LEGISLATIVE COUNCIL

Wednesday 25 February 1981

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

MINISTERIAL STATEMENT: STATUTES AMENDMENT (VALUATION OF LAND) BILL

The Hon. C. M. HILL (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. C. M. HILL: The second reading explanation of the Statutes Amendment (Valuation of Land) Bill, given on 11 February, mentions that clause 16 makes consequential amendments to the Local Government Act relating to the use of the "site" and "capital" value for rating purposes and deletes the present "urban farm land" rating provisions because under the present Bill such land would be eligible for a concessional "notional" valuation.

The "urban farm land" rating provisions have not been deleted from the Local Government Act by this Bill but what has been provided is a new subsection in the "urban farm land" rating provisions to safeguard councils against double rural concession payment by preventing a person who obtains a concessional rural value for rating from also obtaining a further concession under the "urban farm land" rating provisions.

Clause 17 of the Bill provides for consequential amendments to the Local Government Act to include "capital" value as an additional basis on which local government rates may be levied and inserts a new provision to protect local government against any doubling up of rural rating concessions by ensuring that primary producing or urban farm land which is entitled to a concessional "notional" value cannot also obtain an urban farm land rating benefit.

Section 214b among its many provisions includes a subsection which states in respect of urban farm land that there shall be a remission of rates payable upon the land of an amount determined by the council being not less than one-half the amount of rates that would otherwise be payable. New subsection (11) of section 214b as inserted by this Bill provides that the provisions of section 214b do not apply in respect of ratable property where the assessment relating to that property has been made in accordance with section 22a of the Valuation of Land Act, that is, a concessional rural valuation. Urban farm land of course refers only to land within a municipality or a township which is wholly or mainly used for carrying on the business of primary production. This new subsection in section 214b is necessary to protect the revenue of local government. I regret that the error occurred in the second reading explanation on 11 February.

QUESTIONS

WINE GRAPE PAYMENTS

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about terms of payments for grapes.

Leave granted.

The Hon. B. A. CHATTERTON: Earlier this session, Parliament passed legislation which provided some effective penalties for wineries to ensure that they met the terms of payments for grapes. In that legislation was a provision that the Minister could in certain circumstances grant a classification exemption to a winery in regard to those payments if he believed that the winery could trade out of its financial difficulties by deferring payment. First, has the Minister granted any such exemptions under that legislation to any wineries in South Australia and, if so, how many? Secondly, what action has the Minister taken or instructed his department to take to ensure that the new legislation is in fact being obeyed? Thirdly, has the department undertaken any investigation of wineries, or is it merely depending on growers to make complaints to the department before taking action?

The Hon. J. C. BURDETT: The answer to the first part of the question is that I have not granted any exemptions. The answer to the second part is that the officers will administer the Act in the way that they always have. If complaints are made, certainly they will be investigated. I do not believe that officers are specifically making investigations for the purpose of discovering breaches of that part of the Act that has recently been passed. Of course, they do generally exercise a broad inspectorial and supervisory role.

HEAD LICE

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about head lice treatment.

Leave granted.

The Hon. J. A. CARNIE: In the *News* on 19 February a report from Melbourne stated:

> The Victorian Health Commission has banned the sale of a head lice treatment which has been blamed for 20 cases of severe eye damage in Australia. The Proprietary Medicines Advisory Committee recommended the ban after reports that A200 Pyrinate Liquid, one of the most widely used head lice treatments in Australia, had caused scarring and ulceration of the cornea and acute conjunctivitis.

Will the Minister advise whether this product is for sale in South Australia and whether any complaints have been received of eye damage resulting from the use of this product? Is it the intention of the Health Commission to investigate this report and, if necessary, ban the product from sale in South Australia?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring back a reply.

ELIZABETH SHOPPING CENTRE

The Hon. J. R. CORNWALL: Has the Minister of Local Government an answer to my question of 17 February about the Elizabeth Shopping Centre?

The Hon. C. M. HILL: In reply, I suggest to the honourable member that he will have to refer to the questions asked initially. The replies are as follows:

1. Fifteen.
2. Yes.
3. After evaluation of propositions following the receipt in June.
4. It is envisaged that when all matters are resolved, the trust and the successful tenderer will issue a public statement.
5. *(a)* Jones, Lang, Wootton; *(b)* Yes.
6. The prevailing rate of the semi-government borrowings.
7. Under current circumstances funds for the rental housing programme are drawn from a variety of sources, including:

(a) semi-governmental funds;

(b) long-term low-interest loans from Commonwealth;
(c) long-term low-interest loans from State;
(d) reinvestment of previous advances to trust from all sources; and
(e) rent assistance grants from Commonwealth.

SEX DISCRIMINATION

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about discrimination in his department.

Leave granted.

The Hon. ANNE LEVY: At the Women and Welfare Conference last week, a paper was presented giving results of some research done on the Department for Community Welfare itself. This was one of very many worthwhile papers presented at the conference and, seeing that the research was done in the South Australian Department for Community Welfare, it may well be that the Minister is acquainted with the results of this survey. However, I am sure that other members may not be acquainted with them.

The survey looked, first, at social workers in the department who had been there for periods between seven years and 10 years: in other words, people who were obviously making a career within the department and who had given considerable years of service. The survey showed that 71 per cent of the women social workers were still at the base grade, whereas only 44 per cent of the male social workers were at the base grade. In other words, of the women, only 29 per cent had been promoted during their lengthy period in the department but 56 per cent of the men had been promoted.

I refer also to the clerical officers in the department who had been there between seven and 10 years. The survey showed that 81 per cent of the women were still at the base grade, but that only 20 per cent of the men were at the base grade. In other words, only 19 per cent of the women had been promoted during that lengthy period of service but 80 per cent of the men had been promoted in that time. Furthermore, only 9 per cent of the women had been promoted to the clerical officer grade 3 (CO3) level, but 65 per cent of the men had been promoted to that level.

In view of these quite staggering figures, which illustrate with unambiguous clarity the discrimination against women that has occurred in departmental promotions in the past 10 years, will the Minister initiate and give the fullest possible support to measures designed to remove such discrimination and to redress some of the injustices of the past decade?

The Hon. J. C. BURDETT: I do not know whether the honourable member was present at the part of the conference where the departmental officer said that the Department for Community Welfare was the least discriminatory of any department or welfare agency.

The Hon. Anne Levy: Yes, and that is probably quite true.

The Hon. J. C. BURDETT: I do not necessarily accept that this is the result of discrimination.

The Hon. Anne Levy: Oh!

The Hon. J. C. BURDETT: I do not. I think that the honourable member was present when I opened the conference and when I expressed concern about the fact. I said that two-thirds of community welfare workers were women and that very few of them had reached senior positions. I expressed concern about that. I said that there were a lot of women welfare Indians and very few women chiefs. I also pointed out (and these things must be taken into account carefully) that one cannot change this by the stroke of a pen.

I pointed out that in order to obtain senior positions one had to be trained for those positions and that simply to put unsuitable people at the decision-making level when they had not had any training in decision-making would not rectify the situation. I said that I was very concerned, and I repeat that concern, as Minister of Community Welfare and also Minister of Consumer Affairs, within whose portfolio the Commissioner of Equal Opportunity operates. However, there are certain factors which must be taken into account and assessed.

As a rule, one tends to find rather more women than men—women who, being married, are quite happy to go on at the base grade. Those women have a family to look after, and the husband is also an income earner, and they are quite happy to continue on the base grade and do not want the extra responsibility. It is very difficult to assess these things. When I opened the conference I expressed my concern, which I now repeat, because I am concerned about the imbalance. There is only one woman, I think, on the executive at present, although until recently there were two. There may well be some area of discrimination involved in that situation, but it does not necessarily follow that that situation is the result of discrimination, because it can occur from all sorts of other things. I do not know whether this is an ideal situation but it is a fact that very often men are the sole or main income earners in the family and have the ambition, whereas quite often married women do not. These things must be carefully assessed. My department is looking very closely at the position and is trying to determine the reason for the imbalance to see whether and in what way it can be rectified.

The Hon. N. K. Foster: It is quite easy.

The Hon. J. C. BURDETT: It is not easy. The position would not be rectified by simply sacking men and putting women into their jobs.

The Hon. Anne Levy: I didn't suggest that.

The Hon. J. C. BURDETT: I have been asked a question, and I am answering it. In my view, one must ensure that the women are properly trained and are the best people for the job. When one is selecting a person for an executive decision-making position, one must ensure that the person selected is the best person for the job. At present, the Government is actively trying to make certain that women are given that training.

The Hon. J. R. CORNWALL: I desire to ask a supplementary question. I suspect that the Minister could have answered the previous question much more simply. Has the Minister or his department considered introducing any sort of affirmative action similar to the programme that has been introduced in the United States of America?

The Hon. J. C. BURDETT: The honourable member suggested that I could have answered the question more shortly, but he need not have asked his question at all, really, because I have already given the answer. I have stated what action is being taken. The Government is investigating every possible means of seeing that women receive the necessary training, where they want it, in order to take executive positions where they want to take them.

MOTOR VEHICLE INSURANCE

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Attorney-General, representing the Minister of Transport, a question about young drivers' insurance premiums.

Leave granted.

The Hon. N. K. FOSTER: I wish to preface my question by referring to youthful road traffic offenders who are discriminated against by insurance companies through various Acts of Parliament, including the Road Traffic Act.

The problem I raise involves people between the age of 16 years and 24 or 26 years. On the basis of a false premise, it is assumed that the younger the person the higher the incidence of accidents and, therefore, the higher the amount that either the person's parents or the person must pay for insurance. Will the Attorney request his colleague to ascertain from any or all departmental sources figures that show conclusively that persons in the 16 to 18 or 18½ years age group are less accident prone and that the percentage rate for them is less than the average for the community? If so, will the Minister then seek to amend the relevant legislation so as to remove discrimination against young drivers?

The Hon. K. T. GRIFFIN: I will refer the question to my colleague and bring back a reply.

AIRCRAFT SEATS

The Hon. BARBARA WIESE: Has the Minister of Community Welfare a reply to the question I asked on 6 November about non-smokers' seats in aircraft?

The Hon. J. C. BURDETT: My colleague the Minister of Health has written to Ansett and T.A.A. concerning the allocation of non-smokers' seats. The General Manager of T.A.A. has informed her that the present proportion of non-smokers' seats in their aircraft is 60 per cent. This was raised from 52 per cent and is being further reviewed at short intervals. These reviews comprise analysis of statistical surveys measuring trend changes in the proportion of smokers to non-smokers in the population. Each time the survey indicates a trend change, they increase the percentage of seats accordingly. They consider that they should not enter into the question of respective rights, but try to satisfy the rights of both. Further, the air replacement time within the aircraft has been adjusted so that there is a complete change of air every three minutes, thus ensuring fresh air for all passengers as often as possible.

As far as the siting of non-smoking seats in the aircraft is concerned, they have opted for one of two recognised configurations, in that economy class non-smokers' seats are placed on one side of the aircraft to a large extent so as not to discriminate against anybody. Incidentally, the other recognised configuration entails having non-smoking seats down one side and smoking down the other. Whichever configuration is chosen, the problem of avoiding smoke in such a confined space is still immense. The airline has tried to isolate the two groups as far as possible. Both numbers and siting of non-smoking seats propose despatch problems.

Ansett Airlines also have this matter under constant review and have advised that within South Australia they operate F27 Friendship aircraft on all regional services and, of the full complement of 44 seats, they specify a total of 24 seats (6 rows) for non-smokers. The non-smoking sections within the aircraft are located in rows 1 to 3 and rows 9 to 11, the division being unavoidable in having regard to the distribution of the passenger load throughout the aircraft within the "weight and balance" scale. Recent observations of the adequacy of the current number of non-smoking seats indicate that the present allocation is more than sufficient. However, the matter is one that they will continue to review from time to time to satisfy the needs of non-smoking passengers.

SCHOOL ASSISTANTS

The Hon. J. E. DUNFORD: Yesterday I received a letter from a constituent who is a school assistant.

The PRESIDENT: Do you wish leave to explain?

The Hon. J. E. DUNFORD: Yes, I seek leave to make a short statement prior to asking a question of the Minister of Local Government, representing the Minister of Education.

Leave granted.

The Hon. J. E. DUNFORD: I have received a letter that amazes me. It may not be the fault of the Minister or the Government, but the letter highlights the trend amongst people controlled by the Government to upset other people who have to work for a living and, in some cases, to intimidate them. The first letter to which I refer is brief and deals with a memorandum to school principals signed by the Director-General of Education, whose signature I cannot read. The covering letter states:

> Dear Jim,
>
> Attached is a copy of the letter forwarded to the schools re the possibility of strike action by school assistants who are members of the P.S.A. I would like to know why the Regional Director has to be notified of any school assistants in his area intending to strike. Also, why does he point out that intending strikers will be in breach of section 147 of the South Australian Industrial Conciliation and Arbitration Act making all strikes by such persons illegal?

The letter is then signed. The memorandum, which I believe is bad, states:

> In the *Advertiser* of 18 February 1981 reference is made to the possibility of strike action being taken by school assistants on Tuesday 24 February. Any of your school assistants who decide to take strike action must be informed that they will be in breach of section 147.

I emphasise the words "they will be in breach". It should be "they may be in breach": not necessarily would they be in breach of section 147 of the South Australian Industrial and Conciliation Arbitration Act, which, according to the memorandum, makes "all strikes by such persons illegal". The memorandum continues:

> They should also be informed that they will not be paid for absences on strike—

That is fair enough, and I am not worried about that. The memorandum further continues:

> You should advise your Regional Director immediately if a decision is taken by any of your school assistants to strike. Immediately after the event you should prepare a schedule of the persons concerned and forward it without delay to the Chief Pay-roll Officer, Education Department, so that deductions from pay may be made . . .

I am not worried about that, but the last paragraph of the memorandum states:

> Whilst this advice refers to school assistants, the reference in the *Advertiser* suggests that members of other unions—the Institute of Teachers, the South Australian Government Workers Association and the Printing and Kindred Industries Union—will be asked to support the industrial action. The same comment applies to these employees as to school assistants.

I have used section 147 successfully as a union secretary on many occasions. I know what it is about, and I know the attitude of members opposite, not necessarily the Minister. The Minister of Education may not accept my word or interpretation of this provision, so I have obtained a copy of section 147, which provides:

> The following strikes and no others shall be illegal strikes—
>
> *(a)* any strike by the employees of a prescribed employer;

(b) any strike by any other employees in a project, establishment or undertaking unless the association or associations representing the majority of those employees in respect of whom the strike takes place have observed the following conditions, that is to say—

(i) the executive of the association or, as the case may be, the executives of the associations have given notice in writing to the Minister of the intention of the association or associations to commence the strike;

(ii) the strike did not commence until after the expiration of fourteen days from the day on which the notice was given to the Minister;

and

(iii) the notice given to the Minister was in or to the effect of the prescribed form and contained the prescribed particulars;

I point out that no strike under section 147 is illegal if the association representing the striker carries out its duties under section 147. The memorandum of the Director-General immediately assumes that the association has not carried out its duties and says that any strike that takes place will be in breach of section 147. Will the Minister, as a matter of urgency, and for the sake of industrial harmony, ask the Minister of Education to instruct the Director-General of Education to rewrite the memorandum of 18 February 1981 to school principals outlining clearly and precisely the provisions of section 147 of the South Australian Industrial Conciliation and Arbitration Act?

The Hon. C. M. HILL: I will not instruct—

The Hon. J. E. DUNFORD: On a point of order, I did not ask the Minister to instruct anyone. I asked whether the Minister would ask the Minister of Education to instruct the Director-General of Education.

The Hon. C. M. HILL: I apologise to the honourable member, as I misconstrued his question. I will refer the question to my colleague, and a reply will be forthcoming.

MILK BOTTLES

The Hon. C. W. CREEDON: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about bottled and carton milk.

Leave granted.

The Hon. C. W. CREEDON: For some time there have been rumours about the milk bottle being retired in favour of the more modern carton packaging. I have heard it claimed that the bottle is costly to clean but, even so, bottled milk sells more cheaply than carton milk. A couple of weeks ago the sole milk bottling company in Hobart announced that its bottle-washing plant had broken down. It claimed that it was not worth repairing and that it would take some time to replace it and, as bottle-washing was not economic, in future milk would be sold only in cartons. Of course, cartons will be more expensive to buy, whereas the milk bottle is returnable and the milk carton is not.

Consequently, the community is saddled with the responsibility of disposing of a not easily disposable product. One might say that it was a very convenient for the bottling plant to break down at a time when cartons were available to continue milk deliveries without a hitch. What worries me is that the same method could be adopted in South Australia and foisted on the public before people were aware of what was happening and before they were given a chance to express an opinion about the situation. Cartons are certainly used in supermarkets and such places, but the bulk of home delivered milk is in milk bottles. Is the Minister aware of any movement in South Australia to replace milk bottles with cartons? If or when there is a movement in that direction, will the Minister make sure that the public is fully informed well in advance of the advocated date of change?

The Hon. J. C. BURDETT: I will refer the honourable's member's question to my colleague in another place and bring back a reply.

FORESTRY COMMISSION

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about a Forestry Commission.

Leave granted.

The Hon. B. A. CHATTERTON: Some time last year, I cannot recall exactly when, the Minister of Forests indicated that he was planning the conversion of the Woods and Forests Department to a Forestry Commission. Of course, this is a major undertaking. It involves the sort of change that took place when the Public Health Department was changed to the Health Commission. It is something that requires much planning and a considerable amount of discussion with the people involved.

So, it was a surprise to find, when discussing the matter with people within the Woods and Forests Department, that they were not aware of the changes being planned in their own department or of possible changes to their future careers. I checked the matter out further and found that there have not been any consultations with either the Public Service Association or the Australian Timber Workers Union, which would be the organisation that represents most of the employees within the Woods and Forests Department. Will the Minister consult with the employees of the Woods and Forests Department about changes that might be made through the organisation of that department into a Forestry Commission?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring back a reply.

I.M.V.S.

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question on I.M.V.S.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday the Minister tabled the report of the committee of inquiry into the I.M.V.S. I have not had time to study it in great detail but I have skimmed through it. I have also read the summary provided in this morning's *Advertiser* by Barry Hailstone. It would seem on the face of it that in most respects it is a very good report. Certainly it justifies the matters raised consistently by the member for Napier and me, with a little help from the member for Mitcham, over a period of three to four months. Problems certainly exist at the I.M.V.S.

I believe that the report goes a fair way towards suggesting ways in which a lot of those problems can be

ironed out. However, I was alarmed to read Barry Hailstone's interpretation of the recommendations concerning pathology services currently provided to private practitioners. There is a suggestion which, I believe, gives the Minister and the Government some sort of leg in the door to abolish private pathology services altogether. That would be a terrible and retrograde step.

The Hon. R. J. Ritson interjecting:

The Hon. J. R. CORNWALL: It would certainly be in line with the Liberal Government's philosophy. However, I point out that the institute was providing these services many years before Medibank 1, 2 and the subsequent arrangements since 1973 which changed private pathologists into millionaires in a very short time.

The institute has provided a service over many years and it seems to be a retrograde step to even consider getting it to abdicate that field, particularly in view of the fact that over recent years there has been a great amount of capital expenditure on equipment (and it is sophisticated equipment) at the institute. Will the Minister give an undertaking that in any restructuring of the I.M.V.S. the clinical pathology services to private practitioners will be retained and streamlined to match the services currently delivered by private pathologists? Will the Minister also take all necessary steps to ensure that the services are delivered at maximum efficiency to ensure that the institute can compete effectively with private pathologists?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring back a reply.

BOOK SALES

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question of 17 February on book sales?

The Hon. C. M. HILL: Booksellers were not offered terms different to those offered to the public. All books were offered at 20c, but, in cases where booksellers or the general public purchased more than 300 copies, a discount was available depending on the number purchased. Only in one case did a bookseller purchase more than 300 and he was allowed to purchase the books at 15c each. It should be noted that the 20c sale price was decided after a market assessment of other book prices in the second-hand field. Most second-hand booksellers purchase their stock at 5c or 10c per unit for resale. However the board was not prepared to offer that price before the sale to the public.

The booksellers were offered the opportunity of purchasing books that remained after the public sale and two or three sellers did take advantage of that opportunity. In these cases cheaper prices were negotiated with the booksellers if they were prepared to buy large quantities. The Libraries Board expects to hold the next sale in April, and the public will be given more time to purchase. Second-hand booksellers will not be invited to preview or pre-purchase stock.

RAILWAY STATION PIE CART

The Hon. L. H. DAVIS: Has the Minister of Local Government an answer to my question of 10 February on the railway station pie cart?

The Hon. C. M. HILL: I have been advised that the decision to re-site the railway station pie cart after 11.30 at night to a position on King William Street adjacent to Parliament House and opposite Government House was taken by the Adelaide City Council after considerable discussion.

The council had received complaints about noise and behaviour around the pie cart in the early hours of the morning and believed that it was important that the pie cart be sited as far away as possible from high density residential accommodation. A first suggestion was to position it at the Victor Richardson Drive near the Adelaide Oval but council believed this to be unreasonable. The present position is based on the argument that the pie cart can profit from the railway station trade until the last train around 11.30 p.m. and then move around the corner for the remainder of its trade until 6 a.m. the following day.

The Hon. FRANK BLEVINS: By way of a supplementary question, has the Governor been consulted about these new arrangements?

The Hon. C. M. HILL: I cannot say whether the Adelaide City Council, as an autonomous local government body, has made contact with the Presiding Officers or the Joint House Committee of this Parliament.

The Hon. Frank Blevins: I asked about the Governor.

The Hon. C. M. HILL: I thought the honourable member said "the Government". I cannot answer the question.

The Hon. L. H. DAVIS: As a further supplementary question, will the Minister advise Parliament as to whether the removal of the pie cart from the railway station at 11.30 p.m. to the western side of King William Street adjacent to Parliament House is for a trial period or an indefinite period?

The Hon. C. M. HILL: As I have not been advised that it is for a trial period, I can only assume that it is on an indefinite basis.

The Hon. N. K. FOSTER: As a further supplementary question, I am confused about the Minister's reply when he refers to the western side of King William Street adjacent to Parliament House.

The Hon. Anne Levy: Under my window.

The Hon. N. K. FOSTER: That is King William Road. If that is the case, it is a bus stop, amongst other things. I can remember in the war years that that area was used by the armed forces for other pursuits.

The PRESIDENT: Order! Does the honourable member have a question to ask?

The Hon. N. K. FOSTER: I thought that you might remind me of that, Sir. I will not pursue that line any further. If this is the case, will the Minister again take up the matter with the Adelaide City Council so that it can give Parliament more information regarding the location? There is a hell of a lot of difference between King William Street, to which the Minister has referred, and King William Road.

The Hon. C. M. HILL: I do not really think that Parliament ought at this stage to question the ability of the Adelaide City Council to find a suitable site.

The Hon. N. K. Foster: I said that it should be identified. They say King William Street, but, from the way in which you replied to my question, it obviously is not.

The Hon. C. M. HILL: The honourable member asked whether the proposed site would be in conflict with a bus stop or bus stops. I think that we can trust the Adelaide City Council.

The Hon. N. K. Foster: I wouldn't trust them as far as I could kick them.

The PRESIDENT: Order! The Hon. Mr. Foster has asked a question and he should allow the Minister to reply thereto.

The Hon. C. M. HILL: I do not think that it is of

sufficient importance to mark out the exact position of the pie cart along the stretch of road adjacent to Parliament House so that the honourable member can inspect it. I must admit that I have some reservations about the Adelaide City Council's general decision, but I think that this Council ought certainly to accept the decision of the City Council, which would have given the matter much consideration.

I point out also that it appeared to me when I read the reply from the Adelaide City Council that possibly its decision will mean that the pie cart may after 11.30 p.m. enjoy much more business in the new position than it did on the previous site, as a considerable number of functions held at the Adelaide Festival Centre come out at about or after 11.30 p.m. I think that many of the patrons of that centre may enjoy a pie floater, whereas at present many of them would not even know where the pie cart is.

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking you, Sir, a question on the same subject.

Leave granted.

The Hon. M. B. CAMERON: I share the Minister's somewhat lightly expressed reluctance about the siting of the pie cart, because I, along with the Minister and the Hon. Ms Levy, have an office on that side of Parliament House. I should like to know whether the subject of the siting of the pie cart was discussed with you, Sir, as Presiding Officer before this decision was taken. As honourable members know, we sometimes work late at night in this place, and I have no desire, along with others who have been complaining, to have the pie cart outside my window. I think that the Hon. Mr. Foster was correct in asking where the site was. Before we begin to question the decision of the Adelaide City Council, honourable members should know the new location for the pie cart.

The PRESIDENT: The information came from the owner of the pie cart, who is strongly resisting such a move. I have written to the Adelaide City Council asking for its reasons for such a move. I thought it would be as well to know whether the council was justified in its plans, and I am awaiting a reply.

WOOD CHIPS

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare, representing the Minister of Forests, a reply to the question I asked on 11 February regarding wood chips?

The Hon. J. C. BURDETT: The Minister of Forests reports that there was no pressure from any source to reduce the 330 000 cubic metres per annum which was applicable to a 10-year export wood chip proposal. When Punalur sought in February to establish a TMP in the South-East by purchase of the South Australian Timber Corporation's equity in Punwood Proprietary Limited, it was recognised that building such a plant for 10 years with no future beyond that was probably not a feasible proposition. It was therefore suggested that 250 000 cubic metres for 15 years was a sounder basis. This is actually a greater quantity of wood in total but allows more development time. It is true that some of the private and Victorian Forests Commission wood input to the chip export project had become uncertain.

STATE TIE

The Hon. ANNE LEVY: Has the Attorney-General a reply to the question I asked on 6 November 1980 about a State tie?

The Hon. K. T. GRIFFIN: The Government has dispensed with the idea of producing scarves for women in lieu of State ties for men. Teaspoons with the State badge have been ordered and they may be given to women on appropriate occasions.

WATER QUALITY

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Minister of Local Government, representing the Minister of Water Resources, a question regarding the amoebic meningitis outbreak in the North of the State.

Leave granted.

The Hon. N. K. FOSTER: Some time ago I raised the question of threshold levels in the water supply not only in the metropolitan area but also in other areas, and suggested that the Minister might make available to honourable members a map showing the whole water main network in this State. If honourable members look at the water supply arteries, extending to Port Lincoln and the South-East and to the rest of the areas between those points, they will realise the significance of our absolute dependence on Murray River water.

Honourable members will recall the persistent questions which I have asked in the past and which have met with stupid replies from the Government, particularly at the Ministerial level. However, I have received recognition by some people who have been involved in the area of investigation relating to this matter and who have telephoned me. They have told me that ultimately South Australia's only hope of getting water quantity and quality rests with the scheme that I outlined regarding the turning of certain rivers in the central and northern New South Wales areas, which is absolutely essential, particularly since the inception of vastly increased irrigation areas involving not only stone fruit crops but also the dairy industry.

The water is also being used for growing certain grains in the Menindie Lakes region, as depicted on the A.B.C. *Country Hour* programme last week. These companies are being backed by American sources, including American legal companies, resulting in many older residents in these areas being denied water for their irrigation settlements. There has been press speculation regarding the matter. Can the Minister say whether the Government is going to pursue this line of thought, or whether it has put it in the too-hard basket?

In view of the fact that the Dartmouth dam has taken so long to complete and also that the flow from that dam will not improve either the water quantity or its quality in South Australia (as was first envisaged), because of the draw-off of water from the Murray River before it reaches South Australia, will the Minister give further consideration to a complete re-appraisal of the Chowilla dam site and its value to the State of South Australia? Further, will the Minister supply a complete report on the testing undertaken in relation to the salinity of the proposed Chowilla dam site undertaken by the Snowy Mountains hydro-electric scheme in New South Wales, which was regarded with great suspicion by overseas computer companies? Can that report be made available to the State so that its value, for obvious reasons, can be more correctly assessed and compared to previous evaluations?

The Hon. C. M. HILL: I take strong objection and reject the honourable member's explanation in which he stated that he received stupid replies at Ministerial level to his questions asked in this Council on the Murray River question. The replies that have been supplied by the

Minister of Water Resources, who is an extremely responsible and dedicated Minister with an intimate knowledge of this whole question, have been factual and to the point.

The Hon. J. R. Cornwall: For example, like the one answered—

The Hon. C. M. HILL: For example, like the reply that I gave only about a week ago concerning the Minister and the interstate conference that he was about to attend. Having said that, I will refer the honourable member's question to the Minister of Water Resources and bring down a reply.

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Water Resources, a question about the water supply in the North of this State.

Leave granted.

The Hon. N. K. FOSTER: I believe that one of the very great problems, apart from the threshold level of chlorine, that may have some effect on certain bacteria that infest the northern water supply is the incidence of long hot spells, which encourage the breeding of these particular wogs. The bacteria thrive in water heated to between 31 and 33 degrees. In view of the fact that water filtration in the suburban area has no effect at all on water temperature levels, will the Minister investigate a method to lower the temperature of the water supplied by the Engineering and Water Supply Department to a level where the particular bacteria cannot breed, grow or develop to the extent that they are a threat to human life? In other words, is there a system whereby water temperature can be decreased when water reaches a particular designated point in populated areas to ensure that the temperature does not rise above a certain level to the extent that was alleged during the summer months, and without the use of chemicals?

The Hon. C. M. HILL: I will refer that matter to my colleague and bring down a reply.

REPLY TO QUESTION

The Hon. J. R. CORNWALL (on notice) asked the Attorney-General: When does the Minister intend answering the questions concerning small government and the cost of consultants asked on 21 October 1980?

The Hon. K. T. GRIFFIN: I have been informed that the answer to the honourable member's question of 21 October 1980 is expected to be ready next week.

CONSTITUTION ACT AMENDMENT BILL

The Hon. K. L. MILNE obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1980. Read a first time.

The Hon. K. L. MILNE: I move:

That this Bill be now read a second time.

Honourable members will recall that after a referendum regarding the filling of casual vacancies in the Senate, the Federal Government introduced in 1977 two additions to clause 15 of the Commonwealth Constitution Act. These new paragraphs set out clearly what had up to that time been a convention or gentleman's agreement—an agreement, incidentally, which was broken by the Queensland Government in replacing Senator Gair.

The Hon. Anne Levy: Also the Lewis Government in New South Wales.

The Hon. K. L. MILNE: Yes, also the Lewis Government in New South Wales. It occurred to me that, although there is a convention, it might be an appropriate time to try to formalise what that convention really is, while the Electoral Act is under discussion.

In my view, it would be in the interests of all Parties to do so, particularly with the state of this Council at the present time and presumably for the next two years or so and possibly for the next five years. If a member dies, resigns or leaves the Council for some other reason, whether that member belongs to the Liberal Party, the Labor Party, or the Australian Democrats, any two of the Parties could band together to defeat the convention. This could happen even in a joint sitting of both Houses, because there would be one member less on one side, and the temptation to do it, especially under provocation, would be almost irresistible.

The Hon. Frank Blevins: We would resist it.

The Hon. K. L. MILNE: I realise that.

The Hon. Frank Blevins: Are you not feeling well?

The Hon. K. L. MILNE: You will be unhappy to know that I have never felt better. For the information of members, I have circulated extracts from both the Commonwealth and State Constitution Act dealing with this matter, and I seek leave to have them inserted in *Hansard* without my reading them.

Leave granted.

COMMONWEALTH

15. If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or if there is only one House of that Parliament, that House, shall choose a person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

Where a vacancy has at any time occurred in the place of a senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognised by a particular political party as being an endorsed candidate of the party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Where—

(a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and

(b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist),

he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Constitution.

The name of any Senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General. . . .

STATE

13. (1) Subject to the provisions contained in this Act as to the dissolution of the Legislative Council, every member of the Council, except a member chosen to fill a

casual vacancy, shall occupy his seat for the term of six years at least, calculated as from the first day of March of the year in which he was last elected, and for such further period as is provided for in the next succeeding section: Provided that if the seat of any member of the Council becomes vacant by death, resignation or otherwise before the expiration of his term of service, an assembly of persons provided for in subsection (2) of this section shall, in accordance with that subsection, choose a person to occupy the seat so vacated and the person so chosen shall hold office only for the unexpired term of the member whose seat has been vacated and shall for the purposes of retirement be deemed to have been elected at the time when the last mentioned member was elected or was deemed to have been elected.

(2) The Governor may by proclamation—

(a) fix a time and place at which persons who are members of either House of Parliament may assemble;

(b) appoint a person who is a member of either House of Parliament to preside over the assembly;

(c) appoint a person to be clerk to the assembly; and

(d) subject to this section, give such other directions as to the procedure to be followed at the assembly and the method by which the decision of the assembly shall be evidenced as to him seems necessary or desirable,

and the person to be chosen to occupy the seat of the member of the Council that became vacant shall be decided by the majority of the votes of the persons so assembled exclusive of the person appointed to preside over the assembly who shall, in the event of an equality of votes, be allowed a casting vote.

The Hon. K. L. MILNE: From those extracts you will notice that the first paragraph of section 15 of the Commonwealth Constitution Act and section 13 of the State Constitution Act are similar in effect, but the Commonwealth Constitution Act actually sets out what the convention is meant to be, and it was inserted in the Act as a result of the referendum to which I referred earlier. This formalisation is missing in the State Constitution Act and I seek to have inserted the clause which has been circulated in the draft Bill, which I now commend to members. I hope members will allow it to float beyond the blue line.

The Hon. R. J. RITSON secured the adjournment of the debate.

LEAD-FREE PETROL

Adjourned debate on the motion of the Hon. J. R. Cornwall:

That in the opinion of this Council the Government should immediately begin to plan for the introduction of lead-free petrol, particularly in view of the fact that technology is now available to do this without fuel penalties. The Council urges the Government to support the stand taken by the New South Wales Government at future meetings of the Australian Transport Advisory Council and the Australian Environment Council,

which the Hon. R. J. Ritson had moved to amend by leaving out all words after "plan" and inserting the following:

further scientific evaluation of the options available for the early reduction of environmental lead hazards including the relative merits of a reduction in lead content of petrol compared with the relative merits of a policy of prohibition of leaded petrol. It is the opinion of this Council that Government policy in regard to leaded petrol should be scientifically based and nationally uniform and enunciated at the earliest practical opportunity.

(Continued from 18 February. Page 2919.)

The Hon. J. C. BURDETT (Minister of Community Welfare): I support the amendment to the motion and, if that amendment is carried, I will support the motion as amended. Certainly, this is a very serious matter, as both the mover and the Hon. Dr. Ritson have made very clear in their speeches.

The Australian Transport Advisory Council at its 59th meeting, in Melbourne, on 20 February resolved that:

(i) Australia adopt a nationally uniform policy requiring new vehicles manufactured after 1 January 1986 to be designed to operate on unleaded petrol and to meet the equivalent of United States 1975 emission standards.

(ii) Measures be introduced on a national basis to require the availability of 91.5 octane unleaded petrol at a significant number of fuel retail petrol outlets from 1 July 1985.

(iii) Governments develop a national policy to achieve an early progressive reduction of the lead content in petrol used during the period prior to 1986.

ATAC further stated:

ATAC notes that the Commonwealth, the Territories and most States have adopted 1 January 1986 as the operating date referred to in (i) above. ATAC notes that the New South Wales Cabinet has adopted 1 January 1985 as the introduction date and that the New South Wales Minister for Transport has undertaken to inform the New South Wales Government of the ATAC resolution.

ATAC also notes that, while Western Australia has reservations on the need and cost of (i) and (ii), the Western Australian Minister will put the resolution before his Government, mindful of the benefits of a nationally uniform approach.

ATAC further notes that New South Wales, Victoria and South Australia believe that Governments should act to ensure that the price of unleaded petrol is no greater than the price of leaded petrol.

The reason why I support the amendment is that I think it is very flexible. Consistently with the motion in its amended form, it would be that the ATAC resolution goes forward and the matter be tackled nationally on that basis. That is comprehended by the amendment but it seems to me also that the amendment is wide enough to include that particular actions may have to be taken in particular circumstances, and I think these are, in effect, urged by the amendment.

I think all of us are appalled by the news of the levels of lead at Thebarton. That is certainly very disturbing. In the meantime, before unleaded petrol can be the order of the day, I understand that engineering actions can be taken, and I believe that my colleague the Minister of Transport is investigating them. I understand, for example, that the matter of whether the traffic lights can be rephased in that area so that the idling times at that point are reduced and the emission of petrol fumes and lead would be less has been considered.

I also understand that it is feasible to consider the possibility of putting a screen around the school. For the reasons that the motion as amended would be flexible and that it is certainly consistent with action at a national level on a basis that was fairly uniformly adopted by ATAC, I support the amendment. It also seems to me that the

amendment is quite consistent with and comprehends taking particular action that need not be restricted simply to using unleaded petrol in problem areas where they arise. The topical one at present is the one that I have mentioned at Thebarton.

The Hon. J. R. CORNWALL: I must say that I am absolutely furious about what has happened on the other side of this Chamber. I am furious primarily with myself, because I have been conned by one of the greatest mugs who ever came into this Parliament. In the circumstances, I feel free to break a confidence about a discussion that I had with the Hon. Dr. Ritson before Christmas. At that time he indicated to me that he felt and the Minister felt (indeed, the Minister indicated it just before we adjourned for the Christmas adjournment) that there was considerable merit in the motion that I had moved, but I was asked specifically would I treat it on a non-Party-political basis. I agreed. That was the firm arrangement I made with the Hon. Dr. Ritson and the Minister of Environment.

The Hon. C. J. Sumner: What did they mean by that?

The Hon. J. R. CORNWALL: They meant, as I understood, that we should get together, that the question of lead in petrol was far too important a matter to be made a political point-scoring matter in this Chamber, and I agreed without reservation.

The Hon. Frank Blevins: You were naive.

The Hon. J. R. CORNWALL: As the Hon. Mr. Blevins says, I was very naive to believe that they would go along those lines, but I agreed at that time because I thought that the health, safety and welfare of the children of this State were above Party considerations or Party-political point scoring. The Hon. Dr. Ritson knows that that arrangement was made. There was a firm undertaking given on both sides. Last Wednesday I knew, as members on the other side knew, that ATAC was going to take a decision and go lead free.

I was delighted, and it seemed to me that that was all the more reason for passing the original motion in the spirit in which it was moved and in the spirit that I had adopted in negotiating with members on the other side. One can imagine that I was outraged and shocked when the Hon. Dr. Ritson, after canvassing the merits of my original motion for 90 per cent of his speech, moved his amendment. I refer to the 90 per cent of that speech: it was well researched, excellently researched, in fact, and put forward a great deal of scientific evidence which strongly and absolutely supported the sorts of things that I had said when I originally moved the motion. However, right at the end of that contribution the Hon. Dr. Ritson undid all the good work that he had done, and took away all the goodwill that had been created, by introducing this ridiculous amendment.

The Hon. Frank Blevins: Was he sat on?

The Hon. J. R. CORNWALL: He was clearly sat on, and there is no question about that. The Liberals wanted to play Party politics instead of being involved in an all-Party resolution coming from this Council urging the Minister, who was going to the ATAC meeting two days later, to support the stand and recommendations that would be made. Instead, members opposite turned it around into a cheap Party-political exercise.

The Hon. J. C. Burdett interjecting:

The Hon. J. R. CORNWALL: Perhaps the Minister did not, but the Hon. Dr. Ritson and his colleagues got on to this cheap conspiracy to introduce petty Party-political aspects, and they should be ashamed. They have acted despicably and have put the health, safety and welfare of the children of South Australia below their cheap little considerations in what can be seen as some sort of tactical political game. The Minister should be ashamed of himself and the Hon. Dr. Ritson should be ashamed of himself and, if the Minister of Environment has conspired in this game, he, too, should be ashamed.

What did the Minister say about this matter? He said that he supported the amendment and would vote for it. The Minister had a prepared document that doubtless came from the Environment Department. He said that this matter was entirely consistent with what had been done at ATAC and the decisions that had been taken by ATAC, and that this was the manner in which the Government intended to proceed. That is clearly false, because the amendment specifically refers to the relative merits of a reduction in lead content in petrol compared with the merits of a policy of prohibition of leaded petrol. The resolution that was adopted by ATAC did not talk about relative merits. It talked about going to unleaded petrol throughout this nation by a specific date.

The Hon. J. C. Burdett: I agree.

The Hon. J. R. CORNWALL: The Minister agrees, but when he rises to speak he will say that he will support the amendment, which refers to the relative merits of leaded petrol *vis-a-vis* unleaded petrol. He cannot have it both ways. If the Minister has any logical thought processes at all, he must realise that ATAC has said lead-free petrol. It did not talk about reductions, gradual reductions or overnight reductions, or even reductions by a certain date—it talked about unleaded petrol being available on a specific date. In those circumstances this amendment has no merit at all. As I have said, it is a cheap Party-political ploy. I abhor the actions taken by the Hon. Dr. Ritson and the Minister, and in these circumstances I urge members to oppose the amendment and to support the original motion.

The Council divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson (teller).

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, C. J. Sumner, and Barbara Wiese.

Majority of 1 for the Ayes.

Amendment thus carried; motion as amended carried.

PERSONAL EXPLANATION: LEAD-FREE PETROL

The Hon. R. J. RITSON: I seek leave to make a personal explanation.

Leave granted.

The Hon. R. J. RITSON: I wish to explain some matters that the Hon. Dr. Cornwall raised in his reply which cast a certain amount of doubt on my character and which I believe misrepresent me. The Hon. Dr. Cornwall stated that I approached him on the matter. That is not true. The Hon. Dr. Cornwall, after introducing the motion, said to me, "You are a doctor, I hope you can give me some support." I said that I would examine the matter. I gave it some thought and said that I would give him substantial support but that, if the matter became a matter of strong criticism of the Government, I would have certain loyalties to the Government. I thought that the whole debate was conducted objectively and scientifically, and I thought that I gave his argument substantial support.

The idea of what I thought was improving the motion by bringing in matters of lead reduction and lead abolition

was my own idea. There was no conspiracy. The only contact I had with the Minister on this matter was when I approached the Minister of Environment and told him that the matter was before the Council (I did not ask him what to do) and informed him that in my view the matter was most serious and that I would have to say something in the Council which gave credence to the Labor Party's position on the matter. In fact, it was he who made much of the scientific information available to me.

The Hon. J. R. Cornwall: It was the Council's position, not the Labor Party's. What are you talking about?

The PRESIDENT: Order! The personal explanation cannot be debated.

The Hon. R. J. RITSON: It was stated that I entered into a conspiracy and that I was sat on by Ministers. I was not. I informed the Minister of Environment that the truth of the matter was that I would have to give substantial support to the views expressed by Dr. Cornwall.

The Hon. J. R. Cornwall: And then vote against the motion.

The Hon. R. J. RITSON: I thought that I improved the motion. I thought that everything in my speech substantially supported the honourable member's argument.

The Hon. J. R. Cornwall interjecting:

The Hon. R. J. RITSON: I am not thinking in terms of Parliamentary tactics. When I saw in the *News*, either one or two days before the ATAC conference that our Minister of Transport was uncertain as to which approach to take, that was my honestly held opinion. I had not at that stage received any official information from the Government. I had drafted my speech and had formed the opinion that I would move to amend the motion. Dr. Cornwall himself observed, when asking by way of interjection, "Don't your Ministers tell you anything?" that what I was saying was a little at odds with what he then knew, but which I did not realise, would be the ATAC position. I was told shortly before I delivered my speech that our Minister would be taking that position. There was no conspiracy, and I had no conversation with the Minister of Transport before making my speech. I resent implications that somehow I sat down with Ministers and conspired to amend the motion.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That Standing Order 314 be suspended to enable the Bill to be read a third time without the Chairman certifying the fair print of the Bill.

Motion carried.

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

That this Bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ADMINISTRATION OF COURTS AND TRIBUNALS) BILL

The PRESIDENT: I certify that this fair print is in accordance with the Bill as agreed to in Committee and reported without amendment.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a third time.

Bill read a third time and passed.

URBAN LAND TRUST BILL

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It deals with the South Australian Land Commission. It provides for the repeal of the Land Commission Act, 1973-1977, and for the continuation of that corporation, with revised powers and functions, under the new name of the South Australian Urban Land Trust.

One of the election policies of this Government was that the operations of the Land Commission should be reviewed. We were concerned at the scale of the commission's land holdings and operations and the resulting adverse impact on private investment. We were concerned at the difficult financial situation faced by the commission as a result of a continually increasing debt interest burden.

It will be helpful if I trace the history of this situation. When the commission was established in 1973, its function was to be primarily that of a land banker. It was clear from the documents surrounding the establishment of the commission that its principal function was to be the assembly, holding and management of large parcels for development by private enterprise. In this regard the then Premier (Hon. D. A. Dunstan) made several statements. On 16 May 1973, he said:

> A Land Commission designed to control the price of building blocks would be established . . . The Land Commission would act as a land bank.

In a signed, full-page advertisement in the *Advertiser* of 10 October 1973, the then Premier stated:

> The Land Commission will buy or acquire broadacres and release it as demand requires to help keep land prices down . . . In most cases the commission's land will be privately developed . . .

However, the facts are that the previous Government never observed this main thrust of the commission's charter. If it had, a changed role for the commission would not now be needed. Following the establishment of the commission, the former Government undertook an unprecedented programme of allotment construction, in which the Land Commission became the major and dominant land developer in Adelaide. Its peak annual production reached some 3 000 allotments.

In 1977, large numbers of Government allotments were adding to those being placed on the market by the private sector. At the same time, metropolitan market demand began to contract sharply. In a few short years, a supply situation had been produced in which the opportunities for the private sector to invest and market had been virtually wiped out. Not only did the previous Government operate as the major developer contrary to its charter but also it failed to discharge its major obligation to act as a land banker. Notwithstanding ownership of some 4 000 hectares costing some $50 000 000, the Government did not sell broadacres for private sector development. These serious departures from the legislative charter were not the sole problem, however. An equally critical problem was that of the method adopted by the previous Government to finance the commission.

The commission was entirely funded by debt finance. In the period 1973-74 to 1977-78, the State Government borrowed $52 700 000 from the Commonwealth. The

conditions attached to these loans were that interest would accrue at the long-term bond rate; repayments for the first 10 years from the date of each loan would be deferred; and interest would be capitalised on the combined liability of principal and accrued interest. Accumulated interest on these loans presently stands at $28 100 000. In addition, as at 30 June this year, loan liabilities to the State and sundry lending institutions were $5 700 000 and $8 400 000, respectively. The aggregate debt including interest as at 30 June was $94 900 000. The net interest burden for 1979-80 was a substantial $6 800 000. It is this continuing annual interest burden, which will rise still further in future years, that is the commission's principal financial problem.

Given the capitalisation of the annual interest burden against land asset accounts, the commission faced annual writedowns in asset value, unless the value of its land assets appreciated to the extent of capitalisation. And this is exactly what has happened. The commission has an investment in land assets having a book value of $75 000 000. But these assets have now been valued at only $65 000 000. Asset value now does not match liabilities. If this loss situation continues, it is obvious that in the longer term the State will not be able to repay its debts under the Financial Agreement with the Commonwealth.

Of course, it has been argued by some that, under the Financial Agreement, in the event that the State is unable to meet an annual repayment, negotiations can occur with the Commonwealth as to how the deficiency will be treated. It is then argued that the State will not be obliged to honour its debt commitment. But the facts are that a continuing deficiency situation would mean that the Commonwealth would in effect be continually writing off State debts. This would have an extremely damaging effect on South Australia's financial relationship with the Commonwealth and on the State's reputation for financial responsibility. If the State sought concessional treatment from the Commonwealth or, alternatively, if the State refused to meet from general revenue any short-fall in capacity to repay the loans, it would be most likely that South Australia's chances of receiving favourable consideration for future development programmes would be severely prejudiced. So, this was the dual nature of the problem that we faced when we came to office.

First, the previous Government had failed to act in accordance with the primary undertakings given by former Ministers. The Government had become the major land developer in Adelaide. It had acquired vast areas of land but had not operated as a land banker. Secondly, the impossible nature of the financial arrangement under which the commission had to operate: terms completely inappropriate to a long-term land banking function and terms that would make South Australia forever dependent on concessions from the Commonwealth Government.

The present Government was also very aware of the marked changes in demographic, economic, and social factors that had taken place in the six-year period since the establishment of the Land Commission. National and State population projections had been drastically revised downwards and the projected long-term demand for housing had moderated. South Australia was in economic decline. For these and other reasons, market pressures in the outer growth suburbs had subsided. There was obviously a need to take stock of Government involvement in the land market.

It was against this background that on coming to office we established a committee of inquiry to review the role and activities of the commission. The committee comprised a planning consultant, a chartered accountant and the Under-Treasurer. In the course of its review, the committee took evidence from industry representatives, private companies and individuals, local government and State Government officers, as well as members of the public.

Recommendations for administrative change included a change of name of the corporation from Land Commission to Urban Land Trust, the placing of the trust under the general control and direction of the Minister, and an increase in membership of the corporation from three to five members. Recommendations for change in function were aimed at restoring the commission's charter as a land banker. The committee recommended that the trust should not purchase further land in the near future and that the trust should not have a role in the development of land, except in special circumstances, and with the specific approval of the Minister.

In addition, the committee proposed that negotiations with the Commonwealth Government should be entered into as a matter of urgency to alleviate the present burden of debt, including interest, owed to the Commonwealth under the Financial Agreement. The adoption of the main thrust of these recommendations, that is, to re-establish the trust as a land banker and to renegotiate the Financial Agreement, was announced by the Government in April of this year. Discussions with the Commonwealth on the renegotiation of the Financial Agreement have already commenced.

The purpose of this Bill is to re-establish the trust as a land banker. The Bill provides for the establishment of a trust of five members. The trust will comprise members who collectively possess extensive knowledge of local government, the private sector development industry and some of the State Government agencies having substantial links with the operation of the trust, with one member of the trust being agreed between the Commonwealth and State Ministers. The Bill prescribes the functions of the trust as the holding of land and the making of this land available for, and otherwise assisting in, the orderly establishment and development of new urban areas.

In the performance of its functions, the trust will be subject to the general control and direction of the Minister. It will be able to acquire land only with the prior specific approval of the Minister. It will not be able to acquire land by compulsory process. The trust will be able to sell, lease, mortgage, charge, encumber or otherwise deal with land. The trust will not be able to carry out residential estate development. Subdivision of land will only be permitted for the purpose of making broad acre land available to others in parcels suitable for further subdivision and development for residential purposes, or for the purpose of making land available for commercial or industrial development or for community purposes. The trust will, subject to Ministerial approval, be able to complete any programme of subdivision, development and disposal of land commenced before the commencement of this Act.

The ownership by Government of some 4 000 hectares of land in metropolitan Adelaide is a fact. The land bank operation provided for in this Bill will enable the orderly release of that land for urban growth. However, the Bill will ensure that the Government's role in land banking through the trust will be one which is supportive of private industry rather than one of competition and opposition. At the same time, the supply of land from the land bank to meet industry's requirements will remove the future possibility of speculative pressures on raw land prices. This ready availability of land for private development will enable the competitive market system to operate efficiently in the marketing of home sites at reasonable prices.

By not permitting the trust to engage in residential subdivision, the Bill will minimise the need in future for public funds to be tied up in land development. It will allow public funds to be released from those areas of investment which are well within the capacity of the private sector to finance. In accordance with the Government's commitment to avoid direct involvement in those aspects of development which can be adequately undertaken by the private sector, the Government believes that this legislation will contribute substantially to a restoration of confidence and order to the land development industry in this State. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Land Commission Act, 1973-1977. Clause 5 provides definitions of certain terms used in the measure.

Clause 6 provides that the South Australian Land Commission established under the Land Commission Act, 1973-1977, is to continue in existence as the same body corporate but under the name the "South Australian Urban Land Trust". The clause also provides that the change of the name of the corporation is not to affect its rights and liabilities. Clause 7 provides for the vacation of the offices of the members of the Land Commission in office at the commencement of the measure.

Clause 8 provides for the appointment of the members of the Urban Land Trust. The clause provides for a membership of five, comprising a person from the private urban land development industry, a person from local government, a person agreed by the State and Commonwealth Ministers, and two State Government officers. Clause 9 provides for the term of office and conditions of appointment of members of the Urban Land Trust. Clause 10 provides for the remuneration and expenses of members of the Urban Land Trust.

Clause 11 regulates the manner in which meetings of the Urban Land Trust are conducted. Clause 12 provides for the validity of acts of the trust and immunity from personal liability for its members when acting in good faith. Clause 13 requires members of the trust to disclose any conflict of interest and to abstain from any decision on any matter with respect to which they have a conflict of interest.

Clause 14 sets out the powers and functions of the trust. The clause provides that the function of the trust is to hold land and, as prevailing circumstances require, make land available and otherwise assist in the orderly establishment and development of new urban areas. The trust is empowered to acquire land, but only with the prior specific approval of the Minister and not by compulsory process. The trust is empowered to divide and carry out works with respect to land for the purpose of making land available in parcels that are suitable for further division and development for residential, industrial or commercial purposes or for further development for industrial or commercial purposes. The clause provides that the trust may, with the approval of the Minister, complete any programme of division, development and disposal of land commenced by the Land Commission. The trust is, under the clause, to be subject to the general control and direction of the Minister.

Clause 15 empowers the trust to delegate a power or function to a member, officer or employee of the trust. Clause 16 provides for the appointment of officers and employees of the trust. Clause 17 authorises the trust to borrow from the Treasurer or, with the consent of the Treasurer, from any other person. Any loan obtained by the trust from a person other than the Treasurer is, under the clause, guaranteed by the Treasurer. Clause 18 provides for the continuation of the fund kept by the Land Commission.

Clause 19 authorises the trust to invest any of its moneys not immediately required for the purpose of performing its functions. Clause 20 provides for the keeping and auditing of the accounts of the trust. Clause 21 requires the trust to prepare an annual report and provides for the report to be tabled in Parliament. Clause 22 empowers the Governor to make regulations for the purposes of the measure.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT ACT AMENDMENT BILL

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

Its principal purpose is to make amendments to the Tea Tree Gully (Golden Grove) Development Act, 1978, that are consequential on the provisions of the proposed Urban Land Trust Act, 1980. These amendments relate to the change in name of the South Australian Land Commission to the South Australian Urban Land Trust and to the removal of the additional planning and development powers vested in the South Australian Land Commission by Part V of the principal Act. These additional powers are inconsistent with the powers and functions of the Urban Land Trust as set out in the Urban Land Trust Bill, 1980. The Land Commission's role in carrying out joint planning for Golden Grove with the Tea Tree Gully Council has been transferred to the department of Urban and Regional Affairs. Development at Golden Grove will be undertaken by the private sector.

The opportunity is also taken to correct an error in the principal Act relating to the description of land within the development area as set out in the second schedule to the principal Act. This Bill provides for the correct section number to be included in the schedule in lieu of the incorrect number and provides for this amendment to apply from the day the principal Act came into operation. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure, other than clause 9, is to come into operation on a day to be fixed by proclamation. Clause 9, which corrects an error in the description of a parcel of land included in the development area under the principal Act, is to come into operation on the day on which the principal Act came into operation.

Clauses 3, 4, 5, 6 and 8 change references to the South Australian Land Commission to references to the South Australian Urban Land Trust and are consequential on the enactment of the Urban Land Trust Bill, 1980. Clause 7 provides for the repeal of Part V of the principal Act which confers certain powers on the Land Commission that will no longer be required upon enactment of the Urban Land

Trust Bill, 1980. Clause 9 corrects an error in the description in the second schedule of a parcel of land included in the development area under the principal Act.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It brings about a restructuring of the finances of the South Australian Meat Corporation. On 5 June 1980 the Minister of Agriculture announced the appointment of Mr. G. J. Inns, Director-General, Premier's Department, as Chairman of the South Australian Meat Corporation to take effect from 1 July 1980. The Minister informed Parliament that Mr. Inns would be seconded from his full-time position for an initial period of six months to undertake a special assignment in finalising a corporate plan and proposing a financial restructuring of the corporation. In particular, the Minister said that the project would cover the following specific terms of reference, to:

(a) effect a financial restructuring of the corporation;

(b) develop and put into effect a corporate plan for the future role of Samcor, taking into account the recently enacted meat hygiene legislation;

(c) arrange for the disposal of land surplus to the requirements of Samcor;

(d) propose a new corporate structure for the corporation's future administration; and

(e) restructure the Port Lincoln works.

The Minister went on to say:

> I appreciate that this is a formidable task but it is one that we undertook to take on. I believe that I know what is required in order to achieve results and still bring the committed service to the consuming public and the producers of this State and, at the same time, reduce the millstone this State has suffered for too many years from the losses surrounding this service works.

I am pleased to announce that the first three of these terms of reference have been completed and work is progressing in the remaining two areas of the project. Mr. Inns has formally reported to the Minister on the proposed corporate plan for Samcor, on a proposal for a complete restructuring of the corporation's finances including the disposal of surplus assets, and on a range of alternative options to determine the extent of the corporation's future role. I will outline the decisions which the Government has taken, and for the general information of members I seek leave to table an overview of the corporate plan.

Leave granted.

The Hon. J. C. BURDETT: It adequately covers the essential objectives for the operations of the corporation for the next three years. The Government examined a number of options for the future of the Gepps Cross abattoir which is operated by the South Australian Meat Corporation. It must now be acknowledged that by any commercial test Samcor cannot trade out of its present financial difficulties and, were it a privately owned abattoir, it would undoubtedly be placed in a receiver's hands to be either closed down, sold, or otherwise dealt with. However, because it is believed that in this State there is a responsibility to maintain a significant service abattoir, it has been decided by the Government to continue Gepps Cross as a statutory authority, but in a restructured form.

The South Australian Meat Corporation was established by the previous Government just over eight years ago and for most of that time the Gepps Cross works has operated at a loss. As at the end of the current financial year those losses have accumulated to a figure of just over $20 000 000, taking into account the extraordinary write-down in the value of assets last year. This accumulated deficit, coupled with extensive capital borrowings for expansion and plant improvement with the assistance of substantial Government guarantees, now means that the corporation's debts amount to $28 520 000. Its annual interest burden is just over $2 700 000.

There are a number of reasons why this situation has occurred. Some reflect on the previous Government's handling of the problem. Suffice for me to say now, however, that the high cost of debt servicing, coupled with high depreciation charges, a decline of Samcor's market share and adverse trends in the industry brought about by drought and restocking, all mean that in the foreseeable future and in the present circumstances the corporation will be unable to generate sufficient operating profits to overcome the effect of these factors.

However, it is some consolation to learn from the 1979-80 annual report of the corporation that it has been able that year to produce an operating profit of some $1 100 000. That is, of course, before the payment of interest and depreciation which change the profit situation into one of substantial loss. However, what this indicates is that, if some substantial relief is provided to Samcor from its interest and depreciation costs, net profits are achievable in times of reasonable seasonal conditions.

The Government has decided that some bold steps must be taken to place Samcor in a position which will give the corporation sufficient incentive (free from the debt burden) to operate in the future as an efficient service abattoir and to compete on a reasonable, but not favoured, commercial basis with operators in the private sector. The meat hygiene legislation has laid the foundation for that to happen. As an additional part of the programme to achieve this objective the Government has determined that Samcor should not be required to provide at its own cost an open-ended service. I will refer to this aspect further in a moment.

The corporate plan which has been endorsed by the Government and a summary of which is tabled underlines the new commercial approach that Samcor will be required to adopt. Objectives have been established for the key operational areas of the corporation's activities and, although there are a number of key external factors which are outside Samcor's control, operating profits, at least of the level experienced last year, have been determined as achievable targets.

A new approach to marketing, by assuming a more positive attitude to customer requirements, is already being developed at Gepps Cross, and a marketing consultant has been engaged for a short period to assist the development of this objective. A rationalisation of the production areas within the works is taking place, and proposals to improve personnel relations and control administrative overheads all form part of the detailed corporate plan.

But central to all of the corporate restructuring is the development of a sound financial base for Samcor, and the purpose of this Bill is to bring that about. As I commented earlier, the two single burdening factors that have militated against a profitable operation at Gepps Cross have been high interest and depreciation commitments.

In the corporation's 1978-79 annual report it was indicated that a decision had been taken by the board to write down the corporation's assets to appropriate values. That was done during the financial year just completed and, with the approval of the corporation's auditors, the 1979-80 financial accounts now reflect an agreed value on the assets at Gepps Cross which can be used. The full description and extent of that asset write-down is contained in the latest annual report.

It is the alleviation of the interest burden that necessitates the legislation currently before the Council. In adopting a commercial role for Samcor, the Government believes that its financial accounts should be structured accordingly. If Samcor was a privately owned abattoir its capital structure would reflect a reasonably high ratio of equity funding in relation to borrowings. At present, Samcor's capital structure is made up entirely of borrowed funds. The purpose of this Bill is to relieve Samcor of the direct liability for servicing a substantial proportion of its accrued liabilities so as to reflect an appropriate ratio of debt to equity in the corporation's capital structure. The objectives are two-fold:

(a) to give Samcor the incentive to perform without the burden of capital and interest being reflected in its accounts in the annual loss of profit;

(b) to enable that performance to be assessed without the need to make allowance for financial encumbrances incurred over a long period of time by previous boards.

Having regard to the capital structure of a number of private companies in the industry, the Government believes that a ratio of equity to borrowings for Samcor would be about 4:1. It is intended to adopt this gearing ratio which will require the Government to take direct responsibility for approximately $2 500 000 of Samcor's annual interest burden. Of course, the Government has always had indirect responsibility for this debt by virtue of the Treasurer's formal guarantee and the fact that Samcor is a statutory authority. Nevertheless, under this plan the cost to Government would be an additional direct payment of about $950 000 per annum, because the $1 550 000 being paid to the corporation for maintenance, depreciation and inspection charges for the northern works would be discontinued.

To effect these transactions the Samcor Act Amendment Bill proposes to establish a Samcor Deficit Fund which in addition to the functions already described will receive amounts paid from the future profits of Samcor calculated according to a notional rate of company tax, and such further amounts agreed between the Minister and the corporation which would be related to a dividend it would pay on share capital if it were a commercial enterprise. From this fund, payments will be made to Samcor for the continued maintenance of any slaughtering facility that the Government requires to be available to service excessive demands during peak seasonal conditions. The Government subscribes to the view that if Samcor is to be given a commercial charter it cannot be expected to provide an open-ended service by maintaining facilities sufficient to cater for abnormal peaks in supply of animals for slaughter. At the same time, the Government believes it would be inadvisable at this time to contemplate demolishing or terminating the maintenance of a substantial portion of the facilities at Gepps Cross. For the next three years, therefore, the Government will assume the responsibility for the cost of maintaining a significant portion of the facilities contained in the northern works by paying to the corporation, through the Samcor Deficit Fund, the sum of $250 000 per annum for each of the next three years as a major share in that maintenance cost.

One further aspect of the restructuring proposal is the disposal of assets which are now surplus to Samcor's requirements. One redundant asset that has been identified is 164 hectares of land situated to the east of the Main North Road. A number of potential uses have been identified for significant parts of this land and, having regard to these possible varied uses, the Government has accepted a proposal that the land be transferred to the Department of Lands to determine, with the approval of Cabinet, its future use and supervise its subsequent disposal.

In return for the transfer of the land the Government will pay to Samcor $4 000 000 in working capital which, in the financial accounts of the corporation, will be regarded as consideration for sale of an existing asset. An appropriation of this amount was made from Loan Account to Deposit Account in June 1980. This payment, therefore, will have no effect on the 1980-81 Budget. It is intended that these new financial arrangements will be effective from the beginning of the current financial year.

The package means relief for Samcor and an opportunity for the corporation to prove itself in a competitive climate, operating on a proper commercial basis. The decision should have been taken long ago in a situation for which previous Governments must bear considerable criticism. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the amending Act will be retrospective to the first day of July 1980. Clause 3 places the corporation under the control and direction of the Minister. Clause 4 enacts new sections 54 and 55 of the principal Act. New section 54 enables the Minister to assume liabilities of the corporation. New section 55 establishes a fund at the Treasury, to be administered by the Minister, and to be known as the "Samcor Deficit Fund". The fund is to consist of moneys provided by Parliament, and moneys paid into the fund by the corporation.

These latter moneys are to consist of the amount by which the corporation benefits by reason of its exemption from company tax, and any remaining balance of profits. The Minister is required to pay out of the fund amounts required to satisfy liabilities assumed by him under new section 54, and amounts required to reimburse the corporation for costs incurred or to be incurred by it in maintaining plant and machinery, at the direction of the Minister, plant and equipment in excess of what would be required if the corporation functioned solely on a commercial basis. Any surplus in the fund is to be paid into General Revenue.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 3074.)

The Hon. FRANK BLEVINS: I will not take up a great deal of the time of the Council on this Bill. It seems to me, looking at the measure, that there is a consensus emerging

amongst the overwhelming majority of members of this Council and, I am sure, of the other House around electoral matters, and I think that that is something about which to be pleased. It is hoped that, if the Bill passes in substantially the form in which it has been introduced, we will see the end of the decades (not one decade) of arguing and bickering about electoral reform.

There has been an attempt to beat up an argument around this Bill from certain parties. I think the Hon. Mr. DeGaris, for one, was attempting to do this. I hope that he will be unsuccessful. He has had a great deal of assistance, because he seems to have one supporter in the Adelaide *Advertiser* who allows him to write his column once a fortnight. While that is nice for the Hon. Mr. DeGaris, I do not think that it does anything for the standard of political reporting in this State.

I do not want to do what I normally do in these debates and go through the entire history of the Parties' stance on electoral reform matters. I think that, provided this Bill goes through in substantially its present form, while the history should never be forgotten, all should be forgiven. We have in South Australia the best, fairest and most democratic electoral system in the Commonwealth. It is equal in democratic application to any in the world, although I concede that it is different from a number of other systems.

What constantly annoys me when people discuss electoral systems is that they all think that they have absolute right on their side. That is not the case, because most electoral systems contain things that are good and things that are not so good. I think that the purest form of ascertaining the wishes of the electors is obviously by referendum. It tells directly what the people who are voting or who express an opinion think, and, provided the Parliament acts on those wishes, that is the most democratic form of running a country that one could wish to have. There are some very real practical difficulties with it, so right away we move away from pure democracy.

The Hon. L. H. Davis: In your mind.

The Hon. FRANK BLEVINS: No. I do not think anyone can argue that referendum is the only way to find out what people think. There are some real practical difficulties with it, so we move one step down the ladder, and we have representatives. There is nothing wrong with that. How do we elect representatives? Various countries around the world have various ways and in many democracies they use the first-past-the-post system. It applies in America, the United Kingdom, Canada, Denmark, and many other countries. Anyone who objects to first-past-the-post voting is saying that there is no democracy in the United States, the United Kingdom, Canada, New Zealand and various other countries. Of course, that is nonsense, because first-past-the-post voting has some real merit in it.

It also has some disadvantages. When we start looking at each electoral system, we realise that that is why I said when I commenced this address that every person makes a statement of what he prefers. It is only that, only a preference, because there is no perfect electoral system. Those countries that use the first-past-the-post system use it for simplicity. They claim that, if a system is so complicated that people cannot follow it, that is some denial of democracy. Certainly, in the United Kingdom, New Zealand and most other countries, it is easy to change the electoral system. Any Party in Government can change it without restriction, but they choose not to do that, because, in the expectation of their electors, the system works fine.

To say that first-past-the-post is undemocratic is unfair. It has the virtue that it gives minor Parties a better go than does preferential voting. One of the greatest con jobs with preferential voting is to persuade minor Parties that there is something in it for them, because there is not. That system has been devised by the major Parties to funnel votes from minor Parties to them. That is all it does. I refer to the experience of the United Kingdom, where the Liberal Party in the Lower House (a genuine Liberal Party and not a Conservative Party or a Tory Party as we have here) and also the Scots Nationalists and the Welsh Nationalists, with first-past-the-post voting, get seats in the Lower House. Can members opposite tell me where that has ever been the case in Australia, but for the unique exception of Robin Millhouse? I predict, and I will get no money on it, that once he disappears from the scene it will be the last time we will see someone from a minor Party being elected to a Lower House in an Australian election.

The Hon. M. B. Cameron: What about Norm Peterson?

The Hon. FRANK BLEVINS: If the honourable member looked at Norm Peterson's voting pattern, that would tell him something about Norm Peterson. Under the first-past-the-post system, where there are more than two candidates, minor Parties do have a real chance with a split in the vote. That does not happen with preferential voting, so there is nothing inherently wrong with first-past-the-post voting.

The preferential system is one that concerns mainly Australia. For some historical reason, which I admit I do not know, it is a system which applies here. It has applied for many years and it seems to suit the Australian political scene. If one tried to transfer the preferential system to America or the United Kingdom it would not be accepted, and they would say, "It suits you, but we are happy with our system." There is nothing wrong with the preferential system, except for minor Parties. It is quite democratic, provided that the expression of the preference is optional, and I intend to come back to that a little later. I know that honourable members would be disappointed if I did not.

The Hon. M. B. Cameron: Do you believe in voluntary voting?

The Hon. FRANK BLEVINS: In some circumstances, yes, but I have been persuaded by some eminent people in the Liberal Party that my sympathy for voluntary voting is misplaced, but I am open to hear argument on it. We also have proportional representation as a system. Many countries use it, and Tasmania uses it. Australia uses it in the Senate and, on paper, it appears to be the most democratic system, and I can see that on paper that is true. It is difficult to argue, but most countries or an enormous number of countries in the world do not use it because the effect of it can be undemocratic.

We have a classic example in this Council where, at the last Legislative Council election, about 92 per cent of the people of this State did not want anything to do with the Australian Democrats. That is their right. The Hon. Mr. Milne would agree that they have the right not to vote for the Australian Democrats, but the problem is that, whilst 92 per cent of the population wanted nothing whatsoever to do with that Party, it finished up with a member in this Council because of the proportional representation system, and that member, in effect, runs the whole State. If anyone can tell me that that is fair in practice, then I would like to hear the argument. It is certainly not fair in practice, no matter how democratic it appears on paper. Surely, the test of the system has to be in practice and not some academic theory.

The Hon. R. C. DeGaris: How do you say that 92 per cent do not want the Australian Democrats? About 60 per cent did not want the Labor Party.

The Hon. FRANK BLEVINS: The Hon. Mr. DeGaris is interjecting, and I would prefer that he did not. I have a plan prepared, no matter how roughly, to get through the

debate. I want to deal with the honourable member later and I want to get through this debate to save being here much later than we were last night. In regard to proportional representation, many countries of the world use it, and suffer under it.

Italy and France, until recently, could not put together a stable Government. That is because of the great academic theory of proportional representation. In practice, it can be oppressive and, to have a small minority (as we have here with the Democrats) running the State is a form of oppression. It is not democracy—it is oppression.

The Hon. L. H. Davis: You are not trying to say that the Hon. Mr. Milne is oppressive?

The Hon. FRANK BLEVINS: I am not talking about the Hon. Mr. Milne as an individual. He is quite charming, urbane, flexible; he is all these things, but it is the system that he supports and that many other people support that I think has some large defects.

There is only one other main system that one thinks of, and to state it is really to dismiss it—to nominate people to Parliament with no elections whatever. I am sure that in this day and age honourable members could not imagine that anyone could support a system of nominating members of Parliament, certainly not for this Council. However, I am sure that it is no surprise whatever to the Council that at least one member in 1976 said that he did not want people elected to this Council, that he wanted them to be nominated. I refer to the latter-day Democrat, the Hon. Mr. DeGaris. On 8 September 1976 (*Hansard* page 870) I quoted the Hon. Mr. DeGaris as having said on an earlier occasion:

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

The *Hansard* report of 8 September 1976 continues:

> The Hon. F. T. BLEVINS: . . . Is that not incredible! Does Mr. DeGaris still think that way? Does he still think that we should have nominated members in this Council?
>
> The Hon. R. C. DeGaris: Yes.
>
> The Hon. F. T. BLEVINS: You would still like to have nominated members in the Council?
>
> The Hon. R. C. DeGaris: Yes.
>
> The Hon. F. T. BLEVINS: Does your Party agree with you on that?
>
> The Hon. R. C. DeGaris: I am not controlled by my Party, as members opposite are controlled by their Party.
>
> The Hon. F. T. BLEVINS: And the Leader still believes that members of this Council should be nominated?
>
> The Hon. R. C. DeGaris: Yes.
>
> The Hon. F. T. BLEVINS: You do not think they should be elected at all?
>
> The Hon. R. C. DeGaris: No.

I will give the Hon. Mr. DeGaris some points for honesty. He was clear, he did not equivocate at all, and he believes that people should be nominated. Certainly, the Hon. Mr. DeGaris is entitled to that view but, I suggest, it is a view that is totally unacceptable. It was unacceptable in 1976 and it is still unacceptable now. I do not know whether the honourable member still adheres to that view. He sits there silently but, more importantly, he still adheres to that view. I refer to the apparent unholy alliance that has emerged over the last two days in this Chamber—certainly it has was conceived earlier—between the Hon. Mr. DeGaris and the Australian Democrats.

I can remember, at the declaration of the poll after the 1979 Legislative Council election, the Hon. Mr. Milne saying some very kind words about the Hon. Mr. DeGaris, saying that he knew that the Hon. Mr. DeGaris had been trying to reform the electoral system for many years. To me, that was the most nonsensical statement that I have heard in 40 years. The Hon. Mr. DeGaris has done nothing for the last 20 years but to attempt to deny people the right to vote and the right to vote effectively in this Council. That is history and his record, and for the Hon. Mr. Milne not to know that record rather astonishes me.

There is a tonne of evidence to back that up. I think the Hon. Mr. Milne and Greg Kelton from the *Advertiser* would be the last two people in Australia who would be in any way conned by the Hon. Mr. DeGaris. That is what it is—a great con. I am sure that they are the only two people left in Australia who could be taken in by the Hon. Mr. DeGaris. I am sure that he will have the opportunity, if he wishes, to tell us what he thinks about nominating members of Parliament. That briefly is my resume of the various voting systems. The point I was making is that not every Party, person or system has everything on its side. A lot of these things are subjective and depend very much on what people in that area are used to.

I suppose in the Bill there are two clauses that will cause the most trouble. The first is clause 47, which deals with the question of preferences and with electors who do not fill in the ballot-paper totally and whether the vote should be declared an informal vote. Clause 48 prescribes the method of counting out the preferences. It is, in effect, a battle for the last seat. Under the Legislative Council system at the moment we have proportional representation up to the last seat and for the last seat we have a first-past-the-post system. There is nothing inherently wrong with proportional representation and there are arguments for and against it. The same could be said of the first-past-the-post system. There is nothing inherently evil in those two things, although it may be an unusual combination. It is constantly said by Liberal members that the Hon. Mr. Sumner was not elected democratically to this place.

The Hon. J. A. Carnie interjecting:

The Hon. FRANK BLEVINS: I have put these figures to the Council before and no-one in the Liberal Party (not even Mr. Carnie) or Liberal Movement as it was then, has ever been able to argue with these figures. I will put them to the Council again. At the election of 12 July 1975 the total vote for the Australian Labor Party was 324 744. The Liberal Movement got 129 110 votes and the Liberal Party got 191 341 votes.

The Hon. R. C. DeGaris: We have had this out before.

The Hon. FRANK BLEVINS: I went to the library and asked about the distribution of preferences in the House of Assembly at that election. In the seats where preferences were distributed, 11 per cent of the Liberal Movement preferences went to the A.L.P. and 89 per cent went to the Liberal Party. If we take the A.L.P. vote of 324 744, and add 11 per cent of that in preferences, which amounts to 14 202 votes, we get a total Australian Labor Party vote of 338 946 or 49·33 per cent. The total Liberal Party vote, with 89 per cent of Liberal Movement preferences, amounted to 306 249 or just over 44·57 per cent.

The Hon. M. B. Cameron: Blewett said—

The Hon. FRANK BLEVINS: Never mind Blewett, this is Blevins. How anyone can argue with the distribution that only gives the Australian Labor Party 11 per cent of Liberal Movement preferences and the Liberal Party 89 per cent and say that the decision is unreasonable, I do not know. It is a reasonable division of preferences between the two Parties.

Members interjecting:

The Hon. FRANK BLEVINS: It is worked on a two-Party preferred system.

The Hon. R. C. DeGaris: Add those two together and what do you get?

The Hon. FRANK BLEVINS: These figures come from the library and honourable members opposite can work it out themselves. They have been in *Hansard* before. I have

asked honourable members to look at them and tell me what is wrong with them. No-one has ever been able to tell me.

Members interjecting:

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The Hon. Mr. Blevins will be heard in silence.

The Hon. FRANK BLEVINS: If we do not deal with the total number of votes cast for the three major Parties and we deal only with the final quota, it is a battle for the final seat. We can take the final total from the Electoral Department. After the elimination of all but the three major Parties, the result was even worse for the Liberal Party. If one does the same thing and gives the Australian Labor Party 11 per cent of Liberal Movement preferences and the Liberal Party 89 per cent, the Labor Party has a total of 50·66274 per cent of the vote and the Liberal Party a total of 48·9923 per cent.

Members interjecting:

The Hon. FRANK BLEVINS: When I put these figures to the Council, member opposite constantly laugh, but they do not come back and argue with the figures. The Hon. Mr. Sumner was democratically elected to this place.

Besides having a theoretically democratic electoral system, other things should also be taken into consideration. It is not unreasonable for an electoral system to provide that minor Parties should get some kind of a go. If that does not square with the academic theory we should get away from the theory, because I believe that minor Parties should get some kind of a go. If this system is changed to what the Government wants, the losers will be the minor Parties. Where we are battling for the last seat on the first-past-the-post system, the minor Party only had to be ahead. If we have a preferential system, a minor Party could be almost to the quota but, when the preferences of one of the two major Parties are distributed, that minor Party will go and will not win the seat. That is clearly going to happen.

The Hon. M. B. Cameron: Is that what happens in the Senate?

The Hon. FRANK BLEVINS: If a minor Party does not get a quota it is feasible that it would have won under the first-past-the-post system that we have at the moment. However, under the preferential system it will be swamped by preferences of another Party and will not get that seat. Preferential voting is the greatest con on minor Parties that I have seen. Why they fell for it, I have no idea. I will quote from the 1979 Legislative Council election figures.

The figures are here, but I will not read them into *Hansard*. In essence, the Liberal Party was the third Party contesting this final seat. If Liberal preferences had been distributed, the Democrats would have needed a further ·1078 quotas to maintain the hold on the 11th seat. The Liberals had 14 836 votes available for preference distribution. To hold the seat, the Democrats would have needed 6 538 votes, or 44·1 per cent of Liberal preferences. On the other hand, to win the seat, the A.L.P. would have required 55·9 per cent.

In those circumstances, with the figures so close, it is difficult to say who would have won that final seat. I refer to the way in which the Parties were drawn on the ballot-paper. They were running left to right in the order Liberal, Labor and Democrat. There is no doubt in my mind (and I scrutineered that election) that an enormous number of votes went straight across the card from left to right. It would have involved Liberal Party preferences going to the Labor Party ahead of the Democrats.

Everyone who scrutineers knows that that is what happens. So, whether the Democrats would have got that last seat under the system in the Bill is at least arguable. I maintain that the Democrats had a right to that seat themselves. They did sufficiently well in the election to win the seat.

The Hon. M. B. Cameron: That isn't what you were saying that night.

The Hon. FRANK BLEVINS: I regret that it was obtained from the Labor Party. The honourable member cannot deny the order on the ballot-paper, because that is how it was. It is therefore arguable whether the Democrats would have got a seat. That would have been something to regret, because they did well enough to get a seat, although, as I have said, I regret that it was got from the Labor Party. I should much have preferred it to come from the Liberal Party.

To have a full count of preferences on the last seat sounds democratic in theory, but I predict confidently that it is designed not to assist minor Parties. In fact, it is exactly the opposite, because the minor Parties will suffer from this. If one does not like minor Parties, that is fine.

The Hon. D. H. Laidlaw: You got four seats. What are you complaining about?

The Hon. FRANK BLEVINS: I am not complaining about the system; Government members are doing that. The system of first-past-the-post voting assists minor Parties when one is arguing over one seat.

I want to discuss only one other matter, namely, optional preferential voting *versus* compulsory preferential voting. Government members have made much play about compulsory preferential voting, yet I have never seen a Bill emanating from them or heard them support a system that has it. They agree that for the last square one does not have to indicate one's preference, and that such a vote would be formal. Surely, after that it is merely a matter of degree. Members opposite have already conceded in this Bill that one does not have to complete every square. Therefore, the argument is not over compulsory preferences, only where one draws the line. An overwhelming majority of Government members have supported optional preferential voting in this Council.

The Hon. K. T. Griffin: What?

The Hon. FRANK BLEVINS: The Attorney-General seems startled. I repeat that the majority of people in this Council have at some stage supported optional preferential voting. Obviously, everyone on the Opposition side has done so, as have a surprising number of Government members. It includes you, Mr. Acting President, when you voted for the Upper House system in 1973. It also includes the President, the Hon. Mr. DeGaris, and the Hon. Mr. Laidlaw, who quibbles.

The Hon. J. A. Carnie: He wasn't here then.

The Hon. FRANK BLEVINS: No, but now that the honourable member has drawn my attention to himself, I will quote him. I assume that the Hon. Mr. Carnie has done the same. Certainly the Hon. Mr. Cameron has. I do not know about the Hon. Mr. Davis; I did not bother to get that far down the list. That is a sufficient indication that at some stage an overwhelming majority of members in this Council have supported optional preferential voting.

I should like to lead off with a quotation from the Hon. Mr. DeGaris regarding optional preferential voting. On 27 June 1973 (reported at page 148 of *Hansard*), the Hon. Mr. DeGaris was reported as saying:

> I pointed out, I think on many occasions, that the use of list system, when 11 members are being elected to the Council, makes it difficult to implement a full preferential system. Nevertheless, we have achieved the situation—

That is what the Hon. Mr. DeGaris said in 1973.

The Hon. R. C. DeGaris: I don't disagree with that at all.

The Hon. FRANK BLEVINS: So, the Hon. Mr. DeGaris was happy with it and voted for the optional preferential system. On 9 October 1975, the Hon. Mr. Laidlaw, in the debate on the Bill providing for optional preferences for another place, said:

> I have decided after due consideration to support the second reading of this Bill to introduce optional preferential voting in House of Assembly elections, and I do so for three reasons.

The honourable member then listed them, and said that the Liberal Party basically had no objection to it. He said:

> Thirdly, voting should be made as simple as possible, and in my opinion it should not be obligatory for an elector to record a preference for any candidate that he or she feels repugnant to, and not worthy of any preference.

Again, the Hon. Mr. Laidlaw spelt out clearly one of the arguments for optional preferential voting and voted for it. I agreed with him. The Hon. Mr. Cameron was in the Liberal Movement at the time, so I assume (although it may be a rash assumption) that the Hon. Mr. Carnie agreed with him. Certainly, the Party to which the Hon. Mr. Carnie belonged at that time is quoted as supporting optional preferential voting. The Hon. Mr. Cameron was repoted as saying on 27 June 1973 (page 149 of *Hansard):*

> Certain votes were previously excluded from the count, but it is clear from the amendment that the votes will now be considered. I believe we will now have an optional preferential voting system, so that a person may or may not indicate a preference as he wishes. I had thought that this matter could be included in the scheme, and the Party that I represent regarded it as desirable. Therefore, I support the motion.

That is a very clear unequivocal statement in support of optional preferential voting. I also looked at the Australian Democrats' policy, which states:

> There will be optional preferential voting such that voters need indicate all their preferences only if they wish to.

That is not all of the Australian Democrats' policy in relation to electoral law, because they also support proportional representation and a number of other things. I am not arguing about that; they are quite entitled to hold those views and lobby for them. However, I point out that according to their policy optional preferential voting is desirable.

Outside this Chamber, away from political policies and politicians, a number of Gallup polls have been conducted on this issue. We are here to represent the will of the people, so we should take heed of those polls. I am not saying that they should be treated as gospel, but we should take heed of them. In the *Advertiser* of 11 July 1975, under the headline "Most favour vote change", it was stated:

> Majorities of the public favour the introduction of optional preferential voting in Federal elections, both for the House of Representatives and for the Senate, says the latest Gallup poll. Seventy per cent of the public agree with its introduction in elections for the House of Representatives, and 68 per cent with its introduction in elections for the Senate, according to the poll. Against these figures, 26 per cent disagree for each House. A.L.P. voters were overwhelmingly in favour of the new plan—83 per cent for the House and 81 per cent for the Senate. There were substantial majorities, also (60 per cent and 59 per cent), among Liberal-N.C.P. voters.

That is a very substantial majority in spite of indications not mentioned by the interviewers that their Parties would be advantaged by the proposals. Therefore, the interviewers did not tell the people who acknowledged that they voted Liberal and wanted this reform that their Party could be disadvantaged. There were no significant differences of opinion according to status, sex or age.

There have been other statements on optional preferential voting by people who are not associated with the A.L.P. We all know Mr. Wilson, M.H.R., the Federal member for Sturt. He introduced a private Bill in the House of Representatives providing for a modified form of optional preferential voting. His system was slightly different—and there are a number of variations. I have no dispute with any of those variations because they all have their merits. Mr. Wilson's Bill provided that, if an elector placed a No. 1 on the ballot-paper, that would be taken to mean that the elector wanted to follow the particular how-to-vote card distributed by the candidate whose name would be alongside the No. 1 placed on the paper. That information is available in the library.

There is also a large two-page document explaining the evils of compulsory preferential voting by Mr. Geoffrey O'Halloran Giles, M.H.R., who also wants a form of optional preferential voting. When the Federal Liberal Party was in Opposition, Mr. Giles said:

> The Opposition's response to the Government's general views on limited preferential voting is not only illogical but refuses to take into account the very real problem of voters, who find the present method of expressing preferential votes unduly complex.

He then went on to explain his reasons. Mr. Giles is not a sympathiser of the A.L.P. by any means, but he is honest enough to recognise the difficulties. I congratulate Geoffrey O'Halloran Giles and Mr. Wilson, the Federal member for Sturt, for having gone outside Party politics to recognise the problem and address themselves to it.

The Hon. L. H. Davis: Have any of your members done that?

The Hon. FRANK BLEVINS: They do it all the time. At the declaration of the last Senate poll the Australian Democrats candidate, Ms. Janine Haines, said that something had to be done about compulsory preferences because it was much too difficult and that there should be a simplified system. Therefore, there is a consensus amongst the A.L.P., amongst certain Liberals, amongst the Australian Democrats and amongst many of the Liberal members in this Chamber. Most people seem to want optional preferential voting. However, I am sure that we will hear from the exceptions who do not.

It is a pity when a particular style of voting is commended by almost everyone as being of real assistance to voters, and yet the Government is attempting to take that away for no apparent reason. I said "for no apparent reason", but there is a reason. There can be only one reason why the Liberal Party wants to change the system; it believes that it will be to its advantage to do so. There is no other reason. There is no sane, logical reason why anyone should oppose optional preferential voting, other than for Party-political gain. However, members opposite do not have to take my word for it. It is possible to quote as many authorities as one likes on this subject, because innumerable articles have been written on how compulsory preferential voting disadvantages the A.L.P. However, I will only quote one, written by Malcolm Mackerras. At the last redistribution Malcolm Mackerras put a submission on behalf of the Liberal Party and supported its case. There is no way that he can be accused of being sympathetic to the A.L.P. Malcom Mackerras prepared a table on the Senate election of 1974, and I seek leave to have that table inserted in *Hansard* without my reading it.

The PRESIDENT: Is it purely statistical?

The Hon. FRANK BLEVINS: Yes, it is statistical.

Leave granted.

1974 COMMONWEALTH VOTING FIGURES

TABLE 1

Per cent shares of national formal vote, 1974.

	Representatives	Senate
Labor	49·3	47·3
Opposition (A)	47·1	47·5
Hall (B)	·08	1·0
Townley	—	0·2
AP	2·3	1·4
Others (C)	0·5	2·6
Total	100·0	100·0

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

(B) Liberal Movement candidates for Representatives.

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

The Hon. FRANK BLEVINS: If we cast our mind back to 1974, we will remember that there was an enormous number of candidates on the ballot-paper for the Senate election in New South Wales. I think there were about 70 candidates, because the Liberal Party and supporters of the Liberal Party, stooges of that Party, swamped that ballot-paper. They nominated literally dozens of groups in a very successful attempt to distort the result of the 1974 Senate ballot. They were successful only because of the compulsory preferential voting system. Had there been no compulsory preferential system, they would not have wasted the money. (It is interesting to note that in the 1975 and 1979 Legislative Council elections, there was a minimum of groups represented. It was not worth any Party's while to stack that ballot-paper with dummy groups, because of the optional preferential system.) The informal vote in that election for the House of Representatives was 144 762 and for the Senate it was 798 126, an enormous difference. It is a difference that can be accounted for only by the size of the ballot-paper and people having to compulsorily fill in every square.

If members cast their mind back to the television reports of that election, they will remember that when the television cameras went to the polling booths there was absolute chaos there. The people could not fill in the ballot-paper in the booth. It took too long. They were filling the papers in by holding them against a wall. The Hon. Mr. Davis thinks that that is funny.

People who are compelled to go to vote under pain of a fine, particularly old people, find it distressing, but the Hon. Mr. Davis seems to think that that is funny. I assure him that it is not. I think he would do this Council a favour if he grew up before he made totally inane contributions. Malcolm Mackerras, in the *Bulletin* of 8 November 1975, included the table that I have had inserted in *Hansard,* and in the article he also stated:

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

That is one of the arguments advanced for the difference in figures, that it is a vote to keep a check on the Party in the Lower House. Malcolm Mackerras also said:

> Frankly, that is not my interpretation. Table 1 shows the per cent shares of the national formal votes. The percentages are the Party shares of 7 391 006 formal votes cast for the House of Representatives but only 6 612 385 for the Senate.

I seek leave to have table 2, which again is a brief table, and which relates to this article, inserted in *Hansard* without my reading it.

Leave granted.

TABLE 2

Total votes cast, 1974.

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

The Hon. FRANK BLEVINS: Malcolm Mackerras goes on as follows:

> Table 2 elaborates on this. In other words 778 621 voters who did take part in the election of the Representatives did not take part in the election of the Senate. I would venture the opinion that some 75 per cent of those people were Labor supporters. The high informality at the 1974 election was quite fatal to Labor's Senate chances.
>
> I am quite convinced that a simple system of voting would have given Labor outright control of the Senate. It needs to be remembered that Labor's constituency still includes a significant number of such people as unskilled labourers, Aborigines and old age pensioners to whom the mechanics of the Senate system are overpowering. Let me give an example: the safest Labor seat in Sydney where 20·5 per cent of the Senate votes were informal. The safest Liberal seat is Bradfield where only 5·6 per cent of the Senate votes were informal.
>
> These are not isolated examples. If the seats are ranked on a Labor scale and an informal scale there is a close correlation between the two orderings. Is it any wonder that Labor wants to simplify the system while the Opposition resists all changes to the electoral laws?

That is Malcolm Mackerras. That can be the only reason why the Government wants to change from optional preferential voting to compulsory preferential voting. My contention is (and I think I have proved it conclusively) that members opposite, those members who support taking away optional preferential voting from the people of the State, are two-faced, because they have previously voted for it. They are also doing it because they think there is some political advantage for the Liberal Party in it, and I suspect that they are right. I suspect that there is some political advantage in it for the Liberal Party.

Members opposite probably will gain some electoral advantage out of it, but they will do that at the expense of the aged, and people who are not as skilled as they are in the English language. They will gain advantage at the expense of Aborigines. The Liberals should remember at whose expense they got it.

I have one final point on this Bill at this stage. Regarding the list system, the Hon. Mr. DeGaris, against a clear consensus between the two major Parties and amongst an overwhelming majority of people in this Parliament representing an overwhelming majority of the people in the State, says that the list system is crook and that we should change it. The Hon. Mr. DeGaris has, on almost every occasion, when electoral matters have been discussed, twisted and squirmed and tried to get out of every position he has been in.

I am a bit of a masochist and I have gone through all his speeches since I have been here. There is only one consistent line through them, and that is to deny the Labor Party a fair go. He has done nothing else. That is his sole objective. In the process of doing that, he virtually

destroyed the Liberal Party, with his single-minded objective of denying people of vote and denying the effectiveness of a vote. This has been his sole aim in this Council and how anyone can say, as I heard on the new today and as I constantly read in Greg Kelton's articles, the Hon. Mr. DeGaris is some kind of whiz kid on electoral systems and some kind of democrat, I do not know. I find that totally incredible.

I cannot use the words that are required to describe the Hon. Mr. DeGaris and his electoral habits over the years. You would prevent me from saying them, Mr. President, but everyone knows what they are. I will give one example. At present he is bleating about lists, saying there is something wrong with the list system and that it is against a U.N. convention. So he is saying that most of the democracies of Western Europe which use the list system are undemocratic. That is absolute and total nonsense and should be laughed out of this Parliament. Finally, I want to refer to some quotes that I believe the Council is anxious to hear about the views of the Hon. Mr. DeGaris in regard to the list system. I would be delighted if the Hon. Mr. DeGaris would show us his ingenuity in Committee with an explanation. I refer to the *Hansard* report of 26 June 1973 at page 121 and his comments in the second reading debate, not in Committee or after a conference when a compromise is sometimes necessarily arrived at. In his second reading speech, while under no pressure, the Hon. Mr. DeGaris stated:

> The impracticality of a large card makes it important that if the whole State is to be used as an electorate the list system should be used.

Further on he stated:

> I would prefer a system where there was a single transferable vote but using the whole of the State, that is not possible and therefore it is necessary to introduce the list system.

He further stated:

> The essential thing is to preserve a preferential system but attaching to the preferential system a list system . . .

He finally stated:

> As I have said, I support the list system because it is the only practicable way that one can achieve a proportional representation vote over the whole State of South Australia in regard to a House of 22 members.

So, whilst the list system is not under threat, the Hon. Mr. DeGaris in his speech ranted and raved against it, and I just do not understand how that squares with what he said in 1973, when he told this Council that it was essential and important, that it was the only way to have a proportional representation system over the whole of the State when we were electing 22 members.

It seems obvious to me that there is generally a consensus amongst the majority of members in this Council in regard to the Electoral Act. I welcome that. If through the Parliamentary process the question of optional preferential voting can be sorted out in a calm and rational atmosphere, then this Bill will give South Australia, with the amendments that the Hon. Mr. Sumner is going to move, the best possible electoral system that one could wish for. Despite the disruptive tactics of the Hon. Mr. DeGaris, I think that everyone in South Australia would welcome an end and a finish to the rancour, the arguments and the bitterness existing between the major Parties over the years. We have an opportunity with this Bill to achieve that very desirable stage, and I do not think that we should be sidetracked by the quite mischievous antics of the Hon. Mr. DeGaris, supported by a supine section of the press, to disrupt what is becoming a welcome consensus in the community. I support the second reading.

The Hon. M. B. CAMERON: One cannot help but feel, when rising in a debate on electoral reform in this Council, that it has all happened before. I feel sorry for the Hon. Mr. Blevins, because each time he has to get up the first thing he has to do is to valiantly defend the election of the Hon. Mr. Sumner to this Council. He goes through the same procedure each time, and each time he uses figures which he knows are not correct and which we all know are not correct. I suggest that he takes them to an independent statistician to have them checked before he quotes them next time, because there is no doubt in my mind, and even the Hon. Mr. Sumner would not agree with him—

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

The Hon. M. B. CAMERON: The Leader obviously has reason for doing so. One can understand why he does that. The argument of the Hon. Mr. Blevins falls by my just quoting one of his own members, that is, Dr. Blewett, who is now a member of Federal Parliament. I refer to 24 October 1977 when Dr. Blewett gave evidence to a Select Committee looking into electoral reform in the Upper House in New South Wales. He stated:

> If the natural quota had been used in South Australia the last critical seat would have gone to the Liberal Party and not to the Labor Party. If you use the natural quota the tendency of the system of largest remainder to favour the smaller Parties is increased . . .

That is saying that if you counted the preferences back you would end up with a similar result, and the Hon. Mr. Sumner would not be here. Dr. Blewett goes on:

> If you look at the South Australian figures, without changing the vote in any way, if the Liberal and Liberal Movement numbers had been slightly differently distributed, the Liberal Party would have won the sixth seat.

That is clear in my mind.

The Hon. C. J. Sumner interjecting:

The Hon. M. B. CAMERON: One can say what one likes about what happened on this side, but that does not get away from the fact that even a person who is slightly more competent with figures than the Hon. Mr. Blevins, particularly in regard to electoral reform, comes up clearly with the fact that the Hon. Mr. Sumner should not be here. I do not deny that the Labor Party in this State has attempted to bring electoral reform to this State, and on many occasions I have supported it. On every occasion that I believed they were right I supported them, and I would continue to do so if I thought that the system was wrong and they were right.

The simple fact is that the Labor Party has now ceased to want reform, because it sees that any further reform of the system will not advantage it but will disadvantage it. The Labor Party does not want to climb up the ladder any further—it wants to keep on the rung below the top and to move down a bit. I am disappointed, because I am a person who has continually supported electoral reform, even in the face of some personal problems at various times.

Several members of this Council would remember those occasions. Perhaps I was not always right, but I believed I was right, and on this occasion I know that any change such as we are introducing here will increase the value of the system, because it will increase the democratic value of the system. It was most interesting to listen to the Hon. Mr. Sumner carefully avoiding the real issues, but I was interested to hear what he said, for example:

> However, that is not so, and they are now insisting on abolishing the optional preferential voting system which in democratic principles is preferable to compulsion.

What is the Hon. Mr. Sumner saying? Is it that he believes in voluntary voting? That is what it gets down to. If one

does not believe in preferential voting being taken to the fullest extent necessary to get a good result, a proper result, then one must believe in voluntary voting, and in Committee I would be interested to hear from the Hon. Mr. Sumner on whether he believes in that, because I think it may have some advantages to this State.

The system that was introduced in 1973 was an improvement. No-one can deny that in this day and age, but it was not perfect. Why was it not perfect? Because it introduced a compromise at that time. It was introduced because it was necessary for the two Parties to get together and arrive at a reasonable system based on proportional representation.

That is not to say that it does not need looking at in the light of some future elections. In the light of future elections it has proved to have faults. It has proved, for instance that it could elect a member who has not received the full quota if all the preferences were counted. No figures that the Hon. Mr. Blevins can quote will prove any different. I do not now support the list system because I believe it has taken away a basic right from people in this State. That basic right is for people to vote for individuals if they wish to. I believe that we need to look very carefully at moving back to a system that gives people the right to vote not only for Parties but also for individuals. Everybody who supports a certain Party does not necessarily support every individual that the Party puts up at that election. I believe that in a democracy people ought to have that right.

I do not believe that anyone can put up an argument against that. It leads to some people on the list system feeling some obligation to the Party that has put them forward, right down to the smaller issues. Where can they exercise their conscience? They cannot go to the people and say, "I went against the Party because of this." Even though the people might have supported what they did in Parliament, the Party could reject them because they did not obey the Party line. It takes away the basic right to go to the people and not be bound totally to the Party line. The Labor Party may not worry about that, because I know its system. They are elected on a basis of obeying the Party. That is fair enough. I do not agree with it and I believe that it does not lead to good government or good opposition. However, that is the way that Party operates. I believe that the people of this State should be given back the right to vote for individuals as soon as possible.

The A.L.P. does not impress me any more. I do not want to go through the whole argument again. I proved clearly last time I spoke on electoral matters that the A.L.P. is undemocratic within its own system. We have the President of the A.L.P. in this Chamber. I do not know how the A.L.P. elects its President, but I imagine that it is by numbers; 75 per cent of her vote came from the unions and 25 per cent came from the membership of the Party.

The Hon. Anne Levy: She was unopposed.

The Hon. M. B. CAMERON: There is no point in having any opponent when you know you are going to get done anyway. The system is rigged against you. The A.L.P., within its own system, has not reached democracy yet, and the sub-branches of the A.L.P. know that because they have been complaining vociferously in recent months. How can members opposite stand up and tell us what democracy is all about? If they get their own house in order we might believe them. We will not believe them in this Bill, but we may on some future occasion. Until they do that, I believe that we need a change.

The Liberal Party went to the people with the express policy of bringing change to the Upper House, and it is now time for that change to take place. I point out that the majority of people in the State voted for the Liberal Party knowing that it would introduce change. They supported us on that basis and I believe that we have the right to bring in this Bill. I do not believe that the Labor Party in Opposition in this Council should attempt to stop that, particularly when one of its own members was elected without a majority of a quota under what would be a normal democratic system. I support the Bill.

The Hon. ANNE LEVY: I support the second reading of this Bill, and in so doing I state that I support 6 o'clock closing. I imagine that there are not many people of my generation who would make such a remark. Many of us can remember the horrors of the 6 o'clock swill, the indignity of having one's glass snatched away in a restaurant at 9 p.m. and the impossibility of obtaining a drink on a Sunday. However, that 6 o'clock closing is, happily, long since dead, and it is quite a different 6 o'clock closing that I am now supporting. I doubt whether anyone would disagree with the 6 o'clock closing proposed in this Bill.

The original opening of polling booths for 12 hours was no doubt due to the fact that many people worked very long hours and, if polling booths were not open for 12 hours, some people would be unable to vote because they would be working throughout those hours. I doubt whether there is anyone today who works from 8 a.m. until after 6 p.m. on a Saturday—the day when our elections are always held. Certainly, there are still many people who work on a Saturday, and many people who undertake shift work on a Saturday. However, shift work will not cover the hours from 8 a.m. to 6 p.m. inclusive. The change to 6 p.m. closing of polling booths will not prevent anyone from voting. People who have religious objections to voting on a Saturday can obtain postal votes, and many of them do so already.

The Hon. J. A. Carnie: It makes no difference if it is 8 a.m. to 8 p.m. or if it is 8 a.m. to 6 p.m. if the reason they cannot vote is on religious grounds.

The Hon. ANNE LEVY: It can do if it is from sunrise to sundown. In winter the sun sets before 8 p.m. but not before 6 p.m. In summer it would not apply, as the sun does not set until after 8 p.m., and therefore people who for religious reasons cannot vote during the hours of sunlight would be prevented from voting even with 8 p.m. closing in the summer. I am sure that 6 p.m. closing will not inconvenience any voters and will be of great benefit to people who work at elections, such as polling clerks, Party helpers who work outside the booths, scrutineers, and so on. It will enable counting to start earlier, and the result could be known much earlier. If in a close election the counting continues late at night, it will enable a much better approximation of the final result to be known before counting closes, because there will be longer time allowed for counting in close situations.

I am sure that this section of the Bill will meet with complete approval from both sides and with general approval from the community. Experience has shown that very few people vote in the last two hours. The polling clerks and the people handing out how-to-vote cards have a lonely time in the last two hours, particularly in winter, when it can be cold, dark, and most unpleasant. I begin my remarks by heartily endorsing 6 o'clock closing of polling booths. I make clear that I do not extend that to the sale of alcoholic beverages.

There are in this Bill only two matters on which I should like to comment. Other honourable members have dealt fairly comprehensively with a number of clauses in the Bill, and I wish to add something about optional preferential voting. It is hard to see why anyone is opposed

to optional preferential voting.

If a voter goes into a polling booth and indicates his first and second preferences, and nothing more than that, his intention is perfectly clear. Anyone looking at that ballot-paper knows to whom the person intended to give his first and second preferences. Why he should be denied the right to have that vote counted, when the indication of his preference has been made clearly, is beyond me. This is denying people the right to have their opinions taken into account because they have not put the numbers from one to 37 or from one to 15 (or however many little squares there are) on the ballot-paper. The voter's preference is clear, and his vote should be counted. To remove optional preferential voting will deny many people the right to have their perfectly valid opinion taken into account.

The figures on informal voting clearly demonstrate that many people do not completely fill in their ballot-paper so that, with compulsory preferential voting, their votes are classed as informal, even though it is clear who their first preference is. The Hon. Mr. Sumner quoted these figures, but I will repeat them.

In South Australian Legislative Council elections, for which we have optional preferential voting, we had 4·5 per cent informal votes in 1975 and 4·4 per cent in 1979. Similar figures apply in many electorates throughout the State. However, if we look at the Senate elections in South Australia, where we have the same people voting but using a different system with compulsory preferential voting, we find that in 1974 the informal vote was 11·4 per cent; in 1975 it was 9·95 per cent; in 1977 it was 10·4 per cent; and in 1980 the figure was 8·7 per cent. We can see that the Senate informal vote in South Australia has virtually doubled what it is for the Legislative Council vote, with the same people voting in each case.

The Hon. R. C. DeGaris: Would you vote for a system that reduced the informal vote?

The Hon. ANNE LEVY: I think that informal voting should be kept as low as possible.

The Hon. Frank Blevins: Unintentional informal voting.

The Hon. ANNE LEVY: Yes. I think that unintentional informal voting should be kept as low as possible. Quite clearly, the system that we have with optional preferential voting and the list system makes it much easier for people to demonstrate their preferences. As the person for whom they wish to vote is clear, I can see no valid reason why these people should not have that vote counted simply because they have not put all the numbers up to No. 37 in the correct order. It is discriminatory to deny these people the right to have their votes counted.

Quite apart from the figures, I have done quite a lot of scrutineering in my time of both Legislative Council and Senate ballot-papers, and I am sure that others who have done likewise will agree that a large number of ballot-papers for the Senate are declared informal, although it has been clear for which group of people the voter wished to express a preference.

Time and time again, one sees Senate ballot-papers with the figures "1", "2" and "3" marked for the Party of the individual choice, and no further numbers. To me it is grossly undemocratic to deny these people the right to have their vote taken into account in determining the result of that election. Anyone looking at such ballot-papers can see for whom the people wished to vote.

I am not saying that these people always wish to vote for one Party. I have seen informal ballot-papers of this nature for Senate elections the votes on which have been for any and every Party. It is grossly unfair not to take these ballot-papers into consideration, and those who wish to remove optional preferential voting are being elitist and discriminatory against people who, for whatever reason, do not fill in a complete ballot-paper but, nevertheless, make their voting intention perfectly clear.

I should like now to say a few words about the distribution of preferences as suggested in the Bill. This matter has been discussed fairly exhaustively by other honourable members, and I do not wish to go over old ground. However, I wish to say something about sampling errors. I referred to this matter in my Address in Reply speech last August but obviously the Government, in drawing up this Bill, has taken no notice of the remarks that I made at that time.

Where a sample has to be taken of a pile of ballot-papers for the distribution of preferences, it is possible to have sampling errors: where the sample that is taken is not identical in its second, third and fourth preferences to those of the total pile from which it was taken. Our present system of counting allows for complete redistribution of preferences for groups with less than half a quota. There is no sampling. Every ballot-paper has its second preference taken into consideration.

The Hon. R. C. DeGaris: But there it stops.

The Hon. ANNE LEVY: I agree. The system proposed in the Bill means that in many situations samples will have to be taken. If a Party has obtained 1·2 quotas, that ·2 of a quota may well be distributed to second preferences. To retain that ·2 of a quota, a sample will have to be taken of all ballot-papers for that Party. Wherever a sample is taken, sampling errors can be introduced.

Last August I quoted figures on calculations that had been done by Dr. Fischer, a statistician expert in electoral systems, from Adelaide University. The figures that I quoted showed that the chance of the wrong person being declared elected due purely to sampling errors is small.

The Hon. R. C. DeGaris: Have you got the figure?

The Hon. ANNE LEVY: The honourable member can look it up in the 12 August debate.

The Hon. R. C. DeGaris: But it is small?

The Hon. ANNE LEVY: The chance is small, but it depends on the closeness of the vote. The closer the vote, the higher the chance that sampling errors alone will lead to the wrong person being declared elected. That arises because, although the sample which is chosen must conform with the group from which it comes in terms of its second preferences, there is no check whatsoever on the third preferences of the sample, or on any subsequent preferences.

The Hon. R. C. DeGaris: I do not think he took into account the declining chance of being wrong with a count, probably a recount and a further recount. If one takes those steps into the calculation, the chances of a mistake are indeed small. The chances he gave were on the first count.

The Hon. ANNE LEVY: Certainly, his calculations were only for the first count. A resampling would reduce the chance of error still further; there is no doubt about that. However, when a vote is close it is not a negligible chance that purely sampling errors will lead to the wrong person being declared elected. The probability of that occurring really depends on the chance of people deviating from Party how-to-vote cards.

Many scrutineers have gained the impression that the probability of people deviating from Party how-to-vote cards is rising. There is some leakage from the Party list in the Senate system, though it is not very extensive. However, it certainly occurs. Leakage between Parties is much greater and, according to many scrutineers, is occurring with increasing frequency.

The Hon. K. T. Griffin: That is not a bad thing, though, is it?

The Hon. ANNE LEVY: I am not suggesting that it is a

bad thing, but the more it happens the more likely sampling errors will become important. If everyone followed their Party how-to-vote cards, no sampling errors would be introduced at all. The more people deviate from the Party how-to-vote cards, the more likely it is that by taking a sample for only the first distribution of preferences errors will be brought in, because that sample is more likely to not represent the totality of votes from which the sample is taken. Dr. Fischer has extended his calculation from the situation of electing Senators using the Senate system to the calculation involving the elections for the Legislative Council, if a Senate-type system or New South Wales-type system were introduced for this Council. Dr. Fischer states:

> In a recent paper in the Australian Journal of Statistics (1980) pp. 24-39, I have shown how the method of election of Senators in Australia gives rise to an error due to the sampling of votes, and have calculated the approximate size and importance of such errors. The error as such is random in its effect—that is to say, does not systematically favour one party or another. However, a problem arises when the voting is close, because a recount of the votes using a fresh sample may give rise to a different candidate being elected purely and simply because of the different sample, in precisely the same way that the result of the toss of a coin can differ from one toss to the next. Beyond this, an electoral official would have the ability to influence the result to some degree by the purposive inclusion of certain votes in the supposedly "random" sample. The purpose of this report is to comment on the first of these problems only; that is, it assumes that electoral officers can and do faithfully draw random samples.

The Hon. K. T. Griffin: We are going to prescribe that they do.

The Hon. ANNE LEVY: This paper is not concerned with that. It is assuming that the sample is a properly randomly-chosen sample. Dr. Fischer continues:

> The method of calculating the sampling errors can be readily adapted from the Australian Senate to the S.A. Upper House. The magnitude of the error can be judged from past Senate elections, on the assumption that the deviations from party how-to-vote cards are likely to be similar for both Sentate and State Upper House. The greater the deviation from party how-to-vote cards, the greater the sampling error, and given that there has been relatively small such deviation in the past, one could therefore expect that if anything the calculations could well be underestimates, to the extent that such deviations may well increase in future.
>
> If the first 10 places are all taken by either ALP or Liberal, and if the last two in the count for the 11th place are also ALP and Liberal, my calculations show that, on average, if the winning margin is greater than about 80 votes, there is less than 1 chance in 10 000 that the wrong candidate will have been elected. Call this case A. If the first 10 places include one or more candidates from a third party, and if the last two in the count for the 11th place are ALP and Liberal, then, on average, if the winning margin is greater than 200 votes, there is less than 1 chance in 10 000 that the wrong candidate will have been elected. Call this case B.
>
> If the first 10 places are taken by ALP and Liberal candidates, and if the last two in the count for the 11th place includes a member of a third party then, on average, if the winning margin is greater than 270 votes, there is less than 1 chance in 10 000 that the wrong candidate will have been elected. Call this case C. There is a 16 per cent chance of electing the wrong person in case A, if the winning margin is 22 votes; in case B, if the winning margin is, on average, 54 votes; in case C, if the winning margin is, on average, 72 votes. Lower winning margins will increase the chance of wrong election by larger amounts, as the accompanying table shows.

I seek leave to have that table incorporated in *Hansard* without my reading it. The table is purely statistical.

Leave granted.

PERCENTAGE OF TIMES WHERE WRONG PERSON IS ELECTED

	Percentage							
	50	30	10	5	1	0·1	0·01	0·001
Winning Margin for:								
Case A	0	12	28	36	51	68	82	94
Case B	0	28	69	89	126	167	201	230
Case C	0	38	92	118	168	222	268	307
Worst case	0	84	205	263	373	494	595	682

> Interpretation: Entry of 12 in 2nd column, 1st row under 30 per cent, case A means that if the conditions of case A apply (i.e. all Labor and Liberal elected, and last place is fought off between Labor and Liberal) and if the winning margin is 12 votes for the last place, there is a 30 per cent chance that the wrong candidate will have been elected.
>
> (Note: "Wrong" candidate is the candidate who would not have been elected if there had been no sampling error.)

The Hon. ANNE LEVY: Dr. Fischer continues:

> The reason that case B has lower errors than case C is that a third party, on being elected, will usually have a small surplus to distribute and therefore a lower associated error. In both B and C, however, the errors are average ones in the following sense. Sometimes a candidate will be elected with a very small surplus to pass on, and will therefore be responsible for a low error being generated; on other occasions the surplus will be large and there will be a correspondingly large error generated; I have looked at a number of past cases which are an average of low middling and high error cases. It is perhaps more instructive, therefore, to look at the worst rather than the average case.
>
> In cases B and C, in the worst case, there is a 1 in 10 000 chance of electing the wrong candidate if the winning margin is 600 votes; there is a 16 per cent chance of electing the wrong candidate if the winning margin is 160 votes. These are quite large amounts and should not be overlooked. As it is possible to devise simple procedures to circumvent the problem, as my paper in the A.J.S. shows, this precaution ought to be built into the system.

I feel that, if there is to be a distribution of preferences other than the system that applies at present, this will involve samples being taken, and the probability of sampling errors affecting the result is not one that can be completely ignored. In many cases, such sampling errors will be small but we cannot take for granted that they always will be. With the system proposed in the legislation before us, sampling errors will be brought in. With a New South Wales type system or a Senate type system, both of which have been mentioned by other speakers in this debate, sampling errors are again brought in.

These can be avoided if the procedure is adopted as is discussed in the original paper by Dr. Fischer in the Australian Journal of Statistics to which I have referred. This is the procedure involved in not taking samples, but distributing all the votes, weighting them properly so that the preferences of all the ballot-papers are counted, but they are not counted as one but are counted to give a proper weight to allow for the portion of a quota that is being distributed.

I may not have explained that very well but I recommend Dr. Fischer's paper, which explains this matter clearly. This could be done either with the system proposed in the legislation before us, with the Senate system, or with the New South Wales system. I think Dr.

Fischer's proposal is that, in any legislation on voting procedures, provision should be made for this to be done if the election is close, as it would be unnecessary and an unnecessary amount of work on the part of the Returning Officer unless the election was a close one, but that provision should be made in any legislation so that, where voting is close, an accurate system can be used, so removing the change of any errors. I stress that the voting system that we have at the moment for the Legislative Council does not introduce any sampling errors at all, and that seems to me to be one reason why we should not disturb the present system.

The Hon. R. C. DeGaris: The present system does have mathematical errors.

The Hon. ANNE LEVY: I do not know about mathematical errors. I do not see where mathematics comes into it.

The Hon. R. C. DeGaris: There were mathematical errors at the 1975 election, when the Labor Party, with 48·2 per cent of the vote, got six members out of 11.

The Hon. ANNE LEVY: I do not see that that has anything to do with mathematics. It may be a question of judgment, logic, morality, or what have you, but it is not one of mathematics. I have been discussing errors arising from sampling. These can be avoided in whatever system is used if the appropriate legislation is drawn up. However, with the current system, there are no sampling errors and I feel that this is another reason for not disturbing it. If the system is to be changed and whatever system may be suggested, it is possible to avoid the possibility of sampling errors influencing the result if legislation is drawn up accordingly. I urge the Council not to ignore sampling errors when considering methods of voting, and I support the second reading.

[Sitting suspended from 5.55 to 7.45 p.m.]

The Hon. L. H. DAVIS: Recently elected members of this Council could be forgiven for thinking that they are latter-day Daniels entering the lion's den that has looked at electoral systems often and vociferously over a long period. This is my first speech on electoral matters, and I do not wish to look at the technical details involved in electoral systems such as the droop method of determining electoral quotas in the list system. However, I would like to place on record that I believe there are three fundamental prerequisites for a fair voting system for Legislative Council elections. The first is universal franchise, the second is proportional representation, and in association with a preferential system of voting.

First, I would like to comment on the current preferential system, which is styled as the optional preferential system. It is interesting to note that the Hon. Mr. Sumner in his rather lengthy speech on the subject yesterday went to great lengths to extol the virtues of the optional preferential system of voting. He attacked the Bill which is before us now and which proposes to abolish optional preferential voting. The Hon. Mr. Sumner stated:

> That is without any question a retrograde step and is an appalling reversion to the bad old days.

He laboured the point at some length about the optional preferential system being much more democratic than the compulsory system. He did not adduce any evidence to support that and, if one wished to be practical about it, which is something that I would like to think members opposite would be, one should first address oneself to how the optional preference system worked on the only two occassions that it has been in operation, that is, in 1975 and 1979.

Whilst legislative requirements may admittedly have limited the full implementation of the optional preferential system, the interesting fact is there for all the world to see, in advertisements, both by the Electoral Office and in the electoral material from both the Liberal Party and the Labor Party. In the 1979 election, most certainly, there was no mention of the optional preferential system. The A.L.P. made no attempt whatever to explain that, whereas in the Lower House there was compulsory preferential voting, there was optional preferential voting available for those who wished to exercise it in the Upper House election of September 1979.

I have not seen one shred of evidence showing that the Labor Party attempted to persuade its supporters, or the public at large, that the optional preferential system was alive and well in South Australia. I will go further than that and say that scrutineers at the 1979 election, at least on the Liberal side, were particularly interested to see how much voting took place, either by accident or design, following the provision of the optional preferential system.

Very few people indeed, in fact a very small percentage (maybe not even 1 per cent of the population), followed the optional preference system of voting. Mr. Sumner did not mention that in his speech yesterday, nor did the Hon. Mr. Blevins mention it. Of course, we can understand why—they did not intend to implement it themselves. They make a lot of play in the huff and puff of the debate on the new Bill that we have before us but in practice they do not follow it themselves.

The Hon. C. J. Sumner: What about the theory of it?

The Hon. L. H. DAVIS: We will come back to the theory of it in a little while. I want to deal with the real world, because that is ultimately where the votes and the electoral systems count. As the Hon. Mr. Blevins said (and I have no quibble with it at all) there is obviously room for argument on the preferential system. We can have the optional preference system as we have now, with the right to put one number in a square for a valid vote, or we can have the other extreme with the compulsory preference system before us in this Bill, where there is an obligation to vote for every candidate, although one square can be left blank. There is then the hybrid of these two extremes which has been well explained at some length by the Hon. Lance Milne and the Hon. Mr. DeGaris. This system operates in New South Wales. In this variation one can either vote for the number of candidates required where there is more than one candidate to be elected (which would take place in Upper Houses, Senates, and so forth), or it can be less than that number. These are, broadly speaking, the three options. They have been canvassed in this Chamber when we have looked at preferential systems of voting.

In 1979 people voting for the Legislative Council team of their choice were in fact following the card right down the line. I refer here to advertising authorised by the Electoral Commissioner, and in the *News* of Wednesday 12 September an article headed "Election announcement —voting for the Legislative Council. Read this and make the most of your vote" contained a detailed explanation of the list system of voting and directions to the voter, pointing out that he must place a number in every square. That is how the system worked in 1979. To all intents and purposes, from the advertising that took place by both sides and the Electoral Department, as well as from the scrutineering that followed the election, there was obviously a compulsory preferential voting system in operation for the Legislative Council, whatever the Electoral Act may have said on the matter.

The Hon. C. J. Sumner: Rubbish!

The Hon. L. H. DAVIS: The Hon. Mr. Sumner did not mention that in his speech. The Hon. Mr. Blevins did not

refute it either. Unless they have some extraordinary information which the Liberal Party scrutineers are not in possession of, what I have said must hold good.

The Hon. C. J. Sumner: There were no valid votes except those that filled in every square.

The PRESIDENT: Order! The Leader made a very powerful speech earlier in the debate. I ask him to now cease interjecting.

The Hon. L. H. DAVIS: Secondly, the Hon. Mr. Sumner compared the informal vote in the Senate election and in the Legislative Council election, and made the point (with which I agree) that in the 1979 Legislative Council election there were 28 candidates and a 4·4 per cent informal vote, whereas in the 1980 Senate election there were 27 candidates and an 8·7 per cent informal vote.

The Leader did not say, however, that virtually everyone in South Australia was voting (as the election was conducted) under the compulsory preference system. I do not have the figures in my possession but, as I recollect, the scrutineers were saying that well into the high nineties out of every 100 people were voting in every square. So, one cannot simply take the votes from the 1979 Legislative Council election, compare that with a Senate election and say that the system is easier, because in 1979 there were seven groups. Therefore, people had to put in numbers for one or more of those groups. As I have said, invariably they voted for all the groups.

As I recollect, there were nine or 10 groups in the Senate election. The lie to the argument that the system by itself creates informality is given by the observation already made that in New South Wales, where they have the hybrid preference system, and where one must put some numbers down—

The Hon. Frank Blevins: How many?

The Hon. L. H. DAVIS: I understand that it is 10.

The Hon. Frank Blevins: Why is it 10?

The Hon. L. H. DAVIS: I have not had an opportunity to examine the very voluminous comments made by the Select Committee. I do not know why it is 10, but I do not think that it is necessarily relevant to this debate, anyway. I am trying to make the point that they had to vote for a minimum of 10 candidates, yet the informality there was lower than it was for the Legislative Council vote in South Australia.

So, one cannot just look at informal voting figures between Federal and State elections and make these comparisons. There are some psephologists who have made the observation that there may have been a tendency for a higher level of deliberate informal voting in Senate elections as against State elections.

The point made by the Hon. Mr. Sumner that the optional preferential voting system is simpler and leads to lower informality is not an indisputable point. That has tended to be reinforced by the point already made by the Hon. Mr. DeGaris with reference to the New South Wales system.

Then, we come to the very interesting argument of looking at the Parties themselves and their organisation, and of seeing whether the belief that is paraded on the Parliament House floor is matched by the practice of that organisation in the voting systems that it follows. I suggest that the Labor Party argument becomes remarkably thin when one looks at the propositions that have been put before us over the past two days in respect of voting systems and democracy. This afternoon, the Hon. Mr. Blevins laboured a point about first-past-the-post voting and how it really gives minority Parties a much better chance.

The Hon. Frank Blevins: In single-member electorates.

The Hon. L. H. DAVIS: Yes, that is generally true. However, it is not true when it comes to Upper House voting and Upper House voting systems. Of course, that is what we are debating now. There are two points about the Labor Party voting system that should be disclosed to the voting population of this State. Those points have been raised by members on this side before, but they should be referred to again when we are debating something as important as a voting system for the Legislative Council. First, there is the indisputable fact that the Labor Party in its selection of candidates at its conference, and no doubt in other elections which occur for executive and other positions, does not use a first past the post voting system, and it does not use the sort of system which it is on about at the moment, namely, an optional preference system. It uses an exhaustive preference system which, as the Hon. Mr. DeGaris has explained, is really a variation of compulsory preference voting. No doubt if the Labor Party was to reveal the figures for the recent Unley preselection—

The Hon. Frank Blevins: It was in the *Advertiser*—we do release them.

The Hon. L. H. DAVIS: Yes, but you should release details of how the preference voting occurred. One would then see, if a distribution or further ballot was necessary, that the Labor Party is really only following the procedures that we are advocating today for amendments to the Electoral Act.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order! I ask the Hon. Mr. Blevins to desist. His interjections are becoming a little repetitive.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order! I have asked the Hon. Mr. Blevins not to persist with his interjections. I have always been prepared to accept that some interjections do help, but they have gone far enough.

The Hon. L. H. DAVIS: The second aspect of the Labor Party voting system which can hardly bear public scrutiny is its infamous card system of voting, which the Hon. Mr. Cameron has already mentioned.

The Hon. J. R. CORNWALL: I rise on a point of order. Mr. President, I know that you allow a great deal of latitude in the second reading stage, and that is commendable. I myself have been pulled up from time to time when I have strayed right away from the point. However, there is nothing in the Bill about A.L.P. voting systems, the infamous card system or anything else.

The PRESIDENT: I do not believe that there is a point of order.

The Hon. L. H. DAVIS: The card voting system has been changed recently, as members would know only too well, from a 90 per cent to 10 per cent ratio as between the trade unions and sub-branch members to a 75 per cent and 25 per cent split.

The Hon. Frank Blevins: That reflects on all members of Parliament, and to some extent—

The PRESIDENT: Order!

The Hon. Frank Blevins: If you want to talk—

The PRESIDENT: Order! The Hon. Mr. Blevins will come to order when I call him, or I will have to take remedial action.

The Hon. Frank Blevins: What's in the Bill about this?

The PRESIDENT: I believe that the Hon. Mr. Davis has left himself open. He is away from the Bill.

The Hon. L. H. DAVIS: I think I have made the point well enough and, judging by the interjection, I have scored quite a fair point. The Labor Party cannot come into this Council with clean hands and talk about voting systems, when one looks at its method of voting in its organisation. As distinct from the Labor Party, the Liberal Party in its

organisation has exhaustive preferential systems of voting, which make the Parliamentary wing and the organisational wing consistent in their pursuit of what we are talking about tonight.

The other point I would like to make is that I agree with the other matters before us. Having said that I believe that compulsory voting is something that is accepted, and that there is certainly room for argument in the area of preference voting, it was interesting for me to read some of the material from the Select Committee in New South Wales and to find that such a wide cross-section of people had made many observations about preference voting, including Mr. Neal Blewett, a well-known political academic and now a Federal member of the Labor Party.

That compromise is a system that obviously has merit for those people who believe in it, but I would like to support other aspects of the Bill. House of Assembly enrolment is now compulsory, and Legislative Council enrolment flows through from that. I accept that as being an excellent move. As a move, it has my support, although I must say that I have been surprised that there has not been more discussion over the years on voluntary voting, because Australia is one of the few countries that have compulsory voting.

It is interesting to reflect on how voluntary voting works in practice in America, when one sees that President Reagan was elected last November with only 52 per cent of the population turning out to the polls. It was one of the lowest polls for many decades, and President Reagan secured only a little over 54 per cent of the vote.

The Hon. Frank Blevins: I think he got only 29 per cent of the registered voters.

The Hon. L. H. DAVIS: As the Hon. Mr. Blevins has observed, President Reagan was elected with less than 30 per cent of support from American voters.

The other aspects of the Bill that I support are the change in the time from 8 p.m. to 6 p.m., which brings us into line with other States and will put those coming up for election out of agony a little earlier, or in agony a little earlier.

I also support clause 24, which deals with abusive or frivolous nominations and nominations for an ulterior purpose. I think the technical aspects of the Bill, covered in what the Attorney-General has rightly said is the first major review of the Electoral Act for many years, are changes that are well made, made with consideration, and reinforced by the practical considerations of the recent Norwood by-election.

The last point I would like to make is in relation to clause 48. We all know that the system now provides that where there is less than half a quota the preferences are distributed and where there is more than half a quota the preferences are not distributed. The Hon. Mr. Blevins appeared quite forlorn that no-one on our side has taken up his argument about the figures which he got from the Parliamentary Library and which he believed proved that Mr. Neal Blewett, on his side of politics, was wrong, namely, that the Hon. Mr. Sumner, under the voting system now proposed, would not have been in this Council today if that procedure had not been in operation at the 1975 Legislative Council election.

The Hon. Mr. Blevins was talking about total numbers of votes as distinct from quotas, and it would be relevant, while the Hon. Mr. Blevins is in the Chamber, to run through the details of that 1975 Legislative Council election. There were nine groups and 34 candidates. After all voting, the Parties left in the running were the A.L.P., with 5·83 quotas, the Liberal Party, with 3·71 quotas, and the Liberal Movement, with 2·46 quotas. The Hon. Mr. Blevins claims that a spot check of preference distribution for the Liberal Movement, which had the lowest quota remainder, shows only 11 per cent. The Liberal Movement, with 2·46 quotas, elected two members, and distributed its preferences in the proportion of 11 per cent to the Labor Party and 89 per cent to the Liberal Party.

The Hon. Frank Blevins: I didn't say it was a spot check. I said that's what happened in the House of Assembly when the preferences were distributed.

The Hon. L. H. DAVIS: We are quibbling: I am not interested in semantics at this time of night. A spot check assures me that the figure was 11 per cent. If the Hon. Mr. Blevins cares to do a calculation at ·46 of a quota using 11 per cent, he will find that the A.L.P. would not have received an extra quota, but the Liberal Party would have. That is beyond dispute. It is accepted by both this side and the other side, as has been illustrated by Dr. Neal Blewett. I suggest that the Hon. Mr. Blevins should take the next possible opportunity to discuss this matter with his Federal colleague so that he does not throw in that sort of red herring again.

The Hon. C. J. Sumner: If Mr. Cameron and Mr. Carnie had not split off from Mr. DeGaris, the Liberal Party would have received six. It was the split in the Party that caused you to fail.

The Hon. L. H. DAVIS: I am not interested in dealing with a hypothetical example of what might or might not have occurred if something else had happened.

Members interjecting:

The PRESIDENT: Order!

The Hon. L. H. DAVIS: To allay the fear of the Hon. Mr. Blevins that the Liberal Party is taking this action for practical gain and to take advantage of the old, the sick, Aborigines, and others, I also suggest that, if one looks at the figures for the quotas for both the 1975 and 1979 Legislative Council elections, one will see that we can never predict with certainty where any Party will finish at the end of counting. From the aspect of bringing everyone into the count for the distribution of fractions, there can be no argument that it is fair and will not advantage any Party in any way.

The Hon. Frank Blevins: There's no argument about that.

The Hon. L. H. DAVIS: I cannot see one argument in favour of the Labor Party proposition that a full distribution of preferences would work against the Party, or a minority Party, for that matter.

The Hon. Frank Blevins: Do you agree that there are many and varied electoral systems and all can be fair in their own way? I am not saying that a full distribution is unfair, but first past the post can be fair.

The Hon. L. H. DAVIS: I am arguing in rebuttal to the Hon. Mr. Blevins's argument, that the system proposed by the Liberal Party Government in this Bill is eminently fair, both in respect of a full distribution of preferences and compulsory preferential voting. Also, it is backed up by the practical evidence from the 1975 and 1979 Legislative Council elections, in which, for all practical purposes, there was compulsory voting and the informal vote was extremely low.

The Hon. J. E. DUNFORD: Members will have to excuse me if I do not do my best tonight. I must say that the Hon. Mr. Davis, huffing and puffing with clean hands, has left me completely flat. It is the worst contribution that I have ever heard in this Council, except in 1975, when I made a speech, but I will not refer to that, except in a few parts. Mr. President, you will recall then that you were on this side of the House, talking on a similar Bill. The Hon. Mr. DeGaris was on the front benches in the place where Mr. Sumner now resides—and he will not be there for very

long.

The Hon. K. T. Griffin: Where is he going?

The Hon. J. E. DUNFORD: To the other side of the Chamber. In 1975, Mr. President, you never talked about wanting to find out whether you could improve a Bill to get more people to vote. The Labor Party was advocating that, but you said that it would not happen. Today, the Government is using the reverse argument on us. In a debate in October 1975, I quoted what Mr. Eastick, in the other place, said, as follows:

> I believe that the Bill is as abhorrent today as was a similar measure introduced in the latter part of March. I said that that measure was political dynamite, as is this Bill. One can conceive that the Bill has been introduced so that eventually there will be no elections at all.

Mr. President, your comments were a little better. In that debate I said:

> Yesterday the Opposition found its saviour when the Hon. Mr. Whyte said that there would be a dictatorship, bloodshed, civil war, and a withdrawal of voters' rights if this Bill was passed.

This is the Bill the Government is now trying to destroy. I could use nearly the same superlatives that were used then, but I will relate my remarks only to clause 47, which refers to optional preferential voting. I know you do not like looking back on those bad days, Mr. President, but these are the things you said.

The PRESIDENT: I do not like not being able to answer you back.

The Hon. J. E. DUNFORD: You were not successful at that time, Mr. President. Tonight, I am relying on principle to try to get the Government to see reason. I believe that the Government is determined before the next election to consolidate itself in power, in this Chamber especially, with this measure, and I also believe that this will not be the end if this Bill is amended or is not passed or defeated. I believe that, after a period of at least six months, an attempt will be made to get something else—probably the Senate system, which is a disaster.

The Hon. R. C. DeGaris: Who introduced it?

The Hon. J. E. DUNFORD: It does not matter who introduced it. I am talking about your forebears in this Chamber. What a terrible record they had. I spoke in my maiden speech about what sort of Chamber this was, but I am not blaming anybody here for that. The Hon. Mr. Davis said that he believes in adult franchise. Previously he did not believe in adult franchise (there were 16 to 4 in this Council), and it is astounding to hear the things that he said tonight. These things were not said previously; there is nothing in *Hansard* of the day. I can recall when I resided in Port Pirie and I had a vote in this House but my wife did not, which she was most upset about. I refer to the second reading explanation and to that giant of a man opposite (not his stature but his mouth) and about why he says that he wants this Bill carried. Talking about democracy, and how crook optional preferential voting is, the Attorney said:

> The Government believes, however, that preferential voting will make possible a more accurate ascertainment of the will of the people in relation to the election of members of the Council. It will have the added advantage of achieving greater uniformity between Council voting and Assembly voting. The amendments provide that the voter must mark all groups in order of his preference. There is, however, a proviso that, where a voter has indicated his preferences for all candidates or groups except one, it shall be presumed that the candidate . . .

Many a time I have heard the Hon. Mr. Burdett, like a parrot, saying in Opposition that legislation should not be put through because there was no need for it, because people were not asking for it. The Attorney has not said that. He has said this legislation might ascertain how the public are voting. That is not good enough. We all know that it is not compulsory voting. A voter can go to the electoral booth and deliberately vote informally.

If such a measure is passed, there will be concern in the community. I agree with what the Hon. Mr. Whyte said: there could be a type of revolt in society. It would not be bloodshed, and all the things that were said in 1975, but a serious reaction against this Council, although not against the people who are defending the right of a person not to vote for a political Party that is abhorrent to them. At present, if I want to vote for the Labor Party, I indicate it and my vote is recorded. I do not have to vote for all the individual Parties. That system is simpler for anyone who has come from a foreign country and who cannot count. The Hon. Mr. Milne said the other night that most people could count up to 10, but some people from strange lands find that difficult. In China or in the Soviet Union, I could not count at all.

I would not mind if the Hon. Mr. DeGaris were straight about this. I would not like to debate electoral reform with him, but I would debate the merits of clause 47. He spends half his time worrying about entrenching power in the Liberals and making himself look good to the public. Some of the things he has said are impressive, but that is not the case when one considers everything he has said on electoral reform. I have some doubt in my mind about his attitude. Perhaps he wants to be a maverick in his old age.

I believe in the principle. A principle can be seriously infringed upon if people are forced to vote for Parties that are abhorrent to them. A person could have been a prisoner of war in Germany or a Jew whose family was destroyed in Auschwitz. There are those people in Australia, and they are not much older than I am. They want to vote, but they will be forced to vote, for instance, for a fascist Party. If there is a League of Rights Party, they will be forced to vote for that. Rather than do that, such a person would vote informally. A person who has lived under a fascist regime and is opposed to that sort of political Party generally votes for the Australian Labor Party, knowing that it has never supported violence or fascist regimes, but the Liberal Party has.

The Hon. R. C. DeGaris: Where?

The Hon. J. E. DUNFORD: Vietnam—look at Pol Pot and Vietnam. There are other reasons why people do not want to give their second preference to the Liberal Party. Since 1975, the Liberal Party's position has worsened especially as unemployment is at a record high.

Many times I remember seeing Murray Hill twitching his moustache in anger and calling on us socialists to resign because we had caused 6 per cent unemployment. He would say, "You should be out of Government." He would go faint and pale; his anger would overcome him and he would look at us with scorn. Now unemployment is nearly 9 per cent, but when is the Government going to leave the Treasury benches?

If clause 47 goes through it will force people to vote for a Party that gets children hooked on drugs, and that ensures that children have no future. The Liberal Party is doing nothing. The Government has had 18 months to find the mythical 7 000 jobs, but now 20 000 jobs have been lost.

The Hon. K. T. Griffin: About 20 000 were lost under your Government in three years.

The Hon. J. E. DUNFORD: The Liberals said that we should get out of office when unemployment was at 6 per cent, so is it not fair that we ask you to get out of Government when unemployment is running at 9 per cent? The Attorney does not remember what was said. He said nothing when he was a back-bencher; he nearly

sneaked over the heads of his—

The PRESIDENT: Order! The Hon. Mr. Dunford is developing a strong case, but it does not have much to do with the Bill. Perhaps he would do better to get back to the Bill.

The Hon. J. E. DUNFORD: I am trying to explain why people did not want to vote for the then Opposition—because they knew what it did to its leaders. The present Attorney went right over the man who did such a wonderful job in Opposition. I did not agree with him, but he was a great fighter for the Liberal Party and was simply brushed aside. In regard to interest rates, I refer to people who are buying a house and who are paying the high interest rates that apply today. Although I am on a high salary, honourable members do not see me at the bar shouting out of turn, and I will say why. The Liberal Government promised to reduce interest rates by 2 per cent when the interest rates were running at about 9½ per cent—now interest rates are 11½ per cent. Many people would prefer not to vote if they had to have their vote counted in support of a Party which is forcing them to leave their homes and loose everything that they have saved and worked for all through the actions of the Liberal Party.

Another point that is uppermost in the mind of many people, and it seems to come up about every three months, is the price of petrol. I would find it difficult to cast a vote for a Party which is slowly but surely wrecking not only the economy but which is also trying to take away the freedom of citizens.

Much has been said about democracy from the other side. If I have not got through to members opposite with what I have said, so far, perhaps I will now get through to them. I have read with interest the book *Voting in Democracies* by Enid Lakeman and James D. Lambert. Two of the latest editions are out on loan from the library, and probably the Hon. Mr. DeGaris has them, but that has not stopped my perusing this wonderful book which has been dedicated to John H. Humphreys, who, "gave up his own career in the Civil Service and its prospects". We know the prospects of the Civil Service; one has only to read some of the articles by Clyde Cameron to see that. Referring to Mr. Humphreys, the book states:

> Over the long years he made a detailed and world-wide study of the various electoral systems of Parliamentary and local government. His unrivalled knowledge was freely placed at the service of others, whether they shared his views or not.

That is what I am trying to do; I am talking about principles. There are members opposite who would like to have the same principles, but power is more important to them. The compelling authority over individuals if this provision is carried evidences that what I am saying is absolutely true. The dedication continues:

> Believing in fair play for all of sincere convictions, alike for opponents and those with whose views he united, he sought to test methods of representation by the extent to which they secured this fair play. He saw in the use of the single transferable vote the best way by which just representation can be secured to all sections of a democratic community.

That is what he wanted. The authors did not agree with him. I recognise that some of the people who espouse views of the type held by the Hon. Mr. DeGaris are not all insincere. Once you have taken away the compulsion to vote for Parties that people abhor and do not wish to vote for, you cannot turn back; you have crossed the Rubicon. This book refers to justification. Referring to the Bill, the Attorney in this Council, the champion of democracy, said, "It will have an added advantage of achieving greater uniformity." We know that he is a man of words, and he has made some wonderful speeches in this Chamber, but the reasons he gave in his explanation of the Bill will not convince anyone. No-one will cop that load of rubbish. The Attorney has shown no justification. The book further states:

> . . . there would seem to be no justification for interfering with a citizen's right to indicate that he considers only one of the candidates to be worth voting for. Still less is there any need for the rule adopted for the Australian Senate, that the elector must mark a preference against *every* candidate. Not only are there strong objections to forcing a voter to express opinions about candidates of whom he may have no opinion at all, or all of whom he may dislike equally but it only increases the number of invalid papers.

"It only increases the number of invalid papers": that answers the Attorney's question. The Hon. Mr. Davis does not count. He says that the provisions of the Bill may get more people to the polls and may indicate an increase in votes. The book also states:

> An example of its futility is the 1949 election of Senators for New South Wales (where the invalid papers were 12·1 per cent): there were (for the 7 seats) 23 candidates, all of whom had to be numbered

That is the justification.

The Hon. R. C. DeGaris: There were never seven candidates in the Senate election.

The Hon. J. E. DUNFORD: Are you saying that the book is wrong?

The Hon. R. C. DeGaris: There were six or 10.

The Hon. J. E. DUNFORD: Is that so? The book continues:

> It is unfortunate that Australia has again adopted, for her Senate elections, the superfluous rule that every candidate must be numbered. This serves no useful purpose and merely tends to discredit the system, owing to the excessive numbers of invalid papers it produces. In 1951, the number of spoilt papers was 7 per cent of the total poll—a figure about six times as high as in Eire.

That is yet another example given by these authorities who are recognised all over the world. The Hon. Mr. DeGaris recognises them as an authority.

I accept that, if what they are saying is correct (as I believe it to be), there must be another reason for the Opposition wanting to dispense with optional preferential voting. I believe that it wants to retain these powers and hoodwink people.

The Hon. K. T. Griffin: You're the Opposition now.

The Hon. J. E. DUNFORD: I am talking about the Government.

The Hon. M. B. Dawkins: You're only 18 months behind.

The Hon. J. E. DUNFORD: The Hon. Mr. Dawkins is quite a way behind. After all, he does not put much into this place. He just sits there in that corner, looks around at us, and says, "What are those people doing to this lovely House? Wasn't it lovely when we had only four of the red rats over there and we could do what we liked." However, things are changing, and members opposite are trying to turn the clock back. That will not work. The public will react against them.

The Hon. M. B. Dawkins interjecting:

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: He is trying to upset me, Sir. In fact, he does upset me.

The Hon. M. B. Dawkins: The President has ruled my interjection out of order, Jim, so you'd better get on with it.

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: I have been talking about principles and democracy, and I hope that what I have said

has got through. The Hon. Mr. Burdett has not said much: he is sitting there, talking to himself deeply. The honourable member would like to agree with what I am saying. I refer again to the publication *Voting in Democracies*, which, in the conclusion, states:

> If a belief that the principles of democracy are desirable and attainable is founded on any true conviction, it is not sufficient for every citizen to have the vote; he should also be assured of the greatest possible freedom and effectiveness in its use. A Parliament thus elected will possess a solid authority and an enhanced prestige, and will become in truth the authentic expression of the national will.

So, one must have the greatest possible freedom in one's vote. However, the Government is taking away one's freedom and saying, "You will vote for a number of Parties; you cannot just give an opinion about one political Party." I oppose the Bill and hope that, if it comes to a casting vote, you, Sir, will give a bit of a kick on for democracy by voting with the Opposition.

The Hon. N. K. FOSTER: I shall be brief.

The Hon. J. C. Burdett: Hear, hear!

The Hon. N. K. FOSTER: I knew that I would get the usual shallow, derisive comment from the Minister who languishes on the front bench. In jest, I referred to him one afternoon as the molecule from Mannum, and I think that that was very appropriate. One aspect of this debate that has disappointed me is the contribution made by Government members. I think the Attorney-General said during the course of the debate, by way of interjection or otherwise, that this is a far-reaching reform, which the Liberal Party was implementing.

Never will the Liberal members in the next 50 years (or at least until the end of the century) be able to make other than idle boasts that the Party to which they show an allegiance has had as one of its major platforms the matter of electoral reform. They have been dragged towards this goal by a person who at least listened to the march of 30 000 feet past this building in 1968. I refer, of course, to Mr. Steele Hall. Unfortunately, Labor was not successful at that election. I think that Mr. Hall deserves congratulations on returning to politics in the Federal sphere. I reflect on the fact that both Parties can boast about and lay claims to having safe seats in both the State and Federal spheres.

The Liberals can take seats in some States with a vote as high as 70 per cent, and the Labor Party can boast that it does the same thing in other States. Both Parties would express disappointment if they received a vote lower than 65 per cent in those safe seats. I believe there must be a better system because, from a Party point of view, that system is not at all good. Sometimes, following an election certain members of a political Party sit down and work out that because they received over 50 per cent of the popular vote, they should be in office.

The Hon. R. C. DeGaris: They should be in office then.

The Hon. N. K. FOSTER: During the 23-year political drought of the Menzies Government, there was only one election when that Government received over 50 per cent of the popular vote.

The Hon. R. C. DeGaris: That's not true.

The Hon. N. K. FOSTER: The Hon. Mr. DeGaris can dispute that, but it is a fact. An example of the shortcomings of this system becomes evident when one compares the National Country Party to the Democratic Labor Party. For many years the Democratic Labor Party polled a percentage of votes across this continent but never won a seat in the House of Representatives (not that I think it deserved any in relation to its political philosophy). On average, the D.L.P. always polled about 4 per cent higher than the National Country Party, which captured a third of the Government won seats in the House of Representatives. No-one has come to grips with this outrageous system on a Federal or State level.

The Hon. R. C. DeGaris: Except in Tasmania.

The Hon. N. K. FOSTER: Yes, that is correct. However, no-one wants to know about the Tasmanian system on the mainland. I have often taken a wrong attitude, I suppose, when a person has approached me (for instance, from Port Adelaide) and said that he would not vote for the rotten bloody Labor Party because they were a pack of socialist dogs. One gets rather short-tempered and I have said, "It does not make any difference mate, you live in Port Adelaide."

I joined the armed services in 1939 and returned in 1946 and I was approached to stand for the Legislative Council. Up to that time I had not even been accorded a vote in this place, although I was accorded a vote whilst I served in the armed services. However, those people were torn out of the electoral roll by a Liberal Government in this State. I then discovered that I could not even seek pre-selection because I was under 30; I had to be middle-aged. That situation occurred because of the dictates of the Government of the day—some of the members of that Government are still sitting in this Parliament.

The Hon. Mr. Davis has talked about card votes, but he does not understand them. I do not intend to go on with vilification or criticism of the Hon. Mr. Davis's position about winning a plebiscite and entering Parliament. A person elected to the House of Assembly or the House of Representatives represents a number of people fluctuating between about 60 000 and 90 000. All those people cannot go to Canberra or come here and cast votes. The system means that the person elected casts a vote on their behalf. The people vest in him the right to speak for 60 000 or 90 000 people, notwithstanding that 50 per cent did not support that candidate.

The basis of the card vote has not been changed. There has been a recognition of a varying distribution of those votes but there has been no alteration to the card vote since the late 1940's. All that has been altered is that there will be a greater share of the vote given to sub-branch members as against affiliated unions. If members think that that has brought about any great change, they are wrong. If one takes a head count for any Labor Party Convention since 1946 (and I have attended some), and if one does a mathematical exercise, one will come up with almost a parallel between the number of votes and the number of delegates. The Hon. Mr. Bruce will agree with me, because his organisation has gone into the matter.

If there are 280 delegates and there are hundreds of thousands of votes, and if we relate the two, the varying factor is small indeed. I want to disabuse members' minds that the Hon. Mr. Davis may be correct. The Party on this side has survived longer than any other Party in this country. If members opposite accept the change made in the old Liberal and Country League not many years ago, they have to accept it here. Our Party did not come into real being until the late 1880's.

This Bill has been introduced because there has been a large amount of political posturing on the matter. It has been said that the Leader of the Opposition should not be here. It can also be said that those who frequented this place up to the 1970's ought not to be here, because they denied the right of the people to throw them out. There has been too much politicking on this matter, but I think there have been some good contributions to the debate and they all came from one side.

The tremendous amount of work that the Hon. Mr. Blevins put into his contribution to this debate (as he does

in other debates) should be applauded, and I am certain that reasonable men on the other side would agree with that. His contribution was extremely informative, and members opposite would do well to follow his example in the future. The Government should not think that this Bill will cure all the ills of representation in this Parliament or in the national Parliament; it has not been able to come to grips with the real problem because of inhibitions on government stemming from both political persuasions.

If political survival is the absolute in political argument, the crown must go to the greatest of all political scoundrels in this country. Who claims victory on an election night when he holds only 18 per cent of the popular vote? When he receives 28 per cent of the vote, he says that he is in Government and that most of the Cabinet will come from his Party. His name is Bjelke-Petersen, and he is, as I say, the greatest of political scoundrels. But he has survived, because he manipulates. He can be taken as the pinnacle of success in that respect, but he will go down in history as being the dirtiest, the lowest, and the lousiest.

The Hon. M. B. DAWKINS: I want to make my position quite clear in regard to this Bill. I indicate at the outset that I support the Bill at the second reading stage, and I believe that it can be improved in Committee. This Government has a mandate to improve the voting system, and I believe that is what this Bill will do. I believe in voting for individuals, as does a very large proportion of the populace. I query retention of the list system. The order of the lists is determined by a small number of people in Party organisations, and that is a weakness that we could well do without.

The present system involves a compromise that was arrived at in 1973, and it proved to be unsatisfactory. I ask the Government whether it will reconsider this situation. Despite the so-called simplicity of the list system (and that is one of the reasons advanced for its retention), the number of informal votes amounts to about 4½ per cent, which is greater than the number of informal votes in New South Wales, where they vote for individuals and in which State the people have to vote for one candidate more than the number required, not for every candidate. I understand that informality in that State involves about 4 per cent.

The South Australian figure is also greater than the figure for Tasmania, which, as the Hon. Mr. DeGaris has said, is as low as 3.8 per cent. Voting in the Tasmanian Lower House is based on a proportional representation system, but the electors are given the opportunity and the privilege of voting for individuals and not for lists or groups. The A.L.P. opposes the return to fully preferential voting, and to an extent I agree, but I find it a little hard to understand why the A.L.P. is so worried about the return of fully preferential voting. The late Ben Chifley, who was a Prime Minister respected on both sides of politics, introduced legislation in the late 1940's that provided voting for all candidates for the Senate by a proportional representation system.

Mr. Chifley had every reason to do something like this, because in the early 1940's the Senate in Canberra at one stage was 33 to 3. We hear a lot of stories about 16 to 4 here, but at that time in Canberra it was 33 to 3, and the 33 members were Labor Party members. I just remind the Labor Party of that fact.

Ben Chifley brought in a proportional representation system for the Senate with full preferential voting, and that obtained in the election of 1949, an election which I think the Labor Party would have some cause to remember. This is what the Labor Party is objecting to now. One of its greatest objections to this Bill is a return (if, indeed, we do return) to full preferential voting, but this was something that their own highly respected Prime Minister brought to fruition federally some 35 years ago.

I believe in voting for the individual, and I also believe in voting preferentially, but I do not believe that it necessarily requires that people vote 1 to 27 in South Australia to 1 to 74 federally, or whatever the case may be. I believe that in one New South Wales Senate election it was 1 to 74, and here it could have been 1 to 27 in one State election. I believe that preferential voting is necessary at least for the number of candidates who are to be elected. Therefore, I would suggest to the Government that it give consideration to a system which provides for preferential voting for 1 to 11, because 11 will be the number of candidates who are to be elected at any Legislative Council election, except in the unlikely event (which has never occurred up to date) of the whole Council coming out in a double dissolution.

The Hon. Frank Blevins, in his rather long and informative speech, as the Hon. Mr. Foster has said, mentioned many systems of voting. He referred to the first past the post system which obtains in England, in some States in the United States, and also in New Zealand, just to name three other countries, as well as existing in the Federal sphere in America. The Hon. Mr. Blevins said that it was not perfect, and it is not perfect. It may be easy to get a result, but members will know that it is quite possible to win with 40 per cent or less of the votes under a first past the post system. It is not that long ago when members of the Labor Party were screaming to high heaven about the Liberal Party's winning an election in this country with something over 40 per cent of the vote. So, it is acknowledged that the first past the post system is by no means perfect.

The honourable gentleman asked (and I am not quoting his exact words) who are we to say that those countries which I have just mentioned are undemocratic. If one looks further at Upper Houses all over the world one will find, as I did when I made a study of this five years ago, that they can be constituted in a variety of ways, and probably Australia is one of the most advanced countries in the whole world with regard to electing Upper Houses. Members of Upper Houses in other countries can be appointed, summoned, partly elected and partly summoned or indirectly elected. Examples of this can easily be seen in the United Kingdom, Canada, Malaysia and India, just to name four countries. As members would know, the United Kingdom has a hereditary system. Canada has a system which has some merit in so far that they can secure the services of mature and experienced politicians under a system of summoning members to the Senate.

I am not saying for a moment that that is the right way to do it, but that is the position in Canada, and I have seen examples of it, where people who have been effective members of the House of Commons in that Country or of the Provincial Parliaments and who are available to be summoned to the Senate are so summoned, and they provide a maturity and a certain amount of objectivity in a House which is wholly appointed or summoned and which has, I think probably advisedly, somewhat limited powers as a result of that fact. I do not think anyone would speak in this Chamber without examining the position and say that the Senate in Canada was a useless body and that it had not on many occasions improved legislation brought to it from the House of Commons.

It is not long since I was in the ornate and very splendid Senate Chamber in Malaysia, where members of the Senate are partly appointed and partly elected. Each of the States elects so many Senators and the balance is

appointed by the reigning monarch of the day. There again, I do not say that that is the ideal system, but I understand that that is a very valuable House.

We see other examples, such as India, where the Lower House is the Loksabha and the Upper House is the Rajyasabha. The Upper House is elected indirectly by the various States in India. I think, from memory, that there are 26 States, and they elect so many members of the Upper House in the same way as we would elect a replacement to this House or to the Senate. I am not saying that that is ideal, but the House is a valuable House in the Indian Parliament.

The Bill which we hope to put through this Parliament within the next week will, I am quite sure, be an immeasurable improvement on the present legislation or on the examples which I have quoted. Therefore, I think that this matter must be given further consideration in Committee. I commend the Government for bringing it in, because I believe that it has a mandate for improvement of the legislation. I believe, too, that the ultimate result of this Bill going through the Parliament will be a great improvement and a fairer system to all concerned. At this stage, I have pleasure in supporting the second reading.

The Hon. J. R. CORNWALL: I will be very brief, but I want to put on record my major thoughts on this Bill, and therefore I intend to say something about the more important aspects of it. It has become very clear from the debate, as it has unfolded, that there are very deep divisions within the Liberal Party in its approach to the Bill. The Hon. Mr. Dawkins, the Hon. Mr. Cameron and the Hon. Mr. DeGaris have all expressed their strong opposition to the list system, and yet the Bill—

The Hon. R. C. DeGaris: As it applies in South Australia.

The Hon. J. R. CORNWALL: Do not let us play with words or get into your tangential reasoning. You leave me for dead, and you leave me cold, because you have the most extraordinarily illogical thought processes of any person I have ever tried to follow. There is not a consensus. Clearly the Liberal Party, as the Party in Government, was not able to reach a consensus in the Party room. I would think that it is also rather unlikely that a full consensus was reached in the Cabinet. The Attorney appears to have introduced a Bill based on majority opinion, but, from the sort of thoughts that have been emerging, it may well be a very slim majority opinion.

He has also, I suggest, introduced a Bill which went as far as, in his opinion, the Party in Government was able to get away with. It may well be that the Attorney himself and some of the senior Cabinet members would like to have gone further, but of course they realise that tampering with the electoral system which has been won here after a very long battle, after a great deal of debate that raged through the community for more than a decade, is a very touchy subject.

To that extent, I believe that the Attorney has tried to compromise but, in doing so, it may be that he pleases no-one. The Bill does several things administratively, including the early closing of polling booths, which I do not find objectionable in any way at all.

The Hon. R. C. DeGaris: A division in the Labor Party?

The Hon. J. R. CORNWALL: There is no division in the Labor Party at all. The early closing of polls is not a matter with which we have any argument whatever. It is entirely sensible. The Bill does set out to abolish optional preferences, and I will return to that in a moment. It has a provision for the counting out of all preferences and, as I said, for the time being at least, until we go into Committee, and the Hon. Mr. DeGaris, the Hon. Mr. Dawkins and the Hon. Mr. Cameron try to change it, it retains the list system.

First, I would like to examine briefly the aspect of the counting out of preferences. I have no strong feelings about this personally, but it is obvious that it has been a holy war with members opposite. There is one thing that has stuck right in their throat ever since 1975, and that is the fact that at that election the Labor Party got a majority of candidates up. It got six out of 11.

The Hon. R. C. DeGaris: With a minority vote.

The Hon. J. R. CORNWALL: That is simply not true, and I have the figures before me. Group A, which was the A.L.P., polled 332 616. That was the final count.

The Hon. M. B. Dawkins interjecting:

The Hon. J. R. CORNWALL: I do not have to make up my mind. I have the figures in front of me, you stupid old man.

The Hon. K. T. GRIFFIN: I take a point of order. I ask the honourable member to withdraw that unparliamentary remark.

The PRESIDENT: The Hon. Dr. Cornwall has been asked to withdraw.

The Hon. J. R. CORNWALL: I withdraw the remark "stupid" and apologise.

The Hon. M. B. Dawkins: That is not a complete withdrawal.

The PRESIDENT: I accept the withdrawal.

The Hon. J. R. CORNWALL: Group D was a separate political Party at that time which had its own constitution and rules and was a fully operational political Party known as the Liberal Movement. It polled 140 631 votes. Group E, which was at that time still the L.C.L., as it was before it changed its name to the Liberal Party of Australia, polled 211 447 votes. If one adds up the two groups of votes one gets a total of 352 078 as against the A.L.P. total of 332 616. That does not take into account the allocations of preferences, of course, so that the raw votes—

The Hon. R. C. DeGaris interjecting:

The Hon. J. R. CORNWALL: The Hon. Mr. DeGaris had his turn and will doubtless have numerous turns in Committee. His inane interjections are boring. The raw figures do not mean a great deal, but it is obvious if one looks at them together that, had members opposite gone to the electors as one united Party, they would have got six members up. No-one on this side of the Council has ever argued otherwise, but the Liberals were squabbling and blueing, they were two entirely separate Parties, and there was a tremendous amount of name calling. There was absolutely no unity, and two completely different Parties were at one another's throats. In those circumstances, members opposite did not deserve a majority of the seats, and they did not win a majority.

I am sorry if it supsets them to think back on this terrible history that they had in the early and middle 1970's. The Hon. Mr. DeGaris and the Hon. Mr. Cameron now sit together on the back bench, but they were at each other's throats in the South-East and telling more lies about one another than one could count.

It was a tremendously bitter struggle. In those circumstances, as honourable members well know, one cannot expect to go to the people and win a majority of the seats. That is the simple truth.

The Hon. R. C. DeGaris interjecting:

The Hon. J. R. CORNWALL: You would have done so if you had got together and made the compromises which you made later when you got Steele, Martin and John back into the field. You missed out only on the member for Mitcham, and he has been an enormous thorn in the side

ever since. There were two entirely different political Parties at the time which were blueing very publicly, and in those circumstances—

The PRESIDENT: Order! I thought the honourable member was using this to develop his argument, but his argument seems to be concentrated on something that is not in the Bill.

The Hon. J. R. CORNWALL: Everyone else was allowed to ramble all over the place even though points of order were taken. I have been provoked by interjections from the other side, but I will come back to the Bill. The counting out of all preferences seems to be some sort of religious mania with members opposite. I am not inclined to get uptight about it. However, I am certainly inclined to get enormously uptight with the clause in the Bill which abolishes optional preferences.

The Hon. Mr. Davis said that in 1979 Liberal Party scrutineers had gone through the votes cast for the Legislative Council to try to estimate what percentage of votes were cast on the basis of the voter's exercising the option not to do other than vote for the Party or the person of one's choice, and he said that the estimate was about 1 per cent. He said later that the number of people who voted by filling out all of the preferences was in the 90 per cent range. He seemed to make the point that that 1 per cent was very insignificant. With the number of people who voted at the election in 1979, 1 per cent represents approximately 8 000 votes. That is a very large number of votes; it is half of the total votes cast in any House of Assembly electorate. To try to write it off as being inconsequential cannot be accepted by any reasonable person.

The Hon. J. E. Dunford: You could get a change of Government with that.

The Hon. J. R. CORNWALL: Yes, indeed. Even in minimising it, we are talking about approximately 8 000 votes. It is interesting and entirely valid to look at the last Senate election statistics *vis a vis* the last Legislative Council election, which was conducted with the list system and using proportional representation. I have the figures in front of me. In round terms, at the last Legislative Council election, there were about 35 000 informal votes and at the last Senate election there were 80 000 informal votes. I am not a guru or a psephologist, but am looking at the matter as an average reasonable man. If we press on with optional preferences, we are demonstrating quite practically, without using DeGaris-type reasoning, tangential, lateral-type thinking, or other strange paths over which the Hon. Mr. DeGaris has walked for many years, to the electorate what the end result of the Bill will be—to disfranchise more than 40 000, possibly 50 000, electors in the State of South Australia.

The Hon. J. A. Carnie: Rubbish, absolute nonsense!

The Hon. J. R. CORNWALL: It is not rubbish. In 1980 there were 80 000 informal votes. These were people of the same educational and ethnic background. There were 80 000 informal votes because the Senate system is plainly harder.

Ordinary voters want their voting procedure simplified. Goodness knows, we are called upon often enough to go to the polls by State and Federal Governments, and people want their voting to be easier. There is no doubt that this is a cumbersome and difficult way of voting.

I remember going to the polling booth for the last Senate election and having to mark the paper carefully and check it against the how-to-vote card. Although I was a professional in the field, I must admit that this was not something that one could do with one's eyes closed. One had to concentrate and check the ballot-paper when one was finished.

It is simple for one to render such a vote informal, and, with 10 per cent of the people of South Australia disfranchised, the figure is far too high. I would go to the barricades and fight tooth and claw in order to explain to the people of South Australia what the abolition of the optional preferential voting system would mean.

The Hon. R. J. Ritson: What's the position in the New South Wales Upper House?

The Hon. J. R. CORNWALL: Government members cannot argue against figures. They are slow learners and do not want to acknowledge the truth. They are trying to disfranchise 50 000 electors in South Australia, the great majority of whom can be found in electorates where there is a high Labor vote.

Members interjecting:

The PRESIDENT: Order! Interjections have gone far enough.

The Hon. J. R. CORNWALL: There are many reasons for this that I do not intend to canvass; they are obvious to anyone. By trying to disfranchise 50 000 voters, Government members are hoping that at least 30 000 people who in normal circumstances would be trying to record a vote for the A.L.P. will be disfranchised. It is, therefore, a political fiddle. We should not mince words about that.

The Hon. L. H. Davis: You never do.

The Hon. J. R. CORNWALL: That is so, and I hope that I have that reputation. I now refer to counting out preferences. I would not feel very strongly about people who opt to vote preferentially. However, the abolition of optional preferential voting is, as I have said, a political fiddle. The Government will not be allowed to get away with it, and the Opposition will oppose it all the way.

I now refer to compulsory preferential voting. Although I have already explained this matter carefully, it seems that we have some slow learners on the Government side. I had therefore better go through it again. The Government is trying to disfranchise people but, just as bad, it is saying to the South Australian electors, "When you go to the polling booths and record your vote, you must vote right through the card." I remind the Hon. Mr. Dawkins that the Government is saying to the people, "You must vote for the Communist Party if one of its members happens to be a candidate."

The Hon. M. B. Dawkins: That's what Ben Chifley did in 1948.

The Hon. J. R. CORNWALL: I do not live in the past like the Hon. Mr. Dawkins does. The honourable member was a middle-aged man in 1949. Of course, the Hon. Mr. Dawkins is the only member of this Council who was born old.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: Although I know we should learn from history and the mistakes of the past, I am not particularly impressed by the argument that Ben Chifley introduced the present Senate system in 1949. That is totally irrelevant to this debate, because we are not talking about what Ben Chifley did in 1949. In fact, I cannot find his name anywhere in the Bill. I wanted to know what the Hon. Mr. Dawkins's reaction would be, and certainly the Attorney-General can reply.

How does he get around the fact that he is forcing people to vote for the Communist Party, and I would have thought that that would be anathema to Mr. Dawkins. He is also forcing people to vote for the Marijuana Party and, given the prevailing attitudes on the other side of the Council, I would have thought that would be worse than death.

The Hon. M. B. Dawkins: You did not listen to my

speech.

The Hon. J. R. CORNWALL: Would the Hon. Mr. Dawkins vote for the Marijuana Party, or would he vote informal?

The Hon. J. E. Dunford interjecting:

The PRESIDENT: Order! I have asked the Hon. Mr. Dunford to cease his interjections. I point out that he has had a pretty good go.

The Hon. J. R. CORNWALL: Mr. Dawkins has indicated that he does not want to vote for the Communist Party; he wants to vote 1 to 11. Yet he is a back-bench supporter for the Government Bill, which states that one must count out all preferences. In practice that clearly means that one must vote for the Communist Party candidates, if there are any.

The Hon. J. E. Dunford: You are forced to.

The Hon. J. R. CORNWALL: One is forced to vote for them if one wishes to record a formal vote. One must also vote for the Marijuana Party, if one wishes to record a formal vote, and I wonder how some members, particularly those opposite, will feel about that. One must also vote for the Progressive Conservatives, those dreadful racists who in recent months have crawled out of the woodwork. Perhaps the Hon. Mr. Dawkins would not feel too unhappy about voting for them, because that is a very reactionary Party. One must also vote for the Fascist Party and the Nazi Party. How can one justify that publicly. I will be very interested to hear what the Attorney-General has to say about that.

There are two aspects which are absolutely essential to this Bill and which we will totally oppose. I refer to the fact that by its action, and I believe intentionally by its action, the Government is trying to disfranchise up to 50 000 electors in South Australia, the majority of whom, according to the statistics, would be Labor Party supporters. It is also trying to force us, if we wish to record a formal vote, to vote for all the rag-tag, bob-tail, extreme left-wing, extreme right-wing Parties or anyone else who crops up. That is totally offensive to many people in the electorate. I oppose that completely.

The Hon. K. T. GRIFFIN (Attorney-General): The Government has long held the view that the voting system in the Legislative Council needs to be reformed. Amendments in the early 1970's were the product of a marriage of convenience and were a compromise which was progress, but not the ultimate solution. One of the compromises was that the schedule prescribing the ballot-paper for the Legislative Council provided for a preference to be marked in every square, whilst the Act itself provided for an optional preferential system. Of course, that needs to be corrected and the preferential system sustained legally.

The next compromise was that, if a group obtained more than half a quota, no preferences were to be distributed. The Leader of the Opposition has acknowledged that, after distribution of preferences of a group with less than half a quota, it then becomes a first past the post system. What an admission! It justifies all the criticism that the Government and the Hon. Mr. Milne have been making for so long about that anomalous position and the inequity in that system.

The Hon. C. J. Sumner: What is wrong with a first past the post system?

The Hon. K. T. GRIFFIN: We have debated that for so long that I do not intend to cover that ground again. It is an inequity and anomalous to have that provision in the Legislative Council voting system. The Government is now moving to change that system, that anomaly and that inequity to make it a fair system. The Hon. Mr. Milne and the Hon. Mr. DeGaris have indicated their support for the principle. The Opposition has said that it cannot accept this amendment.

However, the Hon. Mr. Milne and the Hon. Mr. DeGaris have made clear that they will oppose the clause, notwithstanding that it makes the system fairer, because they pursue another principle, namely, the abolition of the list system. I accept their criticism of the list system. Members of the Government, in Opposition and now in Government, have periodically opposed the list system and supported the concept of voting for persons, not Parties.

However, in the present instance the Government took the view that electoral reform has had a chequered history in South Australia. There are various levels of understanding of the apparent complexities of the electoral system in the community, and the Government was anxious to minimise unreasoned and illogical public debate by making as few changes as possible to the system at present, with the longer-term objective of totally reforming the system to make it completely democratic and better accepted by the public, giving electors not only a choice of Parties but also a choice of persons who were the candidates.

That reform would be to give electors an opportunity to vote for persons, giving them a choice of persons who will govern them, not the Parties who will govern them. The Premier and others have from time to time indicated publicly that that was the Government's objective. We have not unequivocally supported the list system as the Leader of the Opposition has suggested. Now we are faced with a particular difficulty that our partial reform will not pass. In the light of this—

The Hon. C. J. Sumner: Who said that?

The Hon. K. T. GRIFFIN: You said that. The Hon. Mr. Sumner said, in the last sentence of his speech, "It is in the interest of that democracy that these proposals, the change to the Legislative Council voting system, should be opposed." I must take that as an indication of the Opposition's attitude towards the Government's proposed partial reforms to the Legislative Council voting system.

Members interjecting:

The Hon. K. T. GRIFFIN: The Opposition has indicated it opposes this particular reform, and so have the Hon. Mr. DeGaris and the Hon. Mr. Milne, so in the light of that particular difficulty and the Government's publicly stated objective, the Government has decided that it will move amendments to adopt the New South Wales system for the Legislative Council now—

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: —rather than lose partial reform and postpone the achievement of our ultimate objective of reform and fairness in the Legislative Council voting system. This decision is an appropriate one to achieve full electoral reform for the Legislative Council now, and I am sure that it will be accepted by the community as a proper reform. It is no more complicated than the present system.

Let me outline the features of the New South Wales system. First, it allows electors to vote for persons, not political Parties. The order of preference presently irrevocably fixed in the list system by political Parties gives electors no opportunity to exercise their choice between candidates. They are locked into supporting the political Party's decision. The New South Wales system allows electors to either follow the preferences indicated by their Party or to indicate their own preferences for individuals. That right of choice is their democratic choice.

Let us remember that, although the Party system is

strong and an integral part of our political system, citizens are entitled to expect that they will have some opportunity to buck the system in determining who should govern them. We have to remember that our system is a bicameral system, where both Houses have a say in the laws which will be passed and which will determine the conditions of societies and regulate the rights and responsibilities of individuals.

It is appropriate, therefore, that electors who will be governed by both of those Houses have an opportunity to express their choice not only of the political Party that will govern them but also of the individuals who will form part of the Government. The second characteristic of the New South Wales system is that it requires electors to indicate preferences for no fewer than 10 candidates. The Government is inclined to support an indication of preference for 11 candidates, the number of positions to be filled at each election.

The Hon. Frank Blevins: You are the greatest bunch of turn-coat fakers that this Parliament has ever seen.

The PRESIDENT: Order! I ask the Hon. Mr. Blevins to come to order, and I intend to ensure that he does.

The Hon. K. T. GRIFFIN: I rise on a point of order, Sir. I ask the Hon. Mr. Blevins to withdraw and apologise for those derogatory and unparliamentary remarks.

The Hon. FRANK BLEVINS: I am happy to repeat it: I said that the Government was a bunch of political crooks, and I am happy to let that stand. That is exactly what it is.

The PRESIDENT: Order! The honourable member has been asked to withdraw that remark.

The Hon. C. J. Sumner: That's not unparliamentary. It's not a reflection on any individual.

The Hon. FRANK BLEVINS: As I understand the Standing Orders, I must withdraw and apologise if I say anything unparliamentary about a member.

The PRESIDENT: The Attorney-General apparently interpreted what the honourable member said as being derogatory to him. I ask for an explanation.

The Hon. FRANK BLEVINS: I am happy to give an explanation. In no way did I say that any individual in the Liberal Party is a political crook. I said that the Liberal Party in this Chamber politically are a bunch of crooks.

The PRESIDENT: Order! Regardless of the honourable member's argument with the Attorney, if the honourable member does not desist when I ask him to, I will have no option but to name him, and I warn him to that extent. Will the Attorney say what he took to be derogatory?

The Hon. K. T. GRIFFIN: I took the comment of the Hon. Mr. Blevins to be an injurious reflection on each member of the Government in this House. Standing Order 193 indicates that the use of objectionable or offensive words shall be considered highly disorderly, and I maintain the point of order.

The PRESIDENT: The Attorney has asked the honourable member to withdraw his statement. The Hon. Mr. Blevins has the opportunity to withdraw, if he wishes.

The Hon. FRANK BLEVINS: So that we will not lose a vote in case there is one, in so far as the Attorney-General has taken exception to my remark as it affects him I withdraw it unreservedly.

The Hon. K. T. GRIFFIN: The reference should be withdrawn in respect of any member of the Government in this House.

The Hon. Frank Blevins: I have said that I withdraw—

The PRESIDENT: I accept the withdrawal.

The Hon. K. T. GRIFFIN: The second characteristic of the New South Wales system requires electors to indicate their preferences for no fewer than 10 candidates. I indicated that the Government was inclined to support an indication of preference for 11 candidates, the number of positions to be filled at each election. The Opposition has been particularly vocal about this question of optional preferential voting, and it is opposed to the compulsory preferential system, to which I referred during the second reading stage. If the Opposition is so opposed to compulsory preferential voting, let it accept the New South Wales system, which is a semi-optional preferential system. The third characteristic of the New South Wales system is that it keeps to a minimum the potential for informal votes, and I can cite some examples.

For the last Senate election in New South Wales the informal votes amounted to 9·4 per cent of the votes cast. In Tasmania, 7·5 per cent of the votes cast were informal; in South Australia, 8·7 per cent of the votes cast for the Senate were informal. Honourable members will recollect that in this State some 26 candidates nominated in the last Senate election, and under the Senate system we are required to complete the indication of order of preference for all candidates on the ballot-paper. Let us compare that system with the last elections for each of the State Upper Houses in New South Wales, Tasmania and South Australia. In New South Wales, where the system to which I am referring was the system under which the last election was held, 4·1 per cent of the votes cast were informal. In Tasmania, which adopts a proportional representation system, 2·9 per cent of the votes cast were informal. In South Australia at the last State election under the list system, where there were seven groups, the informal vote was 4·4 per cent of the total votes cast. In New South Wales there are some 3 000 000 electors who voted, and in South Australia approximately 800 000 electors voted.

The next characteristic, and one of the most important characteristics of the New South Wales system and a characteristic which I have indicated is one of the subjects of the amending Bill before us at present, is that it allows preferences to be fully counted out and it does not suffer from the anomaly which this Bill is presently endeavouring to correct. We have had a great deal of debate about the 1975 Legislative Council election in this State as well as the last Legislative Council election in 1979 and there has been a great deal of debate about the way in which preferences should be distributed. However, it was quite obvious that, if we follow a preferential system of voting in this State as well as the rest of Australia, then preferences should have to be counted out, and not wasted as they were at the last two State Legislative Council elections. If that had occurred the Labor Party would not have obtained six seats in 1975; probably the 1979 election result would have been the same as it turned out to be without the preferences being distributed, but a full distribution of preferences in the 1979 election undoubtedly would have confirmed the Hon. Mr. Milne as the preferred candidate to take the eleventh position in the Legislative Council. That is what preferential voting is all about. It is endeavouring to get an indication of the preference of all electors. It is an indication of the preferred vote. Of course, that is the fairest system there is. Opposition members can crow as much as they like about the list system and about the so-called democratic principle, which they say is enshrined in it, but with which I would join issue. However, it does not truly indicate the candidate who is preferred by the majority of electors.

Accordingly, in the light of factors to which I have referred, the Government is supporting reform all the way now, for the reasons that I have indicated. The Government and the Australian Democrats, through Mr. Milne, are of one mind on this matter. So are all the notable academics—the A.L.P.'s own Dr. Blewett, now a member of Federal Parliament, Dr. Jaensch, and Mr. Mackerras, along with numerous others, who have all

expressed the view that the list system does not allow the choice which electors should have in selecting not only the Party which should form a Government and therefore impose responsibilities and obligations upon them, but individuals, also.

That is an element that is sadly missing from the current Legislative Council list system. There is, therefore, in my view and in the Government's view, every justification for moving the change which will be the subject of amendments. I would suggest that the media, on examining the proposals and drawing on the experience of the most recent election in New South Wales, will see that the proposition which I am putting to the Council is consistent with the Government's statements and is an appropriate and reasonable reform of the voting system for the Legislative Council.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I want to reply to a number of other matters raised by honourable members but, if questions which have been raised are not answered, honourable members will have an opportunity to raise them in Committee. I want to endeavour to cover some of the questions so that honourable members will have an opportunity to consider the answers before determining whether or not they should put amendments on file for consideration in Committee.

I turn first to the relationship between clauses 21 and 37 of the Bill. That was a question raised, I think, by the Hon. Mr. Sumner and the Hon. Mr. DeGaris in relation to the principal place of residence as opposed to the abode or place of living. They are amendments which do not seek to change the principle, but to bring the terminology up to date and identify the true place where an elector lives, rather than a shack or a town flat or some temporary abode, either for the purposes of the election or otherwise. They seek to crystallise one of the criticisms made as a result of the Norwood by-election by the Court of Disputed Returns and to provide a more appropriate and definitive description of one of the criteria for determining entitlement to enrolment.

The Leader of the Opposition did raise some question about the Limitation of Actions Act and why its impact should be removed from the Court of Disputed Returns. I think it is important to recognise that, in the Norwood by-election, the question of whether or not the Limitation of Actions Act applied to a petition presented to the Court of Disputed Returns was referred by the judge constituting the Court of Disputed Returns to the Full Supreme Court for decision. The Full Supreme Court decided that, on the information which was before it, the Limitation of Actions Act did apply to a petition presented to the Court of Disputed Returns.

Of course, that could have a rather ludicrous consequence in the long term, because theoretically a petition can be lodged within six months or 12 months after the election if some evidence of a breach of the Electoral Act comes to light, and only then is the petition issued. In Norwood, a petition was lodged on 24 October 1979, and it was amended twice. Discovery was sought of all documents and papers, and it was as a result of that discovery, and not as a result of any individual initiative of the petitioner or his supporters, that possible grounds were discovered which were then the subject of amendment some two or three months after the petition was lodged.

It seems to the Government that to allow unlimited application of the Limitation of Actions Act is likely to create an unfair and unreasonable situation, whereas the provision in the Bill is appropriate, namely, that within 28 days after lodging the petition the petitioner may, if hardship is demonstrated, be granted leave to amend the petition and add new grounds to the petition if appropriate.

The next point to which I want to refer is in regard to the roll. The Leader of the Opposition raised some question about what changes may be allowed if one used the same rolls for a re-election. One has to remember that that is really what we are providing for if a Court of Disputed Returns declares the first election void and directs a new election. It is a re-election.

There are some powers which the Electoral Commissioner has under section 38 (1) of the present Electoral Act because, at any time, he has the right to correct any mistake in particulars and in the renaming of streets. He can alter detail of name, address and occupation on the same subdivisional roll. He can remove the name of any deceased elector. He can reinstate any elector removed as a result of an objection if the Electoral Commissioner is satisfied that the name was removed due to a mistake as to fact, and that the person had retained his right to enrolment.

The main complaint regarding any roll on polling day is covered by the opportunity for the Electoral Commissioner to remove any name of any deceased elector. There is, of course, the opportunity to make a section 110a declaration and, in the event of that being accepted, then the name is reinstated on the roll and, at any subsequent election, the name would appear on the roll. There has been some suggestion that the names of Parties should be placed on ballot-papers. I should indicate that, if this is a preference for members of the Council, it will necessarily require detailed provisions for the registration of political Parties. It is no secret that the previous Government had intended to move in that direction to provide for the registration of political Parties—

The Hon. B. A. Chatterton: What about when you put up a how-to-vote card in a polling booth?

The Hon. K. T. GRIFFIN: Any Party can display a how-to-vote card in a polling booth, but that is not anything other than a concession to political Parties. What we are talking about—

The Hon. Frank Blevins: It is in the Act.

The Hon. K. T. GRIFFIN: Yes, it is allowed under the Act, and there is no question about that.

The Hon. B. A. Chatterton: What is the difficulty?

The Hon. K. T. GRIFFIN: There are particular difficulties.

The Hon. Frank Blevins: The Electoral Commissioner can have exactly the same discretion with how-to-vote cards in the polling booth, and this can be worked out.

The Hon. K. T. GRIFFIN: What it does require is a complex system of registration of political Parties because, first, there must be the consent or the request by the candidate to be described as representing a particular Party. There must be a provision for a particular political Party to object, and there must be a means by which that objection can be resolved. If we are talking about the registration of political Parties, there must also be a mechanism by which disputes as to the registration of political Parties can be resolved. That takes time, and what it does introduce is a bureaucratic involvement in the affairs of political Parties in particular, an involvement that I find somewhat distasteful, and I personally and the Government are not prepared to move to the point of registration of political Parties.

If somebody wants to represent themselves as belonging to any particular political Party, that is their right. We do not want to control them at election time. We think that, if we are to control them through Government bureauc-

racies, that introduces a most unsavoury element and suggests a potential for a considerable number of risks in the political system.

The Hon. Anne Levy and others have suggested that there are problems with random sampling of electors' votes. In all the time that the Senate system has been operating and random sampling has been a characteristic of that, there has been no difficulty, no aberration or error, as a result of random sampling. In fact, there are fairly detailed rules established for determining random sampling. The Government intends to provide also for a system of random sampling to be prescribed by regulation so that it will not be left to the whim of a returning officer. He will have established principles which will guide him in taking that random sample. Some people have suggested that it is a lottery but it really is a simple administrative procedure, and it has been an accepted electoral procedure for a long period. The Government believes that it is important, in moving to full preferential voting, to maintain random sampling, a system which has been well proven and accepted without error and without question.

The Hon. Mr. DeGaris raised the question of returning officers having to retire at the age of 70. Assistant returning officers are not statutory officers appointed on a continuing basis: they are *ad hoc* appointments and are appointed for each election, whereas returning officers are permanent appointments under the Electoral Act and are not appointed for specific elections—they are continuing officers. Although the Hon. Mr. DeGaris has made some suggestions about allowing assistant returning officers to hold office after they have attained the age of 70 years, there is a power for an *ad hoc* appointment to be made now, although it is a procedure and practice which I would certainly not support, particularly if returning officers are required to retire at the age of 70.

The Hon. Mr. DeGaris also raised a question about the period between nomination and polling day. Under the present Act it is seven days, whereas under the Bill it is 10 days. The Commonwealth provides for a minimum of seven days; New South Wales, curiously, does not specify any period; Victoria has a minimum of 16 days; South Australia, as I say, is not less than seven days; Western Australia is not less than 21 days; Tasmania is not less than seven days; Northern Territory is not less than seven days; Queensland, again curiously, does not specify a minimum period; and the Australian Capital Territory has a provision of not less than seven days. Generally in other States and in the Commonwealth seven days between nomination and polling day is an acceptable period. We are moving to increase that by three days which, in effect, will mean some three weeks between the date of the notice of issue of a writ for an election having been given and polling day. The Government believes that three-week period is sufficient time to enable all the mechanical requirements of an election to be complied with.

Regarding postal voting, the Government recognises that there is now a standing roll of those who require postal votes. However, it should also be noted that we are making it much easier for individuals to obtain a postal vote. Now, they need not necessarily apply for same by post. They can go along to the Electoral Office, and receive a postal vote application and the vote itself over the counter. That is an important change.

The Government is also amending the provisions relating to an application for a postal vote. Previously, a form had to be witnessed by an authorised signatory, and much difficulty was experienced in people applying in the proper form, meeting all the prescribed requirements, and getting their ballot-papers within the appropriate time before polling day. Now, people can write not necessarily in the prescribed form, and they do not necessarily need to have their signature witnessed. We have loosened up the procedure without any risk of malpractice.

The Hon. Mr. DeGaris also said it appears that, if an individual, in the context of comprising a group, dies before polling day, his preferences are not distributed. That was certainly never intended and, while I can accept that it is arguable on the provision before us, I intend to move an amendment that will put beyond question the fact that most preferences will be distributed.

Although there are a number of other matters with which one could deal in this reply, I think that it is appropriate, having canvassed the bulk of the questions raised by honourable members, that I should leave the remainder until the Committee stage.

Bill read a second time.

The Hon. FRANK BLEVINS: I move:

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

The Hon. FRANK BLEVINS: I move:

That it be an instruction to the Committee of the Whole Council on the Bill that it have power to consider amendments relating to optional preferential voting for the election for the House of Assembly.

Motion carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 February. Page 2785.)

The Hon. FRANK BLEVINS: The Opposition agrees with this short Bill, which is a result of a review of the whole operation of the principal Act. It has also been agreed to by the Police Association. We hope that this example of co-operation continues in the future so that legislation which comes before Parliament has the agreement of all affected parties. The Bill has been thoroughly reviewed in another place, and I see no reason to delay its progress any further.

Bill read a second time.

The Hon. C. M. HILL (Minister of Local Government): I move:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause relating to protection from liability for members of the Police Force.

Motion carried.

In Committee.

Clauses 1 to 19 passed.

New clause 19a—"Protection from liability for members of the Police Force."

The Hon. C. M. HILL: I move:

Page 6, after line 30—Insert new clause as follows:

19a. The following section is inserted after the heading to Part VI of the principal Act:

51a. (1) A member of the police force shall not incur any civil liability for any act or omission done in good faith in the exercise or discharge, or purported exercise or discharge, of any powers, functions, duties or responsibilities conferred or imposed upon him by any provision of this or any other Act whenever enacted or by law.

(2) A liability that would, but for subsection (1), lie against a member of the police force shall lie against the Crown.

This new clause has been agreed to as the balance of the Bill which, as the Hon. Mr. Blevins said a moment ago, has been approved by the Police Association. The new clause deals with the protection from liability for members of the Police Force and is self-explanatory.

The Hon. FRANK BLEVINS: The Opposition supports the new clause. It is perfectly proper that policemen, in the conduct of their duties, do not incur civil liability. If liability occurs, it occurs to the Crown, and that is the proper place for it to reside.

New clause inserted.

Clause 20 and title passed.

Bill reported with an amendment. Committee's report adopted.

POLICE OFFENCES ACT AMENDMENT BILL

In Committee.

(Continued from 24 February. Page 3100.)

Clause 3—"Interpretation."

The Hon. K. T. GRIFFIN: In the event that members did not quite follow the points I was making on this proposition, I point out that I was referring yesterday to section 169 of the Road Traffic Act, which provides that, where certain offences are committed during the period of three years, if they recur, the offender, when he or she appears before the court, is liable to have the licence suspended and, in fact, an obligation is placed on the court to disqualify that person from holding or obtaining a driver's licence.

The whole object of giving the Commissioner of Police the right to withdraw an expiation notice within 60 days after the date of the offence is really to ensure that persistent offenders do not constantly slip through the system but are brought before the court on complaint and summons and, if convicted, are liable to have their licences disqualified. I think it is a reasonable proposition that will not create any injustice but, far from it, will ensure that the persistent offender is brought to justice.

The Hon. FRANK BLEVINS: I thank the Attorney for his explanation. It is certainly more complete and clear than the explanation he gave yesterday. I am pleased that he asked that progress be reported and that he has spent a little more time in preparing his answer. As a result, I am not so disturbed about the original provision as I was previously. I will persist in my amendments and will abide by your judgment, Mr. Chairman, if the voices go against me.

The Hon. K. L. MILNE: I have supported the amendments, and during the morning I have been able to have discussions in which the workings of this clause have been explained more fully. I have come to the conclusion that in many ways the motorist will be more protected and that the provision will be a safety measure regarding the road. I do not wish to proceed with the amendments, either.

Amendments negatived.

The Hon. FRANK BLEVINS: In view of the previous vote, it is quite clear that I do not have the numbers, so I see no point in persisting with consequential amendments.

Clause passed.

Title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from 24 February. Page 3101.)

New clause 3a—"Obligation upon Registrar to deal with learner's permits and driver's licences pursuant to recommendations of the consultative committee."

The Hon. K. T. GRIFFIN: Questions were raised yesterday about the effect of this amendment, and it was at that stage that I so generously reported progress. The amendment, and the subsequent amendments, come about because the consultative committee established under the Motor Vehicles Act was concerned that, where an offence attracted demerit points but was expiated under the expiation scheme, it would not be able to take that offence into account in determining the suitability of a person to hold a learner's permit, a bus licence, or a tow-truck operator's licence, because there was, for all practical purposes, no conviction.

The amendment provides for the purposes of section 82 (1) *(c)* of the Motor Vehicles Act that, where an offence has been expiated and demerit points have been attracted, it should be deemed a conviction, but for no other purposes. That is consistent with parts of the Bill. It is not as though this is a new concept: it relates to a matter that was inadvertently overlooked in the preparation of the draft Bill.

The Hon. FRANK BLEVINS: The Opposition agrees to the new clause and appreciates the necessity for it.

New clause inserted.

Clauses 4 and 5 passed.

New clause 6—"Cancellation or suspension of certificate."

The Hon. K. T. GRIFFIN: I move:

Page 2, after line 22—Insert new clause as follows:

6. Section 98f of the principal Act is amended by inserting after subsection (2) the following subsection:

(2a) Where a person expiates, in accordance with the Police Offences Act, 1953-1981, an offence that attracts demerit points under this Act, he shall, for the purposes of subsections (1) *(b)* and (2), be deemed to have been convicted of that offence.

New clause inserted.

Title passed.

Bill read a third time and passed.

PRIMARY PRODUCERS EMERGENCY ASSISTANCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2941.)

The Hon. B. A. CHATTERTON: I support this short Bill, which is necessary because it was found last year, when the Government came to make repayments to the Commonwealth which were due on the funds that were provided to the State for drought assistance, that the Crown Law Office considered that it could not make payments from the Farmers Assistance Fund. I am surprised that it has taken such a long time to introduce this short Bill, because evidently that fact was known on 30 June last year, if not before, and it is surprising that the Government did not introduce this Bill earlier.

I have been involved to a considerable degree with the administration of this Act. In fact, recently, in a book on public administration, I wrote a chapter on the administration of the Act. Due to the lateness of the hour I will forgo the temptation to quote from that chapter, which would take hours if I went through it completely. The major funds within the Farmers Assistance Fund at the moment are repayments from the 1976 to 1978 drought. During that period the Labor Government made $23 000 000 available to farmers in this State, mostly in the

form of carry-on loans, which enabled them to revive their farming enterprises and trade their way out of the very bad drought situation that they were in.

The interesting thing which is not fully explained in the second reading explanation (and perhaps the Minister could provide me with the figures at a later date) is just what the state of the funds is at the present time. What has been happening with the loans that were made to primary producers at that time is that quite a number of them have been repaid ahead of schedule. At that stage they were seven-year loans at 4 per cent, with an interest and capital repayment holiday.

Quite a number of farmers, for various reasons, have paid those loans well ahead of the scheduled payments that were due, meaning that the fund has been considerably in credit, and the Government has benefited from the interest on the funds in credit. In addition, the bad debts which were expected to arise from the drought loans have not arisen at the rate at first projected. Those matters mean that the fund is in much greater surplus than was at first thought. I should like to know from the Minister what is the state of the funds and what interest the Government receives from that fund on the present credit balances.

With those few remarks, I support the Bill. I would have liked to point out to the Minister of Local Government, if he had been here, that this is a piece of retrospective legislation; in fact, it is much more retrospective than was the legislation we discussed the other day, and is deemed to have come into operation on 12 October 1967.

The Hon. J. C. BURDETT (Minister of Community Welfare): I have checked the matter of retrospectivity and have been informed by the Parliamentry Counsel that, if the operation of an existing Act is made in part retrospective, it has to go back to the original date of the Act, and that is why it was taken so far back. I thank the Hon. Mr. Chatterton for his contribution, and I will provide him at a later stage with the figures for which he has asked regarding the present state of the fund and the interest on the balance.

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

STATUTES AMENDMENT (VALUATION OF LAND) BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2944.)

The Hon. J. R. CORNWALL: This Bill clearly is divided into two parts, or perhaps I should say that two quite separate intentions are identifiable in the thrust of the Bill. The first is to move from annual values to capital values. That is something that the Opposition has no difficulty in supporting, and supporting with some enthusiasm. The whole concept of annual valuations has been overcome by the course of time, and it is now no longer relevant; it is an anachronism, something that is very awkward and not clearly understood by many people. It is sensible to move to capital valuation.

The second part of the Bill is an entirely different kettle of fish. The Government is proposing to go to a system of notional valuations, and in his second reading explanation the Minister stated:

> The Government has been concerned for some time that inequities in rating and taxing have arisen between genuine home owners unaffected by a potential use for their property for commercial or industrial purposes and those whose principal place of residence is situated in a commercially or industrially zoned area.

These are the little old ladies on Greenhill Road that we heard so much about from the then Opposition over many years. To say that they were unaffected by the potential use of their property is entirely misleading—they are directly affected because, in many instances, values have increased by 500 per cent to 600 per cent in a relatively short period. That has occurred independently of what the owner of the property might have done. They simply happen to have the good fortune of living in that dwellinghouse at the time of rezoning, or at a time when property values, for a variety of easily explicable reasons, exploded around them. Clearly, they are affected if the notional value of that property is $50 000 as a residence, and it is actually worth $250 000 because it happens to be sitting in the middle of a commercial area. Then, of course, they have had an enormous windfall gain.

Exactly the same can be said about the person who is fortunate enough to own broad acres, if they are immediately adjacent to urban development. Again, because of events over which that owner has no control, his broad acres suddenly are rezoned, perhaps to residential 1 and, because he happens to have the good fortune to have property situated in that area, the landowner is completely affected by that situation. In his second reading speech the Minister stated:

> They suffer the consequences of valuations.

I would be very happy to suffer in that way. I can hardly see that there is any great suffering involved if the value of that property suddenly leaps by 500 per cent to 700 per cent in a relatively short period, not because of some improvements that have been effected by the owner but because the owner has the good fortune to be adjacent to urban development.

In the case of either the owner who happens to be an owner-occupier, in the case of a dwelling, or not an occupier in the case of land (he does not have to live on the broad acres at all to get this value, as I read the Bill), one can say that we should not disturb him or her for the time being. I can accept that, particularly in the case of the elderly. It may be that it is not reasonable to say immediately that, because of the rezoning, one has to sell up and get out.

I refer to the cases that have been quoted from time to time about people who suddenly find themselves in a $250 000 dwelling in a commercial zone, or a farmer who suddenly finds that his broad acres are enormously valuable, and the respective owner wants to continue either to live in the house or to farm the land. I accept that some sort of arrangement should be made in those circumstances for those people to continue to have the use of the house as a dwelling or to continue to have the use of the broad acres for farming.

However, I do not accept, and the Opposition rejects, the notion that they should be able to acquire this capital gain—this very large windfall—and simply put it in their pocket. The Government has already honoured its election promise to abolish succession duties. As a result of that, in the medium to long term we are going to run into difficulties of aggregation of very large properties. We will get a situation in the next 10 or 20 years, certainly within a generation, where we will have more and more properties aggregated into the ownership of fewer and fewer owners.

The Government is already embarrassed by having given away the revenue from succession duties in one fell swoop. It is already facing budgetary difficulties in its second year because it has given away $20 000 000 with the stroke of a pen. It has removed succession duties, saying to people in effect, "We do not propose to take

anything away when you go, and we will now go a step further by moving to notional values, so that we do not intend to take anything while you are here." Clearly, it is quite inequitable.

In responding to the second reading debate, will the Minister answer the question of loss of revenue? Quite obviously under this legislation the Government is giving away yet another revenue base. Council rates will be affected; they were almost doubly affected. We will find that, even allowing for the explanation the Minister gave today, the existing council rates will be affected. Land tax, where applicable, will be lost. I am aware that there is no land tax on rural land or agricultural holdings, but, where a holding is zoned residential and it is not a principal place of residence, land tax can be collected. Water and sewerage rates will also be dramatically affected. There will be a substantial loss of revenue.

The Hon. R. C. DeGaris: Are water and sewerage rates affected by site valuations?

The Hon. J. R. CORNWALL: That is another difficult area. It is the next logical step. We will get the Rundle Mall traders saying, "We are not using much water but are paying extraordinarily high water and sewerage rates to the E. & W.S. By national values, you have given a concession to the cocky from Rocky who has broad acres adjacent to an urban area and to the people on Greenhill Road." As that is a general philosophy, it will be argued that it is only fair to give a concession to Myers, David Jones, John Martins and other Rundle Mall traders who are paying large water rates and using very little water.

If we do that, the water and sewerage rates for the ordinary home owners will increase by about 25 per cent. That is one of the big objections I have to the move in this general direction. It is a further erosion of the revenue base, and it comes at a very strange time, when the Government is having all sorts of difficulties with the Revenue Budget because of having made the broad sweep and abolishing succession duties in one fell swoop. Succession duties were not abolished as is being done in Victoria under a Liberal Government, and in New South Wales under a Labor Government, in a sequential fashion over a number of years but rather in one fell swoop. This Bill proposes a further erosion of Government finances.

It would seem to be a considerable erosion because we have the consideration of council rates, land tax, water rates and sewerage rates. Will the Minister, in replying, say how many properties will be affected by this legislation. I believe that he will have the figure at his fingertips because I am sure the Government did some careful sums on this before it got into the matter.

Could the Minister also say how much revenue will be lost? I find it difficult to estimate this. I have made a "guesstimate" of between $2 000 000 and $5 000 000, which is an enormous sum of money, particularly when one looks at the Government services that are necessarily being run down at present to try to balance the Budget.

One can take all sorts of examples. I will not go back to the story about water in the Iron Triangle. However, I will refer to the National Parks and Wildlife Service, in which staff has been cut to such an extent that many services are having to be discontinued. That is just one example, but there are dozens of others like it right across the board. The notion of small government and small taxes, particularly of less tax for those who are owners of substantial properties, will reach such a ludicrous stage that areas where the Government has traditionally supplied services will be endangered.

There was a lot of rhetoric before the election about trimming fat. The reality when the Government got there was that there was little fat to be trimmed, because we have been on zero growth for two years. In those circumstances, I am appalled that they are giving away a further revenue base. In practice, it is a redistribution of the burden of rates and taxes, but it is being redistributed in exactly the wrong direction. Those who have substantial assets will be getting marked exemptions, in some cases, as I understand it, of up to 2 000 per cent. I would not, and nor would a Labor Government, be in the business of forcing these people to sell, particularly if they are elderly.

This could have been overcome by capitalising their rates and taxes against the estate until the property was sold. The Government might have considered a roll-back tax as they use in America, where rates and taxes chargeable against a property are put on a roll-back basis. At the time of sale, they are applied to pay all the rates and taxes capitalised against the property for a period of between five years and seven years immediately prior to the sale. That is another way in which the Government could have overcome the difficulties involved without disrupting the owner.

The Hon. R. C. DeGaris: We had that system operating here once.

The Hon. J. R. CORNWALL: With some refinements, I believe that it would have been a sensible way to go about it. The Government could also have considered remissions in cases of special hardship. This could have applied even to heirs and successors, particularly in market gardening areas like Campbelltown. It could have been administered with compassion and common sense. There are numerous ways in which the Government could have overcome any implied or actual hardship without giving away the revenue base. In the circumstances, this is an enormously retrograde step.

One of the things that one learns from one's experience in government (and the Hon. Mr. DeGaris would agree with this) is that every dollar counts. It is one thing in Opposition to say, "There was a Budget of $1 600 000 000 last year, so what is $20 000 000 or $30 000 000 between friends? We will have a look at it in terms of what percentage of the Budget it represents. It is only about 1½ per cent and, with a little tight housekeeping, we could fix that up." However, when one looks at the figure in terms of what it costs to run Government departments, it is a different thing. The $20 000 000 that the Government gave away in relation to succession duties was sufficient to run the Department for the Environment, the Department of Urban and Regional Affairs and the Department of Lands. This was done as a result of the rash promises that were made early in the election campaign.

That is the reality of the situation. The sum of $20 000 000 is a lot of money. I am very upset, not only as a member of the Opposition but also as a member of the alternative Government of this State, when I think of the mess the Revenue Account will be in when we get back into Government in the not too far distant future. Looking at it from a pragmatic and sensible view, and an ideological view, the Opposition is totally opposed to those sections of the Bill.

The Hon. R. C. DeGARIS: I do not agree with the sentiments expressed by the Hon. Dr. Cornwall. Any system introduced to solve this rather vexing problem is open to criticism. I point out that the previous arrangement in relation to the Land Tax Act, and I may be corrected on this, was that where land was used for primary production in an urban situation it could be rated for primary production. The actual rates went on until the property was sold, at which time the back rates were paid for a period of five years. Even that system involved a great deal of difficulty.

Other States of Australia are now moving towards this type of valuation where there is a notional valuation; unimproved value is not being considered because that is an unrealistic figure for valuation purposes. I do not agree with this principle, but I accept the Hon. Dr. Cornwall's comment that there will be some difficulties in administering this scheme. I believe that it is necessary to have a scheme to remove the burden from people who quite genuinely wish to go on living in their houses after being caught up in a rezoning or some change that has taken place which makes it almost impossible to go on living in their residence. I do not believe one can make a judgment, through an administrative act, and treat these people on a temporary basis. There is a great deal of difficulty involved in that.

In general, I support the Bill. In Victoria a similar provision in relation to site value has been introduced. I finally found it under the Local Government Act of all places. When one is looking through the Acts of other States it is rather difficult, because very often one finds what one requires in totally different Acts from the Acts where one would look in South Australia. One would expect to find the Victorian provision under the Land Valuation Act. The definitions of "site value" and "improvements" are somewhat different in the Victorian Statute, and I will only touch on the definition of "improvements". The definition of "improvements" in this Bill includes building structures, but does not include structures of the nature of siteworks or roadworks. Roadworks are included in the Victorian definition of "improvements". As the Hon. Dr. Cornwall would know, there are very extensive roadworks on many properties. To exclude those roadworks from the definition of improvements is hardly realistic.

It also includes improvements such as wells, dams, reservoirs, and the planting of trees for commercial purposes. I suggest that the planting of trees for commercial purposes is difficult to define. We can have a plantation of trees or an avenue of trees that could have a commercial value, even though it was put there for wind break purposes. Also, the Victorian Act has other improvements that are classified as coming off the value, including the arresting or elimination of erosion or the changing or improving of any watercourses on or through the land.

I would have doubt whether the digging of an open drain is a structure. Perhaps the Minister would comment on that when he replies. It appears to me that a structure may not include a drain. Again, the Hon. Mr. Cornwall would know that many landowners have spent a great deal out of their own pocket on drainage work, which should come under "improvements" on that property. I refer to one example. Murray McCourt, of Beachport, spent a large amount of money to divert water through the Woakwine Range—

The Hon. J. R. Cornwall: That is not adjacent to urban land. You are talking about rural land.

The Hon. R. C. DeGARIS: I am not saying the McCourt one comes in for State tax, but we are dealing with "site value" and assessing land for site value. That value may be a basis for other forms of taxation. Rural land does come under the rating system for other forms and, while we are getting rid of the unimproved value, we are placing in the Act a new definition of "site value" and I think we are being a little restrictive in the definition of improvements that cannot be assessed for site value. I am not an advocate for uniformity but there is an argument for getting as close as possible to uniformity between States in that definition.

The Hon. J. R. Cornwall: Capital value is actual value.

The Hon. R. C. DeGARIS: Yes. The Bill does away with the concept of unimproved value and inserts a new definition of "site value". We deduct take the value of improvements to get site value, as I understand. I know that there are problems in this. Site works may well be classified as drainage on a rural property but I cannot see that, where there is a fairly big urban subdivision and a lot of site works are done on it, those site works should be exempt as far as improvements are concerned. In urban land we come into quite a different category. I am unhappy about the provision and will be moving an amendment to exclude "roadworks" from improvements.

The other clause that I would like to speak about is clause 7, where a person makes application for a notional valuation to be made and it is made. Where that land has been valued under the notional value system and the owner is involved in circumstances where he ceases to be entitled to the benefit or interest in the transaction but leases the land or changes its nature, he must forthwith inform the valuing authority, and failure to do so attracts a penalty of $2 000.

There should be some specified period in which notification can be made. "Forthwith" means exactly what it says. A person could make some sort of change or could enter into a transaction to lease the property, and could overlook the advice of the valuing authority. Secondly, when that notional valuation is made, the valuing authority could advise the owner of the notional value and of his obligations under this clause, that is, to notify, within a set period, any change or circumstances that may occur whereby that notional valuation no longer applies. There is no excuse then if, within that period, the owner does not advise the valuing authority of those changes. I know this is a difficult problem, and I understand the comments made by the Hon. Mr. Cornwall that there may be differences, but no-one can doubt the fact that tragedies have occurred under the existing tax system. People who live either on rural land or in the city area have been driven from their homes because of the impact of very high taxes on properties.

The Hon. J. R. Cornwall: Driven out with $1 000 000.

The Hon. R. C. DeGARIS: That may be so. I know of one person who was driven out with $200 000, but he did not want to move. He had lived in that house all his life. The land tax alone on a house in Greenhill Road was nearly $5 000. No-one can afford $5 000 in land tax for a house on Greenhill Road—

The Hon. J. R. Cornwall: He didn't have to leave: he could have got to a roll-back situation.

The Hon. R. C. DeGARIS: That may be so. Some system is required to help people in these circumstances, perhaps old people, remain in a house in which they may have lived all their lives. The same applies to rural land that may be close to a town. A person might have farmed that land for a long period, and suddenly it becomes caught up in a subdivision, but that person may not want to subdivide. If he wants to continue farming, the tax taken off that land should be based on the farming value, not a subdivisional value. I am happy about the concept, but I would like the Minister to comment on the matters I have raised.

The Hon. C. M. HILL (Minister of Local Government): I thank honourable members for their contributions. However, I entirely disagree with the thrust of the Hon. Mr. Cornwall's submission. The Government is honouring an election promise with this Bill.

The Hon. J. R. Cornwall: We're aware of that. Another tragic election promise.

The Hon. C. M. HILL: The Government has not many more to honour. We have honoured almost every one.

The Hon. J. R. Cornwall interjecting:

The Hon. C. M. HILL: I know that the honourable member is upset that this Government has repealed the succession duties legislation. He is upset because we are not ripping off money in taxation. In honouring this promise, we have taken account of those whom I might call the little people. Members opposite have shown, by their performance, that they are not really concerned about pensioners who live in small houses, the site values of which have increased tremendously. As the Hon. Mr. DeGaris said, those people want to remain for the rest of their lives on those properties. The taxing system has been such that they have been forced out, unless they have endeavoured to gain some benefits from differential rating and by other means. By means of this Bill we will give these people an opportunity to remain—

The Hon. J. R. Cornwall: A golden handshake.

The Hon. C. M. HILL: It is not a golden handshake. The fact that a person's site is worth a lot of money is of no real value to these pensioners. In many cases they will want to remain living in the place where they have lived all their lives. Some people with broadacres close to subdivisional development find that their rates are unreasonably high considering the use to which those people want to put their land, that is, primary production. The Government believes that those people in genuine circumstances should be released from excessively high values. The amount of money involved is worrying this expert on government, Dr. Cornwall: it is estimated that not a very large amount of revenue will be lost by the Government as a result of this measure.

More importantly, it will be more justly spread throughout these particular property owners. Not a great deal of revenue will be lost, because the departmental view is that about 3 000 rural holdings will be involved throughout the whole State, many of which already gained some urban land rating provision subsidies, and so they have some benefits now. Therefore, the adjustment in revenue will not be an adjustment from normal rating to rating under a notional value principle, because some people have certain reductions now. The same applies to the pensioners I mentioned a moment ago and other people living in houses who will benefit from this measure. These people, of course, do not pay land tax now, thanks to this Government. The rural people to whom I have referred would not be paying land tax, either. Pensioners gain 60 per cent pensioner remissions from their present high rating now. The drop from current revenue to the revenue collected after this Bill is passed will not be as great as the Hon. Dr. Cornwall suggests.

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order! If the Hon. Dr. Cornwall has a question to ask on something he wishes to be clarified, that is fair enough, but the honourable member is continually interjecting without any purpose.

The Hon. C. M. HILL: The Treasurer's view is that, overall, less than 10 000 properties throughout the whole State will be affected. On the question of succession duties and their impact on the State's finances, the Hon. Dr. Cornwall need not worry too much about that. The present Government will weather the stringent conditions that have already been announced and, by means of constraints and other fiscal policies that the Treasurer of this State is implementing and will implement, there will not be any great damage done as a result of the repeal of the succession duties legislation.

The thrust of the legislation is to establish some uniform system whereby people whose properties are subject to high assessments at the moment because of outside influences will be able to obtain relatively low assessments based upon land use if they continue to use those premises for genuine purposes, such as the principal place of living or primary production. Because those assessments will be low, so the rates will be relatively low, and those people will not have to be unfairly rated in the very high range as they are being rated now.

I thank the Hon. Mr. DeGaris for his constructive contribution to the debate. I can recall that the word "structures" was defined in this place some years ago in relation to the Planning and Development Act, and "structures" in that context dealt with improvements to country properties. During the debate, a very wide interpretation was given to the word within that legislation, and I have no doubt that a wide interpretation will be applied in this case. If it is applied in that way, then a range of improvements will be included in the calculation to assess site value, and by such calculation the site value will be reduced, because the value of those improvements will be taken from the total capital value of the property.

I think there is a certain amount of merit in the honourable member's suggestion that perhaps roadworks should not be included in clause 6, and I agree that the word "forthwith" in clause 7 could be most seriously queried. A citizen could be placed in a position in which he was contravening the law whereas, if he had had a better understanding of the situation, he would not have been doing so. He would have a better understanding if he had a reasonable time in which to inform the relevant valuing authority of the circumstances of the changed use. This matter and some of the other points mentioned by the Hon. Mr. Cornwall during the second reading debate could be more adequately dealt with in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Interpretation."

The Hon. J. R. CORNWALL: I move:

Page 2, lines 32 to 37—Leave out paragraph *(c)*.

This amendment concerns the definition of primary production and a whole range of activities that are encompassed by it. It is part of our opposition to clause 7 and is self-explanatory. The Opposition is opposing the whole concept of notional values on land adjacent to urban areas used for primary production, so that they will be written down. It is necessary that we remove this clause to achieve our objective. As it will influence thinking on this matter, can the Minister indicate, as I requested in the second reading debate, how much revenue the Government is foregoing, directly and indirectly, under this Bill? Will it be $2 000 000 or $10 000 000? I understand about 10 000 properties are involved.

The sum total of water rates, sewerage rates, land tax, where applicable, and council rates could reach between $500 and $1 000 for each property. The Hon. Mr. DeGaris referred to the Greenhill Road property where land tax alone was $5 000 until recently. We could be looking at giving away $10 000 000, which is a lot of money to be redistributing in the wrong direction. I would like this information before having to vote on the clause. I am sure that the Government has done the sums, and I am sure that the Minister has the figures.

The Hon. C. M. HILL: The department has not got a figure, as suggested by the Hon. Dr. Cornwall.

The Hon. J. R. Cornwall: Incredible!

The Hon. C. M. HILL: It is not incredible at all. Let me explain some of the situations. In the case mentioned by the Hon. Dr. Cornwall about the little old lady on Greenhill Road, she is not paying land tax now anyway. She was during the term of the honourable member's Government, but she is not paying it now, and there is no

loss.

The Hon. R. C. DeGaris: If it's her principal place of residence.

The Hon. C. M. HILL: It would be, and most of these people who are affected and whom we are trying to help in regard to notional values are elderly people living in the one home. That is all the property that they have, and they find the rating high, because of the assessment system that we are endeavouring to change. In regard to similar premises in country towns, many of these property owners are assisted through differential property rating under local government. Therefore, those people now are only paying relatively low rates to councils. Councils have already made up the amount through the general balancing up processes within their overall rating system within their areas, and in aggregate obtain the rates needed for general revenue purposes.

Other reductions are already enjoyed, as I mentioned, such as in the rural areas where, under the general urban farmland rating provisions, it is possible for landowners to be paying reduced rates. Therefore, I think the honourable member will agree that it is not easy for departmental officers in this environment to do their sums and come up with a specific figure which would indicate loss of revenue. I agree with the point made by the Hon. Dr. Cornwall earlier that, if there is a reduction in rating, other people will have to pay it.

The Hon. J. R. Cornwall: Exactly—redistributed the wrong way.

The Hon. C. M. HILL: However, the Government is not losing as the honourable member indicated a moment ago. He suggested that the Government might even go bankrupt because of loss of revenue. Adjustments are made and, in keeping with the principles which the honourable gentleman should have firmly planted in his mind, those who can afford to pay assist the people who cannot afford to pay. That is about what it amounts to. I do not deny that, but certainly it is fair on the people who live in cottages in country towns and near the business areas of a town. If they want to go on living there for their own contentment, happiness and social benefit, they should have every chance of so doing. The only way that we can assure that that situation remains is by valuing those premises on a notional value approach.

It disappoints me that the Hon. Dr. Cornwall and members opposite are not thinking a little more deeply about the little people and the unfortunate people who are being taxed out of their premises. I say that in all sincerity. If the honourable gentleman had thought through his criticism of this Bill he would not have come up with his final decision that it is bad legislation. It is legislation which will assist the people that he should be wanting to assist. He should not laugh and take objection to the fact that some people might have to pay a little higher rating to compensate for such adjustments. In a very fragmented way, the adjustments are being made now through the vehicle of differential rating, through other rural concessions, and so forth.

This lays down a standard practice which, through this new notional value system, will allow people both in the rural sector and in the urban areas to be given a fair and just benefit. The amendment is part of three amendments that endeavour to delete notional value from the whole Bill. The deletion of notional value ruptures the whole Bill and the intent of the Bill. I very strongly urge the Committee to vote against the amendment.

The Hon. J. R. CORNWALL: I make no apology for trying to rupture the whole intent of this part of the Bill. I stated that quite clearly in the second reading debate. I am completely and utterly opposed to it. The Minister is fudging these figures, saying that they cannot be produced and that it is too difficult for the public servants in the various departments to come up with them. That is a remarkable admission. Either the Minister is trying to hide something or he is asking us to accept that the Government is giving away a very substantial part of revenue both in the immediate taxing area that is the Government's responsibility or in the local government area, in which case there will be a redistribution to the people who can least afford it. Obviously he is not going to tell us, but I believe the amount may be almost as much as the amount already given away in succession duties.

It is not inconceivable that we are dealing with a very large sum of money. I cannot accept (I am not going to accuse the Minister of trying to mislead us) that the Government has not done its homework. I cannot accept that the Minister could really say that Cabinet had examined this matter and that not one Minister said, "Hang on, what is this going to cost?" The Government must know what it is going to cost and how it will redistribute into other areas.

It is all very well for the Minister to talk about the little people on Greenhill Road with their $250 000 houses and in the Hills with their $500 000 properties carrying their pension cards around with them. The "little people" for whom the Minister is going to save all this money are going to shift the burden on to the people who are genuinely in need, and that is the Opposition's great objection to this.

The Minister knows perfectly well what I am talking about. Those genuine people in need, not those over 70 years who are means test free and who may be receiving a pension in addition to their annuities and other investments, are the people about whom I am concerned, I am not concerned about the farmer who suddenly finds himself in possession of a $500 000 windfall because he happens to be adjacent to an urban development. He is not one of the "little people" who are short of money. Indeed, we are talking about people with considerable wealth. I have no objection to their being wealthy, but I have a great objection to their being given preferential treatment by this Government.

That can have only one result. The Government will have to shift the burden across the board to a whole range of people who are in a much worse position and who genuinely cannot afford it. The Government is indulging in a regressive redistribution of wealth, and the burden will have to be picked up not only in these areas but also in the area of other State charges.

For months now, the Government has eroded its revenue based on State taxes and big-noted itself about how it is taking off these taxes. However, the fact is that under this Government the cost of all public services traditionally provided is increasing at a rate very much in excess of the inflation rate. We have already seen electricity charges increase at a great rate, and water and sewerage rates have also risen. The Premier has said openly, "Look out." In fact, he has sent a directive to every Minister to go through the whole spectrum and see what the market will bear. He has told them to jack up charges well in excess of inflation—anywhere between 15 per cent and, in one case, 700 per cent.

The Government is shifting the whole burden on to the people who can least afford it. Indeed, it is really looking like a one-term Government, which I sincerely believe it is. The Government, which said "Let us abolish succession duties in one fell swoop, and let us get the notional values going to that we can look after our mates," is running into great difficulties administratively and financially. I ask the Committee to accept the amendment.

The Hon. C. M. HILL: I point out to honourable

members that the vast majority of urban dwellers who will benefit from this adjustment are pensioners. I now refer to the question of State revenue. Land tax has been abolished anyway on the principal place of residence in cities and towns, and it has also been abolished on rural holdings. Council rates do not become part of Government revenue, so that only leaves water and sewerage rating, which is negligible as far as rural holdings are concerned. In relation to urban holdings, pensioners receive 60 per cent off those rates as pensioner remissions. Therefore, it is a lot of codswallop to talk about loss of revenue.

I pose a question relating to the cottages at Mount Gambier which are subject to differential rating (and the honourable member knows where they are, because they are close to the main business centre) and the cottages at Gawler (and the Hon. Mr. Creedon knows where they are, because they are also close to the business centre). Most of the cottages are inhabited by pensioners. Does the Hon. Dr. Cornwall favour their having differential rating?

The Hon. J. R. Cornwall: I will tell you in a minute.

The Hon. C. M. HILL: Be sure that you do, because if you do not you are being callous. If you do, you should not have any objection to notional value which simply formalises the fragmented system of differential rating and other concessions throughout the State.

The Hon. J. R. CORNWALL: The Minister has selected two instances: some cottages at Mount Gambier and some cottages at Gawler.

The Hon. L. H. Davis: We can give you more.

The Hon. J. R. CORNWALL: He cannot produce 10 000 of them, you fool.

The CHAIRMAN: Order! An objection was made earlier about that sort of expression. I ask the Hon. Dr. Cornwall to withdraw that remark.

The Hon. J. R. CORNWALL: I will withdraw it, Mr. Chairman. However, I wish you would control that man because he continually provokes me and I deserve a bit of protection from the Chair.

The CHAIRMAN: Order! I will not have any reflection passed on my chairmanship. If the Hon. Dr. Cornwall wishes to point out that an honourable member has said something objectionable, I will take that honourable member to task. In the meantime, I ask the Hon. Dr. Cornwall to watch his own remarks.

The Hon. J. R. CORNWALL: Almost everything he says is objectionable. He interjects constantly. The Minister has pulled two isolated cases out of the hat. Perhaps the Minister should have told us about the cottages up at Burra, too. Let us be sensible about this and look at the facts. The majority of the 10 000 properties are very valuable. I am objecting as strongly as I possibly can, and the Opposition is objecting as strongly as it can, because this proposal will give these people very marked exemptions. As I said earlier, in some cases it is as high as 2 000 per cent, through the lowering of rates and taxes and, where it is applicable, land lax, to shift this burden—and the Minister has already boasted about this quite freely—to the rest of the community.

If the Minister was genuinely concerned about the little people, and about pensioners (and he makes great play about them in his hypocritical way), then, of course, he would not be going in this direction. It causes me considerable stress to see what this Government is doing in redistributing the wealth of this State upwards. The rich are getting richer and the poor are getting poorer, not by something that we cannot avoid, but by deliberate Government policy. That is absolutely appalling. Of course I favour differential rating for people in genuine need. In my second reading speech I said that all sorts of things could have been worked out for these people.

The Hon. R. C. DeGaris interjecting:

The Hon. J. R. CORNWALL: I suggested that differential rating was one alternative in cases of genuine hardship. The point is that members know very well that the case of the property on Greenhill Road worth $250 000 or $300 000 does not involve genuine financial hardship. The position is quite the reverse; it is hardship that I would be happy to suffer. Let us cut out the cant and hypocrisy.

Members interjecting:

The Hon. J. R. CORNWALL: Can I have some protection, Mr. Chairman?

The CHAIRMAN: Yes. I ask the Hon. Mr. Davis to cease interjecting.

The Hon. J. R. CORNWALL: Come out and say that this is deliberate policy, that you are here for one term, that you are going to look after your mates, and that you will empty the till. Once a revenue measure has gone, it is extremely difficult to reimpose it.

This is another major case of the Government's saying that it will erode its revenue base through State taxes and shift them from those who can best afford to pay, the wealthy section, to those who can least afford it, the genuine pensioners, not the ones over 70 years who are free of the means test, but single supporting mums and the invalid pensioners. We are talking about genuine cases of need, and there are plenty of them. The unemployment level is soaring under this Government. While the rest of the national economy shows signs of delicate recovery, South Australia is going down the drain and the Government, by its deliberate policy, is redistributing wealth so that the rich are getting richer and the poor are getting poorer.

Members interjecting:

The Hon. J. R. CORNWALL: It is not rubbish. There is a deliberate policy and the Minister has been man enough to admit it. We oppose that completely and totally. If I have become emotional about it, I make no apologies, because, unlike the Minister, I have genuine concern for the little people.

The CHAIRMAN: I did not find it emotional, but it is very repetitive and I hope that the Minister does not have to go through his explanation as he did previously.

The Hon. C. M. HILL: I am not going to do that. The department estimates that 20 per cent of the people who will be helped by this measure in metropolitan Adelaide come from the Thebarton council area. Does the honourable member think that that is one of the wealthy areas of the State? Does he still want to claim that we are trying to help the wealthy? The fact that 20 per cent will be from Thebarton makes the whole of his submission absolutely ridiculous.

The Hon. J. R. CORNWALL: For the Minister to try to prove his case by referring to cottages at Mount Gambier and Gawler and to the 20 per cent who live in an industrial area of Adelaide, leaving the other 79 per cent to be given this massive golden handshake means that his case falls to the ground.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. C. M. HILL: I move:

Page 2, line 37—

After "livestock" insert "or consisting of the propagation and harvesting of fish or other aquatic organisms".

This amendment widens the definition of "business of primary production" to include the propagation and harvesting of fish or other aquatic organisms. It is evident that the definition should include every possible activity.

Amendment carried.

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

Page 3, lines 6 and 7—Leave out "or road works".

I have explained this amendment in the second reading stage. I was interested to hear the Minister's second reading speech in regard to the interpretation of "structures". I am reasonably satisfied that this word will be interpreted broadly in relation to improvements.

I was concerned that "structures" might not take into account such things as drains. However, I am reasonably sure that, if the provision is interpreted in a very broad fashion, many of the objections that I have to this no longer stand.

The Hon. C. M. HILL: I support the amendment.

Amendment carried; clause as amended passed.

Clause 7—"Notional valuations to be made in certain cases."

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

Page 4, after line 26—insert subsection as follows:

"(2a) Where a valuing authority makes a valuation under the provisions of subsection (2), it shall inform the owner of the land, in writing, of the valuation and of his obligations under subsection (5)."

The provisions of new subsection (2a) require that the authority shall inform the owner of the land of the valuation in writing and also inform the owner of his obligations under subsection (5). This means that the owner of the land will know that the notional value has been decided upon and that, if there is any change in the use of that land or any change in ownership, or even in the lease, he has a period within which he must notify the valuing authority.

The Hon. C. M. HILL: I support the amendment. The actual information can be included on the assessment notice.

Amendment carried.

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

Page 4, line 45—leave out "forthwith" and insert "within 28 days".

I think 28 days is a very generous provision. It is more than I would have expected. I would have been quite happy with a provision for 14 days notice. However, the Minister feels that the Act can operate quite satisfactorily with the provision that the valuing authority must be notifed within 28 days.

The Hon. C. M. HILL: I support the amendment.

Amendment carried.

The Hon. J. R. CORNWALL: I oppose the whole clause as amended. I have canvassed the matter at some length and I do not intend to do so again. I am concerned that the Minister may have inadvertently misled the Council when he said earlier that 3 000 of those properties were dwelling houses and 7 000 were urban properties.

The Hon. C. M. Hill: The other way round.

The Hon. J. R. CORNWALL: 20 per cent of 7 000. That is 1 400.

The Hon. C. M. HILL: I support the clause. It involves the same debate that we had a few moments ago. The clause introduces the concept of notional value. If the clause were negatived, notional value would be removed from the Bill, and that is entirely contrary to the thrust of the measure.

Clause as amended passed.

Clauses 8 to 16 passed.

Clause 17—"Amendment of principal Act."

The Hon. J. R. CORNWALL: The amendment I have placed on file would have been consequential on my amendment to clause 7 had it been successful. I tested the first amendment on a division and the second on the voices. At this stage, there appears not a great deal of point in my persevering with this amendment.

Clause passed.

Remaining clauses (18 to 21) and title passed.

Bill read a third time and passed.

SOCCER FOOTBALL POOLS BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 3018.)

The Hon. J. R. CORNWALL: At the outset, I would like to make it clear that the Opposition has declared this a conscience matter. We know that people on the other side of the Chamber think and vote and speak as they like, allegedly, and bear the penalty at preselection time. But on this side of the House we are not hypocritical.

Members interjecting:

The Hon. J. R. CORNWALL: In policy matters, as honourable members opposite would know, despite their vast ignorance of any other matters, we are normally bound by Caucus decisions, but in matters of sex, gambling and alcohol it is normal for us to take a conscience vote. I want to make that clear. I have only a vague notion as to how my colleagues might vote.

Members interjecting:

The PRESIDENT: Order! There is far too much noise in the Chamber.

The Hon. J. R. CORNWALL: Personally, I oppose the Bill, but certainly not on anti-gambling grounds. Indeed, I think it is quite ridiculous to try to prescribe for people what might or might not be good for them in relation to gambling. I for one—and I am not supported by many of my colleagues in this sentiment—would be quite happy if legislation were to be introduced for a casino, and I would support it. If legislation were introduced for poker machines, I would support that. I am not opposing this Bill because I am a wowser. Equally, I want to make it absolutely clear that I am not opposing it because it proposes to give $1 000 000 to sporting bodies in South Australia.

I am very much for that. I am enthusiastically for it, with the proviso that is not a robbing Peter to pay Paul situation, although I fear that that is what the Government may be about. We have just given away a further $10 000 000 in the previous Bill passed by this Council.

In those circumstances it is logical that the Government will be looking for other sources. Perhaps the Minister can assure me otherwise, but it is my fear that this is another sort of fund-raising activity to be got running successfully and until $1 000 000 annually is available (and this may be being a little optimistic) over the next two years. Then we as the Government will inherit a situation where the present Government will have further run down the revenue funding of sport, which they have already begun and allow the lottery to take over. Perhaps the Minister can give me his assurance.

The Hon. J. E. Dunford interjecting:

The Hon. J. R. CORNWALL: The Hon. Mr. Burdett is a tolerably honest man. I seek an assurance that he will maintain the current funding to sporting bodies. When we were in Government it was the highest level of funding, but I understand from my statistician friend that it is now the lowest, and the Government has not a high record to

date. Clearly, I do not oppose the Bill because I am anti-gambling and, in other circumstances, I would like to enthusiastically support it.

I oppose it principally because it seeks an erosion of the legitimate function of the Lotteries Commission. I oppose it strongly on that ground. If the Government wants to run a sporting lottery, I am all for it, but it should be handled by the South Australian Lotteries Commission. Secondly, I oppose it because it will be run by Vernon Pools. Simply, it provides only 40 per cent in prize money compared with over 60 per cent under the Lotteries Commission operation. This provision is a licence for Vernon Soccer Pools to print money.

It has set up a $2 company in South Australia. No South Australians can have any equity or participation in the affairs of the company. That is clear. In the circumstances, I just do not accept that Vernon Soccer Pools are the legitimate people or the right people to run this operation in South Australia. It should be run as a special lottery, perhaps a blue ticket special or the like, by the Lotteries Commission. That is the organisation to do it.

Although I cannot speak for the Hon. Mr. Milne, I know that he has expressed some uneasiness that Vernon Pools will be coming in and taking out through its $2 company, and that the commission will not be getting into the act. I believe it can be done by our local people. The commission is the appropriate organisation. I oppose it in its present form and will not have a bar of it.

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

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3105.)

The Hon. B. A. CHATTERTON: I support this Bill, the purpose of which is to restructure the Samcor debt. In fact, the Bill will be the equivalent of turning the current Samcor loan into a form of equity capital, or at least 80 per cent of its loan will be transferred to equity capital. The Bill takes over the debt in a special fund, and Samcor will then be required only to pay a dividend to the Government in the event of its making a profit. In these circumstances it would first pay to the Government an equivalent of any Federal income tax that it would be liable for if it was a private operation and had a profit on that equity.

After the payment of the equivalent company tax, the Government would negotiate with Samcor on how much should be held for reinvestment within Samcor and how much should be returned to the Government in the form of a dividend. That is in essence what this legislation sets out to achieve—to put Samcor in a situation of being virtually a private company where 80 per cent of its capital is in the form of equity on which an annual interest payment is not required. In his second reading explanation, the Minister said:

> . . .reduce the millstone this State has suffered for too many years from the losses surrounding this service works.

That is quite a nonsense statement, because all it is in fact doing is transferring the burden of the debt from one account to another. To say that somehow this financial sleight of hand will reduce such a millstone really amounts to playing with a couple of difficult accounts. The interest will still be paid on those accounts but it will be in a different form and fund.

It is interesting to see how bad Samcor's performance has been. I am not referring now to the Minister dealing with the Bill in this Council but rather the Minister responsible for Samcor, the Minister of Agriculture, who made great play of the fact that Samcor has made considerable losses. He seems to ignore the fact that Samcor has made some profits, admittedly not large profits, but nevertheless it has had profits. If one looks at the situation in the meat industry throughout Australia we see that dozens of abattoirs have closed because they have been so unprofitable. The whole of the meat industry is, with few exceptions, in a disastrous situation throughout Australia. Even such giants as Borthwick's have been in such serious trouble that special financial plans have been launched to try to save them. One of the major reasons that this situation has occurred in Australia is the sharp reduction (by about one-third) in the number of sheep slaughtered over the past few years. Approximately 6 500 000 sheep less were slaughtered in the 1978-80 period compared to the average number slaughtered a decade earlier.

The most significant change for Samcor, which the Minister has not acknowledged in his second reading explanation, occurred when two years ago the A.M.I.E.U., representing the award employees at Samcor, offered the Government and the Samcor board a productivity increase of about 15 per cent for no increase in pay. This was achieved through major changes in working practice and tallies, and the lower manning of various slaughtering chains, thereby enabling Samcor to reduce fees substantially.

That was a major achievement, which made it possible for Samcor to become very much more competitive in the commercial area. I am surprised that the Government has not acknowledged this change as being one of the critical factors in putting Samcor on a more commercial and profitable basis.

The whole tenor of the Minister's second reading explanation is that Samcor should now act in a commercial role. Yet, the really difficult commercial decision for Samcor has been dodged. The Government has provided a subsidy of $250 000 a year for the excess capacity at Samcor, but it has put off a decision regarding the future of this excess capacity. It involves a tough decision regarding Samcor's role as a service works and how much excess capacity it can continue to operate. It must be decided whether Samcor is to act commercially or as an abattoir of last resort, helping out the industry when there is a glut of stock on the market.

If it is going to do that, the abattoir will be a service to the industry, but it will not be acting commercially. Sooner or later, the Government or the board will have to decide how the abattoir is to operate: whether it will provide that service to the industry, so that it will be non-commercial and uneconomic, or whether it will act commercially and decide how much capacity it will provide.

I sincerely believe that the abattoir can act commercially, and the sooner it makes that decision and informs the producers that that is how it will operate the better it will be for producers, because they will be able to make alternative plans. In other States, gluts of stock have come on to the market. This stock has not been processed through the available abattoirs, and producers have made alternative arrangements to ensure that the stock comes on to the market more gradually. Therefore, the whole industry copes with the problem. If that is to be the future situation with Samcor, the sooner that the producers are told about it and the sooner that they are able to come up with alternative plans, the better it will be.

The interesting thing about the scheme which is incorporated in the Bill, namely, the change in Samcor's capital structure to a form that I described earlier, which is similar to the equity in a private company, is contrary to most of the sentiments expressed by the Liberal Party, which is normally opposed to the Government's holding equity capital in this form. I believe that it should be supported, as it presents an important precedent that I think will be significant in relation to the operation of a number of other primary product processing industries. I believe that there is a precedent for a number of public or co-operative enterprises. I support the Bill.

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

[Midnight]

HARBORS ACT AMENDMENT BILL

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

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

The major amendments it contains are intended to clarify the question of liability in cases where vessels are under pilotage by a pilot of the Department of Marine and Harbors. The Bill also empowers the Governor to make regulations requiring the holder of a licence or permit granted under the principal Act to indemnify the Minister for damage arising from the use of the licence or permit.

Section 80 is amended to provide for the Minister to lease jetties for such term, at such rent and upon such other terms and conditions as he thinks fit. The provision will permit the lease of recreational jetties to councils, without the requirement to call public tender or hold a public auction as is currently provided in the Act. Section 114 of the Act provides generally that the responsibility for the conduct of a vessel while under pilotage rests with the Master, who is further answerable for any loss or damage caused by the ship or fault in the navigation of the ship. In the past this section has been construed by the department as exempting a pilot (and the department) from any claim for damages arising out of the pilot's negligence. However, the Solicitor-General expressed the opinion that the effect of the section is not entirely clear. An amendment is therefore proposed by the present Bill to obviate any uncertainty in the interpretation of the provision. The amendment is consistent with the provisions of the Commonwealth Navigation Act, the Queensland Marine Act and the New South Wales Maritime Services Act.

Section 124 is complementary to section 114 in that it provides generally that, in any proceedings relating to damage to the works of the Minister, it shall be a defence to prove that the injury was attributable wholly to negligence or otherwise tortious conduct for which the Minsiter or an officer of the Department of Marine and Harbors is responsible, and that, where the Minister or departmental officer is partially responsible for the injury, the court shall make appropriate allowances in the assessment of damages. Again an amendment to the Act is considered necessary to make clear that in this context the fact that a ship is under pilotage does not exonerate the owner or the master for responsibility for its navigation. Thus if a ship, while under pilotage, causes damage to property of the Minister the owner will not be able to escape liability or reduce his liability on the ground of the pilot's negligence. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 80. That section, which originally referred to the Harbors Board, limits the conditions under which leases of wharves (which, by definition, include jetties) could be granted. The amendment will permit the Minister to grant leases on conditions determined by him. Clause 3 amends section 114 to provide that no civil liability attaches to a pilot or to the Minister for negligence by the pilot in the pilotage of a ship.

Clause 4 amends section 124 to provide that negligence on the part of a pilot does not constitute a ground for defence, or making allowance in the assessment of damages, in cases of damage by third parties to works of the Minister. Clause 5 enacts paragraph (70c) of section 144 to empower the Governor to make regulations to require the holder of any licence, permit or other authority to indemnify the Minister against claims for injury or damage that may arise as a result of the exercise of rights conferred by the licence, permit or other authority.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It seeks to remove from the State Transport Authority its powers to license vehicle operations. These powers will in future rest with the Minister of Transport and will operate through the Division of Road Safety and Motor Transport, which is in the process of being established. These powers are not appropriate ones for the State Transport Authority to have, since its functions centre around the running of the metropolitan public transport system. It is an operating body, and it does not fit in with that role for it also to be a regulating body. It will be much more satisfactory for there to be clear Ministerial responsibility for such regulation and licensing. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be proclaimed. Clause 3 amends the arrangement of the Act. Clause 4 repeals three now redundant definitions. Clause 5 repeals Part IIA of the principal Act that provided for the licensing by the State Transport Authority of passenger vehicles that operate for hire.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It seeks to place within the direct responsibility of the Minister of Transport the licensing powers over buses and other vehicles used for the transport of passengers for hire that hitherto have been with the State Transport Authority.

This forms a part of the restructuring of transport administration whereby a new Division of Road Safety and Motor Transport is being set up. This division will incorporate agencies such as the Regulation Division of the State Transport Authority, the Road Safety Council and the Central Inspection Authority to provide a co-ordinated approach to policy which has been lacking in the past. Unwarranted duplication will be avoided. Thus, for example, this Bill provides for the Central Inspection Authority to take on the inspecting responsibility required under the Bill.

The new arrangements mean that the ultimate responsibility for co-ordinating policy in this area clearly rests with the Minister. The Government is concerned to ensure that it does all in its power to upgrade regulation activities and bus inspections to ensure the safe operation of buses registered in South Australia, particularly in light of a number of serious accidents interstate involving South Australian buses.

The Bill provides that the relevant sections from the State Transport Authority Act are transferred to the Road Traffic Act, with some minor adjustments. This means that the State Transport Authority can concentrate on its role as an operating authority, and removes the possibility of a conflict of interest where the State Transport Authority is required to licence bus services which may tend to compete with the State Transport Authority's own services (for example, routes in the rural districts adjacent to the outer suburbs of Adelaide). I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be proclaimed. Clause 3 amends the arrangement of the Act. Clause 4 amends the definition of "omnibus" to make it clear that a vehicle that is capable of carrying more than eight persons, one of whom is the driver, is an omnibus for the purposes of this Act. This definition will now accord with the definition appearing in the Motor Vehicles Act.

Clause 5 provides for the appointment of inspectors for the purposes of both the Central Inspection Authority and the inspection of licensed passenger vehicles. Clause 6 inserts the new Part dealing with the licensing of passenger vehicles. The provisions of the Part are substantially the same as the licensing provisions of the State Transport Authority Act that are to be repealed by a separate measure.

New section 163m prohibits operating a vehicle for carrying passengers for hire without a licence. New section 163n gives the Minister a power of exemption. New section 163o is a necessary transitional provision for current licences issued by the State Transport Authority. New section 163p sets out how licences are to be applied for. New section 163q specifies the criteria for determining whether or not a licence is to be issued. New section 163r sets out the conditions that may be attached to licences.

New section 163s provides that the Minister may at any time vary, revoke or add to the conditions of a licence. New section 163t provides that the Minister may cancel or suspend a licence in certain circumstances. An additional ground for cancellation or suspension is provided where a licensee if found guilty of an offence against Part IVA (i.e., the inspection of passenger vehicles by the Central Inspection Authority).

New section 163u provides for the transfer of licences. New section 163v empowers the Minister to issue duplicate licences in the event of loss or destruction. New section 163w states that the Central Inspection Authority is the body responsible for carrying out inspections for the purposes of the new Part.

New section 163x sets out the power inspectors may exercise. New section 163y prohibits the giving of false or misleading information. New section 163z provides immunity from liability for persons exercising powers or discharging duties under this Part. New section 163za provides that this Part does not derogate from other Acts, but that vehicles operated by or on behalf of the Crown, and licensed taxi-cabs, do not come within the ambit of the Part.

Although the operation of vehicles by agencies of the Crown is not subject to these licensing provisions, the intention is that, where such vehicles do carry passengers for hire, the operator will, as a matter of Government policy, be required to comply with similar conditions as would apply in respect of other vehicles by virtue of the licensing system.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

FOOD AND DRUGS ACT AMENDMENT BILL

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

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

The object of this Bill is to provide that the Governor has power under the Act to proclaim certain articles to be poisons, and to vary or revoke any such proclamation from time to time. As the Act now stands, there is no substantive provision that expressly confers these powers, although the expression "poisons" is defined as meaning "such articles as the Governor by proclamation . . . from time to time declares to be poisons within the meaning of this Act". This Bill puts the matter beyond doubt and makes it clear that all previous proclamations were validly made.

Clause 1 is formal. Clause 2 inserts in section 5*b* the power to proclaim certain articles to be poisons, or poisons of a particular class. The power to vary or revoke proclamations made under this section already appears in paragraph *(c)*. New subsection (2) validates all previous proclamations relating to poisons.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

ADJOURNMENT

At 12.12 a.m. the Council adjourned until Thursday 26 February at 2.15 p.m.