

## LEGISLATIVE COUNCIL

Wednesday, August 11, 1976

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

### PETITION: SEXUAL OFFENCES

The Hon. R. A. GEDDES presented a petition signed by seven electors of South Australia stating that the crime of incest and the crime of unlawful carnal knowledge of young girls are detrimental to society and praying that the Legislative Council would reject or amend any legislation to abolish the crime of incest or to lower the age of consent in respect of sexual offences.

Petition received and read.

### QUESTIONS

#### MEMBERS' REMARKS

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

Leave granted.

The Hon. R. C. DeGARIS: Yesterday, during the Minister's speech in closing the debate on the motion for the adoption of the Address in Reply, an exchange took place in which the Hon. Mr. Blevins interjected and stated:

Did the bosses stop making profits and exploiting labour during the war?

The Hon. Mr. Banfield said:

Of course they did not.

The Hon. Mr. Blevins then said:

Winston Churchill . . . made fortunes out of it.

I think that is a rather unfortunate reference to a very great man, and I was wondering whether the Minister would indicate whether he agreed with that view.

The Hon. D. H. L. BANFIELD: I am in no position to know whether Winston Churchill made anything out of it.

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Chief Secretary, as Leader of the Government in this Council.

Leave granted.

The Hon. M. B. DAWKINS: Yesterday afternoon, the Hon. Mr. Foster said in this Chamber:

I would sooner be a communist than a damned Liberal. You, Mr. President, heard the honourable member's statement, because you interposed:

If the honourable member persists, there will be an objection taken on that, too.

I found it hard to believe that anyone could say such a thing, but apparently it is correct as it was recorded. In view of the fact that the Hon. Mr. Foster said, "I would sooner be a communist than a damned Liberal," and in view of the fact that he was the No. 1 member of the Labor Party team at the last Legislative Council election, is the attitude he expressed the attitude of the Government, that it would rather have close associations with the Communist Party than with the Liberal Party?

The Hon. D. H. L. BANFIELD: The honourable member knows very well that the statement was made by the Hon. Mr. Foster, who obviously sorts out his own priorities.

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Minister of Health, as Leader of the Government in this Chamber.

Leave granted.

The Hon. C. M. HILL: In the course of debate in this Council yesterday, I heard the Hon. Mr. Foster claim that I had previously used the expression "dole bludgers" in this Chamber, and I told him yesterday that I should like him to check the position in *Hansard* overnight. I also told him that I would ask him today whether he is satisfied that the statement he continues to make (that I have used this expression here) is untrue. However, the Hon. Mr. Foster is not in the Chamber at present to enable me to ask the question of him. He did appear for a few moments at about 2.15 p.m., but I was unable to get to my feet then, because other honourable members were asking questions. I have now waited about half an hour for him to be present and, as he still remains somewhere other than in this Chamber, I direct the question to his Leader. In February, 1976, the Hon. Mr. Foster claimed that I had used the expression in this House. On February 18 (as shown on page 2455 of *Hansard*), I denied his claim. Yesterday, the honourable member continued with his claim and, of course, I again denied it. I am trying with all my power to cause the honourable member to refrain from continuing in that vein. I therefore ask his Leader in the Council whether he can bring to bear on the Hon. Mr. Foster whatever control he has over him, and exert with all his power his influence to cause the Hon. Mr. Foster to refrain from making these accusations against me in future.

The Hon. D. H. L. BANFIELD: In the absence of the Hon. Mr. Dawkins from the Chamber, I state that, if honourable members opposite want to get up and draw attention to the fact that certain members are out of the Chamber from time to time (when they have other work to do), let them do so and not complain if others do exactly the same thing. The Leader of the Opposition in the Council has said from time to time that this is an independent House, and that individual members are entitled to express their own views. I am sure that the Hon. Mr. Hill would not want me to interfere with that independence.

The Hon. C. M. HILL: Will not the Chief Secretary admit that making accusations of members who are out of the Chamber is totally different from this present situation, when yesterday I gave the Hon. Mr. Foster 24 hours notice that I would ask this question during Question Time today?

The Hon. D. H. L. BANFIELD: No, I do not think it makes any difference. I do not know why the Hon. Mr. Foster is out of the Chamber at present. It is probably because he is attending to matters that are much more urgent than the Hon. Mr. Hill's question, and I point out that facilities are available to the Hon. Mr. Hill to track down these matters himself.

The Hon. T. M. Casey: And he could have got the first call today.

### ELECTRIC CAR PROJECT

The Hon. R. A. GEDDES: I direct a question, I presume to the Minister of Health, representing the Premier, and I ask leave to make a short statement prior to asking it.

Leave granted.

The Hon. R. A. GEDDES: The question, which is related to the electric car project being undertaken at Flinders University, may be, in a sense, relevant to transport. The problem appears to be that, because of a lack

of funds from Government sources, the continuation of manufacturing and the examination of ways to perfect this car at Flinders University will be cut short this year because of lack of finance, amounting, it seems, to about \$25 000. It has been suggested that, if Flinders University were to promote a public appeal for that sum from industry and people concerned with the conservation of energy, possibly the money could be provided from the public, thereby allowing work on this project to continue. Will the Government take up the matter with Flinders University and at the same time favourably consider assisting in promoting a public appeal to aid work on the electric car project at the university?

The Hon. D. H. L. BANFIELD: I suppose this was a cut-back to defeat inflation, which some honourable members yesterday thought was a move in the right direction. I do not know whether this is the case, although there must have been a reason for it. However, I will refer the honourable member's question to my colleague. If the move was intended to defeat inflation, the honourable member may be pleased about it.

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

Leave granted.

The Hon. R. A. GEDDES: In connection with this project, one of the mechanical achievements at the university was the creation of a regeneration transmission system; in layman's terms, when the car was coasting and when no power was being used but the wheels were being rotated, the generators in the wheels created a current that helped to recharge the batteries. This system was considered extremely efficient and well researched, to such an extent that overseas companies, particularly in the United Kingdom, have copied it. Was this regeneration transmission system patented in any way and, if it was not, could it have been patented? Has the Flinders University group obtained any financial remuneration from United Kingdom companies copying its system?

The Hon. D. H. L. BANFIELD: I will seek the information for the honourable member.

#### ADDRESS IN REPLY

The PRESIDENT: I remind honourable members that His Excellency the Governor will receive the President and honourable members of the Council at 2.30 this afternoon for the presentation of the Address in Reply. I therefore now ask all honourable members to rise and accompany me to Government House.

*[Sitting suspended from 2.21 to 2.37 p.m.]*

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's Opening Speech adopted by the Council on Tuesday afternoon, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the second session of the Forty-Second Parliament. I am confident that you will give your best attention to all matters placed before you.

I thank you for your personal message to me. It has been my privilege to be the representative of the Queen in South Australia. I have endeavoured at all times to serve

the State to the best of my ability, and have derived much reassurance from the support given to me by the members of the Legislative Council. It is my earnest hope that my successors will receive that same support.

I wish you all, collectively as the representatives of the citizens of this State, and individually, my very best wishes for your happiness and fulfilment. I pray for God's blessing upon your deliberations.

#### QUESTIONS RESUMED

##### DROUGHT RELIEF

The Hon. F. T. BLEVINS: I seek leave to make a brief statement prior to asking a question of the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. F. T. BLEVINS: Yesterday, the Minister announced a scheme for the disposal of surplus stock. I understand that the South Australian Government has undertaken to pay the cost of drought-affected stock being disposed of by local councils. The Opposition was quoted in this morning's press as suggesting that the Government is not showing sufficient responsibility in this critical drought situation and that the Minister does not understand the present problem confronting farmers. I find it appalling that the Opposition wants to make political capital out of the distress of the rural sector. However, will the Minister tell the Council what has been done to alleviate farmers' distress in the present drought situation?

The Hon. B. A. CHATTERTON: The Government has shown a responsible attitude regarding the drought situation in South Australia. The first meeting of the drought committee set up within my department was on July 1, when a detailed assessment was made of stock holdings and the crop situation in the State. It was then decided that a holding operation was all that was necessary and that the situation should be monitored regularly; those concerned making recommendations for action when action was warranted. Since then four meetings of the committee have been held, and the Minister of Lands and I have both made extensive tours of drought-affected areas of the State. The first problem that arose during the present drought concerned the maintenance of breeding stock. On July 23 the Minister of Lands announced a subsidy of 50 per cent on the freight costs of sending breeding stock to agistment. Further, a subsidy of 50 per cent on fodder was granted and both these subsidies were made retrospective to July 1. The disposal of drought-affected stock was the next problem to be dealt with and on July 27 the South Australian Meat Corporation announced that it would pay 40 cents a head under its meat-meal scheme, which was extended to Port Lincoln abattoirs on August 2.

During the last week or so it has become obvious not only that the abattoirs cannot cope with the number of sheep coming in for processing but also that often the stock is too weak to make the journey to the abattoirs. Last Monday Cabinet approved a scheme for the slaughter of drought-affected sheep on site, and the Government has undertaken to pay local government costs incurred in disposing of such stock. There has been some criticism that a bounty was not being paid in relation to the disposal of stock, but let me make clear that the 40c a head paid under the meat-meal scheme, involving Samcor and Port Lincoln abattoirs, will cover not only the freight component for farmers who use this scheme. I point out that the cost of this scheme is considerable. The cost of processing sheep into meat-meal

is not cheap; in fact, last year when we had a similar scheme operating at Port Lincoln the cost to the Government of processing animals into meat-meal was over \$20 000.

The Hon. M. B. Cameron: Are you subsidising Samcor in this regard?

The Hon. B. A. CHATTERTON: The Government realises that farmers are beginning to face cash-flow problems, and that the payment of a bounty on surplus stock will not solve this cash-flow problem. Rather, the Government has made provision in its estimates for carry-on finance to be available to drought-affected farmers under the terms of the Primary Producers Emergency Assistance Act, 1967. Under this Act, farmers may apply for carry-on finance to cover both household support and farm management costs. Application forms are available from Lands Department and Agriculture Department offices throughout the State.

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. A. M. WHYTE: In the Minister's reply to the Hon. Mr. Blevins, he outlined the system at present used by the Government, and I have stated previously in this Chamber that much of the scheme is of little assistance to the producers, inasmuch as the 40c for sheep does not pay for the freight from the areas worst affected by drought. As a result, thousands of sheep will be disposed of. It is interesting that the Government will pay councils for burying this stock. Once again, I wonder how much will be involved, but the interesting thing about the system was that carry-on financial assistance could be obtained through the Primary Producers Emergency Assistance Act, which I understand the Minister of Lands administers. I should like to know what the requirements for such an application would entail and what rate of interest would apply.

The Hon. B. A. CHATTERTON: The Government made this decision because it considered that the assistance to farmers would be more equitable if it was done on a needs basis rather than by a flat bounty through the slaughter of stock, and I think the honourable member would be well aware that the cash needs of farmers vary considerably. Some of those benefiting under the proposed bounty scheme could have considerable cash reserves, while other farmers in a more desperate situation might not benefit at all. That is why it was decided that the cases should be dealt with on an individual needs basis. Loans under the Primary Producers Emergency Assistance Act are, I understand, for up to seven years and are available to those applicant farmers who are not able to obtain finance from other sources. I think that the interest rate on these loans is the same as the State Bank overdraft rate.

#### SUCCESSION DUTIES

The Hon. R. C. DeGARIS: Could the Chief Secretary ascertain for me the number of transfers of properties to joint names under the moratorium granted by the Government recently? Will he find out how many were transferred to tenancies in common and how many to joint tenancies?

The Hon. D. H. L. BANFIELD: I will endeavour to obtain the information.

#### PHARMACISTS

The Hon. J. A. CARNIE: I seek leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. J. A. CARNIE: As the Minister will be aware, hospitals in the State that are not large enough to warrant a full pharmacy service with a pharmacist in charge have patients' medication supplied in one of two ways: either a pharmacist attends the hospital on a sessional basis and makes up prescriptions using the hospital's own supplies, or (which is more common) prescriptions are sent to a local retail pharmacist who dispenses them and returns them to the hospital correctly labelled with the patient's name and directions for administration.

In this way, the dispensing of what are in many cases dangerous drugs is kept in the hands of people who are fully trained in their use. There are disquieting rumours in the pharmacy profession that these arrangements are to be changed, and I believe that already some pharmacies have been advised that their contracts with hospitals will be terminated. Is the Minister or the Hospitals Department examining the possibility of allowing these smaller hospitals to obtain drug supplies from sources other than pharmacies and of allowing people other than pharmacists to dispense prescriptions in hospitals? If so, who is it intended shall dispense prescriptions (and I use the word "dispense" as distinct from "administer") in hospitals?

The Hon. D. H. L. BANFIELD: True, studies are going on in relation to the distribution of the drugs. Under the Medibank agreement, we have been requested to see how we can cut down expenses on the service. This is one suggestion that has been put to us, and the Government is considering it.

The Hon. J. A. Carnie: Who is it intended will dispense them?

The Hon. D. H. L. BANFIELD: We are considering the position at present, and all these matters must be taken into account.

The Hon. J. A. CARNIE: I seek leave to make a short explanation before asking the Minister of Health a further question.

Leave granted.

The Hon. J. A. CARNIE: I am sure the Minister will be aware that for one to qualify as a Bachelor of Pharmacy takes three years full-time study and one year post-graduate work in either retail or hospital pharmacies. This has been considered necessary to ensure a thorough knowledge of the action of drugs and, more particularly in modern medicine, the interaction of drugs. I point out that the pharmacist takes the ultimate responsibility for any adverse effects of drugs, even if he follows exactly the doctor's prescription. To change this system merely to save a slight sum of money could be to the detriment of a patient's well-being and, possibly, life. Will the Minister seriously consider these facts before making any changes to the present system?

The Hon. D. H. L. BANFIELD: As I indicated in my reply to the previous question, the Government is considering the whole matter.

The Hon. J. A. Carnie: I am asking you also to consider what I have just said.

## HILLS LAND

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. J. R. CORNWALL: Recently, several constituents have queried me regarding press reports on land use in the Adelaide Hills, especially regarding hobby farms. The reports appear to be contradictory. I understand that the first is known as the Lewis report, which states that hobby farming could be detrimental. Another report released soon after that, which I understand was known as the Moore and Hartley report, seemed to be quite to the contrary. Subsequently, we had the announcement that the Monarto Development Commission had been requested to prepare a report on land use. This is interpreted by some people as meaning that the commission has been called in to "referee the bout". I wonder whether the Minister could say how the difference has arisen and explain what is the position.

The Hon. B. A. CHATTERTON: The first report that the honourable member has mentioned was written by Mr. Ian Lewis, the Horticultural Adviser for the Adelaide Hills. He wrote the report, and the Agriculture and Fisheries Department considered that it should be further publicised as a discussion paper. In writing the foreword to that report, I emphasised that it was not Government policy but raised several topics about land use in the Adelaide Hills that were considered worthy of further discussion. That is why the report was released. Subsequently, the *Advertiser* published a report on an earlier survey that had been done by two officers of the department, Mr. Moore and Mr. Hartley. This survey, which was conducted in 1974, was written up as though it was in contradiction of the report by Mr. Lewis.

In fact, it was a survey (and I do not think it could be interpreted as coming to any conclusions) of the opinions of small landholders in the Adelaide Hills area, I think mainly in the One Tree Hill area. That is the origin of those two reports. As far as the other matter raised by the honourable member is concerned, the Minister for Planning has announced that the Monarto Development Commission will undertake an extensive study of the Adelaide Hills area in order to make recommendations to the Government, and doubtless the commission will draw on those papers that have been prepared by the Agriculture and Fisheries Department.

## FIRE-FIGHTING VEHICLES

The Hon. R. A. GEDDES: I desire to ask a question of the Minister of Agriculture and Fisheries and ask leave to make a short statement before doing so.

Leave granted.

The Hon. R. A. GEDDES: Much embarrassment has occurred amongst Emergency Fire Service units that purchased new vehicles for the coming fire season because, having budgeted for their new vehicles on the assumption that they would get a 50 per cent subsidy from the E.F.S. fire-fighting fund, they have received, in effect, only 43·7 per cent. One group that has purchased an extremely expensive truck has pointed out to me that, before ordering that truck, it got a verbal agreement with the department that its subsidy would be in order; that is, that it would get a 50 per cent subsidy. On those terms, the group

went ahead and budgeted accordingly, and now it is financially embarrassed because the amount received is only 43·7 per cent. I ask whether, in future, when councils or interested E.F.S. bodies intend to purchase new equipment, the department concerned can be told and the amount of subsidy can be set at the beginning of the season so that those purchasing vehicles can budget accordingly, rather than that the amount of subsidy be set at the end of the season. The other problem is that, when the groups concerned received the cheques, no letter of explanation was sent stating that this was all the money that they would receive. I should like the Minister to consider these matters.

The Hon. B. A. CHATTERTON: We are aware of the problems that occurred during the past financial year regarding subsidies, and we are examining the matter to try to get a better procedure so that the units will know what subsidy is available and so that the applications can be processed more quickly in future. I thank the honourable member for his suggestion, which will certainly be considered.

## KANGAROO ISLAND SETTLERS

The Hon. F. T. BLEVINS: I seek leave to make a statement before asking the Minister of Lands a question.

Leave granted.

The Hon. F. T. BLEVINS: As the Minister would know, I have in the past few weeks been to Kangaroo Island several times with other members of the Parliamentary Land Settlement Committee.

The Hon. J. A. Carnie: When you were there did you tell everyone that you're a friend of Jim Dunford?

The Hon. F. T. BLEVINS: I am trying to ask a serious question about a serious problem, and I ask the Hon. Mr. Carnie to keep what he thinks are humorous remarks for another occasion. During the committee's visit to the island, certain remarks were alleged to have been made by some public servants regarding subsequent management of the farms up until the alleged time when the settlers might for economic reasons have to leave their farms. As some of the remarks have been reported in the press, it is obvious that they have not been stated to the committee only. They include remarks such as, "Do not bother planting your crops, because you will not be able to reap them." At least one of the island's settlers (and there are many in the same position) has 30 tonnes of super-phosphate on his property that he will not spread, having been told that, because he would be leaving his property, it would not be worth his while doing so.

Regarding the final solution of this problem, it seems to me that, whatever is decided, nothing will be gained by farmers not carrying on in the interim with the normal management of their properties. It is in everyone's interest, whether the farmers stay on their properties or if the worst happens, for them to keep their farms in the best possible condition at all times. Will the Minister of Lands therefore tell departmental officers that the 21 Kangaroo Island farmers, who are the subject of the inquiry, should continue with the normal seasonal management of their properties?

The Hon. T. M. CASEY: I am pleased that the honourable member has drawn this unusual problem to my attention at this stage because it is, as the honourable member pointed out, in the farmers' interests to continue practical farming in the best possible way. I doubt whether I can give a direction that these farmers should, for instance,

spread their superphosphate, which is the normal practice in farming. However, I will certainly tell the departmental officers on the island that they should encourage these farmers to continue with normal farming practices, which as the Hon. Mr. Blevins has pointed out is in their own best interests.

The Hon. A. M. WHYTE: The Minister of Lands should be aware that he would not have power to direct landholders on Kangaroo Island. Already, those landholders have been subjected to one of the best jack-boot operations that we have seen in this country. It would also be asking a lot for these farmers to carry on with the normal management of their farms, knowing that at the end of their operations they would receive no reward whatsoever for so doing. If the Minister intends to direct farmers to complete their seasonal operations, will he be willing to pay farmers at least the basic wage for their operations if they are removed from their properties?

The Hon. T. M. CASEY: I would have given the honourable member more credit than to ask such a ridiculous question.

The Hon. A. M. Whyte: What is ridiculous about it?

The Hon. T. M. CASEY: I will tell the honourable member. First, he said that this was a jack-boot operation, implying that the State Government had initiated this move.

The Hon. A. M. Whyte: I didn't accuse you of that. I said there had been a jack-boot operation against these people.

The Hon. T. M. CASEY: By whom? By the Federal Government.

The Hon. C. M. Hill: No.

The Hon. T. M. CASEY: The honourable member's question was ridiculous, because he led with his chin. The direction came from the Commonwealth Minister for Primary Industry (Mr. Sinclair).

The Hon. C. M. Hill: Wait until you read the evidence given to the committee.

The Hon. A. M. Whyte: Answer my question.

The Hon. T. M. CASEY: First, the honourable member said that the operation had been a jack-boot operation, implying that the State Government was responsible, whereas it was a direction from Mr. Sinclair, the Commonwealth Minister. Let us get that straight.

The Hon. R. C. DeGaris: That is not correct.

The Hon. T. M. CASEY: Yes, it is. The direction came from Canberra.

The Hon. C. M. Hill: We challenge that statement.

The Hon. T. M. CASEY: Information was supplied by the State to the Commonwealth Minister for Primary Industry, who saw his way clear to send an officer from his department in Canberra; that officer linked up with an officer from my department in South Australia, and they went to the island.

The Hon. C. M. Hill: Read the evidence.

The Hon. T. M. CASEY: That is the situation. I know, because I am the Minister in charge of the operation. I operate the scheme on behalf of the Commonwealth.

The Hon. R. C. DeGaris: Rubbish! You should read Mr. Justice Bright's declaration.

The Hon. T. M. CASEY: We are the agent. If the Leader wants to ask a question he is entitled to do so, but he is out of order in interjecting. The second part of the Hon. Mr. Whyte's question related to the fact that I said to the Hon. Mr. Blevins that I did not think it was in my power to direct the farmers. I went on to say that, if the farmers wanted to carry on normal farming

operations (and I believe they should, in the interests of good farming operations), they should spread their superphosphate. I agreed with the honourable member that this should be done, and I think that the Hon. Mr. Whyte would agree also. At this stage I do not think it is in my power to direct the farmers and, even if it was in my power, I do not think I would do so: it is up to the farmers themselves.

The Hon. R. C. DeGaris: Will the Minister explain the situation further, because Mr. Justice Bright's declaration of rights in regard to the zone 5 settlers stated that the State was the principal, not the agent of the Commonwealth? I am referring to a declaration made by Mr. Justice Bright in the case *Heinrich v Dunsford*—the zone 5 case. It is clear that the Commonwealth is not the principal: it is the State. Has the Minister read that judgment and does he understand the legal position?

The Hon. T. M. CASEY: I have not read the judgment.

The Hon. R. C. DeGaris: Well, it is time you did.

The Hon. T. M. CASEY: Any decisions made regarding the farming population on Kangaroo Island will be made by the Commonwealth Minister for Primary Industry in Canberra. I make that clear in this Chamber, and I will make it clear anywhere else. The Leader knows that that is the situation. Mr. Sinclair has made clear in press statements that he will do nothing until the information is relayed to him through the committee set up to consider the Kangaroo Island situation. Mr. Sinclair knows that he himself and his department will make the final decision. All the plans that have been drawn up as to what should be the ultimate result of this exercise have been compiled by the Commonwealth Department of Primary Industry in Canberra.

The Hon. R. C. DeGaris: If a settler's lease is withdrawn, who withdraws it? Is it the Minister here, or the Commonwealth?

The Hon. T. M. CASEY: Because the State is the agent of the Commonwealth, we will be directed by the Commonwealth to do certain things, one of which will entail the withdrawing of leases. It will be our job to do that.

The Hon. A. M. WHYTE: Since the Minister has agreed that the farmers will not be directed to carry on normal seasonal farming procedures pending the result of the inquiry, will he agree that they should be paid for their efforts if they were directed to continue farming operations? I am asking my question in case farmers are evicted or have their leases withdrawn.

The Hon. T. M. CASEY: I cannot answer the honourable member's question, because it is hypothetical.

The Hon. A. M. Whyte: It is not.

The Hon. T. M. CASEY: If I was to direct someone to do something, I would be responsible, but I have already told the honourable member that I would not direct these people: I would advise the Lands Department officers on the island that they should advise the farmers that it would be in their interests to carry on normal practices, but that is a totally different thing from what the honourable member is asking me to do. Unless I did it, I could not answer his question.

The Hon. A. M. Whyte: You did not answer my question. I give up.

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

That Standing Orders be so far suspended as to enable Question Time to be extended for a further 10 minutes.

Motion carried.

## APPRENTICES

The Hon. C. J. SUMNER: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. C. J. SUMNER: It has been reported that the Premier has received from the Federal Minister for Labour and Immigration a proposal that the State Government should take over the responsibility for apprentice training and a suggestion that, in order to finance this, pay-roll tax should be increased. Will the Minister provide the Council with details of that suggestion and the Premier's comments on the Government's attitude to it?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

## WATER RESOURCES ACT

The Hon. J. C. BURDETT: Following the appointment of members of the appeal tribunal under the Water Resources Act, can the Minister of Lands ascertain from the Minister of Works, first, whether a Registrar has been appointed; secondly, whether any appeals have already been received and, if they have, how many; and, thirdly, if appeals have been received, has the Minister been notified forthwith on the receipt of each appeal, as required under the Act?

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

## COMMONWEALTH ASSISTANCE

The Hon. C. J. SUMNER: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Minister of Community Welfare.

Leave granted.

The Hon. C. J. SUMNER: The present Prime Minister came to power on a policy that there would be no soft options and that people should learn to stand on their own two feet. There was to be a cut in Government bureaucracy, and, if anything, support for voluntary organisations in our community. I wish to refer to a report in yesterday's *Financial Review* that draws attention to the fact that the Federal Government is cutting its grants to the Australian Council of Social Services which, as everyone knows, is one of the most important and all-embracing voluntary welfare agencies in this field. Apparently, the council's deficit is \$30 000. The council will have to reduce its staff considerably if the Federal Government goes on with its cuts in the grant. Is the Minister aware of the cuts made by the Federal Government, and will he make urgent representations to the Commonwealth Minister for Social Security to ensure that funding for the Australian Council of Social Services and its State constituents continues?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply.

## TOW-TRUCKS

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Chief Secretary. Leave granted.

The Hon. C. M. HILL: There is considerable public disquiet concerning the recent disappearance of Mr. Concannon, who, as honourable members will recall, was a tow-truck operator who disappeared without trace about six weeks ago from the North Adelaide area. In this morning's press there was a report that Mrs. Concannon and her children might be returning to England because of these unfortunate circumstances. Has the Minister, as Minister in charge of the Police Force in this State, any report he can give to the Council about the opinion of the police concerning the disappearance of Mr. Concannon?

The Hon. D. H. L. BANFIELD: The only report that I can give the honourable member is that the matter was raised whether the police considered it to be in the best interests of all concerned that a reward be offered to any person assisting the police to locate that gentleman. The police indicated that the position did not warrant such action being taken. It would not be reasonable for me to give a full report in this regard but, for the reasons stated by the police, I believe a reward should not at this stage be offered by the State Government.

## PRAWN LICENCES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before directing a question to the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. R. C. DeGARIS: I believe that the State Agriculture and Fisheries Department acts as an agent for the Commonwealth Government in the issuing of Commonwealth prawn fishing licences. I understand that the State has withdrawn several Commonwealth licences of fishermen fishing in Investigator Strait. I believe that the licences withdrawn were held for some time by the fishermen concerned. The State is now the agent for the Commonwealth and the fishermen thought they were doing the correct thing under the Commonwealth licence, but they have had their licences withdrawn. Can the Minister give me information on this matter, as I have been approached by two fishermen who have had their Commonwealth licences withdrawn? It seems to be wrong that a person should be punished in such a way when he has been fishing in the prawn industry for some time.

The Hon. B. A. CHATTERTON: Currently, the Commonwealth Government does not issue any prawn licences at all: it issues a general fishing licence. The prawn industry is not a managed fishery so far as the Commonwealth Government is presently concerned. This is the first time I have heard about the matter raised by the Leader concerning the withdrawal of Commonwealth licences from people fishing in Investigator Strait. True, the State department acts as an agent for the Commonwealth Government, issues the licences and so on, and is often consulted about the issuing of licences. As I have no knowledge of the matter raised by the Leader, I will look into it and bring down a report.

## YORKE PENINSULA WATER SUPPLY

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Yorke Peninsula Water Supply (erection of a 32.5 megalitre storage tank at Arthurton).

## SUPPLY BILL (No. 2)

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

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

*That this Bill be now read a second time.*

It provides for a further \$160 000 000 to enable the Public Service to carry out its normal functions until assent is received to the Appropriation Bill. Honourable members will recall that it is usual for the Government to introduce two Supply Bills each year. It is expected that the authority provided by the first Bill will be exhausted later this month and the amount of this second Bill is estimated to cover expenditure until debate on the Appropriation Bill is completed and assent received in the latter part of October. The Bill provides the same kind of authority as has been granted in the Supply Acts of previous years.

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

## ELECTORAL ACT AMENDMENT BILL (No. 2)

Second reading.

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

*That this Bill be now read a second time.*

It makes two important changes to voting for the Legislative Council: first, in the method of voting and, secondly, in the manner in which the votes so cast are counted. Over the years we have heard much of the interpretations placed on the phrase one vote one value. One may well ask why, in a voting system which elects members from a State-wide electorate, with every person over the age of 18 years voting, it could be anything else but one vote one value. A system of voting which allows a group polling 48.5 per cent of the vote to gain 54.5 per cent of the elected members cannot be said to be a system providing for one vote one value, while the groups polling 51.5 per cent of the vote elect 45.5 per cent of the members. Judge Frankfurter of the American Supreme Court said in the case *Colegrove v. Green*:

One cannot speak of "debasement" or dilution of the value of a vote, until there is first defined a standard reference as to what a vote should be worth.

In the existing Legislative Council voting system, we can see with some certainty what a vote is worth. In the last election, with 48.5 per cent of the vote, the Australian Labor Party gained 54.5 per cent of the representation. If one divides 48.5 into 54.5, one can determine that for each vote cast for the A.L.P., the value was 1.12. Similarly, if the same procedure is applied to the other groups, their vote value was 0.88 for each vote cast.

This type of measuring stick may be criticised but, if we are to talk about each vote having an equal value, we must design a means of measuring that value. I submit that in terms of valuing a vote the value I have put forward is as accurate as any other. It is always a paradox to me that those who speak so vehemently in favour of the concept of one vote one value are those who are least likely to understand its meaning.

The method of voting in the present Act provides for a vote for a group preselected by a political Party, where the voter cannot change the order of that group. Any system that denies the voter the right to vote for a person

if he so desires deserves to be roundly criticised. The amendment allows a voter to vote for persons of his choice. The amending Bill provides that a voter shall vote for one more person than the number required to be elected. For example, if 11 are to be elected, a voter would be required to express his choice from one to 12, but may continue his preference further if he so desires. The second change that this Bill makes is that every vote cast will be counted, as the voter expresses that vote.

Under the existing Act, an elector may express a preference but, having expressed that preference, in most cases is denied the right to have that preference counted. Surely that is a denial of democracy, a fundamental concept of democracy being that a person not only has the right to vote but also has the right to have that vote counted. No honourable member can support such a voting system, where an elector is permitted to express a preference or preferences but, having expressed it, is denied the right to have that preference counted. The existing system of voting and the existing system of counting votes introduce a new form of gerrymandering, which I have previously described as a mathematical gerrymander. The amendments remove these mathematical gerrymander factors from the existing Act and produce, as nearly as practicable in a voting system, one vote one value.

Clause 1 is formal. Clauses 2 and 3 dispose of the group voting system and allow a voter to vote for an individual candidate. Clause 4 defines an informal vote under the new system, which is a vote that does not express a first preference vote, and consecutive preferences of other candidates equal to one more than the candidates required. Clause 5 spells out how the votes will be counted, which follows precisely the method in a Senate election and in the Hare-Clark system in Tasmanian elections. Clause 6 amends the fourth schedule.

I should like now to pay a particular tribute to the Hon. Arthur Whyte, who has done a tremendous amount of work in this Council on the voting system known as proportional representation. It was the Hon. Arthur Whyte who first made the approach for a system of proportional representation voting for this Chamber.

The Hon. F. T. Blevins: Why didn't you listen to him then?

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

The Hon. F. T. Blevins: Then why didn't you do it?

The Hon. R. C. DeGARIS: There are many things that the Hon. Mr. Blevins can do, one of which is to vote for this Bill, if he believes in one vote one value.

The Hon. F. T. Blevins: I will tell you what to do with the Bill.

The Hon. R. C. DeGARIS: Yes, because you do not believe in one vote one value, and you cannot say you do.

*Members interjecting:*

The Hon. R. C. DeGARIS: This Bill provides for one vote one value in its purest form, and I offer my congratulations to the Hon. Mr. Whyte for having been the first one to bring the proportional representation voting system to the notice of the Council and for doing the work over many years to influence this Council to accept a form of voting. As the Hon. Mr. Whyte has said, this present system can only be condemned, because it denies two important points in regard to democratic voting—first, that a majority of votes should produce a majority of members (which this present system does not) and, secondly, that any person who has a right—

The Hon. F. T. BLEVINS: Will the honourable member give way?

The Hon. R. C. DeGARIS: I am giving an explanation of a Bill. I will give way when I have finished my points.

The PRESIDENT: Order! The Leader is explaining a Bill.

The Hon. R. C. DeGARIS: Every person has a right to vote for a person and not for a group preselected for him that he cannot change. Those are the two things that this Bill does. Now, I will give way.

The Hon. F. T. BLEVINS: Could the Hon. Mr. DeGaris tell me why, when he had the numbers in this place as well as in the other place, and when the Hon. Mr. Whyte put up this allegedly wonderful system that the Hon. Mr. DeGaris has said is democracy in its purest form, they did not act on it and introduce it into the Legislative Council instead of sticking to a system that produced 16 Liberal and Country League members and four Labor members, when we got the majority of the vote?

The Hon. R. C. DeGARIS: First, it is completely wrong that the Labor Party got a majority of votes. Secondly, I brought a Bill into this Council to introduce proportional representation in the fairest way possible, and the Labor Party voted against it. That is the answer to the honourable member's question. Let us have no more nonsense about that.

The Hon. F. T. Blevins: Why didn't you do what the Hon. Mr. Whyte suggested when you had the numbers?

The Hon. R. C. DeGARIS: I have explained the point. I am the only one who has ever introduced a Bill or an amendment that would provide for one vote one value and, every time I have done so, the Labor Party has voted against it.

The Hon. J. R. Cornwall: Tell us that it is Liberal Party policy.

The Hon. R. A. GEDDES: On a point of order, Mr. President, it has been a tradition in this Council, and it could well be in Standing Orders, that a second reading explanation should be heard in silence and not interrupted by interjections.

The Hon. D. H. L. Banfield: That is not a point of order; what the Hon. Mr. DeGaris is saying now is not part of the second reading explanation.

The Hon. R. A. GEDDES: Mr. President, could you give a ruling?

The PRESIDENT: There is nothing in Standing Orders that makes a second reading speech particularly sacrosanct, but I point out to honourable members that repeated interjections are out of order on all occasions.

The Hon. F. T. Blevins: Why don't you answer the question?

The Hon. R. C. DeGARIS: What was the question?

The Hon. F. T. BLEVINS: Will the Leader give way?

The Hon. R. C. DeGARIS: Yes.

The Hon. F. T. BLEVINS: Why, when the honourable member was the Leader in this place, with 15 honourable members behind him—

The Hon. D. H. L. Banfield: And they had the numbers in the other place, too.

The Hon. F. T. BLEVINS: —and when the Hon. Mr. Whyte explained this wonderful system to him (and he had the numbers in the other place, too), did he not introduce the system then, if it was so marvellous?

The Hon. R. C. DeGARIS: I have already answered that question.

The Hon. F. T. Blevins: No, you have not; you have not answered it at all.

The PRESIDENT: I think the Hon. Mr. DeGaris has answered the question, although he may not have done so to the satisfaction of the Hon. Mr. Blevins.

The Hon. R. C. DeGARIS: I make this point for the Hon. Mr. Blevins. Although I think he is wrong in what he is saying—

The Hon. F. T. Blevins: No; I say you were wrong.

The Hon. R. C. DeGARIS: —it is primitive and paltry to say that if the past system was wrong we should have a gerrymander in future.

The Hon. F. T. Blevins: I said that you were wrong.

The Hon. R. C. DeGARIS: It is both primitive and paltry for one to say that it is just retribution to have a wrong system because a system may have been wrong in the past.

The Hon. F. T. Blevins: So you admit it was wrong.

The Hon. R. C. DeGARIS: Such an argument is primitive and paltry and what one would expect of the Hon. Mr. Blevins. I commend the Bill to honourable members.

The Hon. C. J. SUMNER secured the adjournment of the debate.

#### WORKMEN'S COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 4. Page 410.)

The Hon. C. J. SUMNER: This Bill, introduced by the Hon. Mr. Laidlaw, is a wide-ranging matter dealing with a number of topics that have, in fact, been under consideration by the Government and the Minister of Labour and Industry. I consider that it would not serve any useful purpose to deal with the Bill in detail at this stage. A measure on this matter that was introduced in another place last session dealt with several matters that have also been raised in the Hon. Mr. Laidlaw's Bill.

It is also true that, in his policy speech last year, the Premier indicated that legislation would be introduced to amend the Workmen's Compensation Act. The Government intends to abide by that commitment. As I have said, it introduced a Bill last session. That Bill was not proceeded with, because several objections were raised to it, including objections by the employer groups, such as the Chamber of Commerce. On that basis, the Minister of Labour and Industry requested all interested parties (the unions, the employers and the insurance companies) to make submissions to him on the measure. The parties having done that, the Government has been evaluating the many submissions received.

I understand that the measure that the Government will introduce soon is now in the hands of the Parliamentary Counsel, and for that reason I consider that it would be somewhat futile to go into a full-scale debate at this stage on the Bill before us. It seems that the proper course is for the Government to introduce its measure in the Lower House, as it has promised to do, and later to proceed with the Hon. Mr. Laidlaw's Bill as a series of amendments to that legislation. Because of what I have said, I oppose the second reading and debate on the clauses at this stage, and I ask the Hon. Mr. Laidlaw whether he would consider having the debate adjourned pending receipt by the Council of the Government's measure. The Government is not necessarily opposed to all the provisions in the Hon. Mr. Laidlaw's Bill: in fact, some of the provisions in his Bill mirror provisions in the legislation that the Government introduced last session.



However, I understand now that the Hon. Mr. Laidlaw wishes to proceed with his Bill at present, and we can only repeat that we consider that a much more effective and efficient way to dispose of the matters would be to deal with both Bills here subsequently. The grounds of objection to the Hon. Mr. Laidlaw's Bill are based not as much on the clauses, although undoubtedly there will be disagreement to some aspects, as on the way in which the Council ought to consider the matter. Therefore, I indicate that we will be opposing consideration of the Bill in this Chamber at this stage, and I again ask the Hon. Mr. Laidlaw whether he will consider seeking an adjournment of the debate until the Government Bill has been introduced.

The Hon. C. M. HILL: First, I thank the Hon. Mr. Sumner for his concise and frank speech. He has, in effect, asked the private member who introduced the Bill not to proceed with it, because the Government intends soon to introduce in another place a Bill dealing with the same matter. I must say, in support of the Hon. Mr. Laidlaw, that he has taken the initiative on this important subject. He was guided not only by his own deep knowledge of it but also by the fact that, before he prepared his material, he had observed that the Government, in the Governor's Speech at the beginning of this session, did not indicate that it would introduce a Bill on workmen's compensation.

Because it is a private member's right to introduce a Bill in either House and because the Government already has, by experience, encountered some difficulty in trying to amend the Act, as evidenced last session when the Bill was withdrawn, I see no alternative but for the Bill before us to proceed, and I hope that it will. I also hope that it passes this Council and I hope that, if it does reach the other Chamber, the Government will fully consider the measure and possibly change its mind in regard to wanting its own Bill introduced, instead of supporting this private member's Bill. It is quite apparent that there is much common ground between the measure that we are considering and the Government's intentions in this area.

The Hon. Mr. Laidlaw's Bill tries to improve the Workmen's Compensation Act, 1970-1974, which employees, employers, the Government, and members of the Opposition claim urgently needs amending. The private member who has introduced the Bill has not cast aspersions on the Government that introduced the earlier measure or on the Parliament that passed it. What happened then is history. We must all admit that previously the changing of the Act has been difficult to effect when the change has been mooted by a political Party. Statements by the Premier and a Minister in another place substantiate their concern at the effect of the present Act. I will make two points about the principal changes that the Bill endeavours to make. First, the present Act permits an employee who works substantial overtime before being injured to receive more money by being at home than by being at work, whereas the Bill assures the workman of all his basic earnings, including over-award payments.

Secondly, it prevents the situation of an employee being criticised or ridiculed by his workmates and it would prevent the present Act from being criticised, as it is criticised today. For example, a workman in an Adelaide factory who was injured in 1974 was receiving a weekly wage of \$98.20. When he was on workmen's compensation, he received \$166.65 a week. If he was at work at present, his weekly wage would be \$124. Another workman at the same factory who was injured in February, 1975, was receiving a weekly wage of \$117. His weekly

payments on compensation were \$155.55, and his present weekly wage would be \$142.10. A further example is a workman at the same factory, who was injured in December, 1975, when his current weekly wage was \$130.70. His average weekly earnings for compensation are \$144.35, and his current expected weekly wage would have been \$142.60.

The proposals in this Bill are fair and just, and in the best interests of all sections of the community. It is a great pity that political partisanship could not have been put to one side in the Council to enable full consideration to be given to this private member's Bill, whose author has had many years of professional experience in factory direction and management and who, at the same time, commands respect from workmen within his organisations as well as from the Australian Labor Party. I say that, because he has been appointed to committees by the A.L.P. Federal and State Governments.

So, considering the whole Bill as presented by the Hon. Mr. Laidlaw (and I take this opportunity of commending him for his initiative) and the attitude of the Government, as expressed by its spokesman, the Hon. Mr. Sumner, today, I believe that the Bill should proceed. I trust that it will be passed in the Council and hope that, as I have already said, the Government might well change its mind and further consider the Bill if and when it is introduced in another place. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I rise briefly to support the Bill. I do not wish to go over the ground that has already been covered by the Hon. Mr. Laidlaw and the Hon. Mr. Hill. I extend my congratulations to the Hon. Mr. Laidlaw for the work he has done in presenting this Bill to the Parliament.

It is not easy for a back-bench member to present such a complex Bill as this one. I often wonder how the Australian Labor Party will get on if it gets into Opposition in this place, as its members take a week to speak on anything at present. If that Party has to draw up Bills and introduce them, the amount of time given to the Government to discuss this Bill—

The Hon. C. J. Sumner: One week—a total of three sitting days.

The Hon. R. C. DeGARIS: It should have been enough for the Government to examine this Bill.

The Hon. C. J. Sumner: It was from one private member's day to the next.

The Hon. R. C. DeGARIS: That is so, but Government members have still had a week to look at it. As Opposition members in the Council know, often towards the end of the session we have had 30 complex Bills before us, with sometimes less than a week left to analyse and discuss them.

The Hon. D. H. L. Banfield: But you've had a preview from another place.

The Hon. R. C. DeGARIS: How can one have a preview of a Bill before it is introduced in the Council? At no stage do I look at a House of Assembly Bill. I have done much work in this respect in the past, and it has sometimes been a complete waste of time. An honourable member in the Council can look at a Bill only when it is introduced in this place.

I congratulate the Hon. Mr. Laidlaw on the work he has done in introducing this Bill, and I hope that, if the Government has any thoughts on this Bill that differ from the Opposition's ideas, it will bring them forward. The Opposition considers the Bill to be correct as it stands, although it is not sufficiently dogmatic to say that the Bill should not be amended.

We realise that the exploitation of certain loopholes in the Workmen's Compensation Act as it now stands is doing much damage to this State's overall economy. I should like to go back in history and examine the workmen's compensation legislation that was introduced in 1973. At that time, the measure was by far and away the most lavish Workmen's Compensation Bill that had ever been seen in any Australian Parliament. We debated it at length in the Council and moved amendments to it that we considered made the Bill perhaps not the most lavish Bill but one with which the State's economy could live.

The House of Assembly disagreed to those amendments and returned the Bill to the Council, which insisted on its amendments. A conference between the two Houses decided on a compromise between the two different views. I shall now comment on my report on that Bill after it had been agreed to at the conference. My report is as follows:

After a long conference between the two Houses, agreement was reached on the Workmen's Compensation Bill. The compensation payments in South Australia are now higher than in any other State of Australia, and, unfortunately, this will have an effect upon the competitive position of South Australian industry because of:

- (a) the increase in insurance premiums payable as a result of the legislation (estimated to be 50 per cent to 100 per cent above present costs).

I think my estimate may have been a bit low. My report continues:

- (b) the likelihood that benefits will be payable over longer periods in many cases. There will be little incentive for a workman to go back to work.

After what the Premier said not long ago about workmen's compensation, that prognostication has proved correct.

The Hon. C. J. Sumner: What's the document from which you're reading?

The Hon. R. C. DeGARIS: The report that I make on legislation every week.

The Hon. D. H. L. Banfield: Unbiased?

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

The Hon. F. T. Blevins: How do we get copies of that?

The Hon. R. C. DeGARIS: For the benefit of the Hon. Mr. Blevins, a copy is available in the Parliamentary Library. My report continues:

At the last election, the Government announced that it would provide normal pay to a workman on compensation. But, as is usual with legislation coming before the House, the provisions of the original Bill went further than the election mandate.

Those people who examined the Bill will agree with that. My report continues:

The original Bill provided for the following changes in the Act:

- (1) A new definition of what is a compensable injury, so that it would include a disease, whether contracted in the course of the employment or not. The Council, by its amendments, restored the existing position so that the disease must be related to the employment.

Compromise reached at conference: To limit the inclusion of a disease to that of a coronary heart disease, and to allow an employer to prove that such heart disease could not have arisen from the employment.

- (2) The original Bill wished to calculate the average weekly earnings, over the period of three months prior to the incapacity. The Council amended this to a period of 12 months for the averaging period, prior to the incapacity.

Compromise reached at conference: Legislative Council amendment to stand.

- (3) The original Bill provided for the injured workman (which would include a working wife) to be able to employ domestic assistance in and around the house during the period of incapacity, with no real limits to this right. The Council saw this as being open to wide abuse, for example, brothers and sisters, or other members of the family of the workman, could be paid during the term of incapacity. Council deleted the provision.

Conference decision: Legislative Council amendment to stand.

- (4) In addition to the principal matters, there were a number of amendments, of legal importance, all of which were eventually accepted by the House of Assembly at the conference.

The result of the conference from the Council point of view was satisfactory, except on the one issue that average weekly earnings (which expression includes over-award and overtime payments) is to be the measure of weekly compensation in future. Nothing as generous as this appears anywhere else in Australia and it is likely to set a difficult precedent in other areas such as annual leave and long service leave.

Naturally, the cost to industry will be very high and South Australia will be at a further economic disadvantage compared with the highly industrialised States of New South Wales and Victoria. It could be a telling factor on the question of future investment and expansion by industry in this State. The Government must face up to these consequences as the result of their adamant insistence on the new benefits.

It should be noted that the Council did succeed in deleting from the computation of average weekly earnings, all special expenses entailed a workman by the nature of his employment (e.g. travelling and meal allowances) and special rates paid to compensate for disabilities of his work (e.g. dirt money).

That was my report on the Workmen's Compensation Act Amendment Bill in 1973. That was the final agreement reached at the conference; the Council was not fully satisfied with the agreement, because we knew that there were still areas that would give industry in this State much difficulty. I stress that the point was that a direct threat was made that, unless the Council stopped there, there would be an election. At that time we thought that an election on this issue was not appropriate. The Council did not totally agree with one or two points, and the Minister of Labour and Industry and the Premier have since agreed with us. These aspects have been included in the Bill now before the Council.

There may be other points on which the Government would like to have its say and perhaps to move amendments. If so, this side of the Council would be only too pleased to consider the Government's viewpoint, outside the two areas on which the Minister of Labour and Industry and the Premier have already made statements agreeing with the Bill. I congratulate the Hon. Mr. Laidlaw on the introduction of this Bill, because no-one wants to see a workman on compensation not being properly compensated. However, there is in the unions themselves and among working people a feeling that some people on compensation are much better off than those in the work place, and no-one would agree that that position is desirable. I commend this logical Bill to the Council.

The Hon. D. H. LAIDLAW: The Hon. Mr. Sumner has asked that I should consider deferring further consideration of this Bill, but I would like to see it proceed.

The Hon. R. C. DeGARIS: If questions are raised during the Committee stage, progress can be reported.

The Hon. D. H. LAIDLAW: Yes. Because no mention was made in the Governor's Opening Speech of any legislation to amend the principal Act, I took the trouble to have this Bill prepared.

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

## WATER RESOURCES ACT AMENDMENT BILL

Adjourned debate on second reading.  
(Continued from August 4. Page 411.)

The Hon. M. B. CAMERON: I support the Bill. With other honourable members, I have been waiting to see the Government's attitude to this Bill, because there is clearly a serious problem when an appeals tribunal is set up and it comes to proper decisions, but those decisions can be overridden. However, there is an even more serious matter involved—the make-up of the tribunal itself. As I understand it, at present at least one case has been cited where appeals have gone to the tribunal, and I understand that there may be other similar cases. In the case cited by the Hon. Mr. Burdett, a decision was arrived at by the tribunal, but the Minister then overruled that decision. If this is going to happen on matters relating to Acts of Parliament that set up appeals tribunals, the next move must surely be to get rid of the tribunal, because there appears to be no purpose in having a tribunal if its decisions are not accepted by the parties. It has come to my attention that some changes have recently been made in the appeals tribunal. The South Australian *Government Gazette* of August 5 enumerates the membership of the tribunal as follows:

Acting Chairman:  
Garry Francis Hiskey, LL.B., J.P.  
Standing Member:  
Harold Leigh Beaney, M.E.  
Professor Martin Fritz Glaessner, D.Sc.  
Panel Member:  
Stephan Oulianoff.  
Spiridon Cosmidis.  
Frank Walsh.  
Ernest Melville Schroeder.

An article in the Gawler *Bunyip* states that the Virginia area has formed a Labor Party sub-branch.

The Hon. C. J. Sumner: Aren't we allowed to do that?

The Hon. M. B. CAMERON: It is time that the honourable member showed an interest in the area, which is well represented in Parliament. The article states:

The Virginia-Two Wells district sub-branch of the A.L.P. was formed at a meeting at the Virginia Institute last Wednesday night. It was attended by more than 50 people. The meeting was organised by supporters of the A.L.P. in the area.

This is a most interesting article, which continues:

Prime movers in the formation of the branch were Mr. Spiros Cosmidis, Mr. Stephan Oulianoff and Mrs. Irene Krastev, the recently endorsed A.L.P. candidate for Goyder. The meeting was attended by the State organiser of the A.L.P.—

The Hon. J. C. Burdett: Aren't they the same people?

The Hon. M. B. CAMERON: Yes, but the report goes even further. I have found a link pin. The report states:

The meeting was attended by the State organiser of the A.L.P., Mr. Chris Schacht, and Mr. Chris Sumner, newly-elected A.L.P. member of the Legislative Council.

The Hon. R. C. DeGaris: Did he have anything to do with these appointments?

The Hon. M. B. CAMERON: I think he had something to do with this, although he is not a member of the tribunal. The report continues:

The executive of the branch is: President, Mr. Spiros Cosmidis from Virginia—

The Hon. C. M. Hill: Is he not the same gentleman to whom you earlier referred?

The Hon. M. B. CAMERON: He is. The report continues:

Secretary, Mr. Stephan Oulianoff, from Penfield.

The Hon. C. M. Hill: Is he not the same gentleman, too?

The Hon. M. B. CAMERON: Yes, that is the same gentleman to whom I have already referred. The report then deals with the names of other people who, for one reason or another, missed out on the goodies handed out on the appeal tribunal. It seems that the people of Virginia are now represented on this tribunal by the A.L.P.

The Hon. C. J. Sumner: How many members are there on the tribunal?

The Hon. M. B. CAMERON: I do not care how many are on it. There are four panel members, but two of them are office holders of the A.L.P. in Virginia.

The Hon. C. M. Hill: What salary is involved?

The Hon. M. B. CAMERON: I do not know. You would have to ask them. However, it is fair to say that some sort of political bias is creeping into the membership of this important appeal tribunal.

The Hon. C. M. Hill: Did not the Hon. Mr. Sumner last week raise the matter of jobs for the boys?

The Hon. M. B. CAMERON: Yes.

The Hon. R. C. DeGaris: Do you think there was a Party meeting and the appeal board came afterwards?

The Hon. M. B. CAMERON: An important piece of information has just come to my attention. The meeting of the A.L.P. was held on September 17, 1975. The meeting was held before the appeal tribunal was formed. Indeed, it is a most serious situation when we find an appeal tribunal obviously being loaded politically, especially when there is a problem occurring in relation to appeals. I have always hesitated to accuse Ministers or others of such action but one must come to this conclusion when two people who are clearly office holders of the A.L.P. in this area are now on the tribunal. Is this a means of getting around appeals?

The Hon. T. M. Casey: Do these men comprise a majority on the tribunal?

The Hon. M. B. CAMERON: It matters little whether they comprise a majority or not. Clearly, two members of the tribunal are identified in this area. Can the Minister say what criteria were used to select these members? What say did the people of Virginia have in selecting these members of the tribunal? Did the people of Virginia say, "Yes, we are happy just to have two local office holders of the A.L.P. appointed to this board"? Of course they did not, and this situation is obviously wrong.

It is totally wrong for the Government just to take these two people and appoint them to the tribunal. If this is a way of getting around the problem of the appeal tribunal's decisions that the Minister does not like, then it is a scandalous situation. I ask the Minister to take good notice of the contents of this Bill and understand that the appeal tribunal was created to give people the opportunity to appeal and to have at least some little chance of success if their case is proper.

If the Minister does not accept this, then I give clear notice that I will consider introducing a Bill to remove the appeal tribunal, thereby removing the opportunity to provide jobs for the boys. Clearly, the tribunal is now merely being used to give people within the A.L.P. organisation other means of support. There is no point in it if the tribunal's decisions can be overruled directly by the Minister. I appeal to the Government to take careful notice of the contents of this Bill and to support it.

The Hon. T. M. CASEY (Minister of Lands): After those scathing remarks by the honourable member it is clear that at one time he sought to establish a Liberal Movement branch at Virginia, but did not succeed. That is probably the reason for his outburst today.

The Hon. M. B. Cameron: Come on, what a load of rubbish!

The Hon. T. M. CASEY: That is what I have been told. Now that the honourable member has sold his former Leader down the drain, he has got off the band waggon, and he is now trying to justify his presence in this Council as a member of his former Party. I heard several Opposition members speak today and criticise the fact that Government members had been reluctant to speak on private members' Bills that had been introduced in this Chamber. However, as late as yesterday afternoon I spoke to an honourable member in this Chamber who had introduced a private member's Bill. I explained to him that the Minister responsible was in another place and had promised me that a reply would be forthcoming today. The honourable member accepted my explanation and said that this was in order, yet that same honourable member today tried to gain political capital—

The Hon. J. C. Burdett: I let it go yesterday, but you could have had it today.

The Hon. T. M. CASEY: If the honourable member has a guilty conscience even though I do not name him, I can understand it. I am of the opinion that when this sort of thing happens it inflicts a great injustice on the whole system of what this House is supposed to be: that is, a House of Review. I do not mind honourable members making a scathing attack if the attack is justified but, in this case on this Bill, I take it to be in bad taste. I hope that it does not occur in the future, because I believe in informing honourable members about a situation at all times to the best of my ability. It is difficult at times to get answers from another place, because so much is going on in that Chamber, where we find the Government of this State operating. The information from my colleague is that the Underground Waters Appeal Board constituted under the 1959-1967 Act had powers almost identical to those proposed. Section 36 of that Act set out the board's powers and included power—

(d) to affirm, vary, or quash the decision or direction appealed against;

(e) to make any decision or give any direction which the board deems just either in substitution for or in addition to the decision or direction appealed against.

In the 1969-1975 Act the powers in paragraph (e) were deleted because the activities of the board under that provision enabled it to make decisions on evidence previously unavailable to the Minister. Thus, the Minister was not given the opportunity properly to evaluate the new evidence in the light of his policies. Further, the decisions of the board were such that, given the other wide powers available to it, the personal viewpoints of its members could have replaced Ministerial and Government policies in the administration of the legislation.

The powers of the tribunal in the Water Resources Act are essentially the same as those of the Appeal Board, which it replaces, except for the deletion of the powers to vary. Any appeal tribunal hears the views and attitudes of only a small number of the persons affected by the administration of the Act and the power to vary can cause altered conditions or water allotments quite out of context with those accepted by the majority of affected persons. It can also have the same effect on Ministerial and Government policy. I think that last point is very important.

In this context, the tribunal is empowered to quash a decision of the Minister and is directed to give reasons in writing for its decision. The Minister, in exercising his responsibility to make a decision or not in relation to the

quashed decision, would take proper account of the reasons advanced by the tribunal. The recommendations of the council and regional committees are envisaged as being the end result of a full consideration of all relevant factors and involving a high level of public participation assisted by a wide range of appropriate professional expertise. This would ensure that the advice to the Minister was the best available. The constitution of the council allows for the appointment of the best available expertise. The council is not, however, given any executive function. This is reserved for the responsible Minister who is answerable to Parliament.

That is exactly what the honourable member's amendment does: it gives the tribunal executive power and takes it away from Parliament because, once we take away a Minister's responsibility, he is not answerable to Parliament; and this is a flaw in the Bill. The proposed amendments give to the tribunal an executive function not available to the council and place the final decision with a body that is not answerable to Parliament.

Honourable members know that this is the wrong course to pursue. Honourable members opposite have always indicated that any decision made by a Government should be subject to Parliamentary approval, and I agree with that. If the tribunal is given—

The Hon. R. C. DeGaris: Other tribunals are not responsible to Parliament.

The Hon. T. M. CASEY: I know. I am saying that, if we give the tribunal executive powers, which we are, we take them away from Parliament. If we leave the powers with the Minister, he can always be questioned in Parliament.

The Hon. R. C. DeGaris: Are you going to do that with the salaries tribunal, too?

The Hon. T. M. CASEY: There are certain things that are quite different in context. I am talking about legislative matters of this nature.

The Hon. R. C. DeGaris: That does not matter. There are dozens of tribunals not responsible to Parliament.

The Hon. T. M. CASEY: I realise that.

The Hon. R. C. DeGaris: Does not that destroy your argument?

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

The Hon. M. B. Cameron: Totally!

The Hon. T. M. CASEY: It does not. There are some things in which there is not necessarily a responsibility to Parliament. In this case, I believe there is. If the tribunal is given the executive powers proposed, the presently conceived responsibility for a co-ordinated State programme of water resource management and preservation would be removed from the Minister and the Government. The implementation of policies related to the management programme would be extremely difficult to pursue and maintain and could even be completely disrupted by a decision of the tribunal on a matter of policy taken without due recognition of the decision's wider effects.

The provisions of the Water Resources Act which govern the proceedings before the tribunal state, in subsection (5) of section 65:

The tribunal shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms and shall not be bound by the rules of evidence, but may inform itself on any matter in such manner as it thinks fit.

This provision was designed within the concept that the appeal system was to protect the rights of the individual. If the tribunal was to be given the executive powers proposed, the provisions of section 65 (5)

would be inappropriate and additional provisions to ensure the thorough testing of all evidence submitted would be necessary. This would be to the detriment of the individual appellant. It could be argued that under the powers of the tribunal in the Water Resources Act the situation could arise whereby the Minister continues to make the same decision following successive appeals in which the tribunal decision in each case is to quash the decision of the Minister—

The Hon. J. C. Burdett: That has happened.

The Hon. T. M. CASEY: Once.

The Hon. J. C. Burdett: About four times.

The Hon. T. M. CASEY: Once. A Minister who embarked on such a course would be subject to very real adverse criticism by the Parliament and his position would be indefensible. Under the Underground Waters Preservation Act the powers of the appeal board are the same in relation to the refusal of the Minister to grant a permit. In only one case (where the reasons for the decision of the board to quash the Minister's decision were somewhat ambiguous) did the Minister reiterate his previous decision. Even then the second decision was made only after a very thorough and protracted investigation. During the drafting of the Bill for the Water Resources Act, the Director for the Environment expressed concern at the provision of an appeal tribunal in view of the extreme difficulties under which the State Planning Authority had to operate because of the wide powers exercised by the Planning Appeal Board (section 26 (2), Planning and Development Act). The powers of that board are similar to those envisaged in the amendment.

Further, if the Water Resources Act is amended as proposed and the tribunal is given executive powers, the similarity to the Planning and Development Act situation created by the proposed amendment should be extended to include the right of appeal against the decision of the tribunal to the Supreme Court. This would completely destroy the concept of an administrative tribunal and create instead a very legally constituted court. The amendment proposed by the Hon. Mr. Burdett would therefore create a situation which would be in the true interests neither of many appellants nor of the people of the State whose well-being depends so much on consistently and justly administered water resources management policies. For these reasons, the Government cannot accept the amendment.

The Hon. J. C. BURDETT: I thank honourable members for their contributions to this debate. First, I refer to the Minister's remarks about the treatment of this Bill. I first introduced it and spoke on it on July 28. It was then properly adjourned until last week, and I was told that the Government had not considered it. I had it adjourned until yesterday and, as I said yesterday, I had the approval of the Leader of the House, the Minister of Health, to do that. The Minister of Lands told me at that time that the Government still was not ready and that I would get an answer today.

The Hon. C. J. Sumner: You are not complaining about a delay of two weeks, are you?

The Hon. J. C. BURDETT: I am saying what I am saying: I am not complaining about anything. I was dealing with remarks that the Minister made. He complained about what I had said when I told him that it would be all right. Yesterday it was all right to adjourn the debate until today (although that was far too long, anyway). I told the Minister last week that I would seek

the adjournment but I took advice on the matter and then did not do so. I have been upset all along about the fact that a private member's Bill that the Government has had adequate time to consider has not been considered.

Having replied to that part of what the Minister said, I need not reply to much of the remainder, because the Minister does not seem to have referred to my second reading explanation. The main point that I made was that the appeal tribunal under the principal Act was simply a matter of window dressing, and there was not an appeal at all. The tribunal is given the power to uphold or quash the Minister's decision.

If we do not want the tribunal to have that power, which the Minister has termed "executive power", we do not set up the tribunal. However, if we do set up a tribunal, on which there are paid members (and the Hon. Mr. Cameron has referred to how members are appointed) and if people can engage counsel, get witnesses, appeal to the tribunal, and win a case, surely we should let them have their win.

However, under the principal Act the tribunal has the right to uphold or quash the Minister's decision and, if it is quashed, the Minister can next day make a decision similar to his original decision. The Hon. Mr. DeGaris has highlighted the question. He was relatively neutral about whether there should be a tribunal, but he made clear that, if there was one, it should have some real power and should not be a waste of money and time or a matter of mere window dressing. The Minister kept saying that I was suggesting that we give executive power to the appeal tribunal, but I had made no such suggestion. First, I pointed out that I hesitated to consider allowing any appeal against an administrative decision made by a Minister, but I pointed out that the decisions that could be made under the principal Act were not merely administrative. They go beyond that.

I also acknowledge the weakness in regard to the Planning Appeal Board. I repeat that that weakness is that the appeal tribunal can become the policy-forming body. I also explained that I did not include in the Bill provisions similar to those in the Planning and Development Act and that I did not do what was done in the original Underground Waters Preservation Act in 1959, which gave the appeal tribunal the right to substitute its decision for that appealed against.

The reason why a similar provision is not in this Bill is that I was aware of the danger that the Minister has mentioned, namely, that the appeal tribunal could become the policy-forming body. Therefore, instead of giving the tribunal the power that it has regarding appeals, I inserted a provision to give it power to make directions, and I sought to provide that the Minister should carry out the directions. If this Bill is not passed, people will have no protection. The Minister has talked about powers, but the appeal tribunal will have no powers. It will be a waste of time having it and it might as well not exist. I submit that it has been accepted since there has been legislation on this subject, since 1959, that there should be an appeal tribunal and that, if there is one, it ought to have some power.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Appeals."

The Hon. C. M. HILL: In listening with interest to the Minister's reply, I was waiting for him to refer to the serious charge that has been laid this afternoon by the Hon. Mr. Cameron. That charge was that it appeared to

the Hon. Mr. Cameron, on the evidence that he had, that the Government or the Minister had, in effect, recently stacked this tribunal with people whose voting favour the Minister could well be assured of.

The Hon. D. H. L. Banfield: How low can you fellows get!

The Hon. C. M. HILL: The Minister ought to make his position clear and say that he expects all members of the tribunal to exercise complete independence. In view of the fact that he appointed two office holders in the Australian Labor Party from the Virginia and Two Wells area, he should say that he had no intention that that fact should influence their voting. It was a most important charge and the Chamber should be told that the Minister intends that this tribunal, despite changes in its personnel, should act in future as it has done in the past and be completely independent, not influenced by political motives.

The Hon. T. M. CASEY (Minister of Lands): This is a most unusual request by the Hon. Mr. Hill. Since I have been a member of this Parliament (and that goes back to 1960) this is the first time that a question of this kind has been asked of a Minister. At no time when appointing persons to boards have I queried their political affiliations. I have many times appointed persons as members and even chairmen of boards, knowing their political affiliations, but have not questioned whether they would carry out their role as independently as possible. I have no doubt that, in the case to which the Hon. Mr. Hill has referred and on which he has been backed up by the Hon. Mr. Burdett and the Hon. Mr. Cameron, the same circumstances would apply. If we appoint to boards only those people who are politically affiliated in the way in which we want them to be, we will not get the right people on boards. That is not the purpose of good administration.

The Hon. C. M. Hill: We agree with that.

The Hon. T. M. CASEY: This is yet another example involving practical people—

The Hon. R. C. DeGaris: What do they do?

The Hon. T. M. CASEY: I believe they are market gardeners. Does the honourable Leader disagree with that?

The Hon. R. C. DeGaris: I do not know.

The Hon. T. M. CASEY: These men are taking up a position in which they will represent other primary producers. Honourable members opposite have always advocated this. I wonder whether, if these men had been members of the Liberal Movement, the Hon. Mr. Cameron would have raised this point. This is ridiculous, and I am surprised that the honourable member could stoop so low as to raise this point.

The Hon. M. B. CAMERON: It seems that the Minister is trying to wriggle out of this situation. I asked him what were the criteria for the appointment of these two persons, who just happen to be the President and Secretary of the local A.L.P. branch at Virginia.

The Hon. T. M. Casey: Are they users of water?

The Hon. M. B. CAMERON: I do not care about that. I merely asked on what criteria they were selected. Was it because the Hon. Mr. Sumner selected them?

The Hon. C. M. Hill: The Minister selected—

The Hon. T. M. Casey: Is that what you and the Hon. Mr. Blevins were talking about a little while ago?

The Hon. C. J. SUMNER: Mr. President, I rise on a point of order. I cannot allow the Hon. Mr. Cameron's remarks to go by without repudiating them. I did not select the gentleman concerned.

The Hon. M. B. CAMERON: I accept the Hon. Mr. Sumner's repudiation of that remark. He just happened to be at the meeting.

The Hon. R. C. DeGaris: Did he make the recommendation?

The Hon. M. B. CAMERON: I do not think so. In trying to wriggle out of this matter, the Minister has drawn attention to some of my political affiliations. Perhaps he had better not continue to do so, as I know something about his background. I find it incredible that the Minister should try to avoid the charge I made by saying that it was just one of those things that the Government selected these two people, who happened to be the President and Secretary of the local branch of the A.L.P. I want to know whether the people of Virginia were consulted and what qualifications these two gentlemen have. I think the Minister has made a selection on political grounds. If he has not done so, I ask him to state the qualifications of these gentlemen which, supposedly, resulted in their being chosen.

Clause passed.

Title passed.

The Council divided on the third reading:

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

Noes (8)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, and C. J. Sumner.

Majority of 2 for the Ayes.

Third reading thus carried.

Bill passed.

#### ELECTORAL ACT AMENDMENT BILL (No. 1)

Adjourned debate on second reading.

(Continued from August 10. Page 494).

The Hon. C. J. SUMNER: This small Bill deals with the question of counting preferential votes when there is no strict need to do so. Even when a person has obtained an absolute majority and can be clearly elected, the Bill provides that, in the case of a contest between more than two persons, the preferences of the minor groups shall be fully distributed and that this shall be done within three months of the return of the writ. In supporting the Bill, I draw attention to the amendments to the Constitution Act passed last year, whereby a permanent Electoral Commission was set up. The commission has certainly put much emphasis on the fact that it is permanent. As a permanent commission, it hopes over the years to build up a considerable body of electoral information, which will no doubt be useful to parties appearing before it, historians, and political scientists who may wish to comment on elections.

The Hon. R. C. DeGaris: Would you be willing to extend the commission's powers to include voting systems as well?

The Hon. C. J. SUMNER: If the Leader wishes to amend the Bill along those lines, we will consider his amendment.

The Hon. R. C. DeGaris: I do not want to upset you.

The Hon. C. J. SUMNER: I realise that. No doubt the Leader is still smarting from the upsetting time he has experienced in the last few weeks. We would be opposed to giving the commission power to adjudicate on voting

systems, because ultimately Parliament must decide on that matter, which has wide ramifications. The commission has often referred to the fact that it is permanent, and it has considered the matter of distributing preferences. At page 13 of its report, the commission says:

In order to contribute to accuracy in political forecasting one assumption can be tested, namely destination of preferences. We have requested the Electoral Commissioner, at the next election, to make a full count in all seats. The information so obtained will, on the assumption that a second preference carries the same weight as a first, enable the voting at that election for those candidates to be accurately known.

First, the commission assumes that a second preference carries the same weight as a first preference, but this assumption is questioned later in the report in the context of taking into account voting patterns. I make clear that I support this Bill on the basis that it will provide information for the commission, as a permanent body, and for persons and parties interested in the work of the commission. In agreeing to this Bill, I do not wish to imply support for the argument put forward by Liberal Party representatives that voting patterns should be taken into account by the commission.

The Hon. R. C. DeGaris: Isn't that the only way in which you can determine a voting pattern? You are saying that you have no belief in one vote one value.

The Hon. C. J. SUMNER: No. The Leader insists on throwing this slogan at us, after he had denied it for most of his career in this Council. He has recently discovered democracy. Only the other day I had cause to refer to his earlier comments on democracy. He said "Pah" to democracy.

The Hon. R. C. DeGaris: Spelt p-a-r. How can you interpret in that way a word that I used in another way?

The Hon. C. J. SUMNER: It was certainly not very complimentary to the concept of democracy. My Party has espoused one vote one value for many years—indeed, ever since the Premier, as a young back-bencher, saw the obvious injustice in a substantial rural weighting in favour of the Liberal Party, as opposed to city interests. The Ross Smith District, which was the Enfield District at that stage, had 40 000 voters, whereas many country seats had between 6 000 and 7 000 voters.

The Hon. F. T. Blevins: Some had 2 000 voters.

The Hon. C. J. SUMNER: Certainly there was a proportion of four to one or five to one. Regarding the 1954 redistribution, at page nine of its report the commission says:

As a result of the redivision the highest and lowest numbers of electors in districts were as follows: metropolitan—highest 23 642, lowest 20 561; country—highest 7 490, lowest 6 209.

In the country the greatest number of electors in a district was 7 490, and the lowest was 6 209. The situation got worse and worse as time went on, as the metropolitan area expanded, and as the process of urbanisation continued, in conjunction with people leaving country areas. Thus the disproportion became greater and greater. The Hon. Mr. DeGaris talks of one vote one value but he certainly had no regard for it earlier in his career in this Council.

The Hon. R. C. DeGaris: That is totally wrong.

The Hon. C. J. SUMNER: The campaign for a fair electoral system was carried—

The Hon. R. C. DeGaris: Are you saying that it is fair now?

The Hon. C. J. SUMNER: —to the people by the Premier, who pointed out the inequity of the old situation, and this carried the people and the Parliament to a situation where we now have an equality of numbers in all seats.

The Hon. R. C. DeGaris: You do not have one vote one value.

The Hon. C. J. SUMNER: In metropolitan and country districts there is a tolerance of 10 per cent. That reform was necessary, and we are proud of it.

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

The Hon. C. J. SUMNER: The Leader can refer to it as he likes. Apparently he supported the situation that existed before 1969. In that situation seats such as Enfield had 40 000 voters, yet several country seats had 6 000, 7 000 or fewer voters. The Leader could have made moves to alter that situation, but he did not. Now he says that our suggestions contained in the Constitution Act will result in a rape of democracy. The Leader stands condemned by his own actions over the years.

We inherited a system of single-member constituencies, a system that is common in many countries of the world. It is a fair and just system, provided one accepts that there should be an equal number of voters in electorates, with a small tolerance, and that is the position that we now have.

The Hon. J. E. Dunford: The Leader wanted a 15 per cent or 20 per cent tolerance.

The Hon. C. J. SUMNER: True, I recall what happened when the Bill was before Parliament last year. The Hon. Mr. Hill wanted to increase the tolerance to 15 per cent, and the Hon. Mr. DeGaris wanted to negate the tolerance altogether and leave that as a matter for the commission to determine.

The Hon. R. C. DeGaris: I also wanted one vote one value.

The Hon. C. J. SUMNER: The Leader has never wanted one vote one value. Indeed, he is in a complete bind on this matter. I asked him whether he supported a system of proportional representation voting for the Lower House, and he said "No". He supports a system of single-member constituencies. The only way this can be done is to undertake a redistribution as this independent commission has done, with the terms of reference it had, on the basis of equality of voters within electorates.

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

The Hon. C. J. SUMNER: The commission seems to think that it is true.

The Hon. R. C. DeGaris: No, it isn't.

The Hon. C. J. SUMNER: I refer the Leader to the report. Support for this Bill does not require support for the voting pattern argument advanced by the Liberal Party to the commission. Clearly, the Act passed with the support of the Hon. Mr. Carnie and the Hon. Mr. Cameron, who are now both members of the Liberal Party, set out several criteria in section 83. No warrant is provided in that section to take into account voting patterns. From a legal viewpoint, Parties are not mentioned in the Act. Although other factors are referred to, there is a saving provision in section 83. It is not considered that such a fundamental matter as voting patterns should be looked at by the commission so as to do violence to the primary criteria of community of interest, population, etc., as contained in section 83.

Even if there were some way of writing into an Act provision for consideration of voting patterns, it is completely unsound as a proposition within the single-member constituency system that we have. I wish the Hon. Mr. DeGaris would come out openly and say exactly what he means, but he will not do this. If he wants one vote one value in the sense of seats in Parliament exactly in proportion to the overall vote, he is talking about proportional representation. Of course, he does not advocate



that system for elections in the Lower House, yet that is where the logic of his argument takes him.

The problem with taking voting patterns into account is stated in the report at pages 12 and 13. Paragraph 19 deals with the legal arguments, and the report indicates that there is no reliable method of forecasting how electors will vote next time. It is extremely difficult to do such a balancing act. Also, the commission does not regard electors as ciphers; it believes that many electors change their voting pattern at successive elections, as would be clear to the Leader. There is no way of knowing whether electors change their vote because of the influence of a candidate, because of their opinion of the Premier or the Leader of the Opposition, or because of issues unrelated to the Government in power. Electors might vote against a State Government because of policies of the Commonwealth Government.

The Hon. R. C. DeGaris: Do you believe in minority Governments?

The Hon. C. J. SUMNER: As a general rule I believe that the Party obtaining the majority of the vote should form the Government.

The Hon. R. C. DeGaris: Do you believe now that the Premier should not be in his present position?

The Hon. C. J. SUMNER: I certainly do not. The Premier did not obtain a minority of the vote at the last election. The Leader's comments all lead to the eventual consideration of proportional representation, which he will not accept as a voting system for the Lower House. However, a most important and compelling reason why consideration of voting patterns is theoretically unsound is the problem of how to allow for a member's personal vote.

Taking account of voting patterns could mean that an active member is penalised. If there is a good member in a marginal seat who works hard and who increases his vote by 5 per cent or 10 per cent, the Hon. Mr. DeGaris is saying that at the next redistribution that member should not be given any credit for that hard work, and that his vote should be cut-back in order to give the Party that has done nothing a fairer chance in the election.

The Hon. R. C. DeGaris: That balances each way.

The Hon. C. J. SUMNER: How absurd can you get, and yet that is the proposition that the Hon. Mr. DeGaris wishes us to accept. Another factor, as the commission points out, is that there is always a change between elections in the electors who vote, so from one election to the next and from one redistribution to the next there is a considerable turnover in voters in an electorate. The answer to the Hon. Mr. DeGaris's question is contained on page 12 of the report, which I will quote:

If a boundary can be drawn in any one of a number of positions when the mandatory criteria are properly applied should we consciously draw the boundary in such a way as to attempt to affect voting patterns? That is the question raised by the submission just mentioned. The voting patterns referred to are the voting patterns of the whole of the electors in the State, for the aim is that the party with the majority of the total votes should gain a majority of the total seats. It follows that a change in boundaries in some areas in order to create some more marginal seats in some districts will not necessarily bring about the consequence that the party with the majority of the total votes cast in the election will have the majority of the seats. We suggest that only if the whole State constituted one district for the House of Assembly, as it does now for the Legislative Council, could this result be assured.

That is the point I have been putting to the Hon. Mr. DeGaris.

The Hon. R. C. DeGaris: You could still gerrymander it with the voting system, couldn't you?

The Hon. F. T. Blevins: It is not a gerrymander.

The Hon. R. C. DeGaris: Of course it is. You have a voting system in the Council now for the whole State in which the voting system is a gerrymander.

The Hon. C. J. SUMNER: The Hon. Mr. DeGaris shifts his ground rapidly when he finds that his previous arguments are being knocked to the ground. We are not debating the Council voting system. He has introduced a Bill and no doubt we shall get a chance to discuss it. The commission has said, rightly, that the consideration of voting patterns where there are single-member constituencies (in this case 47 of them), adjusting them to take into account voting patterns in one, two, three, or four marginal seats is no guarantee that over the whole State you will achieve the result you want. The main problem clearly (so far as it is a problem) is that we have a system of single-member constituencies. There are many advantages in that but it does not mean that in every case we can get an exact proportion of seats to the number of votes. That is the system supported by the Liberal and Country League and the Australian Labor Party. It is an old, democratic tradition; it is a system used in Great Britain and in the United States.

The Hon. R. C. DeGaris: Not all of the United States.

The Hon. C. J. SUMNER: Not all, but it is a system used in those that have retained their democratic traditions substantially from the British model. I could name New Zealand, India, and many other countries as well. The Hon. Mr. DeGaris will not agree on single-member constituencies; he supports them but wants to change them in some vital way. I support the Bill but believe that, although the information we shall obtain from this measure will be useful, it should in no way imply any support for the argument that voting patterns should be taken into account at a redistribution.

The Hon. F. T. BLEVINS: Briefly, I support the Bill. As far as possible, I shall confine my few remarks to the Bill. I agree it is difficult, because virtually every time the Hon. Mr. DeGaris gets up to speak he whinges about the electoral system. However, he has allowed it to go on and on without doing anything about it, and I am sure we are all used to these kinds of statements from the Hon. Mr. DeGaris. I have real doubts about the value of the data obtained from this kind of exercise. The Electoral Commissioners themselves accept the value of the preferences. They say in paragraph 19.4.1 on page 13 of the report:

The information so obtained will, on the assumption that a second preference carries the same weight as a first . . .

Obviously, in the great majority of cases, that certainly would not be the case. Generally speaking, people are very strong about the candidates in a political Party they wish to support, and they certainly do not wish to give the same weight to any other candidate to whom they are compelled to give preferences. We have a compulsory preferential system in the Lower House, to which we, on this side of the Chamber anyway, are all opposed; we think it is undemocratic if those preferences are counted and given the credence of a full vote, and then use is made of the statistics to say that that is a two-Party preferred vote, I think it is completely misleading.

For example, in the Australian Labor Party, generally speaking, we mark our how-to-vote cards straight down the card, irrespective of where the preferences lie, whether it be to the Communist Party (which has been given our second preferences on occasions when second on the ticket) or, as the Hon. Mr. Foster would think would be much



worse, even to the Liberal Party, when that has been the way the candidates have lined up. So, on the basis of how we mark our how-to-vote cards, the statistics coming out of this kind of exercise would be worthless. It is obvious that the Electoral Commissioners are going to do this anyway. They say in their report that they wish to have this information, although they make plain that the information is merely statistical information that the commission proposes to issue from time to time. They also say (and this is very important):

But we wish to add that even if it had been proper for us to consider voting patterns as a distinct criterion we should not, on the present proposed redivision, have varied our report.

That is important, because the Hon. Mr. DeGaris wants the commission, in effect, to (as I understand the term) gerrymander electorates; he wants the commission to draw electoral boundaries to take into account voting patterns, which seems to me to be a gerrymander. The drawing of the electoral boundaries having in mind the voting patterns that one wants contained within those boundaries to bring about a particular result is quite improper. It is quite improper even for the Hon. Mr. DeGaris to suggest it to these gentlemen, the Electoral Commissioners, and of course they are not interested in it at all. They said clearly that they had not done (and would not do) this.

The Hon. R. C. DeGaris: You do not believe in majority rule?

The Hon. D. H. L. Banfield: Here we go again.

The Hon. F. T. BLEVINS: I am trying here on this occasion to confine my remarks to supporting this Bill, brought in by the Hon. Mr. DeGaris, but that is not easy. When he starts making inane interjections like that, I will have to take him on.

The Hon. R. C. DeGaris: Very well then; have a go.

The Hon. J. C. Burdett: Is he supporting the Bill?

The Hon. F. T. BLEVINS: The Hon. Mr. Burdett was out of the Chamber (and I am free to say that, because that appears to be the pattern)—

The Hon. J. C. Burdett: I was asking whether you supported the Bill.

The Hon. F. T. BLEVINS: If he had been here, instead of being elsewhere, he would have heard what I said. However, he was out of the Chamber, so I ask him to be quiet.

The Hon. J. C. Burdett: Are you supporting the Bill?

The Hon. F. T. BLEVINS: The honourable member should have asked a fellow member.

The Hon. J. C. Burdett: That's actually what I was doing.

The Hon. F. T. BLEVINS: You asked me. However, on this occasion I will not debate the scurrilous record over the years of Mr. DeGaris, although I assure you, Mr. President, that I will do so on another occasion.

The Hon. J. E. Dunford: How many elections has he fronted up for in 19 years?

The Hon. F. T. BLEVINS: I may not be in order in dealing with that, but I will go as far as I can. He would have had only one election since he came to this place 19 years ago.

The Hon. R. C. DeGaris: Are you certain of that?

The Hon. J. E. Dunford: It may be two.

The Hon. R. C. DeGaris: It may even be three.

The Hon. F. T. BLEVINS: I will concede that it could have been two: it certainly is not anything to boast about. His whole record of elections is scandalous. I grant him that he is giving the Australian Labor Party a fair go now. We do not have a gerrymander now; he has allowed us to have a fair go. However, when he sought a place in that shadow Cabinet, his own Party said to him, "No, thank you. Ross Story and Gordon Gilfillan have gone and this is what we have to thank you for."

The Hon. J. E. Dunford: How do you think Boyd Dawkins got preselection before Ross Story?

The Hon. F. T. BLEVINS: I would really like to know that.

The Hon. R. C. DeGaris: How did the Hon. Mr. Foster get ahead of the Hon. Mr. Sumner? How did he get in at all?

The Hon. D. H. L. Banfield: I notice that you say that when the Hon. Mr. Foster is not here to defend himself.

The Hon. R. A. Geddes: Whose fault is that?

The PRESIDENT: Order! I think the debate is getting away from the subject.

The Hon. F. T. BLEVINS: I was waiting for you to bring the disorderly group to order, but I did not want to usurp your power. I certainly support the Bill, but I do not think much credence should be given to any statistical information that comes out of it.

The Hon. R. C. DeGaris (Leader of the Opposition): I am delighted that at last I have got the Labor Party to agree on an electoral matter. I only hope that, when I introduce more electoral Bills, the Labor Party may be educated in the real meaning of one vote one value and may understand that this State should have a system of majority Governments, not minority Governments as we have at present.

The Hon. J. E. DUNFORD: Will the Hon. Mr. DeGaris give way?

The Hon. R. C. DeGaris: Yes.

The Hon. J. E. DUNFORD: There has been much confusion for a long time about how long the Hon. Mr. DeGaris has been in the Parliament. He says much about democratic elections, and I wonder whether he would tell us how many elections he has faced since he has been in the Council.

The Hon. R. C. DeGaris: The matter that I have been speaking about has nothing to do with that, but I win elections with such ease that it is difficult to remember. I think I have won three elections in 14 years and, with a six-year term, that is not bad. I thank honourable members for their support of the Bill and I want to make a point on one vote one value that I think the Hon. Mr. Sumner has overlooked. Paragraph 6 of the report of the Electoral Districts Boundaries Commission states:

The phrase "one vote one value" has been much used in submissions to the commission. Later in this report we devote some discussion to our obligations in this area. It must not be forgotten, however, that the statutory direction is not so expressed.

I made that very point in the debate. I said that no instruction was given to the commission to draw the boundaries to produce, as near as practicable, one vote one value. However, I do not know what that has to do with the Bill before the House. If we examine the voting pattern of the 1975 election and then look at the boundaries, we see that there is a gerrymander factor of extreme proportions in favour of the A.L.P., because the commission had no direction to deal with the question of one vote one value. An amendment was moved in this Council along those lines, and the Labor Party voted against it.

The Hon. C. J. SUMNER: Will the Hon. Mr. DeGaris give way?

The Hon. R. C. DeGARIS: Yes.

The Hon. C. J. SUMNER: I wonder whether the Hon. Mr. DeGaris would care to answer my question, given that we are dealing with a single-member constituency system, and a point that the commission also makes in dealing with the personal vote of the candidate; in other words, if the candidate works hard, or if candidates for a Party across the board are more diligent and better candidates, and if they thereby increase the vote for their Party, is the Hon. Mr. DeGaris saying that we ought to consider voting patterns to bring those candidates back to the field and prejudice them because of their enthusiasm?

The Hon. R. C. DeGARIS: Personal votes balance for both Parties, as both Parties' candidates have personal votes. The personal vote in this State can be examined simply by comparing the vote in the Upper House with that in the Lower House, and making an adjustment for the donkey vote. At best, the personal vote can be seen to be about 1·6 per cent. I thank honourable members for their support of the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Counting of votes."

The Hon. D. H. L. BANFIELD (Minister of Health): In view of the support that the Leader has received from the Labor Party, does he now consider that the Bill is as good as he thought it was, or does he intend to introduce another Bill?

The Hon. R. C. DeGARIS (Leader of the Opposition): No, I am pleased that the Labor Party has at last, after the 13 years I have been a member of this Council, accepted the logic of my argument.

Clause passed.

Title passed.

Bill reported without amendment; Committee's report adopted.

#### ADJOURNMENT

At 5.32 p.m. the Council adjourned until Tuesday, August 17, at 2.15 p.m.