LEGISLATIVE COUNCIL

Thursday, February 5, 1976

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

QUESTIONS

PENANG WEEK

The Hon. C. M. HILL: I direct my question to the Chief Secretary, the Leader of the Government in this place. It relates to the Premier's recent visit to Penang, about which the Chief Secretary made some comments yesterday.

The Hon. D. H. L. Banfield: In reply to a question, do you mean?

The Hon. C. M. HILL: First, can the Chief Secretary ascertain whether the Penang area in which the South Australian Government hopes to promote sales of South Australian manufactured household appliances is a duty-free area as far as the Japanese Hitachi company is concerned? Secondly, will the proposed exports of South Australian household appliances to Penang benefit from any duty-free arrangements in Malaysia?

The Hon. D. H. L. BANFIELD: I make it quite clear, so that there is no misunderstanding, that the remarks I made about Penang yesterday were following questions by the honourable member.

The Hon. C. M. Hill: They were not in answer to the questions.

The Hon. D. H. L. BANFIELD: The fact remains that they were following questions asked by the honourable member, so I do not want it to be thought that I got up and made comments about Penang off my own bat. There will be no problem about obtaining the answers to these questions, and I shall be happy to do so.

NOISE POLLUTION

The Hon. M. B. CAMERON: I seek leave to make a brief statement prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: Late last year there was a report in a South Australian newspaper about the introduction of legislation to control noise pollution. At that time, as I understand it, the Chief Secretary, representing a Minister in another place, indicated that legislation was due to be introduced shortly, that it was almost drafted, and that we could expect to see it within the next six months. We have gone through another summer with the problem of noise pollution that obviously arises in the summer months, with air conditioners, lawn mowers, and goodness knows what else, and so far there has been no move to introduce this legislation. Can the Chief Secretary indicate when it is likely that noise pollution legislation will be introduced?

The Hon. D. H. L. BANFIELD: The position is that the Government is still looking at this matter; it has not been shelved in any way; and we shall be introducing legislation as soon as possible.

FURTHER EDUCATION

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

Leave granted.

The Hon. M. B. DAWKINS: Honourable members will be aware that for some considerable time teachers in the Education Department have been able to study in further education classes without the payment of fees. My question refers to these facilities which previously were available to teachers in the Education Department to attend these classes without payment. It is widely known that, whilst fees have been abolished in a number of instances at further education centres, in other instances they have been substantially increased, and I am informed that teachers are now required to pay them in these cases. Is it a fact that a recent Cabinet decision abolished these concessions to Education Department teachers; if so, why does the Government wish to deprive the teaching profession of this assistance; is it prepared to consider the reintroduction of the concession as soon as possible?

The Hon. B. A. CHATTERTON: I will refer the honourable member's questions to the Minister of Education and bring down a reply as soon as possible. I should like to make a point following a matter mentioned by some other honourable members, including the one who has just resumed his seat. Although the department is now the Agriculture and Fisheries Department, I believe that the portfolios I hold are still the separate portfolios of Minister of Agriculture, Minister of Fisheries and Minister of Forests. I cannot explain why this should be so, but that is the position.

PARLIAMENTARY CONVENTIONS

The Hon. J. A. CARNIE: I seek leave to make a brief statement before directing a question to the Chief Secretary.

Leave granted.

The Hon. J. A. CARNIE: On October 16 last year, the Chief Secretary moved a motion condemning a certain action of the Federal Senate. This action was a breaking with constitutional convention, and the Chief Secretary condemned it as a shameful and improper action. I wish to refer to another Parliamentary convention, that of the replacement of retiring Upper House members. On June 21, 1973, the Constitution Act Amendment Bill concerning Legislative Council elections was debated in this Chamber. Clause 7 of that Bill dealt with the replacement of retiring or dead Councillors. In reference to that clause, the then Leader of the Government, Hon. A. F. Kneebone, said:

> Finally, it is assumed that in relation to choosing of members to fill casual vacancies, a long observed convention in relation to choosing of members of the Senate will be observed so that a person chosen to fill a casual vacancy will, so far as possible, be a person of the same political complexion as his predecessor.

I ask the Chief Secretary, as the present Leader of the Government in this place, whether the Government will carry out the assurance given then, and give an undertaking now that, if any vacancy in the Legislative Council is caused due to ill health, an appointment outside of Parliament, or death, that member will be replaced by a person of the same political persuasion.

The Hon. D. H. L. BANFIELD: On looking around, I see that everyone looks well, happy and healthy. We look forward to the retirement of members opposite so that we can test the feeling of people outside but, if it is a matter of filling a casual vacancy, there has been no change in policy from the assurance given by the previous Chief Secretary.

The Hon. N. K. Foster: The question should have been asked of the Liberals.

The PRESIDENT: Order!

The Hon. N. K. Foster: It was the Liberals who were the guilty people across the Commonwealth.

The PRESIDENT: Order! The honourable member must realise that this is Question Time. Interjections are out of order.

AGRICULTURE AND FISHERIES DEPARTMENT

The Hon. C. M. HILL: Can the Minister of Agriculture say whether the Government has as yet appointed a new Director of Agriculture; if not, how long has the department been without a Director, and when does the Minister expect that one will be found; is it fair to senior departmental officers within his department that this state of affairs should continue, as these officers might naturally expect some promotion when the appointment is made; is it fair, in his view, to agricultural interests throughout the State that they should be treated in his way?

The Hon. B. A. CHATTERTON: I explained, in reply to a question on a similar topic last year, the reason why the position of Director of Agriculture was vacant, and also the position of Conservator of Forests. Pending action on the Corbett report on the Public Service, it was not intended to fill these positions until it was decided, following the recommendations of that committee, whether the Agriculture Department (as it was then) and the Woods and Forests Department should be merged. The decision has been taken that they should not be merged, and so the position will be filled shortly. The Public Service circular has already carried a notice stating that applications are being sought for the positions of Director of Agriculture and of Director of the Woods and Forests Department. Advertisements calling for applications for appointment to these positions will appear in the national press later this week.

The Hon. C. M. HILL: Does the Minister favour the recommendation contained in the Corbett report that the fisheries portfolio should merge with the environment portfolio?

The Hon. B. A. CHATTERTON: No, I do not favour that, and that recommendation has not been accepted by the Government. In fact, the Fisheries Department has been merged with the Agriculture Department to form the joint Agriculture and Fisheries Department. The report also recommended the merging of the Woods and Forests and Agriculture Departments, but that recommendation has not been accepted, either. The two departments will therefore remain separate, and we will be looking for permanent heads for both those departments. Later this week, the positions will be advertised in the press.

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

Leave granted.

The Hon. M.B. DAWKINS: I have been pleased to note that recently the Department of Agriculture and Fisheries has moved to up-to-date and adequate quarters in a new building. I believe that some parts of the department still have to move from the old substandard building in Gawler Place. The Minister of Lands as a former Minister of Agriculture will know that for a considerable time I have been concerned about the question of better accommodation for the Agriculture Department. I also believe that the Minister of Agriculture himself will move into the new building in due course. Can the Minister say whether the whole of the metropolitan division of the Department of Agriculture and Fisheries will be housed in the new building? Further, will the department be permanently housed in the new building and, if not, for how long is it planned that the department will be in the building?

The Hon. B. A. CHATTERTON: It is intended to house the whole of the Department of Agriculture and Fisheries in the new accommodation except, of course, for the research people, who will remain at Northfield, and the staff associated with that facility. I intend to move my office into the new building. The only part of the department's staff for whom we have not yet finalised accommodation is the research people associated with the fisheries branch. The administration of fisheries will be in the Grenfell Street building, as well as the people in what was the Agriculture Department.

TOTALIZATOR AGENCY BOARD

The Hon. ANNE LEVY: Late last year, legislation reconstituting the Totalizator Agency Board was passed. Will the Minister of Tourism, Recreation and Sport say whether the new board has yet been appointed and, if it has, who are its members?

The Hon. T. M. CASEY: The establishment of the new Totalizator Agency Board, as provided for in the legislation passed last year and comprising five members, has been approved and assented to. The Chairman of the previous board, Mr. Max Dennis, has been retained as Chairman of the new board; its Deputy Chairman is Mr. Merv Powell, who has for some time been a committee member of the South Australian Jockey Club, from which position he will resign within the next few days, being unable to hold a position with a racing club and be a member of the Totalizator Agency Board. The other three members have been recommended by their respective organisations. The present Chairman of the South Australian Jockey Club, Mr. Bob Lee, who was on the previous board, has been appointed; Mr. Raymond Rees, Chairman of the South Australian Trotting Control Board, has also been appointed to the board, as has Mr. Brian Johnstone, President of the Adelaide Greyhound Racing Club.

WAGE INDEXATION

The Hon. J. R. CORNWALL: In the temporary absence of my colleague, the Hon. Mr. Sumner, I ask the Minister of Health whether he has a reply to the question asked by that honourable member on February 3 regarding wage indexation.

The Hon. D. H. L. BANFIELD: The Minister of Labour and Industry agrees with the reply I gave the honourable member on February 3. Regarding the first question the honourable member asked, the first advice of the Federal Government's current approach to the wage indexation guidelines was given at a meeting of Labour Ministers of all States in the Commonwealth held in Canberra last Friday afternoon. The Minister of Labour and Industry immediately expressed his strong concern at the implication of the decision and was supported in this by the Ministers of all States except Western Australia at that conference. Despite this, the Federal Cabinet refused to modify its approach.

DIRECTOR OF LANDS

The Hon. C. M. HILL: My question is something like my question about the appointment of a new Director of Agriculture. Has a new Director of Lands been appointed yet? If not, for how long has the office been vacant, and does the Minister of Lands agree that the delay must have an unsettling effect on his department, when a high office such as this remains vacant for such a long time?

The Hon. T. M. CASEY: The office of Director of Lands has not been filled at this stage. Here again, the whole question of the appointment of a Director of Lands

is tied up with the question of what other departments will come within the Lands Department. I understand that this matter has been finalised, and I hope that a new Director of Lands will be appointed soon. Just when this will happen I cannot say, but the Public Service Board is working on it.

JOINT HOUSE COMMITTEE

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

That pursuant to the Joint House Committee Act, 1941, consideration be given to the appointment of a representative of the Legislative Council on the Joint House Committee in place of the Hon. Jessie Cooper (resigned).

Motion carried.

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

That pursuant to the Joint House Committee Act, 1941, the Hon. J. A. Carnie be appointed to be one of the representatives of the Council on the Joint House Committee in place of the Hon. Jessie Cooper (resigned).

I should like to take this opportunity to express my appreciation for the services rendered to the Joint House Committee by the Hon. Jessie Cooper, who was a member of the committee for several years. The honourable member has reasons for resigning but, nevertheless, while she was a member of the committee, she was a valued representative of this Council, and I take this opportunity of thanking her for the services she rendered while representing this Council on that committee. I commend the motion to the Council.

Motion carried.

LONG SERVICE LEAVE (BUILDING INDUSTRY) BILL

Second reading.

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

That this Bill be now read a second time.

There are three Bills listed on the Notice Paper for second reading today but the Bills are not yet available. I understand that the Government Printer will be delivering them on the 4 o'clock delivery, but I would like to give the second reading explanations now. Although the Bills are not yet available, the Council can discuss them on Tuesday. If the Bills have not arrived by 4 o'clock, I will offer no objection to a further adjournment, but I hope that there will be no objection by members opposite to my now giving the second reading explanations.

In the 1973 policy speech, the Premier indicated that a scheme for long service leave benefits for casual and building workers based on the aggregation of their service in industry would be provided. In pursuing its policy of improving the conditions of employment of the workers of South Australia, the Labor Government believes it to be essential to provide long service leave for workers in industries where the nature of employment precludes the accrual of entitlements to long service leave or where such accrual is difficult for one reason or another.

The building and construction industry is an example of one such industry. A worker in that industry may have every intention of remaining with the one employer for the whole of his working life, or at least sufficiently long to accrue long service leave rights. Because of circumstances beyond his control, such as a down-turn in the industry or the loss of a large contract by his employer, the worker finds his services terminated short of the qualifying period to accrue any long service leave. The Government intends that, so long as a worker who finds himself in that position remains in the appropriate industry, albeit with another employer, subject to certain conditions he will be able to count each period of service in the industry towards long service leave credits. The Bill, therefore, provides a form of portability of long service leave credits within the industry.

Cabinet approved the formation of a committee to undertake a detailed examination of the financial arrangements and administrative requirements necessary to implement such a scheme. The committee was tripartite in membership. The Chairman was Mr. M. C. Johnson (Assistant Secretary for Labour and Industry), and members were Messrs. W. R. J. Eglinton and F. V. Gosden representing the United Trades and Labor Council; Mr. J. H. Evins, representing the Master Builders' Association; Mr. C. W. Branson, representing the Chamber of Commerce and Industry; Mr. P. D. C. Stratford, the Public Actuary; and Mr. R. Ruse of the Premier's Department.

The task given by the Government to this committee proved to be extraordinarily complex, mainly because of the diversity, scope and size of the casual work force across all industries. Much time was spent therefore by the committee in discussion with leaders of appropriate sections of the trade union movement, as well as employer and Government organisations. As well, every opportunity was extended to all unions and employer organisations to put points of view to the committee. I pay a tribute to the committee for the manner in which it was able to reach the point where it could recommend a course of action to the Government, bearing in mind the wide representation on the committee, the many different points of view put before it and the ramifications of the task it was set.

Some reliance was placed on proposals and schemes operating in other States. Tasmania has had a scheme covering building and construction workers in operation since 1971, whilst in New South Wales a similar scheme came into operation on February 1, 1975. Similarly, the Victorian Parliament passed enabling legislation to introduce such a scheme earlier this year, but that Act has not yet been brought into operation. In order to give the committee access to all possible information on the operation of such schemes, the Public Actuary was sent to other States to examine at first hand the administrative systems implemented or under consideration in those States. His report proved very helpful to the committee and enabled pitfalls encountered in the other States to be avoided.

After a brief debate in the other place, the Bill, as introduced, was referred to a Select Committee consisting of seven members for inquiry and report. This Bill that I now introduce is in the form that was unaminously recommended by that committee. It is confined to granting long service leave benefits to casual workers in the building industry and does not apply to other industries, as the Government had originally intended. The Bill provides for a levy on employers of 2½ per cent of the total wage paid to workers in the building industry, which is to be paid into a fund to be administered by a Long Service Leave (Casual Employment) Board. From this fund will be paid the long service leave entitlements as they become due. In so far as is practicable, this Bill provides entitlements similar to those of more permanent employees under the provisions of the South Australian Long Service Leave Act, 1967-1972.

Clauses 1 to 3 are formal. Clause 4 sets out the definitions used in the measure and is generally self-explanatory. Clause 5 formally binds the Crown. Clause 6 provides for the exclusion of the Long Service Leave Act to service to which this measure will apply. Clause 7 sets up a board by the name of the Long Service Leave (Building Industry) Board and provides that the board shall be constituted of five members, one of whom shall be the Chairman, nominated by the Minister; two representing the interests of employers, and two representing the interests of employees. Subclause (6) of this clause provides for the appointment of "standing deputies" of members. Clause 8 is a provision in the usual form providing for the incorporation of the board. Clause 9 at subclause (1) provides for the removal from office of the members by the Governor and is in the usual form; and at subclause (2) permits the "nominating authority", as defined, to remove the member nominated by it. Clause 10 provides for the occurrence of casual vacancies. Clause 11 provides for procedure at meetings of the board. Clause 12 provides for the payment of fees and allowances of members.

Clause 13 is a provision in the usual form to ensure that acts of the board are not subsequently found to be invalid. Clause 14 provides that the board may make use of the services of officers who are employees of the departments of the Public Service, and is again in the usual form. Clause 15 establishes a Long Service Leave (Building Industry) Fund and provides that contributions will be paid into the fund and benefits will be paid out of the fund. Clause 16 provides a general power of investment of moneys standing to the credit of the fund. Clause 17 provides that the board, which will have the administration of the fund, may borrow money for the purposes of the fund, secured by guarantee from the Treasurer. Clause 18 provides for an appropriate actuarial investigation into the state and sufficiency of the fund and is in the usual form.

Clause 19 is an audit provision in the usual form. Clause 20 provides for the making of annual reports on the administration of the measure by the board. Clause 21 provides for the making of returns under the measure in relation to workers. Clause 22 provides that each employer will pay monthly into the fund to the Commissioner of Taxes the prescribed percentage of the wages paid to his workers. Clause 23 will enable arrangements to be entered into by employers who have only a small pay-roll to make these returns and contributions at intervals greater than one month. Clause 24 enables the Commissioner to make repayment of any overpayment.

Clause 25 enables employers to use any trust funds that may be under their control for the purposes of providing long service leave benefits to their employees, to make contributions to the fund. Clause 26 deals with the situation of a worker who prior to becoming a worker had an actual entitlement to long service leave under the Long Service Leave Act. The effect of this clause is to preserve that worker's entitlement. Clause 27 deals with the situation where a worker on becoming a worker was not entitled to leave under the Long Service Leave Act but had service with his employer sufficient, had he continued, to entitle him to long service leave under that Act. In that case, that worker will receive a credit in the fund for that service. Clause 28 imposes on an employer an obligation to make a payment to the board in respect of the service credited pursuant to clause 27 of this Act. Provision is made in this clause for that obligation of the employer to be discharged in monthly instalments.

Clause 29 provides that each employer shall annually forward to the board a return setting out the service of each worker during that financial year. Clause 30 provides for the issue by the board of certificates of effective service for the purposes of this Act, the certificates, of course, being based on the returns received from the employers. Clause 31 provides for the payment of 13 weeks "ordinary pay", as defined, as soon as the worker achieves 120 months effective service. Clause 32 provides that at a time mutually agreed upon a worker who has received a payment referred to in relation to clause 31 shall be entitled to be absent from his employment for 13 weeks. Subclauses (2) and (3) place restrictions on the worker engaging in employment during the period he is entitled to be absent and are analogous to the restrictions contained in the Long Service Leave Act. Clause 33 authorises certain pro rata payments and again is analogous to the provisions contained in the Long Service Leave Act.

Clause 34 deals with the situation where by reason of his promotion a former worker becomes subject to the Long Service Leave Act, and requires the board to make a contribution to his employer should that employer later become obliged to grant long service leave in respect of service performed while his employee was a worker. Clause 35 sets out the powers of inspectors and is in the usual form. Clause 36 provides for the keeping of records. Clause 37 provides for the declaration of "ordinary pay" for a worker, and it is on the basis of the amount from time to time declared that payments will be made from the fund. Clause 38 is intended to guard against the possibility that an employer may discharge an employee in anticipation of that employer incurring a liability under the proposed measure. Clause 39 provides for the reasonable costs of the administration of this Act to be paid out of the fund. Clause 40 is a provision in the usual form relating to summary proceedings. Clause 41 is a regulation-making power.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

BUILDING SOCIETIES ACT AMENDMENT BILL

Second reading.

The PRESIDENT: I point out to the Minister of Health that he may ask for the explanation of the clauses of the Bill to be inserted in *Hansard* without his reading it.

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

That this Bill be now read a second time.

It is designed to enable building societies to act as agents of the Aboriginal Loans Commission. The commission is established under the law of the Commonwealth and its object is to enable Aboriginal persons to obtain housing loans on advantageous terms. An agreement has been reached between the commission and South Australian building societies under which the societies will act as agents for the commission in granting and servicing loans to Aborigines. This Bill is designed to ensure that building societies have the necessary legal competance to carry out the terms of this agreement. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the amendment will be retrospective to the date of the commencement of the Building Societies Act. This amendment is desirable because certain building societies have already granted loans

in pursuance of an arrangement with the commission. Clause 3 empowers a building society to act as an agent of the commission.

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

HEALTH ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It makes amendments to the principal Act, the Health Act, 1935-1973, relating to a number of different matters. It provides for a term of office of two years, with eligibilty for reappointment, for members of the Central Board of Health other than the Chairman or the elected members. This term corresponds to the term of office of the elected members. In accordance with a recommendation from the Central Board, the Bill proposes amendments to bring the audit requirements of the principal Act into line with those in the Local Government Act. The Bill provides greater powers to control pig-keeping by preventative means following requests from a number of local boards of health. Finally, the Bill makes provision for the licensing of pest control businesses and the certification of persons who act as pest controllers. This proposal was prompted by the health risks associated with unregulated use of pesticides, which are generally of a toxic nature, and is supported by the industry. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 provides that the Act come into operation on a day to be fixed by proclamation. Clause 3 amends section 3 of the principal Act, which sets out the arrangement of the principal Act. The subheadings to Part VIII—Sanitation, no longer accurately describe the provisions subsumed under them. Clause 4 inserts new sections 14a and 14b which fix a term of office for appointed members of the Central Board of Health and provide for vacation of office.

Clauses 5 and 6 amend sections 33 and 34 of the principal Act to provide for one auditor to audit the accounts of local boards of health only once in each year. Clause 7 removes the first subheading to Part VIII—Sanitation. Clause 8 provides a new section 88 of the principal Act and confers powers on local boards to enable them to more effectively control the health aspects of piggeries. Clauses 9 and 10 remove the second and third subheadings to Part VIII of the principal Act. Clause 11 effects a metric conversion amendment to section 123 of the principal Act, which provides that all new buildings, if they are within a municipality or township or are on an allotment of not more than five acres, shall have drainage as required by the local board of health. The relevant area will now be two hectares, which equals 4·942 acres.

Clause 12 makes an amendment to section 129 of the principal Act, which was overlooked in 1972 when provision was made for the fee payable by local boards to medical practitioners to be fixed by regulation. Clause 13 amends section 146q of the principal Act to put beyond doubt the power to require licences in respect of the import and transport of radioactive substances. Clause 14 makes provision for the licensing of persons carrying on the business of pest controller, the certification of persons acting as pest controllers, and the regulation of the possession and use of pesticides. Clause 15 makes consequential amendments to section 147 of the principal Act relating to the making of regulations.

The Hon. C. M. HILL secured the adjournment of the debate.

SOUTH AUSTRALIAN MUSEUM BILL

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

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

In Committee.

(Continued from February 4. Page 2077.)

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

The Hon. R. C. DeGARIS (Leader of the Opposition): We are dealing with two amendments on file: one by the Hon. Mr. Whyte and the other by the Hon. Mr. Cameron. The amendment of the Hon. Arthur Whyte adopts the tried and accepted principle of proportional representation voting and overcomes all the problems to which I referred yesterday. His amendment dispenses with the group or list system, allowing the elector a choice of the people who are going to be elected to the Council. I pose this question to every honourable member: can there be any argument against this principle? Secondly, a person who expresses a preference in his voting will be assured of having his preference counted to its full value, something that does not exist in the present legislation. Thirdly, in relation to the Hon. Mr. Whyte's amendment, every person who will be elected to this Chamber will be elected in his or her own right, individually chosen by the people of this State. Can there be any argument against this principle?

The amendment moved by the Hon. Mr. Whyte cannot be criticised. It is absolutely fair and will produce as nearly as is practically possible in electing 11 members an equal value for each vote cast. The mathematical value for each vote cast will be as close to one as any system can produce. The Hon. Mr. Cameron's amendment is an improvement on the present legislation, but it does not overcome the inherent problems of list or group system voting. It continues to maintain the list system but does provide for a transfer of preferences, where those preferences are expressed, between the groups. Therefore, it is more desirable than the existing legislation but not as desirable as the amendment moved by the Hon. Mr. Whyte. There can be no argument against that summary of the three positions.

The Hon. Mr. Cameron's amendment denies the right still for an elector to vote for the person of his choice. Also, the Hon. Mr. Cameron's amendments on file are not as mathematically sound as is that of the Hon. Mr. Whyte. The system he intends will not guarantee absolute accuracy of the voter's wishes, because the voter is denied the right to exercise his choice. In designing a voting system for proportional representation where the whole State is one electorate, and where 11 members are to be elected, the exact expressed wish of the electorate must be achieved. If it is not, when the State votes as one electorate, and when there are honourable members who refuse to alter this system, those people will be guilty of perpetrating the most deliberate form of gerrymander in any State. Before the Committee are three options: to defeat both amendments and to continue with the unsatisfactory system that denies the right of an elector to vote for or against a candidate, a system that cannot interpret the expressed voting wishes of those called upon to cast their vote; secondly, to vote for the Hon. Mr. Cameron's amendment, which improves the position in interpreting

the wishes of the electorate but cannot guarantee with certainty that the wishes of the voter are correctly expressed, and which continues the list system which, in a modern voting system, cannot be counted; thirdly, to vote for the Hon. Mr. Whyte's amendment, which allows for the right of electors to vote for or against the candidate and is mathematically sound, so as to return to this Chamber the most preferred 11 members in that electorate.

Since I have been in Parliament I have heard much political talk about one vote one value, and I said yesterday that those members who espouse the principle with such conviction have always opposed it when they have had the chance to vote for a system of voting that will provide it. Once again, honourable members in this Chamber have a chance to nail their expressed convictions to the mast—or are we to see them once again deny a principle that they so strongly promote? If one believes in the expressed principles of the Liberal Party, in the expressed principles of the Liberal Movement, and in the expressed principles of the Labor Party, then the Hon. Mr. Whyte's amendment must be carried unanimously. If it is not, it will be a disappointment to me, because it means that members are voting not on the basis of the principles of their own Parties. If the Hon. Mr. Whyte's amendment is not carried, it leaves me with two options: first, to support the unsatisfactory (but slightly better) system proposed by the Hon. Mr. Cameron; secondly, to examine once again a simple amendment which has been rejected previously (passed by this Council, but rejected in the other place) of moving from the droop quota to the natural quota, which will produce a greater mathematical accuracy than the existing system in the election of members to this Council.

At this stage, I should like to make a personal appeal to honourable members in this Chamber, particularly to the members of the Liberal Movement, the Hon. Martin Cameron and the Hon. John Carnie. The Hon. Mr. Cameron has already expressed his opposition to the Hon. Mr. Whyte's amendment. I know, and I am sure they know, too, that it is a basic human right in any voting system that an elector should be able to vote for a candidate. I was telephoned today and told that it is one of the United Nations' declarations in regard to human rights; whether that is so, I cannot say.

The Hon. Mr. Cameron's amendment overcomes one of the drawbacks of the existing system, but it does not produce the best system that we can devise. I appeal to both the Hon. Mr. Cameron and the Hon. Mr. Carnie to reconsider what they said yesterday and to cast their vote at this stage in favour of the undeniable advantages in the amendment moved by the Hon. Mr. Whyte. I know that it is difficult to alter one's viewpoint when one has expressed it in the Council. However, there is no reason why, as the facts unfold in the debate, one's viewpoint should not change.

I know from the remarks of the Hon. Mr. Cameron and the Hon. Mr. Carnie on previous occasions that they, too, really support the system advanced by the Hon. Mr. Whyte. If all honourable members voted for the principles about which they have spoken so strongly in the Council and cast their votes in line with those expressed principles, the Hon. Mr. Whyte's amendment would be carried unanimously.

The Hon. F. T. BLEVINS: I should like to refer to a few of the points raised by various honourable members during the debate. There seems to be much opposition to the present system because it is a list system. Opposition members claim that people cannot vote for the individuals for whom they wish to vote. Strictly speaking, that is correct. However, the candidates themselves have some rights, including the right to decide whether or not to stand. If they choose to stand for a certain political Party, they are soliciting votes only from people who agree with that Party's policies. If they voluntarily band together and stand as a team, that is their prerogative. If people do not like those candidates, they do not have to vote for them. If I wanted to stand for the Labor Party and thought that someone else on the team was not an asset to the Party, I could stand as an independent Labor candidate and take my chances; that would be my choice. If someone prefers to maximise his personal vote, he can stand as an Independent and take his chances.

The Hon. A. M. Whyte: No-one argues with that point.

The Hon. F. T. BLEVINS: That is good. However, the Hon. Mr. Whyte made some derogatory remarks about a system that does not allow people to vote for candidates of their choice.

The Hon. A. M. Whyte: And the counting.

The Hon. F. T. BLEVINS: I will come to that soon. It is constantly suggested that votes toward the end of a count are not counted, but that is nonsense: every vote cast is counted. At the last Legislative Council election the Liberal Party and the Liberal Movement teams did not obtain sufficient votes. It is as simple as that. At the end of that count, it was seen that people preferred the Labor Party more than the Liberal Party.

The Hon. R. C. DeGaris: No, that's where you're wrong.

The Hon. F. T. BLEVINS: I am not wrong, and the Labor Party has the six members in the Council to prove it. That is what members opposite are crooked about. If the Hon. Mr. Gilfillan had been elected rather than the Hon. Mr. Sumner, members opposite would have been delighted, and the system would have been perfect.

The Hon. C. M. Hill: That's not so.

The Hon. F. T. BLEVINS: The point is that members opposite lost that seat, and they do not like it. They have not had a history of losing and cannot take it when they lose. I am getting sick and tired of the Hon. Mr. DeGaris criticising the present system of electing Legislative Councillors. One has merely to look back in *Hansard* to see what he said about the system when it was set up and when he led his troops to vote. On June 27, 1973, the Hon. Mr. DeGaris is reported as saying the following (page 148 of *Hansard*):

Right throughout the debate on this matter, the main point of contention has been the fact that a certain undetermined number of votes cast would be lost. I pointed out, I think on many occasions, that the use of a list system, when 11 members are being elected to the Council, makes it difficult to implement a full preferential system. Nevertheless, we have achieved a situation where every vote cast in the election will have a value . . .

Those are the Hon. Mr. DeGaris's exact words.

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

The Hon. F. T. BLEVINS: I am not interested in what the Leader did not say, or what he thought or wished he had said: I am interested solely in what he said. He said that every vote cast in the election would have a value. Dr. Eastick said something similar in the debate in another place. At the conclusion of the debate on the voting system for this Council on June 27, 1973 (page 162 of *Hansard*), he is reported as saying:

I believe, and I reiterate, that all Parties can be satisfied with the end result, but the ultimate winner will undoubtedly be the community of South Australia.

I was also interested to see what the Hon. Mr. Whyte said, because this is food for thought. On June 27, 1973 (page 149 of *Hansard*), he is reported as saying:

I want to congratulate those who have brought this legislation to a point where it is acceptable to all Parties. I am certain it will work to the advantage of the State.

The Hon. Mr. Whyte said that it was splendid legislation.

The Hon. A. M. Whyte: No.

The Hon. F. T. BLEVINS: If the Hon. Mr. Whyte disagrees with what he said then—

The Hon. A. M. Whyte: No.

The Hon. F. T. BLEVINS: I will let the record stand. I thought that what the honourable member said then was fairly good. Another interesting contribution to the debate was that of the Hon. Mr. Cameron.

The Hon. M. B. Cameron: You quote my earlier remarks, too.

The Hon. F. T. BLEVINS: He and the Liberal Movement saw no merit in optional preferential voting. On June 27, 1973 (page 149 of *Hansard*), he said:

Having had a brief look at the amendments agreed to at the conference, I see that they contain a provision that meets the only objection I have had about this Bill. Certain votes were previously excluded from the count, but it is clear from the amendment that the votes will now be considered—

and this is the important part—

I believe we will now have an optional preferential voting system, so that a person may or may not indicate a preference as he wishes. I had thought that this matter could be included in the scheme—

He wanted it.

The Hon. J. E. Dunford: And still does.

The Hon. F. T. BLEVINS: That is so. The Hon. Mr. Cameron continued:

and the Party I represent regarded it as desirable.

So, I look forward to seeing the Hon. Mr. Cameron sticking to his words and voting with the Labor Party on this matter.

The Hon. M. B. Cameron: I said something earlier in that debate which you didn't read.

The Hon. F. T. BLEVINS: I oppose the amendment. I do not like the preferential voting system at all.

The Hon. J. A. Carnie: Do you believe in first past the post voting?

The Hon. F. T. BLEVINS: I believe in my Party's policy, which is for optional preferential voting. Preferential voting is no good at all. I do not like such voting for this Council, either; I would prefer single-man electorates for this Council. I do not like the size of the ballot-paper when the P.R. system applies, because it is hard for elderly people to deal with a ballot-paper containing on occasions 60 or 70 names. I do not like preferential voting because it is complicated and because of the close results it generally brings where there is a two-Party system. I prefer a system where there is an inbuilt bonus for the winner.

The Hon. C. M. Hill: Is this for the Senate, too?

The Hon. F. T. BLEVINS: Yes. I do not like the Senate, either, and I therefore would not like any voting system for it. The claim that the proportional representation system delivers a numerically accurate result is not always correct. Yesterday I said that in the last Tasmanian Lower House election in 1972 this wonderful system gave the winner a bonus. In that election the Labor Party received 54·93 per cent of the vote and got 60 per cent of the seats—under the very system that the Hon. Mr. Whyte claims will produce a numerically exact result. Clearly, it does not always do that.

The Hon. R. C. DeGaris: To which seat are you referring?

The Hon. F. T. BLEVINS: I am referring to the State of Tasmania as a whole. I shall give an example of how the results can vary. In Tasmania in 1956 the Liberal Party was entitled to 13·08 proportionate shares (13 seats), and it got 15 seats. In 1972, the Liberal Party was entitled to a higher share because it won at the ballot-box 13·43 proportionate shares of the vote, but it got only 14 seats: with a higher vote, it got one less seat! The Hon. Mr. DeGaris asked me to refer to a particular seat. In the same 1972 election, in the seat of Braddon, the Labor Party received 62·94 per cent of the vote, and it got 70 per cent of the seats. This shows that the Hare-Clark system does not always produce a mathematically correct result; generally speaking, it produces a correct result, but in that case it did not. So, the Hon. Mr. Whyte cannot say that the system is exact, because the Tasmanian election results show that it is not exact.

The Hon. A. M. Whyte: You cannot saw a member in half.

The Hon. F. T. BLEVINS: A very good point. Unless one is willing to run the State by referendum, one will never get a numerically exact equation between the number of votes cast and the number of members elected. Running the State by referendum is really the only completely fair system that implements the one vote one value principle. Of course, 75 years ago our founding fathers even managed to gerrymander the referendum system as it applies federally. Actually, the Hon. Mr. Whyte is not a bad kind of bloke, a pretty square shooter, a straight kind of fellow, with all the charm in the world—for a Liberal!

The Hon. M. B. Cameron: He is not retiring!

The Hon. F. T. BLEVINS: I said "for a Liberal". The Mr. Whyte says that this matter has been introduced in all honesty: it is a sincere attempt to correct an anomaly. Then, he says that he has had a mind for this since he was a lad. He says he was brought up among single taxers. So, this idea did not come to him in a blinding flash earlier in the year. Where have the Hon. Mr. Whyte, the Hon. Mr. DeGaris, and other Opposition members been all these years? We can judge them only by their record. Where was the Hon. Mr. Whyte when results were issued for past Legislative Council elections? Now, he is intensely democratic! He says he is interested in the people of the State. Where was he in years gone by? In 1965, the Labor Party, dealing with formal first preference votes in contested seats, polled 50·60 per cent of the vote, and it received 25 per cent of the seats. I refer also to the 1968 election results. I expected to find a reference to this in the Hon. Mr. Whyte's maiden speech in this Council. I was expecting him, as a great democrat who was concerned about the one man on the Birdsville track who might not be getting a vote, to have made a good sincere maiden speech on this matter. In 1968 the figures for the Labor Party were 52·76 per cent of the vote. That was a good win, yet it won only 20 per cent of the seats with that vote.

The Hon. D. H. L. Banfield: What did Arthur say about that?

The Hon. F. T. BLEVINS: Honourable members can read *Hansard* to find out what he said: not one word. By 1973 things had improved somewhat for the Labor Party. It obtained 52·62 per cent of the vote (the Labor Party is good at polling majorities in votes), but it obtained only 40 per cent of the seats. Is that not disgraceful? Not one member opposite is on the public record as saying that this

was a disgraceful situation, that the United Nations had opposed the situation, that it was scandalous, or that they would be seeking to do something about it.

The Hon. M. B. Cameron: What did the United Nations say?

The Hon. F. T. BLEVINS: The Hon. Mr. DeGaris referred to this. True, to some extent the Hon. Mr. Carnie and the Hon. Mr. Cameron have seen the light, but that does not alter the facts.

The Hon. J. E. Dunford: Don't trust them too far.

The Hon. F. T. BLEVINS: They have proved themselves so far regarding electoral reform, yet all other Opposition members are a party to this situation. They have been a party to it either in this Council or within the Party machine. Now Opposition members have the audacity (although I notice that the Hon. Mr. Laidlaw has not yet claimed that he is a fantastic democrat; it will be interesting to see how he votes) to take this stand, and the only thing that can be said about it was said by the Hon. Mr. Foster yesterday: members opposite are a pack of hypocrites; that is exactly what they are. For these and for many other reasons I oppose this amendment, which is too foolish for words. All members opposite are saying is that they do not like optional preferential voting, which the Bill is all about, and the Hon. Mr. Whyte has now introduced an amendment that puts in this poison, which is what members opposite say it is. It is illogical, it is too silly for words, and should be given no consideration whatever. I oppose the new clause.

The Hon. M. B. CAMERON: First, I should like to comment on a point raised by the Hon. Mr. Blevins, because he quoted part of my speech in the debate on the full franchise Bill. However, the honourable member failed to examine the reasons for the vote taken, and I refer him to 1973 *Hansard* at page 136, where I said:

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

I said that there was a situation in this Council whereby there had to be a compromise on many issues, and that was just one of those issues. It ended up that there was only one way to reach agreement between the various Parties, and not to have the Bill destroyed meant the acceptance of that system. Of course, the Hon. Mr. Blevins ignored that and wandered all over the place in relation to preferential systems based on the Hare-Clark system, bringing in the totally irrelevant issue of the Tasmanian election. That election is totally irrelevant because it relates to single electorates throughout the State.

The Hon. R. C. DeGaris: No, to more than one electorate.

The Hon. M. B. CAMERON: It relates to single multi-member electorates.

The Hon. R. C. DeGaris: There is a number of electorates.

The Hon. M. B. CAMERON: Yes, and that situation will always bring about a result that does not reflect the total percentage vote. If Tasmania had comprised one electorate as applied in South Australia, the situation would have been totally different. I have listened to the appeal by the Hon. Mr. DeGaris regarding the Hon. Mr. Whyte's amendment and to the comments by members on this side as to how the people of this State want true expressions of one vote one value. Members on this side of the Council had 30 years to bring this about, and we should have done it in that time. The reason why we now have this slightly imperfect system, but one which is certainly more perfect than the previous system, is that any time any move was made it was heavily squashed by those elements in the Liberal Party who wanted no change.

There are many members now in this Council who wanted no change. We have to at least go along with this present system for one further term until there is some expression at an election to bring about a change. The present system was introduced under pressure (no honourable member can disagree with that), because no move was made earlier; but a move should have been made earlier. The best thing this Committee can do is try to bring about some beneficial alteration to the present system. We wish to change the whole system, the time to do it is after an election, before which a change will have been mooted. I am certain that members who may not support the Hon. Mr. Whyte on this occasion will support him, or whoever introduces such a change, at a future date if such a move is proved to be beneficial.

I am not impressed by honourable members at this late stage of the session indicating that they are the only people who have ever believed in one vote one value. I refer to the situation applying in 1966, when the Hon. Mr. DeGaris called one vote one value "the cry of a galah". This is a matter of history now, but that has been said in this Chamber in the past, and some honourable members have made sure that there would be no change. I seek guidance from you, Mr. Chairman, because my amendments on file have been well promoted by everyone but me; I have not had a chance to explain them. Should I wait until the vote has been taken on the amendment now before the Committee? It is ludicrous to have these amendments argued by members when I have not had the opportunity to explain how they work.

The CHAIRMAN: Clearly, the Hon. Mr. Cameron's amendments on file are an alternative to the Hon. Mr. Whyte's amendments. I think we must deal with the Hon. Mr. Whyte's amendments as a whole. I think the Hon. Mr. Whyte will take the vote on his first amendment as a test to determine whether he proceeds with the remainder of his amendments. If the Committee votes against his amendment and he does not proceed with the others, we can deal with the Hon. Mr. Cameron's amendments as an alternative.

The Hon. M. B. DAWKINS: I want to add my support to that of my colleagues for the amendment of the Hon. Mr. Whyte. I commend the Hon. Mr. Cameron (and I am not in the habit of doing that) for some of the things he has just said. He said that the solution that was arrived at in June, 1973, was a compromise. He also said:

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.

That is not correct.

The Hon. M. B. Cameron: It was voted on finally.

The Hon. M. B. DAWKINS: Yes. However, in this case it would not be right to say, as the Hon. Mr. Sumner says, that this was a system that was preferred by 14 members to six of this Chamber at that time. One would expect the Hon. Mr. Sumner to be in favour of this present

system because he would not be here now if it were not for the fact that this system was in vogue at the last election.

The Hon. D. H. L. Banfield: You were on the way out at the last election. That Bill was known as the Dawkins Bill.

The Hon. M. B. DAWKINS: The Chief Secretary has failed to read this amendment properly. Yesterday he read three lines of a four-page amendment and spoke only on those few lines.

Members interjecting:

The Hon. N. K. Foster: Why don't you be honest and move a proper amendment to it? If you had any honesty, you could have done so yesterday.

The Hon. M. B. DAWKINS: You do not say anything with any honesty or integrity.

Members interjecting:

The CHAIRMAN: Order! Honourable members must stop interjecting.

The Hon. C. J. SUMNER: On a point of order, Mr. Chairman, I ask that the Hon. Mr. Dawkins withdraw those remarks. He has accused the Hon. Mr. Foster of not having said in this Chamber anything that has any honesty or integrity. That is a reflection on Mr. Foster; that is surely a reflection on him.

The CHAIRMAN: There was so much noise at the time that I did not hear the honourable member, but I am sure that the Hon. Mr. Foster would ask that the remarks be withdrawn if he objected to them.

The Hon. N. K. Foster: I wouldn't ask such a contemptible person to withdraw anything.

The CHAIRMAN: Order! The honourable member cannot reflect upon any honourable member of this Chamber.

The Hon. N. K. Foster: Also, he has been absent from this Chamber.

The CHAIRMAN: Order!

The Hon. N. K. Foster: He has been absent; I am telling the truth.

The Hon. D. H. L. Banfield: He was absent on Parliamentary business.

The CHAIRMAN: Order! Let us just calm down and let the Hon. Mr. Dawkins resume his speech.

The Hon. M. B. DAWKINS: The Hon. Mr. Foster made certain statements about me and what I was saying.

The Hon. N. K. Foster: I said nothing about you.

The Hon. M. B. DAWKINS: If he will withdraw those statements, I am prepared to withdraw what I said about him.

The Hon. N. K. FOSTER: On a point of order, I said nothing about him. What is he talking about? I said it as a Party—why didn't it move a correct amendment?

The CHAIRMAN: It would be better if the Hon. Mr. Dawkins came back to dealing with the amendments.

The Hon. M. B. DAWKINS: Yes. The Hon. Mr. Whyte wants only a completely fair system of election to this Council; he also wants to obtain for the electors the freedom of people to vote for people of their choice, which is the people's right. These are fundamental rights that all members of the Australian Labor Party and any other people concerned have always said the people should have: people should have the fundamental right to vote for the people of their choice, and not merely a group of people, as obtains under the present list system. I cannot quite understand why the members of the A.L.P. oppose this amendment; it creates a system as fair as it is possible to create.

The Hon. D. H. L. Banfield: At last, you admit it, after 100 years of the Liberal Party.

The Hon. M. B. DAWKINS: It is all very well for the Chief Secretary to talk like that; he wants to talk about the past.

The Hon. D. H. L. Banfield: You should look to the future.

The CHAIRMAN: Order! We are getting into personalities again.

The Hon. M. B. DAWKINS: I am sorry. I believe the Hon. Mr. Whyte has sought a solution that should commend itself to honourable members, including the Hon. Mr. Cameron and the Hon. Mr. Carnie, because it is a completely fair system, which will bring us as nearly as possible to an accurate result. The Hon. Mr. Blevins talked about the Tasmanian situation, where there is a group of seven electorates in which there are various differing percentages. With a group of seven electorates there will never be a completely accurate situation. In this Legislative Council now in this State, we have one electorate. I do not think that is the best system in the world but at least with one electorate, as with the Senate, we should get an accurate result. Undeniably, at the last election we did not get an accurate result. Therefore, I add my support to the Hon. Mr. Whyte's amendment.

The Hon. C. J. SUMNER: I wish to answer some of the points made by the Hon. Mr. DeGaris yesterday about the nature of the proportional representation voting system. He made much of the fact that there were six A.L.P. members with 48 per cent of the State-wide vote at the last election. That cannot be disputed, but that can occur with a system of proportional representation. It is not possible, unless we have one member for each elector, to get an absolute reflection of the electorate's views on a proportional basis.

Proportional representation with a given number of seats most closely approximates to it. Even under the system that the Hon. Mr. Whyte wishes to introduce, which is similar to the Senate system, we would not get an absolutely correct proportion of seats according to votes. In the most recent Federal election in the Senate, the conservative Parties of this State (the Liberal Party and the Liberal Movement) got 57 per cent of the votes and six seats, and the Labor Party got 43 per cent of the votes and four seats. In other words, the Liberal Party and the Liberal Movement got three-fifths of the seats with less than three-fifths of the vote. In the same way, in the last election for this Council the Labor Party got a majority of the seats with slightly less than a majority of the overall vote. That is not too bad, because what could have happened was that with just a 1 per cent swing to the Liberal Party the situation would have been quite different.

Let me explain that by indicating that the quotas obtained at the last election for the Legislative Council were: Australian Labor Party, 5·8294, Liberal Movement, 2·4670, and the Liberal Party 3·70583. As the Labor Party had the largest final quota (·8294 compared with ·70583) it was the sixth Labor person, myself, who was elected. The Liberal Party was only ·1 of a quota behind us in obtaining the largest final quota. The actual percentage of the vote was 48 per cent for the Australian Labor Party, 30 per cent for the Liberal Party, and 20 per cent for the Liberal Movement. If the Liberal Party had gained 31 per cent, and if the Labor Party had gained 48 per cent, the Liberal Party would have obtained the higher final

quota. So it then would have obtained four seats—more than a third of the seats with less than a third of the vote. If the Liberal Movement had gained slightly more, the situation could have arisen where it had three members, that is, more than a quarter of the seats, without a quarter of the total vote. It is not possible to get an absolutely mathematical proportion and, whether it is the system the Hon. Mr. Whyte espouses or that currently in existence in this Chamber, it is not possible to get an absolute proportion.

The Hon. R. C. DeGaris: Yes, it is.

The Hon. C. J. SUMNER: Unfortunately, the Hon. Mr. DeGaris was not here when I indicated—

The Hon. R. C. DeGaris: I heard you.

The Hon. C. J. SUMNER: —how it is not possible to get that unless more seats are to be contested.

The Hon. R. C. DeGaris: You must admit that you are here by the vagaries of the system, and not by the choice of people. You cannot deny that.

The Hon. C. J. SUMNER: I do not accept that. The Liberal Party, with less than an additional 1 per cent of the vote, would have led in the race for a final quota, in which case it would have had four members out of 11, more than a third of the seats with less than a third of the votes. Would the Hon. Mr. DeGaris still be complaining if I had not been here and if the former member (Mr. Gilfillan) had been gracing the Opposition's benches?

The Hon. R. C. DeGaris: I would still be complaining about it.

The Hon. C. J. SUMNER: That is very public spirited of the Hon. Mr. DeGaris, and I commend him for his attitude. I shall be happy to see him maintain that attitude if the roles are reversed after the next State election. It is not possible to get an absolute proportion without one member for every voter, and we have to get a system that approximates that.

The Hon. R. C. DeGaris: I agree.

The Hon. C. J. SUMNER: The present system does.

The Hon. R. C. DeGaris: No, it does not.

The Hon. C. J. SUMNER: It does not do it completely with the system the Hon. Mr. Whyte has put before the Committee, as I indicated with the recent Senate election, when the Liberal Parties got more seats than their strict percentage of the vote. The real complaint of members opposite is that the Hon. Mr. DeGaris and the Hon. Mr. Cameron do not get on. If they did, they would have had the final quota. There is no doubt about that.

The Hon. M. B. Cameron: That is a fairly simplistic attitude.

The Hon. C. J. SUMNER: You do not agree?

The Hon. M. B. Cameron: No. That is a remarkable conclusion.

The Hon. C. J. SUMNER: But that is basically what they are complaining about.

The Hon. A. M. Whyte: If everyone agrees there is no division.

The Hon. C. J. SUMNER: I repeat that we got a majority of the seats at the last election of the Legislative Council with 48 per cent of the vote, but if the Liberal Party had got an additional 1 per cent it would have had more than a third of the seats with less than a third of the vote.

The Hon. C. M. HILL: I support the amendment. My approach to this question is based on what I believe to be the reaction of the people after the recent State election. All the mathematicians and statisticians and the arguments on proportional representation systems do not cut much ice with me when I hear coming from the public outside that people do not like the list system. It was tried on one occasion. It was the best this Council could achieve for that occasion, but the people did not like it. They want to be able to put their vote against a person's name, not in a list system against a political or any other kind of group that appears on that paper.

Every endeavour should be made to get back to a better system, and when I have asked people for some views on the matter as to what form the system should take, they invariably respond by saying that they do not object really to the Senate system, Therefore, if we can strike some uniformity between the electoral systems for the Upper Houses in both the Federal and State spheres, I think that uniformity will mean that the people will find greater simplicity in the overall system. Therefore, that is the system for which I would vote.

I want to rebut two points upon which the Hon. Mr. Blevins made his submissions today. The first was that members on this side simply want change on this occasion because we did not get more members than did the Government in this Chamber at the recent State election, even though the combined vote for this side of the House exceeded the vote of the Labor Party. That is not the motive that caused me to drive on for some change.

Secondly, the Hon. Mr. Blevins made the point that members of Parliament do not have to volunteer or put their names forward to be part of a system if they do not like that system; they can take it or leave it. That is a negative approach, because surely the duty of Parliament is to try to improve the system when the public reacts against it. Therefore, I favour the amendment of the Hon. Mr. Whyte, although I am not happy about that portion of it that brings about optional preferences within his system.

I have said on other occasions in this Chamber when the matter of optional preference has been raised that I am opposed to it. I think it is the thin end of the wedge to the first past the post system. However, I am prepared to go along with it if it will bring about change to get away from the list system existing at present and get back to a system similar to that for the Senate, in which the electors, who should be our first consideration, have the right to put their numbers on the voting paper against names rather than against a group. Accordingly, I support the amendment.

The Hon. J. A. CARNIE: We have been dealing for more than three hours with what seems to be a second reading debate. If one looks at what we are discussing in Committee this is how it appears, because we are dealing with amendments which bear no relationship to the original purpose of the Bill brought forward by the Government. I agree with some of the amendments on file. As I said in the second reading debate, it would have been better if this had been brought forward as a separate Bill, rather than tacked on to a Bill dealing with an entirely different matter. Although I believe this, and although I do not think we should be debating it at this stage, the Committee did accept an instruction—

The Hon. A. M. Whyte: You would not be debating it at all if it had been left to the Government to consider a private member's Bill. It would take years to get it on Notice Paper and have it debated.

The Hon. D. H. L. Banfield: We would not have been debating it at all if, in the last 100 years, the Liberals had had in this place one vote one value.

The Hon. J. A. CARNIE: I still think that private members' business can be brought forward in this Chamber relatively easily. I think this could be done. As the Hon. Mr. DeGaris said at the beginning of his speech, it is necessary to consider the Hon. Mr. Whyte's amendment and the Hon. Mr. Cameron's amendment together. In essence, they both set out to achieve the same thing: that as small a proportion of votes as possible is lost and that preferences, when indicated, are counted. The difference between the two amendments is that the Hon. Mr. Cameron's amendment preserves the list system that is at present in operation. The Hon. Mr. Whyte's amendment allows the voter to vary from the Party vote if he so desires.

The Hon. Mr. DeGaris called upon the Hon. Mr. Cameron and me to support this, because it is obviously the fairest system. I do not think anyone would deny this, because it is ultimately the fairest system. In theory and principle, I think the Hon. Mr. Whyte's amendment is better because it allows the voter the widest possible choice. The Hon. Mr. Whyte said, when moving the amendment, that the list system would increase power Party politics. I do not think anyone would deny this. But I do not think that is any different from the present system operating in the Senate, in whose elections power Party politics play a major part.

All honourable members know that most voters follow the Party recommendations in Senate voting, so that we virtually have a list system. I agree that, if possible, we should enable people to vote for individuals if they so desire. I intend to vote against the Hon. Mr. Whyte's amendment for what I consider to be these good reasons: I believe it will lead to a complicated and lengthy counting system. It has been said that it works well for the Senate; I will deal with that matter later.

I remind honourable members that in a normal Senate election five persons are to be elected, whereas in a normal Legislative Council election 11 members are to be elected. In the event of a double dissolution, 22 Legislative Councillors would have to be elected. I am sure all honourable members recall the recent Federal election, when 10 Senators had to be elected and when it took one month for the count to be conducted. It would taken even longer for a Legislative Council election.

The Hon. R. C. DeGaris: That is not so, as I will show you.

The Hon. J. A. CARNIE: The Hon. Mr. DeGaris may be able to show me. However, I have spoken to members of the Electoral Department, who have told me that this would be so. I also intend to oppose the amendment because I believe it involves too great a change to a Bill that has been introduced for a different reason. The present system was passed only recently by this Parliament and is now in operation. Whether or not we believe in that system is irrelevant at this stage, because the contemplated changes are great and it is wrong for us to consider such major changes after only one election has been conducted.

It was proven in the last election that some flaws existed, the biggest one being that part quotas were not passed on according to preferences. Members opposite keep saying that all votes should be counted, yet they oppose a system under which all votes will be counted. Under the present system, many votes are wasted. The Hon. Mr. Cameron's amendment seems to be a fair one. Anyone who has followed it through would realise that it is a simple amendment, despite its comprising five or six pages. The amendment seeks to ensure that part quotas are passed on according to the preferences indicated. For that reason, I oppose the amendment now before the Chair.

The Hon. J. C. BURDETT: I support the amendment. The present legislation is effective, providing as it does for the right to record a preferential vote. However, in many circumstances the preferential vote will not be counted at all and will have no value. If the criterion is one vote one value, the present legislation is defective. Moreover, the Hon. Mr. Whyte's amendment gives effect to the fundamental principle of human rights that the elector, if he so desires, is entitled to vote for a person.

I was fascinated by the remarks made by the Hon. Mr. Sumner, the Hon. Mr. Cameron and the Hon. Mr. Carnie. They did not advance one argument against the merits of the Hon. Mr. Whyte's amendment but seemed to suggest that now was not the right time for it to be carried. The Hon. Mr. Sumner suggested that this and the previous amendment which was moved by the Hon. Mr. Whyte and carried by the Committee were extraneous to the Bill.

I wish the Hon. Mr. Sumner would accept the procedures of Parliament or, if he does not approve of them, seek to have them altered. When the Government introduces an amending Bill, it opens up the whole of the principal Act. The Hon. Mr. Whyte moved that it be an instruction of the Council to this Committee that it have leave to consider this amendment. That motion was passed, and I did not hear the Hon. Mr. Sumner or any other honourable member vote against it. This Committee is quite entitled to consider this amendment on its merits and, indeed, I believe that it has a duty to do so.

The Hon. Mr. Cameron seemed to suggest, in effect, that electoral legislation should not be amended too often or too much. I say that where there is a defect in electoral legislation it should be changed, and as soon as possible. Neither the Hon. Mr. Cameron, the Hon. Mr. Sumner, nor the Hon. Mr. Carnie advanced any reasons against the amendment. In fact, I was amazed to hear the Hon. Mr. Carnie say that, although he agreed that the Hon. Mr Whyte's amendment was ultimately the best solution, he would vote against it.

The Hon. Mr. Blevins said that there is nothing wrong with the list system. The Labor Party may in future produce a group of candidates with Mr. Blevins at No. 7 position, and I may want to vote for him at No. 1 position. That is what is wrong with it. I urge the Committee to consider the amendment on its merits. I support the amendment.

The Hon. D. H. L. BANFIELD: I am delighted to have heard honourable members opposite say that they want to have a fair and honest distribution of seats. That is really good, because we all want the same thing. If only they were fair dinkum about it! This honest desire on their part has only arisen since 1965. During the term of office of the Liberal and Country League Government they did not do a blessed thing about it. This cuts right across Mr. DeGaris's statement that for years he tried to achieve this end. At no time did he, when he had the numbers in this place, put through such a Bill. He did not do so, because it did not suit him. I give an undertaking to members opposite that, if they fight hard within their own Party and have this system made Liberal Party policy, and if and when they convince their Federal colleagues that this is the best system, the Government will believe they are fair dinkum, and we will look at their proposition then.

I have heard no rebuke from members opposite about the result of the Commonwealth election on December 13,

when the Liberal Party received 43 per cent of the votes and the Labor Party received 43 per cent of the votes, yet the Liberal Party finished up with 68 seats and the Labor Party 28 seats. There was not one cry against that system from members opposite about that result, yet they are bleating that the system here does not work. The system did not work at any stage when the Liberal Party had control of both Houses. Why the sudden change? It is because gradually the Liberal Party lost control of the system. The Bill introduced by the Labor Party preserved the Hon. Mr. Dawkins' seat. The Liberal Party had already lost half its membership in the Midland District, and the Hon. Mr. Dawkins was the next to go. He voted for the measure on that occasion, because he was able to keep his seat warm here, not because it was a good system.

The Hon. M. B. Dawkins: That is complete rot.

The Hon. D. H. L. BANFIELD: The honourable member was on the way out, and he knows it. He had already lost two of his colleagues, so he was happy to jump at a system that allowed him to come back here. It is said that many people are against the present system, but many people were against the previous complicated system. When headlines come out in the press, members opposite say that those headlines express the people's views. After the last Legislative Council election, the media did not come out in opposition, and it did not say that the system was crook. Whose views are the media expressing? When the Liberal Party was in power, it did not want to alter the system. Actually, the present system is simple. I realise that no system is perfect, but our system is closer to perfection than is any system that honourable members opposite might introduce. Members opposite have not convinced me that they are fair dinkum. If they were fair dinkum, they would not be fighting here: they would be fighting in the Liberal Party's headquarters. When they have done that, we will consider the matter.

The Hon. R. A. GEDDES: The Chief Secretary has asked why the Liberal Party is now trying to alter the Legislative Council electoral system when the Liberal Party had an opportunity for many years to alter the system. I point out that the Hon. Mr. Whyte was elected in a by-election in 1965, and from then on he has tried at every opportunity in the Party room—

The Hon. D. H. L. Banfield: He is not making much progress with people endorsed by the Liberal Party.

The Hon. R. A. GEDDES: We are supporting the Hon. Mr. Whyte's amendments. At no stage has the Hon. Mr. Whyte renegued from the idea of a decent, fair vote for all people; he has tried for this since 1965.

The Hon. D. H. L. Banfield: If he cannot convince his own Party, how does he expect to convince my Party?

The Hon. R. A. GEDDES: It is obvious that the Chief Secretary does not know what the Bill does or what the amendments do. Yesterday he said that the Hon. Mr. Whyte was seeking to preclude people from voting, but nothing could be further from the truth. Referring to the Hon. Mr. Cameron's amendments, I point out that at a conference between the two Houses the Parliamentary Counsel said that the type of amendment now on file could not be done then.

The Hon. M. B. Cameron: That is right.

The Hon. R. A. GEDDES: The hour was very late. I am not referring to the threat of a double dissolution, but it was certainly in the air.

The Hon. R. C. DeGaris: And the House of Assembly had rejected an amendment like the present one that we had moved in this Council.

The Hon. D. H. L. Banfield: Because you were pre-selected by the Liberal Party, you are representing the Liberal Party. So, when you have convinced the Liberal Party, you can come back and try to convince us.

The Hon. R. A. GEDDES: The record will show that members of the Liberal Party try to take an independent view of what is good legislation for the people of the State. If we were to take the Liberal Party's views, how much legislation would the Dunstan Government have got through this Council? In 1965, the Hon. Sir Arthur Rymill said in this Council following the election of the Walsh Government that he would support that Government because it had a majority in the Assembly, but he said that he would try to amend legislation where appropriate. If we had obeyed the policies we espouse, such as freedom of enterprise, much legislation would not have got through.

The Hon. D. H. L. Banfield: The same applied when the Labor Party was in Opposition.

The Hon. R. A. GEDDES: You supported the Liberal Party?

The Hon. D. H. L. Banfield: On some Bills, yes. In order to convince us that you have changed your mind, you should convince your own Party first.

The Hon. R. A. GEDDES: This is Parliament, so let us keep to Parliament. Obviously, the Chief Secretary is unable to understand what I am saying. At a conference between the two Houses, when the managers from this Council were trying to get amendments to the list system to allow for the full flow of votes, the Parliamentary Counsel said that it could not be done. I support the Hon. Mr. Whyte's amendments because they seek to bring a better deal in connection with future Legislative Council elections.

The Hon. R. C. DeGARIS: Reference has been made to the fact that I said that one vote one value was a galah cry. I believe in one vote one value, but most of the people who claim that they espouse the cause of one vote one value refuse to vote for it when they have the opportunity; that is why I say one vote one value is, for many people, a galah cry. I make that clear. It has been stated that I oppose one vote one value. I do not oppose one vote one value, but we have not achieved one vote one value either in this place or in the House of Assembly. People confuse so many minor factors with the question of what is one vote one value.

The amendment of the Hon. Mr. Whyte again provides another opportunity for those who support the principle to vote for it. The vote on the Hon. Mr. Whyte's amendment will illustrate what I mean by the fact that to many people one vote one value is merely a galah cry. Allegations have also been made that I and others prevented a change in the voting system for this place. The Hon. Mr. Cameron mentioned this and I have replied to this allegation before. The Hon. Mr. Whyte will support me in what I say. In 1965 when the Hon. Mr. Whyte came in to this Chamber we were all concerned about the voting system for this place. It was difficult to achieve change.

The Hon. Arthur Whyte moved for proportional representation, and he will agree with me that I finally supported him after a long argument about the matter. A proposition was put to the present Leader of the Liberal Movement, now in Canberra, but that proposition was rejected out of hand; otherwise the problem would have been solved a long time ago.

The Hon. D. H. L. Banfield: Was he then the Leader of the L.C.L.?

The Hon. R. C. DeGARIS: Yes. The Hon. Mr. Whyte will agree with me that this is the true position. The suggestion he made was accepted by me. The scheme I put to the then Leader was for an electorate over the whole State based on the voting system that the Hon. Mr. Whyte is advancing now.

The Hon. D. H. L. Banfield: Why didn't you put it to the Council? You could have introduced a measure as the Hon. Mr. Whyte is now doing.

The Hon. R. C. DeGARIS: I realise that, but then there are other problems, as the Minister knows. One cannot achieve much when one is alone.

The Hon. D. H. L. Banfield: You had Arthur Whyte with you, and you might have been able to convince your other members here.

The Hon. R. C. DeGARIS: There is also the problem of drafting, which is a complex matter. The Hon. Mr. Whyte can support me in what I have said. We should not run away with too many allegations about what was done in the past. Nevertheless, the situation should be on record. I remind the Minister that proportional representation for the Upper House with a fully transferable vote is the policy of the Liberal Party and, if the Minister examines the policy statement of my Party, he will find that that is now the position. The Minister said that when the Liberal Party adopted that policy he would do all he could to—

The Hon. D. H. L. Banfield: I said that when you convinced your Federal Council we would look at it.

The Hon. R. C. DeGARIS: The Federal Council is already convinced. The policy document for this State Party is exactly the same as the Federal policy document. If the Hon. Mr. Whyte's amendment is voted against by members of this Committee, what I have said is correct, namely, that one vote one value is indeed a galah cry.

The Hon. M. B. CAMERON: I was not privy to discussions that the Hon. Mr. DeGaris alleges took place between himself, the Hon. Mr. Whyte and another person. I do recall some discussions, but the proposition was not for a whole State elected under proportional representation: it was for two separate districts.

The Hon. R. C. DeGaris: This was before that came along.

The Hon. M. B. CAMERON: The Leader has flights of fancy. The fact is that there was another system (another "fix-it" system), so I just reject whatever was said.

The Hon. A. M. WHYTE: I acknowledge all the kind and unkind things that have been said about me during the discussion on this amendment. Some members have been sincere in their agreement that the system I suggest is a democratic method of electing members in this Chamber. What the Hon. Mr. Cameron has said is true, because the proposition I advanced in the initial stages gave two seats to the city and one seat to the country; it was almost an approximation of numbers at that time. That had nothing to do with the system of counting votes, and it had nothing to do with the rights of an individual to vote for whomsoever he wished. That is the whole system I am now promoting, and if one wants to be democratic this must be accepted. I am sure the Hon. Anne Levy will agree that the United Nations stipulates as part of its policy that people should have the right to elect their representatives as individuals. That is what the United Nations has said. I referred in the second reading debate to prominent political leaders and human rights leaders throughout the world who have supported this view. The late Ben Chifley introduced such a system after much consideration. I refer, for the benefit of the Hon. Mr. Sumner (and I wish he were here), to the most authorative document on Parliamentary procedure, *Australian Senate Practice*, at page 6 of which Odgers states:

For many years there had been a demand that Parliament should provide a system of electing Senators which would give more equitable results and enable the electorate to be more truly represented in the Senate. The Chifley Government gave careful consideration to the matter and closely examined alternative methods. It was decided that, in relation to the election of Senators, where the State votes as one electorate, the fairest system and the one most likely to enhance the status of the Senate was that of proportional representation.

The Hon. D. H. L. Banfield: That was when the Labor Party had 33 members in the Senate and there were three Liberal members in Opposition. He did it to advantage the other Party.

The Hon. A. M. WHYTE: He did it because he was an honest politician and if the Minister were an honest politician he would vote for my amendment.

The Hon. D. H. L. Banfield: He was the first one to do it.

The Hon. A. M. WHYTE: Perhaps this measure should have been introduced, as the Hon. Mr. Cameron said, as a private member's Bill. However, I know as a back-bench member how far such a Bill would have got with this Government.

The Hon. D. H. L. Banfield: And with your own Party.

The Hon. A. M. WHYTE: Yes, but I am grateful that I have advanced this far. The opportunity will arise again, and I am sure that members who oppose the amendment now will not be dishonest all the time and that when this matter next comes up I will win. In the early stages the Liberal Movement said it would support this measure, but then someone got out his pencil and worked out that there would be only one quota and did not know who would get it. If the Hon. Mr. Carnie had followed my recommendation in Flinders, he would now still enjoy the opportunity to show his face to those electors. All he would have had to do at the time in a district such as Flinders would be to sign his nomination paper and go off on a good long holiday. The Hon. Mr. Carnie does not make a decision lightly. He is all in favour of the amendment but he knows he cannot support it. The Chief Secretary said that, if I resigned from the Liberal Party, he would take more notice of me.

The Hon. D. H. L. Banfield: I did not say that—be honest. When did I say that?

The Hon. A. M. WHYTE: You said you could not get this through because—

The Hon. D. H. L. Banfield: That is a little different from asking you to resign. You're an asset to us in the Liberal Party. You have divisions in your ranks; keep it that way.

The Hon. A. M. WHYTE: I do not think there is much division, as the Chief Secretary will notice when the vote is taken. The system I am promoting by amendment (instead of, as some honourable members have suggested, introducing it as a private member's Bill) is not a valid reason for saying that it should not be supported. However, we have conducted the exercise and it has been fruitful. If people are honest, they want to see a system so well tested over the years that it could not possibly give a majority to any one Party without 50 per cent of the preferred vote, which is an honest way of giving the majority to a Party. There should be nothing wrong with that.

The Hon. D. H. L. Banfield: The Liberal Party has come a long way to make a statement like that.

The Hon. A. M. WHYTE: This is not Liberal Party philosophy.

The Hon. D. H. L. Banfield: That is just what I wanted to know; thank you very much.

The Hon. A. M. WHYTE: I am pleased to tell you. The system was devised in the late 1800's by a schoolteacher. I do not know what his politics were, but honourable members can read about it.

The Hon. D. H. L. Banfield: One of you must be wrong.

The Hon. A. M. WHYTE: Then let me explain it more fully to the Chief Secretary. It was not devised by the Liberal Party; it was devised by a schoolteacher named Thomas Hill in the early 1800's. It has been changed to meet various requirements until the Hare-Clark system emerged, generally being accepted as the best type of proportional representation scheme in the world, despite there being a number of list systems (nothing like the one we are using) mostly with provision for people to vote for candidates. I can do nothing more than put forward the theory, and am pleased to do so after all these years of discussion. I do not apologise for having introduced it as an amendment instead of a private member's Bill. The Act was opened and, if any honourable member wanted to deny me the right to move this amendment, he should have voted against my previous motion. I hope common sense will prevail and that such a system will be introduced.

The Committee divided on the new clause:

Ayes (7)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, and A. M. Whyte (teller).

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. J. E. Dunford.

Majority of 4 for the Noes.

New clause thus negatived.

Clause 2 passed.

The Hon. A. M. WHYTE: As the new clause that I moved to insert was defeated, I will not proceed with the further amendments I have had placed on file.

Clause 3 passed.

Clause 4—"Scrutiny of votes."

The CHAIRMAN: A number of drafting errors appear in clause 4, where the word "paragraph" is used instead of "subparagraph" and where the word "subsection" is used instead of "paragraph". With the consent of the Committee, I propose to make these amendments.

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

Page 2, after line 21—Insert paragraphs as follows:

(*da*) by striking out subparagraphs (*f*) and (*g*) of paragraph (9) and inserting in lieu thereof the following subparagraphs:

(*d*) The returning officer shall then ascertain the number of first preference votes received by each group and the number of first preference votes received by a group shall be attributed as votes to the group:

(*e*) At any stage of the count (that is, after the count of first preference votes or after a transfer of residual votes pursuant to subparagraph (*g*) of this paragraph) a number of the candidates included in or comprising each group equal to the number of whole quotas included in the number of votes attributed to that group shall be elected:

(*f*) The order of election as between candidates included in a group shall be determined by reference to the position of the names of those candidates included in the group as printed on the ballot-paper reading from top to bottom, the candidate whose name appears first, being first elected, the candidate whose name appears second, being second elected, and so on:

(*g*) Unless all the vacancies have been filled, at each stage of the count the residual votes (that is, in the case of a group with a number of votes attributed to it less than a whole quota, those votes, or in the case of a group with a number of votes attributed to it including a whole quota or a number of whole quotas, the number of votes in excess of the whole quotas included in the number of votes attributed to the group) of the group that at that stage of the count has the fewest residual votes shall be transferred to the continuing groups, in proportion to the voters' preferences, as follows and that group shall be excluded from the count:

(i) where the group's residual votes are the whole of the votes attributed to the group, the ballot-papers containing those votes shall be transferred by the returning officer to the continuing groups next in order of the voters' available preferences;

(ii) where the number of the group's residual votes is less than the number of votes attributed to the group, the returning officer shall

I. divide the number of the group's residual votes by the number of votes attributed to the group and the resulting fraction shall, for the purposes of this subparagraph, be the transfer value of the group's residual votes;

II. arrange in separate parcels for the continuing groups the whole of the ballot-papers of the group according to the next available preference indicated thereon;

III. ascertain, in respect of each continuing group, the total number of ballot-papers of the group that bear the next available preference for that continuing group and shall, by multiplying that total by the transfer value of the group's residual votes, determine the number of votes to be transferred from the group to each continuing group. If as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necessary to ensure that the number of votes transferred equals the number of the group's residual votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored;

IV. then, in respect of each continuing group, forthwith, take at random from the parcel containing the ballot-papers of the group which bear the next available preferences for that continuing group the number of ballot-papers to be transferred to that continuing group and transfer those ballot-papers accordingly.

(iii) the number of ballot-papers transferred under this subparagraph to a continuing group shall be attributed as votes to that group.:

(*h*) Where at any stage of the count the number of votes attributed to a group exceeds a number of whole quotas equal to the number of candidates included in or comprising the group, the number of votes attributed to the group in excess of that number of whole quotas shall be treated as residual votes for the purposes of subparagraph (*g*) of this paragraph and the provisions of that paragraph shall apply as if that group had the fewest residual votes at that stage of the count:

(*i*) If in respect of the last vacancy at that stage of the count there is only one continuing group or only one continuing group that has a candidate not already elected, a candidate included in or comprising that group shall be elected, or there are only two continuing groups, a candidate included in or comprising the group with the greater number of residual votes shall be elected.

(*db*) by striking out paragraphs (10) and (11) and inserting in lieu thereof the following paragraphs:

(10) If at any stage of the count two or more groups have an equal number of residual votes and the residual votes of one of those groups have to be transferred, the returning officer shall decide which group's residual votes shall be transferred. If as a result of any stage of the count two or more groups have attributed to them an equal number of votes (being a number of votes that includes a number of whole quotas) the returning officer shall decide as between those groups the order of election of the candidates included in or comprising those groups. If in respect of the last vacancy at that stage of the count there are only two continuing groups and those groups have an equal number of residual votes, the returning officer shall decide by his casting vote which group's candidates shall be elected. Except as provided in this paragraph, the returning officer shall not vote at the election.

(11) If as a result of any stage of the count two or more groups have attributed to them votes of a number that includes a number of whole quotas, the resulting election of those groups' candidates shall be deemed to be in the order as between those groups, first of the candidates included in or comprising the group that had the greatest number of votes attributed to it as a result of that stage of the count, second of the candidates included in or comprising the group that had the next greatest number of votes attributed to it as a result of that stage of the count, and so on.

I have deleted the reference to subparagraphs (*d*) and (*e*) in the first part of my amendment, where I seek to strike out certain subparagraphs. This will involve a renumbering of the subparagraphs in question, but presumably that can be done by the draftsman. The first paragraph of my amendment is quite self-explanatory, while the second paragraph indicates that once a group has reached a whole quota a member or members will be elected from that group. If there is more than one quota in the additional count, more than one member will be elected. Subparagraph (*f*) gives directions as to the order in which the members will be elected, which will be according to the list of members indicated by the Party or group concerned.

Subparagraph (*g*) directs the attention of the returning officer to the fact that the group with the lowest residual vote after the quotas have been determined is to be excluded from the count. If four groups have a residual vote over and above that needed to gain a quota, the group with the lowest residual vote is the group to be excluded at the next stage of the count. Subparagraph (*g*) (i) provides that if a group at that stage has not had any preferences counted out at all and there has been no alteration in its votes, and if its primary votes are being transferred, those votes shall be immediately transferred, because there is no need to go through any complicated formula to find out what percentage shall go to each continuing group. Where the number of the group's residual votes is less than the number of votes attributed to the group, the returning officer goes through the procedure that is the basis of this amendment: instead of determining the last position by a fraction of a quota, the remaining preferences are counted out.

The remaining paragraphs are self-explanatory. The final provisions allow for special circumstances that are most unlikely to occur: for instance, where there is an equality of votes at certain stages of the count. Basically, the amendment sets out to allow for the fulfilment of the preference system under the list system of election for this Council. The only real difference I can see between the Hon. Mr. Whyte's amendment and what is done here is that under this system electors are denied the right to vote for individuals. That is not as great a difference as perhaps honourable members have been led to believe during this debate.

It is probably desirable that people in the community have a right, in any pure system of election, to vote for individuals. However, Parties predominate within the political system and it is rarely that electors move away from the list. If they do it is normally for Independents who have nominated separately from the Parties. However, I cannot really see how the Party ticket has been broken up many times to the extent where members have been elected out of the order nominated by the Party. That is the real difference, and I urge honourable members to support this. I believe it was unfortunate that this provision was included in the Bill initially. It was obviously possible, although I must give credit to the Parliamentary Counsel for the work he has done in drawing up this system. I assure honourable members that many problems were involved in getting down to a system which would work and which would not be subject to too many faults.

I urge the Government (because it will be the key factor in relation to this amendment) to support it. Although in the short term the Government may say that it might not have had the Hon. Mr. Sumner elected as one of its members in the Council if this system had operated previously, it could be pleased in future if this system was introduced. It is being introduced for the benefit not of one side of politics or the other but of the people generally so that their wishes can be expressed fully. I hope that the Government will consider the amendment in that light.

The CHAIRMAN: I take it that the subparagraphs in the Hon. Mr. Cameron's amendment are to be altered to read "(*f*), (*g*), (*h*), (*i*), (*j*), and (*k*)"?

The Hon. M. B. CAMERON: That is so, Sir.

The Hon. A. M. WHYTE: I support the amendment, which, as the Hon. Mr. Cameron has said, improves the present system of counting under which Legislative Councillors are elected and which will give more credibility to votes that are cast. I told the Hon. Mr. Cameron previously that, if my amendment failed, I would be willing to help him with any type of compromise that might improve the Bill. We could perhaps have reached a compromise with the Government on this issue. As my amendment has failed, I support this amendment.

The Hon. R. C. DeGARIS: I, too, support the amendment, although it is not as satisfactory as the Hon. Mr. Whyte's amendment. There will be no saving in relation to counting, as the same process will have to be gone through. However, under the Hon. Mr. Cameron's amendment, an attributed value is given to a surplus of votes from a group. The preferences still must be passed on, as was provided for in the Hon. Mr. Whyte's amendment. Therefore, there will be no saving to the Electoral Department under this amendment except that one will be denied the right to vote for an individual, a right that one would have been given under the Hon. Mr. Whyte's amendment. That amendment embodied the accepted principle in relation to proportional representation. The Hon. Mr. Cameron's amendment still embodies the use of the list

system with a droop quota and a transfer of preferences amongst the group. However, the mechanics of counting are exactly the same, and the claim by the Hon. Mr. Carnie that the Hon. Mr. Whyte's amendments would have involved a longer counting system was not correct. The only problem with the Hon. Mr. Cameron's amendment is that it does not produce, with mathematical certainty, the wishes of the electors, as the Hon. Mr. Whyte's amendment would have done. As the Hon. Mr. Whyte's amendment has been lost, I support the Hon. Mr. Cameron's amendment.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. J. E. Dunford.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable this amendment to be considered by the House of Assembly, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Second reading.

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

That this Bill be now read a second time.

It makes a considerable number of important amendments to the Local Government Act. The amendments are designed to improve local government administration and conduce to efficiency in the employment of local government resources. I seek leave to have the remainder of the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is a formal provision. Clause 2 enables the commencement of the amendments to be varied to meet the needs of local government administration. Clause 3 alters the section dealing with the arrangement of the Act in view of later amendments. Clause 4 provides a definition of "the Local Government Advisory Commission", which is established under Part II of the Act.

Centres for the rehabilitation of persons addicted to drugs or alcohol are exempted from the definition of "ratable property". The definition of "urban farm land" is amended by deleting the qualification relating to the minimum area of the land, and is widened to apply to farm land in townships within a district council. It is no longer necessary for the occupier to derive a substantial portion of his income from the land. The new definition will enable more people to claim the rate concessions in respect of urban farm land; the present definition leads to inequalities that had no logical basis. Finally, "refuse" and "rubbish" are given concurrent meanings. This will resolve problems in interpretation of sections 534 and 542 of the Act.

Clause 5 inserts a new Division in Part II. This Division, VIIA, provides for the establishment of a Local Government Advisory Commission, which will comprise three members—a Chairman, who shall be a judge, the Secretary for Local Government, and a third suitable person. The commission is given the powers of a Royal Commission. This clause achieves two desirable objects. The first is that a permanent advisory body will be able to apply the knowledge and expertise it gains to the questions raised from time to time by petition, particularly as it is hoped that the members to be appointed will be the members of the recent Royal Commission into Local Government Areas. This will be a more effective system than referring such questions, as now applies, to a magistrate who may be available from time to time, particularly as the magistrate who has carried out inquiries in the past has now retired. The second object is that the advisory commission will investigate only those petitions that are lodged under the provisions of the Act. It is not empowered to investigate boundary matters on its own initiative.

Clause 6 repeals section 42 and inserts a new section to provide that the Minister may refer to the commission any matter connected with a petition or counter-petition under Part II. Clause 7 amends section 45a deleting therefrom the reference to the Royal Commission. Section 45a was inserted in the Act during the last session of Parliament and provides for simplified procedures to apply where councils have agreed to pursue changes. The Royal Commission is to cease its activities, but it is desirable that the simplified procedures continue to be available to councils which agree on changes. The advisory commission takes the place of the Royal Commission.

Clause 8 amends section 133 to provide that a "how-to-vote" card can be defined in regulations. Regulations will be prepared to provide that a "how-to-vote" card shall accord, in general, with the provisions in the Electoral Act. Clause 9 amends section 155 by making it possible for an inspection of the minutes of a council to be made without payment of a fee. In addition, a new subsection is included that will enable a council to place on public display a copy of minutes of the council. Clause 10 adds a further subsection to section 157, which provides that the town or district clerk is to be the chief executive officer of a council. This clarifies the provisions currently in the Act and is not intended to affect the status of the officer concerned.

Clause 11 enables a council, by resolution, to fix one day each year as a holiday for its employees. Clause 12 repeals part 9b of the Act relating to the Local Government Officers Classification Board. Local government salaries are now fixed by the Commonwealth Conciliation and Arbitration Commision, and the classification board has not operated for a number of years. Clause 13 inserts in section 163ja a definition of "officer" that was contained in the repealed part 9b. Clauses 14 and 15 amend sections 178b and 180 by empowering a council to carry out certain portions of an assessment where the Valuer-General certifies that he is not able to do so. In addition, the clauses provide that a council is not required to forward an assessment notice to an owner or occupier of ratable property where a Government assessment has been adopted. The Valuer-General is required to forward an assessment notice to owners and occupiers where he has made an assessment. This will not, however, exempt a council from the requirement to forward an assessment notice where it makes part of the assessment itself in accordance with the new provisions.

Clauses 16, 17 and 18 repeal certain provisions of the Act relating to urban farm land. A new urban farm provision is inserted at a later point. Clause 19 amends section 214 of the Act and clarifies the provisions relating

to the ability of a council to declare differential general rates within portions of its area. In addition, a further power for declaration of rates is included. This power will enable a council to declare differential general rates in relation to the use to which land is put. As the Act now stands, rates may vary only according to the situation of the ratable property. It may well be a more equitable system of rating to look at the actual use to which the property is put. A council that chooses to rate according to land use may also be able thereby to encourage development of a particular kind in a particular area. A council may strike one set of land use rates that will apply throughout the whole of its area, or different sets of land use rates that will differ from ward to ward.

Clause 20 inserts a new section 214b dealing with urban farm land and including the provisions repealed by clauses 16, 17 and 18. This provision is now applicable to both methods of assessment, that is, annual value or land value, as a council has for some time past been able to use both methods at the same time, according to wards. New subsection (6) provides that, where a council is rating according to land use, the rate applicable to urban farm land is the average of all land use rates fixed by the council. The section also provides that, where land ceases to be urban farm land, the amount of rates remitted because of the concession for urban farm land must be repaid to the council in respect of the five-year period immediately preceding the cessation. Clauses 21 and 22 amend section 221 and repeal section 222. The amendments relate to the method of apportioning costs of works carried out by a memorial. The existing provisions are not always equitable, and it is considered that the council should have the option of declaring a special rate, or requiring lump sum contributions from the ratepayers who derive benefit from the special works.

Clause 23 makes a metric conversion. Clauses 24 to 30, 32 and 33 amend the sections of the Act relating to the maximum amount in the dollar that a council may declare as the rate to be based on annual values or land values. All references to a maximum rate are deleted. A council will, in future, be able to declare a rate in the dollar without restriction. Some councils currently have a rate that is on or near to the maximum currently permitted by the Act, and, in these days of inflation, it is impracticable to set statutory monetary limits. Clause 31 repeals the existing urban farm land provision that applies only to municipalities.

Clauses 34 and 35 amend the provisions regarding payment of rates. The time period during which rates are due and payable but not recoverable is extended from 21 days to 60 days in relation to both methods of assessment. Rates are therefore now deemed to be in arrears if unpaid after 60 days.

Clause 36 makes some amendments, the first of which is related to the amendment effected by clauses 14 and 15 and which provides that the council must include on the rate notice an indication of whether or not the Government assessment has been adopted. The second of the amendments requires the council to include on the rate notice a statement that the ratepayer may approach the council for payment of his rates by instalment. A third amendment is to be read with a subsequent amendment to section 693. The object is to enable a council to serve a rate notice by placing it in a letterbox and thus to save postage fees. Clause 37 relates to the time for payment of rates. Basically, the council will require the rates to be paid within a period of 60 days. The ratepayer is given the opportunity of approaching the council, within 30 days of the receipt of the notice, with respect to paying his rates by instalments. The new section 257a provides that, where a ratepayer has approached the council to pay by instalments, the council shall allow him to pay by four equal, or approximately equal, instalments. The first instalment is to be paid upon the date when the original rate would have been paid and the further instalments to be paid at intervals of one calendar month. Notwithstanding the above, the council and any ratepayer can agree on any other terms for the payment of instalments. Finally, an instalment is considered to be in arrears if not paid on or before the day on which it is required to be paid.

Clause 38 repeals existing section 259 and inserts a new section which provides for a fine of 5 per cent of the amount in arrears to be added after 60 days or one calendar month, as the case requires, in respect of rates that become due and payable after July 1, 1976. In addition, a further fine of 1 per cent on the total amount in arrears will be added for each calendar month that the amount remains in arrears. Where rates are already in arrears on July 1, 1976, a fine of 1 per cent is added on that day and after each further month. The council is given power to remit all or part of any fine where it considers that the fine would inflict hardship. Clause 39 amends section 267a by providing for a council to postpone the payment of any amount due to the council. At present the section relates only to rates. In addition, the provisions are extended to enable the council to postpone the payment of amounts that have been outstanding since some date preceding the current financial year. Some confusion has arisen in this regard, and some persons have been disfranchised at local government elections because, after the amounts have been outstanding for one financial year, they are deemed to be in arrears. A further subsection is included in the section enabling a council to obtain evidence in respect of an application for postponement. The council can require an applicant to verify the matters on which his application is based upon oath or by statutory declaration. This provision has always existed in respect of the remission of rates by a council.

Clause 40 repeals section 267b and inserts a new section. In effect, the new section provides that a council may remit the rates in respect of organisations providing homes for persons in necessitous circumstances, or for the aged. In view of the vital service provided by these organisations, every possible financial encouragement ought to be offered. The other provisions of the existing section are included in the new section. Clauses 41, 42 and 43 relate to the provisions that empower a council to sell land upon the non-payment of rates. Section 272 is amended to provide that, when a council advertises its intention of selling a property for non-payment of rates, it shall also advertise the amount of Crown rates and taxes outstanding at the time of the sale. Section 277 is repealed. In section 279 new provisions are inserted providing for the disbursement of the money received from the sale of land. The liability in respect of Crown rates or taxes shall be diminished only to the extent permitted by the distribution of the purchase money as outlined. The new owner would thus be liable for any balance of Crown rates and taxes outstanding after the disbursement of the purchase money.

Clause 44 amends section 286 in two ways. First, the amount which a council is able to expend from petty cash is increased from $10 to $20. Consequential amendment is made to the provisions relating to the amount that a council is required to pay by cheque. The second amendment relates to the retention by the council of an advance

account and, in fact, removes the requirement for such an account. New provisions are included to enable a council, by resolution, to authorise, either generally or specifically, payments from any of its banking accounts. Where the council has authorised payments, the clerk shall submit a schedule to each meeting providing details of all payments made between meetings. Clause 45 inserts a new paragraph (*f* 7) in section 287. The new provision enables a council to expend revenue by subscribing towards the cost of establishing or maintaining a library within the area of the council. This will enable councils to provide the funds for the maintenance of a community/school/library complex. Paragraph (*j* 1) of section 287 is also amended. The amendment enables a council to provide trees to persons for planting within the area. The present provision enables a council to provide trees only for schools or places of public resort within the area.

Clause 46 inserts a new section 287c in the Act. This section will enable councils to expend revenue for the provision of child care centres. The provision also empowers a council to establish, manage and operate such centres. This provision arises from the fact that the Australian Government's child care scheme enables local government bodies to participate in the scheme. Clause 47 amends section 289 by providing an additional power to district councils. This power enables a district council to expend revenue in providing a salary or subsidy to assist a veterinary surgeon practising within the district. Clause 48 amends section 319, in respect of the amount for each metre that a council is able to recover in respect of roadworks, kerbing and similar works. The amount is increased from $3·25 a metre to $5 a metre.

Clause 49 amends section 328 in respect of footpath charges. The amount is increased from $1 a metre to $1·50 a metre. The amendments proposed by clauses 48 and 49 are in relation to land which was subdivided prior to the implementation of the Planning and Development Act, 1966-1967. Clause 50 repeals the existing section 364 of the Act and inserts a new section in its place. The effect of the new section is to update the phraseology of the existing section and in addition to provide that a council may construct, maintain, manage and operate, in addition to the other works and undertakings that have previously been permitted, buildings and structures upon, across, over or under any public street or road within the area. The new provisions will continue to be subject to Ministerial consent.

Clause 51 makes similar changes to section 365 of the Act. The new provisions of section 365 will enable a council acting with Ministerial approval, to grant a permit to any person to construct, maintain or operate, buildings or structures upon public roads. The new subsection 2a in the section enables a council to charge an annual fee in respect of any permit granted pursuant to this section. Clause 52 amends section 365b and enables a council to authorise a person to erect a letterbox upon any public street or road in the area. Clause 53 amends section 373 of the principal Act. The purpose of the amendment is to enable the council to prohibit parking in any public place. At present a prohibited area may only be declared in a public street or road. Clause 54 amends section 383. The effect of the amendment is to enable councils to borrow for meeting the cost of the preparation of plans relating to the planning and development of the area.

Clauses 55 and 56 amend sections 426 and 430 to provide that where a council is borrowing to repay a loan it is not necessary for a notice of intention to borrow to be advertised, nor for an order to be issued. Clause 57 amends section 435 of the Act by providing that a scheme submitted to the Minister for his authorisation no longer needs to be reproductive or revenue earning, as long as it will substanially benefit the area. There are instances where it is necessary for a council to assist an organisation providing community services, for example, St. John Ambulance, Civil Defence or E.F.S. brigades. Such a scheme would not necessarily be revenue earning or reproductive. The amendment also extends the provisions to enable a council to participate in schemes which are generally for the benefit of the area, notwithstanding the fact that the land on which a permanent work or undertaking is being constructed or carried out is owned by the council.

Clause 58 amends section 449 of the Act to provide that a council is able to exceed the overdraft limit set by that section subject to Ministerial approval. Subsection (5), which is now redundant, is repealed. Clause 59 adds a new subsection to section 530c. This provides that borrowings under section 530c shall not be taken into account for the purpose of ascertaining whether the limits set by section 424 have been exceeded. It seems inappropriate for such borrowings to be taken into account because generally a common effluent drainage scheme is self-financing. Clauses 60 to 63 amend various sections in relation to the establishment of hospitals. The effect of the amendments is to remove areas of conflict between the planning and development regulations and the existing provisions of the Act. The provisions of this Act are in addition to, and do not derogate from, the provisions of the Planning and Development Act. In addition, the definition of "private hospital" is varied to harmonise with the definition contained in the Health Act.

Clauses 64 and 65 up-date some outdated penalties and transfer a provision dealing with the making or obstruction of watercourses to a more appropriate part of the Act. Clauses 66, 68 and 69 amend the provisions of the Act relating to the abandonment of vehicles and the problem of litter. Sections 666 and 783 are repealed. A new Part is inserted in the Act that incorporates the substance of these provisions. In addition, the new provisions increase from $200 to $500 the maximum penalty for depositing litter. As some councils have been enforcing litter provisions at a loss, a provision is included that the courts shall, on application by the council, order the convicted person to pay the council the costs incurred in cleaning up litter. Definitions of "litter", "public place" and "waste matter" have been incorporated in the new provisions. An evidentiary provision is inserted to facilitate proof of the identity of a person who has unlawfully deposited litter. New section 748b creates the offence of abandoning a vehicle or farm implement in a public place. A council may remove such a vehicle or implement and dispose of it if no claim is made within seven days. Proceeds of sale (if any) are to be paid into the general council funds. A person convicted of an offence under this section is liable to the council for the costs of removing or disposing of the vehicle or implement.

New section 748c deals with the different problem of vehicles which may not necessarily have been abandoned but which ought nevertheless to be removed from the street or other public place. This provision is substantially the same as the existing section 666 of the Act. However, a council may now issue a notice to the owner at the same time as the publication of a notice in the newspaper. The owner is now given 14 days (instead of one month) in which to pay the costs of removal, and so on. New section 748d provides for expiation fees for

offences under this Part. Clause 70 amends section 875 to provide that it is no longer necessary for a council to post by registered post, a certificate of amounts outstanding. The cost of registered post is now prohibitive and this form of post does not always provide an effective method of service. Clause 71 makes a metric conversion. Clause 72 repeals the Garden Suburb Act, which is now redundant.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 4. Page 2063.)

The Hon. R. A. GEDDES: In his second reading explanation, the Minister of Health said:

This short Bill alters the name of the corporation established under section 16e of the principal Act . . .

Actually, the Minister's reference should have been to section 16a. In the *Hansard* pulls it is printed as section 16e, and I ask the Government to note that. The Industries Development Act has operated since 1941. During that time many industries large and small have received assistance in connection with their ability to borrow.

Industries have been assisted through guarantees by the State or through loans or grants from the Industries Assistance Corporation with the assistance of the Industries Development Committee. So, much has been done to help industries during the period to which I have referred. In 1974-75, the Industries Assistance Corporation and the Industries Development Committee approved $19 100 000 worth of assistance to industry in this State. The Industries Development Committee, which becomes responsible when the corporation has to lend a sum greater than $100 000, has a very important responsibility in assisting industries to commence operations or in assisting established industries to expand. It is good to have the Hon. Mr. Cornwall as a member of the committee; we appreciate the work that he does. Of the $19 100 000 contributed to industry in the last financial year, $15 800 000 was in the form of guarantees, where the State guaranteed the money advanced to the industry concerned.

This Bill changes the name of the corporation established under the principal Act from the Industries Assistance Corporation to the State Industries Assistance Corporation, in order to avoid confusion with a Commonwealth authority called the Industries Assistance Commission. I suggest that it is rather unimaginative of the Government to adopt the new term. In 1974, the Government amended the principal Act to give the corporation the authority to assist industries in countries proclaimed by the Governor, but I am not aware of any loans made to oversea industries. It would surely be better if the corporation, since it may be called on to assist outside Australia, was known as the South Australian Industries Assistance Corporation instead of the State Industries Assistance Corporation.

Also, the corporation deals with companies that have their headquarters in other States. Here again, knowing that other States have legislation of a similar type, I suggest it is fair and reasonable that we should name our authority the South Australian Industries Assistance Corporation. We should be proud to use the term "South Australia" in the name of the corporation. C. J. Dennis has written, "What's in a name? What's in a string of words?" It would be appropriate for the Government to consider the amendment that I have foreshadowed, striking out "State" and inserting "South Australian" whenever it occurs. My foreshadowed amendment could well save embarrassment to the Government and the corporation in the future.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. R. A. GEDDES: I move:

Page 1, line 12—Leave out "State" and insert "South Australian".

My arguments, which I have just given in the second reading debate, are sufficient to convince the Government of the need for this change.

The Hon. D. H. L. BANFIELD (Minister of Health): Although the Hon. Mr. Geddes has given a good story, the Government did look at this matter, but the corporation suggested that such a change in name would be unsuitable because of the length of the title. I oppose the amendment.

The Hon. R. A. GEDDES: I am amazed that the inclusion of the words "South Australian" in the title upsets the corporation, which does so much to help industry. The corporation's function is to bring industry to South Australia. Are we proud of our name or not? Victoria and Tasmania are the only States with shorter names but other States include the name of their State in such titles. Although the amendment refers to the words "South Australian" the corporation could use "S.A.", which I thought of, too. The State Government Insurance Commission on its building and letterheads uses the abbreviation "S.G.I.C.". If that is the only objection to the use of the name I must insist on the amendment.

The Hon. M. B. CAMERON: The amendment should be supported. The inclusion of the State's name in the title is a clear expression of what the Government is trying to do. The word "State" does not cover the situation adequately. It could be any State. What about assistance that is rendered overseas? It is important that it is known that the assistance comes from South Australia. I urge the Committee to support the amendment.

Amendment carried.

The Hon. C. M. HILL: I understand that the chairmanship of the corporation was recently changed just before the time of the State's involvement in Penang, and that a new Chairman has been appointed. As I do not wish to prolong the passage of the Bill, will the Chief Secretary undertake to ascertain and reply by letter whether it is true that the chairmanship did change a few months ago and what were the reasons for that change?

The Hon. D. H. L. BANFIELD: I will undertake to do that.

Clause as amended passed.

Clause 3—"Repeal of heading preceding s.16a of principal Act and enactment of heading in its place."

The Hon. R. A. GEDDES moved:

Page 1, line 16—Leave out "State" and insert "South Australian".

Amendment carried; clause as amended passed.

Clause 4—"Establishment of corporation."

The Hon. R. A. GEDDES moved:

Page 1, line 22—Leave out "State" and insert "South Australian".

Page 2—

Line 6—Leave out "State" and insert "South Australian".

Line 11—Leave out "State" and insert "South Australian".

Amendments carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PEST PLANTS BILL

Adjourned debate on second reading.

(Continued from February 4. Page 2065.)

The Hon. J. C. BURDETT: I support the second reading of this Bill. As the Minister has said, it is designed to replace the old Weeds Act. I must say that I regret the terminology used in the short title. Two nouns have been used, "pest" and "plants" and the first is really an adjective. While such usage is not uncommon, it is fair to say that one would have expected something more grammatical in a Bill. I do not know why it was necessary to legislate for the control of vertebrate pests instead of vermin, or for the control of pest plants, instead of weeds. The Minister's explanation of the changed nomenclature does not satisfy me. Everyone knows what weeds are, and everyone understands the term "vermin". I do not agree that the term "weeds" has a limiting connotation, as the Minister has said. I predict that farmers, graziers, local government officers, and even Agriculture Department officers will use the term "weeds" in preference to "pest plants" for a long time to come. I do not think that we can stop talking about onion weed and start talking about onion pest plants.

The Hon. Anne Levy: You have used two adjectival nouns. The use of one such noun is permitted, but two is clearly ungrammatical.

The Hon. J. C. BURDETT: I am suggesting that we should not do this. The scheme of the Bill is that weeds (I shall not use the new term until the Bill is passed) be controlled by boards formed from local government bodies and that there be a Pest Plants Commission, which shall fix council rating within the limits prescribed in the Bill and that the moneys raised from council rating be subsidised by the Government, also as prescribed in the Bill.

My first reaction, when I heard of the scheme of this Bill, was not favourable. To me, it savoured of being yet another erosion of the powers of local government and yet another move towards centralism and bureaucracy. However, on examination and inquiry, I am satisfied that legislation such as this is necessary to control weeds effectively and uniformly throughout the State. In the interests of the agricultural community, it is necessary for weeds to be reasonably and sensibly controlled and it is essential that control be uniformly enforced. Obviously, it is unsatisfactory if weeds are properly controlled on one property and not on another property; it is equally unsatisfactory if weeds are controlled in one council area and not in the next.

I believe that under the old Weeds Act it proved to be, in practice, unduly difficult to ensure that councils enforced the Act with reasonable uniformity and efficiency. There is no doubt about the magnitude of the problem. An estimate has been made of the loss in primary production through weeds in South Australia, and this estimate was made by a special authority, as I understand it. The loss in production in the agricultural industries of South Australia is in excess of $20 000 000 a year, through weeds.

One thing that has been spoken of considerably by constituents has been what appears to be an undeniable fact, that many of the national parks and wildlife reserves have become a breeding ground for weeds and vermin. No proper steps have been taken to control weeds in these areas, and the plight of landowners in the neighbourhood of such parks and reserves is most unenviable. The Bill does not seek to bind the Crown, and I do not believe it should. The principle of monarchy demands that the Crown be immune from civil processes in carrying out its ordinary executive functions. Of course, if it goes into the private sector or if its officers commit torts, it can expect to be bound in the same way as any subject. However, it is not usual for the Crown to be bound by regulatory Acts of this kind.

In the Committee stage, I shall consider moving an amendment, which is now on file, to incorporate in the Act the principle that the Crown should fulfil its own obligations in weed control on its own land, including national parks and wildlife reserves. The principles of this Bill have been discussed with local government and other people throught the State for some time. Many councils originally disagreed with the proposed legislation and have made submissions to the Agriculture Department, some of which have been accepted. My information is that many councils that had originally disagreed with the Bill have now withdrawn their objection and, as far as I can discover, there is now very little opposition from local government.

I must say I applaud the Minister for having had his officers canvass the draft Bill with the people concerned long before it was introduced, and for being prepared to listen to matters raised by those people. This Bill was first contemplated and discussed when the Hon. Mr. Casey was the Minister of Agriculture. He has in the past on several occasions been prepared to have his officers discuss projected legislation with the people affected. I am pleased that the present Minister is continuing that practice. It is a pity that other Ministers do not emulate him.

In regard to this Bill, it must be remembered that the boards are comprised of local government delegates, so that local, on-the-spot control is retained. There is provision for single-council boards where circumstances so dictate. I refer to clause 47, which seems to me to present some difficulties. It states:

> A person shall not sell, offer for sale or have in his possession for sale any animals, plants, soil, vehicles, or farming implements, or any other produce or goods that are carrying any pest plant.

The sort of situation that occurs to me is that a crop may be infested with saffron thistles; it may be in the hay or in the grain. This provision, read literally, as it must be, would preclude the sale of that crop for any purpose. As the clause stands there is no "out". The farmer could not sell the crop even for pig feed or anything else. It is absolutely prohibited by the clause as it now stands.

The Hon. R. A. Geddes: Would this apply to stock also?

The Hon. J. C. BURDETT: Yes. It occurs to me that throughout the Mallee the burrs of the weed horehound, which is at present proclaimed and is almost certain to be proclaimed under this legislation, are in the waters in all parts of the Mallee and therefore it would, in terms of this clause as it now stands, be illegal for the farmers to sell the wool that is produced, carrying the weeds.

I understand that this clause was promoted largely by local government, that it was largely at the instance of local government that the clause is in the Bill. I have also on file an amendment relating to this matter that allows a sale with the previous permission of an authorised officer, either a local or a State authorised officer; and that seems to be the best way of overcoming the problem.

Finally, I say that the success of this Bill, as with all similar legislation, depends to a great extent on the way in which it is administered. I am sure that, with goodwill on the part of the councils, the landowners, and the officers of the commision, the Bill will be a successful vehicle for controlling weeds in this State. I support the second reading.

The Hon. A. M. WHYTE secured the adjournment of the debate.

STANDING ORDERS COMMITTEE

Consideration of report in Committee.

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

That the report of the Standing Orders Committee and the schedule of proposed amendments appended thereto be agreed to.

The committee met on five occasions. These amendments were agreed to unanimously. I understand they were taken back to the various Parties and received attention there. True, other items were discussed, but they were not proceeded with. The report has been circulated.

The Hon. C. M. HILL: I refer to the change in Standing Order 188. While I do not intend to oppose this, because I know we had a look at it in the course of this investigation, I think it will be a bad thing for the traditionally high standard of debate in this Chamber if honourable members use this means of quoting from debates in another place to substantiate their case in this Chamber. The principle of separation between the two Houses should apply and, in my view, the standard of debate will be lowered if members resort to the provisions of this Standing Order in an unreasonable way. I hope honourable members will not use it unduly because, if they do, we will be copying the debate from another place and that would be a bad thing for debate in this Chamber.

The Hon. D. H. L. BANFIELD: While I agree with the views of the Hon. Mr. Hill, I think he would agree that at times people have quoted from the proceedings of another place without openly saying so. They say, "It has been reported", and we all know there is only one place in which it would have been reported.

The Hon. T. M. Casey: It is possible to get the same report from a newspaper.

The Hon. D. H. L. BANFIELD: That is so. The committee thought this should be given a try, but I am glad the Hon. Mr. Hill has raised the matter.

The CHAIRMAN: As Chairman of the Standing Orders Committee, I can say that the committee believed this was necessary because almost invariably matters of policy are decided in the other House and often referred to in this Chamber. The matter is still under the control of this Chamber and of the President, because the quotation must be strictly relevant to the matter under discussion.

Motion carried.

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

That, pursuant to section 55 of the Constitution Act, the amendments be presented by the President to the Governor for approval.

Motion carried.

ADJOURNMENT

At 5.24 p.m. the Council adjourned until Tuesday, February 10, at 2.15 p.m.