LEGISLATIVE COUNCIL

Tuesday 2 April 1985

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:

Carrick Hill Trust,
Children's Services,
Classification of Publications Act Amendment (No. 2),
Coast Protection Act Amendment,
Long Service Leave (Building Industry) Act Amendment,
Ombudsman Act Amendment (No. 2),
Police (Complaints and Disciplinary Proceedings) (1985),
Police Regulation Act Amendment,
Roads (Opening and Closing) Act Amendment.

PETITION: CONSTITUTION ACT AMENDMENT BILL (No. 2)

A petition signed by 91 residents of South Australia praying that the Council amend the Constitution Act Amendment Bill (No. 2) to provide for a referendum on the issues of a fixed term for the House of Assembly and extension of the life of Parliament from three to four years was presented by the Hon. J.C. Burdett.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Administration and Probate Act, 1919—Regulations—Administrator's Prescribed Amount.

Classification of Publications Act, 1974—Regulations—Videotapes.

By the Attorney-General, for the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Building Act, 1970—Regulations—Skimmer Boxes for Pools.

Planning Act, 1982—Crown Development Reports by S.A. Planning Commission on proposed—

Classroom, Poonindie Primary School.
Streaky Bay Area School Activity Hall.
Timber classroom, Streaky Bay Area School.
Classrooms, Wudinna Area School.
Classroom, Cleve Area School.
Borrow pit, Penong.
Police Radio Tower and Communications Equipment, Hundreds Kanmantoo and Macclesfield.
Erection of a storage shed at Daws Road High School.

By the Attorney-General, for the Minister of Agriculture (Hon. Frank Blevins):

Pursuant to Statute—

Metropolitan Taxi-Cab Act, 1956—Regulations—Transfer of Licences.

SPEAKER'S RIGHTS

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking you, Mr President, a question about the rights of the Speaker in the Legislative Council area.

Leave granted.

The Hon. M.B. CAMERON: Early on Friday morning I noticed the Speaker, accompanied by two members of staff, wandering the corridors of the Legislative Council on the lower ground floor. He entered the offices of two members and left again. I telephoned the Speaker later to ascertain what he was doing there, and I was informed that he was looking for dirty crockery. I then told him that I thought it was improper of him to enter members' offices without obtaining the permission of the member or at least my permission (and I was present at the time). I was somewhat surprised to receive a letter from the Speaker under the heading of the Joint House Committee. The letter states:

> Dear Martin, I am advised that on Friday morning, 29 March, it was noted that in your room were the following articles: empty bottles. I do not suggest that these articles were dirty or unhygienic. However, an accumulation of such articles throughout the building imposes a quite unnecessary burden on our staff.
>
> This is so to such an extent that we would literally have to employ another person if all members were to adopt the practice of failing to return used cups, glasses, etc. to the refreshment room. I do not wish to make a great issue out of this but would appreciate it if in future you would ensure that such articles are returned after use.

Other members of my Party approached me, and I found that they had received similar letters for different reasons. The Hon. Miss Laidlaw had four cups and saucers and a glass in her office; the Hon. Robert Ritson had two empty bottles and a glass in his office; and I looked in my office and found 13 soft drink bottles, five beer bottles and three wine bottles. I was informed that I should return them. I inform the Speaker that I paid a deposit on the bottles, so they are really not his property or the property of the Joint House Committee.

It would appear that, having banned the press, the Speaker believes he can take over the entire Parliament. That is just not going to be the case, I trust. Mr President, did you authorise the Speaker to enter the private offices of Legislative Council members in search of crockery and bottles? Does the Speaker have the right of such entry? Will you inform the Speaker, if he does not have the right, that that is the case and would he in future refrain from entering members' offices in the Legislative Council?

The PRESIDENT: In relation to the Leader's first two questions, 'No', the Speaker does not have the authority and he certainly did not have any discussion with me about the matter. I will notify the Speaker of the Leader's concern.

The Hon. ANNE LEVY: I desire to ask a supplementary question. Mr President, do you have the authority to authorise anyone to enter the rooms of any member?

The PRESIDENT: I do not think so.

QUESTIONS

MENTALLY DISTURBED PATIENTS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Health, a question about mentally disturbed patients.

Leave granted.

The Hon. J.C. BURDETT: I have been contacted by a constituent concerning a member of his family who is in an open ward at Hillcrest Hospital. The constituent is concerned that his relative, who is schizophrenic, has gone missing on numerous occasions from the hospital and that the family has not been advised of these occurrences. The constituent informs me of occasions, such as a short while ago, when his relative spent a night in the pouring rain in the grounds of the hospital. The family did not learn of this situation from the hospital but from the person himself. A week later he repeated this kind of behaviour.

The constituent informs me that after his most recent visit to the hospital he saw a distressed Italian couple in the car park. They had been to visit their daughter but she had not been there, and the hospital did not know where she was. She eventually found her way back home to Salisbury.

One appreciates that such problems of absences are not easily solved and that the patients concerned are there on a voluntary basis. However, without being in any way critical of the staff, who must obviously work in difficult and stressful circumstances, I believe that there must be something that can be done. It is particularly worrying that the family of a wayward patient is not advised of the patient's absence. It may be that this is all that is needed to satisfy the concerns of the families. It seems wrong that when a patient goes missing his family is not at least notified. If that were to happen, they would be able to decide whether any further action was warranted, whether a missing person's report should be made to the police, or whatever action might be warranted.

I realise that my questions will have to be notified to the Minister and a reply brought back. My questions are:

1. Is the Minister aware of the problem that I have outlined?

2. Will the Minister take steps to try to improve the situation by at least requiring next of kin to be advised of any unauthorised absences of patients?

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

SEVERANCE PAY

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question in relation to severance pay.

Leave granted.

The Hon. I. GILFILLAN: The redundancy pay (termination of employment pay) award came into force on 1 February 1985 relating to the Federal metal industry. It would have been Draconian enough if that measure were to start on 1 February but it is retrospective, and that means that the full force of the new liability of severance pay applies on and from 1 February to all employees under this award—to their past service as well as to their future service. This is just one more instance where the arbitration system has failed and another example of how the Federal Industrial Court does not always understand the effect of what it does on the economy. For example, there is a company which employs 36 people under the Federal Metal Industries Award and which on 1 February this year suddenly found that it had a liability for severance pay of $60 321. In other words, it had to write into its balance sheet an amount of $60 321 as a deferred liability, which completely changed the ratio of assets to liabilities. Had the employees been under the ambit claim currently before the State Arbitration Court, the liability would have been $440 000.

There is some doubt as to whether the liability for severance pay is a deferred liability (and thus included as a creditor) or whether it is a contingent liability (and thus be recorded in the annual accounts in note form). Either way it is a crushing burden on the metal industry and will undoubtedly lead to higher costs and more unemployment. This effect has already been seen in the cases of Brian Lane Airconditioning Pty Ltd and PHR Airconditioning Pty Ltd with total employment of approximately 200 employees. PHR was engaged in the Aquatic Centre in the north parklands. Therefore, my questions are:

1. Will the Minister of Labour make immediate inquiries into the effect of severance pay liability on the receivership and liquidation of those two companies?

2. How many jobs will be lost?

3. If the Minister is aware of the ambit claim, formerly called the UTLC section 25a application, is he aware that the liabilities to employers are in excess of six times higher than that granted to Federal Metal Industries Award employees?

4. As the airconditioning contractor (PHR) involved in supplying facilities to the Aquatic Centre is now in liquidation, could the Government state what additional costs and time will be incurred on this project?

The Hon. C.J. SUMNER: I will seek the information for the honourable member and bring back the reply.

CHILD CARE

The Hon. ANNE LEVY: I seek leave to make a brief statement before directing a question to the Attorney-General, representing the Premier, on the question of child care.

Leave granted.

The Hon. ANNE LEVY: We all know that the ASER project is proceeding very rapidly and all of us who use the car park have daily evidence of the great speed with which the ASER project is rising from the ground. This project, as I am sure I do not need to remind honourable members, is a multi-faceted project that will provide office space, a convention centre, hotel accommodation, and so on. It has been described—and I am sure quite accurately—as one of the most outstanding projects that Adelaide has ever seen. However, I am somewhat concerned in that I have heard a rumour that the planning for the convention centre, which is part of the ASER project, makes no facilities available for child care. It would seem to me that any modern convention centre, if it is to become (as I am sure we all wish it to be) the best convention centre in Australia, should have facilities for child care.

Will the Premier indicate whether or not any attention has been paid to the provision of child care in the ASER project, in particular for the convention centre, although obviously for the employees as well? If no such provision has been made for child care as yet, will the Premier request the people involved with the design of the project to give urgent consideration to including child care facilities?

The Hon. C.J. SUMNER: I will refer that question to the Premier and bring back a reply.

TELEVISION CAMERAS

The Hon. M.B. CAMERON: I seek leave to make a statement before asking you, Mr President, a question about television cameras in the Legislative Council.

Leave granted.

The Hon. M.B. CAMERON: Honourable members are all aware of the situation in the House of Assembly where a ban has been placed on the entry (other than escorted entry) of television cameramen. No clear message has come out as to the situation in the Legislative Council. Have you, Mr President, placed restrictions on the entry of television cameramen to the Legislative Council? If restrictions have been placed, how long will they be applied? If you, Mr President, have placed restrictions, will you consider lifting these bans as they apply to the Legislative Council?

The PRESIDENT: Let me say in the first place that cameramen or anyone else entering this side of Parliament House have always needed to be escorted. I make that quite clear: we will not be altering any of our previous provisions.

It is understood on this side of the House that it is necessary for people—whether reporters, interviewers or visitors of any sort—to make contact with whomever they wish to see. That provision has always been so and I see no reason why it should be altered. That is not a ban of any sort and is a provision that has operated ever since I have been in this Chamber.

In relation to television cameras in the Legislative Council, yes, I have, in support of the action taken by the Speaker, banned the use of television cameras in this Chamber. I do not know how much the honourable member wishes me to enlarge on that. Suffice to say that at this stage I do not know what has been resolved between the Speaker and the people in dispute. Since it is their quarrel, I am waiting to see what action can be taken. In the mean time the ban will operate.

The Hon. ANNE LEVY: A supplementary question, Sir. Does your ban on television cameras in the Chamber extend to the ABC, which is not, I understand, in dispute with the Speaker?

The PRESIDENT: Since the ABC has not raised the question with me, I have not given it any great consideration, but I do not see any reason why the ABC should be banned. It certainly has no dispute with me and, as I understand it, it has none with the Speaker, but I should perhaps check that before giving any qualification. Actually, I have no quarrel with anyone; I am just upholding a ruling given by the Speaker.

FUTURES MARKETS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about futures markets.

Leave granted.

The Hon. K.T. GRIFFIN: Over the past year or so there has been some concern about the operations of the futures industry in Australia. We all know that the only futures exchange is presently based in Sydney, but, notwithstanding that, it affects all Australians. Last year, I understand, a draft Bill to regulate the futures industry was made available to those interested in the regulation of that industry as well as to those likely to be affected by it. It was published by the National Companies and Securities Commission with the approval of the Ministerial Council of Companies and Securities.

There has been some comment about the Bill in the sense that it establishes yet another structure for the regulation of that industry, and a commentator has claimed that it creates a business nightmare and a bureaucrat's (even a lawyer's) dream. The question has been raised by that commentator as to why we needed another maze-like law to deal with an industry apparently perceived as being so similar to the securities industry. The suggestion was made that merely changing the definition of 'securities' in the Securities Industry Code and adding a few extra sections to that legislation would very largely overcome the problem of establishing a new structure to regulate the futures industry.

It is, as I indicated, essentially a problem for New South Wales in that it hosts the only futures exchange in Australia, but with commodity and other dealers acting in the other States, including South Australia, and the prospect of problems being created as a result of the unregulated activity of the futures industry, the question has been raised with me as to what is the current position with the draft legislation. Can the Attorney-General tell me, first, what laws are proposed for the regulation of the futures industry in Australia and what laws are likely to be required in South Australia? Secondly, if laws are proposed both nationally and in South Australia, when are the Bills for those laws likely to be introduced in the South Australian Parliament?

The Hon. C.J. SUMNER: The Ministerial Council agreed that there should be some regulation of the futures industry in markets in Australia. As the honourable member says, legislation was drafted and circulated for comment to people involved in the industry. The Ministerial Council has not taken a final decision on this matter yet, although everyone agreed that there was a need for legislation dealing with this method of marketing.

The honourable member's suggestion can be considered in that context and I am happy to give consideration to it—namely, can it be done within the existing system without establishing a separate Act—but I think that it was initially agreed that that was not a viable method of proceeding and that there was really a need for a separate legislative regime to deal with the regulation of the futures markets. However, I am happy to take the honourable member's comments to the Corporate Affairs Commission for further consideration and, if necessary, to the Ministerial Council meeting early in May. I should then be in a position to provide the honourable member with a further report.

CIGARETTE SMOKING

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General, in the absence of the Minister of Health, a question about cigarette smoking in the Public Service.

Leave granted.

The Hon. DIANA LAIDLAW: The Premier and the Minister of Health are attending a drug summit today which aims to develop a co-ordinated strategy to address the growing problem of drug usage in the Australian community. I understand that the use of tobacco products is one matter for discussion at that summit. Late last year the *Advertiser* carried an article referring to the Commonwealth Public Service Board's recommendation about cigarette smoking in the Commonwealth Public Service. The article stated:

The board's recommended minimum action is that departments and statutory authorities:

- Provide in-house quit-smoking courses or limited paid leave to attend courses.
- Prohibit or limit the sale of cigarettes on Public Service premises.
- Prohibit smoking in areas covered by health and safety legislation.
- Prohibit smoking in food preparation area, in training, conference and interview rooms, photocopying rooms, toilets, wating rooms, libraries and reception and counter areas.
- Prohibit smoking an any work area which has been established as a non-smoking area by agreement of staff members.
- Prohibit smoking, or designate smoking and non-smoking zones, in canteens.
- Request that all staff avoid smoking in open offices.
- Clearly signpost areas where smoking is prohibited and make signs discouraging smoking available to staff on request.
- Encourage departmental councils and occupational health and safety committees to examine the problem.
- Designate officers in each departmental location to handle requests and recommend action on matters related to smoking at work.

The Commonwealth Public Service Board also said that it would give consideration to including a statement in all job advertisements that the department concerned actively discouraged its employees smoking in the workplace. Also, that one's habits in respect to smoking be provided for in job advertisements. The Board also has warned that if the guidelines do not have any effect, further action, possibly a total legal ban on smoking in Commonwealth offices, will be taken by the end of this year. Is the Attorney-General aware whether or not the State Government would support similar recommendations being adopted by the State Public Service

Board, and is he aware whether there would be any legal impediment to a total ban on smoking in State Public Services offices?

The Hon. C.J. SUMNER: As a non-smoker of long standing I have been most concerned by recent reports in the press of evidence that exhaled smoke from a smoker can have an adverse effect on the health of a non-smoker who is in the vicinity of that smoker.

Of course, that is something that I believe requires much more investigation. Certainly, if the smoker wants to affect himself by smoking, that is one thing but, if the actions of the smoker affect innocent people, that is, non-smokers, who happen to be in the vicinity of the smoker, that is another thing. I will certainly refer the honourable member's question on that point to the Minister of Health to see whether he is able to provide us with advice on the topic.

I can tell the honourable member that some time ago our Caucus passed a motion prohibiting smoking in the Caucus room, and I thought that that was a good step. I also have signs in my room in Parliament House and in my other office in the SGIC building that say 'Thank you for not smoking', but they do not have any effect. Smokers completely ignore this polite request and continue to exhale their vile fumes in my room.

However, the honourable member's question raises the issue of what action can be taken by the State Government in trying to discourage smoking in public offices. I suppose that the Government could prohibit smoking if it was a term of people's employment that they not smoke in certain areas. The other measures that have been outlined by the honourable member would need further inquiry, and I will refer the matter to the Minister of Health, who I believe is primarily responsible in this area. No doubt he could discuss the matter with the Public Service Board and perhaps the unions involved to see whether or not bans or restrictions on smoking as outlined by the honourable member could be introduced at the State level. Certainly, from my personal point of view I am happy to do everything I can to restrict smoking and particularly to restrict smokers where they are in the vicinity of me.

ADVERTISING

The Hon. M.B. CAMERON: Has the Attorney-General a reply to a question I asked on 27 February about advertising?

The Hon. C.J. SUMNER: The replies are as follows:

1. SAFA's total advertising budget for 1984-85 is $175 000.
2. For reasons of commercial confidentiality, it is not proper to give these details.
3. No.
4. None are currently planned.

STATE TAXES

The Hon. R.I. LUCAS: Has the Attorney-General a reply to a question I asked on 14 March about State taxes?

The Hon. C.J. SUMNER: The Government decided that, in view of certain work on taxation reform being conducted at the request of the Premiers Conference and certain other work being undertaken for the Constitutional Convention, it would not proceed with its own inquiry. Since that time the Commonwealth Government has announced the tax summit. If, at the end of this process, the Government still considers that major reform of the State taxation system is required, a review at the State level will be initiated.

ARTS EMPLOYEES

The Hon. ANNE LEVY: Has the Attorney-General a reply to a question I asked on 13 February about arts employees?

The Hon. C.J. SUMNER: In the 1981 census, a total of 46 515 people in Australia identified themselves as being employed in the Bureau of Statistics group called 'artists, entertainers, writers and related workers'. However, this total did not include those arts practitioners who worked at their artistic occupation part time or who were unemployed just before the census. The question asked in the census was 'In the main job held last week, what was the person's occupation?'. The four categories of arts occupations used at present by the Bureau are:

- painters, sculptors and related creative artists.
- authors, journalists and related workers.
- musicians, vocalists and music teachers (excluding those employed by education authorities, etc.).
- actors, broadcasting announcers, dancers and related workers.

The number of people in each category in the 1981 census were:

	Australia	SA
• Painters, sculptors etc.	11 553	966
• Writers, authors, journalists etc.	16 962	1 244
• musicians, etc.	8 524	712
• actors, announcers, dancers etc.	9 476	693
Total	46 515	3 615

The South Australians employed in the arts represent 7.8 per cent; however, a report issued in 1983 by the Australia Council entitled *The Artist in Australia Today* suggests that South Australia has a higher proportion of practising professional artists in its total labour force than other States of the Australian total.

Arts and arts related employment has been increasing at a very rapid rate over the past 10 years. In 1971 there were about 30 600 people in these occupations and 34 000 in 1976. During the last 5-year period (that is, between the 1976 census and the 1981 census), the number of people in arts and related occupations increased by 36.8 per cent compared with an increase of 8.7 per cent in the total Australian workforce.

In addition to these industry groups, there were in 1981 an estimated 10 600 people teaching art, music and crafts in primary and secondary schools and fine arts, music, art and design in tertiary institutions. Total employment in industry groups allied with the arts or industries employing considerable numbers of artists, craftspeople etc. (such as publishing, record manufacturing, architectural services, jewellery and photography services, etc.) in 1981 was about 60 000 people.

When all of these industry groups are taken into account, the overall total of predominantly full-time employment in all arts and related cultural industry groups in Australia in 1981 was about 120 000 people. We could therefore assume that South Australia has at least 7.8 per cent of this total of 120 000, that is 9 360 full-time employees in these arts and related cultural industry groups. It should also be remembered that these statistics do not include the following arts employees:

(i) Arts administrators.

(ii) Part-time employees.

(iii) Individual creative artists, particularly visual artists, novelists and poets.

From the 1981 census, the following South Australians were employed in:

(a) Mining	1 356
(b) Agriculture	45 165

QUESTION ON NOTICE

GRAND PRIX

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General:

1. Has the contract between the Government and/or the Australian Formula One Grand Prix Board and the Formula One Constructors Association in relation to the staging of the 1985 Grand Prix in Adelaide yet been signed?
2. If yes, when was it signed, where was it signed, and by whom was it signed?
3. If it has not been signed, when is it expected to be signed and what are the reasons for the delay?
4. If the contract documents have not yet been signed, are all other arrangements by the State Government and the Australian Formula One Grand Prix Board with third parties subject to the signing of the principal contract documents?
5. If the contract documents have been signed, what are the principal obligations and liabilities of the respective parties to those documents?

The Hon. C.J. SUMNER: The replies are as follows:

1. Yes.
2. It was signed in London on 28 February 1985 by B. Ecclestone on behalf of the Formula One Constructors Association, and in Adelaide on 4 March 1985 by the Hon. J.C. Bannon, Premier, on behalf of the Government of South Australia.
3. Not applicable.
4. Not applicable.
5. The principal obligations and liabilities of the parties are thus:
   - The South Australian Government must provide the circuit, safety measures, facilities, staff and structures for advertising signage; it must take responsibility for moving the racing cars from Adelaide Airport to the circuit and back again after the race; it must ensure that it has the legal rights and powers to conduct the event.
   - The FOCA agrees to ensure that the teams, racing cars and drivers are in Adelaide for the period covering preparation for and staging of the event.

SELECT COMMITTEE ON ARTIFICIAL INSEMINATION BY DONOR, *IN VITRO* FERTILISATION AND EMBRYO TRANSFER PROCEDURES IN SOUTH AUSTRALIA

The Hon. C.J. SUMNER (Attorney-General): I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 14 May 1985.

Motion carried.

SELECT COMMITTEE ON REVIEW OF THE OPERATION OF RANDOM BREATH TESTING IN SOUTH AUSTRALIA

The Hon. G.L. BRUCE: I move:

That the time for bringing up the report of the Select Committee be extended until Wednesday 3 April 1985.

Motion carried.

SELECT COMMITTEE ON THE CHURCH OF SCIENTOLOGY INCORPORATED

The Hon. C.J. SUMNER (Attorney-General): I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 14 May 1985.

Motion carried.

SELECT COMMITTEE ON NATIVE VEGETATION CLEARANCE

The Hon. C.J. SUMNER (Attorney-General): I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 14 May 1985.

Motion carried.

SELECT COMMITTEE ON TAXI-CAB INDUSTRY IN SOUTH AUSTRALIA

The Hon. C.J. SUMNER (Attorney-General): I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 14 May 1985.

Motion carried.

MENTAL HEALTH ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General): I move:

That the time for bringing up the report of the Select Committee on the Bill be extended until Tuesday 14 May 1985.

Motion carried.

ELECTORAL BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 3573.)

The Hon. R.I. LUCAS: Members may or may not remember (and probably do not) that my maiden speech in this chamber was devoted substantially to matters of an electoral or constitutional nature. At that time I believed and argued, as I do today during this second reading debate, that the overall principle by which we ought to be guided as members in this Chamber when looking at electoral or constitutional matters is that of fairness of the electoral system. I believe that in that concept or principle of fairness we as members should include the concept of simplicity of the electoral process as much as possible and as much as is consistent with the overall criterion of fairness of the electoral system.

In my maiden speech and on other occasions I indicated—and I do not resile from the position—that I felt that in the past my Party, in some parts fairly but in other parts unfairly, has been more often criticised with respect to its attitude to electoral fairness or constitutional fairness. During my maiden speech I indicated that I felt on occasions that the Labor Party had skipped through what would be justifiable criticisms of the Labor Party in relation to electoral or constitutional matters. With those very brief introductory comments, in general I indicate my broad support for the major thrust of the Government's Bill. However, there are a number of significant aspects of the Bill to which I take strong objection. I will briefly indicate some arguments for those objections during the second reading debate, but I will cover them more adequately during the Committee stage.

First, I refer to the whole question of voluntary voting. I do not intend to cover in any detail the more than adequate

material put to the Chamber some seven days ago by the Hon. Trevor Griffin, who put a very cogent argument for the introduction of voluntary voting here in South Australia. However, I will cover two or three matters that perhaps were not touched on in any great detail by the Hon. Trevor Griffin. I seek leave to have incorporated in *Hansard* without my reading them two tables of a statistical nature. The first table is a summary of the dates of introduction of compulsory voting in chronological order in the States of Australia and in the Commonwealth. The second table, once again of a statistical nature, looks at the percentage of electors who voted to those enrolled between the years of 1901 and 1925 in the Commonwealth arena, when we had voluntary voting.

Leave granted.

SUMMARY OF DATES OF INTRODUCTION OF COMPULSORY VOTING

Queensland, 1915—(Upper House abolished 1922)
Federal, 1924—Both Houses
Victoria, 1926—Lower House
1935—Upper House
Tasmania, 1928—Both Houses
New South Wales, 1930—Lower House (Upper House elected by existing MPs)
Western Australia, 1936—Lower House (Upper House voluntary)
South Australia, 1942—Lower House (Upper House voluntary)

PERCENTAGE OF ELECTORS WHO VOTED TO THOSE ENROLLED

Year	Percentage of Electors who Voted	
	Senate	House of Reps
1901	53.04	55.69
1903	48.46	50.27
1906	50.21	51.48
1910	62.16	62.80
1913	73.66	73.49
1914	72.64	73.53
1917	77.69	78.30
1919	71.33	71.59
1922	57.95	59.36
1925	91.31	91.39

The Hon. R.I. LUCAS: I will briefly summarise the two tables. The first introduction of compulsory voting in Australia was in Queensland in 1915; South Australia held on to voluntary voting the longest—until 1942. I have incorporated the second table because it is a good indication of the percentage of Australians who were prepared to turn up and vote under a system of voluntary voting. The second table, in relation to the House of Representatives, commences with the relatively low figure of 55 per cent in 1901, and certainly for the first three elections the percentage varied in the low 50s. However, from 1910 to the early 1920s the percentage increased until it reached a peak in 1917, when 78 per cent voted in the Commonwealth arena under a voluntary voting procedure. I have incorporated that table because many people have argued that only 50 per cent or perhaps only 40 per cent of people would turn up to vote if we reintroduced a voluntary voting system. I think past history in the Commonwealth arena indicates higher percentages than that.

I believe that, after a tradition or history of some 60 years in the Commonwealth arena and 40 years in the State arena where we have been programmed to vote compulsorily, once there was the introduction of voluntary voting, we would be unlikely to drop down to the sort of percentages that might exist in countries where voluntary voting has been the norm for their particular electoral systems over many years. The other matter with respect to voluntary voting is the question that certain people have raised that the only reason for the Liberal Party introducing voluntary voting is that there may well be some partisan advantage to the Party by the introduction of voluntary voting. I have heard the Attorney-General—whilst he did not say this was necessarily his view—indicate in response to a question on a television interview that certainly the conventional wisdom that had been put to him was that the Liberal Party or Conservative Parties would be advantaged and that the Labor Parties would be disadvantaged. To be fair to the Attorney-General, I think he did go on to say that he did not know necessarily whether that was the case but certainly he did not seek to disprove the situation.

I want to put into the record a very old letter which is part and parcel of the Archives of South Australia. It is a letter from Sir Thomas Playford or, as he was then, Tom Playford Premier. Tom Playford, I think even members of the Labor Government would agree, was a pragmatic man with respect to electoral matters.

The Hon. Anne Levy: Very pragmatic—16 to 4.

The Hon. R.I. LUCAS: And with that pragmatism he looked upon electoral matters from a certain pragmatic viewpoint. The letter that I want to read is a 1956 letter, so it is some 30 years old. In it Tom Playford argues against voluntary voting and for compulsory voting, for a number of reasons. In particular the one I want to highlight is the fact that Tom Playford, the electoral pragmatist, believed it would not favour the Liberal Party and that it would favour the Labor Party. There were some suggestions at the time within the Liberal Party with regard to voluntary voting. This letter of 1956 from Tom Playford reads:

> With regard to the suggestion in your letter of 18 July that the question of compulsory voting be reconsidered, I personally feel that we have very much to lose in departing from the present system. In the first place, at the present time we avoid a very large expenditure in getting our electors to the polls in what might be regarded normally as relatively safe seats. Without compulsory voting no seat is safe—it can be lost merely by the apathy of the elector. More important than this, however, is the fact that compulsory voting does tend, in the main I believe, to strengthen the hand of responsible Government. Any Government undertaking its full responsibilities today is obliged to do many things which, at the best, will have luke-warm support, and, in many instances, will have a good deal of active opposition. If the luke-warm supporters do not have to register a vote, many of them undoubtedly will fail to appear at the poll, so that both from the point of view of good government and from the point of view of our organisation I feel that the system has been worth while.

I might interpose that perhaps that is the attitude of the present Labor Government. The letter continues:

> We have got to remember that the Labor Party mainly draws its strong support from heavily populated areas, and, at the most involving the elector in not more than a mile or two in journeying and a few minutes in time. Many of our electors, however, have to travel 20 or 30 miles and sacrifice half a day to register their vote. Under these circumstances, I believe compulsory voting is helping our organisation to muster its full voting strength, which cannot be achieved by any other means.

As I indicated, I place that on record to indicate that a man who has a powerful reputation with respect to electoral pragmatism argued very strongly the contrary view that voluntary voting would incorporate or institute a partisan advantage for the Liberal Party. He made a very powerful argument with respect to the country areas where, in the main, Liberal or Conservative voters have to travel long distances and spend a good deal of time in turning out to vote on election day. That is to be compared to a mile or two down the road to the nearest polling booth in the heavily populated metropolitan areas. I reject completely

the notion hinted at by some, and certainly stated more overtly by others, that the only reason the Liberal Party introduces voluntary voting is that it seeks partisan political advantage from such an introduction. Certainly, there are people like Tom Playford who argued strongly that voluntary voting would not favour the Liberal Party but would favour the Labor Party.

The second matter is the question of proposals in the Bill for a new voting system for the Legislative Council. In taking a position on the proposals in this Bill, I believe that we have to admit that there exists a problem with the current voting system with respect to the very high percentage of informal votes at the 1982 State Legislative Council election when some 10 per cent of electors in South Australia lodged informal votes. I believe that we, as legislators, should not accept such a high level of informal votes if it is in any way possible to reduce that level of informality without broaching what I argue is the overall principle of fairness in the electoral system.

I believe that, substantially, the proposals before us with regard to the Legislative Council voting system walk the fine line between those two principles. The 10 per cent informal vote in the Legislative Council 1982 election needs to be compared with the approximately 5.8 per cent informal vote for the House of Assembly at the same election. While it does not occur very often, on this occasion I must take a slightly different tack to the Hon. Trevor Griffin with regard to an analysis of the informal vote between the House of Assembly and the Legislative Council. Whilst there is an analysis of the 10 per cent informality in the Legislative Council (where some 20 000 to 25 000 ballot papers were vacant out of a total of 80 000 ballot papers and we also know, from the analysis of the Electoral Commissioner, the number that were crossed, ticked, or had signatures on them), I do not believe that one can argue that vacant ballot papers and other examples should be removed from the 10 per cent to bring it back to something like the 6 per cent or 5 per cent of the House of Assembly. The only way one can make such a comparison is if one knows the number of informal House of Assembly ballot papers that were vacant, had crosses, ticks or signatures on them, so that we would be comparing like with like. I would imagine that if you removed the same sorts of ballot papers from the 5 per cent to 6 per cent informal votes in the House of Assembly, you would equally drop the percentage of informality in that House as well.

The system that is being proposed is, in effect, very similar to the Senate system used at the most recent 1984 Commonwealth election where the informal vote in South Australia dropped almost in half, from about 9 per cent back to about 5 per cent. That Senate voting system was widely accepted by most South Australians, as instanced by the numbers who used it, and had the added advantage of reducing the informal vote. I seek leave to have incorporated in *Hansard* statistical tables prepared by the research service in the Parliamentary Library which indicate the analysis of first preference votes for the Senate and the House of Representatives during the 1977, 1980, 1983, and 1984 elections.

Leave granted.

ANALYSIS OF FIRST PREFERENCE VOTES: HOUSE OF REPRESENTATIVES ELECTIONS

	1977	1980	1983	1984
Formal Votes				
(Number)				
ALP	322 883	348 649	393 971	367 915
DEM	85 578	68 857	56 510	61 822
LP	340 383	348 981	342 821	337 253
NP/NCP	6 065	10 937	8 762	11 609
Other	2 299	6 780	12 255	6 311
Total Formal	757 208	784 204	814 319	784 910
(Percentage)				
ALP	42.64	44.46	48.38	46.87
DEM	11.30	8.78	6.94	7.88
LP	44.95	44.50	42.10	42.97
NP/NCP	0.80	1.39	1.08	1.48
Other	0.30	0.86	1.50	0.80
Total Formal *(a)*	100.00	100.00	100.00	100.00
Informal Votes				
— Total informal votes	26 461	22 491	22 380	74 719
— Informal as percentage of total (formal plus informal) votes	3.38	2.79	2.67	8.69

(a) Totals may add to 99.99 per cent due to rounding.

ANALYSIS OF FIRST PREFERENCE VOTES: SENATE ELECTIONS

	1977	1980	1983	1984 *(a)*
Formal Votes				
(Number)				
ALP	258 643	300 420	340 089	340 115
DEM	78 496	96 662	92 585	91 329
LP	344 351	319 088	308 138	306 058
NP/NCP	—	7 419	13 757	10 756
Other	20 728	12 747	8 780	67 712
Total Formal	702 218	736 336	763 349	815 970
(Percentage)				
ALP	36.83	40.80	44.55	41.68
DEM	11.18	13.13	12.13	11.19
LP	49.04	43.33	40.37	37.51
NP/NCP	—	1.01	1.80	1.32
Other	2.95	1.73	1.15	8.30
Total Formal	100.00	100.00	100.00	100.00

ANALYSIS OF FIRST PREFERENCE VOTES: SENATE ELECTIONS

	1977	1980	1983	1984 *(a)*
Informal Votes				
— Total informal votes	81 451	70 359	73 350	43 174
— Informal as percentage of total (formal plus informal) votes	10.39	8.72	8.77	5.03

(a) Senate Election figures for 1984 have not yet been published by the Australian Electoral Commission in final form. These data have been derived from photocopies of Divisional returns held in the Parliamentary Library.

SOURCES

For 1977—Australian Electoral Office, *Election Statistics, South Australia: Senate Election and General Election of Members of the House of Representatives,* AGPS, Canberra 1978.
Reprinted as Commonwealth Parliamentary Paper No. 383/1978.

For 1980—Australian Electoral Office, *Result of Count of First Preference Votes and Distribution of Preferences: General Election for the House of Representatives 18 October 1980,* AGPS, Canberra, 1980.
Australian Electoral Office, *Result of Count of First Preference Votes and Distribution of Surplus Votes and Preferences: The Senate Election 18 October 1980,* AGPS, Canberra, 1981.

For 1983—Australian Electoral Commission, *Election Statistics, South Australia, Senate Election and General Election of Members of the House of Representatives 5 March 1983,* AGPS, Canberra, 1984.

For 1984—Australian Electoral Commission, *Result of Count of First Preference Votes and Distribution of Preferences, General Election for the House of Representatives 1 December 1984,* AGPS, Canberra, 1985.
Divisional returns (photocopies) held in the Parliamentary Library.

The Hon. R.I. LUCAS: The figures prepared by the Library research service indicate that in 1977 the Senate informality was as high as 10.39 per cent, dropping down in 1984 to 5.03 per cent. Equally, if one looks at the House of Representatives informal vote, one sees that in South Australia it was 2.67 in the 1983 election and jumped alarmingly to 8.69 in the 1984 election, some 18 months later. I will refer to those figures when I discuss the House of Assembly voting system. Suffice to say the reduction in the informal vote in the Senate with the introduction of the new voting system was quite remarkable. I do not believe that it detracts from notions of electoral fairness, and in increasing the number of people whose vote was able to participate in the 1984 election I think that, in the broad, the general proposal is worth supporting.

I do not believe that the introduction of this particular voting system will lead to the introduction of a first past the post voting system in South Australia. If I did, I would obviously not support such a proposition. My views with regard to first past the post voting have been instanced on many occasions in the past, most recently during debate on the local government voting system. I will not be a party to supporting first past the post voting at the State level. I believe that the introduction of a 1 in a box for a Party with the option of fully preferential individual voting for all candidates provides the widest possible choice for electors in South Australia. It increases the options available to electors: if they want to take the simple and easy way out, they can do so; if they want to be one of the small number who continue to want to lodge individual preferences for all the candidates, they can continue to do so. Should a Party, probably the Labor Party, in the future, seek to introduce a first past the post voting system, I believe that the people of South Australia will not accept it, and I will certainly not accept it as long as I am in this Chamber.

The final comment I want to make with regard to the Legislative Council voting system concerns the argument that the introduction of this system moves us towards a Party domination of the electoral voting system, or a Party vote, and away from the concept of voting for individuals. I do not accept that argument, either. First, we have to accept in this provision, and later when we talk about the registration of political Parties, that they are here with us and do dominate the electoral system and the political climate of South Australia and Australia.

However, the introduction of this 1 in a box system for the Council is an additional option to the option of individual voting for each individual candidate should an elector wish to do so, in exactly the same way as the Senate system. We should bear in mind that under the 1982 Legislative Council voting system, where there was not this concept of Party voting and only the concept of individual voting (and I now use the figures that the Electoral Commissioner provided to me verbally by telephone yesterday), about 90 per cent of electors in South Australia broadly followed the Party how to vote cards, that is, virtually nine out of 10 electors in South Australia did not want to exercise their individual vote, even when voters only had to put 11 numbers in 11 boxes at the 1982 election for the Legislative Council.

That figure is to be compared with the percentage of people in the 1984 Senate election under this 1 in the box system, which adopted the group or 1 in the box vote. The Commonwealth electoral officer indicated to me that the figure was marginally higher than 90 per cent and possibly as high as 92 per cent here in South Australia. So, this system that we are considering has already had a trial run in the Senate and we found that approximately nine out of 10 voters supported the Party line, and one in 10 adopted the individual preference system, as had been the case in the 1982 Legislative Council election as well.

In the broad, that is evidence to indicate that we are not by the introduction of a further option moving inexorably towards a Party domination of individual candidates in the voting system. In effect, nine out of 10 people already accept the Party system and the Party how to vote card. Nevertheless, if that 10 per cent do not choose to increase their influence and become larger in number there is nothing under this proposed system of two options that would preclude them from doing so, so that as many people as want to also can indicate an individual preference under the proposals before us.

I turn briefly to the House of Assembly voting system. I have some concerns with certain aspects of the Government proposal, but I see the argument for what the Government has done. I refer back to that table in respect of what happened to the House of Representatives informal vote between the 1983 and 1984 elections, when we introduced this simple 1 in the box system for the Senate. I repeat that what we found was that the informal vote jumped from 2.67 per cent to 8.69 per cent in South Australia. That is considerable cause for alarm, and I therefore see the reasons why the Government has introduced the amendments to the House of Assembly voting system. It needs to be viewed in the light of clause 129 of the proposed Bill which makes it an offence for someone to—

distribute how to vote cards in relation to a House of Assembly election unless the card indicates, by consecutive numbers commencing with the number 1, an order of preference in relation to all candidates in the election.

So, the Parties will have to distribute how to vote cards with a full distribution of preferences indicated on them. They will not be allowed to, under a penalty of $2 000, distribute how to vote cards which in effect advocate just a 1 in the box vote for the House of Assembly. I have some concerns about clause 129 (2). It provides:

A person shall not publicly advocate that a voter should vote in a House of Assembly election otherwise than by indicating, by consecutive numbers commencing with the number 1, an order of preference in relation to all candidates in the election.

As a layman and a non-lawyer, it appears to me that that provison may be somewhat too wide and certainly a little ambiguous. Virtually all the posters that the Liberal Party has produced in the past and many posters that the Labor Party has produced, which are plastered on bill boards and assorted other objects around South Australia, use the concept, 'Vote 1, Fred Bloggs, for the House of Assembly.' Equally, placards at public meetings have the same thing, 'Vote 1, Fred Bloggs,' and candidates or supporters argue, 'Vote 1, Fred Bloggs,' at public meetings.

My reading of that would be that it is publicly advocating something which ought not to be publicly advocated. Parliamentary Counsel indicate to me, to be fair, that they do not agree with my layman's interpretation of the Bill, and I intend pursuing that provision with the Attorney and the Electoral Commissioner (who I assume will be his adviser), through the Attorney, as to how that provision will be interpreted if it stays in the Bill.

I indicate my broad support for two or three other matters. As I said, some minor matters need some tidying up. The first relates to provisional enrolment for 17 year olds on the electoral roll as has existed at the Commonwealth level since the 1984 amendments to the Act. Commonwealth electoral officers in South Australia have indicated to me that certainly the provisions in the Commonwealth arena in South Australia provided no great problems in the 1984 Commonwealth elections. One officer indicated to me that, for example, one of the marginal outer suburban Federal electorates of some 70 000 voters may have had up to about 50 provisional 17 year olds on the roll through that year, and that possibly there might now be 10 to 12 provisional 17 year olds on the electoral roll.

It has been argued to me that the introduction of the provisional 17 year old enrolment provision may lead to greater abuse of the enrolment and voting system. I cannot see that that can be the case and, as I have indicated, the Commonwealth officers have told me that they do not believe that this provison creates any greater opportunity for abuse than already exists. It has been put to me that the concern may be that Parties may seek to provisionally get 17 year olds on to the rolls in marginal areas or have them transferring into marginal seats for partisan political advantage, but if a Party wants to do that sort of thing there is nothing to prevent its doing so under the current arrangements or the arrangements of the new Bill minus the provisonal enrolment provisions, when the same opportunities for abuse would exist.

In fact, I argue the reverse: that at least having 17 year olds with some sort of provisional enrolment address would give some reading as to where they would be. If they are enrolled in a safe Liberal seat and all of a sudden 50 transfer into the marginal seat of Unley, or vice versa, at least there is some record. I hope that the electoral officers and certainly the Parties would look at that with respect to possible objections, etc. Under the current arrangements, those same 17 year olds in Bragg, without a provisional enrolment, could equally be working the system by transferring themselves into the marginal seat of Unley and giving the already nervous Mr Mayes greater fits of apoplexy by transference of enrolment before going on to the roll when they are 18. So I do not believe that there is any greater opportunity for abuse: possibly, there is opportunity for the reverse situation.

The major point that we have to bear in mind with respect to 17 year old enrolment is the basic question of the 17 year old who turns 18 between the close of rolls and election day. That, I believe, was and is the primary argument for this provision. That period between the close of rolls and election day can vary between a minimum of 17 days and a maximum of 44 days, so it can include quite a large number of 17-year-olds turning 18 who ought to be given an opportunity to support their particular favourite for elective office and who under current provisions would not be given that opportunity.

The clauses of the Bill dealing with the registration of political Parties and the inclusion of candidates' Party names on the ballot paper are provisions I have always strongly supported. I worked within the Party organisation for 10 years prior to coming into this Chamber and am well aware of the view held by many people who ask: why on earth do we not put on the ballot paper that Fred Bloggs is the Liberal candidate and Joe Smith the Labor candidate? They do not really understand the complicated arguments against such a system. I think that it is a very good reform, which has been accepted in the Commonwealth arena and which will be accepted in the State arena after the passage of this legislation.

The final matter to which I refer with respect to support relates to the concept of declaration voting. I think that this is a very innovative reform that I imagine was suggested by the Electoral Commissioner and accepted by the Government. I think that there are some hiccups in the provisions before us, but my time for speaking during the second reading debate precludes me going through them in detail. However, I have a number of amendments being drafted by Parliamentary Counsel that I believe, if accepted by the Government, will make for a better operation of the declaration voting system. I will refer briefly to one matter referred to by the Hon. Trevor Griffin in relation to clause 74 (2) *(b)* of the Bill.

I believe that the Government's provision as recommended by the Electoral Commissioner in his report is far too wide. It says that an elector who is precluded for some reason from attending at a polling booth on polling day is entitled to a declaration vote. I am supportive of the amendment to be moved by the Hon. Trevor Griffin in relation to this matter, but I envisage a slight change to that, as well. My view is that we set an election date and then, to the greatest extent possible, the greatest number of people ought to vote on that election day. I agree that there are many good reasons why a category of voters ought to be allowed to vote prior to election day and under the previous postal voting provisions we made allowance for those categories of people.

However, I do not believe that, because I want to play tennis on election day or stay home to watch the VFL replay on television, that is sufficient reason for my voting up to 10 days or more prior to election day. We set an election day for the majority of us to make a decision based on the election campaign and the information made available to us by the Parties and media throughout the election period. I believe that a lot can happen in that last week, as instanced by the last Federal election when, to all intents and purposes, large numbers of people changed their minds in the last four or five days before the election because of what occurred during the Monday evening debate between the Parliamentary Leaders of the Liberal and Labor Parties.

I do not believe that, unless there is good reason, we should allow thousands of people, to suit their convenience and because of their laziness, to vote many days prior to election day. I hope that the Attorney-General and the

Democrats will seriously consider the Hon. Trevor Griffin's amendment to the clause relating to this matter and my slight addition to that amendment to place some restrictions on the sorts of people who ought to be able to justify a declaration vote. I have indicated the areas that I broadly support and will now touch briefly upon a number of areas to which I have strong objection. I will not go over in detail, as other speakers have, what I believe is an iniquitous provision of the Bill contained in clause 29 (5), which allows prisoners to nominate the subdivision for which they should be enrolled.

Other speakers have indicated the problems associated with the possibility of people picking out marginal seats like the Unleys of this world when getting themselves on to an electoral roll, thereby possibly influencing the result of an election. The question of misleading advertising was touched upon by the Hon. Trevor Griffin and in the broad sense I support the comments he made in relation to the problems involved with clause 116 of the Bill. Once again, I see the arguments for what the Government is doing in relation to this matter and can see a touch of the Australian Democrats in clause 116 and others, particularly at the Commonwealth level. The problems involved with respect to that provision and others in that area are insurmountable and the possibility of Parties pulling out election advertisements in the vital last days of a campaign (only perhaps not to go on with those objections afterwards) does not allow for healthy toing and froing during an election campaign.

Nevertheless, it is incumbent upon us to come up with some alternative to what the Government is presenting as there is a perception in the community that as far as possible politicians and political Parties ought to play fair with respect to misleading advertising or questions of that nature. The proposition that I will canvass with the Attorney and the Democrats is, in effect, an amendment to clause 110—new subclause (5). I have an amendment drafted (and I understand that the Hon. Trevor Griffin will be moving an amendment to the same clause) to make it a possibility that, if someone believes that misleading advertising has affected the result of an election, that person can take that matter to the Court of Disputed Returns. Therefore, if someone is offended against and is not covered in normal legal ways by such matters as defamation and if they believe, for example, that a Party has been grossly misleading in what it has said by way of advertising and that that advertising has materially affected an election result, then there is a case for the Court of Disputed Returns to have a look at the matter and perhaps turn the election result over. Therefore, I hope that the Attorney-General considers that amendment.

Another matter to which I take objection involves the question of ticking and crossing. I will be pursuing this matter with the Attorney because the Electoral Commissioner's analysis or paper upon which the Bill, in part, is based refers to an opinion available in 1982 from the Crown Solicitor with respect to ticking and crossing. It was a small reference from the Electoral Commissioner and seemed, on my reading, to indicate that in 1982 the Electoral Commissioner was admitting ticks and crosses based on advice from the Crown Solicitor whereas in 1979 ticks and crosses were not being admitted. If that is the case, then I guess what the Attorney is seeking to do here is recognise what was the situation in 1982.

Certainly, I cannot recall the 1982 situation of ticks and crosses being allowed, but nevertheless I am interested to know the Crown Solicitor's advice at that time. What instructions were given by the Electoral Commissioner to his officers with respect to ticks and crosses and therefore what is the whole argument or rationale for the ticks and crosses provision in the Bill? My view is that we ought to get right away from ticks and crosses. I support the position of the Hon. Trevor Griffin very strongly.

I acted as a scrutineer in the 1984 Federal election and I saw the ridiculous situation whereby under the Commonwealth Electoral Act people were allowed to place ticks and crosses in a group voting section of the ballot paper for the Senate but they were not allowed to place ticks and crosses on the House of Representatives ballot paper or the individual section of the Senate ballot paper. That provision of the Commonwealth Act, along with many of the other quite amazing provisions of that Act (which time does not permit me to explore now), certainly made scrutineers' understanding of the provisions of that Act a very difficult task. I believe that we are making the system pretty simple, and we ought to stick to allowing only the number 1. This matter must be viewed in the light of what is happening at the Commonwealth level, and if we start accepting ticks and crosses in State elections we will find that more and more people will use ticks and crosses in Commonwealth elections for those sections of the Commonwealth ballot papers where such practice is not allowed, that is, for the House of Representatives and the individual section of the ballot paper for the Senate.

As we are making the system pretty simple, at the very least we could expect that people can be educated to accept solely a number 1 as a first preference mark and not to use ticks and crosses as first preference marks. I do not know why the magic formula of ticks and crosses as first preference marks is used. Why do we not allow a star, a circle with a couple of dashes through it—

The Hon. R.C. DeGaris: A, B or C.

The Hon. R.I. LUCAS: Why not?

The Hon. C.J. Sumner: Or noughts and crosses.

The Hon. R.I. LUCAS: Why not noughts and crosses? I understand that Roman numerals are accepted, so why do we not accept a whole range of first preference marks? Once we do that, how do we distinguish what the Hon. Mr DeGaris sees as a first preference mark and what I might see as a doodle? One sees many instances in relation to the recent Commonwealth scrutiny where on the group ballot paper four or five boxes were crossed out as a negative preference and preference for the Party (either the Liberal Party or the Labor Party) was indicated by a number 1. Some people use crosses in a negative fashion, not as a positive first preference mark. These provisions will mean that all those votes will be informal votes. Certainly, under the Commonwealth Act a tick or a cross as a first preference mark takes equal weight with a number 1, and if there is more than one first preference mark it is an invalid or informal vote. So all the votes (and I cannot place a number on them) would be declared informal. I do not believe that that ought to be the case. I think we should stick with the tried and true method of using number 1. We are making the system pretty simple. Let us forget about ticks, crosses, stars, 'A's or anything else.

I strongly oppose clause 97 (5) *(b)*. In effect, it seeks to make formal a series of numbers for the Legislative Council that might be non-consecutive by reason only of the omission of one or more numbers from the series. That is a difficult drafting of the subclause. Basically, it provides that ballot papers that show number 1 and then the numbers 996, 1 042 and 2 094 and so on will be renumbered notionally and made formal. One of the most amazing provisions of the Commonwealth Electoral Act is that allowing for people to make three mistakes, scrutineers being allowed to notionally renumber three of the mistakes; if a consecutive series can be made, the vote can still be called a formal vote. That makes a nonsense of the system, and I strongly oppose the provision.

The Hon. R.C. DeGaris interjecting:

The Hon. R.I. LUCAS: No. Equally, I believe that the Attorney's drafting of clause 97 (4) is in error. The Attorney seeks to make formal a ballot paper that has a mark upon it identifying the voter. Therefore, if I sign my ballot paper 'Rob Lucas' under the existing system it would be an informal vote but under clause 97 (4) in certain circumstances it would be a formal vote. I do not accept that. I believe that, if the person can be identified, it is a tried and true practice of our electoral system that that vote ought not be accepted.

I will certainly oppose clause 97 (6). Once again, it seeks to validate the votes of people who lodge individual votes for the Council and who might use the number 1 and then lodge 47 number 2 preferences for the other 47 candidates, seeking to make it a formal vote which would exhaust at the number 1. We are making the system simple and we are giving people the option of placing a number 1 on a group Party ticket. We should accept a full preferential, fair dinkum go at the individual candidate section of the Legislative Council ballot paper and not start accepting exhausting of votes, which of course flows through into the counting system.

I have some problems with respect to the Bill's blanket acceptance of the Commonwealth Electoral Act definitions for eligible overseas elector and itinerant elector. Certainly, it would appear that an eligible overseas elector who might leave South Australia for, say, three years and who might have lived in the District of Bragg but who intends to return to Australia although not to Bragg, perhaps not even to South Australia (he may return to Western Australia), could still vote in South Australia for three years, and possibly, under other provisions, for as long as five years (on my reading). I have some problems with that sort of concept.

Equally, I have some questions about the spouse of an eligible overseas elector. I am only a layman but, on my reading, it would appear that the *de facto* of an eligible overseas elector in Bragg (the *de facto* may come from Semaphore) could be accepted as a voter in Bragg. If my understanding is correct, that provision should not be contained in our State Electoral Act. I certainly have some problems in relation to the question of itinerant electors, particularly regarding subclause (8). What happens to the entitlement to vote of an itinerant elector who spends a month or a couple of months on holidays in a residence in Adelaide in between seasons? How does that tie up with the notion of eligible overseas electors? Is it possible under the provisions of the Commonwealth Act that we are mirroring for an itinerant elector to become an eligible overseas elector?

I am having an amendment drafted in relation to clause 73. I am sure that the Electoral Commission is well aware of past debates in relation to this provision. The Bill seeks to limit to not more than two scrutineers for each individual candidate in a polling place or counting centre or such greater numbers that a returning officer may allow. I oppose that. The current understanding has been basically that, if in some large polling booths there are 10 tables, a candidate is entitled to scrutinise the vote at each of the 10 tables, and that helps to expedite the count for the Electoral Commissioner or the returning officer. If this provision goes through and in a particular marginal seat a returning officer decided to limit a candidate to two scrutineers and there were 10 counting tables, there is no way that the two scrutineers could effectively scrutinise all of the count.

Within other provisions of the legislation my understanding would be that the scrutineer and the candidate could quite validly grind the count to a standstill by saying, 'As scrutineers we insist on being given the opportunity of scrutinising all votes. If you want us to count at 10 tables and we are only allowed two scrutineers, that is not possible because we want to look at all votes.' I believe that an essential part of the counting system ought to be that representatives of the candidates are entitled to look at the count, particularly in light of the very strong criticisms made by the Electoral Commissioner, and I think quite validly in some instances, of Party scrutineers and the lack of work that they might do in some respects. I think that that provision needs to be changed along the lines of the amendment that I am having drafted.

I believe that clause 85 (2) *(d)* (ii) opens up the opportunity for possible abuse, so I will be having an amendment drafted. The Bill provides for an envelope to be lodged with a returning officer for the appropriate district before the expiration of seven days from the close of the poll. That seems to allow a person to lodge personally with a returning officer a declaration vote up to seven days after the close of the poll. When one reads that provision in the context of clause 94 *(a)* (ii)—which deals with declaration voting papers received by post—it does not make allowances for declaration voting papers lodged personally. I believe that it is a drafting error and that the provision needs to be widened to include voting papers lodged personally.

Clause 94 *(a)* (ii) only seeks to ensure that those votes that are accepted after, say, polling day (the seven day period) are recorded prior to election day. I believe that under those two provisions there is a gap in the drafting which would allow my Party and I, if we sought to do so, to complete a few votes after election day and lodge them up to seven days afterwards. I do not believe that that is the intention of the clause and I will move amendments to seek to correct that situation.

I believe that clause 99 (6) is a drafting error. As far as I can see it takes holus bolus from the Commonwealth legislation the provisions for the House of Representatives. The clause refers to the concept of exhausted ballot papers, as follows:

> A ballot paper shall be set aside as exhausted where on a count it is found that the ballot paper expresses no preferences for any unexcluded candidate.

The provision is correct in the Commonwealth legislation because under that legislation it is possible to have the concept of exhausted ballot papers: for example, a ballot paper which votes 1 for Jones and then 87 for Watson, 54 for Evans, and 13 for Green. Under the Commonwealth legislation that is deemed to be a formal vote for 1. Under the provisions of the House of Assembly voting system recommended by the Attorney, on my reading (and I would like it checked by the Attorney's advisers), there is no concept of exhausted ballot papers for the House of Assembly. Therefore, I believe that clause 99 (6) should be deleted.

I have problems with a wide range of other clauses for which I am having amendments drafted. There is also a wide number of other questions and there are clauses on which I will be seeking information from the Attorney and his adviser, the Electoral Commissioner. In some cases I will be seeking quite extensive information before considering a particular attitude to clauses in the Bill overall. As I have indicated, I broadly support the major initiatives that the Attorney and the Government seek to include in the Bill. However, I have some major objections and some very strongly felt objections to some provisions and also quite a number of drafting provisions which I hope the Attorney and his advisers will look at quite seriously. I hope that the Attorney can indicate support for some of them. I apologise for taking so much of the Council's time, but it is an important and wide-ranging Bill. I look forward to the debate in the Committee stage.

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for the attention they have given to this Bill. The first issue that was raised—and I suppose the

most substantial issue of principle—is the question of voluntary enrolment and voluntary voting. The Opposition has decided to support a policy of voluntary enrolment and voluntary voting, which would make South Australia unique in the Australian democratic system. Compulsory voting has been a part of the electoral system in Australia for many years and in South Australia, which was the last State to introduce it, since 1942, when its introduction was supported by the Liberal Government of the day.

I believe the first compulsory voting system was introduced in Queensland, again by a Liberal Government. In response to the argument put forward by the Opposition, I do not believe that there is really very much that can be put forward comparing those countries that have voluntary voting with those that have compulsory voting. Some countries have voluntary voting and some countries have compulsory voting. The countries that have compulsory voting include Australia, Austria, Belgium, Greece, Liechtenstein, Luxembourg, and Switzerland. I do not believe that anyone can say that those countries are any less democratic because they have a system of compulsory voting. All of those countries have a long history of democracy and a commitment to democratic institutions, with some exceptions at various times; nevertheless, their democratic systems are well entrenched and I do not believe that the Opposition can claim any support for its position on voluntary voting by referring to countries that have it as opposed to those which do not have it. There are many democracies with compulsory voting and I do not believe that that fact makes them any less democratic.

One of the major objections to voluntary voting is that it does open the greater possibility of inducements and undue influence being brought to bear upon an elector. If there is voluntary voting, there is a much greater emphasis by the Parties on getting the vote out. In countries that I have visited when there has been an election, such as the United Kingdom, that means quite an enormous commitment of resources by Parties in transporting people to the polls. I do not think that that is a desirable situation. It increases the likelihood of inducements and undue influence being offered to voters. It enables the situation of people being organised to be transported to the polls and being told that if they vote for a particular Party that Party will organise transport to the polls for those people.

Again, there is an enormous amount of time and effort put into arranging transport to the polls by electors, and the Parties do that. I do not really think that is a particularly desirable development that we want in Australia. It in particular increases the possibility of inducements and undue influence being offered to voters. I do not believe there is any demand in Australia for voluntary voting. There has not been any major public controversy in support of voluntary voting in recent times until the Liberal Party in this State raised the issue.

The Hon. Peter Dunn: It seems that in the last Federal election a lot of ballot papers were not sorted out.

The Hon. C.J. SUMNER: There were a number of voting papers that were informal and there is still some controversy about the precise causes of that. My own view is that there were some people who deliberately voted informally; there were others who voted informally by mistake because of confusion between the Lower House and the Upper House systems. The Government takes the view that it is part of the duty of citizenship at least to attend at the polls, that in having that obligation placed on people a lot of other potential mischiefs in the system are obviated, such as the greater possibility of inducements and undue influence, the possibility that the weather on a particular day may influence the number of people going to the polls.

I do not think that is a particularly desirable or democratic situation to influence an election. The whim of the weather or whatever other activity may be on in the country or the State at the time seems to me to be an undesirable outside factor to affect the result of an election. Compulsory voting does give the Parties and the candidates freedom to concentrate on the real issues and policies during an election and not to have to concentrate on getting the vote out and having all the Party organisation and efforts concentrated on arranging transport. I have seen it happen in the United Kingdom. I participated in driving people to the polls.

The Hon. Diana Laidlaw: I have never seen people work so hard.

The Hon. C.J. SUMNER: All day during an election campaign. They have lists of people in flats, lists of people in streets, they tick them off as the time goes by. If people have not turned up at the polls at a particular time late in the afternoon, they arrange for cars to go around to their houses, knock on their doors, and ask them whether they are coming out to vote. All that is a diversion from the real and important issue about voting, which is to consider the issues and to allow people on election day tranquilly to go about their business of voting in a way they wish to vote without being hassled, without any undue influence or inducement. Once that is placed in the system, with the notion of having to get the vote out as well, with all that that entails for the Parties, I think that imposes a quite undesirable element on our democratic system. I must confess I was not particularly impressed with that.

The Hon. Peter Dunn: We do not have to do that here.

The Hon. C.J. SUMNER: Of course we do not have to do it, but the Parties will do it in those circumstances. The Parties will get involved in massive campaigns to take people to the polling booth. That is what happens in the United Kingdom.

The Hon. K.L. Milne: That is where the undesirable influence comes in.

The Hon. C.J. SUMNER: Yes. The Hon. Mr Milne spent some time in the United Kingdom. He was probably there for an election. His position was probably such that he was not actively able to participate in an election, but he would have seen what happens in the United Kingdom on election day, and it is undesirable.

The Hon. Diana Laidlaw: You do not believe the English or the Americans have the capacity to concentrate on the issues?

The Hon. C.J. SUMNER: I am not suggesting that. I am suggesting that when we are weighing up for the balance whether we should have voluntary or compulsory voting, that undesirable practical effect of the Parties actually organising for the whole of the election day blocks of flats and units, streets of people, having to mark off at the polling booth and arranging for cars to go around and pick them up, I believe it is an undesirable situation.

The Hon. K.L. Milne: It could favour one side.

The Hon. C.J. SUMNER: It can favour one side. I do not believe that is a desirable—

The Hon. Diana Laidlaw: It does not favour one side, because you see changes of Government in England and the United States—

The Hon. C.J. SUMNER: Of course you do. I am not suggesting that. All I am saying is that if we are looking at it in terms of which is the more democratic, I do not believe voluntary voting is more democratic than compulsory voting. One disadvantage of voluntary voting is the sort of problems we encounter in having to get people out to vote and the organisation that has to go into that. There is also the potential inducement to people to come out to vote because the transport is provided by a particular Party and the pressure exerted if one has not come out to vote late in the

day. People know of the scrutiny from Party officials who know who has not voted. They do a round up late in the day. That I find undesirable.

The Hon. Diana Laidlaw: Lots of people at the time when I was there were pleased they were receiving attention from the Parties. In the safe seats here they never do.

The Hon. C.J. SUMNER: The attention from Parties to do what—to go to the polls, that is all. I think it is more desirable—

The PRESIDENT: Order! No doubt there will be lots of questions asked in Committee.

The Hon. C.J. SUMNER: I consider it is much more desirable if the attention is given to the issues and the candidates on voting day. The electors can proceed quietly in their own time without being hassled or offered any inducement by the Parties. I believe that the compulsory system is satisfactory. It is part of the Australian democracy. I do not believe a case has been made out to change it. Honourable members have put forward as an argument that having voluntary voting would reduce informality. I note that Professor Hughes who is currently the Commonwealth Electoral Commissioner in a paper in 1966 which examined elections from 1901 to 1964 indicated that the effect of compulsory voting on informality was very slight. The survey also indicated that there was little evidence to suggest that compulsion was resented by Australians.

The Hon. K.T. Griffin: We have had voluntary enrolment here for decades.

The Hon. C.J. SUMNER: We take the view that it is the obligation of people to participate in the democratic process. If in participating in it they wish to vote informally or do not wish to express a view for any particular Parties or candidates, that is equally their right.

However, to have people compulsorily on the roll and compulsorily voting is, I think, a duty in a democracy and a duty that, on balance, is one that should be imposed and is preferable both philosophically and also in practical terms to having a voluntary system. The voluntary voting system would also involve the establishment of a registered voters' list which again is something that would have to be maintained and which would place yet another barrier in the way of people's participation in the democratic system.

On balance, I say that the compulsory system is not anti democratic; it exists in many countries in the world, including those I have mentioned. Although Italy has voluntary voting, there are inducements, such as free rail passes to people's home electorates to encourage them to vote and the requirement of being a registered voter in order to gain a position in the public service. Therefore, in a sense there is some compulsion and inducement given to people to vote, although there is a voluntary voting system. As many and as equally respectable democracies have compulsory voting as have voluntary voting. Therefore, I do not think that there is any argument in that point. We take the philosophical view that it is the duty of people to go to the polls. The practical position, which I believe is equally important, is that it overcomes the potential for malpractice in the voting system, which may be involved in getting the vote out on a particular day.

I now turn to the voting systems that were addressed by the Hons Griffin, Cameron and DeGaris. The propositions put forward by the Government are in no way a first past the post system. They do not in any way give the impression of being a first past the post system. I am not sure whose bright idea it was on the part of members opposite to try to run the furphy that this is a first past the post system. It is not. It is a full preferential system for both the House of Assembly and the Legislative Council and the Bill makes that quite clear.

The Hon. Mr Griffin referred to the system in the Senate, which we have accepted for the Legislative Council in South Australia, as a curious system of voting. Of the people voting in the last Senate election, 92 per cent voted using the group voting ticket or the group Party square. Informality was halved in the Senate vote at the last election compared to the previous one. That indicates that it was both a simple system and was easy to follow; it had the advantage of counting more votes in the Senate election than have ever previously been counted.

The honourable member also misunderstood the Electoral Commissioner's report about the level of informality in the State electorate of Price at the 1982 State election. The figure he quoted of some 17 per cent informal votes in Price was informal votes not for the Division of Price for the House of Assembly but informal votes cast for the Legislative Council election by electors in Price. That example is an extremely valuable one, for it indicates that one-third more voters voted informally for the Legislative Council than voted informally for the House of Assembly, thus indicating that the system of voting for the Council in the 1982 election did cause confusion.

There is no question that the changed system for the Council in the 1982 election resulted in a doubling of the informal vote compared to the 1979 election. The informal vote was some 4 per cent or 5 per cent in 1979 and in 1982 increased to 10 per cent. I believe that the system proposed for the Legislative Council is desirable and, as the Hon. Mr Lucas agreed, it broadens the options available to electors and should reduce informality. The Hon. Mr Griffin supported the proposition that the position on ballot papers should be determined by lot, although he opposed the placing of the names of political Parties on ballot papers. It is interesting to note that earlier in the honourable member's speech, when advocating voluntary voting, he proposed a more active role for political Parties, the Party machine and Party supporters in endeavouring to persuade electors to go to the polls and get better organised. Yet, later in his speech, the honourable member said that trends towards Party identification and Party affiliation and a greater emphasis on Parties was an undesirable element, although acknowledging that they were a fact of life. To me, there seems to be a fundamental inconsistency in the honourable member's approach to that matter.

While it is true that it is members who are voted into the House of Assembly, it is Parties that form Governments generally, Parties that present policies at the election, Parties that organise electioneering in Australian politics, and Parties and news about Parties that dominates the news about Parliaments. Therefore, the Party system is part of our democratic system for better or for worse. There is a tendency to denigrate the Party system in some areas, and I know this is popular in the media, which tends to support the battling Independent. Counter to that argument I suggest that there are some advantages in the Party system. The advantage obviously is that when a Govenment is elected with broad Party support (or coalitions in some circumstances forms a Government in the House of Assembly) the electors who voted for that Party have some reasonable chance of knowing that the policies put forward by the Party will be implemented because the Party has the support of a majority in the House of Assembly. If one had in our system a lot of Independents or, indeed, many minor Parties making up coalitions, there would be less chance that electors would see what they voted for at an election put into effect once the Government was formed. Therefore, there are advantages in the Party system that are often not given sufficient airing when the virtues of the Party system versus the Independents are debated.

I maintain the support of the Government for Party affiliation on the ballot paper. This removes an unnecessary obstacle to assisting voters to determine how to lodge their vote by having reference to one more piece of information. The matter of photographs was criticised by the Hon. Mr Griffin. If he would like to peruse the ballot papers from the Legislative Assembly of the Northern Territory he will see that the photographs used there are not particularly objectionable. We are not suggesting that in all cases there must be photographs, but only where there may be some confusion between the candidates who are running for a particular election. No-one in the Northern Territory found the process of photographs on ballot papers objectionable. Indeed, one finds that the ballot paper is no more cluttered because all the candidates have their photographs included on it. Nevertheless, the Government would be prepared to look at any amendments that may be moved in that area.

Some opposition was raised to the provisions relating to prisoners and the Government is certainly prepared to consider those provisions. I assure all members that there was no conspiracy or plot to have all prisoners at Yatala registered in Unley.

The Hon. R.J. Ritson interjecting:

The Hon. C.J. SUMNER: The honourable member may laugh and chuckle in his cups but the fact is that it was designed to give prisoners the effective right to vote. The Government took the view that in most cases prisoners would have the right to vote by reference to their home.

Most prisoners are in prison for periods of less than 12 months and most of them would be able to vote by being registered at their normal places of abode, but the provision relating to prisoners was placed there for those who do not have a permanent address or who are in prison for such a long period that it is not practicable for them to consider themselves as having a place of abode outside the prison. I assure honourable members, and the Hon. Mr Burdett particularly, that there was no grand conspiratorial plan to somehow or other register all the voters at Yatala in Unley, Norwood or some other electorate.

The Hon. R.I. Lucas: I don't think that it would be enough for Kym, anyway.

The Hon. C.J. SUMNER: I am not sure about that. Mr Mayes is a very good candidate. I understand that he is doing a very good job representing the electorate of Unley, and I am sure that he will continue—

The Hon. K.L. Milne: Doesn't that give them more privilege than anybody else: the privilege to select where they vote?

The Hon. C.J. SUMNER: No, it does not give them any more entitlement than, say, itinerant electors have.

The Hon. K.L. Milne: They are not itinerant, exactly.

The Hon. C.J. SUMNER: I agree with that, but it does not give them any greater entitlement to vote than the procedure adopted with itinerants does. Prisoners have the right to vote: it was a matter of trying to determine how best to make that right effective. All that we were saying was that, with regard to some who would not be already caught up by their normal place of residence, we should make that right to vote effective. I suppose that the question is whether one makes the prison the home—the place where prisoners should be registered—or somewhere else. That certainly is a matter to which we can give further consideration. All that I was concerned to point out to the cynics opposite was that there was no conspiratorial plan to shift voters from Yatala around the State to try to enhance a particular candidate's election chances.

I feel sure that any Party that suggested that that should happen and any candidate who was silly enough to do it would immediately have the wrath of the electors brought down on them in a devastating fashion. So, if anyone thought that they could improve their voting chances by shifting 200 voters from Yatala to Unley or Norwood—or, if it was the Liberal Party that did it, to Fisher or somewhere like that—the political consequences of that sort of stunt would be absolutely devastating. I assure honourable members opposite that that was not in the contemplation of the Government. It was a matter of trying to make the right of prisoners, who are entitled to vote, effective, but certainly we are prepared to consider any amendments on that matter.

To have provisional enrolment for 17 year olds is still a valid proposition. The mobile polling booth is also a good proposition, particularly for people in the remote areas of the State: some areas of the State are very remote. Those people should not be denied the right to vote just because they happen to live many miles from the metropolitan area.

There are some other technical matters that I will not go into at this stage. I note that there is majority support in the Council for the Bill. The Bill will pass its second reading. There obviously will be a spirited debate in Committee on some of the issues and obviously some very fundamental propositions have to be resolved in Committee. Nevertheless, I repeat that the Bill introduced by the Government was the result of some extensive work by the Electoral Commissioner following the last election to try to modernise and update our electoral laws. We took into account what happened in the Federal election; we took into account Labor Party policy and have produced a Bill, irrespective of the result on the issue of principle that we are considering, that is updated and will be a more flexible and modern piece of legislation for the conduct of elections over the next decade or so. I thank members for their support for the second reading. I thank members who have indicated their broad support for the major philosophical principles in the Bill and look forward to the resumed debate in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ART GALLERY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 3663.)

The Hon. C.M. HILL: This short Bill proposes to change the terms of office for Board members from a fixed four year term to terms not exceeding three years. The greater flexibility that results, the possibility of reasonably short term appointees providing special expertise, and more active participation from some members of the public, may help the Board, which for various reasons has not been as effective as it should have been for some years.

I take this opportunity of congratulating Mrs Heather Bonnin on her recent appointment as Chairman of the Board. I also congratulate Mrs Diana Ramsay and her husband, Mr James Ramsay, on the magnificent gift to the Gallery of the 17th century Jacob van Ruisdael painting, which gift was formalised at a short but impressive ceremony at the Art Gallery only last Sunday. I also trust that the recently appointed Director, Mr Daniel Thomas, who is most experienced in art museum management, enjoys his stay in South Australia. I support the second reading.

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

SOUTH AUSTRALIAN MUSEUM ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 March. Page 3663.)

The Hon. C.M. HILL: The objectives of this Bill are to increase the Museum Board membership from six to eight persons and to provide variable terms of office from the present four year fixed terms to terms not exceeding three years. The museum is emerging as one of the great cultural and scientific institutions in Australia. Its redevelopment was commenced by the Liberal Government between 1979 and 1982. The museum's anthropological collection is world famous; the South Pacific collection is the best in the southern hemisphere; and the Aboriginal collection is the best in the world.

The opening of the first part of stage 1 of the redevelopment—the completion of the natural sciences building—will be in May of this year. Total cost of stage 1 of the redevelopment will be approximately $23 million; it will be completed in 1986. The Board needs wider expertise and more disciplines should be represented at Board level. Some experts may be deterred from serving on the Board if the fixed term arrangement continues. The Board has difficulty in obtaining quorums under present arrangements.

I commend the Chairman of the Board, Mr Michael Tyler, who was appointed while I was the responsible Minister in the previous Government. He is most energetic and a driving force in the upgrading and general rejuvenating of the museum, the Board and the staff. Mr Lester Russell was appointed under the present Government and is proving to be an excellent Director. The emergence of this institution has also been assisted by the long and commendable service of former Board members such as Dr Southcott, Mrs Moxon Simpson, and others, and by the support of the museum by present and former Governments. I support the second reading.

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

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 March. Page 3664.)

The Hon. C.M. HILL: This Bill proposes an increase in the number of members on the Trust Board from six to eight with a new requirement that one of the eight members shall be nominated by the Adelaide Festival of Arts Incorporated. The opportunity is also provided for the Governor to appoint deputies to trustees. The existing right of the Adelaide City Council to nominate one member of the Festival Centre Trust Board is not affected. The Adelaide Festival of Arts Board has sought to have representation on the Festival Centre Trust Board for a number of years.

With regard to the question of a larger Board for the Adelaide Festival Centre Trust, current planning under the Labor Government is somewhat expansionist down at the Centre, both at Board and executive level. I believe that it would be prudent for the Board's size to remain as it is but an allowance be made for the immediate appointment of a representative of the Adelaide Festival of Arts Board. Financial results of the Adelaide Festival Centre Trust for the last financial year (shown in the annual report) were poor. It had an operating deficit of $5 795 000, which was too high. This was the highest deficit on record and $1.5 million more than in the previous year.

The deficit includes an amount of $835 000 for entrepreneurial losses. Entrepreneurial work should be given to private entrepreneurs who are experts in their field and whose flair and expertise has been forged in the market place. I have always doubted that the staff of a semi-government institution could be successful entrepreneurs. Most of the entrepreneurial losses were incurred with performances in Sydney and Melbourne staged by the Adelaide Festival Centre using public funds; this involvement should not have been allowed. I am also concerned that the Festival Centre Trust is continuing to increase its administrative costs. Top appointments have been made in recent months despite the losses that I have mentioned; one has seen advertisements in the public press for such senior personnel.

The Trust has responsibility to limit administration costs and produce better figures than those for 1984 to reduce deficits. However, the Board alone is not to blame for this state of affairs. The responsibility rests squarely on the shoulders of the Minister for the Arts, the Hon. Mr Bannon.

The Hon. C.J. Sumner: He's the Premier, too.

The Hon. C.M. HILL: Well, if the Attorney wants to remind the Council of that, I am sure it will be recorded in *Hansard*. The whole operation at the Centre requires close Ministerial supervision, because deficits must be funded from the public purse. As Minister for the Arts, the Hon. Mr Bannon must therefore find the time to keep his finger on things at the Festival Centre; otherwise, he is not doing his job properly. With an annual expenditure of $11 794 000, as shown in the report, the operation of the Centre reaches big business proportions by anyone's standards and constant Ministerial involvement is essential. So much more could be done over the whole range of cultural activity both in Adelaide and in the country if these funds were not required to prop up the Centre.

Therefore, I have an amendment on file to retain the present six member Board rather than moving to the proposed eight trustees, as the Government envisages in the Bill.

The Hon. C.J. Sumner: The same as it is now?

The Hon. C.M. HILL: Yes, I was just about to explain. So that the Adelaide Festival of Arts can be accommodated by direct representation on the Board, my amendment proposes that a seventh member be appointed until the next vacancy occurs, at which time the number can revert to six. Of course, that would give the Government and the Festival Centre Trust an opportunity to move immediately in regard to their wish for direct representation.

The Hon. C.J. Sumner: What don't you like about the expanded Board?

The Hon. C.M. HILL: I touched on the matter very briefly. The losses that have occurred in the past financial year and the considerable increase in expenditure at the top administrative level by the new appointments that have been made in recent months do not indicate that it is prudent or warranted at this time to consider (and I stress that point—I want to be fair in the matter) any further increase in membership of the Board. So that the matter can be discussed in Committee, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Composition of the Trust.'

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

Page 1—
Line 19—Leave out 'eight' and insert 'six'.
Line 20—Leave out 'six' and insert 'four'.
After line 26—Insert new subsection as follows:
(1a) Notwithstanding subsection (1), the Trust shall, on and after the commencement of the Adelaide Festival Centre Trust Act Amendment Act, 1985, but only until a vacancy occurs in

the office of a person appointed on the nomination of the Minister, consist of seven trustees, of whom—

(a) five shall be persons nominated by the Minister;

(b) one shall be a person nominated by the Council from amongst the members of the Council or the officers of the Council;

and

(c) one shall be a person nominated by the Adelaide Festival of Arts Incorporated.

My amendment will reduce the number of Board members from eight to six and at the same time allow a seventh member for a period, that new additional member being a nominee of the Board of the Adelaide Festival of Arts. When the next vacancies on the Board occur, my amendment would require that the total number of members be reduced to six and that the nominee of the Adelaide Festival of Arts retain a seat on the Board. I outlined my reasons in the second reading stage and I do not wish to repeat them.

The Hon. C.J. SUMNER: It seems to me that the honourable member did not put forward substantive arguments against this Bill except to say that he felt that there was a need for more business management and a need to ensure that costs do not get out of hand. I do not know that the size of the Board has very much to do with whether or not costs get out of hand or whether there is sufficient Ministerial control of what happens in the Festival Centre. All those matters seem to me to be fairly extraneous points regarding whether the size of the Board should be increased from six members to eight members. The Government has proposed to increase the size of the Board from six members to eight members on the basis that that will increase the expertise that is available for appointment to the Board and it will increase the range of people who may be appointed from different backgrounds. Of course, one of the additional members would be nominated by the Adelaide Festival of Arts Incorporated. I believe that that is desirable, as the honourable member has recognised, because there has always been a love/hate relationship, I suppose, between the Adelaide Festival Centre Trust and the Adelaide Festival of Arts. It is essential that the two co-operate.

The Hon. C.M. Hill: Whoever told you about the situation that you call a love/hate relationship?

The Hon. C.J. SUMNER: That is the rumour that I hear in the arts world.

The Hon. C.M. Hill: You don't want to take notice of rumours in the arts world.

The Hon. C.J. SUMNER: I do not take any notice of them.

The Hon. C.M. Hill: Or of rumours you hear in the political world.

The Hon. C.J. SUMNER: No; I agree with that too, and it applies to any other world, for that matter. However, I think it would be true to say that from time to time there has been the odd difference of view between the Adelaide Festival Centre Trust and the Adelaide Festival of Arts. The honourable member knows as much about that as I know: in fact, I would suggest that he knows more about it than I do. As the shadow Minister and former Minister for the Arts, the honourable member would be very well versed in the politics of the arts world. All I say (and I do not wish to make any great point about it) in response to the honourable member is that it is essential that the Adelaide Festival Centre Trust and the Adelaide Festival of Arts work together harmoniously and co-operatively, particularly during an Adelaide Festival of Arts year. In so far as there have been differences of emphasis between the two organisations in the past, the presence of a representative from the Festival of Arts on the Festival Centre Trust Board can only be seen as a desirable development to try to ensure that those bodies work co-operatively and harmoniously. I note the honourable member nodding sagely in agreement with those propositions.

The response, really, is quite simple: the Government wants a broader range of expertise and the possibility of broader coverage of people who can be appointed to the Trust, including someone from the Adelaide Festival of Arts. I do not believe that the honourable member's arguments about greater accountability, greater Ministerial control, a tighter rein on funds and the like really have any relevance at all to the size of the Board.

The Hon. C.M. HILL: I paused before rising because I had hoped to hear from the Australian Democrats on this issue. I do not know whether or not they are interested in the administration of culture in this State. Unlike the Government's approach, I did not run them down in the corridors to have a private discussion with them in some murky corner about this issue. If the Australian Democrats do not intend to make a contribution, I have no alternative but to divide on the amendments. Perhaps then the Democrats will see their way clear to vote for my amendments to keep a very close check on the Adelaide Festival Centre until such time as the Centre comes up with a better annual report and until such time as the Minister in charge of the Centre finds more time to apply himself to general supervision there.

The Committee divided on the amendments:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill (teller), R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No — The Hon. J.R. Cornwall.

Majority of 1 for the Noes.

Amendments thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

POULTRY MEAT HYGIENE BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Poultry Meat Industry Act, 1969, and for other purposes. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

I seek leave to have the detailed explanation of the Bill incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Since the passing of the Meat Hygiene Act, 1980, poultry processing is the only significant item of food not covered by specific legislation. Poultry naturally carry more organisms capable of producing food poisoning than other food animals, and the nature of poultry processing is such that there is a far higher risk of cross-contamination. Meat carcasses can be kept separate during the slaughtering process until after postmortem inspection, but during poultry processing mixing is unavoidable. This applies to large or small processing works, regardless of the speed of operation. Works that operate at high speed, up to 4 000 birds an hour, have a further problem in that it is difficult to sanitise effectively processing equipment between each bird. Consequently hygiene and construction standards are essential to reduce the spread of food poisoning organisms.

There are about 39 poultry processing works, of which four process about 90 per cent of the poultry produced in South Australia. Standards of construction and hygiene at many of the smaller works are low and represent a health risk to the community and to the employees. This Bill is similar to the Meat Hygiene Act, 1980, but it will apply to poultry meat instead of red meat. It sets standards of construction and hygiene at poultry processing works, and will bring to the industry the same standards that apply to the red meat industry. These standards have been prepared in consultation with the Poultry Meat Industry Committee which represents growers and the major producers. The Committee recommended that hygiene standards should apply equally to all processing works, regardless of size, but that construction standards should be applied flexibly to the smaller works. This will be done.

As the Bill will also apply to ducks, geese, turkeys, etc., processors of these species have also been consulted. As part of a national agreement, dating back to 1976, South Australia has been committed to a phased schedule for the introduction of standards of construction, hygiene and poultry meat inspection. Some States have implemented this schedule to the point where they now insist on inspecting and approving individual processors in South Australia, at the processor's expense, prior to granting entry to their products. The proposed standards in this Bill will eliminate this discrimination.

The national agreement culminated in full-time poultry meat inspection and provision for this has been made in the Bill. However, as no other State has proceeded to this point and because the necessity and value of full-time inspection is under review, this clause will not be proclaimed. Instead, processing works will be subject to random checks by Inspectors appointed under the legislation.

The Bill will bring poultry processing under the control of the Meat Hygiene Authority as presently constituted under section 6 of the Meat Hygiene Act, 1980. The Authority consists of the Chairman, who is the Chief Inspector of Meat Hygiene and who must be a veterinary surgeon, a nominee of the South Australian Health Commission and a nominee from the Local Government Association Incorporated. In February 1981, when the Meat Hygiene legislation came into force, the standards of construction and hygiene at many of the slaughtering works in South Australia were very low. The Authority had the difficult task of ensuring that upgrading programmes were implemented. Now 16 abattoirs and more than 70 slaughterhouses substantially comply with the legislation.

The Authority will be given power to issue licences for poultry processing works but will not be concerned with marketing of poultry meat or poultry meat products. The Bill will not apply to the production or sale of eggs. A Poultry Meat Hygiene Consultative Committee will be set up, similar to the Meat Hygiene Consultative Committee, to advise the Authority on any matter relative to its functions under the Act or the administration of the Act. The Committee will comprise representatives of the various bodies concerned with poultry processing.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides that the Poultry Meat Industry Act, 1969, is amended as shown in the schedule. Clause 4 sets out definitions of expressions used in the measure. Part II, comprising clauses 5 to 11, provides for administrative matters. Clause 5 provides that the Meat Hygiene Authority established under the Meat Hygiene Act, 1980, shall be responsible, subject to the control and directions of the Minister, for the administration of the measure.

Clause 6 sets out the functions that the Authority is to have for the purposes of this measure, in addition to its functions under the Meat Hygiene Act. These functions principally relate to the licensing of poultry processing works. The Authority is also to keep under review and report to the Minister on the killing and processing of birds and the production of poultry meat and poultry meat products, the standards of hygiene and sanitation at poultry processing works and poultry meat inspection procedures.

Clause 7 provides that the Authority shall incorporate in its annual report to Parliament (that is, its report under the Meat Hygiene Act) a report on its operations under this measure during the year to which the report relates. Clause 8 provides that the Minister may appoint a 'Poultry Meat Hygiene Consultative Committee' to advise the Authority on any matter relating to its functions under the measure or the administration of the measure. Clause 9 provides for the appointment under the Public Service Act of staff for the purposes of the measure and enables the Authority to make use of the services of officers of departments of the Public Service.

Clause 10 provides that the person for the time being holding or acting in the office of the Chief Inspector of Meat Hygiene under the Meat Hygiene Act shall be the Chief Inspector of Poultry Meat Hygiene for the purposes of the measure. Under the clause, the Governor is empowered to appoint inspectors. Clause 11 protects members of the Authority and inspectors from personal liability for any act done or omission made in good faith in the exercise, performance or discharge, or purported exercise, performance or discharge, of a power, function or duty under the measure. Part III, comprising clauses 12 to 25, deals with the licensing of poultry processing works.

Clause 12 is one of the basic provisions of the measure, prohibiting the killing of birds for the production for sale of poultry meat or any poultry meat product except at a licensed poultry processing works. Clause 13 regulates applications for licences. Clause 14 regulates the grant of licences in respect of poultry processing works not in operation at commencement of this measure and sets out the criteria which the Authority is to have regard to in determining whether or not a licence should be granted. Clause 15 provides for the automatic licensing of poultry processing works in operation during the period of three months preceding the commencement of the provision, notwithstanding that a particular works may not conform to the prescribed standards of construction, plant and equipment for licensed poultry processing works. Subclauses (3) and (4) provide for exemptions from compliance with the prescribed standards for a maximum period of three years.

Clause 16 permits the Authority to attach conditions to licences. Subclause (2) makes it clear that conditions may be attached to licences limiting the maximum throughput of the works or requiring the upgrading of works that are exempt from compliance with a prescribed standard pursuant to clause 15 (3). Clause 17 provides for review by the Minister of any refusal by the Authority to grant a licence or any licence condition imposed by the Authority. Clause 18 prohibits operation of a poultry processing works if it does not conform to a prescribed standard or in contravention of a condition attached to the licence in respect of the works. Clause 19 provides for the renewal of licences. Clause 20 provides for the surrender, suspension and cancellation of licences. Clause 21 provides for a right of appeal to a District Court against the suspension or cancellation of a licence.

Clause 22 requires holders of licences to keep certain records which are to be available for inspection at any reasonable time by an inspector. Clause 23 requires the Authority to keep a register of licences. Clause 24 prohibits the carrying out of structural alterations to a poultry processing works without the approval of the Authority. Clause 25 provides for the recognition of poultry processing works

outside the State, if they are of a standard equivalent to the standard required under this measure for licensed poultry processing works. Part IV, comprising clauses 26 to 31, relates to the inspection, branding and sale of poultry meat and poultry meat products.

Clause 26 provides the powers necessary for an effective system of inspection and the particular attention of honourable members is drawn to this clause. Included in this clause is the power of an inspector to dispose of any poultry meat or poultry meat product that in his opinion was derived from a diseased bird or is unfit for human consumption for any other reason and to brand poultry meat or any packaging or container of poultry meat as fit for human consumption. Clause 27 empowers an inspector to direct that steps be taken to remedy defects in a poultry processing works that in his opinion render it insanitary or unhygienic and to order the works to close down, wholly or partially, in the meantime. Provision is made in this clause for an appeal to the Minister against such requirements of an inspector.

Clause 28 is another basic provision, in that it prohibits the killing of birds at licensed poultry processing works unless an inspector is present at that time. This provision is not to come into operation until a day to be fixed by proclamation. Clause 29 provides that it is an offence for a person to brand poultry meat as fit for human consumption unless he is an inspector or is acting at the direction of an inspector. Clause 30 prohibits the sale of poultry meat or a poultry meat product unless it was produced at a licensed poultry processing works or at a poultry processing works located outside the State that is recognised under clause 25.

Clause 31 prohibits the sale of poultry meat or any poultry meat product that is unfit for human consumption. Part V, comprising clauses 32 to 39, provides for miscellaneous matters. Clause 32 empowers the Minister to exempt any person from compliance with all or any of the provisions of the measure or to exempt a poultry processing works from all or any of the provisions of the measure. Clause 33 makes provision for the service of documents. Clause 34 prohibits the furnishing of information, or the keeping of records containing information, that is false or misleading in a material particular.

Clause 35 is an evidentiary provision. Clause 36 provides for general defences to offences created by the measure. Clause 37 provides for a summary procedure in respect of offences against the measure. Clause 38 is the usual provision subjecting officers of bodies corporate convicted of offences to personal liability in certain circumstances. Clause 39 provides for the imposition of penalties for continuing offences.

Clause 40 empowers the making of regulations. The schedule sets out the amendments to the Poultry Meat Industry Act, 1969, that are consequential to this measure. The amendments remove all provisions dealing with weight gain and the quality and packaging of poultry meat—matters which will be dealt with by regulations under this measure. That Act will, as a result, be confined in its scope to the regulation of the relationship between the operators of processing plants and the operators of chicken farms.

The Hon. M.B. CAMERON secured the adjournment of the debate.

RACING ACT AMENDMENT BILL (1985)

Adjourned debate on second reading.

(Continued from 27 March. Page 3598.)

The Hon. L.H. DAVIS: This is a lengthy Bill with an extraordinarily short explanation. I must say that it is disappointing that this second reading explanation contains so little detail to assist honourable members in making judgments as to what the impact of this legislation will be. The Bill simply seeks to amend the Racing Act to enable betting to take place on Australian Rules football matches. This measure is already in place in Victoria where, I understand, betting on Victorian football matches has been available for some five years. The second reading explanation indicates that there will be three types of betting available on football matches: 'Footywin', where a team is selected to win within a nominated scoring range; 'Footytreble', where the investor is required to select, from three TAB nominated matches, the three winning teams and the combined win scoring range; and 'Footyscore', where the investor is required to select from a TAB nominated match, the exact winning score in goals and points. I should like to make some observations briefly about betting on football matches, as distinct from betting on the established forms of racing—horse racing, harness racing, and greyhound racing.

One of the principal concerns that we must have in relation to football betting is the possibility of rigging a result. It is known that in European soccer, for example, there have been examples of rigging a result to achieve a benefit for an individual or group of people who had had a bet in anticipation that a certain result will be achieved. It would appear from the indications given by the Government as to the nature of football betting proposed in South Australia that rigging of football matches would be a most unlikely event. As regards 'Footytreble', where one is required to select the three winning teams and the combined winning score range, it would be most improbable that rigging could occur.

It would also be difficult to imagine where the bettor is required to select the exact winning score in goals and points in a certain match that any rigging could occur in that instance. Where a team is selected to win with a nominated score range which is styled 'Footywin' one would imagine that that would be a difficult result to achieve by footballers conspiring to obtain a certain score. From that point of view we should be assured that football match betting will not lead to some of the undersirable features associated with betting on other such events. One can remember, for example, that two wellknown cricketers bet on a test match in a bookmaker's tent in England a few years ago. Those two gentlemen, who I think shall remain nameless, bet 500 to 1 on a certain result which in fact did occur and it brought some shame to them in the media as a result of that bet.

The second reading explanation makes the point that 'Footybet' is expected to generate approximately $600 000 turnover in its first full year of operation. I am not sure what that means. We are told that there will be a deduction of 20 per cent from this $600 000 turnover and 1 per cent of this will be allocated to TAB capital funds and it is expected that, after operating expenses of the TAB are met (in the order of about 10 per cent) then the profit will be allocated equally between the Football League and the Recreation and Sport Fund. To that extent it is pleasing to see that the Recreation and Sport Fund is getting support, and a benefit from the proposed introduction of football betting. Hopefully, this will not mean in any way that they will gain money on the one hand and lose money through reduction in the budgeted amount which they receive in the normal way from the Government.

There is always the difficulty in looking at matters such as this as to what the impact is on the community at large; the social consequences of extending gambling opportunities within the community. We have seen in this Parliament

over recent years some amendments to the Lotteries Act recognising that people's tastes and preferences change and that the traditional lotteries, for example, which were such a feature of early lotteries first introduced into South Australia in the mid 1960s, are with us no more. They have been replaced by more popular forms of gambling. Similarly, there have been changes to the range of betting opportunities available to those who follow horse and dog racing and trotting. Now we see an extension of gambling to a new form altogether, that is, betting on Australian Rules Football.

This betting is going to be restricted to the TAB and it will come under the conduct and control of the TAB. To that extent that is an assurance, because the TAB has developed a reputation for managing its affairs effectively and efficiently for the most part over recent years. However, although the second reading explanation suggests this new source of betting turnover will not extend gambling, and that there has been no evidence of any detrimental effects on the community in Victoria where betting on football matches has been available for approximately five years, nevertheless it is a matter of concern that we continue to extend the forms of gambling within the community. Certainly, as the second reading explanation states, there is a lower gambling figure per capita in South Australia than that currently in Victoria. Unfortunately, the people who tend to gamble most, it would appear from the statistics available from the Lotteries Commission at least, come from lower socio-economic areas.

Clearly, those who lose are those who often can afford to lose least. I suspect that future experience will not be very much different from the past. I have some reservations about this measure. I believe that it will not be an extraordinarily popular move, because there is no straight out bet as there is in a race when one backs a winner. In this case, it is more complicated, because one has to select scoring ranges, three winning teams and a combined winning score range. I will be interested, during the Committee stage, to obtain some indication from the Government as to exactly how popular football betting has been in Victoria.

On balance, I accept that this form of betting will be popular with many people, given that Australian Rules football is the major winter sport in South Australia with some 40 000 spectators being attracted to league football matches each Saturday or Sunday and many more watching replays on television in the evenings and on weekends. To that extent it can be justified from the point of view of interest; whether it can be justified from the point of view of being of benefit to the community or being a popular form of betting remains to be seen.

The Bill presently provides that the TAB must make payments only once a year. I have an amendment on file to provide that such payments be made on two occasions each year because I think that that is a more equitable arrangement. I support the second reading.

The Hon. K.T. GRIFFIN: On a matter of principle, I will speak against that part of the Bill which relates to the proposal to bet on football matches. I have always been concerned about the extent to which gambling is allowed in South Australia. I recognise that there will be a measure of gambling recognised by the law of the State because of the natural inclination of human beings, but the extension of gambling causes me concern. Members will recall that I voted against the Casino Bill on the basis that I did not believe that it was appropriate to extend gambling facilities in South Australia by the development of a casino. The proposal to extend gambling to betting on football appals me because there is no similarity between the sorts of activities on which gambling is presently allowed and the sport of football.

I know that at the league level football players have many monetary inducements to play well and that there are rewards at the end of a game well played and at the end of a season which brings a success at, say, the grand final. That is a different matter from introducing betting on the results of football matches and performance of the players participating in particular matches. It needs to be remembered that football is a very well established sport among the whole community, from school students, to parents with young families and to older people, all of whom get a great deal of pleasure from going along to football matches or watching it on television and seeing the game played as a sport.

Betting will introduce new pressures on the sport so that, as the Hon. Mr Davis said, the temptation to throw a game or to play otherwise than at one's peak will be very much increased. Winning for the sake of winning and for the monetary reward arising from betting on that game may be an inducement to cause deterioration in the spirit in which the game is played and the attitude of members of the community to that sport, particularly the young. Presently there are enough problems at the school level where parents urge their children playing sport to develop a killer instinct and to win at all costs. I am appalled at the behaviour of some parents who adopt this attitude towards their children and their children's sporting teams when, in fact, children should be encouraged to play the game for the sake of the game and to get enjoyment out of the sport for the sake of the sport.

An interesting article appeared in today's *News* where the former Olympic swimmer, Shane Gould, made some very important points about the emphasis on winning at all costs, the attention of the media and the effect it has on children. The concern I have with the introduction of Footybet is that the sport of football will be played or viewed no longer for the enjoyment it gives, but for the monetary results that will come from a bet placed on the match. That is a wrong example for children, not only in relation to sport but also in the development of a healthy attitude towards other people and the community at large. I strongly resist the deterioration in the sport of football that will undoubtedly occur when Footybet is introduced.

It may be that, ultimately, the obsession with betting on football matches becomes so great that not only do we have betting on the league football matches, the firsts, the reserves, and the colts, but it may even get down to the school matches. It probably is not beyond the realm of one's imagination to envisage the TAB, always anxious for more and more turnover, and the football administrators, who can see the dollar at the end of the introduction of Footybet, broadening the net of events in the football arena on which betting can occur. Therefore, all those well known high schools and colleges around Adelaide which play the sport for the sake of the sport and play it to the best of their ability may find themselves being the subject of a betting plunge on the TAB without being consulted or involved.

Again, I would be appalled to think that this proposal for betting on football would extend to all areas of football. That is quite possible under the very wide provisions of the Bill that are presently before us. I do not believe that it is appropriate for the family sport of football to be so denigrated by the application of betting through the TAB, or at all. I believe that what is presently a great family sport will deteriorate to the point where it will become more of a spectacle with the emphasis on winning at all costs—whatever action might be needed to win—rather than on the sport for the sake of its enjoyment.

As I know that the majority of the Council will support the Bill, I will not divide on it, but I put on record my very strong objection to those parts of the Bill that propose the extension of betting to the game of football in South Aus-

tralia. At the appropriate time, I will take the opportunity to oppose the clauses relating to that proposal.

The Hon. R.I. LUCAS: One of the strengths of the Liberal Party is the accepted independence of its members towards legislation in this Council. This afternoon we are getting a good, healthy dose of that. That is good, and it is to be strongly supported in the Council. I will take a strongly different view from that of the Hon. Trevor Griffin on the question of Footybet and these amendments to the Racing Act.

The Hon. K.T. Griffin: You've almost got a football team in your family .

The Hon. R.I. LUCAS: That is true: with three boys and me we are well on the way. We at least have a men's doubles game. The Hon. Mr Davis has covered the technical matters of the Bill, and we can go into those in greater detail in Committee.

In my short time as a member, I have been a consistent supporter of all the gambling provisions that have been before this Council. I recall problems that we have had with regard to betting on the Bay Sheffield. The Hon. Mr Griffin on that occasion put similar arguments, and we took a different stance there. I supported the casino, the TAB betting machines in hotels and other public places, and assorted other gambling procedures. I do not intend to repeat my reasons for supporting each and every one of those gambling measures other than to say that I really believe that we are comprehensively served in South Australia with regard to gambling and I do not see any problem with these individual additions, whether the casino, betting on the Bay Sheffield, Footybet or, as the Hon. Mr DeGaris indicated in his very worthwhile weekly report, betting on the next State election in Polibet or Poliwin. I am sure that the gentlemen or the ladies at the TAB might like to consider the suggestion from the Hon. Mr DeGaris and that many a person may officially partake on gambling on the next election result whereas in the past those who have done it have tended to do it unofficially with colleagues.

I support initiatives to widen the scope for betting in South Australia. I hope that we can come up with something with regard to the Grand Prix which we have here in November, and if all goes well we will have it for seven years after November of this year. I would not be averse at all to the situation of Ladbrokes in London, which bets on virtually anything. I have no aversion to people who want to bet on the Miss South Australia contests or whatever. If there is a dollar in it for the TAB and the Government, so be it.

I do not want to go on and consider the specific provisions of the Bill during the second reading stage, but place on record my support for the provisions of this Bill. I urge the Government to extend it to the Grand Prix and assorted other events in the future and to widen the scope for gambling for South Australians who want to gamble. My attitude to gambling in this Bill has been 100 per cent consistent with my attitude to the casino, the Bay Sheffield, and assorted other things.

The Hon. I. GILFILLAN: I do not have any enthusiasm for extending the range for people to bet, but I do not see that it is my political responsibility to oppose this measure. I really rise more to respond to and echo what the Hon. Trevor Griffin said in an area about which I have been deeply concerned for a long time, that is, the trend in so-called sport. It appears that the development of a form of public entertainment, which has become completely professional, commercial and ruthless, is masquerading under the title of sport.

It is very difficult for parents and people who are training the young and introducing them to the excitement, challenge and enjoyment of sport to prevent the contamination of the ruthless commercial self-seeking that has pervaded so many of the so-called sports because of the massive sponsorship and the exploitation of it as a form of entertainment. I despair that we will be able to maintain a standard of genuine sport and sportsmanship in the future.

It is obvious that the attitude of parents filters down through the schools and anywhere where children are playing sport and that it influences the attitude of children to their games. It is very difficult to see how any legislation could correct it. A campaign should be actively encouraged by parents at school level to inculcate in children that sport is a participative activity in which winning is not the only aim and cause for participation. The staffs of schools, particularly those involved with sports, should be encouraged to emphasise this aspect of sport and to actively campaign against the trend of regarding sport as only a step towards self-aggrandisement and the situation where those who are good enough make a living and make it as quickly and as ruthlessly as they can.

I do not intend to oppose the second reading. I really treat it as a matter of some indifference, but for people who wish to bet on football matches, that is up to them. I really resent what I see as the deterioration and the despoilation of the image of what was sport and the performance of sports people, whom through my lifetime I have admired and enjoyed.

The Hon. R.I. Lucas interjecting:

The Hon. I. GILFILLAN: It is entertainment, and it is a ruthless, economic, commercial exercise where people are bought to and fro as if they were commercial, tradable commodities. I do not see that as the proper expression of sport. Maybe it is just sour grapes that no-one made me an offer, but it is a bit late in the day for that.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Interpretation.'

The Hon. L.H. DAVIS: The second reading explanation does not make clear how far Footybet is expected to go when it is applied to football matches. The Hon. Trevor Griffin made that point in his second reading contribution. The only comment that is made is that the Bill is designed to enable the TAB to conduct betting on South Australian National Football League matches. Not only league football matches, but seconds, colts and other associations come under the aegis of the South Australian National Football League. I would be somewhat concerned if country associations are brought within the provisions of this legislation. Will the Attorney indicate what is his understanding in relation to the introduction of this legislation and to what extent it will be applied?

The Hon. C.J. SUMNER: The policy is to allow betting on South Australian National Football League games but not on seconds or juniors games (that is, under 19 or under 17 matches). It is the intention to allow betting on interstate games that are conducted regularly. Therefore, it is basically allowing betting on first division matches, if I can use that term. Betting will be allowed on South Australian National Football League and interstate matches and it is not the policy to extend it beyond that.

The Hon. L.H. DAVIS: When the Attorney says that it is the intention to extend the betting facility to interstate football matches, I take it that that extension would be restricted to league football matches—VFL matches. Would it extend, for instance, to Queensland? Is the Attorney talking about interstate football matches?

The Hon. C.J. SUMNER: Matches between States where South Australia is concerned, whether between South Australia and Queensland, Western Australia, and the A.C.T. as well, I suppose.

The Hon. C.M. Hill: Only those matches in which South Australia is involved?

The Hon. C.J. SUMNER: Only those, I suppose, conducted in South Australia. If there were a carnival it might be possible to extend that.

The Hon. C.M. Hill: South Australian teams can visit Melbourne to play Victoria and that would be included?

The Hon. C.J. SUMNER: Yes.

The Hon. C.M. Hill: But if Victoria plays Western Australia in Perth it will not apply?

The Hon. C.J. SUMNER: That is right.

The Hon. L.H. Davis: Nor would matches played in Victoria between Victorian teams be included.

The Hon. C.M. Hill: He is talking about Collingwood versus Hawthorn in Melbourne.

The Hon. C.J. SUMNER: No. However, local league teams playing against other league teams perhaps in other States as part of a national competition will be included. If there is a South Australian team involved, then the intention is that the provision would apply to a South Australian team in that match.

The Hon. R.I. Lucas: Even in the night football competition where the top South Australian National Football League and VFL clubs play? What if West Adelaide as a top South Australian club plays a Victorian club in the night competition, will there be betting allowed on that match?

The Hon. C.J. SUMNER: Yes—if there is a South Australian team playing in the Sterling Cup competition (or whatever the competition is called that involves a selected number of teams from each State of Australia). If there is a South Australian team playing a Victorian team in Victoria then it will cover that, as well. The critical question is whether or not a South Australian team is involved anywhere in Australia (that is, a South Australian National Football League team from the first division, or a State team) or whether the match is being conducted in South Australia between a first division league football team, either State or club, and a similar team from another State.

The Hon. L.H. DAVIS: Having listened to the Attorney-General's explanation about what is intended to be covered by Footybet I am puzzled when one takes into account the conditions of clause 7, which says totalizator betting can take place on the results of football matches held within or outside Australia. Am I to take it that betting on matches outside Australia would only be on matches between South Australian teams playing in America, for example?

The Hon. C.J. SUMNER: The honourable member is correct; it is certainly confined to Australian Rules football. Football results means a contingency or combination of contingencies in respect of one or more football matches. Therefore, there must be Australian Rules football and a football match; the authority is to conduct totalizator betting on football results held within or outside Australia. That theoretically would enable betting on an under 17 match in Bundaberg, Queensland.

The Hon. R.I. Lucas: Or in Auckland.

The Hon. C.J. SUMNER: Or in Auckland, that is correct, on my reading of the Bill. If the honourable member wants to amend the Bill to restrict it he should say so, or is the honourable member satisfied by the policy undertaking given by the Government? It appears to cover any Australian Rules football match conducted anywhere in Australia, or the rest of the world. If honourable members are concerned about this matter, I will seek instructions from the Minister in charge of the Bill and let them know the result of that investigation. As I understand the position, the policy is to enable betting on Australian Rules football matches involving South Australian National Football League first division teams and played in South Australia. If they are held interstate they have to involve a South Australian National Football League club or the South Australian league State team. It has been suggested that we are only talking about allowing the South Australian TAB to conduct such betting. That would not, of course, have any influence on other TABs, which would not be participating.

An honourable member interjecting:

The Hon. C.J. SUMNER: They may want to, but that is a matter for them to cope with by means of their own legislation. All this Bill does is empower the South Australian Totalisator Agency Board to conduct betting on Australian football and that could be on any match anywhere in Australia or in the world, but it would only be the South Australian TAB that would be conducting betting transactions. Is the honourable member satisfied with my explanation of the policy?

The Hon. L.H. DAVIS: I now better understand the intention of the legislation. As I mentioned in my second reading speech, I think that it is unfortunate when a second reading explanation comes into this Council and does not make clear the intention of the Bill, leaving it until the Committee stages of that Bill for members to elicit that information. That is a most unfortunate and regrettable situation. Now we have heard from the Attorney-General that one can drive a horse and cart through this legislation and he is quite reasonably suggesting that we either accept the policy guidelines that he understands have been laid down for the conduct of Footybet or perhaps refer the matter back to the Minister.

I think the legislation should be in a form that properly reflects the Government's intention in this matter and I for one would like to think that the Minister can be consulted as to whether the legislation can be drafted properly to effect what is intended.

The Hon. C.J. SUMNER: I am not quite sure what the honourable member is requesting. Does he oppose the clause?

The Hon. L.H. Davis: I am not very happy with it or with the explanation in relation to clause 7. Perhaps we should report progress to take further advice.

The Hon. C.J. SUMNER: In view of the honourable member's request and the fact that there seems to be some dispute, I suggest that we report progress.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (COURTS) BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 3496.)

The Hon. K.T. GRIFFIN: To enable the Opposition to move amendments, I am prepared to support the second reading. However, there are several matters that cause us considerable concern. The two major issues with which this Bill deals relate to the jurisdiction of the intermediate court and the capacity for judges of the District Court and the Industrial Court to be appointed as acting judges of the Supreme Court with the approval of the Chief Justice.

I refer first to the question of jurisdiction. The intermediate court was established at the beginning of the 1970s to take some of the pressure from the Supreme Court and to recognise that, with the growth in litigation, there was a need for a court between the magistrates court or the local courts of limited jurisdiction and the Supreme Court. So the District Court, or the local court of full jurisdiction, was established as an intermediate court.

Its jurisdiction in 1982 was a maximum of $20 000, and when I was Attorney-General we introduced legislation at the end of 1981, which came into effect in 1982, taking the jurisdiction of the intermediate court from $20 000 to $60 000 for personal injury claims and from $20 000 to $40 000 for all other claims, such as those for other tortious acts or breaches of contract of whatever kind. Now three years later there is a proposal to take the jurisdiction of the District Court from $60 000 to $150 000 for personal injury claims and from $40 000 to $100 000 for all other claims. That is a massive escalation in the jurisdiction of the District Court.

The equivalent intermediate court in New South Wales has a jurisdiction of up to $100 000; in Queensland, $40 000; in Western Australia; $50 000; and in Victoria, $100 000 for personal injury claims and $50 000 for all other claims. Therefore, it can be seen that the South Australian proposal for the jurisdiction of the intermediate court takes it to the highest in Australia. There is no doubt at all that the District Court in its establishment and in its practice since 1970 has dealt with matters reasonably expeditiously and according to procedures that are simpler and more suited to smaller claims than the procedures of the Supreme Court. It should also be recognised that the District Court does not have some of the jurisdictions of the Supreme Court in any event, such as the capacity to order specific performance.

Therefore, the procedures of the District Court could generally be said to lack the sophistication of the procedures of the Supreme Court. That is important where we are talking about claims of $100 000, say, in a building dispute, or other breach of contract case, or a claim of up to $150 000 for personal injuries, which, notwithstanding the escalation in awards of damages for personal injuries, is still a significant sum. It is important that ordinary citizens in such major disputes have access to the superior court in this State—the Supreme Court of South Australia—and that the procedures for getting to the nub of the problem and identifying the real issues are as effective as possible.

The other point about the District Court is that the cost scale is lower than that for the Supreme Court, and undoubtedly if its jurisdictional limits increase there will be a need to increase its cost scale. If there is a claim for $100 000 there is really no justification for distinguishing between the legal cost scale for such a matter in the District Court and a matter of perhaps the same complexity but perhaps involving a higher sum in the Supreme Court. Therefore, there is no doubt that the cost scales will be increased in the District Court.

I suggest that there is also a problem regarding waiting times. I know that there is some difficulty in regard to delays for civil cases in the Supreme Court, but let me say that in 1982-83 the waiting time in the Adelaide District Court for civil cases was 32 weeks from the time a case was ready for trial to the actual time of trial, and in 1983-84 the waiting time from the setting down for trial to the actual time of trial was 38 weeks. I have no doubt that there will be a significant increase in the waiting time in the District Court if the jurisdiction as proposed under the Bill is passed by the Council and the Parliament. I do not know what the Government intends to do about that or whether it proposes to appoint more judges, but I would certainly be interested to hear its solutions to the problem of waiting times.

There is one other area that I suppose one could regard as somewhat sensitive and that is the qualifications of the judges of the District Court. One must recognise that the judges are all qualified legal practitioners with at least seven years experience, most of them having many more years of experience.

Some of them do not have quite so much more experience. However, they have all been appointed with a view to dealing with a particular jurisdiction—both in the civil jurisdiction and in the criminal jurisdiction. The criminal jurisdiction cases can be quite serious. My concern is that there may well be some judges—by no means the majority—who are not equipped to deal with the complex cases which will undoubtedly fall within the expanded jurisdictional limits proposed in the Bill. Although there is a right of appeal to the Supreme Court, I do not believe that litigants should be placed in a position of having to incur the additional cost of an appeal if they are dissatisfied with the decision of a judge in that category.

I hasten to add that that should not be taken as a reflection on all of the judges of the District Court. In fact, I am satisfied that a significant majority of those judges are certainly well qualified for the task of acting judicially. I think it needs to be remembered that the additional jurisdictional limits may create some problems in that context.

The other area on which I focus some attention is the question of acting judges. At the present time, acting judges are appointed by the Executive. Occasionally they come from the District Court, but only occasionally. In fact, appointments to the Supreme Court bench have only been made on, I think, three occasions from judges of the District Court or equivalent. Of course, Mr Justice Walters began as a magistrate, became a Master, and then went to the Supreme Court bench (which was a perfectly proper appointment); the former Mr Justice Williams was appointed by the previous Labor Government to the position of acting judge of the Supreme Court for quite a long period of time (that appointment was confirmed as a permanent appointment by the Liberal Government in, I think, 1980); and Mr Justice Mohr of the Supreme Court, who was formerly a District Court judge.

In most instances, judges and magistrates are appointed without any prospect of judicial promotion, and that is quite proper. It is a well established principle of our judicial system that judges, upon appointment, are appointed without fear or favour and without any prospect of promotion, because to have a prospect of promotion may in perhaps rare instances (but nevertheless on some occasions) be an influence in the way in which a judicial officer performs his or her tasks as a judicial officer. It is important that the principle of no prospects of judicial promotion be maintained.

One of my main concerns about the provision in the Bill for the appointment of acting judges with the approval of the Chief Justice, but nevertheless still from the ranks of the District Court or the Industrial Court, is that it tends to bring into our system for the first time a system of judicial promotion. I have some very real concern about that. I place that concern on record and intend to pursue it further during the Committee stage of the Bill.

In summary, the Liberal Party will oppose the massive increases in the jurisdictional limits of the intermediate court, but we are prepared to support an increase in the personal injuries area from $60 000 to $70 000 which, generally speaking, will take account of some inflation; in respect of other matters, it should go from $40 000 to $45 000.

I do not favour any concept of indexation in this area.

I think that whenever the jurisdictions of the courts are to be varied, they must be varied with the full knowledge of and discussion by Parliament. We will seek to move amendments which will remove the proposition for judicial promotion from the Bill. There are other measures in the Bill which are of an incidental nature and in some instances of an administrative nature, unrelated to the proposals to which I have referred, and in those instances we will be supporting the Bill. To enable further consideration to be given, I indicate that the Opposition supports the second reading of the Bill.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his contribution. Obviously, there is some dispute about this Bill, but that will be taken further in the Committee stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

[*Sitting suspended from 6.3 to 7.45 p.m.*]

RACING ACT AMENDMENT BILL (1985)

Adjourned debate in Committee (resumed on motion).

(Continued from page 3709.)

Clause 5—'Interpretation.'

The Hon. C.J. SUMNER: I have consulted the Minister in charge of the Bill and he wishes to proceed. While it is true that the Bill covers betting on Australian Rules football held in or outside Australia, obviously it is not the Government's intention to permit betting on junior football or any football match anywhere in Australia. The provision is picked up with respect to football on the same basis as now applies to racing where it is possible for TAB to organise betting on overseas events. With respect to football, the broad formulation is contained to provide some flexibility for TAB to provide for betting on interstate carnivals played outside the State (which is not quite the position I put earlier) and also, for instance, the Victorian grand final or other special event. It is most unlikely that any competition would be played outside Australia that the TAB would wish to service. As I said before, it is basically there to conform with the formulation used with respect to racing.

The intention is for the betting on football to be confined to the South Australian National Football League competition, first division—not the second division, and certainly not junior football. However, there may be some situations, as I said before, involving South Australian teams interstate, the South Australian State team interstate, a carnival in South Australia involving other league football teams, possibly a carnival interstate, for example, in Victoria, or a Sterling Cup-type carnival in Victoria. The way the Bill is worded at the moment gives flexibility to the TAB to service those events. There is no intention to extend it to junior football, schoolboy football or Grade A5 amateur league football in this State or anywhere else.

The Hon. L.H. DAVIS: I accept the Attorney's explanation. As I mentioned before, it is unfortunate that he had to report progress to seek out this information because it simply was not contained in the second reading explanation.

The Hon. R.I. LUCAS: Although I do not require an answer now, will the Attorney at some stage indicate whether there have been proposals from the two National Soccer League clubs—West Adelaide and Adelaide City—for similar provisions? Also, are there any National Basketball Club proposals?

The Hon. C.J. SUMNER: We have not had approaches from any soccer club or other sporting organisation.

Clause passed.

Clauses 6 to 22 passed.

Clause 23—'Insertion of new Division III in Part III.'

The Hon. L.H. DAVIS: I move:

Page 7, lines 22 to 25—Leave out subsection (2) and insert the following subsection:

'(2) The Totalizator Agency Board must make payments under subsection (1)—

(a) in relation to football totalisator pools resulting from betting on football results in respect of football matches conducted on or before 30 June—not later than the following 30 September;

(b) in relation to football totalisator pools resulting from betting on football results in respect of football matches conducted after 30 June—not later than the following 31 December.'

My amendment seeks to require the Totalizator Agency Board to make two payments a year in respect of pools resulting from betting on football. At the moment the clause provides that only one payment a year shall be made.

The Hon. C.J. SUMNER: This amendment is opposed by the Government. I cannot see the basis for the honourable member's persisting with this amendment. The bulk of the TAB costs will be up front, at the beginning of a season, with betting tickets, promotion, advertising and launch costs. It is unlikely that there will be any substantial profits or, if there are profits, they would be fairly minimal in the period before 30 June. But the fact is that the football season lasts for only six or seven months. I suppose that if the Escort Cup was involved it would be a little bit longer.

The Hon. Frank Blevins: It seems endless.

The Hon. C.J. SUMNER: It seems endless to the Minister of Agriculture, who was not brought up in the ethos of Australian football.

The Hon. C.M. Hill: He follows Manchester Unity.

The Hon. C.J. SUMNER: United. In any event, unlike racing, football does not last the whole year: at the most, it lasts seven or eight months. In each season the TAB will have to incur costs in setting up the scheme, organising the betting tickets, promotion, etc. So, there is no justification for two pay-outs a year to the League. I oppose the amendment.

The Hon. L.H. DAVIS: With respect to proposed section 84d (4), the dividend payable on any totalisator bet on football result made pursuant to the Act shall not include any fraction of 5c. Can the Attorney say whether that is the practice for horse, harness and greyhound racing?

The Hon. C.J. SUMNER: Yes.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis (teller), R.C. DeGaris, Peter Dunn, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. K.T. Griffin. No—The Hon. J.R. Cornwall.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. K.T. GRIFFIN: I have already expressed my opposition to the extension of the Racing Act to betting on football. I know that some incidental amendments have been passed in earlier stages, but this is an important clause because it deals with extension of the TAB's activities to cover football. I put on the record that I oppose this clause on principle because I do not believe that it is a good thing for football or for those who follow this sport, particularly families and children. I need not expand on that further, having done so in the second reading stage and because, quite obviously, a majority of the Committee will support this part of the Bill, I do not intend to divide on it.

Clause passed.

Title passed.

Bill read a third time and passed.

ELECTORAL BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3702.)

Clauses 2 and 3 passed.

Clause 4—'Interpretation.'

The Hon. I. GILFILLAN: I move:

Page 2, line 22—After 'a member' insert 'or members'.

The inclusion of the words 'all members' in my amendment will enable the Bill, if it becomes law, to cover proportional representation or the multi-member electoral reform that we believe is so essential for the proper election of members to the House of Assembly. Members of this place know full well with what significance and sincerity we argue (whenever we have the opportunity) for the introduction of proportional representation for those places that do not currently enjoy it as a way of election, so I will not go into those arguments again. My amendment will not restrict the application of this legislation to single member or to multi-member electorates, but it does expand the scope so that if in due course Parliament in its wisdom sees fit to introduce multi-member electorates for the House of Assembly this provision will already be in the Act.

The Hon. C.J. SUMNER: The Government opposes this amendment. If at some stage the Parliament wishes to depart from the system that exists at the moment involving single member electorates for the House of Assembly, that should be done in a substantive manner by way of a Bill before the Parliament to do that. I do not believe that moving this amendment achieves anything. It will certainly enable the system to be changed in the future, but if the system were to be changed there would be a need for further amendments to the Act, in any event, so it would not just happen automatically and could not just happen by way of Government decree.

I think that if the Parliament wishes to vote on and discuss the question of multi-member electorates for the House of Assembly that ought to be done in conjunction with a Bill to achieve that purpose. I do not believe that the honourable member's amendment is appropriate in present circumstances because additional amendments would be required to achieve his objective if that objective were desired. I oppose the amendment.

The Hon. K.T. GRIFFIN: On this rare occasion I agree with the Attorney-General. If we move from a system of single member electorates in the House of Assembly, that will have to be part of a positive decision by the Parliament and all consequential matters can be taken up at that time, if it ever arises. Therefore, I am not prepared to support this amendment.

Amendment negatived.

The Hon. K.T. GRIFFIN: Clause 4 deals with a variety of definitions that are, in a sense, dependent on substantive questions that are addressed later in the Bill. While I am willing to debate the substantive issues on the definition clause, it would be more appropriate to defer consideration of the clause and removing definitions until the end of the consideration of the other clauses in the Bill. We would then have some idea where we are going and which amendments to the definition clauses will be relevant. I understand that the Hon. Mr Lucas has some questions on the definition clause which he might want to pursue now but, in terms of moving amendments to delete definitions, I suggest that we defer consideration of that clause and deal first with the substantive questions on later clauses.

The Hon. C.J. SUMNER: I do not mind. We can either debate them now or do it the other way round. But, as the honourable member has most of the amendments, I am willing to be guided by him.

The Hon. K.T. Griffin: I would prefer to deal with the substantive questions.

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

That clause 4 be postponed and taken into consideration after clause 141.

Motion carried; consideration of clause 4 deferred.

Clauses 5 and 6 passed.

Clause 7—'Terms and conditions of office.'

The Hon. K.T. GRIFFIN: Subclause (7) *(c)* provides that the office of the Electoral Commissioner or Deputy Electoral Commissioner becomes vacant if, having reached the age of 55 years, he retires from office by written notice addressed to the Governor. My recollection is that this provision is not in the present Act. If it is not in the present Act, will the Attorney indicate the policy decision that permits the inclusion of this provision in the Bill?

The Hon. C.J. SUMNER: It is not in the current Act. It is included in the Bill to comply with the provisions of the Superannuation Act. Although the Electoral Commissioner and the Deputy Electoral Commissioner are not officers of the Public Service of the State, they are in the State superannuation scheme, and I understand that retirement at the age of 55 years is possible under that Act. This provision merely makes the terms of appointment of the Commissioner and the Deputy Commissioner consistent with the terms of the Superannuation Act.

The Hon. R.I. LUCAS: Section 6 (5) of the Act provides:

Neither the Electoral Commissioner nor the Deputy Electoral Commissioner shall, without the consent of the Minister, engage in remunerative employment outside the functions and duties of their respective offices.

I have not been able to see that provision in the Bill so, if it is not there, why is it being deleted?

The Hon. C.J. SUMNER: If the Electoral Commissioner or the Deputy Electoral Commissioner were in the Public Service, that would deal with the problem of outside employment but, as they are not, the provision probably should be reinserted. Perhaps we can attend to that before the Bill leaves the Council. We will consider inserting another subclause to pick up section 6 (5) of the Act.

The Hon. K.T. GRIFFIN: In the Act there is a provision for appropriation to meet the salaries of the Electoral Commissioner and the Deputy Electoral Commissioner, but I cannot see a similar provision in the Bill. If it was to be included, such a provision would have to be in erased type. Is there another statutory provision under which the salaries of the Electoral Commissioner and the Deputy Electoral Commissioner will be met from public funds without the necessary warrant referred to in the Act?

The Hon. C.J. SUMNER: I do not believe that that is necessary, and I do not know why it was included in the previous legislation. Clearly, most of the legislation relating to statutory authorities does not provide for automatic appropriation of funds. That is usually undertaken in conjunction with the Government's general appropriation. For instance, I do not believe that the Ombudsman Act, the Ethnic Affairs Commission legislation or the Health Commission legislation contain an appropriation clause from Parliament. While the Electoral Commissioner is not subject to the control and direction of the Government in the same way as are the Ethnic Affairs Commission or the Health Commission, I do not really believe that that is necessary.

The Hon. K.T. GRIFFIN: I do not want to labour the point, but it would seem to me that the annual Appropriation Bill and the supplementary Appropriation Bills are for periodical appropriations rather than continuing appropriations. It may be that in the light of the fact that this is an independent Commission it is necessary to have some specific provision in the legislation that deals with the question of appropriation, without having to rely on the annual appropriation and supplementary appropriation Bills. I do not want to hold up the consideration of this clause, and I ask the Attorney-General to look at that point in conjunction with the other point that is being examined. At the conclusion

of the Committee stage of the Bill can we have some further report on the findings?

The Hon. C.J. SUMNER: I will do that.

Clause passed.

Clause 8—'Powers and functions of the Electoral Commissioner.'

The Hon. R.I. LUCAS: At page 37 of the Electoral Commissioner's Report, after the 1982 election, reference is made to an analysis of reasons for people not voting, and it states:

> The 21 to 30 years of age group constitute more than 50 per cent of this non-voting group but less than 27 per cent of the total population. This group in particular is the target of a separate research study to be undertaken in the near future.

I do not have the exact date of that report, but it was done subsequent to the 1982 election, and that means that it was probably written some 18 months or two years ago. Can the Attorney indicate whether that separate research study has commenced and, if so, who is undertaking it, are there any results from it, and are they available to anyone who is interested in them?

The Hon. C.J. SUMNER: The study has commenced, and it is nearly completed, with CEP funding. The report is not yet available.

The Hon. R.I. LUCAS: The Electoral Commissioner is empowered to conduct and promote research and to publish the results of any such research. Have guidelines been established for the Electoral Commissioner to indicate how those results are to be published or to whom they are to be made available? I do not know whether or not it is a fault of the Parliamentary Library filing system, but I was unable to obtain from the Parliamentary Library a copy of the Electoral Commissioner's 1982 Report.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: I am not blaming anyone. I am wondering what the procedures and guidelines are, because I believe that the major Parties and those who take an interest in electoral matters would be interested to know what research the Electoral Commissionsr and his staff members are undertaking. However, unless there is some procedure whereby the interested parties can check on what research is being done and when any forthcoming reports will be available, they are unable to make inquiries and to obtain copies.

The Hon. C.J. SUMNER: This problem has not arisen previously because the Electoral Commissioner has not really carried out any research of this kind. I suppose that any research undertaken would be carried out by the Electoral Commissioner for the Minister and the Government of the day. However, in general terms I would think that the results of research would be made available publicly.

The Hon. R.I. LUCAS: The Electoral Commissioner is an independent office holder, and I would have thought that he is not there just to serve the Government of the day. Clearly that is one part of the job, but I would have thought that the results of research ought to be made available for all parties who may be interested in them. Can the Attorney seek from the Electoral Commissioner some sort of commitment to indicate to the parties that perhaps might be registered (if we have a registration of parties) that the results of certain research will be made available. I am not sure what the procedures of the Council are in this regard, but, secondly, is it possible that the results of such research could be made available for members of Parliament? That might mean that it would have to be tabled, but if that is not possible, can members of Parliament be notified in some way that a research programme has been completed and that copies are available for interested members?

The Hon. C.J. SUMNER: The Electoral Commissioner is responsible to the Minister for the administration of the legislation, in accordance with clause 8. He is also responsible for the proper conduct of elections in accordance with the legislation. I suppose it is in respect to the proper conduct of elections that there is the independent statutory authority to act in accordance with the legislation. With respect to the conduct and promotion of research, I suppose the Electoral Commissioner is responsible to the Minister. I cannot imagine the Electoral Commissioner conducting research, if you like, in a partisan way which was not made publicly available. I am not quite sure what the honourable member is asking.

The Hon. R.I. Lucas: I am asking that the Electoral Commissioner will notify the major Parties, if we have a registration system later, of the results of research, and that he will also notify members of Parliament who may be interested in the results of such research.

The Hon. C.J. SUMNER: I have not discussed this matter with the Electoral Commissioner, so I am not quite sure about his views. I do not believe that there would be a case for secrecy with respect to research carried out by the Electoral Commissioner into electoral matters. Given the way these things work, I suppose there may be some areas of inquiry that a Government might wish the Electoral Commissioner to carry out (and they may be of a confidential nature, perhaps related to the policy of the Government). If it is research of the type mentioned in the Electoral Commissioner's report following the 1982 election, of an inquiry or research into reasons for a particular age group not voting, that is the sort of thing I would expect to be made publicly available.

Clause passed.

Clauses 9 and 10 passed.

Clause 11—'Staff.'

The Hon. R.I. LUCAS: Page 53 of the Electoral Commissioner's report states:

> Consequently, I will be recommending in the near future that you appoint—

I presume that is the Attorney-General—

> an officer in my Department to be returning officer for the Legislative Council.

In his report, the Electoral Commissioner indicates the reasons why he feels such an appointment needs to be made. I will not go through that detail now. Has such an appointment been made and, if so, who has been appointed and, if not, why not?

The Hon. C.J. SUMNER: Yes, that appointment has been made: it is Mr Kerry Griffiths, the Senior Administrative Officer in the Department.

Clause passed.

Clause 12 passed.

Clause 13—'Candidates and persons holding official positions in political parties not to be electoral officers.'

The Hon. R.I. LUCAS: I refer back to the definition of 'officer' as follows:

> Any person appointed to an office or position under this Act.

I presume the definition includes 'presiding officers'. I know from personal experience that many a presiding officer holds not positions of candidature with political Parties but official positions with political Parties. I refer to positions such as those of branch secretaries or branch membership officers, particularly in country areas, and not just of one political persuasion but of either major political persuasion. I can certainly see the argument with respect to not being a candidate. I wonder what the administration of this particular provision has been, if it currently exists—and the Hon. Mr Griffin indicates it does—in particular with respect to quite a number of small country areas where those involved may be the leading people in the local political Party branch or those doing this sort of work for the electoral officer, or it

may be the trade union representative or anyone else. There is often a limited number of people doing a whole range of things. Has there been any problem with respect to the administration of this section? If so, should there be a change in this particular provision?

The Hon. C.J. SUMNER: I suggest that the honourable member request his friends in the country to seek legal advice very rapidly.

The Hon. K.T. Griffin: They may not be his friends.

The Hon. R.I. Lucas: They may be your friends.

The Hon. C.J. SUMNER: We do not bother in the country very much. The honourable member has overlooked the fact that section 11 of the current Electoral Act provides that no candidate and no person holding any official position in any political organisation or on any election committee shall be appointed an officer. If any officer becomes a candidate or accepts any such position he shall thereby vacate his office.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Well, I think that that is right. A similar provision is in the existing Act. In fact, it could be argued that it is a broader provision in the existing Act than in the proposed Act, because the existing Act refers to being on any election committee, whereas the proposed Act refers to an official position in a political Party. I suppose if one is on an election committee that is an official position in a political Party. But, yes, it is a picking up of the current provision. I think that it is reasonable, and that it is undesirable that people who hold official positions in political Parties should be involved in the conduct of elections—not that one would suggest any foul play, but appearances would demand that the officers—the people engaged in the conduct of the elections—should not hold official positions, although they may be members.

I suppose that it would be too restrictive of one's civil liberties to say that a member of a political Party should not hold the position of an officer under the Electoral Act. However, when one gets to being in an official position in a political Party, I believe that one should refrain from seeking a position under the Electoral Act. That is a fairly important principle. If the honourable member's friends have not been observing that in the past, I suggest that he now advise them of the position.

The Hon. R.I. LUCAS: Seeking more informal legal advice, I should like to know whether 'officer' would include any of the poll clerks that are appointed to assist in the count through the day and also for the Legislative Council scrutiny.

The Hon. C.J. SUMNER: Yes, it would.

The Hon. R.I. LUCAS: I can see the logic behind this, but if the Electoral Commissioner is the person responsible for weeding those sorts of people out of his electoral staff, I can only suggest that there will be very many people, not just from one political persuasion but from both major Parties—

Members interjecting:

The Hon. R.I. LUCAS: The Democrats as well. I am sure that the Hon. Mr Gilfillan, if he applies his mind to it, may well know of the odd Democrat officer who may have worked as a poll clerk in an election. There are literally hundreds of people who work on that day from 8 a.m. to 10 p.m. and earn their money for that day. If that is the way this provision is to be interpreted, I guess we are seeking from the Attorney some indication as to how the Electoral Commissioner is going to police that. Does he, before he hires each of his poll clerks, require them to make a statement that they are not office holders of a political Party?

The Hon. C.J. SUMNER: Apparently that is done with respect to senior officers. The point the honourable member makes is well taken. The Electoral Commissioner should provide an instruction to the returning officers who are responsible for employing poll clerks to ascertain, before people are engaged, that they do not contravene clause 13.

The Hon. K.T. Griffin: I would be surprised if that extends to poll clerks, because subclause (2) talks about someone accepting an official position, thereafter that office or position being vacated. Poll clerks are poll clerks only on the day.

The Hon. C.J. SUMNER: 'Officer' includes any person appointed to an office or a position under this Act. If poll clerks are referred to in the legislation, they would be officers within the definition.

The Hon. K.T. Griffin: There may be some problems with the drafting.

The Hon. C.J. SUMNER: I would not have thought so. I do not think anyone involved in an official position at an election should hold any position with a political Party. That is the policy position that ought to be adopted and the position that exists in the current Electoral Act of 1929, and I do not believe it should be changed. Certainly, if the Hon. Mr Lucas is aware of members of his Party who hold—

Members interjecting:

The Hon. C.J. SUMNER: I do not know of anyone in my Party who holds an official position in the Party and who has also been employed as a polling officer.

Members interjecting:

The Hon. C.J. SUMNER: Honourable members seem to know more about these things than I do. Obviously, I do not have a naturally suspicious mind. However, the point is well taken: if people holding official positions within a Party work in a polling both or are appointed as officers under polling legislation, that is undesirable. The Electoral Commissioner, either directly or through returning officers, should ensure that people are not in that position when they are engaged.

The Hon. I. GILFILLAN: Would the Attorney give a definition of an official position in a political Party?

The Hon. C.J. SUMNER: 'Political Party' and 'organisation' are defined in the definition clauses. An official position is any position beyond ordinary membership.

The Hon. I. Gilfillan: Secretary of a branch?

The Hon. C.J. SUMNER: Yes, or member of an election committee or treasurer. An official position in a political Party would be anyone going beyond being an ordinary member.

Clause passed.

Clause 14 passed.

Clause 15—'Electoral subdivisions.'

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

Page 8, lines 24 to 28—Leave out subclause (3).

This clause deals with the power of the Electoral Commissioner to divide an electoral district into subdivisions, alter the boundaries of a subdivision, or abolish a subdivision. I have no quarrel with that. I have no quarrel, either, with the second part: that is, that the Electoral Commissioner may appoint an Electoral Registrar in respect of one or more subdivisions, but I have difficulty with subclause (3), which provides that the Electoral Commissioner may by notice published in the *Gazette* declare a particular subdivision to be a remote subdivision or revoke a declaration under paragraph *(a)*.

This subclause is relevant to mobile polling booths, which are dealt with in substance in a later part of the Bill, but it is appropriate to refer to the mobile polling booth provisions now while we are dealing with this clause rather than defer consideration of it. I have indicated that the Liberal Party opposes the concept of mobile polling booths. My colleague, the Hon. Peter Dunn, has referred to the numbers who voted at one polling booth that was travelling around the northern parts of the State for some 12 days prior to the

Federal election. His contribution indicated that a mere handful of electors on that occasion took advantage of the opportunity to vote at a mobile polling booth. That has also got to be considered in the context of the wider opportunity for declaration votes, even with the grounds which I wish to include as a basis for entitlement to a declaration vote. The opportunity for a declaration vote is there and is wider than it is at present.

My major concern with a mobile polling booth is that it gives a much greater opportunity to abuse the system, not so much with the officer who is travelling around with it, who, I hope, would be personally selected by the Electoral Commissioner for the purpose of undertaking this work and would be thoroughly reliable and honest, but in the way in which others may seek to use the facilities of the mobile polling booth.

I am very concerned about mobile polling booths. The safest method for ensuring a fair and proper vote is either the declaration vote or the attendance at a fixed polling booth. If we introduce the concept of mobile polling booths that will travel around for 12 days prior to the election, it widens the opportunity for abuse, which will only bring discredit on the electoral system. I do not believe that any remote subdivision ought to be declared for the purpose of such mobile polling booths. I move my amendment in anticipation of dealing with the other aspect of mobile polling booths when we come to that substantive provision of the Bill.

The Hon. C.J. SUMNER: The Government opposes this amendment, believing that mobile polling booths are a desirable innovation in this Bill. It follows what happened in the Commonwealth legislation, which was amended a short time ago and which operated during the last Federal election.

The Hon. K.T. Griffin: That does not mean that we have to follow it.

The Hon. C.J. SUMNER: No, it does not mean that we have to follow it automatically. There is no suggestion that there was any abuse of the system as a result of having mobile polling booths. I emphasise that the booths are manned by electoral officers—people appointed under the Electoral Act responsible to the returning officer who is, in turn, responsible to the Electoral Commissioner for the conduct of the election. The mobile polling booth enables electoral officers to service people in remote areas of the State and is very desirable.

All it does is give a greater opportunity to people in those remote areas. I am surprised that honourable members opposite are adopting this attitude. Usually, we hear from honourable members opposite how concerned they are about people in remote areas and whether they are getting the facilities they need and whether they are getting the same facilities as city people. We hear honourable members opposite supporting a whole range of matters on behalf of their country constituents. I do not take any argument with that.

However, in this case we are providing an additional facility to people living in remote areas to cast their vote in circumstances in which I do not believe there can be any abuse of the system, because the procedure is conducted by properly employed poll clerks who are subject to the requirements of the Act and the requirements and directions of the returning officer and the Electoral Commissioner. If there was any suggestion of abuse, or if it even broadened scope for abuse, perhaps honourable members might have some point. However, there was no suggestion of any abuse in the Federal election, and I do not really see how this can be the subject of abuse any more than other electoral practices could be if people are malevolent enough to be subject to abuse.

The Hon. PETER DUNN: This procedure was tried and did not work. At the last Federal election 32 or 36 people went to Mimili, Mintabie and Marla. Mimili had nine votes, and the cost must have been bizarre. I cannot see that it is equitable. If one is going to one remote area one has to go to them all. One cannot leave some out. The system would not be fair. We have a method of voting beforehand and at the time by postal vote, which is fair and reasonable.

The Hon. R.C. DeGaris interjecting:

The Hon. PETER DUNN: That is a good point, on the Continental Shelf. Scrutineers were allowed but if three or four parties are involved, the cost of providing them would be high. It is inequitable that some people have such a facility. I am not worried about any abuse, because that will not happen. The only abuse will be if it is provided to some places and not to others. That would be difficult to justify. If it goes to Mimili, why does it not go to Marree and Commonwealth Hill where there are about 13 or 14 people?

The Hon. C.J. SUMNER: I am advised that that is the sort of thing the Electoral Commissioner would do. It would not be only to the one place in a remote, area but a polling booth would travel to various stations. This would be advertised sufficiently well in advance as with the Commonwealth election. I have details of the Northern Territory Legislative Assembly election—a State election if you like—for which mobile polling places were introduced. It was considered desirable and was apparently organised by the Liberal National Party in the Northern Territory. They travelled throughout the Territory and advertised the fact that they would be in certain places at certain times. They called not only at large settlements but in some circumstances at stations in the Division of Arnehem—Hodgson Downs near the homestead, and Roper Valley near the homestead.

The Hon. Peter Dunn: They are all Aboriginal reserves.

The Hon. C.J. SUMNER: Most of them probably are, but it does not apply to Aboriginal areas only.

The Hon. Peter Dunn: It did in South Australia.

The Hon. C.J. SUMNER: Obviously the Electoral Commissioner will have to sort out a programme for the mobile booth. That does not mean that it will just go to two or three places. It will service all the people in that remote area so far as it can. Obviously, it cannot go to every place or to every small station. I would have thought that it makes it easier for people who wish to record their vote personally through the electoral system to do so. In response to the honourable member's questions about how many votes were recorded at particular places under the mobile system, the Electoral Commissioner informed me that at the last Federal election a permanent booth was established at Amata where 11 votes were recorded and the booth was open for 10 hours. So, in terms of cost, it is probably more cost efficient to have a mobile booth that is able to go around remote areas. People can be advised of the times the booth will be in certain places to enable them to vote. I do not believe that there is a capacity here for abuse, which would be the only justification for opposing what is an additional service to country people and those who live in remote areas.

The Hon. R.I. LUCAS: The Attorney seeks to portray opposition to this Bill as neglecting servicing remote areas of South Australia. Members on this side take exception to that assertion because we serve them well. The Attorney should recall that there is a thing called a Postal Voting Register existing which will continue in a slightly different form as a Declaration Voting Register under clause 77. That says that the register shall contain the names of persons who on applying to the Electoral Commissioner satisfy him they are people who by reason of the remoteness of their places of residences are likely to be precluded from attending at polling booths to exercise their votes. I would have

thought it would be possible for those people to put themselves on the voting register so that their votes could then be forwarded to them through the normal procedures of the Electoral Commissioner prior to polling day. I do not believe that the opposition to this particular provision means that persons in remote areas of South Australia have been neglected by Opposition members.

The Hon. PETER DUNN: Who will set the criteria for where that polling booth will go? Will that criteria change from year to year? Will applications be made to have it changed? I am worried that this clause will benefit some areas and that the mobile booth will not go to some areas where it should go.

The Hon. C.J. SUMNER: A decision will be made by the returning officer in conjunction with the Electoral Commissioner, who would make inquiries about where the most convenient places for a mobile booth to go, which would involve such things as the availability of airstrips and the like. This would presumably happen after some kind of survey of the area. He would then decide the most effective means of carrying out the polling in those areas. He would undertake a survey of the populations of particular spots, their accessibility by road or air, and he would then produce a schedule that would be publicised in the area concerned.

The Hon. K.T. GRIFFIN: It is all very well to say that there was a permanent polling booth at Amata and that only 11 people voted on polling day. The fact is, it was polling day, everyone knew it and they knew they could attend at that place to cast their vote. In any event, one could expect under the Government's compulsory enrolment provisions that the Government would expect a larger number to vote on the next occasion anyway if they are compelled to go on the electoral roll.

Apart from that, mobile polling booths are mobile for up to 12 days prior to the election. There will be some advertisement of the times and places of attendances of the mobile booth and ballot box so that, notwithstanding that the election date is on a particular day that has been announced 3½ weeks before that date, those who might want to use the mobile booth will have to organise themselves to get to other places or to meet the mobile polling booth or obtain a declaration vote.

As the Hon. Mr Lucas said, there is a declaration voting register and those who by reason of distance are unable to attend a permanent polling booth are entitled to receive a postal vote. That is a useful mechanism for dealing with the problems that the Attorney says he is addressing with the concept of the mobile polling booth. It does not attract me one jot and I see that it may be open to abuse in the lead up to an election. I maintain my opposition to both mobile polling booths and the capacity of the Electoral Commissioner to declare a particular subdivision to be a remote one.

The Hon. I. GILFILLAN: I indicate that we will oppose the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. J.C. Burdett. No—The Hon. J.R. Cornwall.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 16 to 19 passed.

Clause 20—'Information to be contained on the roll.'

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

Page 9, lines 30 and 31—Leave out subclause (2).

This clause deals with information to be contained on the roll. The amendment deletes subclause (2), which provides that the place of residence of a non-resident elector need not be shown on the roll. It is related to some extent to the later provisions of the Bill that deal with the non-resident electors who are eligible overseas electors, the spouse or child of an eligible overseas elector or an itinerant elector or an elector who is imprisoned. There are really two aspects of my reason for wanting to delete this provision. One is that I do not support the concept of non-resident electors, and I will move an amendment to exclude them so, if I am successful in relation to the exclusion of non-resident electors, this subclause becomes superfluous.

However, if I am not successful I still believe that the address of a non-resident elector should be shown on the public roll. The community at large has a right to know the address of any elector, except perhaps in the circumstances of clause 21. It is wrong that a person who claims to be an eligible overseas elector or an itinerant elector or is a prisoner should not be required to show some address on the electoral roll. If I am not successful in excluding those persons from the special provisions under this Bill, I believe that they should be prepared to indicate some address on the electoral roll, if only for the purposes of checking that some information is available about the person whose name appears on the roll. Presumably, the Electoral Commissioner will have an application on file in relation to entitlement to be on a roll, but I understand that that will not be available to anyone who wishes to search for it. All that will be on the roll will be the name of an elector, perhaps marked as a non-resident elector, but there will be no information about the non-resident elector.

I just do not think that that is proper. There ought to be some information to enable people to check that a person is on the roll, *bona fide*. For those two reasons I think it is important to delete subclause (2), whether or not I am successful with my later amendments to remove the special provisions relating to non-resident electors.

The Hon. C.J. SUMNER: The Government opposes the amendment. While I can accept that there is still some argument about the prisoners' status and whether they may or may not be entitled to enrol, there is still the question of overseas eligible voters and their spouses, and itinerants. An address might be available for an overseas eligible voter but it may not be available for an itinerant. The very nature of an itinerant is that such a person may be moving around the State. It almost seems as though the honourable member is striking a blow against a great Australian tradition, enshrined in song and known to all Australians: he seems to have a prejudice against swagmen, who travel around the countryside and who are itinerants. They should be entitled to vote, and we are making provision for them to vote even though they have no fixed place of abode. I therefore ask the Committee to support the Bill as it is, although realising that in respect of prisoners there may be some subsequent amendments that will need to be addressed.

The Hon. R.I. LUCAS: During the second reading debate I raised a number of questions with respect to non-resident electors, in particular overseas electors and itinerants. I guess that in debating this concept substantively now, as the position of the Democrats is obviously pivotal, all our cards ought to be on the table. I seek from the Attorney responses to the questions that I raised during the second reading debate. First, I point out that, in effect, the Bill just stipulates that, whatever the definition is in the Commonwealth Act, basically we are happy with that definition. Reference to the Commonwealth Act indicates that it does not contain just a simple little section: there are some 10 pages of definition clauses defining what is an eligible overseas elector and what they can do. Another few pages refer

to a spouse or a child of an elector, and also to itinerants. That section of the Commonwealth Electoral Act is very complicated and complex. My first question to the Attorney is in relation to our accepting the provision in the Commonwealth Act as is, which is what the Attorney has suggested. Under section 94 (1) *(b)* the definition of eligible overseas electors is:

> Where an elector who intends to cease to reside in Australia, and then not later than three years after the day on which he so ceases to resume residing in Australia, whether in that subdivision or elsewhere . . .

It then outlines the mechanism in relation to being an eligible overseas elector. The point I raise with the Attorney is that, on first reading, it would appear that if an elector in a subdivision in South Australia, say, Unley, decided to go overseas, and that elector indicated that he or she did not intend to resume residence in Unley upon returning to Australia in three years, but intended to live in another State, or perhaps in the Eyre electorate that person could be kept on in the Unley subdivision for three years.

Is my interpretation correct? If it is correct, I really think it is a nonsense. I would have thought that basically people will return after being away for a while and that allowance will be made if they are away for a bit longer than the normal period whereby one loses enrolment. Is my understanding correct? Secondly, does the Attorney think that it is proper with respect to the operation of this provision in a State election? I can see the arrangements working federally, but I refer to its operation on a State basis and ask whether the Attorney thinks that is proper.

The Hon. C.J. SUMNER: I think that is the position. A person who travels overseas may apply to remain on the roll for a particular subdivision despite the fact that the person is overseas for up to three years.

The Hon. R.I. Lucas: There is the possibility of two 12 month extensions. They could be away for up to five years and be voting all that time.

The Hon. C.J. SUMNER: Yes. Until an elector transfers his enrolment from one place to another, if he made application, he would be deemed to be an elector in the subdivision that he was in when he left to travel overseas.

The Hon. R.I. LUCAS: The Attorney now indicates that my interpretation is correct. Does he support the fact that a person residing in Unley could, with no intention at all of returning to South Australia, maintain enrolment in Unley for possibly five years, because of the two extensions of 12 months each, and could continue to vote in Unley when there is no intention of returning to Unley during that five year period? In fact, there could be a couple of elections during that period, without including the possibility of by-elections.

The Hon. C.J. SUMNER: I do not have any real difficulty with that. Under the existing law, I suppose that a person might go overseas without any intention of returning and could still be registered at an address in Unley. I suppose that a child or young adult in the family living with his parents who went overseas could maintain his enrolment at that address.

The Hon. R.I. Lucas: Under the present Act one can delete that person through the normal cleansing process by the Electoral Commissioner's staff.

The Hon. C.J. SUMNER: Provided the Electoral Commissioner picks it up in one of his regular household checks. In principle, I do not see why a person who has a connection with Australia or South Australia should be permanently deprived of his vote if he travels overseas. Obviously there should be some limit to it. The question is where that limit should be imposed. The position adopted in the Bill picks up the Commonwealth provision of three years. It is not unreasonable to provide a vote for people who go overseas for a certain period of time. Certainly, I went overseas in 1974—

The Hon. R.I. Lucas: But you came back.

The Hon. C.J. SUMNER: I am not sure that the Party Secretary was necessarily convinced that I was going to come back.

The Hon. C.M. Hill: They couldn't find you.

The Hon. C.J. SUMNER: It is true that they could not find me, which caused consternation not only to the Party Secretary but to members of my family. The reason that they could not find me was that I had relied on the mail system of the country I was visiting to send letters back home. At that time the mail system was not functioning very well and none of the letters arrived. I subsequently read an article in the paper that was headlined 'Where our mail has ended up' and there was a photograph of a very large room with lots of letters. The newspaper article advised us that they had given up distributing that batch of mail and intended to pulp it. I suspect that that is where my letters ended up.

I would have felt somewhat upset if my absence overseas had deprived me of a vote in the 1974 Federal election, which is when I did exercise a vote. I think that there was also a State election in 1970 when I was away and also exercised a vote overseas. I was away for 15 months on the first occasion and for 12 months on the second occasion and would not have thought that my connection with my home State and country had been sufficiently severed to consider that I should be deprived of a vote. I think that the principle is correct: people who are Australian, go overseas and have ties in a particular State or electorate should be able to participate in the processes of the country in which they are still citizens.

The Hon. R.I. LUCAS: Obviously we disagree on that particular matter and there is really not much point in my pursuing it any further. The Attorney has a major problem in taking holus bolus from the Commonwealth Act a provision and, in effect, transplanting it in a State Act without much thought as to how it applies in South Australia. I have indicated in that area one significant problem, whereas the Attorney concentrates on the person who goes overseas for a short time and comes back to the same area. I can see the intention of the Attorney in that respect, but he does not really respond to the problems of someone who goes away for up to five years not intending ever to return to Unley, but who can, nevertheless, maintain an enrolment and vote in Unley during that five year period.

During the second reading debate I raised the question of the eligibility of a spouse or a child of an overseas elector to vote. I seek an opinion from the Attorney as to whether or not my interpretation of this provision is correct. Section 95 (1) *(a)* of the Commonwealth Act refers to a person who is the spouse or child of a person who is an eligible overseas elector by virtue of section 94. It is then provided that, if that person applies, the spouse can be included to have his or her name placed on the roll for the relevant subdivision and can also be treated as an eligible overseas elector. 'Spouse' is also defined further on in section 95 to include—as many Acts appear to do these days—in effect what we know of as a *de facto* spouse, that is, a relevant person on a permanent and *bona fide* domestic basis. The question I put to the Attorney and the one I raised during the second reading debate concerns an eligible overseas elector in Unley, who then gathers a *de facto* spouse who comes not from Unley, possibly not even from South Australia but perhaps from Victoria, and the *de facto* spouse goes overseas with the eligible overseas elector.

Once again, on my reading it would appear that the said *de facto* spouse could enrol herself or himself on the roll in Unley as an eligible overseas elector and, together with the

first eligible overseas elector, could vote in Unley for a period of up to five years when possibly, if my interpretation is correct, the *de facto* spouse has no connection at all with Unley or, in fact, with South Australia. It does not really indicate whether one may have collected a *de facto* spouse whilst travelling overseas or done so *en route* through Melbourne, taken the *de facto* spouse overseas and then decided to enrol him or her in Unley. Is my interpretation of that provision correct? If so, it raises a second significant problem with the Attorney's or Government's acceptance of this eligible overseas elector provision. Before I expand on the problems with it, does the Attorney agree with my possible construction of that clause?

The Hon. C.J. SUMNER: I believe that the honourable member's interpretation is correct. As usual, the honourable member is seeking to find every possible minor—

The Hon. K.T. Griffin: It's pretty major.

The Hon. C.J. SUMNER: It is not really. There has to be a whole series of events such as a person going overseas without a spouse, a person—

The Hon. R.I. Lucas: You went overseas.

The Hon. C.J. SUMNER: But I did not pick up any spouses along the way—I did not even get near it. They would have to be an Australian citizen to start with, so the honourable member is postulating a position of someone who was not married, went overseas and got married or acquired a *de facto* spouse and who would then be able to enrol that *de facto* spouse in South Australia, if that is the place to which the person intended to return. That is not likely to be a particularly common situation.

The Hon. R.I. Lucas: You only needed one vote in Millicent.

The Hon. C.J. SUMNER: That is true. However, we did not need any votes in Victoria recently. I do not see anything particularly difficult with that proposition. It would be a rare situation. The Bill is designed to cope with the normal position of a spouse of an eligible elector going overseas with a spouse and thereby continuing his or her enrolment in South Australia. What the honourable member says is correct, but if a person is married to a South Australian elector and is an Australian citizen (they cannot be any nationality—they have to be an Australian citizen and not a British subject), I do not see any real difficulty in then giving that spouse the right to enrol to vote in the same way as the spouse who was originally resident in South Australia.

The Hon. R.I. LUCAS: Marginal seats like Unley may be determined by the bare half a dozen votes or perhaps even a vote. We instanced earlier one other possible problem: Unley, which has a high proportion of young people who travel overseas during their late teens or early twenties, is ripe for manipulation by those who might like to manipulate the situation. Let us take the example of half a dozen young fellows from Unley who go overseas, perhaps not intending to return to Unley, but, nevertheless, staying on the roll for five years as eligible overseas voters. They gather together half a dozen Australian citizens of the female gender and call them their *de facto* spouses.

The Hon. C.J. Sumner: It may be the other way round.

The Hon. R.I. LUCAS: I said, 'Let us just take this example.' The definition is 'permanent and *bona fide* domestic basis'. How is the Electoral Commissioner, sitting in his office in Adelaide, to determine the domestic living arrangements of half a dozen young fellows from Adelaide and their *de facto* spouses in Earls Court? They make a claim or go through the appropriate provisions. These young girls might come from Victoria and have no connection at all with the electorate of Unley. I really ask the Hon. Mr Gilfillan, who I know listens to the debate before he votes, to consider the potential for abuse with respect to this provision where one could have a small number of people manipulating the provisions of the Act in this way.

It is not good enough to say that it may not happen much, because we had the instance only 17 years ago in Millicent where a margin of one vote decided a Lower House seat, and we had the instance in this past couple of months in Victoria where the two final candidates tied for a vote. Even if only a handful of voters might manipulate the system in this way, it ought to be of concern to the Attorney-General, I hope to the Electoral Commissioner, and I hope, first and importantly here, to the Hon. Mr Gilfillan with respect to his attitude towards these provisions. The Attorney has indicated acceptance of what in effect are two problems with respect to this provision. I now want to refer to a third, because it appears that the Attorney believes, whilst he accepts that they are problems—

The Hon. C.J. Sumner: Give us all your problems at once.

The Hon. R.I. LUCAS: No, we have to work slowly at this. He does not believe that those problems are significant enough and, as I said, I disagree with that view of the Attorney.

Turning now to itinerant electors, which is the third group of these non-resident electors, I first point out the extremely flexible provisions under section 96 (1) of the Commonwealth Electoral Act with respect to itinerant electors. Itinerant electors have virtually half a dozen choices as to where they may like to enrol themselves for an election. First, they can look for a subdivision for which their next of kin is enrolled: there is a fairly good argument for that. Then, if they have more than one next of kin, it can be one of their next of kin: there is no sort of ranking there. Obviously, that increases the flexibility for the selection of subdivisions in which the itinerant electors may like to enrol.

The other option is where they last had an entitlement: one can see some argument for that. The next provision is where they were born. All of us would know of persons who might have been born in Western Australia and spent all their growing years and adult life in New South Wales. It is iniquitous to allow someone who may have spent six months immediately after birth in, say, our marginal seat of Unley—

The Hon. K.T. Griffin: It may be six days.

The Hon. R.I. LUCAS: Well, we will take six months: we will be generous. Say that person spends 50 years moving through the country areas of Western Australia. The Attorney asks us to accept that that person, after 50 years, can decide to enrol in Unley. Once again, the Attorney's response to that is that it is not likely to be too significant: there may not be very many people. My response is that one vote is enough, and we are talking about a cumulative effect, having looked at those previous provisions.

The next leg of where the itinerant elector can enrol is the broadest of all, because it says that in a case in which there is no subdivision for enrolment for which the person can apply in pursuance of the previous three paragraphs, he or she can enrol in the subdivision with which the person has the closest connection. 'Closest connection' is the term within the Commonwealth Electoral Act that the Attorney wants us to accept for itinerant electors. I can find no definition of 'closest connection'. Let us assume that the person has no next of kin. I am an itinerant person who has worked for 40 years through Western Australia. I happen to have a best friend residing in Unley.

I imagine that the Attorney is wanting us to accept that my closest connection is my closest friend, who is a resident of Unley. Therefore, even though I spent 50 years in Western Australia and have possibly never even lived in South Australia (and I do not know whether that is covered) yet, because I spent 50 years in Western Australia and I have a

best mate in Unley, there is an election coming up in South Australia and my closest connection is my best mate, I will pick off Unley. One has a lovely mobilised voting force here.

We are talking about prisoners picking where they want to vote. Every three years, if there is an election in South Australia, one in Western Australia and one in Victoria, we can operate under instructions and pick off the Unleys of this world, or St Kilda in Victoria, and enrol there. There are some significant problems with respect to the definition in the Commonwealth Electoral Act, for itinerant electors. I appeal to the Hon. Mr Gilfillan to think about notions of fairness when he considers his vote on what is, in effect, going to be a test clause for eligible overseas electors.

I know that the Hon. Mr Gilfillan has talked about notions of fairness in his contributions on electoral matters: it is something near and dear to his heart. I am sure that he would not want the possibility for abuse that the Attorney has already conceded with respect to two provisions.

The Hon. C.J. Sumner: I have not conceded.

The Hon. R.I. LUCAS: The Attorney has conceded, if my construction is correct, that those who might seek to abuse the system can do so. Once again, I put this to the Hon. Mr Gilfillan: clearly, under the itinerant electors provisions, as I just indicated, we can have the itinerant elector picking off electorates such as Unley where perhaps they might have been born 50 years ago; or, not having been born in Unley, they might have their best mate in Unley and that is what they call their closest connection. I appeal to the Hon. Mr Gilfillan to think seriously before voting on this matter.

I do not need to seek an answer from the Attorney on that provision because it is clear-cut and the Attorney can respond if he wants to. I put another question to the Attorney with respect to itinerant electors, relating to the provisions of section 96 (8) of the Commonwealth Electoral Act, which reads:

> Subject to subsection (9) where a person who is being treated as an itinerant elector under this section resides in a subdivision for a period of one month or longer the person ceases to be eligible to be treated as an itinerant under this section on the expiration of that period of one month.

I do not seek to make a point about manipulation in relation to this clause. If we were unlucky enough to have these provisions inflicted upon us, what would be the interpretation of an 'itinerant elector' if the person involved came to Adelaide and spent six weeks or two months in short-term rental holiday accommodation and then returned to his itinerant work as a shearer, returning for another two month holiday the following year? There may be many workers in that situation. On my reading of the clause, that person would cease to be eligible to be treated as an itinerant because he took that holiday in Adelaide for one or two months.

The Hon. C.J. SUMNER: The word 'reside' implies a degree of putting down roots, or some degree of permanency, I would say. I do not believe that, if a person rented a property for the purpose of a holiday in Adelaide, he would lose his 'itinerant voter' status. Everyone is appealing to the notion of fairness, so perhaps I can make an appeal along the same lines. Honourable members have been quick to criticise the notion of 'itinerant voter'. However, if we do not make provision for itinerant voters, then we are disfranchsing people who, because of the nature of their work or their inclination, do not have a permanent place of residence in South Australia or Australia. I have no doubt that that was the basis behind the recommendation for itinerant voters approved for the Commonwealth Electoral Act after a hearing by a Select Committee of the Federal Parliament.

I do not know whether the Liberal Party agreed to the notion of itinerant voter that appears in the Commonwealth Electoral Act, but they did agree to a number of things that went into that Act. I think that the Democrats accepted in principle the proposition of itinerant voter. If the honourable member is talking about fairness, and if he is criticising itinerant voters, then he is saying that those few people, who do not have a permanent residence or place to which they can specifically relate their electoral vote, should be disfranchised.

The answer to the fairness point is that we wish to enfranchise those people who would be disfranchised because of their occupation. I do not believe that there are many people in this category. I also do not believe that the fears outlined by the Hon. Mr Lucas with respect to stacking the rolls in Unley are really of any practical import. There are a number of things that can be done to the electoral laws that are fraudulent. Those things can be done under the existing laws—things such as making up names and people and going along and voting under those names at an election.

The Hon. R.I. Lucas: That is illegal.

The Hon. C.J. SUMNER: That is what I am saying.

The Hon. R.I. Lucas: You're sanctioning it in the Bill.

The Hon. C.J. SUMNER: It would be illegal if one made up the names of itinerant voters.

The Hon. R.I. Lucas: I am not saying that; I am saying genuine ones.

The Hon. C.J. SUMNER: If they are genuine I do not see what the problem is.

The Hon. R.I. Lucas: What if they pick a marginal seat?

The Hon. C.J. SUMNER: they have to have some connection. The alternative is disfranchisement. If you want to talk in terms of fairness, think about what you do with people who do not happen to have a permanent place of residence. I believe that, basically, the propositions in the Commonwealth Electoral Act are satisfactory. I am having further inquiries made about how many people we are talking about, but as I understand it we are only talking about half a dozen people in the State of South Australia at the moment.

The Hon. R.I. Lucas: It has only just started.

The Hon. C.J. SUMNER: True. I do not imagine that there will be large numbers, in any event, but I am having inquiries made. I have now also raised the question in my own mind about why the Commonwealth legislation has this spouse provision. As the Hon. Mr Lucas has taken an intense interest in this matter, he may wish to respond to the query that I now raise as to why the Commonwealth legislation has the concept of a spouse for an overseas eligible voter. That may be another way of resolving the difficulty and overcoming the problems raised by the Hon. Mr Lucas, although I do not see them as being a particular difficulty. It may be that people who enrol as overseas eligible voters should be the individuals themselves. If the spouse leaves South Australia with the individual, with the husband—if the spouse leaves with the spouse—both of them enrol as eligible overseas voters separately; if the children leave with the spouse, they enrol separately overseas.

There may be a problem if a child 16 or 17 years of age leaves with the family for overseas. It may be justifiable to enable them to get on the roll. They may be excluded if it is done that way, and that may be why the family sort of concept was introduced in the Commonwealth legislation. I am willing to postpone consideration of this clause to examine those matters. We might perhaps do it in a way different from the Commonwealth legislation in order to meet the objections of the Hon. Mr Lucas.

If one is talking about fairness, there are circumstances where people ought to be entitled to vote despite the fact that they are out of the State for a period, say, overseas.

Presumably the Agent-General has sufficient connection with South Australia to want to continue to vote. Perhaps that would apply for ambassadors (they are probably registered permanently in Canberra), but they are the sort of people who should be able to vote; they have been able to do so in the past. But doubtless there are other people who go overseas and who are committed to Australia (they are compelled to be overseas), and I cannot see why they should be deprived of a vote. Likewise for itinerants: there is a case in principle for those people who do not have roots in one particular electoral subdivision to be given a vote. We are talking only about a small number of people.

The Hon. K.T. GRIFFIN: Clause 29 deals with the substantive question of who is to be a non-resident elector. It is important to raise that matter in the context of this clause because of the question of the place of residence of a non-resident elector not being required to be shown on the electoral roll. The discussion has identified that there is no precision in the determination of who of these people will be eligible to be on a roll, and be on it on the basis of a *bona fide* principal place of residence within an electorate.

The discussion has demonstrated the potential for abuse where there is no such precision. We are talking not about sentimental aspects of an elector's association with South Australia but about a right to vote and in some instances a right to determine who will form the Government of South Australia and who will or will not be elected in a particular seat. For that reason I place great emphasis on the need for certainty in the determination of who is on a roll. It is not good enough merely to import the Commonwealth provisions with all their defects into the South Australian Electoral Act, and we are not even setting them out in full but merely translating them by reference to the Commonwealth legislation.

I made this point about the Associations Incorporation Bill, and said that we were adopting parts of the Companies Code but we really did not know the detail of what was contained in the Companies Code if one was merely looking at the Associations Incorporation Act, and the same applies in this case. Commonwealth provisions are being translated into South Australian law but we have no control over what is contained in Commonwealth law, because the Commonwealth provisions may be amended by the Commonwealth at some time in the future, and the South Australian Parliament will have no involvement at all in that process.

We are merely adopting what is contained in the Commonwealth Act. That is bad enough, but, as the Hon. Robert Lucas has identified, in the Commonwealth legislation there is a very real potential for abuse in relation to eligible overseas electors, the spouse or child of an eligible overseas elector and itinerants. It is quite possible, under the Commonwealth provisions, for an itinerant person to be on the South Australian roll without having any association at all with South Australia other than perhaps having a friend in this State. It does not define that close relationship with South Australia. That itinerant is entitled to vary the enrolment from subdivision to subdivision, from electorate to electorate, or from State to State and, provided that the itinerant does not reside for more than one month in a particular place, the itinerancy continues: it ends where there has been residency of one month.

Let me put one other point: it is possible for someone who is enrolled in South Australia at a principal place of residence to suddenly decide to become an itinerant. Perhaps with a State election in view in three months, the itinerant may be persuaded to begin to travel, and the moment that occurs, provided that the itinerant can establish a close personal association with an electorate in South Australia, he is entitled to be on the itinerant roll. Therefore, there is very great potential for abuse, particularly in relation to unemployed people or students, and for manipulation of the roll. Some examples of this have been put to me, but we have not been able to establish the facts beyond reasonable doubt. However, there is certainly a strong suspicion that even under the present Act this sort of roll stacking occurs. I acknowledge that that must be established on evidence. However, I see the potential, with the recognition of some of these difficult categories of non-resident elector, for great abuse.

Even though at the moment only a handful of votes might be involved, there is the potential within the law as proposed to abuse the system without committing any offence. That is the concern that I have. It suggests to me a *laissez faire* approach to this very real question of establishing qualification for voting. At the moment the Act sets down a number of conditions precedent to the enrolment. One of those is residence for one month: if one does not reside at a location for one month, although it might be sentimentally harsh to stipulate that that person does not have the right to vote in a certain electorate, the fact is that some criteria must apply. If not, then there is a mess in relation to the electoral process. What I am saying (and I will address this matter again later in relation to clause 29) is that it is important to recognise that there must be certainty and that we must establish a proper basis for enrolment. If residence of one month or more is the basic criterion, I am sorry but if one does not satisfy that, then—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: A basis for voting must be identified. One cannot just say that because one has a sentimental association with an electorate one therefore ought to be on the roll. If one can establish a principal place of residence, one can then qualify to vote in that electorate; if not, one does not qualify. There must be rules and they have to be complied with. There must be a cut off somewhere in relation to those who do not satisfy the rules.

The Hon. C.J. Sumner: Deprive people of a vote—is that what you want to do?

The Hon. K.T. GRIFFIN: It might deprive some people of a vote, but we must establish basic rules on which the right to vote is exercised. This is in relation to the right to vote to determine who will or will not be an elected member of this Parliament, and which Party will be in Government. A handful of votes may be all that is involved, but it is enough.

In relation to clause 20 (2), I do not regard that as being a test clause for the qualification for voting, although I have indicated that if I win that, there will be no need for this subclause. My other point is that if I lose in relation to the provision dealing with itinerant electors, eligible overseas electors, and spouses and children of eligible overseas electors, I do not think it is good enough to have names on the roll with no addresses, because there must be a capacity for challenge if the *bona fides* of electors are in doubt. At the moment the claim for enrolment is not open to scrutiny by anyone who may have an interest in it, and no-one can check whether or not a non-resident elector is *bona fide* on the roll. It is all very well to say that the Electoral Commissioner has accepted, on the face of it, a claim for enrolment, but it is another matter if someone has evidence which suggests that that person is not *bona fide* on the roll and that there ought to be an objection.

My point is that if in some way or other there are to be non-resident electors, there must be some access to the claim for enrolment, or some information about an address or some other information that will enable the *bona fides* of a person to be scrutinised independently of the Electoral Commissioner, as are the credentials of everyone else when they go on the roll. I still strongly oppose subclause (2). If that provision remains in the Bill, and non-resident electors

remain in, I will certainly want to give further consideration later to some additional provisions in the Bill that give access to the claims for enrolment to any citizen who may wish to challenge them.

The Hon. I. GILFILLAN: This clause seems to be turning into an ambit clause, which is a little unfortunate I suppose in so far as applying the decision making as to whether or not the amendment should be supported as it applies to subclause (2). What I have listened to really is probably one of the most persuasive arguments for proportional representation that I have heard, certainly from anyone other than myself. This dilemma would disappear into smoke if we were working with multi-member electorates.

The Hon. C.J. Sumner: No it wouldn't.

The Hon. I. GILFILLAN: Yes it would. It would dilute the influence to a point of inconsequence. The image built up in our minds is one of roving bands of itinerant Liberal or Labor voters moving in and plundering seats at the direction of some manipulating political force.

The Hon. C.J. Sumner: That's nonsense.

The Hon. I. GILFILLAN: Whether or not it is nonsense is for someone else to decide. Not only does it make a very persuasive argument for proportional representation, but it is also a very strong argument against voluntary voting. The very fears so articulately expressed by the Opposition are the exact consequences of voluntary voting when tubsful of voters could be taken to polling booths on wet days, and groups could be enticed to come in. Exactly the same manipulation could occur. I think it is a farce to argue about the effect of a few unfortunate innocuous voters who happen not to have a stable place of occupation or habitation, and who are depicted as being the ultimate threat to the democracy of South Australia. To me, the situation is portrayed out of all proportion. However, I think I understood the Attorney to say earlier that he might reconsider and that he would seek advice. That means usually that he will come back from the Government with a slightly modified point of view. I also understand that there are questions of itineracy: how itinerants will be specified in relation to voting. There may be ways in which this can be defined in a more acceptable way. I hope that will happen.

I believe that a group of people is being portrayed as being of evil intent in manipulating the political outcome of an election. Imputed to those people are most scurrilous motives, and it is implied that they will manipulate what seems to me to be a completely blatant fraud on the electorate to distort the result of an election. It also seems to me that we are being very discriminatory in the value we place on a vote. The fact that someone does not happen to have a house or happens to be moving about will mean that that person stands the risk of not actually having a vote. A vote is a vote is a vote: they should all be welcomed and they should be counted as equally as possible. It seems to me that we are currently engaged in a debate on the right to vote. That right is argued to be denied some people for fear that their vote may upset an election, if their vote relates to a particularly delicate seat. I am not happy with that debate and I have certainly heard enough of it. I am also in the situation whereby I am prepared to hear the extra advice to be obtained by the Attorney. I am also interested to hear positive suggestions from the Opposition as to how one could, with reason, provide requirements for a stronger assurance that certain individuals under the circumstances of which they are so fearful have to comply with certain basic requirements.

The Hon. Diana Laidlaw interjecting:

The Hon. I. GILFILLAN: Let us hope that even they are at risk in the future. I hope that there will be progress. In relation to the amendment seeking the deletion of subclause (2), I am not persuaded to support that. If there are constructive steps that will come from the Government to address the problem, I will listen to them when they are put forward.

The Hon. C.J. SUMNER: I thought that I had adopted a reasonably conciliatory approach to points raised by honourable members, but the Hon. Mr Griffin then decided to launch into an attack on the poor itinerant voter. The Commonwealth Electoral Commissioner has indicated that at the close of the roll for South Australia for the Federal election, eight months after the operation of the Commonwealth Act, there were some 16 to 20 itinerant electors enrolled. In response to the Hon. Mr Griffin, I do not believe that the potential for abuse is as great as he has made it out to be. The potential for abuse presently exists: if people want to abuse the system they can by concocting names, shifting their enrolment around and moving into flats for particular purposes, etc. All of that is not sanctioned by the—

The Hon. K.T. Griffin: You're giving them a legal way to do it now.

The Hon. C.J. SUMNER: We are not giving them a legal way to do it. I appreciate the Hon. Mr Gilfillan's very sensible contribution to the debate to bring us back to what it is all about. Nevertheless, I adopted a conciliatory approach: I said that I would consult with the Parliamentary Counsel about the drafting of the Bill, the picking up of the Commonwealth provisions, and whether or not we need to have them incorporated in our own Act, and I will do that. However, the question is really whether or not clause 20 (2) can proceed in any event. I take it from what the Hon. Mr Gilfillan said that he does not see any difficulty with it proceeding now as it presently is. In those circumstances I will proceed with clause 20 (2) but, when we get to the substance of the amendments relating to itinerants, I will further consider the drafting of the Bill.

The Hon. K.T. GRIFFIN: All that I have been trying to do is point out the potential for abuse. I am not suggesting, as the Hon. Mr Gilfillan said I was, that all those people will be abusing the system. I was pointing out that this is a legal basis for abuse of the system. That is what I am concerned about. If the Hon. Mr Gilfillan is going to support the Government on this provision I make clear that I will further consider moving an amendment that will disclose to anyone with an interest the claim for enrolment as an itinerant elector or an eligible overseas elector. If one does not give that, one is in the position of saying that this group is beyond challenge and the other electors who have their names and addresses on the roll are subject to challenge. I do not believe that that is appropriate. I give notice that I will be seeking to raise that during a later stage in the debate.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. C.M. Hill. No—The Hon. J.R. Cornwall.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. R.I. LUCAS: Clause 20 (1) *(d)* refers to 'such further particulars as may be prescribed'. Is at least one of those particulars a person's occupation?

The Hon. C.J. SUMNER: The particulars envisaged may be occupation, whether one is male or female, one's sex, the subdivisional number, and so on.

Clause passed.

Clause 21—'Suppression of elector's address.'

The Hon. DIANA LAIDLAW: I was pleased to see the addition of this clause. I am sure that many members have been approached about this by constituents, particularly those who have been subjected to domestic violence in such circumstances that the public display of their address on the electoral roll or in any other place makes it extremely difficult for them if they want to start building a new life and want to live without the fear of being pursued.

In supporting this, I wonder how it is envisaged that the Electoral Registrar will be satisfied that the names should not be included on the roll. What is required in the case of, perhaps, domestic violence? Is it legal advice supporting that application? A large number of doctors today do not have their addresses placed in telephone books for fear that people will come to their homes seeking drugs and the like. If supporting evidence was required by the Electoral Registrar to ensure that a name was suppressed from the roll, it might be awkward in some instances for that supporting evidence to be given. What is required to ensure that one's name is suppressed from the roll?

The Hon. C.J. SUMNER: The criteria will be the same as in the Commonwealth Act. We run joint rolls. At the moment, the address can be suppressed under the Commonwealth Electoral Act, but there is no provision for it under the State Act. So, one can have two entries, one without the address and one with it, which is an absurd situation.

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: In accordance with section 104 of the Commonwealth Electoral Act, where a person considers that having his address shown on the roll for which he is claiming enrolment would place the personal safety of himself or members of his family at risk he may lodge with a claim for enrolment or transfer of enrolment a request in the approved form that his address not be entered on the roll for the subdivision for which he is claiming enrolment. So, he would have to apply to have the address deleted and establish some grounds for not having the address shown.

An honourable member interjecting:

The Hon. C.J. SUMNER: Yes, section 104 (3) provides for the person to verify the particulars of the risk by a statutory declaration.

The Hon. DIANA LAIDLAW: The Electoral Registrar would have the address of the elector, but it would not be put in the roll. If the Electoral Registrar was asked by the police or others for that address, would he be empowered to give that address out, or is that guarded against any request?

The Hon. C.J. SUMNER: It would not be information that was publicly available. If it were required for some official purpose it might be. Perhaps this is where the privacy guidelines would need to be invoked. The general proposition would be that if the address was not contained on the electoral roll (that is, suppressed from publication on the electoral roll) it would not be publicly available, even on request by some private citizen. Obviously, the purpose of having it suppressed from the roll would be defeated if an individual could see the name on the roll without the address and then make the request for the address to the Electoral Commissioner. Whether the bureaucratic system would cope with the fact that a request was made for the address of a person and not provide the answer to the request. I do not know. Clearly, the intention would be not to make it available to any person, although there might be some exceptions to that for official reasons.

Clause passed.

Clauses 22 to 25 passed.

Clause 26—'Inspection and purchase of rolls.'

The Hon. R.I. LUCAS: This clause indicates that copies of the latest prints of rolls shall be available for inspection without fee. I will pursue the matter of how these rolls will be made available to members of Parliament and/or political Parties. We touched on this subject when the Electoral Act was last before us. I am quite happy with the procedures with respect to the computer print-out information that is sent to members. In particular, I want to explore one matter before going on to computer tapes. On the last occasion I asked the Attorney what would happen when a member of Parliament sought the electoral roll additions for more than one House of Assembly district.

The response from the Attorney, amid a little to-ing and fro-ing, and a little mirth, was that a House of Assembly member would have to nominate one electorate and he or she would be provided with the information for that district. I ask the Electoral Commissioner, through the Attorney, whether we are down that track yet and whether any members of Parliament have requested information for more than one electoral roll. If so, what provisions have been set in train by the Electoral Commissioner for that request?

The Hon. C.J. SUMNER: I indicated before that a member in the Lower House was entitled to one roll for one electorate—either his existing electorate or an alternative electorate nominated by him. If they are not happy with that, access can be made to the electoral rolls or the street order rolls. I suspect that the rolls referred to in clause 24, and so on, are the official rolls which are the rolls divided by electorates, etc. However, the same rules apply to the street order roll: it will be available to those members who request it for their electorate.

The Hon. R.I. Lucas: For one electorate?

The Hon. C.J. SUMNER: Or for an electorate nominated by them.

The Hon. R.I. Lucas: Only one?

The Hon. C.J. SUMNER: Only one; that is right. That is an entitlement to an existing member of Parliament. If members want access to rolls for other electorates, they will have access to them through the Party leaders in the Upper House, each of whom will get a complete street order roll for the whole State.

The Hon. R.I. LUCAS: To clarify that, the Attorney is saying that no member of the House of Assembly has been provided with a street order listing and an entitlement to updates for more than one House of Assembly electorate.

The Hon. C.J. SUMNER: They are entitled to updates for the electorate that they nominate.

The Hon. R.I. Lucas: Not more than one? That is what I am asking.

The Hon. C.J. SUMNER: To date, none has been provided but the rule is that they are entitled to one electorate and the updates for one electorate.

The Hon. R.I. Lucas: Has there been a request for provision for more than one to one individual and is that being considered?

The Hon. C.J. SUMNER: Yes, there has been a request.

The Hon. R.I. Lucas: Has it been considered?

The Hon. C.J. SUMNER: I have just indicated the policy, and the individual who has made this request will have to nominate one electorate. That may give the honourable member some idea as to what his intentions are.

The Hon. R.I. LUCAS: The second matter to which I refer is the question of access to computer tapes for the electoral roll, rather than the print-outs. During the last debate on the Electoral Act either the Hon. Mr Griffin or I asked whether or not an individual member of Parliament could get access to a computer tape with the electoral information on it from the Electoral Commissioner. Either I or the Hon. Mr Griffin used the example of Mr Peter Lewis (the member for Mallee or Murray Mallee to be). Are negotiations currently taking place between the Electoral Commissioner's staff and political Parties with respect to

provision of computer tapes with electoral information on them.

The Hon. C.J. SUMNER: At the moment that information is not available and will not be available unless there can be an agreed formula for supplying it arrived at with the organisations concerned.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I do not know whether there have been any, but it is intended that there will be some to determine whether or not the tapes can be accessed and, if so, in what form. However, it is not the policy of the Government to provide the tapes (or whatever form the material is in) to individual members of Parliament. One member has made such a request. I do not think it is feasible, just because he has facilities, to make this material available to him. Other members do not have such facilities and are deprived of using the material in that form. I think that if a rule is to apply it must apply across the board to all members equally or to all organisations equally. Discussions are proceeding, I understand, with respect to organisations, but again that will need to be resolved on the basis of the major Parties being placed in the same position with respect to access to that information.

The Hon. R.I. LUCAS: I am delighted to hear that, as I think it is sensible that there be discussions between political Parties and the Electoral Commissioner because this is information that is needed for campaigning in modern times. I hope that some fruit is borne from the discussions with the Commissioner.

Clause passed.

Clauses 27 and 28 passed.

Clause 29—'Entitlement to enrolment.'

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

Pages 11 and 12—Leave out subclause (2).

Subclause (2) relates to the question of provisional enrolment. During the second reading debate I indicated that I did not support the concept of provisional enrolment focusing additional pressure upon those who are 17 years of age and within the educational system.

The other difficulty to which I referred was that if provisional enrolment did gain the support of the Parliament it is not clear that a change in the place of residence as at the date of attaining the age of 18 years would necessarily be picked up and recorded on the electoral roll. I indicated also that I am of the view that there is the potential for abuse of this provision with the enrolment of those between the ages of 17 and 18 years. The Attorney-General might say that there is an opportunity under the present Act for 18-year-olds and over to abuse the system, but I think that that is no argument for saying that we therefore close our eyes to the greater potential where there is the concept of provisional enrolment.

Other amendments on file to this clause relate to eligible overseas electors, itinerant electors, spouses and prisoners. I will address comments to those amendments subsequently. At the moment the question of provisional enrolment is at issue and I see no good purpose at all being served by it but rather some potential for abuse and, more particularly, added pressure on those between the ages of 17 and 18 years during their secondary education.

The Hon. C.J. SUMNER: The Government opposes the amendment. There is no greater potential for abuse in this system of provisional enrolment than there is under the existing system. As I have said, if people want to abuse the system—if there is *nolle fides* (bad intention) involved—that can be done under the existing electoral system. This provision does not add any new capacity for abuse. It is a desirable reform enabling people to enrol provisionally and exercise their right to vote from the day they turn 18, which is the eligible date for voting.

The Hon. R.I. LUCAS: As I indicated in the second reading debate, I take a different view on the matter, and I intend to vote for the retention of the clause. I do not believe that having 17 year olds provisionally on the roll with an address will allow greater abuse than having 17 year olds as they currently are with no record of their residence. Under the present arrangements I see potential, if someone wanted to, to manoeuvre 17 year olds around, whereas, if we have a record of their provisional enrolment there is at least that record and the Parties, if they wish to, can seek to object.

The more positive reason for supporting it is that the period between the closing of the rolls and election day can vary between 17 and 44 days, and there would be a number of provisional 17 year olds who would turn 18 during that period and who would be entitled to record a vote. For those two reasons and others to which I alluded in the second reading debate I intend supporting the subclause.

The Hon. I. GILFILLAN: We welcome this clause and certainly oppose the amendment. Any initiative that will encourage the interest and the participation of the young in the voting and electoral system is enthusiastically received by the Democrats. In the past, painful aspects of our electoral have been cynicism and disinterest. If this subclause provides a way in which young people can be encouraged to take an active and thoughtful part in the electoral process, it has obviously got nothing but good to offer to the eventual Government of South Australia and, therefore, I am at a loss to see the motive for the amendment, which seeks to delete the subclause.

The Government is to be congratulated on taking this initiative and I hope that all political Parties will encourage people who are 17 to enrol so that they can feel that they are going to pay a vital part. It does not matter which political Party it is for which they vote: it means that they have started to feel part of the electoral system and part of the society. It is an important provision in the Bill.

The Hon. K.T. GRIFFIN: In the light of that indication, if I lose on the voices I do not propose to call for a division, because obviously I will not have the numbers, but I still strongly support the amendment.

Amendment negatived.

The Hon. C.J. SUMNER: Subclause (3) deals with eligible overseas electors and itinerant electors, and subclause (5) deals with prisoners. I indicated in the debate on a previous clause that I would consider the drafting in relation to overseas electors, and obviously in the light of the second reading debate there is considerable controversy about the provision relating to prisoners. I would therefore like to consider this matter further.

Consideration of clause 29 deferred.

Clauses 30 and 31 passed.

Clause 32—'Duty to enrol.'

The Hon. K.T. GRIFFIN: This is a very important clause. The Act does not require a person who satisfies the criteria to enrol, so there is no compulsion to enrol on any person who is an Australian citizen or a British subject in the circumstances referred to in clause 29, who is not of unsound mind, whose principal place of residence is within a subdivision, and who has lived in that subdivision for one month preceding the date of claim for enrolment. However, once there is enrolment, under the Act voting is compulsory. It is important to distinguish between the two—on the one hand, voluntary enrolment and, on the other hand, compulsory voting.

Under the present Act, if a person is enrolled but transfers his or her residence to another subdivision, there is an obligation to notify the returning officer of that change. Having notified the returning officer of that change, a person transfers his entitlement to be enrolled for a particular subdivision. This clause makes it an offence not to enrol. If a person does not want to be enrolled or to take an active part in the political process but nevertheless satisfies all the criteria for enrolment, if he decides to exercise freedom of choice and either enrols or does not enrol as the case may be, and if enrolment is not chosen, an offence is committed and a penalty of up to $50 is imposed.

It is a defence to the charge for the defendant to prove that his or her non-enrolment does not result from a failure on his or her part duly to make a claim for enrolment or transfer of enrolment. That is not much of a defence; it merely means that someone has lost the papers or failed to process them, so the obligation is still there to enrol. I find it objectionable that a citizen who has decided not to take up the right to vote by claiming an enrolment should be penalised for exercising that choice. That is why I am very much opposed to the introduction of compulsory enrolment in this legislation.

If the Bill is passed (and I hope that it will not be) when the Liberal Government is in office we will certainly give close consideration to repealing it, to put the enrolment provisions back on the same footing as exists in the present Act. There should be a recognition of a right of choice, and no penalty should be prescribed where a person decides not to enrol or takes no action to enrol. I will oppose the clause and then seek to insert a declaratory clause that enrolment is not compulsory. As I have said, that is not to be confused with the different argument in relation to compulsory or voluntary voting.

The Hon. C.J. SUMNER: I support the clause. Enrolment is compulsory in the Commonwealth and in every other State in Australia. South Australia is the only State without compulsory enrolment. We run joint rolls, and the whole system of electoral enrolment in Australia is based on Commonwealth/State co-operation. We have an absurd situation where a person who does not enrol on the Commonwealth roll is guilty of an offence, although a person who does not enrol on the State role is not. Given that there is compulsory Commonwealth enrolment, this amendment is of very little consequence in stipulating that the State should have voluntary enrolment.

The Hon. K.T. GRIFFIN: Just because the Commonwealth has compulsory enrolment does not mean that we have to go for it. Presently we have voluntary enrolment, and why should we not maintain that principle, which gives an individual the right to determine whether or not he or she should enrol? The very fact that there is compulsory enrolment at the Commonwealth level does not mean that we should accept it; nor is it an absurd position for the two systems to be different. It just means that somewhere—and in this instance in the State arena—just one little element of freedom of choice is recognised, and I think that ought to be maintained.

The Hon. I. GILFILLAN: The Democrats support compulsory enrolment. We have also indicated our support of what I would prefer to call the obligation of people to attend the polling booth with the proviso, which is an essential requirement, that a voter must have the option to abstain from marking a ballot paper. Two completely different principles are involved in this issue. First, there is the matter of encouragement and, as most people know, in these circumstances encouragement means an obligation to attend and to have the opportunity to exercise some degree of responsibility as a member of a community deciding who will govern the community and what form legislation will take to control it.

It is an integral part that, having obliged people to do that, we do not make them go through the farce and insist that everyone who fronts up wants to mark the voting paper in a meaningful way. It shows great disrespect if the law of Parliament is used to coerce people to go to the polling booth and then insist that they express an opinion. That is carrying it into idiocy, and it gives Parliament a dominance beyond the powers that I believe it should have. I have explored the argument of why it should be voluntary, and I do not intend to repeat it.

It is quite obvious that one does not have less of a right to participate, nor does one feel any less the consequences of not participating because a voter for various reasons (which are too wide to mention) may or may not go to a polling booth if it is on a voluntary basis. I am thoroughly convinced that voluntary voting is left too much to the vagaries of forces which are beyond the control of people or individuals and cannot be relied on to provide a dependable display of what a community wants on a voluntary voting basis. I insist again that it is the basic right of any individual who has complied with that requirement to then say with dignity that they do not wish to participate in the expression of an opinion on the ballot or that they do not have an opinion to express. That can be done by leaving a ballot paper unmarked. That will comply with the law and will satisfactorily fulfil the obligation for our requirements. That is why we feel that the clause for compulsory enrolment is an essential part of the Bill.

The Hon. K.T. GRIFFIN: I will not get into a debate on voluntary voting at this point. I think I should place on record that I certainly do not agree with the Hon. Mr Gilfillan. If someone is compelled to attend at the polling booth, that in itself is a breach of their basic right to say that they do not want to be bothered or they do not want to vote for any candidate. The compulsion is a breach of an individual's right. That is what concerns me. I think there is a compromise in what the Hon. Mr Gilfillan is saying: on the one hand a citizen must be compelled to attend at the polling booth and then is not obliged to mark his or her ballot paper; on the other hand, I do not think there is any logic in compelling people to attend at the polling booth. We will debate that in a later clause when the whole question of voluntary voting can be explored in detail.

The Hon. C.M. HILL: I place on record my very strong support for the retention of the present system of voluntary enrolment for this Chamber. It has been the traditional approach to the system. In my view, it has not in any way caused problems which have required change. It is a great pity—simply based on the argument that the rest of Australia does it, therefore we must do it also—to see a change such as this being brought about by the action of the Government. There is no need for change. Our constituents in South Australia have lived with the system of voluntary enrolment, and I think the reasons put forward by the Attorney cannot be justified, because there has not been a public call for change—not at all. It is one of those things where Governments say that for the sake of uniformity the whole country should be brought into line. That is no strong argument at all.

In relation to the point made by the Hon. Mr Gilfillan, it does not seem to me very logical for him to pursue a policy to compel people to attend the polling booth but at the same time say to them that, having attended, they need not cast their vote. If his Party's policy was thought through a little more that would appear to be quite illogical. Why compel people to go to a booth when one takes the second stage of saying that, having arrived there, they can maintain

their dignity by not casting a vote? If a person raises the matter of his dignity, then it should be involved in his free decision of whether or not he wishes to go to the booth.

The Hon. C.J. Sumner: Then you hound him all day, drive cars up to his door, and say, 'You haven't been to vote. Are you coming out? You have always voted Liberal. Come on, hop in.' You know the way it goes with voluntary voting. It really is quite a—

The Hon. Peter Dunn: Come on!

The Hon. C.J. Sumner: That is what happens. If you have ever been in a country where there is voluntary voting you would know that is what happens.

The Hon. C.M. HILL: The Minister need not tell me about the practices of voluntary voting. I have been involved at local government level in the voluntary voting system, and not at a little ward in a suburb.

The Hon. C.J. Sumner: Driving up in your Jag, picking up the electors, taking them to the booths, marking them off, and chasing them up at 5 o'clock.

The Hon. C.M. HILL: The Minister is really being quite silly and going off on a tangent. As it happened I did not take any part in the actual procedures of the day.

The Hon. C.J. Sumner: That is what happens. I was not being personal.

The Hon. C.M. HILL: I see nothing wrong with reminders being given to people who have not voted. In fact, it can be a service by campaign supporters in case constituents who intended to vote have forgotten to do so. There is nothing wrong in giving a courtesy to an elector by reminding him or her that they have not voted during the day.

The Hon. C.J. Sumner: Turning up with the car to get them.

The Hon. C.M. HILL: I have never been involved in turning up in the car to get them. Of course, that can be precluded by law anyway.

The Hon. C.J. Sumner: That is what happens.

The Hon. C.M. HILL: Well, the Minister can preclude that by law. In relation to the argument of hounding people, for two or three weeks prior to the election people have pamphlets put in their letterbox practically every day and people knocking on doors trying to gain their support. Perhaps the Minister would like to cut that out too because of people being hounded.

The Hon. C.J. Sumner: It is a different matter.

The Hon. C.M. HILL: It is not a different matter at all.

The Hon. C.J. Sumner: Yes it is. One concerns the provision of information about an election and the other concerns going along, offering to take people from their home to the polling booth, and perhaps offering them some other inducement in the process.

The Hon. C.M. HILL: That is all in the Minister's mind.

The Hon. C.J. Sumner: It is not. I have seen it happen.

The Hon. C.M. HILL: I have not.

The Hon. K.T. Griffin: You must have been pretty close to it.

The Hon. C.J. Sumner: I was. It was in the United Kingdom. I was there.

The Hon. C.M. HILL: In the local government situation here some cars were involved. During the canvassing period leading up to voting day some ratepayers who had difficulty in walking to the polling booth—elderly people and some invalids—had requested the candidate's supporters to come and kindly take them to the polling booth. It was a service—not a matter of people being hounded.

People requested it. The supporters of some candidates provided that service to those people. That could be construed as being improper, but it can also be a fair, reasonable and quite just service on election day. I was not wanting to get into the debate of voluntary voting or otherwise. I was drawn to comment upon the Hon. Mr Gilfillan's reason. I feel bound to say that it is totally illogical to force a citizen down to the booth under penalty, then say to him, having forced him down there by law, that he can retain his dignity by not casting his vote when, if we supported voluntary voting we could say to that same constituent that he could retain his dignity and democratic right not to be compelled by not enrolling, and then not going to the booth to cast his vote if he wished to adopt that course.

I get back to the point that I wanted to place on the record, namely, that the traditional feature of our system in the Legislative Council of having voluntary voting is being thrown overboard by this Government without any good reason, in my view, and without a call for change coming from the people.

The Hon. R.I. LUCAS: I do not want to add anything more to the argument of voluntary enrolment. I support the views of the Hon. Mr Griffin and other speakers. It appears that the Government has the numbers for the retention of the clause. Clause 32 (2) provides that if a person is not enrolled at the expiration of 90 days from the commencement of this Act he shall be guilty of an offence and liable to a penalty not exceeding $50. Many people of 40 and 50 years of age have spent many years happily unenrolled. The provisions of clause 32 (2) *(b)* mean that they have 90 days to get themselves on to the roll.

The Hon. K.T. Griffin: Otherwise they will be dragged to court—common criminals.

The Hon. R.I. LUCAS: Otherwise they will be guilty of an offence and liable to a penalty of $50. Some have gone on for 30 or 40 years happy not to be enrolled because they made that decision. Under this provision, which it appears will be going through with the support of the Democrats, these people will be guilty of an offence and liable to a penalty. That is unfair on those people who may be blissfully ignorant of the proceedings of the Parliament. The Electoral Act discussions have not been prominently highlighted in the media or the press and it is likely that the matters that will attract some public press comment will be other more controversial matters than this provision. It will mean that most people will be blissfully ignorant of this provision.

What can the Electoral Commissioner or Government do to at least give these people who have chosen not to be enrolled a fighting chance not to be found guilty of this offence and fined $50? Is there any intention of an advertising campaign by the Electoral Commission to give these people a fair go, or is there any other way of the Electoral Commissioner giving these people a fair go of not being caught, charged with an offence and fined $50?

The Hon. C.J. SUMNER: The practice adopted by the Electoral Commissioner is to give people not enrolled the opportunity to enrol before initiating any court proceedings. There will be some kind of advertising campaign to encourage people to enrol, pointing out their obligations under the law. That will be started at some stage.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Part of the problem with starting a campaign of that kind is that immediately members opposite will anticipate an early election. They will go off to the press: the press will then speculate and everyone will be worried about having an early election. If there is any reluctance on the part of the Government to start an enrolment campaign early it is because of that.

The Hon. R.I. Lucas: You have to do it within 90 days.

The Hon. C.J. SUMNER: As I said, the Electoral Commissioner will give people who he finds are not on the electoral roll and who should be on it the opportunity to enrol.

An honourable member interjecting:

The Hon. C.J. SUMNER: There is still the discretion that the Electoral Commissioner exercises in any event

whether to prosecute for not voting. This sort of legislation is administered reasonably flexibly, as the Hon. Mr Griffin knows. The practice that the Electoral Commissioner adopts is that if the person is not enrolled he gives them the opportunity to comply. There will be an advertising campaign: there is that obligation on the Electoral Commissioner to point out the obligations for enrolment under the Act and to encourage people to get on the roll. The Commonwealth ran a campaign before the last Federal election over a considerable period before the election, encouraging people to enrol. We, obviously, will try to do the same thing.

If the honourable member can guarantee that when the ads start he will not make a prominent announcement suggesting that this is all because we are having an early election, I will guarantee an early start (the press are not here—bad luck!) to the advertisements. We have that obligation, and I hope that it would be seen as fulfilling an obligation rather than as getting prepared for an early election, which to my knowledge at least—I am not privy to these things—would be a matter for the Premier, who has already indicated that it will be some time between October and March.

The Hon. K.T. GRIFFIN: That discussion has prompted me to ask one other question: if at the commencement of this Act, if this clause goes through, there are 90 days within which to enrol, it means that at the expiration of 90 days anybody who has not enrolled is guilty of an offence. The Minister has indicated that the Commissioner has a discretion. Will the Minister propose in the advertisements the granting of an amnesty because there is a chicken and egg situation: people who have not enrolled within 90 days have committed an offence; if they enrol they are liable to be prosecuted? Is an amnesty proposed? That will have to be a decision not just of the Electoral Commissioner but of the Government.

The Hon. C.J. SUMNER: I would not suggest prosecution of anyone who has complied with the legislation. The Electoral Commissioner's approach to these matters, as I understand it, is to give people the opportunity to comply and, if they comply, not to prosecute. If they do not comply and there is wilful disregard of the law, that is when a heavier hand has to be invoked.

The Hon. K.T. GRIFFIN: The other area of questioning relates to conscientious objection to enrolment. There is a provision in clause 88 (7) in relation to compulsory voting where there is a valid and sufficient reason for failing to vote if the elector had a conscientious objection based on religious grounds to voting at an election. As I understand it, some persons have religious beliefs that wouild be even against compulsory enrolment as indicating submission to a temporal power. What does the Government propose to do about those who will have conscientious objection, based on religious grounds, to compulsory enrolment?

The Hon. C.J. SUMNER: The Electoral Commissioner has had discussions with religious groups that have conscientious objection to voting but apparently they do not have a conscientious objection to enrolment.

The Hon. R.C. DeGaris: There may be some.

The Hon. C.J. SUMNER: There may be some, but it has not been drawn to the Government's attention. Therefore, there is no need to address it. The conscientious objection provision has been put in with respect to voting, and that is sufficient.

The Committee divided on the clause:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. J.R. Cornwall. No—The Hon. Diana Laidlaw.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 33—'Notice of change of address.'

The Hon. K.T. GRIFFIN: I will not proceed with my amendment to this clause because it is consequential on my amendment which has just been lost.

Clause passed.

Clause 34—'Limitation of proceedings.'

The Hon. K.T. GRIFFIN: The amendment that I was to move to this clause was also consequential to the one moved to clause 32 and, in the light of my failure in relation to that amendment, I will not move my amendment to this clause. The same applies to my further amendments to this clause.

Clause passed.

Clause 35—'Right of objection.'

The Hon. K.T. GRIFFIN: The present Act provides for the sum of $1 to be paid with each objection lodged. That amount is probably adequate, although it has been in the present Act for some time. My proposed amendment removes the words 'the prescribed sum' and inserts 'five dollars'. I am not worried what the amount is, but it seemed to me that this matter ought to be raised. I do not want to see a prescribed sum in the regulations, as part of a whole range of regulations, which is a large amount and which means that we either disallow all the regulations or none at all when the matter comes before the Council. Will the Attorney indicate the amount that he envisages being included in the regulations as the prescribed sum.

The Hon. C.J. SUMNER: The proposition is for $2.

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

Page 14, line 18—Leave out 'the prescribed sum' and insert 'two dollars'.

I think that it is preferable to have the figure included in the Act because the right to object is a fairly important one, and to have the amount identified in the Act is an important ingredient of that right, which may be discouraged if at some time the regulations are amended to put an inordinately high sum on the right to object.

The Hon. C.J. SUMNER: I do not think that there is any point in making a fuss about this matter. The amount of $2 appears in the Commonwealth Act. The real objection is to having these sorts of sums included in legislation. I find quite unnecessary this sort of obsession held by the Opposition of putting into a Bill almost every little monetary amount in the legislative framework.

The monetary amounts should appropriately be dealt with by regulation. If they change we have to bring in a Bill to amend such a sum from $2 to $3 or whatever, and it seems unnecessary. However, as it is in the Commonwealth Act, as it is not much used and as it is a clause of no great consequence, we will not oppose the amendment.

The Hon. I. GILFILLAN: I am persuaded by the shadow Attorney's argument. It seems to be quite consistent, because penalties are put in legislation.

The Hon. C.J. Sumner: It is not a penalty.

The Hon. I. GILFILLAN: The figure is relevant, in the context. It acts as a measure of sincerity and significance as far as the gesture goes, and I think it is properly placed in the Bill. I have seen Bills brought through this place at a rapid rate. I am sure there will be other matters that will require amendment in due course and, as inflation continues, if it does have an effect on the $2 I do not see that as a problem. I support the amendment.

Amendment carried; clause as amended passed.

Clauses 36 and 37 passed.

Clause 38—'Interpretation.'

The Hon. K.T. GRIFFIN: Clauses 38 to 48 all relate to the registration of political Parties. I intend voting against all of them, although I suggest that clause 38 be a test of the Committee's attitude in regard to the other clauses as well. I have a basic objection to the registration of political Parties. In the community those who wish to group together in a formal political Party or promote a particular candidate or for a particular course of action should be able to freely meet and embark upon a joint endeavour to promote a particular cause without being required to register.

I recognise that the registration of political Parties is relevant in the context of this Bill only to the appearance of the political Party names on the ballot paper, but I see it as an undesirable step in a direction that may well lead at some future time to a greater level of control over political Parties, to a greater level of intrusion into their affairs and to an ultimate move towards public funding of political Parties.

I recognise that that is not in the Bill, but the moment we get to the point of registering political Parties there will be the potential to embark on that course. That is objectionable. I do not support the public funding from the public purse of political Parties. I believe that if political Parties or groups want to promote a particular clause, it is not for them to require the taxpayers to contribute from taxes to the presentation of points of view. There are arguments against that, but I believe that that funding is basically wrong and that it should be resisted at every available opportunity.

With the funding of political Parties comes a high level of intrusion into the affairs of those Parties, such as investigations, inspections, requirements to produce documents and papers, and a whole range of things, and that is another major reason why public funding should be resisted. The moment the State or State officials become involved in the investigation of political Parties we will be on the downhill slide towards a greater level of State interference in the political process. One of our great strengths is that in the political process we are able to accommodate a range of political Parties, some large, some not so large and some minor, but all presenting a point of view and with a capacity for public comment and criticism and for public debate on the issues that they raise, the objectives that they pursue and the policies that they present, if, in fact, they present policies. We should do as much as we possibly can to ensure that the freedom to associate and to join together in political Parties or political groupings is retained.

It is interesting to note that in some respects there is a measure of Government intrusion in this Bill because, if the Electoral Commissioner is satisfied on reasonable grounds that the membership of a Party which has been registered but which is not a Parliamentary Party has been reduced to fewer than 150 members, deregistration can occur. There must be a measure of involvement by a State official in determining whether or not a registered political Party has 150 members and, if not, whether it ought to be deregistered. Likewise, in the first instance the Electoral Commissioner must be satisfied before registration occurs that a political Party other than a Parliamentary Party has at least 150 members.

For those reasons, registration of political Parties should be strenuously resisted. There is some argument in favour of political affiliations being shown on the ballot paper, and if that could be achieved without registration of political Parties I would not be so fervently opposed to the concept. However, it seems to me that there has to be a registration process, otherwise there is no way of determining Party affiliations. I resist as strenuously as I can the concept of registration of political Parties for the various reasons that I have indicated and because of the potential, which is apparent, for a greater level of involvement in those political Parties by the State and ultimately funding of political Parties by the State. One must remember that it is Labor Party policy to have that public funding, although, as I have indicated, I very much oppose that concept. I indicate opposition to clauses 38 to 48 on those grounds.

The Hon. C.J. SUMNER: I support the provisions of the Bill. We are not debating a matter involving public funding at this moment, and if we do so that matter can be dealt with at some other time. The registration of political Parties is necessary to secure the placement of the name of the relevant political Party next to the candidate on the ballot-paper. That is basically the issue before us at present. Without registration it is not possible to put that policy into effect. I do not see anything particularly undesirable about the registration of political Parties. If a political Party incorporates, for instance, it is subject to some degree of public regulation. As I said in reply to the second reading debate, I suppose that political Parties are very much a part of our democratic system. It would be living in another world to suggest that they could be ignored. They cannot be ignored and, accordingly, I believe that this provision is desirable to allow the placing of the names of political Parties on ballot-papers. Whether this will lead to any other legislation relating to political Parties is not a matter before us at the moment, and the future will have to deal with that.

The Hon. R.I. LUCAS: As I indicated in the second reading debate, I support the procedure of placing the names of political Parties on ballot-papers. I think that is a very worthwhile reform. During my 13 years involvement in politics, I have been asked many times by people from all around South Australia why ballot-papers cannot show Fred Bloggs as Liberal candidate and Joe Smith as Labor candidate instead of just having the name of a person with no indication of which Party that person represents. I support this innovational change. In doing so, I have to support the registration of political Parties. Therefore, I will support clause 38 and subsequent clauses in supporting the concept of Party affiliations on ballot-papers. Clause 39 stipulates that an eligible political Party may be registered. On my reading of the legislation, there is no compulsion in relation to registration, and there is a choice for an eligible political Party: is that correct?

The Hon. C.J. Sumner: Yes.

The Hon. R.I. LUCAS: To enable me to support what I see as being a very worthwhile change to enable Party affiliations to be shown on ballot-papers, I support this provision for the registration of political Parties.

The Committee divided on the clause:

Ayes (10)—The Hons Frank Blevins (teller), G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, R.I. Lucas, K.L. Milne, and Barbara Wiese.

Noes (7)—The Hons J.C. Burdett, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, and R.J. Ritson.

Pairs—Ayes—The Hons J.R. Cornwall and C.J. Sumner. Noes—The Hons M.B. Cameron and L.H Davis.

Majority of 3 for the Ayes.

Clause thus passed.

The CHAIRMAN: Does the Hon. Mr Griffin wish to speak to the next clause?

The Hon. K.T. GRIFFIN: When I spoke to clause 38, I indicated that I would regard it as a test. It is quite obvious that the majority of the Committee supports registration of political Parties and, therefore, there is no point in opposing by division clauses 39 to 48.

Clauses 39 to 48 passed.

Clause 49—'Issue of writ.'

The Hon. I. GILFILLAN: Subclause (2) *(b)* provides:

... an election to fill a vacancy in the membership in the House of Assembly is declared void by the Court of Disputed Returns, the Speaker of the House of Assembly may issue a writ for a by-election.

I move:

Page 20, line 1—Strike out 'may' and insert 'shall'.

I believe that that should not be an option, and it should be a direction to the Speaker of the House of Assembly. My amendment would replace the word 'may' with 'shall', so that it reads:

The Speaker of the House of Assembly shall issue a writ for a by-election.

I hope that my amendment improves the meaning and clarity of the Bill.

The Hon. C.J. SUMNER: What the honourable member says is superficially attractive. I understand that this sort of provision is already in the existing legislation. If a by-election is indicated but may be only a week or two off a general election, there is some flexibility for the Speaker to defer the issuing of writs for the by-election to allow it to coincide with the general election. I understand that there is some authority on this point of what discretion the Speaker has under a similar clause although I do not have that material presently with me.

The Hon. K.T. Griffin: It is in the present Act.

The Hon. C.J. SUMNER: This formulation is in the present Act, that is what I am saying. Clearly, the situation of a Speaker not in any circumstances issuing a writ for a by-election would create a position where the Speaker would be subject to some kind of—

The Hon. R.C. DeGaris: It would be a constitutional problem.

The Hon. C.J. SUMNER: That is right; he would be subject to some king of censure in the House of Assembly. If a Government sought to maintain the Speaker in a position that was completely untenable, where no general election was imminent, and where it was clear that the Speaker was avoiding the issue of the writs for political purposes, then the means of attacking that would be in the House of Assembly.

The Hon. I. GILFILLAN: As I read it, 'shall' would not give any particular injunction as far as time goes; it just means that the Speaker is obliged to issue a writ. It is quite within his powers of authority to declare that he will issue that writ because of the imminence of a general election. Recognising that the Speaker has this responsibility will not preclude him from exercising some discretion as to the timing of it.

The Hon. C.J. SUMNER: It has not caused any difficulties up to date, with the formulation of the existing Act.

The Hon. K.T. Griffin: 'Shall' is in the existing Act. That is what I meant when I interjected.

The Hon. C.J. SUMNER: I do not suppose that there is any problem.

The Hon. R.C. DeGaris: I must agree with you. I think that 'may' is the right interpretation for the legislation. Perhaps I am wrong, too.

The Hon. C.J. SUMNER: Section 50 of the Act is in terms more or less identical to the proposition put forward by the Hon. Mr Gilfillan. On the face of it, the only argument I can see for giving the Speaker any greater discretion is that he could hold on to the election if there were some reason such as the imminence of a general election, but I suppose that, with the way the present Act is formulated, there would be some discretion in any event as to when the Speaker would issue the writ. There is a reference to a casual vacancy occurring and the Speaker of the House of Assembly issuing the writ after giving two clear days notice to the Governor of his intention to do so. It does not say when he shall issue the writ on a casual vacancy occurring, but I do not suppose that that means that the instant the casual vacancy occurs the Speaker shall issue a writ. There must be some discretion, and I assume the same discretion would apply under clause 49. I do not know whether there are any drafting reasons why 'may' has been inserted instead of 'shall'.

The Hon. K.T. GRIFFIN: There is a problem. As I interjected, the amendment which the Hon. Mr Gilfillan is moving would then bring clause 49 (2) into line with the provisions of section 50 (2) of the present Act. Would the solution be to provide that the Speaker shall issue the writ, not fixing a time frame within which that should occur, and then add some additional provisions to accommodate the possibility of a writ being issued by the Governor for a general election? If a writ is issued by the Speaker and within a short time a writ is issued by the Governor for a general election, it will supersede the writ issued by the Speaker and leave it open as to exactly when the Speaker should issue the writ. I have known, even in the current Parliament (or certainly the last one), of writs having been issued after a period of weeks rather than days after a vacancy has occurred. There is some flexibility there.

However, if the Court of Disputed Returns, for example, declares a vacancy, it is unlikely that there will be a general election, particularly under the fixed term provisions being considered at the moment in respect of the Constitution Act, and in those circumstances the Speaker should issue the writ. In relation to another casual vacancy, the Speaker should issue the writ unless the Governor issues a writ for a general election or, if there is no such writ for a general election, in the event that it is subsequently issued it will override the writ issued by the Speaker.

The Hon. C.J. SUMNER: Parliamentary Counsel advises me that in his view it is preferable to have the discretion in the Speaker. The normal law would mean that the Speaker would have to issue the writ within a reasonable time, if the matter were ever challenged in the courts, as it might be, but it gives the Speaker that discretion to cope with the unusual situation that may arise such as an impending general election or whatever. It would appear that the Hon. Mr Griffin and the Hon. Mr Gilfillan are in agreement on this matter.

The Hon. K.T. Griffin: Largely so, but I was suggesting some variation in the wording to accommodate the various contingencies that have been raised.

The Hon. C.J. SUMNER: I will accede and bow out gracefully at the moment, but give further consideration to the clause before the matter is considered in the House of Assembly.

Amendment carried; clause as amended passed.

Clause 50—'Contents of writ.'

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

Page 20, line 15—Leave out 'seven' and insert 'five'.

My amendment relates to the time specified in the writ for the closing of the rolls. The Bill provides that the writ is to fix the date and time for the close of the rolls, and the date for the nomination, the polling and the return of the writ. The date and time for the close of the rolls is to be not less than seven days nor more than 10 days after the date of the issue of the writ. The date fixed for the nomination is to be not less than three days nor more than 14 days after the date fixed for the close of the rolls and the date fixed for the polling must be a Saturday falling not less than 14 days nor more than 30 days after the date fixed for the nomination, so that under the provisions of the Bill my calculation is that between the date of the issue of the writ and polling day a minimum of 24 days must expire.

The Electoral Commissioner in his report recommended five days from the date of issue of the writ to the close of

the rolls, and my amendment is to accept that recommendation so that the date for the close of the rolls is to be not less than five days nor more than 10 days after the date of the issue of the writ. That would mean that instead of 24 days between writ and polling it would be reduced to 22. The five day minimum period would be adequate to enable those who wish to get on to the rolls at the last minute to do so.

I recognise that the two days notice that is in the present Act is inadequate and I indicated that during the second reading debate, but there is a little more flexibility if there is not less than five days nor more than 10 days and, as I say, it picks up the recommendation of the Electoral Commissioner.

The Hon. C.J. SUMNER: The Government opposes this. We believe that a minimum of seven days should apply to enable people to get on the rolls from the time of the issue of the writ for an election, which usually coincides more or less with the announcement of the intention to go to the polls. In the past there has been substantial criticism of the issue of writs at, say, midday on a particular day and the close of rolls at 5 p.m. That sort of thing leaves a bad taste in people's mouths.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Sure, but that sort of situation has occurred Federally: it occurred in the March 1983 Federal election when there was strong criticism of the Fraser Government's action in that regard. The seven days is a full week, including a weekend. That is really a substantial justification for it, because it enables all Parties, canvassers and electors the opportunity to get their voting enrolments in order. It gives them ample time, including the weekend, to do that. The five days is too restrictive.

The honourable member is not correct when he says that there would be 24 days from the issue of writs to the polling day, depending on whether one counts the day of the issue of the writ and the polling day. If one counts both those days it would be 28 days, because days in between have to be clear days. The issue of the writ would be one day and there would be seven clear days between that and the close of the rolls, another three days between that day and the close of nominations and another 14 days to polling day. If one includes the date of issue of the writs and the polling day it is a minimum of 28 days. I strongly urge the Committee to accept the seven days as being a reasonable time.

The Hon. I. GILFILLAN: What authority actually picks the date at which the rolls close?

The Hon. C.J. SUMNER: The Bill provides for the Governor, in the case of a general election, who acts on the advice of Executive Council, and so the Governor determines the dates at which the writs are issued, and the other dates with respect to the election, the close of nomination, and the close of enrolment and election day.

The Hon. K.T. Griffin: And the Speaker—

The Hon. C.J. SUMNER: And in relation to a by-election in clause 49 (2), it is the Speaker who issues the writs.

The Hon. I. GILFILLAN: It is obviously an issue that should not take too much time of the Chamber, but it seems as if there is a suspicion that the lower limit will be used for some means or other, which is to someone's disadvantage. If it were from five to 10 there is a range and if the Government of the day has the right to choose that time it could be chosen, one assumes, unfortunately, that the Government of the day will choose it to its own advantage.

The Hon. C.J. Sumner: It's better to narrow the range.

The Hon. I. GILFILLAN: May be. If it is five week days it is rather effective, and seven days adds no more to that, only a weekend. I am caught in a dilemma of suspicion that there will be a motive of choosing five to the disadvantage of others and the Government's ensuring it is seven to protect the electorate against some form of abuse.

The Hon. R.I. Lucas: Make it six.

The Hon. I. GILFILLAN: I do not intend to do that.

The Hon. C.J. Sumner: Seven is in the Commonwealth Electoral Act.

The Hon. I. GILFILLAN: That may be a persuasive argument. Unfortunately, there seems to be a dispute based on the foreseen abuse by a Government to compress the time by some means to an unnacceptably short level, which would occur only in the five days if the amendment included a weekend.

I feel that on balance the logic of the shadow Attorney-General's amendment is quite reasonable. Unfortunately, the fear in the mind of people in the electorate and the Government is that a period of five days, if it includes a weekend, is unfair and in those circumstances I will support the Government and oppose this amendment.

The Hon. K.T. GRIFFIN: In light of those remarks and in view of the hour, although I will not accept this position, on all the indications, I will not succeed in a division; if I do not succeed on the voices I will not proceed to a division in relation to this amendment.

Amendment negatived; clause passed.

Clause 51—'Deferral of election.'

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

Page 21, after line 5—Insert subclause as follows:

(3) A deferment shall not be granted under subsection (1) if the effect of the deferment would be to postpone polling by more than 21 days from the date originally fixed by the writ.

This clause deals with the deferral of an election. Subclause (1) states:

Notwithstanding any other provision of this Act, the person who issued a writ for an election—

that is, either the Governor in relation to a general election, or the Speaker in relation to a by-election—

may, in order to meet a difficulty that has arisen in relation to the conduct of the election, by notice published in a newspaper circulating generally throughout the State, defer—

(a) the date and time for the close of the rolls;

(b) the date for—

(i) the nomination;

(ii) the polling;

or

(iii) the return of the writ.

Subclause (2) states:

A date or time fixed by notice under subsection (1) shall be deemed to have been validly fixed by the writ.

I am concerned about deferral of any part of the election process, although I can recognise that if there is an Ash Wednesday fire, an earthquake or a flood there may be circumstances that would warrant some reasonable postponement of an election. However, I think there should be some limitation on this postponement and my amendment is to provide that a deferment shall not be granted if the effect of that deferment will be to postpone polling by more than 21 days from the date originally fixed by the writ. I make the point that section 131 of the present Act deals with an extension of time and states:

Within twenty days before or after the day appointed for any election the person issuing the writ may provide for extending the time for holding the election or for returning the writ, or meeting any difficulty which might otherwise interfere with the due course of the election; and any provisions so made shall be valid and sufficient:

Provided that—

(a) public notice shall be immediately given in the district for which the election is to be held of any extension of time for holding the election; and

(b) no polling day shall be postponed under this section at any time later than seven days before the time originally appointed.

Section 114 of the present Act allows a postponement of polling for a period not exceeding 21 days. I hold the view

that there ought to be some limit on the time to which the various steps in the electoral process can be postponed. I think that 21 days is a reasonable maximum period for such a delay.

The Hon. C.J. SUMNER: The Government does not oppose this amendment in principle, although it does place a restriction in the legislation that is not in the present Act. My only reservation is whether 21 days is long enough and whether there might be a case for a longer period. With that rider, to which I will give further consideration, I will not oppose the amendment.

Amendment carried; clause as amended passed.

Clause 52—'Correction of errors or omissions.'

The Hon. K.T. GRIFFIN: I oppose this clause. My concern is that the correction of an error or omission in the conduct of an election is a very wide power given to the Governor in Council—in effect, the Government of the day. The error or omission may be substantial and be sufficient to affect the outcome of an election. Yet, if it is recognised early enough—even the day before the election—it is possible to correct it by proclamation.

I have concern about that wide power. There might be minor errors or omissions that will not prejudice the election, but the clause does not relate just to what might generally be described as minor errors or omissions. It will probably be fairly difficult to define a minor error or omission. Whilst I accept that in limited circumstances it may be appropriate to amend procedures where they are minor and do not have any effect on the election at all, this clause allows major errors or omissions to be corrected, even where those major errors or omissions may affect the outcome of the election. It is a problem. Not knowing what other way can be proposed to deal with the problem, the safest course is for me to oppose the clause, and I do so.

[*Midnight*]

The Hon. C.J. SUMNER: I support the clause which is similar to that which appears in the Federal Act and which is not necessarily a sufficient argument. However, it is certainly one which has some persuasive authority with this Committee and Parliament, I hope. If a clerical error is made by the Electoral Commissioner so that 600 people are left out of an electorate who are entitled to be there—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: One cannot. If the rolls have closed and for some reason in the relevant proclamations some streets were left out—

The Hon. R.I. Lucas: Talk about Birdland.

The Hon. R.C. DeGaris: I do not know that the Attorney knows about Birdland.

The Hon. C.J. SUMNER: What happened in Birdland?

The Hon. R.I. Lucas: Exactly what you are talking about.

The Hon. C.J. SUMNER: That is a very good example of what I was saying. I am glad that the Opposition is being co-operative. It is that sort of thing that is envisaged where there is some kind of technical error which should not prejudice people's exercising their vote. I am not quite sure what the Hon. Mr Griffin has in mind when he says that there may be a substantial error or an omission that the Government could use and correct and in some way or other favourably influence the election towards itself. As I said, the clause picks up errors in the administration of the election that may deprive people of a vote in circumstances where they should not have been deprived of that vote.

The Hon. R.C. DeGaris: They weren't deprived of it in Birdland but they were in the wrong seat.

The Hon. C.J. SUMNER: That is right. It is not a very satisfactory way in which to conduct an election.

The Hon. R.C. DeGaris: It is for the Labor Party.

The Hon. C.J. SUMNER: I do not want to go back and talk about the honourable member's antics. Was he involved in taking Labor electors off the roll in Millicent at one stage? I think that a former President, the Hon. Frank Potter, and the Hon. Mr DeGaris were involved in that little exercise, but it would be quite indecent for me to go back into history like that.

The Hon. K.T. GRIFFIN: If that is the sort of issue that the Attorney wants to correct, why do we not say that specifically? I do not want to deprive anyone who is entitled to a vote from exercising that vote. If that sort of error has been made in the preparation of the rolls, we should address the matter when we are talking about the preparation of the rolls for the election. It is clear from those parts of the Bill with which we have already dealt and which relate to the rolls that there are some exceptions, but the principle is that the rolls are not subject to challenge. However, it would seem to me that, if this clause is to be used to override that principle, it is a fairly serious matter and it should be addressed specifically.

The Hon. C.J. Sumner: Which principle?

The Hon. K.T. GRIFFIN: Generally speaking, the principle that the rolls are conclusive, according to a provision of this Bill and except as provided in the Bill. Notwithstanding that, and even though someone is enrolled, the returning officer may administer certain questions perhaps resulting in the claim to vote being rejected. If this question deals only with correction of the rolls, let us deal with it specifically under that provision of the Bill relating to the rolls. However, the Attorney-General asked what I have in mind when I say that there could be a major error or omission in the conduct of the election that might be corrected by this administrative process. I am not sure, but I am sufficiently concerned about the potential breadth of this power to at least raise a problem that may occur, because there must be relative certainty in the way in which discretionary powers are to be exercised. The power under clause 52 is very wide. It relates to any error or omission occurring in the conduct of an election, even on election day, or in the proceedings preliminary to an election.

I shall have to think of some specific examples, but it could be in relation to the boundaries of a polling booth, for example. There could be a variety of matters related to the conduct of a poll in the polling booth. I think that if there are likely to be specific problems we ought to address them specifically and not leave the Government of the day with a very wide discretion to correct errors and thus potentially override the consequences of an error or omission.

That is what I am on about. I do not say that it will happen, but we ought to deal with that matter specifically, rather than at large as this clause provides. This is why I oppose the clause at this stage. If the Government decides to give this matter some further consideration in the House of Assembly, we will get another chance to talk about it. I think that this provision ought to deal with specific problems that can be envisaged by the Government in the conduct of an election.

The Hon. C.J. SUMNER: In addition to the Birdland matter that I mentioned, two other aspects relating to this matter have been put to me. The sort of thing that is envisaged in relation to this clause is, for instance, failure to gazette polling places or declared institutions which would constitute an error. It is most unlikely that that would occur with an efficient Electoral Commissioner. I think there is a point to the clause. Obviously we would not want it used after an election to fix up a result in a seat that we did not particularly like: although we might like to use it, obviously it would not be politic to do so. Perhaps further consideration

of the clause can be postponed to enable us to consider some possible alteration to its terms.

The Hon. R.C. DeGARIS: I want to reply to one point made by the Attorney-General on the matter of Birdland, in relation to which he alleged certain practices in which I was involved concerning the Millicent roll. I would like to explain the matter to him, if the Attorney does not mind. The position was that there was a piece of the City of Mount Gambier about which no-one knew very much, but which was in the Millicent electorate. I think at one stage it confused the Electoral Department. In the process of roll cleaning in regard to the Millicent electorate (which I believe any person should undertake in regard to electorates), it was found that a large number of people who had left the district up to four years previously had been left on the Millicent roll.

The unfortunate part in checking the rolls and getting them clean was that we did have one person removed from the Millicent electorate. That person had gone to Mount Gambier but, unfortunately, he had gone to Birdland, which was still in the Millicent electorate. That was the one case around which allegations were made that we had acted improperly in cleansing the Millicent rolls. I assure the Attorney-General that not only I but also the Electoral Department was confused by whether Birdland was in the Mount Gambier or Millicent electorate.

The Hon. C.J. SUMNER: I thank the honourable member for his explanation.

Further consideration of clause 52 deferred.

Clauses 53 and 54 passed.

Clause 55—'Qualifications of candidate.'

The Hon. I. GILFILLAN: I move:

Page 21, line 34—Leave out 'at the declaration of nominations, it appears that'.

I hope that the amendment will improve subclause (2), which provides:

. . .if at the declaration of nominations, it appears that the same person is nominated as a candidate in more than one of those elections, each of those nominations shall be invalid.

There is no option, if the original appearance is later proven to be wrong. My amendment does not appear to interfere with the intention of the clause: in my opinion, it makes the clause much more positive and a reasonable expression of what I assume is its intention.

The Hon. C.J. SUMNER: I think the problem with the honourable member's amendment is that it may leave open the problem of someone inadvertently nominating for two seats, which thereby completely disqualifies that person from standing for either of the two seats. The inclusion of 'at the declaration of nominations' acts as a cut-off point. In other words, if a person nominates for two seats, say, Briggs and Bragg, the Electoral Commissioner can say before the nominations close that that is not permitted under the Act, and that person will have to withdraw one nomination. He or she can then withdraw one nomination and, at the close of nominations, will have nominated for only one seat.

The problem with the honourable member's amendment is that deleting the point of nomination at the time it is determined whether or not a person has nominated for two elections may mean that any person at any time, up to the nomination for two elections, is thereby precluded from running for either. I believe that providing the cut-off point enables the Electoral Commissioner to tell a candidate who nominates incorrectly for two seats that he cannot do so and had better sort it out.

The Hon. I. GILFILLAN: I am not sure that the Minister understands my amendment—either that or I have not understood what he is saying. It has nothing to do with the cut-off point.

The Hon. C.J. SUMNER: If one reads the provision with the honourable member's amendment, it states:

Where two or more elections are to be held under this Act on the same day—

that is, say, the election for Briggs and Bragg—

a person is not entitled to be a candidate in more than one of those elections, and if the same person is nominated as a candidate in more than one of those elections each of those nominations shall be invalid.

It may be that prior to the nomination day a candidate nominates for two elections. On one interpretation of the clauses it would read, if the honourable member's amendment was passed, that it was invalid for him to run for either of those seats. To put in the day of nomination as the date on which his nomination is invalid (if he runs for two seats it is invalid for both) is fair enough. But, the honourable member's amendment is open to the interpretation that the Electoral Commissioner would have to say to the person, even if he wanted to withdraw one of the nominations, that, as he had nominated for both seats, both nominations were invalid. That is my concern.

The Hon. I. GILFILLAN: Maybe my amendment has gone too far.

The Hon. C.J. SUMNER: The honourable member should delete 'it appears' so that it would read:

In more than one of those elections and if at the declaration of nominations—

and cross out 'it appears that'—

the same person is nominated as a candidate in more than one of those elections, each of those nominations shall be invalid.

I think that that solves the problem. I suggest to the honourable member that he should withdraw his amendment and move in this way.

The Hon. I. GILFILLAN: I appreciate the Attorney's assistance in this. It achieves what I was hoping to do. I seek leave to withdraw the amendment standing in my name.

Leave granted.

The Hon. I. GILFILLAN: I move:

Page 21, line 34—Delete 'it appears that'.

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

EXECUTORS COMPANY'S ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

FOOD BILL

Returned from the House of Assembly without amendment.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

STATUTES REPEAL (LANDS) BILL

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

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

[Sitting suspended from 12.23 to 10 a.m.]

ELECTORAL BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3732).

Clause 56—'Manner in which nomination is to be made.'

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

Page 22, lines 7 to 10—Leave out all words in these lines.

This relates to the question of photographs and the requirement that when a candidate lodges a nomination it must be accompanied, if the District Returning Officer so requires, by a photograph of the candidate, being a photograph that complies with the requirements of the regulations. In the second reading explanation, the Attorney-General indicated only one example of where this may be required, and that is where candidates have the same name—and I presume from that that it is the same surname. There may be other instances where that would be desirable, but I cannot at this stage think of any. So, it seems that it is important to deal specifically with the occasions when photographs may be required.

This clause also relates to clause 67, which gives the Electoral Commissioner the discretion to determine when photographs of all candidates whose names appear on a ballot paper should be printed. There are, perhaps, objections to photographs, but also I can see that in some instances it would be valuable when candidates have the same surname. The member for Kavel, the Hon. Roger Goldsworthy, recollected that on one occasion a candidate with the same surname (a different Christian name, but the same first letter of the Christian name) stood against him. It was rather confusing for electors in those circumstances, so the photograph would have been of some advantage.

I have no objection to that, but it ought to be limited, at least at present, to those occasions when candidates have the same surname. It still ought to remain a discretion for the Returning Officer, but the discretion ought to be for either all candidates or no candidates.

The other point that needs to be made is that there ought to be a provision that the photograph be recent. It is possible that those candidates who may not have weathered particularly well would present photographs showing them in a much more favourable light than they presently appear. I have seen that on some electoral pamphlets, where a rather youthful photograph appears of a candidate who in the flesh would be hardly recognisable with the photograph. I am seeking to ensure that the photograph is one taken within 12 months before the request.

My amendment is to delete this paragraph *(e)* of subclause (2) and in clause 67 to make some other amendments that will put it beyond doubt that where photographs are to be used for candidates with the same surname photographs of all candidates should appear, and that the photographs not only must comply with the requirements of the regulations but also be taken within 12 months of the submission of the photographs. It is not that I oppose the principle: I just oppose the breadth of its application under the provisions of the Bill. That is why I am moving the alternative but more restricted scheme to which I have referred.

The Hon. C.J. SUMNER: The Government is prepared to accept this amendment and some other parts of the honourable member's package, but we would not wish to confine it to circumstances of the same surname, which is the honourable member's proposition. We would still wish to leave it in the discretion of the Electoral Commissioner. There may be circumstances apart from the same surname that might lead to the suggestion that photographs ought to be provided. As I indicated in my second reading reply—and I am quite happy for honourable members to peruse these sample ballot papers from the Northern Territory—the Northern Territory apparently requires photographs to be submitted, and the photographs appear on all the ballot papers. They do not seem to cause any real problems from the point of view of the ballot paper.

I understand that one of the reasons for doing this in the Northern Territory is obviously not similar or the same surnames but the problem of illiteracy, particularly in the remote areas of the Northern Territory where the problem is probably more acute than it is in South Australia. That may be another circumstance in which a photograph might be useful in a particular electorate.

The Hon. K.T. Griffin: You wouldn't want it for all Legislative Council candidates.

The Hon. C.J. SUMNER: I do not believe so. The Electoral Commissioner does not believe it is something that should be used as a matter of course. There may be circumstances in which submissions are made beyond the same surname, and where it might be useful. I suppose it would be a matter of consulting the candidates concerned about it to see whether or not there were strong objections and whether there was a strong case for genuine confusion between the two candidates, in which case a photograph might be useful.

We accept the notion that the honourable member puts forward that it needs to be a recent photograph and the other part of the scheme that he has put up, of which this amendment is the first part. However, we still wish to argue when we get to clause 67 that there would be circumstances beyond the same surname where photographs could be required by the Electoral Commissioner, However, for the moment we accept this amendment.

Amendment carried; clause as amended passed.

Clause 57—'Declaration of nominations.'

The Hon. I. GILFILLAN: I move:

Page 22—after line 27 insert subclause as follows:

(3) Where a nomination is to be rejected under subsection (2), the returning officer shall, if practicable, give the nominee sufficient notice of the proposed rejection to enable the withdrawal of the nomination and the making of a fresh nomination under a different name before the hour of nomination.

The intention of this amendment is to improve the working and consideration of candidates in circumstances in which their nomination may have been assessed as obscene, frivolous or assumed for an ulterior purpose, so that, having heard that decision, a candidate may have time to present again, avoiding this criticism.

Obviously, there is no point in trying to protect the interests of people who are deliberately upsetting and interfering with the system and trying to make a joke of it. However, an innocent candidate could be caught in these circumstances. This is purely a matter of consideration for the person who may be quite innocently caught by an interpretation by the Electoral Commissioner under this clause.

The Hon. C.J. SUMNER: I do not object to this amendment; I am prepared to accept it. However, I must confess that clause 57, relating to rejection of nominations on the basis of obscenity, frivolity or an ulterior purpose, was placed in the legislation by the previous Government. At the time I seem to recall that I opposed it on the basis that it was giving too much power to the returning officer to

determine how a candidate should indicate his name for the purposes of an election. I think it was provoked by Screw the Taxpayer and something or other to the Government. I accept that the Council accepted it was fair enough for the returning officer to reject a nomination on these grounds, although I must confess that I do have some concern about the notion of rejection of a nomination where a name has been assumed for an ulterior purpose. That is a very broad criterion, but as it has been accepted by the Council on a previous occasion I will not reargue the issue.

Suzie Cream Cheese and Screw the Taxpayer I thought added a little variety and spice to our electoral system, but most people do not seem to be very impressed by those sorts of candidates. It looks at though we have to go down the conventional road of excluding them from nomination under this clause. The proposition put forward by the Hon. Mr Gilfillan is quite sensible and is supported by the Government.

Amendment carried; clause as amended passed.

Clauses 58 and 59 passed.

Clause 60—'Deposit to be forfeited in certain cases.'

The Hon. K.T. GRIFFIN: My questions relate to forfeiture of deposit. The Bill provides that a deposit is to be returned if the total number of votes polled in the candidate's favour as first preference votes does not exceed 4 per cent of the total number of the formal votes cast. Obviously, that is in relation to the House of Assembly. With the Legislative Council, the deposit is forfeited when the total number of votes polled in favour of members of the group as first preference votes does not exceed 4 per cent of the total number of formal votes cast in the election. Section 71 of the present Act provides for the deposit to be returned if a candidate is elected or obtains more than the prescribed number of votes.

The prescribed number of votes in subsection (2), where there is only one member required, is more than one fifth of the total number of first preference votes polled by the successful candidate. Obviously, if one has 51 per cent of the vote as the successful candidate it is necessary for an unsuccessful candidate to get at least 10 per cent. Of course, that is quite a bit higher than is provided in the Bill, unless my calculations are awry at this early hour of the morning, and with the Legislative Council not less than one half of the quota. That is roughly 4 per cent, but it is so close to one half of the quota that I am not worried about it.

The Hon. R.C. Degaris interjecting:

The Hon. K.T. GRIFFIN: On a double dissolution almost a quota which, of course, does raise the question whether the Government intends that it should be the same percentage for each half Legislative Council and full double dissolution election for the Council. Could the Attorney-General further explain why there is the reduction in relation to the House of Assembly and say whether he has considered this question of half Legislative Council and double dissolution where, of course, the 4 per cent on double dissolution will be almost a quota, as the Hon. Ron DeGaris interjects? If one does not get almost a full quota one's deposit is forfeited.

The Hon. C.J. SUMNER: There has been a change in this area from the existing Act in respect of the House of Assembly and not a great change in respect of the Council, and I suppose it makes it easier. It is a minor reduction, given that the quota was, under a normal Legislative Council election, 8.3 per cent. A candidate getting half a quota saves a deposit of 4.166 per cent.

The Hon. R.C. DeGaris: Plus one vote.

The Hon. C.J. SUMNER: Yes. There has been a reduction in the percentage of the vote required in order to achieve a return of deposit. There has been a reduction in the House of Assembly, as the honourable member has said, of roughly 10 per cent of the informal vote to 4 per cent. An amount of 4 per cent is the formula used for both the House of Representatives and the Senate in Federal elections. They are dealing there with larger numbers, but I think that the principle is the same. The Government did not wish unnecessarily to preclude citizens from contesting elections and felt that this was a reasonable figure to set. I agree that it is quite a low figure, but I do not think that we should place unnecessary impediments in the way of people contesting elections.

I know that the deposit provision has been in the legislation for a number of years, but I do not believe that the threshold level for the return of deposit should be too high. We live in a country where all citizens, whether members of an official Party or not, should be able to contest elections if they wish. If too high a threshold figure is set for return of deposit, that will be an impediment to people contesting elections. I concede that there has been a small reduction in the threshold figure for the Legislative Council and a larger reduction for the House of Assembly, but it is consistent as between the Houses and with the Commonwealth.

The Hon. I. GILFILLAN: There is an advantage in having a set figure for each electorate. It seems unfair that if one contests an election in an electorate where there is a lopsided result one requires a higher percentage to get one's deposit back. In principle, it is fairer to have a set percentage across the board and whether that figure is 4 or 5 per cent is for the Parliament to decide. I know from experience that it can be hard to get 4 per cent of the vote, and much sincere effort has been put in by candidates who have not attained that figure. I do not think that it is an advantage for our electoral system to penalise people who have failed to gain 5 per cent or 6 per cent of the vote or to say to them that they have played the game and tried hard but are going to lose money. I think that 4 per cent is a reasonable level and has gained significant public support. It will mean that people who are not able to encourage any public support, or who possibly set out without anticipating doing so, will be discouraged from taking part in elections. I think the clause is satisfactory.

The Hon. K.T. GRIFFIN: Does the Government have any proposition in relation to the amount of deposit required, or will that remain as it is?

The Hon. C.J. SUMNER: It is not anticipated that the amount of deposit will change.

The Hon. R.C. DeGARIS: I raise with the Attorney-General the point raised by the Hon. Trevor Griffin, namely, that the reduction to 4 per cent in House of Assembly seats is more advantageous to House of Assembly candidates than is the 4 per cent figure set for the Legislative Council. I point out that the Country Party wins a seat in the House of Assembly and has done so for some time, yet its Statewide vote for the Legislative Council will result in its candidate losing his deposit, even at 4 per cent. When one examines the question of a double dissolution, which has not occurred in this State so far as I know, one sees that a 4 per cent vote will almost certainly get a candidate into the Parliament.

A figure of 4 per cent informal vote in the Legislative Council appears to be rather difficult for Parties such as the Country Party, which has polled 2.3 per cent of the Legislative Council vote and which would lose its deposit in a Council election. I point out that a 4 per cent vote after a double dissolution would be a quota, and I have some doubt about a Legislative Council candidate losing his deposit after gaining a vote of 4 per cent in such circumstances.

Clause passed.

Clause 61 passed.

Clause 62—'Printing of Legislative Council ballot papers.'

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

Page 24, lines 2 to 7—Leave out subclause (2).

To some extent this amendment is dependent upon the method of voting for the Legislative Council. For that reason, I believe that it is important to deal with various aspect of the voting system used for the Legislative Council. I have put a position that is obviously not supported by one of my colleagues, namely, that we ought not revert to an alternative list system or full preferential system of voting for the Legislative Council.

In 1973 the system of voting for the Legislative Council was changed to a proportional representation system, which in itself was a good move but which in terms of its implementation had a number of defects. One of those defects, namely, the carry-over of votes of minority Parties, was remedied in 1982. More particularly, the objection was expressed from 1973 through to 1982 that by adopting the list system electors were, in fact, voting for a Party which determined the order of priority of candidates in the list and which gave no opportunity for individual electors to vote for other candidates of their choice without the need to follow the Party line. That system, as I have said, met with a great deal of public criticism.

The Hon. C.J. Sumner: That criticism was not because it was a list system so much but because of the distribution of preferences to the last quota.

The Hon. K.T. GRIFFIN: With respect to the Attorney-General, there were criticisms on two bases: one was the question of carrying over of preferences and the other, which was a quite substantial one, was the requirement for electors to vote only for a Party list and not for individual candidates. In 1982, the Liberal Government introduced legislation that received the support of the then lone Democrat in this place, the Hon. Lance Milne, to change the system to equate with the New South Wales system. There was one minor difference, but nevertheless it was almost identical with the New South Wales system, which honourable members may recollect was adopted in that State after a substantial overhaul of the voting system for its Legislative Council.

It involved adopting a system in that State of one-third of the Legislative Councillors retiring at each State election and being elected on a Statewide basis using proportional representation. Because of the large number of candidates who were expected to stand in a Legislative Council election in New South Wales, the system was adopted whereby electors were required to indicate their preferences in consecutive order for a minimum number of candidates. My recollection is that it was one less than the number being sought. In this State we took the view that, notwithstanding that the preferences at least of the major Parties were unlikely to be distributed—

The Hon. C.J. Sumner: It was less than that.

The Hon. K.T. GRIFFIN: I have not checked it recently, but it was certainly not voting for the full number of positions that were required to be filled in New South Wales.

The Hon. R.C. DeGaris: It was 10.

The Hon. K.T. GRIFFIN: The Hon. Mr DeGaris says that there was a requirement to vote for 10 in order of preference where 15 candidates were required. That recognised that the preferences of at least the major Parties were not likely to be distributed beyond the seventh or eighth position on their own tickets.

In 1982 we adopted a system that required all electors voting in the Legislative Council to indicate a preference for a minimum of 11 candidates being the number of positions required to be filled in an ordinary election. In a double dissolution it was a requirement for a minimum of 22, which would have been the number of vacancies required to be filled at a double dissolution. We were not so worried about that. We have never had a double dissolution in this State, and we do not see that there will ever be a double dissolution. So while there was provision for the 22 candidates to be voted for in order of preference, we did not see that that was a difficulty with our system of voting for a minimum of 11 candidates in order of preference, one to 11.

It was correct that the various candidates could elect to join a group and, provided that all members of a proposed group agreed and gave their approval to the Electoral Commissioner, they could be so grouped. We recognised that mainly those groups represent a particular Party but with a square alongside each name it provided an opportunity for electors to indicate preferences other than those recommended by the particular Party or group.

In New South Wales we have seen the number of groups that may not be regarded as political Parties establishing groups. I refer to the Call to Australia Group and the Fred Nile Group, whatever it was called—and candidates grouping together for a particular objective and being put together in one group on the ballot paper.

In his report the Electoral Commissioner drew attention to what was, on the face of it, a high informal vote of 10.2 per cent at the last Legislative Council election. If one analyses the informal vote of 81 540 votes, one sees that 23 722 ballot papers were just unmarked. They may have been unmarked for a variety of reasons, but the most commonly accepted reason for not marking them is that people just do not want to express a preference. So 23 722 (3 per cent or thereabouts) of those informal votes at the last State election were not filled in at all. That brings the informal rate back to about 7 per cent.

Further, 4 753 ballot papers had fewer than 11 figures on them, and that again could have been for a variety of reasons. No figure '1' on the ballot paper occurred in 1 378 cases. It is important in a preferential system that the numbering be used rather than the objectionable ticks or crosses system which this Bill allows and which I will address later. Also, 26 000 had two or more '1' figures. Perhaps there was some misunderstanding about that. Again, we do not know why people put two figures '1' on the ballot paper. It may be that they wanted to indicate that they regarded two candidates at the same level of priority as each other.

Interestingly, over 1 per cent—10 303—indicated a preference of 1 to 2 for the Communists and 1 to 11 for the ALP. For the Liberals, who had only a team of seven and an allocation of the remaining preferences to another group following the spirit of the 1982 legislation, there were 3 905. Those that were illegible were 270, crosses and ticks 9 413, signatures on ballot papers 24, and ballot papers not placed in the ballot box 1 190.

If one removes the vacant ballot papers from the informal vote, those not placed in the ballot box, those with signatures on ballot papers and those that were illegible one gets close to 4 per cent, which would bring the informal vote back to about 6 per cent. If we accept, as I believe we should accept, that crosses and ticks are just totally unacceptable in a preferential system, we eliminate another more than 1 per cent. So, the informal rate probably equates with the norm and certainly is not as bad as the Government makes out. It is interesting to see with the crosses and ticks that the analysis is 2 229 for the ALP, 238 for the Democrats, 769 for the Liberal Party, 119 for the NCP and 6 058 for others. The Electoral Commissioner does make an interesting note at the bottom of the appendix, as follows:

It was noticeable that Labor Party supporters as a whole marked their preference with crosses while Liberal Party supporters preferred ticks.

I suppose it depends on the interpretation that one places on crosses: whether they mean that a cross signifies support or opposition. That is the real difficulty. Although at the local government level we have had crosses and not ticks and in the United Kingdom crosses are preferred over ticks, in the Australian context—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: In that context it is difficult to interpret what crosses really mean. If one looks at the many forms that ordinary citizens fill out, like the Medicare form, when applying for a Medicare rebate and a variety of other forms, one sees that citizens are requested to indicate preferences or their current position (place of address, permanent place of address, and so on) by crosses and ticks.

The whole area of crosses and ticks is very much confused. There must be some certainty in the electoral system, and that is why I believe that equating crosses and ticks with the number 1 is totally unacceptable. What the Government is proposing in its scheme for the Legislative Council and something akin to that scheme for the House of Assembly, although expressed differently, is that there be an option for electors to either mark the paper with a '1', tick or cross at the top of a particular group or to indicate their full preference—1, 2, 26, 30, or however many candidates there are. That is a significant departure from the system that operated in 1982.

I object to that, because for all practical purposes it reintroduces the list system and, although there is an option for indicating preferences against individual candidates, it will certainly appear from the ballot paper that, in fact, there is a return to the list system, albeit a return by choice. Therefore, my view is that we should retain the *status quo*, and I will vote accordingly if there is a division on this clause and in the consideration of other clauses.

The other point I want to make is that there must be some stability in the voting system. There was a change in 1982 for the Legislative Council voting system: the House of Assembly system has been operating for many decades. I believe that it only adds to community confusion if we chop and change the system at every election. The present system for the Legislative Council should be retained and we should adopt a close scrutiny of informal votes in the course of the next two State elections to determine what the position may really be in relation to informal voting.

We should support an additional education campaign for electors to ensure that they understand the system—not the abortive election education campaign that was conducted by the Commonwealth Electoral Commission at the last Federal election in relation to the Senate voting system but a clear indication to electors of the way in which a formal vote can be indicated for both the Legislative Council and the House of Assembly. It is for those reasons that I have moved the amendment, which is related to the substantive question of the voting system for the Legislative Council.

The Hon. C.J. SUMNER: The Government opposes this amendment. This issue was debated in substance in the second reading stage, so I will not prolong the discussion, except to respond to the honourable member as follows. Of the 81 540 informal votes for the last Legislative Council election, I think it would be true to say that only 23 722 could be considered to have been deliberately informal, that is, somewhat more than one quarter. On the analysis conducted by the Electoral Commissioner, the remainder could be seen to be informal because a mistake was made by the elector. I do not believe that that is acceptable. The informal vote increased from 4 per cent under the list system that existed in 1975 and 1979 to 10 per cent in 1982.

We should not sanction an electoral system that has that effect where there is an alternative that does not have the deficiencies that honourable members saw in the original list system. It certainly does not involve the problem of the distribution of preferences in competing for the last quota: that does not exist. It is a full, exhaustive preferential system that we advocate in this case. It does not contain the vice that was seen by members opposite, who continue to remind me since my election to this Council in 1975—

The Hon. R.I. Lucas: You were a mistake.

The Hon. C.J. SUMNER: They remind me that I was a mistake, but a very happy mistake. The vice that members opposite saw in the system is not contained in this proposition. The pure list system is no longer maintained under the Government's proposition. There is an option for people to vote for a box (a group of candidates) or an individual, so electors are given a greater option to choose how they will vote. The system is simpler. On all criteria, the proposed system is desirable. It is an optional system, one which on the one hand provides for people to vote for groups and on the other hand enables people to vote for individuals in the order in which they wish to vote. There is no argument about that. People can vote for candidates however they like: they can vote 1 on the top of the Labor ticket or on the bottom of the Liberal ticket or they can go to the top of the Liberal ticket. It is a desirable change.

I would say that a system that increased informalities in the way that occurred from 1979 to 1982 is undesirable. This proposed system picks up the best of all possible worlds. I do not believe that the argument that we should not chop and change the system all the time is valid. It is all very well for the honourable member to say that: he changed the system for the 1982 election, and now he is saying—

The Hon. R.C. DeGaris: No, he didn't.

The Hon. C.J. SUMNER: I am getting to that. The honourable member changed the system but after pressure from the Hon. Mr DeGaris and the Hon. Mr Milne. It is true to say that, despite the honourable member's criticism of the list system, the change in the system introduced by the Liberal Government pre 1982 was not, in fact, to change the list system but to correct the alleged vice to which I have already referred. The Liberal Party did not introduce a Bill to change the list system in 1982: it changed the system only after the debate commenced in the Parliament after the attitude of the Hon. Mr DeGaris, the Hon. Mr Milne and the Labor Party was made known.

The other advantage of this system over the New South Wales system is that, under the New South Wales system, there is a reliance on sampling but under this system there is no such reliance. The captive votes are actually counted, so we do away with the potential error, even though there is only a small possibility of error in sampling. This system also does away with the possibility of getting a transfer value exceeding 1; that, in fact, occurred at the last New South Wales election.

So in all respects this is a better system. It increases the options that are available to voters; it does not contain the vice contained in the original list system; it enables electors to vote for individuals in whatever order they wish; and it actually involves the counting out of the votes, so it does away with the problems of sampling errors. I really that this system, which was used and tried successfully in the Senate, has the advantage of consistency with the system for the Upper House of the Federal Parliament, and that is another argument in its favour, Accordingly, I ask honourable members to reject the amendment.

The Hon. DIANA LAIDLAW: I indicate my intention to support the Government's clause 62 (2) and my opposition to the Hon. Trevor Griffin's amendment opposing this subclause. As I did not speak in the second reading debate, I now want to briefly outline my reasons for this view. I believe very strongly that the right to vote and the registering

of a formal vote are very central and precious parts of our democratic system and that, accordingly, we should make every possible effort to ensure that the system we endorse is one that maximises the casting of formal votes.

In addition, I would be most uneasy about supporting a system which in itself might be the cause of informal votes being cast, that is, unintentionally informal votes as compared to deliberate ones. I recognise, as both the Hon. Trevor Griffin and the Attorney have mentioned, that in 1982 the Legislative Council vote was exceedingly high at 81 540: in fact, 10.2 per cent of people effectively voted informal. I recognise that there were a number of deliberately informal votes among that number, but I do not go as widely as the Hon. Mr Griffin did in questioning whether all the other informal votes were deliberate or unintentional. I believe that possibly they were unintentional. Certainly, in regard to those deliberate votes, while they may account for about 3 per cent, that means that we are still at about a 7 per cent informal vote figure. I find that disturbing, especially considering the fact that that vote would still be way above the 4.4 per cent informal votes figure that was recorded in 1979.

As the Attorney has mentioned, the voting procedure recommended in this proposal is the same as that which was used at the last Federal election. I understand that the informal vote at that stage was about 5 per cent, although I do not have a firm figure on that; nor have I had access to figures which analyse within that vote how many were deliberate. It may be that, if one took out the deliberate votes, that 5 per cent informal vote would be less. I also recognise that, under that new Federal system, 90 per cent of people did opt for the simplified system, and in fact I was one of those people. On that basis I find it very difficult to argue that the system which I found acceptable at the last Federal election should not be applied for Legislative Council elections.

While I have spoken in favour of the need for simplifying this system so that it can be more easily understood and help people as much as possible to register formal votes, I believe that there is merit in the point made by the Attorney also that some degree of conformity between the Federal and the State Upper House systems is desirable, and that that will reduce confusion and complication and will give rise to the potential for more formal votes being cast.

The option remains, as the Attorney noted, for those who wish to vote for individual candidates to do so, and in fact that system may essentially be desirable for Upper House elections: this is meant to be a House of Review and it is desirable, therefore, that members be considered as individuals and not simply representatives of Parties. While that is desirable, perhaps in today's age it is in part wishful thinking. But, nevertheless, the option remains under the system that the Government has proposed. I believe that it has a number of advantages in simplifying the system and broadening the options available for people to select how they wish to record their votes. With those words, I indicate that I support the Government's proposal in clause 62 (2), and that I will be opposing the Hon. Mr Griffin's amendment.

The Hon. I. GILFILLAN: In relation to the use by a voter of the above and below the line methods, is a priority given to one or the other and are the circumstances clear under which that priority will be given? Is this similar to the Senate system, and is it clearly spelt out?

The Hon. C.J. SUMNER: A valid vote below the line takes precedence over an above the line vote, but if the vote below the line is not valid—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Yes, in relation to a valid expression of a vote below the line for an individual, that takes precedence over the group voting ticket, provided that it is a formal vote.

The Hon. R.I. LUCAS: I indicated in my second reading contribution that I would be supporting the changes to the Legislative Council voting system, so I will not repeat in detail the comments that I made at that stage, but I shall just summarise them briefly. First, I think that we have to admit that there is a problem, and members have referred to the fact that we had a 10 per cent informal vote, having doubled between elections. We have the option of a system which in between two Senate elections has, in effect, halved the informal vote.

Secondly, I argued that I did not believe that this system would lead to a first past the post voting system at all. If there is to be an argument about that, that will be an argument for another day, and it is not an argument that I have supported in relation to the local government voting system or the State Government voting system. Thirdly, I argued that I did not believe that this system would move us towards the Party voting system.

I want to repeat one small bit of evidence that I put on record during the second reading debate, namely, that at the last 1982 Legislative Council election about nine in 10 voters followed a Party how-to-vote ticket: that is, they 122ported and followed the preferences of the Party how-to-vote machines. One in 10 people indicated an independent spirit, which we would all support, and indicated their own preferences as distinct from those given on a Party how-to-vote card.

The Hon. Diana Laidlaw: Which system did you use?

The Hon. R.I. LUCAS: I used the individual one, and I might add that I did even for the Senate, too.

The Hon. I. Gilfillan: Did you include the added assurance of doing the top box as well?

The Hon. R.I. LUCAS: If we are making frank confessions, for the Senate I did not support my Party how-to-vote ticket, either.

The Hon. C.J. Sumner: You did vote for the Liberal Party!

The Hon. R.I. LUCAS: Yes, I can confess that I did vote for the Liberal Party, although I had differences in direction of preferences further down the ticket. In the 1984 Senate election, about nine out of 10 people supported the group voting system, and one person in 10 took the independent line and indicated their own preferences. Therefore, I do not believe that one can argue that this change that we are now advocating for the Legislative Council, which has already been pilot tested for the Senate, will move us towards a great domination of Parties over the individual. In effect, the evidence shows that approximately nine people out of 10 will still slavishly follow the Party line, whether it is (as we are now providing) the figure 1 in the box or as we used to provide in the Legislative Council, where nine people out of 10 still follow the Party how-to-vote card.

As other members have indicated, we still provide (and I strongly support) the provision of the independent voting ticket for showing individual preferences by those people (the one in 10 group) who like to indicate their own preferences for all candidates. They were the reasons that I advanced during the second reading debate in support of the proposition. I shall not go into any further detail in relation to them.

I respond to a new matter raised during the debate in relation to the analysis of the 10 per cent (81 000) informality in the Legislative Council election. During the second reading debate I said that I took a different view from that of the Hon. Mr Griffin in relation to the analysis: I now take a slightly different view from that of the Hon. Mr Sumner, as well. I do not believe it can be said that all the 23 700 ballot papers that were left unmarked could be attributed

to people who deliberately did not want to vote. I think there may have been a number who, faced with the prospect of voting 40 times after having looked at the ballot paper (and they may not have had a how-to-vote card or did not want one after being molested by six people outside the polling booth) and not being able to identify Liberal, Labor or Democrat (and that problem will be resolved later in the Bill), may well have decided not to bother.

I think that a number of the 23 700 electors who made that decision in 1982, if they were given the prospect of a simple voting system where they could mark '1' for their preferred Party (and I am sure the majority would vote for the Liberal Party) would mark '1' in the box for their preferred Party. I disagree with the Attorney's analysis in relation to the 23 700—

The Hon. Diana Laidlaw: It was still a deliberate decision not to vote.

The Hon. R.I. LUCAS: Sure, but I do not believe it can be said that that deliberate decision was taken because they did not want to participate in the voting procedure. I think they are the sort of people for whom the Hon. Mr Gilfillan is trying to provide: people who say 'A pox on your system. You made me come here, but I don't wish to participate.'

The Hon. K.T. Griffin: Voluntary voting would solve that.

The Hon. R.I. LUCAS: I strongly agree with the Hon. Mr Griffin: voluntary voting would solve that. I believe that a number of those 23 700 electors, confronted with the prospect of 40 names, said, 'I'm not going to bother myself,' folded their ballot paper and deposited it unmarked in the ballot box. For those reasons, I indicate my intention to support this provision and subsequent provisions which will enable the new voting system to remain in the Bill.

The Hon. R.C. DeGARIS: I support the amendment. I think it is a reasonable voting system where there are 11 candidates to be elected and an elector is asked to mark the ballot paper up to 11. I believe the existing system is very fair in that, if an elector makes a mistake in the sequence but marks the paper for 11 candidates, it is still a formal vote up to the point where the sequence is broken. I think that is a perfectly fair and just system. I find no great difficulty in an ordinary person marking a ballot paper with 11 numbers.

On the question of informality in regard to voting procedures, I point out very strongly that the highest informal vote at the last election in South Australia was in Price, where two candidates stood. A much higher informal vote than that occurred in the Legislative Council. The only way to overcome the question of informality absolutely is to move to voluntary voting, as has been mentioned. It is the compulsion to vote which causes informality in voting.

The Hon. C.J. Sumner: That's not what Professor Hughes says.

The Hon. R.C. DeGARIS: I assure the Attorney that there are quite a few things on which I do not agree with Professor Hughes. The question is quite clear in South Australia. No-one can deny the fact that during the last election the highest informal vote occurred in Price, where two candidates stood. I see no great difficulty in asking people to vote up to number 11 in a voting system where 11 people are to be elected. I do not consider that the provision of a box where people can vote 1, which completes an entire Party ticket, is advantageous in educating electors to vote in a proportional representation system.

In Tasmania proportional representation voting has operated for many years, and a great deal of individuality is expressed by Tasmanians in the use of that system. The sooner we in South Australia allow that system, which provides much more individuality, the better the proportional representation system will work. I believe that the movement towards asking people to use a Party prescribed system, if you like, in voting in an election does not assist in allowing the development of proportional representation voting in multi-member seats, as we have in the Legislative Council. Therefore, I strongly support the amendment.

The Committee divided on the amendment:

Ayes (5)—The Hons J.C. Burdett, L.H. Davis, R.C. DeGaris, K.T. Griffin (teller), and C.M. Hill.

Noes (10)—The Hons G.L. Bruce, B.A. Chatterton, M.S. Feleppa, I. Gilfillan, Diana Laidlaw, Anne Levy, R.I. Lucas, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons M.B. Cameron, Peter Dunn, and R.J. Ritson. Noes—The Hons Frank Blevins, J.R. Cornwall, and C.W. Creedon.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clause 63—'Ballot papers for House of Assembly elections.'

The Hon. R.I. LUCAS: There must be another clause in the Bill that backs up this clause in relation to the exact procedures to be adopted in determining by lot the order for candidates on the ballot paper. I know that the Electoral Commissioner has some strong views about the inappropriateness of the lengthy procedures provided in the Commonwealth Electoral Act in relation to how this is to be determined by lot, so I am not really asking for a provision similar to that contained in the Commonwealth legislation. However, there must be some guidelines in relation to who is involved in the procedure and an indication as to whether it is open to the scrutiny of political Parties, the candidates or representatives. Will the Attorney indicate where I have missed this provision?

The Hon. C.J. SUMNER: This is not something that is unfamiliar because the determination of the position by lot has operated in South Australia for the Legislative Council, and there have not been any regulations dealing with it. I suppose that regulations could be promulgated if that was the wish of the Government or Parliament.

The Hon. R.I. Lucas: That has always been done by the Commissioner: who's doing—

The Hon. C.J. SUMNER: It has been done by the Returning Officer for the Legislative Council.

The Hon. R.I. Lucas: But now that there are 47—

The Hon. C.J. SUMNER: Individual returning officers will have to do it.

The Hon. R.I. Lucas: In their homes?

The Hon. C.J. SUMNER: With respect to the Legislative Council, after the nominations have closed the Returning Officer designates a time and a place for the determination of the position on the ballot papers by lot.

The Hon. R.I. Lucas: Doesn't he do it straight after nominations close in relation to the Legislative Council?

The Hon. C.J. SUMNER: That is true. I think that they notify the people who have nominated when it will be done, so that the people concerned turn up. It is quite a gala occasion.

The Hon. R.I. Lucas: Television?

The Hon. C.J. SUMNER: Television; worried candidates; nervous people all wondering whether they will get the donkey vote. The Returning Officer conducts a determination by lot. That is how it will be done for the House of Assembly electorates. I imagine that the Returning Officer will designate a place and advise the individual candidates who nominated. The Government can consider whether or not something should be included in the regulations as to how it should be done. So far there has been no problem with three Legislative Council elections in relation to this matter.

The Hon. R.I. LUCAS: I ask that the Government consider it. I accept that there have been no problems with respect

to the Legislative Council, because everyone knows that it involves the Electoral Commissioner and that it occurs, as the Attorney indicates, with some fanfare, straight after the close of nominations. However, we are now extending the Legislative Council system to the 47 House of Assembly electorates. It appears, on the current drafting of the Bill, that it is left unsaid as to whether the Electoral Commissioner is to conduct the ballots for these 47 House of Assembly electorates or whether it will be the individual returning officer.

Does that mean that at the close of nominations the 47 individual returning officers will be required to be at the one central location and it will be done there? Does it mean that all candidates will be advised so that they or their scrutineers can scrutinise the balloting procedure? I argued this matter in relation to the local government voting system: that determination by lot is an important part of the electoral system. I believe that it should be scrutinised by candidates or their representatives if they choose to do so; and, if they do not, too bad. There needs to be something in the Act, which is my preference. If it is left to regulations, we have a say in it eventually.

Will the Attorney-General indicate the exact procedures to be followed? My preference is that all candidates should be informed prior to the balloting procedure of the time and location and, if they or their nominee choose to be present, that should be provided for. I do not believe that we should allow individual House of Assembly returning officers to conduct a balloting procedure in their lounge-rooms with, say, their staff member and then inform candidates that the Liberal Party got number 6 on the ballot paper. I hope that the Government will look at this important matter.

The Hon. C.J. SUMNER: I do not disagree with anything that the honourable member has said. It is a matter of how it is done: whether by regulation or legislation; whether it is done at all; or whether through administrative direction by the Electoral Commissioner to the respective returning officers. To date it has been done by administrative direction.

The Hon. R.I. Lucas: That's only in the Legislative Council.

The Hon. C.J. SUMNER: Sure, but what happens there and would happen in this case is that each returning officer has an official address in the electorate in which that person is the returning officer.

The Hon. R.I. Lucas: They don't have an office in the electorate.

The Hon. C.J. SUMNER: Not an office, but an official address.

The Hon. R.C. DeGaris: It's a long way to travel in Eyre.

The Hon. C.J. SUMNER: Yes, the official returning officer's address for the electorate of Eyre is in the city, so they have an official address. The returning officer receives nominations at that address up to the appointed time for the close of nominations. If the address is a private home, as it is in some cases, when each person who nominates files the nomination, or at the time the returning officer receives it, the returning officer should give them notification saying that at a certain time after the close of nominations the determination of the positions on the ballot paper will take place at a particular address.

In relation to the determination of positions on the Legislative Council ballot paper, I think that, in the past, candidates have been there. Of course, candidates cannot go along and act as scrutineer at the booths during an election, but my recollection as a candidate is having gone to a ceremony at the Electoral Office for the determination by lot of the position on the ballot paper. Whether or not the candidates or their scrutineers should be there, I do not think it matters very much. I do not see a problem with candidates being there, although I suppose there may be some query if in some electorate the only candidate who turned up was from one particular Party. But I suppose that that is the same with scrutineers. At some booths only one scrutineer from a particular Party turns up. The important thing is that every Party is given the opportunity for either the candidate or scrutineer to attend. The scrutineer could then see that there are five candidates, that the names of the candidates are placed in an envelope (as I understand it), the envelope is placed in a box and the returning officer then draws out the envelopes one by one.

That is the way it has been done for the Legislative Council, and that is the way the Electoral Commissioner envisages it will be done under the new system. I do not believe that it needs to be in the Act, but I am happy to discuss it further with the Commissioner. The problem with regulations is that if there is a minor departure there may be challenges. If it is by administrative instruction, I think that may well be sufficient.

The Hon. R.I. Lucas: The regulations would provide some protection for a candidate who felt he was offended.

The Hon. C.J. SUMNER: They would, but you would not want a position where a candidate knew all about it, did not turn up and then complained.

The Hon. R.I. Lucas: But that is part of the normal scrutiny problem anyway. If two scrutineers turned up and one wanted to complain about the procedures adopted by the returning officer, that he thought the envelope for one Party was 1½ inches bigger than the envelope for the four other candidates and therefore it was easier for a returning officer to pick out the big envelope, there ought to be some procedure whereby, if one wanted to complain, there are some grounds or guidelines for it. If the returning officer were to do something like that, there ought to be grounds for complaint.

The Hon. C.J. SUMNER: I agree. I have no argument with what the honourable member says. It has to be, and be seen to be, above board. It has worked for the Legislative Council without complaint on three occasions. The returning officer should give all candidates the opportunity of being present. The Electoral Commissioner would want to have the returning officers determine the positions on ballot papers by lot as soon as practicable after the closing of nominations, because things have to start moving fairly rapidly to get printing done, and so on. For administrative purposes he would want a determination made virtually immediately, and that has happened with the Legislative Council. I see no reason why, at the time the nomination is handed in by a candidate or by someone on his behalf, he is given a notification (or, if he is not there personally, a letter is posted to him) to say that at a particular time and place (it may be the official address of the returning officer, which is the most consistent address) the balloting for positions on the ballot paper would take place.

The Hon. K.T. GRIFFIN: I appreciate the point that the Hon. Robert Lucas is making about this. It is a very important issue now that we are moving to the determination of the order of candidates on all ballot papers. I support that and have indicated that during the second reading debate. It is important to get the procedures right. I recognise that probably it is desirable that it be a matter for administrative direction by the Electoral Commissioner, but I suggest that, when the Electoral Commissioner has his guidelines prepared, it would be valuable to forward those draft administrative guidelines to members for comment and to the Parties, so that, unless there is an objection, it can at least be presumed that there is a reasonable degree of acceptance of that principle.

I also recollect reading an article recently which claimed that there had been scientific evidence that the drawing of papers or envelopes from a box was not the fairest way of

determining a matter by lot because of irregularities, not so much in the size or dimension of the piece of paper or envelope but in relation to the way it is folded, rough edges, and so on. I raise that as I read it only in the last few days. The Electoral Commissioner may like to consider it. Maybe it ought to be drawn as in X Lotto, with the use of marbles where there can be no complaint at all.

The Hon. C.J. SUMNER: Maybe we could commandeer the X Lotto machine and give the names of candidates a certain number. We could have the Auditor-General and Lotteries Commission there, televise it, and Noel O'Connor of channel 10 could introduce it. It could be quite a gala occasion. I am happy to accede to the honourable member's request. Obviously, if it is done by regulation it will come before the Parliament. If it is done by administrative instruction, I am happy to undertake that the Electoral Commissioner will discuss those administrative instructions with the major Parties and with the spokesmen on electoral matters for the various Parties in the Parliament to ensure that what is done has the acceptance of contestants in the electoral process. I will certainly ask the Electoral Commissioner to examine the last question raised by the honourable member.

Clause passed.

Clause 64—'Form of ballot papers.'

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

Page 24, lines 20 and 21—Leave out all words in these lines and insert 'Ballot papers shall be in the form prescribed in the schedule'.

I am seeking to include in the Act itself the form of the ballot papers as in the present Act. I recognise that under the present Act power exists for the Governor by proclamation to vary matters referred to in the schedule so there is some flexibility. It is difficult at this stage to be able to draw the schedule because we still have not finalised the determination of what is to be included on the ballot paper.

If there is generally support for my proposition that the ballot paper be prescribed in the schedule but with the same powers as in the present Act for the Governor by proclamation to vary the information on the schedule and that that proclamation be made public. I ask the Attorney-General to defer further consideration of the clause. If I am not going to get the numbers to have the ballot paper prescribed in the schedule with the facility for amendment by proclamation, I would want to give some further consideration to the wide discretion given to the Electoral Commissioner, because a number of matters ought not be matters of discretion for the Electoral Commissioner. Perhaps I can pursue them if I get some indication from the Democrats and the Government as to my general principle of prescribing the ballot paper in the schedule with the facility for some amendment by proclamation as in the present Act.

The Hon. C.J. SUMNER: Whatever is done with respect to ballot papers should be done in a consistent way. It should all be in the schedule of the Act and subject to amendment of the legislation, all done by regulation, all done by proclamation, or all be done at the discretion of the Electoral Commissioner. I do not believe that the system we have of a ballot paper in the schedule, which can then be altered, is entirely satisfactory. It should be done by one method, and perhaps the best compromise is to do it by regulation: in other words, not to include it in the schedule. If it is in the regulations it is subject to Parliamentary scrutiny. If members of Parliament are not happy with what the Electoral Commissioner has devised and the Governor proclaimed, it can be subject to debate in the Parliament.

The Hon. K.T. GRIFFIN: I do not disagree with that. I am trying to ensure that we have some Parliamentary scrutiny of the ballot paper and its contents. The difficulty with regulations is that, if it is in a bundle of electoral regulations, it will be very difficult to disallow. I do not see that that is desirable. I can see that it is in the interest of all—

The Hon. C.J. Sumner: You have no scrutiny over a proclamation. In some sense it is better than what you suggest.

The Hon. K.T. GRIFFIN: I am not disagreeing and I am not being antagonistic. I want to get a resolution of it. I am saying that it is not in the interests of any Party or the Electoral Commissioner that there be major disagreement with the form of the ballot paper. I would hope, before even the regulation is promulgated, that there would be some consultation. In relation to the regulation which might prescribe the ballot paper, the Act itself ought to provide that, in terms of instructions as to voting, the regulation only prescribe voting by numbers, not the alternative, '1', tick or cross, and that in respect of the House of Assembly, depending on how we progress with this voting ticket concept, it be a direction to vote fully preferential.

That is the spirit of what the Government is proposing. Later, under clause 66, I want to remove the concept of voting tickets for the House of Assembly, anyway. My concern about the regulation prescribing only all preferences on a ballot paper in relation to the House of Assembly might then not be necessary. That is another reason why, if we can accept that clause 64 be amended to allow the prescription of the ballot paper by regulation, there at least would be an opportunity to come back and recommit it when we see what is going to be the outcome of the voting ticket provisions in respect of the House of Assembly. I have got some amendments drafted which will put it beyond doubt that numbers and preferences only are to be indicated rather than ticks or crosses.

The Hon. C.J. Sumner: It goes on the ballot paper?

The Hon. K.T. GRIFFIN: Yes.

The Hon. C.J. Sumner: Are you suggesting that we pass this with the regulation and come back to it?

The Hon. K.T. GRIFFIN: I have raised the issue. I am happy to accept that the clause provide for the ballot paper to be prescribed by regulation, but I am indicating that I would want some additional information, partly depending on the outcome of the voting ticket procedure. For that reason let us get it into regulation now; but I intimate that I would want to recommit it to deal with those other matters as soon as I have an amendment drafted.

The Hon. C.J. Sumner: Perhaps the honourable member's amendment could be amended.

The Hon. K.T. GRIFFIN: It would help if I seek leave to withdraw my amendment, and I do so.

Leave granted; amendment withdrawn.

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

Page 24, lines 20 and 21—Leave out all the words in these lines and insert 'ballot papers shall be in a form prescribed by regulation'.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 24, after line 21—insert subclause as follows:

(2) The following statement shall be printed at the top of every ballot paper so as to be clearly legible by the voter:

You may leave the ballot paper unmarked if you do not wish to register a vote in this election.

This is a very significant amendment from our point of view. It actually links to an amendment that we have on file for clause 88, and the two together would allow for the proper recognition of the option to refrain from marking a ballot paper. I have argued on several occasions the reason for our requiring this amendment as part of the overall significance of compulsory enrolment and compulsory voting.

It is, in my opinion, a reasonable addition to the instruction on a notice paper, assuming that we are successful in clause

88 that it becomes legal to leave the ballot paper unmarked and that will not be a breach of the duty imposed by this legislation, that that information is placed in a visible but discreet manner on a ballot sheet and that it will be there for an elector to read and understand as an option that he or she can exercise.

It is interesting to hear some of the discussion on what have been the intentions of the so-called informal vote with an unmarked sheet. I think it is unreasonable to say that they do all fit into one category. There are obviously various reasons why people act as they do in a polling booth. Some, I am sure, behave in a quite unpremeditated way subject to some stress of the whole situation. There are some who have quite positive opinions on who they would want to vote for. There are some who have some quite positive opinions that they do not wish to take part in the election, either because they have no preferred candidate or Party that they want to support or they want to register in an emphatic way that they have an objection to this ballot.

A blank sheet put into the ballot box statistically will add to the numbers in a meaningful way of interpretation. As far as I am concerned I do not see that that is going to be a detrimental step for an election. I think, and I encourage the Chamber to think with me along this track, that we have obviously a philosophical difference in compulsory *versus* voluntary voting. In a way, what I am putting forward in this amendment is separate from that debate because, if it is assumed, as is reasonable on one side of the argument, that there is compulsory voting, then the justification for this amendment for those who have preferred a voluntary form of voting would be reasonably attractive, and therefore I believe it is important and I ask people in the Chamber to consider this amendment on the basis of certain parameters and preconceived situations of the voluntary *versus* compulsory voting situation applying.

If we were in the situation where voluntary voting existed, there would be no point in this. This amendment would have virtually no significance. I am interested to hear how enthusiastically, on frequent occasions, members of the Opposition will emphasise again their support for voluntary voting, this freedom to choose. I respect that point of view but disagree with it in that I believe its practical application could be open to abuse and distortion of the real intention of the electorate. I trust that they respect that point of view of mine.

I also believe that the Government has recognised that our support for compulsory voting was brought forward to the critical area of precise decision making because the Opposition, with due notice—and I appreciate that: it signalled this well in advance so that we could all have time to deliberate on it—intended to move a major amendment for voluntary voting. In that context, it is very important that the Democrat situation be clearly and plainly understood: that our acceptance of the obligation to attend the polling booth is conditional on there being a recognised and dignified way for those who at the polling booth have no intention or wish to mark a ballot paper or an aversion to marking the ballot paper to have their wish acknowledged through this amendment, which goes with the consequential amendment, which is the more legal aspect of it, to clause 88.

Therefore, I urge the Council to support this amendment and to give some dignity and respect to the option that electors will have if they are obliged to attend a polling booth but actively oppose being forced to mark a ballot paper.

The Hon. K.T. GRIFFIN: I do not support the amendment. There is no compulsion to mark the ballot paper, although at present there is the compulsion to attend the polling booth, with which we would disagree. My concern is that if we add this sort of statement to the ballot paper we are beginning to make it even more difficult for people to interpret the ballot paper. Let us face it: the ballot paper has to have certain instructions on it in respect of voting (and I have a proposal on that, which we will talk about later)—the normal sort of provision that appears on the ballot paper.

We then have the list of candidates; we will have political affiliations now; we may have a photograph, and now an additional direction that one need not indicate a vote. I would have thought that that adds unnecessarily to the amount of information on the ballot paper. The next question is whether one has it in Greek, Italian and other languages because, obviously, people who go to the polling booth have to have information available that will help them rather than hinder them in making a decision. For those reasons, I do not accept the amendment.

The Hon. C.J. SUMNER: The amendment is not acceptable to the Government. I accept the Hon. Mr Gilfillan's proposition with respect to clause 88—I do not see any problem with that—but for the sorts of reasons outlined by the Hon. Mr Griffin I see some difficulties with the proposition that is put forward here. We will consider later what instructions may be on the ballot paper, and the previous debate indicated this would be done by regulation. No doubt, some attention will be given at that stage—and the Hon. Mr Griffin has already foreshadowed this—to what should be prescribed in the regulations as being on the ballot paper, but I do not see the necessity for a clause of this kind. Those people who wish to vote informal, if we have the amendment moved by the Hon. Mr Gilfillan to clause 88, which I am prepared to support—

The Hon. K.T. Griffin: I'll debate that when we get to it.

The Hon. C.J. SUMNER: The honourable member may wish to argue the toss about that.

The Hon. K.T. Griffin: The Hon. Mr DeGaris also has one.

The Hon. C.J. SUMNER: In any event, I do not see any difficulty with the proposition put forward at this stage, subject to what the Opposition has to say on the topic, by the Hon. Mr Gilfillan to clause 88, but I have difficulties with this amendment to clause 64. The Government will not support it.

The Hon. R.C. DeGARIS: I will support the view of the Hon. Ian Gilfillan on this matter. I do not think that it covers the position as I would like to see it covered, but at least it is a small step in the right direction and I will support it.

The Committee divided on the amendment:

Ayes (3)—The Hons R.C. DeGaris, I. Gilfillan (teller), and K.L. Milne.

Noes (12)—The Hons G.L. Bruce, J.C. Burdett, B.A. Chatterton, Peter Dunn, M.S. Feleppa, K.T. Griffin, C.M. Hill, Anne Levy, R.I. Lucas, R.J. Ritson, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons M.B. Cameron, L.H. Davis, and Diana Laidlaw. Noes—The Hons Frank Blevins, J.R. Cornwall, and C.W. Creedon.

Majority of 9 for the Noes.

Amendment thus negatived.

The Hon. K.T. GRIFFIN: It may be that in view of the fact that I have only just put the amendment on file that the Attorney would allow the clause as amended to go through with a view to recommitting it at a later stage. If he wants to proceed with it now, I am happy to do so.

The Hon. C.J. SUMNER: We will have to examine it further. Therefore, I move:

That further consideration of clause 64 be postponed.

The CHAIRMAN: The clause has been amended: therefore, it will need to be recommitted.

The Hon. C.J. SUMNER: Under which Standing Order?

The CHAIRMAN: Any clause may be postponed unless it has already been amended, or provided by Standing Order 297.

The Hon. C.J. SUMNER: I will recommit it later.

Clause as amended passed.

Clause 65—'Printing of the names of political Parties in ballot papers.'

The Hon. K.T. GRIFFIN: I think that I have lost the battle on most of the provisions of this clause. Therefore, I will oppose but not divide. The Committee has already accepted by majority that there will be registered political Parties with a view to having the name of that registered political Party printed on the ballot paper. If that is the case, paragraphs *(b)*, *(c)*, and *(d)* of subclause (1) will automatically follow.

My only question relates to Independents. I presume that the Bill provides that a candidate, say, in the Legislative Council, may be described as an Independent, an Independent Liberal or Independent Labor candidate, and that is really what paragraphs *(c)* and *(d)* allow, but this will not allow a particular group to be called an Independent Labor Group or Independent Liberal Group on the basis of the earlier provision in the Bill which did not allow the registration of a political Party called the Independent Labor Party or the Independent Liberal Party. My question is in relation to a group of Independents who might call themselves, say, Independent Labor in respect of the Legislative Council.

The Hon. C.J. SUMNER: The prohibition is on the use of Independent Labor Party or Independent Liberal Party. Once a Party has been registered—Independent Australian Democratic Party, or Independent Australian Democrats or whatever—one cannot then take the name of that Party, attach 'Independent' to it and find some other name if one wants to establish a Party. However, if one wants to run as Independent Labor, Independent Liberal or Independent Australian Democrat, one can do that and have it printed on the ballot paper. Two or three people can run as a group in the Legislative Council, as I understand it, describing themselves as Independent Labor, but that group cannot be registered as a political Party such as the Independent Labor Party or Independent Liberal Party. If one got to that situation that would be taking the name of an already registered Party unfairly.

The Hon. K.T. Griffin: Independent Labor candidates may elect to be grouped for the Legislative Council and each candidate will be identified as Independent Labor.

The Hon. C.J. SUMNER: They may get to a group; that is right. However, they do not do that as a Party.

The Hon. J.C. Burdett: They are not registered.

The Hon. C.J. SUMNER: No, they are not registered as a Party but they can group and describe themselves as Independent Labor or Independent Liberal, but not Independent Labor Party or Independent Liberal Party.

Clause passed.

Clause 66—'Voting tickets.'

The Hon. K.T. GRIFFIN: I indicated that I would oppose this clause which relates to voting tickets for both the House of Assembly and the Legislative Council. As I have been defeated in respect of the Legislative Council voting ticket question but also as we have not yet considered the matter of a voting ticket for the House of Assembly, as I understand it, I would like to address that question. It would be appropriate to move an amendment to clause 66, as follows:

Page 25, line 18—After 'election', insert the words 'for the Legislative Council'.

Therefore, that clause would read:

A candidate, or a group of candidates, in an election for the Legislative Council may, before the expiration of 48 hours after the closing of nominations for the election, lodge with the returning officer one or two voting tickets.

That may not be the precise way of identifying the difference between Legislative Council voting tickets and the vote for the House of Assembly, but I have to find some way in which I can distinguish between what I have lost in respect of Legislative Council voting tickets and what I have not yet had voted upon—the question of House of Assembly voting tickets.

If I were to move my amendment in that way, even though in consequence there may be other amendments, if I am successful it would enable us to air that issue and make a decision on the substantive question now with a view to resolving it once and for all. That is the best way of doing it. Therefore, I move:

Page 25, line 18—After 'election', insert the words 'for the Legislative Council'.

I move in that way with a view to obtaining a decision of the Committee on the question of voting tickets for the House of Assembly. The majority has accepted that there should be a mechanism by which a group of candidates or a candidate for the Legislative Council may lodge a voting ticket identifying the distribution of preferences of that candidate so that, if at the top of the Legislative Council ticket the square relating to that candidate or group of candidates is marked '1', the preferences are distributed automatically by the returning officer.

However, the Bill seeks to apply a similar sort of provision to the House of Assembly, not with regard to a separate square at the top of the ticket but in respect of a square beside the name of a candidate. So, if a candidate in the House of Assembly lodges a voting ticket with the returning officer indicating the way in which the candidate wishes his or her preferences to be distributed, they will be distributed automatically by the returning officer.

However, there is the option to vote 1, 2, 3, 4—how ever many preferences for how ever many candidates are on that ballot paper. I take the view that that is objectionable, that we have had a system in the House of Assembly for many decades requiring preferences to be indicated by number from 1 to how ever many candidates are on the ballot paper, and that the full preferential system is required. The Government's Bill allows a 1, a tick or a cross beside the name of one candidate to be a valid vote if a voting ticket has been lodged.

Although that is not behind the scenes optional preferential voting, or first past the post voting, the fact is that in the mind of the elector it may well create the impression that it is the first past the post system, and it may well mean a general acceptance of a '1', a tick or a cross being treated in the same way. It is only then a matter of time before a Government may be tempted to move to a real first past the post system and a general acceptance that, instead of voting by number, voting by cross or tick in a State election is wholly acceptable.

It is in the light of that background that I oppose the concept of voting tickets for the House Assembly and the automatic distribution of preferences where a ballot paper is marked only with the number 1, a cross or a tick for one candidate. That is the substantive issue that I desire to have resolved by way of this amendment.

The Hon. C.J. SUMNER: I oppose the amendment. The proposition put forward by the Government is reasonable and is certainly not first past the post voting—it is exhaustive preferential voting. It does not bear any resemblance at all to first past the post voting. As honourable members know, the Government originally had a proposition for optional preferential voting for the House of Assembly. When that

was reannounced by me during the silly season, when the press had nothing else to do with its time, it gained a degree of prominence. It became clear that it was not acceptable to the Parliament, so the Government has not proceeded with optional preferential voting for the House of Assembly.

So, with respect to both the Upper and Lower Houses the scheme that we have introduced involves a full preferential system of voting. I emphasise with respect to the Upper House that it is a full distribution of preferences, which was not the system used for the last election. In no way can this be seen as a first past the post system, or in any way as a step towards such a system; it is merely a means of dealing with informality that may occur in House of Assembly voting.

We have accepted the notion of voting tickets for the Upper House. People in the House of Assembly will have, if they choose to vote, to fill in all the squares—that is, vote fully, exhaustively and preferentially. However, if they do not do that, this enables their vote to be validated where the intention of the elector is clear.

The Hon. R.I. LUCAS: I indicated during the second reading debate that I could see the reasons for the Government's move with respect to this matter. I instanced previously that although the system introduced in 1984 for the Senate cut the informal vote drastically (by one half), conversely the informal vote in the House of Representatives increased alarmingly. The figures that the Parliamentary Library provided to me indicated, for example, that in South Australia the informal vote increased from 2.7 per cent to 8.7 per cent in the 18 months between the 1983 and 1984 elections. It is of major concern to me that 8.7 per cent of people made errors on their voting paper primarily because of the introduction of a simpler voting system for the Senate.

We are now going down that same path, in that the majority of members in the Council (10 to five) have indicated that we ought to have a simpler voting system for the Legislative Council. On past records, 90 per cent of people will put the 1 in the box to vote for their favourite Party. That leaves the potential for similar problems in the House of Assembly. As I indicated before, one needs to look at clause 129 of the Bill, which will make it an offence for people to distribute how to vote cards with only the number 1 on them, or to publicly advocate just voting for number 1 in the House of Assembly.

The first part of that clause is a good provision (although I have some questions about the second part) because it is consistent with seeking to encourage the maximum number of people to complete all the preferences on a House of Assembly ballot paper. Equally, the clause that we are considering needs to be viewed in the light of clause 96 and the amendment that the Hon. Mr Griffin has on file with respect to what instructions ought to be placed on a ballot paper.

I support the present provision in the Bill on the basis that we are seeking in the rest of the Bill to encourage the maximum number of people to complete the full preferential voting system for the House of Assembly. I hope that there will be agreement about instructions of some sort to be included on the ballot paper—an understanding, in effect, that everything done officially encourages people to complete the full system—and that we use only clause 96 as a fall back system. We have officially encouraged everyone to complete all the preferences. It is made an offence under clause 129 for people to advocate anything other than that method. Finally, we use clause 96 as a fall back to validate those persons who still, after all that encouragement, have made an error and indicated number 1 for the candidate of their choice. Therefore, the registered voting ticket will be used, in effect, in the same way as we use a registered voting ticket in the Legislative Council.

There is some argument for this on the ground of consistency between the two Houses. We are likely to see a similar provision being debated soon in the Commonwealth Parliament and, similarly, they will have to do something along the lines that we are indicating. I support the provision on the basis that, when we come to some later provisions to which I have referred, we will do everything possible to encourage the maximum number of people to complete all preferences for the House of Assembly.

The Hon. R.C. DeGARIS: I oppose the question raised in relation to Legislative Council voting, and I have the same view with regard to the House of Assembly paper. I can see no advantage in this question. There is no doubt that eventually the direction is to move to a first past the post voting system. It is clear that once this system operates nothing will prevent people advocating voting 1 as a formal vote. In South Australia we have gone along for many years with the preferential system, and I see no reason to undermine that system in relation to this provision in the Bill. Therefore, I support the Hon. Mr Griffin's amendment.

The Hon. I. GILFILLAN: Does the Attorney believe that there will be a wide use of the single mark on the ballot sheet? Does he believe that the information that it is a legal and effective form of voting will be dispersed and broadcast to the population? What does he anticipate will be the public awareness, as a legal and valid form of voting, to put one mark on the ballot sheet?

The Hon. C.J. SUMNER: That matter would not receive a great deal of publicity. The Act provides that it is illegal to advocate voting 1, so it is designed to pick up those voters who make their intention clear but who, under the existing provision, would be lodging an informal vote. All the instructions, for instance, since I have been involved in politics in the House of Assembly have said that, if there are four candidates (this is at the top of the ballot paper), you must fill in numbers in each square, 1 to 4. Yet in the scrutiny, scrutineers, candidates and other people involved in the process know that, if one fills in 1 to 3 and leaves the fourth square blank, it is a valid vote expressing the intention of the elector.

I see this provision in that light: as an aid to the scrutiny in determining the intention that a voter wishes to express. The basic proposition will be that an elector must fill in all the squares, including the last one but, if a voter does not do so, there is a mechanism where, if the intention is clear, the vote can be deemed to be a valid vote in the scrutiny. I see this mechanism being akin to that adopted in the scrutiny as the votes hitherto with respect to a blank square, that square being the last number, despite the fact that the instruction and the legislation have said that one has to fill in every square.

The Hon. I. GILFILLAN: Is it right that the Attorney is defending this move on the grounds that it is a measure of tolerating or facilitating the expression of a vote but without advocating that as a means for doing so? Is it repair work legislation, which means that there will be a more effective way of counting what are genuinely intended votes but that the actual method that is used is undesirable and the legislation is attempting to make it plain that just the one mark on the ballot paper is distinctly undesirable? It is a rather surreptitious way of approaching the issue. There is prohibition on any publicity, yet there is a clear instruction to the returning officers and in the legislation that such a vote will be valid. At the same time there is a deliberate avoidance of any marking on any public material or on the ballot paper to indicate in any way at all that this is a valid vote.

If that is true, the interpretation is that this is undesirable information to be dispersed widely; it certainly is undesirable to encourage it; and, because it is basically an undesirable form of voting, there is a strong prohibition in its promotion, either publicly, by distributing material or in any way notifying on the ballot sheet. Does the Attorney agree with my interpretation?

The Hon. C.J. SUMNER: I think that is a reasonable proposition. It accords with what I said previously, although the honourable member expressed it in different words. The primary obligation will be to vote full preferential but, if an elector makes a mistake with the voting system, and the intention is clear, it will enable that vote to be validated in a similar way, as I said before. Although all the instructions were that one had to exhaustively fill in all the numbers in the squares in a House of Assembly election, if one did not fill in the last number the vote was a valid vote for the existing system, and I see it in that light.

The Hon. R.C. DeGARIS: That raises an important question, and I am pleased to hear the comments of the Hon. Mr Gilfillan, who interprets what I see as an important issue. The question is: what is informality? The Attorney-General has said that if any person has made his intention clear the vote should be valid. But, how can anyone say that, when all the instructions are given, there must be a full preferential vote. If that person wants to vote informal and votes 1, suddenly it is being interpreted as being a formal vote. Surely that cannot be the position. Is the mistake made intentional?

The Bill says that a person who goes into a polling booth and deliberately marks a ballot paper 1 for an informal vote, suddenly the returning officer must say that the mistake was not intentional. That is the position. Therefore, all the publicity that is being given about how people can vote formally, and suddenly a different vote is a formal vote, cuts across the whole concept of whether or not it is the voter's intention to cast that vote. Therefore, I ask the Committee to support the Hon. Mr Griffin's amendment.

The Hon. I. GILFILLAN: I use this position to ask the Committee to reconsider my earlier amendment, which was lost. The very argument that has been sustained by the Hon. Mr DeGaris and the comment 'that is right' interjected by the shadow Attorney show that, if the option is for deliberate informal votes to be the blank sheet, and that is clearly spelt out on the sheet, none of this hoo ha would occur.

Also, the interpretation is this: we have avoided publicity for this method of voting because it is undesirable and is to be suppressed as a means of expressing opinion in a ballot box. We are applying the same blanket to the option to leave one's ballot sheet unmarked, as if it is an unclean way of expressing an opinion.

It is unfortunate that the logic that is being applied to this was not as open mindedly applied to my earlier amendment, because it would certainly have avoided the complication that we are trapped in here, where someone, as the Hon. Mr DeGaris said, in some exasperation just marks a paper and gets done with it. That would be counted as a vote totally against his or her will. I realise that it is not particularly relevant to hang on that point, but it is relevant and it does reflect on the logic of my earlier amendment, which unfortunately was lost.

The Hon. K.T. GRIFFIN: I appreciate the additional contributions made by the Hon. Mr DeGaris and the Hon. Mr Gilfillan, because there really is a problem with this provision about voting tickets for the House of Assembly.

The Hon. R.C. DeGaris: The same relevance applies to the other one.

The Hon. K.T. GRIFFIN: It is still relevant in relation to the other one. I do not disagree with that, but of course the ballot paper for the Legislative Council will at least show clear instructions as to what the marking of the square at the top of the group will mean—that preferences will be allocated according to the preferences indicated by the Party or the group if it is not a political Party. So at least there is no deception there.

I certainly do not support the proposition of voting tickets for either House, but, in the context of the House of Assembly, which we are debating, as the Hon. Mr Gilfillan has indicated, there is some legislative deception where on the one hand the vote will be valid if behind the scenes the legislation allows the interpretation of a number 1, a tick or a cross to mean an allocation of the preferences for the candidate indicated by that number 1, tick or cross and where on the other hand there is a proposition that legislatively that information is not to be imparted to the citizen. There are provisions relating to inaccurate or misleading statements in a material respect by candidates in an election campaign; that is a statutory offence, a penalty is provided and injunctions can be issued.

If we consider the matter logically we see that there is a very real element of inconsistency between on the one hand penalising inaccurate and misleading statements in material respects in election campaigns and on the other hand a legislatively permitted inaccurate and misleading statement being incorporated into the Statute. That is the point I want to make. In any event, I oppose the whole concept of voting tickets. The system for the House of Assembly has worked satisfactorily for many years, so why change it? I see no reason at all to change the present system. The amendment seeks to maintain the *status quo*.

The Committee divided on the amendment:

Ayes (6)—The Hons J.C. Burdett, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, and R.J. Ritson.

Noes (9)—The Hons G.L. Bruce, B.A. Chatterton, M.S. Feleppa, I. Gilfillan, Anne Levy, R.I. Lucas, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons M.B. Cameron, L.H. Davis and Diana Laidlaw. Noes—The Hons Frank Blevins, J.R. Cornwall and C.W. Creedon.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. I. GILFILLAN: I move:

Page 25, line 19—Leave out 'forty-eight' and insert 'seventy-two'.

This is a facilitating amendment to cover the possibility of the 48 hours (the time allowed for lodging a voting ticket) falling on a weekend. It is purely a mechanical extension of hours to allow a reasonable time if the 48 hours includes a weekend. This clause allows for the lodging of one or two voting tickets, but I understand that the Federal Act allows for the lodging of three voting tickets. Why does the State legislation refer to only two voting tickets instead of three?

The Hon. C.J. SUMNER: The honourable member is correct. The Federal legislation refers to three voting tickets, and that would enable preferences to be split three ways whereas our legislation provides for two voting tickets so that preferences will be split two ways. I do not suppose that anything particularly turns on this: if the honourable member feels strongly about it, I will be prepared to consider the matter further. In the meantime, we could proceed with consideration of the clause.

The Hon. K.T. Griffin: Two is enough.

The Hon. C.J. SUMNER: The Hon. Mr Griffin and the Hon. Mr Lucas are enthusiastically supporting the Bill at this point. A practical reason for our provision is that we allow how-to-vote cards to be available in polling booths and, if the preferences were to be split three ways, there would certainly be a greater administrative problem in providing how-to-vote cards in booths.

The Hon. K.T. Griffin: How can voting cards be three-sided?

The Hon. C.J. SUMNER: We would issue a pamphlet.

The Hon. R.J. Ritson: Or a cube.

The Hon. C.J. SUMNER: Yes. That is a practical problem, which should not completely overwhelm the issue of principle of whether there should be provision for two or three voting tickets. On balance, the Government decided on two but, as this Bill obviously has a long way to go both in this Council and in the other place, I would be happy to discuss the matter further with the honourable member if he feels strongly about it. I am happy to bring a little sweetness and life back into the debate by supporting the sensible amendment to line 19.

The Hon. I. GILFILLAN: I indicate that, in whatever form this is acceptable, I will pursue amending this to include the three-way provision. If necessary, I shall seek leave to have this dealt with in whatever is the appropriate way.

The Hon. C.J. SUMNER: I did not expect the honourable member to commit himself so readily. I said I would discuss the matter; I am not necessarily agreeing, but I said that I would give further consideration to the argument that he might put forward.

The Hon. I. GILFILLAN: Can I invite the Attorney to institute whatever procedure that he thinks is necessary, or could this be done by way of recommittal?

The Hon. K.T. Griffin: That should be done in Committee rather than behind closed doors. It is an issue of some significance.

The Hon. C.J. SUMNER: Certainly the matter can be debated in Committee. If the honourable member wishes to move accordingly, and if he still thinks that that is appropriate after having had informal discussions about this matter, I shall be happy to recommit the clause. However, I indicate to the honourable member that I am not prepared to commit myself one way or the other at this stage. The Bill provides for a two-way split, and that is still the Government's position. If the honourable member wants to reconsider this by way of recommittal, I will not stand in his way. However, I cannot indicate that I will support the three-way split at this stage.

There is a practical problem in respect of our system in putting how to vote cards into the booths. This could be almost an insurmountable problem, I suppose, if there were three or four candidates with voting tickets splitting three ways on each occasion, in which case there would be 12 how to vote cards just for those three candidates alone. However, as I have indicated, I am happy to further consider the matter and to recommit the clause if the honourable member so wishes.

The Hon. R.C. DeGARIS: Quite clearly this illustrates once again the stupidity of this voting ticket system. The situation now would be, if one wanted to be fair, just and democratic, that any person standing for election could have as many how to vote cards, voting tickets, as other candidates. There may be an independent standing for election who puts in a voting ticket, and there may be six, seven, eight, or nine candidates; he may not want to make any distinction amongst preferences.

The Hon. R.I. Lucas: You could have open tickets.

The Hon. R.C. DeGARIS: You could have them if you like, but how do you have an open ticket in that situation? It could not be done. Once again, we see the absolute stupidity of this system. Unless we allow how to vote tickets for as many candidates as are standing in relation to preferences, the thing cannot be absolutely democratic.

Amendment carried.

The Hon. K.T. GRIFFIN: I oppose the clause. I regard the substantive issue of voting tickets as now having been resolved by the division that I have just lost, and the earlier division in relation to the Legislative Council. I still oppose the whole concept of voting tickets, but there is no point in dividing on this clause.

Clause as amended passed.

Clause 67—'Photographs of candidates.'

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

Pages 25 and 26—

Leave out subclause (1) and insert subclause as follows:

(1) If two or more candidates nominated for the same election have the same surname, the Electoral Commissioner may print photographs of all candidates on the ballot paper.

Page 26, after line 4—

Insert subclause as follows:

(3) A candidate shall, at the request of the Electoral Commissioner submit for printing under this section a photograph—

(a) that was taken of the candidate within 12 months before submission of the photograph; and

(b) that complies with the requirements of the regulations.

These two amendments relate to photographs of candidates on ballot papers. I have indicated that I would prefer some limit on the discretion of the Electoral Commissioner. I am proposing that, if two or more candidates with the same surname are nominated for the one election, the Electoral Commissioner may print photographs of all candidates on the ballot paper. There is still a discretion on the part of the Electoral Commissioner whether or not there ought to be photographs on the ballot paper, but he has that discretion to include them only if there are candidates with the same surname.

I have another amendment which is perhaps not directly related to the first amendment but which seeks to provide that the photograph of a candidate should have been taken within 12 months of the submission of the photograph. This is on the basis that I have indicated, namely, that it is quite possible that candidates may prefer to use an earlier photograph.

The Hon. K.L. Milne: Within 12 months of the election?

The Hon. K.T. GRIFFIN: Within 12 months of the submission of the photograph. The photograph requested by the Electoral Commissioner must be a photograph that has been taken within 12 months.

The Hon. K.L. Milne: Of what?

The Hon. K.T. GRIFFIN: Of the date of the submission of the photograph; otherwise, the Hon. Mr Milne could submit a photograph that was taken when he did not have grey hair.

The Hon. K.L. Milne: They didn't have cameras then!

The Hon. K.T. GRIFFIN: The Brownie box camera! To ensure an element of fairness, the photograph should be no more than 12 months old. Of course, there are a couple of other points that I did not make earlier. The first is that it is quite possible, by the printing process, that, although a photograph could be reproduced that might not be positively in favour of the candidate, it could be represented as being a poor photograph and not put the candidate in a good light.

I suppose the other point that needs to be made is that some candidates are photogenic and others are not. Quite obviously, the presentation or appearance of photographs on the ballot paper may, at least amongst a small proportion of electors, have a bearing on the way in which they will vote. While I do not support the proposition of a vote being made on the basis of what one looks like, nevertheless, we must recognise that the appearance of candidates, regardless of their policies, does have a bearing on how some people vote.

So, I think that this matter is fraught with problems. I am prepared to support the provision in relation to the resolution of the problem where two or more candidates have the same surname. If there was a slight widening of the relevant provisions, as the Attorney-General has previously indicated there might be, I would be prepared to

consider it. However, I think that it ought to be limited because of the variables which may adversely or favourably affect an election in regard to the appearance of photographs on a ballot paper.

The Hon. C.J. SUMNER: This matter was debated previously. I still ask the Committee to accept the Government's position with respect to the circumstances in which the Electoral Commissioner may request a photograph. That is at the discretion of the Electoral Commissioner, although there may be other circumstances beyond those of candidates having the same surname where it is desirable. I oppose that part of the honourable member's amendment, but I accept his second amendment, which I think is sensible and, in effect, provides that a recent photograph must be submitted.

The Hon. R.I. LUCAS: Under the Government's proposal, is there any provision for the Electoral Commissioner to reject certain photographs? For example, in relation to someone like Susie Creamcheese or Mr Screw the Taxpaper a photograph could be submitted showing that candidate's tongue poking out at all electors who received a card. Would that be acceptable to the Government and the Electoral Commissioner and, if not, how does the Electoral Commissioner propose to reject a photograph showing someone poking their tongue out, crossing their eyes, or perhaps making an obscene gesture? I suppose that this refers to a head and shoulders shot of the candidate, although the provision does not say whether it is or not. The photographs used in the Northern Territory referred to by the Attorney-General are head and shoulder shots. However, I guess that, if a person wanted to do so, he could provide to the Electoral Commissioner a full frontal photo showing all sorts of exciting poses. Under the Government's proposal what are the guidelines for the Electoral Commissioner to reject photographs that might be submitted?

The Hon. C.J. SUMNER: The form of a photograph can be prescribed by regulation. There is no immediate intention to use the provision, because it is not required at this stage. However, as has been pointed out by some members, there may well be circumstances where it is necessary, particularly to avoid confusion. The Electoral Commissioner has in mind a head and shoulders passport-type photograph, similar to the photographs that have been submitted for elections in the Legislative Assembly of the Northern Territory. The nature of the photograph, and so on, can be prescribed by regulation.

The Hon. R.I. Lucas: Can he reject a photograph that might adopt a frivolous pose?

The Hon. C.J. SUMNER: I think he could, if that were provided for in the regulations.

The Hon. K.T. GRIFFIN: That raises the point as to whether there is power to make regulations in relation to photographs. There is certainly nothing in clause 141, and clause 67 does not seem to me to envisage regulations. The clause makes a fairly bald statement to the effect that photographs of all candidates shall be printed in the ballot paper, if the Electoral Commissioner so decides. However, under my amendment there will be a need to prescribe regulations. I suppose that answers my own question. As the Bill is presently drafted, there is no power to prescribe regulations.

The Hon. C.J. SUMNER: I think the general regulation-making power contained in clause 141—which provides for the Governor to make such regulations as are necessary or expedient for the purposes of this Act—would be broad enough to govern the photographs submitted. In any event, as the honourable member has pointed out, we are prepared to accept his second amendment which specifically includes a regulation-making power on this point.

The Committee divided on the amendment:

Ayes (7)—The Hons J.C. Burdett, R.C. DeGaris, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (8)—The Hons G.L. Bruce, B.A. Chatterton, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons M.B. Cameron, L.H. Davis, and Peter Dunn. Noes—The Hons Frank Blevins, J.R. Cornwall, and C.W. Creedon.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 26, after line 4—Insert subclause as follows:

(3) A candidate shall, at the request of the Electoral Commissioner, submit for printing under this section a photograph—

(a) that was taken of the candidate within 12 months before submission of the photograph;

and

(b) that complies with the requirements of the regulations.

Amendment carried; clause as amended passed.

Clause 68 passed.

Clause 69—'Certain electoral material to be displayed'.

The Hon. K.T. GRIFFIN: My amendment was to remove the requirement for posters containing voting tickets to be prepared and displayed in polling booths. I have already lost two divisions on the question of voting tickets for both the House of Assembly and the Legislative Council. Although I oppose the provision, I will not proceed with either of my amendments to this clause.

The Hon. R.I. LUCAS: I refer to subclause (4), as follows:

The order in which the electoral material referred to in subsection (1) is arranged on the poster shall, subject to subsection (5), be determined by lot.

What is the Electoral Commissioner's intention in respect to that lot? Will that be done at the time of the balloting for positions on the ballot paper, or will it be done at a separate time?

The Hon. C.J. SUMNER: The Electoral Commissioner advises me that the same procedure would be adopted. Obviously, it would be done at the same time as the order on the ballot paper because this is the process in the election that is subsequent to that. When the voting tickets are delivered to the returning officer there will have to be some mechanism established with respect to the determination of the position on the ballot paper whereby he advises the candidates that the ballot will be drawn at a certain time and place. I agree with everything that the honourable member says: it has to be done openly and all the candidates have to be notified in so far as it is practicable.

Clause passed.

Clause 70—'Appointment of scrutineers.'

The Hon. R.I. LUCAS: I move:

Page 27, lines 23 to 25—Leave out subclause (3) and insert subclause as follows:

(3) Except where the returning officer allows a greater number of scrutineers—

(a) for each polling booth there must not be more than two scrutineers in respect of each individual candidate or group of candidates;

(b) for each counting centre there must not be more than—

(i) two scrutineers in respect of each individual candidate or group of candidates;

or

(ii) if counting of votes takes place simultaneously at two or more places in the counting centre—one scrutineer for each such place in respect of each individual candidate or group of candidates.

During the second reading debate I indicated that this is one of the amendments I would be asking members to consider. Although it is a little ambiguous in the present Electoral Act, the understanding has been under two or three Electoral Commissioners that, generally, where one has a very big polling booth where there might be up to

perhaps 10 counting places in that polling booth, candidates have been entitled, in many instances, to provide a scrutineer for each counting place for those polling booths. There has been some controversy about this. Some have argued that the Act does not allow it and, therefore, one should not do it. Others have argued that the Act is ambiguous and, therefore, it is allowed. For the reasons I indicated during the second reading debate I ask the Government and other members to support the rationale behind this amendment.

The Hon. C.J. SUMNER: This amendment is acceptable to the Government.

Amendment carried; clause as amended passed.

Clause 71 passed.

Clause 72—'Entitlement to vote.'

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

Page 28—
Line 3—Leave out 'Subject to subsection (4),'.
Line 7—Leave out subclause (4).

I will not proceed with an amendment which was in relation to leaving out subclause (2). I earlier opposed the concept of a provisional enrolment for those aged between 17 years and 18 years, but was not successful. My amendment in relation to line 3 relates to a non-resident elector and is consequential on clause 29. The Attorney-General may be inclined to defer consideration of that.

Consideration of clause 72 deferred.

Clause 73 passed.

Clause 74—'Manner of voting.'

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

Page 28, lines 26 and 27—Leave out paragraph *(b)* and insert paragraph as follows:

(b) who—

(i) will not, throughout the hours of polling on polling day, be within eight kilometres by the nearest practicable route of any polling booth;

(ii) will, throughout the hours of polling on polling day, be travelling under conditions that preclude voting at a polling booth;

(iii) is, by reason of illness, infirmity or disability, precluded from voting at a polling booth;

(iv) is, by reason of advanced pregnancy, precluded from voting at a polling booth;

or

(v) is, by reason of membership in a religious order, or religious beliefs, precluded from attending at a polling booth or precluded from voting throughout the hours of polling on polling day or the greater part of those hours;.

This amendment deals with the manner of voting to give a clearer expression of the basis on which those who are precluded from voting at a polling booth on polling day are eligible for a declaration vote or, as it is described in the present Act, either an absent or a postal vote. Subclause (2) *(b)* allows an elector who is precluded for some reason from attending at a polling booth on polling day to make a declaration vote. As I indicated during my second reading speech, the present clause will allow electors to make a declaration vote because they want to go to the football, cricket or tennis, go on a picnic, watch television, or for some other reason I would not regard as sufficient rather than attending the polling booth. We should start from the basis that polling day is identified and unless there are special reasons everybody has an obligation to go to the polling booth on polling day.

The Hon. I. Gilfillan: I agree with you there; everyone has an obligation to go.

The Hon. K.T. GRIFFIN: It is not a question of obligation.

The Hon. I. Gilfillan: You just said it.

The Hon. K.T. GRIFFIN: A legal obligation. We will come to that in a moment when we are talking about voluntary voting or voluntary enrolment. The Hon. Mr Gilfillan has scored a quick debating point, but he has not succeeded in identifying the real issue.

The Hon. C.J. Sumner: I refer the Hon. Mr Griffin to clause 4 (3).

The Hon. K.T. GRIFFIN: Although the Attorney-General has referred me to that clause, I do not think that that even covers the point I am making, which is that, if for any reason people decide that they do not want to go to a polling booth on a polling day, then they will not have to and can make a declaration vote. I want to pick up the provisions in the present Act which will clarify the reasons for which a person may seek a declaration vote: for example, will not, throughout the hours of polling on polling day, be within eight kilometres by the nearest practicable route of any polling booth; will, throughout the hours of polling on polling day, be travelling under conditions that preclude voting at a polling booth; is, by reason of illness, infirmity or disability, precluded from voting at a polling booth; is, by reason of advanced pregnancy, precluded from voting at a polling booth; or is, by reason of membership in a religious order, or religious beliefs, precluded from attending at a polling booth or precluded from voting throughout the hours of polling on polling day or the greater part of those hours.

I am prepared to accept the amendment that the Hon. Mr Lucas will move to my amendment to provide for a person who is caring for a person who is ill, infirm or disabled and is, for that reason, precluded from polling at a polling booth. I have no problems with that. Of course, there are the other provisions for declaration voting—those who are on the register of declaration voters, and others. I move this amendment desiring to tighten it up to ensure that if people are going to vote then they do it at a polling booth rather than taking the easy option of a declaration vote.

The Hon. R.I. LUCAS: It may be easier for the Hon. Mr Griffin to take over my amendment. I will not proceed with it.

The Hon. K.T. GRIFFIN: I seek leave to withdraw my amendment and move it in an amended form.

Leave granted; amendment withdrawn.

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

Page 28, lines 26 and 27—Leave out paragraph *(b)* and insert paragraph as follows:

(b) who—

(i) will not, throughout the hours of polling on polling day, be within eight kilometres by the nearest practicable route of any polling booth;

(ii) will, throughout the hours of polling on polling day, be travelling under conditions that preclude voting at a polling booth;

(iii) is, by reason of illness, infirmity or disability, precluded from voting at a polling booth;

(iii*a*) is caring for a person who is ill, infirm or disabled and is, for that reason, precluded from voting at a polling booth;

(iv) is, by reason of advanced pregnancy, precluded from voting at a polling booth;

or

(v) is, by reason of membership in a religious order, or religious beliefs, precluded from attending at a polling booth or precluded from voting throughout the hours of polling on polling day or the greater part of those hours;.

Progress reported; Committee to sit again.

ADJOURNMENT

At 1 p.m. the Council adjourned until Wednesday 3 April at 2.15 p.m.