LEGISLATIVE COUNCIL

Wednesday, February 4, 1976

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

QUESTIONS

ELECTRICITY

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: A few weeks ago a warning was given that power rationing in South Australia could be necessary during a heatwave. First, can the Chief Secretary make a statement to the Council regarding the possibility of future power rationing and, secondly, can he say what plans the Electricity Trust has to increase its power generating capacity to ensure that no power rationing is necessary in South Australia?

The Hon. D. H. L. BANFIELD: I will get a report for the honourable member and make a statement on this matter to this Council possibly one day next week.

FISHING

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to directing a question to the Minister of Fisheries.

Leave granted.

The Hon. M. B. CAMERON: For some time concern has been expressed by people involved in the fishing industry about who has jurisdiction over certain sections of the fishing industry now that the Commonwealth Government has obtained additional power under the submerged lands legislation. I have received notification today that certain persons engaged in the fishing industry intend to test this legislation by undertaking fishing operations outside those operations conducted under the system of fishing licences operating in South Australia. I understand that one boat is already taking prawns (the figure of 10 000 lbs. has been quoted, but I cannot guarantee the accuracy of that figure) from Investigator Strait, and this boat does not have a licence for such fishing. I understand that the Minister has been asked to ascertain whether the Commonwealth Government has jurisdiction over this activity and whether it intends to take over from the South Australian Government the regulations relating to the prawn industry. Can the Minister say whether there are now any fishing regulations operating until such time as the Commonwealth Government indicates its attitude on this matter? Has the Minister taken any action to ascertain whether the Commonwealth Government is going to take action on the prawn industry? Are rules still operating in respect of this industry or can any person now engage in prawn fishing without having any regard for the licensing system operating in South Australia?

The Hon. B. A. CHATTERTON: I have taken action and sought an opinion from the Solicitor-General as to the applicability of the Seas and Submerged Lands Act to our industry.

The Hon. M. B. Cameron: When did you do that?

The Hon. B. A. CHATTERTON: Shortly after the original High Court decision was made. I cannot remember the exact date when it was announced, but it was within a week of that decision being announced that I approached the Solicitor-General for an opinion on specific aspects of our fisheries legislation. A long list of questions was submitted to him. The situation in the interim is that we have taken the attitude that the High Court decision applies to the case that was put before it. That was a specific case and, therefore, in the interim, we will be continuing the enforcement of our fishing legislation until we get a High Court ruling to the contrary. That is the position as it is now. In relation to the fishing boat that has been reported to me by several people as fishing in areas that are controlled under the State's management policies, when or if we get evidence we will be taking appropriate action.

The Hon. M. B. Cameron: What about the Commonwealth?

The Hon. B. A. CHATTERTON: I would be prepared to talk to the Commonwealth on joint management policy in South Australia, but I see no point in talking to the Commonwealth until we know the legal grounds we are talking on.

The Hon. M. B. Cameron: You have already done it with the crayfish.

The Hon. B. A. CHATTERTON: There is a joint management policy in the crayfishing industry. This would apply to the whole fishing industry. It is feasible, as has been proved in the cray industry, to have a joint management policy developed between the State and the Commonwealth and implemented by the State. I doubt whether the Commonwealth Government, especially in present economic circumstances, would want to set up a dual system of fisheries departments and inspectors.

The Hon. R. C. DeGaris: Not this Commonwealth Government.

The Hon. B. A. CHATTERTON: Certainly, I hope it does not. It is feasible to work out policies on a general basis as it has been worked out in the past with regard to crayfish.

The Hon. J. A. CARNIE: I seek leave to make a brief statement prior to asking a question of the Minister of Fisheries.

Leave granted.

The Hon. J. A. CARNIE: In the answer to the question asked by the Hon. Mr. Cameron I was pleased to hear that the Minister is seeking a legal opinion. However, I am concerned that nothing has been done. Is the Minister aware of current rumours that there are up to 20 fishing boats waiting to move in and catch prawns if the boat referred to by the Hon. Mr. Cameron is successful in beating the fishing regulations? Is the Minister aware of the irreperable damage that could be done to the prawn fishing industry if this situation is allowed to develop? Is it true that in December the industry asked the Minister to approach the new Commonwealth Government, as a matter of urgency, to discuss the problems associated with the High Court decision on the seas and submerged lands legislation and institute joint management and control policies? Can the Minister hasten the Solicitor-General's report on the situation, and will he approach the Commonwealth Government on this matter before any more damage is done to this industry?

The Hon. B. A. CHATTERTON: I have already approached the Attorney-General on the matter of hastening the Solicitor-General's report, and I repeat that it is inappropriate to take action in this area until we know exactly what the situation is. This is the difficulty: we are making an assumption that we do not have legal jurisdiction—

The Hon. R. C. DeGaris: The State has jurisdiction in the gulfs.

The Hon. B. A. CHATTERTON: That is clear, but the area including Investigator Strait is not clear, and the

seas and submerged lands legislation applies to the other areas. As I have stated, the High Court case was a specific case. We have the situation in both Western Australia and Queensland where there have been appeals against State fisheries legislation.

The Hon. M. B. Cameron: They were successful in Western Australia.

The Hon. B. A. CHATTERTON: No. In Western Australia the magistrate gave a decision which went against the State legislation, but that decision is subject to appeal to the High Court. It has not been accepted by the Western Australian Government, so the situation is still unclear.

The Hon. J. A. Carnie: If the situation is left for another month, there could be more damage.

The Hon. B. A. CHATTERTON: We will be taking appropriate action against people infringing our fishing legislation.

The Hon. R. C. DeGARIS: Can the Minister of Fisheries say whether or not the South Australian gulfs are definitely under the control of the South Australian Government and whether it is in these waters that most of the South Australian prawn fishing industry is conducted?

The Hon. B. A. CHATTERTON: Yes, the gulf areas are defined as South Australian waters, and this is the area where the bulk of the prawn fishing is undertaken. However, there are other smaller areas of prawn fishing outside the gulfs. These smaller areas have caused great problems in the past. Even before the current controversy about the High Court interpretation of the seas and submerged lands legislation we were negotiating with the Commonwealth Government over a joint management policy for the prawn fishing industry to cover the smaller areas outside State waters; not because these are significant prawn-fishing areas, but because of the difficulties of managing our own fisheries if there are uncontrolled areas where people can fish for prawns. Such negotiations were under way before the High Court decision was handed down.

The Hon. R. C. DeGARIS: Can the Minister of Fisheries say whether the Canadian professor, who was employed to investigate South Australian fisheries, has made his report to the Government? Will that report be made available to members of Parliament? Is it a fact that one of the recommendations in the report that has been made is that prawn fishing in the gulfs of South Australia can stand more effort?

The Hon. B. A. CHATTERTON: Yes. The report was released by me at a meeting of AFIC, which took place in Adelaide some weeks ago; it is available to members of Parliament. I have sent copies to members who have requested them, and I shall be happy to send a copy to the Leader of the Opposition. The report is also available to the public from the Fisheries Department. Professor Copes made some recommendations in the report, mostly on matters of principle, in terms of fisheries policies in South Australia. He said it was possible that more effort could be put into prawn fisheries in St. Vincent Gulf but it should not be taken in terms of a firm recommendation. He was basing this statement on a number of fairly quick surveys of the industry. It is a point that is worth following up and requires more detailed investigation before we would grant any further authorities in that industry.

PENANG WEEK

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Chief Secretary, the Leader of the Government in this Council.

Leave granted.

The Hon. C. M. HILL: I refer to the week known as Penang Week last year and the subsequent publicity that followed a visit by the State Premier and members of the State Government. I refer to the stated claim that $250 000 worth of orders was taken by South Australians during that week. The Premier referred to this point in a letter that he wrote to the *Advertiser* on December 27 last, when he said, referring to the cost of the trip:

> The cost was around $205 000 and in the week in Penang South Australian goods worth more than $250 000 were sold. It is obvious that just on simple mathematics South Australia benefited well.

Could I be told which South Australian firms or companies wrote orders to that amount? What were the separate specific amounts of these orders involved?

The Hon. D. H. L. BANFIELD: Let me say at the outset that Penang Week was a complete success from the business point of view and from the friendship that was established between the two States. The employers' representatives who were there spoke highly of the success of the week and of the business angle, and they deprecated the critism levelled at the visit by certain people who criticised; they knew nothing about the position and they thought they had something to criticise.

The Hon. T. M. Casey: Because they did not get an invitation.

The Hon. D. H. L. BANFIELD: That could be so.

The Hon. C. M. Hill: Can you give me the figures?

The Hon. D. H. L. BANFIELD: Don't you want the answer? I sat here and listened to your explanation, and now I want you to listen to mine. It is as simple as that. If the honourable member does not want me to tell him that Penang Week was a success he need only tell me that and I will not refer the question to my colleague, which is what I was about to tell him I would do. In the meantime, and so that there will be no worry from his point of view, I can tell him that I believe Penang Week was a success. As a result, I shall refer his question to my colleague and bring down the figures he wants, impressing upon him the results of Penang Week—

The Hon. C. M. Hill: I only want the figures.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill wants only what will suit his purposes.

MODULOCK

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

Leave granted.

The Hon. M. B. DAWKINS: I was interested yesterday to hear the Minister's reply to the Hon. Mr. Hill about the new company to be formed, to be known as Modulock (Australia) Limited. The Minister named the three directors of the New Zealand company which will be part of the Australian one, and said that it was to be a 50/50 operation. I presume that he was speaking in general terms, and I do not in any sense take issue with him on that statement. However, in a company such as this, where presumably there would be two groups of directors (one representing the public sector and the other the private company in New Zealand), I believe there would have to be some variation from 50/50, or certainly a balance of power or a controlling interest. Can the Minister say, first, whether all of the three directors of the New Zealand company he named yesterday are to be directors of the Australian company; secondly, does the South Australian Government intend to hold a controlling interest in the Australian company; finally, can he name the directors to be nominated by this Government?

The Hon. B. A. CHATTERTON: Until the New Zealand company nominates certain directors on the board of Modulock (Australia) Limited, I do not know whether those will be the directors nominated. We have not been informed whether they will be the people nominated. It is a 50/50 venture, and the Government does not have a controlling interest in it. We have not decided yet who will be the directors for the South Australian Government, but most of them, I presume, would come from the Woods and Forests Department.

The Hon. R. A. GEDDES: As the Minister of Agriculture is well aware, because the Housing Trust has been building houses at competitive prices for many years, the trust's knowledge of the building trade is extensive. Can he say whether the Housing Trust was asked to be the manufacturer and marketing authority for the new modular type of house before the Government decided to become a partner in Modulock (Australia) Proprietary Limited as a separate business venture?

The Hon. B. A. CHATTERTON: I do not think the Housing Trust was asked to take over this venture. It seemed to be much more appropriate to have the venture within the Woods and Forests Department, which is already involved in processing and finishing its timber. The department is not merely a pine growing authority: it is also involved in sawmilling, laminated beams, and furniture components on a small scale. Because there are a number of other housing components made in the Woods and Forests Department's sawmills and factories in the South-East, it seemed appropriate to have this type of joint venture within that organisation; the knowledge, skills and management of this type of venture are already within the Woods and Forests Department.

The Hon. N. K. FOSTER: Will the Hon. Mr. Geddes inform the Council whether he has a vested interest in this industry? Would he not consider that the questions asked by him and his colleagues on this matter yesterday and today are concerned with his own particular position, because he and members of his family are deeply associated with the timber industry in this State?

The Hon. R. A. GEDDES: I am aware that I do not have to answer the question, but it is as well that it be clearly understood that my family is involved in the timber industry. The company mills timber from the forests at Wirrabara, but it has nothing to do with the modular type of construction.

The Hon. N. K. Foster: But the use of timber is involved.

The PRESIDENT: Order! The Hon. Mr. Foster must allow the Hon. Mr. Geddes to answer the question.

The Hon. R. A. GEDDES: The company has no involvement with the type of modular construction in which the Government is becoming involved. My questions have been in no way related to the aspect to which the honourable member referred: my questions have simply sought general information. My concern has been that the Housing Trust is on record as having been an extremely good building authority for many years. I therefore wondered why the trust had not been more deeply involved in the total venture.

GUMERACHA BRIDGE

The Hon. J. C. BURDETT:: I seek leave to make a brief explanation prior to directing a question to the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. J. C. BURDETT: On August 30, 1973, I directed a question to the Minister of Transport asking for the time schedule for reconstruction of the main road from Modbury to Mannum. I received a reply on September 12 (it is recorded at page 695 of *Hansard*) stating that reconstruction of the Gumeracha bridge, part of that road, would be commenced in the 1974-75 financial year and completed in the following financial year. I drive over that bridge every day, and work has not commenced. In the meantime, however, a considerable problem has occurred. Until the past few months the load limit on the bridge was 25 tons, but now the limit has been made 20 tonnes. The 25-ton limit was sufficient to allow most trucks carrying freight from Port Adelaide to Mannum to cross the bridge and go on through Birdwood and Mount Pleasant and still be within the legal limits, but the reduction to 20 tonnes has made most such trucks overweight and unable to cross the bridge. Most of the trucks in question are proceeding from Port Adelaide and, to avoid that bridge, they are required to make a considerable detour. It seems reasonable that the main roads to towns such as Mannum and the other towns mentioned should have a bridge that will carry loads of a reasonable limit. This is necessary in order particularly to service the factory of Horwood Bagshaw Limited at Mannum.

The Hon. T. M. Casey: What's the extra distance involved?

The Hon. J. C. BURDETT: About 10 miles, and the drivers must either cross the city from Port Adelaide or travel through the Hills. There is no suggestion that transport vehicles should be allowed to use the bridge with loads that are unsafe. However, the work is already behind schedule. Will the Minister urgently consider the commencement of work on the new bridge?

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

SHACKS

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

Leave granted.

The Hon. A. M. WHYTE: There is at present much confusion among people who own shacks on the foreshore and on the riverfront, despite statements having been made regarding miscellaneous leases, sand dunes, and so on. Will the Minister make a statement that clearly defines the requirements of the various committees and the provisions of Acts with which persons must comply before they can obtain or retain shacks?

The Hon. T. M. CASEY: As late as last November I issued a statement that publicised widely the Government's present policy regarding shacks. If the honourable member wants a copy of that, I shall be only too pleased to give it to him, although he should have a copy because I circulated it to all members.

The Hon. A. M. Whyte: Yes, I have that.

The Hon. T. M. CASEY: I make clear that that policy has not been altered. Although certain recommendations have been made, Cabinet has not yet had an opportunity to examine them. I stated that a Cabinet subcommittee would be examining the matter of shacks generally. That committee will meet soon, and I hope that this whole question can be resolved one way or another.

CITRUS

The Hon. C. W. CREEDON: I seek leave to make a short statement before asking the Minister of Agriculture a question.

Leave granted.

The Hon. C. W. CREEDON: While I was in the Riverland recently, citrus growers were concerned at the flood of citrus concentrates coming into Australia and the effect this was having on the demand for their own products. I understand that all fruit from the current harvest has been absorbed. However, I should like to know what action is being taken to ensure that citrus concentrate imports will be controlled sufficiently to avoid hardship to local citrus growers.

The Hon. B. A. CHATTERTON: The matter of citrus juice imports is of considerable concern to the South Australian citrus industry, as a large proportion of citrus production goes into juice processing. I am indeed concerned about the flood of concentrates that are coming into Australia. The figures in this respect have risen dramatically over the last couple of years and, in fact, in December last year alone a record amount of 8 000 000 litres was imported. At the Agricultural Council meeting in Perth on Saturday I raised the matter with the Federal Minister for Primary Industry, who will be inquiring whether the citrus panel is working effectively and whether the imports of concentrates are adversely affecting the industry. I sincerely hope that, if they are, he will take the appropriate action and control the imports, so that local production is not adversely affected.

CORRECTIONAL SERVICES

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Chief Secretary, who is the Minister in charge of correctional services.

Leave granted.

The Hon. C. M. HILL: In connection with correctional services, the Auditor-General's Report for the financial year ended June 30, 1975, states:

Comments on Accounting Activities: In my previous report attention was drawn to the unsatisfactory standard of accounting work throughout the department. As a result the matter was referred to the Public Service Board by the department and action was taken to introduce new procedures and appoint additional staff. However, due to staff difficulties these procedures were not fully implemented and it was necessary to forward further memoranda to the department in 1975. In July, 1975, the Public Service Board arranged for the provision of temporary assistance to ensure the continued operation of the department's financial functions.

Can the Minister say whether this matter is now satisfactorily resolved and whether the accounting is now of the standard that the Auditor-General requires?

The Hon. D. H. L. BANFIELD: I believe that steps have been taken in accordance with the Auditor-General's recommendation. However, rather than answer off the cuff, I will inquire and bring down a report.

GRAPES

The Hon. C. W. CREEDON: I seek leave to make a brief statement prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. C. W. CREEDON: Concern has been expressed about the undercutting of South Australian grape prices. Undercutting of South Australian grape prices has again occurred this season because of the large quantity of dual purpose grapes which are available in other States, which has resulted in a slump in dried fruit requirements. Reference has been made to a large surplus of wine grapes in South Australia this season because of liquidity problems faced by the wine industry generally. Can the Minister say whether any action is being taken to ensure that an agreed price can be established to protect the industry from this threat to the State's pricing structure?

The Hon. B. A. CHATTERTON: There has been much concern about this problem because the dried vine fruit export market has been low in recent months and growers are looking to dispose of their dual purpose grapes in the wine industry. It has been reported to me that the prices obtained by growers on selling dual purpose sultana grapes in Victoria has been low. I raised the matter in Perth on Saturday at the Agricultural Council. The Victorian Agriculture Minister was well aware of the situation and was anxious to co-operate and form some joint panel between South Australia, Victoria and New South Wales, the three main wine grape-growing States, to ensure price stability within those States. It was decided at that Agricultural Council meeting that I should convene meetings between the State Ministers. I have already asked the State Agricultural Department to convene meetings of officers to work on a basic formula that can be discussed at Ministerial level. I think this is the appropriate way of dealing with the problem, as I believe it would be of benefit to the growers in all these States as they will have a more assured and stable price situation and, from the indications given by the wine industry, winemakers will be happy to have price stability which they have not had in recent times.

INCINERATORS

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

Leave granted.

The Hon. R. A. GEDDES: On December 18, 1975, the Minister announced that there would be a fire ban in the North-East and North-West pastoral areas and in the Flinders Range. It was also indicated that certain exemptions would be made, including fires in properly constructed incinerators, except on fire ban days. Personally, I welcome the Government's recognition of the need for properly constructed incinerators, but are there any guidelines set out indicating exactly what is a properly constructed incinerator?

The Hon. B. A. CHATTERTON: I will obtain a reply for the honourable member. I believe guidelines are clearly defined, and I will get them and bring that information down in some detail.

STANDING ORDERS COMMITTEE

The PRESIDENT laid on the table the report of the Standing Orders Committee, together with minutes of proceedings.

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

That the report be printed and taken into consideration tomorrow.

Motion carried.

POLICE OFFENCES ACT: PARKING REGULATIONS

The Hon. J. A. CARNIE: I move:

That the regulations under the Police Offences Act, 1953-1975, in respect of penalties for parking offences, made on January 22, 1976, and laid on the table of this Council on February 3, 1976, be disallowed.

My reasons for so moving are relatively simple, and I shall be brief in outlining them. First, one of the reasons is that, if any private organisation applied a 100 per cent increase to any of its fees or charges, there would be a public outcry, and rightly so. Doubtless, the Commissioner for Prices and Consumer Affairs would be involved in the matter. But, apparently, the Adelaide City Council expects to do so with impunity. This gets back to the main

purpose of having parking meters—whether they are meant as a deterrent to vehicles being parked a long time or whether the City Council looks upon meters as a means of revenue. Before moving this motion, I read the debate of September, 1956, on the Bill giving the council power to install parking meters. The tenor of that debate and of the remarks of those who spoke in favour of the proposal (and in particular the Minister of Local Government, who introduced the Bill) was that the main purpose of installing parking meters was to ensure a fair turnover of available parking space. The revenue that would be raised from having parking meters was dealt with as a secondary matter. I believe that attitude was a complete red herring, because the Adelaide City Council knew very well that parking meters would be a considerable source of revenue, and that belief is justified by what has occurred since parking metres were installed.

In 1958, the first full year of operation of parking meters in the metropolitan area, the revenue received from them was $20 000; in 1974-75, the fees and fines obtained by the council from parking meters for parking offences was $1 230 000. This belief has been further justified by two recent statements from the City Council. I should like to quote, first the Lord Mayor (Mr. Roche), who was reported on July 28, 1975, as follows:

All-day parking charges for selected city streets and higher "sticker" fees are among revenue measures being sought by Adelaide City Council.

Also, on September 3, 1975, the following report appeared:

The Adelaide City Council will install 902 parking meters in the next few weeks to raise finance refused by the Federal Government.

There is no pretence there that parking meters are for any other purpose than raising revenue. It was originally said that any revenue that did accrue from parking meters would be used for off-street parking. It seems, from examining the accounts of the Adelaide City Council, that money received from this source disappears into general revenue, and it is difficult to trace. Admittedly, there have been improvements in off-street parking in recent years, but that form of parking is very expensive and is certainly not an inducement to people to come to the city.

I have also been told that parking meter revenue is largely responsible for parks and gardens development around Adelaide. We have every reason to be proud of our parks and gardens, but that was not the purpose for which parking meters were intended.

My second reason for opposing these regulations is the harm I believe they will do to trading in Adelaide. This is a view obviously shared by several Adelaide city councillors. I should like to quote from a comment made by Councillor F. R. B. Forwood on September 2 of last year, when he was dealing with the proposed installation of parking meters in O'Connell Street, North Adelaide. He said that parking meters in O'Connell Street would hasten the decay of shopping there. He added:

If parking meters go ahead there will be the most serious repercussions in North Adelaide.

Further to that, on September 15, it was reported that Councillor Forwood, at a parking committee meeting late that afternoon, was moving for the deletion of resolutions to allow the installation of the meters. In that same report, Councillor J. S. Chappel, too, had given notice of motion that at the next council meeting on September 29 he would move to have the decision to install meters in O'Connell Street rescinded. If, as reported by Councillor Forwood, the installation of parking meters in North Adelaide would hasten the decay of shopping, surely the increase in fees and charges on parking meters in the city of Adelaide itself would hasten decay in that area. Deputy Mayor Alderman Joseph is reported as having described meters as diabolical instuments that should be thrown on the rubbish dump. I cannot agree with Alderman Joseph on that. Although I do not like parking meters, I think they are probably necessary to ensure a fair turnover of available parking space.

The Adelaide City Council says continually that it is trying to stimulate business in the city, yet it is continually taking action that will have the opposite effect. In September, 1974, it doubled the fees applicable to parking meters, and now it is doubling the fines. Parking in the city is becoming a very expensive business. This applies to both parking stations and parking meters. Will the people continue to pay these fees when they can go to shopping centres in all parts of the metropolitan area? As all honourable members know, there are shopping centres at West Lakes, Tea Tree Plaza, Unley, and at the Target and K-Mart supermarkets. In fact, most suburban areas are within easy reach of at least one shopping centre. These are magnificent shopping centres, carrying the full range of goods; above all, they have adequate and free parking.

There may have been some advantage in still coming to Adelaide, where there is a wider range of services (although that has become more and more debatable), but that advantage is being eroded rapidly by increasing costs. I do not believe that anyone can justify increases of this magnitude. We know that costs are rising. While they are rising heavily, however, they are not rising by 100 per cent. If the Adelaide City Council had asked for an increase from $2 to $2·25 or $2·50 there would have been no argument from me, but I will never agree to savage increases such as this. The city of Adelaide needs to be alive and vibrant, and should be the hub of the metropolitan area. For several years, however, there has been a drift away from the city area, and I believe this move by the Adelaide City Council will hasten such a drift. I ask all members to support my motion for disallowance.

The Hon. C. W. CREEDON secured the adjournment of the debate.

FOOD ADDITIVES

Order of the Day, Private Business, No. 1: The Hon. J. C. Burdett to move:

That the regulations made on May 1, 1975, under the Food and Drugs Act, 1908-1972, in respect of food additives and laid on the table of this Council on June 10, 1975, be disallowed.

The Hon. J. C. BURDETT moved:

That this Order of the Day be discharged.

Order of the Day discharged.

FURTHER EDUCATION BILL

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

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

That this Bill be now read a second time.

Its purpose is to provide for the administration of further education in this State by an autonomous department, separate from the Education Department, but subject to the Minister's control. A separate Further Education Department has been operating at my direction and with the agreement of the Public Service Board since January, 1972. The Bill now before the Council will finalise this existing arrangement and provide the foundation of what I believe will be a dynamic and innovative contribution by South Australia in a major field of educational activity, the true

importance of which is only now becoming fully appreciated by educational authorities and the community at large.

Further education in South Australia had its origins in the attempts of private organisations in the nineteenth century to fill certain obvious deficiencies in the work force of the time; for example, the Society of Arts, which, with the South Australian Institute, established a School of Design in 1860, and the Chamber of Manufactures, which conducted classes in mechanical drawing from 1876. Government participation began with the establishment of a School of Mines in 1889, which was followed in quick succession by the creation of similar institutions in Moonta, Gawler, Kapunda, Mount Gambier and Port Pirie. Despite the vocational orientation of these schools, as early as 1916 a governmental committee of inquiry was commenting on the extensive demand for "hobby" courses, thus establishing an unique feature of further education in South Australia, one that has been adopted only recently and to a limited extent in other States.

Technical and further education in South Australia was to be shaped for the next 50 years by the Education Act of 1915 and by the establishment the following year of a technical branch within the Education Department responsible for technical secondary education, apprentice training in trade schools, and adult education. These last two activities, and courses related to them, have of course expanded tremendously since three specialised trade schools were established in 1923. Around 90 000 students now receive instruction in 47 trade courses and over 700 post trade, technician, paraprofessional, professional or personal enrichment courses in eight metropolitan and four country technical colleges, five city and 11 country further education centres, the South Australian College of External Studies and the Migrant Education Centre.

New South Wales, in 1949, became the first State to legislate for a separate Technical Education Department, stressing at that time the importance of technical education to the economy of the State and the nation, the disparity between the requirements of technical education and secondary schooling, and the desirability of achieving the flexibility and responsiveness of a small specialised administration. Since then the greatly increased diversity of the courses demanded of technical colleges and the changing character of the student body led the New South Wales Parliament, in 1974, to amend the Technical Education Act to change their department's title to the Technical and Further Education Department. In South Australia our entire system of education was comprehensively examined in the report of the Committee of Inquiry into Education in South Australia, 1969-70, known as the Karmel report. This report stressed the special nature of further education and in paragraph 12.2 it points out:

The interests of further education are both wide and complex. Its institutions have to cater for students of all ages except those under compulsion to attend school, for students whose intellectual levels vary widely, and for adults whose interests range from language and philosophy studies to art and craft activities. It has to be prepared to introduce new courses and to modify existing courses, and to adapt its techniques, its equipment and its outlook to the needs of a world of increasing change.

The Karmel report goes on to list developments it foresees in the field of further education: technological change, it believes, will increasingly require school leavers to gain additional qualifications, both in specialised and general education, in order to be satisfactory to potential employers; it will increasingly require adults to be retrained so as to keep abreast of their own occupation or be able to change to a new one; and it will increasingly produce new leisure time educational requirements. In addition, the increasing supply of graduate personnel in the economy will require a proportionate increase in the supply of supportive staff at the technician level. The report therefore concludes (paragraph 12.48):

Further education has in the past constituted a kind of wasteland between the schools and tertiary education. Both its present importance and the likely magnitude of its expansion suggest the need for a department solely concerned with it . . . Both the voluntary basis of attendance and the age and economic independence of many students require different approaches to teaching and a different structure of authority from those regarded as appropriate for school-going pupils.

Since the publication of the Karmel report we have seen the beginning of Australian Government participation in further education through the establishment of the Australian Committee on Technical and Further Education and, subsequently, the Commission on Technical and Further Education, with the intention of making further education an equal partner in the provision of post-secondary education.

Finally, we have received the report of the Committee of Inquiry into the Public Service of South Australia which, in discussing the regrouping of departments, points out in paragraph 6.306 that the Further Education Department has "a role quite separate from that of the Education Department and the two departments have mutually exclusive 'client' bases . . . Therefore, very little co-ordination is required (apart from that which occurs at Ministerial level) and few administrative savings could be expected to result from amalgamation". The case for maintaining separate Education Departments and Further Education Departments seems, therefore, to have been clearly established on both educational and administrative grounds.

At this point I would like to pay a tribute to the officers and teachers of the Further Education Department and its predecessor, the Division of Technical Education of the Education Department. It has been through their efforts that South Australia has achieved a leading place in the provision of further education in this country. I feel confident that the department established by this Bill will continue that tradition.

Clause 1 is formal. Clause 2 provides that the Act is to come into operation on a day to be proclaimed, and that certain provisions may be brought into operation on later dates, if necessary. Clause 3 sets out the arrangement of the Act. Clause 4 provides the necessary definitions. The definition of "further education" is purposely very wide and covers every educational field except those specifically excluded by virtue of the next clause. Clause 5 excludes from the ambit of this Act Government and private primary and secondary schools, universities and colleges of advanced education, and instruction and training in preschool education.

Part II establishes the Further Education Department and follows closely the comparable provisions of the Education Act. Clause 6 vests the administration of the Act and the teaching service in the Minister. Clause 7 constitutes the Minister as a body corporate for the purposes of the Act. Clause 8 gives the Minister the power to delegate his powers under the Act, other than the power to dismiss a teacher.

Clause 9 sets out the general powers of the Minister as to the establishment of colleges of further education, teacher-training institutions, hostels, and so on. Clause 10 empowers the Minister to set up such advisory committees as he thinks necessary. Clause 11 confirms the establishment of the department and the office of Director-General. Clause 12 sets out the basic duties of the Director-General.

Clause 13 gives the Director-General a power of delegation. Clause 14 obliges the Director-General to make an annual report to the Minister.

Part III establishes the teaching service, and again the provisions of this Part closely follow the provisions of the Education Act. Clause 15 provides for the appointment of teachers by the Minister. Salaries are to be determined by the Teachers Salaries Board established under the Education Act. (The Education Act will be amended to provide that the Teachers Salaries Board may make determinations that relate to further education teachers.) Clause 16 sets out the circumstances under which the Minister may dismiss a teacher. A teacher may appeal against his retrenchment to the Teachers Appeal Board established under the Education Act. (The composition of this board will also be changed for the purpose of hearing appeals by further education teachers.) Clause 17 provides for transfer or retirement on the grounds of incapacity or invalidity. Clauses 18 and 19 give further education teachers the same long service leave entitlement as teachers under the Education Act.

Clause 20 entitles a teacher to pro rata long service leave in certain circumstances where his service has been for less than 10 years. Clause 21 provides for the payment of a sum of money in lieu of pro rata leave on the death of a teacher. Clause 22 makes special provision for certain interruptions of service. Clauses 23 and 24 provide for portability of long service leave rights between the Public Service, the teaching service and certain other prescribed employers. Clause 25 provides that a teacher may retire at the end of any academic year after he turns 60, but must retire at the end of the year in which he reaches 65. Clause 26 provides for the discipline of teachers. A teacher has a right of appeal to the appeal board against any disciplinary action by the Minister. Clause 27 gives the Director-General the right to suspend a teacher against whom allegations have been made.

Part IV provides for the establishment of councils for colleges of further education in much the same manner as councils may be established by the Minister for Government schools under the Education Act. Clauses 28 and 29 provide for the establishment of councils as bodies corporate with the usual powers. Clause 30 gives a college council power to borrow with the approval of the Minister. A guarantee may be given by the Treasurer in certain specified circumstances. Clause 31 provides that the Minister may make grants of money to college councils. Clause 32 obliges a college council to keep proper accounts. Clause 33 provides for the abolition of a council upon the closure of a college.

Part V provides for the licensing of privately-run schools of further education. Clause 34 provides that this Part will apply only to courses of instruction that are prescribed by regulation. The regulations may also exempt certain schools and exempt persons who provide the courses of instruction in the prescribed manner. It is intended that private technical schools presently licensed under the Education Act be licensed under this Act. Clause 35 makes it an offence for a person to provide for fee or reward a prescribed course of instruction unless he holds a licence under this Act. It is also an offence to provide the course otherwise than as laid down in the licence. A moratorium is provided from the commencement of the Act until a day to be proclaimed so that all persons affected by this Part can apply for the necessary licence.

Clause 36 provides for the granting of licences by the Minister, who must satisfy himself as to the adequacy of the premises, the competency of the instructors and the reasonableness of the fees. Clause 37 provides that a licence shall remain in force for three years. The Minister may cancel, suspend or fail to renew a licence where the holder has failed to comply with this Part or any regulation under this Part. Clause 38 gives the Minister the right to inspect licensed schools. Clause 39 provides that a licence is not transferable.

Part VI contains miscellaneous provisions. Clause 40 creates the offence of insulting a teacher who is acting in the course of his duties. Clause 41 provides that offences under this Act are to be dealt with summarily, and so on. Clause 42 is the usual appropriation clause. Clause 43 provides the power to make regulations. It is not necessary to refer in detail to any of the matters that may be prescribed by regulation.

The Hon. JESSIE COOPER secured the adjournment of the debate.

EDUCATION ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

It is consequential upon the Further Education Bill, 1975. As was said earlier when introducing the Further Education Bill, the Teachers Salaries Board and the Teachers Appeal Board established under the Education Act are to deal with the salaries and appeals of teachers under the Further Education Act. It would be a needless duplication of manpower if almost identical bodies were set up under both Acts. Of course, the composition of those boards will vary appropriately according to whether the matter in hand relates to a teacher under the Education Act or a teacher under the Further Education Act.

Clause 1 is formal. Clause 2 provides for this Act to come into operation on a day to be proclaimed. The operation of specified provisions may be suspended if necessary. Clause 3 is a consequential amendment to the arrangement of the Act. Clause 4 gives the Teachers Salaries Board jurisdiction to make awards, and so on, with respect to further education teachers. Clause 5 gives the Teachers Appeal Board jurisdiction to hear and determine appeals by further education teachers. The composition of the board will change when such an appeal is to be heard. Two extra panels with be appointed, one from the Further Education Department and one from the further education teaching service. When a further education teacher makes an appeal, the board will be constituted of the Chairman and two other members drawn from those panels. Clause 6 is a consequential amendment. Clause 7 repeals Part IX of the principal Act, which deals with the licensing of private technical schools. These schools will come within the purview of the Further Education Act.

The Hon. JESSIE COOPER secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill alters the name of the corporation established under section 16e of the principal Act, the Industries Development Act, 1941-1974, from the Industries Assistance Corporation to the State Industries Assistance Corporation. The change in title is considered necessary to avoid confusion with an organ of the Australian Government, the Industries Assistance Commission.

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

FOOD AND DRUGS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

MORPHETT VALE EAST HIGH SCHOOL

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

PEST PLANTS BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The objects of this Bill are to repeal the Weeds Act and to provide a more effective and workable system for weed control in this State. It has long been apparent to those concerned with weed control that the present Act is quite inadequate as a basis for achieving effective weed control or for carrying out co-ordinated control programmes throughout the State. Whilst the major responsibility for these matters remains with individual councils, there will always be the problem of piecemeal action. In some instances, various councils have been lax in discharging their duties under the present Act and there is little that anyone can do to remedy such an unsatisfactory state of affairs. Furthermore, the present Act was, and still is, framed as primarily an agricultural measure and has accordingly hampered the efforts of the Weeds Advisory Committee to initiate control measures in respect of plants that are not necessarily harmful to agriculture but nevertheless ought to, and could, be eradicated or kept down to harmless proportions. It is time indeed to move into the area of plants that are harmful to the health of the community or detrimental to the environment, and for this reason the phrase "pest plant" replaces the word "weed"—the latter is felt to have rather limiting connotations.

Accordingly, when I reappointed the Weeds Advisory Committee under the present Act in 1972, I charged it with the specific task of reviewing the whole subject of weed control in this State and of reporting to me on the measures, legislative or otherwise, that ought, in its opinion to be taken to improve the situation. The committee carried out its task very effectively, and, during the course of its investigations, consulted the councils, various farmer organisations and other Government departments and examined similar overseas and interstate legislation. This Bill is the culmination of the committee's work and the report subsequently made to me. It basically provides for the creation of boards by the grouping together of various councils and these boards will be responsible for discharging the various functions and duties that presently rest with individual councils. Thus weed control will still be a matter for local government which is, in my opinion and in the opinion of the committee, best suited and equipped for such work.

The system of boards provided in the Bill will be flexible and will ensure that councils will reinforce each other in effecting co-ordinated weed control programmes. An independent commission will replace the present Weeds Advisory Committee and will have the task of initiating and supervising State-wide control programmes and of generally ensuring that each control board is a workable and effective unit. Many functions that are now ministerial will be discharged by the commission. The commission will year by year determine the amount of general rate revenue that each council must contribute to board funds, and it is intended that this will be achieved largely by negotiation between the councils and the commission. It is proposed that the Government will subsidise each board fund to the extent of 50 per cent of the amount contributed by the councils. The Government will also make special grants in certain circumstances and so boards with an unavoidably low revenue will receive financial aid that will prevent them from being totally ineffectual.

The province of weed control is no longer delimited by simple agricultural needs. World markets are demanding top quality produce free of any contamination whatsoever. Looking into the future, increasing population will demand that all available food-producing land be put to the best and most efficient use. Even now certain plants constitute hazards to health and to the preservation of the environment, and, as we are only too well aware, such hazards can so easily get out of hand. I commend this Bill to honourable members as a step that can be taken to equip ourselves to deal with such present and future problems.

Clauses 1, 2, 3 and 4 of the Bill are formal. Clause 5 sets out the various necessary definitions. It will be seen that there are, for the purposes of the Act, three different types of pest plant: primary, agricultural and community. (Primary pest plants are those that the commission believes ought to be destroyed. Agricultural pest plants are those that the commission believes are detrimental to any primary industry and ought to be controlled. Community pest plants are those that the commission believes are detrimental to the community or the environment and ought to be controlled.) I ought perhaps to refer to the definition of "member council"; this means a council that forms, either alone or with another council or other councils, a control board. Clause 6 provides the usual transitional and vesting provisions. Clause 7 constitutes the Pest Plants Commission as a corporate body.

Clause 8 provides that the commission will be comprised of six members. The Chairman will come from the Agriculture Department. Two members will come from the Public Service, and it is envisaged at the moment that one will be from the Agriculture Department, and one from the Environment and Conservation Department. Two members will come from the councils. One member will represent farmers and graziers and other similar groups. Members will hold office for terms of three years with eligibility for re-appointment. Clause 9 empowers the Governor to appoint deputies of members of the commission. Clause 10 empowers the Governor to remove members from office on certain grounds. Provision is made for vacation of office and the filling of casual vacancies. Clause 11 provides for the remuneration of members. Clause 12 validates any acts of the commission done whilst there is any vacancy in its membership, etc.

Clause 13 makes the usual provision for the conduct of business by the commission. Clause 14 provides for the

appointment of an Executive Officer of the commission and other necessary officers. The commission may itself employ persons who will not be subject to the Public Service Act in such employment. Clause 15 sets out the general functions of the commission and provides a power of delegation. Clause 16 empowers the commission to act as a control board with respect to pest plant control in those areas of the State that are not under the jurisdiction of any council.

Clause 17 provides for the creation of control boards and their areas. The commission will recommend the grouping together of the whole, or part, of the areas of various councils on a "geographical" basis. Such a recommendation will be made only after consultation with the councils involved. The areas and boards will then be proclaimed. Subclause (3) provides for the situation where one council only will constitute a control board, the area of the board being either the whole, or part, of the council's area. In such a case, the council itself constitutes the board, and no control is sought over the manner in which the council executes its business as a board. It will be possible therefore for a council to have its area divided between two or more boards. A council that has mostly urban land may well be constituted as a board in respect of that land and its rural land may form part of the area of another board, of which the council will of course be a member council. Subclause (4) provides for boards comprised of more than one council. The proclamation creating such a board will contain provisions for the appointment of members of the board by the member councils. Subclause (5) empowers the Governor to repeal or vary any proclamation creating a board and its area. Thus it will be possible, as experience demands, to reconstitute boards in order to achieve a fully workable system.

Clause 19 provides the corporate status and powers of all boards constituted under this Act. Clauses 19 to 23 inclusive relate to those boards that will be comprised of more than one member council. These clauses provide for the appointment of members of the board, the chairman and deputies; for the removal of members from office and the filling of casual vacancies; and for the appointment of a secretary to the board. Clause 24 makes provision for the keeping and auditing of accounts by boards. Copies of these accounts must be sent to the commission at the end of each year.

Clause 25 provides for the conduct of business by boards. A board must hold its first meeting within two months of being established, must hold at least four meetings a year and must permit an authorised officer from the Agriculture Department to attend its meetings. Clause 26 relates to the appointment of an authorised officer for the purposes of exercising the various powers of inspection and investigation under this Act throughout the whole of the State. This officer will act at the direction of the Commission. Clause 27 relates to local authorised officers. Each board must appoint at least one such officer to operate within its area. Local authorised officers must have the qualifications or experience in pest plant control prescribed in the regulations.

Clause 28 sets out the powers that may be exercised by any authorised officer, State or local. An authorised officer may, in addition to the usual powers of search and investigation, advise any person as to that person's obligations under this Act. Most importantly, an authorised officer may take possession of any livestock, produce, etc. that he believes to be contaminated with any pest plant and take measures to destroy any pest plant found thereon. This power is most necessary in relation to inspections at the State borders and in towns near to such borders. Prompt action is needed where evidence is found of such dreaded plants as noogoora burr, which is frequently carried by sheep coming from certain other States.

Clause 29 appropriates moneys for the purposes of this Act in the usual manner. Clause 30 provides for the establishment of a fund by the commission, to be kept at the Treasury. The commission may invest any surplus not immediately required. Clause 31 provides for the establishment of a fund by each control board, consisting mainly of contributions from the member councils and subsidies and grants from the commission. A board may invest any surplus, or borrow any moneys, with the consent of the commission.

Clause 32 provides for the determination by the commission each year of the amount to be contributed by each member council of a board into the board fund. The total contributions will be based upon the work estimates of a board for the ensuing year. Individual contributions will be based upon that part of the member council's area that lies within the board area. The contribution in respect of rural land will be a percentage of the general rate revenue to be derived in respect of such land during the current financial year. The percentage may not exceed three per cent and is to be determined by the commission after hearing any representations of the board or member councils. The contribution in respect of urban land will also be determined by the commission by negotiation. Payment of the contributions into the board funds must be made by the councils by the end of the month of February next following, by which time most of a council's rate revenue has been received. There is, of course, nothing to prevent member councils from voluntarily paying into the board fund a greater sum than the amount determined by the commission. Any such extra payment will not, however, attract the commission's subsidy.

Clause 33 requires the commission to pay a subsidy to each control board of 50c for every $1 paid into the board fund by the member councils. Therefore if a member council fails to pay its contribution, the Government subsidy is reduced accordingly. Provision is made for the making of special grants to any board, at the discretion of the commission. Clause 34 empowers the Governor to proclaim any plant as a pest plant of a specified classification. A proclamation declaring a plant to be a primary pest plant must also declare the plant to be a primary pest plant throughout the whole State. Agricultural and community pest plants may be declared to be such pest plants in any part, or the whole, of the State.

Clause 35 requires the owner of land to notify his control board if he finds any primary pest plant or other notifiable plant on his land. A control board may declare an agricultural pest plant to be notifiable for a specified time. A control board must notify the commission if it becomes aware of the existence of any primary pest plant on land within its area. Clause 36 requires control boards to publish annual lists of plants that are pest plants within its area, and also to publish any alteration made during the year to such a list. Clause 37 sets out the general functions of control boards under this Act.

Clause 38 requires boards to destroy primary pest plants and control agricultural and community pest plants on certain lands and all public roads within its area. Clause 39 empowers a control board to recover from owners of land adjacent to a public road upon which the board has destroyed or controlled pest plants, the cost of carrying out such measures upon the section of road abutting the property, up to the middle of the road ("public road" has earlier been defined as including all land lying between the boundary of the property and the edge of the constructed

carriageway). A board may fix a charge for doing this work. The usual recovery procedures are provided. It should be noted at this point that the cost of controlling community pest plants upon public roads cannot be recovered from adjacent landowners. Subclause (6) provides for reimbursement of a landowner in certain situations—such as where he has cleared community pest plants from his side of the road at his own cost, and this is later covered by a grant from the commission to the board.

Clause 40 provides for the making of grants by the commission to boards for approved pest plant control measures taken by the board on certain lands, and, in relation to community pest plants, on public roads. Subclause (2) provides for the present intention that the commission will bear the cost of all pest plant control upon the "shoulders" of certain roads (that is, the strips of land 5 metres wide that edge the constructed carriageway). Clause 41 requires boards to co-operate with any directions or assistance given by a State authorised officer or the Executive Officer of the commission.

Clause 42 sets out the general duty of a landowner to destroy all primary pest plants and control all other pest plants found upon his land. Clause 43 empowers a control board to require a landowner, by notice, to take certain pest plant control measures if that owner is in default under the Act, or for the purposes of a co-ordinated control programme. A right of appeal to the commission is given to such a landowner. Clause 44 empowers a board to step in and carry out pest plant control measures on any land, where the owner of the land has failed to comply with a notice. The cost of such measures may be recovered by the board from the owner of the land. Clause 45 empowers the Minister to exempt any person, or class of persons, from any obligation or liability under this Division.

Clause 46 empowers the commission to declare that certain areas of the State be quarantine areas from which it will be an offence to move any livestock, soil, plants, etc. A defence is given to a person who obtains the prior approval of an authorised officer and moves the livestock, etc. in accordance with the terms of that approval. Clause 47 prohibits the selling of any livestock, plants, soil, etc., that are carrying any pest plant. A defence is given to a person who takes certain precautions before the sale or who believes on reasonable grounds that the goods were free of pest plants.

Clause 48 similarly prohibits the moving of any contaminated livestock, etc., from land on to a public road, or along a public road. A similar defence is given. Clause 49 requires a person to take reasonable care that roadside trees are not unduly damaged during the course of pest plant control. Clause 50 empowers certain persons in authority to enter any land for the purpose of any research progamme, or any investigation under this Act. Clause 51 gives a control board a right to appeal to the Minister from any direction or decision of the commission.

Clause 52 provides that any moneys owed by a landowner under this Act become a charge on the land and may therefore be recovered, if necessary, from a subsequent owner. Clause 53 requires the commission to submit an annual report of its business to the Minister for tabling in Parliament. Clause 54 requires a control board to submit similar reports to the commission. Clause 55 provides the usual immunity for persons in authority acting in good faith under this Act. Clause 56 provides for the execution of certain documents by the commission and the control boards. Clause 57 is the usual evidentiary provision.

Clause 58 provides for the issue and service of notices by control boards. Clause 59 relates to proceedings under this Act. Clause 60 provides that penalties for offences prosecuted by a control board shall be paid to that board and penalties for offences prosecuted in any other manner be paid to the commission. I should perhaps refer at this point to the fact that all penalties in the Bill have a specified minimum as well as a maximum. The highest minimum penalty is $50 and the power of a court under the Justices Act to go below any specified minimum has not been abrogated. Clause 61 provides a regulation-making power.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

Adjourned debate on second reading.

(Continued from February 3. Page 1999.)

The Hon. M. B. CAMERON: I oppose the second reading of this Bill, and I concur wholeheartedly in the view expressed by the Hon. Mr. Carnie, who said that this Bill would inevitably lead to first past the post voting. This Bill is the first step. I know that Government members have said that they do not have a policy on this matter. I am not a political genius, but one would not have to be a political genius to realise that policies can be changed. We know quite well that this whole question has been subject to policy changes in the past by the Australian Labor Party, and I am certain that it will be subject to change in the future at an opportune time. I do not think that that opportune time will come as quickly as Government members would wish. This is a conditioning process for the public, so that the Government can introduce this without any great trauma.

I know that first past the post voting operates in other countries, but we must realise that there are other variations in those countries, not the least of which is voluntary voting. In Great Britain, where first past the post voting applies, there is voluntary voting, which makes an enormous difference, as anyone associated with politics would know. Nevertheless, it still leads to a state of affairs where a large percentage of the community takes no part in the selection of members of Parliament, because their votes are cancelled out at the first stage. Many people coming to this country are unaware of the benefits of the system at present operating here. The Hon. Mr. Blevins himself would not have been aware of the benefits if we had not made him aware of them by ensuring that he put preferences on his ballot-paper.

I am against the concept of this Bill. It is my firm conviction that this Bill is the first step to first past the post voting. Of course, there is a somewhat terrible possibility that this Bill may be passed in its present form. As there are many anomalies in the principal Act relating to this Council, this is an opportune time to amend the Act. In connection with the system of voting for members of this Council, there is an anomaly, in that certain parts of quotas are not counted at elections. This means that the ultimate wishes of the voters under proportional representation are not reflected in the final result. When full franchise was achieved for this Council, it was the result of negotiation between all Parties on a certain Bill, and the final result is the system under which half the number of members of this Council were elected at the last election. Because the change in the legislation took place in an emotional atmosphere, some faults could show up.

I have some misgivings about the present system, particularly as the voter does not get the opportunity of voting for individuals. In fairness, it must be said that voters do not often take the opportunity to wander from the recommendations of the Party ticket. However, Parliament agreed to the system and, while it may be argued that alternative systems may be preferable (for example, the Senate system), a radical change, if desirable, should await either a change of Government or an election at which such a move was mooted by one of the Parties.

The Hon. F. T. Blevins: Do you believe there should be a mandate for it?

The Hon. M. B. CAMERON: Correct.

The Hon. Anne Levy: It was in our policy speech.

The Hon. M. B. CAMERON: In the short term, it is important that the fault, which should have been corrected at the time the change was made, is now corrected. We are elected under a proportional representation system, and in a true proportional representation system it is important that all votes be counted right through, but this did not occur at the last election. While it may not necessarily affect the result—

The Hon. D. H. L. Banfield: The result would not have been any different.

The Hon. M. B. CAMERON: One cannot tell. It is important that all people have their votes counted right through and that fractions are not left out.

The Hon. R. C. DeGaris: And counted correctly.

The Hon. M. B. CAMERON: Yes. I am not reflecting on anyone in the Electoral Department.

The Hon. R. C. DeGaris: Neither am I.

The Hon. D. H. L. Banfield: Who else counts the votes?

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

The Hon. M. B. CAMERON: In essence, the amendments will bring about a counting of all the votes without stopping the result when the fractions are determined. Whilst I would like to give a lengthy explanation, I think it proper that I should delay it until the Committee stage. I have spent a considerable time in preparing the amendments and, if any honourable member wants to discuss them with me, I shall be happy to co-operate. I urge honourable members to make certain that we retain the present system for the Lower House by voting against the second reading of the Bill.

Bill read a second time.

The Hon. A. M. WHYTE moved:

That it be an instruction to the Committee of the Whole that it have power to consider new clauses relating to the mode of voting for the Legislative Council and postal voting.

Motion carried.

The Hon. M. B. CAMERON moved:

That it be an instruction to the Committee of the Whole that it have power to consider new clauses relating to the scrutiny and counting of votes at Legislative Council elections.

Motion carried.

In Committee.

Clause 1 passed.

New clauses 1a to 1h.

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

Page 1, after clause 1—Insert new clauses as follows:

1a. The following section is enacted and inserted in the principal Act immediately after section 73 thereof:

73a. (1) An elector—

(*a*) whose usual place of residence is fifty kilometres or more by the nearest practicable route from any polling booth;

(*b*) who is, by reason of any permanent illness or infirmity precluded from attending at any polling booth to vote;
or

(*c*) who is, by reason of his membership of a religious order or his religious beliefs—

(i) precluded from attending at a polling booth;
or

(ii) precluded from voting throughout the hours of polling on polling day or throughout the greater part of those hours,

may apply for registration as a general postal voter.

(2) The application—

(*a*) must contain a declaration by the applicant setting out the grounds upon which he applies for registration as a general postal voter;

(*b*) may be in the prescribed form;

(*c*) must be signed by the applicant in his own handwriting in the presence of an authorised witness or, if the applicant is, by reason of illiteracy unable to sign the application, must be authenticated in the prescribed manner;

(*d*) must be made to the Electoral Commissioner.

(3) No elector shall make, and no person shall induce an elector to make, any false statement in an application for registration as a general postal voter, or in the declaration contained in such application.
Penalty: Two hundred dollars, or imprisonment for one month.

1b. Section 74 of the principal Act is amended—

(*a*) by inserting in subsection (1) immediately after the passage "postal ballot-paper" the passage "or for registration as a general postal voter"; and

(*b*) by inserting in subsection (3) immediately after the passage "postal ballot-paper" the passage "or for registration as a general postal voter".

1c. Section 75 of the principal Act is amended by striking out from subsection (1) the passage "the application", firstly occuring, and inserting in lieu thereof the passage "an application for a postal vote certificate and postal ballot-paper".

1d. The following section is enacted and inserted in the principal Act immediately after section 76 thereof:

76a. (1) Where the Electoral Commissioner receives an application for registration as a general postal voter and is satisfied that—

(*a*) the applicant is by reason of the provisions of subsection (1) of section 73a of this Act, entitled to apply for registration as a general postal voter;

(*b*) the application is—

(i) properly signed by the applicant;
or

(ii) authenticated in the prescribed manner, as the case requires;
and

(*c*) the application is witnessed and that in relation to the witness an occupation and address have been set out in the application, he shall register the applicant as a general postal voter.

(2) The Electoral Commissioner shall in respect of any election deliver or post to each elector who is for the time being registered by him as a general postal voter and entitled to vote at that election a postal vote certificate printed on an envelope addressed to the returning officer for the district for which the elector is enrolled, and a postal ballot-paper for that election.

(3) Notwithstanding the provisions of subsection (2) of this section, where the Electoral Commissioner receives an application for registration as a general postal voter after five o'clock in the afternoon of the day preceding the polling day for any election, he shall not deliver or post to that elector a postal vote certificate or a postal ballot-paper for that election.

(4) Any postal vote certificates and postal ballot-papers issued by the Electoral Commissioner under this section for a Council election and for an Assembly election respectively, may be in the prescribed form.

(5) The Electoral Commissioner shall cause a register to be kept of the electors for the time being registered as general postal voters and the register shall be open to public inspection at all convenient times during office hours.

(6) The register shall set out for each district the name and address of each elector who is registered as a general postal voter and is enrolled for that district, together with a specimen of his signature, or the authentication in respect of the elector, and a statement of the grounds upon which he is so registered.

(7) The Electoral Commissioner may at any time, other than during the period between the issue of the writs for an election and the return of the writs, cancel the registration of any elector as a general postal voter by notice in writing to that elector.

1e. Section 79 of the principal Act is amended by inserting immediately after the passage "section 75", twice occurring, in each case, the passage "or 76a".

1f. Section 80 of the principal Act is amended by inserting in subsection (2) immediately after the passage "postal ballot-paper" the passage "or for registration as a general postal voter".

1g. Section 84 of the principal Act is amended by inserting in subsection (1) immediately after the passage "postal ballot-paper", firstly occurring, the passage "or for registration as a general postal voter".

1h. Section 86 of the principal Act is amended—

(*a*) by inserting immediately after the passage "applications for postal vote certificates and postal ballot-papers" the passage "and the register for that district of general postal voters";

(*b*) by inserting in paragraph (*a*) immediately after the passage "that certificate" the passage "or on the register";

(*c*) by inserting in paragraph (*b*) immediately after the passage "made the application" the passage "or is registered as a general postal voter";

and

(*d*) by striking out from paragraph (*b*) the passage "relates to the elector in respect of whom the application is authenticated" and inserting in lieu thereof the passage "is in respect of the elector who made the application or is so registered.

The intention of my amendments will be clear to all members because this is about the seventeenth time I have attempted to deal with the matter.

The Hon. D. H. L. Banfield: Your amendments have not been on file for that long.

The Hon. A. M. WHYTE: The amendments seek to provide a more satisfactory means for people living in remote areas to obtain their vote. Many people are disfranchised because of the distance they live from a polling booth and the requirements under the Electoral Act to obtain a vote. Currently, a voter must apply to the electoral office in his district or to the Electoral Commissioner for a postal vote. He must then fill in the application form and send it away before he receives his ballot-paper, yet many people are serviced infrequently by a mail run (sometimes they are serviced only once a fortnight or even less regularly), yet an election can be held within seven days of the lodging of nominations. For the last State election there were only 10 working days in this period and, therefore, many electors cannot comply with voting requirements.

The Hon. R. C. DeGaris: They are denied their right to vote.

The Hon. A. M. WHYTE: Yes. My amendment seeks to allow persons permanently residing further than 50 kilometres from a polling booth or for other reasons such as religion, infirmity or any other reason already provided for to be allowed to register as a general postal voter, provided certain qualifications are met. If a person is accepted as a general postal voter he would immediately be forwarded a ballot-paper as soon as nominations had been received, and the voter would have sufficient time to send back his vote to be counted. I believe that similar legislation applying in Western Australia provides relief for people in remote areas.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the honourable member's amendments. Existing postal voting provisions are already wide, and any attempt to make permanent registration will create a risk of abuse of the system. Who will declare that a person is permanently ill? A person could recover within three years and be fit again. Will a doctor have to determine whether a person is incapacitated? We know of many people who are incapacitated in one year and who might feel that they may be permanently incapacitated, yet they recover within a three-year period. We do not believe that a permanent voting application should apply in this regard as it lends itself to abuse. Who will determine when permanent illness or infirmity is reached?

The Hon. A. M. Whyte: As Minister of Health, you well know.

The Hon. D. H. L. BANFIELD: I have seen recoveries in these circumstances. It is true to say that I may not be able to forecast, but who would be prepared to say that in 20 years time a person would still be incapable? Who would be prepared to go that far and say to a person, "In 20 years time there will be no change in your condition"? Of course, we would not accept that responsibility, and no-one else would, either. For instance, who could foretell that there would be a tidal wave at Glenelg on a certain day? One would have to look into a crystal ball to predict what would happen in 20 years time. There is no way in the world in which we can do that. I do not think anyone would take the responsibility of forecasting what the position would be in 20 years time and, for many incapacitated people, it would be Domesday if they were told that in 20 years time they would be too infirm to vote.

The Hon. R. A. Geddes: At least they would be able to vote.

The Hon. D. H. L. BANFIELD: But they would have a permanent exemption under this amendment. What would they do? They have applied for a permanent exemption on grounds of infirmity. That is the position under this amendment. A man comes along and reapplies. If we accept the doctor's say-so that he will be infirm for the next 20 years but the man reapplies in three years time and says to the doctor, "You have made a big mistake here; I am now fit", what then? If he suffers from a permanent illness or infirmity, under this amendment he is precluded for all time from voting, whether or not he is ill.

The Hon. J. C. Burdett: He is not precluded.

The Hon. D. H. L. BANFIELD: He is precluded. Who will say that he is permanently ill? Who will inquire whether or not a man is conscientious in his application?

The Hon. M. B. Dawkins: Have they not been conscientious in putting up the amendment?

The Hon. D. H. L. BANFIELD: It should not be here. In regard to religious convictions, who is going to inquire whether a man is conscientious in his application? This amendment puts the responsibility on the Electoral Office, but that is not its job. Just because a man writes in saying, "I have a religious objection", are we to accept that application? I do not think so. For those reasons, I oppose the amendment.

The Hon. R. C. DeGARIS: I have heard the Chief Secretary make a number of speeches in this Council but

I have not heard one that shows more lack of reason than the one he has just delivered. He has not examined the amendment in any detail. First, does the Chief Secretary agree that at present, because of the short time between the printing of the ballot-papers for an election and the fact that people who require postal votes (and particularly those in outback areas) have to write in and apply for a vote, if the postal votes have been sent to them and filled in and sent back, in many cases those people are precluded from exercising their right to vote because of their isolation?

The Hon. N. K. Foster: You never let anyone vote for this Council for years; for 10 years you have never given a damn about this place.

The CHAIRMAN: Order!

The Hon. N. K. Foster: You are hypocrites; that's about it. You are a damn lot of hypocrites.

The CHAIRMAN: Order! The honourable member must cease interrupting.

The Hon. N. K. Foster: One couldn't do otherwise.

The CHAIRMAN: The honourable member will cease interrupting or I shall have to name him for disobedience to the Chair. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: That is the position and I do not think any honourable member would like to see a position continued where, because in election after election (I am not laying the blame on this Government; other Governments have done just the same thing) the period from the closing of nominations to the actual election day is about 10 days, and it is impossible for some people in South Australia to exercise their votes. That is the position, and all that this amendment attempts to achieve is to have a permanent postal vote register where people who have certain qualifications under the Act (for instance, that their usual place of residence is at least 50 kilometres from the polling booth, or that they have a permanent illness or infirmity—permanent, not one that a person may recover from—or they hold a religious belief that prevents them from voting on a Saturday) have the right to apply to go on to a permanent postal vote register.

As soon as the nominations close, their voting papers are forwarded to them; they mark their papers and post them back. This ensures that any person in the State who, because of his isolation or because of permanent physical infirmity or because of his membership of a religious order, is disadvantaged, can get a vote in an election if he is entitled to that vote. That is all this amendment does. The permanent postal vote register is a procedure that operates in Western Australia and in many European countries. I see nothing wrong in the process that the Hon. Mr. Whyte provides for in his amendment.

There is a protection that no elector shall make and no person shall induce an elector to make any false statement in an application for registration, and there is a penalty of $200 or imprisonment for one month. It is totally wrong in a democratic society to have a situation where, because of the time factor from the close of nominations to the polling day, certain people in this State cannot cast their votes. If the Government has any objection to this, let it say so, but I do not know what objection there could be, because, in the existing procedures for the application for postal votes, an application is made on various grounds (about six of them appear on the paper) and the Electoral Office or the person in charge of the Electoral Department must make his decision on each application, in any case. Why should he not make the decision in relation to the permanent postal roll?

This is an excellent amendment, one that cannot be criticised in relation to electoral justice, and one that ensures that any person in the State, in an election where a short time elapses between the closing of nominations and the election day, is assured of being able to have his vote registered. I support the amendment most strongly. I am sorry that the Chief Secretary has taken the view he has expressed. He took only one point.

The Hon. D. H. L. Banfield: You are taking only paragraph (*a*), and not paragraph (*b*).

The Hon. R. C. DeGARIS: This is the point I am making: in opposing the whole of the amendment the Chief Secretary spoke only to paragraph (*b*), which states:

who is by reason of any permanent illness or infirmity precluded from attending at any polling booth to vote.

If the Chief Secretary does not like that, I am sure the Hon. Mr. Whyte would be only too pleased to remove it and to say that a person with a permanent illness or infirmity can make application in the normal way, but no objection has been raised to this question of people who live vast distances from polling booths. The Chief Secretary will agree that, in that short period of 10 days that is occurring in elections lately, certainly hundreds of people are unable to cast their vote. That position should be altered. Those people should have the right to vote and as soon as nominations close those on the permanent postal register should have ballot-papers sent to them to be marked and sent straight back. The system works most effectively elsewhere in the world and there is no reason why it should not operate in a large State such as South Australia.

The Hon. C. J. SUMNER: As I understand it, the Hon. Mr. DeGaris referred to a 10-day period which he said has occurred recently. Is that the period from the closing of nominations to the election day?

The Hon. R. C. DeGaris: That is so.

The Hon. C. J. SUMNER: Does the Hon. Mr. DeGaris understand that a postal vote application can be made prior to the closing of nominations or immediately after an election has been announced?

The Hon. R. C. DeGARIS: That is the position, I agree. There is a period of 10 days from the closing of nominations. As soon as that application is made, the ballot-papers must be printed and posted out. Some people in South Australia in that 10-day period cannot get their votes back.

The Hon. N. K. Foster: They only have to have them posted, and you know it. They don't have to get them back.

The Hon. R. C. DeGARIS: I think the Hon. Mr. Foster is getting confused with the Commonwealth Electoral Act. The Hon. Mr. Whyte can quote cases where people have been unable to vote under the existing postal voting system. Such a position should not exist. I believe it would assist the electoral authorities and ensure that people in remote areas make certain of casting a vote.

The Hon. C. J. SUMNER: Perhaps the Hon. Mr. DeGaris or the Hon. Mr. Whyte can give the Committee some concrete evidence that people, within a 10-day period, the minimum period suggested, cannot get a postal vote. It would seem most surprising if people in this State could not receive their postal vote within that period and post it back. I think the number affected would be small. Neither the Hon. Mr. DeGaris nor the Hon. Mr. Whyte has produced any concrete evidence, especially as postal vote applications can be made well before the close of nominations or immediately the election is announced. The ballot-paper is sent out a day or so after nominations close, within 10 days of the election, and, as I understand

the Act, if the returning ballot-paper bears the postmark of the Saturday, it can be included in the count.

I cannot see that there should be a problem with people living long distances from polling booths. However, I can see considerable problems with the other part of the amendment, as the Chief Secretary has mentioned, in relation to the permanent postal vote for ill or infirm people. This could be open to considerable abuse, and people could get on to the postal voting roll when temporarily ill and remain there when they could attend a polling booth.

The Hon. A. M. Whyte: You are not only ignorant about the geography of the State, but you know nothing about the Electoral Act, apparently.

The Hon. C. J. SUMNER: Perhaps the honourable member could inform me where I have been ignorant of the Electoral Act.

The Hon. A. M. Whyte: I will do that.

The Hon. C. J. SUMNER: The second part of the amendment could be open to considerable abuse. However, in relation to the 10-day period it would seem that that is more than adequate.

The Hon. M. B. CAMERON: I support the amendment, and I cannot follow the arguments put against it, especially that of the Chief Secretary. I think the holiday has been too long for him!

The Hon. D. H. L. Banfield: The Hon. Mr. DeGaris said I had something about paragraphs (*b*) and (*c*), because the Hon. Mr. Whyte might accept them!

The Hon. M. B. CAMERON: I think the Chief Secretary got lost in his argument. I see great merit in this proposal, because one does not have to be in a remote area of South Australia to have problems with postage and with the Postal Department, although it is not the department's fault. If one is on a mailbag run, there are problems. I know that, because I am on the end of one and it is not easy to get mail at the appropriate times. The mail does not always arrive at the post office in time to get the mail run, and then it could be three days or more before it leaves. As I understand it, an application for a postal vote must be on the appropriate form. The time allowed is seven days. One must first contact someone to get the form to send an application for a postal vote.

The Hon. Anne Levy: You are allowed to keep them in the house, you know.

The Hon. M. B. CAMERON: Pigs might fly, too. The paucity of the argument against this measure is demonstrated by the incredible interjection of the Hon. Anne Levy. I cannot follow that at all. It is just inconceivable to expect people to have postal voting application forms sitting around the house. Heavens above! Time was of the essence in the situation that obtained during the last State election, and it was virtually impossible for people to get their postal votes back in time. This happened in many areas of the State. It is important that people be given an opportunity to vote if it is at all possible and that they are not denied this right because of their infirmity or the distance involved. Many problems have been experienced in the past in relation to the return of postal votes. Government members do not like postal votes, because they do not get a good percentage of them. They would therefore like to wipe them out, if that was possible.

The Hon. C. J. Sumner: That's a disgraceful statement.

The Hon. M. B. CAMERON: It is not. That is the reason for their lack of support for this amendment. I urge the Government to reconsider this matter and to take a statesmanlike approach to it.

The Hon. N. K. FOSTER: I agree with much of what the Hon. Mr. Cameron has said. He would, I am sure, agree that abuses by persons of all political complexions occur under the present system. I have risen to speak to the amendment because I consider that it will increase the opportunities to abuse postal voting. I was not getting confused with what the Hon. Mr. DeGaris said regarding the Federal election. He knows more than I do about the amendments the Whitlam Government moved to try to stop abuses and to provide for mobile voting booths in hospitals. Any honourable member who has had any experience with the competition that exists in relation to postal votes in, say, the Federal Division of Sturt, would know about what I am speaking. These people dwell on the elderly folk in our community.

The Hon. A. M. Whyte: Why don't you speak to the amendment?

The Hon. N. K. FOSTER: I am doing so. If this amendment is carried, and a person entrusts his postal vote to another person canvassing on behalf of any political Party, he will be virtually denying himself that vote. I know of instances in South Australia where ballot-papers have been sent out but those wanting to cast a vote have never seen them. If members opposite were honest, they would tear up this amendment. In this respect, more time should be made available to people between the closure of nominations and the polling day. That would put the matter on a much more honest basis.

The Hon. R. C. DeGaris: Would you vote for that amendment if I moved it?

The Hon. N. K. FOSTER: The Hon. Mr. DeGaris should talk not to me but to the Leader of the Government in the Council. I would not trust the Hon. Mr. DeGaris as far as I could throw this building. For years, he has denied the people a vote of any description, yet now he wants to hold himself out as a great white father of electoral reform. That sort of hypocrisy does not wash with me. It reminds me of the measure that was moved in another place yesterday, and of the question the Hon. Mr. DeGaris asked today. If members opposite want to provide for people in remote areas, they can do so by extending the time in which they can make a postal vote. If we were to have, as has been suggested, a register of the aged and infirm, it would be one hell of a register, because the procedure would be abused. The Hon. Mr. Cameron referred to the end of the mail line. I hardly know of any country member of this Council, another place or of the Federal Parliament who still really lives in the country. That is how much they care about their constituents. I can think of Senator Geoff. McLaren only in the Federal Parliament.

The Hon. J. C. Burdett: I live in the country.

The Hon. N. K. FOSTER: If the Hon. Mr. Burdett considers Mannum to be in the bush, I will accept that he is one member who lives in the country. So, too, does Senator Condor Laucke, if Lyndoch is in the bush. However, most members get out of the bush as soon as they are elected and make frequent trunkline calls, have themselves paged at airports when they are miles away, and so on. If honourable members opposite are honest, they will seek an amendment that will do for these people what ought to be done for them. Honourable members opposite should not introduce amendments that they suggest are honest when they know that the amendments will only perpetuate a rotten situation.

The Hon. J. E. DUNFORD: I have always been concerned when Opposition members, especially those associated with farming interests, put forward propositions that they say are in the interests of the people of South Australia. I have never known Opposition members to put up a proposition that is genuinely in the interests of the people. On this occasion I have to agree that there is some merit in parts of the amendment, and I am very surprised that it comes from the Hon. Mr. Whyte. I have no objection to the parts of the amendment that seek to maximise the vote. I know the back country, because I was born in a farming community.

The Hon. M. B. Cameron: What about Kangaroo Island?

The Hon. J. E. DUNFORD: However, I have never worked on Kangaroo Island, and I do not intend working there either as a politician or as a workman. Unionists are not very popular there. I would not like to live 50 km or more from Kingscote while working for Ted Chapman. I am sure he would have the gall to find out how I was voting. If I had to vote by post, I would wonder whether the mail reached its correct destination.

I have always believed that it is the station owner's responsibility to take station hands to the nearest polling booth; the copy of the federal pastoral award that I have here does not say that. However, the practice to which I have referred has previously been followed in the pastoral industry. Some station hands were not well educated in politics; some were Aborigines, and some were old. They therefore needed assistance to record an honest vote, but they did not want to confer with their employer; least of all, they did not want to give the employer an envelope, containing a postal vote, for him to post. What ought to happen on polling days is what occurred previously. Polling day was not a working day in the industry.

If an Aboriginal employee is taken to a polling booth, he may wish to see the leader of his tribe; or the station hand may wish to see a union representative or a political representative to discuss the election. I therefore see dangers in paragraph (*a*) of the relevant new clause. A grazier cannot be forced to take mail. What is done with mail after it is given to someone is his affair. People should be able to vote in privacy, but there is no private voting under the system outlined by the Hon. Mr. Whyte. I have no objection to some other parts of the amendment.

The Hon. A. M. WHYTE: I said earlier that the amendment was substantially the same as the provisions of section 73 of the principal Act. We have heard a great deal of guff about people being disfranchised by my amendment. In fact, all the qualifications are already in the principal Act. If my amendment is rejected, there are still the same provisions in connection with getting a postal vote, but in many instances one cannot get it in time.

The Hon. C. J. Sumner: What evidence have you of complaints? That is the crucial question.

The Hon. A. M. WHYTE: I refer to the necessary requirements under which a person can now obtain a postal vote, as follows:

(1) An elector who—

(*b*) will not throughout the hours of polling on polling day be within five miles by the nearest practicable route of any polling booth:

(*c*) will throughout the hours of polling on polling day be travelling under conditions which will preclude him from voting at any polling booth:

(*d*) is seriously ill or infirm, and by reason of the illness or infirmity will be precluded from attending at any polling booth to vote, or, in the case of a woman, will by approaching maternity be precluded from attending at any polling booth to vote: or

(*e*) is, by reason of his membership of a religious order or his religious beliefs—

(i) precluded from attending at a polling booth; or

(ii) precluded from voting throughout the hours of polling on polling day or throughout the greater part of those hours . . .

In any of these circumstances a person can obtain a postal vote. My amendment has not altered that provision whatever. The Minister of Lands and the Hon. Mr. Dunford could explain to the Hon. Mr. Sumner that if one were travelling on the Birdsville track the present mail system (it is an airmail delivery) provides only a fortnightly service. If one travelled there, one would have to remain there for a fortnight before one could get a return connection. The situation at Innamincka is the same as in the North-West of the State. I am seeking a provision for the person who knows that he will have to apply for a postal vote. He knows he must prove his situation to the satisfaction of the Electoral Department, but he can then register as a general postal voter. He can do it at any time during the year, and the department, after satisfying itself that his qualifications are valid, can put him on the register as a general postal voter so that, when nominations have been called, that person automatically receives his ballot. It does not matter whether he is infirm or not. The Hon. Mr. Foster referred to crooks, but that has nothing to do with it: provision for a postal vote already exists.

The Hon. D. H. L. Banfield: You want a permanent postal voting roll.

The Hon. A. M. WHYTE: Many people in the Northern Territory were denied a vote at the last Commonwealth elections because they could not get a postal vote in time. The Electoral Act and the Australian Constitution both do their best to ensure that people have a vote, yet this anomaly arose. Much effort is made to ensure that everyone can cast a vote, and that is as it should be. A man's distance from a polling booth should not preclude him from casting a vote.

The Hon. C. J. Sumner: I agree. How many complaints have you received? It there a problem? Surely there is sufficient time for people to obtain and send postal votes under the present system. Normally there is more time available than 10 days.

The Hon. A. M. WHYTE: True, but a month would often be required. That is a long time. One has to send for an application form.

The Hon. C. J. Sumner: A voter could do that immediately there is an announcement of an election.

The Hon. A. M. WHYTE: He has to wait for that news to reach him. The Premier has often threatened a double dissolution of this Parliament, and nothing happens.

The Hon. C. J. Sumner: How many complaints have you received?

The Hon. A. M. WHYTE: I do not know, but I would say I have received about 10 from the North-East of the State. That would reflect the general opinion, but I believe that many people did not write in. Obviously, the Minister was instructed by the Government not to accept this amendment. He has not even read it. He did not know what he was talking about, but I should

like the Minister to give the Committee a good reason why a person who normally has the option of obtaining a postal vote should be placed in this position which excluded his casting a vote. If he thought there was to be an election each time the media suggested one, he would forever be applying for voting papers. The Hon. Mr. Foster and the Hon. Mr. Dunford understand, apparently, the means of doing things with postal votes at infirmaries, which I am surprised to hear. This provision is still there—I am not doing anything with the provision for the postal vote. All I am saying is that people who cannot vote because of the time required for getting a postal vote registered should be allowed to do so.

The Hon. J. C. BURDETT: I support the amendment. I could not understand the arguments of the Chief Secretary. He spoke of people having their names removed from the roll upon their application and about people being precluded from voting. Obviously, he had not read the amendment; it said nothing about any application to remove people's names from the roll or about people being precluded from voting. After all, the Chief Secretary would merely have had to read the marginal note, and not the whole amendment, because the marginal note states "Application for registration as a general postal voter". There was no question of removal from the roll or being precluded from voting or having to be put back on the roll.

The Chief Secretary seems to be worried about the grounds for being placed on a register as a general postal voter, those grounds being place of residence, permanent illness or infirmity, or membership of a religious order or belief. It was difficult to follow the Chief Secretary, because he seemed to think that the whole purpose of the amendment was different from what it was; but it appeared to me that he was worried that a person might apply on one of those grounds and subsequently his situation might change—he might cease to have that residential qualification or to be permanently incapacitated by reason of illness or infirmity, or to be a member of a religious order or belief. If that was the worry, the answer was in the proposed section 73a (7) (to be found on page 4 of the amendments):

The Electoral Commissioner may at any time, other than during the period between the issue of the writs for an election and the return of the writs, cancel the registration of any elector as a general postal voter by notice in writing to that elector.

The Hon. D. H. L. Banfield: The onus is on him.

The Hon. J. C. BURDETT: Yes; no reason had to be given and no ground had to be proved: he could reapply at any time he wished. It should be remembered that, in order to be placed on the general postal voters roll, the applicant had to sign a solemn declaration to the effect that he was permanently incapacitated by reason of illness or infirmity or that he resided in a certain area or that he was a member of a religious order or belief. He had to sign that solemn declaration.

The Hon. D. H. L. Banfield: You are prepared to accept that?

The Hon. J. C. BURDETT: It is accepted already. In order to be placed on the general postal voters roll, he had to sign that solemn declaration. The Hon. Mr. Whyte has drawn my attention to the fact that these things are already set out. The Chief Secretary did not understand this in the first place; the amendments are required to establish a general postal voters roll. The final thing that the Government has overlooked is this. Supposing someone made a declaration and he was placed on the general postal voters roll, and then he ceased to have one of those qualifications—residential, religious, or physical—and he still remained on the roll. All that it means is that he remains on that roll until he is removed. This amendment is moved to give people who are precluded from voting at present a vote. I support the amendment.

The Hon. C. M. HILL: I suport the amendment, first, because I think it will help people who are in far-flung areas and who have been precluded, because of geography, from having their vote registered; also, people who are infirm or have any of the other qualifications listed. They should have this privilege of having the voting papers sent directly to them. I have complete confidence in the Hon. Mr. Whyte's knowledge of the situation in the far distant areas of this State. I regard him as a man of absolute integrity. He does not come forward with an amendment unless it is worthwhile. If the Hon. Mr. Whyte informs me that people have been in touch with him in those far-flung areas, who have been disfranchised by the existing system, I am prepared to accept his word for that. My second point relates to what the Hon. Mr. Burdett said in answer to the main argument raised by the Chief Secretary, and that concerns those people who through illness or religious belief could be enrolled on this general postal voters roll. By the amendment, the roll becomes a public document.

The Hon. N. K. Foster: These very people have driven everyone mad about it; you never let them alone.

The Hon. C. M. HILL: I was making the point that the roll becomes a public document. There is nothing secret about it; it can be inspected by the public, and I see no reason why the Electoral Department cannot periodically write to these people on the roll and satisfy itself whether or not their names should remain on it. If the Electoral Department takes the view that their names should not remain on it (as the Hon. Mr. Burdett has said, it is covered in this amendment), their names can be removed, and no reason need be given. With that procedure available to the Electoral Department, surely all the fears raised by the Chief Secretary that those people who were ill on one occasion and might not be ill at some future date will remain on the roll are groundless. The roll could be kept in a reasonable form. Those are the two points that occur to me: first, my acceptance of the situation as presented by the Hon. Mr. Whyte; secondly, my belief that the roll, as it pertains to those suffering from illness, should be kept in proper order by the Electoral Department.

The Hon. C. J. SUMNER: I believe that every person in the State should have every opportunity to cast a vote. This Party has consistently held that position over the years, and I want to make that perfectly clear. We have that principle on the one hand; on the other hand, we have a possible abuse that may occur as a result of the Hon. Mr. Whyte's amendment. I might be more inclined to accept what the Hon. Mr. Whyte has said at a later stage, and indeed after further investigation the Government might easily see its way clear to accept the amendments, but at this stage I do not believe the Hon. Mr. Whyte has provided us with sufficient evidence. During the contributions of the Hon. Mr. Cameron and the Hon. Mr. Whyte I asked consistently how many complaints they had received and whether any real problem existed, given that, as soon as an election is announced, a letter can be sent requesting an application from and that, as a minimum period (which has occurred only rarely), there is 10 days to get it postmarked by the post office.

The Hon. D. H. Laidlaw: You must still get it down here to get the postmark on it.

The Hon. C. J. SUMNER: This may require further investigation, but at this stage I have not been convinced by the evidence produced that this is a desirable reform, given the other balancing factor that we have to take into account, which is the possibility that this separate roll will increase the likelihood of abuse.

The Hon. R. C. DeGaris: It will remove the likelihood of abuse.

The Hon. C. J. SUMNER: At this stage I oppose the amendment, although I think the situation could be looked at perhaps at some later stage. This Bill is an amendment to the Electoral Act dealing with optional preferential voting, and the amendments of the Hon. Mr. Whyte are completely extraneous to that.

The Hon. D. H. L. BANFIELD: The Hon. Mr. DeGaris said I knew nothing about the situation and then went on to say that what I had just said would perhaps be accepted by the Hon. Mr. Whyte. He said I had no argument, but he thought that if I put a proposition to the Hon. Mr. Whyte in relation to two of the provisions it would probably be acceptable. So much for there being nothing in my argument! It is not my job to put up an amendment. This amendment has been suggested by the Hon. Mr. Whyte. I oppose it on certain grounds. When the Hon. Mr. DeGaris said that the Hon. Mr. Whyte would probably accept some of the points, that was obviously a direction to the Hon. Mr. Whyte from his Leader. Never mind the Hon. Mr. Burdett's saying that I had my instructions; the Hon. Mr. DeGaris has given the Hon. Mr. Whyte his instructions. The Hon. Mr. Cameron said that the Labor Party would wipe out postal voting altogether.

The Hon. M. B. Cameron: That is not true.

The Hon. D. H. L. BANFIELD: I challenge the Hon. Mr. Cameron to indicate any one occasion on which the Labor Party has ever said that or made any attempt to do it. I challenge him to produce evidence of what he said.

The Hon. N. K. Foster: The Hon. Mr. Burdett said that.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Cameron said that it was our policy to wipe out postal voting. At no time has that been our policy, and at no time have we indicated that we do not want every person to vote. Can members opposite claim that they have never desired that a person should not vote? Of course, they cannot make such a claim. During the term of office of the Hall Liberal Government I asked the then Attorney-General how the names of certain people were removed from the roll for the Legislative Council, because people had complained to me that their names had been struck off the roll although they had not moved.

The Hon. N. K. Foster: They struck all the ex-servicemen off, every one of them.

The Hon. D. H. L. BANFIELD: The Attorney-General, in reply, said that the Hon. Mr. DeGaris was the instigator of the move to have those names removed from the roll. If people opposite believe everyone should have a vote and that we should set up a system which could not be abused, how could such action take place? Where is the honesty of people opposite when they try to tell me that we should set up a roll for people to be able to exercise postal votes?

The Hon. C. M. Hill: Have you got—

The Hon. D. H. L. BANFIELD: It is in *Hansard*, and I defy the Hon. Mr. Hill to tell me it is not. The Hon. Mr. Whyte said such a provision was already in the Act, but if that is so why is he moving these amendments?

The Hon. A. M. Whyte: The qualifications are in the Act.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Whyte should make up his mind. The Hon. Mr. Hill says we should help everyone to have a vote. I know that, but I am not in favour of a roll being kept of the names of people who claim to be permanently ill or infirm, claiming that they will never be able to attend a polling booth. The Hon. Mr. Whyte talked of the people on the Birdsville track. We will look at the situation and, if we find an anomaly there, if we find that what the Hon. Mr. Whyte says is really so, we will bring down a Bill to amend the Act. However, he will never convince me that it is desirable for a roll to be set up so that names can be placed permanently on it as a result of one application stating that a person is permanently ill or will be infirm for all time. We will never agree to such an abuse.

After telling us about the Birdsville track, the Hon. Mr. Whyte talked of a rest home in North Adelaide, although he did not name it. However, he did refer to people in rest homes. If a person is not feeling too well on a certain day, he could apply to be put on the roll and his name would be there for all time. Then, members of the Liberal Party, knowing that that person was on the roll, could speak to someone in charge of the infirmary regarding him. So much for the Hon. Mr. Whyte's argument. Although his argument regarding the Birdsville track was all right, that regarding rest homes was not. Because the Hon. Mr. DeGaris agrees that there is some merit in my suggestion that he may accept other amendments, and because the Government does not want everyone in nursing homes to be on the permanent roll of postal voters, I reject the amendments.

The Hon. M. B. CAMERON: I have heard nothing from the Minister of Health that would make me change my mind on this matter. The Minister alleged that I said the Labor Party would abolish postal voting. That is nonsense, because I did not say it. If the Minister cannot find in *Hansard* tomorrow a report of my making that statement, I hope he will apoligise to the Council.

The Hon. N. K. FOSTER: Because of the Hon. Mr. Hill's insistence that I might be correct in stating that members opposite, when in Government, had removed people from the electoral roll—

The Hon. C. M. Hill: You said ex-servicemen.

The Hon. N. K. FOSTER: I was one of them. At the 1965 State election, I was one of the people who was wiped off the roll, yet the Hon. Mr. Hill has the hide to say he is expressing concern about people being denied their right to vote. Many ex-servicemen were denied a vote at an election held during the war when the Playford Government was in office. The South Australian Government made no provision for ex-servicemen to vote at that time. I may be wrong regarding the year, but certainly, without their prior knowledge, people who had been on the roll and who had enjoyed a right to vote for this Council were arbitrarily removed from the roll.

The Hon. R. C. DeGARIS: Two things should be said in reply to the Hon. Mr. Foster and the Minister of Health. First, the Minister said I agreed with his contention. The Minister is unable to understand not only the Hon. Mr. Whyte's amendment but also what I have said in the Council. He is opposed to the Hon. Mr. Whyte's amendment on the one ground of permanent illness or infirmity. Concern has been expressed regarding the people living on the Birdsville track. The Minister is illogical in

opposing the Hon. Mr. Whyte's amendments on one ground. If the Minister is concerned about the matter, I am sure the Hon. Mr. Whyte would be willing to put the three points separately so that the Government could help him overcome his problem regarding people living on the Birdsville track. The Minister's approach, in opposing the total amendment on the narrow grounds of infirmity and permanent illness, is an illogical one. Secondly, it has been alleged that I have unjustly had the names of people removed from electoral rolls. That is untrue.

The Hon. D. H. L. Banfield: I said you were the chief instigator.

The Hon. R. C. DeGARIS: That is also untrue. Every member of this Parliament who is worth his salt constantly examines the electoral roll and, if there are on the roll the names of people who no longer live in the district, this should be pointed out to the Electoral Office.

The Hon. F. T. Blevins: It's snooping on people; that's all it is.

The Hon. R. C. DeGARIS: What nonsense! Although some people had moved from the Millicent district 10 years previously, they were still on that roll.

The Hon. M. B. Cameron: There were hundreds of them.

The Hon. R. C. DeGARIS: That is so.

The Hon. D. H. L. Banfield: And you chose to remove only a couple.

The Hon. R. C. DeGARIS: That is not true. All members examine their electoral rolls to see whether there are on it the names of people who are no longer living in the district. The Hon. Mr. Foster would have done this in the Sturt District.

The Hon. F. T. Blevins: Why?

The Hon. R. C. DeGARIS: Because that is what members of Parliament do—

The Hon. F. T. Blevins: Rubbish!

The Hon. R. C. DeGARIS: —and there is nothing wrong with it. The Electoral Office cannot keep up with all the changes of address, and all members of Parliament do this. If the Chief Secretary wants to allege that I am guilty of any impropriety in relation to things I have done, I should like him to be specific. The allegations he has made by innuendo are grossly untrue. I support the amendment and ask the Committee to do likewise, no argument having been advanced that destroys the idea behind it. I might well ask the Hon. Mr. Whyte whether he would be willing to put the amendments separately so that those who have expressed concern for people on the Birdsville track could vote for the first part of the amendments and so that those who have expressed concern that abuses may occur in relation to the permanent illness and infirmity grounds could also express their views. I make this point: there will be fewer abuses if there is a permanent postal register than there will be in future under the present system.

The Hon. T. M. Casey: That's not true.

The Hon. R. C. DeGARIS: It is true. Polling booths should be established in old folks homes and hospitals at election times. I agree with the Hon. Mr. Foster in connection with that matter. We need to stop this stupidity of people being conned in connection with their postal votes, and people are conned. However, that does not cut across the core of the amendment: there are people in South Australia who, because of the existing system, are unable to record their votes in some elections. I support the whole amendment. However, if the Government wants the various provisions to be put separately, I am certain that the Hon. Mr. Whyte will allow that to be done. Further, I believe that he would drop the provisions relating to permanent illness and infirmity if the remainder were approved.

The CHAIRMAN: It seems that there is some diversity of opinion on the various provisions, and I ask the Hon. Mr. Whyte whether he would like me to put them separately.

The Hon. A. M. WHYTE: Mr. Chairman, I ask that the amendments be put as a whole.

The Committee divided on the new clauses:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte (teller).

Noes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. In order to enable this matter to be considered by the House of Assembly, I give my casting vote to the Ayes.

New clauses thus inserted.

New clause 1i—"Printing of ballot-paper."

The CHAIRMAN: I believe that the amendment proposing the insertion of new clause 1i is the first in a series of amendments. I will allow the Hon. Mr. Whyte to debate the full effect of the whole series of amendments.

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

1i. Section 96 of the principal Act is amended by striking out from paragraph (i) of subsection (1) the passage "each group" and inserting in lieu thereof the passage "the name of each candidate".

The series of amendments deals with the system of voting, and seeks to correct the odious system under which this Council is at present elected. It is termed the list system but, in fact, it is a mongrel system, a conglomeration of the list system and first past the post voting. It does not fit into any category of list systems in the world. I do not know who helped the Government to draft the provisions.

The Hon. N. K. Foster: Your mob broke every convention in the book.

The Hon. A. M. WHYTE: I believe that the correct way for this Council to be elected is by proportional representation and, if we are to have proportional representation, only one system gives a fair value for every vote cast.

The Hon. F. T. Blevins: That's your opinion.

The Hon. A. M. WHYTE: It was the opinion of Ben Chifley, too. Under the present system I am concerned with the fact that a great fraction of the votes cast are not counted. No provision is made for the half quota between the bottom half quota and the full quota. That area is completely overlooked. There is no true passing on of proportional votes as such. My main objection is that it belongs entirely to powerful Party politics. If we want democracy in a country electors must have the right not only to elect a Government that represents them but also there must be a system to allow for a choice of representative.

The Hon. N. K. Foster: To choose them fairly.

The Hon. A. M. WHYTE: Yes.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr. Whyte has the floor and he is moving what is a major amendment to

this Bill. The honourable member should be heard in silence so that his argument can be appreciated by all honourable members.

The Hon. A. M. WHYTE: Under the present system there is a great wastage of votes. No-one could say that it is a fair system. Moreover, it does not make any provision for an elector to choose his representative. In fact, that is almost impossible, because an elector merely ticks a box. If he wants to vote only for half the Labor candidates, or half the Liberal candidates, he cannot do so. The voter can vote only for or against a political philosophy. The Hare-Clark system has operated in Tasmania for many years and provides for every vote cast to have its true preference awarded in order to the next candidate, and there is no wastage whatever. No-one can dispute that.

The Hon. F. T. Blevins: You would get an argument if you examined the last Tasmanian elections. Have you examined the figures, have you seen the proportion of seats the Labor Party won in that situation?

The Hon. A. M. WHYTE: They would have had to be exactly right. I have examined many election results. I am amazed that the Labor Party has so fiercely opposed proportional representation while its smartest members supported it. It was not until Mr. Gair got under the Labor Party's skin that it swung against proportional representation. There is no better way than adherence to the Hare-Clark system to overcome the anomalies in the conglomerate system used in Legislative Council elections now.

The Hon. N. K. Foster: You voted for that when you lacked intestinal fortitude.

The Hon. A. M. WHYTE: I refer to the history of proportional representation in this Council. When I first entered it and said I believed that the stigma that was carried by the restricted franchise could be removed, no-one was willing to listen to ideas involving proportional representation. No members on either side of politics believed that proportional representation would be to the advantage of their Party. That is the point I make about the Hare-Clark system. It is not designed for Parties: it is designed to choose representatives fairly.

Eventually the Hon. Mr. DeGaris began to work on a system of proportional representation, and it was then that Mr. Dunstan realised that this Council would eventually be elected under such a system and he set about designing a system that he believed would assist his Party. This problem can be overcome merely by accepting the amendments. All members opposite have some knowledge of proportional representation. The system I suggest is almost the same as that system used for Senate elections. Most people in the State are familiar with that system and are satisfied with it, except that for the sake of simplicity I have advocated the Tasmanian legislation, which provides for the number of candidates plus one to be voted for to make a voter's paper valid. That is the only variation from the Senate system, under which a voter is compelled to vote for the whole list.

The Hon. N. K. Foster: The New South Wales Liberal Party decided to set up bogus Parties. It had 80 candidates.

The Hon. A. M. WHYTE: That is outside of my amendment.

The Hon. R. C. DeGaris: One votes for 12 candidates?

The Hon. A. M. WHYTE: Yes, that is the system.

The Hon. F. T. Blevins: That is optional preferential voting. I thought you said that was poison. The honourable member should be consistent.

The Hon. A. M. WHYTE: I refer to the famous people who have advocated proportional representation. I have referred to the late Ben Chifley, a former Australian Prime Minister. I refer also to former Prime Minister Lyons. He, too, was regarded with much respect by Australians. Sir Winston Churchill was another prominent politician, who certainly knew what sort of electoral system would produce the fairest result. I am not concerned about the Parties—I want a true representative system.

Members interjecting:

The CHAIRMAN: Order!

The Hon. C. J. SUMNER: This amendment has been moved notwithstanding that this Bill is one to introduce optional preferential voting for the House of Assembly. We are faced with a whole series of amendments.

The Hon. R. C. DeGaris: There was no objection to the instruction to the Committee.

The Hon. C. J. SUMNER: No, but it is a simple Bill, one of small ambit, but there is a series of amendments to the Act that really ranges over the whole electoral basis on which both Houses in this State are elected. The first matter is that the system of which the Hon. Mr. Whyte now complains was introduced into this Chamber only in 1973. Let us make no mistake about it: it was approved by this Chamber, when there were only six Labor members here and 14 members of the Opposition. Yet here we are, 2½ years later, when the system has been tried only once, with honourable members opposite coming back to complain that what they did 2½ years ago was a mistake. Surely at that time, with 14 members to six members, they would have had adequate opportunity to put forward the proposals they desired, but they did not. Surely in the interests of certainty and consistency in the electoral system under which we operate, it is absurd that they should now come back for a second bite at the cherry. On that ground alone, I would not agree to the amendments, because I believe the system deserves a further try beyond what has happened so far. There has been only one election under the system.

The Hon. R. C. DeGaris: You can see the flaws in it, surely.

The Hon. C. J. SUMNER: I do not see many flaws in the system, but it appears that the Hon. Mr. DeGaris did not see them 2½ years ago when this matter was thoroughly debated.

The Hon. R. C. DeGaris: Look at the amendments that were moved in this Chamber.

The Hon. C. J. SUMNER: No doubt, the Hon. Mr. DeGaris would have had an opportunity of voting against the proposals, as all honourable members would have. The record will show that with six Labor members and 14 Liberal members at that time the Bill passed through this Council. It could only have done that if honourable members opposite had agreed to it; yet here they are 2½ years later coming back for another bite at the cherry, complaining about something the ramifications of which were fully thought out and considered at the time, and wishing to change it. The Hon. Mr. Whyte is advocating a proportional representation system for election to this Chamber. Indeed, I understand he believes in a system of proportional representation for both Chambers.

The Hon. R. C. DeGaris: Are you saying there is no proportional representation now in this Chamber?

The Hon. C. J. SUMNER: No.

The Hon. R. C. DeGaris: You have said it.

The Hon. C. J. SUMNER: No; I said that the Hon. Mr. Whyte is advocating a system of proportional representation in this Chamber.

The Hon. R. C. DeGaris: So we have not one now?

The Hon. C. J. SUMNER: We have one now, so I cannot see the merit of the amendment. Admittedly, the present system is a variation of the proportional representation system that operates in the Senate, in that it operates under a list system here; but the Senate system in practice operates in that way, too, in that one votes for a group of candidates. Ours is nevertheless a proportional representation system, and this should give minority groups or individual groups a better chance of election over and above the large Parties. I do not see that these amendments will really break down the Party system in this Chamber, which is what the honourable member wants to do. There is the opportunity under the proportional representation system for the various groups within the community to be represented, whether it is under the proportional representation system proposed by the Hon. Mr. Whyte or the proportional representation list system that exists at the moment.

True, this system is not a so-called pure proportional representation system: there are other features to it. Indeed, it contains many features that often we see only on their own. It is proportional representation, with optional preferential voting, and there is a first past the post allocation at the end; but this does not seem to me to be necessarily undesirable.

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

The Hon. C. J. SUMNER: You say it is unfair: in what way is it unfair?

The Hon. R. C. DeGaris: I will tell you later.

The Hon. C. J. SUMNER: If you put it to me now, I will attempt to answer it.

The CHAIRMAN: It will be better if we follow the usual rules and not have cross-fire.

The Hon. C. J. SUMNER: Yes, but I am asking whether the Hon. Mr. DeGaris will put it to me. Apparently, he has not thought it is unfair so far and is not prepared to put it to me so that I can answer him at the moment.

The CHAIRMAN: The honourable member can answer after the Hon. Mr. DeGaris has put it.

The Hon. C. J. SUMNER: If the Hon. Mr. DeGaris says it is unfair, I can only guess why he says it is unfair: it is probably because he believes the first past the post system is unfair. We can debate day in and day out the various merits of the first past the post system but to say that the first past the post system is any less democratic than the proportional representation system or that the proportional representation system is any less democratic than the first past the post system is a futile argument. I believe they are all a reflection of the community feelings. It is generally considered desirable in the Anglo-Saxon countries, and it has always been a tradition in these systems that the first past the post, single-members constituency system operates for the Lower House.

The Hon. M. B. Cameron: You think that is automatically right?

The Hon. C. J. SUMNER: No, I do not. We can go on arguing about these various systems, about one being more democratic than the other, but it does not achieve much. The British system of first past the post has desirable features. On the other hand, it could be argued that the preferential system has desirable features. In a bicameral system we should try to get systems that are different as between the Houses.

The Hon. R. C. DeGaris: Do you believe that each vote cast should have an equal value?

The Hon. C. J. SUMNER: Yes, I do.

The Hon. R. C. DeGaris: And you will support an amendment to that effect?

The Hon. C. J. SUMNER: We debated this matter before Christmas when the proposals for one vote one value were written into the Constitution. No doubt the Hon. Mr. DeGaris will recall the debate in which I asserted my belief in that system. I was pleased that the Hon. Mr. DeGaris had put on public record finally his commitment to that system. Although I concede that this system of voting is a mixture of voting systems, I do not think that means that it is in any way a defective system; in fact, the optional preferential system is a mixture of systems, first past the post plus a preferential system if we want to use it.

The Hon. R. C. DeGaris: If I can prove to you that this amendment comes close to one vote one value, will you support it?

The Hon. C. J. SUMNER: The Hon. Mr. DeGaris has said the current system is unfair, although he has not told us why he believes that. The fact that it is a mixture of systems does not necessarily mean that it is a bad system, and in fact it is a system different from that operating in the Lower House. The first past the post system operates in Great Britain and in the United States of America and is not considered undemocratic, yet members opposite have always berated members of my Party for our past advocacy of that system, saying that it is undemocratic, when clearly it is not. There are different systems and different views as to the more or less democratic nature of those systems. It is absurd to assert that the United Kingdom and the United States first past the post system is not democratic. I should like to clear up one misconception regarding the Labor Party's policy being a first past the post policy. Our Party now has a platform that asserts optional preferential voting, which is in fact the Bill before the Committee. I oppose the amendment.

The Hon. M. B. CAMERON: I will be opposing this amendment. I believe that the Hon. Mr. Sumner, in the initial part of his speech, perhaps gave some cogent reasons for opposing the amendment. The present system has not been in use for a long period. Parliament debated it at great length, and it was preferred by a majority in this place. If another system was preferred, perhaps that would have been the time for that to have happened. The next opportunity will be after another election, when perhaps attitudes in many quarters will change. Meanwhile, such a massive change in an Act that really is not associated with the subject matter of the Bill would lead perhaps to some controversy. There are some faults in the system and later I will indicate how they can be overcome. I understand why the Hon. Mr. Whyte has introduced these amendments. The list system has a grievous fault: the Party becomes utterly dominant. However, I am not sure that that does not happen in the Senate system, because the Party still organises the list. The purist attitude is that the voter still has the opportunity to vary from the Party, although in reality few do it and I do not know of any case in which it has made a difference to the result.

The Hon. R. C. DeGaris: It has done so on many occasions.

The Hon. M. B. CAMERON: That point perhaps could be raised at some other time. I do not believe that the Party should have the dominant role in an electoral system, but in reality that is what occurs. Members are chosen almost to a total extent by Party machinery.

although some Party machinery is more restrictive than others in the preselection of candidates. It is unfortunate that, in an Upper House, Parties have reached this dominant role. There may be a problem with double dissolutions in the system proposed by the Hon. Mr. Whyte in that there would be a huge number of candidates, even though only three Parties might be involved. I am not indicating complete opposition to the idea, because obviously it works in the Senate at the moment, but I believe we should stick to this system for at least one more election, because Parliament went through the traumatic business of changing the whole system in recent times and at present no great outcry exists for change, although that may be the case after the next election.

The Hon. R. C. DeGaris: I am rather disappointed in the attitude of the Hon. Mr. Sumner and the Hon. Mr. Cameron. We have heard much in the past few years about one vote one value and yet here is a system put up by the Hon. Mr. Whyte that will provide it. It is not the first time that members have talked about one vote one value and had an opportunity to adopt it, and then run away from the principle. The only time one vote one value has ever been introduced in this Parliament was in this Chamber by Liberal members. It has always been opposed by those people in the community who most loudly espouse the conviction of one vote one value.

The Hon. C. J. Sumner: When was it introduced?

The Hon. R. C. DeGARIS: The Hon. Mr. Foster asked me that some time ago and my reply was included in *Hansard*. If the honourable member wants the exact dates I shall provide them for him. On three occasions I have moved amendments in this place to Bills to provide one vote one value, to provide that every vote passed has the same value, and Labor Party and other members in this House have crossed the floor to vote against it.

The Hon. C. J. Sumner: What system?

The Hon. R. C. DeGARIS: Proportional representation.

The Hon. F. T. Blevins: Was that 10 country and 10 city members?

The Hon. R. C. DeGARIS: That is not one of them, but it is closer to one vote one value than the present system. We are not dealing in this amendment with districts, but we have before us two complex sets of amendments dealing with the same subject. Both sets of amendments are on file and both amend the same section of the principal Act. To enable this debate to flow freely, it will be necessary to refer to both sets of amendments when discussing the first amendment moved by the Hon. Mr. Whyte. His amendment provides for dispensing with the list system of voting for the Legislative Council and, necessarily, adopts a different means of counting the votes when cast. The Hon. Mr. Cameron's amendment preserves the existing list system but adopts a means for counting expressed preferences, which are denied under the provisions of the present Act. I challenge the Hon. Mr. Sumner to stand up and say that he agrees with the principle that a person can cast his vote, but with the Act denying the right for that vote to be counted as it is cast.

The Hon. C. J. Sumner: It is counted.

The Hon. R. C. DeGARIS: No, it is not. I ask the Hon. Mr. Sumner to stand up and say he agrees with the situation in which a person expresses a vote in the form of preferences and is then denied the right to have that preference counted. The genesis of the list system occurred with a television debate between the Premier and me, and it is appropriate that I refer to the statements made by the Premier during that debate, where I said:

Now, I will admit that, if you want true "one man, one vote, one value" in South Australia, there is only one system which will provide mathematically this particular concept—and that is an electorate over the whole of the State. There is no question about this; the mathematicians, the political scientists, tell you that this is so.

Mr. Dunstan then said, "That is what I said," after which I said:

We asked that the Government make its proposal to us, and the Government dismissed it out of hand. Now I still claim and I still know that I'm right when I say that proportional representation is the only way that you can have "one man, one vote, one value", and we have agreed to consider any question as long as proportional representation voting is included in that proposal.

The first mention of an electorate containing the whole State and of proportional representation was made during that debate, when the Premier said he agreed with that proposal. I continued in the debate, as follows:

We are prepared to accept adult franchise but on the grounds that the electoral system is absolutely fair and every group in the community has an opportunity to be represented in the Parliament of the State.

Finally, what appears on the last page of the transcript of that debate makes odd reading. I claimed that every vote should count equally, after which the debate continued as follows:

MR. DUNSTAN: Mr. DeGaris, when we can get you to agree . . .
MR. DEGARIS: I'll agree to that.
MR. DUNSTAN: There will be everybody enrolled . . .
MR. DEGARIS: Yes. An equal . . .
MR DUNSTAN: . . . for the Upper House and that each . . .
MR. DEGARIS: . . . that each vote will count equally.
MR. DUNSTAN: . . . each voter can have an equal and effective say in the Upper House, then we'll start to get somewhere.
MR. DEGARIS: Well, we've already reached that point.
MR. DUNSTAN: I fail to see that.
MR. DEGARIS: I'll tell you. You will not accept it.
MR. DUNSTAN: Nonsense.

We do not have votes of equal value under the present system and, following that television exchange, the Government introduced a Bill dispensing with boundaries for the election of Legislative Councillors and electing the Council on a State-wide basis. However, the voting system that the Government introduced in that Bill did not fulfil the promise made by the Premier to the people of South Australia during the television debate.

The system that was introduced prevented an elector from voting for a person to represent him. The system provided for the destruction of the votes of a group polling under 4 per cent of the total vote. The system provided for optional preferential voting, but the Bill prevented preferences from being counted even when they were expressed.

The Hon. N. K. Foster: It did nothing of the sort.

The Hon. R. C. DeGARIS: That is not true.

The Hon. C. J. Sumner: Not all the preferences.

The Hon. R. C. DeGARIS: When the Bill was first introduced, preferences were not counted. All votes for groups polling under 4 per cent of the total vote were destroyed and never counted. That was provided for under the Bill that was introduced. Some honourable members will be able to remember the emotional pressure that existed at that time. I can say with pride that this Council, under extreme pressure, moved an amendment to produce one vote one value, where every vote had the same value. It returned that Bill to another place under threat of double dissolution, only to find that the Lower House and Government members in this place opposed the concept of votes of equal value.

My attitude on this matter has been clear. I have expressed the same attitude in relation to optional preferential voting provided for in this Bill. I am opposed to it. However, there is a constitutional provision at which I must take a second look. I have already explained this in my second reading explanation, and exactly the same position obtained under the Bill that was introduced previously. At the conference that ensued, we came down with a compromise that at least prevented this Government destroying probably 15 or 20 per cent of the votes that were cast.

The Hon. C. J. Sumner: That's unfair.

The Hon. R. C. DeGARIS: It is not unfair. The first Bill that came into this Council provided for a destruction of all votes for any group polling less than 4 per cent of the total vote. They were destroyed and never counted.

The Hon. C. J. Sumner: They were counted.

The Hon. R. C. DeGARIS: They were counted if one takes "counted" to mean, "One, two, three, four", but they never counted in relation to the election of a member.

The Hon. F. T. Blevins: Of course they did.

The Hon. R. C. DeGARIS: They were destroyed. During the conference, we achieved some improvement in relation to that Bill, but it did not satisfy members of the Council or the principle of one vote one value, of which we have heard so much from Government members and others in this Chamber. The droop quota was used in a first past the post voting system, which mathematically produces an over reward for the major Party or Parties. I defy any honourable member to show me any other proportional representation system in the world where the droop quota is used and preferences are not counted. All that does is create a mathematical gerrymander of perhaps up to 10 per cent in favour of a major Party. Nowhere else in the world can one find the droop quota used where a first past the post voting system is used.

As the Bill exists now, it does not fulfil the Premier's undertaking given in the television debate: votes in Legislative Council elections do not have an equal value. Indeed, some votes have a value grossly in excess of equality, and other votes have no value at all. And this is supposed to be a proportional representation system providing for equality of vote value! The irony of all this is that those who have been most vociferous in their demands for one vote one value are the very ones who meekly cross the floor and vote against it at the very time when they have the opportunity to vote for the principles that they tell South Australians they espouse. We are going to see this again. The system that we have here does not exist anywhere else in the democratic world, to my knowledge. It reflects no credit on this State.

Criticism can be levelled at the system on many grounds. First, a voter is given the option of expressing his preference for the group or groups of his choice. Then, the system, in most cases, denies the voter the right to have his preferences fully counted. No honourable member can deny that that is the position: a voter can express a preference and then not have the preference counted. The second criticism that can be levelled at the system is that it denies the voter the right to vote for or against a person. This is a fundamental denial of the right of an individual to vote as he sees fit. The voter should have the right to cast his vote for or against the candidate. However, actually, he has to vote for or against a group of seven: he cannot select from that group whom he wants to select.

The third criticism is that the system allows for a majority to be elected from a group, although that group does not enjoy 50 per cent support in the community. At the last State election, the Australian Labor Party gained 54 per cent or more of the number of members with about a 48 per cent vote in the Legislative Council election; that masquerades under a so-called one vote one value principle, with everyone having an equal say! That system cannot be justified by Government members, who have claimed to be protagonists of the one vote one value case.

Any proportional representation system that allows a group polling, say, 46 per cent of the vote to achieve a majority is an absolute denial of the principle of proportional representation. In single-man electorates, such positions can occur. In single-man electorates, a Party polling, say, 46 per cent of the vote can achieve a majority, owing to the vagaries of a single-man electorate system. But to adopt a system where an election is held, with the whole State voting as one electorate, and allow the near certainty of the minority achieving a majority under a system that purports to be proportional representation, one vote one value, and an equal say, is to perpetrate the ultimate in mathematical malapportionment.

Both the amendments on file seek to overcome this miscarriage of electoral justice. One amendment, that of the Hon. Mr. Whyte, overcomes this miscarriage of electoral justice absolutely. Not one honourable member can say that the Hon. Mr. Whyte's amendment does not produce a system where every vote cast will have an exact and equal value. If a system, such as the present system, gives a group a majority with less than 50 per cent support, there is a mathematical malapportionment; no-one can deny that.

The Hon. C. J. Sumner: That is because you do not get on with the Hon. M. B. Cameron.

The Hon. R. C. DeGARIS: The honourable member cannot deny that any system that gives a majority to a minority is a gerrymander of some sort. The Hon. Mr. Whyte's amendment cures the anomaly absolutely. The other amendment, that of the Hon. Mr. Cameron, overcomes the miscarriage of electoral justice only partially.

The Hon. C. J. Sumner: If you had got 1 per cent more of the vote in the last State election you would have got one more candidate.

The Hon. R. C. DeGARIS: That point is not valid. If a Party is in a majority (at the last election the Labor Party did not poll a majority), or if the Parties who are not in the majority do not have 50 per cent or more of the vote but yet achieve a majority, then no-one in this Council can deny that there is a mathematical malapportionment.

The Hon. D. H. L. BANFIELD: As much argument has been advanced, and in case honourable members want to change their views on this matter, I ask that progress be reported.

Progress reported; Committee to sit again.

LONG SERVICE LEAVE (CASUAL EMPLOYMENT) BILL

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

BUILDING SOCIETIES ACT AMENDMENT BILL

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

HEALTH ACT AMENDMENT BILL

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

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Thursday, February 5, at 2.15 p.m.