LEGISLATIVE COUNCIL

Wednesday 13 September 1978

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

STATE BANK REPORT

The PRESIDENT laid on the table the report and accounts of the State Bank of South Australia for the year ended 30 June 1978.

PORT WILLUNGA PRIMARY SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Port Willunga Primary School.

QUESTIONS

COOPER CREEK

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking the Minister of Lands a question about Cooper Creek.

Leave granted.

The Hon. R. C. DeGARIS: Some time ago, I am informed, an investigation was made into a means of allowing a greater flow down the Cooper Creek to ensure that water flowed over the creek crossing on the Birdsville Track and then flooded out on to the flood plains between the crossing and Lake Eyre. To achieve this, I believe efforts will have to be made to prevent water from flowing into some inland lakes where it lies for a considerable time. Will the Minister say whether such an investigation was made and, if it was, whether any findings are available on this matter?

The Hon. T. M. CASEY: I understand that this is a matter involving the Engineering and Water Supply Department. There is a sand bar at Innamincka which prevents water from flowing down in a normal stream along the Strzelecki Creek. The water has to rise above a certain level before it gets over this bar in order to flow down the Strzelecki Creek. If it is a small flood, very little water will flow down the Strzelecki Creek but, in a big flood, water does flow over the bar. I will endeavour to obtain more information for the honourable member and bring down a report.

PENSIONERS' DENTAL TREATMENT

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking a question of the Minister of Health regarding dental treatment for pensioners.

Leave granted.

The Hon. J. A. CARNIE: In South Australia no concessions are made to provide dental services of any kind to pensioners, with some exceptions regarding the Department of Veterans' Affairs, Aborigines, and the dental department of the Royal Adelaide Hospital. In the case of the Royal Adelaide Hospital, it is more a matter of providing necessary teaching material for students than a matter of providing a welfare service. The waiting list has become so long that the department will no longer accept names for the service. In addition, the pain-relief part of this service is now restricted to 30 cases in the morning and 20 in the afternoon.

My question originally was to be confined to the position of country pensioners who had no access at all to dental treatment. However, now, with the virtual closing off of the only facility available, it is equally applicable to all other pensioners. The only way in which country pensioners could get treatment, even provided that they could go through the very long waiting period, was to come to Adelaide, which in many cases was a real hardship. No country hospitals provided the same service.

South Australia is the only State that does not make provision for dental treatment for all pensioners. Queensland, Victoria and Tasmania provide dental clinics, or treatment can be provided at base hospitals. In New South Wales and Western Australia the Governments pay for treatment carried out by private practitioners. As the Minister knows, the Australian Dental Association and dental laboratories have offered to make a certain number of dentures free each year for pensioners, but the Government has not accepted this offer. Will the Minister investigate the situation with a view to providing, at best, a scheme for payment to private practitioners or at least accepting the most generous offer made by the A.D.A?

The Hon. D. H. L. BANFIELD: The honourable member knows very well that the welfare of pensioners is the Federal Government's responsibility.

The Hon. J. A. Carnie: Why do other States provide the service?

The Hon. D. H. L. BANFIELD: I do not care what other States do.

The Hon. M. B. Cameron: You cut it out.

The Hon. D. H. L. BANFIELD: We have not cut it out at all. The Hon. Mr. Cameron, who is interjecting, contrary to Standing Orders, is not correct. In the interests of the Federal Government, we have been assisting many pensioners over a period by giving them dental treatment, but the matter is the responsibility of the Federal Government. We have made representations to that Government on numerous occasions asking it to carry out its obligation to the pensioners of this State. If it is not prepared to do that, the matter rests entirely with that Government. We will deliver the service, and we can do that if and when the Federal Government accepts its responsibility.

NATIONAL LOTTERY

The Hon. R. A. GEDDES: I desire to direct a question to the Minister of Tourism, Recreation and Sport about a national lottery for sporting bodies, and I seek leave to explain the question.

Leave granted.

The Hon. R. A. GEDDES: About a week ago I asked the Minister what was the State Government's policy regarding a national lottery, the proceeds of which would benefit sporting bodies, and he promised to get a reply from the Premier. Recently, it was reported in the press that the State had agreed to the running of a national lottery for sport. I ask the Minister whether it is now the policy of the State Government to support a lottery conducted on a national basis for this purpose.

The Hon. T. M. CASEY: As yet the Government has not come down with a policy regarding a sporting lottery. The information I received from the Federal authorities was that, in order for a lottery to be held to finance sport, they would deem it necessary for the States to conduct it.

I understand from the other States that they are not very happy about it. My own view is that a national lottery

should be run by the Federal authorities. Although I understand that there is no provision or legislation in the A.C.T. for such a lottery to be held, that would not be very difficult, as legislation could be enacted to cover this matter. As I said, my personal opinion is that if a national lottery is going to be run, it should be run by the Federal authorities.

SOUTH AUSTRALIAN DEVELOPMENT CORPORATION

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement prior to addressing a question to the Minister of Health, representing the Premier, on the subject of provision for losses by the South Australian Development Corporation.

Leave granted.

The Hon. D. H. LAIDLAW: The Auditor-General has reported that the South Australian Development Corporation has made a further provision of $236 000 in 1977-78 for its losses on investments which, added to $154 000 previously, makes a total provision for losses of $390 000.

On 17 May the corporation purchased 735 000 ordinary shares in Allied Rubber Limited, for 60c a share, costing $441 000. The shares were purchased from the estate of the late Peter Tilley and amounted to 28 per cent of the issued capital. The shares were traded on the Stock Exchange during 1978 at prices ranging between 35c and 50c, with the latest sale at 40c. The above-market price paid by the corporation drew protests from other shareholders who wanted to call also, because it was known that the executors of this estate had been searching for a buyer for some months.

Three days prior to this purchase the Attorney-General agreed at a meeting at Maroochydore, with the Federal Treasurer (Mr. Howard) and other State Ministers, upon a national code for take-overs to be put into legislation by the Commonwealth and each State Government.

That agreement states, *inter alia*, that if any purchaser buys up to 20 per cent of the issued capital of a company he must thereupon either stop buying or, if he wants more shares, he must buy an unlimited number in the market at the same price during the next four weeks or he must make a formal offer to acquire the balance or a pro rata number of the outstanding shares from each shareholder depending upon the total holding that he desires.

My question is in two parts: first, has the South Australian Development Corporation provided for losses on its recent Allied Rubber purchase in its accounts for 1977-78 and, if so, how much?

Secondly, does the Premier agree that the corporation acted in a manner contrary to the national code for take-overs by purchasing 28 per cent of the capital of Allied Rubber Limited at a higher than market price and then refraining from making a similar offer to other shareholders?

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

ROBOTS

The Hon. N. K. FOSTER: Before directing a question to the Leader of the House regarding robots, I seek leave to make a short explanation on the matter.

Leave granted.

The Hon. N. K. FOSTER: I quote from today's *News*, as follows:

> The robots aren't coming. They're already here. They cost $20 000, can do the work of three men for 24 hours a day, 365 days a year. And they never take sickies. One of them is now going through its paces in Sydney, demonstrating the mechanical application of two things once thought the prerogative of Man: a hand and a mind.
>
> It's the Fanuc machine tool robot, the only one in Australia. There are only 10 others, all in Japan. The managing director of Japan Machines (Aust.) Proprietary Limited, Mr. T. Honda, proudly showed off the silent yellow-and-black automaton at the Australian International Engineering Exhibition at Sydney Showground. Fully automatic with its own computerised memory storage, it can work away tirelessly unloading workpieces, changing tools, disposing of chips and generally servicing up to five machine tools simultaneously. Mr. Honda said the machine did the work of three men, and would sell in Australia for about $20 000.

I have for some time been advocating that the Federal Government should conduct an inquiry into the various types of automation, including industrial robots, that exist and the extent to which they are damaging our lifestyle in Australia. We hear much about jobs being exported, but I wonder how many jobs are being made redundant because of the importation of technologies such as this. My questions are as follows. First, will the Minister take up the matter with the Premier and ascertain to what extent robot machines of the type described in this afternoon's *News* are about to be imported into Australia? Secondly, can the company marketing these robot machines be asked about the demand that has been made for these machines during the course of the demonstration in Sydney? Thirdly, will the Federal Government regard this matter in the very serious light in which it should be regarded and impose a ban on the importation of these machines? Last, but not least, is the State Government prepared to examine what its future policy will be if the Federal Government refuses to act in accordance with the desire at least of maintaining employment in Australia in this area which involves these robot machines?

The Hon. D. H. L. BANFIELD: I have not seen the report to which the honourable member has referred but, from what he has read, it seems that these robot machines are working outside industrial awards and that, in those circumstances, the matter should be examined because no-one should work for 24 hours at a time. I will take up with the department the other matters to which the honourable member has referred and bring back a reply.

COMMUNITY DEVELOPMENT TRUST

The Hon. R. A. GEDDES: I direct my question to the Minister in charge of the administration of the Outback Areas Community Development Trust Act. Under the Act, the trust is empowered to borrow up to $1 000 000. Has the trust borrowed any money to date and, if it has, how much? If it has borrowed money, how does the trust plan to service the loan? Finally, are any regulations being planned by the trust to invoke the provisions of the Local Government Act?

The Hon. T. M. CASEY: I will try to obtain that information for the honourable member and bring back a reply.

SOIL EROSION

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

Leave granted.

The Hon. R. A. GEDDES: I noticed in the Federal Budget papers that $105 000 was allocated by the Federal Government for soil conservation measures, the money being allocated in certain proportions to Victoria, Western Australia and New South Wales. However, no allocation was made to South Australia. Will the Minister say whether the department applied this year for Federal money and, if it did, why the Federal Government was not able to assist with that application?

The Hon. B. A. CHATTERTON: I believe that the only money made available by the Federal Government to the States was that which was needed to complete schemes previously undertaken. Although we have experienced great problems in previous years getting sufficient money to do even that, we did receive sufficient Federal funds to complete the schemes started at Hermitage Creek. At present, the subcommittee of the standing committee on soil conservation is examining in detail this whole matter as it applies throughout Australia. It has produced a series of reports (I cannot say that I have read them all, because they are about 9in. thick) on soil conservation problems experienced throughout Australia, and has made recommendations to the Federal Government on future funding in this respect. At present, we are awaiting a decision on whether the Federal Government will implement, either in whole or in part, those recommendations.

In suggesting that funding for soil conservation throughout Australia should increase dramatically, the subcommittee highlights existing soil conservation problems. I cannot quote the exact figures that it has recommended should be spent on this pressing problem throughout Australia, but those figures are in millions of dollars rather than hundreds of thousands of dollars.

LEGAL AID

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question of the Leader of the Government in this Council, representing the Attorney-General, about the denial of justice to age pensioners.

Leave granted.

The Hon. N. K. FOSTER: An article in today's *News* states:

> An increasing number of people, many of them aged pensioners, are unable to get legal aid, according to the Law Council of Australia.
>
> This was because of inadequate funding by the Federal Government, the council President, Mr. David Ferguson, said. He said the system had deteriorated to the extent that people no longer believed legal aid was available in Australia.
>
> "The reason we are getting upset is that we have now reached a stage where pensioners are being turned away and refused legal aid," he said.
>
> The Law Council is seeking an urgent meeting with the Federal Attorney-General, Senator Durack.

This is a matter for the Commonwealth.

The Hon. R. C. DeGaris: Why?

The Hon. N. K. FOSTER: Mr. President, I know that your attention is being distracted at present, but the Leader has interjected. On some days he is in the Council during Question Time. He pops up when it suits him.

The PRESIDENT: The honourable member should stay with his question, and I will see that he gets a good hearing.

The Hon. N. K. FOSTER: The Leader interjects—

The PRESIDENT: He won't any more.

The Hon. N. K. FOSTER: People of advanced years have a right to access to free legal aid, which has been the subject of Federal legislation and Federal funding.

The Hon. R. C. DeGaris: And State funding.

The Hon. N. K. FOSTER: Federal funding has been choked off. Initially, the legal aid scheme was set up on a Federal basis and on the basis that it would be funded jointly. A previous Federal Government decided to bear the burden, as it should have done, of the financial responsibility to ensure that the under-privileged in the community have a right of access to some form of legal aid. In view of the fact that the Hon. Mr. Burdett, the shadow Attorney-General, acquiesces in and agrees with this principle, why should people be denied aid because of the lack of Federal funds? I know that the Attorney-General has been very critical of the Federal Government's role in connection with legal aid. Will the Attorney-General give every possible assistance to the Law Council to ensure that it can make proper and direct representations to the Federal Attorney-General in the interests of aged and under-privileged people in our society?

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

ERUCIC ACID

The Hon. ANNE LEVY: I seek leave to make a short statement before asking the Minister of Health a question about erucic acid.

Leave granted.

The Hon. ANNE LEVY: There has been much concern in our community regarding the incidence of heart disease. Numerous reports suggest that cholesterol in the diet is involved in the incidence of heart disease in the community. To avoid excessive ingestion of cholesterol, more and more people are switching to margarine, which contains unsaturated fats, thereby reducing the amount of cholesterol in the blood stream.

Rape seed oil is increasingly being used in margarine production throughout the world. Although in Australia rape seed accounts for only about 4 per cent of the vegetable oil seed production, South Australia produces about half the rape seed oil produced in Australia, and rape seed represents about 30 per cent of all vegetable oil seed production in this State. It has been brought to my attention that rape seed oil contains a very high proportion of erucic acid.

The Hon. R. C. DeGaris: Some of it does.

The Hon. ANNE LEVY: According to my information it is at least 25 per cent of fatty acid content, and as high as 40 per cent in some varieties. Erucic acid has been shown to have deleterious effects on heart muscle. It has been shown that animal metabolism cannot easily cope with it. In several species of animals chunks of erucic acid have been deposited in the heart muscle and has only slowly metabolised, causing the heart to be left with fibrotic damage.

In the United Kingdom, the Government views the matter so seriously that it has recently issued a regulation on erucic acid in food. Under this regulation, as from 1 July 1979 no fat or oil may be sold if erucic acid constitutes more than 5 per cent of the fatty acid content. The limit is currently 10 per cent, and questions are being asked in the United Kingdom why oil with twice the permissible limit of erucic acid can legally be sold for the next 10 months. In view of this, I ask the Minister of Health whether any analysis has been done on the content of erucic acid in oils and fats sold in South Australia, whether they are made in South Australia or interstate. Further, as a public health

measure, will the health authorities in South Australia consider controlling by regulation the content of erucic acid in fats and oils in order to reduce the incidence of heart disease in our community?

The Hon. D. H. L. BANFIELD: The Health Department is very interested in the report on this matter and, following the advice it has received as a result of the investigations that have been carried out, it will consider what action is necessary. I will obtain a report on the matter for the honourable member.

COMPUTER BANDITS

The Hon. N. K. FOSTER: I seek leave to make an explanation before asking a question of the Minister of Health, representing the Attorney-General, on the matter of computer bandits.

Leave granted.

The Hon. N. K. FOSTER: I refer to an article appearing in the *News* as follows:

> The New South Wales Government has been handed a report lifting the lid on computer crime. The report tells how white collar criminals have ripped off millions of dollars from computers handling accounts. The Government report has been given to the Attorney-General, Mr. Walker, and is expected to be released this week.
>
> Multi-million dollar frauds have been brought off overseas by company employees reprogramming computers to give them huge payoffs. This can be done by setting up accounts in a false name. Another way is to round off interest payments on accounts to the nearest cent and have the fractions of cents credited to the criminal's account.

In view of the interest expressed by the Attorney-General in this matter and the fact that members of the general public are becoming more and more disturbed about losing control of their affairs to automation, including computers, will the Attorney-General make this report available to members of Parliament?

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

RAPE SEED

The Hon. R. C. DeGARIS: My question is directed to the Minister of Agriculture following the question asked of the Minister of Health by the Hon. Anne Levy in relation to rape seed. Has the Minister any information on the percentage of erucic acid in rape seed, as well as various species of rape seed, grown in South Australia?

The Hon. B. A. CHATTERTON: I am not aware whether my department has the information available, but I will seek a report for the Leader.

PRICES ACT AMENDMENT BILL

The Hon. J. C. BURDETT obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948-1977. Read a first time.

The Hon. J. C. BURDETT: I move:

That this Bill be now read a second time.

The 1970 amendment to the Prices Act provided that the Commissioner could institute or defend proceedings in certain circumstances on behalf of a consumer. This power has since been extended further, and an attempt to extend it last year was only partly acceptable to this Council. It should be noted that the power is a power to act "on behalf of" the consumer. The right to act for other persons in civil proceedings had hitherto generally been reserved for the legal profession.

Section 49A of the principal Act, enacted by the 1970 amending Bill, relieved the Commissioner and any authorised officer and the Crown from liability in the course of administration of the Act or the performance of duties or functions thereunder, provided that the acts were in good faith. It is often necessary for the Crown to have immunity when it acts simply in the general public interest, but it is difficult to see why it should have immunity when it acts on behalf of an individual consumer in the same way as a legal practitioner in private practice does, when one considers that the private legal practitioner would be liable for any negligence.

When the 1970 amending Bill was before this Council, the Hon. Sir Arthur Rymill had difficulty in seeing the justification for this clause. He said, as reported at page 2916 of 1970-71 *Hansard*:

> This to me is a rather curious clause. I do not know how one would go about proving that an act was done in good faith: I think it would be almost impossible. So it would mean that the Commissioner would have complete protection in respect of anything he did. I do not appreciate the need for this clause. Perhaps the Chief Secretary in his reply will be good enough to indicate to me exactly why that clause is deemed necessary.

The only explanation given by the then Chief Secretary (Hon. A. J. Shard) was that there was a similar provision in New South Wales. Perhaps in 1970 it was not contemplated that this power to advise and act on behalf of consumers would be as widely exercised as it now is. Solicitors seconded to the Consumer Affairs Branch act in competition with practitioners in private practice, with the important advantage that their services are free to the consumer and there is no liability for negligent action or advice.

I do not necessarily oppose the Crown, in proper circumstances, entering into competition with the private sector, even when its services are gratis, but it should do so on the same conditions as apply to the private sector. More importantly, its clients are just as much entitled to protection from a negligent act carried out by an officer of, or one seconded to, the branch whether he is an admitted legal practitioner or not as are the clients of a practitioner in private practice.

Generally, claims undertaken or defended by the Commissioner on behalf of consumers are relatively small claims. The amount of damage done by negligent action or advice is therefore relatively small but it is important to the consumer. In matters of this kind where a practitioner in private practice causes damage through negligent action, he is likely simply to pay compensation for his negligence or that of his employees.

I will give an example of the kind of negligence which can occur, and I add that I in no way allege that negligence on the part of the branch is common, but it can occur and when it does the branch should be responsible. A party to a civil action sought assistance from the branch. He was called on by the other party to give particulars of his pleadings. He was advised to refuse the request and acted on that advice. The other party took out an interlocutory summons for particulars and the party in question was ordered to give particulars and pay the costs of the application. The advice given him by the branch was clearly negligent but the consumer had no recourse against

the branch. Had a practitioner in private practice been guilty of similar negligence, he would almost certainly simply have paid the costs.

The problem is exacerbated because the branch widely advertises its services at the public expense but does not warn its potential clients that if it acts negligently they will have no redress.

I hope the Government will support this Bill. In the Legal Services Commission Act passed last year, it clearly and spontaneously expressly provided that salaried legal practitioners employed by the commission should be subject to the rules of professional ethics and liable to actions in negligence. It appears to me therefore that the Government very properly acknowledges the principle that, when a legal practitioner employed by the Government or a Government agency acts for an individual, it should be responsible in negligence in the same way as a private practitioner is. I trust therefore that the Government will support the Bill.

The measure merely repeals section 49A. This seems to be the simplest and most effective way of achieving my object. I do not think that it endangers the Crown in any other way not connected with negligence in advice or actions on behalf of consumers. Should any question of tort arise, the Crown could not be liable if it was acting without negligence and with statutory authority. Clause 1 is formal, and clause 2 repeals section 49A of the principal Act.

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

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 August. Page 674.)

The Hon. C. M. HILL: I support the Bill. It is not surprising that efforts are made to continue to improve the voting system for the Legislative Council.

This, I believe, is the third attempt, via the process of private members' Bills, to do that since the change was made in 1973 to the present system for voting in this Council. It is not surprising that change has not yet been achieved. I say that because history and experience proves that change is difficult to achieve in matters such as this, and I think one has to be realistic and accept that change takes considerable time. However, this time a proposal has been brought forward with a precedent not previously available. The proposal, in the form of this Bill, in general terms is very similar to the same private members' Bills that have been introduced previously.

As the Hon. Mr. DeGaris explained, in New South Wales a Bill was fashioned by the New South Wales Parliament, after conference and after an investigation by a Select Committee of that Parliament. In that Parliament the A.L.P. controlled the Lower House and the Liberal and Country Parties controlled the second Chamber. That Bill was overwhelmingly supported by the people of New South Wales in a referendum. Surely the Government here should seriously consider such legislation. Certainly, the Government cannot accuse the Leader or those who support this Bill of having proposed a measure of their own preparation. Admittedly, as the Hon. Mr. Blevins said in this debate when he led for the Government a few weeks ago, it is not the proposed legislation that the A.L.P. introduced in the New South Wales Parliament, but the A.L.P. there agreed to the compromise that was forged. The A.L.P. there supported the compromise on the hustings in the referendum and, as I said, the people agreed by an overwhelming majority to it.

It is therefore disappointing that what is now accepted by the A.L.P. in New South Wales for its second Chamber apparently is not accepted by the A.L.P. in South Australia for this Legislative Council. If it is accepted that some change is desirable for this Chamber, and if the A.L.P. here opposes this Bill in its entirety, bearing in mind the New South Wales example and experience—

The Hon. D. H. L. Banfield: There has been no experience in New South Wales under the present Government.

The Hon. C. M. HILL: —the A.L.P. Dunstan Government here cannot escape the accusation that the present voting system must provide some hidden, and therefore some undemocratic, advantage for its Party in this State. I submit that the most objectionable feature of the present system for this Council is the list system.

It is a fundamental democratic right of every elector to vote for the candidate of his or her own choice. He or she cannot do that under the list system. The individual voter should have the right to disagree with the order of candidates as pre-arranged by political Parties. The voter cannot do that under the present list system as applying here. Political Parties should be involved only in how-to-vote cards at election time. Their intrusion on to voting papers, as occurs under the present list system, is not supported, I am sure, by most electors.

Under the present system the elector is, in effect, voting for political Parties. I particularly refer to the major Parties and any reasonably wellknown minor Parties. There is a strong objection by members of the public to political Parties. Party machines have got too much power, it is claimed (in some instances with some justification), and the public wants its elected members to retain some individuality and the right to speak on issues, irrespective of the opinions and the pressures of others. How can the principle and virtue of individualism be nurtured when the very electoral voting system itself prevents the elector from voting for individuals and causes him to vote for groups or lists prepared by political Parties? The Bill does away with the list system and reverts to the method used in Senate elections, in which groups of individuals submit themselves for individual choice and preference. I listened with interest to the Hon. Mr. Blevins when he spoke in this debate. Even though he was opposed to the Bill, he admitted to some doubts about the list system. He said:

> I agree that the list system seems to be undemocratic, and there are some things in it that give one cause to wonder whether it is correct. We have to give it some thought. I admit that, when I first heard of a system using a list instead of individual candidates, it made me pause and think.

The Hon. F. T. Blevins: Carry on with what I said.

The Hon. C. M. HILL: It is in *Hansard*, if the honourable member wants to read it. That is a fair quotation. I do not have the balance of the speech in front of me. His argument, favouring the list system, was based on the candidate's right to accept his Party's choice of preselection and order on the voting paper.

The Hon. F. T. Blevins: That is a selective quote.

The Hon. C. M. HILL: The honourable member went on to say:

> Whilst I concede that voters have every right to exercise their choice, I also believe that candidates have some rights.

He substantiated this by stressing his right to say to the electors that if they supported the way the A.L.P. had arranged its list, vote for it, but if they did not agree with the way the A.L.P. had prepared its list, even though they are traditional A.L.P. supporters, they could vote in another way.

The Hon. F. T. Blevins: When did I say that?

The Hon. C. M. HILL: The honourable member said it in his speech. It is recorded in *Hansard*, and the honourable member said what I have quoted.

The Hon. F. T. Blevins: What were the words in between? You're taking selective quotes.

The Hon. C. M. HILL: I am not taking selective passages out of the Hon. Mr. Blevins' speech to take him down a peg: I am merely trying to analyse his argument. It was his total argument, substantiating his support for the list system. I can only say that placing the candidate's rights above those of voters at election time is an approach that I find hard to follow.

The other objectionable feature in the present system for Legislative Council elections is the cut-off point of half a quota or 4·16 per cent of the formal first preference votes. A group that does not achieve that target is excluded from the count. This is undemocratic, as such votes are of no value. There is no threshold, or cut-off point, in the Bill.

Members opposite expound with great vigour the cause of one vote one value. How can they do that and continue to support the present cut-off point in the Legislative Council voting system? The Hon. Mr. Blevins dealt with this aspect by quoting history and the record of past elections for this Council. However, it is the Labor Party, not the Liberal Party, that makes this claim of one vote one value.

The Hon. D. H. L. Banfield: They don't believe in it; that's why.

The Hon. C. M. HILL: That is right.

The Hon. D. H. L. Banfield: I am glad you've admitted it.

The Hon. C. M. HILL: The Liberal Party knows, for example, what Professor Blewett said to the N.S.W. Select Committee, dealing with the New South Wales legislation, when it took evidence in Adelaide:

> Throughout Australia at the moment in most elections 30 per cent or 40 per cent of people's votes are of no value in every single-member constituency.

I am not criticising the A.L.P. for insisting on a threshold in the legislation when it was introduced in 1973. I am not raking up history, but am simply saying to the 80 per cent of Government members opposite who were not even here in 1973—

The Hon. D. H. L. Banfield: You opposed it.

The Hon. C. M. HILL: I will say what I intend to say, despite all the efforts being made by the Minister of Health to prevent me from doing so. If Government members still say that they believe in their cause of one vote one value, why not remove the cut-off point and allow all the votes of electors for this Chamber to have, as near as possible, equal value?

Further to substantiate this point, that is, of the need for the A.L.P. in this State to retain some credibility in this area, let me remind the Council what was said by Professor Blewett who, apart from his academic qualifications in relation to electoral systems, is the A.L.P. member for the Federal seat of Bonython. In reply to a question asked by one of the Select Committee members regarding South Australia's half quota being the cut-off point, Professor Blewett said:

> Yes, that cut-off in South Australia created a lot of problems when the Labor Government put its legislation through. It looked like a trick. Now, we have a hybrid system with a preferential element. We have a messy system as a result of the compromise. All these compromises derive from the arbitrary threshold point. Particularly with a new type of electoral system, it is preferable not to have a threshold point.

I am sure that Government members have a great deal of respect, as I have, for Professor Blewett. Considering this fact, and the fact that I read recently of Mr. Duncan, this State's Attorney-General, saying that the greatest virtue of the A.L.P. was its extreme honesty (or words to that effect), I challenge members opposite to say in this debate whether they believe that the retention of the cut-off point is compatible with their one vote one value philosophy.

The Hon. F. T. Blevins: Mr. DeGaris agreed with it.

The Hon. C. M. HILL: The honourable member should get one of his colleagues to—

The PRESIDENT: Order! The Hon. Mr. Hill would be better served if he addressed the Chair and did not argue across the Chamber with the Hon. Mr. Blevins.

The Hon. C. M. HILL: Thank you, Sir. I support the Bill because it considerably improves the present system. However, I make the point that personally I favour a change in our voting system to one identical to that of the Senate. Proportional representation systems, in all their various forms, are difficult for the people to understand.

Accepting that proportional representation (and I do accept this) is the best system for second Chambers, the problem of maintaining a system that is respected, trusted and understood by the people must be faced by legislators.

It is impossible in practice to achieve a simple proportional representation system that can be easily understood, especially in regard to the election of the final candidate in any one election. However, the Senate system, in my view, is trusted by the people, and that is indeed important. It is trusted because people have come to accept it, and serious criticism of it has not been manifest. It may on occasions have difficulties in relation to long voting lists, but that is not sufficient reason to object seriously to it.

I am, in effect, when supporting the Senate system, using an argument similar to that used by the Hon. Mr. DeGaris when he introduced this Bill by saying, "Here is legislation fashioned outside of this State, accepted by the A.L.P., the Liberal Party and the Country Party elsewhere, as well as by the people of another State, and therefore it is non-partisan and should be accepted in South Australia, where change is desirable."

I am saying that the Senate system, which is very similar to the system proposed in this Bill (the main difference being that optional preferences are involved in this Bill), is accepted by the whole of Australia and has stood the test of time. It is respected, I believe, by most Australians and, therefore, the same system should be acceptable to the political Parties in this State.

The Hon. F. T. Blevins: It has a built-in Liberal bias.

The Hon. C. M. HILL: That is a lot of rubbish, and the kind of political thinking that we want to get rid of in this Chamber, and I hope I am speaking for members of both political persuasions when I say that.

Having indicated my preference for the Senate system, I place on record my opposition to optional preference voting systems. I believe in preferential voting. Optional preference is the thin end of the wedge to a first-past-the-post system. Even with this Bill, in which the principle of optional preference is written, we can see that happening.

The Bill gives the impression that at least 10 candidates must be voted for by the constituents and that those 10 preferences must be valid. However, within the Bill's provisions, if an elector places the figure "1" in one square, and the figures "3" to "11" in other squares, leaving the rest of the squares blank, it is a valid vote, with only the one candidate being supported formally. That is nothing but first-past-the-post voting.

I might add that the required 10 preferences in the Bill seems to be a little odd, to say the least, for South Australia, when 11 candidates are required to be elected.

However, I realise that this figure of 10 is simply part of the package that has come from New South Wales. The point is even more interesting when we realise that 15 candidates are elected at each election in New South Wales. It is also because of this package aspect that I am not over-emphasising my objection to the optional preference feature in the Bill. However, I record my objection to it at this stage of the debate.

As a pragmatist, I realise that the fate of this Bill can be foreseen: it will not pass through the South Australian Parliament. It is a great pity that the present electoral system for this Council cannot be changed and improved. The two major defects that I have stressed should be made good. At least in this area, the Labor Party cannot defend the cut-off system, even though that Party can, I concede, argue for the retention of the list system on the grounds of simplicity. However, that argument was not used by the Hon. Mr. Blevins.

It is not unreasonable to expect the major Parties to look again at any voting system five years after its introduction. Not only should the voting system be improved but the whole constitution of this Council, including the electoral system, should be reviewed.

As honourable members know, the compromises made in 1973, when full franchise was introduced, will lead, at some stage in the history of this Council, to some most difficult situations. That is not said in criticism of those who forged those compromises; indeed, such difficulties were foreseen at the time. For example, there is a strong possibility (members opposite would no doubt dispute this) that after the next election the Council will be evenly divided among supporters of the two major Parties. If that happens, the election of a President will prove to be a difficult matter, for obvious reasons. After the next election, the Council should be of uneven numbers, to avoid such a possibility.

Members on both sides know that after the next election the Council will not be of uneven numbers, but will comprise 22 members. It is a great pity that in a responsible manner (for example, through a Select Committee with equal voting rights to each Party) an investigation cannot be initiated to ascertain the extent of common agreement, if any, that might be achieved to improve the present situation and to assist the working of this Council in the future in the best interests of the people of South Australia. In my review of this Bill, I have endeavoured to be fair, reasonable, and constructive in my approach.

The Hon. F. T. Blevins: You should have demonstrated the same qualities in your selection of quotations from my speech.

The Hon. C. M. HILL: I certainly did not intend to take sentences from the honourable member's speech for the purpose of attacking him.

The Hon. F. T. Blevins: That is precisely what you have done.

The Hon. C. M. HILL: The honourable member is entitled to advance arguments against the Bill and to say what he likes to support his arguments.

The Hon. F. T. Blevins: But you quoted small parts of my speech while omitting the relevant parts.

The Hon. C. M. HILL: I remind those who read the debate in *Hansard* that they can read every word that the honourable member said on 23 August at pages 671-4 of *Hansard*. I support the Bill because it is yet another attempt to improve the present voting system, which is in serious need of improvement.

The Hon. D. H. L. Banfield: You never did a thing about it when the Liberal Party was in Government.

The Hon. C. M. HILL: As long as the Minister negatively rakes up the past, no improvement will be made to the system. I implore the Minister, who is one of the most senior and most experienced members of the Government and who is Leader of the Government in this Council, to take a forward-looking approach not only for the benefit of the people of South Australia but also for the benefit of this Council. The Minister owes a great deal to this Council, and he should therefore seek to improve the system, so that it will work effectively in the future.

The Bill is in the form of a package deal, as the Hon. Mr. DeGaris has explained, brought across from New South Wales. The whole issue of change in this Council was wracked with political emotion and feeling five years ago, when the present system was introduced. With the passing of time, one would hope that moderation and a genuine desire for improvement might prevail. I look forward to hearing members opposite expressing considered and thoughtful opinions on the Bill and on all matters raised in the debate to this stage. I support the second reading of the Bill.

The Hon. M. B. CAMERON: Since I have been a member of this Council I have always supported any electoral measure that I believed would lead to an improved system. I do not think any Government member could point to any occasion when I did not support a measure that sought to implement a better system. From time to time my support of measures introduced by the Labor Party has caused some trauma in my career in this Council but, that aside, I believe that the Labor Party, too, should support any measure that can lead to a better system because, if the Labor Party does not give such support, it will lose the mantle it has been wearing of being the electoral reformer in this State.

The Hon. F. T. Blevins: We have achieved electoral reform.

The Hon. M. B. CAMERON: That is open to question. If the honourable member is satisfied with the present system, I lose faith in him, because I know full well that, if the Liberal Party had just won, say, the Hon. Mr. Sumner's seat at the last election, the Labor Party would be introducing a measure to have more votes counted out.

Members interjecting:

The Hon. M. B. CAMERON: I am sorry that I have to introduce an air of cynicism, but the Government would have introduced a Bill to have all votes counted out had the Liberal Party won the last seat.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. CAMERON: Members of the Labor Party are becoming quite embarrassed, but I will ignore them because they are merely trying to avoid the truth. They are doing what they have always accused members on this side of doing; that is, avoiding a measure that would introduce a better system. They are trying to ensure that this Chamber does not have a perfect system.

The Hon. C. J. Sumner: Why weren't you in the Liberal Party at that time?

The Hon. M. B. CAMERON: That is irrelevant. The Hon. Mr. Sumner is the last person that should be speaking in this debate. If we had a perfect system, he would not be here.

The Hon. C. J. Sumner: That's not true.

The Hon. M. B. CAMERON: He is an aberration on the system, and a most unfortunate one at times. When the first change occurred in this Chamber, Government members know full well that the reason for it was to bring about full franchise in this Chamber. The measure finally introduced was supported by all members. We finally achieved unanimous support for full franchise in this

Chamber, and everybody accepted at that stage that the system was not perfect. However, it did resolve what was then a very difficult problem, and we did achieve full franchise in this Chamber. Having had experience with this system (which the Minister said New South Wales has not had) and knowing that we now have a member in this Chamber who should not be here, we should look at the system and make the necessary alterations.

The Hon. C. J. Sumner: You wouldn't want to get rid of me, would you?

The Hon. M. B. CAMERON: Even the Hon. Mr. Sumner must feel embarrassed at being here, because he knows full well that he is the result of an imperfect system, a system that has not led to one vote one value in this Chamber. If he is a true democrat, which I would hope he is, he should resign. The list system is not a good system for democracy; it leads to Party dominance, which I know Government members have accepted as part of their Parliamentary careers. However, I do not accept it, and any member who believes in democracy should not accept that a Party should have total domination over a person who is elected by the people.

It is important to remember that, even though all members of a Party are endorsed by that Party from time to time, if we have a system where the people can no longer vote for candidates then inevitably the Party has the final say. The important person in this whole system, the elector, is the one who is forgotten and who loses his choice.

The Hon. F. T. Blevins: Why? You can toss the Party out.

The Hon. M. B. CAMERON: That is not the point. Electors might see an individual in that Party list who they believe would make a good member of Parliament, but they could not select him; they would have to vote for the Party, and would have no choice. It is even more vital that we have an absolutely perfect system for this Chamber if we look at the attempts in the other Chamber to manipulate electorates. It is important that at least one Chamber of this Parliament in South Australia have the trust of the people, and that they can say that that Chamber is elected fairly and cannot be manipulated by any Government action.

The Hon. C. J. Sumner: Are you saying the Government is manipulating the electorates in the Lower House?

The Hon. M. B. CAMERON: I will reply to that interjection quite happily. I will now detail something which I regard as very important in this debate and which may affect the views of members opposite, who will finally come to take my view on this matter, that we must have a perfect system for this Chamber, because of what I regard as an attempt to manipulate electorates in the House of Assembly. The Auditor-General's Report tabled yesterday contains details of areas of land held by the South Australian Housing Trust and the South Australian Land Commission. At the moment the South Australian Housing Trust has a total area of vacant land of the value of $25 780 000. Reference to that figure appears on page 434 of the Auditor-General's Report. On page 442, the South Australian Land Commission is listed as having a total area of undeveloped land of the value of $71 000 000. Last year the South Australian Land Commission had contracts for the sale of 532 blocks, which had a value of $2 764 000. On the basis of those figures, the Housing Trust and the Land Commission had a total land holding of the value of $96 784 000. On the sales last year, that is 35 years supply of land. I raise this matter, because very recently there was a transfer of land in an area of the electorate of Morphett.

The Hon. R. C. DeGaris: Where there was a fairly close election.

The Hon. M. B. CAMERON: Yes. The first transfer of this land occurred on 31 August 1976, when this area of land was transferred to Lightburn and Company for the sum of $800 000. On 13 January 1978 the same area of land, under the same title, was transferred for the sum of $1 174 000 from Lightburn and Company to the South Australian Housing Trust. That was a profit for that period of 47 per cent, and that was an extraordinary profit for that time, when price control on land other than industrial land was restrained to 10 per cent. It is significant that this land was then zoned industrial and there is now an application for it to be rezoned to R2, that is, residential land. The member for Morphett announced in January this year that the South Australian Housing Trust would build low-cost rental housing.

The Hon. C. M. Hill: When did the Housing Trust buy that land?

The Hon. M. B. CAMERON: On 13 January 1978. At that time, Government instrumentalities in this State held land worth $96 000 000, but for some strange and unaccountable reason they have had to buy some more. Just by coincidence, it happens to be in the District of Morphett. Just by coincidence, it will be used for low-cost rental housing, and construction will start so that the work is finished before the next State election. Further, just by coincidence, the District of Morphett is the most marginal seat for the Labor Party in the State.

I accuse the Government of deliberate electorate rigging and of abusing taxpayers' funds to ensure that it stays in office. It has deliberately purchased more land, when it holds enough already to meet requirements for 35 years. There is only one reason for the purchase of the land, and that is its location. The Government has lost its mantle of being fair. It is an electorally corrupt Government if it goes ahead with this proposal, because it will be setting out to ensure that it remains in office. It knows that the boundaries for House of Assembly districts are now firmly fixed and there will be little alteration, so it is going to work within the system.

For years I have heard criticism of the Playford Government about the electoral system, but that Government could never be accused of putting electors in a particular area to ensure an electoral result. Quite the opposite occurred. The Playford Government lost office because of the progress it brought about in this State. The present Government is now electorally corrupt. It has lost the reputation for being completely fair on electoral matters, after having persuaded the people about its fairness for years. It is not fair, and it has shown that by its reaction to this Bill and to every move made to ensure that members of this Chamber are elected fairly.

It is vital that this Bill be passed and that the electoral system for this Chamber become absolutely fair, because it is clear that the Government will set out to ensure its perpetual return to office. It will do that by manipulating the single-member electoral system. That system can work only if the Government is totally fair, totally correct, and totally above reproach. The Government cannot tell me that the move that it is making in the District of Morphett is anything other than an attempt to manipulate the electoral system. Where will we see it happening next?

The Hon. F. T. Blevins: It's all in your bad mind.

The Hon. M. B. CAMERON: I have not got a bad mind but I have a very inquiring mind and I suppose I also have a cynical mind, because I have always wondered when the axe would fall, when the Labor Party would come to the political gate, go in, and become corrupt electorally. It has now done that.

The Hon. F. T. Blevins: You're judging other people by your own standards.

The Hon. M. B. CAMERON: That is not correct. My standards on electoral matters are above reproach, and I challenge the honourable member to nominate any occasion when they have not been. I have left a political Party because of electoral matters. If the Government was totally fair, it would take action now, but of course it would not do that. The Government is not as fair as it has always pretended to be. If this Bill is not passed and regardless of what happens to it, we are now seeing the final days of what used to be in my mind at least a Party that believed in electoral fairness. The Labor Party is finished as far as I am concerned if it goes ahead with this project in the District of Morphett, because it will be electorally corrupt.

The Hon. J. C. BURDETT: I support the second reading. My only concern is to consider the fairness of the electoral system that it provides for. I am not concerned with the recriminations and counter-recriminations between the Parties about past electoral policies. I consider these recriminations to be irrelevant to the Bill.

The question is whether the present Bill provides the fairest system. I consider that it provides a more equitable system than does the present Act, under which preferences in excess of half a quota are disregarded. There is just no good reason for this in the South Australian context. Certainly, one has not been given yet. The reason for this provision would appear to be that the system in the present Act was based on a European model, which related to a Lower House election.

In the European political context, that was necessary to enable a Government to be formed and, if there were not some provision of this kind, the small active Parties would be in the majority. However, in South Australia we do not have this proliferation of small Parties with any chance of being elected. More importantly, this Council is an Upper House. The Government is not formed here and there is no justification for following the European model. It does not make for greater fairness or democracy, and in regard to the South Australian Legislative Council it has no merit whatever. Moreover, the European model used a natural quota, not a droop quota as in South Australia, and to import this provision into a droop quota system is quite irrelevant.

The other point which I wish to make is that this Bill is preferable to the present Act in that it enables the elector to vote for individual candidates. It is all very well to say that the group system as against the system proposed in the Bill is unlikely to make any difference to the outcome. It is all very well to ask when a No. 1 Senate candidate for a major Party was defeated. But that is not the only point; what about the elector? Let us forget about Party politics and which Party is likely to get the greater advantage out of the Bill. The elector, whether his vote is likely to affect the outcome or not, has the right to vote for candidates in his order of preference. He may, for example, generally support the Liberal candidates but there may be one Labor candidate for whom he has great regard. He should be able to express this opinion at the ballot box. He may prefer, say, the Labor candidates but not in the order listed. He should be able to express this opinion at the ballot box.

He may in general support, say, the Labor candidates but may think that one member of the group is an unutterable so-and-so. He should be able to express this view in the ballot box. The forgotten man in electoral politics is the elector. Regardless of whether in relation to his preference for candidates his views will influence the outcome, he should be able to express them. An electoral system that does not allow this preference to be expressed is undemocratic, inefficient and defective. This Bill does put the elector in charge. It does give him all the options in expressing his preferences, and ensures that they will be counted.

The Hon. D. H. L. BANFIELD (Minister of Health): What a refreshing exercise this has been! The Liberal Party, after having been able to retain the system of voting for the Legislative Council for 80 years without wanting to do anything to change it, suddenly hears of something in New South Wales that has not been tried yet. Members opposite want to jump on the band waggon of something that came about as a compromise between the Liberal Party and the Labor Party. Members of this Council know that where there is a gerrymander in the Upper House and that House is controlled by the Liberal Party, it is necessary at times for the Government to accept compromise. The Government did not accept the compromise with open hands.

It accepted it because it was one step forward towards progress. Opposition members know that very well. Before the system is tried they want to jump on the band waggon. They think it is the greatest thing that happened since sliced bread. They want to try it before it is put into operation. I wonder what the haste is all about. I remember many debates in this place since I came here in 1965 in which we have tried to upgrade the voting system in this State.

When the Labor Government was trying to make voting for this Council much more democratic than it had been for the 80 years before I came here, honourable members opposite opposed it, including the Hon. Mr. DeGaris (who introduced this Bill), and the Hon. Mr. Dawkins even wanted to deny spouses the right to vote for this place. He wanted to deny people who did not own a little bit of dirt the right to vote. These are the people who say "Forget what we did in the past," yet they have the audacity to get up today and say, "We have to encompass this new proposal put forward in New South Wales." They wanted to hang on to a system that we had had for 80 years in this State. There has not been a word of apology from members opposite admitting their mistakes.

The Hon. Mr. DeGaris was no exception to the people who opposed reform for the Legislative Council, and he knows it. He thinks that, because at last the people have realised that Opposition members denied people the right to vote for this Council, here is an opportunity to jump on to the band waggon with a system that has not been tried. Members opposite say that we do not believe in democracy, yet time and time again they have knocked it back. Time and time again Opposition members have opposed democracy in this place.

The Hon. R. C. DeGaris: Like you are doing now.

The Hon. D. H. L. BANFIELD: What a lot of tripe coming from the Hon. Mr. DeGaris, a member of a Party that had a system that allowed a situation where the Government had about 57 per cent of the popular vote in another place but only 25 per cent of the numbers in this place.

What changed his opinion? Surely it was not the experience gained in New South Wales as a result of introducing a new method of voting there. That did not change the Hon. Mr. DeGaris's position. It did not change the Liberal Party's policy speech, in which it said nothing about this matter. We do not even know whether this has the support of Ross Story and Colonel Willett, and these sort of people, because nothing was said about it at the time of the election. The Hon. Mr. DeGaris has the

audacity to introduce a Bill such as this which has not even been tried.

One would have thought that a man who wanted to hang on to a situation that existed for over 80 years would at least want this system to be tried to see whether it worked the way the Hon. Mr. DeGaris expects it to work. There is no question about the crocodile tears that have flowed from the eyes of members opposite as a result of what they want to do for people in this State. Their record does not bear looking into. It is true that the Hon. Mr. Cameron supported electoral reform when he was outside the Party. It is also true that he came back into the fold. The Hon. Mr. Cameron said that he has not got a bad mind, but I suggest that he has not got a mind of his own. He has been in and out of political Parties like a man with a weak bladder getting in and out of bed at night.

The Hon. C. M. Hill: That's a distasteful comment.

The Hon. D. H. L. BANFIELD: Of course it is a distasteful comment, and it is a distasteful attitude that the honourable member adopts to suit his own personal interests. The Hon. Mr. Hill had a "blue" with the Hon. Mr. Dawkins the last time there was supposed to be electoral reform. There was a complete split within the Liberal Party then, because there was going to be progress relating to electoral reform.

The Hon. C. M. Hill: Have you a reply to the scandal Mr. Cameron introduced concerning land at Novar Gardens?

The Hon. D. H. L. BANFIELD: The Government is interested in providing houses. The Hon. Mr. Cameron does not want any houses built and he has admitted that this afternoon. He is not interested in lifting the building trade. He says that the Government should not build houses. What a disgraceful attitude—not that it has anything to do with this particular Bill, but from the interjections of the Hon. Mr. Hill it appears that he agrees with Mr. Cameron in not wanting houses built by the Housing Trust. That is what the Hon. Mr. Cameron said this afternoon.

The Hon. C. M. Hill: I want a reply to the question.

The Hon. D. H. L. BANFIELD: We agree that somebody has to lift the economy in this State and, if we can do so by building houses, we will. If the Hon. Mr. Hill is opposed to that, let him say so. The Hon. Mr. Cameron supported it. The Hon. Mr. Hill asked me to reply to that interjection, which I have done. It is well known that the Hon. Mr. Cameron and the Hon. Mr. Hill are opposed to the Housing Trust building homes for people who want them.

The Hon. C. M. Hill: We are opposed to your scandalous conduct.

The Hon. D. H. L. BANFIELD: If the Government took over a block of land at Springfield there would be as big an outcry as there was when the Hon. Mr. Hill proposed to put the MATS plan through that area. If we wanted to put Housing Trust homes in that area there would be an outcry but, because land is available elsewhere and we are prepared to build houses there, it is a scandal. Let us put them at Springfield and hear the outcry that would come from the Hon. Mr. Hill then. He accepted the complete MATS report except that part that went through Burnside and Springfield. The adjudicators had done a marvellous job up to that stage. Suddenly they went bad and put something through Burnside and Springfield, and the Hon. Mr. Hill could not knock it back quickly enough, even though he bought 2 000 copies of the *Mail* just so that he could fill in the coupon to say, "We approve of the MATS Report". That is democracy for you—"Let us have a barbecue down at my place and fill in these coupons to signify to the people that the MATS plan is the only thing that is possible!"

One cannot put any credence on the sort of things proposed by the Hon. Mr. Hill. The Hon. Mr. DeGaris in introducing the Bill made much capital of it being identical to a Bill passed by both Houses of Parliament in New South Wales. That is what he hung his hat on. I stress that the New South Wales legislation as it was finally passed was a compromise scheme. The Hon. Mr. DeGaris did not tell us that.

The Hon. R. C. DeGaris: It was not a compromise.

The Hon. D. H. L. BANFIELD: It was. He knows that it was not a scheme put up by the Labor Government and put through by both Houses.

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

The Hon. D. H. L. BANFIELD: It was nothing of the sort; it happened as a result of meetings between members of both Houses. They were not going to get out of their cushy jobs unless a compromise Bill was introduced. The Hon. Mr. DeGaris knows that perfectly well, just as he knows that it was not the original proposal put forward by the New South Wales Labor Government. Despite that, the honourable member sits here and tries to imply that it was. The Bill that was originally introduced by the Wran Government was, as the Hon. Mr. DeGaris knows, similar to the South Australian legislation.

The Hon. R. C. DeGaris: And not one witness gave evidence in favour of it.

The Hon. D. H. L. BANFIELD: I am not talking about that. I am merely telling honourable members about the Bill which was introduced by the Wran Government but which was mutilated by the gerrymandered Upper House in that State. The Hon. Mr. DeGaris knows that very well and that all the Wran Government could do was to take only one step forward, instead of taking the whole plunge, as it wanted to do. It wanted a Bill similar to the South Australian legislation. However, the New South Wales Upper House, gerrymandered by a Liberal Party majority, rejected the Bill. In order to achieve some improvements in the system, the Labor Government accepted compromise legislation.

The original intention of the New South Wales Government never was to have a system similar to the one now proposed by the Hon. Mr. DeGaris. The honourable member forgot to tell us: time ran out! It was either for that reason or because the honourable member did not want to tell us the full story. Let the Leader say in reply why he did not state that it was the original proposal put forward by the Wran Government.

In his brief second reading explanation, the Leader referred to two serious deficiencies in the existing South Australian legislation. He said, first, that the system used did not guarantee that each vote cast would have an equal value. The Hon. Mr. Blevins' remarks earlier in the debate more than adequately answered that complaint. The honourable member said:

> The Hon. Mr. DeGaris's objection to the existing legislation on the ground that each vote did not have an equal value was very rich indeed.

The other objection raised by the Hon. Mr. DeGaris related to the list system. It is difficult to understand his objection to the list or group system because, in a multiple-candidate type of election, the list system is a fair and just one, and no-one has suggested or proved that it is not. It has been said that the list system precludes a vote within the list or group of candidates of one's own choosing.

However, this argument completely neglects the reality of voting patterns in multiple-seat elections in Australia. As the record shows, in the 1975 double dissolution election, more than 99 per cent of the people in Australia

who wished to vote for the Liberal group in the Senate voted for the No. 1 candidate in the Liberal group. Similarly, Labor Party voters, almost without exception, voted for the candidate at the head of the list.

The present system is a simple one, which has worked well. At the 1975 Legislative Council election, no serious problems were experienced, and the voters obviously found the voting system easier, because only 4·54 per cent of the votes were cast informally, compared with 7·5 per cent at the 1973 election. As I have said, the present system is a simple one, which is easily followed by the electors. It is certainly a fair and just system.

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

The Hon. D. H. L. BANFIELD: The Leader can argue until the cows come in. However, going by his past record, the Leader should have his head between his knees, especially when one considers some of his utterances regarding electoral reform and the way in which he has tried to stop people being enrolled. The Leader has had people's names taken off the roll. This was admitted by the then Liberal Attorney-General.

The Hon. R. C. DeGaris: That's right.

The Hon. D. H. L. BANFIELD: The Hon. Mr. DeGaris admits that he did everything within his power to have people's names taken off the roll. He did not check to see whether he was doing anyone a disservice or whether his objections were valid.

The Hon. R. C. DeGaris: Yes, I did.

The Hon. D. H. L. BANFIELD: How, then, did the Leader come to miss a certain number of people?

The Hon. R. C. DeGaris: I missed one.

The Hon. D. H. L. BANFIELD: At least the Leader admits that. How much care did he take when trying to have taken from the roll the names of people who still lived in the district, supported by his colleagues in the same election campaign?

The Hon. R. C. DeGaris: You've done the same thing.

The Hon. D. H. L. BANFIELD: I have never asked for a person's name to be taken off the rolls. However, the Hon. Mr. DeGaris cannot say that. Indeed, he has admitted this afternoon that, as a result of his own efforts, a number of names were taken off the roll during a certain election campaign.

The Hon. R. C. DeGaris: They were correctly taken off.

The Hon. D. H. L. BANFIELD: No, they were not. The Leader has admitted that he knew of one person's name that was incorrectly taken off the roll.

The Hon. R. C. DeGaris: It wasn't taken off.

The Hon. D. H. L. BANFIELD: It was, and the person concerned had to go to the Returning Officer to ensure that he was able to vote. That was admitted by the then Attorney-General, the Leader's own colleague. The Leader should make up his mind. If his colleague is a liar, let the Leader get up and say so. If he wants to take away his colleague's credibility, let him say that in the past he has not tried to deprive people of their vote. It is either one or the other. I do not care which attitude the Leader takes, but let him be forceful when he decides. Let him say that he made a mistake, or disown his colleague. The Returning Officer said that he made a mistake.

The Hon. R. C. DeGaris: When? You quote an instance when the Returning Officer said that.

The Hon. D. H. L. BANFIELD: The Returning Officer showed that by giving the people a vote. That indicated that the names should not have been taken off the roll in the first place. If that is not an indication that the Leader made a mistake, I do not know what is.

The Hon. R. C. DeGaris: No mistake was made.

The Hon. D. H. L. BANFIELD: Even according to the Hon. Mr. DeGaris, he did all in his power to remove those names from the roll. The honourable member tried to see whose names he could get off the roll for a certain election—

The Hon. R. C. DeGaris: There were 200.

The Hon. D. H. L. BANFIELD: —including some that the Leader did not have a right to remove. Despite all this, the Leader has the audacity to say that there can be nothing fairer than this system. This is contrary to the actions of not only the Leader but also his Party colleagues, because for years the Party of which the Leader and his colleagues are members would not allow half the people to register on the Legislative Council roll. They kept this system running for years yet, when the Labor Government tried to do something about it, all the excuses in the world were made.

The Liberal Party said that only property owners should have the right to vote for the Legislative Council. That was the first thing. They did not mind about the spouses of those people. A little later, as a result of much pressure, the Liberal Party then allowed spouses the right to vote. That Party denied doctors and other professional people, who would have been capable of exercising their right, the right to vote. Merely because those people did not own a little scrap of dirt, the Liberal Party wanted to deny them the right to vote at Council elections. Because the system has not been tried, the Leader does not know whether or not it will work.

The Hon. R. C. DeGaris: It has been tried in the Senate.

The Hon. D. H. L. BANFIELD: The Leader has condemned the Senate voting system.

The Hon. R. C. DeGaris: Never.

The Hon. D. H. L. BANFIELD: Of course he has.

The Hon. R. C. DeGaris: You are raving mad.

The Hon. D. H. L. BANFIELD: It was a Labor Government that introduced a system providing for reasonable representation in the Senate. The Leader's past actions and past principles do not add up to what he is trying to foist on to the Government today. We now have a much fairer system than any system that has previously operated in this State. One of the Liberal Party's high-ranking members said when I first became a member of this Council, "You are lucky to be representing Central District No. 1, because we are not game to put up a candidate against you."

The Hon. C. M. Hill: We opposed Frank Kneebone.

The Hon. D. H. L. BANFIELD: If it had not been for the misconduct of two Opposition members who left the Liberal Party, there would not have been any change in the system. Of course, nowadays those two members have to do what they are told. The Hon. Mr. Cameron did not speak about the Bill: all he told us was that the Government should not build houses.

The Hon. D. H. Laidlaw: When will you get back to the Bill?

The Hon. D. H. L. BANFIELD: When the honourable member speaks on this Bill, I should like him to say just when the Liberal Party changed its policy in connection with one vote one value. Members of the honourable member's Party in the past opposed the franchise for about 50 per cent of the people of this State. Liberal Party members do not know what their policy is. The present system is simple and easily followed by the electors. Further, it is a just and fair system. The elector has the option of marking his own preferences on the ballot-paper if he wishes, or just one preference if he so desires; in either case, the ballot-paper will be informal.

The Hon. R. C. DeGaris: Formal!

The Hon. D. H. L. BANFIELD: That clearly indicates how the Leader misleads the public. His whole system is misleading.

The Hon. R. C. DeGaris: You said "informal".

The Hon. D. H. L. BANFIELD: I did not say that: I said that the ballot-paper would be formal. The Leader tried to mislead people and to put words into my mouth; the same sort of hypocrisy is associated with the Leader's attitude to this matter. The system proposed by the Hon. Mr. DeGaris, which proposes voting for a minimum of 10 candidates, would no doubt cause complications and, of course, it is an untried system.

The Hon. R. C. DeGaris: It is not untried.

The Hon. D. H. L. BANFIELD: Where has it been tried?

The Hon. R. C. DeGaris: Tasmania.

The Hon. D. H. L. BANFIELD: They do not work on that system. Why did the Leader say that this system was introduced by the Wran Government? Why did he not say that this system operates in other States?

The Hon. R. C. DeGaris: Why should I?

The Hon. D. H. L. BANFIELD: The Leader knows it is not exactly the same. Let us see how dinkum the Hon. Mr. Hill is. He agrees that the Bill has objectionable provisions, yet he says he will support it. How can he do that? Has he placed amendments on file to overcome his objections? Of course he has not, because he is under instructions. The whips have cracked, and he will support this Bill, whether or not it has objectionable provisions. Perhaps the honourable member will go further and say that his speech was not worth two hoots.

The Hon. C. M. Hill: Are you happy about this Council becoming a Council with an even number of members? You cannot answer until you go to your Caucus and discuss it behind closed doors.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill has said that there are objectionable provisions in this Bill, but he will support it. He is not even game to go back and discuss it with his Party, which makes me think this is not Party policy and that members opposite are doing something unbeknown to the people on North Terrace. I oppose the Bill.

The Hon R. C. DeGARIS (Leader of the Opposition): I do not know how I can reply to the Government's contribution to this debate; they have contributed nothing that needs a reply.

The Hon. D. H. L. Banfield: Well, sit down.

The Hon. R. C. DeGARIS: I should like to reply to some of the rather scurrilous remarks made by members opposite during this debate. I begin with the allegation that I, with others, did something entirely wrong in asking the Electoral Commissioner to examine the position that certain people on the electoral roll in the District of Millicent should not have been on that roll. When the Hon. Mr. Cameron stood for the seat of Millicent, it was found that many people had left the district up to two years before the election but were still enrolled on the Millicent electoral roll. I was told that the Labor Party had advised people not to remove their names from the electoral roll, thereby maintaining a high vote for the Labor Party in the Millicent District. If this allegation were true, the Labor Party connived to fiddle an election. About 200 people left the district up to two years before the election, and their names were given to the electoral office, which removed them from the electoral roll after it inquired. Unfortunately, one person who had moved from Mount Burr to Mount Gambier was still in the Division of Millicent: the boundary went into Mount Gambier. The tragedy was that even the electoral office did not have the boundary correctly drawn in Mount Gambier. To be accused of an illegal operation, by removing electors' names from a roll, is something I refute absolutely. This is something every political Party does; it is known as role cleansing. The Electoral Commissioner is advised of people who have left the district but remain on the roll. To say that there was anything wrong in what was done, is untrue.

The Hon. F. T. Blevins: That is not the full story.

The Hon. R. C. DeGARIS: As far as I am aware that is the full story.

The Hon. D. H. L. Banfield: That is different from what the shadow Attorney-General has said.

The Hon. R. C. DeGARIS: I cannot be responsible for what anybody else has said. I can only report the position as I know it. The Minister said that this system has never been tried in New South Wales: that statement is a pure red herring. The system has been in use in Tasmania for 35 years, and has been used in the Senate for the six States for more than 30 years. The only variation between the Tasmanian system, the Senate system, and this Bill, is that this Bill requires 10 candidates to be voted for, whereas the Tasmanian system requires eight (where seven are to be elected) and the Senate system requires a mark to be made against every name. In every other way the system is exactly the same. This system of a single tranferable vote, whether by an optional preferential system or a system in which voters are compelled to vote for every candidate, is used in many countries of the world. To say that the New South Wales system has not been tried is to talk nonsense; it has been used for many years in many countries. The Wran Government introduced a Bill similar to the Act applying to this House in elections in South Australia. All around Australia people gave evidence on that Bill to a Select Committee appointed by the Legislative Council and that evidence is available in the Library. About 45 people, including academics from universities who are experts in electoral systems, gave evidence, but not one gave evidence in favour of the Bill introduced by the Wran Government. Even the Labor Party's adviser on these matters, Professor Neal Blewett, now the A.L.P. member for Bonython, gave evidence to the Select Committee opposing the Wran Government's Bill. Is there a split in the Labor Party on these matters? Is Professor Blewett being fair on electoral matters, or are members opposite unfair? Is Professor Blewett wrong, or is the Minister wrong? Both cannot be right, because they are both giving totally different versions. I believe that what Professor Blewett told the Select Committee is correct.

The Hon. F. T. Blevins: Do you agree with what he has said about you?

The Hon. R. C. DeGARIS: I agree with what he has said about the system in South Australia.

The Hon. F. T. Blevins: He has said a lot of things about you.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: I agree with most things Professor Blewett has said on this issue. Where is the argument left to the Labor Party, when its major spokesman, a university professor and an expert in this field, gives evidence to a Select Committee that the Bill introduced by Mr. Wran in New South Wales and, by connotation, the Bill existing in South Australia are unfair?

The Hon. F. T. Blevins: Professor Blewett has said some good things about you.

The Hon. R. C. DeGARIS: That may be so, and I have said some good things about him: I am a generous person. This Bill is almost the same as the Bill introduced by the Hon. Arthur Whyte 12 months ago, and, with one exception, the same Bill as introduced by the Hon. Arthur Whyte two years ago.

The Hon. F. T. Blevins: Why didn't Arthur Whyte

introduce it four years ago?

The Hon. R. C. DeGARIS: We introduced it four years ago, but it was defeated by the Labor Party in the House of Assembly. The only variation between the Bills introduced by the Hon. Mr. Whyte and this Bill, is that this Bill allows for optional preferences up to 10. This was done because that was the sort of Bill that was overwhelmingly voted for in a referendum in New South Wales. Until 1973 this Government has never introduced a Bill to change the electoral system for the Legislative Council. The debate up to that point was on the franchise, and in that argument we pointed out that the electoral system itself had to change. During a debate I had with the Premier on television, an agreement was reached between us on this point.

That was that the Liberal Party would agree to adult franchise if the Labor Party would agree to introduce a system that ensured that every vote had the same value. It can be seen from the transcript that that was the arrangement made on television, in front of the people of South Australia. However, the Bill did not provide for that: if it had, it would have been passed rapidly but the Labor Party worked a swiftie because, under the present Act, every vote cast does not have an equal value and the Labor Party vote is worth more than the vote for any other Party.

This Bill corrects the mathematical gerrymander in South Australia that was opposed so strongly by Professor Neal Blewett in his evidence before the Select Committee in New South Wales. The second anomaly that it corrects is that no electoral system should deny the right of the voter to vote for a person he wants and to vote against a person he does not want.

The Hon. F. T. Blevins: But you supported it strongly.

The Hon. R. C. DeGARIS: I have listened to the ramblings of the Hon. Mr. Blevins for a long time, and I do not support what he says I supported. If we go through the original A.L.P. history, we will find that I moved an amendment to the Bill so that a person could vote for an individual, but the Labor Party rejected that in the Lower House and I had to come back to a point where a compromise was reached. If the Hon. Mr. Blevins wants to go further than that, let him go.

The Minister has said that a party that polled 56, 57 or 58 per cent of the vote could not get a majority in this Council, but no political Party in the history of the State has polled 56 per cent of the vote. It is a gross exaggeration to suggest that it has. I thank honourable members for their support of the Bill. It is a step forward and provides for one vote one value. Those members who oppose the Bill are nailing their colours to the mast about not believing in each vote having equal value. If the Bill is opposed, those opposing it are opposing that concept.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. C. M. HILL: I am disappointed that Government members have not adopted a more serious attitude to the Bill. They have displayed their lust for political manoeuvring and for raking up the past, and that has done them no credit. I hope that at some stage in future members of this Council will look more seriously at the whole question of the best possible system in the best interests of the State.

The Hon. D. H. L. BANFIELD (Minister of Health): I appreciate the Hon. Mr. Hill's interest in what happens "on this side of the hill". When the Liberal Party is fair dinkum and decides to have one vote one value, when their Federal and State policies indicate that they want it, and when they try to put it into operation in States where Liberal Governments are in office because of a gerrymander and the lack of one vote one value, that will test their sincerity, and we will closely examine such a Bill rather than consider the motives behind this particular Bill.

Clause passed.

Remaining clauses (2 to 7) and title passed. Bill reported without amendment. Committee's report adopted.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

This short Bill increases the maximum number of Ministers from 12 to 13. The Government believes that the appointment of an additional Minister is now justified in view of the increasing demands placed upon Ministers by their departments and by the public. The last increase in the size of the Ministry took place in 1975, when the number of Ministers was increased from 11 to 12. I point out that, even allowing for the proposed appointment of an additional Minister, South Australia will still have a smaller Ministry than any other mainland State. Clause 1 is formal. Clause 2 amends section 65 by expanding the maximum number of Ministers from 12 to 13.

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

BOATING ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The Boating Act, 1974, has now been in operation for some time, and experience has suggested a few aspects in which amendment might facilitate the administration of the Act. This Bill therefore covers several miscellaneous matters. The most significant amendments extend the powers of authorised officers in the policing of the Act, and provide for the expiation of offences.

The Bill also extends the definition of "boat" to include all motor boats other than those used and operated solely for commercial purposes. Consequently, hire vessels used for pleasure boating are now clearly included under the provisions of Part II and Part III of the principal Act, which require registration of the vessel and licensing of its operator. Provision is made to exempt operators of any proclaimed motor boat or class of motor boats from holding an operator's licence: this is complementary to the provisions of Part II, under which any proclaimed motor boat or class of motor boats is exempted from the requirements of that Part.

Clause 1 is formal. Clause 2 provides that the Act must be reserved for the signification of Her Majesty's pleasure and shall commence on a date to be fixed by proclamation. Clause 3 amends section 5 of the principal Act by providing an amended definition of "boat" to include all vessels other than those used and operated solely for commercial purposes.

Clause 4 amends section 12 of the principal Act. The requirement that an application for registration must

always be signed by the owner of the boat is removed. The amendments contain specific provisions fixing the time from which a renewal of registration operates and the time at which registration lapses in the event of non-renewal. Clause 5 amends section 14 of the principal Act to provide for the display of the current identifying marks assigned to that boat and of the current registration label. Clause 6 amends section 15 of the principal Act in a corresponding manner.

Clause 7 amends section 23 by providing for the exemption, by proclamation, of any motor boat or class of motor boats from the provisions of Part III of the principal Act. This will obviate the need for operators of such motor boats to hold a current operator's licence. Clause 8 amends section 25 of the principal Act and is consequential to the amendment to section 31.

Clause 9 repeals section 31 of the principal Act and includes in its place a new section to empower a member of the police force or person authorised in writing by the Minister to board and inspect a boat, to direct the operator of a boat to stop the boat or manoeuvre in a specified manner, to produce his licence within a specified time at a specified place, and to require persons suspected of committing an offence against the Act or witnesses to such offences to state their names and addresses.

Clause 10 amends section 32 of the principal Act to achieve consistency with other provisions of the Act providing for the appointment of authorised officers. Clause 11 inserts a new section 35a to provide for the expiation of certain offences by payment of a fee fixed by regulation.

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

LAPSED BILLS

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

That the Debts Repayment Bill, 1978, the Enforcement of Judgments Bill, 1978, the Sheriff's Bill, 1978, the Supreme Court Act Amendment Bill, 1978, and the Local and District Criminal Courts Act Amendment Bill, 1978, be restored to the Notice Paper as lapsed Bills, pursuant to section 57 of the Constitution Act, 1934-1978.

Motion carried.

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

That the Debts Repayment Bill, 1978, the Enforcement of Judgments Bill, 1978, the Sheriff's Bill, 1978, the Supreme Court Act Amendment Bill, 1978, and the Local and District Criminal Courts Act Amendment Bill, 1978, be not reprinted as amended from the Select Committee and that the Bills be recommitted to a Committee of the Whole Council on Wednesday 20 September 1978.

Motion carried.

SIR JOHN BARNARD'S ACT (EXCLUSION OF APPLICATION) BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 744.)

The Hon. D. H. LAIDLAW: I have reservations as to whether this Bill should pass without amendment. Its object is to exclude in this State the operation of two Imperial Acts, commonly known as Sir John Barnard's Acts, that were passed at Westminster in 1734 and 1737. The latter Act merely validates the first in perpetuity.

Sir John Barnard's Act came 14 years after the bursting of the South Sea Bubble to prohibit certain forms of share dealing. It was entitled, "an Act to prevent the infamous practice of stock jobbing" and, *inter alia*, forbade dealing in share options and short selling: that is, selling shares that the vendor does not possess but intends to purchase later, gambling in the hope that the market price will fall in the meantime.

The Minister gave as his reason for introducing this Bill a decision in the Supreme Court of New South Wales in 1968, when a stockbroker was unable to recover a debt of $70 000 owed to him after the sale of share options, because Sir John Barnard's Act was held to have effect from the founding of the State of New South Wales, and therefore prevented the recovery of what was regarded as an illegal debt.

Most other States have excluded the application of the Sir John Barnard's Act, as was done in Westminster in 1860. Indeed, a market for share options trading was set up by the Sydney Stock Exchange about two years ago. It has had limited success. Initially, six stockbroking firms were licensed in Sydney and Melbourne as option dealers. However, I am told that now only three operate and they limit their dealings to seven wellknown companies: namely, Bank of New South Wales, B.H.P., Bougainville Copper, C.S.R., Western Mining, Woodside Petroleum, and Woolworths.

No member of the Stock Exchange of Adelaide has applied for a licence. Indeed, it would be illegal for them to do so, but it is believed that some local brokers may act as agents for option dealers. I see little wrong in option dealing and, to this extent, argue that the application of Sir John Barnard's Act should be excluded in this State.

The Minister said also that Sir John Barnard's Act prohibits short selling of shares and, by repealing it, such practice would become legal in this State. However, it should be noted that by-laws of the Stock Exchange of Adelaide prohibit short selling by their members, as do the other major stock exchanges, because they regard it no doubt as an undesirable practice, and with that I agree. It gives rise to undue speculation in share trading.

I am aware that, after a meeting at Maroochydore in Queensland on 14 May, the Attorney-General agreed with the Federal Treasurer (Mr. Howard) and other State Ministers to introduce a Security Industries Act similar to Acts passed in Victoria, New South Wales and Western Australia in or about 1975, in order to obtain Australia-wide uniformity.

Each of the Acts in the States to which I have referred legalise short selling of shares with some qualification. In this respect, I refer specifically to section 54 of the Victorian Act. I presume that the Attorney-General wishes to repeal or amend legislation that runs counter to the provisions in the proposed Security Industries Act. Although it is desirable in most fields to strive for uniformity of legislation between States and Territories, this should not be done at the cost of approving an undesirable social practice.

I stress again that the Adelaide Stock Exchange bans the short selling of shares and, although the practice has been legal in Victoria for some years, the Melbourne Stock Exchange has not seen fit to lift its ban. I will support the second reading so that the Bill can go into Committee, when I will move an amendment so that short selling of shares remains illegal in South Australia.

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

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It provides for certain changes to the Australian Mineral Development Laboratories Act. Honourable members will recall that the laboratories originated out of the research and development section of the then State Mines Department, which played a significant part in the successful treatment of Radium Hill ores for recovery of uranium and which, as a result of the technical competence displayed, was called upon to provide major assistance to other sections of the mining and mineral industry.

As a result of this activity, consultations were held with the Commonwealth Government and representatives of the mining industry in 1959, and it was agreed that the laboratories and staff could perform a valuable function to the community and that the staff and facilities built up should be retained and, if warranted, expanded. The laboratories were initially set up for a trial period of five years, commencing in 1960.

This initial period proved so successful that amending legislation was passed in 1963 to provide for the continuing life of the organisation. With financial support guaranteed by the three sponsors, the Commonwealth, the State, and the mining industry, the latter represented by the Australian Mineral Industries Research Association Limited (AMIRA). Since then, the organisation has continued to grow in terms of staff employed and the range of services offered. This growth, however, has not been without its problems. In the first instance, the functions of the laboratories as set out in the original Acts have tied its operations closely to the fluctuating fortunes of the mineral industry and, secondly, the range of expertise now available has not been capable of being fully exploited in areas closely allied to or arising from the activities of the mineral industry.

Arising from the sharp decline in activity in the mineral industry after 1971, the viability of the organisation suffered a severe set-back over a period of three to four years, and negotiations were entered into with the Commonwealth Government and AMIRA to review the individual work levels guaranteed by each of the parties which had remained unchanged since 1964.

As a consequence of these negotiations, a consultant was engaged to review the operations of the laboratories and to make recommendations as to its organisational structure and future activities, with the objective of making its operations viable. The consultant's recommendations contained in the report issued in July 1976 were accepted in principle by the guarantors, and the council of the laboratories was requested to implement them.

The recommendations included recommendations that the laboratories be developed as a market-oriented corporation with the required flexibility and capacity to adapt to changes in demands for its services, not limited to the mining or minerals-related areas, and that a clear definition and delineation be made of the powers and responsibilities between the sponsors and management of the organisation. This definition of areas of interest is to be effected by the appointment of a council representing the interests of the sponsors appointed by council and responsible for the overall operations of the organisation and for broad policy guidelines, and a board of management. A chief executive officer, appointed by Council, will be responsible for the control of management functions including marketing.

Many of the recommendations aimed at more efficient and viable operations have already been implemented. Some changes in internal arrangements, together with a reduction of some 15 per cent of staff, were effected in July 1977, and I am pleased to report that preliminary figures for the financial year ending 30 June 1978 show a significant return to profitability.

This Bill has been prepared to give effect to the changes arising out of the recommendations of the consultant which will enable the organisation to maintain its present viability and permit it to operate in those allied areas of activity that derive from the deversity of skills now available. It is important that the necessary changes be formalised and implemented as soon as possible, because the present financial guarantee arrangements by the Commonwealth and AMIRA are only certain up till 1981. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 removes an obsolete provision. Clause 4 provides for the deletion, amendment and insertion of definitions that reflect the proposed changes in latter parts of the Act. It should be noted that the definition of "relevant industries" has been inserted to provide not only for the principal activity of the organisation but also for those other activities that derive from the employment of scientists with diverse technical skills.

Clause 5 is formal and provides for changes that occur later in the Bill, particularly in respect of the creation of a board of management. Clause 6 provides under subclause (1a) for the use of the name "Amdel", which has been and is widely promoted as the shortened version of the rather unwieldy full title of the organisation. Subclauses (4), (5), (6), and (7) provide for the manner in which the board of management has the necessary constitutional powers to effect the business of the organisation.

Clause 7 provides for the repeal of the original statement of the functions of the organisation and the insertion of new functions which will provide scope for the laboratories to provide the range of services and enter into activities that will enable it to meet the best interests and needs of the community, and at the same time provide sufficient diversification to enable it to cushion the effects of any downturn in economic activity, particularly in the mineral industry. New section 6 (2) has been inserted to overcome uncertainties raised by third parties with which the organisation has entered into negotiations as to whether the organisation has legal capacity to act in a number of the areas stated. The powers will also enable the organisation to provide those services which industry now seeks from it.

Clause 8 repeals section 7 of the principal Act, which provided for the initial five-year period, and the arrangements subsequently entered into in 1963. Clauses 9, 10 and 11 provide a new basis for the composition of the council. Under the new provision, the council shall consist of six members, two each from the Commonwealth, the mining industry (through the Australian Mineral Industries Research Association Limited) and the State, in place of the old council, which consisted of seven members nominated by the guarantors with the power to nominate an additional three members.

Clause 12 provides for the repeal of section 13, which related to the payment of members of council, and the insertion of a section relating to the conduct of meetings of

the council. New section 13a provides for the payment of allowances and expenses to members of council. Clause 13 provides for the repeal of section 15 and the insertion of an amending clause 15 defining the functions of the council. The council, representing the guarantors, will determine and set out the broad policy guidelines for the operations of the organisation.

Clause 14 introduces a new Part IIIA into the principal Act. This new Part establishes a board of management which will, within the policy decisions of the council, provide a decision-making body closely attuned to the operations of the laboratories. Clause 15 makes a consequential amendment to a heading in the principal Act. Clause 16 repeals the old section 16, dealing with the Director and staff of the organisation, and establishes the position and role of the chief executive officer responsible for the day-by-day operations of the laboratories. As the chief executive officer will be a member of the board of management, provision is made for his appointment by the council.

Clause 17 refers to amendments to section 17 of the original Act, vests in the board of management powers to appoint the staff, and deals with the provision of superannuation benefits to the staff. Clause 18 provides for the repeal of section 17a of the principal Act, which dealt with the position of those members of the Public Service seconded to the organisation when it commenced operations in 1960.

Clause 19 provides for the repeal of section 18 of the original Act and the insertion of powers concerning financial matters that are relevant to the current operations of the laboratories. Clauses 20 and 21 repeal sections 19 and 20, which related to expenditure and provision of funds to cover such expenditure when the laboratories were set up. The new section 20 provides for the keeping of financial records and the audit of these records by the Auditor-General. Clause 22 repeals Part VA, which made provision for adjustment of the respective interests of the Commonwealth and the Australian Mineral Industries Research Association Limited in the event of arrangements being made to wind up the activities of the laboratories.

Clauses 23 and 24 relate to formal matters covered by Part VI of the Act concerning the reporting of the activities of the organisation to the governing body of the laboratories and the guarantors. In conclusion, the Bill is designed to serve two purposes: first, to amend those sections of the principal Act which had application when the laboratories were originally set up and which are no longer relevant and, secondly, to provide a vehicle which reflects the current range of activities and demands being made on the laboratories and which will permit it to recognise its full potential as a valuable service to the community and to industry.

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

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Its object is to provide for the appointment of a deputy chairman of the State Transport Authority from the membership of the authority. Under the existing provisions of section 7 of the Act, it is possible for the Governor to appoint an outsider to be the deputy of any member of the authority, including the Chairman. However, the section does not permit such an appointment to be made from the membership of the authority. The Chairman's duties frequently take him away from Adelaide, and on these occasions it becomes necessary to appoint a deputy. The Government believes that it may well be preferable for the deputy chairman to be appointed from amongst the existing membership of the authority. This Bill makes such an appointment possible. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 7 of the Act, which deals *inter alia* with the appointment of deputies of members of the authority. A new subsection (1a) makes it possible for the Governor to appoint a deputy chairman either from the membership of the authority or from outside. A new subsection (3), containing provisions that are essentially consequential on subsection (1a), is also enacted and substituted for the existing subsection. This deals with the appointment of deputies for members other than the Chairman.

Clause 3 effects consequential amendments to section 9 of the principal Act, which relates to the procedure to be followed at meetings of the authority. The amendments correct an error in the existing provisions of this section, and provide that the deputy chairman is to preside at meetings of the authority in the absence of the Chairman.

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

URBAN LAND (PRICE CONTROL) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 749.)

The Hon. C. M. HILL: I shall deal with this Bill in general and in broad terms. It endeavours to overcome the existing law by which urban land price control expires on 31 December 1978 and to place new legislation on the Statute Book. That new legislation would provide that the Government may, by regulation, reintroduce urban land price control at any future time in specified areas defined in the regulations. I oppose the Bill.

Price control of any kind is contrary to the philosophy of my Party. The introduction and retention of price control has been supported by the Liberal Party only during periods when it was considered, after serious deliberation, that unreasonable profiteering might occur because of lack of supply coupled with strong demand. In such periods and under such market conditions, it is quite proper for my Party to protect the interests of consumers, especially those with moderate incomes, and we have done that throughout this State's modern history. That situation does not apply in the real estate market, nor is it likely to apply in the foreseeable future.

Many national companies had broad acres in South Australia when price control was introduced in 1973, and they therefore continued to be active in this State for a time while liquidating their stocks. Now, five years later, very few national or local developers are holding broad acres in South Australia, and the managements of national

companies cannot now recommend investment in new development to this State owing to the recent track record here in the industry.

To reintroduce price control permanently by repealing section 30, which provides for the expiry of the Act, will have the effect of rendering it permanently impossible for the managements of national companies to choose to initiate development projects in South Australia when they can do so in any other State without damaging interference to their fundamental business operations. South Australian companies will also continue to invest their money outside the State.

To reintroduce price control is thus virtually to socialise land subdivision and development, as the only developer will be the State authority, namely, the South Australian Land Commission. It is little wonder that South Australia is in the economic plight now existing. For example, last week the Commonwealth Employment Service issued unemployment figures indicating that unemployment is now worse in South Australia than it is in any other State. National companies, with their resources which could help the unemployment situation here, simply will not trade themselves into a controlled socialist environment: they will invest and operate in the other States. South Australian companies associated with real estate development are, in fact, expanding operations interstate, away from the heavy hand of socialism.

The Hon. J. R. Cornwall: Can you give examples?

The Hon. C. M. HILL: Yes, but I will not give them now.

The Hon. J. R. Cornwall: Would they have anything to do with the Victorian crooked land deals?

The Hon. C. M. HILL: No. The people I have in mind were not associated with the Victorian investigation. Faced with the conditions to which I have referred, this socialist Government worsens the plight of South Australia. By this Bill it wants to maintain controls and restrictions and, in effect, hand all real estate development activity in residential land and development to the Land Commission. Accordingly, I strongly believe that this Bill should be opposed.

What is the record of this socialist Government's land instrumentality, the South Australian Land Commission? It failed to produce allotments where people wanted to buy them, and at prices below those of private enterprise companies, in the early years after 1973. In recent times it ultimately produced sufficient allotments to control the whole market; that was recognised by the Government when it suspended urban land price control earlier this year. Now, it has more than 4 000 allotments, compared with about 3 300 unsold by private enterprise, and the demand for sites has slackened considerably. Also, it is now short of liquidity and is trying to clear existing stocks, providing those few South Australians interested in purchasing land with limited choice as to where they wish to live.

The Land Commission has huge sums invested in broad acres. I believe that the figure is about $60 000 000. The commission has acquired most of the vast green space to the south and also to the north-east of the Adelaide Plains. Many of the vineyards, much of the picturesque, slowly rising slopes, and much of the beautiful southern vales have been acquired, and all this natural grandeur will be destroyed by Government bulldozers with the blessing of the socialist Minister who administers the Land Commission and also with the Government's blessing.

All this breathing space, so necessary for future metropolitan residents and their quality of life, has been devoured by this socialist Minister, while his Premier and his Government have been telling the people that Adelaide will be contained to a maximum population of about 1 200 000, that the vineyards will not go, that the breathing space will be protected and retained, that committees are looking into such matters, and that the Government can be trusted to achieve such goals. What hypocrisy!

Returning to the principle in the Bill, I point out that the Government should know that, with an instrumentality like the South Australian Land Commission to feed such a huge supply of land into the market, if any private enterprise developer priced his land with unreasonably high profit margins, that land would not sell. That means that the commission (or, in other words, the Government) controls the market and, accordingly, there is no need whatever in such a situation for urban land price control. I therefore oppose the second reading of the Bill.

The Hon. J. A. CARNIE: I, too, oppose the Bill. Price control of urban land was first introduced into this State in 1973. At that time the legislation was opposed in the House of Assembly by the Opposition, and when the legislation came to this Council it passed the second reading and was then made more workable by various amendments, the most significant of which was one providing that there be a termination clause in the Bill: the Bill was to run until a specific date was reached (31 December 1976). In October 1976 (about two months before the legislation was due to terminate) it was amended again, the termination date being altered to 31 December 1978.

Last April the Minister announced the suspension of urban land price control. The Hon. Mr. DeGaris has quoted what the Minister said at that time. I stress that the Minister said that the suspension of urban land price control would bring more blocks on to the market and he did not expect there to be any significant price increases.

This has proved to be the case. I have no doubt that the Land Commission did have some minor effect on land prices and land sales in South Australia, but I maintain that other factors are more significant, namely, those involving the normal forces of the market place. Land prices will always find their own level. If there is a demand, land prices will rise; if there is not, they will fall. It is a question of supply and demand. This is what has happened since the suspension of price control in April, and it has happened with all commodities since time immemorial. Any attempt to change this by legislation, or any other means, is doomed to failure. The failure of the Act that the Government is now trying to amend proves this. While I am opposed, and always have been, to the parent Act, I prefer it to what the Act will become if this Bill is passed.

This Bill seeks to give power in perpetuity by lifting the time limit. The repeal of the termination clause gives power in perpetuity to bring areas of the State under price control; it gives the Government power to play one area against another. For example, the Government could bring in price control in one area only and leave a neighbouring area completely unrestricted. This would obviously disadvantage people in some areas, while being an advantage to people in other areas. It gives the Government quite unnecessary power to manipulate land prices in the market place generally. I would like to repeat the case the Hon. Mr. Griffin quoted of a developer who had in all good faith invested capital and was in the middle of developing land, when the Government declared that his area was a proclaimed area under the regulations. What will happen to that developer? I maintain that the whole system is wrong and should not be allowed.

In his second reading explanation, the Minister said that

if Redcliff proceeded the Government would need to have some control over land in that area. That was the only example he gave to justify this Bill, and I do not accept that as an argument at all. If Redcliff does proceed, and I have very grave doubts whether it will, what is to prevent the Minister bringing in a special Bill to cover that circumstance? It could be dealt with as an individual case. There is no need whatever for the blanket power which this Bill gives. I am totally opposed to the lifting of the termination date, and I oppose the Bill.

The Council divided on the second reading:

Ayes (8)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, and C. M. Hill.

Pairs—Ayes—The Hons. C. W. Creedon and J. E. Dunford. Noes—The Hons. M. B. Dawkins and D. H. Laidlaw.

The PRESIDENT: There being 8 Ayes and 8 Noes. I give my casting vote for the Noes.

Second reading thus negatived.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

(Second reading debate adjourned on 12 September. Page 747.)

Bill read a second time and taken through its remaining stages.

STATE BANK ACT AMENDMENT BILL

(Second reading debate adjourned on 12 September. Page 747.)

Bill read a second time and taken through its remaining stages.

DOG FENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September. Page 749.)

The Hon. M. B. DAWKINS: I support this short Bill, which brings the provisions of the Dog Fence Act into line with corresponding provisions in the Vertebrate Pests Act, 1975-1977. My colleagues have dealt with the matter in some detail, and I merely wish to indicate my support of the Bill. However, I wish to refer to one point in relation to clause 4, which provides:

> The following section is enacted and inserted in the principal Act immediately after section 26 thereof:
>
> 27. (1) The board shall as soon as practicable after the declaration of a rate or special rate under this Part serve upon the occupier of ratable land or upon the occupier of land upon which the special rate is declared, as the case may be, a notice setting forth the amount he is liable to pay by way of rates or special rates, as the case may be.

I have no quarrel with that provision. However, the clause also inserts new section 27 (2), which provides:

> The amount of the rate or special rate imposed under this Part is due and payable upon the expiration of twenty-eight days from the day on which the notice is served under subsection (1) of this section.

New subsection (3) provides:

> Subject to subsection (4) of this section, where a person fails to pay the amount of rate or special rate payable by him on or before the expiration of twenty-eight days from the day on which the rate or special rate is due and payable, that person, in addition to his liability to pay that rate or special rate, is liable to pay a fine of ten per centum upon the amount of rate or special rate that he has so failed to pay.

My acquaintance with the pastoral areas is not as extensive as yours, Mr. President, or that of the Hon. Mr. Geddes, but I know the distances and the infrequencies of mail in the outback. I realise that new subsection (4) is being inserted, but there is not much sense in providing for a period of 28 days when we have had longer periods for the payment of district council rates, and so on.

While I have no objection to the new provision as a whole, I consider that a period of 28 days is far too short, and the Council should seriously consider an amendment that I intend to move to provide for a period of 90 days, which would be more in line with the situation in the outback areas. That amendment is being typed now. With that qualification, I have pleasure in supporting the Bill.

The Hon. J. A. CARNIE secured the adjournment of the debate.

ADMINISTRATION OF ACTS ACT AMENDMENT BILL

(Second reading adjourned on 12 September. Page 748.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Delegation of powers and functions by Minister."

The Hon. J. C. BURDETT: As the Hon. Mr. Griffin and I indicated in our second reading speeches we oppose this clause, because it takes important matters out of the hands of Parliament, and we have outlined how this can occur. Unfortunately, notwithstanding that Parliament does commit the administration of an Act to a Minister, the Government may take some power from the Minister. In several Acts, the Ministers specified are given certain tasks. For example, it commonly occurs that Ministers other than the Ministers administering the Act are given certain powers.

Again, several Acts, Government guarantees can be given on the certificate of the Treasurer and one such Act is the Education Act. In other Acts, legal proceedings may be taken on the certificate of the Attorney-General, or appointments to various committees and boards may be made on the nomination of a specified Minister who is not always the Minister administering the Act.

If we pass this clause, even though Parliament may think that one Minister is the most appropriate person to give the certificate or make the appointment, the Government is not considering the wish of Parliament. Therefore, I oppose the clause.

The Hon. D. H. L. BANFIELD (Minister of Health): As the Act stands at the moment, the Minister in whom the administration of an Act is vested can delegate powers and functions under the Act to another Minister. However, certain Ministers are frequently vested with statutory powers and functions under Acts that they do not administer. This Bill seeks to extend the power of delegation to enable any Minister, whether he is responsible for the administration of the Act or not, to delegate statutory powers and functions.

The Hon. Mr. Burdett must surely appreciate that problems arise from time to time where there is a special statutory requirement for a Minister, other than the Minister to whom the Act is committed, to take some administrative action, and that Minister is not available temporarily. The matter must then be held pending his return. No problem arises in relation to a lengthy absence by the Minister concerned, since it is usual to make an acting appointment in these circumstances. The difficulty arises where it is necessary to have a document executed or a formal approval endorsed on a document urgently and the relevant Minister is not in his office at the time. It is proposed to use the new authority to delegate to cover this kind of situation.

I fail to see any reason for the Hon. Mr. Burdett's concern. Far from "frustrating the intention of Parliament" as the Hon. Mr. Burdett suggests, this amendment will facilitate the administration of legislation. I ask honourable members to support the clause.

The Hon. J. C. BURDETT: As the honourable Minister has said, when there is any lengthy absence of the Minister, an Acting Minister is always appointed. However, the kind of certificates to be signed and kind of appointments contemplated should not be made in one day. It should not just be a matter of somebody bringing in a document and the Minister signing it. They are matters that require consideration. I continue to oppose the clause.

The Hon. D. H. L. BANFIELD: Ministers are responsible, irrespective of the position they hold, and whatever the request that comes to a delegated Minister, he would also consider the matter. At times it is necessary to have a second signature. It could happen that when the Minister is interstate for a couple of days something has to be done urgently. This Bill is not frustrating administration and legislation, but helping to get it through. From time to time embarrassment has been caused because of the absence of another Minister.

The Hon. J. C. BURDETT: I do not suggest that Ministers are not responsible, but they have particular portfolios and responsibilities, and they will develop some expertise and knowledge of their responsibilities and portfolios. When Parliament says it wants the Treasurer or the Attorney-General to do something, because they have the knowledge and expertise that other Ministers do not have, Parliament should expect that the Minister it says should give a certificate and make an appointment should do just that.

The Hon. D. H. L. BANFIELD: The honourable member's argument is that it has to be a Minister with experience, and this is why the honourable member wants this clause defeated. I assure honourable members that acting Ministers behave in a responsible manner, and I ask members opposite not to frustrate the administration and workings of Government.

The Hon. R. C. DeGARIS: Parliament has provided that the Attorney-General must give a certificate for certain things; it does not matter if the Attorney-General is the Attorney-General as such, or someone acting in his place. However, this clause allows a Minister, by publishing a notice in the *Gazette*, to delegate any of his powers or functions under any Act to any other Minister. This could completely frustrate the will of Parliament. That is the point that the Hon. John Burdett is making.

For example, tomorrow Parliament can decide that a certain Act should be administered by a certain Minister, or that a certain certificate must be signed by the Attorney-General or Treasurer. Immediately, by this clause, that person can delegate the authority, and totally act against the expressed wish of Parliament. That is the key to the situation. If a Minister is going away, it is reasonable that Cabinet should appoint someone to act for him while he is away. If he is away for only a day, I do not see any great problem.

The Hon. T. M. Casey: You would not appoint an acting Minister if he was only going away for a day.

The Hon. R. C. DeGARIS: Certainly. The decision of Parliament can be totally reversed by a Minister simply publishing something in the *Gazette*, and that is wrong.

The Hon. D. H. L. BANFIELD: At times things can be held up for a day. For example, should a fruit fly threat arise and the Minister of Agriculture is away, someone else would have to sign the Executive Council docket. Sometimes things have to be done in a hurry, and cannot be held over for a couple of days.

The Hon. J. C. BURDETT: There is no reason why, if this clause is passed, the Minister of Education without Cabinet approval could not the next day, by notice in the *Gazette*, delegate power to another Minister, with whom it could remain permanently. I would not be so concerned if I was satisfied that the power would be used in limited circumstances only. However, there is no guarantee of this.

The Committee divided on the clause:

Ayes (8)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (8)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, K. T. Griffin, and C. M. Hill.

Pairs—Ayes—The Hons. C. W. Creedon and J. E. Dunford. Noes—The Hons. M. B. Dawkins and D. H. Laidlaw.

The CHAIRMAN: There are 8 Ayes and 8 Noes. I give my casting vote for the Ayes.

Clause thus passed.

Title passed.

Bill recommitted.

Clause 3—"Delegation of powers and functions by Minister"—reconsidered.

The Hon. R. C. DeGARIS (Leader of the Opposition): I respect your view, Sir, regarding the clause. Probably, the correct procedure would have been for honourable members to try to amend it and, if that amendment had been carried, honourable members could then have voted on the clause. The Hon. Mr. Burdett has made a valid point that should worry every honourable member, that is, that the clause as drafted gives the Minister the right to delegate any of his powers or functions to any other Minister at any time and for any period. In reply, the Minister has said that that is not what is intended. It is therefore reasonable that the Hon. Mr. Burdett and the Hon. Mr. Griffin, both of whom referred to this matter in the second reading debate, should be given an opportunity to consider an amendment to the clause.

The Hon. C. J. Sumner: Why didn't you do that in the first place?

The Hon. R. C. DeGARIS: I said that that probably would have been the correct procedure. However, we have done that before, and it has been confusing for certain honourable members. I suggest that the Minister report progress on this clause to enable the Hon. Mr. Burdett to consider the possibility of drafting an amendment to it.

The Hon. D. H. L. BANFIELD (Minister of Health): I am not happy about the suggestion, because the Hon. Mr. Burdett has not said a word about this matter. Is he being directed by the Leader? Is the Leader saying that the Hon. Mr. Burdett is inexperienced in these matters?

The Hon. R. C. DeGaris: No.

The Hon. D. H. L. BANFIELD: That was the implication. The Hon. Mr. Burdett was on his feet at least three times. I said that I thought I had convinced honourable members of the wisdom of voting for the clause, and it proved that way. The Hon. Mr. Burdett gave no indication of an amendment: he wanted to get rid of the clause altogether. He waited until the Chairman voted in line with the Government's attitude. Then, the whips cracked. What the Opposition is now seeking goes beyond the normal procedure. It is pressuring the Chairman.

The Hon. R. C. DeGARIS: That is a false allegation. This is a normal procedure, which has occurred dozens of times previously. On the Minister's own admission, the clause goes beyond what the Government requires. It is reasonable for honourable members to express an opinion on clause 3, and an opinion has been expressed, but it is also reasonable to allow honourable members to express an opinion on a changed clause 3. I have seen in this place a Bill defeated at the second reading stage, and the Minister has then moved, under Standing Order 281, for it to be reinstated the next day. So, let us not talk about what can and what cannot be done. The clause now stands as originally drafted. How do we know whether an amendment will be acceptable to honourable members? Two procedures may be followed. First, honourable members can vote against a clause as a whole and, secondly, if they are unsuccessful, they can recommit the Bill and seek to amend the clause. That is an accepted and reasonable procedure. If we can find an agreeable amendment that will satisfy honourable members, we should do so.

The Hon. C. J. SUMNER: The Hon. Mr. DeGaris has tried to defend some extraordinary propositions during his many years in this Council, but this must be about the most extraordinary proposition that any member has ever tried to put up. Honourable members opposite had their chance to amend the clause but, because they thought they had the numbers to defeat it, they did not bother to move an amendment. The clause is still in the Bill, and honourable members opposite want a second bite at the cherry. I do not know how the Hon. Mr. DeGaris can justify that.

The Hon. R. C. DeGaris: Standing Orders justify it.

The Hon. D. H. L. Banfield: You wanted to get rid of the clause completely.

The Hon. R. C. DeGaris: You are reducing Parliament to a gamble.

The Hon. D. H. L. Banfield: That is exactly what the Leader has done.

The CHAIRMAN: Order! The Hon. Mr. Sumner has the call.

The Hon. C. J. SUMNER: Under Parliamentary procedure and under the procedure of meetings, people who want to put forward propositions have the chance to do so by moving amendments. If they decide to go all out in opposition and if they lose, surely they are not allowed to come back later and attempt to amend a provision.

The Hon. J. C. BURDETT moved:

Page 1—Leave out all words in lines 24 and 25 and insert in lieu thereof:

(1) A Minister may, in respect of a period during which he expects to be temporarily unable to exercise any of his powers or functions under any Act, by notice published in the *Gazette* delegate any of such powers or functions to any other Minister.

The Hon. D. H. L. BANFIELD: I oppose the amendment. Had there been any hint from honourable members opposite that they would accept a compromise and had they suggested it at any stage, there might be some semblance of understanding in connection with this matter. It is not as though the Hon. Mr. Burdett did not have an opportunity to discuss the provision. He did not even indicate that he was thinking of an amendment. At no time did he put an amendment on file during the Committee stage, which was the time to do it.

We have played this game very fairly from both sides. We have won a few, we have lost a few and have accepted it, and I ask members opposite to do exactly that. Why not accept the decision of the umpire, and accept that there are times when you must lose, in the same way members on this side accept that there are times when we lose? Members opposite cannot claim inexperience regarding this amendment, because there is no member more experienced in relation to when amendments should be made than the Hon. Mr. Burdett or the Hon. Mr. DeGaris. Members opposite should now adhere to what has already been carried in this Chamber: the circumstances are equally as valid now as they were a quarter of an hour ago. I oppose the amendment.

The Hon. R. C. DeGARIS: Standing Order 307 provides:

> On motion for the adoption of the report, the Bill, either in whole or in part, may, on motion, be recommitted.

The Hon. D. H. L. BANFIELD: Nobody has raised Standing Orders: as I understand it we are discussing the amendment. Nobody has argued that what we are doing now is illegal. It is not in good taste, but we are not arguing Standing Orders, we are arguing this amendment.

The Hon. R. C. DeGARIS: On the admission of the Minister, this procedure is quite correct.

The Hon. D. H. L. Banfield: I did not say it was not correct.

The CHAIRMAN: Members would not have had the opportunity to pursue the matter this far if I thought it was incorrect. We are dealing with the discussion on the proposed amendment, not the technicality.

The Hon. J. C. BURDETT: The Government wanted to cater for cases where a Minister may be temporarily absent or unable to undertake that function, and the affairs of State may be delayed because he could not sign certificates or documents. The only real objection I had was that, as the clause stands, it goes much beyond that. The Minister admitted that it would be possible for the Minister to delegate this power, not only temporarily but also for a long time, and it would be possible for him to frustrate the wishes of Parliament. The Government would like the Minister, during expected periods of temporary absence, to be able to delegate his power; that is what my amendment does.

The Hon. C. J. SUMNER: I should like to ask a question of the mover of the amendment.

The CHAIRMAN: It is not Question Time.

The Hon. C. J. SUMNER: Why did this amendment not occur to the Hon. Mr. Burdett when the matter was before the Committee, and why did he not move it then?

The Hon. J. C. BURDETT: It is not a matter of why I did not move it before. As you have ruled Mr. Chairman, it is in order to do it this way and that is what I am doing.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Burdett has added nothing to his initial remarks to convince Government members that the situation has changed.

The CHAIRMAN: Members have had a reasonable opportunity to study the amendment, which states:

> Page 1—Leave out all words in lines 24 and 25 and insert in lieu thereof:
>
> (1) A Minister may, in respect of a period during which he expects to be temporarily unable to exercise any of his powers or functions under any Act, by notice published in the *Gazette* delegate any of such powers or functions to any other

Minister.

The Committee divided on the amendment:

Ayes (8)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, K. T. Griffin, and C. M. Hill.

Noes (8)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, N. K. Foster, Anne Levy, and C. J. Sumner.

Pairs—Ayes—The Hons. M. B. Dawkins and D. H. Laidlaw. Noes—The Hons. C. W. Creedon and J. E. Dunford.

The CHAIRMAN: There are 8 Ayes and 8 Noes. I give my casting vote for the Noes. I point out that, because honourable members were not able to make a decision themselves, they have thrust the onus on me. I have always made the offer to both sides of the Chamber that I am prepared to discuss amendments with any member of any Party and, if they wish to amend a Bill, I should be pleased if they would let me know. Secondly, I do not believe that there is much difference between one Minister and another. In fact, the Minister appointed by the *Gazette* notice may be more suitable than the original Minister.

Amendment thus negatived.

Bill read a third time and passed.

ADJOURNMENT

At 6.11 p.m. the Council adjourned until Thursday 14 September 1978 at 2.15 p.m.