LEGISLATIVE COUNCIL

Thursday, October 9, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Appropriation (No. 2),
Salaries Adjustment (Public Service and Teachers) Act Amendment,
State Bank Act Amendment.

PAPUA NEW GUINEA

The PRESIDENT: I have received from the Official Secretary to His Excellency the Governor-General of Papua New Guinea a letter dated October 3, which states:

This is to acknowledge your telex of September 18, 1975, sent during our Independence week. His Excellency the Governor-General has asked that I reply to your telex and convey his best wishes and thanks for your kind thoughts on the attainment of our Independence.

QUESTIONS

ONE TREE HILL SCHOOL

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. R. C. DeGARIS: My question relates to the school at One Tree Hill. The information I have received is that at present the school has two teachers and about 70 children and that the accommodation is nowhere near adequate. The school committee has informed me that the children are being taught at present in an old garage. Will the Minister report to the Council on the programme for the building of a Demac school at One Tree Hill promised to the area, I believe, some time ago?

The Hon. B. A. CHATTERTON: I know the school quite well. I will be happy to take up this matter with the Minister of Education and bring down a report.

MEDIBANK

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister of Health.

Leave granted.

The Hon. C. M. HILL: As the Minister no doubt is aware, physiotherapy carried out by self-employed physiotherapists in South Australia is not included under Medibank. A rebate can be obtained from the private health funds, but not everyone belongs to those funds. Self-employed physiotherapists are concerned about their situation, as are their patients. Will the Minister investigate this matter with a view to seeking Commonwealth agreement so that physiotherapy carried out by self-employed physiotherapists can attract the Commonwealth rebate by being included in the Medibank scheme?

The Hon. D. H. L. BANFIELD: True, we are having trouble with doctors in regard to rebates under the Medibank scheme. Here is yet another group anxious to come into it. There is this difference of opinion in the community.

The Hon. C. M. Hill: They are still waiting for their cheques.

The Hon. D. H. L. BANFIELD: You have been checking them for a long time now, and know the doctors are wrong. I believe the physiotherapists are doing an excellent job in the community and, of course, if it had to be done on a basis similar to that of the general practitioner, that would have to be a matter for the Australian Government. I will refer the honourable member's question to my colleague and see what can be done on behalf of the physiotherapists.

The Hon. F. T. BLEVINS: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. F. T. BLEVINS: In this morning's *Advertiser* there is a letter from a Mrs. Coralie Ryan, of Salisbury North, concerning a problem she is having with a doctor in that area. I will read part of that letter, in explanation. She writes:

Recently I visited one in Salisbury who, because I have lived there for 18 months, and hadn't been to consult him before, told me I had only come to see him now, because I could get it "free" through Medibank. I tried to explain that since I enjoy very good health, I hadn't needed him before, but he refused to listen, refused to hear why I had come to consult, told me he didn't have time to spare for patients the Government tells him he must see, told me to go find another doctor, and bustled a very bewildered me out of his office. Patient care? I think not. This is behaviour warped by hatred, and it is to the eternal shame of some of the medical profession that somewhere along the way they have forgotten compassion and understanding, in their obsessive hatred of Medibank.

I think honourable members will agree that, if they are the facts, the situation is very bad. Can the Minister tell the Council whether the despicable practice outlined in Mrs. Ryan's letter is an isolated incident or one of many such incidents? Also, will the Minister tell the people of South Australia what steps they or the Government can take to protect themselves against such unprincipled medical practitioners?

The Hon. D. H. L. BANFIELD: I was amazed when I read that letter in this morning's paper. I did not think the doctors were prepared to go so far. They have taken an oath that they are there in the interests of patients, yet they are prepared to turn away a patient when she appears on the doorstep. I agree it is a despicable thing. I am not sure whether we should not take up the matter with the Australian Medical Association to see what can be done, if this report is correct. It is unfortunate that some doctors were previously led by a Liberal and Country League man preselected for a position in Parliament, while he was their President; for political reasons, there is no doubt he created in the A.M.A. this stir which is not accepted by all members of the A.M.A. Many doctors are co-operating and doing their best for their patients. However, there were still some people who were brainwashed while this man was a preselected candidate.

The Hon. R. A. Geddes: While this man was a preselected candidate, did he encourage doctors not to look after patients?

The Hon. D. H. L. BANFIELD: He certainly encouraged doctors not to go into Medibank and, if that is how much he brainwashed these people, from this point of view he did a good job. However, from the point of view of the patient by whom he is paid and whom he is trained to help, he did not do a very good job. If that is the sort of thing that goes on—

The Hon. R. A. Geddes: Would you repeat that statement outside the Chamber?

The Hon. D. H. L. BANFIELD: I have not been asked this question outside. I have been asked it in the Council, and that is where I must reply to that question.

Members interjecting:

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: The honourable member knows that this is purely a political stunt and that doctors throughout the country are waking up to the fact—

The PRESIDENT: Order! This is not a debate.

The Hon. N. K. Foster: It's a shame that it isn't.

The PRESIDENT: The Minister is answering a question asked by the Hon. Mr. Blevins, and not by about five other honourable members.

The Hon. D. H. L. BANFIELD: I agree that, if the newspaper report is correct, it was a despicable thing for the doctor to do. I shall certainly examine the matter and see whether the doctor can be asked to give reasons for the action he has taken and whether he has contravened the regulations. I trust that other doctors will soon be brainwashed in the other direction.

ADELAIDE SPORTS STADIUM

The Hon. C. M. HILL: Will the Minister of Tourism, Recreation and Sport say whether anything has been done either to plan or to build a major indoor sports stadium in metropolitan Adelaide?

The Hon. T. M. CASEY: The honourable member having referred to this matter previously, I have the following reply to it:

Officers of the Tourism, Recreation and Sport Department have prepared a brief for a feasibility study, which would cover the location, planning and management of a major indoor sports stadium in the metropolitan Adelaide area. This brief forms part of a submission currently before the Australian Government Department of Tourism and Recreation seeking funds to finance this feasibility study.

Included in the feasibility study brief will be the analysis of whether it is possible to develop both a major indoor stadium and a major indoor swimming centre, either as a single, integrated development or as separate projects. Some initial research has been carried out by departmental officers in relation to the possible siting of a major swimming centre. The availability of funds from the Australian Government will determine when this feasibility study will be commenced.

TRADE UNIONS

The Hon. J. E. DUNFORD: I seek leave to make a statement before asking a question of the Minister of Health, representing the Minister of Labour and Industry.

Leave granted.

The Hon. J. E. DUNFORD: Over many months, and especially this year, many attacks on trade unions have been made through the press as a result of indexation. Much publicity has emanated from Parliament House as a result of a few Opposition members in another place carrying out, in the sanctity of Parliament House, these attacks on trade unions and their officials. I believe that the public ought to be aware of what unions do in society and of the decisions taken by representative bodies of those unions. As recently as last month, the Australian Council of Trade Unions carried a resolution endorsing indexation, but allowing affiliated unions the basic right to negotiate for over-award rates outside the indexation guidelines. Although I have spoken to some employers who agree with indexation, there are circumstances in which it is in the interests of employers to pay their employees over-award rates outside the indexation guidelines. Then, of course, this is where the negotiations come between the unions and the employers.

Now, because of the union bashing by the press, as I have outlined, and by some extreme members of the South Australian Parliament, I want to bring to the notice of this Council and the public the attitude of a well-known organisation, the Master Builders Association, towards the trade unions in carrying out their duties and functions on behalf of their members in accordance with A.C.T.U. policy. This is how they operate; I have known they have operated like this for many years, but very seldom is it seen in print. There has been, for some time, in the building industry (and it has not flowed in South Australia) a demand by builders' labourers (and it does not sound on past performances a very large increase), and I am not deciding here whether their cause is right or wrong. That is up to themselves, the employers, and, if necessary, the Arbitration Commission.

What I am concerned with, and what I think every member of the Parliament and every member of the public ought to be concerned with (because it will have an effect on them), is what happened at a recent meeting of the M.B.A. I am referring to an insert to *Workforce* volume 2, No. 20, September 24, 1975.

The Hon. D. H. L. Banfield: Who wrote that?

The Hon. J. E. DUNFORD: I will tell you soon. There was a meeting of major contractors on Wednesday, September 17, 1975, at 2 p.m., and in discussing this dispute the main object of the meeting was how to defeat the builders' labourers and how to make them look very bad in the eyes of the public. Let me read out one of the alternatives they suggest to defeat the ultimate aims and objectives of the builders' labourers on behalf of their members:

The association's industrial officers recommend that the following be considered as the third alternative, i.e., to take provocative action to force the union to widen the dispute itself and receive in the eyes of the public and other works the blame for the current critical situation. (*a*) That all members with cranes on site should, on the same day, ask a crane crew if they are prepared to work through lunch time. If the crew, as can be expected, refuses they should be dismissed for misconduct in failing to abide by a lawful direction from an employer. The union's reaction to this could be fourfold. (1) They could simply direct the crew to accept dismissal and continue the bans with the remaining crew members. If this occurs it is suggested that the action be repeated in approximately two days. (2) They could direct their member to accept dismissal but declare his crane black. If this occurs it is also suggested that the action be repeated in two days. (3) They could direct the crew to refuse dismissal and continue working. If this occurs it is recommended that after fair warning the crew be removed, where practicable, or alternatively be charged with trespassing as they leave the site at the completion of work. (4) The first dismissal, (*a*) above, or subsequent dismissals could provoke the union or the crane crews into spontaneously taking strike action. This would result in the widening of the dispute at the union's behest and if it continued for any period of time other employees would be stood down with the Builders Labourers Federation clearly to blame.

The Chief Secretary asked me who wrote that. Every union and just about every employer I have been associated with buys *Workforce*. It is a publication by a reputable journalist in Sydney who is now in business in his own identity, giving out news to the employers and the unions. This is a news sheet. It is highly regarded—

The PRESIDENT: Order! I think the honourable member should ask his question.

The Hon. J. E. DUNFORD: Thank you, Mr. President; I was waiting for that. Will the Minister investigate this report with a view to informing the Master Builders

Association that provocation of industrial disputes in this fashion will not be tolerated or encouraged by the South Australian Government?

The Hon. D. H. L. BANFIELD: It has been well known to many of us that it is not the unions that cause disputes all the time. Employers must be losing their touch somewhere, because it is not very often that they fall for this sort of thing, in allowing this type of publication to go out. It is obvious that they are rattled. It is something that has been going on for years, but we have not been able to get proof of this sort of thing. I shall be happy to refer the honourable member's question to my colleague and bring down a report, but I repeat that the unions are not always to blame.

LAND VALUATION

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: It has been drawn to my attention that the valuations of many properties on the basis of unimproved value which have recently been made by the Valuation Department exceed present-day market values; all the information I have comes from country towns. A property in the South-East I know well has been on the market for six months or 12 months at a certain price, and the unimproved value recently fixed by the Valuation Department is 20 per cent above the improved price that the people are asking for the property. I know that there is a right of appeal against a valuation, but if seems strange that such a situation should exist, where the Valuation Department sends out notices showing valuations on the basis of unimproved value that are well in excess of the price at which the property can be bought at this time. Will the Chief Secretary refer this matter to the Treasurer and ask him to make a statement about it, so that people who have received such valuation notices may know that the matter is being examined on their behalf?

The Hon. D. H. L. BANFIELD: I will refer the Leader's question to the Treasurer and bring down a reply.

CATTLE

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

Leave granted.

The Hon. R. A. GEDDES: An article in the press says that a disease called Johne's disease has been notified in the South-East. It affects 11 properties and 1 371 head of cattle. The article suggests that the disease has come from Victoria, where it was first noticed last June. The 11 properties have had to be put in quarantine because of the disease. Can the Minister say whether there can be closer liaison with the veterinary branch of the Victorian Agriculture Department in connection with the possibility of diseased cattle coming from Victoria, thereby creating economic hardship for South Australian producers in these troubled economic times?

The Hon. B. A. CHATTERTON: The disease has been quite a problem in Victoria for some time, and officers of my department have kept a close watch on the situation. I have received a report from them on this outbreak, but unfortunately I did not bring it with me today. However, I shall bring down a reply to the honourable member because the report goes into considerable detail. I cannot remember it all at the moment.

SOUTH AUSTRALIAN LAND COMMISSION

The Hon. C. M. HILL: Has the Minister of Lands a reply to my most recent question on the South Australian Land Commission?

The Hon. T. M. CASEY: This is in response to a further question on September 30 by the honourable member, so I have obtained further facts and figures of the activities of the South Australian Land Commission, which I now submit for his information. They are as follows:

1. In its development of land into residential subdivisions the Land Commission observes the provisions of section 52 of the Planning and Development Act prescribing the requirements for the provision of reserves in plans of subdivision. The commission therefore sets aside for this purpose at least the same proportion of land as private subdividers.

2. The 1974-75 programme of the commission, approved by the Australian Minister for Urban and Regional Development under the provisions of the Urban and Regional Development (Financial Assistance) Act of the Australian Parliament and the Financial Agreement between the Australian and South Australian Governments under that Act, included land to be acquired for metropolitan open space. The land comprised portion of the land identified in the authorised metropolitan development plan as being required for that purpose. Under the terms of the financial agreement its acquisition by the commission attracted an Australian Government grant of $2 for each $1 expended by the South Australian Government. The South Australian contribution was provided from the funds of the State Planning Authority. The beneficial effect of the inclusion of the acquisition of the land in the Land Commission's approved programme was that the State was able to buy three times more land for this purpose in 1974-75 than would have been possible by the use of State funds only. In 1974-75, 1 093·74 hectares was acquired for an expenditure of $3 051 000, of which $2 034 000 was provided by way of non-repayable grant by the Australian Government.

The Hon. C. M. HILL: Can the Minister say what will be the controlling authority of the open spaces to which he has just referred? When these open spaces are to be utilised or developed for recreation and sport or for the benefit of people in their leisure hours, will the State Planning Authority be the controlling authority of this large area of open space in metropolitan Adelaide, or will control remain with the South Australian Land Commission?

The Hon. T. M. CASEY: I will obtain a report for the honourable member.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Dover Gardens Co-educational High School conversion (Stage II),

Vermont Co-educational High School conversion (Stage III).

STATUTES AMENDMENT (GIFT DUTY AND STAMP DUTIES) BILL

Read a third time and passed.

PRE-MIXED CONCRETE CARTERS BILL

Adjourned debate on second reading.

(Continued from October 8. Page 1150.)

The Hon. C. J. SUMNER: I have pleasure in supporting this Bill. The objections to the Bill raised by honourable members opposite and by members of the Liberal Party, the Country Party, and the Liberal Movement in another place, have been a parade of the tired old arguments that we are used to hearing from them, the arguments that this is an interference with private enterprise, another attempt

by a socialist Government to place an unnecessary stricture on business enterprise, that it reduces competition and establishes another element of bureaucratic control. When I hear these arguments, I sometimes wonder whether I am in the House of Commons in the middle of the 19th century. The *laissez faire* arguments that emanate from the mouths of members opposite sometimes leave me wondering.

The Hon. J. E. Dunford: They don't know anything about it, that's why.

The Hon. C. J. SUMNER: I am sure that, if I had been here six months ago, I would have been able to convince myself that I was in the House of Commons in the last century. Even now, with the new composition of the Council, I sometimes wonder. What worries me about these objections that honourable members opposite parade before us is that they are used completely cynically and expediently. They are used as a stick to beat the Government when it suits them, yet when it comes to other areas of Government involvement members opposite do not want competition and free enterprise. I refer to such matters as rural subsidies, assistance to rural areas (such as Mount Gambier), protection to industry, high tariffs, encouragement of monopolies, and retention (a matter discussed here yesterday) of quotas on margarine. Members opposite advocate this line only when they believe they can use it to beat the Labor Government.

If one looks at the history of the Commonwealth Labor Government, one realises that that Government has promoted such things as economic reforms with a view to increasing competition, tariff cuts, the revaluation of the dollar, and the Trade Practices Commission, which introduced teeth to previously useless legislation. The design of that legislation was to increase competition and reduce monopoly control in the economy. One must also remember the attempts to rationalise the rural subsidies system. It is not true that the Labor Government is always out to reduce competition. In fact, it has attempted by these measures to increase competition and to ensure that industries in this country are economic. We, as a Party, accept private enterprise and the mixed economy. We believe that competition is good: not competition *per se,* but competition to provide for socially desirable ends. We do not believe in competition *per se* but we believe in it unless there is exploitation and other anti-social features caused by it. This is expressed in the objectives of the Federal platform of the Labor Party, which states:

The democratic socialisation of industry, production, distribution and exchange to the extent necessary to eliminate exploitation and other anti-social features in those fields.

Governments have a positive role to play in the economic management of countries. They cannot sit back. The Liberals believe it, too, unless it suits them not to and they believe they can use this to criticise the Government. This legislation is designed to do away with exploitation that would have occurred had not the owner-drivers, through their union, taken the prompt action they took last year. It was the unscrupulous action of the employer groups that led to this action becoming necessary. I commend the Secretary of the Transport Workers Union (Mr. Nyland) for the action taken in protecting his members from the unscrupulous action of the employers. The employers used the system of owner-drivers when it suited and then tried to squeeze them out.

They wished to have their own trucks, to be used in the industry for their own benefit, but still have a pool of owner-drivers, not only to use as they wished but also to dismiss as they wished. In other words, they wanted them while it suited them but did not want any obligation towards them. Mr. Nyland has told me of situations where owner-drivers had been waiting for collection of material, the truck of a company had turned up when the owner-driver's truck was almost ready to be filled up, and the owner-driver had been sent back into the waiting line while the company truck replaced it in the line. That is the sort of activity that was going on, and would have gone on increasingly if the employers had been allowed to get away with an increase in the number of company trucks in the industry. There would have been no security of work for the owner-drivers. People who had invested up to $40 000 capital in equipment on the basis that work would then be available would have found themselves squeezed out.

What could be more anti-social or exploitative? The point that honourable members opposite do not realise or do not seem to want to admit is that the Government was approached by the unions and by the employer groups, and that led it to introduce this legislation. The Government was acting as the vehicle for ensuring a fair and economic return for the people in the industry.

The Hon. M. B. Cameron: Acting as an industrial court?

The Hon. C. J. SUMNER: Not necessarily; I do not say it was acting as an industrial court. If a group in industry wants the Government to take action to benefit that industry and its members, I see no objection. As I have said, I believe the industry thought this legislation would bring positive benefits to it, and it was on this basis that the Government was approached. One objection to it that has been raised is the cost of setting up this additional bureaucracy. That cost has been estimated on previous occasions, but I should like to quote from a minute sent to the previous Minister of Labour and Industry (Hon. David McKee) as follows:

I have attempted to compute the cost of establishing the pre-mixed concrete carters licensing Bill. It is not easy, because I do not know the amount of time that will be necessary both initially and in the long term. It seems that approximately $4 000 per annum could be regarded as a reasonable figure, made up as follows: fees to members of board, $850; proportion of salary of officer in the department acting as Secretary, $1 250; proportion of shorthand typist, $450; printing and stationery per annum, $165; postage per annum, $35; travelling expenses, etc., of inspectors, $250.

So the total cost suggested at that stage was $4 000. That was the calculation made by an officer of the Labour and Industry Department—$4 000 for providing harmony, stability, and a fair return for people working in this industry; $4 000 is probably the cost of the Leader of the Opposition's car and driver—

The Hon. D. H. L. Banfield: A small price to pay for peace in industry.

The Hon. C. J. SUMNER: —and a quarter of the Hon. Mr. Burdett's salary.

The Hon. J. C. Burdett: Why say that?

The Hon. C. J. SUMNER: We are showing how cheap it is.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: My point is that the cost of setting up a bureaucracy like this is very small; it is a very small price to pay for stability and harmony in the industry, which is what everyone in the industry wants. I support the Bill.

The Hon. C. M. HILL: I oppose the Bill, which is:

A Bill for an Act to regulate and control the cartage of pre-mixed concrete; to control the number and distribution of pre-mixed concrete trucks operating within the metropolitan area and to provide for matters incidental thereto.

The emphasis is on "control" and it is because of this approach, which I do not believe is the solution to the problem, that I oppose the Bill. The Government proposes, first, to set up a board of three members, one of whom shall be nominated by the Minister, another of whom shall come from the Concrete Manufacturers Association (nominated by the Chamber of Commerce and Industry South Australia Incorporated), and the third of whom shall be a member of the Transport Workers Union of Australia (South Australian Branch) (nominated by the United Trades and Labor Council). I do not think that a small board of that kind, on which two members form a quorum, is the kind of board that would work.

The Hon. D. H. L. Banfield: You want a larger board?

The Hon. C. M. HILL: I will come to the other matters of criticism in time. A board of only three members, with a quorum of two, coming so directly from the parties concerned in the matter before us, would, in my view, not lead to a satisfactory controlling board. This would apply irrespective of which Government was in power. A board of this kind to handle a matter of this sort is to be set up, but it should first be bigger and, secondly, should be more independent in its composition—that is, independent of the parties involved.

There are some other unsatisfactory aspects of the Bill, not the least of which are the powers the Government proposes to give the inspectors who will be licensed if this Bill becomes law. In clause 15, we see that inspectors can enter any premises on which pre-mixed concrete is not only manufactured and loaded but also unloaded. Under paragraph (*c*) of this clause, we see that these inspectors are to be given the power to ask questions of any person whatsoever on those premises. It is taking bureaucracy too far when a power of that kind is given to an inspector under an Act of Parliament (as this will be), when these inspectors can ask questions of anyone who is on the premises where the concrete is being unloaded. What the provision means is uncertain, because it may not be directly concerned with the job in hand. Any person can be caught in the net and forced, under a law of this kind, to answer questions.

The last point that concerns me regarding the Bill is the question of appeals. I believe that under our general system a right of appeal should be provided. If parties are not satisfied with decisions taken by the board, they should be able to appeal to a court of law. However, that does not apply in this case. There is only one person, the Minister, to whom an aggrieved person can appeal.

This is unfair not only on the person concerned but also on the Minister. It is the general tenor of the whole approach that worries me. No assurance can be given that the industrial problem that gave rise to this measure will not recur. There is no proof whatsoever that this machinery that the Government is trying to set up will overcome the problem in the area that occurred previously.

This is in my view a cumbersome and bureaucratic method of dealing with one small area of the transport industry. I do not know of any other area of heavy transport or general industry that is controlled in this way. I heard the last honourable member who spoke in the debate refer to competition. I think legislation of this kind will strangle the growth of efficient companies. It will prevent the entry of new competitors into the market, including new members of unions, because the owner-operators in this area are members of unions. Their entry will be prevented and the Bill will, if it passes, restrict competition. I am concerned that I can find no other area of heavy transport or industry that is affected by a measure of this kind.

The Hon. J. E. Dunford: This is in other areas of transport?

The Hon. C. M. HILL: I am talking about heavy transport.

The Hon. J. E. Dunford: I know you are, because it suits your purpose.

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

The Hon. C. M. HILL: No other industry comparable to this has a board that is as restrictive as this one will be. Further, there is not, as far as I know, any legislation of this type on the Statute Book in this State or in other States. As one honourable member said in the debate, this will result in increased costs to the consumer and, in today's economic situation, that must be of great concern to those who are interested in the Bill. From whichever aspect I look at the Bill, I cannot support it. I therefore intend to vote against both the second and third readings.

The Hon. N. K. FOSTER: I support the Bill. Unfortunately, I was delayed outside the Chamber during the course of some of this afternoon's debate. The basic problem in the industry has been caused, as honourable members opposite know, by considerable disputation, resulting in a cessation of work of owner-drivers. Honourable members opposite are also no doubt aware of stoppages, of much lengthier duration than those conducted in this State, which have occurred in New South Wales and which have involved, in the main, the same companies.

The facts are that a long dispute has occurred and the settlement reached has been working for about 12 months. The passage of this Bill will give legislative blessing to a settlement within the industry that everyone will applaud. Why should it not be applauded? If this Bill is not passed in the Council, surely we do not want to return to the area of disputation and bitterness which was so evident a year ago. Are we in this Council merely paying lip service to the desire for better industrial relations in industry? To this end, should not we in this Council confirm a working agreement that has been reached in the industry?

I can well foresee the point being made by members opposite that legislative action should not be taken by any Parliament in relation to industrial matters. However, I remind those gentlemen that areas of agreement and of direct bargaining originally came about in this country as a result of the legislative action taken by the Commonwealth Government, following some of the most oppressive industrial legislation that was ever placed on the Statute Book by the Menzies Government in 1965, when the Hon. Harold Holt was Minister. That legislation caused a violent reaction by the trade unions to which it referred. Also, many other unions (including the Australian Council of Trade Unions, when the late Albert Monk was its President) took such strong action against the Government that it relented in a way which was wise and which, on reflection, was commendable, because it enacted legislation that almost insisted on a conference taking place between the parties.

This involved the principal unions concerned, the Government, through its Department of Labour and National

Service (as it was then known), the A.C.T.U., and the shipowners, who were the principal employers (through the A.E.W.L., as it was known). A person was appointed whose name has been in the forefront in the last week in the Australian press and particularly in this morning's local press. I refer, of course, to Mr. Justice Woodward, who is about to take up his appointment with Australian Security Intelligence Organisation. Honourable members may also have read that this inquiry, and the combined meetings which Mr. Justice Woodward chaired over a number of years, resulted in the cessation of an industrial conflict on the waterfront, the likes of which have not been seen since the waterfront was organised under the late Billy Hughes in the late 1890's or the early 1900's.

I am trying to impress on honourable members opposite that, on the one hand, we had repressive legislation, and that on the other hand, we had the Government saying, "Well, alright, we have got the legislation on the Statute Book but, in addition, we will afford an opportunity for the parties in the industry to come together on these matters that are critical to both sides, so they can iron out their difficulties". The legislation aimed to make some improvement on the basis of an understood argreement between the parties which must come back to the Commonwealth Pariament and be the subject of consideration. Today, there is in existence a stevedoring council under the auspices of the Commonwealth Government department to which I earlier referred (and whose name has since been changed), and that body still meets on a regular basis to iron out problems.

The point I make and want you to underline is that people should not be fearful of an agreement that has the acquiescence of the principal parties in the industry. There were areas of very strong objection within the whole framework of the stevedoring industry involved in the inquiry that was led by Mr. Justice Woodward, but where there was a majority decision of the main employer organisations, or those representing the employers agreed on a States-wide (indeed, a national) basis (and in some respects, of course, London and Washington had to agree, because of the nature of the industry)—

The Hon. D. H. Laidlaw: What has this got to do with mixing concrete?

The Hon. N. K. FOSTER: I am trying to be kind to you. The Hon. Mr. Laidlaw is an experienced industrialist, and he has to portray himself in this place (and credit to him for doing so) as a cut above an average bloke who employs a lot of people. He has said here (and I have been more than inclined to believe him) that he is doing something more than the average employer in regard to industrial relations generally. I am putting to the Hon. Mr. Laidlaw that we are discussing here this afternoon a matter of this Council's agreeing to a set of proposals arising from much unrest and a cessation of work in the industry, and that we ought to give our blessing to that agreement. Now, the honourable member says, "What does this have to do with the concrete?": what I have been trying to get through to him is the fact that a similar measure was introduced in the Commonwealth House as a result of a great amount of disputation occurring over many years, and it was overcome.

Therefore, the honourable member should not be fearful of supporting (as I hope he will) a legislative measure introduced in this House, merely because he thinks a precedent is being set (I think I have exploded that theory), requiring the Council to give its blessing to an agreement. The dispute came about through a real fear in the industry, a fear held by people who were directly involved, who were pursuing an honest living, and whose operations were an integral part of the industry, which spreads throughout the various companies operating here and in other States.

These owner-drivers, who are themselves business men, had acquired for their business interests, at considerable expense, their own units. The people concerned are a responsible and an important part of the industry. The transport link is a necessary one, and if it is broken the whole chain of production is worthless. I think I have said enough to get it through to the members of this Council that the operations of the people in question are an absolutely important link in the chain of the whole cycle of production, distribution, and construction. These people were very very fearful of the fact that they were in an industry which, in fact, they as business men did not own. Some may have operated on a contractual basis, but others certainly did not, and they found themselves, of course, not receiving sufficient to keep abreast of their hire-purchase commitments and their ever-increasing costs. I have here a schedule of increased costs to these operators, and I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

PRE-MIXED CONCRETE CARRIERS, EXPENDITURE AND INCOME

Expenditure	A 1975 $	B 1974 $	Percentage increase per cent
Cost of vehicle International Acco. F1910A inclusive sales tax—$20 987 Residual value after seven years—$3 097 . Depreciation—$17 890	2 555·00	2 177·00	17·3
Registration and third party insurance	451·00	351·00	29
Comprehensive vehicle insurance	1 241·00	863·00	44
Personal liability insurance—$50 000	20·00	20·00	Nil
Personal sickness and accident insurance—	322·00	250·00	29
General maintenance and servicing	1 402·00	1 252·00	12
Major repairs and spare parts	909·00	812·00	12
Petrol based on 8 kilometres a gallon and 69 cents a gallon @ 28 962 kilometres a year	2 484·00	1 800·00	38
Oil and grease	125·00	100·00	25
Road tax	493·00	493·00	Nil
Protective clothing and cleaning	125·00	100·00	25
Two-way radio	120·00	120·00	Nil
Tyres @ $170 per tyre 900 x 20 x 12	2 040·00	1 368·00	49
Driving permit	5·00	3·00	40
Printing, stationery, postage, etc.	30·00	30·00	Nil
Contributions, associations	29·00	20·00	45
Provision for retirement fund	906·00	875·00	36
Accountancy fee	115·00	100·00	15
Telephone	60·00	50·00	18
Sundry expenses (petty cash)	160·00	160·00	Nil
Banking and bookkeeping (labour) . .	502·00	492·00	21·5
Bank charges	30·00	30·00	Nil
Interest on investment	2 072·00	1 198·00	17·3
Gross expenditure	16 196·00	12 664·00	28

PRE-MIXED CONCRETE CARRIERS, EXPENDITURE AND INCOME—*continued*

	A 1975 $	B 1974 $	Percentage increase per cent
Profit based on the table of weekly wage rates (South Australia) as set out in the Transport Workers' Award 1972 as varied for the maker's capacity of 16 tonnes and over but under 17 tonnes $117·40 and based on 60 hours a week as follows:			
40 ordinary hours @ $2·935	117·40	113·30	3·6
13 hours @ time and a half	57·23	55·22	3·6
7 hours @ double time	41·09	39·64	3·6
Total weekly wage =	215·72	208·16	3·6
Plus 20 per cent casual rate in lieu of sick leave, etc. =	43·14	41·63	3·6
Total weekly wage =	258·86	249·79	3·6
Total wage per annum @ $258·86 a week =	13 460·00	12 989·00	3·6
Gross expenditure	16 196·00	12 664·00	
Total wage and expenditure	29 656·00	25 653·00	16

The Hon. N. K. FOSTER: Suffice to say that these people were concerned about their living, because they were likely to lose their vehicles, as some have in other States.

The Hon. D. H. L. Banfield: They were the battlers.

The Hon. N. K. FOSTER: They were the battlers. They voluntarily sought the assistance of an industrial organisation, although whether or not they have sought the assistance of some other commercial organisation, I do not know. Under the terms of the Conciliation and Arbitration Act, that industrial organisation had every right to act for them and took up the cudgels on their behalf with a number of employers who have agreed in the main to what has been happening in the past 12 months. I can see nothing basically wrong with the Bill. I give it my wholehearted support. Indeed, if it is not passed, the industry again will be one experiencing serious disputation.

The Hon. D. H. L. Banfield: That's what the Opposition wants.

The Hon. N. K. FOSTER: I have been involved in industrial affairs and matters for many many years—

The Hon. R. C. DeGaris: You have been mixed up!

The Hon. N. K. FOSTER: —and, for the information of the Hon. Mr. DeGaris, I was associated with an industry with an absentee employer who did not give a damn about people at all. Let me say this to the honourable member interjecting: I recall when he did not have a snowball's chance in hell of getting certain members of a group of unions to go on strike. Most of those members are Commonwealth public servants, and they have been taking action for the past three or four years; they belong to a group of postal or communications unions. They were so badly treated by comparison with other workers at similar levels that they were pushed to the corner, and those who were responsible thought they could push them up the wall. Human beings do not like that, and the result is a situation that has transpired into one involving a militant union in that area of the Public Service, brought about by the stupidity of Public Service Boards.

The Hon. J. C. Burdett: What has this to do with the Bill?

The Hon. N. K. FOSTER: It has a lot to do with the Bill. The honourable member is supposed to be a legal eagle. If this Bill is rejected, people will be pushed into a corner and they will then react to protect their interests. I implore honourable members to think again about this Bill. I say to Liberal Movement members, who have said that they will not support the Bill, "What have you got to lose as politicians representing people?" I have surely convinced them that, by passing this Bill, they will not establish a precedent that will be used against every employer. That is not on. The Hon. Mr. DeGaris dealt with registration, and perhaps I heard him incorrectly; I will be fairer to him than he is to me. I think he said that some irrelevant Statutes ought to be wiped out; I could not agree more, but he will recall that some of those Statutes are given a lifetime by legislation. As a result, they cannot be torn up.

Many of the inhibitions associated with the shipping industry result from the shipping commission's Act being given a lifetime of 20 years in 1955-56. With containers and roll-on-roll-off ships, the hands of Governments of both political complexions have been tied. Neither the Parliament nor the Commonwealth Government can change that until 20 years has elapsed. When the legislation was enacted, a whole host of employers were in the industry, and the measure was so framed that, if only one person or small company objected, it could not be altered. Today, many of these people are no longer engaged in the industry, but they still have the rights accorded them in the legislation of 1955-56. I say this because it may be relevant to the suggestion of the Hon. Mr. DeGaris about the need to examine the Statute Book. I think he said—

The Hon. D. H. Laidlaw: What has this to do with concrete?

The Hon. N. K. FOSTER: Concrete is not worth a cent unless it is transported. No matter what the commodity is, and I say this with all the force I can muster in my own weak way—

The Hon. J. C. Burdett: Not too much.

The Hon. N. K. FOSTER: I do not indulge in going back to the year 1602, as does the honourable member's profession, to consider whether or not something is relevant in 1975. No matter what is produced, transport is essential. If the Hon. Mr. DeGaris applied what he said yesterday to types of industrial registration, we would not see the licensing of tradesmen. Licensing of plumbers and electricians is necessary not only to ensure proper standards but also to protect lives and health. The Hon. Mr. DeGaris would not suggest that doctors, dentists and surgeons should not be registered, in the interests of people's lives. Registration systems apply in all countries.

The Hon. R. C. DeGaris: All I said was that we sometimes set up boards and licensing systems when there is another solution.

The Hon. N. K. FOSTER: But the Leader did not put forward another solution yesterday; that is what disappoints me. It is on the Leader's head if he opposes this Bill. This Bill affords the opportunity for everyone in the industry to be on an equal basis. If honourable members opposite fear exploitation, they should support this Bill. I had something to do with the long disputes that occurred in New South Wales.

The Hon. R. C. DeGaris: What were they about?

The Hon. N. K. FOSTER: They related to the raw deal that the owner-drivers thought they were getting. I will not mention the companies involved because they have since regretted their actions. I believe that, where there is polarisation, we should not rehash causes of bitterness, once an understanding is arrived at. The cost factor applying in the industry is much less than applies in other areas, and I point out that there is now peace in the industry. Because this Bill has been introduced at the behest of a majority of people in the industry, it ought not to be impeded in this Council, and it should be given all the support that is possible.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given the Bill. I must say that I was surprised to hear the claims of members opposite that they were protecting the little man. It amazes me that members opposite can sleep in their beds at night after saying that they are the champions of the little man. The Hon. Mr. Hill complained about the costs involved in the Bill, but he then said that the board was not big enough. The Hon. Mr. Sumner pointed out the cost involved was about equal to the cost involved in providing a car for the Leader of the Opposition. The Hon. Mr. Sumner is correct; for less than $4 000, members opposite are not willing to support the Bill. What are they frightened of? I do not agree with the Hon. Mr. Hill's statement that the board should be bigger. The size of the board as suggested in the Bill is a much better combination. If it is reinforced with stability in the industry we will get along very well.

The Hon. R. C. DeGaris: Did you mention reinforced concrete?

The Hon. D. H. L. BANFIELD: Members opposite do not want stability in the industry. We heard this afternoon from the Hon. Mr. Dunford what the employers are prepared to do to stir up unrest in the industry. Members opposite are showing their support for that stirring by the employers through the action they are about to take in about 1¼ hours from now, when I have finished replying to their criticisms. During the past couple of days we have seen crocodile tears pouring down the cheeks of members opposite who were seeking sympathy from the Government for the private sector. It is not sympathy the private sector wants, but assistance, and that is exactly what the Bill will provide.

The Bill is giving something practical, and the Government has always been willing to do something for the worker, as well as for the private sector. We are continuing to do that, contrary to the wishes of the people opposite. It is time the Opposition realised that the workers cannot live on sympathy alone, but that they need a Government like ours to assist them. They do not want a weak-kneed Opposition prepared to offer nothing but sympathy. Sympathy means nothing to a drowning man; he wants assistance. The Bill provides something tangible for the worker, security in his job, preventing him from being squeezed out.

The Hon. Mr. Hill talks about the interests of the little man and the way the Government is squeezing him out, but when the Government is doing something to protect the little man it gets no support from the Hon. Mr. Hill, because neither he nor his fellow members opposite have any interest at all in the little man. They talk of their keen interest in private enterprise, but apparently private enterprise must be big business before Opposition members are prepared to show any interest in it. This is a private enterprise project, but because it is not big business it gets no Opposition support. Members opposite have forecast dire consequences, raving on and saying what will happen, but none of the dire consequences forecast by the Opposition over many years have come about, nor will they come about if the Bill is allowed to pass. The only dire consequence it will bring about will be stability in the industry, and that is what Opposition members do not want.

Obviously, stability is the last thing they want because it does not suit their purposes any more than it suits their purposes to do something for the battler. We have heard talk of the Bill's being galloping bureaucracy, with too many controls and too many boards being set up. That is absolute nonsense. The Labor Government has legislated in that way only when it has been demonstrated that there is a need for some form of control to protect the worker and the end user, the consumer. That is what the Bill is all about. Opposition members should be reminded that the form of licence control contemplated in the Bill was agreed to and sought by the industry as part of a package. I have not seen anyone coming here pressurising members opposite to throw out this Bill, and certainly not the people who accepted settlement of the dispute in 1974 on the ground that the Government would introduce this legislation. Can members opposite tell us that there has been a wave of condemnation of this Bill? Of course not. They can see that this is a Bill to help the battler, and they do not want to have a bar of it.

Opposition members spoke of the dispute in May, 1974, and the fact that the then Minister of Labour (Mr. McKee) negotiated an agreement to settle the dispute and quickly got the men back to work, getting the building industry into full swing again. Not one Opposition member congratulated the Minister on having been able to achieve a settlement of the dispute. I well recall members opposite in 1974 complaining that the Government was not interested and that it was doing nothing to settle the dispute. The then Minister played a leading role in the early settlement of the dispute, but not one word of appreciation has been expressed by members opposite. At one stage it appeared that no settlement could be reached, but after working hard and long the Minister achieved a formula. This is the formula, but the people opposite are not willing to let those who negotiated the agreement go on with it. Has there been a change of heart by some parties? Why do they not come out in the open and say they are going to renegue on the agreement entered into in 1974? Is it only members opposite who fear stability in the industry? I wonder where the blame will lie if this Bill is thrown out. Members opposite are fond of criticising the Labor Government because they say it has no sympathy for the private sector, but that is so much rubbish. We know where there is no sympathy for the small people when we see the attitude of the Opposition. We have heard ridiculous statements suggesting that the board will be union dominated, that private enterprise will be shattered, and that this is very short-sighted legislation. All sorts of emotive statements have been made to distract attention from the real purpose of the Bill, which is stability in industry. How can this board be union dominated when there is to be only one union representative?

The Hon. J. C. Burdett: And the Government has another one.

The Hon. D. H. L. BANFIELD: Of course, but that is not union domination. The employers have a representative, too. According to the Hon. Mr. Burdett, under those circumstances the board could be said to be employer

dominated. There is to be one Government representative and one from the Concrete Manufacturers Association.

The Hon. J. C. Burdett: And the Government is union dominated.

The Hon. C. M. Hill: Of course it is.

The Hon. D. H. L. BANFIELD: The Government is not union dominated. Honourable members like to say all sorts of airy-fairy things about domination by unions and the way some members in this Chamber vote, saying that they spring to attention when called to order. It was clearly demonstrated yesterday which Party members were called to attention when the whips cracked. Three members who had expressed their views in favour of a certain Bill—

The Hon. J. C. Burdett: Four years ago.

The Hon. D. H. L. BANFIELD: —and expressed them publicly, voted against the Bill when the whips cracked. They were three leading Liberal members. They had said publicly that this had to be done, but they did not do it because the whips have cracked over the four years. One Leader lost his job because he was prepared to stand up for his convictions. He did not vote for the Bill because his preselection was in doubt if he did not jump to the whip. If there is any coercion brought upon honourable members of this Council, it is brought upon them from members of the Liberal and Country League, not from members of the Labor Party.

The Hon. D. H. Laidlaw: What has that to do with it?

The Hon. D. H. L. BANFIELD: It has a lot to do with it, because honourable members opposite cannot be trusted, when they get up, to do what they have said they will do: they say one thing but will not do it when the pressure is on, so that the people outside do not know where they stand; nor do we. That is why the L.C.L. got only 23 per cent of the vote at the last election; it lost 18 per cent of the vote last time because of the way its members carried on. The loss will be much greater than to 23 per cent the next time if they say certain things until the pressure is on and then vote the other way.

It is obvious that there is not one voice amongst honourable members opposite, if and when another situation arises like the one in 1974, that can be relied on. They want to go through the trauma of the same disruption of industry; they say, "Now is not the time." They get one dispute out of the way but will take no action to see that it does not happen again. I hope honourable members opposite see the error of their ways and will do exactly what their colleagues did in another place when the whips cracked—that they change their minds from what they have been saying in this Council for the last two days.

The Council divided on the second reading:

Ayes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Dawkins.

The PRESIDENT: There are 9 Ayes and 9 Noes. To enable the Bill to be considered in Committee, I give my casting vote for the Ayes.

Second reading thus carried.

Bill taken through Committee without amendment. Committee's report adopted.

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

That this Bill be now read a third time.

The Council divided on the third reading:

Ayes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Dawkins.

The PRESIDENT: There are 9 Ayes and 9 Noes. So that the rights of citizens already established under existing law shall not be changed, I give my casting vote for the Noes.

Third reading thus negatived.

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

Adjourned debate on second reading.

(Continued from October 7. Page 1075.)

The Hon. C. M. HILL: This Bill endeavours to do two things. First, it will give people who are not on the certified list and who wish to vote for the Legislative Council at State elections an opportunity to vote in certain circumstances. I wholeheartedly support this machinery measure. It is proper that this matter should be corrected in the Electoral Act, and clause 2 of the Bill simply does this.

The second issue is one that I oppose. I refer to the introduction of optional preference voting in House of Assembly elections. I oppose it because I believe it is the thin end of the wedge towards the first past the post voting system. I believe there is a natural sequence in the evolution of voting systems so that the optional preference system will ultimately change to the first past the post system.

I am totally opposed to first past the post voting systems. When I talk about the sequence, I note with interest that in Queensland, for 50 years, in the last century and early this century, there was an optional preference system of voting. However, in 1942, it changed for the following 20 years to a first past the post system.

I believe the Government, by wanting to introduce optional preference voting for the House of Assembly, foresees the day when first past the post voting will apply to another place. This is something that I do not want to see. As we all know, the first past the post system simply leads to a return of the majority of members by a minority of voters.

The Hon. D. H. L. Banfield: What happens in local government?

The Hon. C. M. HILL: Perhaps, because it applies in local government, that is one of the reasons why the Minister is always objecting to local government elections.

The Hon. D. H. L. Banfield: You opposed a change of voting in that respect. Be dinkum.

The Hon. C. M. HILL: Yes, I have opposed that. That is what I am trying to say.

The Hon. D. H. L. Banfield: But not in local government.

The Hon. C. M. HILL: I thought the Minister said that.

The Hon. D. H. L. Banfield: Well, you thought wrong. You haven't opposed it for local government? Is that what you are saying?

The Hon. C. M. HILL: I have never favoured it in local government elections. Indeed, I would prefer to see the preferential voting system in those elections. Let me make that absolutely clear. I could not be more definite on that point. Not only does first past the post voting lead to the situation in which a majority of members are elected by a minority of voters but also it could lead to exclusive majority representation. If the first past the post voting system was introduced for House of Assembly elections, every member there could belong to one Party.

The Hon. D. H. L. Banfield: That's not in this Bill.

The Hon. C. M. HILL: The Minister is indeed sensitive. Honourable members must be touching him on a sore spot. Under this system of voting every member could belong to the one Party, and the Party or Parties that do not have any representation could have obtained 40 per cent of the people's votes. Any measure that comes into this Council—

The Hon. J. E. Dunford: Your Party will never see 40 per cent of the vote again.

The Hon. C. M. HILL: Let me tell the Hon. Mr. Dunford that the combined Liberal vote in this House exceeded the vote obtained by Government members.

Members interjecting:

The ACTING PRESIDENT: Order! It would be appreciated if the honourable member would address the Chair.

The Hon. N. K. Foster: If he does not, toss him out, Mr. Acting President.

The Hon. C. M. HILL: I heard at one stage that the Hon. Mr. Foster was a contender for the position of President. If that is the kind of ruling that he wants to make and the kind of discipline that he wants to introduce into the Council, he will not get my vote when the time comes. However, that is another matter. It will be a long time before that happens, I hope. I will oppose any measure that is leading towards the first past the post voting system for the House of Assembly.

The Hon. N. K. Foster: Why?

The Hon. C. M. HILL: I have just told the honourable member.

The Hon. N. K. Foster: No, you haven't.

The Hon. C. M. HILL: I am not going to fall for the mumblings of the Hon. Mr. Foster. If he had been listening, he would have heard what I said. The honourable member no doubt knows why his Government wants this system of voting. He also knows that, even on the practical result of the last election, had this system of voting applied, the Government would have won the seats of Glenelg, Hanson and Mount Gambier. I believe this Bill is a step towards that form of voting, and I therefore oppose it. Although I will vote for the second reading of the Bill, I will oppose in Committee those clauses that introduce optional preference voting for the House of Assembly.

The Hon. D. H. LAIDLAW: I have decided after due consideration to support the second reading of this Bill to introduce optional preferential voting in House of Assembly elections, and I do so for three reasons. I looked first at the views expressed in the federal and State Liberal platforms on this subject, but did not get much help because they conflict on this matter. The federal platform says:

> The preferential compulsory system of voting has been an essential means of democratic expression and should be continued.

On the other hand, the State platform, to which I am beholden, says:

> The Liberal Party supports . . . a bicameral system of Parliament, with representatives elected by a democratic process under a system of voluntary voting and the preferential system of voting.

To my mind, this statement of the South Australian Liberal Party embraces preferential voting, although it does not say so specifically.

Secondly, optional preferential voting has already been adopted for Legislative Council elections and I believe systems of voting should be as uniform as possible. Therefore, whilst optional preferences apply for Legislative Council elections, I suggest they should apply, likewise, to the House of Assembly.

Thirdly, voting should be made as simple as possible, and in my opinion it should not be obligatory for an elector to record a preference for any candidate that he or she feels repugnant to, and not worthy of any preference.

It was reported in the press that the member for Flinders, representing the Country Party, has opposed this Bill. He inferred that, if compulsory preferential voting was abolished, small Parties would have little or no chance of survival. I recognise that argument, but I do not agree with it, because I believe Parliamentary Government works best with two large Parties presenting clear-cut alternatives to the electorate.

I support the second reading, but I also intend to support amendments which I understand will be moved by the Hon. Arthur Whyte.

The Hon. F. T. BLEVINS: I, too, like the last speaker, support the Bill. I cannot see any reason why any honourable member should have any argument with it. All the Bill does is give a further choice to the elector once he gets to the polling booth. What can possibly be wrong with that? The Australian Labor Party believes, and rightly so, that the elector should have the right to vote any way he likes once he gets into the polling booth. He should be allowed to vote for one candidate and not indicate any preference as regards other candidates, or to indicate as many preferences as he likes. What could be more democratic than that? The Bill provides for a plain and simple optional preferential system, not a first past the post system masquerading under a different name, as the Hon. Mr. DeGaris would have us believe.

In practice, I am sure all Parties will continue to issue how-to-vote cards indicating preferences. In fact, I am sure the A.L.P. will continue to take great pleasure in using the preferential system to get rid of the dead wood in the Liberal Party. Probably, the main beneficiaries of our preferences will be the Liberal Movement, which, to my disgust, failed to see any merit at all in this Bill, so I have been told. I do not want to detain the Council long on this matter. In fact, I have been told not to, but I have to correct a couple of points that the Hon. Mr. DeGaris continues to bore the Council with every time he gets to his feet.

The Hon. D. H. L. Banfield: He's rattled.

The Hon. F. T. BLEVINS: Of course. He did this in his contribution on this Bill. He got on to the method of election of members of this Council. I repeat, Mr. DeGaris got on to this on this Bill; I am not introducing

it. The Hon. Mr. Burdett is in a bit of a nasty mood today; he keeps pulling people back to the point. I didn't hear him on October 7—

The Hon. D. H. L. Banfield: He gets laryngitis sometimes. Medibank will fix him.

The Hon. F. T. BLEVINS: The Hon. Mr. DeGaris is very persistent in his whinging about the method of election to this Chamber, so I was forced to look up in *Hansard* what was said by the Liberal Party leaders when the present system was introduced. In the people's House, the other place, the then Leader of the Opposition, the member for Light (and quite a good Leader of the Opposition, probably better than the one they have now)—

The Hon. D. H. L. Banfield: He wouldn't have to be too good to be that.

The Hon. F. T. BLEVINS: I was not going to be so unkind. However, the member for Light said this at page 162 of *Hansard* on June 27, 1973:

The Premier has said that minorities will be given the chance of representation and that those who fail to make a quota will see, subject to their vote being cast in a preferential manner, the value of their second, third, or fifth votes going to the eventual election of a person to the Upper House. I believe, and I reiterate, that all Parties can be satisfied with the end result, but the ultimate winner will undoubtedly be the community of South Australia.

A nice clear statement; no problem whatever. Let us have a look at what the Hon. Mr. DeGaris said on this occasion also when the method of voting was introduced into this place. Very interesting it is on page 148 of *Hansard* of June 27, 1973:

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, the use of list system, when 11 members are being elected to the Council, makes it difficult to implement a full preferential system. Nevertheless, we have achieved the situation—

I underline those last words—

where every vote cast in the election will have a value. That was what the Hon. Mr. DeGaris said when the measure was introduced.

The Hon. R. C. DeGaris: I didn't say "full value".

The Hon. F. T. BLEVINS: If you wanted to say "full value", why didn't you say it then? That is what you said. I am not in any position to know what you thought or might have said; I am merely quoting what you said.

The Hon. R. C. DeGaris: I didn't say a "full value". I said "a value"; that is quite true.

The Hon. F. T. BLEVINS: "Will have a value", that is exactly what you said.

The Hon. R. C. DeGaris: When the Bill came here it did not say that.

The Hon. F. T. BLEVINS: You were happy with it, according to page 148 of *Hansard* on June 26, 1973.

The Hon. R. C. DeGaris: I was not.

The Hon. F. T. BLEVINS: What does the Hon. Mr. DeGaris advocate? This was said in the place where the Party Mr. DeGaris supports has a second bite of the cherry. What does he advocate? That there should be a third Chamber to review what has been reviewed in this so-called House of Review? Dr. Eastick found it O.K. in the other place. Mr. DeGaris found it O.K. in this place, and now he wants another bite of the cherry—third chop of it. All I can say is that the Hon. Mr. DeGaris is a very poor loser and should learn to lose a little more graciously; he is going to have plenty of practice at losing, so we may see him learn to lose a little more graciously. I hope so.

I have one final brief point. The technique adopted in this debate, and during most times when we have a speech from the Hon. Mr. DeGaris, is shouting something loud and long at us and claiming that it is a fact. He did that in this debate, by saying it was Labor policy to have a first past the post electoral system.

The Hon. R. C. DeGaris: Isn't it?

The Hon. F. T. BLEVINS: Even after being corrected on this he still continued to shout it out and persisted in his contention that terrible things would befall this State if our policy on methods of elections was carried out. This technique of shouting outrageous lies at people was perfected 30 or 40 years ago by a person on the same side of the political spectrum as the Hon. Mr. DeGaris. His name was Goebles, a member of the non-socialist forces of that time.

The Hon. J. C. Burdett: I thought he was a national socialist.

The Hon. F. T. BLEVINS: Correct. He was nearer to Mr. DeGaris's policies than he is to mine. I repeat what I said on Tuesday; that the first past the post system is not A.L.P. policy.

The Hon. R. C. DeGaris: Why did you introduce it?

The Hon. F. T. BLEVINS: I did not raise the matter. The Hon. Mr. DeGaris raised it. First past the post voting is not A.L.P. policy: optional preferential voting is A.L.P. policy, and no amount of misrepresentation by the Hon. Mr. DeGaris will change that.

The Hon. R. C. DeGaris: Then, why did the Labor Government introduce a Bill for first past the post voting?

The Hon. F. T. BLEVINS: The Leader's contribution to the debate occupies about three columns of *Hansard,* but only half a column relates to the Bill; that portion is put very well. Then, the Hon. Mr. DeGaris suddenly went haywire for three-quarters of his speech. He said that first past the post voting was A.L.P. policy; I corrected him, but he continued to say that it was our policy.

The Hon. R. C. DeGaris: If it is not your policy, why did you introduce a Bill providing for it?

The Hon. F. T. BLEVINS: The Hon. Mr. DeGaris should apologise for misrepresenting A.L.P. policy, which does not provide for first past the post voting. Optional preferential voting is A.L.P. policy. Does the Hon. Mr. DeGaris believe me?

The Hon. R. C. DeGaris: Why did you introduce a Bill for first past the post voting?

The Hon. F. T. BLEVINS: And why did the Leader make a contribution to the debate occupying three columns of *Hansard* when he knew full well that first past the post voting was not our policy? The Leader misled this Council. I commend the Bill to honourable members because it widens the democratic choice available to electors, and we should support that.

The Hon. R. A. GEDDES secured the adjournment of the debate.

BEVERAGE CONTAINER BILL

In Committee.

(Continued from October 8. Page 1169.)

Clause 3 passed.

Clause 4—"Interpretation."

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

In the definition of "exempt container" to strike out "proclamation" and insert "regulation".

Because the exemption of containers is important to the operation of the legislation, it should be dealt with by regulation.

The Hon. T. M. CASEY (Minister of Lands): The Government is happy to accept the amendment.

Amendment carried.

The Hon. M. B. CAMERON: I move:

In the definition of "exempt container", after "regulation", to insert "under section 5 of this Act".

This amendment could be considered to be a test amendment for the other amendments that I have foreshadowed. It is essential for the proper working of the litter control system for which this Bill provides that all containers have an equal deposit. If this situation does not apply, people will transfer beverages from one type of container to another. The Minister has indicated that he will have a discriminatory deposit, and if that is the case cans will automatically disappear when the regulations are used in the discriminatory way he has indicated. That in itself will create what I regard as an even greater hazard. However, I do not believe that cans necessarily will disappear altogether, because they will be brought in from other States. Manufacturers from other States will not charge 10c, because they are not engaged in this exercise, and so supermarkets will be able to buy the can in other States. They will be forced by the legislation to charge a 10c deposit and they will have to set themselves up as depots for the return of cans. Not all cans will be returned, and they will do fairly well out of those not returned.

Cans manufactured at this end will be subject to a 10c charge by the manufacturer, because he will be required to accept the cans returned to him. We will see the disappearance of canned beverages in this State, and we will see the transfer of the operation to interests in other States. I do not see that discrimination will achieve anything. If the Government does not support this amendment, it is being hypocritical about the whole thing. Government speakers have said that the amendment would destroy the intent of the legislation but, when I questioned a speaker about the intent of the legislation, he could not answer. Is it intended to clear up litter or to destroy the use of beverage cans? I am becoming more and more convinced that the latter is the case. The way to solve this problem and to ensure that beverage litter is picked up is to make sure that all beverage litter has an equal deposit. This would mean that we would not transfer the problem to another type of container. It is essential that all containers should be treated equally. I do not support the idea of legislation that can be used in a discriminatory fashion. I support the legislation, because I believe absolutely in cleaning up litter, but I do not believe it is proper for the Government to set out in a Bill to be dishonest, and I believe it is being dishonest in this legislation. I do not believe it has told anyone its true intention and the idea behind the Bill. If the Government wants to ban cans it should bring in a Bill to do so, and we will talk about the matter.

The CHAIRMAN: I was a little indulgent with the honourable member. I think he was really speaking to a subsequent amendment. The amendment before the Committee is more of a drafting amendment and probably requires little discussion.

The Hon. T. M. CASEY: I wholeheartedly agree with that remark, Mr. Chairman. We have just accepted an amendment to delete the word "proclamation" and to insert "regulation". The Government is happy to accept that amendment, and it would be ridiculous to alter it again.

The CHAIRMAN: The word "proclamation" has now been changed to "regulation", and the amendment now is to insert after that word the words "under section 5 of this Act".

The Hon. T. M. CASEY: The Government will not accept the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron (teller), J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey (teller), J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. B. A. Chatterton.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. T. M. CASEY: I move:

In the definition of "glass container" to strike out "declared by proclamation" and insert "for the time being declared by proclamation under section 5 of this Act".

I draw the Committee's attention to the definition of "glass container". The amendment is to ensure a greater flexibility so that, should the occasion arise, a container removed from this classification can be restored to it. This would be declared by proclamation.

The CHAIRMAN: The Committee has already altered "proclamation" to "regulation".

The Hon. T. M. CASEY: In the circumstances, until I can get this sorted out, I think the Committee should report progress and have leave to sit again.

The Hon. D. H. L. BANFIELD (Minister of Health): Mr. Chairman, I take a point of order on the result of the last division. On looking around the Chamber, I observe that no honourable member has come in or gone out since the count was taken. I think you will find, Sir, that there is one honourable member present who has not been crossed off the division list. I think the correct result was 9 Ayes and 9 Noes.

The CHAIRMAN: Order! The division lists were signed before me by the tellers, showing that there were 9 Ayes and 8 Noes.

The Hon. D. H. L. BANFIELD: Can the Standing Orders be so far suspended as to enable the count to be taken again?

The CHAIRMAN: Surely the Bill can be recommitted later.

The Hon. D. H. L. BANFIELD: I do not think so. If there is something wrong with the count, surely it should be picked up at the time of the count.

The Hon. R. C. DeGARIS: I am in your hands, Mr. Chairman, but I suggest to the Chief Secretary that to move to suspend Standing Orders and do it now may not be the correct procedure. I give the Chief Secretary an undertaking that the clause can be recommitted, and a vote taken again at the appropriate time, if necessary. I think that is the correct procedure.

The Hon. D. H. L. BANFIELD: The inclusion of this word must affect the other amendment. That means we have to go through the whole procedure again. If certain things are done as a result of an incorrect vote, that will not be right.

The CHAIRMAN: I point out to the Committee that we are discussing a point of order. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: I point out that the amendment that the Chief Secretary is referring to was carried unanimously. The other one, involving a division, does not have any effect on the procedure.

The CHAIRMAN: I would not think so. However, I think the division list is a matter of record that cannot be changed at this point of time. It may be that the whole discussion on whether this is to be by regulation or by proclamation will be referred to by the Committee on a recommittal. The whole question can be canvassed again then, if the Chief Secretary wishes.

Progress reported; Committee to sit again.

BOATING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 7. Page 1076.)

The Hon. J. C. BURDETT: I support the second reading of this Bill so that it may go into Committee. In the Minister's second reading explanation, he said:

The amendment is necessary to clarify the application of the provisions of the principal Act requiring registration of motor boats to certain off-shore pleasure yachts.

That is a highly misleading statement. Under section 11 (1) of the principal Act, any motor boat that is required to be registered and to bear an identification mark under the provisions of any other Act or law does not come within the ambit of this legislation. Vessels involved are those pleasure yachts which are either over 15 tonnes burden or, if they are under that tonnage, are not used solely within the rivers and costal waters of the State; such vessels are required to be registered under the provisions of the Merchant Shipping Act. That is clear. Nothing needs clarification. The Bill does not clarify the law: it substantially changes it. At the same time, vessels required to be registered under the Merchant Shipping Act do not come within the ambit of Part II of the principal Act, the Part that deals with the registration of motor boats. If this Bill passes in its present form, they will be caught by the provisions of the Act. This is not a clarification of but a change in the law.

The general matter of vessels required to be registered was canvassed by a Select Committee of this Council which considered the Bill that became the principal Act in the last Parliament. There was no suggestion of anything needing clarification at that time. Various constitutional difficulties were canvassed at the Select Committee stage, and they have been referred to before. I do not think there is much point in going into them in detail, but the position substantially is that, under the Colonial Laws Validity Act, it could well be said that there is a repugnance between the Merchant Shipping Act and this proposed amendment to the Boating Act. It may well be that this amendment is unconstitutional, and it seems to me to be unwise to ignore this altogether. In the Select Committee on the Bill that became the principal Act, this matter was discussed in detail. Witnesses were called and gave evidence on this point, and documents were tabled. They are available to anyone who wants to peruse the report that was tabled in the Council.

I do not want to repeat those things in detail. However, I will summarise the constitutional matters that are in issue. The Imperial Act, the Merchant Shipping Act, provides a complete code as to the regulation of operation of all vessels, although as regards certain vessels registration is voluntary. By virtue of the Colonial Laws Validity Act, any law of the South Australian Parliament that is repugnant to the Merchant Shipping Act is ineffective. Section 736 of the latter Act confers on the South Australian Parliament the right to make laws regarding the coasting trade, but this does not extend to pleasure yachts.

The proposed legislation in South Australia, in so far as it purports to establish a registration system to be superimposed upon that already existing, is ineffective. The amendment is ineffective in so far as it purports to control the operation of boats upon the territorial sea around the South Australian coast. Serious doubt exists regarding the point where South Australia's jurisdiction ends geographically. The State Government does not have a jurisdiction as extensive as that which has been claimed in the report of the Power Boat Committee, although it should be noted that that committee's report was made in 1967, before the High Court of Australia had expressed its opinion on this matter in 1969. Although the objections to which I have referred could be completely overcome with the specific approval of the British Government, or the Government of the Commonwealth of Australia, each of these Governments has treaty obligations that would make it unlikely that this amendment would receive sanction.

At the Select Committee, the questions raised in the Bill (including the intention of incorporating within the ambit of the Act yachts or other vessels that are required to be registered under the Merchant Shipping Act) were generally canvassed, and no suggestion was made to the Select Committee that that should be done. Also, no suggestion was made to the Parliament after the Select Committee's report had been tabled.

This was an extensive Select Committee, which met, I recall, about 15 times, and took much evidence. The matter of offshore yachts was considered. Evidence was given in person by witnesses, and submissions were made. When Parliament met after it had received the Select Committee's report, this suggestion of including within the ambit of the Act vessels required to be registered under the Merchant Shipping Act was not raised by the Government, and presumably it was not raised by its advisers or by the department. It seems amazing that, about a year after that time, the Government and its advisers have decided to introduce this Bill.

The Hon. R. C. DeGaris: Wouldn't there be a great deal of litigation following this?

The Hon. J. C. BURDETT: It is almost certain that this Act will be challenged constitutionally. This may be expensive for the Government, or it may not be. I suppose it could be said that it is not for Parliament but for the courts to decide. However, I feel certain that if this Bill passes there will be litigation and that the constitutional issues will be raised. The Minister, in his second reading explanation, gave only one reason for introducing the Bill, as follows:

However, there are no specific sanctions for failure to register a vessel under the Merchant Shipping Act. Of course, at common law, a person who commits a breach of a Statute for which no specific penalty is provided may be guilty of a misdemeanour, but this sanction is unlikely to be invoked.

The only reason given for introducing the Bill was that the Merchant Shipping Act does not contain enforcement provisions. Section 11 of the principal Act, which is sought to be amended by the Bill, provides:

This Part shall not apply to—

(*a*) any motor boat that is for the time being required to be registered, and to bear an identification mark under the provisions of any Act or law;

That is the substantial part of the principal Act that is sought to be amended. The only reason the Minister gave

for introducing the Bill was that, under the Merchant Shipping Act, which is one of the other Acts or laws that are applicable, no specific penalties are provided, and there are no enforcement provisions. If one looks at the Bill, one sees that it seeks to amend section 11 of the Act by deleting subsection (1) and inserting in lieu thereof the following new subsection:

(1) This Part applies to a motor boat whether or not—
(*a*) the motor boat is required to be registered under the provisions of any other Act or law;
and
(*b*) whether or not the motor boat is in fact registered under the provisions of any other Act or law;

So, it is as simple as this: when the Bill which subsequently became the principal Act was before Parliament and was subjected to an extensive Select Committee inquiry, whose findings were reported to Parliament, the latter saw fit to provide that the parts relating to the registration of motor boats should not apply to motor boats that were, for the time being, required to be registered and to bear an identification mark under the provisions of any other Act or law.

Now, it is sought to remove that exemption and to make all motor boats subject to the provisions of the principal Act, whether or not they are required to be registered, or to bear an identification mark under the provisions of any other Act or law. The only reason given for introducing the Bill is that the Merchant Shipping Act, one of the other Acts or laws in question, does not provide a specific penalty for non-compliance. It is therefore said that the Bill was introduced because of the failure to provide specific sanctions.

If that is the problem, I suggest that there is a far better way of doing what the Minister refers to in his second reading explanation, and I have placed on file an amendment that seeks to do this. This is the sensible way of putting into effect what is referred to in the Minister's second reading explanation. The amendment provides that vessels are exempted if they are, in fact, registered and, in fact, bear an indentification mark in pursuance of some other Act or law. It would seem that all that the Minister is concerned about is the possibility that there may be some vessels which are required to be registered under the Merchant Shipping Act but which are not so registered; under the law as it now stands, they would be exempted.

The Minister says that there are not any specific penalties under the Merchant Shipping Act. I do not know why he is so worried about this, because I do not think it would be very likely that it would ever happen. It would appear that he has only one worry: his worry is that some vessels may be exempted at present under the principal Act which are required to be registered under the Merchant Shipping Act but are not, in fact, so registered. This can be cured by a simple amendment to make the exemption apply not to vessels required to be registered but to vessels which are, in fact, registered under another Act or law and which do, in fact, bear an identification mark. There has been no other reason put forward. If the Minister has some other reason for introducing the Bill, I would be pleased to hear it. If he has not any other reason, the amendment I have suggested would completely cover what he is talking about.

During the sittings of the Select Committee it was thought unnecessary to duplicate registration systems and it was thought unwise to enact legislation that might be subject to constitutional challenge. The Merchant Shipping Act is a complete code with safety standards that are far more stringent than those in the principal Act. It would be a complete duplication to require vessels that are registered under the Merchant Shipping Act to be registered under the principal Act, too. I support the Bill for the purpose of allowing it to go into Committee, but in the Committee stage I will seek to amend it to provide for the rather unlikely contingency envisaged by the Minister. In his second reading explanation, the Minister said:

There are no specific sanctions for failure to register a vessel under the Merchant Shipping Act. Of course, at common law, a person who commits a breach of a Statute for which no specific penalty is provided may be guilty of a misdemeanour, but this sanction is unlikely to be invoked. Consequently, an avenue is open for boatowners to disregard the requirements of the Merchant Shipping Act, while at the same time enjoying exemptions from the requirements of the Boating Act. This amendment is designed to remove that possibility of evading registration.

That was the only reason given. My suggested amendment would completely take care of what the Minister was talking about. I support the second reading of the Bill but I will seek to amend it in Committee.

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

SAILORS AND SOLDIERS MEMORIAL HALL ACT AMENDMENT BILL

Second reading.

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill now be read a second time.

The Select Committee to which the House of Assembly referred the Sailors and Soldiers Memorial Hall Act Amendment Bill, 1975, has the honour to report:

1. In the course of its inquiry, your committee held one meeting and heard evidence from Mr. E. A. Ludovici, solicitor.

2. Advertisements inserted in the *Advertiser* and the *News* inviting interested persons to give evidence before the committee brought no response.

3. Mr. Ludovici stated that the purpose of the Bill was primarily corrective legislation of the principal Act in preparation for the reprinting of all Acts of the South Australian Parliament. The Returned Services' League (South Australian Branch) Incorporated indicated, by letter, that they had no objections to the proposed amendments and that there were no likely detrimental effects to that body.

4. Your committee is satisfied that there is no opposition to the Bill and recommends that it be passed without amendment.

The Hon. R. A. GEDDES: This Bill has been introduced on the recommendation of Mr. Ludovici, the former Parliamentary Counsel. The original legislation was prepared shortly after the First World War and, of course, no reference was made in that legislation to what has happened in subsequent wars. It is therefore necessary to update the legislation. Because this is a hybrid Bill, it was referred to a Select Committee of another place. I support the second reading of the Bill.

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

The Hon. T. M. CASEY (Minister of Lands) moved:

That this Bill be now read a third time.

The Hon. R. A. GEDDES: I point out that the Minister read the report of the Select Committee of another place when he gave the second reading explanation. However, for the purposes of the record I believe a second reading explanation should be incorporated in *Hansard*. A number of amendments have been made to the Bill but no explanation has been given for them. Perhaps the third reading should be deferred to the next day of sitting.

The Hon. C. M. HILL: On a point of order, Mr. President, is it possible to have a second reading explanation at the third reading stage?

The PRESIDENT: I was under the impression that the second reading explanation had been given.

The Hon. T. M. CASEY moved:

That the third reading be made an Order of the Day for the next day of sitting.

Motion carried.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 8. Page 1148.)

The Hon. C. J. SUMNER: This Bill arises out of the doubts some honourable members have had about the legality of the Government's action in establishing within the State areas for nude bathing. I believe the member for Mitcham in another place raised these doubts and prepared an amendment that was considered in the other House. The Government has taken the view that there was nothing irregular in the declaration of these areas and that people conducting themselves in the nude in those areas were not committing an offence. It has been suggested that the offence of indecent behaviour could be committed but, to be indecent, behaviour must be in relation to someone else. If the people in these prescribed areas are nude bathers, then there will not be any indecent behaviour in relation to anyone else.

The Government took the view that no problem was raised by the declaration of these areas, and took objection to the amendment introduced in another place by the member for Mitcham. However, eventually an acceptable amendment was put to the other place, and that is the amendment we are now considering. The Government does not believe that it is strictly necessary, as I have outlined, but is happy to accept it, in that it relieves the doubts some people have had about the existing situation. As it does no more than clarify what the Government believes to be the existing situation, there is no objection to the amendment.

The Hon. J. C. BURDETT: I support the Bill. The legal points made in the explanation by the Hon. Mr. Carnie were well taken and well explained, and I need not repeat them. When the Government purported to legalise nude bathing at Maslin Beach, I considered that the action taken was legally ineffective in the last resort. Admittedly, such last resort was never likely to happen, but nevertheless I believed that it was ineffective. The Police Offences Act was not changed and, despite a directive to the police, if a private prosecution had been launched against a nude bather at Maslin Beach there would have been no defence. Also, I considered that the action of the Government was quite wrong in principle. I think it is quite an alarming principle that the method of purporting to achieve quite a substantial change in the law is by a directive to the police not to prosecute.

Although the circumstances of the Maslin Beach controversy were relatively trifling, the concept of the Government's achieving a virtual change in the law by directing the police not to prosecute is really frightening. This Bill is the correct method of changing the law. At the time of the Maslin Beach controversy it was reported in the press that the member for Mitcham in another place had announced his intention of going to Maslin Beach and probably bathing in the nude. I do not think the report stated whether or not he would be accompanied by his family. When this Bill is passed he will be able to bathe nude at Maslin Beach with a clear conscience. It will not be against the law and there will not be any chance of a nasty-minded Liberal launching a prosecution against him.

The Hon. F. T. Blevins: What would having his family there have to do with it?

The Hon. J. C. BURDETT: If the honourable member had listened, he would have heard.

The Hon. F. T. Blevins: I cannot understand the reference to his family.

The Hon. J. C. BURDETT: If the honourable member cannot understand it, so be it. Turning to the substance of the Bill, I support the Bill in this matter, too. Naturism and nudism have an ancient and respectable history, and if people want to bathe and cavort about the beach in the nude they are not necessarily morally depraved, although I think they must have a better figure than mine. However, that is not the point. Most of them do not have lascivious motives. It is quite proper that reasonable facilities should be given to people who want to bathe in the nude. On the other hand, it is important that people who want to use the beach and who would be offended by nudism should not be interfered with.

At present, the great majority of people do not want to bathe in the nude or to be confronted by nude bodies. One of the prime reasons for the laws relating to decency is to preserve the right not to be shocked. I trust that the Government will exercise its powers under this Bill, if it becomes law, with reason and moderation, so as to give reasonable facilities to people who want to bathe nude, on the one hand, but so as not to interfere with those who do not, on the other hand. I support the second reading.

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

CONSTITUTION ACT AMENDMENT BILL (COMMISSION)

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 gives effect to the Government's election mandate to ensure that the single-member electorates of the House of Assembly are redistributed on the basis of one vote one value—that is, with as nearly as practicable equal numbers of voters in each electoral district but with a tolerance from an electoral quota of 10 per cent either way. The Government has stood for and voted for electoral reform on the basis of one vote one value ever since the Labor Party was founded. It was a principle of the original resolution of the South Australian Legislative Council which preceded responsible Government and which enunciated the basis of the Constitution for election to the House of Assembly. However, as honourable members know, the drift of population and the subsequent conservative requirement that there be two city seats for every country seat, adopted in 1872, overthrew that part of the original constitutional visions.

The Government believes not only that there should be a redistribution but also that the Constitution should provide that all future redistributions shall be on this basis, and therefore that part of the Constitution will be entrenched: that is to say, it may not be altered without a referendum of citizens supporting the alteration. The Bill provides for a permanent Electoral Districts Boundaries Commission, consisting of a senior judge, the Electoral Commissioner and the Surveyor-General, who will be charged with periodic redistributions, and the redistribution which they determine in accordance with the provisions of

the Constitution will take effect without any intervention by Parliament. In other words, electoral redistributions will not be subject to political manipulation by a Government which might chance to have a majority in both Houses at any one time and which sought to alter the provisions in its own favour, as has happened under conservative Governments previously in South Australia. There are special clauses in the measure which are designed to ensure that there can be no political interference by administrative means with the independence and continued work of the Electoral Districts Boundaries Commission. It is not intended in this measure to alter the number of seats in the House of Assembly and, in consequence, the next redistribution will be for 47 seats.

Clauses 1, 2 and 3 are formal. Clause 4 re-enacts section 27 of the principal Act by removing some exhausted provisions. Clause 5 repeals and re-enacts section 32 of the principal Act and, since the section as re-enacted is so important, its provisions will be dealt with *seriatim*. New subsection (1) sets out the present position. New subsection (2) foreshadows the operation of the commission to be established under this measure. New subsection (3) provides for a period of delay before an "order" of the commission becomes operative. This period of delay is necessary lest electoral redistributions are effected too close in point of time to the day of an election. New subsection (4) provides for single-member electorates but, as to this, see the comments on proposed new section 88. New subsection (5) sets out the definitions necessary for the purposes of this section.

Clause 6 amends section 37 of the principal Act by removing some exhausted provisions. Clause 7 enacts a new Part to the principal Act, and the sections making up this Part will be dealt with in order. Proposed section 76 sets out the definitions necessary for the purposes of this Part and is commended to honourable members' particular attention. Proposed section 77 sets out the basis of redistribution which, in summary, is that electorates will not vary by more than 10 per cent up or down from an established "electoral quota". Proposed section 78 establishes a commission consisting of a Supreme Court judge and two named public servants, and is generally self-explanatory. However, I draw honourable members' attention to the fact that the members of the commission derive their authority from the legislation itself and not from appointment by a specified person and, pursuant to proposed subsections (3) and (4), steps have been taken to ensure that no vacancy can occur in the office of a member.

Proposed section 79 incorporates the commission and is in the usual form. Proposed section 80 provides for meetings of the commission, which cannot be held in the absence of the Chairman (that is, the judge) and also that all decisions must be concurred in by the Chairman. Proposed section 81 provides for the appointment of a secretary. Proposed section 82 is a most important provision and sets out the times at which redistributions must be made. In brief, a redistribution must be commenced (*a*) within three months after the commencement of the Act presaged by this Bill; (*b*) as soon as practicable after the alteration of the number of seats of which the House of Assembly is comprised; and (*c*) after each third general election if five years or more has elapsed since the last redistribution.

Proposed section 83 sets out the matters that must be taken into account by the commission in making a redistribution and is commended to honourable members' particular attention. Proposed section 84 applies the Royal Commissions Act to inquiries by the commission. Proposed section 85 makes provision for representations to the commission. Proposed section 86 provides for a review of any order of the commision by the Full Court of the Supreme Court, and again is commended to honourable members' particular attention. Proposed section 87 provides for the moneys required for the purposes of the commission. These moneys are payable on the certificate of the Auditor-General, supported by a continuing appropriation. Proposed section 88 provides for the "entrenchment" of this Part and section 32 of the principal Act. However, it will be possible to amend this Part or section 32 without a formal referendum if the Chief Justice has certified that the principles set out in paragraph (*a*) of proposed subsection (2) are not offended against. To this extent, the principle of single-member electorates is not entrenched but the only departure that can be made from that principle is that each electorate must return the same number of members. Clause 8 is consequential.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (REGULATIONS)

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

ADJOURNMENT

At 5.17 p.m. the Council adjourned until Tuesday, October 14, at 2.15 p.m.