

LEGISLATIVE COUNCIL

Wednesday, September 8, 1976

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

PETITIONS: SEXUAL OFFENCES

The Hon. M. B. DAWKINS presented a petition signed by 71 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.

The Hon. J. C. BURDETT presented a similar petition signed by 38 electors of South Australia.

Petitions received.

QUESTIONS

STAFFING POLICY

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

Leave granted.

The Hon. C. M. HILL: My explanation takes the form of reading from a report in the *Australian* of Monday last, September 6, by one Peter Ward. The report is headed "Dunstan policies split his staff" and reads as follows:

Staff and management in the South Australian Premier's Department are bitterly divided over the question of whether Mr. Dunstan's policies for worker participation should extend to the selection of permanent heads and their deputies. The issue reached its climax on Thursday at a meeting of the department's staff-management joint consultative council. A key motion expressing concern at the lack of consultation over the proposed reorganisation of the department involving the advertised position of a new Deputy Director-General of the department was passed. The motion calling for "formal and direct involvement" was passed in the selection of the Deputy Director-General.

The permanent head of the department, Mr. R. D. Bakewell, opposed the motion, saying he saw the Deputy Director's position and any departmental reorganisation the position might create as "above general consultation". The conflict came into the open at a consultative council meeting two weeks ago when a similar motion was carried in favour of "formal and direct" staff involvement in the selection of permanent department heads. Mr. Dunstan must now decide whether to ignore the wishes of his staff or create the precedent in South Australia of involving elective staff in the selection of top departmental officers. There has been vigorous lobbying against this by the Premier's principal private secretary, Mr. S. Wright, and the chief administrative officer of the department, Mr. J. Holland.

At the first meeting, Mr. Holland argued that because the permanent head had to be loyal to the Government of the day his appointment should remain the Minister's undisputed prerogative. The council's bitterness has created doubt about whether the Chairman of the State Public Service Board, Mr. Inns, will be chosen as the new head of the Premier's Department when Mr. Bakewell takes over a new job. Members of the joint consultative council are against the way these administrative moves have been made and promises given without staff consultation. They are disgusted that minutes of the first meeting were drawn up suggesting "the management view" was that put by Mr. Holland. They said a significant group of departmental managers spoke in favour of the key participation motion, but that this was not recorded in the minutes.

The Hon. N. K. Foster: When is he going to get to the question?

The Hon. C. M. HILL: The report continues:

The "young turks" of the department are also distressed at Mr. Wright's actions and fear he was acting under instruction in the matter. They pointed out that in the two crucial votes the council tended to split between graduates and non-graduates, with the non-graduates coming down on the establishment side.

The irony of the situation was that among the graduates were people known to be supporters of the Premier. The "young turks" claim that a friend of the Chairman of the Public Service Board, the Assistant Commissioner for Industrial Relations, Mr. H. R. Bachmann, has been given the nod to get the Deputy Director-Generalship.

The Hon. T. M. CASEY: On a point of order, Mr. President, I believe that the Hon. Mr. Foster called "Question" some time ago.

The PRESIDENT: No, I did not hear him do so.

The Hon. N. K. Foster: No, I didn't, but I ought to. However, I am a fair man.

The Hon. C. M. HILL: The report continues:

Elective joint consultative councils have been established in a number of key State Government departments over the past two years. They are part of a series of administrative measures to ensure the Premier's ideas on worker participation can first be put into practice in the public sector before the Government encourages such moves in the private sector. Mr. Dunstan has described his policies in the area as his "most significant and far-reaching moves for fundamental social reform".

The Hon. N. K. Foster: What paper was this in?

The Hon. C. M. HILL: It is a report in the *Australian*.

The Hon. N. K. Foster: The Murdoch press!

The Hon. C. M. HILL: I know that members opposite are not pleased to hear me referring to this report. However, I remind them that I am on the last sentence, so they will be put out of their misery in a second or two. The report concludes:

Worker participation was a major plank in the State Government's 1975 election programme.

The Hon. M. B. Cameron: Who wrote this?

The Hon. C. M. HILL: Mr. Peter Ward.

The Hon. M. B. Cameron: Wasn't he something to do with the Premier?

The Hon. C. M. HILL: I understand that he was employed by the Premier at one time but that he is now employed by the *Australian* newspaper. Will the Leader of the Government agree, as a result of that report, that worker participation is not working too well in the Premier's Department?

The Hon. D. H. L. BANFIELD: No.

The Hon. C. M. HILL: Does the Minister of Health believe that there should be formal and direct staff involvement in the selection of such senior staff appointees as permanent heads of departments?

The Hon. D. H. L. BANFIELD: As this is a matter of policy, I will refer the question to my colleague.

The Hon. C. M. HILL: Is the Minister of Tourism, Recreation and Sport practising a policy of formal and direct staff involvement in the selection of the permanent head of his department, namely, the Director of Tourism?

The Hon. T. M. CASEY: I do not know what is the significance of the honourable member's question because, on the resignation of the former Director of Tourism, the Public Service Board asked persons to submit their names for appointment. This is the normal procedure, and I do not know of any other procedure that is likely to be adopted. Certainly, I would not support any other form of selecting an officer of this type. The department has gone about the matter in the right way, and this is the normal practice followed by the Public Service Board. I cannot see why,

if it is difficult to obtain a person to fill a senior position, a recommendation could not be made to the Public Service Board to examine a prospective candidate from the Minister, for example. I do not think there would be anything wrong with that procedure, but the matter must go to the Public Service Board.

The Hon. C. M. HILL: Did the Minister of Agriculture employ a policy of formal and direct staff involvement in the recent appointment of the Director of the Agriculture and Fisheries Department?

The Hon. B. A. CHATTERTON: No.

DROUGHT

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

Leave granted.

The Hon. F. T. BLEVINS: This morning it was announced in the press that the Commonwealth Government was prepared to pay a bounty on the slaughter of drought-affected stock. This was described as part of an overall plan by the Commonwealth to assist farmers during the drought crisis. The sum of \$10 a head for cattle was the rate quoted. Only a short while ago, the South Australian Government announced that it would not pay a bounty for drought-affected cattle, but instead made funds available for district councils to undertake mass slaughter programmes in their own districts as farmers required these. As well, the Government has been arranging for drought-affected sheep to be slaughtered for meat meal at Gepps Cross and Port Lincoln at 40 cents a head. In the light of the Commonwealth Government's announcement, will the Minister of Agriculture tell the Council whether there is to be any change in the State Government's measures to provide drought relief for South Australian farmers?

The Hon. B. A. CHATTERTON: The South Australian Government believes that carry-on finance will be the area of critical need for the farmers as the effects of drought worsen, and that the main thrust of Government aid should go into providing this. The South Australian Government has already stated that assistance will be provided on an individual needs basis upon application to the Lands Department. The South Australian Government will participate in a scheme of payment for worthless cattle, and it hopes that the Federal Government will act quickly to inform it of the terms and conditions upon which that Government is willing to pay this bounty, so that there are no delays in the slaughtering already taking place. At present the situation is totally confused, and the Premier has urgently requested immediate clarification of the Commonwealth's intentions. We are very concerned that we have not received a decision about the use of drought aid funds for unemployment schemes in drought-affected areas, which will be helped considerably if the Commonwealth approves the use of drought aid funds for this purpose. This whole scheme is ready to go ahead; it only requires a decision from the Commonwealth.

MONARTO

The Hon. J. A. CARNIE: Has the Minister of Health a reply to my question about Monarto?

The Hon. D. H. L. BANFIELD: The honourable member's reference to the "obsession" of the Government

about the building of Monarto is obviously made in ignorance of the real costs to the South Australian people of not building Monarto, and allowing the present spread of Adelaide's suburban area to continue. Studies carried out indicate that the direct capital cost of urban development (that is, planning, land and housing development, provision of water and sewerage headworks, construction of shopping and recreational facilities, etc.) is at least \$15 000 a person. In other words, the capital cost of increasing the population of Adelaide by 10 000 people would be at least \$150 000 000. Per capita expenditure of this order can be expected at Monarto. These estimates include expenditure by both the Government and the private sector. The latter is expected to contribute about two-thirds of the total.

It should be remembered, however, that much of the expenditure by the Government would be recoverable through taxes and charges, such as water rates and sewerage rates, land sales, and sales of homes and commercial and industrial premises. When considering these costs it should be kept in mind that the costs associated with a rapid rise in population within Adelaide are also of a high order: for example, the costs involved in the resultant necessary widening of roads, the augmentation of water and sewerage mains, and the purchase and development of regional conservation and recreational park lands because of increased pressure on the existing facilities. Any assessment needs to include the erosion of the quality of life of those living in Adelaide, and the cost to the community of accelerated growth in terms of traffic congestion, air pollution, and unwanted development in the Adelaide Hills and into South Australia's valuable vineyard areas to the south.

KANGAROO ISLAND TRANSPORT

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

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the unsatisfactory situation with regard to Kangaroo Island transport and the suggested replacement of the m.v. *Troubridge*. It is well known that, whilst the *Troubridge* may have been satisfactory from the islanders' viewpoint when it was purchased, it has become somewhat out of date and is approaching the end of its economic life. I understand the Minister of Transport has taken necessary action to request the Director-General of his department to investigate the situation and examine several suggested alternatives. I also understand that the Director-General is expected to have a report available soon. Will the Minister of Lands ask his colleague whether the Director-General has been able to provide him with that report?

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

URANIUM PLANT

The Hon. R. A. GEDDES: Has the Minister of Agriculture received a reply from the Minister of Mines and Energy to my question of August 17 about the possible establishment of a uranium enrichment plant at Whyalla?

The Hon. B. A. CHATTERTON: The Minister of Mines and Energy informs me that in 1972 a study was carried out under the auspices of the French and Australian Governments on the technical and economic aspects of

building an enrichment plant in Australia. The South Australian Government co-operated in the study and submitted a report on those localities which appeared to comply with the many requirements of such a project. The report concluded that Whyalla was a suitable site for an enrichment plant. On the basis of present knowledge, however, Redcliff appears to have some advantages over Whyalla because of the environmental and social knowledge which has been accumulated on Redcliff and because the site could be made available at very short notice without protracted negotiations. Because of these facts, Redcliff would seem to offer considerable savings in money and construction lead times.

The proximity of Port Pirie could also have advantages in relation to the manufacture of anhydrous hydrofluoric acid by using the sulphuric acid from Broken Hill Associated Smelters Proprietary Limited. The former chemical is a major requirement for uranium hexafluoride production. At the present stage of the study, however, Whyalla cannot be ruled out as a possible site for a uranium enrichment plant.

BUSH FIRES

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

Leave granted.

The Hon. A. M. WHYTE: On August 10, in reply to a question I had previously asked the Minister about reimbursing operators for equipment used to fight bush fires, he said he was preparing a submission on the matter in the hope that it would soon receive Cabinet approval. Since that time I have been informed by one of the contractors involved that he would be loath ever again to use his equipment to fight bush fires, because he had been waiting for reimbursement for his efforts since January. This is a matter of urgency, as I would not like earth-moving contractors to adopt such an attitude, because fires are at least a State, if not a national, responsibility, and we want them put out as quickly as possible. Can the Minister in any way speed up the payments due to these people?

The Hon. B. A. CHATTERTON: Cabinet has approved the submission I put forward concerning this matter. More importantly, it has also approved policies concerning the future situation in the pastoral zone when bush fires occur. I think this will ensure that the situation concerning slow payments will not arise in the future, and the payment will be made more speedily.

PARTY DOCUMENT

The Hon. N. K. FOSTER: I seek leave to make a statement prior to directing a question to the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. N. K. FOSTER: Prior to asking my question I want to acquaint the Chamber with a document that has come into my possession. This document, which originates from the Liberal Party, sets out the electoral profile of specific seats and the manner in which the Party should be organising itself in respect of those seats. I should like briefly to refer to this document, and I think I should have the latitude of the Chair in this regard, because of the lengthy time that was accorded to the Hon.

Mr. Hill just now. The document deals with the political characteristics of the Party's approach in these electorates. Honourable members opposite should cop this one for intelligence (it would win a booby prize):

Federal and State members, also Senators or M.L.C.'s resident in electorate or nearby (all Parties).

That is quite good. As no name was put on the document before it was sent out, they are pretty dumb. But, more seriously—

The PRESIDENT: Order! The honourable member must not comment on matters in this preliminary statement.

The Hon. N. K. FOSTER: I am not commenting; I am quoting.

The PRESIDENT: I am sorry; I cannot agree with the honourable member.

The Hon. N. K. FOSTER: I commend the Chair for its vigilance in these matters, but I am quoting.

The PRESIDENT: I am sure that the remarks that the honourable member made were not a quotation, and that the remark about a booby prize is not in that document.

The Hon. N. K. FOSTER: No, I would agree. Nevertheless, the omission is obvious and—

The PRESIDENT: The honourable member is commenting again. If he reads from the document and does not make comments, we can get on.

The Hon. N. K. FOSTER: Very well. The document states:

At the meeting of the National Campaign Committee on July 15, 1974, the N.S.W. Division was asked to draw up a prototype "Key Electorate Profile"—

and so on. That is enough to identify the document: I must not transgress Standing Orders. Dealing with the matter of security, which the Federal Liberal Party is so concerned about, under the heading "Government instrumentalities" we see:

1. Police, ambulance, fire stations.
2. Post Offices, telecommunications centres.
3. Employment offices, Social Security offices, etc.
4. Defence establishments.

It is rather an amazing document but I will not quote further from that; I will confine my remarks to the matters directed to the Minister representing the Minister of Education.

The Hon. C. M. Hill: Who wrote the document?

The Hon. N. K. FOSTER: The Liberal Party.

The Hon. C. M. Hill: Which Liberal Party? It might be the one in England.

The Hon. N. K. FOSTER: Then the document states: Educational:

- (a) Schools, public and private; (b) kindergartens; (c) tertiary institutions; (d) related interest groups—P. & C.'s, P. & F.'s, local Teachers Federation, students' unions, school councils.

The Hon. C. M. Hill: Who authorised the document?

The Hon. N. K. FOSTER: You will find out. The document states:

Begin political approaches to students at age 15 and aim to maintain their interest in the Party through to voting and beyond.

Maintain continuous contact with the three key groups (other than those above) identified as having the greatest potential for swinging votes. (a) parents and citizens, parents and friends Associations; (b) residents' action groups; (c) local newspaper editors.

As though having that bloke from the *Australian* on side is not enough!

The PRESIDENT: Order! The honourable member is commenting again.

The Hon. N. K. FOSTER: Prior to asking my question, again under the heading of "Schools", we see:

(a) Train three suitable people as "school visitors", able to address students on political subjects, both within the curriculum and on Liberal topics.

(b) Gain agreement of all school principals to a programme of school visiting.

(c) Ensure that all students from age 15 upwards are spoken to at least annually, and that they receive follow-up literature—

etc., etc. Then we see:

Parent education groups—

etc., etc. It goes on and invades the right of privacy in regard to local government areas that we hear so much about. Under "Local government", it states:

1. Local government units within electorate.
2. Names and political stance of aldermen/councillors.
3. Names of town clerks.

It is indeed a scurrilous document.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I direct my question—

The PRESIDENT: Order! The honourable member must not comment or make observations on the document. If that is not an observation I have never heard one in my life.

The Hon. N. K. FOSTER: I am waiting for somebody to ask me to have the whole lot inserted in *Hansard*.

The PRESIDENT: Order! The Hon. Mr. Foster must learn the Standing Orders, and realise that he cannot do this sort of thing. I hope I do not have to draw his attention to that again.

The Hon. N. K. FOSTER: You have drawn my attention to that a number of times but you make it difficult because of the interjections of the fellows on the right of where I stand.

The Hon. C. M. Hill: I think you wrote the document yourself.

The Hon. N. K. FOSTER: No.

The Hon. C. M. Hill: Who authorised it?

The Hon. N. K. FOSTER: The New South Wales Branch of the Liberal Party; I have said that twice.

The Hon. C. M. Hill: No, you have not.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: You asked me not to comment.

The PRESIDENT: Order!

The Hon. C. M. Hill: You did not say "New South Wales".

The Hon. N. K. FOSTER: I did; I said it from the heading of that document.

The PRESIDENT: Order! The honourable member was given leave to make a statement prior to asking a question. I understand that he has made his statement and was about to ask his question. He was then asked the basis of the document and he has given its basis.

The Hon. F. T. Blevins: They were out of order on that.

The PRESIDENT: I think the Hon. Mr. Foster should proceed to ask his question.

The Hon. N. K. FOSTER: If they keep quiet, I will. Does the Minister consider that the aims of this document are contrary to a moral approach and to the rights that ought to be accorded to the student population and other groups in the community? I will not drag it on any further at this stage.

The Hon. B. A. CHATTERTON: I think the honourable member has directed the question to the Minister of Education, and I will refer it to my colleague and bring down a reply as soon as possible.

BETTING TRANSACTION

The Hon. J. E. DUNFORD: I desire to make a short statement prior to directing a question to the Minister of Health, representing the Attorney-General.

Leave granted.

The Hon. J. E. DUNFORD: A constituent wrote to me yesterday asking me to bring a very serious matter to the notice of the Attorney-General. It is a most unpleasant task and, even though the contents of this document as forwarded to me have been rumoured to me on several occasions in the past, I, as a responsible person, am not one to listen to rumours unless the matter is properly documented. I am not worried about the Liberals but, certainly, if they have any conscience they will be as concerned as I am about this document. I think, as a responsible member of Parliament and a justice of the peace, that this matter ought to be brought to notice, and I congratulate my constituent for having done so. We have heard about the Westminster system and about the history of this Council. We all know the history of Parliament, and we know that it is our responsibility to uphold the law in the community. No-one should be barred from that responsibility, including the Labor Party, the Liberal Party, and anyone else. I want to read this declaration, and I have the constituent's authority to do that. Even though the constituent does not indicate the person's occupation at this stage, I have questioned the constituent, who has told me that the person concerned is a member of Parliament. This statutory declaration was signed on September 7 at Port Augusta before W. H. McConnell, J.P. It states:

I . . . do solemnly and sincerely declare that, while employed by W. E. Chapman of Kangaroo Island in 1970, I placed a bet on a horse running in the 1970 Melbourne Cup. The money I bet amounted to \$100 and W. E. Chapman, shearing contractor, in his capacity as S.P. bookmaker, accepted the bet. I enclose a statement of earnings from W. E. Chapman where it clearly states \$100 was deducted from my earnings for the bet.

The statement clearly shows that the person concerned backed a horse, and \$100 was deducted from his wages. It is not uncommon, out in the back country of Queensland, for a chap to bet his pen mate \$10 on a horse, but never, in my 18 years in the pastoral industry, have I ever known a shearing contractor (shearing contractors are the greatest exploiters of labour in the pastoral industry) to stoop so low as to take money, in the capacity of a starting price bookmaker, from the people who work for him.

The PRESIDENT: Order! The honourable member is now making his own comment. The purpose of an explanation is to state the facts.

The Hon. J. E. DUNFORD: Mr. President, I agree that you are right but I must ask the indulgence of the Council and your indulgence, because I am so upset, so shocked—

The PRESIDENT: I draw the honourable member's attention to Standing Order 193, which states:

. . . no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any member thereof—

I can only draw the conclusion that the honourable member has mentioned the name of a member of another House—unless it be upon a specific charge on a substantive motion after notice.

The Hon. F. T. Blevins: He did not say that. He said he was a shearing contractor.

The Hon. J. E. DUNFORD: I did not mention the other House.

The Hon. F. T. Blevins: He said it was a shearing contractor.

The PRESIDENT: The honourable member has mentioned a person whose surname and initials are identical with those of a member of another place, and I ask the honourable member to tell this Chamber whether he is referring to that member.

The Hon. J. E. DUNFORD: I was talking about shearing contractors and my history with them, and I have never known of any shearing contractor, in my 18 years in the industry (and have never read it in history books), who would set himself up as an S.P. bookmaker and take payment for bets from the earnings of his employees. I have made that clear.

The PRESIDENT: I asked you whether the person you had named a moment ago from that document is, in your opinion, or in your understanding, identical with a member of another House.

The Hon. J. E. DUNFORD: In answer to your question, there is absolutely no doubt in my mind that the person referred to in the statutory declaration is W. E. Chapman, M.P. for Alexandra.

The PRESIDENT: The honourable member is out of order—

The Hon. N. K. Foster: Why?

The PRESIDENT: —if he is presenting a charge against a member, because he must—

The Hon. F. T. Blevins: It is not a charge: it is a question.

The Hon. J. E. DUNFORD: I'm not charging him.

The PRESIDENT: The question is out of order, and I so rule.

The Hon. N. K. FOSTER: Can I raise a point of order?

The PRESIDENT: Yes.

The Hon. N. K. FOSTER: The point of order is that there was no direct identification of the person. You, by your action, have identified the person in your mind and in the mind of every other member of this Council. I did not have a clue that it was Chapman from Alexandra. You are now telling us it is.

The PRESIDENT: The Hon. Mr. Dunford, in making an explanation earlier, stated that someone had told him that this person was a member of Parliament. I have specifically now, by my question, elicited that fact from the honourable member and he has so stated. Therefore, I have ruled that his question is out of order. If he wants to make an allegation against any member of another House, he must do it by another method.

The Hon. J. E. DUNFORD: Can I ask this question of the Chief Secretary?

The PRESIDENT: You put the question and I will say whether he can answer it.

The Hon. J. E. DUNFORD: My question is directed to the Chief Secretary, representing the Attorney-General. Will the Attorney-General take the necessary steps to investigate whether (1) the person mentioned in the declaration is W. E. Chapman, M.P.? I wrote this down. I do not know, but I want to find out. I wrote the questions down earlier. The other questions are: (2) Is W. E. Chapman still carrying on his illegal activities as an S.P. bookmaker? (3) Is W. E. Chapman paying, or has he paid, income tax on his income as an S.P. bookmaker? (4) If the Attorney-General is satisfied that the person mentioned in the declaration is W. E. Chapman, M.P., will the Government call for his resignation from the South Australian Parliament? I should like to give the Chief Secretary the documents relating to this matter.

The Hon. D. H. L. BANFIELD: I shall be happy to do that.

The PRESIDENT: Just a minute; I think that some parts of the question may be in order, but others may not. I cannot see how a question on income tax can be directed to a State Minister. Will the honourable member delete that? I will allow the other parts of the question, but I disallow that section dealing with income tax.

The Hon. J. E. DUNFORD: I will do that.

The Hon. D. H. L. BANFIELD: I am willing to have the other matters referred to the Attorney, and I will bring down a report.

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before directing a question to you, Mr. President.

Leave granted.

The Hon. J. R. CORNWALL: You, Sir, have just ruled that a question, which was asked by the Hon. Mr. Dunford regarding the taxation situation of one Mr. W. E. Chapman, the member for Alexandra, was out of order. I seek your guidance, Sir, regarding what might be the most appropriate way of bringing the matter to the attention of the Deputy Commissioner of Taxation.

The PRESIDENT: I should think that, if the honourable member is that interested, he should write a letter to the Deputy Commissioner.

HARBOR CHARGES

The Hon. R. C. DeGARIS: Can the Minister of Agriculture say whether, before the new harbor and wharf charges were announced, his department made any investigation of the effects thereof on export industries, particularly rural industry?

The Hon. B. A. CHATTERTON: Harbor charges are the responsibility of the Minister of Marine. I am not sure what question the Leader is directing to me.

The Hon. R. C. DeGARIS: I asked whether the Minister's department had made any investigation of the effect of these charges on rural industry. If it did, did the Minister make a submission to Cabinet opposing the increased harbor and wharf charges?

The Hon. B. A. CHATTERTON: No investigation was carried out by the Agriculture Department as far as I am aware.

SWINE COMPENSATION FUND

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

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the Swine Compensation Fund, and I address it to the Leader of the Government because it affects the Treasury and not the Agriculture Department. The Swine Compensation Fund consists of money raised entirely from members of the industry, and I understand that it is at present in credit to the extent of about \$900 000, which is held in trust by the Treasury at an interest rate of 6 per cent a year. This valuable fund has been of great assistance to members of the industry from time to time when swine diseases have been experienced. However, the interest rate of 6 per cent a year seems to be much too low in the light of present-day values. Will the Minister of Health ask the Treasurer to examine this matter with a view to providing a rate of interest more in keeping with present-day values?

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

MONARTO

The Hon. J. A. CARNIE: I seek leave to make a statement before asking a question of the Minister of Agriculture, representing the Minister responsible for housing.

Leave granted.

The Hon. J. A. CARNIE: On March 24, a report written by Greg Kelton regarding a housing plan for the doomed city of Monarto appeared in the *Advertiser*. Under this plan, which was put forward by the Director of Architecture for the Monarto Development Commission, people could buy a 104 m² house and a block of land for \$16 000. The whole project was designed so that units of houses could be prefabricated in the factory and erected on site. The report, which is interesting, deals with various technical details concerning the houses. It says that the houses would be suitable for places other than Monarto. That is a good idea, although I will not comment on that matter. Apparently, these houses can be built quickly and cheaply. Will the Minister ascertain from his colleague whether the South Australian Housing Trust has been given an opportunity to evaluate this plan and to build houses in the metropolitan area or anywhere else where cheap, quickly constructed houses are required?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to my colleague and bring back a reply.

DROUGHT

The Hon. J. C. BURDETT: Has the Minister of Agriculture a reply to the question I asked on August 17 regarding the drought?

The Hon. B. A. CHATTERTON: It is expected that the excess flows from the Darling River will have ceased by about the end of September and that the flows entering South Australia will be fully controlled for the remainder of the water year unless heavy and substantial rains occur at some time during the period. At the peak of the flow, at the end of June, 330 bays of the barrages were open out of the total of 594 bays. These have been progressively closed as the flow recedes and at present there are only 95 bays open. It is intended that all these bays will be closed within the next week so that Lakes Alexandrina and Albert will be surcharged by about 100 mm by the end of the recession of flow.

The honourable member will realise that a surcharge of 100 mm is all that can be tolerated without flooding large areas of foreshore of the lakes and the islands within them. Even with this surcharge, and on the entitlement flows for the remainder of the year, the levels within the lakes and the lower reaches of the river will fall to about 320 mm below normal controlled pools by June, 1977. The Minister of Works informs me that, although this reduced level may slightly prolong the times of irrigation in the reclaimed swamps, it will not preclude the watering of the pastures. The interests of all parties affected by change of levels are always considered in the management of the locks and barrages, but it must be pointed out that these interests at times do conflict.

CRAFT AUTHORITY

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

Leave granted.

The Hon. C. M. HILL: My question concerns the South Australian Craft Authority, within which, I have been told, there is some dissatisfaction because of, it is claimed, the lack of interest of the Premier or the Premier's Department in the authority's activities. Is the Premier satisfied with the operations and performance of the South Australian Craft Authority? Secondly, does the authority make annual reports to the Premier? Thirdly, as public money is involved in the authority's activities, and as the authority is not a statutory body, will the Premier make available such reports, if any, to Parliament for honourable members' perusal?

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

SNIPER

The Hon. C. M. HILL: I am concerned about reports that a sniper is at large; on three occasions, according to the press, windows have been shot at in metropolitan Adelaide over a wide area, including North Unley, Campbelltown, Windsor Gardens, and North Adelaide. It seems that the person or persons responsible are still at large and that this most dangerous of crimes is still occurring. Has the Chief Secretary, who is responsible for the Police Force of this State, instituted any inquiry into the matter? Can he inform the Council of the view of the Commissioner of Police of the problem and what special action the police are taking to try to capture the person or persons responsible?

The Hon. D. H. L. BANFIELD: I can assure the honourable member that the police are taking every possible action to catch the person or persons responsible.

FISHING INDUSTRY

The Hon. C. M. HILL: Has the Minister of Fisheries anything further to add to his reply given in this morning's press to the claim by cray fishermen at Port Lincoln that the Spencer Gulf area should be reopened for shark fishing? I note that the Minister was reported as saying in the press that he would confer with his officers today.

The Hon. B. A. CHATTERTON: No. My officers met with me today, and they are carrying out further investigations. As I said in the press, I was somewhat surprised by the statement made by the Port Lincoln cray fishermen, in view of the consultations we have had with them on this matter. The change in their attitude has resulted from a closer enforcement by the Victorian Government of its requirements in connection with mercury levels in fish. There had been a slackening in the Victorian Government's attitude, but the requirements have been more closely enforced in recent weeks. This has put more pressure on shark fishermen. We are looking at this and related matters and we hope to resolve the situation very soon. I am surprised that the Victorian Government has taken this attitude, in view of the investigation commissioned by the Fishing Council last year in connection with mercury levels, and eating habits of the Australian public. It seems that there has been stricter enforcement while the investigations have been going on.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from August 18. Page 703.)

The Hon. F. T. BLEVINS: When I spoke on this matter two weeks ago I outlined the intent of the Bill, which is to replace the present system for Legislative Council elections with a somewhat different and more complicated system of proportional representation.

The Hon. R. C. DeGaris: Are you saying that we have not got proportional representation now?

The Hon. F. T. BLEVINS: I have no objection to the Leader's interjecting, but he should at least listen to what I say.

The Hon. R. C. DeGaris: What did you say?

The Hon. F. T. BLEVINS: I will not repeat it. Get back to your paper. The system proposed by the Hon. Mr. DeGaris has been considered before by him and his colleagues in the Liberal Party. On the last occasion that the system was considered, it was not thought to be very good. When the Hon. Mr. DeGaris introduced a Bill on August 15, 1972, to alter the method of voting for this Council, he wanted a proportional representation system involving two electoral districts, instead of having the whole State as one district. I refer to the *Weekly Report, Legislative Council* of August 25, 1972, which said that a proposal had been put up apparently as an alternative to the Hon. Mr. DeGaris's Bill, with the whole of South Australia electing 12 members to the Council at each election. The report stated that the Premier had already expressed views favourable to this system; this was an alternative put up to the Hon. Mr. DeGaris's Bill of August 15, 1972.

At that time, the Hon. Mr. DeGaris said that, if the State was one electoral district, the voting paper would be too cumbersome and the quota for the election of a member would be too low to give an effective result. I certainly think we are entitled to an explanation from the Hon. Mr. DeGaris as to exactly what he meant. I can understand what he meant about the voting paper being too cumbersome—I agree; but I do not understand what he meant when he said that the quota for the election of a member was too low to give an effective result. He should explain what he meant and why he has changed his mind. On August 16, 1972, the Hon. Mr. DeGaris stated:

One method is to have an election similar to the Senate—over the whole of the State at the one time. This has several drawbacks amongst which is the size of the voting paper for each election . . .

The honourable Leader said the voting paper would be too large, and I agree with him. Again on August 16 (page 783 of *Hansard*) the Hon. Mr. DeGaris stated:

The method recommended uses the present boundary of the metropolitan area (as defined by the 1969 Electoral Commission) and divides the State into two districts. This allows the best use to be made of the proportional representational system with a voting paper that is not unreasonable.

The Hon. Mr. DeGaris said that the entire State, if it were one electorate, would result in the voting paper being unreasonable. On August 23, 1972 (page 947 of *Hansard*), the Hon. G. J. Gilfillan stated:

The Hon. Mr. Banfield is still only guessing at numbers. I have two main reasons for supporting the concept of two electorates. First, with one electorate over the whole State and with the number of names that would be on the ballot-paper, particularly if more than two Parties nominated candidates (which is almost certain), we would have a ballot-paper which the average voter would find almost impossible to understand.

I agree with the Hon. G. J. Gilfillan, who went on to state:

It would mean 10 members coming out at each election. With several Parties involved there could be 50 names on the ballot-paper and I think that would be quite unreasonable.

All the Liberal Party members agreed with the Hon. Mr. Gilfillan at that time. I still agree with him, even though he is no longer a member of this Council. At page 951 of *Hansard* of August 23, 1972, the Hon. Mr. DeGaris is reported as follows:

As a group, we studied the question of one district for the State and the Premier supports this: he has said so. We did not go along with it because of the large voting card, because of the low proportion of votes required to elect a person, and because it would not produce a Council that represented a true reflection of the wishes of the people. That is the reason why we moved away from the one electorate.

That is what the Hon. Mr. DeGaris then said, and I agree with him completely. I think the Leader was absolutely correct, and all the members of the Liberal Party who voted with him at that time were correct. However, I do not understand—

The Hon. J. C. Burdett: Why doesn't the Government accept this Bill?

The Hon. F. T. BLEVINS: I will tell the honourable member in a moment.

The Hon. J. C. Burdett: Members were not necessarily voting on what the Leader said—they were voting on the Bill.

The Hon. F. T. BLEVINS: Does the Hon. Mr. Burdett want me to refer to all members who spoke on that Bill and quote what they said? The Hon. Mr. Gilfillan supported the point that the voting paper would be too large. I will read again what the Hon. Mr. DeGaris said.

The Hon. J. C. Burdett: We know what he said; that is not what was voted for.

The Hon. F. T. BLEVINS: I do not understand the point. However, as the Hon. Mr. DeGaris has returned to the Chamber, he might want to know what he said, and I will read again his comments.

The Hon. R. C. DeGaris: That was a fully transferable vote.

The Hon. F. T. BLEVINS: The Leader stated:

As a group, we studied the question of one district for the State, and the Premier supports this: he has said so. We did not go along with it because of the large voting card, because of the very low proportion of votes required to elect a person . . .

The Leader should enlighten us as to what was the problem concerning the low proportion of votes and why this problem no longer applies. I have no objection to a low proportion of the vote electing a member; it is all right with me if that is what the people want, but it does not suit the Hon. Mr. DeGaris, who continued:

. . . because it would not produce a Council that represented a true reflection of the wishes of the people. That is the reason why we moved away from the one electorate. There must be some consistency somewhere, otherwise one can only draw the conclusion that the Leader constantly twists and turns to seek every possible advantage for his Party. The Hon. Mr. DeGaris is not worried at all about democracy, the State or the people: he is interested only in political advantage.

What is the reason for the introduction of this Bill and the apparent change of heart on the part of the Hon. Mr. DeGaris and his colleagues? Why do they suddenly want a system of proportional representation with the State as one electorate, with the vacancy of seats plus one being voted for at an election? Obviously, the Leader sees some advantage in it for the Liberal Party in relation

to the large size of the ballot-paper, the large number of candidates, and the difficulty of filling in what was referred to as an unreasonably sized ballot-paper.

Honourable members opposite and their Party have found out that there is a distinct political advantage to the Liberal Party in having an extremely complicated ballot-paper. The Liberal Party is extremely confident about this and that is why it now seeks to introduce this Bill and have it passed through Parliament. This is not just my idea: this situation was evident in elections after the last two double dissolutions in Canberra. New South Wales candidates particularly were nominated and financed only to increase the size of the ballot-paper in order to complicate it unnecessarily and ensure the greatest disadvantage to the Australian Labor Party. In support of that contention I refer to an article published in the *Bulletin* of November 8, 1975. This article by Malcolm Mackerras is an anti-Labor article—certainly, it is not a pro-Labor article. I commend the article to all honourable members and, to save the time of the Council, I seek leave to have incorporated in *Hansard* two tables associated with it (pages 24 and 25, *Bulletin*, November 8, 1975).

Leave granted.

1974 COMMONWEALTH VOTING FIGURES

TABLE 1

Per cent shares of national formal vote, 1974.

	Representatives	Senate
Labor	49.3	47.3
Opposition (A)	47.1	47.5
Hall (B)08	1.0
Townley	—	0.2
AP	2.3	1.4
Others (C)	0.5	2.6
Total	100.0	100.0

(A) The combination Lib-CP-NP-DLP-NA.

(B) Liberal Movement candidates for Representatives.

(C) Principal components for Senate are Family Action Movement in NSW and ex-Senator Hannan in Victoria.

TABLE 2

Total votes cast, 1974.

	Representatives	Senate
Formal votes—Senate	7 267 850	6 612 385
Formal votes—Territories	123 156	—
National formal	7 391 006	6 612 385
Informal	144 762	798 126
Total	7 535 768	7 410 511

The Hon. F. T. BLEVINS: The contention of Malcolm Mackerras is the same as my own: that by having a large ballot-paper there is a substantial built-in bias in favour of the Liberal Party.

The Hon. A. M. Whyte: The present system was introduced by Ben Chifley.

The Hon. F. T. BLEVINS: Ben Chifley did not try to stack the ballot-paper with 60 or 70 names.

The Hon. A. M. Whyte: This Bill reduces the number.

The Hon. F. T. BLEVINS: It does not reduce the number at all. Under the present system, which I will deal with in a moment, it is irrelevant whether there are 10 names or 100 names on the ballot-paper. By a simple figure of "1" a person can make a valid vote whereas, under the system advanced by the Leader, this would not

be the case. These tables affirm the contention that, when people voted for the Labor Party in the Lower House in the Federal elections of 1974, it is nonsense to say that they voted for the Liberal Party in the Senate at the same time to keep a check on the Labor Party. Mr. Mackerras says:

Frankly that is not my interpretation. Table 1 shows the per cent shares of the national formal votes. The percentages are the party shares of 7 391 006 formal votes cast for the House of Representatives but only 6 612 385 for the Senate. Table 2 elaborates on this. In other words 778 621 voters did take part in the election of the Representatives who did not take part in the election of the Senate. I would venture the opinion that some 75 per cent of those people were Labor supporters. The high informality at the 1974 election was quite fatal to Labor's Senate chances.

I am quite convinced that a simple system of voting would have given Labor outright control of the Senate. It needs to be remembered that Labor's constituency still includes a significant number of such people as unskilled labourers, Aborigines and old age pensioners to whom the mechanics of the Senate system are overpowering. Let me give an example: the safest Labor seat is Sydney where 20.5 per cent of the Senate votes were informal. The safest Liberal seat is Bradfield where only 5.6 per cent of the Senate votes were informal.

These are not isolated examples. If the seats are ranked on a Labor scale and an informal scale there is a close correlation between the two orderings. Is it any wonder that Labor wants to simplify the system while the Opposition resists all changes to the electoral laws?

What we have done in this State, with the full agreement of the Hon. Mr. DeGaris and company, is to simplify the system; that is all we have done.

The Hon. R. C. DeGaris: Not full agreement.

The Hon. F. T. BLEVINS: But you voted for it.

The Hon. R. C. DeGaris: Not full agreement.

The Hon. F. T. BLEVINS: Did you vote for it?

The Hon. R. C. DeGaris: Not full agreement.

The Hon. F. T. BLEVINS: I am asking you: did you vote for it? Would you like me to recall what you said when the Bill was passed?

The Hon. R. C. DeGaris: Quote what you like; go on and quote.

The Hon. J. C. Burdett: There was a long, hard conference on the Bill in 1973.

The Hon. F. T. BLEVINS: No-one disagrees with that.

The Hon. J. C. Burdett: There was a compromise.

The Hon. F. T. BLEVINS: There was no compromise at all. Look at the numbers you had at that time. You had the numbers and, if you did not like it, you should have tossed it out, but you were not game to do that because other honourable members did not want to lose their seats. The Hon. Mr. DeGaris, in Southern, was all right, but the Hon. Mr. Dawkins, the Hon. Mr. Geddes, and the Hon. Mr. Whyte were not all right, and that is the reason they did nothing about it. They were not game to do anything about it; they did not want to know about it. The Leader got up and said how proud he was of his troops and how they stood by him. They did not stand by him; no way, mate. The Hon. Mr. Whyte is recorded in *Hansard* as saying he would have been the first to go. The Hon. Mr. DeGaris was all right, but no-one else wanted to know. That shows how much loyalty he got. Some members who followed him on the railway agreement legislation lost their seats, but that is another matter.

I am convinced that the reason for the introduction of this Bill is deliberately to disfranchise as many people as possible by making the ballot-paper complicated. There were nine groups involved at the last election. What happens if we have a double dissolution? I am sure the Australian Labor Party will stand 12 or 13 candidates, as will the Liberal Party and the Liberal Movement. Under

the system of the Hon. Mr. DeGaris, there will be a massive number of candidates; there will be 60 or 70 names on the ballot-paper. Under the present system that does not matter, because a simple "1" on the ballot-paper records a formal vote, but the proposed system would effectively disfranchise people who could not handle the ballot-paper. When this system was mooted before, the Hon. Mr. DeGaris gave every logical argument against it, and he should stick to those arguments because they are correct. Certainly, honourable members on this side are not prepared to give away a fair and simple system for a system that would be far more complicated and would disfranchise people. If the proposition was put to the people of this State "Do you want to make a simple '1' on your ballot paper instead of going through the whole nonsense of 12 or 23 names; which would you prefer?" the overwhelming majority would come down on our side and would prefer the present simple democratic system.

The Hon. R. C. DeGaris: If I changed my Bill so that a "1" was a formal vote would you vote for it?

The Hon. F. T. BLEVINS: You know what you can do with your Bill.

The Hon. R. C. DeGaris: You are not fair dinkum.

The Hon. F. T. BLEVINS: This is what annoys me about you. If you want to alter the system that you put up now so that people have to put only a "1" on the ballot-paper, which is against all your ideas (because that is what, in effect, we have now)—

The Hon. R. C. DeGaris: No, not at all.

The Hon. F. T. BLEVINS: Why? Because you want to transfer the vote?

The Hon. R. C. DeGaris: No. I will change this Bill so that "1" is a formal vote, if you will vote for it; but you will not, because you are not fair dinkum.

The Hon. F. T. BLEVINS: The reason I disagree with it has nothing to do with my being fair dinkum.

The Hon. R. C. DeGaris: That destroys the whole of your argument.

The Hon. F. T. BLEVINS: The reason I will not support your Bill is that I am happy with the present Act, which is excellent. I do not want you or anybody connected with you tampering with it. Because of your whole history of tampering with the votes and the electoral system, you have no credibility.

The Hon. R. C. DeGaris: I would not want your approval of my credibility.

The Hon. F. T. BLEVINS: You have no credibility with the people of this State. If somebody other than you was to come up with some kind of proposition, I would look at it; but coming from you, certainly not. To me, your record is bad news. On August 11, the Hon. Mr. DeGaris said, "First, it is completely wrong that the Labor Party got a majority of votes." My contention was that the A.L.P. had a majority of votes in this place even under the old system but never got anywhere near a majority of the seats. I now have figures from the Parliamentary Library. I did not draw them up; they were drawn up by the very competent research staff in our library. Let me take the figures for 1965.

The Hon. J. C. Burdett: What about 1975?

The Hon. F. T. BLEVINS: I will give the 1975 figures in a moment. In 1965 the A.L.P. got 50.6 per cent of the formal votes cast, and obviously this would be in contested seats. Are you with me?

The Hon. J. C. Burdett: Is this in the Assembly, or in the Council?

The Hon. F. T. BLEVINS: In the Council.

The Hon. R. C. DeGaris: How many seats were contested?

The Hon. F. T. BLEVINS: You have the right to reply.

The Hon. R. C. DeGaris: I am asking you a question.

The Hon. F. T. BLEVINS: You are not entitled to ask me a question; you are out of order. If I had been asking you a question when you were on your feet, the President would have pulled me up.

The Hon. J. E. Dunford: If he asks you to give way, that is all right.

The Hon. F. T. BLEVINS: Yes. Then he would be in order. It appears to me that, if anyone on this side opens his mouth—bang, he is gone. The Hon. Mr. DeGaris said that we did not get a majority of the votes. In 1965 the Australian Labor Party got 71 392 votes and the Liberal and Country League got 59 488 votes. At that election 50.6 per cent of the votes went to the A.L.P. and 42.16 per cent to the L.C.L. We got two seats for our efforts, which was 25 per cent of the seats, and the L.C.L., for its efforts, got six seats, or 75 per cent of the seats.

In 1968 the A.L.P. got 130 167 votes, or 52.76 per cent, and the L.C.L. got 103 479 votes, or 41.94 per cent. The A.L.P. won two seats, or 20 per cent of the seats, while the L.C.L. won eight seats, or 80 per cent of the seats. That was not bad, was it? In 1973 the A.L.P. got 174 082 votes, or 52.62 per cent, and the Liberals got 152 921 votes, or 46.22 per cent. The A.L.P. in that year got four seats (it was a little better that year), or 40 per cent of the seats, and the Liberals got six seats, or 60 per cent of them. Those figures have come from the Parliamentary Library.

I also asked the Parliamentary Library for the number of first preference formal votes in contested Legislative Council districts, and I have got the totals. The Hon. Mr. Cameron spoke after the first-class speech made by the Hon. Mr. Sumner, who really upset members opposite. In the 12 months that I have been here, the speech of the Hon. Mr. Sumner was one of the finest speeches that I have heard. It was tremendous: it was beautiful. As reported at page 699 of *Hansard* of August 19, 1976, the Hon. Mr. Cameron stated:

I think it is important to examine just what the Hon. Mr. Sumner has gone through. It has been an exercise of wriggling away from the fact that probably he should not be here, because he has not been elected democratically.

If the Hon. Mr. Cameron did any arithmetic at school (and I find it difficult to believe that he did not: surely he can do sums and work out who got what and what percentages went where), I can only think that he did not do his homework and that he made that statement off the top of his head. If he did his homework, he told the Council an untruth. The Hon. Mr. Sumner was elected democratically, and he has every right to sit here. I will explain exactly what the figures were and why the Hon. Mr. Sumner has every right to be here. I will give the official returns from the Electoral Department.

I do not know whether the Hon. Mr. DeGaris wants to contradict them, but at the election on July 12, 1975, the total vote for the Australian Labor Party was 324 744. The Liberal Movement got 129 110 votes and the Liberal Party got 191 341, which was not many more than the Liberal Movement got. I also asked the research section of our library how the Liberal Movement preferences were distributed.

The Hon. J. C. Burdett: Will you give us—

The Hon. F. T. BLEVINS: Has the Hon. Mr. Burdett somewhere to go? He is impatient.

The Hon. J. C. Burdett: I want to get you to the truth, because they were not all distributed, and that is the point of this Bill.

The Hon. F. T. BLEVINS: That will be the point of my argument. The Hon. Mr. Burdett seems very agitated. He has been interrupting and will not let me finish. My information from the library was that, in the House of Assembly districts where preferences were distributed, about 11 per cent of the Liberal Movement preferences went to the Labor Party. Of the people who voted for the L.M., 11 per cent preferred to be associated with the A.L.P. rather than with the Liberal Party. Figures were bandied around about there being leakages amounting to 30 per cent, but I went to the library and found that the figure was about 11 per cent.

If we take out of the A.L.P. total vote of 324 744 the 11 per cent L.M. preferences, which amount to 14 202 votes, we see that the total Australian Labor Party vote and the 11 per cent give 338 946 votes, or 49.33 per cent. If we take the total Liberal Party vote and the 89 per cent of Liberal Movement preferences, we get 306 249 votes, or 44.57 per cent of the total. How can members opposite say that the Hon. Mr. Sumner has no right to be here?

The Hon. R. C. DeGaris: Let's be certain and count the votes out.

The Hon. F. T. BLEVINS: Is the Hon. Mr. DeGaris saying that my figures could be wrong?

The Hon. R. C. DeGaris: Sure.

The Hon. F. T. BLEVINS: Are you suggesting that the leakage was larger, or that it was smaller?

The Hon. R. C. DeGaris: That does not matter.

The Hon. F. T. BLEVINS: Does the Hon. Mr. DeGaris agree that the figure from the library is substantially correct?

The Hon. R. C. DeGaris: All I am saying is: why not count them out?

The Hon. F. T. BLEVINS: The Leader is very good at sitting there and asking questions that are completely out of order. Do members opposite not agree that 11 per cent is a reasonable figure in relation to Liberal Movement preferences?

The Hon. R. C. DeGaris: All I am saying is that you should count them out and take out the guesswork.

The Hon. F. T. BLEVINS: But the guesswork cannot be taken out of a previous election.

The Hon. J. C. Burdett: Take it out in future. Pass the Bill.

The Hon. F. T. BLEVINS: It seems to me to be eminently reasonable to use the figure of 11 per cent. I do not think that is overstating my case. Indeed, it may even be a little conservative. I do not know on which figures members opposite work because, no matter how I do it, I cannot get the same result that they get. If we take the final totals from the Electoral Department, after the elimination of all but the three who finally won seats, the result is even worse for the Liberal Party. If one does the same thing there, and gives the A.L.P. 11 per cent of the L.M. preferences and the Liberal Party 89 per cent of the L.M. preferences, the Labor Party received 50.66274 per cent of the formal vote, and the Liberal Party, including 89 per cent of the L.M. preferences, received 48.9923 per cent of the formal vote. I am willing to give the Leader these figures.

The Hon. R. C. DeGaris: But the preferences aren't counted. The system does not provide for that. You are adopting a new system.

The Hon. F. T. BLEVINS: No, I am not. The Leader maintains that Mr. Sumner was not democratically elected, but these figures prove conclusively that he was. I am

using a conservative figure of 11 per cent of L.M. preferences, because that is the figure that the Parliamentary Library gave me. I will ask the messenger to pass these figures to the Leader so that he can have a look at them. Regarding the 1975 Legislative Council election, I must concede that probably one of the things that tipped the scales, to some degree, in favour of Mr. Sumner was the donkey vote. I do not dispute that the donkey vote played a significant role in his election. But how on earth can we avoid this?

Regarding the 1975 Senate election, I do not complain about the Liberal Party's having received a massive increase in its vote in every State because of its incredible luck in having the first position. Good luck to it. That was one thing that that Party could not fiddle, as far as I know. We cannot eliminate the donkey vote, which had a significant effect on Mr. Sumner's election. If 11 per cent of the L.M. preference votes polled on July 12, 1975, were given to the A.L.P., Mr. Sumner has every right to sit in this Chamber, and the Liberal Party should have no quibble with that.

I now refer to the Hon. Mr. Whyte's contribution. I suppose I must refer to him as "the Hon. Mr. Whyte". For some strange reason, perhaps because it is tradition, members must be referred to as "honourable". However, I would not mind if any member chose not to call me "honourable". Indeed, I would be only too pleased about it. I was surprised to hear what the Hon. Arthur Whyte said. He said that all Mr. Sumner did was go on a sewer crawl. I expected a little better than that from the Hon. Mr. Whyte. On reflection, however, I am beginning to think that he was right, as much of Mr. Sumner's contribution dealt solely with the excrescences of the Liberal Party over the years. So, perhaps the description "sewer crawl" was accurate.

The Hon. Mr. Whyte also said that any honourable member who voted against Mr. DeGaris's Bill was frightened to face the electors. I would be pleased to see the Hon. Mr. Whyte or anyone who thinks like he does stand as an Independent at the next L.C. election. Then, they will be seen to have the courage of their convictions and to be willing to face the electors. Then, every elector will be given a chance to vote for them. If the Hon. Mr. Whyte has the courage of his convictions, he will do what I have suggested. I will be the first to congratulate him if he does, although I do not think I will be congratulating him in this place or at the declaration of the poll. He would be lucky to reach three figures.

Finally, I should like to quote two statements made by the Hon. Mr. DeGaris which show how he constantly twists and turns in an effort to get the maximum advantage out of an electoral system for the Conservative forces in this State. DeGaris on democracy! He is reported in 1965-66 *Hansard* (page 3954) as saying:

I believe that Council suffrage is possibly more democratic than is complete adult franchise.

Let Mr. DeGaris explain that to the Council.

The Hon. R. C. DeGaris: I could do so quite easily.

The Hon. F. T. BLEVINS: Does he deny that he said it?

The Hon. R. C. DeGaris: No.

The Hon. F. T. BLEVINS: And does he still think that way?

The Hon. R. C. DeGaris: I'll explain my views to you.

The Hon. F. T. BLEVINS: But you will not say that you still believe it. You will not answer one question.

The Hon. J. A. Carnie: He's not allowed to.

The Hon. F. T. BLEVINS: What do you mean, "He is not allowed to"? The Hon. Mr. DeGaris is allowed to interject, ask questions, or do anything he likes. It is only members on this side of the Chamber who cannot do those things. The Leader is also reported as having said the following in 1970 (page 2031 of *Hansard*):

If there is to be a change, we should consider the question of having some nominated members in this Council.

He referred to "nominated members". Is that not incredible! Does Mr. DeGaris still think that way? Does he still think that we should have nominated members in this Council?

The Hon. R. C. DeGaris: Yes.

The Hon. F. T. BLEVINS: You would still like to have nominated members in the Council?

The Hon. R. C. DeGaris: Yes.

The Hon. F. T. BLEVINS: Does your Party agree with you on that?

The Hon. R. C. DeGaris: I am not controlled by my Party, as members opposite are controlled by their Party.

The Hon. F. T. BLEVINS: And the Leader still believes that members of this Council should be nominated?

The Hon. R. C. DeGaris: Yes.

The Hon. F. T. BLEVINS: You do not think they should be elected at all?

The Hon. R. C. DeGaris: No.

The Hon. F. T. BLEVINS: This is incredible. I would not have thought that the Liberal Party in this State had any association—

The Hon. R. C. DeGaris: Do you believe in a nominated Judiciary?

The Hon. F. T. BLEVINS: I am talking about people representing people: I am not talking about the Judiciary. The Hon. Mr. DeGaris has said that he still agrees with the statement that, if there is to be a change, we should consider the question of having nominated members of the Council. In his response on this matter, he said "Yes".

The Hon. J. C. Burdett: He said "some".

The Hon. F. T. BLEVINS: He did not. I said, "Do you still think that today?" and he said "Yes". The Hon. Mr. DeGaris is a complete disgrace to his Party and to democracy, and he has been such a disgrace for a long time. His Party refused to have him in the shadow Cabinet after he had stood for a position. The sooner his Party rejects him as Leader, the better off his Party will be. Actually, I shall be delighted if he remains Leader of the Opposition, because he suits our cause. I have been reading the Leader's thoughts on democracy expressed over many years, and I am afraid I cannot support one single thing he says on electoral reform. No-one, apart from the Hon. Mr. DeGaris, has said that the present system is poor. No responsible commentator has said anything other than that the present system is fair and democratic. I believe that we should examine the system after a few more elections have been held; we can then see whether any alterations are needed. To change the present fair system to the system proposed in this Bill would be wrong. I therefore hope the Council will reject the Bill.

The Hon. J. C. BURDETT: I support the second reading of the Bill. The speeches by members opposite have mainly attacked the Liberal Party in respect of previous electoral systems. The tenor of the Hon. Mr. Sumner's speech was that most Liberal members should not be members because they were not elected by a majority vote of all adults. At the last Legislative Council election, the Labor Party received less than 50 per cent of the preferred vote. The whole point of this Bill, if it is passed, is that in future

we will not have to guess about the figures: we will know. It certainly cannot be established that the Labor Party received more than 50 per cent of the preferred vote; actually, I believe it received 48.55 per cent of the preferred vote.

The Hon. F. T. Blevins: How do you get your figures?

The Hon. J. C. BURDETT: If we take the figures, all we can establish for the Labor Party is 48.55 per cent. If we go to the Assembly figures, the result comes to 49.22 per cent for the Labor Party. The Hon. Mr. Sumner was sixth on the Labor Party's how-to-vote card, and six out of the 11 members elected were Labor Party candidates. Therefore, for the Hon. Mr. Sumner to criticise Liberal members for not having been elected by a majority of all votes is a classic case of the pot calling the kettle black. The honourable member suggested that the situation (where the Labor Party got six out of the 11 members elected with less than 50 per cent of the preferred vote) occurred because the right-of-centre Parties were split. Let us get the record straight. The Labor Party got six out of the 11 members with less than 50 per cent of the preferred vote because of the legislation, not because of any split.

This Bill seeks to change the principal Act, which does not provide for a full flow-on of preferences in all circumstances; this Bill provides for such a flow-on. It may be more efficient and wiser that the right-of-centre Parties should band together in one Party and that the people to the left of centre should band together in one Party, but it is not more democratic. If people wish to form more than one Party, they should be free to do so and they should not be discriminated against electorally. If there are several right-of-centre Parties or several left-of-centre Parties, the electors should be able to give effect to the whole range of their preferences if they wish to do so. Under the present system there is a wastage of votes.

I refer to an article in the English *Daily Telegraph* of September 10, referring to a report by the Hansard Society's committee on electoral systems. I refer to this article because it deals with this same question of wastage of votes. There were 10 members on the committee, which recommended unanimously that there be a change from the present House of Commons electoral system of 640 seats and first past the post voting. The committee recommended a change to one of two alternative systems.

The first alternative was called A.M.S.—the additional member system. This system was that three-quarters (480) of the present members of the House of Commons be elected under the present system in single-man electorates. The remaining 160 members would be allocated to the Parties to redress the distorted result produced by the directly elected constituencies. It was intended that, with the remaining one-quarter, the distortion would be redressed. So, each Party would get as nearly as was mathematically possible the same proportion of members as it got of the proportion of the votes cast. This most democratic system appeals to me because it is almost identical with the West German system, which has appealed to me for a long time. It produces the best possible compromise between a democratic electoral system and efficiency in representation, every elector having a single member of Parliament to whom to appeal.

The other alternative method recommended was the S.T.V. system—the single transferable vote system. This was a system of multi-member constituencies, as used in Eire; each elector had one vote, which could be transferred to other candidates in order of preference. Nine of the 10 members of the committee preferred the first

system. The only member of the committee who preferred the S.T.V. system was a Liberal Peer. The English Liberal Party has supported the S.T.V. system for a long time. It is interesting that the committee commented mainly (and this appears in the article) on the wastage of votes. In the present Legislative Council voting system that is what we have. Many votes have no effect at all; many preferences have no effect at all. The first thing this Bill was designed to do was provide for a flow-on of preferences, ensuring that all preferences would be counted.

It also ensures that every elector has the right to vote for a person. If the elector is to be the master, he should have the right to vote for any candidate who has stood and to state his preference between candidates. If an elector preferred in the Labor Party group, say, the Hon. Mr. Sumner as No. 1 and the Hon. Mr. Foster as No. 6, he would have every right to show this preference. That is why I say that this is a democratic system, as every elector should be able to vote for a person and not merely for a Party.

Anyone who has had any experience in scrutineering, especially under the Senate system of elections, knows that while most voters follow the Party ticket, not all voters do. Often, many electors try to do it themselves. It might not have much effect, but they have the right to do it. Any scrutineer in the last Senate election will know that voters made the most amazing chase around the card. They made up their own minds, as is their right.

The Hon. C. J. Sumner: Is it not true that candidates are listed on the ballot-paper only because they have their Party's endorsement? Otherwise they would not be there.

The Hon. J. C. BURDETT: Candidates might be listed on the ballot-paper because of their endorsement, or because they are standing as Independents, but my point is that the final choice should be in the hands of the elector, not in the hands of the Party system. Presently, we have Government legislation concerning the electoral system in both Houses which produces unfair results. The redistribution was predicted last year, when the relevant measure was before this Chamber, to produce a functional gerrymander in favour of the Australian Labor Party. I am not saying anything at all against the Electoral Commission, because the commission was bound by the Act, and its determination is presently subject to appeal. However, the system applying in another place since last year produces this same problem that we have in our system—wastage of votes.

The Bill did not include the necessary terms of reference that the system should be designed so as to ensure that a Party or a group of Parties should have 50 per cent or more of the preferred vote in order to govern. If one looks at the redistribution on the basis of the 1975 figures, one sees that the Labor Party could govern with 46 per cent or less of the preferred vote, while the Liberal Party would require 54 per cent of the vote to enable it to govern.

I remind the Council that, when the Bill was before us in 1975, the Government rejected an amendment moved in this place to right this wrong. This Bill seeks to let every preference be counted and gives the elector the right to vote for the candidate rather than for the Party, if he so wishes. If Government members vote against this Bill they will be voting against an attempt to make the system more democratic than it currently is. They will be approving the retention of an undemocratic electoral system for this Council as well as for another place.

The Hon. Mr. Sumner said that the Bill should not be passed. He spent most of his time dealing with past history, putting the position into historical context. However, the only reason I can find for his objection to the

Bill was that he said the present system was simpler. This was hardly fitting at the end of a 90-minute diatribe. Is it merely a matter of simplicity, or are we seeking to provide true democracy? I suggest that democracy is much more important than simplicity. It is not a great imposition on electors to spend five or 10 minutes going through the ballot-paper when they vote. The purport of the comments of honourable members opposite seems to be, "The Liberals have governed under an unfair electoral system for a long time, and now we are going to do the same."

The Hon. N. K. Foster: That's not true.

The Hon. C. J. Sumner: No.

The Hon. J. C. BURDETT: Whether that is a proper approach or not is another matter, but to oppose this Bill is to oppose an attempt to make the existing legislation fairer than it is now, first, because the Bill allows all preferences to be counted; and, secondly, because it allows the elector to vote for the candidate instead of just a Party or a group, if that is what he wants to do.

Not all the criticism levelled by honourable members opposite at the Liberal Party concerning previous electoral legislation was justified, but I acknowledge that the Liberal Party cannot escape some valid criticism regarding previous electoral legislation. However, this Bill improves the existing system, and I support it.

The Hon. N. K. FOSTER: At last we have wrung from an honourable member opposite an admission that his Party was slightly unfair in the past. It seems we have got through their thick hides that this is the case. I refer to the honourable Leader—that is what we understand him to be on this side although, by the way the Hon. Mr. Hill has been behaving recently, he might soon be the Leader. He seems to be adopting that role, but whether or not he has the numbers is something I do not know. Perhaps Government members harp on this question; certainly, we do question the morals and the principles of members opposite who have now finally discovered that there may be a better system than the system they adhered to in this Chamber over the past 120 years.

Earlier speakers on the Bill from this side have referred to figures indicating the gerrymander that existed in relation to Council elections, but I should like to illustrate more sharply the unfairness of the situation. In 1938—it is not so long ago that we had honourable members in this place who were elected then—Labor received 29.25 per cent of the vote and obtained one seat; the Liberal Party received 42.10 per cent of the vote and obtained seven seats; while Independent candidates received 28.65 per cent of the vote and obtained two seats. But there was no cry then from the members of the Liberal Party, nor was it likely, and this state of affairs continued right through to 1941, when Labor got 35 per cent of the votes for three seats and the Liberal Party got 42 per cent of the votes for five seats; and so it goes on. It is all right for the Leader of the Opposition to stand up here and say, "Ah, but you miss the point that all of the seats were not contested." Of course they were not. The boundaries, referred to as "districts" in this place for so many years, were so frightfully drawn as to represent a gerrymander in that sense in itself; but, of course, the system did not end there. Members opposite were still clinging, as they were clinging only two years ago, to a property franchise—or, to put it more brutally, the denial to people of the vote.

The Hon. J. C. Burdett: Two years ago?

The Hon. N. K. FOSTER: Well, three years ago; we could make it 10 years ago—before you came here. The Liberal Party was fighting elections on the basis of a great

gerrymander, in this Chamber, even measured in terms of boundaries drawn between the various districts. Even worse than that, from a moral point of view, it was a direct and deliberate way of denying people any say in the election of members to this Chamber. Is it any wonder that we keep harping on that from this side and that we keep reminding honourable members opposite of their guilt over such a long period? Is it any wonder that we object, on moral grounds, to any honourable member, who was an adherent of the previous policy, standing up in this Chamber and attempting to put forward an argument, when the change of processes was brought about only by the fear of their own political hide, the inherent fear that they would not be re-elected unless there was some sort of change, because they heard the stamping of feet of hundreds of people passing this building in the mid-1960's? There was an angry protest about the way in which the Liberal Party was fraudulently being elected to this place and to the Assembly.

Is it any wonder that we take umbrage at people who were so dishonest and that they must have the burden of convincing us that they were fair dinkum, to use the phrase of the Hon. Mr. DeGaris? He has got up here time and again and berated this Council on the electoral system. He has berated it on the basis that there is no fairness in the way in which the elections are now held, and he has spoken about a numerical gerrymander. He quoted some cases of law and from some of the judgments. Not only did he quote from judgments but he lifted certain passages from judgments of Chief Justice Warren in the United States and another chap whose name I forget. But what he does not tell the Council when he is talking of a numerical gerrymander or misrepresentation (and he has been addressing this Council on such a theme when he has been endeavouring to make his point) is that the percentage tolerance in these matters has been so close. He should be honest and say that, in the matters he was dealing with, the percentage tolerance was almost as high as 50 per cent, and tolerances of 30 per cent and 40 per cent were common. He referred to cases in the United States in some of the State Legislatures, and the tolerance was higher than 30 per cent. I directly accuse him of misrepresentation in this case.

The Hon. R. C. DeGaris: I cannot quite follow you.

The Hon. N. K. FOSTER: I do not doubt that; you could not follow a steam train chugging up through the hills. Lately, you have lost all sense of proportion. What I am saying is that you lifted certain parts of reports of cases taken from the courts of America in regard to percentage tolerances, and tried to relate them to the tolerances provided for in the Electoral Act in this country, when the tolerances that were the subject of court action in America were not less than 30 per cent and, in some cases, were almost as high as 50 per cent. I see that the Hon. Mr. DeGaris shakes his head. I remind him of this as I do the Hon. Mr. Hill, who is talking to the President. He accused me the other week of saying in this place that I would sooner be a member of the Communist Party than the Liberal Party. I do not apologise for that—I would. The Leader has got on to the band waggon about that.

He had no objection to the Liberal Party taking office in 1961 when the member for Moreton (Mr. Killen) saved the Menzies Government from defeat because he got the Communist Party preferences. They were elected on Communist Party preferences. The honourable member was having a shot at me. The Hon. Mr. Burdett was talking about the fact that we got less than 50 per cent

of the vote. What percentage did his Party get? He cannot take it upon himself to say that, if the so-called minority Party or other groups were not there, his election would be automatic. If they were not there, the percentage to the A.L.P. might be much greater; we cannot tell. The honourable members say it is impossible for people to be democratically elected, on the basis that they have not got at least 50 per cent of the vote.

The Hon. J. C. Burdett: The Liberal Party and the Liberal Movement got 51 per cent.

The Hon. N. K. FOSTER: You are always making noises in this place, like cats. We do not know whether you are making love or fighting. I draw honourable members' attention to last week's *Sunday Mail*, in which a fellow replied to Mr. Max Harris, who is a mate of the Hon. Mr. DeGaris. The Hon. Mr. DeGaris gave him all his figures.

The Hon. J. C. Burdett: He was once on the back of a truck talking about the electoral system.

The Hon. J. E. Dunford: That was the one thing he was right about.

The Hon. N. K. FOSTER: In the *Sunday Mail* a correspondent answered some of Mr. Harris's questions as follows:

You said, "If 48 per cent of the people achieve government against a total primary vote of 52 per cent of the people, then the electoral system is corrupt." The simple answer to that proposition is that it is nonsense. He sets it out very well.

The Hon. F. T. Blevins: He set it out very well indeed.

The Hon. C. M. Hill: You didn't agree with that in 1968.

The Hon. N. K. FOSTER: What are you talking about? Tommy-rot Stott enabled the Liberals to take office in 1968, and you know it. He sent Steele Hall down the drain. You conned Stott. The letter in the *Sunday Mail* was written by Mr. W. England, of Tusmore, and he deals with the matter well. The Bill provides that, in a preferential voting system, whether preference voting is optional or otherwise, the votes should be counted to the end result. The Bill also provides that, under that system, apart from what happens in the election of members of this Council, that will happen.

The Hon. J. C. Burdett: Nonsense.

The Hon. N. K. FOSTER: We all know how the Senate election system can be gerrymandered and cooked by the Liberal Party. At the 1974 Senate election, there were 73 candidates on the New South Wales ballot paper. Conservative Parties, not so much in this State but in the other States, have had a distinct advantage over the A.L.P., because we have been too honest. We have had one single ticket for a Senate election, and perhaps we ought to consider having more than one ticket. However, if we did that, members opposite probably would say that we were trying to hoodwink the public on all sorts of things. In the Commonwealth sphere, there have been Liberal Party tickets and Country Party tickets. Even if the Liberal Party got enough votes to govern in its own right, it would not do that; it governs with the Country Party. Members opposite know damn well what is the position.

The PRESIDENT: Order! I have told the honourable member previously that he must moderate his language.

The Hon. N. K. FOSTER: You have not been watching Alvin. I withdraw.

The PRESIDENT: As I have said previously, the honourable member is not on a soap box.

The Hon. N. K. FOSTER: Never mind about the soap box. If you tell me not to use certain terms, don't use them yourself.

The PRESIDENT: The honourable member must not argue with the Chair or use unparliamentary language.

The Hon. N. K. FOSTER: Under our Party system, in a Senate election one Party will win three or four places, although it will have six candidates. The Party sets out the preferences, and a candidate who is popular because he has been a good footballer may get 20 000 or 30 000 first preference votes that are still of value to that group, although the candidate is No. 3 or No. 4 on the list. However, if that candidate is dropped to No. 6 position (which does not give him a snowball's chance in hell of being elected), and, because of personal popularity and being able to kick a bag of wind around a football oval, he still gets an unusually high percentage of first preference votes, they have no value of continuity. Members opposite know that quite well.

In the 1974 Senate election, Senator Neville Bonner got almost 20 000 first preference primary votes. A small percentage of voters in the Commonwealth can determine the outcome in the Senate. They can determine the whole constitution of our Parliamentary way of life and understanding, on the basis that a Government, having been elected in greater number than its political opponents in the House of Representatives, can be undone by a small percentage of the electorate.

Never mind about majorities, because if there had been a slight leakage of the preference votes that went to Senator Bonner in the 1974 double dissolution election, there would have been no Gair affair, no double dissolution last year, and no ratting by Kerr. The Labor Party would have had control of the Senate. Regardless of what system is introduced and regardless of what is put on the Statute Books in this place, it will not be possible to have a system that will meet the wishes, desires, or hang-ups of every political Party, whether in the Commonwealth or in the State.

The Hon. R. C. DeGaris: We are not worried about political Parties: we are worried about the right of a voter to express himself.

The Hon. N. K. FOSTER: This is the first time that I thank the Hon. Mr. DeGaris for an interjection, because I intended to make a point about this. A person has the right to withhold. Alternatively, within the system, the value of his vote, in terms of being given continuity, can do one of two things. The vote can have continuity because the person has been elected for the Senate in the way I have described earlier. Alternatively, if one takes the narrow view propounded by members opposite, there would be a faint hope that, if all the preferences had been counted at the most recent election for this Council, a Liberal member may have been here in the place of a Labor member.

That is conjecture by members opposite but, on the basis of agreeing that that conjecture has some merit, it cannot really be claimed that, if the system had been any different, members opposite would have had that person here. At the 1974 election, there were 47 House of Representatives districts in New South Wales. The number of candidates in more than half those districts was still fewer than the total number of candidates at the Senate election. I hope that I have exploded what has been said about that.

Earlier my colleague, the Hon. Mr. Blevins, had pointed out the position ably and capably, by drawing the attention of the Council to the percentage of the informal votes in some districts in New South Wales as against others. For

example, compare Bradfield, a North Sydney and true blue Liberal district, to an inner Sydney suburban district that is considered to be a true blue Labor district. That is what the Bill is all about, and we should be fair about it. That runs through all the political philosophy of the Party opposite. Is it not the policy of the Party opposite to have voluntary voting in local government elections? Is it not the policy of the Party opposite to have voluntary voting for the Houses of this Parliament?

The Hon. F. T. Blevins: That's a restricted franchise.

The Hon. N. K. FOSTER: Yes, it is.

The Hon. C. M. Hill: It is not; voluntary voting is not a restricted franchise.

The Hon. N. K. FOSTER: Members opposite have said to me on election night, "When the late boxes come in we will be home and hosed." Why does every political commentator say that the outlying boxes will favour the Liberal member? Why do members opposite say that absentee votes will favour their Party's candidates? They do so because they know darned well that those who travel overseas are usually the more well endowed people within the community, who are likely to support their Party. When there was a property restriction in the franchise of this place, members opposite knew that those who were enrolled were more likely to be Liberal supporters than Labor supporters. There is nothing wrong with my coming to that conclusion. Not one reader in politics would dispute that.

Members opposite know that their Party has the edge under a voluntary voting system and, indeed, that it would continue to have the edge if their measure was passed today. They know that people in the Labor Party are more critical of the preferential voting system, under which they are forced to put a number in every square on the ballot-paper.

The Hon. C. M. Hill: How does the Labor Party win sometimes in Great Britain, then?

The Hon. N. K. FOSTER: There are many reasons for that.

The Hon. C. M. Hill: It is a voluntary vote.

The Hon. N. K. FOSTER: But theirs is a different system from ours. What the Hon. Mr. Hill is saying is not true. But let me finish what I am saying.

The Hon. D. H. L. Banfield: Who has the money to take out cars and transport people to the polling booths?

The Hon. N. K. FOSTER: That is a most relevant question. I once won the Federal seat of Sturt, a blue ribbon Liberal seat, so I know what members opposite do. I will be honest and say that I know the Labor Party should never have won that seat, with which I have had some experience. Members opposite are not willing to get up and say that, if they are successful here today and if those who exercise their preferential vote have that vote counted in the end result, they may well be able to sneak an odd member into this place.

The Hon. C. M. Hill: Have you given your reasons why—

The Hon. N. K. FOSTER: The Hon. Mr. Hill knows that Liberal Party supporters are more likely to exercise a second preference vote than are Labor voters, who know which Party they support and do not want to give a second preference.

The Hon. A. M. Whyte: They've got to stick to the Party.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I agree with what the Hon. Mr. Whyte says.

Members interjecting:

The PRESIDENT: Order! There is too much upheaval in this place. I ask the Hon. Mr. Foster to try to return to the Bill.

The Hon. N. K. FOSTER: I am back on the Bill. He's interjecting and I am answering him. God forbid! These fellows opposite wander all over the world, yet you tell me to confine my remarks to the Bill. I agree with the Hon. Mr. Whyte that it involves a Party vote. For me to say otherwise would involve my falling into the trap into which members opposite fall of being dishonest. The draw for positions in Senate elections recognises political Parties. There is no doubt about that. Those who vote at a Senate election are not voting for Whyte, Foster or Billy the Goose: they are voting for a Party. Of that, there is no doubt. If members opposite can find a better system, I might support it. This measure is like the one that members opposite cunningly introduced last year, providing for a special absentee voters' roll. What a beauty that was and what an undemocratic set-up that would have been!

The Hon. C. M. Hill: It was sincere and honest.

The Hon. N. K. FOSTER: The only argument that members opposite could put forward in support of that was that someone at Orroroo or some other place had not had a vote.

The Hon. C. M. Hill: That's right.

The Hon. N. K. FOSTER: The solution was an alteration of the time between the issuing of writs and election day.

The Hon. A. M. Whyte: You didn't read that Bill either.

The Hon. N. K. FOSTER: Members opposite wanted people put on a special roll so that Liberal Party organisers could drive them damn near mad. The document to which I am about to refer is a Liberal Party document that was the subject of some discussion during Question Time today. It refers to a meeting of the national campaign committee of the New South Wales division of the Liberal Party. Members opposite talk about honesty at elections. There are four pages of this, and it goes into every aspect of this matter.

The Hon. C. M. Hill: Is this the document from New South Wales?

The Hon. N. K. FOSTER: It is to be adopted nationally.

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

The Hon. N. K. FOSTER: It refers to elections, the matter that the Council is now debating.

The Hon. C. M. Hill: As you are talking about New South Wales, would you like to comment on their Upper House?

The Hon. N. K. FOSTER: That's a beauty. The Labor Party should not accept any credit for supporting the system that obtains in New South Wales. Members opposite will not get me to alter my principles in this respect. The situation obtaining in New South Wales is worse than that which obtains here. The people who are elected for 12-year terms in New South Wales are elected by votes cast by politicians of all political persuasions, be they supporters of the Labor Party, Liberal Party or Country Party. They are sometimes drawn out of a hat. The situation obtaining in that State is disgraceful.

The Hon. A. M. Whyte: Why did Ben Chifley advocate exactly the same principle as that outlined in this Bill?

The Hon. N. K. FOSTER: Who the hell are you to talk about Ben Chifley? I cannot recall Ben Chifley's having advocated it.

The Hon. A. M. Whyte: He introduced it.

The Hon. N. K. FOSTER: How do you know that? It was introduced during his term of office. That is the proper and correct way to put it.

The Hon. A. M. Whyte: He investigated the whole system.

The Hon. N. K. FOSTER: A committee was set up, and its report was accepted. The Country Party may have held sway in those days.

The Hon. F. T. Blevins: Ben Chifley wouldn't have known that the Liberals would abuse it, as they have done.

The Hon. N. K. FOSTER: The Labor Party had a referendum on granting voting rights to Aborigines in the Northern Territory, but we lost the election after having introduced that. We did not get the Aboriginal vote although we introduced the principle to which I have referred. However, we did not turn around and say that the Aborigines ought to be denied their vote because they did not vote for us. Further, it is problematical whether more than 50 per cent of 18-year-olds voted for the Labor Party. Actually, overseers and rouseabouts got the ballot-papers that were intended for Aborigines so that they could vote on behalf of the Aborigines. Mr. Calder won the Northern Territory seat in that way.

The Hon. A. M. Whyte: You tell some tall stories.

The Hon. N. K. FOSTER: It is correct. The Labor Party fought for a principle, but the Country Party prostituted the rights of individual Aborigines; it will be very difficult to overcome that. I oppose this Bill on the basis that the Liberal Party has been insincere in connection with electoral reform in South Australia. When the Liberal Party had a 16-4 majority in this Chamber, it did nothing to bring about a democratic voting system. I see Liberal members as being no different today from what they were then. The Hon. Mr. DeGaris has been a four-time loser in regard to electoral reform in this State. He has lost every argument in his Party room; further, he has lost elections on the basis that his Party has had a reduced number of members returned to the State Houses of Parliament since his advocacy of so-called electoral reform. His Party will not even entrust him with a shadow Ministry, although it still regards him as Leader of the Opposition in this place. He does not have a majority in the Party room. He has a majority of Liberal Party members in this Chamber only. Until the members who were Liberal Movement members went back into the Liberal Party, how many votes did he have to get to be Leader in this place?

The Hon. J. A. Carnie: What has this to do with the Bill?

The Hon. N. K. FOSTER: The answer to my question is "Five votes"; they would fit into a telephone box. Although the Hon. Mr. DeGaris begged for a position in the shadow Cabinet, he was not given one, even though he had seen the light and no longer thought of this place as a preserve for the Liberal Party machine. In connection with democratic rights, let us look at how the Liberal Party elects its Leader in this place. It denies the vast majority of its Parliamentary members the right to vote to elect the Leader. Although the Hon. Mr. DeGaris has been elected Leader, the rest of his colleagues still refuse to recognise any worth in him; they refuse to entrust him with a shadow portfolio.

This Bill is a subterfuge. The Liberal Party cannot be trusted in these matters. I have seen no great protests by people since the introduction of the present voting system. At the declaration of the poll after the last election, some Liberal Party circles, particularly the Young Liberals, approved the system, preferring it to the system that had been operating for 125 years.

The Hon. C. M. HILL: I support the Bill. The Government's case has rested on the kind of diatribe we have just heard and on going back into history, sometimes ancient history.

The Hon. N. K. Foster: Back to 1938.

The Hon. C. M. HILL: That is nearly 40 years ago. The Government's case must be weak if it has to go back 40 years into history to oppose a relatively simple change which is a great improvement on the existing voting system. I am not greatly concerned about the argument dealing with the details of the distribution of preferences, but I support a system that carries though the distribution of preferences to the maximum extent; such a system should surely be supported by any democrat.

The main point that causes me to support the Bill is that the change proposed is favoured by the people. It is all very well for politicians and Parties to put forward systems that suit them. The system that has been forced on the people requires them to vote for a Party under the list system. I have discussed this matter with many people interested in the subject. These people voted at the last election, which was the first election held under the present system. By and large, the people do not like a voting system that forces them to vote for a Party.

The Hon. N. K. Foster: Rubbish! Have a look at the proportion of the vote for the Parties, as against that for others.

The Hon. C. M. HILL: The honourable member says that it is rubbish.

The Hon. N. K. Foster: I did not.

The Hon. C. M. HILL: The honourable member did say that.

The Hon. N. K. Foster: Perhaps I did.

The Hon. C. M. HILL: In my opinion, if a referendum was held on whether the people preferred a voting system for this Council which gave them the right to vote for actual candidates instead of the present system of voting for a list or for a Party, they would favour voting for an individual by 75 per cent.

The Hon. R. C. DeGaris: Would the Hon. Mr. Foster like us to go to a referendum?

The Hon. N. K. Foster: You can go to a referendum to abolish the Council as soon as you like.

The Hon. C. M. HILL: The honourable member can take the abolition question to the people at any time he likes. I have no doubt what the result would be; it would favour the retention of this Council. It would have favoured it up to 12 months ago. As a result of the Labor Party's performance in this Chamber in the past 12 months, we have obtained another 10 per cent or 15 per cent of the people favouring the retention of this Council. The honourable member can exhibit his lust in favour of the abolition of this Council as long as he likes because—

The Hon. N. K. FOSTER: Will the honourable member give way?

The Hon. C. M. HILL: —the people will not have it on.

The ACTING PRESIDENT (Hon. R. A. Geddes): Order! The Hon. Mr. Foster has asked whether the honourable member will give way.

The Hon. C. M. HILL: All right.

The Hon. N. K. FOSTER: Will the Hon. Mr. Hill canvass in his Party room the prospect of his Party's introducing a Bill in this Council seeking a referendum on this matter? The only way a referendum can be held is if a majority of the members of this place carry a measure providing for a referendum. I challenge him and

his Party to introduce such a Bill in this Council. We need only one defector or one supporter from the other side.

The Hon. C. M. HILL: I have no intention whatever of canvassing such a change, because I do not want it, in the interests of the people of this State.

The Hon. N. K. Foster: You were sure a moment ago.

The Hon. C. M. HILL: The honourable member has had enough. I know the people would not want me to canvass such a suggestion, because I know that they want this Council to remain in our Parliamentary system. As the honourable member and his colleagues are hell-bent on seeking the abolition of this Council, let them see where that course of action will ultimately lead them: it will lead to a position where the people will vote resoundingly in favour of the retention of this Council. The majority of people in favour of the Council's retention is continually growing. In the past 12 months the performance of Labor Party members has become worse and worse.

My argument is that, wherever voting systems can be improved, then in the interests of the people Parliament has a responsibility to try to improve them.

The Hon. M. B. Cameron: Government members do not want to improve the system.

The Hon. C. M. HILL: True, I have heard all the Government speakers, and their comments have consisted of a diatribe and a continual referral to 40 years of history, picking up snippets of political history from that period and trying to make up some sort of case to support their opposition to this Bill. The Bill seeks to introduce changes that the people prefer. The people prefer the right to vote for individuals.

The Hon. J. R. Cornwall: What evidence have you of that?

The Hon. C. M. HILL: I know that from my discussions with many people outside this Council. People are unhappy about the manner in which they have to vote in Council elections. They seek the right to vote not for a list, a block or a group—they want to vote for an individual. When the Bill's architects looked at a method of improving the situation, they did not want to present a more complex voting system. The architects, in effect, were guided by the Senate system. South Australian people are already accustomed to that system. What better system should be introduced? True, there are some slight variations, but the general system is ideal, especially in comparison with a completely new system altogether. I support the system and believe that the people of this State support it, too.

The Bill introduces changes which give the people the right to vote for individuals. It changes the current position where electors vote for a list, a block or a group. The change from this system is strongly supported by people outside this Chamber. Honourable members should give more consideration to the voting public than to their own personal views concerning the respective Parties.

I am not happy about clause 4, which retains a form of optional preference in the Bill. I fully appreciate the reasons for its inclusion, but I would prefer that it was not there. I should like to see change ultimately achieved that would introduce an identical system to that used in Senate elections. As people are accustomed to the Senate system, it would be in keeping with the principle of conformity to have a similar system for Council elections, and the new system would be easy to understand. Accordingly, I support the Bill and I hope that honourable

members opposite, who have to resort, because of the weakness of their case, to reference to political history, will give the Bill adequate consideration.

The Hon. R. C. DeGARIS (Leader of the Opposition): Most of the matters raised in rebuttal by honourable members opposite have been handled by other honourable members. True, the Hons. Messrs. Sumner, Blevins and Foster spent much time presenting to the Council their version of events of the past six to eight years, but it was only the version they wished to believe. Concerning their contributions on the merits of the Bill, there is little to which I have to reply. The Hon. Mr. Sumner made one remarkable statement and touched on the real issue when, for about three minutes in a total speech of about an hour and a half, he faced the true issue. I refer to my interjection and the honourable member's reply during his speech, as follows:

The Hon. R. C. DeGARIS: Don't you object to a minority gaining a majority?

The Hon. C. J. SUMNER: Yes, generally.

The principal Act contains a serious defect that allows in certain circumstances a minority vote, that is, a vote below 50 per cent, to achieve a majority of members in an election, while other groups which may hold more than 50 per cent are confined to a minority in the Council. I remind honourable members that this parades under the title of "one vote one value" and "proportional representation". Proportional representation that allows a minority vote to elect a majority cannot be proportional representation; nor can it be said to be one vote one value.

Let me return to the Hon. Mr. Sumner's comments. He objects to a minority vote gaining a majority generally. That means that he believes in one vote one value and proportional representation, with his own particular qualifications. The only points that the Hon. Mr. Sumner did not elucidate were what were his qualifications to the democratic point that no minority should ever elect a majority. At this stage, I point out to the Council how this system operates. In the first presentation to the Council, the Government Bill introduced in 1973 was a warped Bill as far as electoral justice was concerned. The original Bill relied upon: (1) the cancellation of all votes for a single group polling under 4 per cent of the total vote, and (2), and more importantly, the use of the droop quota for the counting of votes in a first past the post proportional representation voting system.

The combination of these two concepts illustrates the problems we face at present with the existing Act. If we are to continue with a first past the post counting system, it is necessary to do away with the droop quota. If we are to retain the droop quota (that is, dividing by one more than the number of members required to produce a quota), it is necessary to examine and utilise the preferential choice that has been expressed by the voter. Either course is necessary if we claim the voting system will provide votes of equal value and dispense forever with a minority vote being capable of electing a majority.

I, therefore, return to the Hon. Mr. Sumner, when he said, "I agree that a minority should not elect a majority, with qualifications or generally." Let me examine the Hon. Mr. Sumner's qualification that he gave in his second reading speech. He immediately referred to the 1974 double dissolution in which the Australian Labor Party with 47.39 per cent of the votes gained five out of 10 of the Senators elected. Does the Hon. Mr. Sumner suggest that 47.39 per cent of the votes for the A.L.P. electing 50 per cent of the Senators to go to Canberra is unfair?

He then complained that the Liberal Movement with 9.84 per cent of the vote and the Liberal Party with 34.99 per cent of the vote elected five Senators—44.83 per cent of the vote electing five Senators. But, if one adds the 47.39 per cent for the A.L.P. to the 44.83 per cent for the Liberal Movement and the Liberal Party, the total is 92.22 per cent, leaving 7.78 per cent of the votes of people who, as a first preference, favoured neither the Liberal Movement nor the Liberal Party nor the Labor Party. So, so far, there are five A.L.P. members elected, four Liberal Party and Liberal Movement members, and the residual over quota is: A.L.P., 1.94 per cent—five elected; L.P. and L.M., 8.74 per cent—four elected; and others, 7.78 per cent—none elected.

I pose the question: which group, then, should elect the last member, to achieve as near as possible mathematical equality? Of course, it is the Liberal Party and Liberal Movement group, or that other group, but certainly not the A.L.P. The result in that election of 1974, with five members to the Labor Party, four to the Liberal Party, and one to the Liberal movement, reflects as closely as mathematically possible the votes recorded by the electors of South Australia in that election. So the Hon. Mr. Sumner has not provided us really with his qualifications. I challenge him to do so. What qualifications does he support for a minority vote electing a majority? What are his qualifications, what are his provisos to a situation where the minority vote can elect a majority?

What the Hon. Mr. Sumner is saying is, "Of course I am a democrat. I believe in the majority electing a majority, except when it suits me to disagree." What we are really faced with in the present voting system is the democratic right of a person to express a preference and, having done that, not to be denied the right to have that preference counted. On that point, all the democratic bleatings by the Hon. Mr. Sumner, the Hon. Mr. Blevins or the Hon. Mr. Foster cannot hide it. It is a simple proposition. If honourable members here want a first past the post voting system under proportional representation, the principal Act must be amended to provide for a natural quota (that is, divided by 10 and not by 11) and not a droop quota, which is divided by 11. If they want a system to cater for a preferential system, with the expressed wishes of the voter being counted, this Bill must be supported. To let the present position stand is to say, as the Hon. Mr. Sumner says, "A minority should never elect a majority except in certain circumstances to suit my particular advantage."

The Hon. C. J. SUMNER: Mr. President, on a point of order, the Hon. Mr. DeGARIS was purporting to quote me when he said that. That is absolutely incorrect. I never said that; he cannot find that in *Hansard*. I ask him to withdraw it unequivocally because he was purporting to quote, but in fact it was a paraphrase of what he thought I said.

THE PRESIDENT: Will the Hon. Mr. DeGARIS withdraw that statement?

The Hon. R. C. DeGARIS: No; I cannot withdraw it because I have the quote before me.

THE PRESIDENT: Perhaps you had better read it again.

The Hon. R. C. DeGARIS: To let the present position stand is to say, as the Hon. Mr. Sumner says, that a minority should never elect a majority, except with qualifications. Let me read from *Hansard*.

The Hon. C. J. Sumner: That is not what I said, either.

The Hon. R. C. DeGARIS: On page 697 of *Hansard*, I asked:

Don't you object to a minority getting a majority?

The Hon. Mr. Sumner replied:

Yes, generally.

If that is not a qualification, what is it? That is a direct quote from *Hansard*, and what I am saying is correct. The Hon. Mr. Sumner is saying that he believes that a minority should not elect a majority, except with qualifications. He cannot deny that.

The Hon. C. J. Sumner: That is not what you said before.

The Hon. R. C. DeGARIS: It is. That is what the honourable member said. There is nothing to withdraw.

The Hon. C. J. Sumner: That is not true.

The Hon. R. C. DeGARIS: I will go on and say this about the democrat who espouses one vote one value. This is what the Hon. Mr. Sumner is saying.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. R. C. DeGARIS: I understand the Hon. Mr. Foster. He would sooner be a Communist than a Liberal.

The Hon. D. H. L. Banfield: Tell us the difference.

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

The Hon. D. H. L. Banfield: If you do not know, they must be the same.

The Hon. R. C. DeGARIS: I know that the Chief Secretary is having difficulties with the Hon. Mr. Foster.

The Hon. D. H. L. Banfield: You said you did not know the difference between a Liberal and a communist. Deny that you said it.

The Hon. R. C. DeGARIS: I cannot recall saying it.

The Hon. N. K. Foster: Sooner be a communist than a Liberal? What is wrong with it?

The PRESIDENT: Order! The Hon. Mr. Foster will cease interjecting.

The Hon. N. K. Foster: Yes. I am in order.

The PRESIDENT: If the honourable member interjects in that way again, I will deal with him.

The Hon. R. C. DeGARIS: The Hon. Mr. Sumner says, "Let there be one vote one value, with qualifications." He says, "Let there be a system of a minority electing a majority, with qualifications, but with qualifications that will apply in my favour."

The Hon. C. J. Sumner: That is not true.

The Hon. R. C. DeGARIS: That is my interpretation. In that, the true democrat has placed before the Council his concepts. The Hon. Mr. Blevins engaged in the same type of subtle argument, and it was just as unrealistic as what the Hon. Mr. Sumner had said. The Hon. Mr. Blevins referred to speeches in *Hansard*. As the Hon. Mr. Dawkins has said, if we take *Hansard* away from the Hon. Mr. Blevins, he will not be able to make a speech. My speech, to which the Hon. Mr. Blevins referred, was made following a conference, and I stated:

Nevertheless, we have achieved the situation where every vote cast in the election will have a value.

The honourable member has quoted that as showing my acceptance of this system, but the point is quite clear. The original Bill could have destroyed, killed, or flushed down the toilet up to 15 per cent of votes cast in an election, and the action taken in this Chamber prevented the Government from having such legislation. At the conference, we compromised, as we usually do, in not accepting what the Government wanted but at least achieving a fairer system. I have not said that each vote cast would have equal value with the other. All votes have a value, but

they are not equal in value. At the most recent election, each vote cast for the A.L.P. had a value of 1.12 and each vote cast for the Liberal Party, the Country Party, or the Liberal Movement had a value of 0.88.

The Hon. F. T. Blevins: That is a ridiculous argument.

The Hon. R. C. DeGARIS: It is not. I will refer back to Judge Frankfurter, who said, "Let us define a system that will define what a vote is worth."

The Hon. C. J. SUMNER: Will the honourable member give way?

The Hon. R. C. DeGARIS: Yes.

The Hon. C. J. SUMNER: Will the honourable member say whether Judge Frankfurter was in the minority or in the majority when he expressed that opinion?

The Hon. R. C. DeGARIS: I am unable to say whether he was in the minority or in the majority in the view that he expressed then, but he was in a minority in the actual judgment. The Bill before us corrects the existing anomaly in the voting procedure for this place. I ask the Hon. Mr. Blevins whether he believes that a person casting a vote should have that vote discounted in value because he or she does not vote for the A.L.P. That is what the honourable member is saying in his statements to this Council. He wants us to believe that, if a person votes for the A.L.P., that person's vote should count more than one and, if the person does not vote for the A.L.P., the vote will count for less than one.

The Hon. F. T. Blevins: Absolute rubbish!

The Hon. R. C. DeGARIS: The democrat speaks again. He is the soprano voice from Whyalla. Then he trundled off into dreamland about the Bill regarding proportional representation that I introduced in this Council, and he relies upon the fallacious argument that, because my Bill did not provide an equality of numbers in each district, each vote would not have an equal value. If one compares the system for which I introduced legislation to the existing system, one finds that, looking at the voting pattern at the most recent election, each A.L.P. vote had a value of 1.12 and each vote cast for the Liberal Party, the Country Party, or the Liberal Movement had a value of 0.88. I have referred to that already, but if my system had been adopted, with the 1975 voting pattern each A.L.P. vote would have had a value of 1.03, and each vote for the other Parties would have had a value of 0.97. The reason why these facts have been obscured from public knowledge is largely the insistence by the A.L.P. and some other people, including some of the academic type, that the magical one vote one value can be achieved only by having districts with equal population.

The Hon. C. J. Sumner: Who are the academic people?

The Hon. R. C. DeGARIS: Dr. Jaensch, and Dr. Blewett is another. They have overlooked the fact that equal numbers have no bearing upon votes of equal political value. As can be seen in the Legislative Council voting system, where the electorate comprises one district over the State, subtle counting methods can distort the electors' expressed view, just as easily as that can happen where boundaries are drawn in a single-man electoral system. Where are the proponents of one vote one value in this Bill? One would have thought that their apolitical pursuit of the Holy Grail of one vote one value would have brought them helter skelter in support of the amending Bill, yet, strange as it may seem, they are silent. The Hon. Mr. Blevins placed on my desk all the figures from the most recent election and he wanted to prove that the system

was quite fair, really. The Hon. Mr. Blevins must answer a question about how he allocated the preferred votes that the Parties polled at the most recent election?

The Hon. F. T. Blevins: If you give way, I will answer it.

The Hon. R. C. DeGARIS: I will give way when I have finished dealing with this matter. At that election, the Labor Party polled 5·829 quotas. The Liberal Movement polled 2·464 quotas and the Liberal Party polled 3·705 quotas. The election of five A.L.P. members, two Liberal Movement members, and three Liberal Party members means that 10 are elected with full quotas. Then one must allocate the ·464 surplus quota of the L.M. If one distributes the surplus quota, one will see that the Labor Party was behind and did not achieve sixth position. What the Hon. Mr. Cameron has said is correct. The Hon. Mr. Sumner is a member of this place purely because of the aberration of a democratic system that cannot reflect the intention of those who vote at an election.

The Hon. C. J. Sumner: What did you say about voting for it in July, 1973?

The Hon. R. C. DeGARIS: I have already answered that. The best thing the honourable member can do is read what I have said in *Hansard*, and he can then question me later.

The Hon. F. T. Blevins: Answer the question.

The Hon. M. B. Dawkins: Sit down and keep quiet.

The Hon. F. T. Blevins: Shut your face, you stupid thing. Who do you think you are?

The PRESIDENT: Order!

The Hon. F. T. Blevins: The President tells me to sit down, not you.

The Hon. N. K. Foster: That's right.

The PRESIDENT: Order!

The Hon. N. K. Foster: You ought to hear what they say, Mr. President. We've had enough of their insults.

The PRESIDENT: Order! The Hon. Mr. Blevins should sit down now.

The Hon. N. K. FOSTER: Mr. President—

The PRESIDENT: Is the Hon. Mr. Foster taking a point of order?

The Hon. N. K. FOSTER: I take it that, if a member stands up to attract the attention of the Chair, he should be paid the courtesy of being acknowledged. You can accuse me of deplorable behaviour, but others are a damn sight worse.

The Hon. F. T. Blevins: If Dawkins wants to tell people to sit down, stand up or shut up, let him get himself elected to the President's job. You just keep your face shut when you're referring to me. Pipe down and mind your own business.

The PRESIDENT: Order!

The Hon. F. T. Blevins: If you want the President's job, you nominate for it.

The PRESIDENT: Order! There is absolutely no reason at all for tempers to be raised at this stage when the debate is concluding.

The Hon. F. T. Blevins: Well, you shut him up then.

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

MEMBER'S QUESTION

The PRESIDENT: I refer to the matter of a question asked and a statement made during Question Time earlier today. I have called for a *Hansard* report of that section of the proceedings and, having considered that

report, I note that I ruled out of order the question asked by the Hon. Mr. Dunford, when it was indicated that a member of another House was involved. Later in the proceedings, the Hon. Mr. Dunford proceeded to ask, under the guise of a supplementary question or questions, what I now consider to be the questions that he originally intended to ask. Having read those questions, I now rule that they are all out of order, and I direct the Minister to take no action in respect of them.

Members interjecting:

The PRESIDENT: Order!

The Hon. F. T. Blevins: So much for democracy.

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD (Minister of Health): I wish to move disagreement to your ruling, and to have this matter made an Order of the Day for the next day of sitting to enable the Council to examine the *Hansard* report. The way that you, Sir, have reported on it is not the way I got it from the honourable member. He was explaining his questions, not asking a subsequent question. The honourable member asked those four specific questions. He had them written down and he handed them to me. On that basis, I move:

That the President's ruling be disagreed to and that the debate be made an Order of the Day for the next day of sitting.

The PRESIDENT: The motion is that my ruling that all questions are out of order be disagreed to and that the matter be made an Order of the Day for the next day of sitting. Is the motion seconded?

The Hon. C. J. SUMNER: Yes.

The Council divided on the motion:

While the division bells were ringing:

The Hon. C. J. SUMNER: On a point of order, on what are we dividing? Are we dividing on the substantive motion without debate?

The PRESIDENT: The Council is dividing on the motion to disagree to my ruling.

The Hon. C. J. SUMNER: Does that mean that if that motion is lost now there will be no further debate on the matter?

The Hon. F. T. Blevins: It can't be. That's a denial of democracy.

The PRESIDENT: Order! The motion is in two parts: first, to disagree to my ruling; and, secondly, that the matter be dealt with on the next day of sitting.

The Hon. F. T. Blevins: Let's debate now the dissent from your ruling.

The PRESIDENT: I put it as one motion, so that, if the division is carried, both parts will fail.

The Hon. D. H. L. Banfield: That's a shame. That's a damn disgrace.

Members interjecting:

The PRESIDENT: Order! If that is what the Council wants, that is—

The Hon. N. K. Foster: Under what Standing Order have you done that? No. 1 again? We're back to the year 1066, not 1976.

The Hon. D. H. L. BANFIELD: There is provision for disagreement to your ruling, Sir, to be debated. If you are trying to dodge that issue by putting the two questions together, I say it is a damn disgrace.

The PRESIDENT: I take the Minister's point that there is possibly some confusion here, because the motion is in two parts. I will therefore call off the division and put the question again.

The Hon. D. H. L. BANFIELD: If you are going to put it in two parts, which way will you put it? We want the debate to be adjourned. If you put that question

first, it is all right with me. However, it is not all right if you put the other question first, because we have had no opportunity to debate it.

The Hon. C. J. SUMNER: As I understand the situation (and this occurred previously, although I cannot refer you to the precise Standing Order), when a motion of dissent is moved, it is put in writing, and it is then automatically, pursuant to Standing Orders, made an Order of the Day for a subsequent day of sitting.

The Hon. R. C. DeGaris: No.

The PRESIDENT: Unless otherwise agreed.

The Hon. C. J. SUMNER: That is the procedure that I think should have been followed. I strongly submit that you ought to call on the Minister and allow him to put the motion in writing. Then, automatically, pursuant to Standing Orders, it will be made an Order of the Day for a subsequent sitting day.

The PRESIDENT: Standing Order 205 provides:

If any objection be taken to a ruling or decision of the President, such objection shall, except during a division, be taken at once and not otherwise; and having been stated in writing, a motion shall be made, which, if seconded, shall be proposed to the Council and debate thereon shall stand adjourned and be the first Order of the Day for the next sitting day . . .

That is the procedure, unless the Council decides that the matter requires immediate determination. I take it that the Minister has moved dissent from my ruling. I ask him to state his reasons in writing, as required by the Standing Order. We may then be able to deal with his motion.

The Hon. D. H. L. BANFIELD: The Standing Order says:

. . . debate thereon shall stand adjourned and be the first Order of the Day for the next sitting day . . .

The PRESIDENT: We will take it step by step.

The Hon. D. H. L. BANFIELD: Mr. President, I seek your ruling in relation to Standing Order 205, which says:

If any objection be taken to a ruling or decision of the President, such objection shall, except during a division, be taken at once and not otherwise; and having been stated in writing . . .

What is to be stated in writing—my objection, or the reasons for my objection?

The PRESIDENT: The normal way of putting it is that the mover objects to a ruling on certain grounds.

The Hon. D. H. L. BANFIELD: The Standing Order does not say that I must give my reasons in writing; it says that I must state in writing that I object to your ruling.

The PRESIDENT: Apparently the Standing Order, as I read it, does not require the actual reasons to be stated in writing; presumably, those reasons will be given during the debate. Therefore, the Standing Order is satisfied by a mere statement that the Minister objects to my ruling.

The Hon. N. K. FOSTER: What will be in *Hansard* as a result of the proceedings that have taken place this afternoon?

The PRESIDENT: I did not say anything about *Hansard*.

The Hon. N. K. FOSTER: I have, and it is not a reflection on the *Hansard* staff at all.

The PRESIDENT: I have received a statement in writing from the honourable Minister indicating that he objects to my ruling on the matter of the question raised by the Hon. Mr. Dunford. The motion can now be moved, and I presume the honourable Minister will move the adjournment. To get the record straight, I suggest that the honourable Minister move the motion of dissent from my ruling.

The Hon. D. H. L. BANFIELD: And seek leave to continue the debate on the next sitting day? If I move the motion and then move the second one, where does that leave me with regard to the debate?

The PRESIDENT: If the honourable Minister moves that the debate be adjourned, that is all that is required. The Clerk has on record the motion that was moved.

The Hon. D. H. L. BANFIELD: Can I have an assurance from you, Mr. President, that I will not be debarred from leading the debate on the next sitting day?

The PRESIDENT: The honourable Minister has my complete assurance.

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

That my motion of dissent from the President's ruling be adjourned until the next sitting day.

Motion carried.

ADJOURNMENT

At 5.40 p.m. the Council adjourned until Tuesday, September 14, at 2.15 p.m.