

**LEGISLATIVE COUNCIL**

Wednesday, August 23, 1972

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

**PERSONAL EXPLANATION: SHOPPING HOURS**

The Hon. L. R. HART (Midland): I seek leave to make a personal explanation.

Leave granted.

The Hon. L. R. HART: Yesterday I presented a petition from 13,041 persons, requesting that legislation to extend shopping hours on Friday nights be not introduced into this Council. A report appeared in this morning's *Advertiser* quoting the figure of 1,341 instead of 13,041. I would like the Council to note that.

**QUESTIONS****WAR SERVICE SETTLERS**

The Hon. R. C. DeGARIS: Some time ago I directed to the Minister of Lands a question in relation to war service settlers in the South-East. In the absence of the Minister of Lands, has the Minister of Agriculture a reply to that question?

The Hon. T. M. CASEY: The reply is as follows:

The question of rentals raised at the deputation to the Minister of Lands (Hon. A. F. Kneebone) by 18 single-unit war service settlers in the Keith district has been examined by officers of the Department of Lands and submissions have been made to the Commonwealth Minister for Primary Industry. The Commonwealth Minister's attention has been drawn to the conditions agreed upon by the Commonwealth and the State for war service land settlement, particularly those relating to the fixing of rentals.

**GIFT DUTY**

The Hon. F. J. POTTER: Has the Chief Secretary a reply to the question I asked last week about gift duty exemptions?

The Hon. A. J. SHARD: The Treasurer has supplied the following reply:

The rates of gift duty are presently based substantially upon those effective in Victoria, and these are comparable with rates in Western Australia and Tasmania but below the rates effective in New South Wales and Queensland. However, below the level of \$4,000 gifts in South Australia are subject only to a stamp duty and as a consequence the effective taxes in that range are generally significantly lower in South Australia than in other States. This State accordingly is not in a position to give even greater relief from gift duty than applies in other States, except at the expense of

increases in other taxes or of reductions in social services.

The Hon. Sir ARTHUR RYMILL: The reply given by the Chief Secretary suggests that our gift duty is patterned on the Victorian legislation rather than on the Commonwealth legislation. I thought it was patterned on the Commonwealth legislation, and I still think so. Will the Chief Secretary state whether the Government will consider extending the exemption of gift duty to \$10,000 if other States act accordingly?

The Hon. A. J. SHARD: I am unable at the moment to make any statement on Government policy. However, I will refer the honourable member's question to the Treasurer, see whether I can get an answer for him and bring it back as soon as possible.

**EGGS**

The Hon. R. A. GEDDES: There has been much speculation whether the Government expects to control egg production and, if that is the Government's thinking, whether a poll of producers will be permitted in order to allow them to indicate their opinions. Can the Minister of Agriculture say what was the result of a recent poll of egg producers in New South Wales?

The Hon. T. M. CASEY: It was unanimously decided at the recent Agricultural Council meeting in Queensland that there would be egg production control throughout the whole of the Commonwealth. We have been waiting for Victoria to come into this scheme. At long last, Sir Gilbert Chandler, the Victorian Minister of Agriculture, has indicated that he is in favour of it, so there is no reason why legislation in all States cannot be proceeded with. I took the opportunity some time ago of announcing that March 2, 1972, would be the cut-off date for the number of hen producers to be allowed into the scheme. This has been adopted by Victoria. I also set up a committee to examine the problems attaching to the legislative programme. I am happy to say that the legislation is proceeding smoothly and I hope to be able to introduce it into this Parliament soon. It must be in this session, of course, in order to combine with the other States, which are also introducing legislation. As regards a poll of producers, when legislation is ready for introduction into Parliament, the industry will be consulted, and it will then be asked whether or not it wants a poll. In the past, indications have been that a poll would not be necessary and that it would be left to the industry itself to decide. Whatever it

decides, I will concur in. The honourable member asked what was the result of the recently conducted poll in New South Wales. I had a letter from Mr. Geoff Crawford, the Minister for Agriculture in New South Wales, in which he stated:

The poll was an extraordinarily heavy one. Over 97 per cent of those enrolled voted, a percentage never before recorded in any poll conducted by the Department of Agriculture. Of those who recorded valid votes, 93 per cent favoured the constitution of a Poultry Farmer Licensing Committee, the prime function of which will be to allocate hen quotas to every egg producer in the State.

So it can be seen from that that the response of the hen producers was overwhelming in New South Wales. To give the Council the figures of the votes that were admitted, 1,464 were in favour of the establishment of such a committee, and 106 were against.

#### UNEMPLOYMENT RELIEF

The Hon. A. M. WHYTE: I ask leave to make a statement prior to asking a question of the Minister representing the Minister of Lands.

Leave granted.

The Hon. A. M. WHYTE: People in outlying areas have for some time indicated their dissatisfaction that all the money allocated for rural unemployment relief, which is financed by the Commonwealth Government, has been channelled into the closely settled areas and they themselves have obtained no benefit at all. The Postmaster-General's Department, which for years has been struggling to upgrade country telephone services, has often claimed that, because of lack of finance and labour, it has been unable to keep up with its programme. It has been suggested that the Minister, perhaps through his department, could take up the matter. Perhaps some of the finance allotted to relieve unemployment and also some of the work force could be used to assist the Postmaster-General's Department in its task of upgrading country telephone services. The need to do so was highlighted yesterday, when a mother on Eyre Peninsula lost her child through death because she had no telephone facilities. Will the Minister consider the suggestions that have been made?

The Hon. T. M. CASEY: I shall do that, but I point out to the honourable member that it is the Commonwealth Government that has laid down the rules under which this money is distributed to councils. Nevertheless, I shall see whether something can be done along the lines suggested to minimize the problems

existing. I should like the honourable member to tell me the areas about which he is particularly concerned, so that we can be more specific when we take up the matter with the Commonwealth authorities.

#### CARPENTERS ROCKS

The Hon. M. B. CAMERON: Has the Minister of Agriculture obtained from the Minister of Marine a reply to my question of August 15 about the entrance channel at Carpenters Rocks?

The Hon. T. M. CASEY: My colleague, the Minister of Marine, has informed me that blasting was carried out at Bucks Bay earlier this year in an attempt to deepen and widen the very restricted entrance channel to a minimum depth of 4ft. low water at the request of the local fishermen, who in previous years had attempted similar work with no success. The blasting has been completed but in places some larger pieces of rock have been upturned, thus reducing the depth in particular areas. The situation is well known to the Department of Marine and Harbors, and the arrangement is that the local fishermen will acquaint the local departmental foreman whenever a spell of calm weather is expected, whereupon skin-divers will go to Carpenters Rocks and work on the removal of the offending rocks. My colleague is not aware of the situation where fishing boat owners are unable to continue their activities because of the upturned rocks. However, he has received a letter of thanks from the Honorary Secretary of the Carpenters Rocks Professional Fishermen's Association expressing appreciation for the action taken in this matter.

#### VETERINARY SCHOOL

The Hon. M. B. DAWKINS: On July 26 I asked the Minister of Agriculture a question about the concern expressed by the Western Australian Branch of the Australian Veterinary Association at the possible postponement of the establishment of a veterinary school in that State and the possibility of the school being established in South Australia or at the New England University instead of in Western Australia. Has the Minister a reply?

The Hon. T. M. CASEY: I raised this matter on a personal basis with the Western Australian Minister of Agriculture (Mr. Evans) when we were together at Agricultural Council and I went so far as to give him a copy of the honourable member's question. Mr. Evans told me that his Government was going ahead with the veterinary school in

Western Australia. I was hoping that I would receive confirmation from him, but it has not yet come to my notice.

#### **PUBLIC WORKS COMMITTEE REPORTS**

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Salisbury Downs Primary School,  
Para Heights Primary School.

#### **CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (HOMOSEXUALITY)**

Adjourned debate on second reading.

(Continued from August 16. Page 791.)

The Hon. A. M. WHYTE (Northern): In speaking in this debate, I make it clear that the Bill is of such a nature that sufficient time has not been allowed for a full research of it. Indeed, I wonder whether it is necessary for me to rise at all because, of all the correspondence and propaganda I have in my file dealing with this matter, not a single note has come from any of my constituents. Some of my constituents have verbally condemned the legislation, but not a single one has written to tell me of his wish to have this legislation implemented.

The Hon. Mr. Hill, who has made so many splendid contributions to the law of this State and who is a worthy honourable member, might well have some regrets that he was the initiator of this legislation. I have done my best to research this matter in the time available. I have listened to the advocates for this change in our legislation and with equal intent to those of eminence, both academic and social, in our community who have condemned this legislation. As so much propaganda has been disseminated and as there are so many advocates for and against the change, I consider that the issue is still as clouded as when the Bill was first introduced.

There are those who, on the one hand, will say that homosexuality is a sickness and, on the other hand, there are those who will say that it is a genetic maladjustment that can be cured by treatment and that treatment centres should be established. There are also those who do not believe there is any possibility of an adjustment being made to the lives of homosexuals. One could go backwards and forwards with arguments regarding what causes homosexuality and, indeed, about what can be done to correct the position in which a small minority of people within the community

find themselves. It is the role of this Council at any time to take up the cry of people who are being persecuted by others in the community. However, to legislate effectively in such a case as this is extremely difficult.

If these people had made an approach to Parliament and, indeed, if the authorities could have conferred with them, they might have been able to make suggestions. However, I can see no suggestion in the Bill of a cure for the present problem. Blackmail and persecution belong to homosexuality. It is as old as the act itself, which goes back as far as history does. It is condoned in some areas and bitterly condemned in others. At no time has there been any alleviation of this position.

It is not acceptable to the wide majority of the public and, I am sorry to say, it will continue to be a cause for blackmail and persecution. Listening to the reasons for the necessity for this amendment to the law, one could easily assume that these are people who, through no fault of their own, are unable to look after themselves and that it is always someone from outside their group who is responsible for the persecution and blackmail to which I have referred. This is merely drawing a herring of confusion across the trail, as many of these maladjusted persons are capable of blackmail and persecution. Indeed, I can refer to many instances to this effect. These people are not all the delicate type that cannot look after themselves, and the whole question of who is at fault regarding persecution must be closely studied.

All the various opinions regarding the causes of homosexuality are so conflicting that one would never be able to give a true account in this respect. Men of equal academic standard throughout the community conflict absolutely and bitterly in their opinions on this point. One suggestion is that homosexuality is a result of an over-indulgence of the mother's kindness—that the child, pampered so much in its early stages of life, reacts and sets up a distaste for the feminine sex. The poor old mother, no matter what she does, seems at present to be the football for all the experts. If a lad becomes a juvenile delinquent, whatever the case may be, it is quite often said that, because of his upbringing, and more especially his mother's care, this child has reached the stage of committing some breach of community standards. On the other hand, in this matter some experts say that the mother's love, too strongly lavished, brings about homosexuality, I do

not believe very much of either of these views. As a matter of fact, I have deliberately refrained from quoting from the various documents I have read because I do not believe that the opinions of the authors are probably any better than mine or that of other members.

What we must do, of course, is to look very closely at the present law, to see whether we can write into it something that does protect these people from persecution, blackmail, or gaol sentences. I do not think that I would qualify as a prude in any way. I want to make it quite clear that what people do with their lives, in private, is no real concern of mine. However, my fear of this legislation is that it is a broadening, an acceptance of something I am not prepared to have publicly flaunted or publicly accepted. We have seen on a number of occasions (we saw, in fact, when amendments to this Act were before Parliament previously dealing with aspects of abortion) that whenever we widen the law we also widen the acceptance. In the case of abortions, the figures for South Australia rose astronomically. My fear is that, if we accept the same principle and rewrite the law to suit some people, it will become an acceptance; the fringe area of every law widens to the extent to which the law is widened.

The Bill itself is simple, and I imagine it is well worded, giving a true indication of what is expected. It is based on the Wolfenden report which brought about the changes to English law. Of course, our law is based on English law, and that is a very strong argument put forward by proponents of this legislation. From inquiries I have made, extensive as this report was (and probably it was one of the most comprehensive reports on social behaviour ever tabled), there is still the same amount of discontent and disagreement among homosexuals and heterosexuals as existed previously. If in South Australia we pass this amendment to the Act, the same situation will apply.

I do not agree that homosexuals should be persecuted. I do not believe there is any point whatever in sending them to gaol. One authority likened sending a homosexual to gaol to locking an alcoholic in a brewery. The gaol sentence would do nothing whatsoever to cure his tendencies and it could in fact even aggravate them, because it is quite a common accusation, which I do not want to defend or substantiate, that homosexuality is prevalent in institutions and in gaols.

In most of the arguments put forward in favour of the Bill when it was introduced (some in this Council and others by advocates who approached members outside the Chamber), all sorts of red herrings were drawn across the trail to add to the confusion. A good deal of nonsense was talked about homosexual acts between animals, reptiles and birds.

The Hon. D. H. L. Banfield: The birds and the bees?

The Hon. A. M. WHYTE: The bees were not mentioned. I have spent my life working among animals and I do not believe a word of what is said in this respect. I cannot speak for the birds; I have never been quick at picking their sex anyway. Some of these arguments went on to discuss the Mohammedans, the Greeks, and just about everything and everyone except the present issue. Adulterers, lesbians, and so on, were all brought in, I believe as some sort of subterfuge to cloud the issue, because this Bill does not deal with any of those things. We are not legislating for animals, reptiles, Mohammedans or adulterers. We are dealing entirely and specifically with the act of homosexuality and whether it should be condoned in the case of consenting males in private.

My own personal attitude to the whole situation is that there is no need for this legislation to be hastily put through Parliament. There is plenty of time. Indeed, I feel that something must be done. I would be the last to say that people should be denied the right to approach Parliament on such matters. I would be the last to say that assistance should not be given, but I am not willing at this time to accept a Bill dealing with the mammoth task (and I believe that is just what it is) of making an alteration to this law. Some of those who oppose it have accused members of Parliament of trying to rewrite the law of God. I suppose there would not be many of us who would not like to have a go at rewriting the law of God. I know I would like to make some adjustments to the criteria for entering heaven, but by the same token I would not like to have to say on judgment day that I imagined God's law had become outdated and the civil law interpreted from that in the 1500's was no longer of any consequence or standing.

I am not an authority on biblical quotations, but I have noticed that St. Paul, who was something of a favourite of mine, an old soldier, had some fairly solid things to say, and many times had quite a bit to say about homosexuals, none of it in their favour.

Whether or not we are attempting to bring ourselves to the point of rewriting the law of God, I am still prepared to make some adjustments to the legislation provided we can find some point at which we can assist, and not degrade, our community.

There are several amendments to this legislation that I hope to discuss later, if not initiating them at least looking at them. Though I am prepared to continue discussing the Bill in the hope that some solution may be found, I have no intention at present of supporting it in its present form.

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

### CONSTITUTION ACT AMENDMENT BILL (ELECTORAL)

Adjourned debate on second reading.

(Continued from August 16. Page 786.)

The Hon. A. J. SHARD (Chief Secretary): I do not suppose I have to tell the Council that this measure is totally unacceptable to the Government. We see it as Conservatism's last stand in this State, an obvious attempt to maintain Liberal and Country League rural domination over the Parliamentary process. It is the opinion of the Labor Party that, at the State level, a second Chamber capable of exercising powers co-equal with those of the popularly elected Chamber is always unnecessary and often pernicious. The Hon. Mr. DeGaris gave us an enlightening dissertation on the functions of second Chambers: most of it was not relevant to the particular Chamber in this particular State.

Remember, first, that we are dealing not with a national Parliament but with a State or provincial Legislature. Australian State Parliaments do not have supreme sovereignty; they are enmeshed within a federal system which has, over a period of 70 years, steadily transferred powers from the State capitals to Canberra. To quote Sir Collier Cudmore, as the honourable member did, to regard the Legislative Council as a bulwark against revolution is to live in Cloud Cuckoo Land. South Australia cannot be viewed in isolation from the rest of the Commonwealth. The concept of a South Australian "committee of public safety" or a Tasmanian "soviet" or a Brisbane "commune" being tolerated alongside constitutionally elected Commonwealth and State Governments is simply fantastic. Queensland has lacked a second Chamber now for 50 years. Can any honourable members present tangible evidence of harm to that State arising out of its unicameral system? And would anyone

suggest that that State is more susceptible to a breakdown of constitutional arrangements than any of its fellows?

There is a second consideration which makes much of what the Leader said irrelevant. The typical second Chamber in the western world has one or the other of the following saving democratic graces: either it is elected on a common roll with the popular Chamber or else its powers are severely limited *vis-a-vis* that Chamber. The Australian Senate is an example of the former, while the House of Lords in Great Britain exemplifies the latter. Legislation that moved this Chamber in either of these two directions would be welcomed by my Party. This Bill provides for neither. Under it the present restrictive franchise will be maintained. In fact, the Bill seems to have been drawn with the intention of waving the maximum number of red rags before the Australian Labor Party bull.

What of the electoral arrangements in the measure? The Leader desires to create two divisions, the first encompassing all the metropolitan House of Assembly districts, the second extending over the rest of the State. On figures for March this year, the metropolitan district would have an enrolment of 267,526 and the rural district would have 111,527, a ratio of nearly 2½ to 1. Yet the honourable gentleman would give each division equal Parliamentary representation. This is back to the Playford era with a vengeance!

The Hon. T. M. Casey: And they say it is not crook!

The Hon. M. B. Dawkins: What about Ben Chifley? He had 11 to one.

The Hon. A. J. SHARD: He was only a baby compared to the Leader, who appears not to have been particularly concerned with this aspect of the Bill. He would probably have hastened on to other matters but was stopped by an interjection from the Hon. Mr. Banfield. In reply the mover said, "The disparity is not as great as that which applies elsewhere". Which elsewhere? If there are such examples, are they exempt from the same sort of criticism? The Leader spoke of "this rather futile question of one vote one value". Does he deny the principle simply because mathematical exactitude is not possible?

This Bill would in theory allow 29.4 per cent of the electors to control 50 per cent of the seats in this place. Its author should know that, since the epoch-making decision of the United States Supreme Court in *Baker v. Carr* some 10 years ago, legislation carried by unrepresentative State Legislatures has been

threatened with disallowance if those Parliaments do not set their Houses in order. As a consequence, States such as Louisiana and Hawaii have had to look to their electoral arrangements. We should know what company we are getting ourselves into.

What sort of sophistication did the Leader then give us? He in effect said that Party labels did not matter in this Chamber. We ask him which Party preselected him, which Party provided the votes which put him here or the campaign work which aggregated those votes, and which Party will afford him similar amenities when he again seeks to woo the voter.

The Hon. D. H. L. Banfield: The "Movement" will!

The Hon. T. M. Casey: We shall know that in about nine days time.

The Hon. A. J. SHARD: Proportional representation does not alter the situation. There is no getting away from the fact that this measure is a gross denial of the principle of the population basis of Parliamentary representation. The L.C.L. is running scared at the moment. At the next State election the Labor Party will win vacancies in Midland and Northern. Within the life of two Parliaments, then, there could be an A.L.P. majority in this Chamber. Only those activated by Party bias could view such a development with greater misgivings than they have hitherto viewed the many years of L.C.L. domination, both here and in other States.

Franchise and enrolment aside, there appear to be adequate means of retaining a distinction between the bases of the two Houses, if that is what honourable gentlemen want. Members are elected for six-year terms. We retire and face re-election in rotation. The divisions are multi-membered and are more extensive than those in the other place, but the L.C.L. members want more, and the more they want is a bias to their own Party. Why will the L.C.L. not accept a common roll? I have already indicated that enrolment in March was 379,053. This was a drop from the figure of 384,744 in the previous November. This drop, which always occurs unless steps are taken actively to canvass enrolment, arises from population shift and the fact that people do not always understand the system. They fill in the joint Commonwealth and State House of Assembly form and believe they have dispensed their obligation. Few realize that there is a second form for this Council. Such a system discriminates against the itinerant and semi-

itinerant and, as such, it discriminates against my Party, since these people, the battlers who have to move around seeking suitable employment, support us overwhelmingly.

This Bill compounds that sin by seeking to provide for a poll on a day other than the one set aside for the House of Assembly. The Hon. Mr. DeGaris obviously believes that there is some advantage in the sort of poll where possibly less than 50 per cent of enrolled electors turn out. We do not. Such a provision would put this State to considerable expense for a very dubious return. It may indeed further alienate people from the democratic process. In Australia we already have separate election days for the House of Representatives and the Senate (and I would remind honourable members that there is a common role for those two Houses) and also separately organized State elections. I would favour reducing the number of elections by bringing the Senate polls back into phase with the House of Representatives polls, thereby doing away with this monument to the manoeuvrings of Sir Robert Menzies when Prime Minister. Remember, too, that elections for all those Houses must occur at least once every three years. While triennial polls should be retained, steps should be taken to reduce the frequency of elections, not increase them.

Little needs to be said about the use of proportional representation in this measure. The two major Parties together monopolize the vast majority of the votes in this State. Consequently, there would be little practical difference between the use of proportional representation or preferential voting for this Council. But, as the honourable member has admitted, there is the problem raised by the occasional necessity to fill casual vacancies. This is a breach in the proportional representation armour which its advocates have never effectively filled. The present proposition is that preferential voting be used for by-elections. However, this will apply to one or the other of two districts with enrolments of nearly 270,000 and 112,000 respectively. Polls of that size are clumsy and expensive ways of filling casual vacancies.

During his time in this Council, the Hon. Mr. DeGaris has never shown any love for democratic procedures, as understood by my Party. On page 3954 of the 1965-66 *Hansard*, we read that he told this Council:

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

In 1970 he said, on page 2031 of *Hansard*:

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

Such advocacy differs little from that of the Hon. A. Hay, who in 1879 said, "They must have . . . the nomination of a certain proportion of members to the Council", and embodies the spirit of one A. Forster who, writing in *South Australia* in 1866, said, "With a House of Assembly purely democratic . . . it will be seen how important it is that the upper branch . . . should be an absolute power in the State." We view the honourable member's failure to come to terms with democratic institutions and principles with much sadness. This Bill does not indicate any desirable advances in his thinking; quite the contrary appears to be the case. I hope the Bill is defeated in this Council but, if it is not defeated here, it will certainly be defeated in another place.

The Hon. M. B. DAWKINS (Midland): I support the Bill because I believe it is a good Bill, providing for a different method of electing members of this Council. The methods of election provided for in this Bill are commendable. The legislation should be supported because it provides for adequate representation of the country and the metropolitan area by the two major Parties, while at the same time not excluding minority Parties from a chance of being represented. Because of its proportional representation provisions, the Bill will almost certainly always provide for a reasonably even balance between the major Parties. An important part of the Bill provides for realistic but not unfair representation for country people in this Council. As the Hon. Mr. DeGaris has said, the country, which must be serviced adequately, will form one electoral district and the metropolitan area, with its much greater population, will form another district, with each district being equally represented.

The Bill is not altogether unlike in its proportional representation provisions that introduced in the Commonwealth Parliament in the late 1940's by Mr. Chifley to serve the needs of the Senate, which has, by and large, served this country very well. Since that time there has always been a reasonable balance between the Parties in the Senate, while at the same time there has been room for minority groups. One of the main differences between the effect of the Bill introduced by Mr. Chifley and this Bill is that under the Commonwealth Constitution

10 senators are elected by the 400,000 electors of Tasmania, while 10 senators are also elected by the 4,000,000 people of New South Wales. The aim of that provision, which dates from the beginning of the Commonwealth, was to preserve the rights of the smaller States and of minorities in the Upper House of the Commonwealth Parliament—a House that does not make or unmake Governments. While there are 10 times as many electors in New South Wales as there are in Tasmania, there are five times as many in New South Wales as there are in Western Australia, four times as many as there are in South Australia,  $2\frac{1}{2}$  times as many as there are in Queensland, and possibly only  $1\frac{1}{2}$  times as many as there are in Victoria.

In South Australia the country people are outnumbered by city people by about  $2\frac{1}{2}$  to one—not by 10 to one or by four to one. Country representatives are outnumbered in the House of Assembly, as recognition has been given to population distribution in connection with Assembly districts. Because the number of country representatives will be equal to the number of metropolitan area representatives, the interests of country people will not be swamped in this Council. Surely there is nothing wrong with such a provision, because it is a safeguard in this Council, which is not a House that forms Governments, for a minority group. The Legislative Council, like the Senate, is the Upper House of the Parliament. It cannot make or unmake the Government; this is always done in the Lower House. It cannot initiate money Bills but only suggest amendments to them. The Council is basically the House of Review, although it is possible and practical for some legislation to be initiated in the Council and later reviewed by another place.

I would never subscribe to the suggestion that any Upper House should be bereft of Ministers who are responsible members of the Government within its walls, because I believe that this would mean a measure of irresponsibility and of "removal" from the Government, which should not occur in any legislative Chamber. As the Council is basically a House of Review, I do not believe that one of the main objections to the Bill (the Chief Secretary and I agree on many things, but we cannot agree on this matter), namely, the 23 to one ratio of voters, which has been referred to, is really a valid objection, especially in view of the proportional representation provisions which,

as I have said before, will ensure an adequate representation for the major Parties in the community.

One could instance other so-called discrepancies in numbers. On one occasion when speaking in this Chamber I instanced the situation in Great Britain when we were discussing the so-called one vote one value arguments. I quoted a British political writer (whose name escapes me at the moment), who was an ex-member of the Fabian Society and who could not exactly be described as of right-wing political thought. That man mentioned variations in voters of up to four to one in the House of Commons (the mother of Parliaments). As long as Parliament exists, some of these discrepancies will occur, even if corrections are made from time to time because of population changes, etc. It is quite impracticable to try to get this kind of numerical exactitude which, in the long run, means nothing.

I believe this Bill will ensure a viable Legislative Council that will continue to work effectively for the betterment of the State. I believe that the concept of elections on a separate day, with voluntary enrolment and voluntary voting as in most countries in the world, will mean that the heat of Party controversy will be at a minimum in the Council—as it should be in any Upper House. I also believe that the legislation enacted by the Upper Houses in the English speaking world should be considered on its merits and not on its origins; this obtains to a considerable degree in most Upper Houses. No Upper House is perfect, because it comprises human beings such as we are. We should strive to get to the desirable state of affairs in which Upper House legislation is considered on its merits, not on whether it came from a certain Party.

I believe that this Bill is complementary to the one which provides for adult franchise for this Chamber and which the Government has undertaken to introduce in another place. Unlike my friend the Chief Secretary, I believe in bicameral Parliaments. However, I do not believe in one-House and, in some cases, eventually one-Party situations such as have developed in recently “liberated” British colonies. Queensland has been referred to. With a brief break of three years in the 1930’s, a Queensland Labor Government was in office in a single-Chamber Parliament for 40 years, and probably would still be in office but for something of an “L.M.” that developed in the Australian Labor Party there.

The Hon. D. H. L. Banfield: See how bad it can get. You’d better watch out!

The Hon. M. B. DAWKINS: It was bad there, and I understand that it is still there to some extent. Queensland was rapidly becoming a one-Party Parliament as far as practical influence and power were concerned. Therefore, I do not subscribe to one-House Parliaments. I believe that, even in this enlightened country of Australia, the kind of situation I have outlined could take place. I believe the Bill is a good one that would provide for both Parties in adequate numbers and, possibly, for minority groups, too. The Bill will also ensure that the important country section of this State, which is so vast and which must be served properly, would not be swamped by the city in this Parliament; if it were, that would be a bad thing. Therefore, I have every confidence in supporting the Bill.

The Hon. F. J. POTTER (Central No. 2): I did not intend to speak to this measure today but, having heard the Chief Secretary’s well-read speech in reply to the Leader’s second reading explanation, I could not resist rising to say that it was obvious from what the Chief Secretary said that his Party had done little research on the main problem of finding a solution to the proper election of a two-House Parliamentary system for the State. I was even more astounded to find toward the end of the speech that the Chief Secretary said there was no need to pay much attention to the provision for proportional representation in the Bill. In other words, we should not pay much regard to what is obviously the central and most important provision in the Bill.

It seems to me that it is about time that some of the Government members started to do some homework on this question. I shall not go into all the old arguments we have had in the past about the role and function of an Upper Chamber and of the problems connected with it. I do not believe that, simply because we are dealing with a State Legislature, as compared with a national Parliament, there is any difference between the basic philosophy of a two-House system for Parliament.

The Hon. R. C. DeGaris: Perhaps it is more important with a sovereign Constitution than with a limited Constitution.

The Hon. F. J. POTTER: That may well be. Consequently, I support any move that will, in a democratic way, provide some real basis of difference for election to the two



distinct Houses. I think that some of the trouble we are experiencing now is the result of too much similarity (and I have said this before) between this Council and another place. We have heard time and time again that the maxim for this House should be that we ought not to be a mirror of another place, but I believe we are too much of a mirror at present.

The Hon. D. H. L. Banfield: How can we be a mirror at present? There are 16 Opposition to four Government members here.

The Hon. F. J. POTTER: I am not talking about numbers. I am saying that the Council is too much of a mirror of another place, because we virtually have equal powers with the other place. The Council has the same Parliamentary procedures and the same pay and privileges as the other place; the only real difference is that we have a six-year term instead of a three-year term.

The Hon. T. M. Casey: The Council has more powers than the other place.

The Hon. F. J. POTTER: The powers of the Council, in comparison with those of another place, have not really been tackled; it is still a problem that remains to be solved at some later stage. The Leader's Bill does not attempt to deal with the matter and, indeed, I do not think he claims it does. As I understand the Bill, it is an attempt to put into legislative form a principle that was adopted by the Liberal and Country League, namely, that this Council should be elected under a proper system of proportional representation. To say, as the Minister said, that that need not be considered or that it is not worthy of anything but scant consideration is to miss the whole point of the Bill. I support the proposition that there should be, as the basis of an electoral system for members of this Chamber, a system of proportional representation. It will provide an effective difference in the electoral system for this Council as compared with that of another place.

The Minister spent much time in his prepared speech criticizing various aspects of the Bill. First, he criticized it because, he said, it does not deal with the question of franchise. As I recall it, the Hon. Mr. DeGaris said it was complementary to the Bill to be introduced by the Government to give effect to adult franchise.

The Hon. D. H. L. Banfield: And it has been knocked out three times already.

The Hon. F. J. POTTER: I understood by the word "complementary" that the Bill would mesh with the other Bill and that

acceptance of one could be regarded as acceptance of the other.

The Hon. D. H. Banfield: Past performance does not prove it. It has already been knocked out three times.

The Hon. F. J. POTTER: Very well; we are a long way off that position. That is my understanding of the matter, and the Hon. Mr. DeGaris made it perfectly clear that this Bill was intended to be complementary to the franchise Bill.

The Hon. D. H. L. Banfield: He didn't give an undertaking.

The Hon. F. J. POTTER: Perhaps he will; I do not know.

The Hon. R. C. DeGaris: I thought the undertaking was clear in the second reading explanation.

The Hon. F. J. POTTER: I did, too. It is amazing what some honourable members do not want to understand.

The Hon. D. H. L. Banfield: It is amazing what you leave out when you want a stop gap.

The Hon. F. J. POTTER: Then, the Minister criticized the fact that in his Bill the Leader provided for a system of two electoral districts in this State, and he pointed out the disparity of voters that existed in the proposed two electoral districts. Again, he completely overlooked the fact that the Bill proposed proportional representation. Therefore, irrespective of the number of electors in either of the districts, the return to the political Parties will be the same, anyway.

The Hon. D. H. L. Banfield: Let's make it all equal.

The Hon. F. J. POTTER: If the honourable member says that, why was there no suggestion that this should be considered? It could be moved as an amendment.

The Hon. D. H. L. Banfield: It's not our Bill. If you are fair dinkum, you can put it in.

The Hon. F. J. POTTER: The honourable member apparently thinks, as does his Minister, that he will have nothing to do with the Bill merely because he did not introduce it. Because it is not their Bill, they will not lift one finger to effect a proper amendment to the Bill according to their beliefs. We in this Council have come to a pretty pass if, because of pique over the matter, no Bill will be considered if it is not introduced by the Government.

The Hon. A. J. Shard: You are reading that into it. That was on this specific Bill, which is useless from our point of view.

The Hon. F. J. POTTER: In other words, the Minister says his Party will have nothing to do with any system of proportional representation.

The Hon. A. J. Shard: I wouldn't say that.

The Hon. F. J. POTTER: If the Minister would not say that, this Bill is capable of amendment in a number of directions. If the Minister proposed a system whereby there would be proportional representation over the whole State, I would support him.

The Hon. A. J. Shard: You wouldn't get me to do it.

The Hon. F. J. POTTER: If the Minister is opposed to the holding of elections on different days, he can move to delete that provision from the Bill and I will support him. However, if he says he will have nothing whatsoever to do with, or will not consider for one minute, a system of proportional representation as a proper democratic system of election for this Chamber, I will not in any way go along with that line of thought, because it is unreasonable.

The Hon. D. H. L. Banfield: The Liberal Government was in office for 30 years and did not introduce it. Why didn't it?

The Hon. F. J. POTTER: It is unreasonable to adopt that attitude, as it indicates a completely cavalier attitude regarding this important measure, which deserves support. It should go into Committee, when I would like to see Government members introduce amendments to deal with the objectionable features that they say exist in the Bill. If they oppose a system of proportional representation for this Council, their whole attitude concerning reform of this Chamber will be exposed once and for all as completely fraudulent.

The Hon. T. M. Casey: Cut it out. You have had equal opportunity to do this for years.

The Hon. F. J. POTTER: It seems to me that all they will do is adhere to their established doctrine that the Legislative Council must be abolished and that they must retain the present electoral system just so long as they can achieve a majority in this Chamber to bring that about. I suggest that here, for the first time (and perhaps it is a long period of time, as the Hon. Mr. Banfield said), is an opportunity for the Labor Party objectively to examine these proposals and to bring to this Council (or, if they do not like it here, to another place) such amendments as would cure the objectionable features that have been referred to. My Party supports the system of proportional representation.

The Hon. D. H. L. Banfield: How long since?

The Hon. F. J. POTTER: It was adopted finally at a meeting held early this year.

The Hon. D. H. L. Banfield: For six months!

The Hon. F. J. POTTER: It has been talked about for a long time.

The Hon. T. M. Casey: Never mentioned!

The Hon. F. J. POTTER: It has been mentioned. Just because it was finally adopted in a constitutional manner six months ago is no reason at all for it to be condemned. Indeed, I do not in any way condemn it; I support it wholeheartedly as a proper system of election for this Chamber. That is about all I would like to say at present. I believe the Bill should go to the Committee so that we could see what measures members are prepared to accept or reject. I hope it will have support for that reason, and I support the second reading.

The Hon. G. J. GILFILLAN (Northern): I support the Bill. I agree with much that the Hon. Mr. Potter has said, if not in every detail. It is rather unfortunate that we have had what is virtually an official reply from the Government on this piece of legislation, because this proposal is a very constructive one and it is obvious that the Government, if it has examined the measure closely, has preferred to ignore the main points in it. Earlier this year I attended a seminar in London on Parliamentary practice and procedure. I was there for four weeks, and the seminar was conducted under the auspices of the Commonwealth Parliamentary Association, with the British branch of the association as the host. The association comprises representatives of more than 30 Parliaments. I was most interested to hear what other countries are endeavouring to do, many of them not being at the stage we have reached in South Australia, and to hear of the manner in which the various Parliaments work.

I found that the Labor Party and the Conservative Party in England got together in a joint Party committee and endeavoured to formulate a policy to restructure the House of Lords. They were looking at the possibility of restructuring the House of Lords in such a way that the major Parties would be reasonably evenly balanced and the balance of power would be held by the cross-bench members. In the House of Lords a number of people, both life and appointed peers, do not owe allegiance to any political Party. I believe that this situation, which could be ideal

in a House of Review, would be very likely to occur under the proposal put forward in the Bill by the Hon. Mr. DeGaris. I agree with the Hon. Mr. Potter that the main issue was not really considered by the Government. I disagree with him on the point he made that he would support a system of proportional representation over the whole State.

The Hon. D. H. L. Banfield: That is what I said: 16 Opposition members to four Government members in this Council.

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

The Hon. D. H. L. Banfield: Then how do they get on in the Senate?

The Hon. G. J. GILFILLAN: In the Senate only five members retire each election.

The Hon. D. H. L. Banfield: But it is still over the whole State.

The Hon. G. J. GILFILLAN: It would be a very different thing if we had six, seven, or eight candidates to be elected.

The Hon. R. C. DeGaris: We would need 10', at least.

The Hon. G. J. GILFILLAN: Over the whole State, as far as this Council is concerned.

The Hon. D. H. L. Banfield: As the Hon. Mr. DeGaris has said, numbers don't mean a thing.

The Hon. G. J. GILFILLAN: It would mean 10 members coming out at each election. With several Parties involved there could be 50 names on the ballot-paper, and I think that would be quite unreasonable. To me, the more important reason is that it could be claimed that the country areas of this State and the metropolitan areas are inter-dependent (and I believe this is so). Each relies on the other; one is complementary to the other.

The Hon. D. H. L. Banfield: Then why don't we have members from the country and the city in the one district?

The Hon. G. J. GILFILLAN: It cannot be denied that there are some areas of interest which are completely different. In some matters people in country districts have completely different interests from those in the metropolitan area, particularly the more densely populated

parts. As this is a second House and as Governments are not formed in it, it is only fair that these people should have representation similar to that provided in the Senate in our Commonwealth Parliament for the less populated States.

If the number of members representing the country areas is reduced, this will have the effect of defeating the main purpose of the proportional representation type of voting, in that if we arrive at the position where five members or fewer retire at each election, any chance of a minority Party getting representation within this Council would be negligible. If we are to make this (as the Labor Party has so consistently claimed it wants) a democratic House, then we should see that it is democratic in its method of election, and does not just appear to be democratic. It is a well-known fact of proportional representation that, if the number of members seeking election in any one area is too small, minority groups have no chance of representation.

I remind members of the Labor Party that under this proposed system the country district will not be represented entirely by Liberal and Country League members, as the Chief Secretary seemed to imply in his speech, nor is the situation loaded in favour of the L.C.L. Among the members from non-metropolitan areas there will certainly be members from the industrial cities, because under the proposed system, working on the figures I have taken out for the State, there will be Australian Labor Party representation from country areas. Far from giving any one Party an unfair advantage over another, I believe the final result would be a very evenly divided House, with a possibility of some other Party having representation and perhaps holding the balance of power. I know that this is not acceptable to people in Government; they like to have absolute power. We have the example of the Senate where the minority groups hold the balance of power, and since this has come about we have seen a much more active and effective Senate in the Commonwealth Parliament.

The Bill cannot become law until a referendum is held. The final verdict on the Bill and its merits will be in the hands of the electors of South Australia. Under the clauses entrenched when the Constitution Act was amended, this Bill cannot come into effect without a referendum. Summing up, I agree that there are some points where, perhaps, amendments could be made without prejudicing the intention of

the Bill. I believe that one of the main problems of the opponents of this Bill is that the Bill is essentially and completely democratic in its method of electing honourable members to this Council. It is far more democratic than the present method operating in another place, where in many seats members are not truly elected by the voters: they are really elected by preselection within their own political Party. As far as I recall, honourable members opposite have rarely been forced to face the polls within their own electoral districts in this Council: again, that is a matter of preselection. Under the proportional representation system, every candidate will have to face the polls; there will be no short cut to election by Party preselection. It is essentially a fair Bill to which much thought has been given and in respect of which much work has been done. I hope the Government will give it the consideration it deserves.

The Hon. D. H. L. BANFIELD (Central No. 1): Some queer things have been said this afternoon on this Bill. The Hon. Mr. Potter said that it was "our policy". How did this policy come about? Did it come about overnight that the members of this Council should be elected democratically, when for years on end they had denied the voters of this State the opportunity to vote democratically? They said that we could not have such a thing in this Council, that we had to have a restricted franchise for this Chamber. The Hon. Mr. DeGaris says he believes that this Bill is complementary to what the Governor said in his Speech about the introduction of full adult franchise. True, the Leader may have thought he would be prepared to vote for such a Bill, but it appears that he is not prepared to vote for such a Bill unless the Bill now before us passes. How democratic is he when he wants to deprive people of legislation unless certain conditions are fulfilled to suit him and his Party? As the Hon. Mr. Potter has said, we have come to a sorry state when Bills are thrown out because of bitter fighting.

Some time ago there was the "try to save our seats" campaign, when Mr. Hall and the Hon. Mr. DeGaris came together to try to agree upon some sort of compromise. Out came the big headlines "Hall wins: democracy at last for the Council". But now we find that this Bill is brought forward in the guise of democracy for this Council. It was not introduced for that purpose: it was introduced only from a desire to retain the seats of the L.C.L. members of this Council. Otherwise, they

would never have come up with such a Bill which they knew, even before it hit the deck, had no hope of being accepted by the Government.

The Hon. Mr. DeGaris said that under proportional representation the number of voters did not mean a thing; but it is significant that he has still clung to the principle of there being a country district and a metropolitan district. If he was fair dinkum about this Bill and if the number of voters did not make any difference to proportional representation, why did he not draw the line beneath Central No. 1 District if he wanted the State to be divided into two equal districts? He did not want that because the numbers would have been such that they would not have given the voters enough weight in the country district to be  $2\frac{1}{2}$  times as great as the number of voters in the metropolitan area. No—he stuck strictly to the division between the country area and the metropolitan area.

The Hon. Mr. Gilfillan says that the country area has different interests from those of the metropolitan area. I suggest that the people living in Mount Gambier would have different interests from people living in Oodnadatta; yet members opposite want to combine those living in Oodnadatta with those living in the South-East and exclude those people from the metropolitan area in looking after the interests of the State. If the honourable member had been sincere, he could at least have made the numbers more nearly equal in the two districts.

The Hon. Mr. DeGaris says that this Bill is supplementary to a Bill dealing with full adult franchise. We do not know the sincerity of honourable members opposite in their support of such a Bill, because many times this very legislation has been thrown out of this Chamber by them simply because it did not suit them. We still have no guarantee that, whether or not this Bill passes, they will support a Bill for full adult franchise. It has been suggested that we can assume that that will be the case. The Hon. Mr. Potter says that this is now L.C.L. policy on full adult franchise. He also told us that this Bill was L.C.L. policy.

The Hon. F. J. Potter: I did not say the Bill was; I said that proportional representation was L.C.L. policy.

The Hon. D. H. L. BANFIELD: We do not know. Is the honourable member saying now that there are things in this Bill that are not L.C.L. policy? Does he deny that other provisions in this Bill were not decided on at the last conference?

The Hon. F. J. Potter: The L.C.L. policy mentions only proportional representation.

The Hon. D. H. L. BANFIELD: Surely as a result of that conference of the L.C.L. full adult franchise was laid down as the policy for this Council. Members opposite say, "If we are going to give you full adult franchise, then we are going to insist on there being separate rolls"—and this was included in the Bill; "and on a separate election day"—and this was included in the Bill. "Voluntary enrolment is our policy, and that is the sort of thing that will be complementary when it comes up." Will the Leader say to us, "If we bring in this Bill and it goes through, when full adult franchise comes up we will not insist on a separate roll, on a separate voting day, or on voluntary enrolment or on voluntary voting"? Will the Leader give us that undertaking? Of course he will not.

The Hon. R. C. DeGaris: Tell me where in the Bill voluntary enrolment and voluntary voting are dealt with at all.

The Hon. D. H. L. BANFIELD: The Leader said that this Bill was to be a complementary Bill. If this Bill did not come about as a compromise from Mr. Hall when he was Leader of the Opposition in another place, does the Leader deny that other things in the Bill are part and parcel of that compromise? Does he intend to answer me? He does not, because he knows very well that these things are part and parcel of the Bill. He will not give an undertaking at this stage that these things will not be insisted upon when our Bill is introduced. We can take it only on its merits.

The Hon. Mr. DeGaris said, "This now has the full backing of the L.C.L.?" I asked him to state the position concerning the Liberal Movement, and he said he did not know but perhaps the Hon. Mr. Banfield would know more about it than he did. Let us examine that position. The Leader knows very well that this Bill came about as a result of negotiation with the members of the Movement. So, the Hon. Mr. DeGaris knew far more about it than I knew about it, yet he tried to side-step the matter when I asked him what the position was. He could easily have said that this came about as a result of conferences but, instead, he tried to mislead the Council by saying that he did not know. The Leader was a prime mover in the negotiations.

The Hon. F. J. Potter: There was not any Liberal Movement at the time of the agreement.

The Hon. C. R. Story: The Hon. Mr. Banfield has a terrible cheek to say that the Leader misled the Council.

The Hon. D. H. L. BANFIELD: When the Leader told me that he did not know what the position was, he did not say that he had already negotiated with the Leader of the Liberal Movement: he said that he did not know anything about the movement's views, and he said that I would know more about them, yet he was the man who negotiated between the two bodies. The Hon. Mr. Potter said that his Party had decided to make democratic changes in this Council, but he did not tell us what had brought about this sudden desire. Bills have previously been introduced in this Council to give a more democratic outlook. The Liberal Party had the opportunity to do that when it was in Government, but it had no desire to make this Council democratic then.

I am reminded of Sir Thomas Playford's desire to make electoral changes when he saw that time was running out for him, but he missed the opportunity, and I am afraid that honourable members of this Council have also missed the opportunity, because they did have an opportunity for 30 years—if they were fair dinkum. The only reason why the Hon. Mr. DeGaris wants a change now is that time is running out for him and this may be the last opportunity for him to put something on the Statute Book that may assist him. The Labor Party has no intention of accepting this Bill. However, the Labor Party will be willing to have a look at a Bill similar to this one if and when the Liberal Party passes a Bill for full adult franchise without any restrictions. Let us put honourable members of this Council to the test! On their performance in the past, we cannot trust them but, once they show their goodwill, we may be willing to have a look at the position.

The Hon. R. C. DeGARIS (Leader of the Opposition): I take some objection to the claim of the Hon. Mr. Banfield that I deliberately misled this Council. I know that the honourable member was heated—

The Hon. D. H. L. Banfield: No; I was cool and calm.

The Hon. R. C. DeGARIS: —irrational and uncompromising in his attitude. He made some play about a question that was asked. He interjected during my second reading explanation; it was something to do with the Liberal Movement. However, his remarks are tied to a matter that has absolutely no bearing

on what was raised. In my second reading explanation I said:

Lord Shepherd concluded his article by saying:

The United Kingdom requires an effective two-Chamber Parliament. To be effective, both Houses will be required to look at their functions and procedures and to seek ways of removing unnecessary duplication of effort so that each can perform its functions more efficiently than now.

This view is also strongly held by members of the Liberal and Country League.

The Hon. Mr. Banfield then interjected:

What about the members of the Liberal Movement? Is it held by those members, too?

I replied:

I think the Hon. Mr. Banfield would be more conversant with their views than I.

The honourable member's interjection had nothing to do with the matter to which he tied that remark. Regarding the question of undertakings, I point out that on many occasions since I have been Leader of the Opposition in this Council I have asked the Chief Secretary for undertakings if we took certain courses of action. Not very long ago this point arose in connection with the removal of the move-on provision from the Lottery and Gaming Act and the insertion of that provision in the Police Offences Act. I asked the Chief Secretary whether, if both Bills passed, both would be proclaimed at the same time. The Chief Secretary gave me the undertaking that that would be done, and I accepted his undertaking. In my second reading explanation of this Bill I gave an undertaking that it was complementary to the Bill to be introduced by the Government in the House of Assembly. I give my undertaking to this Council and to the Hon. Mr. Banfield that, as far as I am concerned and as far as other honourable members of this Council are concerned, if this Bill passes, it carries with it the certainty that adult franchise will also pass.

The Hon. D. H. L. Banfield: But you do not believe in adult franchise if this Bill is not passed.

The Hon. R. C. DeGARIS: It seems that it is necessary to go over the argument relating to the structure of an Upper House. If we have adult franchise for Legislative Council elections and if we do not have proportional representation, we will produce in this Chamber a mirror image, a pale reflection, of another House. I could refer honourable members to every quotation one can find throughout history, even quotations from Lord Shepherd and Lord Gardiner, two Socialist peers. Unfortunately, the Hon. Mr. Banfield ties his allegiance to a Party machine

more than to a democratic Parliamentary institution. And democracy will suffer if the Upper House in this State or in any other State or at the Commonwealth level becomes a mere pale reflection of the dominant Party machines existing in the Lower House. The only way in which we can have the same franchise for the Upper House as there is for the Lower House is to use proportional representation in Legislative Council elections.

The Hon. T. M. Casey: Mr. Bolte didn't think so.

The Hon. R. C. DeGARIS: We have been over this ground so much that it is foolish of the Minister to interject. It does not matter what Mr. Bolte does, what is done in Great Britain, or what the Australian Labor Party or the Liberal and Country League does in relation to the Senate: we are here to seek information and to structure the Council so that it can become to all intents and purposes an Upper House capable of continuing to perform its role as a constructive House of Review. If that is so, there can be no objection on democratic grounds to a system of proportional representation, which is the very point the Government has refused point blank to discuss. The Government just says, "The Bill goes out."

The first point that members of the Government should decide is whether or not they favour proportional representation as a means of election for the Upper House. If the answer is "Yes, we will go along with proportional representation and have no objection to it; the most democratic method of election that could be devised is that based on a system of proportional representation."

The Hon. C. R. Story: It was part of Labor's policy.

The Hon. R. C. DeGARIS: Yes, for a long time. If the Government accepts this principle as a first principle, let it say so. The Premier said in the press recently that the proposals put up by the L.C.L. regarding the structure of the Upper House would not be acceptable to him or to the Labor Party, but that he would go along with proportional representation and an election over the whole State for the one election.

The Hon. D. H. L. Banfield: There you are: you've got your answer.

The Hon. R. C. DeGARIS: Here, there is at least some ground on which we can speak. I shall now try to explain to the Hon. Mr. Banfield (but I know I will have much difficulty because, obviously, he already has his instructions)—

The Hon. D. H. L. Banfield: You have yours, too, and that is why the Bill has been introduced.

The Hon. R. C. DeGARIS: —how we came to introduce the Bill as a basis for discussion. We started off with one district (the State) and we looked at the voting card for an election over the whole of the State for the one House, but we found that the card would be so large as to be impracticable. The proposal of limiting the Council to a total of 24, to which the Government has raised no objection in this Chamber so far, can be justified when it is compared with the position in every State and the accepted principle that the Upper House should be not less than half the size of the Lower House. This system would produce a voting card with about 50 names on it to select 12 members, and it would be unwieldy. The quota for a person to be elected would be about 7 per cent.

The Hon. D. H. L. Banfield: Under your Bill, they could be elected for less on voluntary voting.

The Hon. R. C. DeGARIS: If the Hon. Mr. Banfield would pay attention, I might have a chance of convincing him of the logic of what I am putting.

The Hon. M. B. Dawkins: You have a job in front of you!

The Hon. D. H. L. Banfield: He knows he is pushing uphill.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: As a group, we studied the question of one district for the State, and the Premier supports this: he has said so. We did not go along with it because of the large voting card, because of the very low proportion of votes required to elect a person, and because it would not produce a Council that represented a true reflection of the wishes of the people. That is the reason why we moved away from the one electorate. If this is the Government's only objection, I ask it to tell us and to make its own statement on the question.

Then we came to the next step, which was to have two districts, and there were two ways of doing it. We could have divided the State into two by taking half the metropolitan area (Central No. 1) and all areas south and some areas north to the Murray River. We looked at the division of 24 to 23 House of Assembly, and this came out at about Central No. 1, part of Midland and Kavel; probably Light and Chaffey went into the Southern District and the rest into the Northern District.

We had half the metropolitan area and half the country area in one district, and the balance in the other. We came to the situation where both districts would be dominated by the metropolitan area.

The Hon. D. H. L. Banfield: You said that the numbers and quotas wouldn't mean a thing.

The Hon. R. C. DeGARIS: I ask the Hon. Mr. Banfield to listen for a moment. The chief objection was that the metropolitan area would dominate both districts. Secondly, it seriously affected the ability of such minority groups as the Democratic Labor Party (which has a city appeal) and the Country Party (which has a country appeal) to obtain representation. Both groups would be seriously disadvantaged with a half-metropolitan and half-country district. If the Government says that the only thing it will accept is equality of numbers in each district, it should say that that is the way it wants it done.

The next step was to consider using the present metropolitan area and the present country area as two districts. This has been chosen purely and simply because the boundary is already drawn there and, consequently, under proportional representation it makes no difference to the ultimate result for the Liberal and Country League or the Australian Labor Party whether it is done that way or done half-city half-country. What I am trying to say to the Government is that we have decided on this method, not because it favours the L.C.L. or the A.L.P. but because, from the point of view of democracy in the State and the structure of an Upper House, we consider that it is the most effective and fairest way of doing it.

We then looked at the proposal put up by the Country Party that there should be a metropolitan district and a country district and that we should have 14 members in the city and 10 members in the country. What is wrong with that? It would mean two districts with different numbers of members. The quota for a person to be elected in the city would be 12½ per cent and the quota for a person to be elected in the country would be 16⅔ per cent. This produced a situation in which a group of people in the city would need a smaller quota to have a person elected than would people in the country district.

Therefore, with a disparity of members, to balance it on what the Labor Party is talking about (the question of equality of population), the numbers in each district could be altered but it would produce the anomaly that a group in one district would require a smaller quota than would a group in another district. These

are the arguments and, if Government members in the Council would say, "We accept proportional representation as the only democratic way in which we can offer an alternative system to election for the House of Assembly, but we have certain arguments with you on how it has been arranged," they should say so because, if there is any ground on which we can at least compromise, I assure the Government that we are willing to do so and, indeed, to examine any proposal, based on proportional representation, that may be put forward.

The Hon. D. H. L. Banfield: I told you what we were prepared to do.

The Hon. R. C. DeGARIS: Although the honourable member says that, all he and the Chief Secretary have said is that the Bill will go out of the window and that there will be no compromise or discussion. We have not even been told whether the system of proportional representation is acceptable. I think I may have answered most of the questions raised by the Chief Secretary and the Hon. Mr. Banfield. I do not accept the point made by the Chief Secretary that, although the statements I made in the second reading explanation regarding second Chambers may apply to federal and national Governments, they do not apply to a sovereign Constitution. I repeat that, where there is a sovereign Constitution, as in this State, the role of an Upper House assumes greater importance than where there is a federal system with a limited Constitution relying on the States and referendums for changes in that Constitution. I reiterate the following point I made in the second reading explanation:

At least, I hope that the Government may be prepared to discuss the whole question on a co-operative basis, so that we can produce an Upper House which satisfies the demands being made but which at the same time is capable of fulfilling its role effectively . . . I hope that the Government would be prepared to discuss the matter freely and frankly with us, if necessary even to the point of suggesting some all-party conference, similar to the all-party conference in Great Britain. There is available a considerable amount of material from many conference papers.

The Hon. Mr. Gilfillan referred to that latter point in his speech this afternoon. This stems from the conferences that are being held in Commonwealth countries. We can draw upon their experience and knowledge in this matter. I express my regret that the Government has not been willing in any way to come forward with constructive suggestions within the framework of proportional representation. It

appears that the Government is hell bent on offering no co-operation whatsoever on what is probably one of the most important measures to come before this Council.

The PRESIDENT: I point out to honourable members that, as this Bill seeks to amend the Constitution Act and to provide for an alteration of the Constitution of Parliament, it is necessary for its second reading to be carried by an absolute majority of the whole number of members of the Council. I have counted the Council and, there being present an absolute majority of the whole number of members of the Council, I put the question: That this Bill be now read a second time. For the question say "Aye"; against say "No". There being negative voices, the Council will divide.

The Council divided on the second reading:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (3)—The Hons. D. H. L. Banfield, T. M. Casey, and A. J. Shard (teller).

Pair—Aye—The Hon. H. K. Kemp.  
No—The Hon. A. F. Kneebone.

The PRESIDENT: There are 13 Ayes and three Noes. There being an absolute majority in favour of the question, I declare it so carried.

Second reading thus carried.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Concurrent writs."

The Hon. F. J. POTTER: As it appears to me that there is an omission in this clause, I ask that consideration be deferred. I think it should refer to subsection (2).

Consideration of clause 9 deferred.

Remaining clauses (10 to 16) passed.

Clause 9—"Concurrent writs"—reconsidered.

The Hon. F. J. POTTER moved:

Before "Section 18" to insert "Subsection (2) of".

The Hon. R. C. DeGARIS (Leader of the Opposition): I think the honourable member is quite correct. I accept the amendment.

Amendment carried; clause as amended passed.

Title passed.

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



**ROAD TRAFFIC ACT AMENDMENT BILL  
(COMMERCIAL VEHICLES)**

Second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

*That this Bill be now read a second time.*

It brings the law in South Australia relating to speeds of commercial vehicles on open roads to some comparison with the allowable speeds in other States. At the present time, the allowable speeds in South Australia are the most restrictive in Australia, and, apart from this inconvenience, the present allowable speeds are, in the opinion of many, a road hazard. Under the present provision, commercial motor vehicles exceeding 13 tons are restricted to 30 m.p.h. Many transport drivers are concerned with the fact that, because of the unrealistic speed limits in South Australia, they are accumulating demerit points, and their livelihood is threatened if their licences are suspended.

Clause 1 is formal. Clause 2 repeals section 53 of the principal Act, and re-enacts a new section, which imposes a speed limit of 50 m.p.h. on commercial vehicles on the open road. The position in other States, I understand, is as follows: N.S.W., 50 m.p.h.; Queensland, 60 m.p.h.; and Western Australia: under 3 tons, 60 m.p.h.; 3 to 7 tons, 50 m.p.h.; and over 7 tons, 40 m.p.h. Victoria, I am informed, has recently lifted the speed limit to 50 m.p.h., or is about to do so. I commend the Bill to honourable members.

The Hon. T. M. CASEY secured the adjournment of the debate.

**POLICE PENSIONS ACT AMENDMENT  
BILL**

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

*That this Bill be now read a second time.*

Section 29 (5) of the former Police Pensions Act provided that a pension payable to a widow ceased on her remarriage. The present Police Pensions Act enacted into law last year provides that where a widow who remarries again becomes a widow her pension again becomes payable. However, in its terms the present Act applies only to widows who remarry after its commencement.

In the Government's view there is a case for extending the application of the provision at present in force to widows who remarried before the commencement of the present Act. There are, in fact, two distinct cases that should be dealt with under this proposal: (a) the widow who again became a widow before

the commencement of this Act, whose pension will be back-dated to commence on the day the present Act commenced; and (b) the widow who again becomes a widow after that commencement, whose pension will again become payable when she again becomes a widow.

This, then, is the substance of this short Bill. Clauses 1 and 2 are formal. Clause 3 provides for the matters referred to above and makes certain other consequential amendments to section 27 of the principal Act. In addition, it is made clear that the pension, when it becomes payable, will be paid at the rate at which it would have been paid had payment not been interrupted.

The Hon. C. R. STORY (Midland): I see no reason for delaying legislation of this type. It seems to me that the Government has considered the matter fully. I support the Bill.

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

**POLICE OFFENCES ACT AMENDMENT  
BILL**

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

*That this Bill be now read a second time.*

This short Bill makes a small number of law revision amendments to the principal Act, the Police Offences Act, 1953, as amended, and in addition provides for two other amendments of somewhat greater significance. Clauses 1 and 2 are formal. Clause 3 is a law revision amendment and is consequential on the repeal of the Licensing Act of 1932 and its replacement by the Act of 1967, and clause 4 repeals and re-enacts section 11 of the principal Act for the same reason. Clause 5 is an amendment to section 26 of the principal Act that has been requested by the Commonwealth to enable it to accede to the International Convention on the Suppression of Traffic in Persons and of the Exploitation of Prostitution of others. Section 26 of the principal Act makes it an offence for a male person to live on the earnings of prostitution. The effect of the amendment will be to extend the application of this section to female persons who live on the earnings of prostitution.

Clause 6 amends section 59 of the principal Act, which deals with control of crowds. Honourable members will recall that this provision was dealt with by this Council last session. Some time ago, the then Chief Special Magistrate suggested that a suitable evidentiary provision would be of assistance in proceedings

in connection with an offence for a contravention of this section and, although his suggestion related to the provision in its old form, there seems merit in its application, with modifications, to the section as it now stands. Accordingly, an appropriate evidentiary provision is proposed to be inserted in section 59 by this clause. Clauses 7 and 8 are again law revision amendments and do not effect any alterations of principle.

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

### **PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL**

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

*That this Bill be now read a second time.*

This short Bill is the third of three measures intended to supplement by 5 per cent certain pensions payable to former members of the Judiciary, former members of the Public Service and former members of Parliament. The pensions increased are those that, as it were, vested before June 30, 1971. The day of effect of the increased pensions will be so far as is possible the same for pensions of all three categories. I will now deal with the Bill in detail. Clause 1 is formal. Clause 2 is a formal law revision amendment that has the effect of repealing a provision that ceased to have any effect in 1957 and was, inadvertently, not repealed at that time. Clause 3 provides for the increase in pensions and further provides that the day of effect of the increase shall be a day fixed by proclamation for the purpose.

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill and the two Bills we are about to deal with are similar, in that they supplement by 5 per cent certain pensions payable to former members of the Judiciary, the Public Service and Parliament. The three Bills are reasonable. They have been looked at by members of the Opposition. I see no reason to delay their passage. I support the second reading.

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

### **JUDGES' PENSIONS ACT AMENDMENT BILL**

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

*That this Bill be now read a second time.*

This short Bill is the second of three measures intended to increase rates of certain pensions payable under the laws of this State. It deals with pensions payable under the Judges' Pensions Act, 1971. Honourable members will recall that fixed pensions were provided under that Act to the persons whose names were set out in the schedule thereto. In that Act it was provided that, by subsections (3) and (4) of section 12, those fixed rates could be varied by proclamation since it was then clear that those pensions would necessarily have to be varied to reflect increases in the cost of living. This Bill proposes, in effect, an extension of the principle that was then accepted by this Council in that it provides that all pensions payable under that Act can be varied in this manner.

I will now deal with the Bill in detail. Clauses 1 and 2 are formal. Clause 3 effects a law revision amendment. Clause 4 is the operative clause in the Bill and provides that variations in rates of pensions that are not otherwise provided for shall be effected by proclamation. It will be noted that no proclamation can be made under this section that will have the effect of reducing the rate of pension payable to a person below the rate at which the pension was originally payable. It is intended that the power conferred here should be used to provide a 5 per cent increase in pensions on the same basis as that proposed in relation to Public Service pensions under the amendments before you in respect of the Superannuation Act.

The Hon. M. B. CAMERON (Southern): I support the Bill, which clearly indicates the inflationary spiral in which we seem to be inevitably involved. It is unfortunate that all recipients of superannuation in this country cannot be covered by the sort of provision in this Bill. It is to be hoped that in future inflation will be brought under control and that, consequently, this sort of provision will not be necessary.

The Hon. F. J. POTTER (Central No. 2): This Bill seems to provide for a slightly different method of operation from that proposed in the Bills we considered earlier. The Parliamentary Superannuation Act Amendment Bill makes it clear that there is to be an increase of 5 per cent to recipients of superannuation. Further, the Superannuation Act Amendment Bill, which we will deal with later today, also mentions a 5 per cent increase, but the Bill now before the Council does not specifically mention a 5 per cent increase. As I understand what the Chief Secretary said,

the procedure of allowing changes to be made by proclamation will affect not only people receiving a pension but also people who may in future receive a pension.

The Hon. A. J. SHARD: We had a problem last year in one specific case.

The Hon. F. J. POTTER: The Bill enables the Government not only to give a 5 per cent increase to recipients of superannuation but also in the future to vary the pension rates for people not already receiving pensions. I should like the Chief Secretary to explain these points.

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

### **SUPERANNUATION ACT AMENDMENT BILL**

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

*That this Bill be now read a second time.*

This short Bill, which is in form similar to measures having the same effect that have been enacted previously, increases certain pensions under the Superannuation Act, 1969, as amended. The amount of the increase of 5 per cent is derived from the fact that the living costs as shown by the Consumer Price Index for Adelaide increased from 115.4 in the June quarter, 1971, to 121.1 in the June quarter, 1972. The previous adjustment was based on the June quarter, 1971, figure.

The pensions that will be increased are those pensions that, in a manner of speaking, "vested" before June 30, 1971. This "vesting" may have occurred by the pensions being payable before that day or, in the case of the pension of a widow of a deceased pensioner, being derived from a pension payable to that deceased pensioner before that day. This "vesting" concept is spelt out in the definition of "determination day" that appears in section 100a of the principal Act.

I will now deal with the Bill in some detail. Clauses 1 and 2 are formal. Clause 3 is the operative provision of the Bill and first repeals section 100c of the principal Act. Section 100c is later by this clause re-enacted in an expanded form as section 100d. The increases are provided for by proposed new section 100c which (a) at subsection (1) picks up the reference to the determination or vesting day of a pension; (b) at subsection (2) provides for the fixing of a day on and from which the increases will be payable, and it will probably be some time

in October and will be fixed so as to coincide with the commencement of other pension increases. This subsection also delineates the classes of pension that will be increased—that is, all those having a determination day that occurred before June 30, 1971; (c) at subsection (3) makes a formal amendment; (d) at subsection (4) makes it clear that fixed allowances for children are not affected; and (e) at subsection (5) provides for a rounding off to the nearest one cent of pensions.

Proposed new section 100d, as has been mentioned, re-enacts in an expanded form former section 100c, and provides that the increase of pension shall be payable from the Pension Supplementation Account (as to which see sections 97, 98 and 99 of the principal Act) as to 30 per cent and out of the general revenue as to 70 per cent. This continues unchanged the previous arrangements in operation in relation to this matter.

The Hon. R. A. GEDDES secured the adjournment of the debate.

### **PUBLIC PURPOSES LOAN BILL**

Adjourned debate on second reading.

(Continued from August 22. Page 894.)

The Hon. L. R. HART (Midland): I wish to comment on the way in which this Bill has been presented to the Council. The explanations given are not very easy to follow without considerable cross-reference and comparison with documents of previous years. I believe that the borrowing arrangements, recoveries and repayments could be set out in a simple table that could be readily understood by most honourable members. The very considerable explanations could still be given for those who wish to peruse them, but those explanations are in many cases only opportunities for the State Government to excuse itself for not doing some things or for it to blame the Commonwealth Government for not being more generous to the State. This state of affairs has existed only since the advent of the Labor Party to the Treasury benches of this State.

If honourable members refer to the corresponding documents and explanations given in earlier years, they will find that they were relatively straightforward and that they dealt with the borrowing and allocation of Loan funds. However, the present practice, introduced by the Labor Party, of manipulating Loan funds to balance the Revenue Account has set in train a rather complicated system that appears to require considerable explanation—so much so that one wonders whether

the Government is operating on the brink of approved accounting methods.

When speaking on a Public Purposes Loan Bill in a previous session I said that the important thing in allocating the State's share of Loan funds was that the Government should have its priorities right. The question of priorities will always be one involving personal opinion but, when a Government finds itself with a deficit, the correct priorities become very important. To expand on this line and to make myself more explicit, in my view the order of priorities should be the allocation of funds to those areas where the greatest benefit to the State would result. Under the heading of "Ayers House" \$250,000 is proposed for work to commence on alterations to that house, which is being developed as the headquarters for the National Trust. There will, in addition, be provision for National Trust museums and for two restaurants, in the colonial style, to match the general concept of the development. The project is estimated to cost \$275,000.

Under the heading of "Windy Point" \$40,000 is required to commence construction of a new first-class restaurant at that point. The restaurant itself will provide seating for 100 people, and included in the work, will be a barbecue, snack bar and kiosk to seat 200 in a completely enclosed area and 100 in a partly enclosed extension, a central kitchen and associated storage areas. The total cost of the project is estimated at \$295,000.

A considerable amount of money (over \$500,000) is being allocated to these two projects, the main purpose of which appears to be the establishment of first-class restaurants. I recall reading in a weekend newspaper earlier in the year an item which stated that many Adelaide restaurants would close after the festival of Arts. The person who made that statement was engaged in the business of one of Adelaide's first-class restaurants. He also said that diners would have to pay at least double the current restaurant prices or be served pre-cooked frozen meals. He said, too, that business was bad, that trade was down to about one-third of what it was in December, and that many hotel dining-rooms and restaurants were losing money. Yet the Government is allocating about \$500,000 to build additional first-class restaurants. One wonders whether the allocation of Loan funds is in accord with correct priorities, particularly in regard to the economic benefit to the State.

Under "Roads and Bridges" specific reference is made to the projected completion of the Eyre Highway. No doubt, honourable members will not object to this announcement, but I am somewhat concerned over the method of financing the project. The Commonwealth Government, I believe, is meeting its commitments as far as it should at present, but a considerable sum of money is to be found by the State Government. The Treasurer has set out how these funds will be provided and, after announcing that the Commonwealth Government would advance a grant of \$2,500,000 over the four years to June, 1976, he said that the Highways Fund would provide a similar amount from road moneys.

It is common knowledge that many district councils have had their Government grants considerably reduced over the last two years, so I wonder whether the completion of the Eyre Highway is being partly financed at the expense of district councils and whether the reduction in grants to councils is to continue until such time as the highway is completed. This loss of grant money has had such a serious effect on the work of some district councils that they have been compelled to reduce staff. In some cases, these displaced people have registered as unemployed and have been re-engaged by councils under the grants for rural employment schemes. That is fair, but it seems that the Commonwealth Government is making a further indirect grant for the construction of the Eyre Highway.

I now refer to "Public Parks". Over the last few years considerable areas of land have been gazetted both in country and city areas as public parks, which are to be used for the enjoyment of the people of the State as a whole. Some of the attractive parks in the country are visited by city people who come in their motor vehicles, sometimes with caravans attached, set up camp, complete with a barbecue, and have a most enjoyable day. It is somewhat disturbing however, that, when a person from the country comes to the city for his annual visit to the Royal Show or to a football final and parks his vehicle on a little piece of park land he is accused of desecrating our open spaces.

I do not believe that additional areas of park land should be made available for permanent parking for people who commute to work by car. However, a good case exists for increasing areas of park lands to be used for parking space for major events, particularly for annual events. The Royal Show, for instance, could

not continue to function if space had to be acquired for parking purposes only. Less than half the total area of park lands within the city of Adelaide boundaries is regularly used, and the area that is used is usually by people engaged in some sporting activity. Rather than becoming worried about the uses to which park lands are being put, we should be more concerned about providing more park lands; this the Governments of recent years have been doing, as instanced by the allocation of \$400,000 in the Loan Estimates for the acquisition of national parks.

The sum of \$7,900,000 is provided for railway accommodation, being slightly less than the actual amount spent last year. It was refreshing to read a recent newspaper advertisement which was inserted by the Railways Department and which pointed out the advantages of travelling to work by train as against using private vehicles. The advertisement had special application because of the petrol shortage. The railways would be well advised to continue that form of advertising. Earlier this year the Railways Commissioner, in an open letter, accused primary producers of using the railways only as a convenience, and he was supported by a statement made in the House by the Minister of Roads and Transport. It is probably true that many primary producers do not use the railways to the extent they could, but there are good reasons for it: it is sometimes more convenient and cheaper to use road transport.

If the Railways Commissioner takes the primary producer to task for not using the railways, he should perhaps examine the position regarding other Government departments, because it is common for one to see travelling along roads huge transports laden with the requirements of the Highways Department, the Engineering and Water Supply Department, the Public Buildings Department, the Electricity Trust and various other Government departments. All these departments use road transport in preference to the railways because it is more convenient and economical for them to do so. On that basis, we should perhaps take heed of the following statement that the Railways Commissioner made recently:

It is time for everyone concerned with the operation of the South Australian Railways to get together around the table and see what can be done about the present state of railway finances.

Rather than take the primary producers to task, the Railways Commissioner should confer with Government departments and ascertain

why they are not willing to use the railways and to see what facilities they want the railways to provide to make the railways more attractive to them.

The sum of \$200,000 is allocated under the heading "Fishing havens and foreshore improvements". Although I do not criticize this allocation, I suggest that the department examine the question of enlarging the slipway at Edithburgh. There is already a slipway at Edithburgh, but it can take vessels of only a certain size. Many of the fishing vessels that use Edithburgh as their headquarters are unable to use the slipway because it is not large enough to take them. I understand that it would not require much enlargement and that, indeed, if the slipway was enlarged, it would not require any further machinery to operate it. I therefore suggest that some consideration be given to improving the Edithburgh slipway. In the line dealing with the Department of Fisheries, one sees that a mere \$50,000 has been allocated to a \$9,250,000 a year industry whose productivity over the last 10 years has increased by more than 220 per cent. This allocation will possibly only equal the amount collected by the department this year from licences and levies imposed under the new Fisheries Act.

The Hon. T. M. Casey: You must remember that fisheries come under the Revenue Budget as well. This is actually for the purchase of a patrol vessel.

The Hon. L. R. HART: South Australia's measure of assistance to the fishing industry as a whole does not compare favourably with that of the other States. Here, we have an industry which is viable and which is owned by people if not within this State then within the Commonwealth; it is decentralized and has considerable export value.

The Hon. R. C. DeGaris: And is capable of expansion.

The Hon. L. R. HART: That is so; it is capable of considerable expansion. Now that the shark-fishing industry is facing certain problems in relation to the export of its products, and I refer to shark meat, it is necessary that it be given assistance as speedily as possible because, if this does not happen, another primary industry will find itself in serious financial difficulties and, although the Government may have to come to its aid, this may happen too late. With those remarks, I support the Bill.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention they have given to the Bill. I have been asked questions by some honourable members, and

I hope that the replies I now give will satisfy them. If, however, honourable members are not satisfied with a reply, I suggest they ask another question, to which I will obtain a further reply. The first question to which I reply is that raised by the Hon. Mr. DeGaris regarding public parks. In 1971-72, a total of \$1,263,000 was advanced to assist in the provision of public parks, national reserves and open-space areas. This amount was made available to the extent of \$300,000 from revenue for grants to councils towards the cost of public parks, a further \$300,000 from revenue by transfer to the Planning and Development Fund, \$363,000 from Loan for the purpose of national reserves, and \$300,000 of borrowings by the State Planning Authority. In addition, a further \$133,000 was available in a Deposit Account for grants to councils for public parks, being the balance of unspent appropriations for these purposes from previous years.

To the balance available in the Deposit Account at July 1, 1971, should be added the \$300,000 advanced from revenue, and a repayment of \$27,000 due by a council in respect of an earlier grant, making a total of \$460,000 available for public parks in 1971-72. Payments last year amounted to \$382,000, leaving a balance of \$78,000 in the Deposit Account at June 30, 1972. Of the expenditure of \$382,000, \$96,000 was made in country areas in 1971-72. Subsidies that had been approved but not claimed by councils at the end of June, 1972, amounted to \$333,000. Of this, \$287,000, was in respect of the metropolitan area and \$46,000 related to country areas. For 1972-73, a total of \$1,700,000 is proposed for public parks, national reserves and open-space areas. This amount comprises \$300,000 from Loan and \$300,000 from revenue for grants to councils for public parks, \$400,000 from Loan for the purpose of national reserves, \$300,000 to be transferred from revenue to the Planning and Development Fund, and \$400,000 to be borrowed by the State Planning Authority.

Other questions have been asked regarding the appropriation of \$500,000 for transport research and, particularly, whether it is a proper charge to Loan Account. Three points may be made. First, the Government intends to review this provision later in the year to see whether the cost of some of the projects should be reimbursed out of Revenue Account or the Highways Fund. An appropriation of \$100,000 is being made in the Estimates of Expenditure in the votes under the Minister

of Roads and Transport for this purpose. If it is determined that some of the projects should be charged to other than Loan Account, recoveries will be made to Loan Account as appropriate.

Secondly, the Government expects that the research projects will lead to more effective use of facilities we now have, will assist in the provision of more efficient facilities in future, and will probably help in avoiding or reducing some capital expenditures that might be made in the absence of adequate research. There is then a case for charging such research to capital account as is often done by private enterprise.

Thirdly, the State's new capital funds are being received now partly as grants instead of entirely as loans subject to interest and repayment. The capital grants are intended to be used for expenditures which are not directly reproductive or revenue earning. The Government is meeting the research costs out of these grants and accordingly a liability for borrowed funds is not being built up on this account. I thank honourable members for the attention they have given to this Bill.

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

#### **PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (BOARD)**

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

#### **PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)**

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

#### **BOOK PURCHASERS PROTECTION ACT AMENDMENT BILL**

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

#### **CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (GENERAL)**

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

#### **INDUSTRIAL CODE AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from August 22. Page 903.)

The Hon. D. H. L. BANFIELD (Central No. 1): It is interesting to hear the adjectives used by members opposite against me when I have had the audacity to oppose Bills they have sponsored. That is their prerogative, and that is democracy at its best. This time

I am supporting a Bill sponsored by the Government, but it is one that until now has not received great support from Liberal and Country League members opposite, so I shall await with great apprehension the tirade of adjectives that will follow this speech. However, they do not easily cow me, and I am prepared to battle on in these difficult circumstances.

The Hon. R. A. Geddes: Can the honourable member say what an adjective is?

The Hon. D. H. L. BANFIELD: That is typical of the ignorant members we are getting in this place. They do not know what an adjective is, yet they represent Liberal and Country League electors. This is the result of our present democratic system! My views on the Industrial Code and this Bill relating to trading hours are well known. I gave my views in a speech in this Chamber on Tuesday, March 28. They were well received by a number of people, including members of the Shop Assistants Union. One of the reasons they may have been so well received by members of the union was that I sought a great deal of information from them, and the details they gave me were used in my speech. The union saw fit to purchase thousands of copies of that speech to hand out to its members.

We know what took place yesterday, with the fraternization of the Hon. Mr. Hart and Mr. Goldsworthy (the Secretary of the union) to seek opposition to the Bill. I am not the one changing my views on this; obviously it is the union that is changing its view. That is its prerogative. At least we are consistent, and this is not like the "consistency" we had from Liberal members when the shops were being closed, and the outcry we heard from them on that occasion. Now there is a similar outcry from some members because the shops will be open. There again, we find that those members and the Shop Assistants Union are on the same wavelength.

I do not want to go into everything I said on March 28, but in that speech and in speeches made by members opposite during the debate on trading hours the question of costs was repeatedly mentioned. They have raised it again this time. The Hon. Mr. DeGaris made great play of the extra cost. The Hon. Mr. Potter also referred to the added cost. Both of them said it would be at least 4 per cent and perhaps over 5 per cent. It was back in March, about five months ago, when they were asked how they arrived at this

figure. It is obvious that neither of them went to any pains to find out what the added cost would be.

The Hon. Sir Arthur Rymill: You think it would be more than that?

The Hon. D. H. L. BANFIELD: The honourable member knows that I do not think that at all. I said then that I did not think the cost was anywhere near what was suggested by honourable members opposite; they played on that point then and they have done it again on this occasion, but not one of them attempted to relate the wage structure to costs.

The Hon. F. J. Potter: Surely you are not saying there will be no added costs?

The Hon. D. H. L. BANFIELD: No, I do not say that, but surely you have had the opportunity to find out exactly what the added costs will be instead of producing airy-fairy figures.

The Hon. Sir Arthur Rymill: You don't think it will be less than 4 per cent, do you?

The Hon. D. H. L. BANFIELD: If the honourable member waits, I will give him some examples.

The Hon. Sir Arthur Rymill: I was merely trying to help the honourable member as he helps others.

The Hon. D. H. L. BANFIELD: And I appreciate that help considerably, because it highlights the fact that honourable members opposite made no attempt to base on fact their theory that it would cost at least 4 per cent or 5 per cent. For their benefit, I give two examples of the effect of the added costs brought about by this Bill. As at August, 1972 (this month), the male rate, including a loading for Saturday, is \$58.50 a week. The female rate, including loading for Saturday, is \$46.20 a week. Because about 80 per cent of adult staff is female, the average rate for adults is about \$50 a week, or \$1.25 an hour. If extra work each week after 5.30 p.m. on Friday averaged four hours, at time and a half this would amount to \$7.50, or 15 per cent rise in wage costs, not necessarily in the cost of the article. What effect would this 15 per cent rise in wage costs have on prices? Let us examine the composition of selling price. People from the industry have given me these examples—people who know something about it and are prepared to put the story straight.

The Hon. R. A. Geddes: Which industry?

The Hon. D. H. L. BANFIELD: The retail industry. I have two types of example. The first one is in respect of low mark-up items

such as groceries. Let us assume a mark-up of 20 per cent on cost—that is to say, the cost represents 83 per cent of the selling price, and the margin is 17 per cent. This margin must cover overheads (rent, advertising, insurance, wrapping, maintenance, bad debts, etc.) and wages and profits. Overheads may be regarded as practically fixed, except perhaps for the extra lighting involved; and obviously profits will not fall if the shopkeepers can help it, so prices may rise because of increased wage cost. Let us assume that, of the 17 per cent margin, 7 per cent represents wage costs. A 15 per cent increase in this component would amount to a 1 per cent rise in selling price. That is with a low mark-up of 20 per cent, which is a figure often used in supermarkets.

The Hon. Sir Arthur Rymill: Are you talking about low-unit or high-unit goods?

The Hon. D. H. L. BANFIELD: Low-unit goods, like groceries, where the mark-up is about 20 per cent. Then let us take an item with a high percentage mark-up, a 100 per cent mark-up on cost. Indeed, sometimes it is as much as a 200 per cent mark-up on cost. Surely a 100 per cent mark-up on cost is enough for most items. In this case, cost equals 50 per cent of the selling price, and the margin is 50 per cent. If labour costs make up 15 per cent of this 50 per cent, an increase of 15 per cent on wages would amount to about  $2\frac{1}{4}$  per cent of the selling price. The likely price rise, assuming that nothing is absorbed by the retailer, would therefore lie between 1 per cent and  $2\frac{1}{4}$  per cent of the retail price, depending on the mark-up, and most items in the family budget would be nearer the lower limit. The exaggeration of honourable members opposite lies in the figure they have pulled out of the air. They have made no attempt to justify their figure, although they have had five months in which to do so. On this occasion their figure happens to be 5 per cent; on the last occasion it got up to between 11 per cent and 15 per cent, depending on who was speaking at the time. It is seen that at the most, without any absorption by the retailer, the retail price will not increase by more than  $2\frac{1}{4}$  per cent.

The Hon. C. R. Story: You are a good example of a man having an argument with himself!

The Hon. D. H. L. BANFIELD: I have given honourable members two examples of the effects on the wage structure. I have given an example of a low mark-up of about 20 per

cent and a high mark-up of 100 per cent; so, whether we go to John Martins or to any of these stores that use a 100 per cent mark-up or to the supermarket with only a 20 per cent mark-up, these figures that represent an increase of between 1 per cent and  $2\frac{1}{4}$  per cent. Not one honourable member opposite came forward with any figure for the wage structure and what might happen to it.

The Hon. G. J. Gilfillan: Aren't these figures based on the assumption that the wages are a certain percentage of the cost?

The Hon. D. H. L. BANFIELD: The honourable member will do better if he takes his instructions from the Hon. Mr. Story, who may be his boss after the next election. The public appreciates the concern being shown about the effect of this Bill on the cost structure. They would have been just as appreciative if honourable members opposite had shown the same concern when the firm of Broken Hill Proprietary Company Limited increased its prices three times in eight months. There was not one word of concern about the B.H.P. Company's products, which of course affect every person in the community when the prices rise. Where was the concern of honourable members opposite about added costs on those occasions? It was entirely missing.

The Hon. R. A. Geddes: Is the B.H.P. Company opening on Friday nights, too?

The Hon. D. H. L. BANFIELD: The honourable member is trying to draw the old red herring across the trail again. I am pointing out the concern of honourable members opposite that the little man has to pay, because the shop assistant may get some benefit from this Bill. Honourable members opposite did not show any concern for the little people when the B.H.P. Company increased its prices, which caused an increase in the cost of certain commodities without there being any increase in wages.

The Hon. R. A. Geddes: How is the B.H.P. Company connected with Friday night shopping?

The Hon. D. H. L. BANFIELD: The honourable member should try to find out what the B.H.P. Company is concerned with. He may be able to find out just how much interest it has in some of these retail stores; it all reflects on its profit. Does the honourable member deny that it has no interest whatever in any stores that may open on Friday evenings? He does not know, and neither do I. Some honourable members were very concerned about the proposed ban on the sale of



red meat on Friday nights; they said that in Sydney \$5,000,000 a year was being lost as a result of a ban on red meat sales on the late shopping night. However, I point out that late night shopping has been operating for less than 12 months in New South Wales and, consequently, no figures have yet been issued. In 1970 the consumption of beef and veal was 85.2 lb. per capita, but in 1972 the figure had risen to 86.2 lb. In 1970 the consumption of mutton and lamb was 82.7 lb. per capita, but in 1972 the figure had risen to 93.5 lb.

The Hon. F. J. Potter: What about the increase in population?

The Hon. D. H. L. BANFIELD: These are per capita figures. All that honourable members opposite did was to refer to a reduction of \$5,000,000 a year in red meat sales; they did not give any other figures. They simply tried to scare the daylighters out of the red meat producers.

The Hon. M. B. Cameron: Are you saying that there will be no change in red meat sales if there is Friday night shopping?

The Hon. D. H. L. BANFIELD: If the red meat producers continue to increase their prices, people will reduce their purchases. Is it any wonder that red meat is not being sold so plentifully in Sydney when we realize that this morning in Sydney the wholesale price of lamb was 38c a pound? Is it any wonder that the chicken producers are getting an added incentive? However, sales of chicken have not increased in Sydney as a result of late night trading. So, the arguments based on an alleged reduction of \$5,000,000 a year in red meat sales cannot be sustained by honourable members Opposite. It is easy for those honourable members to think that the chicken producers have already taken over from the red meat producers, because we see Liberal members running around like fighting cocks in anticipation of the battle to be fought on September 1. They have eaten so much chicken that they already look like fighting cocks. In Sydney chicken sales have not increased, nor have sales of red meat decreased. In fact, there is a shortage of beef at present on the Sydney market. Perhaps the reason why a greater quantity of meat is not being sold in New South Wales is that exports have increased by 25.6 per cent. Not one butcher has reported a reduction in turnover since the introduction of late night shopping in New South Wales, and honourable members cannot deny that. The Hon. Mr. Potter criticized the Government for taking jurisdiction away from the courts. He said:

For the first time, this Bill attempts to legislate industrial conditions.

The Leader of the Opposition said that the courts existed to determine industrial conditions and that Parliament had no right to do it. The Hon. Mr. Potter has handled industrial matters from time to time, yet he has said that this is the first time that an attempt has been made to legislate industrial conditions. In New South Wales the 44-hour week came about as a result of an Act of Parliament: it had nothing to do with the courts. Further, in that State the 40-hour week came about in the same way. Surely the honourable member would be well aware of that. Long service leave in that State came about as a result of an Act of Parliament, as did annual leave. So, it is not correct for the honourable member to say that this is the first time that a Parliament has attempted to impose industrial conditions. Because of objections raised earlier today to my use of the word "mislead", I shall merely say that the Hon. Mr. Potter was incorrect. It was Parliament that laid down conditions of work in the coalmining industry, and it was Parliament that set up the stevedoring industry authority. Was the Hon. Mr. Potter aware of those pieces of legislation?

In order to show that we do not have to consider legislation in other States or at the Commonwealth level to find instances of a Parliament laying down industrial conditions, I shall turn to our own State. Sir Thomas Playford, by an Act of Parliament, introduced long service leave; he could have passed the matter to the courts if he had wanted to do so, but he did not do that—he introduced a Bill into Parliament. Yet the Hon. Mr. Potter said that this Bill was the first instance of such a thing. Section 79 of this State's Industrial Code provides for equal pay for females. Further, equal pay for barmaids is provided for in the Licensing Act—an Act of Parliament, not a determination by the courts. Surely all those Acts lay down industrial conditions. Therefore, it is not true to say that this would be the first time an Act of Parliament would lay down working conditions in the State. If those things are untrue, how much faith can we place on what the Opposition has said about other things? The Hon. Mr. Potter said that Parliament does not do that sort of thing but hands it over to the court. These are examples where we did not hand it over to the court, and the Hon. Mr. Potter was in the Chamber when the legislation was passed.

The Hon. C. R. Story: You have an audience; that's your problem.

The Hon. D. H. L. BANFIELD: That is why the Hon. Mr. Story is so uncomfortable in his seat. I have an audience and I am exposing the hypocrisy of Opposition members. I am not going to show any mercy to the Hon. Mr. Story, because he shows no mercy to the Government when he gets the opportunity.

The PRESIDENT: Order! Honourable members are out of order in referring to the gallery; they must address the Chair.

The Hon. D. H. L. BANFIELD: The Leader of the Opposition and the Hon. Mr. Dawkins referred to the costly referendum, but both honourable members were active participants in making the cost of it so high. The Government was prepared to reduce its cost, as it is always prepared to do, to conserve the State's funds. The Government wanted to hold a referendum on the day on which there was to be a poll for the Midland District by-election, but both honourable members refused to have a bar of it. So they put the Government to the added expense of having a referendum on the Saturday following the Midland by-election. How can they salve their conscience by blaming the Government for the costly referendum when they were to blame for at least half the cost of the referendum, which could have been held in conjunction with the by-election? It does not add up.

The Hon. M. B. Dawkins: We blamed you for not taking notice of the referendum results.

The Hon. D. H. L. BANFIELD: The Leader of the Opposition said yesterday and the Hon. Mr. Dawkins has just said that they blame the Government for not taking any notice of the referendum results, but that could not be further from the truth. We took notice of the referendum results and closed the shops on Friday night in accordance with the results. What happened as far as the Liberal Party was concerned? Mr. Hall, then Leader of the Opposition in another place, said that when he was returned to Government he would see that the shops were open on seven days a week. He said that, despite the result of the referendum, and within a few weeks of the referendum being held. It is interesting that, on that occasion, Mr. Hall did not take into consideration the working conditions of shop assistants. He had no intention of providing proper working conditions for the employees, who would have to dance to the tune called by Mr. Hall.

The Hon. M. B. Cameron: That's nonsense!

The Hon. D. H. L. BANFIELD: Does the honourable member deny that Mr. Hall said that if he was returned to Government the shops could open every night of the week?

The Hon. M. B. Cameron: Only if they wished.

The Hon. D. H. L. BANFIELD: Under this Bill, no shop is compelled to open on a Friday night. The difference between Mr. Hall, the Leader of the Opposition, the Hon. Mr. Dawkins and the Government is that the Government is ensuring that the shop assistants will receive a reasonable return if required to work overtime. Is there anything wrong with that?

The Hon. M. B. Cameron: Have you always been in favour of Friday night shopping?

The Hon. D. H. L. BANFIELD: I have always been in favour of safeguarding employees who, if required to work overtime, should be paid the correct rate. What safeguards did Mr. Hall mention for shop assistants? Not one! The Hon. Mr. DeGaris did not say that, if shops opened every night of the week, he would protect the shop assistants. The Hon. Mr. Hart made great play of the approach made to him by Mr. Goldsworthy, the Secretary of the Shop Assistants Union, and said that the union had come to him for protection. I warn the Hon. Mr. Hart that the Secretary is a great opportunist who has clearly seen the disorder within the Liberal Party and who can see the possibilities. Being unable to take over the Government or the Trades and Labor Council, Mr. Goldsworthy now sees the possibility that the L.C.L. will disintegrate any time after September 1 and his opportunity to take over the Liberal Movement. The Hon. Mr. Hart fell for it with both hands and said, "Welcome, Mr. Goldsworthy, we have been saying for a long time that we can look after you."

Mr. Goldsworthy is as good an opportunist as the Hon. Mr. Hart was yesterday in wooing the shop assistants. At the time the Government introduced a Bill to close shops in the outer areas, great play was made of the loss of work by casual employees, who were available at only a 10 per cent penalty rate, with no payment for sick leave or annual leave.

The Hon. E. K. Russack: They get a 15 per cent loading.

The Hon. D. H. L. BANFIELD: Yes, if employed on Friday night and Saturday morning. Instead of paying 50 per cent overtime

rates, employers need pay only 15 per cent casual rates and no liability for annual leave, sick leave or long service leave. The Hon. Mr. Hill said that shops should not be closed on Friday night because thousands of casuals would lose their employment. No doubt more people will become casual employees as a result of the high unemployment rate that has been brought about by our Liberal Prime Minister. Therefore, thousands of unemployed people will be happy to work on a casual basis on Friday night and Saturday morning not for an extra 50 per cent but for an extra 15 per cent. This shows that there will be no need for there to be an increase in costs, and employers would merely be adopting the recommendation that these casual workers should not be out of work.

This is indeed a chance for people working on a casual basis to return to the industry and for employers to ensure that costs do not increase. This depends, of course, on whether employers will be willing to employ these people. No doubt, employers will be happy to continue with their own employees. After receiving overtime for a week or two, and finding that they have an additional 50 per cent in their pay for work done on Friday night and Saturday morning, employees will be happy to work overtime. I commend the Bill.

The Hon. E. K. RUSSACK secured the adjournment of the debate.

#### **ADJOURNMENT**

At 5.52 p.m. the Council adjourned until Thursday, August 24, at 2.15 p.m.