LEGISLATIVE COUNCIL

Tuesday 3 March 1981

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Parliamentary Superannuation Act Amendment,

Public Supply and Tender Act Amendment,

Roman Catholic Archdiocese of Adelaide Charitable Trust.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute—

South Australian Superannuation Fund—Actuarial Investigation as at 30 June 1980.

By the Minister of Local Government (Hon. C. M. Hill)—

Pursuant to Statute—

District Council of Riverton—By-law No. 23—Keeping of Dogs.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

Pursuant to Statute—

Shop Trading Hours Act, 1977-1980—Regulations—Various Amendments.

South Australian Health Commission Act, 1975-1980—Queen Elizabeth Hospital Regulations, 1981.

SELECT COMMITTEE REPORT

The Hon. C. M. HILL (Minister of Local Government) brought up the report of the Select Committee on Local Government Boundaries of the City of Port Lincoln, together with minutes of proceedings and evidence.

Ordered that report be printed.

QUESTIONS

MINISTERIAL CARS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Local Government a question about Ministerial cars.

Leave granted.

The Hon. C. J. SUMNER: Over the last few days the public of South Australia has been treated to a most unseemly spectacle: the saga of the musical cars. Left aside in this State are the problems concerning take-overs of South Australian industry, unemployment and other matters with which one would have thought Ministers of the State would concern themselves, and we have instead the battle amongst our Government for the right place in the pecking order. The pecking order of this Government seems to be decided by the number and the size of the car which is allocated to each Minister.

The A.L.P. Government's policy before the last election was quite clear and was in the process of being implemented. We had announced that the Ministerial car fleet would be reduced from the eight-cylinder vehicle, the LTD, to six-cylinder vehicles. Orders were placed for South Australian manufactured vehicles, namely, Commodores and Valiants. The Premier was fully aware of that, because at that time he had the use of an eight-cylinder LTD. However, despite knowing that, in his policy speech he said:

> A Liberal Government will move to smaller, more economical vehicles, and that will include the big white cars that Ministers drive around in, too.

Apparently that promise has now been completely repudiated, and the Premier has decided that he will continue to ride around in an 8-cylinder vehicle. Then, one gets to the point of the pecking order, because the Government then has to decide who gets an eight-cylinder vehicle and who gets a six-cylinder vehicle. The Minister of Transport, in another place last week, seemed still to be in a state of confusion about this, because he said:

> . . . we have also decided to buy two V8 Statesman cars for the Ministerial fleet; just two, which will be for the Premier and the Deputy Premier. They are the only exceptions. I can assure the member for Stuart that the Government will buy no more than three at the most of V8 Statesmans.

There were going to be no more than two, and within the space of one line it increased to three. Then Mr. Millhouse, who comments on these matters from time to time, said:

> Will you have the third one?

The Hon. Mr. Wilson replied:

> No, I will not have the third one.

Then there is some suggestion that Mr. Becker might get it, but in the end Mr. Wilson said:

> The third Statesman will probably go to the Minister of Industrial Affairs because of his position.

It now appears that there are to be three V8's and the order of preference—

The Hon. B. A. Chatterton: What about Trevor?

The Hon. C. J. SUMNER: That is what I am coming to. The Premier, who made this firm commitment to go to smaller, more economical vehicles, has apparently found that his status is such in the community that he has to have a V8. The other two V8's, it seems, are to go to Mr. Goldsworthy and Mr. Brown. I looked this morning at the list of Ministers and at their ostensible listing in the pecking order, and found that the Attorney-General is No. 3, but it looks as though he has been left out.

The Hon. Anne Levy: He's not as tall as Mr. Brown. Do you think that comes into it?

The PRESIDENT: Order!

The Hon. C. J. SUMNER: Mr. Brown, because of his position, is getting a V8. The Attorney-General, who should be No. 3, apparently is not. I would have thought that Liberal members in the Council would consider this an affront.

The Hon. K. T. Griffin: Status is not determined by the size of a motor vehicle.

The Hon. C. J. SUMNER: The Attorney says that one's status is not determined by the size of one's motor vehicle. I could not agree more. But that is not the Government's approach—status is obviously determined not only by the size of the vehicle but also by the vehicle's registration number. A further thing that Mr. Wilson said, and this relates to the Hon. Mr. Hill, in justification of the change from six-cylinder to eight-cylinder vehicles, or from Commodore and Valiant to Fairlane—

The Hon. M. B. Cameron: This is heavy stuff for the first question of the day.

The Hon. C. J. SUMNER: Yes, but it is good fun. The Minister of Transport said:

> I should recount to the House that, when the Hon. Mr. Hill was being driven to a function through Victoria Square in his dinner suit recently, his Ministerial Commodore broke

down; the Hon. Mr. Hill had to get out and push, and he was heckled by the passers-by. There is no doubt that the Commodore is a bit on the small side for Ministerial business.

I understand that it was not the Commodore that Mr. Hill had to push but, in fact, the LTD, yet the Hon. Mr. Wilson has used as justification for changing from the Commodore to the Fairlane the fact that Mr. Hill had to push his Commodore. But he was not pushing his Commodore; he was pushing his LTD.

If this were not enough, I had a curious experience, too, because when the new number plates came out I was given number 15. I was pleased with that. Then I could not find my driver for a day or two, and I found that he had been ordered back to the Government Garage. The next time I saw my car it had been changed to number 18. I must say that I was a bit miffed by this, because I had gone from number 15 to number 18 in a day. I do not know the reason, but I understand that you, Mr. President, and the Speaker were a bit put out because you were apparently a bit lower in the pecking order than I was. The number 15 on my vehicle became number 18. The next day I could not find my driver again. I made inquiries and heard that he was at the Government Garage again. The next time I saw my car it had number 17 on it so that, within the space of two days, I went from number 15 to number 18 and back to number 17. It was all too much for me, and I think that the Government's antics over Ministerial cars have been a bit too much for the South Australian public. Will the Hon. Mr. Hill say whether it was a Commodore or an LTD that he had to push in Victoria Square? If it was an LTD, will he ask the Minister of Transport to correct his misstatement and correct the damage which undoubtedly has been done to the sale of Commodores, which are manufactured in this State?

The Hon. C. M. HILL: Ministers and members on this side of the Council approach this last and most important week of this part of the Parliamentary session trying to anticipate all the serious and probing questions that a strong and active Opposition would bring forward. Now, however, we find to our amazement that the Hon. Mr. Sumner must be so happy with the Government's record and the performance of its Ministers that he resorts to humour and, in this jocular vein, takes up about 15 minutes of valuable Question Time.

The Hon. Mr. Sumner has reiterated much of what was already said apparently last week in another place, and he has referred again to the question of Ministerial cars. The facts of the matter are that the Premier, in the period leading up to the last State election, told the public of this State that it was his Party's view that the Premier and Ministers should have smaller cars than the ones which were then in use by the Labor Party Government. We have honoured that promise. We moved to Commodores, which are smaller cars, and we retained those few LTD vehicles which had not been—

The Hon. C. J. Sumner: Who drove them? Did the Premier have an LTD?

The Hon. C. M. HILL: I will come to that in a moment. Do not get too anxious. We retained those few LTD cars with a low mileage, so that, in the interests of efficiency, greater use could be made of them before they were sold. The Premier quite properly retained one of those vehicles, as did country members, also. One or two spare cars were kept at the Government Garage, which was quite normal and proper. In fact, on the occasion that was described (incorrectly, I might say, although I really have not taken any offence at it, nor have I up to now discussed the matter with the Minister of Transport in another place) it was one of those spare vehicles in which I was travelling when a breakdown occurred in Victoria Square.

The Hon. C. J. Sumner: It wasn't a Commodore?

The Hon. C. M. HILL: No, it was not a Commodore. However, I am so happy with the Commodore that at Christmas time I bought a new one for my own personal use.

The Hon. J. E. Dunford: I bet it hasn't done many miles.

The Hon. C. M. HILL: No, it has not done many miles, because I find that my job is a seven-day-a-week job. I am busy on Parliamentary and Government business practically all day and night, seven days a week, and I am very proud of that fact.

I understand that I will be using my Ministerial Commodore for about another 12 months until it has reached the stage when, in the interests of efficiency and economy for a Government car, it will be sold or traded in. I understand that the new car I will be using will be a six-cylinder vehicle in keeping with the move down from V8's, which the previous Government took great delight in driving.

The Hon. C. J. SUMNER: Will the Attorney-General say why the Government has changed its policy on Ministerial vehicles and why the Premier has gone back on his statement and a firm commitment in his policy speech to the electors in September 1979 to scale down the Ministerial fleet from eight-cylinder to six-cylinder vehicles? Why has the Premier continued to drive an eight-cylinder vehicle, and why has the Government changed its policy? On what basis are the eight-cylinder vehicles (there are apparently three) to be allocated to Ministers?

The Hon. K. T. GRIFFIN: The Government has not changed its policy in relation to scaling down the size of engines of cars in the Ministerial fleet because, as far as I am aware, there are a number of LTDs still in the fleet. It is proposed that they be disposed of over a period as and when the economic life of the vehicle requires disposal and that the Ministerial fleet will largely comprise six-cylinder vehicles, either Commodores or Ford Fairlanes.

The Hon. C. J. Sumner: What about the Holden Statesman cars?

The Hon. K. T. GRIFFIN: As the Minister of Transport indicated in another place last week, it is correct that the Premier and the Deputy Premier will be using an eight-cylinder General Motors vehicle. That is for the principal reason that we want to be seen as supporting South Australian industry.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The Premier, necessarily by virtue of the nature of his work, travels with a large number of officers. To travel in anything other than an eight-cylinder Holden Statesman would make it quite inconvenient for him and his officers.

The Hon. C. J. Sumner: Is it convenient for you? Don't you take your officers with you?

The Hon. K. T. GRIFFIN: Yes. The Premier is entitled to a car of some distinction.

The Hon. C. J. Sumner: Why did he tell us he was not going to do it?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The bulk of the fleet is changing to six-cylinder vehicles. The fact that the Premier will use an eight-cylinder vehicle, one made in South Australia, which accommodates the needs of his office and assist him in serving the people of South Australia is not a derogation from the policy previously promulgated.

The Hon. C. J. SUMNER: Clearly, this is a complete contradiction of the policy announced by the Premier at the last election. Be that as it may, will the Attorney-General answer my second question: on what basis will the three (not two) eight-cylinder vehicles be allocated

amongst the Ministers in the Government? If the Attorney is No. 3 in the pecking order, why has he not been given the benefit of the car that is going to his colleague, Mr. Brown?

The Hon. K. T. GRIFFIN: I am not aware of any final decision having been made as to whether there will be a third vehicle or who will get it.

The Hon. C. J. Sumner: I just read it out.

The Hon. K. T. GRIFFIN: He said "probably".

The Hon. C. J. Sumner: He did not. He said there would be three, and it would probably go to the Minister of Industrial Affairs.

The Hon. K. T. GRIFFIN: It is a very weak question. One does not need to worry about the status of Ministers.

The Hon. C. J. Sumner: I'm not.

The PRESIDENT: Order! The Hon. Mr. Sumner will listen to the reply that he requested.

The Hon. K. T. GRIFFIN: I am not concerned about what trappings of office Ministers have. The main thing is for people to be able to see how well this Government is doing its job. Whether we are No. 3 or No. 12 or 13 in the so-called pecking order is irrelevant, because it is a team which is working to service South Australians.

Regarding my own position, I am not fussed one way or another, and whether someone down the so-called pecking order has a different sort of vehicle from mine does not affect the way in which I do my job.

WOOD PULP

The Hon. B. A. CHATTERTON: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding wood pulp.

Leave granted.

The Hon. B. A. CHATTERTON: Yesterday the Minister of Forests revealed to the press that two wholly-owned Australian companies have tendered for the State's forest thinnings at the rate of 230 000 tonnes for 20 years. He also said that it is likely that a pulp mill will be set up in the South providing 200 new jobs and $1 500 000 in royalties to South Australia. One of the companies that has tendered has recently signed a $200 000 000 deal with the Victorian Government to establish a major pulp mill in that State.

Contrary to the Minister's statement about the glowing future of pulp markets in South-East Asia, A.P.P.M. (one of the largest paper and pulp companies in Australia) has forecast a gloomy future and a depressed market for this commodity. The Minister in his statement yesterday accused the Opposition of carping criticism, and dismissed as something past and done with charges of dirty tricks and incompetence in the Liberal Government's handling of the contract with Punalur. The *National Times*, a national newspaper, the *Advertiser* Insight team and the A.B.C's *Nationwide* team have all put before the public proof obtained from the Minister's own official documents that the charges were and are well founded. The Government has not been able to refute those reports.

I have been informed that the Australian companies are seeking considerable concessions from the South Australian Government as a condition of their erecting a pulp plant in this State. The Minister will recall that no concessions were available to the Punalur and H. C. Sleigh joint venture when they were contenders for the resource. Now that the Minister has successfully scuttled that joint venture which provided effective competition for the resource, I am told that the Government is under severe pressure to reduce the cost of electricity, pay-roll tax and the provision of industrial land. Can the Minister say whether such concessions will be made and what they will cost the State?

The Hon. J. C. BURDETT: I will refer the honourable member's question to the Minister of Forests and bring back a reply.

"BEECHWOOD"

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question regarding the historic property "Beechwood".

Leave granted.

The Hon. J. R. CORNWALL: On 25 November 1980 two senior officers of the Department of Environment and Planning attended a meeting of the Stirling District Council. They presented a plan which involved the Government buying the gardens of Beechwood and Marbury School buying the residence. The plan involved Marbury School, which is a very wealthy institution, having full use of the gardens which were to be maintained at public expense by the Botanic Gardens Board. The plan was adopted by the council under considerable duress. Local residents then took a case to the Planning Appeal Board against the change of use of the "Beechwood" residence. During the appeal before the board, one of the officers who had approached the Stirling council was continually present at all hearings for more than a week. He was opposed to the appeals of the residents and continually conferred with and assisted representatives of Marbury School.

Will the Minister ascertain and tell this Council the names of the officers who attended the Stirling District Council meeting on 25 November 1980? Will he confirm that the deal for the purchase of "Beechwood" involved the maintenance of the gardens by the Botanic Gardens Board at public expense? Will the Minister ascertain and tell this Council the name of the officer who was continually present at all hearings for more than a week before the Planning Appeal Board?

Will the Minister also ascertain and tell this Council whether that officer conferred with and assisted representatives of Marbury School at the hearings? Will the Minister obtain and table the agreement between Marbury and the board of the Botanic Gardens setting out the respective rights, duties and obligations of each to the other? Finally, will he obtain from the Marbury School Board details of its intended use of the building and grounds and table them in this Parliament?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to the Minister of Environment and bring back a reply.

URANIUM MINING

The Hon. L. H. DAVIS: I seek leave to make a statement before asking the Attorney-General, representing the Minister of Mines and Energy, a question regarding uranium mining.

Leave granted.

The Hon. L. H. DAVIS: On Saturday 21 February, the *Advertiser* carried a report on a statement by Mr. Bannon, the Leader of the Labor Party in another place, that the Labor Party's attitude to uranium in relation to the Roxby Downs project had changed. He was quoted as saying:

> We support the development that is going on at the

moment at Roxby Downs. We still see it as a major and possibly vital project for South Australia. But I do not think that a major political Party has the right to be either alarmed or to react emotionally on an issue as important as this.

Understandably, the Minister of Mines and Energy welcomed this approach, following the emotional statements on Amdel's operations at Thebarton by the Federal Labor member for Hindmarsh (Mr. Scott) in early February and the dogmatic assertion by the Trades and Labor Council Secretary, Mr. Gregory, in late 1980 that his council would never allow Roxby Downs to get off the ground. It therefore came as a surprise when I was recently given a letter from Mr. J. D. Wright, the Deputy Leader of the Opposition in another place, addressed to residents of his electorate. Dated 13 February, the letter stated:

Dear Residents,

You will be aware that the Opposition has been questioning the Government on the results of the latest radiation tests carried out at Amdel's Thebarton plant. I enclose a copy of a question which I asked the Minister of Health, Mrs. Adamson, in Parliament yesterday and the Minister's reply. It is apparent from the reply that the Government does not intend to take into account the protests made by the residents of Thebarton, the Thebarton council and the Opposition. You are assured that the Opposition will continue to pursue this matter in every possible way until a satisfactory conclusion is reached.

Yours sincerely,

(Signed) J. D. Wright, Deputy Leader of the Opposition and member for Adelaide.

That letter was written notwithstanding the assurances of the Minister of Mines and Energy (Hon. E. R. Goldsworthy) in a Ministerial statement to the House of Assembly on 11 February. That statement made the point that activities of Amdel at Thebarton had been no different since 1977 and that the previous Labor Government and the Liberal Party then in Opposition had a bipartisan approach to this matter. As the Minister stated in his Ministerial statement, the residents of Thebarton had the Government's assurance that their location did not expose them to anything more than natural background radiation. In fact, whether they live in a timber house or a brick house has far more bearing on the amount of radiation that they receive than has their proximity to the Amdel plant. Mr. Wright's letter could only have caused unease among the residents of Thebarton.

I was even more surprised to read in the Burnside and Norwood *News Review* of Wednesday 25 February that Norwood Labor M.P., Mr. Greg Crafter, had called on the Burnside and Kensington and Norwood councils to declare their areas nuclear-free zones, which statement was made after Mr. Bannon's plea to the Labor Party for objectivity in relation to this matter.

What does "nuclear-free zone" mean in practice? In terms of a resolution recently discussed by Unley City Council, when debating the notion of a nuclear-free zone, the term means that there should be no use and transportation and storage or disposal of nuclear products within the council area that is in any way associated with the nuclear industry.

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Is all this necessary for the honourable member to explain his question?

The Hon. L. H. DAVIS: Yes, Sir, it is. Exceptions from this declaration are uranium products for medical treatment and research. The fact is that in 1976-77 over 36 000 shipments of radio-isotopes with a total value of $1 300 000 were made to 45 nuclear medicine centres around Australia, principally in capital cities. Nuclear medicine is involved in the diagnoses of well over 250 000 patients a year involving brain tumours, bone cancers, liver diseases, kidney functions and in measuring heart damage after heart attacks, as well as many other uses, including industrial and research uses.

However, these radio-isotopes have far greater radio activity than uranium yellowcake. Therefore, radio-isotopes would be permitted in Mr. Crafter's electorate but yellowcake would not if his proposal for a nuclear-free zone were to take effect. It can be seen that Mr. Crafter, in calling for a nuclear-free zone in his council area, is guilty of emotionalism, which his Leader said should be avoided. Will the Minister make available appropriate officers from the Department of Mines and Energy to brief Labor Party members, on request, on matters relating to uranium so that they will be in a better position to meet their Leader's request for objectivity?

The Hon. K. T. GRIFFIN: I will refer the question to my colleague the Minister of Mines and Energy and bring down a reply.

"BEECHWOOD"

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Local Government a question about "Beechwood".

Leave granted.

The Hon. J. R. CORNWALL: Members would be aware that there has been considerable controversy in recent months concerning the historic home and gardens of "Beechwood" at Stirling. A plan to subdivide the property was submitted last year to the Stirling District Council. Following protests from local residents, approval for the subdivision was withheld for three months. Subsequently the council was presented with a proposition that the Botanic Gardens Board would buy the main garden area, and Marbury School would buy the dwelling for use by 40 students and staff. The proposition included a car park for between 50 and 100 cars.

Stirling council prepared a media release stating that this proposition was before council but there were also alternatives for the use of the dwelling other than by Marbury School. Council was then threatened with legal proceedings by a solicitor acting for Marbury School if its media release was published. The release was withdrawn in the face of that threat.

Will the Minister obtain and table in the Legislative Council minutes of the meeting of the Stirling District Council of 25 November 1980 at which the purchase of "Beechwood" by Marbury School and the Government was discussed? Will the Minister ascertain and report to the Legislative Council whether the Stirling District Council received a letter threatening it against issuing a media release on proposals for use and purchase of "Beechwood" other than by Marbury School? Will the Minister obtain from the Stirling Council and table in this Council any document giving arrangements for use of the gardens and "Beechwood" by Marbury School?

The Hon. C. M. HILL: I am prepared to contact the Stirling council and place before it the information in relation to the questions asked by the honourable member. Whatever information it decides to give me I will supply to the honourable member. I point out that I do not have power to demand the information sought by the honourable member. The local government body at Stirling is autonomous as far as its own administrative decision making is concerned in relation to council matters. It may well be that I will be unable to obtain all the details requested by the honourable member.

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about "Beechwood".

Leave granted.

The Hon. J. R. CORNWALL: Last year officers of the Department for the Environment were urging the Stirling council to accept a joint proposal from Marbury School and the Botanic Gardens Board for the historic "Beechwood" property at Stirling. The Government was to pay $185 000 for the grounds, and Marbury School was to pay an undisclosed figure for the residence. At about the same time a private citizen, a prominent Adelaide surgeon, wrote to the Premier and the council offering to buy the residence and co-operate with the Botanic Gardens in the maintenance of the garden area. That officer was quickly pre-empted by contracts entered into by the Department for the Environment. Residents in the area were served notice that they could object to Marbury School occupying the dwelling only after the contracts were signed.

In February 1981 the Premier was informed that another private citizen had offered to immediately buy the whole of the property, both gardens and dwelling, of "Beechwood" as a family home. He further offered to co-operate with wishes for public access to the gardens by opening them for inspection at specified times. Furthermore, he offered to ultimately bequeath the gadens to public ownership. To date these offers have been refused. It would appear that the Department for the Environment has supported Marbury School against all other proponents in a plan which involves the unnecessary capital expenditure of $185 000 and substantial recurrent cost for maintenance.

Will the Premier inform this Council whether he will do anything to save the unnecessary expenditure of $185 000 of public money on the purchase of "Beechwood" when there is a firm offer from a private citizen who will immediately purchase and preserve the property and open the gardens for public inspection at specified times? Will the Premier obtain and inform this Council of the ownership, area and valuations of the adjoining properties of "Wairoa" and "Burnham Brae" at present used by Marbury School? Will the Premier obtain and inform this Council of the names of members of the Board of Marbury School?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Premier and bring down a reply.

LIQUID PETROLEUM GAS TANKS

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about liquid petroleum gas tanks.

Leave granted.

The Hon. J. E. DUNFORD: On Friday 27 February a *News* item by Stephen Price under the heading "Gas tank 'bombs' at garages" stated:

> Deadly blast fears—Liquid petroleum gas tanks at suburban garages are potential bombs, according to safety experts. An emergency services group says whole suburbs could be flattened if the tanks exploded. President of the local division of the Australian Institute of Emergency Services, Mr. Noel Hodges, has hit out at the "rapid increase" in suburban LPG outlets. He slammed what he calls "inadequate protection" surrounding the tanks. "Several I have seen along arterial roads or near to extremely busy intersections are protected only by a number of surrounding posts. Mr. Hodges, who commands an SES rescue vehicle outside his normal employment, said many lives could be lost if such a tank exploded. What has happened to our safety experts and the authorities who are supposed to control and monitor this industry?" he asked.

I am asking this question for that gentleman, because I know that the Department of Industrial Affairs and Employment conducts inspections in relation to the safety of fuels. On Friday night I looked at all the news programmes, looked at the papers on Saturday, Sunday, Monday and again today, but the Minister's silence was almost deafening. Not a word was said. Here is an important person involved in rescue operations, a safety expert, making statements that whole suburbs could be destroyed, but we have heard not one word from the Hon. Mr. Dean Brown.

I have received several calls from constituents asking me why Mr. Brown has not said something. I told them why I thought he had not said anything; because he would not get enough politics out of it. He seems to be playing too much politics. I told these callers that I would raise the matter in the Council. I was asked when I would receive an answer, and I told them that if I had to wait on Mr. Brown it might be a month or so, which is a regular occurrence. It is not good enough that I should have to ask this question and then have to wait on Mr. Brown to give a reply.

People in the community should be assured one way or another whether the facts that have been presented in the *News* article that I have referred to are true or false. The media should also do something about this matter. I do not know what the press is doing, but they should be approaching the Minister about it. It is just not good enough.

This Government talks about unemployment, but when Labor was in power we had the SURS scheme and we could give local government bodies money to erect protective fences immediately. A Labor Government would be required to do it immediately, so this Government should also be required to do something immediately. However, there has not been one word from the Government or the Minister responsible for this matter. I certainly hope that my question on behalf of my constituents, and naturally I am also concerned, is answered a little more quickly than replies I have received from the Minister in the past.

First, will the Minister of Community Welfare ask the Minister of Industrial Affairs what truth can be attributed to the article headed "Gas Tank 'bombs' at Garages", printed in the *News* of 27 February 1981? Secondly, if there are gas tanks situated in areas which are dangerous to the safety of the South Australian public, what action is the Minister going to take to rectify this matter? Thirdly, will the Minister make a public statement to allay the fears and concern of the South Australian public?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague the Minister of Industrial Affairs and bring back a reply.

ABORTION PAMPHLET

The Hon. ANNE LEVY: I seek leave to make a brief statement before directing a question to the Minister of Community Welfare, representing the Minister of Health, about an abortion pamphlet.

Leave granted.

The Hon. ANNE LEVY: Way back in late 1977, I think it was, there was a conference held in Adelaide organised by the Mallen Committee, which is the official Government committee to report on abortions in this State. This

conference was a meeting ground for people who were working in the area of abortions: doctors, nurses, counsellors, and so on. One of the recommendations which came from that conference was that a pamphlet should be prepared containing information about abortion and which would be available at health centres, information centres, surgeons' offices, advisory bureaux, and so on, so that women considering abortion could be adequately informed and have written, factual information which they could read and consider at home.

At that time, I understand that the Health Commission took up this idea and agreed to produce such a pamphlet, but it had not been issued when the Government changed in 1979. I have asked repeated questions on this matter in the Council, and, eventually, I elicited from the Minister that the draft of a pamphlet had, indeed, been prepared but that, last May, a decision was taken that it was too technical for general distribution and that a simpler one should be drafted for general use in the community. Nothing more has been heard and no pamphlet has appeared, as yet. I now find that a group of social workers from throughout the Adelaide metropolitan region have got together and produced a pamphlet by themselves to fill the need they obviously felt existed for such factual information about abortion. I have a copy of that pamphlet here, and it seems to me to be an excellent document which provides calm, balanced and factual information about all possible aspects of termination of pregnancy. I certainly hope it will have the widest possible circulation and be available to all who need it.

First, can the Minister say whether the Health Commission is still preparing its own pamphlet on abortion and, if so, when can we expect it to eventually be published? Secondly, has the Minister decided since May 1980 that the Health Commission should not produce such a pamphlet, although the latest reply to me on 19 May 1980 certainly indicated no intention not to produce such a pamphlet? Thirdly, if this latter is the case, can the Health Commission officially endorse this excellent pamphlet, which has been privately produced, and help in its production and distribution so that the widest possible circulation can be achieved? Fourthly, as so much time has elapsed since this matter was first raised, and as nothing has come from the Health Commission in the 17 months that the Minister has been in charge, can the Minister say whether or not she is in favour of information such as this being available to women, as recommended by the conference called by the Mallen Committee so long ago?

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

MUNNO PARA PRIMARY SCHOOL

The Hon. C. W. CREEDON: Has the Minister of Local Government a reply to my question on the Munno Para Primary School which I asked on 18 February 1981?

The Hon. C. M. HILL: Munno Para does have rather more children with learning difficulties than many schools. The Central Northern Regional Guidance Office is aware of these difficulties and is liaising closely with the school. A small number of children with the greatest level of difficulty have been referred to the Smithfield Plains special class. The region has provided 0·6 time staff above the school entitlement specifically to help with an adaptive education programme within the school. This is in addition to a further 0·5 staff allocation for community liaison and recreation programmes. The total staff allocation for a beginning enrolment of 393 is 20·7 staff including the principal and a 0·8 time librarian. This is rather more generous than most schools receive in the region.

FRUIT AND VEGETABLE PRICES

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before directing a question to the Minister of Consumer Affairs about the scandalous increase in fruit and vegetable prices in this State.

Leave granted.

The Hon. N. K. FOSTER: I noticed in the latest C.P.I. figures that fruit and vegetable price increases in this State are almost double the national average. This is scandalous. Every housewife who is responsible for spending most of her husband's income in this particular area should be incensed that she is being charged these exhorbitant prices for vegetables which are grown both in and beyond this State. In ringing around this morning to market gardeners in this State I found that the profit through their gates has been the lowest, on average, for many years. I have been unable to find any of the multiplicity of bludging middlemen in this industry who are prepared to discuss their profits. All I know is that the mark-up on prices in vegetable supermarts and general supermarts is nothing short of absolutely scandalous and represents a direct rip-off of housewives in the community.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The honourable member is entitled to explain his question, but under the terms of Standing Order 109 he is not entitled—

The Hon. N. K. FOSTER: What I am doing, Mr. Acting President, in my question is protecting the people where you live, in the market gardening areas of Two Wells and Virginia. If you don't take up the cudgels—

The ACTING PRESIDENT: Order! The honourable member will resume his seat. Standing Order 109 states:

> In putting any Question, no argument, opinion or hypothetical case shall be offered, nor inference or imputation made, nor shall any facts be stated or quotations made including quotations from *Hansard* of the debates in the other House, except by leave of the Council and so far only as may be necessary to explain such question.

The Hon. N. K. FOSTER: Will the Minister have his department carry out an investigation of the profit made by the multiple middlemen in the fruit and vegetable industry in South Australia, and can the Minister inform this Council why this State has had an increase in this particular area double that of any other State in the Commonwealth? Also, what influences have been brought to bear that mean that the public in this State has to suffer the result of so-called "free enterprise"?

The Hon. J. C. BURDETT: Most fruit and vegetable prices are not subject to price control and I do not think that they were under the previous Government. Conditions of production and marketing may vary enormously from place to place. I will have inquiries made by my officers about this matter and advise the honourable member of their findings.

PROTEST MEETINGS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Consumer Affairs a question about a grapegrower protest meeting.

Leave granted.

The Hon. B. A. CHATTERTON: Lask week I asked the Attorney-General a question regarding a protest meeting that was held in Tanunda in the Barossa Valley. A petition

was organised at that meeting to protest to the Premier about the non-attendance of the Minister of Consumer Affairs and the Minister of Agriculture. When I asked that question, the Minister of Consumer Affairs became somewhat agitated and interjected that he had not received an invitation. He also passed a note to the Attorney-General who, in his reply, said that the Minister of Consumer Affairs had not received an invitation to that meeting. I have seen a letter that the Minister wrote in which he said that, in fact, he appreciated the invitation that he received from the organisers but that he had another engagement and could not attend. Why did the Minister so pointlessly mislead Parliament on that occasion?

The Hon. J. C. BURDETT: I did not mislead Parliament.

The Hon. C. J. Sumner: He doesn't remember what he said.

The Hon. J. C. BURDETT: Yes, I do. What happened was that contact was made with the Prices Commissioner, inviting him to be present and, during the course of the telephone conversation, it was said that the Minister, too, would be welcome to attend, if he wished. I did not receive any kind of formal invitation but, in deference to the meeting and the fact that some sort of garbled invitation was passed on to me, I made an apology.

ETHNIC AFFAIRS COMMISSION

The Hon. J. E. DUNFORD: Has the Minister of Local Government a reply to the question I asked on 12 February about the Ethnic Affairs Commission?

The Hon. C. M. HILL: The Ethnic Affairs Commission will be formed following the appointment of the Chairman. Applications for this position have closed and 18 applicants are currently being interviewed. The Government has always been aware of the value of consultation with ethnic groups and for this reason, among others, proposed that the commission establish a series of advisory committees, members of which have been nominated by ethnic groups throughout the State.

MINISTER'S STAFF

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to the question I asked on 19 February about the staff of the Minister of Education?

The Hon. C. M. HILL: Interviews for the position of Private Secretary are currently taking place and the Minister of Education expects that an appointment for this Public Service position will be made shortly.

RURAL YOUTH MOVEMENT

The Hon. M. B. Cameron, on behalf of the **Hon. M. B. DAWKINS** (on notice), asked the Minister of Community Welfare: In view of the proven cultural, informative and educational value of the Rural Youth Movement to the young people of this State, both in rural and urban areas, will the Minister provide details of any plans which are proposed to be taken to expand and assist this valuable organisation?

The Hon. J. C. BURDETT: The Department of Agriculture assists the Rural Youth Movement in this State by the provision of administrative and professional support at an estimated cost of $40 000 per annum. There are no plans to expand the level of support, although the movement is being encouraged to become more self reliant in the development and financing of its own programmes.

ELECTORAL ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That the Standing Orders be so far suspended as to enable me to move an instruction to the Committee of the Whole Council on the Bill.

Motion carried.

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

That it be an instruction to the Committee of the Whole Council that it have the power to consider amendments in relation to a new mode of voting for the Legislative Council.

Motion carried.

HISTORY TRUST OF SOUTH AUSTRALIA BILL

Consideration in Committee of the House of Assembly's amendments:

1. Clause 14, page 6—

After line 6 insert subclause as follows:

(6) Where the trust accepts a gift or bequest of an object of historical or cultural interest, it shall not, without the consent of the Minister, sell or dispose of that object.

New Clauses

18. (1) The Trust may, for the purposes of this Act, borrow moneys from the Treasurer, or, with the consent of the Treasurer, from any other person.

(2) A liability incurred by the Trust under subsection (1) with the consent of the Treasurer is guaranteed by the Treasurer.

(3) A liability of the Treasurer under a guarantee arising by virtue of subsection (2) shall be satisfied out of the General Revenue of the State, which is appropriated by this section to the necessary extent.

21. No stamp duty is payable on any instrument by virtue of which real or personal property is assured to, or vested in, the Trust.

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

That the House of Assembly's amendments be agreed to.

The Bill was returned from another place last week with amendments added to it. They were to the effect that Ministerial consent would have to be obtained if the History Trust acquired donations in the form of certain items and the trust thought that, in its best interests, it ought to dispose of those items. I can understand, and I hope that honourable members can understand, the intention behind the amendments. I remember some time ago a comparable proposal was made in regard to the Art Gallery procedures after it had disposed of certain coins. That raised quite a public outcry.

There are times when a trust, such as the History Trust, finds that bequests and donations might duplicate items which they hold or, in some instances, a series of items are given as the one parcel and there might well be some items which the trust simply does not need to retain. It is in the trust's interests on occasions to dispose of some such items. When that occurs, it sometimes offends not only the public at large but also those who have made the donations or bequests. When people are upset by such actions invariably the matter is raised in Parliament, and Ministerial responsibility decrees that the Minister has to accept the ultimate responsibility for the respective board's actions. It is proper, therefore, that when these odd occasions do arise the matters ought to be referred in the first instance to the Minister and the Minister's

approval be sought and obtained before the board proceeds with such a proposal to dispose of items of this kind. This was the amendment moved in another place and I wholeheartedly support it.

The Hon. ANNE LEVY: I support the amendment. It seems a very sensible procedure to add to the Bill. I merely rise to say that I would appreciate it if an amendment such as this could arrive on my table before the Minister gets to his feet to speak about it. It is a little hard to give adequate consideration to amendments that are not on file, have not been circulated, and are not available to members before the Minister gets to his feet. If matters are to receive the consideration that they deserve, the amendments should have been on file this morning.

The Hon. C. M. HILL: I apologise for the haste involved. I hope the honourable member will understand that in the last week of these autumn sittings we just cannot take the time that we normally take to see to it that all these details are taken care of. I understand that the honourable member has the amendment before her and I trust that she accepts my explanation.

The Hon. ANNE LEVY: I wish to reassert my complaint. I believe that this message was received from the House of Assembly last Thursday, and by this morning it was not on file. There were at least two clear days when Parliament was not sitting when it could have been placed on file. It is very difficult for members to carry out their responsibilities when items are not on file and to know what business is coming before the Council.

The PRESIDENT: I point out to the honourable member that the alteration to the order of business contributed to the fact that the amendments were not distributed in time. Honourable members will notice that Order of the Day No. 8 has been taken ahead of Order of the Day No. 1.

The Hon. Anne Levy: It reached the Council last Thursday.

The Hon. C. M. HILL: I now refer to new clauses 18 and 21. They are money clauses which were inserted into the Bill formally in another place and have now come here for formal approval.

Motion carried.

NATIONAL PARKS AND WILDLIFE 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 amends the National Parks and Wildlife Act on two separate subjects. First, it deals with the seizure and forfeiture of firearms or other objects used in the commission of offences against the principal Act. At present the power to order forfeiture is vested in the Minister. The Government believes that this power would lie more appropriately in the court before which the owner of the forfeited object is convicted of an offence. Accordingly a new provision is proposed by the Bill under which objects that have been seized under the principal Act may be forfeited to the Crown by order of a court before which the owner is convicted of an offence against the principal Act.

If no such order is made, or if proceedings are not commenced within three months of the date of the seizure, the object is to be returned to the owner. If the Minister, after making reasonable inquiries, is unsuccessful in ascertaining the whereabouts of the owner, he may sell or otherwise dispose of the object. The Bill also amends monetary penalties prescribed by the principal Act in order to take account of the effect of inflation on the value of money.

Clauses 1 and 2 are formal. Clause 3 deals with the forfeiture of confiscated objects in the manner outlined above. Clause 4 increases monetary penalties prescribed by the principal Act.

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

IRRIGATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It replaces Part VI of the Irrigation Act, 1930-1978. Part VI provides for financial assistance to lessees of land under the principal Act. The existing provisions are complicated and prolix and provide unrealistic limits on the amount of money that can be provided. The Leases of Reclaimed Lands Loan Fund which was the operating fund for assistance given under Part VI was closed in the early 1960's and the present provisions have not been made use of since then.

In 1973 the Parliamentary Standing Committee on Public Works approved an overall programme for rehabilitation of the headworks in the majority of the Government irrigation areas in the Riverland region. This work has progressed to the point that the Kingston and Waikerie irrigation areas are completed and the Berri irrigation area is approximately one-half completed. Cobdogla, Moorook and Loxton irrigation areas are yet to be commenced.

Throughout the rehabilitation programme the overriding principle has been that no farmer would be disadvantaged by rehabilitation. To meet this requirement Government policy is to install connecting pipework on each farmer's property to deliver water to his existing watering points. The cost of this on-block pipework (referred to as the "farm connection") varies from virtually zero to $15 000 per block, with a total cost to date in the Berri irrigation area estimated at $1 200 000.

The major deficiency of this policy is that it tends to perpetuate the continued use of inefficient irrigation practices. It is widely recognised, however, that the benefits to the farmers and to the public resulting from rehabilitation could be significantly increased by encouraging farmers to convert to improved irrigation practices. Authorities in the U.S.A. have also recognised the potential benefits of such on-farm conversion and have provided significant inducements in the forms of grants to encourage farmers to convert.

The usual method of irrigation at the moment is by the use of open channels. Some of the water flowing along these channels soaks into the subsoil and is eventually drained back into the Murray River. This requires the construction and maintenance of an extensive drainage system and also aggravates the salinity problem in the river. The irrigation water soaking through the soil and finally draining back to the river leaches salts from the soil which then travel with it back to the river. Modern irrigation methods carry the water through pipes and water is directed more efficiently to each individual plant. The amount of water which soaks away and eventually finds its way back to the river is therefore reduced to a minimum.

The amendments will give the Minister the option of granting each farmer a sum of money in lieu of the

Government constructing the farm connection, providing that the farmer installs an approved irrigation system and is responsible for its connection to the farm outlet. Alternatively, the farmer may still request the Government to construct his farm connection in accordance with existing policy. The farmers who would be eligible for this grant option would be those whose on-farm irrigation systems have not yet been connected to rehabilitated headworks. The question of assistance to farmers whose irrigation systems have already been connected is being considered by the Government.

The new provisions will also allow the provision of finance to farmers for concessional rates of interest for the purpose of modernising the irrigation system on their blocks. The scheme will be administered by the Minister of Agriculture on advice from the Director-General of Agriculture. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 replaces Part VI of the principal Act with a new Part VI that consists of one section. The new Part gives the Minister a general power to grant financial assistance to a lessee to make improvements to the land, repay an existing loan or to purchase implements, plants and other things necessary for farming. The new provisions have as wide an application as the old provisions but have the advantage of being much shorter and less complicated to administer.

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

URBAN LAND TRUST BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 3164.)

The Hon. J. R. CORNWALL: This Bill represents what may well be the final tragic chapter in the Liberal Party's pursuit and destruction of the South Australian Land Commission. The Opposition has examined it carefully to see whether any amendments are possible which would preserve even a remnant of the commission's original financial structure and functions. This is just not possible. We therefore intend to oppose the Bill completely and to vote against it at the conclusion of the second reading. We have also considered the implications for the South Australian Parliament. We are being asked to pass legislation which breaches the Commonwealth-State Financial Agreement. This may well be placing up to $40 000 000 of South Australia's cash and assets in jeopardy, yet we have been given no details about a new agreement. This legislation is in contempt of Parliament.

For that reason, I have already given notice that, contingently upon this Bill passing the second reading, I will move for a Select Committee. It is essential that we are given much more detail about the management, structure and finances of the commission. We have a duty to investigate the shameful motives and dubious machinations of the Government in dismantling this enormously valuable South Australian asset. I will return to these matters later.

To understand the full story, it is necessary to go back to 1973, when the commission was established under the Whitlam Government's Land Commission programme. Anyone who wants a more detailed account of this programme should read *A Fair Price* by P. N. Troy, one of the original architects of the programme. It is published by Hale and Iremonger. The South Australian Land Commission Act, 1973, prescribes the function of the commission as follows:

(a) To acquire land for present or future urban expansion or development, or for the establishment of new urban areas;

(b) To manage and develop or redevelop the land so acquired;

(c) From time to time, as prevailing circumstances require, to make available such of its land as the commission considers necessary or expedient for the orderly establishment, expansion or development of urban areas, or for other public purposes;

(d) To promote integration and economy in the development of land for urban purposes;

(e) To provide, or arrange for the provision of, services and amenities for the use or benefit of the present or future community in new urban areas;

(f) To perform such other functions—

(i) As may be necessary or incidental to the foregoing; or

(ii) As may be assigned to the commission by the Minister and approved by a resolution of both Houses of Parliament.

From the outset the Liberal Party, urged by large private developers, opposed the Land Commission legislation when it was introduced in the South Australian Parliament in 1973.

The Hon. R. C. DeGaris: It wasn't opposed.

The Hon. J. R. CORNWALL: That is a matter of semantics. Of course, you opposed the entire spirit of the thing. If the honourable member listened, I would explain the matter to him. During debate in the Legislative Council, the Hon. Jessie Cooper, who normally used her eloquence most sparingly in this place, described the Bill as a huge Government socialist monopoly project. Numerous amendments were proposed. The Hon. Murray Hill led the debate on behalf of the developers, comforted by the 14 to six majority that the Liberal Party then held in the Council.

The major amendments proposed by the Hon. Mr. Hill and his supporters included the deletion of the proposals for compulsory acquisition of land. In addition, the Council proposed an amendment which added a requirement that the commission should not be allowed to make a profit on its activities. Interest groups stepped up their lobbying against the Bill. The Real Estate Institute, in a fine flush of paranoia, declared that the proposed legislation endangered the previous right of home ownership. The extravagance of the rhetoric was in the finest tradition of the nineteenth century.

At a conference of managers of the two Houses, the Legislative Council successfully insisted that the commission should not operate at a profit. It also successfully weakened the land acquisition powers when it insisted that a landowner's place of residence could not be acquired by the commission. The effect of this exclusion was to prevent it from conducting urban renewal programmes.

Despite these constraints, the Land Commission was soon off and running. Following an intensive period of negotiation, Loan funds were made available from the Commonwealth under three agreements signed between the Commonwealth and State Governments during 1974 and 1975. These agreements stand, with the Railways Transfer Agreement and the Hospitals Agreement, as the best deals that South Australia obtained from the Commonwealth during the decade of the 1970's. Under the agreements the South Australian Land Commission was required to operate within their terms and in

accordance with the development and acquisition programmes agreed between the Commonwealth and State Governments. Under the agreements there is a 10-year holiday on repayment of capital and interest.

The amounts loaned under the three agreements were $8 000 000, $4 000 000 and $40 000 000, respectively, a total of $52 000 000. The interest is capitalised. Even more important (and this is crucial to the entire debate), there were specific clauses (Nos. 24 and 27) of the second and third agreements which made clear that, although the commission might incur book losses from time to time, it could not make demands against the State Treasury. That was conveniently overlooked during the many years that the Liberal Party, particularly when in Opposition, attacked and denigrated the commission. To prove this point, I will quote at length from the Financial Agreement, as follows:

> Where the activities of an approved body have been carried out pursuant to approved programmes that are programmes or urban expansion and redevelopment and expenditure has been incurred by that approved body in accordance with those approved programmes and with arrangements relating to those programmes agreed between Australia and South Australia and where, in respect of a financial year, the revenues of the approved body from carrying out those programmes are, after payment of liabilities in relation to those programmes, insufficient to meet its obligations to South Australia in relation to the repayment of, and the payment of interest on, financial assistance in relation to those programmes, then—
>
> *(a)* Australia will not, to the extent of the insufficiency, require South Australia to make payment in that financial year by way of meeting those obligations; and
>
> *(b)* Australia and South Australia will consult to determine the manner in which the amount of which payment is not made should be dealt with and Australia will make adequate provision in relation to the obligation of the State to make that payment.

In other words, although the commission may incur book losses from time to time, it cannot make demands against the State Treasury, provided it does not breach the terms of the agreements. That gives the complete lie to the repeated statements by the Premier and members opposite, both when in Opposition and in Government, that the commission has cost the State many millions of dollars. Indeed, when the Attorney-General repeated that statement in this Council last November, I believe that he seriously misled this Parliament.

Put simply, South Australia still has an enormous public asset in the commission. It is not and cannot be in financial difficulties unless the performance clauses in the agreements are breached. What the Government is now asking the Parliament to do, on the face of the information which is before us, is to sanction a clear breach of those agreements. When publicly challenged by me in June 1980, the Premier announced that he was renegotiating the agreements and expected to obtain favourable treatment for South Australia in scaling down the operations of the commission. Nine months later the Government is unwilling or unable to give any details of the renegotiation. In his second reading explanation introducing the Urban Land Trust Bill, the Minister simply said:

> Discussions with the Commonwealth on the renegotiation of the Financial Agreement have already commenced.

That shows scandalous contempt for the South Australian Parliament. In any urban development programme involving land banking, there is always a so-called "crisis position" in the middle stages of development. This varies according to interest rates and market demand. It was inadequate provision for just such a situation which led to the spectacular crashes of private developers like Cambridge Credit. This was obviously taken into account in drawing up the Financial Agreements. Furthermore, it was clearly recognised when the Commonwealth Parliament passed the Land Commissions (Financial Assistance) Act in 1973. The new role proposed for the S.A.L.C. as the Urban Land Trust will simply make it a land bank for broadacres. It most surely will be unable to meet the conditions of the existing Financial Agreements, particularly the generation of cash flow from subdivisions to meet its commitments.

The South Australian Parliament is being asked in this Bill to break the extremely favourable conditions of the agreements without knowing any details of a new agreement which may have been reached or if any such new agreement with the Federal Government exists. I will return to the current financial situation of the S.A.L.C. later in this speech. In the meantime, it is interesting to note that withdrawal of the commission and the South Australian Housing Trust from the Golden Grove development adjacent to Tea Tree Gully proposed in an accompanying Bill before the Legislative Council ensures the financial failure of the commission. The Golden Grove development, as originally proposed, is in an area which, despite the general downturn in Adelaide, is still growing at 10 per cent per annum on the Tea Tree Gully council's figures. It is a very large development from which the Land Commission would have generated a very big cash flow and profit. Indeed, it would almost certainly have provided the turning point for the commission.

There is another interesting sidelight which should be mentioned at this stage. The Land Commission has been consistently criticised by the present Government for its lack of management skills. I will elaborate on that point when I come to the Minister's disgraceful press release in April last year. It is interesting to note, in the meantime, that the General Manager of the S.A.L.C., Ted Phipps, was recently appointed as the new Director-General of the merged Department of Environment and Planning at the highest salary level in the South Australian Public Service. The principal reason given by the Government for his appointment was that he possessed outstanding managerial experience and ability!

Let us now examine some of the extraordinary inconsistencies in the Liberal Party's approach to the S.A.L.C. in its more recent history. Early in the election campaign of 1979, Mr. Tonkin claimed (*Advertiser* 23 August) that the Land Commission had a $200 000 000 debt. His cure was that the Government should sell off S.A.L.C. broadacres. That showed an extraordinary ignorance of how the commission worked. It was just plain silly. It was as irresponsible and unrealistic as his promise of 10 000 new jobs. But it was typical of the anti-commission propaganda which the Liberal Party generated. Its irresponsibility was such that the commission itself stated in its 1979-80 report, after the Liberal Party was in Government:

> Adverse media comment and uncertainty over the Liberals' review of the South Australian Land Commission have harmed South Australian Land Commission marketing.

In other words, after they came to office they were in a position to ensure the failure of the commission. A political decision had been made by this Government to dismember the Land Commission and, no matter what facts or figures were adduced against the proposal, it proceeded to do so because politically it felt that it was absolutely necessary no matter what the cost.

Once in office, the new Government announced a committee of inquiry into the S.A.L.C. It was to report by

the end of November 1979—an urgent, rushed inquiry. In announcing the inquiry, the Minister, Mr. Wotton, said:

> The South Australian Land Commission is to be restructured so that it competes with private land developers in an open market.

That is an absurd statement in the light of the Bill which we now have before us. The inquiry, in fact, was never a *bona fide* examination of the administration, management, finances and operation of the commission. One option which should have been open to any inquiry was to report that the Land Commission was operating successfully within the terms of the Financial Agreements.

Although the draft interim report of the committee of inquiry was never made public, there is strong evidence that it reported to the Government that the commission was in a sound position and had no immediate financial problems. There was no need, the committee reported, to undertake any immediate renegotiation with the Commonwealth. That is advice which any responsible Government would have accepted. But the denigration, the posturing and the lies had gone on for too long. The response to the report was what would be expected from a bunch of petty, conniving, incompetent little men. The committee was immediately instructed to speed up its deliberations. Furthermore, it was to produce only a summary of final recommendations with no supporting evidence or argument. These recommendations were made public only after Cabinet had made its decision. Members of the commission were not invited to brief the Minister on them, or even allowed to be informed of their nature.

At no time after taking office did the Government accept commission offers of information or briefing on the draft report or the summary recommendations. At no time was the commission advised of the Government's decisions in advance of the public announcement of those decisions. At no time prior to the infamous announcement of April 1980 were the existing members of the commission given Ministerial direction by the present Government on matters of general policy, even when they sought such direction. They were left in splendid isolation while the commission was hacked to pieces by administrative decisions and false propaganda.

I turn now to Mr. Wotton's press release of 9 April. I intend to spend some time dissecting this because, perhaps more than any other document, it shows the shallow, deceitful approach of the Government. In paragraph 2 the Minister said that amending legislation would be introduced in the next session of Parliament to direct the Land Commission to operate as the land bank it was originally intended to be.

That shows a total ignorance of the Commonwealth Government's original Land Commission programme under which the S.A.L.C. was funded. It conveniently overlooks the South Australian Government's statement of intentions for the South Australian Land Commission when the original legislation for its creation was debated in the South Australian Parliament in 1973. It ignores the statement of the purpose, structure and functions of a Land Commission to operate in South Australia agreed between South Australia and the Commonwealth on 24 February 1974. It also conveniently ignores the statement of objectives and intentions set out in the S.A.L.C. annual reports and in numerous speeches by its Chairman or General Manager, Ted Phipps, over the years. Let me give just one example. In the commission's 1976-77 annual report the objectives were set out clearly as follows:

> To stabilise the price of urban land by its active participation in the acquisition, management, development and disposal of land for the whole range of urban uses.
>
> To divert the flow of land value increments—
>
> (i) resulting from the conversion of land to urban use or
>
> (ii) the assumption of land with a potential for community development
>
> to the community.
>
> To achieve comprehensive and orderly urban development which does not occur when development decisions are taken by individual land owners on the bases of their own personal situations.

Further, the charter given to the commission is clearly spelt out in Division II of the S.A.L.C. Act, which I quoted at some length at the beginning of my speech. To imply that the commission needed legislation to direct it to act properly is misleading and untrue. The press release of 9 April went on to state:

> Mr. Wotton said the changes were necessary because the Land Commission faced financial difficulties through overdevelopment.

That is just not true. At the time this Government took office the commission had cash liquidity of approximately $13 000 000, a fact which the Minister would have been told in his initial briefings. Perhaps he suffers from short-term memory loss. However, he cannot be forgiven even on those grounds, because he has the annual reports of the Auditor-General to prompt him. Moreover, there is the balance sheet and financial statements in the commission's annual report for 1979-80. They show that by 30 June 1980 cash liquidity had increased to $18 000 000, despite the best efforts of the Government to pull the commission down.

Indeed, the Minister was asked by the Commissioners to relieve the S.A.L.C. of some of this liquidity to allow the State to employ the funds elsewhere in its operations rather than have them on the money market. He refused to do so. Even more importantly, the statement regarding financial difficulties through over-development showed that the Minister was dangerously ignorant about the manner in which the commission was funded and operated. I have already discussed the joint Commonwealth-State Financial Agreements at some length and do not propose to repeat that exercise here. Suffice to repeat that the Minister and the Government, in their inept and bungling fashion, are proposing in this legislation to break the existing Financial Agreements and may well be acting illegally.

I must also comment further on the question of over-development. Apparently, the Minister does not understand that for the S.A.L.C. to be able to take counter-action to prevent hyperinflation in land prices in the event that the economy does recover it must hold a stock of developed land. There is a further point which must be made with regard to so-called over-development. Both the commission and the private sector responded to the projections of the Indicative Planning Council. This is a body consisting of representatives from all sectors of the housing industry together with State and Commonwealth Government public servants. It is the best informed body in Australia on what is likely to happen in housing in each State. To blame the Land Commission for accepting their projections is at best unfair and unreasonable. The Minister also said in the ill-informed press release:

> . . .the Commission had incurred long-term debts by developing more home sites than were needed.

This is incorrect, given the nature and origin of the so-called debt and its relation to the financing of the commission, which I have previously discussed. An additional remedy open to the Government would have been for it to get the Housing Trust to take some of the home sites at prices effectively the same as the trust has paid for land bought from private developers or from its

own development activities in the same localities. This would have simply been getting the trust to honour undertakings given before the estates in question were developed. It is absurd for the trust to act as a competitor to the Land Commission's broadacre holdings and land development in the public sector should obviously be vested in one body.

The Minister also claimed in his April press release that the commission could not trade out of its financial difficulties without lifting land prices beyond reasonable levels. That is an absurd statement. First, it accepts as fact the Liberal Party's own propaganda that the commission is in financial difficulties. Any reading of the accounts or the Financial Agreements would refute it. Secondly, it implies that the commission has attempted to manipulate prices. That is a public smear which should be retracted. Thirdly, it ignores the fact that the commission's pricing policies, its list of prices and the way they were arrived at, were available to the Minister every month. The Minister also said in paragraph 8 of his malicious release:

> Its immediate role will be to sell its developed allotments as quickly as possible without upsetting the market balance or eroding market values. In selling its existing supply of developed allotments, the Urban Land Trust will use the resources of the private sector to the greatest possible extent.

The clear implication of this statement was that the commission had not been trying to sell its developed allotments. That is ridiculous. Of course, the commission had been selling its allotments but in such a way that it did not cause a collapse in the market. The statement also implied that the commission had not used private sector resources in its operations. The fact is that all of the detailed planning and development of the commission's estates had been carried out by private sector firms. All of the advertising of estates had been by private firms. Much of the marketing had been carried out using private sector resources.

The unpalatable fact for champions of the efficiency of private sector marketing was that is cost significantly more to use private land agents. Even when they sold on commissions significantly below those recommended by the real estate institute, they were still more expensive than the commission's own small group of highly efficient, highly dedicated salaried employees. I hope that the Hon. Mr. Hill is listening to this. In paragraph 11 of the press release Mr. Wotton is reported as follows:

> In matters of general policy, the trust will be subjected to the general control and direction of myself as Minister.

This was misleading and mischievous. It implied that the commission had not been subject to Ministerial control and direction. What are the true facts? The commission has always acted under the control of its Ministers. Moreover, in terms of the agreements between the Commonwealth and State Governments, it has only been able to act within the terms of land acquisition and development programmes which required the annual agreement of the two Governments. The commission's programmes required the direction and control of not one but two Governments. Few other public sector programmes are subjected to such regular scrutiny or control. Under few other programmes do Government bodies make such detailed monthly reports to their Ministers or present such open annual public accounts of their activities as the commission did.

The Minister also said that a Financial Controller would be appointed to the proposed Urban Land Trust. He said that both the Financial Controller and Sales Manager would be directly responsible to the trust. These statements carried the direct implication that the commission had been mismanaged and that the existing staff had been and were incapable of discharging their responsibilities. That was a totally unwarranted attack on the commission and its staff. If there were even a grain of truth in it, it is amazing that the Government appointed Ted Phipps as Director-General of Environment and Planning. Like so many other attacks on the Land Commission, it was a contrived, vindictive misrepresentation. As part of the ongoing propaganda campaign, it has been claimed that the Land Commission is a vast Socialist monopoly (words attributed originally to the Hon. Jessie Cooper). That is completely untrue. It holds just over a quarter of the available allotments in the growth areas of Adelaide, just over one-third of the residentially zoned broadacres, and one-third of the broadacres zoned for future living. On the other hand, the commission, through its presence in the market, has been able to introduce a strong element of healthy competition which can only be of benefit to the consumers.

The commission in 1978-79 had dealings with over 40 building companies. Obviously, a large part of the housing industry was quite willing to deal with the S.A.L.C. On all the available evidence one can only conclude that the real intent of this Bill is to ensure that large private land developers can have the market to themselves and return to the free-wheeling days of the early 1970's.

The principal argument used against the Land Commission by the Liberal Party is that it is creating an enormous financial liability for South Australia. This argument purposely and selectively ignores both the special financial arrangements to which I have previously referred several times and the social obligations of the commission. Just as significantly, it ignores the long-term nature of the operation. The Land Commission, in its 1978-79 report, said:

> There has been some public comment to the effect that the commission may not be able to meet its future financial obligations. The commission, using the best information available at this time, has, as part of its ongoing financial management, prepared a comprehensive cash-flow analysis.
>
> In its analysis the commission has significantly discounted forward projections of dwelling completions for Adelaide derived from estimates prepared by both the Indicative Planning Council and the Department of Urban and Regional Affairs. The commission has also significantly discounted its market share projections, derived from consideration of its proportion of total land holdings.
>
> Taking into account commission liquidity and annual outlays, including administration, rates, land development expenditure, marketing expenses and semi-government debt redemption, the detailed financial model analysis shows that projected revenues will be sufficient to accommodate Commonwealth debt redemption.

Since that analysis was done liquidity has increased by more than $4 000 000. So what has happened, apart from a change of Government, to change the position? Perhaps the Minister can explain in his reply just what has occurred in the past 18 months to render the detailed financial model analysis so wrong.

But the story, like *Alice in Wonderland*, gets "curiouser and curiouser". The major current burden of the Land Commission is interest on its broadacres, its land bank, not on developed stock. Yet, the Government is proposing to relieve the debt burden by shedding the development function and going completely to a land banking operation. Perhaps the Minister can explain how it is ever possible to reduce the burden by shedding the profitable side of an organisation and retaining its liabilities.

An enormous amount of inaccurate and misleading propaganda has been poured out about the alleged parlous financial position and the mismanagement of the

commission. Yet, just as often, it is criticised for having unfair advantages over the private sector. Apart from the fact that you cannot have it both ways, this is just not true. In addition to providing serviced allotments in a competitive commercial market, the commission quite rightly has important social obligations under its charter, including the provision of community facilities.

Contrary to popular myths, it pays water and sewerage rates on the same basis as private developers. It pays council rates on 96·5 per cent of its total land holdings, including broadacres and allotments. It follows the same planning approval processes that are required of private developers.

Finally, let me return to the negotiations which have now been dragging on with the Commonwealth for more than nine months. To illustrate the Government's extraordinary action in introducing this Bill without any details of a renegotiated Financial Agreement, I quote from a letter to the Minister from Mr. Pat Troy, a member of the Land Commission from November 1973 to May 1980. Mr. Troy is presently a Senior Fellow in the Urban Research Unit at the Australian National University, and is currently on secondment to the O.E.C.D. in Paris, so one can presume that he knows what he is talking about. His letter says, in part:

> Your heroic pursuit and destruction of the S.A.L.C. for ideological reasons could . . . cost the State of South Australia something like $40 000 000 in the very near future . . .
>
> Let me explain the $40 000 000 referred to above. For you to ask the Commonwealth to relieve the "debt burden" would almost certainly lead the Commonwealth to request immediate payment of the $18 000 000 cash held by the S.A.L.C. Because you have said that the South Australian Urban Land Trust will "not have a role in the subdivision and development of land" there will be no need for development capital, and because you appear to endorse the recommendation of the committee of inquiry that the S.A.U.L.T. should not acquire lands for the land bank in the near future the Commonwealth could reasonably request that the funds raised by the sale of the 2 800 lots now in the S.A.L.C. stock should also be paid to the Commonwealth. At conservative estimate the sale of these lots would raise $22 000 000. That is, the two together add to $40 000 000.

I am still quoting Mr. Troy, addressing the Minister. He continues:

> I recognise that you may feel that it is proper to return this money to the Commonwealth immediately although I could think of many ways it could be sensibly employed in the development of South Australia, and, of course, some of it could be employed in funding community centres such as those being built at Craigmore and Aberfoyle Park. Incidentally, limiting the S.A.U.L.T., to land banking and preventing it from land development will mean that the Government will not have the surpluses with which to provide the landscaping or community facilities that the S.A.L.C. has so far been able to provide in its estates. Such facilities, if they are to be provided at all, will have to be provided under the new regime from local government rates or general revenue.

The case which has been mounted against the Land Commission has been a story of contrived, vindictive calumny. All the evidence shows that the S.A.L.C. is not a financial incubus but a very real financial and social asset for the State.

In summary, the commission, since its establishment in 1973, has had a substantial positive effect on the urban development process through, first, the assembly of land in the various growth areas to enable future housing development to occur in an efficient and well organised manner; secondly, co-operative planning with local and other Government agencies to ensure that the future development of urban areas and district centres occurs in an orderly manner; and thirdly, the achievement of stable land prices.

A secure framework for the future orderly expansion of Adelaide and the provision of reasonable land prices now exists. It will not exist when the commission is destroyed and assinated by the passage of this Bill. The commission does not and, under the existing Commonwealth-State Financial Agreements, cannot make demands on the taxpayer or the public purse, and I make no apology for saying that yet again. It is certainly true that in its early years the commission received substantial State and Commonwealth funds, but it is now completely independent of external funding. The commission has a strong cash liquidity position. Using conservate, long-term assumptions about the level of demand for housing and land prices, the S.A.L.C. will be able to meet its debt obligations.

But, even if it cannot, I repeat again that under the existing Financial Agreements, it cannot make any demand whatever on the South Australian Treasury or the South Australian taxpayer. This is surely an outstanding example where a Select Committee could establish the real facts. It could get to the heart of the matter and discover what the Government is up to, what stage it has reached with its negotiations, and whether it is placing the $40 000 000 to which I referred in jeopardy. It could even discover why this Bill has been introduced without any of these facts being given. Therefore, contingently upon this Bill being read a second time, I will ask all members to support my motion to establish a Select Committee.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for his contribution to this debate. The Bill is in no sense illegal or in contempt of Parliament. It is clearly within the legislative powers of this Parliament. The Federal Government has been fully consulted at all times. The question has been raised about the commission acting as a developer as against a land bank. I think the Hon. Dr. Cornwall suggested that it could hold as a developer. In my second reading explanation I stated:

> 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.

I also stated:

> 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.

The Attorney-General did not mislead the Parliament in regard to financial matters. I refer to the annual report of the Land Commission of 1980 on pages 12 and 13, which show a copy of the balance sheet. I am not trying to pick out figures selectively. I refer the Council to the whole of the financial statement.

The Hon. J. R. Cornwall: Refer us to the financial statements. Try and tell the truth for the first time in eight years.

The Hon. J. C. BURDETT: I intend to read some figures from the South Australian Land Commission report of 1980. If the honourable member says that I am not telling the truth, that is all right but this is what the report says. Some of the figures I will refer to are in the income and expenditure statement. The interest incurred that year was $8 447 573. The operating deficit was $1 207 986 to which was added the provision for a decrease in value of $8 880 000 to show a total deficit of $10 087 986. The interest capitalised was $80 809 068. As to the allegations that the Government implied that the commission was badly managed, I state that the Government has never criticised either the staff or the members of the commission but rather it has criticised the policy of the previous Government under which the commission had to operate.

On the question of the report which has been referred to, when first made available, it was sent to some 40 interested groups or associations, including people from private enterprise, local government, and others who had expressed an interest in what was happening in regard to the Land Commission. Forty copies of the report were made available and submissions were received. People were invited to make submissions and they did so. The submissions were reviewed and acted upon. It was in fact advertised through the media that people who had an interest in this subject could apply for a copy of the report. There were a number of releases about the report at that time. I can see no reason why there should be a Select Committee as the honourable member has indicated he will seek.

The ACTING PRESIDENT (Hon. C. W. Creedon): The question is that this Bill be now read a second time. Those in favour, say "Aye". Those against say "No". I think the Ayes have it.

The Hon. J. R. Cornwall: Divide!

The Hon. R J. RITSON: I rise on a point of order. I understand that under Standing Orders, as there is only one dissenting voice, we cannot divide.

The ACTING PRESIDENT: I will put the question again. Those in favour, say "Aye". Those against say "No."

Members interjecting:

The PRESIDENT: Does the Hon. Dr. Cornwall wish to move contingent notice of motion No. 2? He has no opportunity to divide, having missed the call.

The Hon. J. R. CORNWALL: I take issue with that. I called "No", and when the matter was recommitted, my colleague, Mr. Foster, also called "No".

The PRESIDENT: The Acting President claimed that there was only once voice and I take his word for it. There will be no division.

Bill read a second time.

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

(a) That this Bill be referred to a Select Committee.

(b) That the Committee consist of six members and that the quorum of members necessary to be present at all meetings of the Committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

(c) That this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the Committee prior to such evidence being reported to the Council.

The Council divided on the motion:

Ayes (9)—The Hons. Frank Blevins, 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 (10)—The Hons. J. C. Burdett (teller), J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. G. L. Bruce. No—The Hon. M. B. Cameron.

Majority of 1 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Repeal."

The Hon. J. R. CORNWALL: Before we proceed any further with this assassination of the Land Commission, I should like certain details that I am sure the Minister will be able to give me. I should like to know details of the new agreement which has been or is about to be reached between the State and Commonwealth Governments. I repeat my irrefutable assertion that the Government's action in introducing this legislation to abolish the South Australian Land Commission may well be illegal, because we are being asked to place in jeopardy at least some $40 000 000 in cash and developed assets, and are being given no details at all. As the Bill and this clause stand, without the Minister's giving the South Australian Parliament and the people of South Australia details of the renegotiated agreement, we are being asked to place the whole commission and the $40 000 000 in jeopardy. That is quite outrageous.

The Government is asking us clearly to breach the conditions of the three joint Commonwealth-State Financial Agreements. We simply cannot do that unless we are told with what they are being replaced. The Government, which is hooked up on its propaganda, has rushed into this matter prematurely. It could have waited until the Western Australian and Victorian Governments were forced to enter into agreements with the Commonwealth.

Interest rates under the Act can only be written downwards; they cannot be increased. We could have waited for the Victorian and Western Australian Governments to enter into an agreement and then said, "That is a very good agreement, and we want it, too." The fact is that the Land Commission's finances are in much better shape than are those of the Western Australian and Victorian Urban Land Councils, which were set up under the original Land Commission programme.

It is interesting to consider for a moment the position regarding the Western Australian Urban Land Council, which was never intended to operate effectively. As a condition for going into the programme, the Western Australian Premier (Sir Charles Court) made clear that there were two principal purchases that it wanted to make. One was about 900 hectares of land which it purchased from Mr. Alan Bond in 1975. At the time, the famous, or infamous, Mr. Bond had his whole empire teetering on the brink of collapse. It was pulled out by Sir Charles Court using Land Commission funds to buy that 900 hectares. That is just a part of the scandalous story in Western Australia.

The other purchase that the Western Australian Urban Land Council made involved 1 400 hectares of land, which was also purchased from another well known Western Australian financier, who was said to be a financial genius. I refer to Mr. Robert Holmes a' Court. It is not difficult for one to be a financial genius when one has friends in the

Western Australian Government.

The Western Australian Urban Land Council is clearly in trouble. This does not want to be said too loudly, because all the jobbery and corruption around the purchase of the Urban Land Council there are supposed to be kept under wraps. They are in a much worse position. If it could be alleged that we are in difficulties here (I have already explained that under the Financial Agreement we could not be), we could hold out, because we are in a better position to do so than is Western Australia. I need hardly explain the Victorian situation. Anyone who reads the results of the Gowans inquiry would realise that the whole business of land scandals there has been a very sorry story.

It was never the intention of the Hamer Government that the Victorian Urban Land Council should work. They are in desperate straits. Any Government worth its salt in money matters would have waited strategically until the Victorian and Western Australian Governments were forced to renegotiate a further agreement with the Commonwealth Government. In those circumstances, we would have been sitting pretty. I for one abhor the fact that we in this Parliament are being asked virtually to break the law. I abhor the fact that Parliament is being treated with contempt.

The Hon. J. C. Burdett interjecting:

The Hon. J. R. CORNWALL: The Minister can shake his head and mumble as much as he likes, but we are being asked to breach the existing Federal-State financial agreements. Let the Minister get to his feet and say that we are not breaching those three agreements. I wonder whether the Minister has read those agreements. He is some sort of bush lawyer; presumably he can interpret section 24 and section 27 of the Financial Agreements. Section 27 says quite clearly that there can be no demand on the South Australian Treasury. The Minister is treating the South Australian Parliament with contempt and is asking us to act illegally.

Perhaps the Minister can respond, although I do not believe that he is too comfortable with the Bill and I do not think he knows too much about it. It relates to the nature of funding for the commission which was set up using Loan moneys. That much is clear: no-one has ever contested or denied that. It was because of the nature of the funding that those let-out clauses regarding the repayments were written into the existing Federal-State financial agreements.

I would also like further clarification about the so-called draft interim report of the committee of inquiry. In his reply to the second reading debate the Minister implied that it was some sort of public document. That is simply not true, because it is not a public document at all. It certainly had limited circulation within certain Government departments, and it was certainly available to big developers such as Alan Hickinbotham (I tabled the Hickinbotham letter in this Parliament more than six months ago). However, the report was never made available to the public and, more importantly, it was never made available to the three members of the commission. It was never made available to Mr. Ken Taeuber, the Chairman of the Commission, and one of the most highly respected public servants in South Australia; it was never made available to Mr. John Mant, who at that time was the Director-General of the Department of Urban and Regional Affairs; and it was never made available to Mr. Pat Troy, who is one of the foundation commissioners and one of the architects of the entire programme.

It is absolute nonsense to say that the report was freely available to interested parties. Does the Minister seriously suggest that the Chairman of the Land Commission, Mr. Ken Taeuber, or the other two members, Mr. Mant and Mr. Troy, would not have been interested? They are the people who were being set up and accused of gross incompetence. They are the people who were said to be responsible for a good deal of the commission's problems. Why was the committee of inquiry's draft report not made available to the three commissioners? The answer is simple: the Government did not want them to see it. The Government did not want any comment on it. The fact is that the initial draft report stated that the commission was not in such bad shape at all and it pointed out most of the things that I referred to in my second reading speech this afternoon. Will the Minister tell us in specific terms who had access to copies of the report and, more importantly, why was the draft report of the inquiry never made available to the three members of the commission?

The Hon. J. C. BURDETT: In regard to the report, I did not imply anything. I simply made some statements of fact, including the fact that some 40 copies were made available to various interest groups, which I specified and I do not propose to name them at this time. I said that it was advertised through the media that people who had an interest in the subject could apply for a copy of the report. I do not propose to say anything about Mr. Adam Boland or Mr. a'Court, because that has nothing to do with the Bill.

I suggest that it would be irresponsible to wait until the Victorian and Western Australian Governments renegotiate their agreements, with the financial position of the commission being in its present situation, which is disclosed in its annual report. It is quite ridiculous to suggest that there is any kind of illegality in this Bill. The Bill is clearly within the legislative competence of this Parliament, and that is all there is to it. If it is within the legislative competence of Parliament, it is quite ridiculous to suggest that the Bill is illegal or in contempt of Parliament. If agreement with the Commonwealth Government is not reached there could be some question of rights of action by the Commonwealth against the State, although Government-to-Government agreements often do not give such rights. The position is that there is consultation with the Commonwealth Government. There is agreement between the State and Commonwealth Governments, and there is every reason to suppose that that will continue. Final agreement can hardly be reached until this Bill is passed.

The Hon. J. R. CORNWALL: I just cannot cop that sort of nonsense. I would like some straight answers from the Minister. I will ask specific questions and I seek reasonably specific answers. Why was the committee of inquiry's draft report not made available to the three commissioners? Secondly, does the Minister, as a legally qualified person, agree that under the financial agreement no demand can be made on the State Treasury? Thirdly, will the Minister make available details of the new agreement with the Commonwealth, because it is essential that we have that information before we are asked to vote on this legislation?

The Hon. J. C. BURDETT: I understand that submissions were made through the managers, not the commissioners. In relation to the agreement, I have made it perfectly clear that the matter is being negotiated with the Commonwealth.

The Hon. J. R. CORNWALL: The Minister has simply not answered my questions. Why was the report not made available to the three commissioners? I do not want any gobbledegook about dealing through the managers or anyone else. Secondly, does the Minister agree, in his capacity as a Minister of the Crown and as a person who has some legal qualifications—

The Hon. J. C. Burdett: I have complete legal qualifications.

The Hon. J. R. CORNWALL: One could be excused for not knowing that from time to time, considering the way he carries on. As a Minister of the Crown and as a legal practitioner, will the Minister say whether under the existing Commonwealth-State financial agreement it cannot make demands upon the State Treasury, although the commission can incur book losses from time to time during the middle years of its operation? It is just not good enough to say that negotiations are going on with the Commonwealth, because my information, which comes direct from the Treasury in Canberra, is that they can hardly wait for this Bill to go through so that they can get their sticky little fingers on the $18 000 000 cash or liquid assets. They can hardly wait to rip it off the South Australian suckers.

The Hon. J. C. BURDETT: I have already given specific answers. I will give them again, but I do not propose to give them again after that. With regard to the question about the availability of the report to the commissioners, it was available to the management.

The Hon. J. R. Cornwall: But not to the commission.

The Hon. J. C. BURDETT: Surely it is a matter for the commission itself. The honourable member is being given the answer and he will not get it again. If you are dealing with a body such as a commission, surely it is not your obligation to seek out every individual member of that body, every individual officer that you make the report available to. Submissions were made through the management, and surely it is a matter for the commission itself, for the authority of the commissioners themselves, to operate within that commission. I do not propose, nor would it be proper, to express any kind of opinion about the effect of the agreement. As to the question of repayment of any moneys, I repeat that the detailed arrangements with the Commonwealth have not yet been effected but will be effected, and can be effected, when this Bill is passed.

The Hon. J. R. CORNWALL: I am prepared to accept that the Minister is simply not going to tell us why the report was not made available to the three commissioners. I have to accept that he will not come clean, and will not tell us. I know why it was not made available, because when the committee first looked at the commission and looked at the financial agreements it produced a draft interim report which stated that the commission was not in anything like the state that the Government alleged it was in. They recommended that there was no need to rush into renegotiation of the agreement, and that recommendation generally, which was made by two people from private enterprise as well as the Under Treasurer, I understand, was quite a good draft submission.

So, of course, it was not made available to the commission. That is the answer to the question which the Minister refuses to give, but I am able to give it myself so I will have to content myself with that. The second thing that the Minister says he will not express an opinion on is the question of whether, under the three financial agreements, the commission was able to make any sort of demand on the South Australian Treasury at all. The Minister indicated in his reply that he was not going to express an opinion on that, yet he got very uptight when I said he was a lawyer of sorts. He tells us that he is fully qualified in the law, but he cannot read and he cannot interpret, apparently, section 24 of the second Financial Agreement, and he cannot read and cannot interpret section 27 of the third agreement. That is what he is asking us to agree to. Now, of course, that is absolutely ridiculous! He is behaving in a most mendacious manner. I suggest that he is trying to mislead this Parliament. Let him come clean. Surely, as a lawyer, he can tell us about sections 24 and 27. The answer to that is, of course, that under the agreement the commission cannot make any demand on the taxpayer. I can tell him that. Let him come clean and admit that. Let him stop pussyfooting around.

Let him tell us why the Government is destroying the Land Commission: it is repaying the big developers. The great thing with this free enterprise Party is that it chops down the commission, regardless of how successful it may have been, regardless of how well it may have involved itself in orderly planning in Adelaide. It says, "Let us get rid of it and get back to the old freewheeling days. Let there be no check and no balance in a mixed economy from the Land Commission. Get it out of the way." That is the real answer, but, of course, the Minister will not tell us that. Since he refuses to give us any details at all as to where negotiations are with the Commonwealth, then again, we will be forced to vote against this clause. It is, I repeat, complete contempt of the South Australian Parliament to ask us to pass this legislation without that knowledge, and it is something which the Opposition simply cannot accept.

The Committee divided on the clause:

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

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

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. G. L. Bruce.

Majority of 1 for the Ayes.

Clause thus passed.

Clauses 5 to 17 passed.

Clause 18—"Establishment and control of the Fund."

The Hon. J. R. CORNWALL: This clause refers to financial provisions. I will try, yet again, to elicit some information from the Minister.

It has been impossible to get information up to date. The funding of the commission originally was made by Loan funds available from the Commonwealth. Three amounts were made available: $8 000 000 under the first agreement; $4 000 000 under the second agreement; and $40 000 000 under the third agreement. There has been some contention about whether in the first Financial Agreement the commission could make demands on the taxpayers or the South Australian Treasury, but there is no doubt at all that the $4 000 000, which was made available under the second Financial Agreement, and the $40 000 000, which was made available under the third agreement. These amounts were loaned under such conditions (and this is the nub of the matter) that provided that the commission acted within its charter and under conditions laid down in those agreements and the relevant Acts, then it could not make demands on the South Australian Treasury.

In no circumstances could the commission go bad. At no time, even if it did get into a situation where it was unable to meet its debt burden, or was unable to make repayments that fell due at the expiry of 10 years (there was a 10-year holiday period before any repayments of capital or interest were due at all) could it be in financial difficulty. Provided it had operated within the Financial Agreements, within those terms and without breaching them, it could not make any demand on the South Australian Treasury or the South Australian taxpayer.

It was a very good deal for the State, and from the State's point of view it was a case of "Heads I win, tails you lose." For South Australia it was a good deal indeed. It involved a great amount of money, and the only way in which that money could be placed in jeopardy, the only way in which there could be demands or that this State could lose money, was if the Financial Agreements were breached. I put it to the Minister, who has already assured us that he is learned in the law, that by simply moving to a land banking operation there is a clear breach of the terms of second and third Financial Agreements.

The Minister knows that there is a clear breach, which is why he is so uncomfortable with the Bill. There has to be a clear breach, because what he is proposing to do is one of the things that I outlined in my second reading speech. I will not go through that again, but the commission's charter is certainly set out in the Land Commission Act and in the Financial Agreements which were reached jointly between the Commonwealth and the State.

What we are being asked to do in this Bill clearly breaches the existing Financial Agreements. It is going to breach them because we are moving to land banking only, and any reading of the agreement makes it clear that there are many other things that the commission has to do, has to perform, in order to meet the requirements of the Financial Agreements, requirements which are spelt out specifically and which can be read and interpreted by any reasonably intelligent man, let alone any person qualified and learned in the law like the Minister. I put it to him that with a stroke of a pen and in a matter of an hour and a half today we are throwing away this enormous South Australian asset. I have to say again that the asset is being thrown out the window and the Financial Agreements are being breached by the actions we are taking in this Parliament.

No doubt the Minister realises that. There is no way that the Minister can respond unless he is willing to indulge in a lot of rhetoric and tell lies. He does not usually tell lies—only when he is under pressure. What I want to know in relation to this clause is what alternative provisions for financing the commission's operations have been made now that it is to go to a land banking function only. How can it possibly generate sufficient funds to meet its obligations if it is not going to be in the business of subdivision?

The Hon. J. C. BURDETT: I have already made it perfectly clear that the matter is being taken into consultation with the Commonwealth. The Commonwealth has been fully consulted about the matter and is in agreement with the approaches that South Australia has made. The final details have not been spelt out and, therefore, I cannot disclose them. One of the things that is necessary so that agreement can be reached is the passage of this Bill. In regard to financial benefit for South Australia, I would have thought that the figures from the 1980 Land Commission report made it clear that the sooner that we get rid of that sort of operation the better it is for South Australia.

Clause passed.

Remaining clauses (19 to 22) and title passed.

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

That this Bill be now read a third time.

The Council divided on the third reading:

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

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

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. G. L. Bruce.

Majority of 1 for the Ayes.

Third reading thus carried.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from 24 September. Page 1071.)

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 729.)

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 731.)

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 734.)

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

BILLS WITHDRAWN

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

That the National Companies and Securities Commission (State Provisions) Bill, the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Bill and the Securities Industry (Application of Laws) Bill be withdrawn.

Motion carried.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL, 1981

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs) obtained leave and introduced a Bill for an Act to

make provision for the operation of the National Companies and Securities Commission in the State. Read a first time.

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

That this Bill be now read a second time.

I am introducing legislation to introduce the first phase of the Co-operative Companies and Securities Scheme to this State. The legislation is needed to fulfil the obligations of South Australia under the Formal Agreement on Companies and Securities which was concluded between the Commonwealth and the six States on 22 December 1978.

This legislation comprises the South Australian component for the machinery which will provide for the first time an effective national approach to the regulation of companies and securities. It will lend authority to the National Companies and Securities Commission, a body established by Commonwealth legislation to play the lead role in regulating this area.

These Bills are very similar in form to four Bills which I introduced on 28 August 1980. They are:

1. The National Companies and Securities Commission (State Provisions) Bill, 1981.
2. The Companies (Acquisition of Shares) (Application of Laws) Bill, 1981.
3. The Securities Industry (Application of Laws) Bill, 1981.
4. The Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Bill, 1981.

At the time that I introduced the forerunners of these Bills in August 1980, I gave the Council a full explanation of the co-operative scheme and the four Bills that were introduced at that time. I propose to allow that explanation to stand on the record, but I wish to provide a report on the progress of the scheme since that time and the modifications that have been made to these Bills.

On 8 August 1980 the four Bills which were introduced last August were approved by the Ministerial Council on Companies and Securities. Under the terms of the formal agreement, all State legislation must be approved by this body before it is introduced into the relevant Parliament. At that time it was hoped that the necessary legislation would be in operation in each participating State by 1 January 1981. Unfortunately, problems were encountered in other Parliaments. The progress of Commonwealth legislation affecting the scheme was interrupted by the Federal election. Sittings of the Queensland Parliament were interrupted by the election held in that State. Accordingly, the parties to the scheme felt that the timetable for the legislation should be revised. It was considered most desirable that the legislation come into force simultaneously throughout Australia. Therefore a new target date of 1 July 1981 was set, and I believe that there is every hope that this date will be met.

Over the past few months the State legislation has been considered by advisers to the Government and advisers to the Ministerial Council. A number of technical refinements have been suggested, and I will be discussing the more important refinements in a moment. However, the amendments which have been made to these Bills are not substantive amendments which alter the thrust of the legislation. Essentially, they are the same Bills which were placed before this Council on 28 August 1980. At the time of introducing this legislation, I referred to the fact that certain amendments to the Commonwealth legislation were proposed. These amendments have now been passed by the Commonwealth Parliament. Copies of the relevant Commonwealth legislation and the amending Bills have been made available to members for some time.

Apart from purely technical and typographical changes, there has been one significant amendment made to the Companies (Acquisition of Shares) (Application of Laws) Bill, 1981. This has been the insertion of clause 14 which authorises the Government Printer to publish Commonwealth legislation where the provisions of that Commonwealth legislation are applied as law in South Australia. It also clarifies the point that amendments to this legislation can be published by the Government Printer.

The Securities Industry (Application of Laws) Bill, 1981, has a number of amendments, which mainly arise out of transitional problems associated with the changeover from the existing Securities Industry Act, 1979, to the new legislation. Clause 24 has been amended for the convenience of dealers who have lodged bonds under the existing legislation. The new provision enables dealers to retain their existing bonds which they have been required to lodge under the Securities Industry Act, 1979, for the purposes of the new legislation without the trouble and expense of making new arrangements. Clause 26 (1) introduces new transitional provisions which affect the obligations of dealers to lodge accounts with the Corporate Affairs Commission. Clause 34 retains the obligation which exists under the present legislation to maintain records for a period of at least five years. These are the major changes which have been made to the Bills. It should be obvious that the changes are not significant ones within the policy context and do not detract from my previous explanation of this legislation.

At the time that I introduced four Bills similar to these in August 1980, I indicated that there was increasing takeover activity on the Australian securities market. Over the past few months activity has indeed increased.

The new legislation will be vital for two reasons: first, because it will enable a co-ordinated national approach to be taken to this problem; and, secondly, because it will give the National Companies and Securities Commission the capacity to discover the identity of corporate raiders and uncover malpractices in the market place. This legislation is therefore important, not only for shareholders in companies but indeed the public generally. Indications are that the legislation could be in operation by 1 July 1981. However, if it is not passed in South Australia, this may delay the commencement of legislation not only in this State but also throughout Australia.

Therefore, it is most important that South Australia fulfil its obligation under the formal agreement and pass this legislation as soon as practicable. Although the legislation is complex, members have had the opportunity to examine both the South Australian and the Commonwealth legislation since last August. Thus, I hope that an informed debate is possible.

In conclusion, this legislation is urgently needed in view of the increased take-over activity and the movement of resources-related stocks on the Australian securities market. I urge members to support the Government's efforts to participate in this ambitious co-operative venture. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 defines certain terms used in the Bill and provides for other matters of interpretation. Subclause (5) provides that the Bill, except for clauses 1, 2, 3, 4, 20, and 21 will be interpreted in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981. The excluded clauses will be interpreted in accordance with the Acts Interpretation Act, 1915-1980.

Clause 4 provides that in the performance of a function or power under an Act passed by the South Australian Parliament the commission will be representing the Crown in right of South Australia. The commission is established by the Commonwealth by means of the National Companies and Securities Commission Act, 1979. Functions and powers will be bestowed on it by the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, the Securities Industry (Application of Laws) Act, 1981, and the Companies (Application of Laws) Act, 1981, which is still in the draft stage.

Clause 5 requires courts to take judicial notice of the common seal of the commission and the signatures of members of the commission. Clause 6 provides immunity from action for members of the commission, legal practitioners, witnesses and members of the Ministerial council acting in good faith and in the course of performing functions or exercising powers under the scheme. Clause 7 provides for hearings before the commission. Clause 8 allows a member of the commission to summon a person to appear before the commission to give evidence. Clause 10 provides remedies against a person who refuses to obey a summons under this clause.

Clause 9 provides for the manner in which proceedings before the commission must be conducted and the representation of parties appearing before the commission. Clause 10 sets out the duties of witnesses appearing at a hearing before the commission. Subclause (6) provides that failure to comply with the requirements of the clause is an offence punishable by a fine of $1 000 or imprisonment for three months. Subclauses (7) and (8) provide a procedure whereby the Supreme Court can order a person to fulfil his obligations under the clause and punish him for contempt if he does not. Clause 11 makes it an offence to insult a member of the commission, to interrupt a hearing of the commission or to do anything else in the nature of contempt.

Clause 12 is a key provision of the Bill. The functions and powers of the commission bestowed on it by the State Acts mentioned in the note to clause 4 will be performed by the South Australian Corporate Affairs Commission. This clause enables the commission to delegate its functions and powers to the State commission. The State commission, being an incorporated body, must act through its employees. Subclause (4) allows it, as a delegate, to authorise other persons to perform functions and exercise powers delegated to it. Clause 13 empowers authorities or officers of the State to perform or exercise functions or powers delegated to them or which they are authorised to perform or exercise under clause 12.

Clause 14 allows the commission to direct a delegate in respect of the performance or exercise of the function or power delegated and allows a delegate to make a similar direction in respect of a function or power he has authorised to be performed. Clause 15 imposes an obligation of secrecy on persons in relation to information obtained by them in the course of performing functions or exercising powers on behalf of the commission.

Clause 16 provides that a person who has information that is not generally available by reason of his performance or exercise of functions or powers on behalf of the commission and which would effect the price of securities if it were generally available must not deal in or cause anyone else to deal in those securities. If a person contravenes subclause (1), subclause (2) makes him liable to compensate the other party to the transaction. The amount of the compensation will be the difference in the price actually negotiated and the price that would have applied if the information had been generally available.

Clause 17 provides that any person who has a private interest in a matter that he is dealing with on behalf of the commission must disclose the interest to the commission.

Clause 18 provides that certain certificates signed by or on behalf of the Ministerial council will be *prima facie* evidence of the facts stated in those certificates. Clause 19 requires copies of the report and financial statements of the commission and a copy of the report of the Auditor-General of the Commonwealth to be laid before both Houses of State Parliament. Clause 20 provides for rules to be made by the Supreme Court. Clause 21 empowers the Governor to make regulations for the purpose of the Act. The schedule sets out the formal agreement made between the Commonwealth and the States for the purpose of establishing the National Companies and Securities Scheme.

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

COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL, 1981

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs) obtained leave and introduced a Bill for an Act relating to the application of laws to regulate the acquisition of shares in companies incorporated in South Australia and matters connected therewith, to amend the Companies Act, 1962-1980, and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It is another component in the Co-operative Companies and Securities Scheme. A detailed explanation of this scheme and this legislation is contained in my second reading explanation of the Companies (Acquisition of Shares) (Application of Laws) Bill, 1980. A report on the progress of the scheme and this Bill was provided when I introduced the National Companies and Securities Commission (State Provisions) Bill, 1981. I do not propose to repeat that report.

The purpose of this Bill is to apply the substantive provisions of the Commonwealth legislation on company take-overs as the law of South Australia. This Bill will supersede the Company Take-overs Act, 1980. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 defines certain terms used in the Bill. "The Commonwealth Act" is defined to mean the Companies (Acquisition of Shares) Act 1980 of the Commonwealth. Subclause (2) provides that a reference in the Bill to a Commonwealth Act includes a reference to that Act as amended from time to time.

Clause 4 applies the provisions of the Commonwealth Act, except the first five sections, as laws of South Australia. Preliminary provisions will, by virtue of schedule 4, precede the applied provisions when they are published as a code pursuant to clause 11. Clause 11 provides that the code may be cited as the "Companies (Acquisition of Shares) (South Australia) Code". The Commonwealth provisions will be applied with the amendments set out in schedule 1 and will be interpreted in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Applica-

tion of Laws) Act, 1981. This Bill however, when it has been enacted, will be interpreted in accordance with the Acts Interpretation Act, 1915-1980. By reason of clause 3 (2), the reference in clause 4 to the Commonwealth Act includes reference to future amendments of that Act. Future amendments of the Commonwealth Act require prior approval from the Ministerial council and will apply automatically in South Australia by virtue of this clause.

Clause 5 provides that the code will form part of the Companies Act, 1962-1980, and will be read with it. Paragraph *(a)* of subclause (1) ensures that the new provisions exclude the operation of Part VIB of the Companies Act, 1962-1980, and the Company Take-overs Act, 1980. Subclause (2) is a transitional provision that is similar to section 16 of the Acts Interpretation Act, 1915-1980. Section 16 of that Act does not apply in this case because Part VIB of the Companies Act, 1962-1980, and the Company Take-overs Act, 1980, are not repealed; their operation is simply excluded.

Clause 6 provides that regulations in force for the time being under the Commonwealth Act will apply in South Australia as regulations under the provisions of the code. The regulations will apply with the amendments set out in schedule 2. Clause 7 incorporates the regulations applying in South Australia by reason of clause 6 into the regulations made under the Companies Act, 1962-1980.

Clause 8 is included in the Bill to ensure that the provisions introduced by clauses 5 and 7 into the Companies Act, 1962-1980, and into the regulations made under that Act respectively can work properly in those contexts. The provisions applied by the Commonwealth Act give powers and impose duties on the National Companies and Securities Commission whereas the other parts of the Companies Act, 1962-1980, give powers and impose duties on the Corporate Affairs Commission established by the Act and on the commission. Clause 8 overcomes this problem by altering the construction of relevant terms in relation to matters arising under the applied provisions.

Clause 9 provides for the payment to the Corporate Affairs Commission of fees arising from the administration of the applied provisions. The services for which fees will be paid will be performed by the State commission on behalf of the national commission, and it is part of the agreement between the States and the Commonwealth that the fees be paid to the States. Subclause (2) provides that the fee must be paid before a document is deemed to be lodged and subclause (3) provides that the national commission must not supply a service that has been requested until the fee has been paid. The State commission will be supplying the service on behalf of the national commission and by subclause (5) may waive or reduce a fee or refund it in any particular case. The fees payable will be those in the schedule to regulations under the Companies (Acquisition of Shares—Fees) Act 1980, of the Commonwealth amended in the manner set out in schedule 3 of the Bill.

Clause 10 deals with amendments of the regulations applying under the code and the regulations applying under the Companies (Acquisition of Shares—Fees) Act 1980. Amending regulations must be initiated by the Commonwealth in accordance with the approval of the Ministerial council. If the Commonwealth regulations are delayed for more than six months or are disallowed or subject to disallowance after six months the Governor may make the proposed amendments for the purpose of application in South Australia.

Clause 11 provides for the publication of the Commonwealth provisions applied as law in South Australia by this Bill as amended by schedule 1. The document may be cited as the "Companies (Acquisition of Shares) (South Australia) Code" and by subclause (3) the code shall be *prima facie* evidence of the provisions of the Commonwealth Act applying by reason of section 4. Clause 12 is a provision similar to clause 11 providing for the publication of the regulations under the Commonwealth Act that will apply in South Australia. The regulations may be cited as the "Companies (Acquisition of Shares) (South Australia) Regulations".

Clause 13 is a similar provision relating to the schedule of fees under the Companies (Acquisition of Shares—Fees) Act 1980 of the Commonwealth. The document published under this clause will include the heading and provisions set out in schedule 6 and may be cited as the Companies (Acquisition of Shares—Fees) (South Australia) Regulations. Clause 14 facilitates the publication of amendments to the Code, the regulations or the fees regulations as they occur from time to time. This provision will avoid the need to republish the entire document each time that an amendment is made.

Clause 15 makes clear that a reference in an Act, regulation or other instrument to the Companies (Acquisition of Shares) (South Australia) Code is a reference to the provisions of the Commonwealth Act applying by reason of clause 4, and that a reference to a section of the code is a reference to the corresponding provision of the Commonwealth Act. The clause makes similar provision in respect of the Companies (Acquisition of Shares (South Australia) Regulations and the Companies (Acquisition of Shares—Fees) (South Australia) Regulations.

Clause 16 provides for the amendment of schedules 1, 2 and 3 and clause 9 by regulation. Future amendments to the provisions of the Commonwealth Act and the Companies (Acquisition of Shares—Fees) Act, 1980, and to the regulations made under those Acts are likely to require alterations for the purpose of their application in South Australia. These alterations will be made by regulations, which have been approved by the Ministerial Council, and which amend schedules 1, 2 and 3 and clause 9 as required. Clause 17 is a transitional provision providing for take-overs that have not been completed at the commencement of the new provisions. Subclause (1) deals with take-over offers made under Part VIB of the Companies Act, 1962-1980, and subclause (2) applies where offers were made under the Company Take-overs Act, 1980.

Clause 18 makes amendments to the Companies Act, 1962-1980, consequential on the commencement of the new provisions and their incorporation into that Act. Schedules 1, 2 and 3 make alterations to the Commonwealth provisions, the regulations applying under those provisions and the regulations applying under the Companies (Acquisition of Shares—Fees) Act, 1980, of the Commonwealth respectively for the purpose of their application in South Australia. Schedules 4, 5 and 6 provide the headings and introductory provisions for the Companies (Acquisition of Shares) (South Australia) Code, the Companies (Acquisition of Shares) (South Australia) Regulations, and the Companies (Acquisition of Shares—Fees) (South Australia) Regulations respectively.

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

SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL, 1981

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs) obtained leave and introduced a Bill for an Act

relating to the securities industry in South Australia. Read a first time.

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

That this Bill be now read a second time.

It is a further component in the Co-operative Companies and Securities Scheme. A detailed explanation of this scheme is contained in my second reading explanation on the introduction of the Securities Industry (Application of Laws) Bill, 1980. A report on the progress of the scheme and this Bill was provided when I introduced the National Companies and Securities Commission (State Provisions) Bill, 1981. I do not propose to repeat that report.

The purpose of this Bill is to apply the substantive provisions of the Commonwealth securities industry legislation as the law of South Australia. This legislation will supersede the Securities Industry Act, 1979, and regulate the securities industry in South Australia. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the arrangement of the Bill. Clause 4 defines certain terms used in the Bill. "The Commonwealth Act" means the Securities Industry Act 1980 of the Commonwealth. Subclause (2) provides that a reference in the Bill to a Commonwealth Act includes a reference to that Act as amended from time to time. Clause 5 provides that the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981, will apply for the interpretation of the provisions of the Commonwealth Act applying by reason of clause 6 of the Bill. These provisions when published in accordance with clause 10 of the Bill will be cited as the "Securities Industry (South Australia) Code".

Clause 6 applies the provisions of the Commonwealth Act, except the first three sections, as laws of South Australia. Preliminary provisions will, by virtue of schedule 4, precede the applied provisions when they are published as a Code pursuant to clause 10. Clause 10 provides that the code may be cited as the "Securities Industry (South Australia) Code". The Commonwealth provisions will be applied with the amendments set out in schedule 1 and will be interpreted in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, 1981. This Bill, however, when it has been enacted, will be interpreted in accordance with the Acts Interpretation Act, 1915-1980. By reason of clause 4 (2) the reference in clause 6 to the Commonwealth Act includes reference to future amendments of that Act. Future amendments of the Commonwealth Act require prior approval from the Ministerial Council and will apply automatically in South Australia by virtue of this clause.

Clause 7 provides that regulations in force for the time being under the Commonwealth Act will apply in South Australia as regulations under the provisions of the code. The regulations will apply with the amendments set out in schedule 2. Clause 8 provides for the payment to the Corporate Affairs Commission of fees arising from the administration of the applied provisions. The services for which fees will be paid will be performed by the State commission on behalf of the national commission, and it is part of the agreement between the States and the Commonwealth that the fees be paid to the States. Subclause (2) provides that the fee must be paid before a document is deemed to be lodged, and subclause (3) provides that the national commission (acting through the State commission) must not supply a service that has been requested until the fee has been paid. The State commission by subclause (5) may waive or reduce a fee or refund it in any particular case. The fees payable will be those in the schedule to regulations under the Securities Industry (Fees) Act 1980 of the Commonwealth amended in the manner set out in schedule 3 of the Bill.

Clause 9 deals with amendment of the regulations applying under the code and the regulations applying under the Securities Industry (Fees) Act 1980. Amending regulations must be initiated by the Commonwealth in accordance with the approval of the Ministerial council. If the Commonwealth regulations are delayed for more than six months or are disallowed or subject to disallowance after six months the Governor may make the proposed amendments for the purpose of application in South Australia.

Clause 10 provides for the publication of the Commonwealth provisions applied as law in South Australia by this Bill as amended by schedule 1. The document may be cited as the "Securities Industry (South Australia) Code", and by subclause (3) the code shall be *prima facie* evidence of the provisions of the Commonwealth Act applying by reason of clause 6.

Clause 11 is a provision similar to clause 10 providing for the publication of the regulations under the Commonwealth Act that will apply in South Australia. The regulations may be cited as the "Securities Industry (South Australia) Regulations". Clause 12 is a similar provision relating to the schedule of fees under the Securities Industry (Fees) Act 1980 of the Commonwealth. The document published under this clause will include the heading and provisions set out in schedule 6 and may be cited as the "Securities Industry (Fees) (South Australia) Regulations".

Clause 13 facilitates the publication of amendments to the code, the regulations or the fees regulations as they occur from time to time. This provision will avoid the need to republish the entire documents each time that an amendment is made. Clause 14 makes clear that a reference in an Act, regulation or other instrument to the Securities Industry (South Australia) Code is a reference to the provisions of the Commonwealth Act applying by reason of clause 6, and that a reference to a section of the code is a reference to the corresponding provision of the Commonwealth Act. The clause makes similar provision in respect of the securities industry (South Australia) regulations and the securities industry (Fees) (South Australia) regulations.

Clause 15 provides for the amendment of schedules 1, 2 and 3 and clause 8 by regulation. Future amendments to the provisions of the Commonwealth Act and the Securities Industry (Fees) Act 1980 and to the regulations made under those Acts are likely to require alterations for the purpose of their application in South Australia. These alterations will be made by regulations, which have been approved by the Ministerial council, and which amend schedules 1, 2 and 3 and clause 8 as required.

Clause 16 provides that the provisions of the Commonwealth Act applying by reason of clause 6 apply to the exclusion of the Securities Industry Act, 1979, and the Companies Act, 1962-1980. Subclause (2) enacts provisions that ensure that the operation of the Securities Industry (South Australia) Code will not affect the previous operation of the Securities Industry Act, 1979, or revive and law or matter not in force at the commencement of that Act. Provisions similar to these are found in the Acts Interpretation Act, 1915-1980, but it is necessary to make specific provision in this Bill to cater for

the introduction of the code.

Clause 17 is a general transitional provision ensuring that all things existing under the old Act continue under the new provisions unless it is made clear in the Bill or the code that this is not intended. Clause 18 provides that a reference in an Act or a document to a provision of the old Act will be construed as a reference to the corresponding provision in the code. Clause 19 provides for the continuation of proceedings by or against the State commission to be continued by or against the national commission under the code.

Clause 20 preserves the power of the Minister to consent to proceedings instituted under the old Act after the code has come into force. Clause 21 provides for the continuation of registers, funds, deposits and accounts kept under the old Act at the time of the commencement of the code by deeming them to be kept under the corresponding provision of the code. Clause 22 provides for the continuation of an order of the Supreme Court made under section 12 of the old Act. This section enables the court, amongst other things, to restrain a person from carrying on the business of dealing in securities, acting as an investment adviser, as a dealer's representative or an investment representative.

Clause 23 enables an investigation commenced under the old Act but not completed at the commencement of the code to be continued under the code. Clause 24 provides for the continuation of licences in force under the old Act and deems a suspension of a licence under the old Act to be a suspension under the corresponding provision of the code. A bond lodged under the old Act will have effect as a security under the code but may be claimed against as a bond under the old Act as though the new Act had not been passed.

Clause 25 ensures that where, at the commencement of the code, a licenceholder has not lodged a statement under section 44 of the old Act in respect of the whole or part of a year ending before the commencement of the code, he must lodge with the national commission a statement under that section in respect of that period. Clause 26 provides that, where a dealer has not lodged a profit and loss account or balance sheet as required by the old Act when the code comes into force, he must lodge those documents and an auditor's report with the national commission.

Clause 27 provides for the payment of annual fees prescribed under the old Act in respect of a year that commenced before but finished after the commencement of the code to be paid to the State commission. Clause 28 ensures that orders made by the Supreme Court under the old Act restraining dealings with dealers' bank accounts shall be deemed to be orders made under the corresponding provision of the code. Clause 29 provides for the continued holding of a deposit received by a Stock Exchange under section 81 of the old Act under the corresponding section of the code. Clause 30 requires Stock Exchanges to give to the national commission audited balance sheets relating to deposits where the Stock Exchange had not given a report required under the old Act. Clause 31 requires the Stock Exchange to provide a balance sheet and audited accounts of its fidelity fund in accordance with its obligations under the old Act that have not been performed at the commencement of the code.

Clause 32 provides that amounts held in the fidelity fund of a Stock Exchange under the old Act will continue as part of the fidelity fund to be held under the code. Clause 33 provides that an order of the Supreme Court allowing a claim for compensation from a fidelity fund made under the old Act will continue as an order made under the corresponding section of the code.

Clause 34 provides for transitional matters in relation to the requirements of the old Act and the code to keep records. Subclause 3 excludes from the operation of section 136 of the code an accounting record relating to a period occurring at least five years from the commencement of the code. Clause 35 provides penalties for failure to comply with certain transitional provisions. Clause 36 gives the Supreme Court a general power to resolve any unforeseen difficulties that may arise in the transition to the new code.

Schedule 1 makes changes to the provisions of the Commonwealth Act that are necessary for their application in South Australia. Clause 18 of the schedule adds subsection (2) at the end of section 101 of the code. This provision allows the Minister to exempt a Stock Exchange from the requirement to pay $100 000 into its fidelity fund if it has entered into a contract of insurance for the sum to be paid into the fund if a claim is made against it. Clause 22 of the schedule adds new section 152 to the code. This section allows the Governor to exempt a member of a Stock Exchange from compliance with the provisions of the code relating to the keeping of trust accounts.

Schedules 2 and 3 make alterations to the regulations applying under the code and the regulations applying under the Securities Industry (Fees) Act 1980 of the Commonwealth, respectively, for the purpose of their application in South Australia. Schedules 4, 5 and 6 provide the headings and introductory provisions for the Securities Industry (South Australia) Code, the Securities Industry (South Australia) Regulations and the Securities Industry (Fees) (South Australia) Regulations, respectively.

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

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL, 1981

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs) obtained leave and introduced a Bill for an Act relating to the interpretation of certain provisions relating to corporations and the securities industry and for certain other matters. Read a first time.

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

That this Bill be now read a second time.

It is also part of the Co-operative Companies and Securities Scheme. A detailed explanation of this scheme and this Bill is contained in my second reading explanation on the introduction of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Bill, 1980.

A report on the progress of the scheme and this Bill was provided when I introduced the National Companies and Securities Commission (State Provisions) Bill, 1981. I do not propose to repeat that report. The purpose of this Bill is to apply the substantive provisions of the Commonwealth Companies and Securities (Interpretation and Miscellaneous Provisions) Act as the law of South Australia. The legislation will provide a code on the interpretation of scheme legislation and the conduct of legal proceedings under the scheme. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 defines certain

terms used in the Bill. "The Commonwealth Act" is defined to mean the Companies and Securities (Interpretation and Miscellaneous Provisions) Act, 1980, of the Commonwealth and includes any amendments to that Act made in the future.

Clause 4 specifies the codes that are relevant codes for the purposes of the Bill. The provisions of the Commonwealth Act having effect by reason of this Bill will apply to each relevant code and will have effect only for the purpose of interpreting those codes. They will not apply to any Act of the Parliament except the Natinal Companies and Securities Commission (State Provisions) Act, 1981, which is expressly included by clause 5. In particular, they will not apply for the purpose of interpreting this Bill, the Securities Industry (Application of Laws) Act, 1981, or the Companies (Acquisition of Shares) (Application of Laws) Act, 1981. The Acts Interpretation Act, 1915-1980, will apply to those Acts.

Clause 5 makes clear that the provisions applied by this Bill will be used for the interpretation of the National Companies and Securities Commission (State Provisions) Act, 1981, notwithstanding that that Act is not a Code. Clause 6 provides that the Crown will be bound. Clause 7 provides that provisions applying in the Australian Capital Territory for the purpose of interpreting ordinances of that Territory apply for the interpretation of relevant codes. The law that is applied is the law existing at the commencement of the Commonwealth Act, and future amendments to that law will not be included. The laws do not apply in relation to matters for which there is express provision in this Bill or in a relevant code. Paragraph (b) of clause 7 extends the operation of the clause to rules, regulations and by-laws.

Clause 8 applies the provisions of the Commonwealth Act as amended by schedule 1 as laws of South Australia. Schedule 1 alters the text of the Commonwealth Act so that the provisions make sense in their South Australian context. "The Commonwealth Act" is defined by clause 3 to include amendments to that Act passed in the future. These amendments, if and when they are made, will flow through automatically into South Australian law by reason of this clause. The position in each State will be the same and will enable uniformity of the law to be maintained in each jurisdiction. An amendment to the Commonwealth Act can be made only with the approval of the Ministerial Council. The Ministerial Council is constituted by a Federal Minister and a Minister representing each State. The first five sections of the Commonwealth Act are excluded by clause 8. Introductory provisions, adopted for the purposes of this State, are set out in schedule 2.

Clause 9 provides for the publication of the provisions of the Commonwealth Act as amended in the manner set out in the first schedule. The heading and sections set out in schedule 2 are to be included, and the document may be cited as the Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code. Subclause (3) provides that a copy of the code is prima facie evidence of the provisions of the Commonwealth Act applying by reason of the Bill.

Clause 10 facilitates the publication of amendments to the code as they occur from time to time. This provision will avoid the need to republish the entire document each time that an amendment is made. Clause 11 provides that references to the code or a provision of the code in any Act, regulation or other instrument is a reference to the provisions of the Commonwealth Act or the corresponding provision of that Act respectively.

Clause 12 allows the Governor with the approval of the Ministerial Council to make regulations amending schedule 1 so that the provisions of a future amendment to the Commonwealth Act can be varied appropriately for application in South Australia. Clause 13 ensures that certain provisions of the Acts Interpretation Act, 1915-1980, apply to relevant codes. These provisions deal with recovery of fines, summary procedure for the prosecution of offences and some other incidental matters. There are no corresponding provisions in the Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code. It is necessary to provide expressly that these provisions apply to codes because the Acts Interpretation Act, 1915-1980, applies then only to Acts of Parliament.

Schedule 1 provides that the Commonwealth Act applies with the alterations specified in the schedule. The reason for most of these alterations is obvious and needs no explanation. Clause 10 of the schedule replaces five sections of the Commonwealth Act. These sections deal with the effect of repealing legislation on the previous and continued application of the law. They are transitional in nature and similar provisions are found in the Acts Interpretation Act, 1915-1980, relating to Acts of State Parliament. The provisions in the Commonwealth Act relate to the making and repealing of laws by means of Commonwealth Acts and because of this they are not easily translated to apply to codes which consist of provisions enacted by the Commonwealth Parliament applied in South Australia. The provisions have therefore been redrafted to apply directly to the State codes. Schedule 2 sets out the first five sections of the Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code.

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

TEA TREE GULLY (GOLDEN GROVE) DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 3165.)

The Hon. J. R. CORNWALL: We have just spent some considerable time debating the Urban Land Trust Bill. As a result of that Bill, the Land Commission has been assassinated. This Bill is consequential to the Urban Land Trust Bill. The Golden Grove development, as originally proposed in the legislation, was to have been a major development by the South Australian Land Commission. Now that we no longer have a Land Commission, it is logical to introduce further legislation to dismantle the Golden Grove development. As I said during the second reading debate on the Urban Land Trust Bill, the proposed development at Golden Grove by the Land Commission was a very big development which was to proceed virtually in partnership with the South Australian Housing Trust. It was to occur in an area which is still the fastest growing area in Adelaide, despite the downturn in recent years. It would most certainly have put the commission over the top financially, and would have reversed the deficits which had been accumulating.

As I explained in my second reading speech, because of the nature of the Financial Agreements the deficit had been unavoidably accumulating through the first years of the Land Commission's operation. At this stage there seems to be little point in desperately fighting this move. However, the Opposition certainly opposes the Bill. It is very sad to see this magnificent, orderly development, which would have had community facilities (as did all

major Land Commission developments, well ahead of community needs), go down the drain. It is a sad fact that this Government, with the support of the Democrat Mr. Milne, has the numbers to push this assassination through.

In passing, perhaps I should make some reference to the Hon. Mr. Milne's performance in relation to the Urban Land Trust Bill. I cannot help but wonder how it is that the Hon. Mr. Milne found difficulty in supporting a very major public initiative. I cannot be other than surprised and very disappointed that the Hon. Mr. Milne could not support a Select Committee to inquire into the gross irregularities of the Government's conduct with regard to the Land Commission, particularly since it took office. I cannot help but wonder what the Hon. Mr. Milne's attitude would have been if a Bill had been introduced to dismantle, demolish and assassinate the State Government Insurance Commission. One can only surmise what his attitude might have been.

It seems to sit rather strangely upon the Hon. Mr. Milne's shoulders that he would support the Government on the Urban Land Trust Bill, and presumably the dismantling of the Golden Grove development, when he is a person who has always supported a mixed economy. Indeed, he is a former Chairman of the State Government Insurance Commission, which in many ways is to the insurance industry what the Land Commission was to the land development industry. I wonder whether the Hon. Mr. Milne searched his conscience before he voted on the Urban Land Trust Bill.

The Hon. L. H. Davis: At least he's got one.

The Hon. J. R. CORNWALL: I have no doubt at all that he has got one. However, I wonder whether he searched it very deeply or whether he understood the terrible ramifications of that legislation. I also wonder whether he understands the terrible ramifications of the Bill now before us. I would be very pleased to hear the Hon. Mr. Milne tell us how he arrived at the decision to support the demolition and assassination of the Land Commission.

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

COMMUNITY WELFARE ACT AMENDMENT BILL

In Committee.

Clause 6—"Repeal of Parts II, III and IV and substitution of new Parts."

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

Page 29, lines 20 and 21—Leave out "nominated by the Mothers and Babies' Health Association Incorporated" and insert "who is experienced in the field of early childhood health, nominated by the Chairman of the Health Commission".

The reason for this amendment is that the organisation is intended to be the Mothers and Babies' Health Association Incorporated, but it is now in the process of reorganisation and adopting a new title. It is intended that it become incorporated under the Health Commissions Act. For the time being there is not any appropriate entity so this amendment nominated by the Chairman of the Health Commission is intended to cover the time being. We cannot call it the Mothers and Babies' Health Association Incorporated because it is in a state of reorganisation. I assure the Committee that it is my intention that when the organisation previously known as the Mothers and Babies' Health Association has been incorporated under whatever name it adopts under the Health Commission Act I will propose an amendment to give it that name. There is no intention of removing recognition of the Mothers and Babies' Health Association.

The Hon. BARBARA WIESE: The Opposition supports this amendment. I take note of the Minister's assurance that it is still his intention that a person from the Mothers and Babies' Health Association or the equivalent organisation is the person whom the Government proposes to nominate. That is certainly the action that we would hope the Government would take and I am happy to have the Minister's assurance about this. The Opposition supports the amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 30, lines 30 to 41—Leave out all words in these lines and insert subsection as follows:

(2) A local panel shall have a distinctive name and shall consist of three members of whom—

(a) one shall be an officer of the department;

(b) one shall be a person nominated by the regional panel from the following:

(i) a legally qualified medical practitioner;

(ii) a registered or enrolled nurse;

(iii) a psychiatrist or a registered psychologist; and

(c) one shall be a person nominated by the regional panel from the following:

(i) a member of the police force;

(ii) a registered teacher;

(iii) a social worker employed in a hospital or a medical practice;

(iv) a person who is qualified, or has experience, in the field of child welfare.

This subsection deals with the establishment of local child protection panels and their composition. The Bill currently provides for such a panel to consist of three members, one of whom will be a member of the Department of Community Welfare, and two of whom shall be nominated from a list of persons from an appropriate range of occupations. The Opposition supports this measure and the composition of three members for the panel. It agrees, too, that one of those members should be an officer of the department. However, we would like a guarantee that the composition of the panel is as broad as possible in terms of experience and expertise. The list of occupations from which two members of the panel may be chosen can be separated into two groups, one with a medical basis (that is, a medical practitioner, registered or enrolled nurse, psychiatrist or registered psychologist) and the second group, which is non-medical (that is, a member of the Police Force, registered teacher, social worker employed in a hospital, medical practitioner, or a person qualified or experienced in the field of child welfare). To ensure the broadest range of experience and expertise on the local panels it is desirable that one person should be chosen from each occupational group. Our amendment seeks to guarantee that that will occur. I hope that the Committee will support it.

The Hon. J. C. BURDETT: The amendment is designed to ensure a good balance of representation on local panels and the Government supports the amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 31, line 9—After "at regular intervals" insert "of no more than six months".

This clause provides that one of the functions of the local panels shall be to report at regular intervals to the regional panel about the region in which it is situated and on work being done by that local panel. Our amendment seeks to strengthen this provision by providing that the local panels should not only report at regular intervals, which could mean, say, not more often than every three years, but also

that panels should report reasonably often. We believe that it is reasonable to expect local panels to provide reports at least twice yearly, hence the amendment.

The Hon. J. C. BURDETT: The amendment will help to define "regular intervals" and the Government accepts it.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 31, after line 31 insert new paragraph as follows:

(fa) any person employed in a school as a teacher aide;.

New section 91 provides for particular persons to notify the department about suspected maltreatment of children. We support this provision and the occupational groups, or the designation of the occupational groups, which are required to make these reports. However, we feel that in the education area teacher aides as well as teachers should take such responsibility. The reason for this is that the trend in recent years in our schools has been towards the use of open-unit classrooms, which means that quite often teacher aides have closer contact with students than do teachers. Therefore, they should have the same sort of responsibility in this area to report suspected maltreatment of children as do registered teachers because they may be more likely to notice that maltreatment has occurred.

The Hon. J. C. BURDETT: The Government accepts the amendment.

Amendment carried.

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

Page 32, line 25—After "he may" insert ", if the Director-General authorises him to do so,".

Amendment carried; clause as amended passed.

Clauses 7 to 11 passed.

Clause 12—"Provision for blood tests."

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

Page 33, after line 38 insert new paragraph as follows:

(ab) by inserting in subsection (3) after the passage "the mother of the child" the passage "(if the mother is alive)";

Page 34—

Lines 3 and 4—Leave out "the child, the mother and the defendant are all living, and".

Line 10—After "the defendant" insert ", or the child and the defendant, as the case may be,".

After line 19 insert new paragraph as follows:

(ea) by inserting in paragraph *(b)* of subsection (9) after the passage "or either of them does not," the passage "or, where the mother is dead, the child referred to in the direction does not,".

The Hon. BARBARA WIESE: The Opposition supports this amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 33, after line 38 insert new paragraph as follows:

(ab) by inserting in subsection (3) after the passage "the mother of the child" the passage "(if the mother is alive)";.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 34, lines 3 and 4—Leave out "the child, the mother and the defendant are all living, and".

The Hon. J. C. BURDETT: This is consequential upon the previous amendment and the Government accepts it.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 34, line 10—After "the defendant" insert ", or the child and the defendant, as the case may be,".

Amendment carried

The Hon. ANNE LEVY: I move:

Page 34, after line 19 insert new paragraph as follows:

(ea) by inserting in paragraph *(b)* of subsection (9) after the passage "or either of them does not," the passage "or, where the mother is dead, the child referred to in the direction does not,".

Amendment carried; clause as amended passed.

Clauses 13 to 32 passed.

Clause 33—"The Director-General may require report."

The Hon. BARBARA WIESE: I do not wish to proceed with the amendments on file in my name to this clause and to clause 34.

Clause passed.

Remaining clauses (34 to 36) and title passed.

Clause 6—"Repeal of Parts II, III and IV and substitution of new Parts"—reconsidered.

The Hon. BARBARA WIESE: I move:

Page 11, lines 9 and 10—Leave out proposed section 24 and insert new section as follows:

24. (1) The Minister may enter into agreements for the provision or promotion of community welfare services or other related services.

(2) Subject to subsection (3), the Minister may enter into such an agreement with—

(a) a person or group of persons with appropriate experience, qualifications or expertise in the provision or promotion of the relevant services;

(b) an organisation, established for the purpose of providing or promoting community welfare services, or other related services, that employs staff with appropriate experience, qualifications or expertise in the provision or promotion of the relevant services; or

(c) a local government authority.

(3) The Minister should avoid, so far as practicable, entering into agreements providing for long-term care of persons in need of such care unless he is satisfied that the other parties to the agreement do not enter into those agreements with the object of making a profit.

As I stated in the second reading debate and in Committee, new section 24 provides for the Minister to enter into agreements for the provision of community welfare services. This is the provision that has concerned the Opposition most during the debate on this Bill. As it stands, this provision is so wide open that the Minister could, if he saw fit, hand over the greater part of community welfare services in this State to private enterprise. It would enable him to contract out the most costly services to private organisations to save money.

It would enable him to make agreements with unscrupulous organisations whose major motive was profit making. In view of the Government's preference for contracting out Government services to private enterprise in other areas, it is not unreasonable that the Opposition should be concerned about this possibility in the community welfare area as well. The Minister has given some assurances in regard to some of these questions, and I have no doubt about his sincerity in giving those assurances, but he will not be the Minister forever, and circumstances may change.

The Hon. R. J. Ritson interjecting:

The Hon. BARBARA WIESE: I should not think so; one never knows, but the Minister may be moved and some other member of your Party may replace him. We may not have the same faith in his successor that we occasionally have in the Minister. Therefore, the Opposition believes that, in the interests of the people of this State, safeguards ought to be built into this legislation to minimise the risk of undesirable practices developing in the field of community welfare in the future.

I am grateful to the Hon. Mr. Milne for recognising the dangers that are inherent in the legislation and for

participating in the discussions that have led to the drafting of this amendment. I am sure that without his intervention the Government would have stood firm and opposed the safeguards that the Opposition wishes to incorporate.

Like the previous amendment, the first part of this amendment seeks to describe the persons or groups of persons and organisations with whom the Minister may enter into agreements. It is broader than the previous amendment was, in that it is not confined to persons providing community welfare services. It also provides for other relevant services. The Opposition acknowledges the need for this flexibility and has been willing to incorporate it.

The second part of the amendment deals with profitmaking. As I said, the Opposition was concerned to prevent an agreement being made with organisations whose prime motive was profit. I think that the Minister recognised the intention of our original amendment on that matter, but opposed it because of his concern that it would prevent the employment of such people as psychiatrists and others whose salaries could be regarded as undesirable profits. This was certainly not the Opposition's intention. However, we were concerned to avoid situations like those existing in some private nursing homes for aged persons in long-term care, where proper service and care is subordinate to making profit. We have sought to accommodate the Minister's objections in this regard and, although the provisions of this new amendment are not as strong as those of the previous amendment, we are prepared to accept them because they cover the main area of our concern. However, I give notice that the Opposition will monitor this position closely to ensure that the abuses that we fear do not occur.

The Hon. J. C. BURDETT: The Government accepts the amendment. As a result of what was said when this matter was last before the Committee, and as a result of the Hon. Mr. Milne's seeking consultation between the Hon. Miss Wiese and me on this matter, and as I undertook to hold that consultation, such consultation was held between the Hon. Mr. Milne, the Hon. Miss Wiese, a member of the Opposition's Community Welfare Committee, myself, and an officer of my department.

As a result of that consultation, this amendment and the subsequent one were agreed to. I made it clear that the Government had no intention of changing its practice in regard to contracting out. It made clear that it was legal and it also made provision for a handbook to set out, as far as reasonably practicable, all the things which the department does. The objections I had to the Hon. Miss Wiese's original amendment were in regard to a group of persons. The expertise was confined to community welfare personnel. Some people who provide services do not have expertise in community welfare. This amendment provides for those people. In regard to profit-making organisations, I made it clear that there was no intention to change course. It is clear that the Hon. Miss Wiese was concerned about the long-term care of persons in need of such care whereas my reservation was that in the previous amendment there were other things as well as long-term care that would be prohibited by the terms of the amendment. The amendment as it now stands encompasses exactly what I have in mind and does not impose any inhibitions which would disturb the department. I am pleased to support the amendment.

Amendment carried.

The Hon. BARBARA WIESE: I move:

Page 17, after line 29 insert subsection as follows:

(2) In determining whether a child is to be placed in the custody of a foster parent, and, if so, the foster parent in whose custody the child is to be placed, the Director-General shall consider the views of the guardians of the child so far as they are known to, or readily ascertainable by, the Director-General.

This amendment represents a compromise which has been made possible by the further discussions which the Minister, Mr. Milne and I have had. I am pleased that the Minister was willing to discuss the matter further, thereby enabling a compromise to be reached. The Opposition's intention in the Committee stages was to introduce an amendment which would provide a guarantee that the parents or guardians of the child would be consulted when foster placement for the child was being contemplated. I acknowledge the point made by the Minister that, in cases where a child had to be placed urgently, it was impractical to require that parents should be given seven days notice of intention, as our first amendment sought to do. However, our prime aim in moving such an amendment was to ensure in cases of long-term placement that the parents' or guardians' views would be taken into account. The amendment I am now moving covers that concern.

The Opposition acknowledges that in some cases it may not be possible for the parent or guardian to be contacted and in those cases we believe that the department must take action as it sees fit in the best interests of the child. We have agreed to include in any amendment adequate provision for that to occur. I thank the Minister again for co-operating in this matter. This amendment represents a satisfactory compromise. It recognises the rights of parents which the Opposition sought to protect and, at the same time, gives the department the flexibility it needs in special cases to make decisions in the best interests of the child.

The Hon. J. C. BURDETT: My only objection to the previous amendment was that it would have prevented emergency foster care placement and other placement where it was not possible to consult the parents. The amendment in its present form takes care of that and only provides for what is the present practice of the department. I am pleased to support the amendment.

Amendment carried; clause as amended passed.

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

That this Bill be now read a third time.

In so doing I thank honourable members for their consideration of this important Bill in its Committee stages. I especially thank the Hon. Miss Wiese and the Hon. Mr. Milne for their co-operation with me and officers of my department in working out various amendments where they saw merit and where some difficulties arose. This co-operative style in dealing with Bills, particularly in the Committee stages, whilst perhaps not always appropriate, could be an example to the Council on some other occasions.

Bill read a third time and passed.

[Sitting suspended from 5.57 to 7.45 p.m.]

FOOD AND DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 3199.)

The Hon. FRANK BLEVINS: The Opposition has much pleasure in supporting this small and technical Bill, which does exactly what the Minister of Community Welfare said it did when he introduced it. The Opposition spokesman on health in another place has indicated his support for the Bill, and I see no reason to delay its passage any further.

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

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 February. Page 3198.)

The Hon. M. B. DAWKINS: I rise to support this Bill, which, as the Hon. Mr. Blevins said regarding the Bill with which the Council has just dealt, was accurately described in the Minister's second reading explanation. It will enable Samcor to operate in a much more satisfactory manner than it has been able to do.

Samcor was preceded by the Metropolitan and Export Abattoirs Board, and the abattoirs, as it has been known for very many years, has had a long history of problems that are unavoidable in relation to a service abattoir. It also had the problem of what I consider to be considerable over-capitalisation in the 1970's, and this caused a crippling debt structure to occur.

I commend the plan drawn up by Mr. Inns, who, for some eight months, has been full-time Chairman of Samcor. Before that, he acted on a part-time basis. The plan, which has been set out in the provisions of this Bill, is to be commended and will enable Samcor to operate on a businesslike basis. As the Minister said, the Bill effects a recent financial restructuring of the corporation and will develop and put into effect a corporate plan for the future role of Samcor.

I approve of the arrangements for the disposal of land that is surplus to Samcor's requirements, as well as of the arrangements in the Bill that seek to restructure the situation at Port Lincoln, which has been experiencing difficulties for a considerable time.

The fact is that at present Samcor's capital structure is made up entirely of borrowed funds and, as indicated by the Minister's second reading explanation, the purpose of the 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.

As the Minister indicated, it is some satisfaction for one to learn from the 1979-80 annual report that the corporation has been able to make an operating profit of over $1 000 000. That is, of course, before one considers the payment of interest and depreciation, which payments have been so crippling for Samcor for a considerable time.

There is a need to enable Samcor to be relieved of these interest debts and depreciation costs, and in these conditions it will be possible for Samcor to operate in a much more successful and businesslike way. Without further ado, I commend the Bill to honourable members and support the second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions to this debate.

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

KANGARILLA TEMPERANCE HALL (DISCHARGE OF TRUSTS) BILL

(Continued from 26 February. Page 3238.)
In Committee.
Clauses 1 to 3 and title passed.
Bill read a third time and passed.

SOCCER FOOTBALL POOLS BILL

Adjourned debate on second reading.
(Continued from 25 February. Page 3197.)

The Hon. M. B. DAWKINS: I am unable to support this Bill, but I point out that I am not a spoilsport. I am a very keen follower of sport. In my youth I played cricket and football, albeit badly, and I am still a very keen follower of both cricket and football. I do not know a great deal about soccer, apart from what I have seen on television from time to time. Soccer, particularly in the old country and in other countries, attracts a tremendous following and is attracting an increasing following in this country, which concerns some of the administrators of our national code. I emphasise that I am interested in sport and keen to see it advance. I am also keen to see it played in the true spirit in which sport should be played. However, I find this Bill disturbing.

I point out that I have had no representations whatsoever from those people who might be expected to oppose this legislation. That may well be because in the view of many people it involves a somewhat innocuous form of gambling which does no great harm to anyone. In fact, that may well be the view of the populace at large. However, people may not have realised the way in which this Bill may open the door to a further increase in gambling in this State.

As recently as last weekend, in the press, considerable impetus was given to the persuasion of the public towards what are known as "one-arm-bandits". That type of gambling is indulged in New South Wales. It was stated in the press that many of the football clubs in this State would seek poker machines for their clubs. If this legislation is passed I believe that it will only give impetus to the demand for increased gambling facilities, particularly for the football code and probably for other forms of sport.

The attitude towards gambling in this country has changed very considerably over the years, and I do not think there are too many people today who would not support innocuous types of gambling, such as raffles for charity. I believe that that form of gambling is generally accepted, especially when it is conducted for a good cause. On the other hand, I believe there are many people in this country who, whilst they may approve of that type of gambling and may have the occasional flutter, would be very concerned if we were to introduce into this State the extreme form of gambling which obtains in New South Wales with its inherent addiction, and I am referring to poker machines. I believe that that would be a retrograde step. For that reason and the fact that I believe that the introduction of soccer pools in this State would give an impetus for the demand for that type of gambling to be introduced here, I cannot support this Bill.

I emphasise that I am not opposed to sport. I believe that this country would be much better and healthier if sport were indulged in more widely by the community. I believe much more amateur sport is needed today because in recent years sport, particularly cricket and football, has been spoilt because of the amount of money now involved. These days sportsmanship tends to fly out of the door and sportsmen are becoming more concerned about money, so they must win at all costs. I believe that as a result sportsmanship and sport as a whole are suffering. There was a time when cricket was a game played by 11 players in a sportsmanlike and unselfish way, and if a batsman was given out he walked. Today if the umpire gives a batsman out there is a possibility that he will knock the stumps out.

The Hon. Frank Blevins: Or knock the umpire out.

The Hon. M. B. DAWKINS: Yes, they might even do that. To my mind it is a very great pity that a good sport is spoilt by an over-emphasis on the almighty dollar.

The Hon. Frank Blevins: Prostituted.

The PRESIDENT: Order! Let us not get too far away from the Bill.

The Hon. M. B. DAWKINS: It is not very often that I agree with the Hon. Mr. Blevins, who led the Opposition so effectively during the absence of the Hon. Mr. Sumner. However, I agree that sport has tended to become prostituted to the almighty dollar. I believe that the introduction of this legislation, as innocuous as it may seem of itself, could lead to further commercialisation and further lack of sportsmanship in sport, so I must indicate to the Council that I cannot support this Bill.

The Hon. ANNE LEVY: I, too, cannot support this Bill, but my reasons are completely different from those of the Hon. Mr. Dawkins. I wish to make it quite clear that my opposition is in no way based on wowserism. I have no objection whatsoever to gambling. If people wish to gamble that is their business, and I would not wish to be party to stopping them from any form of gambling that they may choose. Personally, I think that gambling is a rather silly and boring activity, particularly if one has any notion of the appalling odds which most gamblers undertake. If people want to have their fun that way, far be it from me to stop them.

My reasons for opposing this Bill are quite different and come from the set-up which is involved with this legislation whereby a licence will be given. All members would be aware of Vernons Soccer Pools, which will proceed to rip off South Australians, and will take a great deal of money out of this State and beyond the control of this State to the detriment of other gambling which is a benefit to our community. I realise that many sporting bodies have supported this legislation, but I wonder whether their support is not misplaced.

I certainly am in no way opposed to greater funding for sport in the community, and I believe that greater playing of sport would be desirable, particularly amongst the women members of our community whose participation in sport tends to be much lower than that of men.

It has been claimed that by having soccer pools 30 per cent of the takings will go to the South Australian Government and straight into a sports fund, amounting to about $1 000 000 a year. It has been suggested that this is an over-estimate. Queensland has a similar arrangement with Vernons, whereby 30 per cent of the gross takings go to a special fund, but the fund has been receiving only about $600 000 a year. The Council must remember that, although Brisbane has a population about the same size as Adelaide, the Queensland population is nearly double that of the South Australian population.

If the Queensland population can produce only $600 000 for a fund from soccer pools, it is most unlikely that there will be $1 000 000 raised in South Australia—it is more likely to be only $300 000 or $400 000. Furthermore, we need to consider that, if soccer pools are introduced into South Australia, it must have one of two effects: either it will increase the total amount of gambling that occurs or it will merely substitute this form of gambling for another form. I am sure members would agree that in the current economic circumstances there is not an infinite elasticity to the gambling dollar and that introducing a new form of gambling may increase slightly the total amount of gambling that occurs in the community, but it is more likely to result in the substitution of one form of gambling for another.

Therefore, if soccer pools are introduced to South Australia we can expect that there will be a corresponding fall, or a nearly corresponding fall, in the gambling which occurs through our Lotteries Commission. As we all know, the Government revenue from the Lotteries Commission goes to a Hospital Fund, which benefits all hospitals in the State. If Lotteries Commission revenue falls because soccer pools are introduced, there will be a loss to the Hospital Fund and, in effect, we will be transferring revenue from hospitals to sporting bodies.

In no way do I denigrate sporting bodies when I say that I would feel it disastrous to reduce the moneys available for hospitals in this State. The health situation is not one about which we can be confident at the moment. We have a contraction in the Health Commission budget; hospitals have been told to cut their budgets already, and there is a suggestion that our hospitals agreement, which is binding on the Commonwealth until 1985, will be voluntarily abdicated by the present Government, and our hospitals could well be in a parlous situation in the next year or two.

In these circumstances it would seem unwise to contemplate introducing soccer pools which could result in funds for hospitals falling still further and causing even more problems in that area. Furthermore, if soccer pools were introduced, the Lotteries Commission would obviously have to step up its measures to increase or maintain its current share of the gambling dollar. This may mean that it has to undertake advertising campaigns which cost money. The commission may even have to pay agents' commissions, which currently it does not. Agents' commissions are paid by the buyers of lottery tickets as a slight addition to the sum paid for the lottery ticket.

However, I understand that with soccer pools the agent's commission is not added on in any way but is paid for from the total takings. It could well be that with agents' commission being paid by Vernons Soccer Pools there will be strong pressure on the commission to provide the agents' commissions out of its takings likewise. It has been suggested to me that, if the commission itself has to pay the agent's commission and has to indulge in high advertising campaigns to persuade people to continue buying tickets in the State lottery, the cost of this to South Australia could amount to as much as $4 000 000. This loss of $4 000 000 will be balanced only by a gain of a maximum of $1 000 000 to the sports fund.

It seems to be an absurd trade-off to make. We would be much better off not having the $1 000 000 or, as I suggested, less than $1 000 000 being subtracted from the Hospitals Fund and going to sports funds, as suggested in the Bill. We can be sure that soccer pools will advertise aggressively, as they will receive free publicity through one of Adelaide's newspapers. To counteract this the commission will obviously have to spend a fair amount of its revenue on advertising, which will cut down the receipts to the State and to South Australian hospitals.

Furthermore, there is no guarantee whatever that if this sports fund is set up, with up to $1 000 000 going into it each year, the Government will not then cut the money that it is currently allocating for sport, thereby reducing the benefit to sporting bodies which they expect to obtain from soccer pools. For this and the other reasons that I have mentioned, I believe the suggested benefit to sporting bodies will be much less than the estimates that have been optimistically made. The value to sporting bodies may not equal the loss to the hospitals, which the State will otherwise suffer. True, the South Australian Government gives less money to sport than does any other State, and this has been admitted to us in letters that we have received from sporting bodies that support this Bill.

It seems to me that they have no guarantee that the little which is allocated in South Australia will not be cut even further, so that they will not be anywhere near as well off as they think they might be.

Also, I must register my objection to the proposed handover of a licence for a soccer pools competition to Vernons, a company controlled completely by Messrs. Rupert Murdoch and Sangster.

All the profits made from this operation are to go outside South Australia. There will be no involvement either in the profit—

The Hon. K. T. Griffin: What about the percentage that would go to the State?

The Hon. ANNE LEVY: I have talked about the 30 per cent which is a shift from hospitals to sport. It seems to be a ridiculous choice to have to make. There should obviously be Government support for hospitals and sport. It is not an either/or situation. Apart from that, all the profits involved from soccer pools will go outside the State. There will not be South Australian involvement either in profit sharing or in the board of directors who will control the operation, and it can only be described as a rip-off of South Australians. I am not unsympathetic with the idea that more money is required for sport but it would seem that it is much better to have a sports lottery run by the Lotteries Commission which could in that way provide money for sport in this State without any departure of profits out of the State. It would only require a very minor amendment to the Lotteries Act to enable a special sports fund to be set up into which the Government's share of a sports lottery could go.

I am sure that our Lotteries Commission is willing and able to have such a lottery and could provide a sports lottery at very short notice indeed. These people who are interested in sport could then be encouraged to buy tickets in a sports lottery and thereby perhaps attract into a sports lottery people who do not buy tickets in the ordinary lotteries. Previously there have been proposals for an Australia-wide lottery for sport although they seem to have fallen through. I am sure that it could operate well at the State level, and our Lotteries Commission is certainly willing and able to provide such a lottery.

One need only consider interstate lotteries, such as the Opera House lottery in New South Wales, and other extremely successful lotteries whose profits go to one designated project to realise that such a sports lottery could be very successful in South Australia, have wide appeal and avoid the otherwise deleterious effects on our hospitals which will occur if the Vernons Soccer Pools lottery comes into South Australia. I oppose the second reading.

The Hon. D. H. LAIDLAW: I support the second reading, because the duty paid to the Government is to be allocated to a sports development fund. So many amateur sporting bodies are in dire need of financial assistance, and this at least is one means of helping them. As a form of gambling it is a comparatively innocent one.

The Attorney-General has pointed out in his second reading explanation that the chosen recipient of the franchise, Australian Soccer Pools Limited, which is owned 75 per cent by interests associated with Mr. Robert Sangster and the balance by interests associated with Mr. Rupert Murdoch, has pools operating in each of the Eastern States and will shortly commence in Western Australia. By maximising subscriptions it is possible to pay large prizes, and this of course adds to the attraction of these pools.

Clause 6 of the Bill provides that only one licence to conduct soccer pools may be in force at one time. Therefore, the granting of this licence will provide a monopoly in this State. We are told that Australian Soccer Pools has devised a scheme which is nearly skulduggery-proof. The company clearly has some special knowledge to offer and is entitled to earn a reasonable margin of profit. But, since the effect of this proposal is to establish a monopoly, the Minister should maintain close control to avoid excessive profit.

Clause 14 provides that 37 per cent of the subscriptions shall be paid to the prize fund and 30 per cent paid as duty. The Attorney-General stated that 12½ per cent of subscriptions are to be passed to selling agents, which leaves a balance of 20·5 per cent to cover the licensee's overheads and a profit margin. Provision exists in clause 14 for the Minister to increase the proportion payable as prize money or duty during the currency of the licence. I understand that the comparable legislation in New South Wales and Victoria does not afford such discretion, and amendments to those Acts would be necessary to achieve uniformity.

I ask whether the Attorney-General would give an assurance that it is the Government's intention to scrutinise carefully the financial accounts of Australian Soccer Pools Limited and to liaise with Ministers in other States to ensure that the duty and prizes are maximised whilst still permitting the licensee some margin of profit. I support the second reading.

The Hon. J. E. DUNFORD: Members may be surprised, because I am a gambler—

The Hon. K. T. Griffin: I'm not surprised you're a gambler.

The Hon. J. E. DUNFORD: No, that is right. I have got guts and you have not, and it takes guts to gamble. I have many reasons to oppose this Bill.

The Hon. D. H. Laidlaw interjecting:

The ACTING PRESIDENT (The Hon. Frank Blevins): Order!

The Hon. J. E. DUNFORD: Thank you, Mr. Acting President. I am glad you are in the Chair, and I would not mind if you named a couple of members opposite. I read with interest the contribution of Mr. Wilson in another place during the second reading debate. I then read the speeches by Opposition members. The Minister congratulated and showed great respect for the member for Salisbury, Mr. Arnold, who spoke about company law. The Minister said that he could not argue with the member for Salisbury as it appeared that he had studied company law on the weekend but the Minister had not. It seems that the Bill should have been defeated in the other place. However, I will endeavour to reverse the situation tonight.

Mr. Dawkins is not opposed to sport and, in fact, supports it. I am of the same opinion. Mr. Wilson pointed out that the purpose of the Bill is to provide $1 000 000 annually, which is urgently needed for recreation and sport. I agree with him that we need at least $1 000 000 a year to promote sport in South Australia. It is healthy for our children who have plenty of spare time with unemployment running riot. I question whether there is an alternative to soccer pools as I believe there is.

The Minister explained that something like $30 000 a week goes to other States and the United Kingdom. The same thing occurred with Tattersalls years ago. I can recall Tom Playford saying that it was like putting poison into the hands of children. I believe that this could be combatted if we had competition in the State. Mr. Minchin has said today that there is a rush for the $1 000 000 lottery now being conducted in South Australia. I believe that if soccer pools come in they will attract people by the size of the prize, irrespective of the percentage that they pay.

That has been proved quite clearly with the Lotto results. People stay out of it for four or five weeks until the stakes get higher.

The Minister said that the scheme would have to be operated either by the Lotteries Commission or by Australian Soccer Pools Proprietary Limited. From information I have received, the Totalizator Agency Board is ready to go as soon as this legislation, which has been tipped to go through the Council, is proclaimed by the Governor. The Minister also said that the Vernon organisation, with its effective security measures, has a proven record in this field. The Minister continued:

> It has a highly automated operation handling millions of dollars each week.

I believe that the person involved in Vernons is Mr. Sangster, who is well into the South Australian racing industry. Indeed, he started out as a used car dealer, but thought that it was much easier to buy and sell race horses than it was motor cars. I would not like to see Mr. Sangster ripping off the people of South Australia. The Minister continued:

> The Lotteries Commission was asked whether it wished to become involved as an agent of Australian Soccer Pools in South Australia, with lottery agents to be used as selling outlets. The commission subsequently advised that it was not prepared to become involved in Australian Soccer Pools.

That decision must have been taken by the Lotteries Commission, which I congratulate. I imagine that the commission would have had the concern of its employees at heart when it took that decision. Also, I suppose the commission would maintain that it has the required knowledge and track record to enable it to run a lottery that would benefit sporting facilities.

It has been suggested that the commission should be allowed to run the soccer pools. However, the Minister has said that this is not an appropriate proposition, as it would be confined to one State and would not produce prizes that were as competitive or as attractive as those in the proposed scheme. That may be so, but, if a soccer pool is to be run in South Australia and this legislation passes, I would expect the Lotteries Commission to run it.

The commission has already decided against being agent for Australian Soccer Pools Proprietary Limited, which the Minister said could provide prizes of up to $400 000 and $500 000. A State-run pool could not offer those sorts of prizes. As I have already said, the size of the major prize seems to attract participants. One has merely to go to Las Vegas to see how the slot machines can return one as much as $250 000. Although during the time I was there a major prize was never won, there was a queue at the machines all the time. The major prize gets people in. The Minister also said that the evidence was that lottery turnover would not be affected to a significant degree. He continued:

> The New South Wales experience has been that certain other kinds of lotteries have boomed, particularly the million dollar lottery and Lotto. I do not anticipate that the Hospitals Fund will suffer any reverses because of the introduction of soccer pools.

New South Wales is a wealthy State with a large population. Already, we have seen a decline in industry in this State. As I said recently, if the report of the Industries Assistance Commission is implemented by the Fraser Government, a major industry in South Australia would (to use the Minister's words) be destroyed. To say that other lotteries will not be affected is untrue, and it is not good enough for the Minister to say that he does not anticipate that the fund will suffer.

If the Lotteries Commission could have a special sports lottery (I am told that it could get a $1 000 000 lottery going within weeks), we would have an assurance that the Hospitals Fund in South Australia would not be affected. The Minister also said that small lotteries run by local clubs would not suffer. He went on to state that the Council of Churches in Great Britain agreed that playing pools could not be classified as serious gambling. Although I agree with that, it makes me wonder, if this Bill passes, how much small amateur clubs will get. Big clubs have big followings. For instance, Mr. Fraser is the No. 1 member for Sturt. I imagine that, if this Bill passes, the wealthier clubs will get the cream of the business.

I recall the Hon. Dr. Cornwall saying in his second reading speech that he would rather support a casino and jackpot machines, commonly referred to as one-armed bandits, than soccer pools. I agree with the honourable member because, after all, with the forms of gambling that now exist in our society the pay-back to the participant is very small.

I have always been opposed to jackpot machines but, when one goes into a hotel these days (I do so frequently), one finds that they have slot machines for beer and cigarettes, as well as pool tables, space machines and instant bingo. The hotels say, "We have a sports club, but we do not get any rake-off." Of course, the hotels sell their beer to those clubs. Although the participant does not get much, in a prosperous club the return must go back to the club.

For that reason, there are many ways in which sporting interests and clubs in South Australia can be helped without soccer pools paying 30 per cent of their money in prizes, compared to the 60 per cent paid by the South Australian Lotteries Commission, giving a small amount to our Minister's fund and $1 000 000 to the sporting fraternity in this State. I will quote again my fine comrade, the Hon. Dr. Cornwall, who said that this is a licence for Sangster, Murdoch and company to print money at the expense of the South Australian public.

I have received only one letter from a sporting organisation asking me to support the Bill. This was from the world fencing championships organisation, and that is the only proposition that I have received. I believe that all persons in the sporting fraternity know as well as I do, and indeed better than the Government knows, that there are other ways of getting more than they will get from Mr. Sangster.

The Minister also said in his second reading explanation that it is not the prime purpose of this proposal to create employment. However, I should have thought that it ought to be a prime thought in the Government's mind. Despite that, the Minister has said that it will mean extra employment by the pools organisations in South Australia as well as some spin-off in the form of work related to printing, distributing, collecting, collating, selling, advertising and marketing. There will be a rip-off in printing, advertising and distribution. It will all go into Murdoch's pocket, and the South Australian Lotteries Commission, in order to compete with the soccer pools, will have to advertise much more extensively.

It will be a huge cost to the South Australian Lotteries Commission, which the public of South Australia has grown to respect. The Labor Government formed that commission to help with the upgrading of and building of hospitals in this State. That will all go by the way if this Bill is carried. There is a current estimate of approximately 40 per cent being paid by Australian Soccer Pools. The South Australian Lotteries Commission is up for about 60 per cent. Clause 15 provides that the prize fund is to be kept in a bank account approved by the Minister, being a bank account kept in this State, or any other State in which the licensee conducts soccer pools pursuant to a corresponding

law. That is interesting. We might find that the licensee, with headquarters and banking facilities in New South Wales, may also bank there, so we lose not only taxpayers' money—

The Hon. Anne Levy: They have sold the Bank of Adelaide.

The Hon. J. E. DUNFORD: They have sold the Bank of Adelaide; they have sold John Martins. Where is South Australia going with this type of legislation? The Government is selling right out.

The Hon. B. A. Chatterton: It's going interstate.

The Hon. J. E. DUNFORD: The Hon. Mr. Chatterton put the words in my mouth: South Australia is going interstate, and we say, "This is our State, mate." Well, the Liberals do. Clause 17 provides for the establishment at the Treasury of a fund to be called the "Recreation and Sport Fund" for the payment of a duty into this fund. That fund is to be used for the development of sporting facilities approved by the Minister. There is nothing wrong with that, if he gets the Bill through. It is an interesting subject: what the newspapers owned by Murdoch can do to encourage people to gamble by using advertising. We know the propaganda medium. He destroyed the Federal Labor Government. Anyone watching television will have seen him referred to as a "dirty little Digger" on Saturday night. He is referred to in England now as "the dirty little Digger". His newspapers will be encouraging families, by using gimmicks and all sorts of prizes, to participate in soccer pools.

The beneficiaries of gambling are people like Sangster and Murdoch. Of course, we have all seen the terrible problems of gambling in our society. I agree with the churches that a game of lotto, and that sort of thing, is not very damaging to people, but when gambling gets into the hands of people like Murdoch, whose God is mammon, they will do everything possible to extend their empire at the expense of the South Australian pocket. The man we support, if we support this Bill, is the man who, when he took over *The Times,* promised people that he would keep their jobs for them. He had meetings with them. A week later he dismissed something like 500 people. This is the sort of bloke honourable members are supporting if they support this Bill. He owns something like 80 newspapers, as was stated on *Four Corners.* He owns most of them in Australia. He is now arguing in the High Court that he should own Channel 10 in Melbourne.

We can well imagine how he influences people in the political regimes. It has been suggested he could have had something to do with influencing the Government in New South Wales. I would not have that on, because I know Neville Wran. That is a scurrilous lie, but it is interesting to note that he is giving Neville Wran a fairly good time in the press. I would not be surprised if Mr. Murdoch was responsible for pushing this through Parliament and down the throats of the public of South Australia. The same person has been before a United States Senate committee, where he was accused of manipulating banks in new York to get cheap interest rates; he got 7½ per cent when the ruling rate in America was something like 12 per cent.

The Hon. K. T. Griffin: That is nonsense.

The Hon. J. E. DUNFORD: Nonsense or not; it was on the television, and I believe it for a change.

The Hon. J. R. Cornwall: On Channel 2.

The Hon. J. E. DUNFORD: Yes. I believe, as was pointed out there, that he supported Carter in the New York primary. If he has done these things in overseas countries, what could he do for the Liberal Party here? He has already won an election for the Liberal Party in this State. Is this the sort of man we will entrust with running soccer pools in South Australia? Should we trust the running of soccer pools to a man with such a devious record?

I would like to point out that it would not be true to say that, because other States have agreed that Mr. Murdoch's soccer pools are the ones to deal with, it necessarily follows that we should have to deal with them. As I pointed out earlier, Mr. Lynn Arnold, the member for Salisbury, made the Minister in another place look rather inexperienced when he expressed his opposition to this Bill. Certainly the Minister indicated that the member for Salisbury, in opposing the Bill, had far too much detail for him to debate on the floor of the House. Of course, that did not make any difference to the decision of the House, because we all know that this is a numbers game.

I was interested to read what Mr. Arnold said to the Minister when he talked about exempt proprietary companies while quoting from company law. He spoke of the advantages of secrecy in financial affairs available in certain circumstances. He spoke of several advantages. First, it is not prohibited from making loans to directors; it is an exempt company. Secondly, when appointing an auditor, members, unlike members of other companies, are prohibited from appointing an officer of the company, a partner, employer or employee, provided he is the registered company auditor. Thirdly, when the company's auditor's boards consider it impractical to obtain the services of the registered company auditor, the board, because of the location of the company's business, may stand for another appointment, and certain items normally required may be admitted.

He went on to say that he had admitted some of the advantages because they are not relevant. I raise that point because a Memorandum of Association forwarded to me for Australian Soccer Pools, as the company was in 1974, indicated that at that stage it would have been an exempt proprietary company. By virtue of the News Limited shareholding it is now no longer exempt, but by virtue of share transport could become exempt again. The Minister should consider making it a condition that, if an exempt proprietary company wants to apply for a licence, it will not enjoy the advantage of secrecy of financial affairs as mentioned in the passage I have quoted. As one can see, if this becomes an exempt company by manipulation, by the transferring of shares, Mr. Murdoch will be able to keep all the secrets he likes from the Government. Without going on to give detail of Mr. Wilson's reply, he said he had not studied company law as much as the member for Salisbury and he did not pretend to know as much about the subject, but that he would give an undertaking that he would put that in the conditions. He said that he would have to take Crown Law advice and that there was no question about that. The Minister was not prepared to give the honourable member an undertaking that he would put those things in the conditions without first obtaining that advice. The Minister told the Assembly on 18 February 1981, that if this Bill was passed by this Parliament, given Vice-Regal assent, and proclaimed, he would enter into negotiations with Australian Soccer Pools. There is no question about that, and I would not like the Committee to be under any misapprehension. It was stated:

> However, during the negotiations if I believe that the State will be disadvantaged I will of course not proceed or I will certainly recommend that the Government does not proceed because that decision will have to be taken by the Government. In fact, if I do negotiate with Australian Soccer Pools, that will also have to be agreed to by Cabinet, and there is no question about that, either.

On the one hand he said that he would not proceed, but then he realised that he did not have the say and said that

he would recommend to the Government that it should not proceed. He then stated:

> I am not trying to hide anything. There is no commitment or deal with Australian Soccer Pools.

That sounds pretty hollow to me in view of his previous statement. He said:

> I will be prepared to enter into negotiation with that company if and when the Act is proclaimed.

From information I have received, the T.A.B. is now ready and able and in fact prepared, and the wheels have already been placed in motion, to get soccer pools off the ground in South Australia. I am sorry, but I am not able to tell the Council the source of my information, but I believe it to be correct.

I said that I received only one request from all the sporting federations in South Australia, but I did receive another from the South Australian Olympic Council. They are the only two requests that I have received. The South Australian Lotteries Commission could run a special lottery for sport. The money raised would remain in South Australia and most of the prize winners would be South Australians. The South Australian Lotteries Commission has the know-how and expertise to run such a lottery. I appeal to those people who are sincere about South Australia to reject this Bill, to reject Murdoch and Sangster, and let the Lotteries Commission conduct a sports lottery which will provide the money needed for the promotion of sport and recreation for the people of South Australia.

The Hon. L. H. DAVIS: I think it is about time that we brought some perspective into this debate and looked at the amount of money that the Government is seeking to raise through the implementation of a soccer pools scheme, compared with the amount of money that is presently raised through gambling. In 1978-79 lottery taxes raised $15 200 000 in South Australia and racing taxes raised $11 100 000. The proposal now before the Council seeks to raise only $1 000 000 for the Government through the introduction of soccer pools. In other words, it will only account for a total of 4 per cent of money raised through gambling tax measures. In fact, if one goes further and compares South Australia to the other States, the figures suggest that this Government is raising very little revenue through gambling taxes.

In 1978-79 South Australia accounted for only 5·5 per cent of the total gambling taxes raised in Australia, although we had over 9·2 per cent of Australia's population. Therefore, as I said, let us put some perspective on this issue. To suggest that an additional $1 000 000 raised through soccer pools, which is 4 per cent of what is currently raised through gambling taxes in this State, would distort the payments to the hospital system and would jeopardise the operation of the South Australian Lotteries Commission makes the argument rather thin.

The fact is, as has already been put forward by the Minister when debating this Bill in another place, $1 500 000 a year already leaves this State from investment in soccer pools in the United Kingdom or the Eastern States. If one takes 30 per cent of $1 500 000, which is the figure proposed as the portion that will be retained by the Government, that means that the Government would be receiving $450 000 from the estimated moneys which at this stage leave South Australia each year for investment in soccer pools overseas or in the Eastern States. However, in her speech earlier tonight the Hon. Miss Levy claimed that the figure was optimistic and that it would be very unlikely indeed to see $400 000 in this State. That is a rather facile argument when one looks at the figures. The fact is that if the South Australian Government is already giving up $500 000 in revenue to other States or overseas operators of soccer pools—

The Hon. N. K. Foster: That is a guess.

The Hon. L. H. DAVIS: It is a guess that has not been denied by members opposite. That figure accounts for about 50 per cent of what the Government estimates that it would receive from soccer pools. Soccer pools have many supporters in this State. To ignore that is to ignore reality. Ten per cent of South Australia's population was born in the United Kingdom, and many of these people are avid supporters of soccer pools.

The Minister, in his speech in another place, pointed out that interstate operations have already shown that soccer pools do not affect other forms of gambling which are in operation. In New South Wales, soccer pools were introduced in September 1975 and the New South Wales Government receives 30 per cent of total subscriptions, and two-thirds of such duty goes towards sport and recreation. Soccer pools were introduced in Victoria in 1974, with one-third of the revenue raised going to hospitals, charities and mental hospitals, and two-thirds to sport and recreation. Soccer pools were introduced in Queensland in 1976, with two-thirds of the Government duty designated to sporting and youth facilities, and one-third going to consolidated revenue. Soccer pools were introduced in Tasmania in 1974 and the money received by the Government *in toto* goes to consolidated revenue. It has been suggested that Western Australia is actively considering a proposal to join soccer pools. If that is the case, five of the six States of Australia will be involved in soccer pools, leaving South Australia aside for the moment. If one listens to the Opposition, it appears that it is opposed to soccer pools not on the merits of the case but rather because News Limited has a 25 per cent interest in soccer pools. That magnificent obsession of the Labor Party in relation to News Limited is something which the public should take into account if this Bill is defeated.

The fact is that Vernons have the sole rights to operate the United Kingdom soccer competition. It is a highly automated operation, and an operation that is believed to be very nearly fool proof in regard to the rigging of results. It is an honest operation, and the great benefit of the operation in the United Kingdom and the operation that exists in the other Australian States is that the larger the pool the greater the prize, and the more attractive the competition is.

For the Opposition to suggest that, if Western Australia goes ahead and joins soccer pools, South Australia should proceed with blinkers to run its own soccer pool operation through the Lotteries Commission is to ignore the situation, because the fact is that the pool here would be a small one and it would not necessarily attract support. In fact, it may lose money. The Opposition is so blinded in its hatred of News Limited that it seems to ignore, that, when soccer pools were first introduced to Australia, in the first year of operation it lost $900 000 in the year ended 31 June 1975.

There are risks attached to such an operation. The risks would be minimal indeed if we join an organisation which is established, which is respected, and which knows what it is all about. This company is experienced in the United Kingdom and in the other States but, if the Lotteries Commission were to run it, it would have to run the risk of loss, to run the risk of the Labor Party Opposition, with the benefit of hindsight, then accusing the Government of losing public money, which is something that I would not support.

It is also interesting to look at the figures from Tasmania, which is a small State with a population about

one-third the size of South Australia's population. The Tasmanian Government received $300 000 from the operation of soccer pools, so that I believe that the Minister's aim of raising $1 000 000 in revenue for a sport and recreation fund seems close to the mark. That sum of $300 000 raised in Tasmania was for 1978-79.

As to the argument that it would detract from other forms of gambling, the point has already been made that there is no evidence at all to support that view. It is very difficult to sustain that argument if one looks at the takings of lotteries, racing and soccer pools in all the other States, as was tabled in another place. There is no evidence to support that view. The other thing that I approve of in respect of soccer pools, although I must say that I do not know how they operate from personal experience, is the fact that it is a limited form of gambling.

The Hon. Mr. Laidlaw has already made that point, and evidence has already been led in another place to say that with a minimum 50c ticket, on average, in the other States the experience has been that the amount invested, on average, is $1·50. It is not a form of gambling that would raise the same concern with me as some other forms of gambling which are not yet in operation in this State. Therefore, for these reasons I support the broad proposal of this Bill. In respect of the way that soccer pools are to operate, members opposite can be assured that they will operate in exactly the same way as in other States, namely, that the prescribed minimum percentage of subscriptions payable in prize money is 37 per cent—it has been as high as 40 per cent—and the prescribed percentage of subscriptions payable to the State is 30 per cent, that agents' fees for selling soccer pool tickets is 12½ per cent, the promoter receives 5 per cent and operating costs are 15½ per cent, which will presumably tend to fall as soccer pools become established. These provisions have been accepted in other States, including acceptance by the Tasmanian Labor Government, which introduced soccer pools. They are also accepted by the New South Wales Labor Government.

The Hon. J. E. Dunford interjecting:

The PRESIDENT: Order!

The Hon. J. E. Dunford: The Lotteries Commission pays out 60 per cent.

The PRESIDENT: Order! The Hon. Mr. Dunford has already made his speech and has had the chance to make the points that he wanted to make at that time.

The Hon. J. E. Dunford: He wasn't listening.

The PRESIDENT: Order! If the Hon. Mr. Dunford continues to defy the Chair, I will take the necessary action that he is inviting me to take. The Hon. Mr. Davis.

The Hon. L. H. DAVIS: I am reassured by the provisions that exist in the Bill to enable a continuing review of the soccer pool operation if and when it is introduced in this State. I think that those provisions, such as are contained in clause 7, are important provisions, and I welcome the Minister's reassurance on those aspects of continuing review. The other point that should not be ignored is that, if this legislation passes this Council and similar legislation follows in Western Australia, all States of Australia will have a soccer pool operation using Australian Soccer Pools Proprietary Limited.

The respective Ministers in charge of the operation of soccer pools can meet together to ensure uniformity, consistency, a fairness of operation, and that the Government is getting its fair share of the subscriptions for whatever purpose they may be designated. In conclusion, I believe that soccer pools should be supported and that the ownership of the soccer pools, which has been seen certainly in this Chamber to be the main concern of the Opposition, is really of only incidental importance. Vernons Soccer Pools, with its experience in the United Kingdom and its image of respectability in the United Kingdom, taking into account that it is joined in its Australian operations with News Limited in operations being successfully conducted in four States, and perhaps shortly a fifth State, seems to be a sensible and suitable selection as the operator of soccer pools.

It would be folly for this State to go its own way and introduce a soccer pools scheme that was run by the Lotteries Commission, whereby under its very operation the prize would be unattractive and it would not attract support and may well involve the public and the Government in financial loss. If this Bill fails I will be sad, not because I am a supporter in a personal sense of soccer pools but because I believe that the aim of the soccer pool legislation is highly desirable, that is, the support of recreation and sporting facilities.

In introducing this Bill the Government is acting in a very positive direction. In my Address in Reply speech last year I commented that South Australian sporting successes are noticeably few, and that one measure that could improve the situation is to have greater public and Government support for recreation and sporting facilities, training and promotion, and I see this Bill as a very positive move for such an aim.

I support this Bill. I hope that the Opposition likewise would do that. I respect the fact that it is a conscience vote for them but I would hope that the ownership of the pools would not affect their reasoning and cause them to oppose the Bill.

The Hon. BARBARA WIESE: Other members in this debate have already put forward many of the arguments which have my support. I do not wish to repeat them at any great length but, as my Party has declared this issue a conscience issue at the second reading stage, I want to place my views on record. Like some of my colleagues who preceded me in this debate I oppose this Bill, although I do not have any particular objection to gambling of this kind. However, I do not particularly support it either. My position is rather ambivalent about this type of gambling. I do not think I have the right to exercise my conscience to prevent other citizens in this State from participating in this form of gambling if they so desire. Therefore, all being equal, I would reasonably support the introduction of soccer pools.

However, in this case I believe that the situation is different. The Government has made it clear that if this Bill passes, the company known as Australian Soccer Pools Proprietary Limited will be awarded the contract. That in itself I find rather strange, since presumably other applications will be sought. It seems that the Government has already decided which application will be the successful one. One could be forgiven for wondering why this might be so. I understand that other members in this debate have already speculated as to why it could be so, and I do not wish to join in that speculation.

Australian Soccer Pools Proprietary Limited is owned by the Vernon organisation from the United Kingdom and Rupert Murdoch's News Limited. The first objection I have to this Bill is based on the fact that this company will be the successful bidder. I am deeply disturbed that the Murdoch group is being assisted by Governments in this country to develop such a stranglehold on media, newspapers, and other business operations. There is no doubt that Mr. Murdoch will be in a prime position to use his control over other media outlets in Australia to promote his soccer pools interests in this State.

That leads to my second concern, which is that this is likely to have a profound effect on the revenue of the South Australian Lotteries Commission which, as

honourable members are aware, provides a huge amount of revenue for the Hospitals Fund in South Australia. The Government has made great play of the fact that some of the proceeds of soccer pools will be devoted to assisting sporting organisations. No-one would deny that that is highly desirable and indeed I support that. The point is that the South Australian Lotteries Commission has already indicated its willingness to set up a lottery of this kind which could provide such revenue. I understand that it is likely that such a lottery run by the commission would provide considerable and immediate returns to sporting bodies. Contrary to the statements made by the Hon. Mr. Davis prior to my speaking, the Lotteries Commission seems fairly certain that it would be able to make a soccer pools scheme profitable in this State. If it has that confidence, then I do, too. In other words, there would not be a lag time in reaping the rewards for sporting organisations with a State-run soccer pools scheme, as there is expected to be with the Australian Soccer Pools scheme.

My preference would be for the Government to support the sport in this State through our own Lotteries Commission, which is supported by all South Australians, rather than to hand over to an organisation which has shown itself to be particularly politically partial, divisive and unscrupulous in its dealings. In all conscience, I cannot support this move. I believe that if the Government were serious about providing financial assistance to sporting bodies in this State it would guarantee a reasonable allocation of State funds for that purpose. It has not done so. In fact, spending on sport by the State Government is the lowest in Australia, and that is deplorable.

The Hon. N. K. Foster: It was the highest before this lot got in.

The Hon. BARBARA WIESE: That is true. The Government has given no assurances that even the paltry sum it now gives will be maintained if soccer pools were introduced. If it really is committed to sport, the Government would guarantee a reasonable level of funding. Secondly, it would provide for additional funding (and I mean "additional" and not "substitute" funding) for sport through a State-run lottery or soccer pools scheme as proposed by the Lotteries Commission. This would have the wholehearted support of most South Australians and would avoid the divisiveness in the community which this current measure promotes. I oppose the Bill.

The Hon. K. L. MILNE: I will begin by placing before the Council the Australian Democrats policy on gambling; namely, we will not support additional gambling outlets in this State.

The Hon. C. J. Sumner: Do you always follow your policy?

The Hon. K. L. MILNE: I suppose as often as the Leader does.

The PRESIDENT: Order! The Hon. Mr. Milne.

The Hon. K. L. MILNE: I will first go through the argument for soccer pools and then the argument against soccer pools because, frankly, there are both. First, I will refer to the argument for soccer pools in South Australia. As it is, we are told that about $30 000 a week goes out of the State for soccer pools in Britain. That is the $1 500 000 that the Hon. Mr. Davis was referring to. Thousands of people love the game, especially British migrants. It is one of the least harmful ways of gambling, as the average amount spent by people taking part is between $1·50 and $2 per week per person. The profits will go to subsidised sport, and therefore sporting bodies want it introduced. I would like to see it introduced, as would many of the sporting bodies that I am connected with. However, I would not like to see it introduced at the expense of everyone else. It will create some full-time employment and some part-time employment. It has to be national to provide big enough prizes and to attract a large enough volume of money. I believe that South Australia is the only State without Vernon-type soccer pools. The Government has stated that it has examined the matter and is in favour of it. There seems to be no great opposition from the churches or the general public and I have not been approached by anybody.

The Hon. J. R. Cornwall: What about the Lotteries Commission?

The Hon. K. L. MILNE: They have not approached me now for about six months or a year. I will now refer to arguments against soccer pools. The present Government has given away millions of dollars of taxes predominantly paid by the rich and is now trying to raise money in other ways, largely from the not so rich. It will probably take away from other gambling games. The present scheme does not allow for changes in the rules being referred to Parliament as it does in Queensland.

In other words, once they are licensed they can change the rules, and Parliament will have no say in the matter. The prize money is relatively small as a percentage of all expenditure. I am told that at present the Government takes 30 per cent (the amount that will go to sport); prizes involve 37 per cent; promoters involve 5 per cent; operating expenses amount to 15·5 per cent; and agents' commission amounts to 12·5 per cent. I had all this explained to me by a gentleman who came from Melbourne to see me. When I told him that the figures were out of perspective, he said, "I forgot to tell you that they are going to be changed. The Government tax for sport will reduce to 28·9 per cent; prizes will go up to 45 per cent; operating expenses (including the promoters) will be 16·1 per cent; and agents' commission will reduce to 10 per cent." In my view, that is still out of perspective.

The Australian Democrats consider that the prize money should amount to 50 per cent; operating expenses should involve 10 per cent, and agents' commission should involve 10 per cent. When one compares both proposals with Tattersalls' lotteries, which run on 8 per cent, one sees that the prize money for X-Lotto is 60 per cent plus.

Foreign countries will eventually be invited to participate. I do not know whether that is good or bad. The organisations will be predominantly foreign owned. That does not worry me (I think that we can get too paranoid about that), provided that the organisation can produce figures similar to those of other lotteries and gambling organisations.

The Australian Democrats' stand is therefore as follows. First, we oppose the introduction of soccer pools under the present scheme. Secondly, we would be prepared to consider a better scheme, provided that the Government discontinues the Instant Money Game, which we believe is quite immoral: it is almost as bad as poker machines, and should never have been introduced. Furthermore, the Government knows it.

This is consistent with our policy of having no additional official gambling outlets. If the second reading of this Bill passes, I foreshadow moving an amendment which will provide that the Act shall not be proclaimed unless and until the Instant Money Game or some other gambling outlet is abolished.

The Hon. N. K. FOSTER: In opposing the Bill, I do not wish to repeat what has been said already by Opposition members. What has been said is perfectly true and logical

and is in accordance with the philosophy of those who sit on the Opposition benches.

The Hon. J. A. Carnie: I thought that this was to be a conscience vote.

The Hon. N. K. FOSTER: I am not worried about that. I do not know of any Government member who has a conscience. Of course, the members of the Party to which I belong can have a conscience vote on a number of social issues. There are matters on which a conscience vote ought to be taken. However, I do not think that a money Bill (as one would describe this), which has as its sole purpose the extraction of money from certain people in this State, fits into that category.

There is no comparison between a conscience vote on an abortion Bill, for instance, and a conscience vote on this Bill. A conscience vote on a money matter is not a true reflection of a politician's conscience.

The Hon. J. A. Carnie interjecting:

The Hon. N. K. FOSTER: If the honourable member wants me to be critical, I can be. I highlight the hypocrisy of Government members who have said tonight that they support this Bill on the basis that something will be done for sport. Do not the Prime Minister's words ring in Government members' ears? I refer to the false attitude that the Prime Minister adopted in relation to, and the bans he imposed on, our Olympic sportsmen and women. He called 15-year-old girls traitors because they would not bow to his way of thinking. There was a complete withdrawal by the Prime Minister of any form of support for those people. Then he abused them for not winning enough gold medals. He had absolutely no regard for their crying in the wilderness.

The PRESIDENT: I think that the honourable member ought to get back to the Bill.

The Hon. N. K. FOSTER: Very well, I will do so, Sir. I am totally opposed to this Bill for the simple reason that the scheme will be run not by the Lotteries Commission but by Mr. Sangster, whose name rhymes with "gangster". We will have individuals profiting from it, and that will be an entirely different situation from that which would obtain if the Lotteries Commission was running the scheme.

As the Hon. Miss Levy said, a simple amendment would allow the Lotteries Commission to do this. Members know full well that the commission has had this scheme planned for some time. However, the Government will not move an amendment for the purpose of allowing a sports lottery to be run in this State. If the Lotteries Commission conducted the scheme, no profit motive would be involved. Almost 70 per cent of the money would find its way back to the area from which it came.

I now refer to the document from which the Hon. Mr. Milne quoted. It is wrong for one to say that nifty Neville Wran (as he has been called by Government members) introduced the scheme in New South Wales. That scheme was introduced in 1975, when that Liberal renegade Lewis was in charge. One can go right through this, only to find that these people decided that the legislation for this State would not be based on the Queensland legislation. It is pointed out in the document to which the Hon. Mr. Milne referred that the scheme contained weaknesses because the matter of soccer pools might have to be returned to the Queensland Government if changes were to be made. They therefore put it in print, saying, "We recommend that the South Australian legislation should follow the New South Wales legislation," which it did with a few small alterations.

The document goes on to say what it will cost Australian Soccer Pools Proprietary Limited by way of tax. It states that advertising will cost $350 000, and that the first year's promotion will cost $250 000. Do Government members suggest that Mr. Murdoch will go to a different television channel for this purpose? Of course he will not. He will use his own resources to get back that $350 000 and $250 000.

That is what I am opposed to. That is not possible under the Lotteries Commission proposal, which has been adequately dealt with by other speakers tonight. The Government is worried about money going out of this State, but there is no way that it can control it. If someone offers a bigger and better prize, people will always go after it. If the Government adopts that attitude it should stop people going out of this State and spending money at Wrest Point, but there is no way that the Government can control that. If the Government is so concerned about money going out of this State it is about time it started worrying about the businesses that are leaving South Australia. It seems that the Government is only concerned about money going over the border in connection with soccer pools.

Staff salaries will amount to $170 000 a year, yet members opposite have suggested on a number of occasions that soccer pools will be a great employer of people. Agents will receive a commission of 12½ per cent, or $1 000 000 per year. However, many of the agencies operating in this State are mortgaged to the News-Sunday Mail group. Once again, with that group's existing business outlets, over $2 000 000 will be ploughed back into the Murdoch empire, and that is why I am opposed to this Bill. I can see no validity at all in the argument put forward by the Minister. I can see no validity in the argument put forward by the Hon. Mr. Dawkins, either, when he worries about his conscience if the Bill is forced to a vote.

The Hon. Mr. Dawkins has said that he is not a gambling man, but he most certainly gambled with the words he used in his speech tonight. I will be very disappointed if any other Government members rise to support this Bill. I am not trying to be critical of Murdoch on the basis of what he controls and whether or not he uses the media to make or break Governments. My Party has been unable to get that message through to alert people to this scoundrel—and he is a scoundrel. I consider him to be extremely dangerous, because he is becoming too powerful for the good of this State and this country. It is on these grounds that I most certainly object to this Bill, which will benefit this particular group of companies. I strenuously oppose the Bill.

The Hon. FRANK BLEVINS: I wish to make several comments before I indicate whether or not I support this Bill. The Hon. Mr. Davis referred to the Labor Party's obsession with Rupert Murdoch, and the Opposition's obsession with Rupert Murdoch. When he opened this debate tonight, the Hon. Dr. Cornwall made it quite clear that this was a conscience vote for members of the Labor Party.

The Hon. K. T. Griffin: And for the Liberal Party.

The Hon. FRANK BLEVINS: That could well be so: I have no idea and it does not really concern me. I object quite strongly, after that indication by the Hon. Dr. Cornwall, to the Hon. Mr. Davis saying that the Opposition had a certain position in this matter, because that is not the case. I was rather surprised to hear the Hon. Mr. Foster say that throughout his life he has never met a politician with a conscience. I thought he knew me a lot better than that.

My first reaction to this legislation is complete indifference. Whether this legislation passes or not does not concern me one iota. I cannot think of one problem

faced by the working class that would be solved through the passage of this Bill. On the other hand, I cannot see their already deplorable situation worsening through the failure of this Bill. Therefore, it is a matter of complete indifference to me. The Labor Party does not often allow a conscience vote. Normally we abide by a majority decision, and there is nothing wrong with that. That is done in most organisations including this Parliament.

Given my indifference to this legislation and having to vote on it (to abstain is something of a cop-out) I have recently considered a couple of principles which I hold. First, I almost always give people the right to choose what they wish to do. In this case, any extension of gambling is fine by me. Personally, I do not gamble, because I cannot afford it and, anyway, it holds no interest for me. However, if other people wish to indulge in gambling, whether on football pools, X-Lotto, poker machines, horses, the stock market or anything else, as long as it is not made compulsory, it is fine by me.

The same applies to drinking, which is another issue on which the Labor Party affords its members a conscience vote. Personally, I take a drink very seldom. However, if people wish to drink 24 hours a day that is their business and not mine. Generally, that would be my stand when I am in a position to effect legislation in relation to licensing. The same has already been mentioned in relation to abortion. The arguments that I have heard countless times by pro-abortionists is that members of Parliament should not restrict people's right to choose. If they do not want members of their family or themselves to be involved in abortion that is their right, but they should not restrict other people from choosing for themselves. That argument by pro-abortionists has persuaded me. In fact, that is a principle that I have held for about 25 years. However, it seems to be a bit of a trap for some people.

Some members claim that people should be allowed to "go to hell in their own way" and they now stand in this Council and prevent people from doing precisely that. I cannot help doubting the sincerity of those members, because it seems to me that they agree with a person exercising his conscience when it is an issue that suits them, but they want to exercise a conscience for a person when it is something they do not like. That is not acceptable.

A great deal has been made about the fact that soccer pools could take funds from the hospitals. That is quite possible, because it could take funds from the money that goes from the Lotteries Commission to the Hospitals Fund. I cannot deny that.

I do not think that there is anything terribly wrong with that. If people wish to support lotteries that give funds to hospitals, let them do it. If they wish to support the type of gambling that gives funds to sport, let them do that, too. Why can they not make that choice? Incidentally, I do not for one minute think that the lotteries legislation has ever done anything to help hospitals because, whatever the commission puts into the Hospitals Fund, I am sure that there will be a corresponding reduction in hospital finance from general revenue or from grants. To me, that is a complete and utter furphy.

Again, in looking at this Bill, I have to examine my attitude to sport. It is one of complete indifference. On the question of whether sporting organisations should get funds, I am not really enthused, because I think that sport in this day and age is the same as almost anything else that is decent in this society. In the system under which we live it has been prostituted beyond recognition, and whether we should give funds to sporting organisations which encourage children to engage in what is virtually mortal combat—they call it gamesmanship—and to get away with every dirty trick that the referee cannot see is not particularly ennobling, and it is not something to which I would wish to contribute. However, if people wish to do so, it is their business and not mine.

One thing that has been raised by members opposed to this legislation that has sparked my interest is the question of the South Australian Lotteries Commission running a sports lottery. I cannot see anything wrong with that, and I will be interested to hear what the Government's attitude to it is when the Minister responds to this debate. If one has no objection to competition, and the members who have spoken in support of this measure generally have a philosophy of no objection to competition, then let the South Australian Lotteries Commission compete with football pools by conducting a sports lottery.

If there is this great concern for sport amongst members of the Government, through that means they will get the maximum amount of money allocated to sport. I put that proposition directly to the Government, and I will be interested to hear its answer. Is it fair dinkum in its professed support for competition? Is it fair dinkum in its professed support for sport? We will see, and I look forward to the Attorney's responding to that. Certainly, it will definitely influence the way that I vote on this Bill.

I want to deal with one final matter, and it is the point about Rupert Murdoch, who is apparently going to gain some profit from this legislation. Rupert Murdoch will only gain profit from this legislation if people freely choose to engage in his competition. I can assure Rupert Murdoch that he will get nothing out of me, because I will be exercising my right, after this Bill is passed, not to patronise his football pools and hopefully to patronise the sports lottery, where the money goes to sport and where there is no profit going to Rupert Murdoch. I will exercise my choice in that matter. The point is that Rupert Murdoch will not get one cent out of this legislation unless people freely give it to him. Is that not their right to do so? Of course it is.

The Hon. R. C. DeGaris: Isn't that a new attitude for you?

The Hon. FRANK BLEVINS: Not at all. That is their right. If Rupert Murdoch dropped dead tomorrow, it would not concern me one iota, because 100 other Rupert Murdochs would spring up. The problem with this society is not Rupert Murdoch but that this society spawns a thousand other Rupert Murdochs equally as obnoxious.

The Hon. K. T. Griffin: Is that because he is successful?

The Hon. FRANK BLEVINS: It is because he exploits people. The way to deal with that is to change the way society is organised. I am an optimist, but even I do not believe that that is going to happen before Parliament rises on Thursday. I am certain that even after Thursday we will be dealing with Rupert Murdoch and all the clones of Rupert Murdoch that run the world. That is a matter of regret, but I say that Rupert Murdoch will not in any way influence my vote. My dislike for the Rupert Murdochs of the world will not influence me, because I would feel that that would be equally as obnoxious as if it influenced some members to vote for the measure. I hope that that disposes of the question of Rupert Murdoch.

I repeat that I want the Attorney-General in his response to this second reading debate to tell me what is the Government's attitude to running a sports lottery as well as soccer pools because, if the Government does not support it, I will severely suspect its alleged motive of wanting to benefit sport and of not favouring Rupert Murdoch.

The Hon. G. L. BRUCE: I wish to pass a few comments on this Bill. I am not uptight one way or the other about

how the vote goes. I indicate now that I am not supporting it, but my grounds are not moral grounds. The way I see it, democracy is government for the people by the people. I am here in Parliament to represent the people and be lobbied by them. The best I have had is two letters from amateur sport associations. Neither has convinced me—

The Hon. R. J. Ritson: Didn't you receive correspondence from the South Australian Olympic Federation?

The Hon. G. L. BRUCE: I received correspondence from an Olympic organisation and from the South Australian Amateur Fencing Association. Nothing in either of those letters has convinced me that I should support such a Bill. I would like to quote from one of the letters and see what they suggest we should be doing in the name of sport. I think sport has been prostituted. I am not opposed to the Bill on moral grounds in regard to gambling, but that aspect has not been explored enough by the Government to see whether there are avenues that could be followed by the Lotteries Commission. The alternatives have not been presented.

I believe that there is no way that we can support a measure that gives the Lotteries Commission no access. This situation really is just a giant numbers game, and we are not depriving anyone in South Australia from joining in such a game. Recently we passed a Bill to give the Lotteries Commission the right to run a lottery in conjunction with other States that would give a huge prize. I understand that the whole object is to give people access to a huge prize. In the second reading speech reference was made to prizes of $400 000 or $500 000 as the norm. We are catering to the greed in society.

I now refer to the letter sent to me by the South Australian Amateur Fencing Association to try and sway me to support the Bill. In fact, it goes against my grain to have to read this letter and to support a Bill on these lines. The letter states:

> Dear Member of Parliament,
>
> On behalf of my association, the South Australian Amateur Fencing, I urge you to consider favourably the forthcoming Bill on soccer pools. Sport even in its simplest form surely must be part of our lifestyle of the future; from the social recreationist to the high performance competitor, each should have the opportunity to participate at his or her level.

I could not agree more. The letter continues:

> The future of South Australia and Australia always lies in the hands of the young, but the future is also always now and the decisions we make are what our children inherit.

I agree completely with the philosophy of the first two paragraphs. The letter continues:

> South Australia is lagging far behind the other States in monetary terms from Government for sport. We as sports people look to our Parliamentarians to show us that they believe that a healthy lifestyle is important to our community, that self-discipline helps make a responsible citizen, that motivation makes us more independent and breeds initiative and that it can be achieved through fostering exercise in all its facets and to all, from the school-child to the elderly citizen.

It does not go on to say that going into a soccer pool is self-indulgence. It caters to the greed in the community. If the Government takes $3 000 000 a year out of South Australia and ploughs it into X-Lotto or soccer pools to get $1 000 000, what are we achieving? If we were honest we would go to the citizens of South Australia and say that we have 1 000 000 people in South Australia and this venture will cost $1 000 000. Therefore, it will cost each person $1 a week, which will be ripped off in tax. It means that the poor people are the ones who will pay. The money man is not going to worry about soccer pools, as he already has the money. It is the expectation and the hope in the little people that causes them to go into this type of gambling.

I do not know whether it affects the hospitals but I believe that some other form of gambling would decrease accordingly. I agree with my colleague the Hon. Mr. Blevins when he states that he is not perturbed where the money comes from. However, I believe that the citizens of South Australia should front up to the responsibility. For a sports club to say that it wants self-discipline and responsible citizens and then suggest that everyone buy a soccer pools ticket is deplorable. The letter further states:

> To be sympathetic and caring is not enough—a more positive attitude is required in the form of a substantial form of income for the specific use of sport which is supposedly part of our culture; myth or fact is up to you. However, an upsurge in beneficial programmes designed specifically in the areas of sport will produce South Australians you can be proud of.

South Australians will run along and spend over $3 000 000 on soccer pools to get $1 000 000 into the sports arena.

The Hon. R. J. Ritson: How much on booze?

The Hon. G. L. BRUCE: I understand that one billion dollars on excise duty comes from beer. They are talking about another 25 per cent excise on beer. That amount goes into Government coffers, whether it be State or Federal, and surely some of that money should go to sports. I understand that a lousy $260 000 from State revenue goes to sporting bodies in the State. I suggest that if any extra money went to sporting bodies from South Australian revenue it would correspondingly bring a decrease in funds to institutions such as hospitals. A healthy body produces a healthy mind, and a healthy body comes from exercise and sport, but the people who go in for soccer pools, drinking and smoking will not create a healthy society. The letter continues:

> Therefore please vote "Yes" for the introduction of soccer pools, as we believe this is the simplest way—

not necessarily the best, but the simplest—let society take the easy way out—

> of overcoming lack of funds for sport by retaining some of the money that is already going interstate on a variety of pools, etc.

As I understand it, if this Bill does not go through it will not ban soccer pools in South Australia, as large amounts already go interstate.

The Hon. R. J. Ritson: You are going to send that money out of the State?

The Hon. G. L. BRUCE: All we are doing is getting Government revenue out of it. We do not care if the people in South Australia never win a prize. We are going into soccer pools to rip off $1 000 000 a year from the people of South Australia to support sport. Members opposite do not worry if prize money is never won in South Australia. They are asking people to go into soccer pools with no guaranteed return of prizes in South Australia. At least with the State lottery there is a chance for South Australians to get a prize; the money comes back into South Australia mostly, and the lottery is filled by South Australians. The Government is advocating the introduction of soccer pools merely to get $1 000 000 out of it.

Members opposite should be honest and tell the people that if they want their sporting bodies and facilities they should be prepared to pay for them, if necessary through taxation. I am not uptight about whether Murdoch runs it or whether Billy the Goose runs it. If a multi-national is running it, whether it be Murdoch or anyone else, they are all as bad as one another. If we take Murdoch away we will get someone as bad and someone who will blood-suck on

the community just as much. I believe that any millionaire has ripped someone off somewhere.

The Hon. R. C. DeGaris: What if someone wins the million dollar lottery?

The Hon. G. L. BRUCE: It has catered to his greed. I refer again to the second reading explanation where the Minister said:

> The New South Wales experience has been that certain kinds of lotteries have boomed, particularly the million dollar lottery and Lotto.

Members opposite are saying that everyone wants to be a millionaire and that we are catering to the greed of those who want to be millionaires. As soon as one achieves that, they will be another Murdoch. At heart we all want to be millionaires, and I believe one's attitude changes when that happens. I have no uptight feelings about whether Murdoch runs it or anyone else runs it, or whether the lottery comes to South Australia or does not. I support the State Lotteries Commission, and I believe there should be further exploration there. I do not know whether the commission has been asked to come up with a solution. I believe that if a $1 000 000 lottery was run every three or four months in South Australia it would fill. If the revenue from that went to sports bodies a lot of money could be kept in South Australia. We will have money from all over South Australia when we have those lotteries. I understand that big lotteries are filled within three or four days. I would sooner see a situation where we are urging people to a gamble run by our own State Lotteries Commission and supported by South Australians on that basis.

I am not opposed to the principle on moral grounds or because Murdoch runs it. I am not opposed to it in conscience. It has not been fully explored, and we have not been presented with a good enough case to convince us that we must have $3 000 000 of South Australia's money going into soccer pools. If we never had gambling or X-Lotto, it would be fair enough, but we do have it. We have a revenue-raiser and more consideration should be given to this scheme.

The Hon. R. J. RITSON: I did not intend to speak in this debate, but was moved to do so because of the large amount of intellectual garbage that has been put before this Chamber in the last half an hour or so, and I thought I might contribute some more to it. I will begin with the argument just canvassed by the Hon. Mr. Bruce, because the A.L.P. speakers so far have made much play of the fact that soccer pools are going to result in a net cash outflow from the State and will diminish the revenue from other forms of games of chance in this State, perhaps at the expense of hospitals.

However, it just is not true, because the agreement for pooling the X-Lotto between South Australia and Victoria will produce a net benefit to the State which will more than compensate for any net cash outflow through the soccer pools and for any expected shift in patterns of investing in games of chance.

I have been concerned by some of the motives for expressed attitudes to this Bill. I was concerned that the Hon. Mr. Dunford based a moral argument on his support for the churches regarding this matter. The honourable member seemed happy to see the soccer pools as some sort of evil form of gambling, whereas he happened to see poker machines as being beneficial. I wondered whether his tongue was about to stick to the side of his cheek as he said that.

The real debate is not about the cash flow into the State or about sport. Great efforts have been made by some honourable members to diminish our perception of the support of sporting bodies. People have said, "We have had only two letters from sporting bodies." Of course, one of those was from the Olympic Federation, which represents 23 or 26 major sporting bodies.

The Hon. L. H. Davis: There were no letters against it.

The Hon. R. J. RITSON: That is so. However, it is intellectually dishonest for one to say that one has had only two letters from bodies supporting this, when one of those supporting bodies is the Olympic Federation, which represents all its affiliate bodies. That made me suspect that the best interests of sporting bodies were not deep in the hearts of some honourable members. What was it all about? When I heard the vilification of the shareholders who may run these pools, I heard the penny drop. I wonder whether we will see one of those remarkable unanimous A.L.P. conscience votes opposing a Government Bill. I do not know.

I refer to the low return of prize money. Admittedly, it is low. I am sure all honourable members know that the Bill contains quite adequate powers for the Government to raise the level of prize money to a respectable percentage. I am sure that that will be done by all States on a uniform national basis. It is merely a formality that that had not been done at the time of drafting the Bill. The powers are there with the intention of being used, and I am sure that Governments will insist, through interstate negotiations, on a uniformly satisfactory percentage of prize money.

The conscience side of this matter seems strangely mixed with a uniform anti-capitalist attitude by those honourable members who have spoken. I cannot help but wonder whether, even though Caucus may have given Labor members a conscience vote, Trades Hall has sent out a message. I do not know.

The Hon. N. K. Foster: The A.M.A. doesn't tell you what to do.

The Hon. R. J. RITSON: I am not a member of it.

The Hon. N. K. Foster: No, they've taken your name off the plate at Campbelltown and said, "Get out of here; you're a rotten politician."

The Hon. R. J. RITSON: I missed some of that.

The Hon. N. K. Foster: You'd want to.

The PRESIDENT: Order!

The Hon. R. J. RITSON: In completing my remarks, I want to talk about the little people of society, who have not been mentioned so far. There are large numbers of a significant minority group in our society. In this respect I refer to the English migrants. I thought of these people when I heard remarks from other honourable members to the effect that, if we are sincere about sport, we should run a $1 000 000 sporting lottery.

However, a sporting lottery is not the same as the soccer pools. It may be the same to some people who may be materialistic and hoping for a prize. However, probably 30 per cent of our society (a lot of the people living at Salisbury, Elizabeth, Para Hills, Christies Beach, Whyalla, and Port Augusta) have come here from England and have grown up with the culture of soccer and everything that it stands for. Indeed, they may have introduced it in our society.

Only two years ago, my own son changed from Australian Rules football to soccer. Although I did not grow up in that culture and cannot get the feel for the soccer pools, and although I do not actually know the teams and players represented in those matches, I can well imagine that thousands and thousands of the little people who are already sending $30 000 a week to other States have an emotional and cultural attachment to soccer and would not transfer to the Instant Money Game or anything else.

Having canvassed the various factual and political arguments, I conclude by saying that we really should consider the little people in this matter and allow them their soccer pools. Let not this Council be mean with regard to this harmless form of gambling.

The Hon. K. T. GRIFFIN (Attorney-General): I thank those honourable members who have made a contribution to this debate and acknowledge what has been indicated on both sides, namely, that this Bill involves a conscience vote not only by Opposition members but also by Government members.

Although I recognise that honourable members will have differing views as to the way in which their consciences will lead them, it is important that one should recognise that there are, beyond what some members have indicated as reasons for opposing the Bill, some matters that ought to be considered.

A number of criticisms have been made regarding the involvement of the Vernon and Murdoch organisations. Honourable members seem to forget, in relation to this proposal, that, although Mr. Sangster is involved in the Vernon organisation and Mr. Murdoch in the Murdoch organisation, those companies are largely public companies and must meet a number of statutory requirements both here and in the United Kingdom with respect to financial accountability and the way in which they deal with their funds. Also, these companies are responsible to their public shareholders.

Some members have made criticism of the fact that a prospective licensee will, in fact, be a proprietary limited company. What they overlook is that that is likely to be a subsidiary of a public company and, accordingly, will not benefit from all of the sections under the Companies Act which apply to proprietary limited companies or exempt proprietary limited companies and, in fact, if it is a subsidiary, whether wholly owned or partly owned, of a public company, there are special statutory obligations placed on that particular proprietary limited company. So, it is quite fallacious to argue that such a company will not be subject to any statutory control. I think it is also important to point out that under this legislation there are a number of other requirements which ensure that the organisation which subsequently is successful in obtaining a licence is accountable for the way in which it operates publicly, the way in which it operates the soccer pools scheme.

For example, there is a $100 000 bond which must be provided by the successful licensee. The Auditor-General, for example, has power to audit or inspect the account of the licensee. The Minister can grant the licence subject to any conditions he wishes, including financial reporting conditions. The licensee is obliged to provide a statement every week of financial, statistical or other data as the Minister may request. Under clause 9 of this Bill—

The Hon. N. K. Foster: The Minister has power under the Lotteries Act, hasn't he, Mr. Attorney?

The Hon. K. T. GRIFFIN: We are not talking about the Lotteries Act, are we? We are talking about a special provision to deal with soccer pools, which need special legislation. This has been required in the other States which have participated or will participate in the soccer pools scheme. There is ample power for the Minister to impose other conditions. I also point out that, under clause 12 of the Bill, there is wide power for inspectors to have access to a variety of records, incuding books of account of the licensee and others who are involved in the distribution chain relating to soccer pools.

So, there are many adequate controls placed on successful licensees. A great deal of emphasis has been placed by some honourable members on the fact that the Lotteries Commission is not being given the opportunity of conducting this soccer pools project.

The Hon. Frank Blevins: Not this one.

The Hon. K. T. GRIFFIN: I will get to the honourable member's point about a sports lottery, but there are some members who have complained that the Lotteries Commission is not being given the opportunity to run a soccer pools scheme in South Australia. I think that the fact is virtually that, if the Lotteries Commission was authorised to do that, it would be able to do it only in South Australia unless it reaches some agreement with Soccer Pools of Australia which has, in a sense, a monopoly in the other States. I suggest it would be most unlikely that such an arrangement could be arrived at. If that could not be arrived at, then the pool which is available for the payment of prize money, if it were purely a South Australian concern, would be very limited and would not attract the interest which the bigger pools are attracting from within South Australia at the present time.

We have made an estimate, and I admit it is an estimate, that some $30 000 a week leaves South Australia for investment in the United Kingdom pools and in the Australian Soccer Pools in the other States. What we are seeking to do is provide a sufficiently attractive soccer pools scheme in South Australia to keep if not all then the bulk of that money in South Australia. That cannot be done if it is run by the Lotteries Commission in this State. In any event, the fact is that the Lotteries Commission has indicated to the Government that it does not want to be involved in running a soccer pools scheme in South Australia.

The Hon. N. K. Foster: That is not true. They cannot come in here and defend their position, as you do, under privilege. The commissioners cannot come here and say a word—you know that.

The Hon. K. T. GRIFFIN: The information I have is that the Lotteries Commission is not prepared to do it even if it were available.

The Hon. N. K. Foster: That is not true, and you know it.

The Hon. K. T. GRIFFIN: I believe it to be true.

The Hon. N. K. Foster: It is not, and I am telling you it is not.

The PRESIDENT: Order!

The Hon. N. K. Foster: I'll front up with the Commissioner early in the morning, if you like.

The PRESIDENT: Order! The honourable member will not get the opportunity. The honourable Attorney-General.

The Hon. K. T. GRIFFIN: Mr. President, I have information which I believe to be correct that the Lotteries Commission is not able to run this scheme and is, in fact, not prepared to be involved in a soccer pools scheme.

The Hon. Anne Levy: They'll run a sports lottery.

The Hon. K. T. GRIFFIN: I am not talking about a sports lottery. We will get to that in a moment. There is a suggestion by some honourable members that if the soccer pools scheme is developed there will be a loss to the Lotteries Commission and a loss to the Hospitals Fund in favour of sport, which will benefit from soccer pools. The fact is that experience in other States is that these sorts of lotteries run by the State organisations are not prejudiced by the conduct of soccer pools, which attract a different sort of interest. So far as the Lotteries Commission is concerned, one of the attractions of the X-Lotto block arrangement which it has recently entered into with the other States has been that a much larger pool is available for distribution in prize money, and that was an attraction for the Lotteries Commission.

That will, in fact, make up any income, if any will be lost to soccer pools, but it is not the Government's belief that there will be any significant, if any, loss to the Lotteries Commission as a result of the introduction of soccer pools. In fact, the contrary is likely to be the case. Let me deal with the question of the sports lottery. The Hon. Mr. Blevins has directly requested information about the sports lottery. The fact is that the Government has not made any decision in relation to a sports lottery. The other point which I think needs to be made is that the view is that if there is to be a sports lottery that will be the vehicle by which funds, which otherwise would be available to the Hospitals Fund through ordinary lotteries, will be depleted. So, far from the sports lottery aiding sport and achieving the objective which some honourable members would want to see achieved for sport, it will achieve it only to the detriment of the Hospitals Fund. I think that that has to be recognised because sport lotteries—

The Hon. Frank Blevins: Why won't there be an increase in the gambling dollar? You said that there will be an increase in the gambling dollar for the football pools, so why doesn't the same thing apply to the sports lotteries? You can't have it both ways.

The Hon. K. T. GRIFFIN: The Hon. Mr. Blevins does not follow the point I was making about soccer pools. I said our estimate was that some $30 000 a week is spent by South Australians on investments in soccer pools interstate or overseas.

The pool available for prize money in a national soccer pools scheme will be very much increased and will give access to those investors who are estimated to spend $30 000 a week outside South Australia an opportunity to participate in that pool. Instead of going out of South Australia, that money will be retained for the benefit of South Australians. The interest in a soccer pool is different from the interest in a lottery. There is a wide range of people in the community who are interested in soccer pools. A sports lottery is likely to draw funds from the ordinary lotteries run by the Lotteries Commission, because, apart from its purpose, it would be characterised as being identical to other lotteries. I suggest that very few people worry about whether they are benefiting the Hospitals Fund or the sports fund; they are attracted by the prize that they might receive. People enter soccer pools partly because of the size of the pool and also because of interest in the various soccer matches. There is an element of skill involved, and people follow the various soccer matches represented in the pool.

The Hon. Anne Levy: Nonsense!

The Hon. K. T. GRIFFIN: Members opposite are entitled to their views on this. The Government has its view and I have mine. If members opposite want to disagree they can do so at some other stage of the debate.

The Hon. J. E. Dunford: We thought that we had convinced you.

The Hon. K. T. GRIFFIN: You have not convinced me. The Hon. Mr. Blevins has requested information which I am endeavouring to give him, even if other honourable members opposite are not interested. Although many of us have many personal misgivings about gambling, I believe that although I will not participate in soccer pools or other forms of gambling it is not for me to impose my conscience upon the broad range of people in the community who participate in soccer pools now and have been doing so for many years.

I appreciate the conscience view which has been expressed by members of this Council in relation to gambling. In many respects I share those views. As I have said, I do not believe that I should impose my views on that part of the South Australian community which finds it a particularly harmless form of gambling, as opposed to instant money and other insidious forms of gambling with which a number of us disagree. I believe that there are important reasons why this Bill should be supported.

I now turn to the criticism which some members of the Council have made about the Vernon organisation and the Murdoch organisation. Earlier I commented on the nature of those organisations and their public accountability as public companies and all the requirements of the companies legislation and other requirements placed upon the licensee under this legislation. I believe that one has to be cognisant of the fact that some members of this Council take the view that anyone who is successful should not be given the credit for his success and should not be allowed to enjoy the fruits of his success. I find that criticism rather disturbing because the emphasis in the South Australian community should be on excellence and reward for initiative and ability, and it should not be used against that person if he is successful.

The Hon. Mr. Dunford has made some disgraceful assertions and said that he would not be surprised if a deal had been done by the Government with Murdoch to support the Government at the next election if it pushes this Bill through. That is a disgraceful statement, and there is no evidence to support it. I publicly refute that suggestion made by the Hon. Mr. Dunford. There has been no preferment because Murdoch or any other person is involved. It was recognised that the Vernon organisation runs a secure and proper soccer pool scheme and that no-one else in Australia has the capacity to do that. It will bring a financial benefit to the Government and it will benefit sporting interests in South Australia in a way that has not been possible in the past. For that reason, I believe that the Bill should pass.

The Council divided on the second reading:

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

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

The PRESIDENT: There are 10 Ayes and 10 Noes. There being an equality of votes, I give my vote for the Ayes so that the matter can be considered by the Committee as a whole.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

ELECTORAL ACT AMENDMENT BILL

In Committee.

(Continued from 25 February. Page 3188.)

Clauses 2 to 4 passed.

Clause 5—"Electoral Commissioner and Deputy Electoral Commissioner."

The Hon. C. J. SUMNER: I refer to clause 5 *(b)*, which deals with the insertion of a new subsection (5) in section 6 of the principal Act. It appears to be a completely new provision, and I take it that the reason for it is that there is now an official Deputy Electoral Commissioner and that it was thought that the Act needed to be amended to clarify the position that applied previously just to the Electoral Commissioner. Can the Attorney explain what is the relationship at the present time in the Electoral Office with respect to the Electoral Commissioner and any other staff that he has? Why is it necessary at this stage to

introduce this new provision? Was it to correct an anomaly, or has there been some change in the status of the positions in the Electoral Office which has given rise to this situation?

The Hon. K. T. GRIFFIN: The new subsection (5) is already in the Electoral Act in section 6a, which provides:

> The Electoral Commissioner or the Deputy Electoral Commissioner shall not, without the consent of the Minister, engage in any remunerative employment or undertaking outside the duties of his office.

The change is really to bring that provision into section 6, which deals with the appointment of the Electoral Commissioner. In fact, that section sets out the powers and duties of the Electoral Commissioner. Also, as the Leader will see from the bottom of page 1, it clarifies the powers of the Electoral Commissioner with respect to being able to conduct elections for other organisations such as employer or employee organistions. Presently he does that for a number of organisations where special provision is made in their rules; he does it for some unions and some employer organisations, so that the proposed new subsection (5) is not a new provision but is tidying up drafting to bring it under the specific section relating to the Electoral Commissioner and the Deputy Electoral Commissioner. Clause 6 enacts a new section 6a, which deals with the power of the Minister to delegate certain functions to the Electoral Commissioner. That will in fact take place in the Bill at present as a tidying-up operation.

Clause passed.

Clause 6—"Delegation of powers."

The Hon. C. J. SUMNER: Clause 6 seems to be a new provision. At present, under section 6c the Electoral Commissioner may, by instrument in writing, delegate all or any of his powers, functions or duties under the Act to any person, and those powers, functions or duties may be exercised or performed by that person accordingly. There does not seem to be any power in the present Act for the Minister to delegate any of his powers. What matters does the Minister consider as being appropriate for delegation to the "Electoral Consumer or any other officer"?

The Hon. K. T. GRIFFIN: The principal reason that this clause is being sought is that presently the Electoral Commissioner needs to obtain Minsterial approval for engaging staff, for example, on polling day. There are other occasions when the Electoral Commissioner needs to gain Ministerial approval for engaging staff. These are the sorts of functions that could probably be delegated direct to the Electoral Commissioner, who would operate within the scope of his budget. Another area is the appointment of assistant returning officers, temporary returning officers or electoral registrars. The Leader of the Opposition may recollect that when he was Attorney-General periodically he would receive across his table a request for Minsterial approval for the appointment of temporary officers or assistant returning officers in the absence of permanent returning officers on leave. Presently that all has to be done by the Minister approving a recommendation by the Electoral Commissioner. Also, the printing of electoral rolls is a function which presently requires the authority of the Minister, but it is largely an administrative function.

Whilst no decision has been made on the extent of any delegation by the Minister, there are a number of administrative functions which can quite easily be left to the Electoral Commissioner as permanent head of the Electoral Department and properly put forward in the formal authority of the permanent head. Statutory authority is required for the Minister to make that sort of delegation.

The Hon. C. J. SUMNER: I suppose the alternative would be to provide for those functions of the Electoral Commissioner. I would have thought that administrative functions were of that nature. Are there any more significant functions which the Minister has which would be contemplated as being suitable to delegate to the Electoral Commissioner?

The Hon. K. T. GRIFFIN: There are none at this stage which I would envisage delegating to the Electoral Commissioner. There are others such as the appointment of returning officers and other functions of the Minister such as the abolition of polling places. They are not functions which I would envisage delegating to the Electoral Commissioner, as I believe that the Minister ought to be involved in them. The other area is that, under section 9 of the Act, the Minister may, on the recommendation of the Commissioner, appoint electoral registrars to keep House of Assembly rolls for certain specified subdivisions. While that seems to be an administrative function that I would be prepared to delegate to the Electoral Commissioner, there are certain functions which I could delegate but which I believe ought properly to be the responsibility of the Minister.

Clause passed.

Clause 7—"Delegation."

The Hon. C. J. SUMNER: Clause 7 deals with section 6c of the Act. It provides that the delegation which an Electoral Commissioner may make to any person under the Act can be under either this Act or any other Act. I take it that the amendment broadens the scope of section 6c and refers to any Act under which the Electoral Commissioner may have authority. Does it apply to any industrial situation or industrial Act which specifies that the Electoral Commissioner has authority in any area? What is the reason for the extension of that power? What are the other Acts under which the Electoral Commissioner has authority that he may exercise?

The Hon. K. T. GRIFFIN: The Egg Board, the Barley Board and the Potato Board all have Acts under which they are established. These Acts contain specific reference to elections being conducted by the Electoral Commissioner. It is appropriate that the Electoral Commissioner be able to delegate those responsibilities if he deems that appropriate. There is no industrial legislation under which the Electoral Commissioner is specifically given a role. There are industrial organisations which, in their rules, provide for the Electoral Commissioner (provided he agrees) to conduct elections of officers. That is not covered in this provision.

Clause passed.

Clause 8 passed.

Clause 9—"Returning Officers."

The Hon. R. C. DeGARIS: I raised this question at the second reading stage, and I accept the Attorney-General's explanation. In the case where a returning officer could be appointed close to an election where the Assistant returning officer may be the best person to appoint, it may create some problems. I again raise the question of stating an age in the Act for returning officers. In a matter such as this, it is best to leave it to the Government's discretion.

The Hon. K. T. GRIFFIN: I generally accept that principle, but the problem is that a returning officer is a permanent appointee under the Act. With respect, it is all very well to say that the Government can deal with it administratively, but it is not so easy to sack a returning officer, who might be 75 or 80 years old and who holds that position under the Statute.

There is power for the responsible Minister to sack such a person, but that is undesirable. It is preferable in those circumstances to provide an upper limit. After all, we do it

for the retirement of Supreme Court judges, and it now applies equally to High Court judges and to judges of the Local and District Criminal Court. While we may have some feeling about the age limit, it seems to be the only appropriate way in which retirement can be effected without causing ill feeling.

Clause passed.

Clause 10—"Assistant returning officers."

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

Page 2, lines 37 and 38—Leave out all words in these lines and insert:

10. Section 8 of the principal Act is amended—

(a) by striking out from paragraph *(a)* of subsection (1) the passage "portion of a district" and substituting the passage "district or division"; and

(b) by striking out subsection (2) and substituting the following subsection:

(2) A person appointed to be an assistant returning officer for a district or division may, subject to the control of the returning officer or deputy returning officer, perform the functions and exercise the powers of the returning officer or deputy returning officer in or in relation to that district or division.

The amendment has the same effect as does clause 10 in its present form, in that it removes the restriction in section 8 of the Act on the powers of assistant returning officers to act in relation to postal voting. In addition, the amendment provides for assistant returning officers in the State to be appointed for a district or division instead of as is presently the case for portion of a district. The wording of my amendment more accurately reflects existing practices under which assistant returning officers exercise the powers of the returning officer at a particular polling booth, but in relation to a whole Assembly district or a Legislative Council division, or, in some cases, more than one Assembly district. The draft is a clarification of what is presently in the Bill.

Amendment carried.

The Hon. C. J. SUMNER: I take it from what the Attorney-General has said that his intention in moving the amendment was not in any way to alter the substance of section 8 but was intended merely to clarify the circumstances in which it could be done.

The Hon. K. T. GRIFFIN: That is correct. It is to ensure that the Act coincides with the present practice. Present section 8 (1) *(a)* refers to any portion of a district, but the current practice is that assistant returning officers exercise the powers of a returning officer at a particular polling place. So, we are seeking to clarify the Act in relation to existing practice and not to alter the substance.

Clause as amended passed.

Clauses 11 and 12 passed.

Clause 13—"Repeal of s.15."

The Hon. C. J. SUMNER: This clause repeals section 15 of the Act. It would appear that the substance of section 15 is to be replaced in a new section 19, which is enacted by clause 15. What is the relationship between the old section 15 and old section 19? Old section 19 referred to rolls being prepared for any subdivision or district, whenever directed by proclamation. Old section 15 talked about new rolls for a subdivision or district being prepared when the boundaries of such district or subdivision were altered.

As I understand the effect of clause 13, it will mean that the power which currently exists in section 19 to direct the preparation of new rolls by proclamation will no longer exist. If that is the case, I wonder whether the Electoral Commissioner or the Minister is satisfied that that power is necessary.

It seems to me that if one checks clause 13, which repeals section 15 of the Act, and clause 15, which repeals present section 19 and inserts new section 19 (which is similar to section 15) in its place, one is eliminating the power that currently exists in section 19 of directing that new rolls for any subdivision or district shall be prepared whenever directed by proclamation.

It may be that the Electoral Commissioner or Minister feels that power is not needed to prepare the roll. However, we are taking out of the Act something that is at present in it. I should like to know why that is being taken out and whether section 19 is used or has ever been used in the past.

The Hon. K. T. GRIFFIN: It is really just a tidying-up proposal. Clause 15 provides for rolls to be prepared in the manner fixed by regulations in certain circumstances where an Assembly district is subdivided into subdivisions, the boundaries of a district or subdivision are altered, or a new subdivision is proclaimed.

Under present section 19, any direction with respect to new rolls is to be given by proclamation. We really have in clause 15, which inserts new section 19, a provision that conforms to current practice. The new rolls will ordinarily be prepared after a redistribution, whether State or Federal. I am satisfied, and the Electoral Commissioner is satisfied, that there is no difficulty with the amendment. It is a tidying-up procedure which creates no difficulties.

The Hon. C. J. SUMNER: Does that mean that section 19 has never been used? Has it become inoperative? Section 19, by proclamation, gives the Government power to order the preparation of new rolls. I take it that the Attorney is saying that the new rolls are prepared by the Electoral Commissioner, and for that reason the provision is not used. What function has section 19 of the principal Act fulfilled over the past few years?

The Hon. K. T. GRIFFIN: I am not able to say what function it has fulfilled, because I am informed that it has not been used during the time of the present Electoral Commissioner or in his former position. The keeping of the rolls is a continuing process. They are generally printed before elections and are periodically updated between elections. New section 19 really coincides with existing practice.

Clause passed.

Clauses 14 to 16 passed.

Clause 17—"Amendment of section 28—Enrolment."

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

Page 3, line 37—leave out "and".

Page 4, lines 1 to 4—leave out all words in these lines.

This amendment seeks to remove the requirement that enrolment should be compulsory. When I closed the second reading debate, I said that amendments to clause 17 were intended to deal with the change of address, placing an obligation on the elector once enrolled, to ensure that any change of residence was notified within a maximum of three months to the Electoral Commissioner. It was never intended that the initial enrolment should be anything other than voluntary. For that reason my amendment ensures that the *status quo* remains in relation to the voluntary nature of enrolment. Once enrolment is made voting remains compulsory, as it is at present. Once enrolled, if an address is changed there is then an obligation to notify that change. This amendment is principally directed towards dealing with that.

The Hon. C. J. SUMNER: I am a little concerned about clause 17, which provides that a person who is qualified for enrolment as an elector and whose principal place of residence is in a subdivision shall be entitled to have his name placed on the Assemby roll for that subdivision if it has been his permanent place of residence for at least one month. The scope of clause 17 changes the criterion from

the place of living to the principal place of residence. I do not see that that is of any great significance or particularly necessary, and I am not raising any objections to it. Although the criterion is that one needs only one month to qualify for enrolment under clause 17, which amends section 28 of the principal Act, clause 21 deals with the notice of objection to people being on the electoral roll, and also refers to a period of three months. Clause 37 amends section 105 of the principal Act and deals with the questions that the presiding officer may put to a person claiming a vote. Taking those three sections together, it seems that one is entitled to be enrolled after one month and is then entitled to vote, but a person can possibly be deprived of that right to vote under clause 37 if the presiding officer finds that immediately before the issue of the writ he had not had his principal place of residence within the district for three months.

The Hon. K. T. Griffin: It doesn't say that.

The Hon. C. J. SUMNER: Well, you can explain that in a moment. I think a considerable amount of power is being given to the presiding officer under clause 37, and many people could be deprived of a vote on the say-so of the presiding officer without resort to any appeal. I would like the Attorney to explain the relationship between clauses 17, 21 and 37 which relate to a scheme which the Attorney is introducing to replace the criteria of place of living with the criteria of place of residence as the criteria upon which a person is eligible for enrolment. Clauses 17, 21 and 37 are related. There seems to be some inconsistency in them, and I would like the Attorney to clarify for the Committee just what the scheme is designed to do.

The Hon. K. T. GRIFFIN: Clause 17 embodies the requirement in the Constitution Act for residence for at least one month within a particular subdivision. That is an entitlement for enrolment. If the elector satisfies that requirement, then he or she is entitled to be enrolled, provided of course that the other qualifications in the Constitution Act are met. But in relation to place of residence, if a person lives at an address for one month, then that person is entitled to be enrolled.

If an address is changed and an elector resides at a new address for a month, then that elector is entitled to enrolment in the new subdivision, if appropriate, in which he or she is residing. But that elector has a period of a further two months grace within which to notify the returning officer of a change of address which may alter the address for which that person is enrolled. What we are saying is that for the initial entitlement to enrol you have to reside in a place for one month. Once you are enrolled, if you change your address and reside at your new address for not less than one month, you are entitled to be enrolled for that new address, but you have another two months within which you are allowed to notify the returning officer of the change of address. If you lived at a new address for more than three months and you have not notified the Electoral Commissioner of the change in address, you commit an offence, and that is the factor that is now being embodied in this legislation. It was felt inappropriate to provide that if you changed your address and lived for one month at the new address you must forthwith notify the Electoral Commissioner of the new address and not have any period of grace within which to do that. Clause 37 really picks up that same sort of concept, if it is read carefully, and one will see that it does not say that a person has to reside at an address for three months. It provides:

> Where it appears from the answer to a question put under subsection (2) that a person claiming to vote has not, within the period of three months immediately preceding the issue of the writ, had his principal place of residence in the district for which he is enrolled, he is not entitled to vote at an election in that district.

That picks up the period of two months grace, so that, if the writ is issued and you have lived at an address within an electorate for one month at any time during the period of three months before the issue of the writ, you are entitled to have your claim for enrolment at the new address recognised by the Commissioner. It does not require you to live there for three months. You have only to achieve your qualification, that is, one month's residence within the period of three months prior to the issue of the writ.

The Hon. C. J. SUMNER: This scheme dealing with the period of residence as opposed to the place of living has, I must confess, left me with some qualms. I am not sure why the Government felt compelled to introduce this change. In the second reading explanation some reference was made to the Norwood by-election, but if it was not, it could well have been, because I suppose that members will recall that the Premier, and I think the Attorney-General, made a lot of wild allegations about people who allegedly were on the roll in Norwood and who were there improperly. I suppose that this procedure has arisen out of that, but I would like the Attorney-General to provide to the Committee some basis for suggesting what seems to be a more complicated procedure. Why was the previous procedure unsatisfactory? It had operated for many years without any complaint, apart from the completely unwarranted claims by the Premier at the last Norwood by-election (claims that I understand the Attorney investigated but his findings on which he did not release in a report that he had prepared; it might be that the Attorney would like to consider tabling the report that the Electoral Commissioner prepared at that time at the Attorney-General's and the Premier's request on the Norwood by-election). The whole scheme embodied in clauses 17, 21 and 37 is not necessary, and the Government has not justified it to the Committee.

The Hon. K. T. GRIFFIN: The change from place of living to place of residence is really consistent with modern drafting. The emphasis which the Government is seeking to make in this amendment is on the obligation to notify change of address and to place some sanction on electors if, in fact, they do not notify that change of address. It was discovered during the Norwood by-election, and it has been discovered on other occasions, that sections 28, 105 and 46 do not precisely define either the rights of electors or the rights of a returning officer. If we work to avoid the sorts of criticism that have been heard in the last year or so about the difficulties of monitoring the rolls effectively, the sort of change which is in the legislation ought to be supported by the Committee.

The Hon. FRANK BLEVINS: Can the Attorney-General tell me whether this measure is in line with the provisions of the Federal Act? I know that the Attorney-General has no responsibility for the Federal Act but I am sure that a man of his vast knowledge, and with Messrs. Guscott and Becker alongside him, will be able to answer my question. It would take away some of our fears if this provision was substantially the same as that in the Federal Act. Will the Attorney explain what is wrong with the previous provision? It may be that people moving to other addresses were not compelled to notify the Electoral Office and that people got lost as far as State voting was concerned and that this measure ensures that there is an obligation on them not to lose themselves once they have enrolled.

The Hon. K. T. GRIFFIN: It is not so much those individuals getting lost but the Electoral Commissioner not knowing where to find them. The Hon. Mr. Blevins

has asked about the Commonwealth legislation. I am informed that these provisions bring the South Australian Act into line with the Commonwealth requirments. Where common rolls are kept and where there is a common enrolment card and a shared responsibility between State and Federal electoral offices in this State, it is important to have requirements that are as consistent as possible between the two jurisdictions.

The Hon. FRANK BLEVINS: Will the Attorney-General further advise why he is proposing to have "a place of residence" in the new subsections?

The Hon. K. T. GRIFFIN: We have taken the opportunity in redrafting this clause to bring the qualifications in line with the Commonwealth and to update the drafting to "a place of residence".

The Hon. FRANK BLEVINS: That begs the question: if the object is to bring it in line with Commonwealth provisions for reasons such as joint responsibility for rolls and so on, what is the distinction between "place of residence" and "place of living"?

The Hon. K. T. GRIFFIN: We believe that we are ahead of the Commonwealth in many respects. In terminology the Commonwealth drafting is very much outdated. We hope that there will be a provision in the Commonwealth Act and, hopefully, when Parliament accepts 6 o'clock for closing of polls the Commonwealth will revise not only the substantial provisions but also the drafting of its legislation.

The Hon. FRANK BLEVINS: For the Commonwealth to do that, surely it would have to have some reason. It cannot be just because it changes one word from "residence" to "living". The Attorney-General has not explained why he prefers the word "residence" to the word "living". Surely he must have a reason for preferring one word to another. Members on this side would appreciate hearing those reasons.

The Hon. K. T. GRIFFIN: I can give an example. In Queensland recently there was a difficulty because a person owned a shack but lived in a company residence. The claim was for enrolment at the shack, which he claimed to be a place of living. In fact, their place of living was the company residence. They were residing at the company residence and there appeared to be some difficulty in sorting out that problem. It is more appropriate to use "place of residence" because it means that people cannot say that they are living at their shack at Mount Gambier when in fact they reside in the city permanently.

The Hon. FRANK BLEVINS: As an example, the Attorney-General knows that many people live in Coober Pedy. To all intents and purposes they reside there. If they have a house and family in the metropolitan area but for 10 months of the year reside in Coober Pedy and if that miner wished to enrol on the electoral roll for Eyre, would the Electoral Office accept Coober Pedy as being that person's place of residence as opposed to the house which he owns and in which his family live in the metropolitan area?

The Hon. K. T. GRIFFIN: The answer is "Yes".

Amendment carried; clause as amended passed.

Clauses 18 to 20 passed.

Clause 21—"Notice of objection."

The Hon. FRANK BLEVINS: It is important that these matters are cleared up now rather than during an election or during the course of a Court of Disputed Returns. The Government initiated this change from "place of living" to "place of residence" which the Opposition treats with a little suspicion. If a person has a house in the metropolitan area in which his family lives and if he has been living for three months in a construction camp on the Eyre Highway and doing some form of construction work, would that person be entitled to register in the electorate in which that construction camp has been sited or is he compelled to register in the electorate in the metropolitan area?

The Hon. K. T. GRIFFIN: If a person completes the appropriate declaration that he regards the construction camp as his place of residence, he will be entitled to be enrolled for that residence. However, if he is mobile and, in fact, has his normal residence in the metropolitan area, where his family is located, and he makes a declaration in respect of that, such a person would be equally entitled to be enrolled in relation to that residence.

The Hon. FRANK BLEVINS: So, the Attorney-General is saying that a person who works, for example, with the Highways Department, lives in a construction camp for 11 months of the year, and returns to his family in the metropolitan area for his month's annual leave, will be entitled to register in the electorate in which the construction camp is located, but that he may, if he wishes, register for where his home is in the metropolitan area.

The Hon. K. T. GRIFFIN: It becomes somewhat difficult to give firm answers to that sort of hypothetical question. If, for example, the person concerned periodically returned to his permanent principal place of residence, he would be entitled to be registered at that permanent principal place of residence. If, on the other hand, he spent 11 months at a construction camp in the outback and did not return home but lived there permanently, it would be difficult to see how he could claim any other place as his principal place of residence. Each case will be considered on its merits. After all, he is the one who will initiate action either for enrolment or for a change of address.

The Hon. FRANK BLEVINS: I had a couple of queries regarding new subsection (3). Will the Attorney-General say who can object, what is the procedure, and how the objection is evaluated? It is well known that in 1968, during the Millicent by-election, the Hon. Mr. DeGaris and the late Hon. Frank Potter objected to a large number of people being on the Millicent roll. Obviously, the object of the exercise was to reduce the number of people who it was thought might possibly vote Labor. It was found that there were 168 objections for the Assembly district of Millicent, of which 36 were dismissed by the Registrar. The opinion regarding the origin of the objection is that they came mainly from the Hon. Mr. DeGaris and the Hon. Mr. Potter.

Will the Attorney General say whether the procedure has changed since 1968? Does this clause in any way alter it, or is the position still that someone can object to people on the roll, and that those people will merely get a card saying, "Someone is objecting and, unless you return this card, you will be struck off the roll"? That is an improper procedure, and the Minister may be able to tell the Committee that the Hon. Mr. DeGaris will not be able to engage in that sort of behaviour in the future.

The Hon. K. T. GRIFFIN: The position under the Act is that any elector or the Electoral Commissioner can object to an enrolment. Under section 49 of the Act, there is a right of appeal to a court of summary jurisdiction. The ordinary means by which objections are made is by a habitation review, which is undertaken by the Electoral Commissioner. I understand that those reviews are undertaken by the Commonwealth rather than directly by the Electoral Commissioner, although the Commissioner and the Federal Chief Electoral Officer work in conjunction with one another on these habitation reviews.

The Commissioner informs me that he knows of no objections to enrolments made by individuals in the past 10 years, and that all objections have been made as a result

of habitation reviews or otherwise by the Electoral Commissioner or the Commonwealth Chief Electoral Officer.

Clause passed.

Clauses 22 and 23 passed.

Clause 24—"Requirements for nomination and rejection of nominations."

The Hon. C. J. SUMNER: This clause amends section 61 of the Act and deals with the situation in which the Electoral Commissioner may reject a nomination by a person to be a candidate at an election. The returning officer is given the power to reject a nomination if in his opinion the name of the person is obscene, frivolous or has been assumed for an ulterior purpose.

Honourable members will recall that some months ago in this Chamber we had a debate about whether a person could change his name. The Registrar of Births, Deaths and Marriages was given the power to reject a change of name if he thought that the person was changing his name to one that was frivolous or obscene. The Opposition thought that that was taking a lot of the fun out of life, but the dreary people on the Government benches decided to push ahead.

Therefore, it is not now possible for anyone in South Australia to have a frivolous name, even though they may like to have one. It now seems that the Government's obsession for order, good taste and dreariness has been carried on into the electoral rolls. In doing that, the Government has altered in two ways the situation that has applied to the changing of names. First, in addition to obscenity and frivolity, it has added a further ground for rejection, namely, the assumption of a name for an ulterior purpose. I ask the Committee to consider how that will be determined. I believe that it is placing far too great a power in the hands of the Electoral Commissioner or a returning officer.

How will the returning officer and the Electoral Commissioner determine whether a name has been assumed for an ulterior purpose? It is difficult enough for a returning officer and the Electoral Commissioner to decide whether a name is obscene or frivolous. Some months ago during another debate I asked the Attorney-General whether he could indicate some situation in which a name would be considered frivolous or obscene. I think that debate highlighted the difficulties that this type of clause will produce. However, there is an added difficulty. Not only does one have to wrestle with the definitions of "obscene" and "frivolous", one also has to wrestle with a phrase that I do not believe has found its way into legislation anywhere else, that is, "if a name has been assumed for an ulterior purpose". I think that places an enormous responsibility on the returning officer.

There is no question of legal opinion on this matter. There is no question of any appeal to a judge or any other authority, and that is another way in which this proposal differs from the proposal put forward by the Government in the change of name legislation. In that legislation a right of appeal was provided to a magistrate of the local court. In this case a candidate, a citizen of this community, can have his nomination rejected without any right of appeal on the basis that the returning officer, with the concurrence of the Electoral Commissioner, decided that a person had a name which was obscene, frivolous or had been assumed for an ulterior purpose. That position should not pertain, at least without any right of appeal, which is the only way of correcting any injustice. What has upset members opposite over the past few years are such names as "Susie Creamcheese" "Screw the Taxpayer", and there have been others from time to time.

The Hon. R. C. DeGaris: What about the Asian migration name?

The Hon. C. J. SUMNER: That is another one which certainly offended me. However, the argument is not whether it offends me, but whether a person should have the right to stand as a candidate if he uses an assumed name. If a person changes his name, should he not as a citizen be entitled to run as a candidate? I am prepared to go along with the Government's proposition, although I do have some doubts. I have already expressed those doubts in relation to the change of name legislation.

The returning officer may have no legal training whatsoever and the Electoral Commissioner may or may not have legal training, but they are both going to be asked to define the criteria. They are going to be asked to stand in judgement on a person's nomination without any right of appeal. What is meant by the term "ulterior purpose"? How does the Attorney anticipate that that phrase will be defined by a returning officer? The Attorney cannot say that the matter would be left ultimately to a court to decide, because there is no appeal provision.

The Hon. K. T. GRIFFIN: The only avenue of appeal is for the candidate to take the matter to the Court of Disputed Returns after the election. Interstate, for example, names such as "Mickey Mouse 1" and "Mickey Mouse 2" have been used.

The Hon. C. J. Sumner: What's wrong with them?

The Hon. K. T. GRIFFIN: They are frivolous. There have also been instances of people ordinarily known by another name changing their name to Mr. A, Mr. X, or Mr. XXX, to gain either first or last poll position on the ballot-paper. The Hon. Mr. Degaris referred to a change of name to ensure that a political slogan appeared on the ballot-paper as part of a candidate's name.

The Hon. B. A. Chatterton: That slogan did not appear—they just put the initials.

The Hon. K. T. GRIFFIN: That candidate, Mrs. Birrell, certainly changed her name with that objective. I suggest that that is not only offensive because of the nature of the slogan, but it is also an ulterior motive, because it sought to import into the ballot-paper a political slogan designed to influence electors. I suppose that "Mr. Screw the Taxpayer" also falls into the same category, although his slogan was perhaps not as offensive as Mrs. Birrell's racist slogan.

It is conceivable that a group comprising a number of candidates for the Legislative Council could change their names so that when listed together they spell out a political slogan. That would be an ulterior motive. I think there is good reason why that sort of thing should not be allowed, if in the opinion of the returning officer, in consultation with the Electoral Commissioner, it offends the categories referred to in the Bill, that is, obscenity, frivolity, or being assumed for an ulterior purpose.

I now turn to the question of appeal, which the Leader seeks to import into this Bill. Nominations ordinarily close at 12 noon, after which time postal votes must be issued to applicants. At a recent election Mr. Screw the Taxpayer nominated at 11 a.m. on nomination day. Had his nomination been rejected and he appealed we would not have been able to issue any Legislative Council postal votes until a court had decided the case.

The Government Printer begins producing ballot-papers immediately nominations close. Ballot-papers for most districts are printed beforehand and are merely held for final confirmation of nomination before they are sent out. Therefore, the Leader's proposal would place an unrealistic burden on the Government Printer.

It would put an unrealistic burden on him at a time when resources are stretched to the limit to ensure that ballot-papers are ready at the earliest opportunity for

distribution to those in Australia and overseas who want postal votes for the poll. I am told that when nominations close at 12 noon, the first ballot-papers are available for distrubution at 2 p.m. on the day when nominations close. If there was an appeal, I suppose that there are a couple of consequences. One may be that the returning officer in consultation with the Electoral Commissioner may be reluctant to reject a nomination on the basis of a frivolous or obscene name.

The Hon. C. J. Sumner: If there is any doubt, he should reject it.

The Hon. K. T. GRIFFIN: More importantly, it would also give those who so wish a classic opportunity to frustrate an election and destroy a postal voting facility because, if there was an appeal, it would take a matter of days, important days, to determine and, if one considers that the minimum time between nominations closing and the election is seven days, one can see that about 50 000 postal votes—the number cast at the last State election would be frustrated.

The Hon. C. J. Sumner: It's going to be 10 days.

The Hon. K. T. GRIFFIN: Yes, but I am saying that under the Act at present it is seven days. If the Council accepts 10 days, then the period could still be frustrated and postal vote applications and the processing of postal votes would be seriously prejudiced. For that reason the Government is not able to accept the proposed amendments of the Leader.

The Hon. C. J. SUMNER: The amendments do cover the objections of the Attorney. If he believes that bureaucratic problems are insurmountable, I am prepared to talk to him about restricting the time of the appeal. I move:

> Page 5—After line 43 insert subsections as follow:
>
> (3) A person whose nomination is rejected under subsection (2) may within two days after the rejection appeal against the rejection to a court of summary jurisdiction.
>
> (4) An appeal under subsection (2) shall be heard and determined as expeditiously as possible.
>
> (5) Upon an appeal under subsection (2), the court may confirm or reverse the decision of the returning officer.

Clearly, one would not want a situation where the election could be frustrated by an appeal and, indeed, one could possibly consider the insertion of an additional subsection to the appeal provision saying that the decision of the Court of Summary Jurisdiction shall be final. The risk that the Attorney runs in pursuing this clause without an appeal provision is that the election could be frustrated in a more fundamental way than if he has an appeal provision.

I say that because if there is a person who is aggrieved—of course, we are talking about the exceptional situation, the hard case, but they are the ones that we have to think through when legislating—if a person felt aggrieved by this and had his nomination rejected on the grounds that the Electoral Commissioner thought a name was frivolous, obscene or assumed for an ulterior purpose (I emphasise the definition of those criteria is open to considerable argument), if the returning officer rejected that nomination, I believe that the aggrieved person could resort to a prerogative writ.

If he resorted to a prerogative writ, you would really have your election in a mess. But, if there is an appeal provision and an appeal to a court, then the likelihood of any prerogative writ proceedings being initiated would be considerably diminished, because you would have had a court decide the matter. However, if there is no appeal provision, the matter is returned to the returning officer, a writ could be taken out on the basis that the returning officer had not properly considered the factors that were involved in the matter, had not properly interpreted the Act and, if that were the case, then you would run the risk of having the election badly upset.

I emphasise that the returning officer, who is not a legal person, and the Electoral Commissioner, who is not a legal person, would run the risk of making that decision. He could run that risk, perhaps not taking into account the submissions of the person who is putting forward the nomination, not taking into account adequately his particular point of view, and it might be that a court would say that the rules of natural justice had not been followed.

I believe that the Attorney in rejecting the appeal procedure is leaving himself, the Electoral Commissioner and the returning officer open to much more challenge than would exist if the Committee accepted my amendment for appeal provisions. On that basis I ask the Committee to consider the amendment. Where you have vested in a public servant—

The Hon. K. T. Griffin: Last year you were telling me he was not a public servant.

The Hon. C. J. SUMNER: He should be independent of the Government, but I will not go into that now. From time to time, I believe, the Attorney has given directions to the Electoral Commissioner that have been inconsistent with his independent statutory position. That was the Attorney's interjection, not mine. Indeed, a person may still be a public servant but still be an independent authority statutory position within the Government structure and being a public servant.

What we are talking about here is the decision of an official. He may believe that he is acting in the best interests of the people in making a decision to reject a nomination on these grounds. I believe it is unfair if there is no appeal. Certainly, it is inconsistent with other provisions of this kind, and the end result may lead the Government and the electoral authority into more problems than would exist if an appeal provision were there.

The Hon. K. T. GRIFFIN: I do not accept what the Leader is putting. The real difficulty is that any appeal provision will create problems at election time.

Under the 10-day period, nominations would close on Wednesday. The appeal would be instituted by the Friday. It would be, presumably in the normal course, held at the earliest on the following Monday which brings us within five days of the polling day. That in itself would create considerable difficulties and would lead to a frustration of the postal voting system.

The Hon. C. J. Sumner: What about the prerogative writ?

The Hon. K. T. GRIFFIN: Prerogative writs do not stop the process of the election.

The Hon. C. J. Sumner: It would.

The Hon. K. T. GRIFFIN: If the order *nisi* is granted it would. At least on a prerogative writs procedure the matter is heard quickly on the day that it is refused, because in prerogative writ procedures, if the applicant delays, it prejudices the granting of the order *nisi*. I do not discourage the prerogative writ procedure, because I think it is an effective review process. An appeal provision of the nature of which the Leader of the Opposition has inserted creates problems which could well lead to the frustration of the election. It is for those reasons that I cannot accept the proposed amendment.

The Hon. G. L. BRUCE: Is the Attorney-General saying that someone that was knocked out on those grounds could appeal after the election?

The Hon. K. T. GRIFFIN: There is a possibility that that person may fall within the category of a person going to

the Court of Disputed Returns.

The Hon. G. L. BRUCE: If that was the case, the person would have the right of appeal, and if that appeal was upheld that would frustrate the thrust of the election. After the appeal was heard and there was not a reason to knock him out and he was entitled to stand, surely there would have to be a re-election. That in itself would be more frustrating than having a delay while a quick look while the appeal took place.

The Hon. K. T. GRIFFIN: One has to remember that if anybody does have a right to go to the Court of Disputed Returns that person has to demonstrate to the court that the error or omission would have prejudiced that person's election. That the result of the election would be different if the error or omission had not occurred must be proved. If a person's application for nomination was refused on the basis of a name I would find it difficult to see that it would fall into that category. The remedy is very much in the hands of the individuals themselves. If they choose to adopt an unreasonable attitude, they have themselves to blame for the difficulty. They can accommodate the principle which we are seeking to embody in the legislation quite easily.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), 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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 25—"Death of nominated candidate on or before polling day."

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

Page 6—

Lines 11 and 12—Leave out paragraph *(b)* and insert paragraph as follows:

(b) any preference indicated on a ballot-paper for that candidate shall be ignored and any subsequent preferences indicated on the ballot-paper shall be re-numbered accordingly.

After line 12—Insert subsection as follows:

(3) No ballot-paper used for an election for the Legislative Council shall be rendered informal by virtue of the operation of subsection (2).

These amendments are consequential on other later amendments which result from the Government's decision to oppose the amendment to the Bill for a system to replace the voting system for the Legislative Council in line with the system of proportional representation which is based on the New South Wales system of 1978 for its Legislative Council.

New section 69 (2) presently provides for a situation where the member of a group standing for election for the Legislative Council dies before or on polling day. My amendment substitutes for paragraph (b) of the new subsection a paragraph providing that, where a candidate for election to the Legislative Council under the proposed proportional representation system dies before or on polling day, any preference expressed for the candidate shall be ignored, and any subsequent preferences indicated in the ballot-paper shall be renumbered accordingly. I also propose to move to insert new section 69 (3), which provides that no ballot-paper used for an election for the Legislative Council shall be rendered informal by virtue of the operation of subsection (2).

Before I indicated the Government's proposal to move towards the New South Wales legislation, the Hon. Mr. DeGaris drew attention to the difficulty in drafting what the Bill proposes as new section 69 (2) (b). This amendment clarifies that, as well as picking up the change from the list system to the New South Wales type of system. It is also similar to the provision in the Senate, where a candidate dies between nomination day and polling day.

The Hon. C. J. SUMNER: This is the first clause on which the Committee has an opportunity to comment regarding the Government's decision last Wednesday to change the basis of its amendments to the Legislative Council voting system. It is quite clear, as I said in my second reading speech, that the Government had accepted the validity of the list system.

The Hon. R. C. DeGaris: It still does.

The Hon. C. J. SUMNER: It accepted the list system, in the same way as the list system was introduced with the Hon. Mr. DeGaris's support in 1973. This Bill accepted the validity of the list system, that is, the basic principles behind the system that was introduced in 1973.

The Opposition believes that that system was valid and acceptable for the election of members to this Council. We believe that Parliament should have stuck with the system that was introduced in 1973, with the clear support of the Hon. Mr. DeGaris both in his second reading speech and in his summing up after the conference.

The Hon. Mr. Blevins has quoted to the Committee the words spoken by Mr. DeGaris in 1973, when the Hon. Mr. DeGaris clearly supported the principles of the list system as it was introduced by the Labor Government at that time. However, as has happened on a number of occasions, there has been a bit of a transformation in the Hon. Mr. DeGaris's attitude on this matter and on a number of other matters in the past few years. It seems that his present views, which are different from those of 1973, have found favour with the Government.

So, despite the Governments initially accepting the 1973 legislation, and despite the Bill's having been based on that, the Attorney-General announced last Wednesday in his reply to the second reading debate that he was going to abandon the list system. For this Government, the list system lasted something less than a week, that is, from the time that the Bill was introduced until the time that the Attorney-General was got at in the Party room by the Hon. Mr. DeGaris. It constitutes one of the ignominious *volte-faces* of any political Party in recent times.

The Hon. Mr. DeGaris has clearly outmanoeuvred the Government and has particularly outmanoeuvred the Attorney-General, who is supposed to have the responsibility for this legislation. I think it is also clear that he has outmanoeuvred the Premier. There is no doubt that the Hon. Mr. DeGaris has a considerable knowledge of electoral matters, and it is clear that his knowledge was far superior to that of the Attorney-General. Many people have approached me about this matter and asked, "Is Mr. DeGaris running the Liberal Government?"

The Hon. L. H. Davis: Nominations for the Academy Awards have closed.

The Hon. C. J. SUMNER: How can one respond to that? A Bill was introduced and within a week the Hon. Mr. DeGaris convinced the Attorney-General who is supposed to be one of the hotshots in the Liberal Government, to change his mind. One can imagine, if that sort of change of heart had occurred in the Labor Government, the cries that would have emanated from the Liberals about how the Government had been taken over by left-wing radicals, how we were under pressure from Trades Hall, that South Terrace was running us, and all the rest of it. Yet in this case they have, as calmly as lambs,

succumbed to the right-wing faction of the Liberal Party, those forces within the Liberal Party who have been led by the Hon. Mr. DeGaris and who have received support from you, Mr. Chairman, as well as from the Hon. Boyd Dawkins and other honourable members who have now left the Chamber.

It is clear that it is now the right-wing rump in the Liberal Party that is able to call the shots. If that had been the case and the Labor Government had, under the sort of pressure that the Hon. Mr. DeGaris has applied on the Attorney-General, changed its mind on a Bill within a week of its introduction in Parliament, the Liberal Party would have screamed its head off.

The Hon. Frank Blevins: And justifiably so.

The Hon. C. J. SUMNER: Yes. One would expect that the Labor Government was generally able to see its intentions put into effect, except in cases where the Liberal-dominated Legislative Council opposed it. The Attorney-General has been beaten by the Hon. Mr. DeGaris. The Attorney-General, the Premier and the Government have all caved in over a matter of considerable significance.

The Hon. Frank Blevins: The Hon. Mr. DeGaris has sweated off on them and paid them back.

The Hon. C. J. SUMNER: Yes, some people have suggested that the Hon. Mr. DeGaris has now managed to obtain his vengeance. If this had occurred in other circumstances, the Liberals would have had a lot to say about it. Despite this change of heart, at the moment there seems to be a majority in this Chamber who favor a change in the electoral system and the abolition of the list system which has operated up until now. Accordingly, the Opposition will be dealing with the propositions for the abolition of the list system in a way that amends the legislation to provide for the implementation of the New South Wales system.

Last Wednesday the Attorney-General said that he was going to introduce the New South Wales system, but when his amendments appeared on file he had not done that. He has introduced a variant of that system. Given that the Council appears at this stage to favor the abolition of the list system, the Opposition will attempt to move an amendment to the Attorney-General's amendments to reduce the possibility of informal voting by providing for complete optional preferential voting.

The Hon. K. T. Griffin: That is a variation of the New South Wales system.

The Hon. C. J. SUMNER: Indeed it is, but it is the Attorney-General who has alleged that he supports the New South Wales system. The Opposition was not supporting the New South Wales system. Although the Attorney-General said that he supported the New South Wales system, he has proposed amendments which do not implement that system. The Opposition will attempt to reduce the possibility of informality by providing for a system of optional preferential voting whereby, even if an elector places only a first preference on his ballot-paper, it shall be accepted as a valid vote if that fails. The Opposition also believes that if the Attorney-General is so enamoured of the New South Wales system he should introduce that system. In that context the Opposition believes that an elector should be required to vote for only seven candidates out of the 11 required to be elected.

In New South Wales there are 15 persons to be elected at each election, and the elector is required only to vote for 10, which is two-thirds of the places that are to be filled. The Opposition suggests that seven is the closest number to two-thirds of the 11 places in South Australia, and therefore the elector should be required only to fill in the number of preferences up to seven. That will then implement the New South Wales system in South Australia. However, the Attorney-General's proposition does not do that. I have dealt with the Opposition's general attitude in some detail so that the Committee is aware of our position. Whilst we believe that the existing system was quite satisfactory, we will be working towards making the system proposed by the Attorney-General better. The Opposition will consider its position at the conclusion of the Committee stage. At this point the Opposition does not oppose clause 25 because, if the Attorney's scheme is eventually accepted by the Committee, this will be an integral part of that scheme. Depending on what the Committee has produced, at the third reading we may have to reconsider our attitude.

The Hon. K. T. GRIFFIN: I think it is appropriate for me to briefly refer to some of the comments made by the Leader of the Opposition. The Government has not accepted the list system.

The Hon. C. J. Sumner: You did before.

The Hon. K. T. GRIFFIN: The Government believed that there were important anomalies to correct, and if it could correct them it was prepared to live with this system for the time being. In November 1979 the Premier made it clear that the Government was committed to the principle of voting for individuals and not for lists where the order of preference of candidates was fixed by Parties. We adopted that same view when in Opposition. I am quite happy to accept that now is the appropriate time to move the full way towards implementing the Government's publicly stated commitment to ensure that in the Legislative Council there can be voting for individuals. I indicated, when I closed the second reading debate, that I recognised from the expressions of opinion in this Chamber by the Opposition, by the Hon. Lance Milne and by the Hon. Mr. DeGaris, that we would not be able to achieve even partial reform to eliminate the anomaly which had been in existence in the Legislative Council list system since 1973.

So, I and the Government are prepared to face reality and accept that we now have the support of the Hon. Lance Milne and other members on this side of the Chamber for a full reform of the Legislative Council voting system. The Leader of the Opposition has made certain references to influence on this side of the Chamber and on the cross benches. I do not really want to embark on a review of that, except to say that it is public knowledge that members in Government Parties periodically have views which they hold so strongly that they are compelled not to support particular matters which the Government has proposed for legislation. We live with that and accept it, but the Opposition is very firmly bound, except on conscience matters (and they are very rare), to the Party line. It is important, because the Leader of the Opposition has raised it, that I put that comment into its proper context.

He has now sought to make some criticism of the Government about the way in which it sought to implement the New South Wales system. The Leader makes some criticism that, in seeking to provide that electors vote for 11 candidates, we are not following the New South Wales system. That is only a relatively minor variant of the New South Wales system. In fact, it picks up a requirement of the Tasmanian system, which is that electors vote in order of preference for the number of candidates' vacancies. All that we are doing is refining the New South Wales system to ensure that electors—

The Hon. C. J. Sumner: You are not introducing the New South Wales system?

The Hon. K. T. GRIFFIN: It is based on the New South

Wales system. It is a refinement of the New South Wales system that requires electors to vote for a number of candidates equivalent to the number of positions to be filled.

The Hon. Anne Levy: You could say that it is a refinement of the Senate system; it is just as accurate.

The Hon. K. T. GRIFFIN: We are talking not about the Senate system but about the New South Wales system. The Leader, having made his criticism and using that as a basis for amendment to require an elector to vote only for seven, has said "All right, we will introduce another change, fully optional preferential voting; that is, if you vote "1", then that is a formal vote". I cannot subscribe to that view, and at the appropriate time when that amendment is being considered I will speak even more strongly against the Leader's foreshadowed amendment to make it a fully optional preferential system.

The Government is prepared to support the partial optional preferential system which is embodied in its amendment. The refinement of the New South Wales system which we are proposing is not in my view sufficient justification for the Leader to say, "If they can do that, so can I". Therefore, I want to make it clear that the Government is committed to changes which are embodied in these amendments.

Amendments carried.

The Hon. R. C. DeGARIS: This clause deals specifically with the question of the procedures involved in the case of death of a nominated candidate on or before polling day. There are still some difficulties in this provision as amended by this clause. It is too big a job at this stage, with the work that has already been done on the Bill, to draft and present amendments to the Committee that may cover all the possibilities in regard to death between nomination day and polling day but, as I believe that the Act will have to be looked at again in regard to some of these matters, will the Attorney look at this question to see whether a new system altogether can be devised to cover all the possibilities of any miscarriage of justice that may occur in relation to the death of a candidate between nomination day and polling day?

The Hon. K. T. GRIFFIN: I recognise that there may well be difficulties where more than one candidate dies between nomination day and polling day. As the Hon. Mr. DeGaris has said, it is a fairly large job to try to come to grips with that particular difficulty. I will undertake to look at that matter and give it appropriate consideration and, if there is a solution, to bring other amendments to this Chamber at some later stage, but not so as to delay the passing of this Bill. What we are doing in this Bill, as amended, is really to pick up the New South Wales and the Senate systems.

The Hon. Frank Blevins: And the Tasmanian system.

The Hon. K. T. GRIFFIN: The Tasmanian system is different. The deficiency to which the Hon. Mr. DeGaris has referred is common to all of them. Certainly, I am prepared to have those matters looked at in the next few months.

The Hon. R. C. DeGARIS: This is desirable, because otherwise we will have a great temptation for political Parties to nominate more than the maximum number of seven candidates that any political Party can gain under the present system to ensure that no miscarriage of justice occurs between nomination day and polling day.

Clause as amended passed.

Clause 26—"Forfeiture of deposit."

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

Page 6—

Line 13—After "amended" insert

—

(a)

After line 23 insert paragraph as follows:

and

(b) by striking out paragraph *(a)* of subsection (2) and substituting the following paragraph:

(a) where he is a candidate for a district for which two or more members are required to be elected, if the total number of votes polled as first preference votes in favour of the members of the group in which he is included is not less than one-half of the quota referred to in section 125 (9) *(a)* of this Act;.

This is a consequential amendment. The present provision in the Bill deals with the list system. The amendments that I am proposing convert that to the proportional representation system. The basis upon which the forfeiture of the deposit will be determined is where a candidate fails to obtain a number of first preference votes less than one-half of a quota. In such a case he will forfeit the deposit. The provision is the same as in New South Wales.

Amendment carried; clause as amended passed.

Clauses 27 to 32 passed.

Clause 33—"Directions for postal voting."

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

Page 7, lines 33 and 34—Leave out all words in these lines and insert "and shall write in legible script in the place provided on the envelope his full name and the address of his usual place of residence".

Clause 33 amends section 81 of the principal Act and deals with directions for postal voting. It requires that when a person returns his postal ballot-paper in an envelope the elector need only sign the envelope in which the ballot-paper is contained. I imagine that that has caused some difficulties with the returning officers in deciphering the signature of the elector and thereby tracking down the correct name of the person. The present clause 33 adds a further requirement that the person, in addition to signing his name, shall print his name on the envelope containing a postal ballot-paper. My concern is as to what is meant by "printing". Obviously the intention is to obtain legibility. If a person types on the envelope, would that be considered as printing? If he clearly and legibly writes, is there anything wrong with that? My amendment removes some of the confusion that could exist with the definition.

The Hon. K. T. GRIFFIN: I am persuaded by the Leader that this is an appropriate amendment and I am prepared to accept it.

Amendment carried; clause as amended passed.

New clause 33a—"Interpretation".

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

Page 7—After clause 33 insert new clause as follows:

33a. Section 87a of the principal Act is amended by inserting after the word "Part" in the definition of "declared institution" the passage "and includes any other institution in which twenty or more inmates are cared for".

One or two years ago a system of electoral visitors was introduced in South Australia whereby in certain institutions (hospitals and the like) an electoral visitor who was an official of the Electoral Commissioner could visit institutions to assist in the collection and processing of votes in such institutions. I believe that the system has worked well. The difficulty is that not all institutions are catered for. I believe that the Electoral Commissioner has ruled that an electoral visitor will only be permitted to visit an institution that has more than 50 inmates. That leaves a large number of institutions not covered by the electoral visitor procedure. The rationale behind the electoral visitor procedure was that there were allegations from time to time of malpractice in these institutions and of

people in charge at the institutions and other canvassers on behalf of political Parties entering institutions and obtaining votes from inmates in a way not consistent with the provisions of the Electoral Act. It was accepted by Parliament that the electoral visitor procedure should be introduced.

I believe that everyone in Parliament would agree that it was a reform that was necessary and justified. The problem is that it does not apply to all institutions. I believe that as a result of the Commissioner's direction only institutions with more than 50 inmates are covered. Many institutions have less than that number. The same problems would apply in smaller institutions; in fact, they may be more pronounced. This amendment seeks to broaden the scope of the electoral visitor procedure and provides that where there are more than 20 inmates the electoral visitor should be required to visit that institution.

There is not a great change in the principle. It is essentially a matter of Parliament expressing its view that in a broader range of institutions the electoral visitor should be required to visit. We believe that the present practice of drawing the line at 50 inmates is not an appropriate figure and should be reduced to 20 inmates.

The Hon. K. T. GRIFFIN: I am concerned about putting into the Bill a provision which seeks to specify any particular number. I believe that it may create some difficulties.

In some instances there may be a need for electoral visitors to visit establishments in which there are fewer than 20 electors. The present practice is to prescribe all institutions with more than 50 inmates. The Electoral Commissioner tells me that it is intended to extend this to more than 25 inmates, but to have a flexible approach to it, as I have indicated, in those circumstances where there is either an institution in close proximity to one that is prescribed, where it is convenient for electoral visitors to call, or in circumstances where it is appropriate for electoral visitors to call at an institution where there are fewer than 25 inmates.

I therefore suggest that this matter will appropriately be dealt with administratively. I have indicated to the Committee what the Commissioner intends to do, and I would support him in that decision. If that occurs for the next election, it will achieve very largely the result that the Leader of the Opposition is seeking, as well as leaving the Commissioner with some flexibility.

I also point out that it is possible to bring within the amendment institutions such as the B.H.P. single men's quarters at Whyalla, because it has more than 20 persons yet is an institution that would meet the appropriate qualification.

The Hon. C. J. Sumner: That is not the fault of this amendment.

The Hon. K. T. GRIFFIN: No, it is not. It is the way in which the Leader of the Opposition is presenting it. Section 87a provides as follows:

> In this Part, unless the contrary intention appears—
> "declared institution" means an institution for the time being declared by proclamation to be a declared institution for the purposes of this part:
> "electoral visitor" means a person appointed to be an electoral visitor under this Part.

It then goes on to state that that declared institution also includes any other institution in which 20 or more inmates are cared for. So, that is not qualified by section 87b, under which the Governor may, by proclamation, declare any hospital, nursing home or any other institution that has or may have inmates who are electors and for any reason are precluded from leaving the institution and attending at any polling booth to vote to be a declared institution for the purpose of Part XA.

The Hon. C. J. Sumner: You aren't going to rely on that?

The Hon. K. T. GRIFFIN: No. I have indicated what the Electoral Commissioner intends to do. I believe that that suffices, and that the more specific criteria embodied in the Leader's amendment are unnecessary and, in some respects, undesirable.

The Hon. C. J. SUMNER: I feel considerably bucked up. The Opposition won the last amendment, and it appears now that the Attorney-General is almost accepting what we are proposing on this provision. In fact, we seem to be creeping towards a compromise. I wonder whether in a minute or so the Attorney-General may be prepared to come down to 20 as the figure at which the Commissioner would be prepared to have an electoral visitor. If he would be prepared to do that, there would be no point in my proceeding with the amendment.

Although I see that the matter could be dealt with administratively, I feel that it is a matter of considerable importance in view of the original rationale. I therefore consider that it ought to be as widespread and used as much as is practicable.

I understand the Attorney-General now to be saying that the Commissioner intends to use the electoral visitor procedure in institutions with more than 25 persons and that he may indeed use an electoral visitor in other institutions in the vicinity or nearby which have fewer than 25 patients but which could be conveniently served by the electoral visitor. If that is the case, it is a reasonably satisfactory procedure, provided that the Attorney-General can ask the Commissioner to consider making it institutions of over 20 inmates rather than of 25 inmates. Is there any magic in the figure of 25 inmates?

The Hon. K. T. GRIFFIN: I am certainly prepared to request the Commissioner to consider reducing it below 25, which is his considered view as to the appropriate figure in the light of the number of institutions that will be brought into this matter.

It involves a question of staffing. I am not in a position to give the Leader an unequivocal undertaking that 20 will be the limit, but I am prepared to say that the Commissioner will give proper and fair consideration to the matter after he has had a chance to assess what the implications may be for staffing and other considerations in the department.

The Hon. C. J. Sumner: It will at least go to 25?

The Hon. K. T. GRIFFIN: Yes, the Commissioner has indicated that it will go to 25 at the next election.

The Hon. C. J. SUMNER: In view of that undertaking, and the indication that the Commissioner has apparently given the Minister, I think that the matter can be dealt with administratively. Presumably, if any member of Parliament or a member of the public wishes to make representations to the Commissioner or the Minister on whether 20 or 25 should be the appropriate number, he or she can do so. I am pleased to see that the Attorney-General has confirmed that, whatever the figure is, it will not be a hard and fast rule but that, if it is convenient to take in other institutions that may have fewer inmates than the Electoral Commissioner applies as a general rule, they will also be served. In view of those intimations, I seek leave to withdraw the new clause.

Leave granted; new clause withdrawn.

Clauses 34 to 36 passed.

New clause 36a—"Printing of ballot-papers."

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

> After clause 36, insert new clause as follows:
> 36a. Section 96 of the principal Act is amended by striking out from paragraph (i) of subsection (1) the

passage "each group" and substituting the passage "the name of each candidate".

This really deals with the question of changing from the list or group system of voting for individuals.

The Hon. C. J. SUMNER: Will the new scheme, which is based on the New South Wales scheme, accept the requirement that in New South Wales the electors are required to vote for only two-thirds of the vacancies? If this scheme is adopted in South Australia, the voter will be required to vote for enough candidates to fill all the vacancies. Is that the only difference between the Attorney-General's proposition and the New South Wales legislation?

The Hon. K. T. GRIFFIN: That is the case. There are several minor drafting changes, and I draw the Leader's attention to clause 47, where there is a slight drafting variation. However, it is consistent with the position in New South Wales. There is also a drafting change in Form D, where there are different numbers of candidates listed as an illustration of the ballot-paper which will be required for Legislative Council elections. They are the only changes between the New South Wales system and the proposed system for South Australia, in addition to the number of candidates for which a vote will be required.

The Hon. C. J. SUMNER: The Attorney is saying that the matters he has referred to, apart from the number of candidates for whom we will be required to vote, are technical matters that do not affect the substance of his proposed scheme. In all respects, apart from the number of candidates for whom we are required to vote, he is saying that this proposal is the same as the New South Wales scheme. What does the Government intend to do to advise people in South Australia of this change to the voting system? The difficulty is that the people of South Australia have become used to the simpler system over the last two State elections. There is no doubt that the list system is a simpler voting system than that presently being introduced.

The Hon. R. C. DeGaris: Why are there more informal votes here than in New South Wales?

The Hon. C. J. SUMNER: I believe that the people of South Australia accepted that simplicity and now, after two elections, they are used to that simple system. If this Bill is eventually passed by the Council they will have a different and more complicated system at the next election. The Hon. Mr. DeGaris has asked why more informal votes are recorded in South Australia than in New South Wales. One reason could be that the people of New South Wales are more accustomed to large numbers of candidates. In the 1974 Senate election there were about 70 candidates on the ballot-paper.

The Hon. R. C. DeGaris: We have had 70 in South Australia.

The Hon. C. J. SUMNER: We may have in the past, but not recently. The people of New South Wales have become more familiar with the system of filling in every square on the ballot-paper.

The Hon. K. T. Griffin: At the last Senate election in New South Wales the informal vote was 9.4 per cent, as opposed to an informal vote for the New South Wales Upper House of 4.1 per cent.

The Hon. C. J. SUMNER: I accept that the matter is open to some argument. The desire would be to reduce the amount of informal voting, and I was merely proposing one possible reason why the level of informal voting in the Legislative Council election in New South Wales was about the same as it was in South Australia with the list system. One reason I put forward was that perhaps the people of New South Wales are more accustomed to voting with the Senate or the New South Wales system, and I concede that that reason does not have a great deal of force.

I believe that a considerable publicity campaign was launched by the electoral authorities in New South Wales following the change to the Legislative Council voting system in that State and specifically directed to those changes. As the Attorney seems to be keen on reducing the level of informal voting or at least keeping it below the level which exists under the list system, what steps does the Government intend to take before the next election and during the lead-up to that election to ensure that South Australians are aware of any new system which may be introduced following the passage of this Bill?

The Hon. K. T. GRIFFIN: In a sense the Legislative Council list system was an anomaly in the voting systems with which South Australians have been familiar for Federal and State elections. Notwithstanding that, they were able to cope with the list system fairly well. Prior to the next election the Electoral Commissioner will undertake an extensive television, radio and print media publicity campaign designed to educate electors in the new system. He will also have leaflets distributed to ensure as much as possible that the new system is understood by electors.

Honourable members will be aware that prior to the last election and the election before that, he had undertaken publicity campaigns to ensure that electors understood all about postal votes and absentee votes and the need to enrol. I see the lead-up to the next State election and the publicity campaign in relation to the new Legislative Council system being in that same category.

The Hon. C. J. SUMNER: Will you give him the money?

The Hon. K. T. GRIFFIN: He will have adequate funds for that sort of campaign. In terms of voting for people, the electors of South Australia will probably be more at home with this system because of the voting for individuals on a fully preferential system in the House of Assembly, in the Senate in a fully preferential system and, therefore, the transition from what I suppose could be regarded as an anomaly in the electoral voting system in South Australia to the new Legislative Council voting system. I think the South Australian community will cope with it well, but there will be an extensive publicity campaign to ensure that as many people as possible understand it.

New clause inserted.

Clauses 37 to 41 passed.

Clause 42—"Voter may be accompanied by an assistant in certain cases."

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

Page 9, line 16—After "may" insert ", after consulting any scrutineers present in the polling booth,".

This clause relates to section 110 and provides that an assistant may assist the voter in a number of ways. We have no objection to this clause and will be supporting it in principle. I refer to new section 110 (2). The amendment would ensure that, before a presiding officer expresses his disapproval of a person chosen to assist the voter, the presiding officer should consult any scrutineer present in the polling booth. This provision vests in the presiding officer considerable power over a voter in a polling booth. It may be necessary for the presiding officer to express such disaproval if the person is not satisfactory but, if it is being exercised, it should be done only after a scrutineer has been consulted. In most cases it will have no great consequences, but a person who is disapproved of or the voter could complain, and an interested scrutineer could come into the polling booth. There should be some other mechanism in the legislation before a final decision is made. The amendment would give a further protection to

any aggrieved person and would be a check on that power.

The Hon. K. T. GRIFFIN: No similar provision applies in response of absentee voting, which is the major certificating method of voting on polling day. The Electoral Commissioner and I are concerned that at a time when the presiding officer and officials are busy conducting the poll, they then must, at the convenience of an elector, chase up a scrutineer who may be in another room. When is a scrutineer present?

The Hon. C. J. Sumner: When he is there.

The Hon. K. T. GRIFFIN: Many polling booths have more than one room. The presiding officer has to identify the scrutineer and collect people and bring them together to assist in making his decision. The function of a scrutineer should be confined to observing the proceedings, and the actual administration of the election should remain the sole preserve of the independent electoral staff. The scrutineer should not be involved in the making of decisions contemplated by the proposal. Instead of becoming observers they become participants in the discharge of the functions of the electoral officer.

The Hon. C. J. Sumner: The presiding officer consults scrutineers all the time.

The Hon. K. T. GRIFFIN: You are placing on him an obligation to seek out scrutineers who will have to make a judgement whether a person who is attempting to assist an elector is a suitable person.

What the Leader is wanting the scrutineers to do is assess the person he is seeking to assist. That is not an observation—it is a matter of reaching an opinion on an individual. There are cases where, for example, an elector comes in and a person who is drunk seeks to assist the elector. That sort of person is not appropriate to give the assistance. There has also been an instance where a person was going to the local hotel and bring people across to the polling booth and endeavouring to assist them to vote. It is also conceivable that someone handing out how-to-vote cards may be seeking to assist an elector in circumstances where the assistance would fall into the category of soliciting. All those matters ought to be within the responsibility of the presiding officer, who is independent and who has a statutory responsibility under the legislation.

If a person requires assistance, the presiding officer will do his utmost to ensure that that assistance is granted. He has to have some flexibility in making the decision without the statutory obligation of consulting the scrutineers. If he does not satisfy the statutory obligation because he inadvertently misses out on one scrutineer, or if the scrutineers do not think he has adequately consulted, then the risk is that there would be a breach which will go to constitute a breach of the Electoral Act.

There being a disturbance in the gallery:

The CHAIRMAN: Order! The Council is still sitting.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), 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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. C. J. SUMNER: I refer to a situation where a person takes someone into a polling booth, without gaining the approval of the presiding officer to assist him with the vote and thereby contravenes provisions relating to the security of the ballot. If that irregularity is seen by the presiding officer and he takes the matter up with the elector, what is the status of the ballot-papers which may have been partly or completely filled in? There may be other examples of irregularities seen by the presiding officer upon which he may take some action. What status does a completed vote (and I mean completed in the sense of not being in the ballot-box but being filled in) or any ballot-paper partially completed have when a presiding officer observes the irregularity? Does it mean that the elector then has the ballot-papers confiscated; do they not form part of the count, and does the elector get another vote?

Does it mean that if the ballot-paper has been completely filled in the elector is allowed to deposit that ballot-paper in the ballot-box? I would have thought that if the presiding officer saw a person obtaining voting assistance without permission from the presiding officer that ballot-paper, if not completely filled in, would be set aside as a wasted ballot-paper and the elector would be entitled to another ballot-paper.

The person concerned would have to complete that in accordance with the Electoral Act regulations. This raises an important point that may not arise very often. However, in the heightened awareness that electoral officers may have as a result of the Court of Disputed Returns, there may be a greater chance of this sort of situation occurring. Accordingly, the Committee should have some idea of how the matter would be dealt with.

The Hon. K. T. GRIFFIN: First, the proposed amendment is much more flexible than present section 110. We are anxious to ensure that there is this flexibility. In the Norwood Court of Disputed Returns, the judge held that the ballot-papers marked in the circumstances to which the Leader has referred were, if they had not been placed in the ballot-box, to be taken from the elector and regarded as informal; the elector would not have had an opportunity to cast a formal vote. It was this in particular that prompted the Government to endeavour to give more flexibility where assistance was required by an elector.

The Hon. C. J. SUMNER: I take it that the Attorney-General is saying that any irregularity which is perceived by the presiding officer means that the vote which is in the course of being filled in or which may have been completed is set aside and regarded as an informal vote and not counted, and the person involved does not get another vote.

The Hon. K. T. GRIFFIN: That is the position as I understand it from the decision of Justice Mitchell.

The Hon. C. J. SUMNER: There is a half-way house if that is the law. I refer to the position where an elector has not completely filled out the ballot-paper but is in the process of doing so and may, if we have this Legislative Council voting system, be down to No. 23 with another 20 candidates to go. Would he then, as he had not completed his vote, be entitled to another ballot-paper?

The Hon. K. T. GRIFFIN: Even if the ballot-paper has not been completed and the influence is there, it cannot be undone. I suppose one of the ways of avoiding it might be for the elector to rule a line through it and claim that it was a spoilt ballot-paper. However, I doubt whether many people would want to use that device, even if they were familiar with it.

The Leader's proposition is largely hypothetical, and I expect that in practice it would rarely, if ever, occur. I can take the matter no further than that.

Clause passed.

Clause 43—"Voting in pursuance of claim."

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

Page 9, line 33—Leave out "subsection" and insert

"subsections".

Page 10—After line 5 insert subsection as follows:

(1a) Where it appears to an officer that a person claiming to vote may be entitled to vote under this section, he shall inform that person in general terms of the provisions of this section.

This clause deals with section 110a votes, and the situation where an elector arrives at a polling booth to find that for some reason he is not on the roll but believes that he is entitled to vote. Having done everything to get on the roll, but finding that, as a result of a mistake somewhere along the line, he has been omitted therefrom, such a person can then claim a section 110a vote.

The situation has arisen on a number of occasions in the past where people have arrived at a polling booth and requested a vote, only to be told by the officers that they are not on the roll and that, therefore, they cannot vote. To many people, if an official says that, it is enough for them and they leave. However, some people may be in a section 110a situation.

Examples were brought to the attention of the Opposition at the time of the Norwood Court of Disputed Returns controversy, where people suggested to the officers that they thought they had a right to vote, only to be told that they did not have to do so and that it did not matter. That situation ought to be rectified.

My amendment will do that by providing that, where it appears to an officer that a person claiming to vote may be entitled to vote under section 110a, he shall inform that person in general terms of the provision. This is a desirable amendment that ought to commend itself to, for instance, the Hon. Mr. Milne, the Australian Democrat representative in this Chamber, because it is a matter of some fairness.

If the officers at the polling booth are discouraging from voting, people who may be entitled to vote under section 110a, that is an undesirable situation. Certainly, the Opposition received submissions during the controversy surrounding the Norwood by-election indicating that this was happening. Accordingly, I ask the Committee to consider my amendment, which is perfectly reasonable.

All it says is that the official in the polling booth, when confronted with this situation, should tell the elector that a section 110a vote is available if he fulfils certain criteria. We are not suggesting that he should bludgeon the elector into voting. We are trying to ensure that the voter is made aware of his rights. The evidence we have at present suggests that the voter is not always made aware of his rights and that on occasions the voter is positively discouraged from attempting to cast a section 110a vote.

The Hon. K. T. GRIFFIN: Electors who find that they are not on the roll already have their rights drawn to their attention by the presiding officer. Last year the Electoral Commissioner convened a seminar for returning officers for the very first time. As soon as this legislation is passed there will be another seminar as part of a training programme for returning officers. As part of the training programme, there will also be a seminar for presiding officers. the Electoral Commissioner is very keen to ensure that staff who man the polls receive adequate training. These types of seminars were not held in the past. To a certain extent the type of proposition required by the Leader is covered administratively. Under the proposed educational programme even more polling officers will become familiar with their responsibilities in dealing with section 110a votes.

The problem in including in the legislation a specific requirement that this be done immediately raises the same sorts of problems that we had with the requirement that scrutineers must be consulted. It is a matter that can create confusion. The problem is identifying the extent to which the duty has been discharged. Polling officers are generally under considerable pressure on polling day and will find that they are under greater pressure, because they will go further than their statutory obligation requirements to ensure that there can be no question about the discharge of those statutory obligations. What concerns the Electoral Commissioner and myself is that if this provision is embodied in the Bill it would make those sorts of difficulties for polling officers and, more particularly, would create a further ground for objection by a candidate who may claim that those duties have not been adequately discharged.

The Hon. C. J. Sumner: What's wrong with that?

The Hon. K. T. GRIFFIN: The duties are now discharged, but we do not have problems in relation to each subsection. What is the extent of the information that has to be given to the elector? It is a good principle, and I support it. In relation to informing a person entitled to claim a vote on polling day, to embody it the Statute is likely to create other problems and concerns for polling officers about the extent to which such information should be given. In fact, it may create those difficulties without achieving any useful objective. Presiding officers already have these responsibilities and discharge them in a way which does not disfranchise claimants unless they do not satisfy the criteria. Although I accept the principle, I suggest that it should not be a statutory obligation. I undertake to ensure that the Electoral Commissioner take appropriate steps to ensure that his officers are aware of their obligations.

The Hon. K. L. MILNE: The Attorney-General said that the seminar was for returning officers. Will a seminar be held for presiding officers as well?

The Hon. K. T. GRIFFIN: The Electoral Commissioner has taken this initiative. As I said, he has organised a seminar for returning officers, and there will be another when the Bill finally passes. He also envisages seminars for presiding officers in batches around the State, which will occur after the Bill is passed and before the next election.

The Hon. C. J. SUMNER: I appreciate the initiatives that the Electoral Commissioner is taking in trying to increase the awareness of electoral officers about their rights and duties. That can only be commended by all members of the Committee. I am pleased to see that the Attorney accepts the principle of my amendment. However, I think there is still some confusion. Does the Attorney accept the principle that, when a person claims a vote because he should have been on the roll, at that point the polling clerk should, as a matter of practice, make some reference to a section 110a vote? If that is the case and if the Electoral Commissioner intends to include that type of instruction in his seminars and in the booklet of instructions that I understand is issued to returning officers, then I think there may be some force in the Attorney's argument about it not being necessary to be enshrined in legislation. If that principle is accepted by the Attorney, I shall be happy to withdraw my amendment.

The Hon. K. T. GRIFFIN: The practice at present is for polling clerks to question the person who claims to be entitled to vote but who is not on the roll. In many cases the person is on the roll for another electorate, and it is a matter that is quite easily sorted out, either by referring those electors to a polling booth within that electorate, or by completing an absent vote.

If the person claiming the right to vote is not on any roll, I am told that he is questioned to determine his entitlement to vote. If he is entitled to vote but is not on the roll for a reason that falls within the Act, then he is given a section 110a vote. If he is not qualified by not

meeting the criteria, he is not given that, but I understand that that is the practice that officers adopt. The Electoral Commissioner and I are prepared to ensure that that responsibility is made much more known to presiding officers and those who claim the right to vote.

The Hon. C. J. SUMNER: In view of that undertaking, and in view of the steps that have been taken by the Electoral Commissioner, this should overcome the problems that were drawn to our attention at the time of the Norwood by-election. I presume it will be in the instructions to the presiding officers.

The Hon. K. T. Griffin: It will be in the instruction manual.

The Hon. C. J. SUMNER: That should resolve the problem without having to resort to legislation. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

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

Page 10—lines 6 and 7—Leave out paragraph *(b)*.

Section 110a (3) provides:

> The presiding officer shall thereupon, in the presence of the voter and of such scrutineers as are present, and without unfolding the ballot-paper, enclose in in an envelope bearing the declaration of the voter and addressed to the returning officer for the district for which the voter claims to be entitled to vote, and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

The Bill removes the provision that any scrutineers who are present should be present when this procedure is gone through. There is a safeguard if the scrutineer is present. Scrutineers are not always present in a polling booth, but when they are this procedure should take place in their presence. It is a safeguard, and we oppose that part of the provision which seeks to delete the need for the presence of scrutineers when section 110a votes are being completed.

The Hon. K. T. GRIFFIN: Scrutineers are not precluded from scrutineering absent votes and section 110a votes or anything that occurs in the polling booth. They are entitled to be there provided that they have the proper authorisation, but there is no obligation on returning officers to ensure that scrutineers present in the polling booth actually scrutinise the absent vote. Likewise, there should be no obligation placed upon the returning officer to ensure that, when section 110a votes are being processed, the scrutineers are present.

Ordinarily, the absent votes and section 110a votes are processed at the one time. A properly authorised scrutineer can wander freely around the polling booth. On many occasions a scrutineer might sit at the table to observe what is happening with absent votes and section 110a votes. They are perfectly at liberty to do all of that. All the Government wants to see is that there is not a positive obligation on the returning officer to round up the scrutineers in the polling booth to ensure that they do scruntinise section 110a votes. There is no such obligation on the returning officer with absent votes, and there should not be in relation to section 110a votes. Scrutineers are entitled to be present, but it is their obligation to be present rather than putting the obligation on the returning officer who has more important things to do than worrying about finding scrutineers.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), 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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

New clause 44a—"Mode of voting."

The Hon. C. J. SUMNER: I seek your guidance, Mr. Chairman, as to the way in which my amendments should be considered. In regard to the change of voting system, I have placed on file two sheets of amendments. I am seeking your guidance on the first amendment and the first paragraph which deals with clause 47. We have not arrived at that clause yet. The simplest way of dealing with it may be to postpone consideration of clauses 44 to 46 until after consideration of clause 47. The Attorney-General has pointed out that there is an amendment to clause 44a in my first sheet of amendments in the second paragraph. It may be that that paragraph could be used as the test case for the first sheet of amendments. If I lose that, there is no point in going ahead with the first proposition. I can then proceed with the second proposition.

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

Page 10—After clause 44 insert new clause as follows:

44a. Section 113 of the principal Act is amended by striking out paragraph *(a)* of subsection (1) and substituting the following paragraph:

(a) where his ballot-paper is a ballot-paper in accordance with Form D in the fourth schedule to this Act he shall place consecutive numbers beginning with the number 1 in the squares opposite the names of the candidates for whom he votes in the order of his preference for them until he has indicated his vote for a number of candidates not less than the number of candidates required to be elected for the district:.

Section 113 (1) *(a)* of the principal Act regulates the manner in which a preferential vote shall be marked on the ballot-paper under the list system. With the abolition of the list system and the adoption of a form of preferential voting, new section 113 (1) *(a)* requires the placing of consecutive numbers against the names of individual candidates and it makes provision for not less than the number of candidates to be elected to be indicated. The Government is seeking to ensure a vote from 1 to 11 in order of preference, and that is what new clause 44a seeks to do in conjunction with subsequent clauses.

The Leader's first amendment I will deal with now, rather than confuse the issue with his second proposition. As I understand it, it is to enable the elector to cast a formal vote by placing only the number "1" against the name of the candidate rather than require a preferential vote from one to eleven, as the Government seeks to do in the clause that I am proposing. The Leader seeks to require only a vote for No. 1 and no order of preference.

The Hon. N. K. Foster: The present system.

The Hon. K. T. GRIFFIN: The present system to the extent that an elector votes for No. 1. The present system is a list system and not for individuals. Under the Leader's system the elector votes No. 1 for an individual, and that is all.

The Hon. FRANK BLEVINS: I move:

That the amendment proposed by the honourable Attorney-General inserting a new clause 44a on page 10 be amended by leaving out "until he has indicated his vote for a number of candidates not less than the number of candidates required to be elected for the district".

The Opposition's amendment seeks to have a system of optional preferential voting, so that an elector does not have to fill in every square on the ballot-paper. This proposition was canvassed by the Leader of the Opposition earlier, so I do not intend to go through the

entire debate again. However, the Opposition considers that this matter is of sufficient importance for me to take up a few minutes of the Committee's time.

As I said in the second reading debate, several Government members have voted for optional preferential voting at some time. The Hon. Mr. Laidlaw is reported clearly in *Hansard* as saying that he supported a Government Bill for optional preferential voting for the House of Assembly. The Hon. Mr. Cameron indicated when he was in the Liberal Movement that this was a part of that Party's policy, and he supported it for the Liberal Movement. The Hon. Mr. DeGaris and the Hon. Mr. Carnie—

The Hon. J. A. Carnie: No, I've never voted for optional preferential voting. I wasn't in this House.

The Hon. FRANK BLEVINS: The honourable member is correct. The Party to which he attached himself in order to get a seat in this place supported optional preferential voting. The policy of the Party of which the Hon. Mr. Milne is a member is also clear. The Democrats say that they support optional preferential voting; there is no equivocation on that at all. They asked for a system similar to that which the Attorney-General is trying to pilot through this Council. In relation to preferences, the Australian Democrats say, "There will be optional preferential voting, and voters need indicate only the preferences that they wish to indicate." That is a clear statement for which any reasonable person would expect a member of that Party to vote. It would not be unreasonable to assume that anyone who was in allegiance with the principles of the Party that he represents should vote for that.

The Hon. C. J. Sumner: Was that put out before the last election?

The Hon. FRANK BLEVINS: Indeed it was. Not only has the Hon. Mr. Milne a clear commitment to this, but also most Government members have at some time voted for it or indicated support for the system of optional preferential voting. In my second reading speech on this Bill, I outlined to honourable members the results of a Gallup poll that were published in the *Advertiser* on 11 July 1975. Part of that report is as follows:

> Majorities of the public favor 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.

I do not think anyone could sensibly argue that, if the same question was asked in relation to other Houses of Parliament, the outcome would not be substantially the same. The public is in favour of optional preferential voting and most honourable members have indicated support for it. It is the policy of the Party to which I belong, as well as the Australian Democrats.

The Hon. Mr. Laidlaw told us a couple of years ago that the Party to which he belonged did not have a policy on it. However, he saw no conflict between optional preferential voting and the Liberal Party's policy.

The Hon. C. J. Sumner: They don't care too much.

The Hon. FRANK BLEVINS: I am not sure about that. I am a charitable person and will give them the benefit of the doubt. I will wait for the outcome of the vote on this matter before I condemn them as hypocrites.

A little earlier, when the Council debated the soccer pool legislation, much play was made about giving people the right to do certain things. We were told that these people should be able to do what they want and not what we tell them to do. I was so eloquent in that debate that I persuaded nine Liberal members to vote with me. I took some pride in that achievement, and I would like to do the same on this Bill because the principle is exactly the same. Why should we, after getting someone into a polling booth, compel him to vote for people for whom he has no respect? There is no logical reason for doing that, and there is no reason why a person should have to vote for 11 candidates merely because there are 11 candidates to be elected.

The Hon. Mr. DeGaris claims that people should have the maximum freedom to vote for candidates and not for lists. Why should we not give people the freedom to vote for the number of candidates for whom they wish to vote? If a person wishes to vote for the Hon. Mr. DeGaris only, why should he not be allowed to do so? Why should the person not be saying, "He is the only one who represents my views"? If a person wants to vote for the Hon. Mr. DeGaris only, he should have the right to do so.

I have not heard one argument that stands up against optional preferential voting. In no way does it interfere with the Electoral Office in the conduct of its count because the sampling procedure takes care of that. If members opposite vote against this amendment, they must not come to me again and say that they believe in freedom, because they do not. They believe in compelling people to vote for candidates for whom they do not wish to vote.

There is only one reason why that is so. They believe it is an advantage to the Liberal Party, and I suspect that they are right. Every political commentator has said that the Liberal Party, by forcing people to vote for a large number of candidates, is in effect giving itself an advantage over the Labor Party.

The Hon. L. H. Davis: Rubbish!

The Hon. FRANK BLEVINS: The Hon. Mr. Davis is putting himself up against every responsible electoral commentator in this country, but I know whom I would sooner believe. However, we do not have to believe anyone; we only need to use common sense to see that the result of compelling people to vote for more candidates than they want to vote for is against the interests of the Labor Party and supports the interests of the Liberal Party.

The Hon. C. M. Hill: Do you believe in compulsory voting?

The Hon. FRANK BLEVINS: At one time I did not. I came from the United Kingdom, where there is no compulsory voting. I think that I was persuaded to see the error of my ways after reading what R. G. Menzies said in New York in 1960 as follows:

> In 1948 I shared with thousands the gift of false prophesy. I was satisfied that Tom Dewey would win the United States Presidency, which goes to show what extraordinary results can happen in a country like the United States so backward as not to have compulsory voting.

I then thought, "When in Rome do as the Romans do"—or "When in Australia do as the Australians do". I do not know whether honourable members opposite would argue with R. G. Menzies.

Irrespective of whether one supports compulsory voting or not, we are dealing with optional preferential voting. Whether that should be compulsory must stand on its own merit and has nothing to do with anything else. Not one member opposite has ever put up an argument against it, and that is because there is no valid argument against it. On a civil libertarian basis of giving the voter the maximum amount of freedom when he enters a polling booth, not one member opposite can put up an argument against it. All honourable members opposite know that

they will have an advantage through people voting to No. 11, rather than giving the voter the choice. Honourable members opposite stand condemned for doing that, because they will receive those additional votes from the most under-privileged people in this community who are not as literate or of the same standard of education as members opposite; they are people who come from other countries who do not grasp the Australian electoral system; they are Aborigines who do not understand the electoral system. Honourable members opposite will get their few thousand extra votes, but they are the people they will get them from.

I will be surprised if any members opposite have the decency and consistency to vote for what they have voted for previously. They should vote for what they know is right, and in the case of the Hon. Mr. Milne for what is contained in his Party's policy.

The Hon. K. T. GRIFFIN: We have heard the Hon. Mr. Blevins on this subject before. I do not accept the Opposition's amendments. In a system which requires compulsory voting, the object of this system is to find a candidate or candidates who are most preferred by the majority. Although the Hon. Mr. Blevins comes from a country where compulsory and preferential voting are foreign, the fact is that people going from Australia to the United Kingdom will find that system strange. He must recognise that in Australia we have used the preferential system because we believe it has inherent value in determining the most preferred candidates to form Governments in the various States and the Federation. Whether the Hon. Mr. Blevins likes it or not, it is something that has served the community well, and I see no reason to depart from the concept of preferential voting on a compulsory basis.

The Hon. R. C. DeGARIS: The Hon. Mr. Blevins made a plea for optional preferential voting. However, the amendments before us state that, where the number of candidates required to be elected is 11, one must vote for seven.

The Hon. Frank Blevins: You've got the wrong amendment.

The Hon. R. C. DeGARIS: The Hon. Mr. Blevins made a plea for optional preferential voting, but he has not been prepared to do it himself.

The Hon. C. J. SUMNER: The Hon. Mr. DeGaris is confused. The Hon. Mr. Blevin's amendment will do what he said it will do. It will make a valid vote if only one preference is indicated. If that fails, then the other amendment that I have placed on file is a contingent amendment. We will discuss the issue of the seven when and if that situation comes about.

The Hon. L. H. DAVIS: The Labor Party espouses optional preferential voting in theory, but it is a different matter in practice. In the two Legislative Council elections under this system the Labor Party how-to-vote card for the Legislative Council has given the instruction that one must place a number in every square. That is compulsory preferential voting.

The Hon. Frank Blevins: It was not compulsory.

The Hon. L. H. DAVIS: That is what the Labor Party is saying. That direction gave a distinct impression to all voters that that was the only way they could cast a vote.

It is reinforced by the fact that, of the 22 918 ballot-papers where preferences were distributed in the count, only 1 179 did not have all the preferences marked. That was 5 per cent of the sample counted. One would imagine as is the case in the House of Assembly that many of those that were not fully marked were done through accident rather than design. In practice, the Labor Party whilst espousing the cause of optional preferential voting has not pursued it in practice. It has made no attempt to pursue it in the two opportunities it had in Government.

The Hon. Frank Blevins: Why don't you tell us what you have got against it?

The Hon. L. H. DAVIS: I would like to know what the Labor Party has against optional preferential voting. It is no use talking about it here when, on two occasions when the Labor Party had the opportunity to do something, it did nothing. I would be delighted to receive an answer.

The Hon. Anne Levy: We tried to bring it in.

The Hon. L. H. DAVIS: I said that you tried to bring it in, but you did not use it. I fail to understand why the Labor Party states on its how-to-vote cards, "You must place a vote in every square." I refer to the Liberal Party proposal adopting compulsory preference, which has been the practice in the past with Legislative Council elections. We have sought to compromise through having what one could call a partial preference system.

The Labor Party, as has been correctly observed by the Hon. Mr. DeGaris, is still seeking to have a partial preference system. It is really a matter of how optional you want the preference system to be. The Attorney, in his proposals, is simply saying that the Liberal Party believes that the number of candidates required shall be the number that should be voted for by the electors if it is to be a valid vote. I cannot see how the Opposition can quibble with that argument, when over the past two elections through its voting card it has sought to have compulsory voting.

The Hon. FRANK BLEVINS: I ask the Hon. Mr. Davis to tell me what is wrong with optional preferential voting. I want him to discuss the issue. Is it not the most democratic method? Does it not afford the most freedom to the elector? The argument against the list system that I heard in this place was based on giving the elector the maximum amount of freedom. The Council has been persuaded to do that, but again we have an opportunity to give the elector the maximum amount of freedom in his allocation of preferences. The Hon. Mr. Davis should stop being a half-smart debating student and should tell me what is wrong with optional preferential voting.

The Hon. R. C. DeGARIS: The Hon. Mr. Blevins asked for an argument against optional preferential voting. Arguments can be canvassed for first-past-the-post voting or for optional preferential voting. In a compulsory voting system there are strong arguments that can be advanced that one should place the preferences so that the most preferred candidate—

The Hon. Frank Blevins: What if I prefer just one?

The Hon. R. C. DeGARIS: There is one argument, and that is that under the system that we have in South Australia, where we have 47 electorates and you allow optional preferential voting under the compulsory voting system, you allow the political Parties to have different how-to-vote cards in different electorates, and they can instruct their voters how to vote so you can allocate preferences in one electorate for Party political purposes, not selecting the most preferred candidate, and allocate preferences fully in other electorates. That is one strong reason why optional preferential voting in a single-man electorate, as we have in South Australia, does give an advantage for a political Party to warp the intention of the electorate, that is, by handing out how-to-vote cards with full preferences in one district and leaving it in another with optional preferential voting. That can warp the intention of the electorate easily by the large political Parties, and it is something that the A.L.P. would like to do in the electorate in South Australia with an optional preferential system.

The Hon. FRANK BLEVINS: In the second reading debate on this Bill and in Committee the Hon. Mr. DeGaris has been at pains to say "We are having nothing to do with political Parties, all we are trying to do involves people going to a polling booth and having the right to choose", which is why he wants to get rid of the list system. He wanted to smash political Parties. He did not want them to be controlling the State. He said that on the A.B.C. and wherever anyone was silly enough to give him a voice.

Now, he is saying that the political Parties will do more than that. I am not interested in what the political Parties do—I am interested in a person who wants to go into a polling booth in any electorate, and in this case we are dealing with the election in the Legislative Council, and people who go to a polling booth to vote for the candidates that they choose, and no other. One could choose to vote for only one or two candidates, perhaps because the voter knows them personally and knows that they are honest, and he does not care about which Party they belong to. The rest he does not know about and does not care about. All the voter knows is that he wants those two candidates.

Why should the Hon. Mr. DeGaris or anyone else deny him the right to vote for those two candidates and no other, or one or seven or 12 candidates? Why do you want to limit the freedom of the voter to vote for the candidates that he prefers? Why? No-one can answer that, because there is not an answer that Government members are going to give. There is only one answer, and that answer is that you think it is to your electoral advantage.

The Hon. G. L. BRUCE: I am persuaded that it should be optional preferential voting. If the Government introduces what it wants, if there are 11 candidates, it will stand six members and the Labor Party will stand six. If I support the Labor Party and vote six for it, and if I do not support splinter Parties, I have to give five votes to the Liberal Party. Where is the common sense in that?

The Hon. R. C. DeGaris: It's the best thing you can do.

The Hon. G. L. BRUCE: It is not my preference to have the Liberals. I just want to vote for the Party of my choice and the candidates of that Party. If it has six candidates, why should I have to put a second preference that is completely opposite to the concept of voting for the Party that I support? Where is my freedom of choice as a voter if I am compelled to do that to make a valid vote? It makes a mockery of the voting system.

The Hon. R. J. RITSON: It does not make a mockery of the voting system. Those other votes are not primary votes. They operate only when you do not get your way with your primary vote. It is a second choice. If you dislike all the others, it gives you the freedom to say which one you dislike the least. It is an additional freedom.

The Committee divided on the Hon. Frank Blevins' amendment.

Ayes (10)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, 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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne and R. J. Ritson.

Majority of 1 for the Noes.

The Hon. Frank Blevins' amendment thus negatived.

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

That the amendments proposed by the honourable Attorney-General inserting a new clause 44a on page 10 be amended—(a) by inserting after "amended":

"—

(a)".

My amendments in schedule 2 would limit the number of preferences which must be allocated by a voter to seven. The basis of this is that the Attorney-General made it clear in his summing up in the second reading debate that the Government wanted to introduce the New South Wales system. He then turned around and produced a Bill which does not do what the New South Wales Act does. The Attorney-General has admitted in previous questioning that, if this Bill is amended in a way he suggested it should be amended, it would be the same as the New South Wales system except in one particular, namely, the number of preferences which must be indicated by a voter. The New South Wales position is that, if 15 people are to be elected, 10 candidates must be voted for. A preference must be indicated for 10 candidates, that is, two-thirds of the number of candidates required to be elected.

In the Liberal Party proposals the Attorney-General proposes that in South Australia we have 11 members elected. The Attorney is saying that all 11 preferences should be indicated. That is a clear departure, the Attorney-General says the only departure, from the New South Wales legislation. My schedule 2 amendments would bring the Bill into line with the New South Wales legislation. If members opposite, including the Hon. Mr. DeGaris and the Hon. Mr. Milne, are so enthusiastic about the New South Wales legislation, let them follow the New South Wales legislation instead of opting for what the Government wants. It is the Government and the Hon. Mr. Milne who have shown such enthusiasm for the New South Wales legislation. If they have that enthusiasm, let us implement the New South Wales position. Being obliged to vote for seven out of the 11 members would make this Bill as near as possible the same as the New South Wales legislation. Two-thirds, the required number, would be 7.3 candidates, so the closest number to that is seven candidates. That is seven candidates that the voter ought to be required to vote for.

I will not rehash the arguments. Our proposition is quite simple. It is not the pure optional preferential system, but it is optional to a certain extent. It would only require the voter to fill in the seven places. That should reduce the number of informal votes and keep them to a minimum. I am afraid that if the voter must fill in 11 spaces then the problems that have been admitted by everyone in the Chamber with respect to the Senate system could emerge, and we could find in South Australia a level of informality of voting that is much higher than what it has been previously under the list system, or in New South Wales under their system. If we confine the vote to seven people then I believe we will be agreeing precisely with the New South Wales system. In addition, we will be reducing the possibility of large numbers of informal votes in this State. Accordingly, I ask the Chamber to accept the amendment.

The Hon. K. T. GRIFFIN: The Leader cannot get away from the fact that in New South Wales at the last State election for the Legislative Council 4.1 per cent of the vote was informal. In South Australia, at our last election for the Legislative Council, the informal vote was higher at 4.4 per cent. In the Senate in South Australia, where the number of candidates was, I think, 26, informal votes numbered 8.7 per cent at the last Senate election. In New South Wales, where there was a larger number of candidates, the informal vote was as high as 9.4 per cent. I do not see the problem which the Leader sees in voting for 11 positions. In my view, it makes the system a bit clearer for electors when they do not have to worry about whether it is seven, 10 or how many places have to be filled in. They vote for 11 positions, which is the number of positions for which candidates are sought. It is consistent with the Tasmanian practice.

The CHAIRMAN: Before this debate goes any further, I point out the words that the Hon. Mr. Sumner wants to strike out have already been voted on and stand part of new clause 44a. The Leader cannot amend that new section, except by recommitting the clause. The Leader should therefore have moved on to clause 47, which could have involved a test case in relation to similar amendments.

The Hon. C. J. SUMNER: That is not the advice that I received.

The CHAIRMAN: The Committee voted to include new clause 44a in its entirety.

The Hon. C. J. SUMNER: No. The Committee decided not to remove certain words. The Committee is now dealing with different words, and is inserting a completely new provision dealing with a different subject matter. My second schedule involves a completely different amendment that deals with a different proposition.

If it involved exactly the same words, there might be room for argument. However, my second schedule deals with a whole lot of new amendments. My first proposition is that new clause 44a be amended by inserting, after "amended", *"(a)"*. That is a technical amendment, but is different from the amendment to new clause 44a which the Committee has just considered and voted on. This is not inconsistent with the Committee's decision on the matter and we can therefore proceed.

The CHAIRMAN: That is a matter of opinion. I am of the opinion that the Committee has already voted on new clause 44a, and that the Leader can have his test case on clause 47. If the Leader wants to deal again with new clause 44a, he will have to move for its recommittal.

The Hon. C. J. SUMNER: That would be the case if proposition No. 2 was the same as proposition No. 1. However, it is not; it is completely different.

The CHAIRMAN: No, it is not. The Leader could not possibly argue that it is completely different. He was merely moving to leave out fewer words.

The Hon. C. J. SUMNER: The proposition in the first amendment was that one should have to vote for only one candidate. Proposition No. 2 is that one should have to vote for seven candidates. Frankly, I was proceeding on the basis of the discussion and advice I had on the matter with people who understand these things better than I do.

The CHAIRMAN: I cannot agree, because the whole of new clause 44a was voted on, and it stands in its entirety and is included in the Bill.

The Hon. C. J. SUMNER: We have not voted on new clause 44a. We have voted on certain words remaining part of new clause 44a.

The CHAIRMAN: You voted to strike out certain words and failed to achieve that, and therefore clause 44a stands in its entirety.

The Hon. C. J. SUMNER: You have not put clause 44a. There is then the second procedure that clause 44a stand part of the Bill, and you have not done that.

The CHAIRMAN: We soon will.

The Hon. C. J. SUMNER: I do not want to be provoked at this time of the night.

The CHAIRMAN: No-one is provoking you. Order! I do not intend that, every time I question your position, you are going to stand me up. The point I make is quite valid, that 44a was voted on and it stands in its entirety.

The Hon. C. J. SUMNER: Clause 44a has not been voted on. We voted on whether certain words should be left out. That vote we lost. If there is no other proposition to amend clause 44a, the next procedure is for you to put 44a, but that has not been done, so clause 44a is still open and before the Committee. My second amendment to clause 44a deals with a different set of circumstances. It is a different factual situation, and that is why it is in order to do it this way. I consulted the authorities on this matter and discussed it with the Parliamentary Counsel. He has worked on these amendments for most of the afternoon. I have tried to assist the Clerks in the matter, and I was told that this procedure was perfectly regular.

The CHAIRMAN: To short-circuit what seems to be a completely confused issue, I do not intend that I will accept your ruling, but since you want to vote on the same words again I presume that, to short-circuit proceedings, I can allow you to proceed, although I believe it is highly unethical that we do so. I will allow the Hon. Mr. Sumner to proceed with his scheme 2 on 44a, which I say we have already voted on.

The Hon. C. J. SUMNER: I must make some slight criticism of the use of the word "unethical". I am not intending to carry out any unethical practice. The matter was discussed.

The CHAIRMAN: The Standing Orders are quite clear.

The Hon. C. J. SUMNER: You can make the ruling, and we will have to abide by it. I went through the correct procedures. I discussed the matter with the Parliamentary Counsel and the Clerks, and this was the procedure suggested to me. Now I am three-quarters of the way through my argument and I am interrupted on a technical point and accused of acting unethically. I take exception to that. I understand that clause 44a is still before the Committee and is still open. It has not been put, and therefore I am in order. If I am not in order, the point should have been raised previously. I have not dreamed this up in the last two minutes. I have worked with people since about 2.30.

The CHAIRMAN: Do you wish to proceed?

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

The CHAIRMAN: Then I suggest that you do so.

The Hon. C. J. SUMNER: This amendment will be a test case and, if I lose it, the rest, under schedule 2, do not matter.

The Committee divided on the Hon. C. J. Sumner's amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), 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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

The Hon. C. J. Sumner's amendment thus negatived.

New clause inserted.

Clauses 45 and 46 passed

Clause 47—"Informal ballot-papers."

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

Page 11, lines 13 to 17—Leave out proposed paragraph *(b)* and insert—

(b) In an election for a district for which two or more condidates are required to be elected, it does not indicate the voter's first preference for one candidate and consecutive preferences for other candidates so that the number of candidates for whom preferences have been indicated is not less than the number of candidates required to be elected for the district (but where the ballot-paper does indicate the voter's first preference for one candidate, it shall not be informal by the reason only of the fact that—

(i) the same preference (other than the first preference) has been recorded on it for more

than one candidate, but in that case it shall be treated as if those preferences and any subsequent preferences had not been recorded on it;

or

(ii) there is a break in the order of his preferences, but in that case it shall be treated as if any subsequent preference had not been recorded on it);.

This amendment is consequential on the introduction of preferential voting for Legislative Council elections. It provides a test for determining whether ballot-papers are formal or informal in a Legislative Council election under the new system. Where a ballot-paper indicates a first preference for one candidate and subsequent preferences for other candidates, preferences shall be counted to a break in the numbering. The provision has the same effect as section 2 (2) of the sixth schedule of the Constitution Act, 1902, which deals with votes in the New South Wales Legislative Council.

Amendment carried.

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

Page 11, lines 20 to 22—Leave out "for one candidate and consecutive preferences for all the remaining candidates".

This amendment deals with optional preferential voting in the House of Assembly. If it is carried, it will mean that, in elections in the House of Assembly, it would be necessary to place the first preference for one candidate only and for no other candidate. As has already been explained, this is the policy of the Australian Labor Party and the Australian Democrats. The Australian Democrats made quite clear before the last election that that was the position they took to the people. The Hon. Frank Blevins has explained that that was the Australian Democrats policy, as well as the policy of the Hon. Mr. Laidlaw and one or two other Liberals who had expressed favourable opinions about optional preferential voting.

This amendment will give them an opportunity to tell the Parliament and the people of South Australia whether they are prepared to stand by their previous statements on this issue. I will not canvass the issues again, because one could say that they have almost been over-canvassed, but I ask honourable members to support the amendment, which would constitute a significant reform of the voting system in South Australia and would benefit the electoral scheme considerably.

The Hon. K. T. GRIFFIN: I cannot accept the proposal. The debate on optional preferential voting tonight has been an extensive one where we have a compulsory system, a preferential system. I adhere to the view that I expressed earlier, that it is an appropriate requirement that voters be required to indicate their full preferences to ensure that the candidate that is most preferred is the candidate who is elected.

The Hon. K. L. MILNE: I would like to clarify the policy of the Australian Democrats in regard to the House of Assembly and other Lower Houses. We are in favour of proportional representation with multi-member electorates and optional preferential voting. These three things go together. That is the recommendation of the Electoral Reform Society.

The Hon. K. T. Griffin: It is the Tasmanian-type system.

The Hon. K. L. MILNE: Not quite, but is it similar. We are not in favour of optional preferential voting on its own. With two or three candidates it simply becomes first past the post.

The Hon. FRANK BLEVINS: That is the classic example of a person who absolutely does not know what he is talking about and does not know what he is voting for. I doubt he knows what month it is, let alone what day it is.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr. Blevins will not continue in that way. If the Hon. Mr. Milne wishes him to apologise, he will.

The Hon. FRANK BLEVINS: I have much respect for the Democrat's policy. It asks for a proportional representation system, multi-member electorates, and optional preferential voting. I can understand the Hon. Mr. Milne having some difficulty voting for optional preferential voting on this clause as it relates to this area, but the inconsistency of the man just astounds me because, if ever an electoral situation was created the Hon. Mr. Milne could have supported, it was on this last proposition—optional preferential voting for this Chamber. He had everything. He had proportional representation, he had the opportunity to achieve all his Party's policies.

We have seen the Australian Democrats member in this Council obviously give a commitment to the Government to support it on everything, provided it did away with the list system. Irrespective of the merits of the proposition put up by any other member, he had given a commitment. He is fulfilling his commitment and making a complete fool of himself in the process. That is entirely up to him. It is not the first time, and it will not be the last.

I want to take issue with the Government's stance. The Government made much play when we were dealing with optional preferential voting in this Chamber by saying that one voted for the number of candidates to be elected and, unless one wished, no more. In the House of Assembly, in each seat, there is one candidate to be elected. If it were consistent, the Government would agree where only one person is to be elected in each electorate then only one preference need be indicated. That is what it has just argued for in the Legislative Council. Here is the chance to show consistency, to allow electors to vote for one candidate, or all, depending on how one wishes to fill the ballot-paper. I can see that the Government has no consistency whatever. It is in league with the Hon. Mr. Milne. They are as inconsistent as he is.

If the Hon. Mr. Milne or any member opposite ever comes anywhere near me again prattling about the freedom of the individual having the right to do what he wants with his affairs, I will tell them where to go and I will condemn them, Sir, for the hypocrites they are.

The Hon. M. B. DAWKINS: On a point of order, Mr. President, under Standing Order 193 I believe that the Hon. Mr. Blevins should apologise for calling members hypocrites.

The Hon. FRANK BLEVINS: As I understand the Standing Order, one is quite entitled to call members opposite *en bloc* what one likes. If any individual member takes any personal offence at what I may say, I will be quite happy to consider his objection.

The CHAIRMAN: You were asked under Standing Order 193 to apologise. That Standing Order does not say anything about what you can do *en bloc*; it concerns the use of objectionable words.

The Hon. FRANK BLEVINS: I would urge you, Sir, that there are precedents throughout the various Parliaments on this, and I am quite sure that in discussions with your clerk you will find that there are innumerable precedents that permit a member to say something about members *en masse* which the member is not permitted to say about members individually. I have made the offer that, if a member opposite takes offence at what I say, I will be happy to look at it.

The CHAIRMAN: I do not want a great discourse on the matter. The Hon. Mr. Dawkins apparently took exception

to being called a hypocrite and asked that the term be withdrawn.

The Hon. FRANK BLEVINS: As honourable members know, I meant every word I said, but to comply with Standing Orders I certainly withdraw the words, as they relate to the Hon. Mr. Dawkins.

The Hon. K. T. GRIFFIN: I do not want a long drawn out debate on optional preferences. I have made the Government's position clear. I want to put on record the fact that I refute the arguments presented by the Hon. Mr. Blevins in respect to both his stand and the Government's stand.

The Hon. R. J. RITSON: I want to put on record the key to the fallacies in the argument expressed by the Hon. Mr. Blevins when he claimed that there was some inconsistency between the Government's position in relation to the Council and the Government's position in relation to single-member electorates. Of course, the Hon. Mr. Milne is quite correct when he points out that the matter is inexorably linked with the question of proportional representation.

The Hon. Frank Blevins: In the House of Assembly?

The Hon. R. J. RITSON: I shall tell you. In the Council if one votes for the number of people to be elected, 10 or 11, or whatever the number of vacancies is, and there are two major Parties and some minor Parties seeking their proportion of the votes, what exists is a system whereby Labor Party supporters, if they vote for seven only, vote for their ticket, and are not required to cast a preference for other Parties. They are not required to say whom they might like to have in after the tail end of their ticket.

On the other hand, if one is required to cast 10 votes, whether one is a Liberal or a Labor supporter, one has to express preferences.

The Hon. N. K. Foster interjecting:

The CHAIRMAN: Order!

The Hon. R. J. RITSON: There is some requirement for preferences to be expressed as to which other Party or Parties might provide the candidates to fill the remaining seats. If one votes for seven, it is in practical terms a disguised first past the post voting system. If one votes for 10, we have implied preferences. In the case of the single member electorate, if an elector votes for one, it is a first past the post system. The one in the House of Assembly is the same as the seven in the Legislative Council, and the Hon. Mr. Milne is right. If one votes for the number of vacancies in the Council there must be an implied preference. If one votes for the number of vacancies in the Assembly, there are no implied preferences. The arguments are consistent, and the Hon. Mr. Blevins was talking rubbish.

The Hon. FRANK BLEVINS: The Hon. Dr. Ritson says that to have optional preferential voting for the House of Assembly, where there are single member electorates, is in some way a disguised first past the post system. That is absolute and total nonsence. I am quite sure that there would be not a demand but a request from most political Parties to their supporters, if they wished, to express a preference in a certain way. I am quite sure that the Liberal party would do that. If the Liberal Party wishes to do it, where is the first past the post system? If the Liberal Party requests that of its supporters and 98 per cent follow the how-to-vote card, where is the first past the the post system? If the Australian Democrats believe in preferential voting and they, like the Liberal Party, want to request their supporters to express a preference, there is nothing whatever in the amendment moved by the Hon. Mr. Sumner to prevent their doing that. Why should the person who has no preference whatsoever for another candidate and who does not want to know him, let alone vote for him, be prevented from expressing his view that he wants only one candidate and that he has no interest in any other? That has nothing do do with the first past the post system. I can see that the Hon. Mr. Milne cannot understand it, but I would have thought that such a simple concept would be within the grasp of the Hon. Dr. Ritson. If he believes what he says, then that is not true either. When we are dealing with people who cannot grasp such a simple concept as optional preferential voting, then we are, in this Parliament, on the way downhill.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), 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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

The CHAIRMAN: The Hon. Mr. Sumner has an amendment to lines 29 and 33.

The Hon. C. J. SUMNER: The Attorney has amendments to lines 30 to 33. If the Attorney's amendments are accepted, they are dealing with one principle. My amendments are dealing with a different matter, and they are *en bloc*. I am moving to leave out a subsection and inserting two other subsections which cover the lines that the Attorney is seeking to amend. I think that the Attorney's amendments should be moved first.

The Hon. K. T. GRIFFIN: If the Leader is successful, I will not have to worry about my amendments. However, if he is unsuccessful, I will move my amendments.

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

Page 11, lines 29 to 33—Leave out subsection (1a) and insert subsections as follows:

(1a) Where a voter has indicated consecutive preferences beginning with his first preference for all the candidates but one, he shall be deemed to have indicated his last preference for that candidate for whom no preference was indicated.

(1b) Where a voter has indicated consecutive preferences beginning with his second preference for all the candidates but one, he shall be deemed to have indicated his first preference for that candidate for whom no preference was indicated.

The amendment is a development of the Government's proposition that, where one expresses all one's preferences except the last one, the last one shall be deemed to be valid and an expression of a final preference for that last candidate. That is what is done at present.

For some reason (I imagine in relation to the Legislative Council voting system), the Government has seen fit again to deal with the matter in legislation. Certainly, in practice, when talking about the validity of votes, if a voter expresses his preferences in the proper order for all candidates except one, it is a valid vote, with the final preference going to the candidate that did not have a number marked against his name. That is what the Government is clarifying in this legislation.

In addition, the Opposition believes that the reverse should apply . If an elector leaves the top blank and votes "2", "3", "4", and "5", that will also be a valid vote. In other words, the preference is quite clear; it is just that a voter has omitted to fill in one square at the top of the ballot-paper. That is the effect of my amendment, which takes in the Government's amendment and adds the further amendment that I have just explained.

The Hon. K. T. GRIFFIN: I suggest that the amendment

is somewhat pedantic, and that it would be very rare that an elector would leave his first preference blank in the way that has been suggested by the Leader. One can understand an elector leaving the last square blank because he either forgets or for some other reason does not indicate that that is his last preference. However, at least the first preference and subsequent preferences except the last one are clearly expressed.

The Committee is being asked to presume that, if an elector leaves a blank first space, and then votes "2", "3", and "4", he intended to mark the blank space with "1". It may be that, instead of a blank space, there is a nought, a cross, or some other variation. I would suggest that that does not clearly indicate the voter's intention. In considering the general proposal, I believe that, even if one accepted that (which I do not), the amendment is unnecessary, because it would rarely if ever occur.

The Hon. C. J. SUMNER: The drafting does not cover the intention I had in mind. I would like to put to the Attorney a problem that has been brought to my attention. It relates particularly to the House of Assembly ballot-paper as printed in recent elections. If one reads the instructions on the ballot-paper, one could get the impression that the voting started with the number 2. I realise that that is quite incomprehensible to members of Parliament, who are familiar with these matters, but the ballot-paper is open to some misconstruction because of the way in which the figure "1" appears earlier in the sentence dealing with the instructions on how to vote, and the subsequent numbers 2, 3, and 4 are highlighted further down. This might not appear if one looks at the schedule that prescribes the voting paper, but in the way in which it has been printed in recent times that is the case, and I believe that certain voters have mistaken what they should do.

Certainly, on my looking at it, anyone who does not read it carefully could get the impression that, instead of commencing a vote at "1", it might commence at 2, 3, 4 or 5. In scrutineering, I have seen that happen on a number of occasions, and most people who have scrutineered will agree that from time to time, and more regularly than one would expect, people vote 2, 3, 4, 5 and 6. It is a formal vote except that the elector has left off the first number. To me, that is incomprehensible, unless the voter has in some way been misled.

In view of what the Attorney has said, and in view of the drafting of the amendment, I will perhaps withdraw the whole amendment and let the Attorney put his, which will achieve the same result as (1a). The *quid pro quo* would be to ask the Attorney whether he would take the matter up with the Electoral Commissioner, and perhaps those people who have indicated concern to me could discuss the matter with the Electoral Commissioner to see whether there is a problem. I know that my reading did confirm to some extent the fears expressed.

The Hon. K. T. GRIFFIN: I appreciate what the Leader has said. Certainly, I will ask the Electoral Commissioner to look closely at the matter and, if there are persons who have experienced that difficulty, they would be welcome to take up the matter with the Electoral Commissioner.

The Hon. C. J. SUMNER: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

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

Line 30—Leave out "or groups".

Line 31—Leave out "or group".

Line 33—Leave out "or groups".

These amendments are consequential upon the principal amendments which change from the group or list system of voting to individuals.

Amendments carried; clause as amended passed.

Clause 48—"Amendment of section 125—Counting of votes."

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

Pages 11 and 12—Leave out all words in the clause after "amended" in line 34 and insert paragraphs as follows:

(a) by striking out from subparagraph *(b)* of paragraph (1) the passage "or, as the case may be, the descriptions of the respective groups";

(b) by striking out from subparagraph *(b)* of paragraph (1) the passage "or group";

(c) by striking out from subparagraph *(c)* of paragraph (1) the passage "or group";

(d) by striking out from subparagraph *(d)* of paragraph (1) the passage "or group";

(e) by striking out from provision (i) of subparagraph *(f)* of paragraph (1) the passage "or group";

(f) by striking out from subparagraph *(b)* of paragraph (4) the passage "or, as the case may be, the descriptions of the respective groups";

(g) by striking out from subparagraph *(b)* of paragraph (4) the passage "or group";

(h) by striking out from subparagraph *(c)* of paragraph (4) the passage "or group";

(i) by striking out paragraphs (9), (10) and (11) and substituting the following paragraph:

(9) In an election for a district where two or more vacancies are to be filled those vacancies shall be filled in the following manner:

(a) The returning officer for the district shall determine a quota by dividing the total number of first preference votes cast at the election for the district by one more than the number of candidates required to be elected for the district and by increasing the quotient so obtained (disregarding any remainder) by one:

(b) Any candidate who has received a number of first preference votes equal to or greater than the quota so determined shall be elected:

(c) Where the number of first preference votes received by a candidate is equal to the quota, the whole of the ballot-papers containing those votes shall be set aside as finally dealt with:

(d) Unless all vacancies have been filled, the surplus votes of each elected candidate shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:

(i) The returning officer shall divide the number of the elected candidate's surplus votes by the number of first preference votes (excluding any first preference votes indicated on ballot-papers which do not bear a next available preference for a continuing candidate) received by him and the resulting fraction shall, for the purposes of this clause, be the transfer value of that candidate's surplus votes:

(ii) The returning officer shall take all of the ballot-papers of the elected candidate on which a next available preference is indicated for a continuing candidate and arrange them in separate parcels for the continuing candidates according to the next available preference indicated on them:

(iii) The returning officer shall ascertain,

from the parcel referred to in provision (ii) of this subparagraph in respect of each continuing candidate, the total number of ballot-papers of the elected candidate which bear the next available preference for that continuing candidate and shall, by multiplying that total by the transfer value of the elected candidate's surplus votes, determine the number of votes to be transferred from the elected candidate to each continuing candidate:

(iv) If, as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necesary to ensure that the number of votes transferred equals the number of the elected candidate's surplus votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored:

(v) The returning officer shall then determine the number of ballot-papers to be transferred from the elected candidate to each continuing candidate:

(vi) The returning officer shall then, in respect of each continuing candidate, forthwith take at random, from the parcel referred to in provision (ii) of this subparagraph containing the ballot-papers of the elected candidate which bear the next available preference for that continuing candidate, the number of ballot-papers determined under provision (v) of this subparagraph and transfer those ballot-papers to the continuing candidate:

(vii) The ballot-papers containing the first preference votes of the elected candidate which have not been transferred (that is, the ballot-papers containing the number of votes equal to the quota) shall be set aside as finally dealt with:

(e) When the surplus votes of all elected candidates have been transferred to the continuing candidates as provided by subparagraph *(d)* of this paragraph, any continuing candidate who has received a number of votes equal to or greater than the quota shall be elected:

(f) Unless all the vacancies have been filled the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph *(d)* of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from a candidate previously elected shall be taken into consideration:

(g) If, as a result of the transfer of the surplus votes of a candidate elected in pursuance of subparagraph *(e)* of this paragraph or elected at a later stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, he shall be elected:

(h) Unless all the vacancies have been filled the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph *(d)* of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from the candidate or candidates elected at the last preceding count shall be taken into consideration:

(i) The ballot-papers containing the first preference votes of a candidate who has been elected in pursuance of the provisions of subparagraph *(e)* or *(g)* of this paragraph, together with the ballot papers transferred to him from a candidate previously elected or excluded which have not been further transferred shall be set aside as finally dealt with:

(j) If, after the transfer of the surplus votes of the elected candidates, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the fewest votes shall be excluded and the whole of his ballot-papers shall be transferred to the continuing candidates next in order of the voters' available preferences:

(k) If thereupon, or as the result of the exclusion of a candidate at any subsequent stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, he shall be elected:

(l) Unless all the vacancies have then been filled, the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph *(d)* of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from the candidate last excluded shall be taken into consideration:

(m) The ballot-papers containing the first preference votes of the elected candidate, together with the ballot-papers transferred to him from a candidate, previously elected or excluded which have not been further transferred, shall be set aside as finally dealt with:

(n) If no continuing candidate has then received a number of votes equal to the quota, the process of excluding the candidate with the fewest votes and the transferring of ballot-papers containing those votes to the continuing candidates shall be repeated until a continuing candidate has received a number of votes equal to the quota or, in respect of the last vacancy, a majority of the votes remaining in the count, but the process of excluding candidates shall not be repeated after the number of continuing candidates is equal to the number of unfilled vacancies:

(o) A ballot-paper that is, pursuant to the exclusion of a candidate, required to be transferred to a continuing candidate shall be set aside as finally dealt with if it does not indicate a next available preference for a continuing candidate:

(p) After all the candidates who have received a number of votes equal to the quota are

elected—

(i) where there is one remaining unfilled vacancy—the candidate who has received a majority of the votes remaining in the count;

or

(ii) Where the number of continuing candidates is equal to the number of remaining unfilled vacancies—those candidates,

shall be elected;

(q) Where, on the count of the first preference votes, or at the same time at any subsequent stage of the scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quota, any transfer of the surplus vote of those candidates shall be carried out in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on:

(r) Notwithstanding anything contained in this paragraph a transfer of the surplus votes of an elected candidate shall be deferred (but without affecting the order of that transfer) so long as the total number of those surplus votes and any other surplus votes not transferred is less than the difference between the total votes of the two continuing candidates with the fewest votes, and in such case unless all vacancies have been filled, the candidate with the fewest votes shall be first excluded and the ballot-papers containing his votes shall be transferred to the continuing candidates as provided in subparagraph *(j)* of this paragraph:

(s) If, on any count, two or more candidates have an equal number of votes, and one of them has to be excluded, the returning officer shall, by lot, determine which of those candidates is to be excluded:

(t) If, at the time of their election, two or more candidates have an equal number of votes that is more than the quota, the returning officer shall, for the purposes of subparagraph *(q)* of this paragraph, by lot, determine which of those candidates is to be deemed to have had the larger or largest surplus:

(u) If, on the final count for filling the last vacancy, two candidates have an equal number of votes, the returning officer shall, by lot, determine which of those candidates is to be elected.;

(j) by striking out from subparagraph *(a)* of paragraph (12) the passage "or, as the case may be, the number of first preference votes counted to each group";

(k) by striking out from paragraph (13) the definitions of "continuing group", "description" and "group"; and

(l) by inserting after paragraph (13) the following paragraph:

(13a) In this section a reference in relation to any stage of the scrutiny to the surplus votes of an elected candidate is a reference to the number at that stage by which the elected candidate's votes exceed the quota, reduced by the excess, if any, of the number at that stage of the elected candidate's votes on which a next available preference for a continuing candidate is not indicated over the quota.

These amendments comprise the bulk of the amendments detailing the scheme for the Legislative Council voting system. As I indicated earlier, they are in identical terms with the New South Wales legislation, except for the way in which sentences have been broken up into different numbered paragraphs. They are also similar to legislation which governs Senate elections, except that they take into account the semi-optional preferential system, which is not a feature of the Senate system.

Amendments carried; clause as amended passed.

Clauses 49 to 51 passed.

Clause 52—"Amendment of s.170—Requirements in relation to petition."

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

Pages 12 and 13—Leave out paragraph (a).

This clause deals with the question of limitation that should be placed on the period within which a Court of Disputed Returns petition can be brought. At present a petition must be presented within 28 days. However, the Limitation of Actions Act applies, and in the circumstances set out in that Act the court can enlarge the time within which the petition must be filed. Therefore, it will also enlarge the time in which amendments relating to a new cause of action can be made.

In the Norwood Court of Disputed Returns case the Full Court held that the Limitation of Actions Act applies to the Court of Disputed Returns situation. Therefore, certain amendments were permitted. The Opposition sees no valid justification for altering that law as it has now been expressed by the Full Court. Unless there are particular circumstances that apply to these proceedings which do not apply to other proceedings, we believe there is no reason why, if the justice of the case demands it, an application should not be able to be made to the court to have the time within which an action can be brought extended.

That is the general law. It does not apply in every case, and it does not mean that, if one goes beyond the required period of 28 days, one can therefore bring an action before the Court of Disputed Returns just by issuing a petition in the normal way. A person must appear before the court and establish to the satisfaction of the court that special reasons apply and there are special circumstances in which the petition was not issued in the required period. The Government's amendment would provide for the initial period of 28 days and a further period of 28 days, and after that the Limitation of Actions Act would not apply. The law was stated by the court in the Norwood case, and we see no objection to that. Accordingly, I oppose the Government's amendment.

The Hon. K. T. GRIFFIN: The Government takes the view that it is desirable to place some limit on the application of the Limitation of Actions Act to proceed before a Court of Disputed Returns. It is not as though the court is adjudicating on litigation that can flow over a long period. The Court of Disputed Returns determines the validity of an election. The Government is concerned that, if the Limitation of Actions Act is applied strictly, it is possible for an election to be challenged at any time between the election that is subject to challenge and the next election.

The Hon. C. J. Sumner: That's most unlikely to happen.

The Hon. K. T. GRIFFIN: It may be unlikely, but it is possible. The Government believes that the period of 56 days from the return of the writ is not unreasonable. In fact, in the Norwood by-election, the writ was to be returned on 5 October; the petition would have had to be issued within 28 days, which would have taken it to about 2 November; another 28 days would have brought it to 30 November; and, in fact, the hearing took place from 5

December onwards. If there is to be some certainty in this area, a total period of 56 days in which to make the appropriate claim by petition is quite fair.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), 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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 53 and 54 passed.

Clause 55—"Certain errors not to constitute basis for avoiding election."

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

Page 13, lines 38 and 39—Leave out paragraph *(b)*.

Clause 55 deals with situations where errors by poll clerks and others would not be a basis for avoiding an election. In proposed section 185 it is suggested that an act or omission of an officer that was, in the circumstances, reasonable and in substantial conformity with this Act should not be a ground for avoiding an election. If the error is of that kind, then that error should not constitute the basis for avoiding the election. I do not believe that that provision should be accepted. It leaves open the situation where an error by an officer may have affected the result of an election but, because the court could decide that it was in reasonable and substantial conformity with the Act (and the person would have been wrongly elected, in my view, if an error could have affected the election), under this provision, as suggested by the Attorney, that error might not constitute a ground for avoiding the election. In other words, someone could be elected because of an error made by an officer, someone working for the Electoral Commissioner, and the error could have affected the result of the election, but still be deemed to have been reasonable and in substantial conformity with this Act.

Accordingly, we believe that there ought to be the criteria of proof of an effect on an election so that, if an act or omission of an officer can be proved to have affected the election result, that should be sufficient—that should be the end of the matter—and the election should be invalidated. However, this clause gives a let out to a challenge by providing that in some circumstances an error that has affected the result of the election may not be an error which constitutes a basis for invalidating the election.

I am surprised that people such as the Hon. Mr. Milne and Hon. Mr. DeGaris have apparently agreed to this provision. Even at 4 o'clock in the morning, at this totally unreasonable hour when we are supposed to be sitting here legislating, I think members should have a good look at new section 185 *(b)*. I suggest this particularly to the Hon. Mr. Milne, who somehow seems to have done a deal with the Government over this Bill and who is now about to contribute to putting a nonsense in the Act, and to the Hon. Mr. DeGaris, who seems to be about to do the same thing. We have had our disagreements as to the principles of the matter, but I would not have thought that those gentlemen would support the inclusion of this silliness.

If there is an act or omission of an officer which is proved to have affected the result of the election, that should be enough; the election ought to be invalidated. The provision now suggested by the Attorney would leave open that situation, and that is just ridiculous. The proposition I am putting is that, if an officer does something that can be proved to have affected the result of the election, the election should be invalidated and there should be another one. I ask honourable members to study new section 185 *(b)* and see whether they do not agree.

The Hon. K. T. GRIFFIN: In almost every instance where there is not complete conformity with the Act, the presiding officer, his staff, even the returning officer, are accommodating an elector or a candidate who really has little idea of the specific requirements. It has been suggested that an official could spend time in explaining the reason for something being done or not being done, but if he were to do that his attention would be drawn away from specific or more important responsibilities. What the Leader of the Opposition is putting does bear some further consideration, but I would not want to hold up the Bill. I would want to see it passed, but I would undertake to have the matter reviewed before it finally passes the House of Assembly. If I believe it is appropriate, after consultation with officers and Parliamentary counsel when somewhat refreshed later in the day, I will certainly be prepared to take the matter further. I would prefer to have the Bill passed now subject to that.

The Hon. C. J. Sumner: Why don't you leave it out now, and, if necessary, put it in in the other place?

The Hon. K. T. GRIFFIN: I would prefer to leave it in, and consider the possibility of an amendment when fresher later this morning. I would be prepared also to indicate that the Electoral Commissioner would discuss the matter with the Leader of the Opposition.

The Hon. C. J. SUMNER: I would prefer the Attorney-General to have taken the step of deleting the provision, because it does not make much sense. It looks as though we are not having a lot of success on this side of the Council this morning, and the Attorney-General has suggested a procedure that is not completely satisfactory because the provision will still be in the Bill. I think the provision if not tenable but, as a matter of practice (unless the Hon. Mr. Milne is prepared to support us on this matter), I will reluctantly, in view of the time, agree with the procedures set out by the Attorney-General.

I would hope that, before the matter is dealt with in the House of Assembly, in addition to discussing the matter with his officers and the Parliamentary counsel and in view of the fact that we are being so accommodating, the Attorney could undertake to discuss the matter with me as well. Whilst we will be calling on the matter, we will not divide.

Amendment negatived; clause passed.

Clause 56—"Effect of decision."

The Hon. C. J. SUMNER: It is a pity that we are discussing this clause at this time of the morning, as it is an important issue. It is a pity that we may not be able to give it the attention that it deserves. It deals with a situation that pertains following a Court of Disputed Returns decision ordering a fresh election. The Government, for some reason (I imagine related to its experiences in the Norwood by-election), has taken the view that any subsequent elections should be held on the same roll as the original election. I said in the second reading debate that that has some superficial support, but I believe that, if honourable members consider the matter a little more carefully, they will see that it is not as satisfactory as it may seem on the surface.

I ask Government members not to let their pique about the Norwood by-election lead them to be carried away in this way. The problem they saw with the Norwood by-election was that some electors were placed on the electoral roll (for example, Mr. Davis) after the general election and before the by-election. Therefore, in that election there was a different roll.

I do not believe there is anything wrong with that. What

that does ensure is that when one goes to the polls again one does it on the basis of an up-to-date roll, that is, an up-to-date expression of voters' opinions in that electorate. In the Norwood situation, as that seems to have upset the Government so much, I believe that in the period leading up to the general election the Commonwealth Electoral Office had done one of its checks of the Norwood area and had, on the basis of its check, removed a large number of people from the roll. I think that the figure given in evidence before the court was in the vicinity of 4 500 voters removed from the roll before the general election. Many of those voters, in our experience, were, if not wrongly removed, removed when they really still had an entitlement to vote. In other words, the procedure adopted by the Commonwealth leads to people being removed from the roll when they should not be.

As I understand, when the Commonwealth does these house checks, if the people are at home and it can be ascertained that the people on the roll live there, then the Electoral Office leaves the matter. I would hope that the Hon. Mr. Milne would listen to this argument, if the Hon. Mr. Foster would stop speaking to him. This is a serious matter, because in the Norwood situation some 4 500 electors were taken off the roll. That was done by a method that the Commonwealth Electoral Office uses, as follows: if the people are home and the officer can ascertain that the people on the roll live there, that is the end of the matter, but if the people are not home he leaves a note asking the people to send that card back to the Electoral Office; if they do not send the card back to the Electoral Office, after a certain period the Commonwealth Electoral Office takes those people off the roll. They may be at that address but have not got round to sending the card back. By that means a large number of people can be removed from an electoral roll, and that is what happens before the general election, so the numbers in the Norwood poll were down on what they otherwise would have been.

It is further complicated by the fact of a snap election. I am not blaming anyone, particularly members opposite, for the fact that we had an early election. However, the fact is that when one gets that sort of situation there is little time for the rolls to be brought up to date and there is little time for those people who may have been wrongly taken off to be put back on the roll. There is little time for people who have lived in the area for the required time and who are not on the roll to be put on the roll. So, in a sense, the roll, at the time of a general election, is not properly up to date. I think that occurred in the Norwood situation, so that in the period after the general election and before the by-election there were people who had a legitimate right to be on the roll who were put on the roll. There was nothing wrong with that; they had a right to vote. The other difficulty is at the other end of the scale, that while the Court of Disputed Returns is going on, while there is a challenge, it is not unusual for these cases to take up to six months. In the case of Norwood, the election was in September and I think a decision was made in January, so a period of about four months elapsed.

It is quite conceivable in this sort of case that the time could be longer and could extend into six months or, in extreme cases, to nine months or 12 months if a constitutional issue was involved, and there were appeals, cases stated, and so on. So, a fresh election could be ordered and the roll could be hopelessly out of date.

The Hon. L. H. Davis: We just say "six months".

The Hon. C. J. SUMNER: Very well. In six months, the roll could be hopelessly out of date. There is the problem before the election of getting people on the roll, as well as the problem of those who have been wrongly taken off the roll. Afterwards, there could be a considerable turnover of voters. I understand that in some metropolitan electorates there can, in a period of one month, be a turnover of 400 or 500 voters. If that is so, 2 400 to 3 000 voters could have left the district. Those persons would not be able to vote, so that we would have people who have been unjustly taken off the roll before the election as well as those who have left the district after the challenge.

The Hon. K. T. Griffin: They are still on the roll.

The Hon. C. J. SUMNER: Perhaps, but they have left the district. That is precisely my point. The new people coming in cannot get on the roll, even though they are residents of the area. Those persons cannot vote, whereas persons who have left the district can vote. That is absurd. I think that the Attorney-General has got carried away with the fact that the Premier got agitated at the Norwood by-election and thought that something a little odd was happening. That was not the case, as was proved by the report which the Attorney-General had prepared on the Norwood by-election but which he refused to give the Opposition.

I ask the Committee to put that matter aside and to look at the matter unfettered by the scars that the Liberal Party has had at its subsequent defeat in Norwood. The Government ought to look at the matter afresh. While there may be some superficial merit in what the Attorney-General is putting, one realises when one looks at the practicalities that it is not acceptable. Clause 56 should therefore be opposed. That will leave the situation as it is at present.

The Hon. K. T. GRIFFIN: The fact is that a person who is not on the roll before an election but who at the election claims an entitlement to be enrolled has an opportunity to apply for a section 110a vote. If that is admitted, that person is then on the roll. At the 15 September 1979 election, fewer than 100 people at Norwood applied for a section 110a vote.

Those who were admitted were added to the roll. At the re-election in mid-February 1980, less than 100 again made application under section 110a for votes, claiming an entitlement to be enrolled. However, between 15 September 1979 and 15 February 1980, some five months, there was more than a 20 per cent change in the electorate—23.1 per cent, to be correct. Deaths and persons who transferred out of the State comprised less than 1 per cent. If there had been a new election for Norwood on the old roll, about 99 per cent of the persons enrolled for the first election would have been eligible to vote at the re-election.

The Hon. C. J. SUMNER: Some of them wouldn't have been living in the area.

The Hon. K. T. GRIFFIN: It is a re-election, not a by-election. It is a rerun of the election which has been set aside.

The Hon. C. J. Sumner: What is the position in other States?

The Hon. K. T. GRIFFIN: I am not aware of the position in other States, but in this State we want to ensure that it is a rerun of the election, and it seems reasonable to do that. The point about the purging of the roll is irrelevant, because there is still an opportunity for someone who is not on the roll but who claims an entitlement to be on the roll to make an application under section 110a. If the entitlement is established, that person is given a vote. In Western Australia, a provision operates that is similar to the one I am seeking.

The Hon. C. J. Sumner: Only in Western Australia?

The Hon. K. T. GRIFFIN: It is another State.

The Hon. J. R. Cornwall: They have had plenty of irregularities in their electoral matters in Western Australia.

The Hon. K. T. GRIFFIN: We are talking about preventing irregularities.

The Hon.N. K. Foster: Do you know what they do in Western Australia?

The Hon. K. T. GRIFFIN: I am sorry, but I do not know. In Western Australia they have something similar. They regard the new election as a rerun of the election which has been set aside, and that is the important concept. The Government considered the period of time which should be allowed to elapse in this provision, and it took the view that six months between the issue of the writ for the first election and the issue of the writ for the re-election is an appropriate period of time.

The Committee divided on the clause:

Ayes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

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

Majority of 1 for the Ayes.

Clause thus passed.

New clause 56a—"Regulations."

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

Page 14—After clause 56 insert new clause as follows:

56a. Section 198 of the principal Act is amended by inserting before paragraph *(a)* the following paragraph:

(aa) prescribing the method by which ballot papers are taken at random by the returning officer in the counting of votes in any election for a district where two or more vacancies are to be filled;

This new clause provides a regulation-making power to enable the random selection process to be prescribed by regulation.

New clause inserted.

Clause 57 passed.

Clause 58—"Amendment of fourth schedule."

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

Page 15, line 1—After "amended" insert:

"—

(a) by striking out Form D and substituting the following form:"

This amendment provides for an amended form of ballot-paper.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): I wish to raise one matter relating to new clause 56a, upon which I seek an explanation from the Attorney. I understand informally that the regulations that will be prescribed in relation to sampling will follow the regulations that are prescribed for the Senate system of voting. Will the Attorney clarify that position?

That is the only specific query I have. As far as the Opposition is concerned, the Bill as it has passed the Committee stage is in the form introduced by the Attorney, with his later amendments to introduce the Senate system. As I said earlier, the Opposition supported the original system; we thought it was a simple system. Some of the Opposition's amendments could have been accepted, particularly the one pertaining to a voter having to fill in the paper for only seven candidates, which is the New South Wales system based on two-thirds of the number that have to be elected.

The voting system would have been simpler, the size of the ballot-paper would have been smaller, and there probably would have been less scope for informal votes. We believe that the existing law is satisfactory, simple, easy to operate, and it should have been maintained. However, it appears that the numbers are not with us, so there is little point in doing other than formally opposing the third reading.

The Hon. R. C. DeGARIS: The third reading of this Bill marks another step in the history of electoral reform in South Australia. The Bill, as it has come from the Committee stage for transmission to the House of Assembly, deserves the unanimous support of the Council. Although some members might have liked to make changes, nevertheless the Bill makes a significant change to electoral reform in this State.

No mention was made during the second reading debate of the part that you, Mr. President, played during the 10-year history of this debate. Your advocacy in this Council of a system of proportional representation for the Legislative Council, following the acceptance by Parliament of referendum provisions before either House is abolished, is well known. No mention was made of your part in the acceptance of proportional representation, of a correct system for the election of members to this Council. This must be a moment of great pleasure to you, because you have advocated this kind of system. I express my pleasure at the changes that have taken place in relation to voting for this Council. However, I stress that, while the electoral side of the Council may be said to be complete, other reforms can be made in relation to procedures of the House of Assembly and this Council that must be considered in the future.

The Hon. K. T. GRIFFIN (Attorney-General): In answer to the Leader's question about new clause 56a, I wish to say that I indicated when I replied to the second reading debate that I would want to see in the Bill a power to allow regulations to prescribe the method of taking random samples. I indicated at that stage that there is an established procedure in the Senate, and I would envisage that that would be embodied in the regulations. I see no reason to alter the comments I made at that stage.

In conclusion, I thank honourable members for their contributions. I regret that this Bill was passed finally at 4.30 in the morning, but it is an important piece of legislation that needed to be passed this week by both Houses of Parliament. I extend my congratulations to members of the Council for their contributions and, in most respects, for their co-operation.

Bill read a third time and passed.

PITJANTJATJARA LAND RIGHTS BILL

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

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

EDUCATION ACT, AMENDMENT BILL

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

WORKERS COMPENSATION (INSURANCE) ACT AMENDMENT BILL

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

ADJOURNMENT

At 4.33 a.m. the Council adjourned until Wednesday 4 March at 2.15 p.m.