second reading explanation does not refer to driving licences, and there is no explanation of the Government's intentions. Actually, the Government seems to be destroying the tourist industry by imposing restrictions that will frustrate the industry.

I refer to the case of a boat owner who has eight boats. On Thursday of this week (the Thursday before Easter) those eight boats will be taken out by tourists who have

hired them. The tourists will go to the owner's place at Morgan after they have finished work at about 5 p.m. or 6 p.m. Under the suggested regulations the owner, or suitable assistants, would be expected to take out each of the eight boats for one hour to give the necessary instruction. People wanting to hire boats will be frustrated if they have to wait while other people are under instruction. Clearly, the Government must pay attention to the needs of the houseboat industry and tourism.

[*Midnight*]

The Hon. T. M. CASEY (Minister of Agriculture): If the honourable member was the owner of a houseboat and if someone who had never before operated a houseboat approached him, would the honourable member allow that person to take the boat on to the river without his giving that person any instructions about manoeuvring the craft? The houseboat owner would be foolish if he did not seek to protect his own property. The honourable member must consider the other people on the river, too.

Under the Boating Act, owners of craft must have driving licences. Because of the need for consistency, we must also provide for people who operate houseboats on hire. The honourable member referred to the case of eight people who might never have operated a houseboat before; but, on the other hand, eight people might come along, all of whom had previously received adequate instruction in operating houseboats. In that case the houseboat owner would simply hand over the keys. Anyone who has not previously manned a houseboat should be compelled to spend at least an hour on the river learning how to manoeuvre the craft.

The Hon. R. A. GEDDES: The Minister posed a question. I have hired houseboats on the Murray River from Blanchetown. I have been given instruction by the owner on the bank as to the operation of the boat, how to start the engine, fire precautions, which side of the river to drive on, and the precautions to be taken in going through locks, as well as other safety measures. I hired the boat at 5.30 p.m. on a winter day. It was dusk and raining heavily, and I took the boat for about half an hour before mooring for the night. It was extremely safe and easy to manoeuvre and I had no problems. That sort of practice has been going on for years.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (SALARY)

Adjourned debate on second reading.

(Continued from March 20. Page 3083.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill. The second reading explanation explains it fully, and the Hon. Mr. Springett has already spoken on it. It corrects a misunderstanding in the formula used to assess the expense allowance of His Excellency the Governor. The Bill updates the base figure to bring it into line with present-day costs, and in future the allowance will be automatically adjusted from the base figure and tied to the cost-of-living index, whether it rises or falls. As I have no objection to the Bill, I have pleasure in supporting the second reading.

Bill read a second time and taken through its remaining stages.

IMPOUNDING ACT AMENDMENT BILL (FEES)

Adjourned debate on second reading.

(Continued from March 20. Page 3082.)

The Hon. C. R. STORY (Midland): I support this short Bill, which increases impounding fees substantially. No such increases in fees have occurred since 1962, and the existing fees are considered inadequate. In common with many other fees we have considered this session, anything from a four-fold to an eight-fold increase is provided in the Bill. As outlined in the schedule, some costs have now increased to such an extent that it is probably better to leave sheep in pound than to feed them on one's own property. With sheep at their present value, the owner would not hurry to get them out of pound. The Bill is in conformity with Government policy for all-round increases in fees, so I cannot do anything much except agree.

The Hon. J. C. Burdett: Do you find many pounds in country areas now?

The Hon. C. R. STORY: Not many pounds are left: it is all decimal currency now!

The Hon. A. M. WHYTE (Northern): I support the measure. It is high time fees were increased, for the reasons stated by the Hon. Mr. Story. All the pounds I knew of have fallen into disrepair or are non-existent, so perhaps increased fees will cause something to be done to restore them. I know of no pounds still standing in the north of South Australia.

Bill read a second time and taken through its remaining stages.

HIGHWAYS ACT AMENDMENT BILL (PROPERTY)

Adjourned debate on second reading.

(Continued from March 20. Page 3083.)

The Hon. C. M. HILL (Central No. 2): I support the second reading of this short Bill, which deals with two important facets of the activities of the Commissioner of Highways. The first relates to the leasing by the Commissioner of properties that he has purchased for road-widening schemes and other road-planning schemes. The Minister referred to road-widening schemes only, although all honourable members know that the Government is buying properties for freeway routes.

The Hon. D. H. L. Banfield: Is this a part of M.A.T.S.?

The Hon. C. M. HILL: Whether or not the Government likes it, or whether it calls these rights of way high-speed transportation corridors, the truth of the matter is that they are part of the Metropolitan Adelaide Transportation Study plan. The Bill therefore deals with properties purchased not only for road-widening purposes but also for the continuation by the present Government of the M.A.T.S. plan. Of course, even the road-widening schemes are a continuation of the M.A.T.S. programme, because the schemes to widen Adelaide's main roads, although introduced in 1949 by the Playford Government, were endorsed within the M.A.T.S. Report and are being carried on by this Government.

The Hon. D. H. L. Banfield: But you knocked back some of M.A.T.S.

The Hon. C. M. HILL: That is so, which means that we were not in favour of it all, as we were accused of having been. As I have already stated, the Bill relates to properties purchased by the Commissioner. Whereas previously under the Act the Commissioner has had to submit all these proposals to the Minister, and then to the Government for its approval, the programme is becoming so vast that, in the cause of efficiency, the Minister is seeking the right for the Commissioner simply to grant leases of these properties

for periods up to six years without having to obtain the Government's approval. That is the principal aspect of the Bill.

The other important aspect is that the Minister is seeking the right in special circumstances to restrict certain classes of vehicle from using some roads. The Minister cited the example of a post-flood period over a main road and suggested that, in the interests of road safety and traffic generally, heavy vehicles should be prevented from using such a road until repairs had been effected.

The Hon. T. M. Casey: I agree with it wholeheartedly.

The Hon. C. M. HILL: And I am delighted to hear the Minister say that. Having been delighted on that score, I refer to an amendment that I have on file, to which I hope the Minister agrees. The amendment deals with leases. It is necessary for Parliament to keep its weather eye on leases, as Opposition members remember a lease that was granted by the Commissioner, with the Minister's approval and possibly at his direction, on Burbridge Road, Hilton. That is the kind of agreement that Parliament ought to have under surveillance.

Accordingly, my amendment provides that leases which the Commissioner is permitted to grant under this Bill must be listed and tabled annually in Parliament for honourable members to peruse. I do not think that is an onerous or cumbersome task for the Government to undertake. It is only right and proper that Parliament should have an opportunity to peruse these leases, which will not be submitted to the Government for approval. Leases for periods of over six years will not be included in the list that I seek, by my amendment, to have prepared and displayed annually in Parliament.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"General powers of the Commissioner."

The Hon. C. M. HILL: I move:

In paragraph (*b*) to strike out "subsection" second occurring and insert "subsections"; and to insert the following new subsection:

> (4) As soon as practicable after the thirtieth day of June in each year the Minister shall cause to be laid on the table of each House of Parliament a report setting out with reasonable particularity details of all leases and licences granted by the Commission pursuant to subsection (3) of this section, during the twelve months immediately preceding that thirtieth day of June.

My amendment ensures that the leases into which the Commissioner enters without the Government's approval shall be listed and tabled in Parliament for honourable members' perusal. I hope that the amendment is acceptable to the Government.

The Hon. D. H. L. BANFIELD (Minister of Health): I am sorry to disappoint the Hon. Mr. Hill, who said that his amendment would improve administrative efficiency. Although he said it was a good idea, he immediately moved the amendment, which would result in the loss of any benefits derived from such efficiency, as records would have to be prepared, printed and presented to both Houses of Parliament. I draw the honourable member's attention to the second reading explanation, which states that over 600 transactions take place annually. Of course, that number will increase in future.

Once a lease has been approved, it will not matter what decision Parliament takes, as it will not be able to vary the lease. If a lease had to be approved by Parliament, there would be some merit in the honourable member's amendment. However, it would involve details of, say, 600 leases having to be laid on the table of Parliament, and Parliament could do no more than merely look at them. I cannot accept the amendment, which would nullify any time saving or increased efficiency that would otherwise be effected. Members cannot do anything about the leases, which have been signed, sealed, and delivered before being laid on the table.

The Hon. J. C. Burdett: Are other reports useless?

The Hon. D. H. L. BANFIELD: I am not saying that other reports are useless, but the leases will not extend for longer than six years. If these amendments are included, any efficiency gained as a result of this legislation will be nullified by the department's having to do extra work. I oppose the amendments.

The Hon. C. M. HILL: The department must catalogue the leases, and every 12 months it would have to type a list, which would be laid on the table. The Minister's second point is that Parliament cannot alter the leases. The purpose of the list is not to alter the conditions of the leases but to provide information for members. Problems are referred to by constituents concerning leasing of properties, and members could satisfy their constituents by perusing the annual list after it had been laid on the table.

The Hon. A. M. Whyte: That would have overcome the problem of Burbridge Road.

The Hon. C. M. HILL: Of course. I believe the Minister's opposing arguments are not strong.

The Hon. D. H. L. BANFIELD: A query from a constituent about property can be raised by a member asking a question, and the information will be provided immediately.

The Committee divided on the amendments:

Ayes (9)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield (teller), B. A. Chatterton, T. M. Casey, C. W. Creedon, G. J. Gilfillan, A. F. Kneebone, Sir Arthur Rymill, and A. J. Shard.

Majority of 1 for the Ayes.

Amendments thus carried; clause as amended passed.

Remaining clauses (3 and 4) and title passed.

Bill read a third time and passed.

WILLS ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 1, line 9 (clause 2)—Leave out "and inserting in lieu thereof the following subsections:".

No. 2. Page 1, lines 10 to 21 (clause 2)—Leave out all words in these lines.

No. 3. Page 2, lines 1 to 4 (clause 2)—Leave out all words in these lines.

Consideration in Committee.

The Hon. J. C. BURDETT (Southern): I move:

That the House of Assembly's amendments be agreed to.

At first blush it may appear that the amendments made by the House of Assembly annihilate the Hon. Mr. Potter's private member's Bill but, on examination, it will be seen that that is not so. The Bill sought to amend section 17 of the principal Act, subsection (1) of which provides:

No will or testamentary provision therein shall be void by reason only of the fact that the execution of the will is attested by a person, or the spouse of a person, who has or may acquire, in terms of the will or provision, any interest in property subject thereto.

The Bill also sought to repeal subsections (2) and (3) of that section. The amendments moved by the House of Assembly retain that repeal. The difficulties that the Hon.

Mr. Potter sought in his Bill to overcome were contained in subsections (2) and (3) of section 17 of the principal Act. I do not wish to repeat the arguments used by the Hon. Mr. Potter in his second reading explanation when introducing his Bill. However, the difficulties created by subsections (2) and (3) of section 17 caused delays in the granting of probate of wills where this situation occurred. Where a beneficiary had attested a will, or anyone who had received any benefit directly or indirectly under a will had attested a will, affidavits had to be filed and considered by the Registrar, and the matter could be referred for hearing by the court.

The difficulty the Hon. Mr. Potter was trying to overcome was the hold-up of many months that occurred in the granting of probate and, therefore, the administration of the estate. In lieu of the objectionable subsections (2) and (3), the Hon. Mr. Potter sought to insert other subsections. What the House of Assembly is seeking to do by its amendments is leave the repeal of subsections (2) and (3) of section 17, and that is mainly what the Hon. Mr. Potter wished. The House of Assembly is seeking to delete alternative subsections (2) and (3), which the Hon. Mr. Potter sought to insert. That was not the main thing he was trying to do. If the amendments moved by the House of Assembly are agreed to, the delays that the Hon. Mr. Potter was trying to overcome will be overcome.

It seems to me that there will be no real difficulty to anyone because, if anyone is aggrieved in a case where a beneficiary has attested a will, there is always recourse to the courts on the grounds that the testator was motivated by undue influence. It seems to me, therefore, that what this Bill sought to do is still being achieved. Although the Bill is short, it seeks to repeal subsections (2) and (3) of section 17 of the principal Act, and they are still to be repealed. The alternative provisions that are inserted in the Bill are not so important.

The Hon. Sir ARTHUR RYMILL: I have pleasure in concurring with my learned friend; however, I wonder whether section 3 of the 1972 Act should be repealed, too. Section 4 of the 1972 amending Act repealed section 17 of the principal Act and inserted the following new subsection:

(1) No will or testamentary provision therein shall be void by reason only of the fact that the execution of the will is attested by a person, or the spouse of a person, who has or may acquire, in terms of the will or provision, any interest in property subject thereto.

It is subsections (2) and (3) which the Hon. Mr. Potter sought to amend and which the House of Assembly has seen fit to agree should be repealed and that nothing should be substituted for them. Section 3 of the 1972 Act defines "the Court" and "the Registrar", terms which are included in section 17 (2) and (3), which are to be repealed under this Bill. I believe we should have a further look at this matter, but I do not wish to move a further amendment at this stage without being sure of my ground. It is obvious that this Chamber is in accord with the House of Assembly's amendments, but it is a question of tidying up the Bill. In those circumstances I suggest that progress be reported so we can consider the matter.

The Hon. J. C. BURDETT: I ask that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT

At 1.35 a.m. the Council adjourned until Wednesday, March 26, at 2.15 p.m.