LEGISLATIVE COUNCIL

Thursday, November 23, 1972

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

ASSENT TO BILLS

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

Appropriation (No. 3),
Bush Fires Act Amendment,
Criminal Law Consolidation Act Amendment (Mining),
Crown Lands Act Amendment,
Dairy Cattle Improvement Act Amendment,
Listening Devices.
Local Government Act Amendment (Consolidation),
Long Service Leave Act Amendment,
Ombudsman,
Real Property Act Amendment (Fees),
Rural Industry Assistance (Special Provisions) Act Amendment.

QUESTIONS

FAUNA PROTECTION

The Hon. R. C. DeGARIS: Recently I directed a question to the Minister representing the Minister of Environment and Conservation on the matter of fauna protection. Has the Minister a reply?

The Hon. A. F. KNEEBONE: My colleague has provided the following reply:

The question of penalties under the National Parks and Wildlife Act, 1972, has been discussed at length with officers of the National Parks and Wildlife Division of his department. It is a matter which is rather vexatious since so much of the question of penalties for offences under an Act such as this deals with the discretion of courts imposing them. To date, however, there has been no completed case under the present Act and it is therefore difficult to judge its effectiveness.

The maximum penalty of $500 for illegal import is also backed by a mandatory ("shall impose") additional penalty under section 74. In the case of a person illegally importing 900 protected birds, the maximum fine which could be imposed would be $45,000. It is extremely doubtful, though, whether the courts would impose the maximum unless repeated offences had been previously proved. There is no doubt, however, that even the very considerable increase in maximum fines included in the Act will not deter the unscrupulous dealer who will merely consider these to be part of his "operating costs". Should the fines imposed under the Act prove inadequate to stem the flood of illegal dealing in protected animals, it may be necessary for Parliament to give consideration to introducing gaol sentences for certain offences under the Act.

SOUTH-EAST BRIDGES

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to the question I asked recently of the Minister of Roads and Transport concerning the widening of bridges in the South-East?

The Hon. A. F. KNEEBONE: The Minister of Roads and Transport has supplied me with the following reply to the question:

There are numerous culverts and bridges built in past years throughout the State on rural highways having a width between kerbs similar to the bridge over Willmott Drain, 30 miles south of Kingston on the Princes Highway. In recent times the Highways Department has provided greater clearance on new bridges than was the former practice, and, depending on the traffic usage and costs involved, is progressively widening the older bridges. However, the widening of all these older structures is not economically warranted and the width is generally adequate for the volumes of traffic using the roads, providing that reasonable care is exercised.

AYERS HOUSE

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Chief Secretary, representing the Premier.

Leave granted.

The Hon. C. M. HILL: A few minutes before 2 o'clock today, I was contacted by a very upset and irate constituent who claimed that an act of vandalism was being committed in the grounds of Ayers House on North Terrace. Ayers House is a treasured possession of this State and its maintenance and restoration have been eagerly sought by the National Trust for many years. At present, changes are taking place there. I understand that the garden is being ripped to pieces and that the work is being carried out on instructions from the Department of the Premier and of Development. I understand further that the purpose of this work is to make way for a car park. My constituent tells me that yesterday two old and huge Moreton Bay fig trees were removed and that there is one remaining tree that is due for treatment from the bulldozers in a matter of hours or, perhaps, days. In the interests of conservation and the historical heritage to which we should always attach special significance and which applies to a property of this nature, will the Chief Secretary be so kind as to contact the Premier this afternoon to see whether anything can be done to save this last

old and huge Moreton Bay fig tree that still remains in the grounds?

The Hon. A. J. SHARD: Yes.

PORT LINCOLN ABATTOIR

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

Leave granted.

The Hon. A. M. WHYTE: In reply to a previous question, the Minister explained to me that he was prepared to go to Canberra to discuss the position of the Port Lincoln abattoir. Since then, there has been an allocation of $350,000 from the State Government to upgrade generally the whole complex, but concern is being expressed by local residents that no assurance has been given, in the interim, that the abattoir will not lose its export licence. Can the Minister give any assurance on that or has he heard anything at all from the Department of Primary Industry about the situation at that abattoir?

The Hon. T. M. CASEY: In the first place, I cannot give the honourable member a clear-cut assurance that the abattoir at Port Lincoln will retain its licence. I cannot do that because this is a matter to be determined by the veterinary officers attached to the Department of Primary Industry. But, when the veterinary officer came over to South Australia recently, I had discussions with him and told him then I would be prepared to go to Canberra to outline the alterations that the State Government had already started at Port Lincoln to see whether Canberra would be satisfied that we were attempting, at this stage anyway, to upgrade the works to the extent that they would qualify to retain their licence. This work has already been put into operation. As a matter of fact, only yesterday I signed a docket for the complete sealing of the working area at Port Lincoln, including the sealing of the roads and the precincts; this is vitally important to minimize the dust hazard. As I said the other day, I am willing to go to Canberra to discuss the matter with officers of the Commonwealth Department of Primary Industry to see exactly what the situation is. Until then, I cannot make the statement that the honourable member requires me to make; some aspects are in the hands of the Commonwealth officers.

WEEDS

The Hon. Sir ARTHUR RYMILL: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. Sir ARTHUR RYMILL: I have asked several questions about weeds this session, and maybe I am risking becoming known as a fanatic on the subject. If I am a fanatic, I hope there are a few more fanatics. I recently asked the Minister whether Agriculture Department Bulletin No. 453, an excellent publication with very good pictures enabling people to identify weeds, would be reprinted. The Minister replied that the reprinting would be too expensive. Yesterday there was an exhibition of noxious weeds at Mount Barker, which is in the district I partly live in; the exhibition was excellently arranged. The first I heard about it was on the air in the central district news at 6.30 on the day before. The exhibition was most informative, and I learnt about two weeds that I had not known about before, one of which is on a road running through my property. I shall certainly see that that weed is eradicated; I had thought previously that it was harmless. Last year there was a similar exhibition, and the organizers wisely arranged for many schoolchildren to be taken there. There were 600 schoolchildren at the exhibition yesterday, and I was told that last year several schoolchildren reappeared in the evening with their parents. As they inspected the exhibition the children said, "Dad, we have got that weed." This attitude is excellent and it makes me realize that it is even more imperative that everyone should know a noxious weed when he sees one. During the Parliamentary recess, will the Minister give me an estimate of the cost of reprinting the book because, compared to the expenditure on African daisy (which probably got out of hand largely because people did not identify it readily), I imagine the cost would be fractional? I feel so strongly about this subject that, if the Minister would inform me of the cost, I think I may take up the matter in the press during the recess. I hope something can be done, because the cost of reprinting the book would be more than justified, and I think it would be fractional in relation to other expenditures that are having to be made, possibly because the book is not available.

The Hon. T. M. CASEY: I am delighted with the honourable member's attitude. About 12 months ago, when I inspected his property in the Adelaide Hills, he had quite a deal of thistle there, but he has eradicated it in the meantime. This is a wonderful attitude for a primary producer to take, and I sincerely hope that the honourable member's attitude will be followed by others in the surrounding

area. I am willing to take up with the department the honourable member's suggestion, and I shall certainly contact him about the matter.

ROAD SIGNS

The Hon. JESSIE COOPER: Has the Minister of Lands a reply from the Minister of Roads and Transport to my recent question about sign posting on our roads?

The Hon. A. F. KNEEBONE: I do not have the reply with me, but I assure the honourable member that I will obtain a reply and have it sent to her after Parliament has risen.

RURAL YOUTH MOVEMENT

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

Leave granted.

The Hon. A. M. WHYTE: The Rural Youth Movement throughout the State has been administered by the Agriculture Department but, because that department is so drastically short of finance (indeed, one could say that it is running on a shoe-string), there are are only three paid advisers within the movement, which is one of the most worthwhile youth movements we have. An earlier attempt was made by the movement itself to be taken over by the Education Department. I believe the movement had every ground to make such an application, because it functions as an educational organization as well as a social club. Will the Minister of Agriculture request the Minister of Education to review his previous attitude or will the Minister of Agriculture take up with the Government the possibility of additional finance being provided to the movement to enable it to continue in the fine fashion it has previously?

The Hon. T. M. CASEY: I will take up with the Minister of Education the honourable member's suggestion, namely, that he take over the running of the Rural Youth Movement. However, it is not as simple as it sounds. I disagree with the honourable member that my department is running on a shoe-string basis. It is a very efficient department, and I can assure the honourable member that it will become even more efficient in the future. I hope that I will be able to prove to him that what I have said will take place. Nevertheless, I will take the honourable member's question to the appropriate authorities and will let him have a reply.

KANGAROO ISLAND

The Hon. R. C. DeGARIS: I ask leave to make a statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. R. C. DeGARIS: I think I have already directed a question to the Minister along these lines, but I do not think I have received a reply. However, the Minister may believe that he has given me a reply. As this is the last day of Parliament, I am concerned about the proposed regulations under the Planning and Development Act as applying to Kangaroo Island. As I explained to the Minister in my earlier question, there is much disquiet on the island regarding the regulations and this disquiet is filtering through to other places in the State regarding what is required under the regulations. Will the Minister ask the Minister of Environment and Conservation whether these regulations could be delayed until the next Parliament sits?

The Hon. A. F. KNEEBONE: I regret that my colleague has not supplied me with an answer to the honourable member's question but, as I said to the Hon. Mrs. Cooper, I will do my best to obtain a reply as soon as possible.

RUNDLE STREET

The Hon. M. B. CAMERON: Has the Chief Secretary, representing the Premier, a reply to my recent question regarding the temporary closure of Rundle Street? If he has not, will he forward me the reply when it becomes available?

The Hon. A. J. SHARD: I cannot call to mind the honourable member's question, to which I have not got a reply. However, I will try to obtain one for him and forward it to the honourable member as soon as possible.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Bill recommitted.

Clause 31—"Power to declare general rate"—reconsidered.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

In new section 214 (5), after "or", to insert "by planning regulation, or planning directive under".

Last night I scheduled the third reading of this Bill for today so that the Parliamentary Counsel could ascertain whether it was necessary to move any further amendments consequential on those carried yesterday. He

found that this consequential amendment to clause 31 was necessary, similar amendments to many other clauses having been carried.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments.

HEALTH ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 22. Page 3356.)

The Hon. L. R. HART (Midland): When I sought leave early this morning to conclude my remarks, I had referred to allotments facing the road at the end of a cul-de-sac, and I said I did not wish to expand on that matter as I thought the Minister would refer to it when he closed the second reading debate. Having examined the matter further, I believe it could be amended, and I may later place an amendment on honourable members' files. The other matter I was about to discuss related to the provision that subdivisions of 20 acres or less had to be referred to the authority before a sanction was given to such subdivision. Under the Bill, the area of 20 acres is increased to 30 ha, which is about 74 acres.

There has been much controversy regarding whether the area should be 20 acres or the proposed area of 30 ha. Whichever is the case, some land will certainly be taken out of the production for which it is now being used. The Minister has said in his second reading explanation that the Director is concerned about the amount of land that has been taken out of rural production, and this is one of the reasons why it is intended to increase the area to 30 ha.

Various types of people purchase subdivision areas of 20 acres. I refer, first, to the affluent man who likes a 20-acre area in which to enjoy his weekends, on which he can keep a pony **or** two, and where he can pursue other forms of recreation. I refer, secondly, to the person who probably works in industry and who likes to get away from it all. Such a person will buy 20 acres of land on which he can build a house, and will continue to work in industry. Thirdly, there is the migrant who comes to this country and who is land hungry, wishing to buy, say, 20 acres, thinking that he is then in the class of the landed gentry. However, he is not generally able to develop that land, as a result of which much of it is taken out of production. Increasing the area to 30 ha will not prevent some of these people continuing to buy this type of land and, instead of only 20 acres being taken out of rural production, 74 acres will be taken out of production. I therefore question whether this increased area is in the best interests of the community.

Perhaps we should be going the other way and making the area smaller instead of larger. I commend this suggestion to the Government, and ask whether it has sufficiently considered the effect of this amendment. The other problem concerns applications that are made for subdivision, an aspect that is dealt with in paragraph (ea) of section 52 (1), which provides as follows:

> in the opinion of the Director, the development of the land depicted thereon would not form a compact, continuous, orderly and economic extension of a township or a developed urban area.

That means the Director could refuse the application if it did not form a compact, continuous development of an area. That may sound all very well, but we could have the situation where a developer bought all the land surrounding a township and did not subdivide. In that case we find the problem of no land being available in that area to persons who wish to obtain possession of allotments. This could have the opposite effect to that intended by the Government, which is to control all land prices in an endeavour to make land available at low cost.

Where this situation exists land could become dearer, not cheaper, to the person endeavouring to buy it. Perhaps the biggest culprit in this regard is the Housing Trust, which, in some areas, holds huge parcels of land it has not developed. Persons endeavouring to obtain possession of developed areas are having to go outside the areas held by the trust or by private developers, whichever it might be, but the person who is willing to develop outside those areas is prevented from doing so by the authority, because the land depicted would not form a compact, continuous, orderly and economic extension of the township or developed urban area.

Another problem that should be dealt with in this clause is the question of what happens to applications for subdivision now lodged with the authority. Are they to continue to

be processed or, once the Bill is assented to, will they automatically lapse? Some provision should be made for a transitional period which would allow the applications now before the authority to be properly processed. In subclause (*b*) we find the amount to be paid to the fund created by the authority for the purchase of open spaces or recreational areas is to be increased from $100 for each subdivision or block to $300. This is a steep increase that could cause considerable inconvenience or embarrassment to some people. Although this applies only in the metropolitan area, many thousands of acres of land within the metropolitan area remain as open space rural land. We could see a situation in, say, the Virginia area where a father has a home on a one-acre block and wishes to transfer a quarter of the land to his son for erecting a house and then perhaps another quarter to his daughter. The father would be required to pay $300 for each subdivision. Therefore, he would be liable to pay $600.

The value of the block before subdivision might have been only $300 or $400, so the subdivider would be required to pay into the fund a sum greater than the value of the land. This is a discriminatory clause that the Government has not, perhaps, considered sufficiently. It could be satisfactory in the metropolitan area, where the value of blocks might be up to $4,000 or $5,000 or even higher, but in the outer areas where small subdivisions are taking place people will be required to pay into the fund excessive sums. This should be closely looked at.

On the matter of 20-acre allotments, I know of a person 80 years of age who has worked a farm of 300 acres over the years but who is no longer able to do so. He wishes to subdivide his land into 20-acre blocks, but he must seek the permission of the authority before he can do this. Perhaps the authority would grant permission; on the other hand, perhaps permission would be refused, because the subdivision may not form a compact, continuous, orderly, economic extension of the township. There may be no great need that it does so, but the authority could refuse the application on those grounds. The person in that situation has no further right of appeal, as I understand the Bill, but is completely at the mercy of the authority. I do not think this is a situation the Government wishes to create.

Many aspects of the Bill concern me, and it is unfortunate that it has been introduced into the Council at this late stage of the session. I hope that, if we are able to put some amendments on file, the Government will have sympathy for them. I skipped clause 19, which relates to the provision of roads in subdivisions. There is a certain amount of merit in this, and I think of the situation existing at Para Hills, which was a private subdivision. The roads provided by the subdivider were insufficient for present-day traffic, being much too narrow. When the subdivision was consented to by the authority, perhaps the roads seemed sufficient. Perhaps the situation where the Municipal Tramways Trust would be running buses into the area was not foreseen. In this matter of the provision of roads, much foresight is required on whether they should meet certain specifications or whether the minimum specifications are sufficient.

Clause 21 deals with lakeside and river frontages, etc. I understand that on the Murray River many subdivisions have a frontage to the river for the sole purpose of having water rights. If these areas are deprived of their water rights, the blocks may well become useless, so river frontages and lakeside frontages are of some concern. Clause 22 deals with easements, and refers particularly to the Electricity Trust, which at present has easements through many properties, for which it pays nominal compensation; but now the trust wants easements not only for its powerlines, without paying compensation, but also for ancillary works—perhaps transformer stations or other types of ancillary works forming part of the Electricity Trust complex—to be erected. This clause, too, needs to be closely examined. The Minister of Works, of course, has easements for water supply purposes, but the water pipes are usually underground; he also has easements for sewerage, but normally the sewerage pipes are also underground. However, if the Minister of Works has an easement and erects pressure tanks, he must pay compensation. So, if the Electricity Trust is to have an easement for the erection of transformer stations, it should be in the same position as the Minister of Works is with regard to pressure tanks.

Clause 24 deals with the power of the authority to acquire land. I assume that this power is required for the purchase of land for the development of Murray. New subsection (2a), inserted in section 63 by this clause, provides:

> The authority may, with the approval of the Minister, either by agreement or compulsorily, acquire and redevelop land for the purpose of relocating persons displaced from

their homes or business premises as a result of the redevelopment by the authority of any area.

In other words, if through the redevelopment of the inner city area certain persons are displaced from their homes, the authority may acquire land in another area to rehouse them. This power is already in the hands of councils, which can acquire land for the relocation of persons displaced from their homes. I am not too sure that the authority needs a similar power. All that is necessary is for the authority and the council to work perhaps in closer liaison, and that end could then be achieved without the authority's being given this extra power. I make this point because throughout this Bill we are taking certain powers from councils or, if we are not doing that, we are creating situations where the authority can override the powers of local government. That is not satisfactory. However, as only a few more hours remain in this session and much legislation is still on the Notice Paper to be dealt with, I will close my remarks now; but there will be more discussion on this Bill in the Committee stage, and I will leave my further remarks until then.

The Hon. G. J. GILFILLAN (Northern): I am concerned that a Bill of this type comes before us so late in the session. It is the third such Bill in this session of Parliament, and is the last of many we have received since the Planning and Development Act first came into being in 1966. For some strange reason, the State seems to have survived for 130 years without an authority, but since 1966 we have had such a deluge of legislation dealing with controls and authority that now the average person is reduced to thinking that there are no rights left to him in land tenure. Perhaps this Act and one or two other Acts should be reprinted because such a mass of amending legislation has to be read in conjunction with the principal Act that many people are confused.

We have had, of course, other legislation dealing with land rights in the last three years and a tremendous volume of legislation dealing mainly with consumer control and control of one type or another, until finally this Bill brings us almost to the Big Brother stage. Only yesterday we dealt with the Industrial Conciliation and Arbitration Bill. I cannot help thinking that, if the provisions of this legislation are extended throughout the State, in many cases they will almost stifle enterprise and, because of the bottleneck which is now occurring, and which must increase the processing of many applications, we shall find ourselves in an almost intolerable situation. I cannot help visualizing a metropolitan milk supplier contemplating building a new dairy, not necessarily in the Hills area or in the controlled watershed areas of the Mount Lofty range (which will raise another problem). If the council came under the Building Act, he would have to apply to it for a building permit and plans would have to be approved by the necessary authorities to safeguard the health and purity of the metropolitan milk supply. We would undoubtedly have to get permission from the State Planning Authority and prove that the building was pleasing to look at and that it will not offend people driving by on the road. On top of that, if the provisions of the Industrial Conciliation and Arbitration Act were to be observed, he would have to provide two sets of plans to the Labour and Industry Department to show that the building was structurally safe and sound in relation to the protection of employees. I have no wish to become a dairy farmer but, if I had, I think I would sell out and go to another State where some freedom still remained. In the Real Property Act fees for strata titles were raised from $100 to $300, and in this Bill there is a similar increase from $100 to $300, for the smaller subdivisions. Not only have people been put to much inconvenience but also in many cases legislation of this kind is pricing people, especially young couples, out of being able to buy houses and land. Earlier this year I was in England, a country where controls and planning are further advanced than they are here. In London the cost of housing is rising so quickly that it is almost impossible for a young couple to own their own home. Most families seem to be housed in building projects; because the projects are subsidized, housing can be provided at a lower rental.

We have seen evidence that even in England planners can be wrong. Where the planning is in one set of hands, it is necessary to ensure that the decisions are correct; otherwise, anomalies can occur. Honourable members can give instances where that kind of thing has happened in South Australia. In England there was a serious housing shortage after the Second World War. Some of the projects that were commenced soon after that war have several stories, but the toilets are at ground level. I do not know how the people on the top floor manage their affairs.

The Hon. D. H. L. Banfield: It is not so bad going down as it would be going up.

The Hon. G. J. GILFILLAN: I also saw a later development where imagination was used; there were multi-storey buildings of flats that were erected on concrete pillars extending some distance above the ground, and space was provided between the ground and the base of the building. So, open space and lawns were provided at ground level. This arrangement is less restrictive than is a building whose base is at ground level. Although imagination was used in that respect, the authorities had overlooked the fact that, with growing prosperity, the average family was likely to own a car, and parking space was not provided. So, problems can be caused in connection with the efforts of planners. Individual people can, with imagination, create an equally pleasing environment and, if mistakes are made, those mistakes are less serious than they would be if one big authority was responsible.

I am also concerned at the erosion of local government control. I have yet to be convinced that a central authority can fully appreciate the specific problems of communities in an area as big as this State. Although local government may not have administered the Building Act as thoroughly as it should in some instances, it knows local conditions and the impracticability of imposing rigid controls in some circumstances. Because we need to retain population in country areas, it is important to ensure that housing is not priced out of the reach of the people.

I view with concern the increase from 20 acres to 30 ha (about 74 acres), because I believe that a 20-acre allotment is a very desirable size in connection with efforts to preserve an amenity. An area of 74 acres is certainly not a living area in most parts of the State. Further, a person who wishes to own 20 acres could probably cope with that area fairly successfully with a comparatively small amount of equipment, but 74 acres is a very different proposition. It could easily lead to a greatly increased fire hazard and to an increase in weed and vermin problems.

My concern is for people who have acted in good faith under the existing law. If the law is changed frequently, it engenders a lack of confidence in people who wish to buy or develop land. I believe that these laws should be changed as little as possible, so that there can be confidence in tenure and planning. Some people have spent much money in surveying and it has taken them some years to get the necessary documents ready. As soon as this Bill becomes law, the Lands Titles Office will not be able to give title to some areas without the approval of the State Planning Authority. The law will then provide for an area of 30 ha. It is unfair that, where the process of surveying and planning has already commenced, these people should be denied their rights under existing law and put to further great expense. I support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): I hope that the debate on this Bill may be adjourned to allow some honourable members to consider amendments. The Bill considerably increases the powers of the State Planning Authority. In some respects, power has been taken from councils, and in other respects power has been taken from private citizens. At present the legislation limits the State Planning Authority to the control of the metropolitan planning area, but the principal Act is to be amended to allow the Governor, by proclamation, to declare any area of the State.

The Minister's second reading explanation states that the main object is to ensure the limitation of subdivision between Adelaide and the new town of Murray. I do not believe that anyone would deny that some control over the area between Adelaide and Murray is necessary. Honourable members have spoken in support of such control, and there are many reasons for this type of control. Nevertheless, I draw honourable members' attention to the fact that the authority is increasing its powers considerably at the expense of local government.

The additional powers to control land subdivision are threefold: first, to extend control of land subdivision of any allotment up to 30 ha (about 75 acres), whereas the limit in the present Act is 20 acres; the second provision will allow the authority to prevent sporadic urban-type subdivision in rural areas; the third extension will limit subdivision of the hills face zone, within the metropolitan planned area, to a minimum of 10 acres, with no right of appeal. The Hon. Mr. Hart touched on one matter which is of concern and which should concern members in Committee. Regarding a cul-de-sac, it is possibly better to have a frontage of less than 100 metres than to insist on the 100-metre frontage, otherwise there could be unsatisfactory development of a dead-end road which might be used for dumping rubbish. That is one point that the Government should consider in Committee.

Arising out of the Queenstown shopping centre plan is a further amendment to the Act that will allow the planning authority, by proclamation, to accept or reject a plan that may yield benefits to one or more council areas.

This will mean, however, that council authority is no longer the determinant of acceptance for a project. This provision is contained in clause 36 *(b)*. I draw this matter to honourable members' attention. I believe this stems from the Queenstown project in which the adjoining council may have certain objections to development, and the authority must take this matter into consideration.

In local subdivisions, it is proposed to give councils power to order that roadways in new subdivisions shall be wider than the present 24ft., or 7.4 m minimum. Where the roads are likely to be subjected to heavy traffic (for example, buses or heavy transport), the council may require a subdivider to provide that some roads be made to a minimum width of 48ft., or 14.8 metres. The Bill also provides that in future the authority can subdivide, and sell to the public, land held by it. In the past this has not been possible; however, the Government has decided that this is the best method for keeping land costs down for Murray, which will be bought by the authority. I would have expected that this function would be handled by the Housing Trust rather than the authority. I make the point briefly to the Government that, in this regard where there is a need to keep prices down in developing Murray, it may have been better to allow this function to be performed by the Housing Trust, but not the town planning authority.

Under the present Act, any developer who subdivides 20 or fewer allotments must pay to the authority $100 for each allotment, on the same theory as larger subdivisions must allow 12½ per cent of the area as open-space land. This payment is to be increased to $300 for each allotment, in line with the recent amendment to the Real Property Act in relation to strata titles. I ask the Government to give some consideration to the suggestion made by the Hon. Mr. Hart in this matter. I do not know what money this will provide the authority to purchase open space, but I think it might be between $250,000 and $500,000 a year. The Bill provides that councils can now make payments to the fund to help preserve areas of interest (geographical, historical, etc.) within their area. I support the other matters which have been covered by other honourable members. I am concerned at the powers of delegation the authority has in the Bill, whereby the authority can be delegated to a person or group of persons or to the Chairman or secretary. I view this matter with some concern.

In summary, the Bill provides that the authority can cover the whole State or part thereof (by proclamation) and not just the metropolitan area. The Bill increases the size of land subdivisions under the control of the authority from 20 acres to 30 ha. It provides that subdivision of the hills face zone shall be in areas of not less than 10 acres for each allotment, with no right of appeal. It also provides that the authority can overrule council approval, or rejection, of large projects where the beneficial or detrimental effects will accrue to residents of more than one area. The Bill provides, too, that some roadways in new subdivisions shall be made up to a maximum of 48ft., whereas it is now a minimum of 24ft. The Bill provides that the power of the authority can be delegated to any person or group of persons and that a decision of the authority shall have the power of a caveat on the property. They are the matters which I believe are of some contention in the legislation. I support the second reading but, as other honourable members have indicated, there are clauses in the Bill which I believe will deserve the closest attention of honourable members in Committee.

The Hon. A. M. WHYTE (Northern): The Bill has been given a thorough airing and some excellent speeches have been made on it. Amendments have been foreshadowed, and I believe that these will cover the situation. State planning is a necessity, because it has now become obvious that some known plan must be prepared for the progress of the State. There is no need for South Australia's planning to be based on a stereotype plan which has no variation and which begins at Adelaide and goes from border to border. We have already seen too much of this done by the Housing Trust where the original architect prepared about three plans, went on holidays, and nothing was done to vary the designs.

The Hon. A. F. Kneebone: I don't think that's a correct statement.

The Hon. A. M. WHYTE: The point I wish to make is that there is no need for the State to grow on similar lines. There will be a need for local consideration to be observed in the progress of development. As much has been said about the Bill, there is no need for me to reiterate what my colleagues have said. The Bill is a necessity, and I hope that we will make a good job of it and that State planning will be improved.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members for the close study they have made of the Bill. **I**

intend to see whether we can get into Committee and, if I am then unable to answer all the queries asked by honourable members, I shall be willing to report progress for a short time (bearing in mind that this is the last day of the session) so that honourable members who want information can, if they so desire, consult with my officers.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): I appreciate the assistance the Minister has given to honourable members to enable them to get their work done. Will the Minister report progress on this clause, amendments to which may need to be drafted?

The Hon. A. F. KNEEBONE (Minister of Lands): As I said in closing the second reading debate, I am willing to report progress. My officers are available in the Chamber if honourable members wish to discuss certain matters with them. This practice has in the past been found to be a speedy way of getting through this sort of legislation.

Progress reported; Committee to sit again.

Later:

Clause 4—"Interpretation."

The Hon. C. M. HILL: I previously asked if the Minister would ascertain whether an error might have been made in relation to certain allotments under the Crown Lands Act, 1929. Has he a reply?

The Hon. A. F. KNEEBONE: There definitely has not been any mistake.

Clause passed.

Clauses 5 to 9 passed.

Clause 10—"Planning regulations."

The Hon. L. R. HART: I move to strike out paragraph *(b)* and insert the following new paragraph:

> *(b)* by striking out from subsection (5) the passage "so that the delegated powers or functions may be exercised by the council" and inserting in lieu thereof the passage "or any other person or committee or persons".

This clause was inserted so that the authority could delegate powers to any person when an investigation had to be conducted in a remote area, an aspect with which the Committee would have no quarrel. However, it appears that the council gives the authority power to delegate its powers to any person in an area in which local government exists. My amendment is designed to give the authority power to delegate authority to a person in areas where local government does not exist, but it can also, with the sanction of the council concerned, do likewise in an area where local government exists.

The Hon. A. F. KNEEBONE: I oppose the amendment, the effect of which is to restrict the power of the authority. I said in the second reading explanation that clause 10 ensured that consent must be sought for resubdivision as well as subdivision of any zone defined for that purpose by a planning regulation. The authority is given power to delegate its powers and functions under a planning regulation in relation to a council area to any person or group of persons. Thus, for example, a single person can be sent to remote areas on behalf of the authority. The authority will also be able to set up committees to investigate and deal with particular problems. Because what the honourable member is trying to do stultifies the effect of the authority's desires in this respect, I oppose the amendment and ask the Committee to do likewise.

The Hon. C. M. HILL: I made a point of drawing the Council's attention to this matter in the second reading debate, when I said that the Government's proposal provided powers of delegation before the matter of the approval or otherwise of the council concerned was considered. The wording of the amendment is such that most certainly, if it is carried, everything will depend on the approval of the council. Wherever possible we must respect the rights of the council to have a major say in the question of planning, but there is no reason why the authority and councils cannot work in unison and be on good terms with one another.

The Hon. A. F. Kneebone: There is no reason why they should not, but will they? That is the thing.

The Hon. C. M. HILL: If it comes to a dispute, I would prefer to place my bets with the council. After all, the council is closer to the people than is the authority. I support the amendment.

The Committee divided on the amendment:

Ayes (14)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart (teller), C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), and A. J. Shard.

Majority of 10 for the Ayes.

Amendment thus carried.

The Hon. C. M. HILL: I asked the Minister in the second reading stage whether there might be some way in which previous consents which affected land could be recorded so that prospective purchasers and others dealing in that land might have some knowledge of what had gone before. At that time we were dealing with the land agents legislation, and one contemplated then that it might be required by the Government that such information be attached to a future contract of sale. That Bill has met its fate, but nevertheless those who purchase land should be able to find out any dealings regarding consents.

The Hon. A. F. KNEEBONE: I understand the council keeps a record of the information.

Clause as amended passed.

Clause 11—"Appeal to board against certain acts done pursuant to planning regulations."

The Hon. C. M. HILL: I move to insert the following new subclause:

(la) The Authority or the council shall notify the applicant of any objection or objections to his application.

Applicants whose applications are objected to would like an opportunity to get in touch with the objectors to see whether, by liaison, differences cannot be settled before councils reach decisions. Once a council has made a decision and an applicant is notified, the long rigmarole of appeal machinery is set in train. Communication and discussion is an extremely good thing, and if differences could be settled before the machinery is started it is far better. The amendment has been requested by people experienced in applications and it is intended simply to cause the authority and the council to notify the applicant. The result would be better liaison and better public relations.

The Hon. A. F. KNEEBONE: The honourable member's argument has convinced me; I am willing to accept the new amendment.

Amendment carried.

The Hon. M. B. CAMERON: I move to insert the following new subsection:

(la) any person may request in writing that the Authority or a council, pursuant to subsection (1) hereof, shall give to that person notice of an application made for such consent, permission or approval. Such person may, if he shall be aggrieved by a decision of the Authority or a council to refuse to give notice of such application, appeal to the board within the period of fourteen days after the date specified in the notice referred to in subsection (3) hereof.

I trust that the Minister will remain in a co-operative frame of mind. This amendment is designed to give to people who may be aggrieved by a decision the opportunity for prompt notification of a decision so that people have the fullest opportunity to discuss their differences before the matter goes to an appeal board.

The Hon. A. F. KNEEBONE: I oppose this amendment. The authority and the council are required to give public notice in newspapers and in writing to the persons directly affected. The amendment would be an unnecessary duplication of that work. The part relating to an appeal is necessary as regards the general right of appeal. While an appeal was being heard, applications would have been determined by the authority.

The Hon. M. B. CAMERON: I am disappointed at the Minister's reply. In the past, problems have arisen about the notification of various people. In particular, the National Trust, in one instance at Hallett Cove, was not given the opportunity of getting the information it required in order to examine the situation there. It wanted this provision inserted so that in the future it would have the right to obtain the information it required from the council. I agree with the Minister that this information is provided in the newspapers but the trust did want information sent direct to the people who might require it. If the authority refuses such information, there is no way in which to obtain it except through a newspaper, and that is not satisfactory where a person is directly involved in the approval being sought.

The Hon. A. F. KNEEBONE: The honourable member still has not convinced me.

The Committee divided on the amendment:

Ayes (5)—The Hons. M. B. Cameron (teller), R. C. DeGaris, C. M. Hill. F. J. Potter, and A. M. Whyte.

Noes (12)—The Hons. D. H. L. Banfield, Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, A. F. Kneebone (teller), E. K. Russack, A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 7 for the Noes.

Amendment thus negatived.

The Hon. L. R. HART: I move:

In new section 36b to strike out subsection (1); and in subsection (2) to strike out "Upon a proclamation under this section being made, the council with whom the

application was lodged shall forthwith give to the authority all particulars and documents relating thereto and the authority shall proceed".

In my second reading speech, I suggested that these powers should be introduced by regulation rather than by proclamation but, having looked at it again, I think it would be better to strike out these two new subsections. I am not too sure whether the authority needs this power. It may be exercised only on rare occasions and I do not know that it is good policy to give an authority a power it does not really need. Possibly the authority would need it in relation to the Queenstown situation, although it seems to have got around that problem without this power being available to it.

The Hon. A. F. KNEEBONE: I oppose this amendment. The power is needed to enable the authority to step in and determine development proposals that may be significant and have a widespread effect beyond the council area. That is the important point: it enables some control to be exercised over the situation where the effect of the proposals extends beyond a council's area. In my second reading explanation I said:

New section 36b gives the Governor power to declare by proclamation that, in lieu of a council, the authority shall deal with any application lodged with that council that may have a significant effect on conditions prevailing outside that council's area.

I therefore ask the Committee not to support the amendment.

The Hon. C. M. HILL: I fully appreciate the motives behind the amendment, and I also appreciate the considerable amount of dissatisfaction with the Government that has been expressed in local government circles because of the introduction of this proposal. Local government believes that the provision takes control out of its hands and gives it to the State Planning Authority. However, we must be broadminded and look progressively at this kind of question. Unfortunately, local government has not been able to provide for itself any regional liaison and, until that is achieved, a situation can well arise, as at Queenstown, where the effect of a major regional shopping centre will greatly concern neighbouring councils. What is the next best thing to do in such circumstances? I stress that the State Planning Authority cannot step in without the consent of the Government of the day. The Bill provides that the Governor must be of the opinion that there is a need for the State Planning Authority to take over control in a matter such as this. Further, the Bill provides that the effect of the proposal must be of major significance. In the present stage of evolution of local government in this State, there is no way better than the Government's proposal whereby questions such as this can be solved. I do not believe that the fears that local government has expressed will be borne out. I therefore intend to support the Government on this matter.

The Hon. R. C. DeGARIS: Local government has opposed this clause very strongly. If an adjoining council is sufficiently adamant, it can invoke this new scheme. The provision has been included because of the Queenstown issue. It is a question of whether this Committee believes that the Queenstown situation justifies the inclusion of this clause, which could have State-wide application. The Queenstown issue was a matter of the Government holding to the 1962 plan in an odd sort of way, and I do not see any reason why new section 36b should not be struck out. The Hon. Mr. Hart has a reasonable viewpoint, as has local government. The whole basis for making appeals has been widened, and it should be a sufficient safeguard in these circumstances.

The CHAIRMAN: I now put the question "That the Hon. Mr. Hart's amendment down to line 34 be agreed to." This will preserve the Minister's rights in relation to his amendment.

The Committee divided on the Hon. Mr. Hart's amendment:

Ayes (10)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart (teller), H. K. Kemp, E. K. Russack, and C. R. Story.

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, A. J. Shard, and V. G. Springett.

Majority of 3 for the Ayes

Amendment thus carried; clause as amended passed.

Clause 12 passed.

Clause 13—"Recommendations for the making of planning regulations."

The Hon. C. M. HILL: I wish to speak against this clause as a whole, Mr. Chairman.

The CHAIRMAN: The honourable member will have to vote "No" when the clause is put.

The Hon. A. F. KNEEBONE: I move:

In new subsection (2a), after "council", to insert "other than the Corporation of the City of Adelaide."

The Adelaide City Council has asked to be excluded from the provisions of this provision because it considers that the requirements may adversely affect the work of the City of Adelaide Development Committee, which was established by an amendment to the Act earlier this session and which was given special power. I ask the Committee to support the amendment.

The Hon. R. C. DeGARIS: It is a reasonable amendment. As some members object to the clause, they will have a chance to vote on the clause as a whole.

Amendment carried.

The Hon. L. R. HART: At present a council submits its plan for public scrutiny and receives objections to the plan, which it considers.

The Hon. C. M. HILL: I rise on a point of order, Mr. Chairman. To what amendment is the Hon. Mr. Hart speaking? I wished to speak against the clause but was refused permission to do so, yet you have permitted the Hon. Mr. Hart to speak against it.

The CHAIRMAN: I think that the Hon. Mr. Hart is opposing it, too. There is no amendment on file.

The Hon. C. M. HILL: Mr. Chairman, my point of order is that you did not give me a chance to explain my opposition to the clause, but you are giving the Hon. Mr. Hart the opportunity to speak against it.

The CHAIRMAN: I said that if the Hon. Mr. Hill opposed the clause he should vote against it. As the Hon. Mr. Hart got the call after the amendment was dealt with, he is quite in order.

The Hon. L. R. HART: I oppose the clause. A council, prior to submitting its plan to the authority for approval, submits it for public scrutiny and receives objections. This clause provides that, before submitting the plan for public scrutiny, the council is required to submit it to the authority. I have discussed this with officers of the department since I have placed an amendment on file.

The Hon. C. M. Hill: You haven't an amendment on file.

The Hon. L. R. HART: It would appear that there is some merit in the clause because, as the situation now stands, the council could well have many objections to its plan, whereas, if the council had submitted its plan to the authority to begin with and the authority had suggested certain alterations to it, the council would not have been faced with the objections. Although I have an amendment on file, I am not asking the Committee to accept it, because I believe that local government would be better off, not worse off, if the clause were passed. As I know that other honourable members object to the clause. I do not intend to move an amendment.

The Hon. C. M. HILL: I am influenced by the strong opposition that has come from local government to this clause. Although not all the fears that have been expressed by local government can be justified, this clause provides that country councils must send their proposed regulations to the authority for its approval. Local government does not like the requirement that it must submit these drafts to a central office before it displays the proposals to the public. I do not know that much harm would result if the clause is not agreed to. There may be one or two instances in which the regulations do not conform to the model regulations.

The Hon. R. C. DeGaris: That would be a good thing.

The Hon. C. M. HILL: I do not know that it would be a good thing, but it would mean that a communication back and forth might have to be set up between the council and the authority. I am willing to support local government on this question.

The Hon. M. B. CAMERON: If local government submits its plan to the authority and disagrees with what the authority orders it to do, does it have any right of appeal to the Minister? It seems that the authority is the only place to which councils can submit recommendations and, once that is done, they do not have access to the Minister if they disagree with the authority's recommendation.

The Hon. A. F. KNEEBONE: The clause refers to planning regulations, which must be submitted to the authority before being made public. The honourable member asked what would happen if the authority did not agree with the regulations. If the regulations came before the Joint Committee on Subordinate Legislation, it would examine the matter.

The Hon. R. C. DeGaris: We have had arguments regarding this procedure. The whole Parliament agrees that the procedure regarding the Subordinate Legislation Committee is out of date.

The Hon. A. F. KNEEBONE: We must still go through it. That committee compares the suggested regulations with the model regulations, and I understand that the authority has prepared model regulations in this respect. As there is no reason for opposing

the clause, I ask honourable members to support it.

The Hon. R. C. DeGARIS: One can see the autonomy of local government being reduced in the interests of uniformity. When it is realized that the authority has power to object to council regulations, along with any other interested party, and that it is required to issue a certificate to the Minister before the regulations come before Parliament, it is obvious that it has sufficient power in the regulation-making process. It is difficult in certain areas of this State to give the authority an overall say in relation to planning. On the other hand, however, we must balance this against the interest of different areas, which interest varies from area to area. The Kangaroo Island regulations are in some ways related to the problems regarding this clause. The authority has sufficient safeguards and has the power to object to council regulations. Although I agree that the authority must have an overriding power in some circumstances, I consider it would be best to delete the clause.

The Committee divided on the clause as amended:

Ayes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), and A. J. Shard.

Noes (14)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart (teller), C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 10 for the Noes.

Clause thus negatived.

Clause 14 passed.

Clause 15—"When land is declared to be subject to this section."

The Hon. M. B. CAMERON: I move to insert the folowing new paragraph:

(*aa*) by striking out from subsection (1) the passage "by proclamation" and inserting in lieu thereof the passage "by regulation";

This amendment gives Parliament the right to examine any move made to bring in local government areas as yet not under interim development control and to disallow such regulations. It gives some safeguard to local government areas outside the metropolitan area. It is a simple amendment not requiring a great deal of explanation.

The Hon. A. F. KNEEBONE: I cannot accept the amendment. Interim control introduced by regulation would enable Parliament to disallow. Interim control is for an interim period only, pending the introduction of planning regulations which Parliament subsequently can disallow. Interim control in the city of Adelaide expires on December 15, 1972, and will need to be extended. If that extension is by way of regulation it is possible that effective control in the city could be prejudiced because of the threat of disallowance. I ask the Committee to vote against the amendment.

The Hon. C. M. HILL: I do not think the reference to the city of Adelaide and the expiration of interim control is relevant to the debate, because interim control is being overshadowed by new legislation recently passed in this Council. Under the provisions of the Act, interim control can exist for a period not exceeding five years, and that should be long enough for any interim development control.

The main point of the amendment is that, whereas metropolitan Adelaide has lived through the worries of planning and development in the modern age since 1966, when the parent Act was proclaimed, now in the legislation before us the control is being spread throughout the State. Quite understandably people in rural areas, particularly local government rural areas, are fearful.

The Government would like to introduce interim development control by proclamation in the same way as was done previously in metropolitan Adelaide. If it is done by regulation, local government will have a little more breathing space in which to look at the question and to contact Parliamentary representatives for discussion. Local government in rural areas would be happier with this further time to move into the new way of life in the planning sense.

I do not think the Government should oppose this. I see no reason why it should not be brought about. I strongly support the proposal to introduce it by this means rather than by proclamation as it affects the rural areas. If the Bill is passed in its present form and the proclamation is made, someone could go to a dairy in a country area and tell the farmer how to alter the dairy. That person could be a representative of the State Planning Authority. I do not believe that is what we want to see. If that situation must arise we must cushion the effect by giving people in rural areas an opportunity to think again about the future and consider their fears, and then they might be quite happy about it.

On a slightly different topic, does the authority intend to give control of interim development to local government once it is

achieved, whether by proclamation or regulation? The authority has the right to give this power to the councils, and in the metropolitan areas I believe this is what it did.

The Hon. M. B. CAMERON: While there may be some implied difficulty in regard to the city of Adelaide, I do not see that as any real reason for affecting a provision moved from the point of view of country councils as well as from the point of view of this Parliament, which should have the right to examine any move made. Proclamations should be made on the least possible number of occasions. I urge the Committee to support the amendment.

The Hon. A. F. KNEEBONE: I said in the second reading debate that clause 15 removes all reference to the metropolitan planning area from the interim development control provisions of the Act. Thus, these provisions will now apply to any land within the State. As I have already said, this amendment will enable the authority or a council, as the case may be, to exercise such control. I ask the Committee not to accept the amendment.

The Committee divided on the amendment:

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

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, G. J. Gilfillan, A. F. Kneebone (teller), and A. J. Shard.

Majority of 8 for the Ayes.

Amendment thus carried.

The Hon. M. B. CAMERON: I move:

After paragraph *(aa)* to insert the following new paragraph:

(*ab*) by striking out from subsection (4) the passage "by subsequent proclamation" and inserting in lieu thereof the passage "by subsequent regulation";

This is consequential on the last amendment.

Amendment carried.

The Hon. R. C. DeGARIS: I move:

To strike out paragraph (*d*) and insert the following new paragraph:

(*d*) any factors—

(i) tending to promote or detract from the amenities of the locality in which the land is situated, the conservation of native fauna and flora in the locality or the preservation of the nature, features and general character of the locality; or

(ii) tending to increase or reduce pollution in, or arising from, the locality in which the land is situated.

This amendment is a redraft of paragraph *(d)* of subsection (7) of section 41 of the principal Act. I do not like the use of the words "conservation of its environment", so I have redrafted the paragraph to include new words that are more specific. I ask the Government to accept the amendment.

The Hon. A. F. KNEEBONE: I am prepared to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 16 and 17 passed.

New clause 17a.

The Hon. C. M. HILL: I move to insert the following new clause:

17a. Section 45 of the principal Act is amended by inserting after subsection (5) the following subsection:

(6) Notwithstanding the foregoing provisions of this section, the approval of the Director and a council is not required for a plan of subdivision or resubdivision—

(*a*) that is deposited with the Registrar-General before, or within six months after, the commencement of the Planning and Development Act Amendment Act (No. 3), 1972;

and

(*b*) upon which no allotment of less than eight hectares in area is delineated.

During the second reading debate, it transpired that several constituents had contacted honourable members and stated that under the existing law they had applied for subdivision of land in 20-acre allotments and had been put to some expense—in some cases as much as $2,000; and those applications were with the Registrar-General. Fears were expressed that those applications could not be proceeded with if the Bill went through in its existing form and, indeed, that those applications would have to be withdrawn and fresh ones made to the Director of Planning under the new Act. It seems to be unfair from the point of view of expense and for other reasons that people who acted in good faith should get caught up in this transition.

It surprised us that the Government had not seen fit to consider transition provisions at the time. This amendment assists such people so that the money they have expended will not be wasted, and so that others when they apply to other authorities and when they give instructions to surveyors will not lose their outlay and will not be inconvenienced by the changeover.

The Hon. A. F. KNEEBONE: I strongly oppose the amendment, because it would defeat the whole object of trying to control development in the Adelaide Hills. If the amendment was carried, every person owning land in the Hills would be encouraged to subdivide it during the six-month period; that would prejudice the rural character of the area. I can imagine a flood of applications for subdivision.

The Hon. R. C. DeGARIS: I understand the intention behind the amendment. The Minister has already approved the subdivision of perpetual leasehold land, and that subdivision is taking place now. However, this Bill could cut across the approval that has already been given. Surely there must be some compromise between the two views. I agree with the Minister that there would probably be a flood of applications for subdivision that would not be in the best interests of the area. On the other hand, the Government realizes that there are people who have done everything within the existing law and have been put to great expense. If the Minister carefully considers what the Hon. Mr. Hill is trying to achieve, he will realize that a problem exists that must be solved.

The Hon. A. F. KNEEBONE: The Leader has yet to convince me that a serious problem exists. If I have given a decision in regard to subdivision, no power can alter it. I refer now to people who have made an application for approval for a subdivision; if they have done anything and spent any money, they have been foolish to have done so before getting a decision.

The Hon. C. M. HILL: I was contacted by telephone by someone whom I had not previously met, and I received a letter from someone I had not previously met. Further, a person was brought to my office by a country member from another place; these are the instances I am concerned about. One person said that he had spent $1,800, and another had spent $2,000. Under the then existing law, they applied to the Registrar-General for the issue of titles in 20-acre allotments. Because of the machinery of the Lands Titles Office, the matter has not been finalized.

What has the Minister got to say about this? Surely it is reasonable for him to consider some transitional arrangements for people who acted in good faith, spent considerable sums in survey fees, and acted in accordance with the then existing law; however, simply because the department has not processed the matter, they are expected to lose the money they have spent and start their application all over again in connection with the new legislation. It is not only a question of starting again; if they wanted to proceed in the same kind of way, they would have to change the plan into larger allotments.

Regarding applications in the next six months, I was influenced in preparing my amendment by the examples quoted by country members. I understood that people first had to apply to the Minister for approval to subdivide leasehold land and, if he consented, they then made a normal application to the other office in Victoria Square. I do not care whether the period after the Bill is proclaimed is one month or six months. I am not trying to assist people to rush in if they have not made any move up to the present to subdivide their land. However, if people have been put to expense and if their intentions are clear under the law, they ought to be given time in which to proceed. This is the intention behind the amendment, and it is surely understandable. I am not springing this amendment unexpectedly. After this man from the country saw me, I asked in the second reading debate what the Government intended to do about these matters, but I have not received a reply. It was necessary to have the amendment on file and to move it. I agree with the Leader that there is some room for compromise. The amendment is not intended to give anyone who has not indicated his intention an opportunity to rush in and gain some advantage.

The Hon. A. F. KNEEBONE: I do not think honourable members would say that I was an unreasonable Minister or that the Minister in charge of this Bill in another place was unreasonable. The person who had spent about $1,800 on a survey would have the right to appeal to the Director of Planning if he did not get what he wanted. If the decision was unfavourable, he could approach the Minister. A person who had spent money legitimately in preparing an application under the old Act would be given every consideration, provided that he had been reasonable in outlaying his money in anticipation of having his application approved. Each case would be considered on its merits. I appeal to the Committee not to accept the amendment.

The Hon. C. M. HILL: I do not want to give the impression that I doubt the Minister's intentions, and I have not criticized the Minister he represents in another place. However, we cannot accept that the intention may be good: to do our job properly, we must see that something is written into the Bill. I

think that, in the general compromise that no doubt everyone will strive to achieve when this Bill reaches its new stage, the matter can be considered then. A satisfactory, but nevertheless laid down formula within the Bill, would be a better arrangement than accepting the Minister's assurances.

The Hon. A. F. KNEEBONE: I would be disappointed if the Committee accepted this amendment just for the sake of reaching a compromise. I ask the Committee not to accept the amendment.

The Hon. G. J. GILFILLAN: I believe that the Hon. Mr. Hill is genuine in trying to find a solution. People who are subdividing leasehold land have had to wait up to three years before getting permission, and the survey takes time. Parliament should protect people and their rights, and people who have done a lawful act should be able to complete their projects.

The Hon. A. M. WHYTE: The only dissension between the Hon. Mr. Hill and the Minister is some form of protection for those people who have already lodged applications for subdivision. I know that the Minister would not go back on any assurance he had given, but the Ministry may change. I suggest that all the Hon. Mr. Hill need do to satisfy the Minister is withdraw the six months provision so that it would be left to the Minister to fulfil his obligation to those people who had already lodged applications.

The Hon. A. F. KNEEBONE: Surely honourable members have had enough time to study the Bill. It is an insult to the Committee to ask it to accept the amendment. I cannot understand this sort of attitude. We know that we will be flooded with applications. Despite that, the Committee is asked to accept the amendment. Where is the logic in that?

The Hon. H. K. Kemp: You don't want to compromise?

The Hon. A. F. KNEEBONE: I do not have to compromise. The Acts Interpretation Act covers these people whose applications are legitimately before us and are being processed. Honourable members talk about this Chamber's being a House of Review. It is supposed to pass amendments to improve Bills, not to pass amendments that it knows are wrong. If honourable members want this place to be a laughing stock and to be ridiculed, they should vote for amendments like this that they know are wrong. Then let them see what is said about this place.

The Hon. R. C. DeGARIS: It appears that the Minister may have been given his instructions.

The Hon. A. F. Kneebone: I haven't had instructions: I am just using my head.

The Hon. R. C. DeGARIS: The Minister has been illogical. We have this week handled pages and pages of complex legislation that was almost shovelled into this Council in the dying hours of the session.

The Hon. A. F. Kneebone: But you believed the amendments you made to that legislation were supported by your Party.

The Hon. R. C. DeGARIS: That is correct. I could ask the Minister questions about legislation that has been passed in this Council that he could not answer.

The Hon. A. F. Kneebone: That goes for every other honourable member.

The Hon. R. C. DeGARIS: Be that as it may, we have tried to do our best with hundreds of clauses in difficult legislation. We have outlined to the Minister certain legitimate problems regarding this clause, which problems face the constituents of every honourable member. The Minister has given an undertaking that where an application for subdivision is in the pipeline it will proceed.

The Hon. A. F. Kneebone: I didn't say "in the pipeline": I said "legitimately before us".

The Hon. R. C. DeGARIS: What do those words mean? Would the Minister explain the situation in which a person owns, say, 100 acres of perpetual lease land that he wants to subdivide into 20-acre lots? Even if the Minister agrees, that person must apply to the State Planning Authority, which could take a completely different view on the matter, even after that person had spent $2,000 on surveying the area, applying to the Lands Department regarding his perpetual lease and then applying to the authority.

Although the Minister assures the Committee that this person will be protected, what will happen if the authority and the Minister refuse permission? What protection has that person got? We are merely asking that a person in the circumstances referred to by the Hon. Mr. Hill be protected. The honourable member does not want to see happen the things the Minister has said will happen. He, and indeed every other honourable member, want to be sure that people in these conditions will not be adversely affected by this clause.

The Hon. A. F. KNEEBONE: The State Planning Authority does not deal with leasehold land. The Hon. Mr. Hill is asking that

certain people be given an open go for six months from the passing of this Bill. I am merely telling the Committee that the only amendment before it includes a six-month provision, and all honourable members who have spoken, including the honourable member who moved the amendment, have said that they realize this is not good, yet everyone who speaks supports the amendment.

The Hon. R. C. DeGARIS: The Minister has said that in relation to leasehold land the decision lies not with the State Planning Authority but with him.

The Hon. A. F. Kneebone: The Land Board makes the recommendation.

The Hon. R. C. DeGARIS: Does this mean that when this Bill is proclaimed and covers the whole State it will not apply to perpetual leasehold land? If the Minister is saying that, I say he is wrong.

The Hon. A. F. Kneebone: I say I am right.

The Hon. R. C. DeGARIS: Does this mean the Minister can permit the subdivision of perpetual leasehold land into areas of less than 20 acres?

The Hon. A. F. Kneebone: I would not do it.

The Hon. R. C. DeGARIS: The Minister is saying that this Bill does not apply to perpetual leasehold land, and that he is the authority in that respect, but that is not so. This Bill caters for all land, whether perpetual or freehold and, if a person wanted to subdivide freehold land into 20-acre lots, it would not matter, when this Bill was proclaimed, whether or not the Minister agreed, because it could not be done. I do not think the Minister understands the Bill or what the Hon. Mr. Hill is seeking to do by his amendment. If we could find some way to overcome this problem, perhaps by an amendment relating to the situation in which approval had been given by a Government department prior to the passage of the Bill, I would be satisfied.

The Hon. A. F. Kneebone: The Acts Interpretation Act lays that down.

The Hon. R. C. DeGARIS: I do not know that it does. The Minister may say in relation to perpetual leasehold land that a lease can be divided, but that does not mean that, under the Acts Interpretation Act, one can subdivide into 20 acres, or even below 75 acres.

The Hon. C. M. HILL: The purpose of the amendment is to help two groups of people which I, as the mover, believed to be in need of assistance. One group covers those who have already deposited plans with the Registrar-General.

The Hon. F. J. Potter: They are not in danger.

The Hon. C. M. HILL: Just a moment. The second group covers those who may have been dealing with other authorities, such as the Minister of Lands, and who clearly intend proceeding under the existing Act. I leave the second group to be supported by the Hon. Mr. DeGaris, because he has had contact with people who have been involved with the Minister of Lands. They are seeking ultimate subdivision of land under the law as it stood when they made the first approach to the respective authorities.

The Hon. F. J. Potter: But they have not got to the point of depositing the plans.

The Hon. C. M. HILL: No. That is the group of people with which I was concerned in the second part of the amendment. The Minister has said that people are safeguarded in two ways: first, by his assurance, and secondly, under the Acts Interpretation Act. However, they are protected under the Act only if the plan has been deposited. Great delays at the Lands Titles Office have been caused by the checking and survey work necessary before a plan can be officially deposited. Those people are protected only by the Minister's assurance, but that does not count very much when we come to the law. If this Bill is proclaimed, the Registrar-General then has no alternative, despite the Minister's assurance, but to return the application and tell the applicants to obtain the consent of the Director of Planning. I do not question that the two Ministers involved are acting in good faith, but they are bound by the law, as are their officers. If the Minister wants to bulldoze this through he is a very hard man. I want to be fair and to help these people.

The Hon. F. J. POTTER: I move:

In the Hon. Mr. Hill's amendment to strike out "six months" and insert "one month".

I do this in the interests of making some progress.

The Hon. A. F. KNEEBONE: I cannot accept that. If it were carried, people could take advantage of the breathing space to get around the provisions of this Bill. I oppose the amendment.

The Hon. F. J. POTTER: The amendment is suggested to take care of the second group mentioned by the Hon. Mr. Hill, people who have done much work but who have not actually deposited the plan. I do not accept

that this type of subdivision could be done in one month. However, if I could be persuaded that it could, I would bring the period down to 14 days to give some consideration to these people.

The Hon. G. J. GILFILLAN: What is suggested by the amendment of the Hon. Mr. Hill and the subsequent amendment of the Hon. Mr. Potter is not an application for subdivision but depositing the plan with the Registrar-General, which is an entirely different thing. If the Minister had power to give certain assurances, I would never doubt them, but in the matter of control over leasehold land his authority, in my opinion, is overridden by the Act. The second reading explanation referred specifically to leasehold land along the Murray River, mentioning the Adelaide Hills, and moving out to the leasehold country along the river. We have known for some years of the regulations made under the Town Planning Act. I ask the Minister to think again about this amendment.

The Hon. R. C. DeGARIS: A problem arises here that I do not think anyone really appreciates. Perhaps someone with a better legal brain than I have can solve it. On the one hand, the Planning and Development Act gives a long definition of "Crown lands"; on the other hand, section 45 of the Act deals with the approval of plans of subdivision and resubdivision. Perpetual leasehold land is covered in the Crown Lands Act but not by the Real Property Act, so there is a problem here. Part IX of the Real Property Act deals with Crown leases but perpetual leasehold land is dealt with under the Crown Lands Act. So many complications are thus involved between the various Acts that it is difficult to understand the situation.

The Hon. A. M. WHYTE: I give notice that I shall move an amendment to the Hon. Mr. Potter's amendment.

The CHAIRMAN: First, I shall put the Hon. Mr. Potter's amendment to proposed new clause 17a.

The Hon. F. J. POTTER: I do not want to withdraw my amendment but the Hon. Mr. Whyte has given notice of an amendment to my amendment. In order to let the Committee know what it is voting on, I think the Hon. Mr. Whyte should indicate the nature of his proposed amendment.

The Hon. A. M. WHYTE: I move to strike out from the Hon. Mr. Hill's amendment the words "or within six months after", so that paragraph (*a*) would then read:

that is deposited with the Registrar-General before the commencement of the Planning and Development Act Amendment Act (No. 3), 1972.

The Hon. A. F. Kneebone: That means you are supporting what is in the Bill?

The Hon. A. M. WHYTE: Yes.

The Hon. C. M. HILL: No; the Hon. Mr. Whyte is leaving the balance of the amendment there, so that those applications that have already been made will continue to be processed.

The Hon. F. J. Potter: We think they are covered by the law, anyway.

The Hon. C. M. HILL: The Hon. Mr. Whyte is simply striking out the period of six months from the date of proclamation onwards.

The Hon. A. F. KNEEBONE: I am prepared to accept the amendment.

The CHAIRMAN: Which amendment is that? The Hon. Mr. Potter has not withdrawn his amendment.

The Hon. F. J. POTTER: I asked the Hon. Mr. Whyte to indicate the nature of his amendment only because it might affect the way honourable members would vote.

The CHAIRMAN: I will put the Hon. Mr. Potter's amendment first.

The Hon. A. F. KNEEBONE: As the Hon. Mr. Whyte has indicated what his amendment would be, I will indicate my attitude to his amendment. If the Hon. Mr. Whyte is allowed subsequently to move his amendment, I will support it.

The Hon. F. J. POTTER: In the interests of making some progress, as the Hon. Mr. Whyte has indicated that he has an amendment and the Minister has said he will be prepared to accept it (although I do not think it really does anything), I seek leave to withdraw my amendment to the Hon. Mr. Hill's amendment.

Leave granted; amendment withdrawn.

The CHAIRMAN: I point out that the Hon. Mr. Whyte's amendment takes precedence because the words he proposes to strike out come before the Hon. Mr. Potter's amendment. The Hon. Mr. Potter has withdrawn his amendment so I now put the Hon. Mr. Whyte's amendment.

The Hon. Mr. Whyte's amendment carried; new clause as amended inserted.

Clause 18—"Plans of subdivision of land in prescribed localities within Metropolitan Planning Area."

The Hon. R. C. DeGARIS: I move:

In new section 45b (1) to strike out paragraphs (*a*) and (*b*) and insert the following new paragraphs:

(*a*) that has no frontage to a public road of one hundred metres or more;

or

(*b*) that has an area of less than four hectares,

This amendment is a redraft of the paragraphs at present in the Bill.

The Hon. A. F. KNEEBONE: I accept the amendment.

Amendment carried.

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

In new section 45b (1) to strike out "or part thereof".

This clause deals with the subdivision of land within the hills face zone. Land that falls within that zone must have minimum specifications in connection with frontage and area, and it must now front a public street. The question arises that land that is largely out of the hills face zone which owners may subdivide may have some of its area just within the zone. When that position arises, a very small part of the allotment will fall within the zone; that will mean that the subdivision will be subject to the very strict requirements that are intended for the hills face zone. It seems a little unfair that such owners should have to comply with those requirements, whereas, if the land was entirely out of the zone, it could be subdivided in the usual way.

The Hon. A. F. KNEEBONE: I oppose the amendment, because it would cause intrusions into the hills face zone by enabling allotments to be created that do not meet the requirements of paragraphs (*a*) and (*b*) of new section 45b (1). As the clause is now drafted, an owner can subdivide that part of his allotment lying out of the hills face zone, provided he gives the balance of the allotment lying in the zone as a reserve. The community strongly resents intrusions into the zone. To accept the amendment would defeat assurances given to the public that allotments can be created only if they have the prescribed dimensions.

The Hon. C. M. HILL: I thank the Minister for his explanation, and I shall not press my amendment strongly. However, his reference to reserves being given is ridiculous. There may be small pieces of land that would have no real worth as reserve areas. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. L. R. HART: I move:

In new section 45b to insert the following new subsection:

(3) This section shall not apply to an allotment that has an area of not less than four hectares and a frontage of not less than fifteen metres to a part of a public road that constitutes a cul-de-sac and lies within sixty metres of the end of the cul-de-sac.

My amendment relates to cul-de-sacs in the hills face zone. I am wondering what the great objection is to a cul-de-sac, which is a modern concept. It has to be attached to a piece of land that is about 10½ acres in area. A cul-de-sac could well be preferable to a dead-end road, which is the alternative. I believe that the authority would be more strongly opposed to dead-end roads than it would be to cul-de-sacs. There are situations where the topography of the area makes it impossible for the frontage of a block to be 100 m. The Government fears that it will be inundated with applications for subdivision or resubdivision that make provision for cul-de-sacs. I believe that possibly somewhere the Government has power to reject such applications.

The Hon. A. F. KNEEBONE: The effect of the amendment is to permit more allotments in the hills face zone. Developers could create roads with small cul-de-sacs at intervals along them. I have yet to learn what the difference is between a dead-end road and a cul-de-sac. I have seen them in some housing developments. There is a road with several of these entrances and with houses built around them. If the amendment is carried there could be a number of these with areas running off them and with narrow facings to the cul-de-sac. That would be bad development and would defeat the purposes of the Bill. If the cul-de-sac were large enough there could be a 100 m area around it. and the block behind would be of the required dimensions, but it would depend on the size of the cul-de-sac. I ask the Committee not to accept the amendment.

The Hon. R. C. DeGARIS: Subdivisions must comprise 4 ha or more. At present, the only way a person can divide 10-acre blocks off the road is to have 100 m frontages. To get the 100 m frontage at the end of the road, the road must narrow and stop, and there must be unused road. If a cul-de-sac had a round end on it with a 50 m frontage, there would not be 100 m of dead-end road, and it might become a rubbish dump. I cannot see the Minister's point. Imagine a road running up with two 10-acre blocks at each side of the cul-de-sac; that could be done, provided the cul-de-sac had a total circumference of 250 m.

The Hon. A. F. Kneebone: Why?

The Hon. R. C. DeGARIS: Because a road comes into the cul-de-sac. If the road runs between blocks on either side, the last two blocks must have 100 m frontage to the road; so the cul-de-sac must have a 250 m circumference. The last two blocks would have 100 m frontage to the road.

The Hon. A. F. Kneebone: Wouldn't there be around a cul-de-sac 100 m circumference of the whole cul-de-sac?

The Hon. R. C. DeGARIS: Yes, but then you could have only one block. If the cul-de-sac were enlarged to 250 m circumference there could be two blocks, but all there would be would be a massive circle at the end of the subdivision that would have no purpose. The subdivision is limited to 4 ha or over.

The Hon. C. M. Hill: The same as before?

The Hon. R. C. DeGARIS: Yes. If the amendment is not carried the person will be forced to have 100 m of blind road that will never be used; that would be ridiculous.

The Hon. A. F. KNEEBONE: If the amendment is carried the subdivider will be able to make cul-de-sacs all over the place.

The Hon. R. C. DeGaris: With 4 ha it would be physically impossible.

The Hon. A. F. KNEEBONE: There would be a 15 m frontage to the road.

The Hon. C. M. Hill: The block would be like a piece cut from a sponge cake.

The Hon. R. C. DeGaris: Yes, and that is the kind of development the Bill will provide.

The Hon. A. F. KNEEBONE: One has only to go to housing allotments to see where, to give some kind of variation to the street frontage of the road, the road is run in from the centre. The backyards run off at an angle, but who wants that kind of development? I oppose the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart (teller), C. M. Hill, F. J. Potter, E. K. Russack, and C. R. Story.

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, H. K. Kemp, A. F. Kneebone (teller), A. J. Shard, V. G. Springett, and A. M. Whyte.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

New clause 18a—"Director to notify council of decision to refuse approval to plan."

The Hon. R. C. DeGARIS: I move to insert the following new clause:

18a. The following section is enacted and inserted in the principal Act immediately after section 50 thereof:

50a. (1) Where the Director proposes to refuse his approval to a plan of subdivision or re-subdivision he shall, a reasonable time before refusing that approval—

(a) notify the council for the area in which the subdivision or re-subdivision is proposed of his intention to refuse approval to the plan of subdivision or re-subdivision; and

(*b*) notify the council of the ground upon which he proposes to refuse that approval.

(2) The Director shall consider any representations made by the council in relation to his decision to refuse approval to the plan of subdivision or re-subdivision."

The Hon. R. C. DeGARIS: Under this provision, if the Director intends to refuse approval of a plan for subdivision, before refusing approval, he will give reasonable notice to the council that he intends to refuse it, and he will consider any proposals made by the council in connection with this plan.

The Hon. A. F. KNEEBONE: I accept the amendment.

New clause inserted.

Clause 19—"Further grounds for refusal by council."

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

After "amended" to insert "(*a*)"; and to insert the following new paragraph:

(*b*) by inserting after subsection (1) the following subsection—

(1a) The Council shall not, in the exercise of its powers under subparagraph (i) of paragraph (*a*) *of* subsection (1) of this section, specify a width for the roadway of any proposed road or street in excess of 7.4 metres unless in the opinion of the council that specification is necessary in view of the volume, or type, of traffic that is likely to traverse that road or street.

The Minister has said that a road width of 48ft. may be necessary when buses or heavy transport vehicles use the roadway. However, I believe that we should leave it to the council to decide whether this width of roadway is necessary. In small subdivisions, through which no heavy transport passes, a width of 24ft. for the roadway is adequate. By these amendments, the council will consider the matter, and its decision, if it is unfavourable to those concerned, can provide the basis for appeal.

The Hon. A. F. KNEEBONE: I accept the amendments.

Amendments carried; clause as amended passed.

Clause 20—"Further grounds for refusal by the Director."

The Hon. L. R. HART: I move:

In paragraph (*b*) to strike out "three hundred" and insert "one hundred and fifty."

Under this provision, subdividers in the metropolitan area and in areas outside will be required to pay $300. In outer areas, the sum of $300 may be greater than the value of the block. My amendment provides for the fee to be $150, and this is a compromise. I realize that the Government is increasing this fee because subdividers are evading the requirement to provide land for recreational purposes.

The Hon. C. M. Hill: Avoiding!

The Hon. L. R. HART: People with subdivisions of under 20 acres have preferred to pay the fee rather than provide the land. However, I am concerned about the genuine subdivider who may want to give his children two small areas out of a one-acre block. The total value of the land could be $200 but, under this provision, the fee could be $600. As I think this is most unfair, I have suggested as a compromise a fee of $150. There are large areas of rural land in the outer metropolitan area where this type of subdivision could take place. It lets the subdivider in the inner metropolitan area out of the matter. However, I am not sure that that matters, so long as we are not being unfair to the small subdivider in the outer metropolitan area. I ask the Committee to accept the amendment.

The Hon. A. F. KNEEBONE: I cannot accept the amendment. The honourable member argued against himself in saying that people would take advantage of this. The sum of $300 is needed more readily to equate the value of the land the subdivider would have to provide in larger subdivisions. If a smaller sum was accepted, some subdividers would try to subdivide smaller areas and pay a smaller cash amount instead.

The Hon. L. R. HART: I am disappointed at the Minister's attitude, thinking perhaps that he may have offered some compromise. The people to whom I referred are those in the outer metropolitan area. They are paying $300 an allotment, which money will be used to buy recreational areas that will not necessarily be in their district. I always assumed that this Government looked after the little man. However, by its actions it is discriminating against him in this case. I therefore ask the Committee sympathetically to consider this problem.

The Committee divided on the amendment:

Ayes (6)—The Hons. M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart (teller), E. K. Russack, and C. R. Story.

Noes (11)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, Jessie Cooper, R. A. Geddes, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, A. J. Shard, V. G. Springett, and A. M. Whyte.

Majority of 5 for the Noes.

Amendment thus negatived.

The Hon. R. C. DeGARIS: I move:

After paragraph (*c*) to insert the following new paragraph:

(*ca*) by striking out from paragraph (*e*) of subsection (1) the passage "the nature of the proposed subdivision or re-subdivision or" and inserting in lieu thereof the passage "the proposed subdivision or re-subdivision or the nature";

and after paragraph (*d*) to insert the following new paragraph:

(*da*) by striking out from paragraph (*f*) of subsection (1) the passage "immediately adjacent thereto" and inserting in lieu thereof the passage "in the vicinity thereof".

In some cases the existence of a subdivision will alter a situation nearby. These are reasonable amendments, which I hope the Government will accept.

The Hon. A. F. KNEEBONE: I accept the amendments.

Amendments carried; clause as amended passed.

Clause 21 passed.

Clause 22—"Easements."

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

In new subsection (2a) (*b*), after "easement", to insert "not exceeding four metres in width"; in paragraph *(c),* after "land", to insert "delineated as an easement"; in paragraph (*d*) (i), after "land", to insert "delineated as an easement"; in subparagraph (ii), after "land", to insert "delineated as an easement"; to strike out paragraph (*e*); and in paragraph (*f*), after "land", to insert "delineated as an easement".

The amendments deal with easements which it is intended shall be granted to the Electricity Trust of South Australia without charge when a subdivision is processed. I have no objection to the trust's obtaining an easement without charge for the sole purpose of placing cables underground so that the houses that will be built on the allotments within the subdivision can be served with underground cables.

This situation is in many ways similar to that regarding the Engineering and Water Supply Department, which from time to time takes an easement along the back of blocks of

land that run back from the street and then, when sewerage is ultimately laid, the main pipes are laid along the easement and the houses are serviced to the main. It appears that there is no restriction on the width of easements.

In the second reading debate I asked whether these easements were for the sole purpose of placing cables underground or whether the question of poles and overhead lines could become involved. From reading the clause since, I believe that could be the case. If that happened, that would not be fair. One could contemplate the extreme position where high-tension wires and vast pylons were intended to go across land in respect of which application had been made for subdivision, when those transmission lines would have nothing to do with serving the subdivision directly. It would not be proper that, in that situation, the Electricity Trust could obtain an easement, free of charge, because such an easement and such high-tension wires could damage seriously the value of the land in subdivided form.

An easement of that kind can be extremely wide. From my experience, some Engineering and Water Supply Department easements are about 13ft. wide, and I have moved the amendments to try to make that the maximum width of the proposed easement. That is the trend of the various amendments in my name, except the amendment to strike out new paragraph (*e*), which covers the case where the trust is acquiring the right, without charge, to obtain easements to erect some form of transformer station or transformer installation on the land. One does not know how big a structure referred to in the clause will get. Land must be acquired to build tanks for water supply, and that is not unreasonable. I have moved the amendment to try to obtain uniformity.

The Hon. A. F. KNEEBONE: I accept all the amendments except the amendment to strike out new paragraph (*e*). Clearly, from the statements made on this issue in the second reading debate, the provision has not been understood properly. Provision of the necessary transformer facilities is necessary for any underground installation. Honourable members should look carefully at the qualifications in new subsections (2a) (*a*) and (*b*). In practice, this means that the easements are granted before the separate titles are issued. Thus, an individual purchaser would be fully aware of any Electricity Trust easements before he purchased the allotment. The clause does not give the trust any power to obtain easements over existing subdivisions or existing houses, nor does it apply to overhead transmission lines. The objective of the clause is merely to enable easements for the undergrounding of electricity to be established quickly and simply, on negotiation with the subdivider, before any sale of the land in small allotments.

The Hon. C. M. HILL: I thank the Minister for his explanation and ask leave to withdraw the part of my amendment that was to strike out new paragraph (*e*).

Leave granted; amendment withdrawn.

Amendments carried; clause as amended passed.

Clause 23 passed.

Clause 24—"Power of Authority to acquire land."

The Hon. A. F. KNEEBONE: I move to insert the following new subsection:

(2b) The provisions of subsection (2a) of this section do not affect the principles upon which compensation in respect of the compulsory acquisition of land is assessed.

The amendment is moved to avoid any doubts regarding the amount of compensation payable before land is acquired compulsorily.

Amendment carried; clause as amended passed.

Remaining clauses (25 and 26) and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 7—"Provisions as to appeals to the board"—reconsidered.

The Hon. R. C. DeGARIS: I move:

In paragraph (*d*) to strike out new paragraph (*d*) and insert the following new paragraph:

(*d*) any factors—

(i) tending to promote or detract from the amenities of the locality in which the land is situated, the conservation of native fauna and flora in the locality or the preservation of the nature, features and general character of the locality; or

(ii) tending to increase or reduce pollution in, or arising from, the locality in which the land is situated.

This amendment is similar to the amendment that has been included in clause 15.

The Hon. A. F. KNEEBONE: I accept this amendment, which is consequential on the other mentioned by the Leader.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 3, 8 to 10, and 13 to 22 but had disagreed to amendments Nos. 2, 4 to 7, 11 and 12.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Lands): Mr. Chairman, I will be guided by you on how we should best proceed. It is my intention that, regarding the amendments which were made by the Legislative Council and to which the House of Assembly has disagreed, the Committee do not insist on its amendments. I will be guided by you, Mr. Chairman, on whether we should deal with them *en bloc.*

The CHAIRMAN: All honourable members have a copy of the schedule. If there is no objection the Minister can proceed in that way.

The Hon. A. F. KNEEBONE moved:

That the Council do not insist on its amendments to which the House of Assembly had disagreed.

The Committee divided on the motion:

Ayes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), and A. J. Shard.

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

Majority of 9 for the Noes.

Motion thus negatived.

Later, the House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 2.45 a.m., at which it would be represented by the Hons. M. B. Cameron, T. M. Casey, L. R. Hart, C. M. Hill, and A. F. Kneebone.

At 2.45 a.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 5.23 a.m. The recommendations were as follows:

As to Amendment No. 2:

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendment:

Clause 10, page 5, lines 18 to 21—Leave out paragraph (*b*) and insert new paragraph as follows:

(*b*) by striking out subsection (5) and inserting in lieu thereof the following subsections:

(5) Subject to subsection (5a) of this section, the authority may, by instrument in writing, delegate any of its powers or functions under any planning regulation—

(*a*) to the council of the area to which the planning regulation applies;

or

(*b*) to any other person or body of persons.

(5a) Where a planning regulation applies to the area of a council, no delegation shall be made under subsection (5) of this section until the authority has submitted to the council its proposal for the delegation of its powers or functions, and has considered any representations made by the council within a reasonable time after the submission of that proposal, in relation to the proposed delegation.

and that the House of Assembly agree thereto.

As to Amendment No. 4:

That the Legislative Council do not further insist on its amendment but make the following amendments in lieu thereof:

Clause 11, page 7, after line 30—Insert subsection as follows:

(la) A declaration shall not be made under this section unless at least one council whose area is, in the opinion of the Governor, affected by the application has, by resolution, declared its approval of the proposal that the application should be dealt with by the authority.

Lines 34 to 36—Leave out "with the application as if it had been made to the authority in accordance with this Act", and insert "to consider and decide the application".

After line 36—Insert subsection as follows:

(3) A decision of the authority made upon consideration of an application under this section shall, for the purposes of the planning regulations under which the application was made, have the force and effect of a decision of the council under those regulations.

and that the House of Assembly agree thereto.

As to Amendment No. 5:

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendment:

Clause 13, page 8, lines 17 to 24—Leave out subsection (2a) and insert new subsection as follows:

(2a) Before a council gives public notice of a recommendation under subsection (2) of this section, it shall submit that recommendation to the authority and the authority may direct the council to make such alterations of form (but not of substance) as may be desirable to promote consistency of form between planning regulations.

and that the House of Assembly agree thereto.
As to Amendments Nos. 6 *and* 7:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 11:

That the House of Assembly amend this amendment by striking out the word "fifteen" and inserting in lieu thereof the word "thirty", and that the Legislative Council agree thereto.

As to Amendment No. 12:

That the House of Assembly do not further insist on its disagreement.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That the recommendations of the conference be agreed to.

I think the managers will agree with me when I say that the atmosphere in which the conference was conducted was most amiable. All managers, from both Houses, tried to reach a suitable agreement to be recommended to their respective Houses. I am sure the managers from this Chamber will agree with me that the recommendations we have brought back to this Chamber are as good as could have been achieved. In my opinion, they are satisfactory.

The Hon. L. R. HART: I endorse the Minister's remarks. It was one of the most agreeable conferences that I have ever had the pleasure of attending. From the outset there was a move from the managers from both Houses to arrive at an agreement. The attitude of the Minister in charge of the Bill from another place contributed greatly to the final decision. It seemed to be his attitude that he would endeavour to accommodate the wishes of the Council. I should like to express our appreciation of that attitude. I agree with the Minister of Lands that the ultimate result is as good as the Council could wish for. An endeavour was made to accommodate the wishes of local government in South Australia, and I believe that the conference result will bring about better public relations between the authority and local government.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendations of the conference.

NORTH HAVEN DEVELOPMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3339.)

The Hon. C. M. HILL (Central No. 2): This Bill deals with the proposal to develop an area of land on the LeFevre Peninsula, which estate will in due course be known as North Haven. The Government expects that low-cost housing will be provided for those people who work in the general industrial region of Port Adelaide. Although the Bill has run the gauntlet of a Select Committee in another place, I cannot help pointing out that there has been considerable haste in getting this measure through Parliament.

One of the problems that Governments encounter when they find they must resort to such haste is that inevitably serious issues cannot be examined as fully as they would otherwise be examined. One such matter concerns the 40 acres of open space in this region. Many of those interested in conservation have made representations to honourable members, expressing alarm that due consideration and, indeed, a full investigation have not taken place regarding the possibility of maintaining this natural rural part of the region.

It is a great pity in metropolitan Adelaide that optimum consideration is not given to preserving areas of natural scrub land and rural growth in the general course of development and change. This is tragic because, once they are destroyed, one does not see these areas again where the people want to see them—close to home.

Those who have contacted me have been associated with youth work in the Port Adelaide area. They are indeed disappointed (and I echo their disappointment in this Chamber) regarding the Government's attitude in not preserving this area of land, which they believe ought to be preserved to maintain the natural heritage of the area and to provide people with this unique rural setting. In the general cause of speed and haste, such consideration seems to have gone by the board.

I notice in the Select Committee's report that reference to this aspect is made in paragraph 9. I was pleased to see that the Chairman of the Select Committee, and no doubt all its members, appreciated the sincerity with which submissions were made to the Select Committee. If we were not being rushed along at the speed at which we are moving on this legislation, with the session now drawing to a close, better and deeper consideration could be given to this aspect. Had that happened, those interested in conservation would have had time to interest other people in their cause. If people are given more time, they have greater bargaining strength to summon up in debate. However, they did not on this occasion have that time factor on their side, which is a pity.

Against that, and to balance the matter in some way, I commend the Government for

ensuring in this proposal that excellent recreational facilities will be provided for the workers of this area who will occupy the houses being built there. They will have at their disposal a golf course, boating facilities with a ramp, and other installations of that kind so that those in lower-priced houses and those who work in the factories will have a splendid opportunity to use their leisure time in recreational pursuits of that kind. I give everyone full marks for considering the cause of the workers in this regard. The Bill in fact ratifies and approves the indenture entered into. One of the parties involved in the indenture, and the party no doubt which will involve itself in considerable financial investment, is the Australian Mutual Provident Society, a business entity in this State, and in Australia as a whole, highly respected as a business enterprise. It is pleasing to see that enterprise investing in such a venture in South Australia and investing, in the main, to the benefit of the South Australian people.

I have a query regarding clause 19. In his explanation, the Minister said this dealt with the construction of two railway crossings at the expense of the society, but to be built to the specification of the South Australian Railways Commissioner and the Commissioner of Highways. I wonder whether the Government has overlooked the fact that it would have been planning of the most modern kind if overway crossings had been stipulated instead of railway crossings, which I assume will be open crossings. I know the Chief Secretary is very keen about this matter, because he was always asking questions about railway crossings.

The Hon. A. J. Shard: And I am still doing it.

The Hon. R. A. Geddes: Does he get any replies?

The Hon. C. M. HILL: The same as he has got for some years! There is a dangerous crossing in the Chief Secretary's electorate. We have to reach the point some time in our South Australian planning when, generally speaking, overway crossings must be built. Unless we reach that decision and practise it from that point on, we will never achieve what has been done in the other States, particularly in New South Wales and Victoria, for the past 30 or 40 years.

The Hon. T. M. Casey: It might be cheaper to go underground.

The Hon. C. M. HILL: It might be cheaper, and it might not be. The question of costs always arises, and I know someone must pay. If the developer must pay, the extra cost is always passed on to the consumer. Nevertheless, when one realizes the danger these open railway crossings present, despite the most sophisticated and modern equipment that can be installed, most people will agree that it is necessary to investigate closely the question of initial planning for overway crossings as accepted policy.

I have not seen the indenture which the Bill ratifies. I do not know whether the Minister has a copy and whether any reference is made in it to this matter. As he has explained the Bill, and as I read it, I am quite sure that overway crossings are not to be built. It is a great pity. However, if there is any further opportunity once the indenture has been ratified of adjustments in planning being made between the parties concerned I hope that aspect might receive due consideration.

Other than my complaint on that subject, I support the Bill and trust that the whole development ultimately is completed and that those who live in the new suburb of North Haven will enjoy happy and contented lives in the new environment.

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

ROAD TRAFFIC ACT AMENDMENT BILL (ALCOHOL)

In Committee.

(Continued from November 22. Page 3349.)

Clause 9—"Compulsory blood tests."

The Hon. H. K. KEMP: There is no objection to clause 9.

Clause passed.

Title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3322.)

The Hon. C. M. HILL (Central No. 2): It seems that it is again necessary this session to amend the principal Act. We can understand this as it is proper that the Government of the day should keep up to date with representations made to the Motor Vehicles Department for changes to be made because of the ever-changing traffic scene on the roads. Therefore, these Bills are generally Committee Bills and comprise clauses involving separate matters. This is such a Bill.

In many ways I commend the Government for introducing these changes. Motorized wheelchairs have been considered by the Government, which is of the view that some

motorized wheelchairs do not appear to be more dangerous than bicycles and unmotorized wheelchairs on the road, so exemptions are made for the benefit of handicapped people, and these wheelchairs are exempt from the provisions of the Act.

A similar exemption is made for motorized power mowers. Most of the Bill concerns itself with assistance for caravan traders and dealers. Previously, these business people were forced to purchase general traders plates so that they could move these vehicles from point A to point B. For example, caravan dealers in some cases had to go to other States and tow back half-a-dozen caravans in convoy, each employee of the dealer towing a caravan. It was found that the expense of providing traders plates was high, because naturally that type of vehicle is not usually sold by demonstration on the roads, whereas secondhand car dealers are using traders plates all the time because they attach them to vehicles taken out by potential buyers. But, generally speaking, the caravan buyer is not concerned with the towing of the caravan: he is concerned with the actual caravan. So, for a long time, traders plates were not being used by business people who used them only to tow caravans from the manufacturers to their yards or when they delivered them to customers.

I recall that a year or two ago this group of people contacted me and discussed their worries on this matter. I recall, too, that I suggested to them that the best procedure would be to make direct contact with the Minister of the day to see whether their representations could be approved. In this case that has happened. I am pleased that these people will receive a fairer deal than they have got previously.

The Bill also makes two other relatively small changes. It gives a discretionary power to the Registrar of Motor Vehicles to issue temporary drivers licences. Apparently, there is a need for them when holders of drivers licences have been overseas and their licences have expired before they can make a normal application for renewal. In such cases, they need temporary licences. This provision gives the Registrar some flexibility; it is a commonsense measure.

The last point covered in the Bill is that some flexibility is given to the Minister in the form of a discretionary power to fix an approved insurer under the new scheme of the vehicle insurer being named by the applicant for a licence or by the Registrar when a vehicle registration comes to be renewed. As I say, in the main this is a Committee Bill. It has my support.

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

MINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3354.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I wanted to investigate this Bill, particularly as it amends section 19 of the principal Act. It was that provision that caused us great difficulty in 1971; however, after much debate and negotiation, a satisfactory provision was finally drafted. This Bill amends that provision. I have examined the principal Act and the Bill, and I find that the Bill really redrafts section 19 (3) of the principal Act and adds another paragraph to it, as follows:

(*b*) Where the area, or any portion of the area, to which the application relates was at the commencement of this Act, and at the date of the application, subject to a mining tenement.

This means that new subsection (3) will allow the Minister to reject an application under subsection (1) for a private mine where, in his opinion, the mining operations have been insignificant or have not been genuinely conducted for the recovery of minerals. The new provision also provides that the Minister may reject an application for a private mine where the area is subject to a mining tenement. This is reasonable, and I approve it. The balance of the Bill deals with some major amendments in connection with the opal field. We all appreciate that there has been much difficulty from unlawful elements that have engaged in criminal activity on the opal field. Whilst I have not examined that part of the Bill thoroughly, I know that the Hon. Mr. Whyte has. I heard him speak on it yesterday, and I am willing to accept his verdict on it. I support the second reading.

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

EDUCATION BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3321.)

The Hon. R. A. GEDDES (Northern): I support this Bill, which deals with the administration of the Education Department. It results from the Karmel report, which was commissioned by a former Minister of Education, Mrs. Joyce Steele. That report has become recognized throughout Australia as an excellent reference to the problems of modern-day educational administration. This Bill is the first

part of a review of education in South Australia. In his second reading explanation, the Minister said that another Bill would be introduced next year dealing with possibly the more interesting aspects of upgrading education. This Bill provides for changes in the composition and powers of the Teacher Appeal Board, and it provides for the establishment of a Teachers Registration Board. Further, the Bill provides for a common retiring age for men and women teachers, so that any teacher may retire at the age of 60 years or between the ages of 60 years and 65 years.

The Bill repeals the provisions of the existing Education Act with respect to religious instruction and provides for regulatory powers in connection with a new system of religious instruction in schools. Although the Karmel report recommended that all people employed by the Education Department should be under the care and control of that department (instead of the Public Service Board), the Bill does not implement that recommendation. Instead, the Public Service Board has agreed to delegate its power of appointment of all professional educators of inspectorial rank or below. This delegation will include all the other types of people employed in the Education Department in these complex days—teacher aides, clerical staff, etc. Further, there is to be registration of non-government schools in South Australia. This will help to complete yet another link in the chain of nationalization and control by central Government authority of one of the oldest educational links in the State's history. It will help drain the vitality and initiative of one of the most efficient educational media, whose pride in its ability to give religious and academic teaching and freedom in educational experimentation will, I believe, be lost for all time. I use those words with sincerity, even though this matter is not dealt with in this Bill.

It is another link in the chain whereby the pride and freedom of the private educator who has always been able to initiate and explore new avenues of education will be subjugated to the control of central Government authority. It is interesting to think back to the years when Sir Robert Menzies was Prime Minister of Australia. He promised a grant to private schools in Australia, but the Australian Labor Party condemned and criticized him for it. I wonder whether those people who agitated for assistance to private schools back in 1962 or 1963 could have known what the outcome would be if this type of dragnet were to take place throughout Australia. Certainly the example will start in South Australia. But these are problems for the forty-first session of this Parliament, and who knows what the fate of this Parliament will be?

One must not forget the abuse from the A.L.P. of the Hall Government, particularly of Mrs. Steele (who initiated the Karmel committee), when it used the catch cry of "a crisis in education" and the pressure-pack of abuse and criticism that grew to a crescendo at the last State election. Strangely enough, it died the day this Government was elected to office. A constant amount of abuse has since been levelled at the Commonwealth Government for its alleged inability to provide this State with sufficient finance for education and for all other facilities. Yet that cry cannot be raised with a similar crescendo that the crisis in education brought, because the Government knows as well as I know that this State receives $194 a head of population from the Commonwealth Government, whereas New South Wales receives only $142 a head of population.

I now turn to the Bill and touch on some of the facets of it which I noticed during the work I did on it. A teacher may teach for a period of up to two years in order to receive his or her permanent appointment to the service. What will happen to the person who leaves teachers college, whose course is being provided by the Government and who has a three-year bond? I have been told that, even when the bond has time to go, once a teacher shows his ability he can be licensed and appointed to the department on a permanent basis. Clause 16 provides:

> Where the Minister is satisfied that—(*a*) the volume of work in any section of the teaching service has diminished; (*b*) in consequence a reduction in staff of the teaching service has become necessary in the interest of economy; and (*c*) an officer should be retrenched for that purpose.

The papers in the last few days have been showing headlines to the effect that Mr. Cavanagh, of the Miscellaneous Workers Union, has been saying that, because a firm had been unable to find orders for its gloves, its doors were to be closed and the staff was to be retrenched. Obviously Mr. Cavanagh's attention has not been drawn to the fact that the Government sees a need to introduce similar provisions to those which private industry has when it has been up against the problem of appointing staff and finding jobs for them. Clause 20, which deals with pro rata long service leave, also provides accouchement leave. There is a new clause which gives a woman the opportunity to take

pro rata long service leave to undertake the care of an adopted child under the age of two years. The main parts of this clause have been taken from the Public Service Act, although the provision for a mother to adopt a child and to look after it is new. I congratulate the authorities who have seen fit to advise the Government of the need for this provision. One must not forget that the men and women in the profession number many thousands.

The Hon. D. H. L. Banfield: Why don't you congratulate the Minister?

The Hon. R. A. GEDDES: I am making this speech. With the number of teachers we have in each area in the State today it is only fair and right that the legislation should allow for a woman to adopt a child and be given pro rata long service leave. Clause 25 (3) provides:

> On or before the appointed day, every female officer who is, or will be, of or above the age of forty-five years on the appointed day shall elect whether she desires to retire at the conclusion of the school year in which she attains the age of fifty-five years.

This is not a criticism, but I question the ability of any person to nominate 10 years in advance whether he or she wants to retire. I have been told that this clause is for those who are about 45 years of age now; it is a provision for those women who would normally retire at 55 years of age, as applied under the old Act. Three principal new boards are to be appointed under the Bill, namely, a Teachers Salary Board, a Teachers Appeal Board and a Teachers Registration Board. One interesting facet dealing with these boards in general is that, naturally enough, people will be asked to give evidence and to state their case. Any person who has been served a summons to attend before a board and who fails without reasonable excuse to attend, or who has been served a summons to produce books, documents or papers and fails without reasonable excuse to comply, or who misbehaves himself before the board or refuses to answer any reasonable question, shall be guilty of an offence and liable to a penalty not exceeding $500. If a person was insulting or offensive to a schoolteacher, and that teacher wanted to lay a charge against him, the offender would be subject to a maximum fine of only $200. This is ridiculous, especially when, if the salaries board, the appeal board or the registration board considers that those appearing before it have not complied with its requests, those people can be subjected to a maximum fine of $500.

The Council having dealt with the Industrial Conciliation and Arbitration Bill, one must look with care at clause 39 (3), which provides:

> An award may, if the board is satisfied that it is proper that the award should so provide, declare that any salary or payment fixed by the award shall be payable as from a specified date prior to the date of publication of the award in the *Gazette.*

Having asked departmental officers about this clause, which came to my attention, I have been told that when appointments are being made to new positions there is a time lag in recognizing appointees and their additional responsibilities.

The Teachers Registration Board is to consist of a Chairman appointed by the Governor, two persons appointed by the Director-General of Education, two members from the Institute of Teachers, one from the independent schools, one representing the Director of Catholic Education, and one from the Board of Advanced Education. This is one of the newest types of registration of teachers in South Australia, and the board is to comprise eight members. I wonder why it is necessary to have such a large body to register and continue to keep records of and hear appeals by teachers.

It is interesting to see that the independent schools have been recognized and that the Director of Catholic Education is also to be represented on the board. The powers of the registration board and, indeed, those of nearly all the new boards seem to be wide. Indeed, they seem almost to have the powers of a Royal Commission. It would be wiser to allow these boards to operate for a certain period so that they can ascertain the aspects that need to be examined before a Bill is introduced next year.

In future, no "power-education" type of company will be able to teach any child of secondary school standard without being registered by the board. This means that there will be a complete record of all teachers throughout the State and of their ability and capability. The only flaw I can see is that those people who sell gramophone records to teach French in easy lessons will not have to be registered.

Clause 5 defines the term "non-government school". This definition, which is a direct copy of that in the principal Act and which gives the Minister power to check that non-government schools are doing their job and complying with his requests, interested me.

There is a new departure in relation to school councils, in which much responsibility is being vested. In future, the school council will be a

body corporate with a perpetual succession and common seal, and it will be capable of holding and dealing with real and personal property. It will also be capable of acquiring or incurring any other legal rights or obligations, and of suing and being sued. Therefore, any honourable member who has been on a school committee of olden days will be completely outclassed by the modern school council that will grow following the passage of this legislation.

I only hope that, in relation to regulatory powers spelling out what will constitute a school council, the privilege that has been granted in the past of members of Parliament being able to elect certain representatives on secondary school councils will not be included. Grace and favour appointments are not as suitable now as they may have been in the glorious past. An article in the press recently stated that the Marion High School had bought about 150 acres of land on the South Coast for conservation purposes. Other schools will in future be permitted to continue performing that sort of function.

One can imagine the differences between the stories told by Charles Dickens in his day, with the poverty he experienced, and those told by parents and children today, who are able to get money together and buy broad acres so that the children can see what it is like to escape from the noise and rush of the city. I am concerned about clause 83 (1), which provides that the Minister may establish a council for any Government school, or schools. The definition of "school" is "any Government or non-government school". If the clause was read in that light, it would mean that school councils had the right to borrow money through a school loans advisory committee. It could mean that non-government schools would be able to borrow money on a $1 for $1 basis to enable them to build schoolrooms, assembly halls and other buildings of a permanent nature. Will the Minister therefore examine this matter to ascertain whether non-government schools can take advantage of these new provisions?

The Hon. T. M. Casey: It stipulates Government schools there, doesn't it?

The Hon. R. A. GEDDES: It refers to "any Government school, or schools". I should therefore like this matter to be clarified. Clause 102 (1) provides:

> Regular provision shall be made for religious education at a Government school under such conditions as may be prescribed at times during which the school is open for instruction.

Subclause (2) provides:

> The regulations shall include provision for permission to be granted for exemption from religious education on conscientious grounds.

The heads of churches have had meetings regarding religious education in schools, and honourable members would realize that it is possible for churches to have half an hour's religious education in schools each week. It has been proved that with changes in education and in the way children are now being taught, this method is no longer valid or effectual. A small committee of the heads of churches was set up, consisting of Bishop Gallagher, Pastor Koch, Dr. McArthur, Bishop Renfrey and the Rev. Webb. The committee came out with some extremely interesting points, and I should like to quote from its report, as follows:

> We believe that the aims of religious education in Government schools should be:
> 1. to explore explicitly the place and significance of religion in human life;
> 2. to make a distinctively Christian contribution to each pupil's search for a faith by which to live;
> 3. to avoid both proselytism and indifferentism in showing a united approach to religious education in Government schools in which an agreed syllabus will be taught in a class by accredited teachers within the general curriculum.

Ministers of religion have been allowed to go to schools purely to give religious instruction, and this is being phased out. The teachers in the schools will be instructed in bringing religion into the curriculum on a much broader base. Instead of teaching Bible studies, religious instruction will be brought into English and history lessons and other facets of the teaching curriculum in the primary school stage. It is expected, I understand, that not until the latter years of the secondary stage will there be a more positive teaching system for the principles of Christian faith and Christian education. Lay teachers will have to assist departmental teachers because of the right to conscientious objection. These lay teachers will have to be trained, and I hope the Education Department will be able to assist so that the lay teacher will be able to get the message of the teachings of the Christian faith to the modern child.

I thank the Minister of Education for allowing two of his senior men to talk with the Hon. Mr. Springett and me this morning—Mr. Tattersall and Mr. Wilson. We were able to go through the Bill. As members realize, this is a complex Bill and not one that should be treated frivolously. Because of the questions we were able to ask and the

answers we received, the situation was helped tremendously. Mr. Wilson has been on the administrative side of the Karmel committee since its inception, and has been working on the Bill for some years. That ensured that the advice he gave was accepted. I have conscientiously studied the Bill and I believe it to be a fair attempt to revise the administration of the Education Department. My only valid criticism is that if a person fails to give evidence before a board he may be fined up to a maximum of $500. I support the second reading.

The Hon. JESSIE COOPER (Central No. 2): We have been presented here with a Bill which we have been assured is basically a revision of the Education Act, a revision which has been taking place, we are told, for a number of years. We are being asked to accept this Bill within a week and a day of its being presented to Parliament. This Bill makes great variations to the rights and conditions of service of members of the teaching profession. It makes considerable variations in the powers of the Minister and in the ability of the Government to control the education of the youth of South Australia. It furthers the present infatuation with the concept of departmental autonomy in all spheres of education.

We have been informed that, parallel to this Bill, the Government is having prepared a Further Education Bill and is considering a scheme for what is called the registration of non-government schools. One would have imagined that, to have gained a proper view of the State's requirements in the matter of education and of the requirements of Parliamentary Acts on the matter, it would have been necessary to consider both Bills at approximately the same time. We have had no satisfactory explanation from the Minister as to why this Bill should be accepted with such haste. After all, the Education Act has been amended frequently, the most recent occasion being in 1970.

I acknowledge that on this occasion the Minister has been most helpful in arranging for members to meet senior persons in educational circles, but the fact remains that there has been no time for study of the Bill in depth. I must here draw attention to what I consider the duties and responsibilities of Parliament and its members. Members of Parliament represent various constituencies and, more importantly, a wide range of constituents who have every imaginable interest and who still have just a few rights left to them. Parliamentary procedure has been designed in such a way that Bills, when presented, should then go through the triple reading system with some time delay, so that members of the public may become cognizant of the subject of the Bills, so that interested parties may examine them and study their potential effect, and so that members of the public shall have the right to contact their Parliamentary representatives and inform them in time of their wishes, their hopes, and their fears.

In this way, the representatives of the people in the Houses of Parliament may truly be representative. What do we find? This Bill, a complete revamping of the Education Act, a Bill, the existence of which was not brought to the attention of the public until the introduction in another place last week, now coming to us as a *fait accompli.* If we, the representatives of the people, should dare to criticize any aspect of the Bill, I can guarantee that the Minister will assure us dramatically that all interested parties have been consulted and are in happy agreement with everything put before us. Let me assure the Minister and this Parliament that the largest interested group in this matter, the million-odd people of South Australia, has not been consulted or yet informed of what is proposed nor, I believe, have the majority of teachers and school councils. I wonder to what extent headmasters have been consulted, or the councils of independent schools. For example, to what extent have these latter councils been consulted in the matter of that vague term "registration of non-government schools"—and indeed, what does that term mean?

The way to kill or destroy Parliamentary government is to prevent its methods, evolved over centuries, from functioning, to supply members with too little background information, to deny members time to analyse the proposals, to deny them, indeed, time to consult the people they are presumed to represent. At present, when political slogans are the order of the day, I give you this one—"What a way to govern!" We were asked to rush through the Torrens College of Advanced Education Bill. We were assured that it was widely accepted as necessary; that indeed it was lauded by everyone concerned. And what was the truth of the matter? There was disappointment among some, tension among others, and dismay among many.

This Bill is an even worse case—introduced, debated, amended and passed in another place in a matter of two or three days, and we were told that it had been considered for many years. Surely honourable members in this

Chamber warrant more courtesy. What a way to govern! My attitude to this Bill and some of its detailed proposals, which I will examine later, will be influenced by the Government's attitude, but I assure honourable members that, if I find that I have insufficient time to see any of my constituents who wish to interview me and if I have any indication that there is any dissent from what the Government is intending to do, I shall then refuse to accept the Bill in the hope that Parliament will force the delay necessary to enable the Bill to be disseminated and studied.

I turn to the Bill in more detail, but of necessity briefly. The major areas of change proposed are (1) the right of appeal by a teacher against disciplinary action, (2) the registration of teachers, (3) the responsibility for the education of handicapped children, (4) the repeal of provisions relating to religious instruction, and (5) a common retiring age for men and women. There are also minor but important enough changes in long service provisions.

I want to speak about the second point, which is the most radical change. It is in line with the Karmel report. We know that the Minister has discussed this matter with the South Australian Institute of Teachers and Education Department officers but we have not been told of any fruitful discussion between the Minister and the independent schools. Of course, from a general point of view, the registration of teachers has been talked about and argued about for many years and we know the good points of it; but there are a number of things that must be considered in this matter. I can think of one problem that will crop up almost immediately. There may well need to be many instances of provisional registration.

The next thing I am interested in is that we are told again and again (and I understand it is true) that there is a great shortage of science teachers. In recent years we have become more and more aware of the fact that we are turning out many science graduates of a good standard who are unable to get jobs. In fact, the more advanced they are these days, the more difficulty they often have in finding suitable jobs in the Australian community. Surely, then, they would be most useful and valuable in the teaching world, unless they were completely unsuitable by temperament. I believe that clauses 61 and 62 cover this situation adequately and I hope that the whole idea of registration will prove beneficial to parents, pupils and teachers alike.

The third of my list of changes I should like to mention is one where I can congratulate the Government most sincerely—the realm of education of handicapped children. I agree entirely with the Minister when he states:

> The new Bill provides for compulsory enrolment and attendance at school in appropriate circumstances for handicapped children. This enacts a provision which has been recommended most strongly by the Psychology Branch of the Education Department. It is felt that there are many cases where parents of a handicapped child act mistakenly in not permitting a child to attend school when considerable benefit could be gained by so doing.

Frankly, I can understand it very well. Parents love their children and show it by their attitude towards them. I have had personal experience of the value to a handicapped child of a formal education. It occurred in a college during the war years and concerned a child stricken by cerebral palsy who, at the age of eight, was entered by her parents in the college on the staff of which I was employed at that time. Her parents were worried about her. This child was strong and determined, though a trifle wilful, and she had been taught privately at home. Her parents thought she should learn to take her place among her contemporaries and fight, as it were, for her place in the sun. She entered a class of her own age group and immediately responded to the class environment; with a patient teacher, she gradually mastered her difficulties by learning to type with her one good hand while sitting on her uncontrollable hand. She was called for by her parents but one day she revolted and managed to go on the school bus and the train and arrived home under her own steam. From that day on she achieved an independent confidence and happiness. She wrote poetry and had it published. She became quite famous in New South Wales. In her senior days at school she became a school prefect, a most coveted honour in any school. I hope that will become the story in South Australia and that the Government will have great success with this type of education. I support the second reading.

The Hon. V. G. SPRINGETT (Southern): I rise to speak to this Bill. Like the previous two speakers, I am greatly concerned at and somewhat perturbed by the way in which it has been brought into Parliament so late in the session so that Parliament has been given very little time to deal with this enormously important matter to every family in the State. The full impact of this Bill, when it becomes an Act, will not be felt until next year, when

a Further Education Bill will come before Parliament and when at the same time next year legislation dealing with non-government schools will also come before us.

The most important thing about education is the quality of the staff. As was said by one of the greatest educators many centuries ago, "Give me a tree stump and a scholar and I have a perfect school." Far better that than magnificent buildings and a plenitude of staff. However, the staff is most important, and I believe that the Education Department of this State has been doing its best to ensure that the quality of the staff is coming up to the standard that we all desire. The equipment in our schools is growing in quality and quantity; in my order of priorities, I put buildings third.

As the Hon. Mrs. Cooper said, we have a responsibility to those whom we represent to see that their children get what they are entitled to and deserve—the best possible education. The honourable member also referred to the Bills we have dealt with in the last week, one of which dealt with changes in the set-up of teachers colleges. We are seeing an increase in the size of teachers colleges and in the variety of the courses that they offer. Obviously, a wasting of teachers occurs, particularly women teachers, who get married, have families, and do not always come back to schools as teachers. However, there is an increasing trend for such women to return to the teaching service.

The size of classes is very important, and every attempt is being made to reduce class sizes to manageable proportions. Facilities for sport and for the care of students' physique are all part of education. It has been fascinating, although a ridiculously hurried process, to study this Bill in the last few hours. If, as a result of the rush, we are unable to cover every point that should be covered, it should not be put at our door: it should be put at the door of those who introduced this Bill too late.

The composition and powers of the Teachers Appeal Board have been widened so that an appeal will lie against disciplinary actions imposed by the Director-General on teachers. Also, an appeal will lie against any decision of the Minister acting on the recommendation of the Director-General to dismiss a permanent member of the teaching service.

Because more and more qualified teachers are being appointed to schools, we are approaching the stage where only fully qualified, competent persons will be allowed to teach. However, let us not make the mistake of thinking that the only people who are capable of teaching are people who have a string of letters after their name. I would rather have an understanding, good person as a teacher than have a high-brow academic with nothing else.

Reference has been made to a probationary period during which a person can teach; that is reasonable. Other professions have a pro-probationary period; for example, in my own profession of medicine, after people have qualified, they have to do one year in a hospital before they can enter private practice. The Bill provides that teachers in Government and non-government schools must be registered.

Regarding independent schools, for some time now the Government has to some extent been paying a little to the piper, and the Government is now reaching the stage where it can call the tune; I believe that the tune should be called to a certain extent, but I hope the Government will realize that, if it goes beyond a certain point, it may destroy the value of independent schools.

There is to be a common retiring age for male teachers and female teachers—at any age between the ages of 60 years and 65 years. This move is being made at a time when there is a shortage of teachers and when the authorities are stressing that people should work until they reach an age when they are unable to do so. It seems nonsensical that we should help people to live longer while at the same time we refuse to increase the age up to which they can work, except on a grace and favour basis.

Of course, some people will cross swords with one another on the question of religious instruction. I believe religious instruction is a good thing, and I believe wholeheartedly in the idea of independent schools with a religious basis. Some provisions in the Bill ensure continuity between the old Education Act and the new legislation; clause 4 is an example of such a provision.

In future the Education Department will have two Deputy Director-Generals, and the post of Assistant Director-General will be dispensed with. One Deputy Director-General will be responsible for schools, and the other will be responsible for resources. I love terms such as these—methodology, for instance! Really, I like the old-fashioned words, such as plain method.

The question of retrenchment is dealt with in the Bill. In one breath the Government says that it must have the power to retrench;

however, when an industry attempts to cut its coat according to the cloth and to retrench staff because of lack of trade, the Government is in the vanguard of those who make a loud noise about the question of service of those who are likely to be dismissed. However, when the Government is the employer, it realizes that sometimes retrenchment cannot be avoided. Clause 17 provides:

(l) Where in the opinion of the Director-General, an officer is, by reason of invalidity or physical or mental incapacity, unable to perform the duties of his office and the incapacity is of a permanent nature, the Director-General—

(*a*) may, by a written determination under his hand, transfer that officer to an office or position of reduced status and alter the classification of the officer accordingly.

I have a picture in my mind of a similar affair being discussed a few days ago at union level of a man who, because of illness, was to be downgraded. His fellow workers came out in strong support to say that it was wrong to downgrade a man because he was unfit to work. It would be good if the Government were to try to readjust these two points.

The Hon. T. M. Casey: What's your opinion?

The Hon. V. G. SPRINGETT: Each case should be judged on its merits. If a person cannot do a reasonable job of work he should be pensioned off; but if he can do a good job, he should keep going with pride and dignity as long as he can. There is no sex discrimination now, and people will be able to retire between the ages of 60 and 65 years. I again emphasize that it seems absurd that, at the same time as we do that we are saying to people, "Stay at work. It is good for your health, and the country needs your services".

The Classification Board is important, because it will classify the level at which people will work and the level at which they will receive their remuneration. The board's decision is subject to appeal. The Teachers Salaries Board shall consist of the Chairman, who shall be a judge of the Industrial Court, or a special magistrate, appointed by the Governor on the nomination of the Minister; a person appointed by the Governor on the nomination of the Minister; and a person nominated by the Institute of Teachers after holding elections in accordance with regulations. This is important.

The Board of Reference will correct irregularities in documents and declare how awards shall be interpreted. The board will ensure that the teachers' rights and the department's rights will be considered. Regarding the promotion list, a teacher will have the right of appeal for the exclusive promotion list and the special promotion list. I originally read the word "special" as meaning half secret, but what it means is a list of those who are specially trained to teach the handicapped and the disabled.

It is well worth bearing in mind and re-emphasizing what the Hon. Mrs. Cooper has said about handicapped children. Nothing is greater than to see society giving to handicapped children their right to take part in normal life commensurate with their age and ability. It is no good saying that every handicapped child is fit to go into any school or that every school is fit to receive a handicapped child: they must be matched.

There is nothing more wonderful than to see a handicapped child taking his place in normal society, and nothing more cruel than to see an ordinary child dealing unkindly with a handicapped child. This matter needs considerable attention. If this attention is not given it will be a hopeless failure; if it is given it will be a great success. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 22 passed.

Clause 23—"Transfer of teachers to other Government employment."

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

In subclause (2) after "leave" first occurring to insert "has been granted."

This is merely a drafting amendment designed to make the provisions of subclause (2) consistent with clause 24 (3).

Amendment carried; clause as amended passed.

Clause 24 passed.

Clause 25—"Retiring age."

The Hon. T. M. CASEY: I move:

In subclause (3) to strike out "shall" and insert "may".

The amendment will make the retiring age of females consistent with the retiring age of males. The purpose of subclause (3) is to enable female teachers who may be looking forward to retirement between the ages of 55 and 60 years to elect to retire between those ages; this choice is not intended to be compulsory.

Amendment carried; clause as amended passed.

Clauses 26 to 28 passed.

Clause 29—"Power to apply for reclassification of office."

The Hon. T. M. CASEY: I move:

In subclause (1) to strike out "the classification of his office" and insert "his classification": and in subclause (2) to strike out "office" and insert "officer".

These are merely drafting amendments. Classifications are assigned to officers and not to the offices they occupy.

Amendments carried; clause as amended passed.

Clauses 30 to 72 passed.

Clause 73—"Inspection on request."

The Hon. T. M. CASEY: I move:

In subclause (1) to strike out "inspector" and insert "appropriate officer of the department".

This is a minor amendment to a clause that enables the Minister to assist a non-government school where his advice has been requested by the governing authority or the head teacher. Instead of sending an inspector to the school to offer advice, the amendment provides that an appropriate departmental officer can be sent by the Minister to assist the school.

Amendment carried; clause as amended passed.

Clause 74—"Secondary school districts".

The Hon. V. G. SPRINGETT: During discussions on this clause with departmental officers, the question was raised whether the provision means that a child must go to the school nearest to his home, as has occurred in the past and as will continue to occur for the time being. However, as more schools are becoming available, there will be increasing opportunities for parents to send their children to schools of their choice rather than to prescribed schools. This aspect is worth bearing in mind.

Clause passed.

Remaining clauses (75 to 107) and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments.

CONSUMER CREDIT BILL

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

INDUSTRIAL SAFETY, HEALTH AND WELFARE BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 3 to 12 without amendment and had agreed to amendments Nos. 1 and 2 with the following amendments:

Legislative Council's amendment No. 1:

Page 2, line 8 (clause 5)—After "in relation to" insert "(a)".

House of Assembly's amendment thereto:

Add after "(*a*)" the words "and leave out the words 'any mine as defined for the purposes of the Mining Act, 1971;'".

Legislative Council's amendment No. 2:

Page 2 (clause 5)—After line 9 insert paragraphs (*b*) and (*c*) as follows:

"(*b*) any mine as defined for the purposes on the Mines and Works Inspection Act, 1920-1970;

(*c*) any activity carried on under and in accordance with the Petroleum Act, 1940-1971, or the Petroleum (Submerged Lands) Act, 1967-1969".

House of Assembly's amendments thereto:

(*a*) Insert after "1920-1970" the words "other than works as defined for the purposes of that Act that are not situated on or adjacent to such a mine".

(*b*) Leave out the words "the Petroleum Act, 1940-1971, or".

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That the Legislative Council do not insist on its amendments Nos. 1 and 2, and that the amendments made thereto by the House of Assembly be agreed to.

In the interests of honourable members generally, and with the object of expediting the passage of the Bill, the Minister of Labour and Industry had certain consultations, as a result of which it appeared that the following new form of clause 5 could prove to be a satisfactory compromise:

5. Nothing in this Act shall apply to or in relation to—

(*a*) any mine as defined for the purposes of the Mines and Works Inspection Act, 1920-1970, other than works as defined for the purpose of that Act that are not situated on or adjacent to such a mine;

or

(*b*) any activity carried on under and in accordance with the Petroleum (Submerged Lands) Act, 1967-1969.

This is, as has been said, a satisfactory compromise to the difficulty experienced between the two Houses in relation to this clause.

The Hon. R. C. DeGARIS: I do not say that the compromise is satisfactory, but it is an improvement on the original Bill. As honourable members will appreciate, the argument relates to dual control by one department and another affecting matters of safety in industry. Whilst the suggested amendment to the amendment as it left this Council does

reduce a good deal the areas where there is dual control, nevertheless there still will be certain areas where both departments will have some say in relation to safety matters.

I am prepared to accept the House of Assembly's amendment; I believe it goes some way along the lines of meeting the objections of this Council to clause 5, and it does satisfy the general principle that we try to adopt in this place of getting away from dual control where inspections in mines and of work associated with those mines are involved.

Motion carried.

SWIMMING POOLS (SAFETY) BILL

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

TORRENS COLLEGE OF ADVANCED EDUCATION BILL

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

LIFTS AND CRANES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3323.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which updates quite a number of things in the Act. The effects on the community are minor, but it is necessary because of a change in the control of inspections, brought about by amendments in the Industrial Safety, Health and Welfare Bill. I will not take up the time of the Council by commenting further. I have studied the Bill in detail against the Act, and I recommend that the Council support the Bill.

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

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CONSUMER TRANSACTIONS BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 6 and 8 to 41 but had disagreed to amendment No. 7.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendment No. 7.

The amendment provided that the notice referred to in clause 15 must state the ground upon which the consumer purports to rescind the contract. I believe that the Committee should not insist on its amendment on this occasion.

The Hon. R. A. GEDDES: I do not insist on my amendment. However, I find it strange that, where a consumer purchases an article that is not acceptable and he wishes to return it, he can return it with no explanation in writing of the reasons why he is doing so. The Chief Secretary said that such a letter would have to be written by a solicitor. That was not my idea when I moved my amendment. My idea was that the person concerned should write a simple letter saying, "I return these goods for these reasons." Only the person supplying the goods would have a right of appeal to the tribunal.

Motion carried.

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3326.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This short Bill amends the principal Act and is consequential on the passing of the Education Bill. The Bill ensures that female teachers in the superannuation fund who wish to take advantage of extended periods of service after the age of 60 years (as provided for in the new Education Act) will receive an appropriate lump sum of money in addition to their pension. As I understand the position, a teacher who wishes to teach beyond the age of 60 can continue on her full salary and make no further contribution to the superannuation fund, receive a lump sum for the five years pension she will not receive and still receive a pension when she retires at the age of 65 years. With due respect to the Government and this Bill, it is time we had a male liberation movement! However, I see no reason to criticize the Bill. If it applies to both men and women, I do not know that I shall have much objection to it. However, I make that point as a protest for male liberation.

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

LAW OF PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3340.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill. Last session an amending Bill was before this Council dealing with this Act, and a new section

55a was then inserted, dealing with the enforcement of rights against a mortgagor. I suppose that the section may be summarized as being another aspect of the Government's consumer protection legislation. It provided that, before a mortgagee could exercise some of his rights under the mortgage, notices had to be given to the mortgagor. This was an all-embracing section which apparently caused some difficulty in commercial circles. The Government by this Bill now proposes to amend the section so that it shall apply primarily to mortgages given by natural persons in cases where the land is required for the private use of the mortgagor. I notice that the Government proposes some amendments to the Bill which are really drafting amendments but which will make the operation of the clause clearer. The amendments will provide that the mortgagor has to be a natural person and the land appropriated for domestic or agricultural use.

This use, whether for domestic or agricultural purposes, is to be supported by a statutory declaration. The Bill reduces the overall impact of the section. I imagine it will be of some use in commerce where, as has been said in other measures, corporations are able to look after their own affairs, are aware of the requirements of the mortgages into which they enter, and do not need the protection that the natural person does.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enforcement of rights against mortgagor."

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

In new subsection (5) to strike out "under which the mortgagor is a natural person except a mortgage of land appropriated to commercial purposes." and insert "where—

(*a*) the mortgagor is a natural person; and

(*b*) the land is appropriated for domestic or agricultural use.";

and to strike out new subsection (6) and insert the following new subsection:

(6) For the purposes of this section—

(*a*) land shall be deemed to be appropriated for domestic or agricultural use unless the mortgagor has made a statutory declaration that during the currency of the mortgage—

(i) no part of the land is to be used as a place of dwelling for the mortgagor's own personal occupation; and

(ii) in the case of land exceeding two hectares in area, no part of the land is to be used by the mortgagor for the business of primary production;

and

(*b*) where such a declaration has been made it shall be conclusively presumed that the land is not appropriated for domestic or agricultural use.

These are merely drafting amendments. The phrase "commercial purposes" which at present occurs in the Bill is rather vague. The effect of the amendments is to remove that phrase and insert in its place a reference to land appropriated for "domestic or agricultural use". In view of this new formulation, it has become necessary to redraft subsection (6). The redraft does not make any change of substance in the effect of this provision.

Amendments carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3342.)

The Hon. G. J. G1LF1LLAN (Northern): In general, I support the Bill, which tidies up some sections of the principal Act. One of the reasons for this Bill is that the minimum age for voting and for entitlement to enrolment has been changed. The Bill allows the returning officer to correct the enrolment of a person if that person has stated an incorrect subdivision in his application for enrolment; that kind of error in an application can easily be made because, following the change in electoral boundaries and the introduction of a computer, the details are now on one roll. New section 110 provides:

(1) If any voter satisfies the presiding officer that he is unable to vote without assistance, the presiding officer shall permit a person appointed by the voter to enter an unoccupied compartment of the booth with the voter, and mark, fold and deposit the voter's ballot-paper for him.

(2) If any voter satisfies the presiding officer that he is unable to vote without assistance, the presiding officer shall, at the request of the voter, mark the voter's ballot-paper in accordance with his directions and shall thereupon fold and deposit the ballot-paper in the ballot box.

Section 110 of the principal Act, which is repealed by this Bill, provides:

If any voter satisfies the presiding officer that he is unable to vote without assistance then that presiding officer, in the presence of another officer, shall mark the voter's ballot-paper in accordance with the voter's directions and shall thereupon fold and deposit the ballot-paper in the ballot box.

We have had this Bill before us for only a short time, and I do not have the second reading explanation here, but I believe that it suggested that the new provision gives some privacy to a voter who requests assistance; that could be so but, under the principal Act, the presiding officer and his assistants are responsible for keeping to themselves any knowledge that they may gain. However, a mere acquaintance of a voter would not feel so much responsibility in this respect. Many of the people eligible to vote under the principal Act have mental and physical disabilities. Before the provision I have just quoted was inserted in the principal Act in 1969, an unfortunate situation sometimes occurred in areas where people were known very well. Representatives of political Parties would watch out for people with mental and physical disabilities, and they would walk straight up to them as they approached polling places and lead them in. If the presiding officer was reluctant to confront people whom he knew in everyday life, the kind of situation I have described could easily occur. So, this is a backward step. Clause 16 strikes out paragraph (*c*) of section 151 of the principal Act relating to returns of expenses; that paragraph is unrealistic in these modern days, when money is spent on behalf of a candidate, without his knowledge, for television advertising, etc. So, the Government is being realistic in including clause 16 in the Bill. The only other clause I wish to query is clause 19, which provides the means by which how-to-vote cards may be displayed in polling booths. I believe that many hazards are involved in this matter because, human nature being what it is and polling booths being secret places to some extent (in that the people have the right to be unobserved), we might find how-to-vote cards not mutilated but altered. This could lead to confusion, and the officers in the polling booth would need to do some steady patrolling to see that the cards were in proper form, unless they were displayed behind glass, which could not be done in some of the smaller booths.

The how-to-vote cards are to be in the prescribed form, which means that the format of the cards will be prescribed by regulation. I point out that, once this Bill is proclaimed, it is most likely that the next election will occur before Parliament has had a chance to consider the regulations. With the exception of clause 16, I support the Bill.

The Hon. JESSIE COOPER (Central No. 2): I am sure it will be a great disappointment to honourable members when I say that I will be speaking for barely two minutes on this Bill. The only matter to which I wish to draw attention is clause 19. To me, it does not meet the requirements of the public as often expressed to me. Over the years, many people have told me that they cannot see any reason why the names of the candidates for the district and the Parties they represent should not be shown in the polling both, whereas this clause provides that how-to-vote cards should be displayed. I do not think it is suitable that we should have a rash of how-to-vote cards in the polling booth; I do not think it is particularly attractive or even particularly efficacious. All that is required is that the names of the candidates, with their Party affiliations, should be displayed.

The Hon. F. J. Potter: Why not put them on the voting paper?

The Hon. JESSIE COOPER: The simplest thing always would be to put them on the voting paper, but I understand there is some legal difficulty about that! I intend to vote against the clause. I hope the Government will think about it in the future and find a simpler solution to the problem.

The Hon. M. B. CAMERON (Southern): Many clauses in this Bill deal entirely with machinery matters within the department, and the Council no doubt will agree with them. However, the Bill contains one or two clauses which I do not like and which I intend, like the Hon. Mrs. Cooper, to vote against. The first clause to which I take strong exception is clause 15, in which a person is given the right to have another person fill in a paper for him at the direction of the person coming in with him. If that is not encouraging intimidation at the polling booth, with a free and open go, then I have yet to see it. This sort of thing does occur. I have seen it occur.

The Hon. T. M. Casey: Have you done it yourself?

The Hon. M. B. CAMERON: No, but I must admit that I have learned a lot from the opposition Party over the years.

The Hon. A. J. Shard: That is reciprocated; we have learned all our tricks from your people.

The Hon. M. B. CAMERON: Some of the people who have been advising me have been a long way behind. The Chief Secretary will never convince me that his Party has learned anything from us.

The Hon. A. J. Shard: And I have never got gaol for it like one of your fellows did.

The PRESIDENT: Order!

The Hon. M. B. CAMERON: I observed some things I knew nothing about, and no-one on my side of politics advised me about them. By the time we realized that such things were done it was far too late. An existing section in the principal Act allows a person wanting assistance to be helped by the presiding officer, and in my opinion that is sufficient. To have people waiting outside the polling booth to escort voters in one by one is totally unacceptable, and I intend to oppose clause 15.

I shall also oppose clause 19. Here we see the wish of certain Parties unable to find sufficient people to man polling booths to have their tickets placed in the booths at minor expense, but I see arising from this clause a situation where we could have a rash of Independent and other candidates, because this will encourage them. They will be able to get their names in the polling booth for everyone to see by the simple practice of providing a certain number of how-to-vote cards to presiding officers of the various booths.

I do not believe this will be in the interests of the general public. Everyone will be looking for bigger, brighter, and better colours to put on the cards, and if they are all the same colour no-one will know which is which. I will oppose that clause, too. The remainder of the Bill is acceptable, and certainly the provision for the appointment of an assistant returning officer is a good move. I support the second reading, but I shall oppose certain clauses.

The Hon. A. M. WHYTE (Northern): The Electoral Act is one that is always given some scrutiny at election time and then forgotten for the rest of the year. It is getting around now to election time, and we have before us a Bill dealing with the Electoral Act. I shall be as brief and concise as possible in my remarks. Will the Minister, in closing the debate, give a further explanation of clause 4 and its effect on section 6 of the principal Act? There seems very little variation from the Act of 1929-34, which I have before me. I am a little confused. I thank the Minister for lending me his second reading explanation. Had I had it earlier, I might have been able to make better use of it. The Minister knows what he intends to do with clause 4, which amends section 6 of the principal Act.

Clause 5 is acceptable to me, because people often do not know where the Commonwealth and State electoral district boundaries are. This clause gives the electoral officer power to make adjustments in relation to electoral claims where people are confused about boundaries. Clause 12 gives the electoral officer the right to survey in retrospect the voting at an election. It gives him the opportunity to deal with votes that he believes were not correctly made.

Like the Hon. Mr. Cameron, I object to clause 15, which repeals section 110 of the principal Act, because I know from personal experience that over the years this section has been flouted. This is not the sort of provision that would make it more certain that a voter had to have the sanction of the returning officer to exercise his vote. No-one is keener than I to see that every person has the right to vote. We all know that often people are stationed outside polling booths for the special purpose of advising people how to vote, and they do and will accompany people into the polling booths. I do not condone that or wish to see the practice expanded. In the present Act there is a provision to the effect that a voter has a right to appeal to the returning officer to assist him if he is unable to exercise a vote. That provision is not only sufficient but should be policed more strictly than it has been in the past. I will ask honourable members to strike out clause 15, which repeals section 110 of the principal Act. That section, which was amended in 1969, provides:

> (2) If any voter satisfies the presiding officer that he is unable to vote without assistance, the presiding officer shall, at the request of the voter, mark the voter's ballot-paper in accordance with his directions and shall thereupon fold and deposit the ballot-paper in the ballot box.

There seems to be nothing wrong with that provision. I do not think the voters want any other provision, but I question the need to expand the provision as is done in this Bill.

I do not agree with the Hon. Mr. Cameron on clause 19. A service would be provided to the community if a Party's candidate's name was posted in a place that was obvious to the voters. There seems to be nothing wrong with this provision. It will perhaps assist minority Parties that cannot afford to spend too

much money on how-to-vote cards, and I am not against minority Parties. I have handed out how-to-vote cards for both Liberal and Labor candidates on various occasions. When one of my constituents had spent so much time in the sun that he was feeling parched, I took over from him and played the game well, and he reciprocated when it was my turn to have a rest. Clause 15 is an absolute stinker and should be struck out of this Bill.

The Hon. F. J. POTTER (Central No. 2): I do not want to say too much at this stage except about the contentious clause 15.

The Hon. A. J. Shard: What is wrong with clause 15?

The Hon. F. J. POTTER: Clause 15 is an attempt by the Government to restore the position to what it was prior to the amendment made by this Parliament in 1969. Before then, we had this old provision that honourable members at that time said had been abused. To my knowledge, it was abused, and this Parliament saw fit in 1969 to insert a provision along the lines of the present section 110. I have not the Minister's second reading explanation with me but I seem to recall his saying that it was thought undesirable that this should be left entirely to the returning officer or the assistant returning officer. This provision has been used at only one election since then, yet we are told it is considered undesirable. No evidence was given about, and no reference was made to, whether or not it was undesirable from the experience at the only election at which it was used, yet it is suggested that we return the provision to what it was previously.

We debated it at length in 1969 and we had a strong vote in favour of section 110. I am not in favour of returning to the old position. Apart from that, I will support the Bill except that when we get into the Committee stage, apart from being opposed to clause 15, I will have another look at clause 19.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—"Assistance to voters."

The Hon. T. M. CASEY (Minister of Agriculture): We are dealing here with the question of assistance to voters who are illiterate or have some physical disability or infirmity that prevents them from voting without assistance. At present the legislation provides for the presiding officer to mark the ballot-paper in accordance with the voter's directions. This provision has been criticized on the ground that it deprives a voter of the privacy to which he is entitled. New section 110 enables the voter to take advantage of the services of the presiding officer or some other person whom he has brought into the booth to assist him to exercise his vote. An organization has approached the Attorney-General and expressed a special wish that this provision be included, because blind people are often accompanied to a polling booth by a person who looks after them. I stress that the presiding officer will have to give his approval before a handicapped person can be assisted by a person other than the presiding officer. The kind of practice that occurred prior to 1969 may occur in the future, but it is up to the presiding officer to see that it does not happen. I know of handicapped people who do not wish the presiding officer to know which way they vote, and they prefer to have some other person assisting them.

The Hon. G. J. GILFILLAN: We must consider this matter from the viewpoint of electoral arrangements throughout the State. The means are there for handicapped people to record their vote. There would be much less chance of a person's vote being misrepresented if he was assisted by a presiding officer than there would be if he was assisted by someone else (who might have an influence over him). The 1969 Bill made considerable changes to the principal Act, and a conference was held between the two Houses before the Bill was passed. One thread ran right through the debate—the question of honest voting. At that time there was much talk of malpractice in connection with postal voting, because of the very close result in the Millicent by-election, which ultimately depended on the decision of a returning officer in connection with postal votes. At that time people became very pious about ensuring that there should be as little chance as possible of malpractice in any form of voting.

The Hon. A. M. WHYTE: Many blind people are highly intelligent and very determined. I therefore find it difficult to believe that they would need special legislation to enable them to vote. I know some blind people who have very definite ideas on how they will vote. If the Attorney-General desires to provide for blind people in this connection, I wonder why he has not done it: he certainly has not done it in this clause.

The Hon. M. B. CAMERON: In his second reading explanation, the Minister said that the

returning officer could assist a handicapped person, but the Minister failed to say that another person would be with the returning officer on such an occasion. That is an important point.

The Hon. R. C. DeGARIS: I think we must admit that at one stage the system was abused to some degree.

The Hon. A. J. Shard: Not in this connection. I hope I was not misunderstood.

The Hon. R. C. DeGARIS: Perhaps I can educate the Chief Secretary. No doubt every honourable member can point to things that have happened.

The Hon. A. J. Shard: I'm not saying that they haven't happened, but I have had no experience of them.

The Hon. R. C. DeGARIS: I appreciate the point of view of the Minister of Agriculture that a blind person normally goes to a polling booth with a close relative, and I would like to provide for this situation. I do not know whether we can overcome this problem.

The Hon. A. F. Kneebone: The son and daughter do not always vote the same way as the blind parent votes.

The Hon. R. C. DeGARIS: I know, but if I were blind I would not like someone in a polling booth voting for me. People outside polling booths almost stand over a handicapped voter and say, "Come on, I'll take you in to vote." I've seen that happen.

The Hon. A. F. Kneebone: I have never done that.

The Hon. R. C. DeGARIS: I am not saying that any honourable member has done that, but it happens.

The Hon. M. B. CAMERON: A blind person would probably want someone he could trust to fill out the voting card. Section 110 of the principal Act states:

> If any voter satisfies the presiding officer that he is unable to vote without assistance, then that presiding officer, in the presence of another officer . . .

If we added "or person" after "another officer", that person who was seeking assistance would have someone closely connected with him to assist him, in the presence of the returning officer.

The Hon. A. M. Whyte: Surely one can trust two returning officers.

The Committee divided on the clause:

Ayes (4)—The Hons. D. H. L. Banfield, T. M. Casey (teller), A. F. Kneebone, and A. J. Shard.

Noes (14)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter (teller), E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 10 for the Noes.

Clause thus negatived.

Clauses 16 to 18 passed.

Clause 19—"How-to-vote cards."

The Hon. G. J. GILFILLAN: I do not believe that this clause will overcome the necessity for people to hand out how-to-vote cards at polling booths or the necessity for political Parties to man polling booths, because many people's knowledge of the candidates is slight. As the Bill has been introduced at this late stage, this matter will have to be attended to by regulations, which Parliament will not be able to consider before the next election. I hope that, if this system is found to contain faults, the Government will deal with it quickly.

The Hon. M. B. CAMERON: This clause will increase the donkey vote. The Party successful in the previous election may have the right to choose the more prominent position to display cards in the polling booth. It will be difficult to decide who should take this more prominent position. I oppose the clause.

Clause passed.

Title passed.

Bill read a third time and passed.

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

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ACTS INTERPRETATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3342.)

The Hon. F. J. POTTER (Central No. 2): No amending Bill to this Act will ever be regarded as an important Bill. All that this Bill does really is to give effect to a terminological change resulting from a change in the title of a Commonwealth Act, and I support it.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (PORT ADELAIDE)

Adjourned debate on second reading.

(Continued from November 22. Page 3325.)

The Hon. C. M. HILL (Central No. 2): This Bill provides the machinery for the central city area of Port Adelaide to be developed as

a modern business centre by the State Planning Authority and the Port Adelaide council in some form of joint venture. I cannot help sensing that the Government is showing some haste with regard to this measure, because it is trying to begin development in this area when at the same time it is involved in discussions and negotiations concerning the controversial Queenstown shopping centre, which is only 1½ miles away. Moreover, the Government is showing haste in involving itself in developing what is basically a local government facility. I recall that about three years ago Parliament passed a new section 382d of the Local Government Act that gave approval to councils to do the very same thing that is proposed in this Bill. Why is local government not being given the opportunity in Port Adelaide to develop the centre as it wishes? About three years ago the council did not have the power to acquire compulsorily properties for the purpose of developing business centres, but that power was given to it, and it was thought at the time that local government would work in conjunction with some private enterprise organization, which was skilled in shopping and business centre development, and that together with such a developer, using the developer's expertise, the council would be the principal entity in seeing that centres in its own area were developed.

Under the Bill, the Government seems to want to become involved. I am sorry to see this approach being taken, as I have great faith in the ability of councils to attend to developments in their area, such as that which is proposed in the Bill. However, in this case the opportunity is not being given to the council to do this. Another worrying feature of the Bill is that, under the Planning and Development Act, the State Planning Authority in fact has the power to acquire land and develop commercial premises such as those proposed in the Bill. The power is contained in section 63, subsection (2) of which provides:

> The Authority may, with the approval of the Minister, either by agreement or compulsorily, acquire or take land for the purpose of developing it and making it suitable for any purpose for which the land is proposed to be, or is, reserved, or is to be used, preserved or developed under any authorized development plan or planning regulation made under this Act.

That measure gives the State Planning Authority specific power to do what the Government proposes will be done in this Bill. If the State Planning Authority is to be the authority in this case, why is it not being given the opportunity under this provision to proceed as I believe it has power to do? The Planning and Development Act was hailed when it was introduced by the previous Labor Government in 1967 as being by far the most modern legislation of its kind in Australia. However, it seems that, when a problem arises and development takes place, for some reason the provisions of the Act cannot be relied upon.

Honourable members had a similar example only a few days ago regarding the proposed interim development for the city of Adelaide. Under this so-called modern legislation, section 41 (which is the principal section dealing with interim development control) apparently was not strong enough or in some way lacked a provision that was needed when the city of Adelaide had to implement interim control. A separate Bill therefore had to be rushed through Parliament to assist the Adelaide City Council.

Now, another Bill must be rushed through to assist the situation at Port Adelaide. It seems that all the credit given to the architect of the original legislation and all the forecasts that were made about it have not really come to fruition. I base that opinion on what has occurred since early in 1966. I have already said that the Queenstown proposal is still the subject of an investigation. In his second reading explanation the Minister said that its future would remain undetermined pending an official application under the planning regulations.

I hope that the Government is extremely fair, just and reasonable in its deliberations on this matter, which is indeed controversial in the locality. It may well be that the proposed developer, the Myer organization, will obtain some assistance from the Government and that it will ultimately develop the site. One recalls, of course, that about 1,500 people were to be employed in the development. I am informed that the capital outlay thereon was to be about $20,000,000, made up by about $15,000,000 from the developer itself and about $5,000,000 from all the occupiers with their fittings, stock, and so on. It was, therefore, a vast undertaking, and I wonder whether its future will be prejudiced in any way by the proposal the Council is now considering.

If this proposal is kept in proper and reasonable proportions, I do not think much damage will occur. However, if it is planned and built on a far greater scale than would

normally be the case, and if the vast regional centre at Queenstown is approved, a major mistake will be made in the planning of the shopping centre development in that region.

I ask the Government to act responsibly when it becomes deeply involved in this matter after the Bill is passed. I hope it will not be necessary to exercise the compulsory powers to any great extent. The Minister said they would be exercised only as a last resort, and I hope that in the private negotiations the property owners who are being dispossessed will be treated extremely fairly. I hope, too, that proper planning will take place, particularly bearing in mind the possible future development of Queenstown. If that development occurs and if the Port Adelaide business centre obtains a modern first-class centre in its proper proportion, it will be of great benefit to the central district of Port Adelaide.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank the honourable member who has just spoken for his contribution to the debate. I will try to answer some of the points he made. He referred to reasons for our approaching the matter in this way. This happened because it was considered the best way to approach the matter. After all, this is a joint scheme between the authority and the council. I draw the honourable member's attention to new section 63a (4), which provides as follows:

> The acquisition or redevelopment of land under this section shall not be undertaken by the authority otherwise than in accordance with a joint scheme for the acquisition and redevelopment of the land agreed upon by the authority and the council.

It can be seen, therefore, that this is clearly a joint scheme. I cannot forecast what may happen at Queenstown, but I believe the Government will act responsibly in relation to the matter. I said in my second reading explanation that interest in the Port Adelaide centre had been shown by private residents. That being so, I am sure those people will retain their interest and that this will be a joint scheme, with private enterprise playing its part.

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

INDUSTRIAL CODE AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 22. Page 3323.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I think I made the comment when the Minister gave the second reading explanation of this Bill that this measure made the original Industrial Code look a rather odd Statute; indeed, the clauses left in the Industrial Code must feel rather lonely on their own. That is about what is happening, because the amendments made in this Bill are consequential on the passage of the Industrial Safety, Health and Welfare Bill recently introduced. Coupled with the Industrial Conciliation and Arbitration Act, this means that not many clauses remain in the Industrial Code. The Bill is rather a long one and somewhat complex, but what it does is rather simple.

There is one amendment not consequential on the passage of the two Bills I have mentioned. That refers to the definition of "shop", to ensure that used car yards come within that definition. A present Minister attempted to make some political mileage out of attacking the Legislative Council on this matter, but he found that what he had said was not accurate, in that the matter was covered in another Statute in any case. Nevertheless, to make it quite clear, it is necessary that used car yards come within the definition of "shop". What happened was that, in the Industrial Code Amendment Bill dealing with shopping hours, this rather minor amendment of the definition of "shop" was introduced. Being unable to reach any agreement with the Government on the shopping hours fiasco, the amendment in this regard also lapsed and the Minister decided that he would criticize the Legislative Council for it. He accused it of throwing this provision out and of not protecting the people as far as used car yards were concerned. Unfortunately, the Minister overlooked the fact that that matter was already controlled by another Statute. That indicates that many of the attacks made on this Council are not valid and, when a mistake is made, we get no apologies.

The Hon. D. H. L. Banfield: You do not apologize when you yourself make a mistake.

The Hon. R. C. DeGARIS: I assure the honourable member that, if I made a mistake like that, I would humbly apologize.

The Hon. D. H. L. Banfield: I am not talking about that.

The Hon. R. C. DeGARIS: In matters of that nature, I would be only too willing to apologize. If the Hon. Mr. Banfield can point out any mistake of magnitude that I have made, I will humbly apologize to him or the House of Assembly. Apart from that, I have nothing more to say about the Bill. It is consequential upon the two previous Bills that have amended the Industrial Code, and it deals with the definition of "shop" to ensure

that used car yards come within that definition. I support the second reading.

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

SCIENTOLOGY (PROHIBITION) ACT, 1968, REPEAL BILL

Adjourned debate on second reading.

(Continued from November 22. Page 3340.)

The Hon. C. M. HILL (Central No. 2): There seems to be something quite farcical and unreal about this legislation. We have been told, through publicity and by other means, that the Government proposes to introduce two Bills to cope with its policy on Scientology. So this Council, having heard that news, has been waiting, understandably, to receive those two Bills so that full and proper consideration can be given to this matter; but only one Bill has arrived.

The Hon. T. M. Casey: It is contingent upon the other one still to come.

The Hon. C. M. HILL: It may be contingent upon the other one still to come but I have been making inquiries about where the other one is and when we may expect it to arrive. I find from the Notice Paper in another place that the other Bill has been made an Order of the Day there for Tuesday, January 16, 1973. That means that that Bill will not be coming to us today, so I do not know how to review this Bill that we have before us. I do not know whether the Minister has any plans about the matter. I cannot see how this Council can adequately review a measure that is contingent upon another one when we have not the other one in front of us.

The Hon. D. H. L. Banfield: Your side moved a Bill before that was complementary to another Bill, and you did not have that other Bill before you.

The Hon. C. M. HILL: Which Bill was that?

The Hon. D. H. L. Banfield: The Constitution Act Amendment Bill.

The Hon. C. M. HILL: I am not talking about that. I think the Hon. Mr. Banfield would have to agree that the circumstances are most strange when we have a Bill before us that is contingent upon another measure being considered, because at present we do not know what will be in the other measure that may come before us. It is a question of legislative technicalities that is creating a most difficult situation, and I do not know what can be done about it. I certainly want to see the second measure before the present Bill passes.

The only approach I can take is to ask the Minister whether he can propose anything to meet the situation I have described; if he cannot do that before the second reading debate concludes, I shall be in a quandary as to what to do about the matter. If the Bill reaches the Committee stage, perhaps some further discussion can take place on the Government's intentions in regard to the two Bills. The only thought that crosses my mind is that the debate on this Bill ought to be adjourned until January 16, so that the two measures can be linked up.

I do not want to prevent further discussion from taking place. I am therefore willing to support the second reading so that the Bill can reach the Committee stage and further discussion can take place on what will happen to the other Bill. If the two Bills cannot be brought together, there will be no alternative to voting against this Bill and waiting to see whether the next Government will review the whole question. At that stage we will not encounter the problem that we are now faced with.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Hon. Mr. Hill said that dealing with this Bill was farcical and unreal. I believe that the situation is unreal; further, I believe that what he has said about the matter is correct. We are told that there are two Bills, but only one has come to us, and the other is subject to further consideration in another place. The whole question of Scientology was fully researched by a Select Committee, and it was understood at that time that there were two methods of handling the problem: one was to act as the Parliament did, and the other was to take action through registering psychologists and psychological practices and banning some psychological practices. After much discussion it was decided to pass legislation placing restrictions on some practices of Scientology organizations.

When Parliament begins to consider what is involved in a measure to register psychologists and psychological practices, the position will become clearer to members of Parliament. The aim of the legislation in connection with registering psychologists and psychological practices is to prevent undesirable practices in one small field; it will create exactly the same situation as exists under the present legislation, yet we will have to set up a registration board, which will have to take into account teachers, doctors, lawyers, parsons, and even politicians. The simple answer was achieved in this State with the minimum of difficulty and the

minimum of cost to the State and the minimum of upset to ways of life here. Every honourable member would realize that a problem existed, but I believe that the problem has been solved. One of the two Bills seeks to register psychological practices and to do exactly the same thing as has already been achieved. Like the Hon. Mr. Hill, I believe that the Bill should pass the second reading stage and that, during the Committee stage, progress should be reported, so that the Bill can be revived in the first session of the next Parliament.

The Hon. A. J. Shard: I do not believe that that can be done.

The Hon. R. C. DeGARIS: I am probably incorrect. Whatever the Government wishes to do with the matter, I think we can go along with it.

The Hon. A. J. Shard: We want the Bill passed.

The Hon. R. C. DeGARIS: I cannot understand the Government's philosophy in wanting the Bill passed, when the other Bill is still to come. That Bill will cause much upset in the community. The Select Committee may report against its provisions, but I believe that the Government is so committed that such a Bill will be introduced. I believe it fits in with the Government's political philosophy, because it wants registration and control in every possible field it can find. I believe that the right decision was made two or three years ago. I also believe that the problem has been largely solved and, although I will not oppose the Bill, I suggest to the Government that it should let the Bill stand over until the next session of Parliament.

The Hon. L. R. HART (Midland): Since I have been a member of this Council I have received more literature from scientologists than from any other organization; that literature has been of a type that has concerned most members of Parliament. The volume of literature that I have received from scientologists indicates that they are a wealthy organization that can apply pressure not only on members of Parliament but also on the people it is trying to attract to its faith, as it is called. The evidence the Select Committee heard was alarming. No doubt some honourable members have read the Select Committee's report, which was presented to the Council in 1968. The report's contents are such that even now I am concerned about what effect the registration of scientologists will have on the community. Therefore, I believe that this legislation should not be passed until we have legislation for the registration of psychologists.

I cannot understand why the Government should introduce this Bill when that other legislation is not available to the Council: it has been referred to a Select Committee. Although the Government obviously has a reason for introducing this Bill, I cannot convince myself that I should vote for it until I have been able to sight the other legislation, which the Government has said should run parallel with this Bill. The earlier Select Committee, which did its work thoroughly, consisted of members of both Parties in the Council. I think the Committee presented a report to Parliament that would indicate to all members that there is some considerable danger to the community if we pass this Bill now without the necessary safeguards. I, together with other honourable members, believe that the Bill should go only to the Committee stage.

The Hon. F. J. POTTER (Central No. 2): Like other honourable members, I do not like passing legislation that is conditional on other legislation. We do not know when that legislation will be presented to us or what it will contain; that is certainly putting the cart before the horse. The problem seems to be that, if at some stage in the new Parliament a Bill is presented for the registration of psychologists, we must approach that Bill, having in the back of our minds all the time that passing that Bill will mean that the Scientology (Prohibition) Act will have been repealed.

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

The Hon. F. J. POTTER: In my view, that is not a good psychological approach to legislation. It is an inhibiting thing, because we may well be willing to pass a Bill for the registration of psychologists in a certain form and not entirely repeal the Scientology Bill but perhaps repeal the major part of it. In other words, until we satisfy our minds as Parliamentarians and as a Council that we are satisfied with the legislation overall, we should not proceed to pass this Bill through its complete stages.

The Hon. V. G. SPRINGETT (Southern): I endorse the remarks made by other honourable members. It leaves me with a nasty feeling to think of passing legislation that is conditional on some other Bill that will be presented in the future. We do not know what the contents of the new Bill will be. Clause 2 (2) states:

A proclamation under subsection (1) of this section shall not be made unless the

Governor is satisfied that there has been, enacted an Act to provide for the registration of psychologists, the protection of the public from unqualified persons and certain harmful practices and for other purposes and that Act is in operation.

Once we pass this Bill we will have burnt our bridges as far as Scientology is concerned. As one who was a member of the Select Committee that inquired into Scientology, I still have vivid memories of some of the people who gave evidence, of the fears they expressed, and of the worries and anxieties they were suffering. We have a duty to ensure that whatever step we take will leave them with no justification for their fears. Therefore, I hope that the Government will give more than a passing assurance that the Bill is needed now.

The Hon. G. J. GILFILLAN (Northern): I have some sympathy for the Government in what it has done, because I know that it is committed to a course regarding the Scientology (Prohibition) Act, but it is a pity that we do not have the other Bill before us as well. I agree with other honourable members, and I am certain that the Chief Secretary has every intention of seeing that the Bill yet to come forward will provide the required controls. That Bill is still some months away and, although the debate on it was adjourned to a date in January, it does not mean that Parliament will meet in January. The Bill has been referred to a Select Committee and, even if it has the best intentions in the world, the Government will not have control of the committee and its findings.

It could well be that there will be considerable resistance to the registration of psychologists; I am sure there will be. It may be that the Government, instead of satisfying a certain group of people, will find itself with two dissatisfied groups. That is its decision, and I am not opposing the way in which it is approaching the matter. However, I question this aspect and, when the legislation is considered by the Select Committee, the Government may find itself committed to a Bill that it does not like. This is a most awkward situation. I understand that, once the Bill has passed its second reading, it can be recommitted.

The Hon. A. J. Shard: Only in a new session, not in a new Parliament.

The Hon. G. J. GILFILLAN: I thank the Chief Secretary for that interjection. That makes the situation even more difficult. There is the safeguard that, if this Bill is passed, Parliament will have the opportunity of examining and perhaps amending the Psychological Practices Bill, because such legislation must pass both Houses of Parliament before this repealing measure can come into operation.

The Hon. M. B. DAWKINS (Midland): Although I was not a member of the Select Committee, I remember very well the discussion on scientology, and I remember studying the Select Committee's report. It is unfortunate that the Government should introduce the Bill in this way so that it is dependent on the passing of another Bill, the contents of which, as honourable members have said, it is impossible to know until the findings of the Select Committee are known. I agreed with Parliament's decision when scientology was banned.

I believe in freedom of religion, but I doubt that scientology is a religion. I know that some people have said it is. The scientologists have said that the Reverend Ken Leaver, the co-principal of Wesley Parkin College, considered it to be a church. I find that hard to believe. However, that is his opinion, to which he has every right. I cannot support the legislation at this stage.

The Hon. T. M. CASEY (Minister of Agriculture): I have listened intently to honourable members' contributions. I do not for a moment think that scientology is a religion. Indeed, I can remember several years ago when I was a member of another place that a gentleman came to see me about this matter. I asked him what scientology was all about, and he said it was classified as a religion. I then asked him to recite the Ten Commandments, but he could not tell me one.

I believe we must look at scientology in another light, because what may be good for some people may be harmful to others, and *vice versa.* Honourable members have said in other debates that minority groups in the community must be protected. Undoubtedly, this is a minority group, and I believe it has just as much right to practise what it thinks is correct as has any other group.

The Hon. R. C. DeGaris: Then you want clause 2 excluded.

The Hon. T. M. CASEY: I am not saying that.

The Hon. R. C. DeGaris: You're talking that way.

The Hon. T. M. CASEY: I always take the attitude (and this applies to all types of religion that one can see springing up all over the place) that, although one thinks that some people may be crazy because of their antics, those people undoubtedly obtain a certain

amount of pleasure and everything else that goes with their activities. They are happy and do not interfere with the rights of others. It is only when they do that—

The Hon. L. R. Hart: Now you are starting to say something.

The Hon. T. M. CASEY: This aspect was covered in the second reading debate. For the honourable member's benefit, I will refer to it again. I have said that honourable members are aware that the legislation introduced in 1968 prohibits the teaching and practice of Scientology, and also prohibits the use of the E-meter. This is the whole problem with that organization.

The Hon. C. R. Story: What's that?

The Hon. T. M. CASEY: Although I have never been confronted with one, I have heard much about it. Perhaps the honourable member should confer with the members of the Select Committee. I believe that people should be able to practise something if they desire to do so and if they derive pleasure from it. This Bill allows them to do no more than that.

The Hon. R. C. DeGaris: This Bill does nothing.

The Hon. T. M. CASEY: It does lift the prohibition. However, it will not be proclaimed until the other Bill is proclaimed. At the same time, there is a principle behind the Bill and, if honourable members are not willing to accept that, they can throw the Bill out.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. R. C. DeGARIS: This is the operative clause of the Bill, subclause (1) of which provides:

Subject to subsection (2) of this section this Act shall come into operation on a day to be fixed by proclamation.

Subclause (2) provides:

A proclamation under subsection (1) of this section shall not be made unless the Governor is satisfied that there has been enacted an Act to provide for the registration of psychologists, the protection of the public from unqualified persons and certain harmful practices and for other purposes and that Act is in operation.

The Minister in closing the second reading debate took two sides of the question and supported both sides. He said that we must examine the matter in a new light and then said that certain things were harmful and should be banned. If the Minister were to stand by what he said in closing the second reading debate he would delete this clause, which provides a stumbling block and a hindrance to the Parliament and the Select Committee that will be inquiring into another measure. They will be inhibited by the fact that there is a Bill on the Statute Book that will affect the decisions made in relation to the other measure. Parliament having shown its willingness to go along with the idea, I ask that the Government agree to report progress.

The Hon. V. G. SPRINGETT: I should like to know who constitute unqualified persons and what are the harmful practices contemplated. Those are important things.

The Hon. T. M. CASEY (Minister of Agriculture): That will be explained in the new Bill, which I have not seen. I do not know whether it has been decided yet. However, this legislation would not be repealed until the companion legislation has been proclaimed.

The Hon. A. M. WHYTE: This Bill is one of the greatest political farces ever presented to Parliament so late in the session. The Government has said that it is going to do great things for scientologists, but scientologists themselves have now said this will do nothing for them. Why should we debate it at this late hour of the session and with so little time available, more especially when a Select Committee on the Psychological Practices Bill will consider this matter?

The Hon. F. J. POTTER: I agree that there is a farcical element about the Bill. It inhibits the Select Committee, and it inhibits the new Parliament in its approach to the problem. It is quite wrong that we should now, in one Parliament, repeal an Act subject to a law to be passed by another Parliament, where the composition of that Parliament will be different, and where it may even be that the Government will be different (and we hope it is). Even if there is no change of Government and the next Parliament does decide to look at the problem of registration of psychologists, who can say that the Bill passed by the next Parliament will be precisely in these terms, providing for the registration of psychologists, the protection of the public from unqualified persons, and the restriction of certain harmful practices? It might be just a Bill for the protection of the public from unqualified persons. I do not know.

The Hon. R. C. DeGaris: Who makes the decision on those points?

The Hon. F. J. POTTER: It is a matter for the next Parliament, or the next Cabinet actually. It seems we are doing a most extraordinary thing. I think it would have no precedent.

The Hon. C. R. STORY: I feel quite strongly about this matter. It was very well considered by the Chief Secretary of the day, the present Chief Secretary. The Hon. Mr. DeGaris, as Chief Secretary, considered this matter at Commonwealth level and it was agreed on both occasions that scientology was not in the best interests of the people of this country. Legislation was carried without any problems in Western Australia, Victoria, and South Australia. Suddenly, we come back to the point where we are being asked to delete this from our Statutes. There is no more reason to delete it now than there was to put it on the Statute Book in 1968.

The Hon. A. M. Whyte: It was Mr. King's idea, wasn't it?

The Hon. C. R. STORY: The Hon. Mr. King seems to have some quaint ideas. He is a man of very strong character, but his character is so strong that he cannot see the other side of the coin.

The Hon. R. C. DeGaris: Would you say pigheaded?

The Hon. C. R. STORY: I would not call him pigheaded, but he tosses a two-sided penny and every time it has to come up "King".

The Hon. A. J. Shard: He is a very righteous man.

The Hon. C. R. STORY: Probably. That is the opinion of the Chief Secretary, and I would not deny that the Minister is nearly always right. However, on this occasion he has missed the bus.

The Hon. A. J. Shard: I do not think he has. He is on the ball.

The Hon. C. R. STORY: The Chief Secretary is often not so terribly well on the ball, but I am not going to argue with him about that. I am expressing a personal opinion and a point of view that scientology is something which is not necessary in this country. The Chief Secretary espoused the cause of having it banned when he was previously in office. I think he was right in the way he went along with the other Ministers throughout Australia. The Hon. Mr. Shard—

The Hon. A. J. Shard: The Hon. Mr. DeGaris!

The Hon. C. R. STORY: No, the Hon. Mr. Shard!

The Hon. A. J. Shard: Never in your life! You are right off the beam.

The Hon. C. R. STORY: No, Sir, I am not off the beam. If the Minister has forgotten, he is getting into his senile stage.

The Hon. A. J. Shard: Don't you be rude. I can be just as rude as you, because I have my thinking facilities and you have not.

The Hon. C. R. STORY: I am sorry about that.

The Hon. A. J. Shard: If you want to be rude and offensive, I can give you as good as you give me, or better. I never advocated banning scientology. You are talking through your hat.

The Hon. C. R. STORY: The Chief Secretary has said that I am not thinking properly, but it is my clear view that the Chief Secretary came back from a Commonwealth conference—

The Hon. A. J. Shard: I resigned from the Select Committee.

The Hon. C. R. STORY: Oh, yes—he resigned from the Select Committee, because he was told to. I remember when the Chief Secretary came back from a Ministerial conference that he advocated (and, what is more, his Government advocated) that scientology—

The Hon. A. J. Shard: That, too, is completely untrue.

The Hon. C. R. STORY: —should not be acquiesced in in this State. That is so.

The Hon. A. J. Shard: No.

The Hon. C. R. STORY: That is so. If the Minister wants proof, it is well and truly in the Parliamentary Library.

The Hon. A. J. Shard: That's not so.

The Hon. C. R. STORY: I am not going to back down on that matter, because it is a fact.

The Hon. A. J. Shard: I challenge you to prove it.

The Hon. C. R. STORY: It is a matter of fact.

The Hon. A. J. Shard: It is not. It is completely untrue and, what's more, you know it is.

The Hon. C. R. STORY: It is a matter of fact and I challenge the Chief Secretary—

The Hon. A. J. Shard: I challenge you to prove it.

The Hon. C. R. STORY: I challenge the Chief Secretary. If he wishes to, he can whip out to the Library and find his facts; but he cannot.

The Hon. A. J. Shard: You have made a statement, and it is up to you to prove it.

The Hon. C. R. STORY: No; I have proved my facts.

The Hon. A. J. Shard: You have not. You are making the position worse.

The CHAIRMAN: Order! Clause 2 is being considered. All this discussion is not relevant to the clause.

The Hon. C. R. STORY: What I am reminding the Chief Secretary of is the decision he made in the early stages. I refer him back to some conferences that he attended, as Minister of Health and Chief Secretary, where Western Australia and South Australia agreed to pass legislation on Scientology. We passed legislation here, too, on his recommendation: the Hon. Mr. DeGaris was then Chief Secretary. The Chief Secretary should refresh his memory sometimes. What I am saying is correct, is it not, Mr. DeGaris?

The Hon. D. H. L. Banfield: The record will show that the Hon. Mr. DeGaris was silent.

The Hon. C. R. STORY: I know what the records show. It was Mr. McKinna in Western Australia who, with the Chief Secretary of this State at that time, said he was quite happy to put scientology aside. Then suddenly, for no good reason that I can see, the then Leader of the Opposition, Mr. Dunstan, decided that this was not to be on, and he said that we would not have scientology disallowed in this State.

The Hon. D. H. L. Banfield: How was Mr. Dunstan Leader of the Opposition when the Hon. Mr. Shard was Chief Secretary? You are getting your facts mixed up.

The Hon. C. R. STORY: Everything will come out in the wash. What I am saying is fact. The honourable member cannot duck under this issue, because it was definitely the Labor Government's policy that it did not believe in scientology. Now we come back after all these years to the point where we are going to allow it by a tremendous subterfuge. I disbelieve in scientology completely, because I know of certain instances that have caused families to be broken up. I have known of many cases where people have wanted to continue in the business but others have not.

The Hon. D. H. L. Banfield: That happens in every church.

The Hon. C. R. STORY: It is not a church; it is a racket, and anyone who tries to call it a church is deluding himself about the truth. It is an absolute racket and I will not have a bar of it. The Government of today was the Government that allowed it to become law.

The Hon. D. H. L. Banfield: The Act was passed in 1968.

The Hon. C. R. STORY: The Government today is much the same as the Government that allowed it to be law, because the Hon. Mr. Shard, as Chief Secretary and Minister of Health, agreed to it at the conferences.

The Hon. D. H. L. Banfield: That is rubbish.

The Hon. C. R. STORY: And my colleague, the Leader of the Opposition, today—

The Hon. D. H. L. Banfield: He would not help you when you asked him to a little while ago.

The Hon. C. R. STORY: I do not need any help.

The Hon. D. H. L. Banfield: Well, what did you ask him for?

The CHAIRMAN: Order! We are in Committee and dealing with clause 2. This is not a second reading debate.

The Hon. C. R. STORY: I do not need the Leader of the Opposition to back me up, because I know that the Hon. Mr. Shard, as a Minister of the day, agreed to it.

The Hon. A. J. Shard: That's not true.

The Hon. C. R. STORY: And that the Hon. Mr. DeGaris—

The CHAIRMAN: Order! I am pointing out to the Hon. Mr. Story that this is the Committee stage and we are dealing with clause 2, but it is developing more into a second reading debate. I ask the honourable member to confine himself to clause 2.

The Hon. C. R. STORY: I am confined, Sir.

The Hon. C. M. HILL: The suggestion of the Hon. Mr. DeGaris that we should report progress seems to be the best and most proper way for this Committee to get out of this predicament—because we are in a predicament. We have one of two Bills before us. It appears that in this session we shall not have the second Bill. I agree entirely with what the Hon. Mr. Potter said, that it is improper and wrong for this Parliament to pass a Bill knowing that another measure will have to be considered during the term of the next Parliament if this measure is to become effective. I doubt whether anything like this has ever happened before. We all know the Government's policy on the matter. I accept that the Government, in good faith, has attempted to put its policy on the Statute Book. It prepared the two Bills and brought them into another place, but one of them has not passed there.

The Hon. A. M. Whyte: It was cunning.

The C. M. HILL: I am trying to lift the political aspect out of it to achieve a proper result. As the other Bill has gone to a Select Committee and the report will not come back to the present Parliament, the Government has not been able to introduce its policy. To expect us to pass this Bill, when it does not mean a thing really, is quite improper. I agree with the Hon. Mr. DeGaris that the best way out of the predicament is that progress be

reported. I ask the Minister to look at the matter responsibly; if he does that, he ought to be willing to report progress.

The Hon. T. M. CASEY: I am not willing to report progress at this stage. In one respect the Hon. Mr. Potter was incorrect; many Bills have gone through this Parliament yet have not been proclaimed to this day. For example, the earlier underground waters preservation legislation was passed many years ago, but it has not been proclaimed. So, we will not be creating a precedent by passing this Bill. The Leader claimed that the Bill would go on the Statute Book, but I maintain that, until a Bill is proclaimed, it does not go on the Statute Book. Unless the Governor is satisfied that the next Bill covers the situation, this Bill will not be proclaimed. There is nothing sinister about it; it is a genuine attempt to do something that should have been done some time ago.

The Hon. L. R. HART: I am surprised at the Minister's attitude. If he values the Bill at all, he should report progress, because the Council has a further alternative—voting against the third reading of the Bill. Obviously, the Government does not regard scientology as a religion. Clause 2 (2) provides:

A proclamation under subsection (1) of this section shall not be made unless the Governor is satisfied that there has been enacted an Act to provide for the registration of psychologists, the protection of the public from unqualified persons and certain harmful practices and for other purposes and that Act is in operation.

During the hearings of the Select Committee I asked one witness whether he regarded scientology as a religion, and he replied that he did. I then asked, "Do you believe in the Holy Scriptures?" He replied, "That religious jazz is not part of our religion." The Government admits that there can be harmful practices in relation to scientology, and it proposes that psychologists be registered. So, any person who practises scientology must be a registered psychologist, because of the fear that he may engage in harmful practices; that is sufficient evidence to warn this Committee that there are grave dangers if we pass this Bill in its present form. I therefore cannot agree to passing this Bill before I see the other Bill. I cannot see any reason why the Government has introduced this Bill, except that it carries out an election promise. If progress is reported, it is possible that, after the Select Committee presents its report, Parliament can be called together before the election. This matter could then be further considered. If we defeat the Bill, the Government has lost the opportunity of having the Scientology (Prohibition) Act repealed.

The Hon. C. R. STORY: I want to vindicate what I said earlier regarding what the Chief Secretary seems to have forgotten. On December 4, 1968, there was a heated debate in this place regarding scientology. One of the main performers was the Hon. Mr. Banfield, who reflected on the Council. He was called to order by you, Mr. Chairman, and he apologized. The Hon. Mr. DeGaris, who had not long taken over as Chief Secretary, said:

In reply to the Hon. Mr. Banfield, let me remind him, first, that this Bill passed the second reading stage in this Council unanimously. Secondly, I followed the present Leader of the Opposition (Hon. A. J. Shard) as Minister of Health, and found myself confronted, after my first attendance at a meeting of Ministers of Health, in Darwin, with a unanimous resolution of those previous Ministers in regard to the cult of scientology.

The Hon. A. J. Shard: You said that I sponsored the Bill.

The Hon. D. H. L. Banfield: That's what you said.

The Hon. C. R. STORY: The Chief Secretary was responsible to lead this Council.

The Hon. A. J. Shard: Rubbish!

The Hon. D. H. L. Banfield: You have not produced anything that you said you were going to produce.

The Hon. C. R. STORY: The Chief Secretary was at that time in agreement with the whole matter, and he was going to be a member of a Select Committee, but he suddenly pulled out of it.

The Hon. A. J. Shard: Yes; we never denied that, but you said I sponsored the Bill.

The Hon. C. R. STORY: The Chief Secretary was in agreement, and *Hansard* reports him as being in agreement.

The Hon. A. J. Shard: You said I sponsored a Bill.

The Hon. C. R. STORY: I do not want to be involved in any nonsense.

Clause passed.

Clause 3 and title passed.

The Council divided on the third reading:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey (teller), G. J. Gilfillan, A. F. Kneebone, A. J. Shard, and A. M. Whyte.

Noes (12)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, V. G. Springett, and C. R. Story (teller).

Majority of 6 for the Noes.

Third reading thus negatived.

SOLDIER SETTLERS

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

That, in the opinion of this House, the Government should—

(1) Announce its support for the findings and declaration of the Honourable Mr. Justice Bright delivered on September 8, 1970, in the case of *Heinrich* v. *Dunsford* (Supreme Court action 1714 of 1967) in which it is declared—

(*a*) that the petitioner was obliged to pay an annual rental to be fixed in accordance with the War Service Land Settlement Agreement between the Commonwealth and the State of South Australia;

(*b*) that the annual rental had not been so fixed either within 12 months after date of allotment or subsequently.

(2) Declare that similar circumstances exist on Kangaroo Island for soldier settlers established there under the War Service Land Settlement Scheme.

(3) Take immediate steps to implement the said declarations and accept the findings as far as Kangaroo Island settlers are concerned.

After a motion was carried in this Council, the Government, through the good offices of the Minister of Lands, accepted the argument advanced here, and the long controversy about zone 5 was resolved. Perhaps I should recount some of the history of zone 5, because that history has a bearing on the Kangaroo Island situation as it does on other smaller groups in the War Service Land Settlement Scheme, in my humble opinion. For many years, the soldier settlers in zone 5 had claimed that the final rentals they were required to pay were not correctly fixed. Believing that to be true, they refused to sign their leases, and this wrangle in zone 5 went on for almost 17 years.

One of the problems that the zone 5 settlers faced was how to obtain legal redress for a wrong that they believed (and rightly so, in my opinion) had been perpetrated against them. Against whom could they take action, and how could that action be taken? These two problems concerned the zone 5 settlers. The Minister of Lands before the present Minister was the Hon. David Brookman. He facilitated the action that was finally taken. It culminated in a petition of rights before the Hon. Mr. Justice Bright and his findings and declaration in the case of *Heinrich v. Dunsford* (Supreme Court action 1714 of 1967). The judgment was delivered on September 8, 1970. Following the declaration of Mr. Justice Bright, a motion was passed in this Chamber which at the time (I think the Minister would agree with me on this) he strongly opposed. But, to be fair to the Minister, after researching the matter thoroughly and no doubt listening to the views of honourable members here (and I pay a tribute to the Hon. Mr. Whyte, who did an excellent job in the debate) the Minister came to the same conclusion that this Council came to—that the zone 5 settlers had a case that should be corrected. I give my full support to the Minister in the decision which he made. Having decided that the settlers' case regarding zone 5 was reasonable, the State undertook discussions with the Commonwealth authority, and a satisfactory result was reached in regard to zone 5. In any write-off under the Commonwealth-State agreement, the State must bear 40 per cent of the cost and the Commonwealth 60 per cent.

Having reached a satisfactory answer in zone 5, we still have the problem of Kangaroo Island and of smaller groups of settlers with a reasonable case that should be answered. In practical terms, the zone 5 case is similar to the Kangaroo Island case, but the Kangaroo Island settlers signed their leases, whereas the zone 5 settlers refused to do so. So, there is a slight difference in that respect. In his declaration Mr. Justice Bright said:

> In the 1945 agreement the State acted as agent for the Commonwealth and not as a principal. But in Magennis' case ((1949) 80 C.L.R. 382) the High Court pointed out that the Commonwealth could acquire land only on just terms, and that this requirement had not been observed. So the basis of the scheme was changed and the scheme turned into one in which the State became a principal instead of an agent, and received advances from the Commonwealth in aid of war service land settlement.

I assume that those advances by the Commonwealth to the States were made under section 96 of the Commonwealth Constitution. The position is quite clear in Mr. Justice Bright's declaration; following Magennis's case in 1949, the State was not the agent of the Commonwealth—the State was the principal. That means that in the original agreement in 1945 the Commonwealth was the principal and the State was the agent, but after 1949 and after Magennis's case the position changed. Constantly, in arguments about war service land settlement rentals, the State has claimed that it was only the agent.

The Hon. A. F. Kneebone: Surely you are not going back to that?

The Hon. R. C. DeGARIS: I am not making any allegations against this Government; all Governments have assumed that the Commonwealth was the principal and the State was the agent. Following Mr. Justice Bright's declaration, the position has changed, and the State is the principal. How can the settlers

take action against the Commonwealth? It is quite impossible. The settlers can take action only against the State. On Kangaroo Island the claim was recently made that the State was still the agent. The Minister interjected a few moments ago and said, "You are not going back to that?" However, I point out that this is the linchpin of the case I am putting. If the Government does not accept this point, it is denying Mr. Justice Bright's finding and, if that is denied, there is little hope of any successful resolution of the matter. On Kangaroo Island the Premier recently stated that the Government would be putting a case to the Commonwealth for its consideration. Until we know what the State, as the principal in the case, is willing to recommend—

The Hon. A. F. Kneebone: What am I going to the Commonwealth for, if I am the principal?

The Hon. R. C. DeGARIS: The State is the principal, and it can decide and do what it wishes to do, and it can then claim from the Commonwealth. There are two parties—the Commonwealth (which is financially responsible for 60 per cent) and the State (which is financially responsible for 40 per cent). However, the State is the principal. Until we know what the State, as the principal, is willing to recommend, little can be achieved. As the State is putting a case to the Commonwealth, perhaps the motion is premature—until we know what the situation is. I seek leave to conclude my remarks.

The PRESIDENT: The question is "That the Hon. Mr. DeGaris have leave to conclude his remarks." For the question say "Aye"; against "No".

The Hon. A. F. Kneebone: No.

The PRESIDENT: There being a dissentient voice, leave is not granted. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: The Minister will agree that it is difficult at this stage to continue. I am willing to let the Minister reply, and then I will withdraw my motion.

The Hon. A. F. KNEEBONE (Minister of Lands): After examining the motion, I am at a loss to understand the Leader's motives, and I can only conclude that he is entering into this matter at this very late stage for purely political purposes. The assumption in the motion is that the Government has done nothing, is doing nothing and intends to do nothing about this important question. Nothing could be further from the truth, and I suggest that this motion will be of no more benefit to the Kangaroo Island settlers than was an earlier motion moved by the Leader concerning the zone 5 rentals. The Leader does not know what went on; or, he does not want to admit that he knows.

To show the actions which this Government has taken in the matter I can do no better than give the history of the actions which have been taken in an endeavour to assist Kangaroo Island settlers in their difficulties. In this connection I must acknowledge the fact that my predecessor as Minister of Lands- wrote to the Commonwealth Minister for Primary Industry on May 20, 1970, expressing his concern regarding the economic difficulties of Kangaroo Island farmers and suggesting that some action should be taken to alleviate the conditions which applied. He asked that the Commonwealth Minister consider sending an officer to South Australia to examine the position and discuss possible actions with officers of the Lands Department. Apart from an acknowledgement, no reply was received from the Commonwealth Minister, and I took this matter up with him on July 17, 1970, asking him to advise whether he proposed to take action, and on July 28 a further acknowledgement was received.

It was not until August 5, 1970 (a lapse of over two months) that I received what I considered was a completely unsatisfactory reply from the Commonwealth Minister concerned. To illustrate the attitude which was taken at that stage the following is the contents of his advice to me:

On May 20, your predecessor wrote to me expressing his concern on the economic position of war service settlers, particularly those cn Kangaroo Island. In accord with his suggestion, one of my senior officers, during a recent visit to South Australia, discussed the position with your officers, paying particular attention to the current situation on Kangaroo Island. As an outcome of these discussions, I am informed that some (but not a large proportion) of the settlers on Kangaroo Island are encountering financial difficulties. Broadly speaking, these difficulties arise from the effect of one or more of four factors, namely, the depressed prices being obtained for wool; an infertility problem in breeding ewes; transport costs, and in some instances, relatively poor management.

The depressed prices received for wool is, of course, a problem not confined only to war service settlers but affects the wool industry as a whole. I think you will appreciate that any action the Government may take to cope with this problem must apply to the whole industry of which the war service settlers on Kangaroo Island form a very minor sector. It is not within my power to grant special concessions or assistance to this small sector solely on the grounds of

low prices being received for wool. The infertility problem is a technical one. I understand its effect varies considerably between farms. I would think that advice directed at elimination or, at least, alleviation of this technical problem should be the province of the Department of Agriculture in your State. This problem is parallel to many others with which primary producers unfortunately must contend from time to time. Settlers cannot expect the Government to cover them against such risks by granting concessions to them. Farming under island conditions does incur some difficulties compared with farming on the mainland. In designing farms for the war service land settlement scheme on Kangaroo Island, they were made somewhat larger in terms of productivity than those on the mainland to offset the disabilities; the main one probably being transport costs which, being intrastate, are the concern of the State Government.

I am informed that a small number of the settlers on Kangaroo Island are in such financial difficulties that there seems little possibility of their recovering to a reasonably sound position. There is a fairly close correlation between the extent of indebtedness and degree of management ability. In spite of reasonable care being taken in the selection of the settlers for the scheme, it would be over-optimistic to expect that there would not be some who scarcely measured up to average efficiency in managing their holdings. The supervention of difficult marketing problems doubtless has found the poorer managers wanting. However sympathetically I look at this problem, I come to the conclusion that those unable to cope with the conditions to such a degree that they are going deeper into debt from which they are unlikely to extricate themselves should leave the scheme, preferably by selling their leases or, if they are not prepared to do this, by cancellation of their leases. Delay in such action is often inimical to the settlers' welfare.

As most of the war service land settlement settlers on Kangaroo Island have been in possession of their holdings for periods up to 20 years, I think it is reasonable to regard them as members of the general farming population and expect they should contend with their problems when they arise as do others in similar pursuits. The war service land settlement settlers already have many advantages, not the least of which is the concessional rate of interest payable on advances from the credit authority under the scheme.

The Hon. C. R. Story: They paid a fair price for it.

The Hon. A. F. KNEEBONE: I am not saying this. This is the Commonwealth Minister that I am quoting. Do not blame me for it. The letter continues:

I regret that I am unable to write to you, as the new Minister for Lands in South Australia, in a more congenial vein.

I was appalled at the lack of appreciation shown in this letter and after considerable inquiry and discussion with my officers I replied to the Commonwealth Minister in the following terms:

I refer to your letter of August 5, 1970, in reply to a letter forwarded by my predecessor on May 20, 1970, in which he expressed his concern regarding the economic position of war service settlers, particularly those on Kangaroo Island. I have since taken the opportunity to examine the situation of a number of these settlers and, after having done so, I too must express regret that you felt yourself unable to provide a more favourable reply to my predecessor's letter and can only conclude that you have not been adequately informed of these problems.

I note that, as an outcome of discussions by one of your senior officers during a visit to South Australia some time ago, you have been informed that some, but not a large proportion of settlers on Kangaroo Island, are encountering financial difficulties. These discussions were brief and in general terms only and did not extend to the detailed consideration of the problems to which my predecessor referred and which obviously he wished should be investigated in depth. As a result of my examination of information submitted to me by my officers, I can do no more than reiterate the request which my predecessor made, that an officer be sent over to make a detailed study of these problems.

Although I agree that the problems being encountered are not confined only to war service settlers, they do have a very significant effect upon the administration of the war service land settlement scheme for which you and I are responsible, and I am very concerned that the current situation will result in a wholesale build-up of arrears of settlers as a group. Even the more successful settlers are finding it difficult to pay their way and meet commitments.

I would also agree that the infertility problem is a technical one, but nevertheless is a matter of serious concern to me, in that despite the efforts of the Commonwealth Scientific and Industrial Research Organization, the Waite Institute and the Department of Agriculture during the past five years, this problem has not yet been alleviated to any significant degree. Investigations into the use of selenium appear to show some promise. In a statement made some time ago, attributed to an officer of the C.S.I.R.O., it was stated, and I quote, "More recent work has shown many of the harmful effects of sub clover infertility can be offset with use of the appropriate selenium supplements. On severely affected properties lamb marking percentages have been increased as much as 20 per cent." In my view an increase of 20 per cent in lambing percentages is not going to have any great significance upon the situation of settlers whose lambing percentages have been below 20 per cent.

Quite apart from the efforts of the aforementioned bodies, this department maintains three field officers on Kangaroo Island and these officers have also endeavoured to assist settlers with this particular problem. Much of the increased production which many settlers

have achieved is the direct result of the advice which my officers have given upon management problems. There are few settlers on Kangaroo Island, who under reasonable circumstances, would be unable to continue as most of the unsatisfactory ones have either sold out or had their leases cancelled. At the present time there are one or two others in this category who have been endeavouring to sell their properties but buyers are particularly scarce. No doubt the infertility problems and other disabilities on Kangaroo Island have some effect upon this position, but generally disposal of properties at anything like a reasonable price is difficult at the present time.

I am not concerned with the inefficient or incompetent settlers who have been and will be dealt with by appropriate action, but I suggest that, when the current economic situation seriously affects competent people who have efficiently managed their holdings, the matter is worthy of detailed investigation. These are not cases that should be dealt with in the manner set out in the latter part of your letter. Generally, these settlers have increased production two to three times the standard which was envisaged for war service land settlement blocks 12 months after allotment. This standard was designed to permit settlers to meet commitments and obtain a reasonable living. Many settlers now find that, although they are carrying up to 3,000 sheep and in some cases more, this is no longer possible even though they have developed the potential of their blocks to the maximum.

I must also rebut a statement in the penultimate paragraph of your letter wherein you state that most of the settlers on Kangaroo Island have been in possession of their holdings for periods up to 20 years. In fact, none of these settlers has been in occupation for more than 17 years, and 75 of them have been allotted in the past 10 years. You will recall, of course, the difficulties and subsequent adjustments made with the so-called "first 50" in 1963. If these settlers are disregarded, the balance have been in occupation for a period of 12 years or less.

To summarize, I believe that action must be contemplated to enable competent settlers to carry on and, therefore, renew the request of my predecessor for an officer to be sent to South Australia to make a detailed investigation into these problems so that a policy, based upon fact, may be pursued.

I believe that the situation on Kangaroo Island thoroughly justified my action, and the situation that has developed since that time more than justifies the forthright renewal of the request for a detailed investigation, so that a policy, based upon fact, can be implemented. The Commonwealth Minister ultimately agreed to comply with this request on November 5, 1970, and the Commonwealth officer visited the State on October 30, before the advice was received, and discussed the problem in general terms with an undertaking that the investigation would continue in January, 1971.

Despite continued pressure the investigation did not commence until August 16, 1971. This investigation was undertaken and field inspections made during the course of that week. My officers assisted in every way possible and provided the Commonwealth with all the information that it required. Nevertheless, very little progress was made in terms of actual action, and a further meeting of officers of the Commonwealth and the State was held on September 13, 1972, when my officers raised a number of measures to give relief to Kangaroo Island settlers additional to those that were referred to by the Commonwealth Minister when discussing the Loan (War Service Land Settlement) Bill.

The only definite actions that have been taken in the matter are those that have been announced concerning, first, provision to pay out stock mortgages for credit-worthy settlers and, secondly, a Kangaroo Island improvement programme that would involve a scientific investigation, partial rental remissions, credit for fodder conservation facilities, and recasting of settlers' accounts in appropriate cases. Action has already been taken upon some of these matters and the Commonwealth has approved a programme of expenditure of up to $100,000 in the next four years, including $16,000 in this financial year to enable field testing of haemoglobin selection on commercial flocks.

The basic research on haemoglobin selection for ewe fertility and lamb survival was carried out on Kangaroo Island. This research appears to present a most promising avenue and, if validated by commercial flock testing, it could largely overcome one of the major stock breeding problems of the area with significant economic benefits to the settlers. There are a number of other problems relating to pasture species and management yet to be resolved, and my department in conjunction with the Agriculture Department has set up an inter-departmental committee to co-ordinate and promote the research activities to field application in an endeavour to achieve worthwhile economic advances in stock health, pasture and farm management practices, as soon as possible.

The Agriculture Department has recognized the need for special advisory services to war service settlers on Kangaroo Island, and a senior officer has been appointed to undertake this duty. This activity will be additional to that which has been provided by the department in the past, and it is hoped that it will be of major importance to the Kangaroo Island improvement programme. Concerning the

matter of credit-worthy settlers, I have stressed that the settler's performance and reliability must be a major consideration in determining the criteria for stock mortgage take-over and that these decisions must not rest only on a settler's present financial position. This policy will relate not only to stock mortgage refinancing but also to further advances to those who are already under departmental stock mortgage finance.

Action has already been taken with a number of stock mortgages, and I understand that the question of rentals and recasting of settlers' finances is currently being investigated by Commonwealth officers of the Department of Primary Industry, but no firm proposals have yet been made to me. I believe that the foregoing illustrates the attitudes that the Government has taken in this matter and I can assure the settlers that the Government will accept its responsibilities in any action that may be found necessary to assist them to overcome the problems of production and their financial difficulties. I turn now to the motion as it stands and say quite definitely that the circumstances in respect to the offer and execution of the leases upon Kangaroo Island are quite different from those in zone 5. Equally, the judgment of Mr. Justice Bright in the zone 5 case has no application to Kangaroo Island.

Zone 5 settlers objected to rents proposed in the lease documents for execution in 1963. They refused to sign the leases, and their leases did not come into existence. The Kangaroo Island settlers were offered leases at rentals that were accepted. The lease documents were executed and formal leases have been in existence since 1963 whereas, in the case of zone 5, most leases were not executed until after Mr. Justice Bright's judgment, when the final rentals were negotiated by the parties. The Commonwealth, as I have indicated earlier, is presently considering the overall financial situation of Kangaroo Island settlers, including rentals, and it is appropriate that it should do so as in terms of the agreement between the State and Commonwealth, as I understand them, the Commonwealth is legally responsible for any costs that may occur after allotment.

The Government considers it neither appropriate nor acceptable to make the declaration proposed, as action of this kind at this time could confuse the present investigations and subsequent negotiations rather than assist them. I repeat the assurance I gave earlier, that the Government will accept its responsibilities in the matter and continue to press the Commonwealth Minister to take urgent action to correct the situation of these settlers. For the reasons I have given, the motion will achieve nothing and I therefore ask that it should not be agreed to.

The Hon. R. C. DeGARIS (Leader of the Opposition): I wish to discharge the motion I have on notice, but I should like to reply to some of the statements made by the Minister. Am I in order in doing that?

The PRESIDENT: If the honourable member speaks, the motion will go to a vote. Alternatively, he can move to discharge it from the Notice Paper without speaking.

The Hon. R. C. DeGARIS moved:

That Order of the Day, Private Business, No. 1, be discharged.

Order of the Day discharged.

CONSTITUTION ACT AMENDMENT BILL (COUNCIL)

Adjourned debate on second reading.

(Continued from November 22. Page 3311.)

The Hon. M. B. DAWKINS (Midland) moved:

That this debate be further adjourned.

The Council divided on the motion:

Ayes (9)—The Hons. Jessie Cooper, M. B. Dawkins (teller), R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, E. K. Russack, V. G. Springett, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, A. J. Shard, and C. R. Story.

Majority of 1 for the Ayes.

Motion thus carried; debate adjourned.

Later:

The Hon. M. B. DAWKINS (Midland): This Bill refers to the alteration of the age at which a person can serve in the Legislative Council by reducing the age from 30 years, as it is at present, to 18 years. In my opinion it is a stupid Bill and, when one sees whence it emanates, perhaps that is not at all surprising.

The Hon. C. M. Hill: What do you mean by that?

The Hon. M. B. DAWKINS: Considering whence it emanates it is not at all surprising that it is a stupid Bill and, considering whence it is sponsored in this Chamber, it is not at all surprising that it is a stupid Bill, either, if the honourable member wants to know. I think that my views about 18-year-olds are not unknown in this place. I have said previously that the notion that 18-year-olds are more mature today than were 18-year-olds 20 or 30 years ago is, in many cases, false. In most

cases today 18-year-olds are better educated theoretically than they were in years gone by. In the past, probably the average age at which young men and women had to go out in the world, as it were, was 15 years or 16 years. They then had to mix in an adult life and earn money, thus learning how much money there was about and, consequently, some sense of responsibility. At present, most young people, until they are 18 years of age or older, are still educated in the theoretical or formal sense; they are still putting out their hands to their mother and father for their money, and they still have no real sense of responsibility. I admit that this is not what occurs in every case. However, there is no doubt that today many young people are less responsible than were young people of, say, a generation ago.

Be this as it may, the Parliament of the State has decided, in its wisdom, that the age of 18 years is the age of adulthood, and that young people of this age are entitled to vote for the South Australian Parliament. However, this Bill goes much further than that. By its provisions, young people will be able to become members of this Council at the age of 18 years. I believe this is a stupid provision. At that age, few young people have gained anything approximating wisdom or judgment, and one needs wisdom and judgment in this place, some people needing it far more than they realize.

The Hon. D. H. L. Banfield: Hear, hear!

The Hon. M. B. DAWKINS: I hear one honourable member who needs more wisdom and judgment speaking now. A person needs wisdom and judgment to discharge the duties of a member of Parliament. I believe it is ludicrous to suggest that young people should come into this House of Review at the age of 18 years. I know that already a young person of this age can become a member of the House of Assembly, and I know that for many years past a person of the age of 21 years has been able to be a member of the House of Assembly. Some people have become members of the House of Assembly at a very young age and, with great respect, I do not think this has done anything for their wisdom or judgment.

The Hon. C. M. Hill: To whom are you referring?

The Hon. M. B. DAWKINS: If the honourable member wants me to do so, I will refer to him. The point is that, in a Chamber such as this (and this is a House of Review and of second thought), one needs some experience before one becomes a member. Therefore, I am opposed to this Bill as it stands.

The Hon. C. M. HILL (Central No. 2): I thank those honourable members who have spoken in this debate in a manner befitting this Chamber; I thank them for the consideration they have given to the measure. It seems to me that some honourable members have been worried and concerned about this matter and some have been a little upset about it but, as I said previously, it is a simple Bill that should not frighten any honourable member in this Chamber. If some honourable members fear that someone who is young may be able to obtain a seat in this Chamber, that person, I am sure, would be able to make some contribution, and on measures affecting youth, which we sometimes get in this Chamber, such a member would make a worthy contribution.

On the other hand, the likelihood of such a person being elected to this Chamber is slight, so I cannot for the life of me see why some honourable members have become so upset about such a measure as this. It applies not only to those in the 18 years to 20 years age group but also to those in the 28 years to 30 years age group. How honourable members can adopt the attitude that they believe that people in that age group are not, shall I say, suitable for serving here because they have not the necessary wisdom or judgment is hard to believe.

Honourable members know there are people in their late 20's today who are married and have families—in some instances relatively large families. They have many years of experience in the handling of their family finances and some of them have attained high office in the business world or the professional world. Some are highly qualified as tradesmen and are skilled artisans, and in today's world, which is a world for the young, there are some who hold such offices that, if they came into this Chamber, they could make contributions of which we would all be proud. There is no denying that if we look at it in an unbiased way.

The Hon. M. B. Dawkins: What rubbish!

The Hon. C. M. HILL: The Hon. Mr. Dawkins said "Rubbish!" He has already implied that I am stupid and that the architect of this Bill in another place is stupid.

The Hon. D. H. L. Banfield: He cannot reflect on another place and get away with it.

The Hon. C. M. HILL: The Hon. Mr. Dawkins really should take a good look at himself in the mirror.

The Hon. M. B. Dawkins: You should look at yourself in the mirror.

The Hon. C. M. HILL: The honourable member takes the attitude that people in their late 20's—

The Hon. M. B. Dawkins: Join the mistletoe organization!

The Hon. C. M. HILL: —are not fit to come into this Chamber. The comment I made a moment ago about them was made in all sincerity. I am not trying to be funny.

The Hon. M. B. Dawkins: I said nothing about people in their late 20's.

The Hon. C. M. HILL: Whereas the present minimum age is 30 years for holding a seat in this Chamber, the honourable member, who must have read and studied the Bill because he spoke to it, knows that the Bill reduces that age to 18 years. In that span of 12 years these people in their late 20's are included.

The Hon. M. B. Dawkins: The honourable member could move an amendment to make the age 25 years, and I might support it.

The Hon. C. M. HILL: I do not want to engender any bad feeling between myself and the Hon. Mr. Dawkins but I stress the point that there is no reason why honourable members should not vote for this Bill. It is the kind of measure that from time to time in the general evolution of our legislative machinery we should be introducing. We should not be fearing this kind of change, for there is nothing to fear from it. Again, I thank all honourable members who have contributed to the debate for the work they have done. I do not appreciate some of the comments made by one or two of the speakers, but in politics that is life. I urge honourable members to support the Bill.

The PRESIDENT: As this Bill seeks to amend the Constitution, the second reading must 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.

The Council divided on the second reading:

Ayes (7)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, and A. J. Shard.

Noes (10)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 3 for the Noes.

Second reading thus negatived.

CONSTITUTION ACT AMENDMENT BILL (FRANCHISE)

Adjourned debate on second reading.

(Continued from November 22. Page 3337.)

The Hon. M. B. DAWKINS (Midland): I oppose this Bill, which could well be described as a naked Bill with a wide-open and, in effect, compulsory provision for voting for the Upper House, with adult franchise. We are all aware of the *fait accompli* that the former Attorney-General, the present Premier, was able to accomplish when he combined the rolls for the House of Assembly and the Council, and, as I have said, we now have compulsory voting, in effect if not in name, for the Legislative Council. This was shown at the 1968 State election, when the voting figures for the Legislative Council were about 95 per cent of the enrolment and for the House of Assembly about 93 per cent of the enrolment. The Bill arises from the desire of the Australian Labor Party to have a mirror house of the House of Assembly and to have a franchise that will swamp out the country. That will happen if this Bill is adopted.

The Hon. A. F. Kneebone: Victoria and Western Australia did not seem to think so.

The Hon. M. B. DAWKINS: What they think is beside the point. I am talking about South Australia, and our population arrangement is somewhat different from that in those States. If the Minister desires to have the sort of distribution for the Lower House that Western Australia has, we may think about that.

The Hon. T. M. Casey: We tried to do that a few years ago, and you would not accept it.

The Hon. M. B. DAWKINS: I should like to see the day when the Minister brings about a situation where there is one figure for the city districts, another for the country, and a third for the pastoral areas, as in Western Australia. However, as far as I am aware, the Minister has not spoken on this Bill yet and perhaps he can put his views before the Council during the next five hours. Of course, the reason for the introduction of the Bill has been the A.L.P.'s desire to have a distribution that would enable it, in due course, to abolish the Council, and from time to time, with monotonous regularity, we have had an attack by the A.L.P. on this honourable House.

It has been described as undemocratic, reactionary, and various other things.

The Hon. R. C. DeGaris: Some people were very keen to get in here at one stage.

The Hon. M. B. DAWKINS: Some are keen to get here and keen to stay on the front bench.

The Hon. T. M. Casey: On the front bench on the other side, do not forget.

The Hon. M. B. DAWKINS: The Minister may be in that position in due course. I wish to direct my attention to the matter under discussion. As I have said, the reason for the introduction of the Bill is the Labor Party's desire to have a mirror House that will enable the eventual abolition of this Chamber. We have been told that the Council is undemocratic, a nineteenth century House, reactionary, and all the rest of it, and that we are completely out of date. We have been told that this sort of thing should not obtain any longer. One should consider the situation in Upper Houses in other countries, such as in the Senate in Canada, which is a nominated House, and in the Legislative Council of New South Wales.

I think we were told last evening that the Legislative Council in New South Wales was a nominated House. That is not strictly correct. It is an indirectly-elected House, elected in the same way as we elect Senators when there is a casual vacancy in that House. Nevertheless it is elected in a way different from that in which this place is elected but not so different from the way in which some elections are held in the United States of America, and honourable members would consider the United States to be a democracy.

The Hon. A. F. Kneebone: In New South Wales they are elected for 12 years, are they not?

The Hon. M. B. DAWKINS: Yes, and this provides a situation where members can deal with legislation on its merits, not looking over their shoulders about whether they will be in the House next year.

The Hon. T. M. Casey: Do they get *the* same salary as members of the Assembly?

The Hon. M. B. DAWKINS: No, they receive a slightly less salary and they do not have districts. I do not think it is good that they do not have districts, because they have not any particular responsibility for any specific district. I do not subscribe to that position so far as the Upper House in New South Wales is concerned. We also have the mother of Parliaments, the House of Lords, which is a nominated or hereditary House. I have mentioned Canada, New South Wales and Great Britain, where Upper Houses do not have a wide franchise.

The Hon. A. F. Kneebone: You have not mentioned Queensland or New Zealand yet.

The Hon. M. B. DAWKINS: I can come to them later in the evening if the Minister would like me to.

The Hon. A. J. Shard: You are not going on a tour, are you?

The Hon. M. B. DAWKINS: I can do that if the Chief Secretary would like me to do so.

The Hon. A. J. Shard: I would not. I would like to have a rest.

The Hon. M. B. DAWKINS: If the Chief Secretary has a rest, I will finish my speech more quickly. I have mentioned three countries that have Upper Houses elected or nominated in a much more restricted way than applies in this State. I do not think any honourable member of this Chamber would say that Great Britain, the United States, Canada, or New South Wales was undemocratic. In Australia, we have the Senate, and we had some talk about that last evening. When something was said about the Senate being elected on proportional representation, I asked who introduced that, and we did not get a satisfactory reply.

The Hon. A. J. Shard: It was done in the time of the Labor Government.

The Hon. M. B. DAWKINS: That is true and we have this system of proportional representation for the Upper House of the Commonwealth Parliament. No Party since then has had a really effective majority. It has always been a fairly closely aligned House, and I do not think that that has been a bad thing for the Commonwealth Parliament or the Senate. We had much criticism last evening of proportional representation. How was the Senate composed before proportional representation was introduced?

The Hon. D. H. L. Banfield: It was like this place, 16 to 4.

The Hon. M. B. DAWKINS: ft was a little worse than that. It was 33 to 3, and on at least one occasion it was 33 to 3 in favour of the Labor Party. I do not think anyone in the Labor Party raised a voice of protest about that.

The Hon. D. H. L. Banfield: Yes, we did, and we altered it.

The Hon. M. B. DAWKINS: Yes, and it brought the Labor Party down in the process.

The Hon. D. H. L. Banfield: We are getting a little more democratic than that.

The Hon. M. B. DAWKINS: I cannot support the Bill. It is completely wide open, because it lacks any protection for country people. Last evening we were told that for 30 years this House was a mirror House for the Liberal and Country League Government under Sir Thomas Playford. I have never heard so much nonsense in my life. The gentleman who said that was not here at the time. During the time the Playford Government was in office, as you know, Mr. President, the seat now occupied by the Hon. Mr. DeGaris, as Leader of the Opposition, was occupied by the Leader of the Liberal Party group in this Chamber. It was occupied by Sir Collier Cudmore, by the Hon. Leslie Densley, and at a later stage, in the final three years of the Playford Government, by the Hon. Ross Story. In each case the group in this Parliament (and if it had been in the United States Senate it would have been called the majority group) regarded itself to some extent as an Opposition, as a group critical of the Government in office.

The Hon. D. H. L. Banfield: What a sham!

The Hon. M. B. DAWKINS: What I have said is true.

The Hon. D. H. L. Banfield: Elected by the L.C.L.!

The Hon. M. B. DAWKINS: The honourable member does not know what he is talking about. This Legislative Council was just as critical and just as effective in correcting legislation during the regime of the Liberal Government (and, incidentally, it was anything but popular with the Government at times) as it has been in correcting legislation during the period of the Labor Government. To say that this Chamber for 30 years was a mirror House of the House of Assembly for the Playford Government is the biggest lot of rubbish I have heard the Hon. Mr. Banfield talk—and I have heard him talk a fair bit of it in his time.

Last night we heard a great scream about one vote one value and the fact that, if the conditions under which we would hope to accept adult franchise in this Chamber were adopted, there would be this dreadful ratio of 2½ to one. In the House of Assembly there has been due recognition of the greater numbers of the city of Adelaide. When I was in New Zealand five years ago I spent some time with a friend near Wellington who is a prominent member of the New Zealand Labor Party. If the Labor Party happened to win the election next Saturday he would probably be Minister of Education. I spent a very pleasant time in his home. We talked politics and he said, "There are three Parties in New Zealand—the National Party, the Labor Party, and the Auckland Party." He meant, of course, that if the Parties liked to get together in Auckland they could do what they liked for Auckland. The situation in the House of Assembly at the moment is that, if the city members of the Labor Party and the L.C.L. liked to get together on behalf of the city's requirements, they could do what they liked for Adelaide because they would have the numbers to do it.

When that situation exists in a Lower House it might be all very well, but in an Upper House there should be some protection for the minority, and therefore I support fully the contention that in this Chamber if adult franchise is accepted we should have equality of numbers for city and country. This so-called dreadful ratio of 2½ to one is only a fraction of the difference between the numbers required in the State of New South Wales to elect a Senator and the numbers required in the State of Tasmania, and therefore there is protection for the small State of Tasmania in the Senate.

Although I am sure the Labor Party in the past has believed in the abolition of the Senate, in recent years, when it has had the numbers in that place to have considerable effect, we have heard little about the policy of abolition of the Senate; in fact, I have not heard one word from Mr. Whitlam at the present time about the abolition of the Senate, and I have not heard one word about altering the system of proportional representation which has proved very effective in that Chamber and which, apparently, is approved by the Commonwealth Labor Party, although we know it is not the policy of the State Labor Party.

If we have one or two divisions in our own Party which are mentioned from time to time in this place, we can also find variations of opinion in the Labor Party in Australia. I will not support a Bill which will bring about a situation in this Chamber similar to that in the House of Assembly, which means, whether the Labor Party likes it or not, that the city will run the show in both the House of Assembly and in the Legislative Council.

The Hon. D. H. L. Banfield: You've found it all right before, you know.

The Hon. M. B. DAWKINS: If the country ran the show it was run in a very good way for the city of Adelaide. One need only see the development of the city that has occurred over the past 30 years. In the suggestion we have made, and which unfortunately we are not in a position, according to your ruling,

Sir, to reintroduce in this Bill, we have suggested equality in numbers for city and country in this House.

It is not a matter of 2½ to one for the L.C.L. against the Labor Party or for the Labor Party against the L.C.L.; it is a 2½-to-one ratio of voting for this Chamber for the country against the city, as it were, so that the country will not be swamped by the city any more than Tasmania will be swamped in the Senate by the larger States. The record of the Senate in recent years has been good, and there has been no reason to consider that the Commonwealth Parliament is undemocratic merely because a vote in New South Wales for a Senator is worth only one-eleventh of a vote in Tasmania. The equality of numbers in the Senate has protected the smaller States, and equality of numbers in this Council would do no more than protect the small population area of the State of South Australia. It would not mean a great discrepancy between the Parties in this Chamber and I believe that, if the Parties were fairly evenly divided, the Legislative Council would continue to act in a way beneficial to the State, and Parliament would be better therefor. I find myself unable to support the Bill.

The Hon. G. J. GILFILLAN (Northern): I rise with some regret to speak to this Bill, as the opportunity was presented to the Government, if it was genuine in its attempt to restructure the Upper House on adult franchise, to amend a Bill that was submitted to it from this Chamber. Then, perhaps, it could have been thrashed out between the two Houses. That Bill was the result of much work and research by a committee comprising members of both Houses, which committee examined a wide range of alternatives.

I do not think anyone in his right mind would say that to accept adult franchise straight out and destroy this Chamber would be a sensible thing to do without some other restructuring provisions, because honourable members are in a House the boundaries of which are unrealistic and out of proportion. When the Assembly boundaries were redrawn during the last Parliament, this Council should then have been restructured. Members in another place seemed to think that, if they tried to do anything about this Council, for some reason or another a Bill that the Labor Party wanted above all else would be lost. It was a foolish thing to do in the circumstances, without examining more closely the overall picture of the bicameral system.

It has for a long time been a facet of Parliamentary life in this State that people have tried to make political gains by attacking not only the Upper House in South Australia but also those elsewhere in the world. This is occasioned sometimes by envy, because the record of Upper Houses throughout the world is, to the best of my knowledge, very good. While I was fortunate enough to be in England to attend the seminar on Parliamentary Practice and Procedure, I saw the two English Houses of Parliament working. Although the English system is different, in that the Upper House is part appointed and part hereditary and that its powers have been somewhat diminished from what they were, it is remarkable, because of the many long years of tradition, how closely the House of Commons examines the amendments suggested by the House of Lords. This is because of the very high standard of debate that takes place in that House. This is largely because many of the appointed peers are people appointed because they have special talents. For instance, there is one group of legal men making up a committee which examines the drafting of all legislation. It was most interesting, in listening to the debate, to see how the House worked without using Standing Orders. The person in the Chair has no authority over the House except for a very small area between the chair in which he sits and the Woolsack.

Despite that, the system appears to work extremely well. I heard some informative lectures on the system and I was interested to hear Labour peers praising the two-House system, and to hear of their study and of their efforts to restructure it. They thought that probably the best way to restructure the House of Lords would be to have almost equal numbers between Government and Opposition, with the balance of power being held by the cross-benches. Many peers do not profess allegiance to either Party. We see this happening throughout the more successful Parliaments of the world.

I was interested to hear a lecture from a very distinguished person who had made a study of the Parliaments within the British Commonwealth. He had studied Parliaments in more than 30 countries and he said the two most efficient Parliaments within the Commonwealth Parliamentary Association were those of Victoria and South Australia. Although it has no long tradition such as that of some of the older countries, this Council has traditionally worked as a House of Review. It is possible it has not always been right, because changing

conditions sometimes prove existing opinions wrong, but it has worked conscientiously and has contributed much to the State.

We hear much criticism of the concept of the Upper House being called a House of Review. I do not care very much what it is called, as long as it works. Much of the criticism has been a matter of political expediency. We saw this some years ago, and it has created a most unfortunate situation. Too many people talk in the name of so-called democracy about something they understand very little. I do not want to criticize anyone in particular. I listened to the Hon. Mr. Banfield last night. He had a job to do and he went about it in the best way he could, but it was quite obvious from his speech that he, and certainly the people who advised him, had not seriously considered the scheme for restructuring this House that went forward this session.

The Hon. D. H. L. Banfield: That was not in this Bill, was it?

The Hon. G. J. GILFILLAN: The Hon. Mr. Banfield kept repeating "two and a half to one".

The Hon. D. H. L. Banfield: That had been raised by the Leader, but it was not in the Bill.

The Hon. G. J. GILFILLAN: When anyone talks like that it is obvious that he has not the slightest idea of proportional representation. First, the equality of representation between two defined areas has precedent throughout in the Senate, but the important thing about equality of representation within electoral districts is that, if we do not have it, we immediately move into the field where the seat of fewer numbers must get a much greater proportion of the vote for each member to get him elected. This is why, for any proportional representation scheme to work satisfactorily, each district must have equality of representation.

The Hon. D. H. L. Banfield: Why couldn't you have done it all over the State? Why couldn't you have made it one district?

The Hon. G. J. GILFILLAN: There is a simple answer.

The Hon. D. H. L. Banfield: It can be done in the Senate.

The Hon. G. J. GILFILLAN: The Senate is different in that only five members come out at each election. With half a House (even half a small House like this) coming out at each election, and perhaps three or more Parties putting up candidates, we would have an election paper which the average elector would find it almost impossible to handle.

The Hon. D. H. L. Banfield: Come on, be fair dinkum! You can work it in the Senate.

The PRESIDENT: Order! Continual interjections are out of order.

The Hon. G. J. GILFILLAN: I believe at least in equality in the second House between the country and the metropolitan area as defined by the Electoral Act. The boundaries are there. The city and the country have interests in common, but also interests where some conflict could occur. We must get proper consideration for the more remote areas, where we are trying desperately to keep population. Decentralization is suddenly becoming popular, and, if the Government plan to establish two new cities comes to fruition, we could find that the population would equalize very quickly if it is intended to contain growth within the metropolitan area.

It does not matter very much what the representation is in the city or in the country, the state of the Parties would probably be the same with proportional representation. It would not matter in the country if there were 10 members or 12. The result would be exactly the same proportion of representation between the Parties. If members care to study the matter in detail, they will find it is absolutely fair in concept—much more so than the election of our members in the Assembly, where many members are elected not by the voters but by the people who preselect them. Under a compulsory voting system, once they get preselection they are automatically elected.

The alternative system proposed for this Council was much more democratic than that in the Assembly. Some people are against proportional representation because minority groups could get representation, but surely the whole concept of proportional representation is that people are represented in the proportion by which they vote.

The Hon. D. H. L. Banfield: Why didn't you introduce it when you were in Government?

The Hon. G. J. GILFILLAN: Any scheme to keep out minority Parties certainly is not democratic. In spite of some of his interjections, I do not know how often the Hon. Mr. Banfield has had to fight an election. Certainly, the Liberal and Country League has never contested Central No. 1. I think there was an Independent candidate in the last election. Mr. Michael Cudmore presented some interesting figures in the press some time ago which showed that last time this Council was out for election about 103,000 voters voted in 16 members; last time the Assembly came out

about 130,000 voters voted in 20 members. This makes the proportions about the same. That is, of course, ignoring preferences because, when two candidates for the Upper House are required, the first and second preferences have equal value: it has the same result as two crosses.

The Hon. D. H. L. Banfield: That would not happen with compulsory voting for the Upper House, would it?

The Hon. G. J. GILFILLAN: Voluntary voting has been hammered time and time again, and we know full well that, for all practical purposes, an election for both Houses on the same day means compulsory voting for this Council. The last time, in 1968, a higher proportion of people voted for the Upper House than at any other time.

The Hon. D. H. L. Banfield: What was it in 1965?

The Hon. G. J. GILFILLAN: I have not the records for 1965, but the 1968 election I remember well, and the highest percentage of votes in both Houses came from Northern, which is remarkable because we have industrial cities and a scattered population. As a Whip in this Council, I can appreciate the work of honourable members. I am proud of the work that honourable members opposite do. I do not draw a distinction here, because each honourable member has brought some special talent to this Parliament. I should hate to see a system where these individual talents were smothered by a rigid Party system. We have specialists in several fields. We are fortunate in having a medical man here who is an eminent man in his own field. We also have a legal man who is an expert on company law. This type of expertise is something that we need.

The Hon. D. H. L. Banfield: Then why do you want to change it under proportional representation?

The Hon. G. J. GILFILLAN: I do not intend to try to change anything at all. I merely regret that the Government did not take the opportunity, when it had the opportunity in another place, to help restructure this Council in a manner satisfactory to both Parties, because at present neither Party can do it on its own. It is obvious that that was not the Government's wish and that it desired to have a confrontation with this Council. I regret what that may do regarding the future of South Australia. A great volume of work has been handled by honourable members this session. The complexity of the legislation we have dealt with cannot be disputed. Also, there was some ill health caused by influenza last winter. However, in spite of all these things we have kept to our programme. At the beginning of this week there were on the Notice Papers of both Houses about 34 Bills to be dealt with, and some more came in.

The Hon. A. J. Shard: There were about 35 or 36.

The Hon. G. J. GILFILLAN: Some of these Bills were complex, and honourable members did much work on them. Honourable members worked carefully on Bills like the Education Bill. I regret that, with the goodwill and co-operation between the two Parties in this Council, an honest attempt was not made to find a solution to the problem that we have in restructuring this Council. I regret that I cannot support this Bill.

The Hon. V. G. SPRINGETT (Southern): On November 15 this year, a few days ago, the Constitution Act Amendment Bill regarding the franchise was introduced. The Bill concerns the arrangement and alteration of the type of franchise for the election of members to this Council. Why should the Government be seeking a change at this stage? Why does anyone ever seek any change? Sometimes it is sought for its own sake, sometimes because only by change can we improve on what we already have. Sometimes it is sought not for its own sake, not as an improvement, but for personal gain and for personal ends.

This Parliament, since its early days, has believed in, practised, and worked by the bicameral system, the system of two Houses. We are not alone in the world in believing in the bicameral system which we wish to see retained. I speak, obviously, for those of us on this side of the Council and on the corresponding side in another place. It is well known that those who occupy the Treasury benches would not be very worried if the bicameral system ceased to exist.

I said we are not alone in believing in this system. As has been mentioned this evening, the Parliament at Westminister is bicameral, and if we go around a large part of Europe (Eastern and Western), we find the system still believed in. We could cross the Atlantic to the United States and Canada and find likewise. A part of the world people tend to forget sometimes is Africa, and I am thinking particularly of West Africa. People think of Nigeria, for instance, and the Gold Coast as being young countries only just beginning to find their feet.

Two years ago, at the end of a civil war in Nigeria, Parliamentary government had

been suspended completely, and a military government had taken over. I visited the Parliament there, and in doing so I saw the two Houses, both of which had been suspended. Arrangements were being made for Parliament to reassemble as soon as possible and to recommence along the lines we understand, and they were going to start as a bicameral system. I asked a Clerk of the House why they were to have this system and he replied, "We have made one terrible mistake that led to a war. We do not want to make a bigger mistake. We are going back to the bicameral system."

The Hon. D. H. L. Banfield: Do all the people get a vote?

The Hon. V. G. SPRINGETT: I might tell the honourable member in a minute. He might have to wait a little longer, because I now seek leave to conclude my remarks.

Leave granted; debate adjourned.

Later.

The Hon. V. G. SPRINGETT (Southern): Before I sought leave to conclude my remarks I said that Nigeria, after its bloody civil war, planned to return to orderly government. It has not yet done so, but the Nigerian Government decided it would go back to a bicameral system, because it had had enough troubles, without compounding them by adopting a unicameral system. The Hon. Mr. Banfield asked me earlier who were entitled to vote; my reply is that the people entitled to vote are those who have certain residential and household qualifications.

The Hon. D. H. L. Banfield: A privileged few!

The Hon. V. G. SPRINGETT: No; a privileged many.

The Hon. D. H. L. Banfield: The minority would be left out. Here, it is a 15 per cent minority.

The Hon. V. G. SPRINGETT: I should think that the minority would be about that. There are different types of election for a second Chamber in a bicameral system. Great Britain has life members and hereditary members in its Upper House, although the present hereditary members will be gone after the present generation fades out. A year ago a member of the New Zealand Parliament had lunch here and, while talking about the lack of a second House in his country, he said, "If only we had a second House, it would be very useful at times."

The Hon. D. H. L. Banfield: What did he do about reinstating it?

The Hon. V. G. SPRINGETT: He said that some people were looking into it.

The Hon. R. C. DeGaris: Many people in New Zealand, particularly in the South Island, are looking into it.

The Hon. V. G. SPRINGETT: That is right. When we have not got something, we want it; and when we have got it, we are only too happy to throw it away. We do not have full adult franchise, and some people want it.

The Hon. D. H. L. Banfield: The 15 per cent minority wants it.

The PRESIDENT: Order! We will have one speech at a time.

The Hon. V. G. SPRINGETT: They want it because they have not got it. Full adult franchise has a popular appeal, but everything that has a popular appeal is not necessarily good and right in its own right.

The Hon. D. H. L. Banfield: Tell us why the 15 per cent cannot have a vote.

The Hon. V. G. SPRINGETT: The honourable member can work it out for himself. In a House such as this we should be separate, not superior. We have a separate and different job to do. One of the most important things I have learned here since I entered this Council in 1967 is that it is an integral part of a Parliament that serves this State admirably and well. One of the tragedies is that some people are so anxious to change things that they tend to fall over themselves in the rush and do not see what is happening to themselves and to the Parliament.

The Hon. D. H. L. Banfield: Tell us about the votes.

The Hon. V. G. SPRINGETT: Full adult franchise means changing the minimum voting age from 30 years to 18 years.

The Hon. D. H. L. Banfield: You should have said 21 years, not 30 years.

The Hon. V. G. SPRINGETT: If an 18-year-old is eligible to vote, will he have to get his headmaster's permission? Will he put examinations before voting? It seems absurd to me that honourable members here and in another place should talk about taking care of and protecting young people because it is a wicked world—

The Hon. D. H. L. Banfield: You are not excluding the young: you are excluding the old.

The PRESIDENT: Order! I am sorry to interfere in this debate, but the Hon. Mr. Springett has a right to be heard.

The Hon. V. G. SPRINGETT: In one breath we are told that young people need

to be protected, but in the next breath we are told that young people are mature adults with a right to express themselves and to take their place in the world. One cannot have it both ways. It is one of the tragedies of the modern age that some who are older try to please young people by telling them in one breath that they are grown up, and in the next breath they tell them that they will take care of them in this wicked world. We cannot do both.

The Hon. D. H. L. Banfield: You're on the wrong Bill.

The Hon. V. G. SPRINGETT: I know that another Bill deals with the age at which people can vote for this Council. Without going into more detail at this time of morning, it is obvious that there is a future for the bicameral system in this Council, in this State, in this country and in other parts of the world where it is recognized. So long as we have a bicameral system, there must be some difference in the voting patterns between the two Houses.

The Hon. L. R. HART (Midland) moved:

That this debate be now adjourned.

The Council divided on the motion:

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

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Motion thus carried; debate adjourned.

Later:

The Hon. L. R. HART (Midland): Over recent years we have heard much about gerrymanders. Indeed, every time Bills to amend the Constitution Act come before Parliament we hear about the word "gerrymander" from the Labor Party. It has been said time and time again that members of Parliament should represent not sheep or broad acres but people. If the Labor Party has its way and implements its policy of one vote one value, many people in this State will not be properly represented in Parliament. The thickly populated areas will swamp the outer areas of this State.

Most voting systems are based on the conditions applying in the country or State concerned. Geographically placed as we are in this State, there are large areas of land on which there may be many sheep but on which there are only a few people. These people constitute a minority, and I think it is the Labor Party's policy that the minority should have some representation in Parliament. If that minority is to be represented adequately in Parliament, we must have a voting system that will give it some chance of obtaining that representation.

The Hon. D. H. L. Banfield: So you will exclude people from voting?

The Hon. L. R. HART: I am not doing that—

The Hon. D. H. L. Banfield: You are, you know.

The Hon. L. R. HART: —because anyone can vote provided he has certain qualifications.

The Hon. D. H. L. Banfield: Yes, anyone but!

The Hon. L. R. HART: Many people in the State could be qualified to vote for the Legislative Council.

The Hon. D. H. L. Banfield: But you won't let them.

The Hon. L. R. HART: No; they do not take advantage of their qualification. I have heard it said repeatedly by members opposite that the Chief Justice of this State, a prominent citizen, is denied the right to vote for the Legislative Council. Everybody knows that that is not true.

The Hon. D. H. L. Banfield: You want to get him married. That's what you want.

The Hon. L. R. HART: The Chief Justice of this State has had the opportunity to vote for the Legislative Council for probably the whole of his adult life. However, he has never exercised that right. There would also be many other people in this State who have never exercised their right to vote. Therefore, the suggestion regarding the 15 per cent of the people of this State who cannot vote for the Legislative Council bears examination.

The Hon. D. H. L. Banfield: Wipe them from voting, too.

The Hon. L. R. HART: There may be some people who do not have this right, but we have a system that suits the circumstances obtaining in this State.

The Hon. A. J. Shard: You'd be kidding.

The Hon. L. R. HART: No, I would not be kidding at all. Although one matter is not dealt with in the Bill I should like briefly to refer to it.

The Hon. D. H. L. Banfield: Nor has anything else you've been talking about.

The PRESIDENT: Order!

The Hon. L. R. HART: On occasions people who have the right to vote do not exercise that right. This happens at Legislative Council by-elections.

The Hon. D. H. L. Banfield: That's right: you deny them the right.

The Hon. L. R. HART: They are not denied the right to vote. They have that right but do not exercise it. The Labor Party would like everyone to have a right and, indeed, everyone to be compelled to vote. If we are going to give adult franchise and let everyone have a vote—

The Hon. D. H. L. Banfield: That works in the Senate.

The Hon. L. R. HART: —it is only right that there should be a system that permits the minority groups of the people of this State to be adequately represented. The Minister of Agriculture is looking at me.

The Hon. D. H. L. Banfield: He can see you aren't game to vote on this Bill.

The Hon. L. R. HART: I remember when there was a Constitution Act Amendment Bill before Parliament that was known as the "Casey Protection Act". That tag was placed on that Bill because certain margin loadings were provided in the Bill to protect a specific district.

The Hon. T. M. Casey: That's not true.

The Hon. L. R. HART: It is true.

The Hon. T. M. Casey: That is not true.

The Hon. L. R. HART: It is, because—

The Hon. T. M. Casey: That is not true and I will defy you—

The PRESIDENT: Order! Continual interjections are out of order.

The Hon. L. R. HART: I did not mean to refer specifically to the district that the Minister used to represent: it could apply to other districts in sparsely populated areas.

The Hon. T. M. Casey: What were the seats?

The Hon. L. R. HART: It was realized that people in those sparsely populated areas should be represented on a reasonable basis in comparison with that enjoyed by others in the thickly populated areas.

The Hon. T. M. Casey: What areas are you referring to?

The Hon. L. R. HART: The Minister does not have to ask me that, because he knows perfectly well.

The Hon. D. H. L. Banfield: What's wrong with naming them?

The Hon. L. R. HART: There are not many countries in the world that do not have loadings for districts in which there is a sparse population. The whole purpose of this Bill is to give adult franchise.

The Hon. D. H. L. Banfield: And you don't want to vote on it.

The Hon. L. R. HART: This course of action must be tied to Labor Party policy, which is for the abolition of the Legislative Council.

The Hon. D. H. L. Banfield: I don't see that in the Bill.

The Hon. M. B. Dawkins: Deny that!

The Hon. D. H. L. Banfield: What clause is it?

The Hon. L. R. HART: The policy of abolition has been stated clearly in this Chamber by no less a person than the Chief Secretary himself.

The Hon. D. H. L. Banfield: What clause in the Bill?

The Hon. A. M. Whyte: Clause 2.

The Hon. L. R. HART: This has been stated by the Chief Secretary and he makes no apology for it. I am trying to show that, if we are going to have adult franchise, we must have a system that will give equality of voting to everyone in this State. This Bill originally contained certain conditions that were deleted by another place.

The Hon. D. H. L. Banfield: And on which you're not game to vote.

The Hon. L. R. HART: If we could write into this Bill certain conditions to give equality to people over the whole of the State I would support it, but I cannot support it in its present form.

The Hon. D. H. L. Banfield: Will you vote on it one way or the other?

The Hon. L. R. HART: Give me time.

The PRESIDENT: Order!

The Hon. D. H. L. Banfield: I would give you six months if I were the judge.

The PRESIDENT: Order! I think I have allowed the maximum of latitude so far as interruption of speakers is concerned. I am not at this stage going to name an honourable member, but he will understand, and I inform him that yesterday he was given the opportunity to make his speech without interruption, and I expect the same consideration for other speakers. I shall not hesitate to use the power of the Chair unless we have order in the Chamber. The Hon. Mr. Hart.

The Hon. L. R. HART: As I was saying, if this Bill could be reinstated to the provisions that were in it when it left this Chamber I would have no hesitation in voting for it and this would give the very thing

honourable members opposite have been asking for: adult franchise. As the honourable members' colleagues in another place have deleted those provisions I find myself in a situation where I have some difficulty in supporting this legislation.

When we look at the systems in other countries we find that they have varying systems; indeed, we have systems in Australia varying from State to State. The conditions in this State are not the same as in other States. Although it may be all right to have adult franchise for voting in the Upper House in Victoria, it does not necessarily mean that adult franchise for the Upper House in South Australia should automatically follow. In Victoria certain conditions are attached to voting rights for the Upper House. There are several zones. In Western Australia there is a similar situation; there is adult franchise, but the State is divided into certain zones.

New South Wales has a totally different system, while in Tasmania there is adult franchise but the State is divided into districts. It does permit the minority element in that State to get reasonable representation.

The Hon. R. C. DeGaris: Elections on a separate day, too.

The Hon. L. R. HART: That is another most important matter. I believe in the principle of voluntary voting, but it is impossible to have voluntary voting when elections for the two Houses take place simultaneously. That is another condition that should be in this Bill. We have had voting on separate days for the two Houses of the Commonwealth Parliament, and this may have something to commend it. We should consider the value of the Upper House in South Australia to the people of this State. They are getting the best of two worlds. This was proved tonight by a conference between the two Houses of Parliament where we met together with opposing views and arrived at a decision acceptable to both Houses.

The Labor Party policy is to abolish this Chamber. If that happens the people in South Australia will be subjected to a type of rule they have never experienced in the past. Some countries in the world have only one House of Parliament but there again they have to suit their situations. Queensland has only one House, but legislation cannot be forced through the Queensland Parliament in the manner it could be forced through in this Parliament with only one House.

It is interesting, in studying the question of Houses of second thought, to look at what is said in relation to this matter. This relates to New South Wales; warnings were sounded that, without a Council, any Bill, no matter how iniquitous, would become law within a matter of hours. Mere delay then could be a form of safeguard. *The Australian Liberal* comments that the virtue of a time pause between the passage of a Bill in the Lower House and its enactment is obvious. The public gets a chance to look at the measure. The members themselves may get second thoughts. Expert opinion is able to correct mistakes. It is not that the Upper House members may possess superior qualities of analysis. The review is as much by the public as by the Parliament, and the time lapse is frequently sobering. Reduced to a slogan, befitting the popular image of politicians, this became: an individual faced by a problem often "sleeps on it" before making a decision; this is a good policy also for legislators.

Possibly this is one of the greatest benefits in having this House. Legislators can sleep on the legislation. The general public has an opportunity of voicing its opinion. Time and time again we have seen where the Government introduces a Bill after midnight and by next morning that legislation is on the Statute Book. That is for the purpose of denying the public the opportunity of expressing its view. Is this the situation that we are trying to create by introducing this Bill in its naked form? I think I heard that remark earlier today when the Hon. Mr. Dawkins referred to this as a naked Bill. It was not a naked Bill when first introduced into this Chamber.

The Hon. A. J. Shard: It was not introduced in this Chamber.

The Hon. D. H. L. Banfield: He wouldn't know.

The Hon. L. R. HART: All right, it was not introduced in this Chamber, but it is a naked Bill, and I do not know that anything naked is suitable. The more you clothe the human body, and the more you clothe legislation, the better it looks. If we could clothe this Bill with certain conditions it would be more acceptable to the majority of people in this State. The Minister of Lands shakes his head. Perhaps he prefers naked things. This legislation is, I am afraid, something the people of this State do not understand. They do not understand the philosophy of the Labor Party and the intention of the Labor Party.

What is the intention of that Party? Its members have said quite clearly time and time again that the intention is to abolish the Legislative Council, but in the meantime they

will set out to reform. What does that mean? To reform, in their way of thinking, would be to take out all its teeth, to take away the power, and to make it a House that has no useful power whatever. This, I believe, is equivalent to abolishing it. If it reaches that situation perhaps it may as well be abolished. However, I believe that the people of this State want to retain the Legislative Council. I also believe that they do not vote the same way for both Houses of Parliament. Many people vote for one Party in the Lower House and for the other Party in the Upper House. They are like the punters: they like 20c each way. They want a safeguard against hasty and ill-conceived legislation, legislation that acts against their interests.

Many books have been written on the role of the Upper House and on Upper Houses in other countries, and many countries have two Houses of Parliament. This system has grown, perhaps, from the period when there was rule by the camp fire, when the chieftain of the tribe ruled. Then we had the system of rule by a committee of the tribe. Eventually we reached the stage, not in this country but in countries that have been developed for many centuries, of having not a committee but a House of Parliament. Then it was decided there should be two Houses of Parliament.

This system has stood the test of time over the centuries, yet we have in this State a Party that is determined to abolish this system and throw it to the winds. Other countries have abolished the Upper House but, in due course, have reinstated it. I regard this legislation with much suspicion. There are inherent dangers in it in its present naked form. However, I understand that Standing Orders do not permit us to introduce conditions into this Bill, and that is a tragedy. In saying that, I am not being critical of Standing Orders.

If the Labor Party is genuine in its belief that we should have adult franchise in this State, let it be a little co-operative and let it come to some sort of compromise with us, so that we can have something acceptable to both. If the Labor Party is not willing to come to some sort of compromise, we must assume that this Bill has some sort of ulterior motive, and it is on this ulterior motive that I base most of my remarks. I consider that one is justified in looking at this Bill with suspicion. I wish to refer to other countries in the world, some of which perhaps are not so well developed (perhaps some are older than our country but their Parliamentary systems are still back in the horse and buggy days). Afghanistan is a hereditary monarchy but consists of two Houses of Parliament: a National Council and a Senate. Albania is a Peoples Republic. We know that a Peoples Republic would have only one House of Parliament. Then there is Andora. It is a co-principality, the sovereignity of which is exercised jointly by the President of the French Republic and the Spanish Bishop of Urgel. The legislative power is vested in the Parliament. The General Council is composed of 24 members, and half its membership is renewed every two years. Even there, we have the power divided between the President of the French Republic and the Spanish Bishop.

Argentina is a Federal Republic, but Argentina consists of a Chamber of Deputies and a Senate. Austria is a Federal Republic that consists of two Houses, the National Council and the Federal Council. Bahrain is a hereditary monarchy. The Sheikh is absolute in internal affairs but foreign policy is controlled by the United Kingdom. Belgium is a hereditary monarchy but it has two Houses of Parliament. Bolivia is a Republic, but it consists of two Houses of Parliament: the Chamber of Deputies and the Senate. Brazil is a Federal Republic that consists of two Houses of Parliament. Bulgaria is a Peoples Republic, and I think all honourable members understand what a Peoples Republic is. Consequently, of course, it has only one House of Parliament, and it is behind the Iron Curtain. Burma is a Federal Republic and has two Houses of Parliament. Canada is a Federal State and a member of the Commonwealth. The Parliament consists of two Houses: the House of Commons and the Senate.

So we go on. Many of the newly developed countries have two Houses of Parliament, because they have adopted the British system of democracy and they believe that the two Houses of Parliament give them the best protection possible. Ceylon has two Houses of Parliament. Chile is a Republic. We can speak not only of Asia, South America, and North America, but we can go right around the world, and the franchises of these Houses of Parliament—

The Hon. A. F. KNEEBONE: I rise on a point of order. This Bill deals with adult franchise, not with whether there are two Houses of Parliament or one. The honourable member is speaking about two Houses of Parliament, which has nothing to do with this Bill. On a point of order, I want him brought back to the Bill.

The PRESIDENT: I think the honourable member is communicating the relationship between two Houses and the franchise.

The Hon. A. F. Kneebone: I have not heard him say it.

The Hon. L. R. HART: I am linking my remarks with what would happen if this Bill were passed in its naked form. The members of the Party that the Minister of Lands belongs to—

The Hon. A. F. KNEEBONE: On another point of order, the passing of this Bill will have no effect in the way the honourable member is talking, because the Constitution provides that the people of the State must have a referendum before this House can be abolished. The passage of this Bill has nothing to do with the abolition of this House.

The PRESIDENT: I have already given a ruling in this regard on the matter of relevance, and I think the honourable member is quite in order in developing his argument as he has been doing.

The Hon. L. R. HART: It is interesting to consider the franchise in some other countries. I think we should tie the franchise of some of these other countries to this Bill. In Chile all literate citizens are qualified to vote, except priests and members of the armed forces.

The Hon. D. H. L. Banfield: That's better than here!

The Hon. L. R. HART: Certain sections of the community are denied a vote. In Chile, the illiterate sections are denied a vote. Columbia has two Houses, the franchise providing that all literate citizens over 21 years of age are qualified to vote. Perhaps we should consider whether the franchise in this State should be confined to literate citizens! I believe that the minority section has as much right to vote as the majority has. In this State, of course, generally speaking the minority sections are the illiterate people, although illiterate people are qualified to vote for the Legislative Council. If one viewed the situation existing all around the world, one would generally find a system of two Houses of Parliament, each country having a franchise that suits it. Other countries do not have a naked system of franchise, such as the system that the Government is trying to impose on this State.

Other countries do not impose on citizens a system that denies certain sections of the community adequate representation, such as the system that the Government is trying to impose on us. Although this is only a short Bill, it has much in it, but it is not what is in the Bill that worries me: it is what is not in the Bill. As I said earlier, it is the policy of the Party in power in this State that worries me. It is the stated intention of members of the front bench that this Chamber should be abolished, and for that to happen they would have to gain control of the Chamber. The easiest way to gain control of it is through implementing a system of adult franchise in a naked form that would deny people in this State adequate representation in the Parliament. Many speeches have been made in this Chamber over a long period—

The Hon. D. H. L. Banfield: But none worse than this.

The Hon. L. R. HART: —on this matter, and many of them have been made by prominent people who are far better informed on the matter than I am, and who have all spoken along the same lines. Those people, having a good vocabulary, have been able to put into words far better than I the arguments they have advanced. We should examine how this State has progressed under the system that we have enjoyed for a long time. It has progressed as well as or perhaps better than those States in which there is adult franchise for the Upper House or in which the Upper House has been abolished. Queensland is a typical example of a State that abolished its second Chamber.

The Hon. M. B. Dawkins: In blatant disregard of the will of the people.

The Hon. L. R. HART: Yes. New South Wales also tried to disregard the will of the people but the scheme backfired. I view this legislation with some concern, because I believe that if we introduce the Bill in its present naked form it will lead to a period of depres ion. This State has progressed under the existing franchise for the Upper House; the population has increased, as have our manufacturing ability, our exports and rural and mineral production. Why should we throw away something that has been of great benefit to the people of the whole State and replace it with something that places the future of the State in doubt? One could go on talking for hours—

The Hon. D. H. L. Banfield: Even without mentioning the contents of the Bill.

The Hon. L. R. HART: We should take notice of what has happened in other countries and examine the progress made in recent years in those countries that have a two-House electoral system, with a franchise to which are attached conditions. The British House of

Lords has certain conditions attaching to appointment to that House. We have altered the franchise for this House over the years; it has always been a restricted franchise, but it has been expanded over the years. At present the spouse of a person who is entitled to vote and who is enrolled is now entitled to be enrolled and to vote, and that is quite a departure from the old system. If we are going to fiddle with the franchise, let us do it by degrees. If adult franchise is desired, I am willing to accept it, provided that certain conditions are applied that will protect the minority sections in the community. If a referendum were held in this State on the franchise, the people would vote overwhelmingly in favour of the present system.

The Hon. D. H. L. Banfield: To whom would you give the vote in a referendum?

The Hon. L. R. HART: The only problem is that at present we are being hammered by the Labor Party and by the media—

The Hon. D. H. L. Banfield: Rightly so, too.

The Hon. L. R. HART: —on the question of franchise for the Legislative Council. It is nice for the Labor Party to have this Chamber, because it can blame the Chamber for many of the Party's own shortcomings. It is nice for the Labor Party to be able to say to its supporters, "Well, it's no good our bringing in certain legislation; it will only be thrown out by the Legislative Council." I wonder whether the Labor Party, in its heart of hearts, wants to get rid of the Legislative Council or whether it prefers to retain it. I think that the Bill is introduced because the Labor Party would like us to throw it out and that it does not really want us to pass the measure. As this has been a tiring sitting and as I do not want to monopolize the debate, I will conclude my remarks by saying that I oppose the Bill.

The Hon. E. K. RUSSACK (Midland) moved:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (12)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, F. J. Potter, E. K. Russack (teller), V. G. Springett, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield. T. M. Casey, A. F. Kneebone, A. J. Shard (teller), and C. R. Story.

Majority of 7 for the Ayes.

Motion thus carried; debate adjourned.

Later:

The Hon. A. J. SHARD (Chief Secretary) moved:

That the debate on this Bill be now proceeded with.

The Council divided on the motion:

Ayes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

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

Majority of 9 for the Noes.

Motion thus negatived.

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

That the sitting of the Council be suspended until the ringing of the bells.

I should like the sitting to be suspended so that honourable members can make up their minds as to when they will be willing to work. I did not think we would ever reach the stage, irrespective of numbers, where honourable members would not face up to their responsibility to cast their votes on a Bill before Parliament. This is the first time that I can remember since I have been a member of this Council that honourable members in this Council have taken the business out of the hands of the Government.

The PRESIDENT: Order! The Chief Secretary can nominate a time for the resumption of the sitting, but the matter is not open for debate.

[*Sitting suspended from* 6.56 *to* 7.56 *a.m.*]

The Hon. E. K. RUSSACK (Midland): Although my sojourn in this Chamber has not been a lengthy one, I have learnt more readily to understand its function and to hold the conviction that this Chamber is worth while and, indeed, that it makes an effective contribution to the Parliamentary system in this State. The Bill concerns the franchise for this Council, in relation to which one can consider briefly two things.

The first of these is whether the bicameral system of Parliament is the best type of system. I say without hesitation that it is. In the speeches they have made today, honourable members have referred to many countries throughout the world that have a bicameral Parliamentary system. Our system having been modelled on the Westminster system, I consider that it is appropriate and most effective. Honourable members have heard today about

the position in Queensland and New Zealand, and they have heard, too, about the Australian Senate. These three are typical examples from which we can gain much experience concerning balance, which is necessary wherever laws are formulated.

I accept that all people of eligible age have the right to vote for the Australian Senate. Indeed, it is a compulsory vote. On the other hand, in order to maintain the balance 10 Senators represent each State, irrespective of the populations of those States, ranging from Tasmania, in which there are 250,000 people, to Victoria and New South Wales, with populations of between 3,000,000 and 4,000,000 people. In this way the situation is balanced. I wonder at times whether in Queensland, where the Upper House was abolished, the Greater Brisbane City Council has developed to a degree to which it would not otherwise have developed. It costs Queensland more for its city council than it costs South Australia for its Legislative Council. On the first point, therefore, I genuinely believe that the Legislative Council, as a part of the bicameral system of Government, is essential in the formulation of good laws. This has been evidenced, even in the last few days.

I refer, secondly, to the franchise for the Legislative Council. Whatever view one takes of the Legislative Council, this Council must not become a rubber stamp or a mirror image (two phrases that are used many times, perhaps with monotonous regularity) of another place. The franchise that has existed in South Australia has enabled this Council not to become a mirror image or a rubber stamp of another place.

I believe, too, that all Opposition members in this Council would accept full adult franchise under certain conditions, which must be applied so that this Council does not become a pure replica of another place. It is unfortunate that Standing Orders will not permit the amendments to this measure to be moved. In accordance with a certain formula, all Opposition members in this Chamber would accept full adult franchise for the election of members to this Council.

Finally, I should like briefly to refer to the by-election in which I was elected to this Chamber. Many people who were then on the electoral roll did not vote at that election, for which voting was voluntary and which was conducted on a separate day from the general election. Many people who had the right to vote and who could have voted did not do so. Is it therefore absolutely necessary for us to say that everyone must have a vote, because many people who could have voted on that day saw fit not to do so? Having been elected in this way, I do not feel conscience-stricken, because everyone had the right to vote even though they did not do so. Indeed, the number of people who refrained from exercising their right to vote was greater than the number who voted.

The Government has definitely demonstrated that it believes in compulsory voting. Because it is not possible for the franchise in which I believe to be incorporated in. this Bill, I cannot accept this measure in its present form. I believe that the bicameral system of Government is a great adjunct to our Parliamentary system. Indeed, it makes a great contribution to that system and presents a balance in the formulation of legislation in this State. The Legislative Council has not abused its authority in the past: indeed, because of it better laws have been passed. Its franchise can be amended so that the voters in this State will be influenced. However, the Bill now before the Council does not provide for this.

The Hon. R. A. GEDDES (Northern) moved :

That this debate be now adjourned.

The Council divided on the motion:

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

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Motion thus carried.

The PRESIDENT: The adjourned debate be taken into consideration?

The Hon. A. J. SHARD (Chief Secretary): I have no motion to move. The business of the Chamber has been taken out of my hands.

The Hon. C. R. STORY (Midland) moved:

That the adjourned debate be taken into consideration on motion.

The PRESIDENT: Those in favour say "Aye"; those against say "No". I think the Noes have it.

The Hon. C. R. STORY: Divide.

The Council divided on the motion:

Ayes (12)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, L. R. Hart, C. M.

Hill, F. J. Potter, E. K. Russack, V. G. Springett, C. R. Story (teller), and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, G. J. Gilfillan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 7 for the Ayes.

Motion thus carried.

Later:

The Hon. A. J. SHARD: To allow thought to be given to this serious situation (and a serious situation has indeed been reached), I move:

That Order of the Day Government Business No. 14 (Constitution Act Amendment Bill) be further considered on motion.

The PRESIDENT: The Council has already decided that matter.

The Hon. A. J. SHARD: Then I move:

That Order of the Day Government Business No. 14 (Constitution Act Amendment Bill) adjourned on motion be now taken into consideration.

The PRESIDENT: For the question say "Aye", against "No". I think the Ayes have it. The Hon. Mr. Geddes.

The Hon. R. A. GEDDES (Northern): One cannot but be mindful of the fable of the elephant and the mouse, and the trouble that the elephant had because the mouse, even though he was very small, was able to create many problems. The Council is dealing with this Bill to amend the Constitution Act, 1934, which Bill was received from another place. It deals with the provision of adult franchise for the election of members to this Council.

I am mindful of the remarks made by Mr. C. R. Cameron, the Commonwealth member for Hindmarsh, at a State Australian Labor Party convention at which a motion was moved to change the Party's policy in relation to the abolition of the Legislative Council. The motion, which sought to change the part of the Party's platform headed "Constitutional and Electoral", was defeated. Mr. Cameron said:

It is not easy after 60 years to admit that we have been wrong. We formed the existing policy calling for the abolition of the Legislative Council in the 1920's at a time of bitterness, and since then have held strongly to that view . . . Our policy is to elect a majority of Labor candidates to the Legislative Council and then for them to vote to abolish the House.

Many interjections have been made and much has been said regarding this Bill. If full adult franchise is granted to the South Australian electors so that they can vote for this Council, one can see, knowing voting trends in South Australia, that it would not take many elections before the A.L.P. had a majority in this Council.

The Hon. D. H. L. Banfield: Now the truth comes out.

The Hon. R. A. GEDDES: If Mr. Cameron's statement to the A.L.P. conference to which I have referred had been accepted, and if it were not the Labor Party's policy to abolish the Legislative Council, the argument to prevent a form of full adult franchise for this Council would not be valid. However, all honourable members know that Mr. Cameron lost his motion on that day, and that the A.L.P.'s constitution still contains provision that the Legislative Council should be abolished. Why is it that the Government of the day is saying that we must have complete voting rights for all people of a certain age? When a union decides to strike, do all its members get a vote on whether there should be a strike? When the Australian Labor Party selects its members for Parliament, do all the members of the unions that the candidates represent get a vote in deciding who shall be their candidate? I could, without malice, remind honourable members of the problem that the Commonwealth A.L.P. had in years gone by when Mr. Calwell and Dr. Evatt waited in the street in Canberra for a decision of the Party that was made behind closed doors to decide the Party's policy in regard to the defence of Australia. We all know what Sir Robert Menzies made of that debacle.

So, although the Government says on the one hand that it wants to give to all this right which is set out in the Bill, even within its own ranks it admits that it must have a system different from every financial member of a union voting on all matters. Many honourable members who have spoken on the problem of adult franchise have expressed more ably than I could the great complexity of this problem. To me, one point is clear: we should not introduce legislation without being able to judge the consequences of it. This is what the Liberal and Country League Party is doing: it is looking to the consequences not of the domination of the Council by one Party or another Party but to the bald fact that there is a suspicion that the principles of the House of Review would be abolished if the A.L.P. had the opportunity to do it. The Opposition in the Council, which has been aware of the Government's wishes and wants, earlier this session put forward a proposition to the Council for a different system of voting but with adult franchise, but the Government in another place saw fit not to accept it.

The Hon. D. H. L. Banfield: Some of your members here didn't accept it.

The Hon R. A. GEDDES: It was an attempt to see what the alternative was. I think I have explained my views clearly enough. There is little more I can say but to declare that I am opposed to the Bill because it involves restriction of the principles and the role of a House of Review, with the possibility of the ultimate abolition of it.

The Hon. JESSIE COOPER (Central No. 2): The late Frank Walsh, when delivering one of his policy speeches, gave notice that his Government would introduce a Bill for universal franchise for the Upper House. He finished that sentence with the words, "with a view to its ultimate abolition". So in any discussion on adult franchise the question of a bicameral system must arise. The first question we ask ourselves in this connection is: has the bicameral system of Parliamentary Government under the present franchise worked in South Australia? Has South Australia developed and prospered under this system? I do not think any honourable member would not answer "Yes". Now, however, we are in the hands of the great reformers. Great reformers are rarely pleasant people, if we recall the lessons of history. Most of them soon dropped their high-minded pose and emerged in their true form as dictators. Oliver Cromwell was one such. He was a great reformer, but he became a great dictator and abolished the Upper House in his country. Adolph Hitler did the same: he came in as a great reformer, became a great dictator and abolished the Upper House in his country. The Hon. Mr. Springett gave instances of what has happened in Nigeria. I will give two examples of what has happened in two of the emerging African countries which developed a bicameral system under British rule.

Ghana had a perfectly satisfactory Parliamentary system, but under Nkrumah a transition took place. First, he abolished the Upper House, so he had only one House of Parliament. It was only a matter of time before he had one-Party control and only a matter of time again before he became a one-man Government. The Judiciary was thrown into gaol and all kinds of appalling unconstitutional events took place. Eventually, Nkrumah came to his end. The same thing took place in Uganda, which did away with the Upper House, proceeded to have one-House Government, then one-Party Government, and finally a dictatorship. That dictatorship was taken over by a much more severe dictatorship, and now there is massacre everywhere. As far as I am concerned, this Bill is the first step in the same pattern of dictatorship, and I oppose it totally.

The Hon. A. M. WHYTE (Northern): I too, oppose the Bill. Adult franchise for the election of the Council is something that has been played with for as long as I can remember. It has always been part of the Labor Party's policy that there should be universal franchise for the Council. It has been argued that if such were the case there would be no difference between the elections for the two Houses, and the Council would not perform its role as a House of Review. Over the years, I do not believe that I have ever taken any exception to the Labor Party's stating that it wants universal franchise. That has been part of its policy, and ever since becoming a politician I have been willing to accept that that is its policy. What brought this matter to a head was when the Labor Party itself received support from certain members within the Liberal and Country League, and that sparked off the situation that has now landed us in one of the funniest little games I have ever played In fact, I should like someone to tell me what are the rules so that I might be able to participate in it a little better.

I believe that, unless there is a way of electing this Chamber that is different from the way of electing the Lower House, this place will serve no useful purpose. Not long after I entered politics I considered that if the heat was to be taken off the franchise issue it could be done by electing this Chamber under a different system, and I suggested one of proportional representation. With this in mind, and being new to politics, I went to some of the Leaders of the various Parties. Indeed, the Chief Secretary might recall that I approached him but, as he did not like proportional representation, he did not hesitate to tell me so.

The Hon. A. J. Shard: Never have and never will.

The Hon. D. H. L. Banfield: Neither did you previously.

The Hon. A. M. WHYTE: Proportional representation was originally my scheme, and I suggested it to the then Premier, who said that I had been listening too much to the Country Party. The Chief Secretary told me certain things about proportional representation that I do not wish to repeat! I tried

approaching several others but without any success at all: no-one seemed to be interested in what I was saying. However, eventually it sank through, and the Liberal Party adopted pretty well what I had suggested two years earlier.

The Hon. D. H. L. Banfield: I suppose you're proud of it.

The Hon. A. M. WHYTE: Yes, very proud. I think this Chamber could well be elected under a system of proportional representation. True, there is the danger to some Parties that splinter groups will be let in, and there may be a Democratic Labor Party member or two and perhaps a Country Party member or two but, if this place functions as a House of Review, that does not matter to me. We have not got far at this stage with proportional representation, although I hope that after the next election we shall be able to implement it as a means of electing this Chamber.

The Hon. Jessie Cooper referred to Cromwell and said he had abolished the second House, and reference has been made to various dictators throughout the world who also have found it necessary to do that. However, I suppose that no dictator really wants a House of Review. Incidentally, Cromwell was fair enough, before he lost power, to reinstate the second House; he had seen enough of the other system. Various countries have found it necessary to reinstate a second House. Many dictators over the years who have liquidated the second House have found it necessary to reinstate it. Reference has been made to Queensland, which has a unique set-up involving local government. Reference has also been made to New Zealand, where there are so many committees, etc., that I think Parliament is merely a mouthpiece for the various tribunals.

Despite what the Labor Party says at election time, deep down it would find it awkward if it did not have the Legislative Council at times to use as a whipping boy. The Premier and previous Labor Leaders have expounded their theories on this matter, knowing that it will get them some kind of kudos with their electors through the media, and I do not suppose that anyone has done a better job of using the Legislative Council as a whipping boy than has the present Premier. I do not discredit him for this, because it is part of his Party's policy, and the Premier has been able to do this very well. I have been disappointed in the members of my own Party who have not at any time truthfully tried to defend this House and who have taken sides with the Premier in belittling us. Indeed, I have at times become quite cross with these people.

The Hon. D. H. L. Banfield: Was that the noise we heard coming from the Party room?

The Hon. A. M. WHYTE: Since I have been in politics I have listened to the various slatings of this House and to the protests about those people who are disfranchised. Several times people have come to me in a real fit about the undemocratic means by which I was elected to Parliament and complaining that certain other people have been disfranchised. To those who approach me on that matter, I say, "Are you disfranchised?" but I have never received an affirmative reply. I know that people are disfranchised, but many of them must be apathetic, because not one of them has personally approached me on the matter.

I noted with interest the reference by my colleague the Hon. Mr. Geddes to Mr. Cameron's attempt to put the Labor Party right, pointing out how it could gain seats in this place. I have contended for many years that the reason why the Labor Party has only four seats in this place compared to our 16 seats is that, in the first place, that Party tells its candidates, "You're not there to serve the people; you're just going in to serve your Party and to vote yourself into liquidation. That's your prime purpose." Indeed, the Labor Party takes its candidates out on to the election platform and, in effect, tells the people that its main object is to abolish the very Chamber to which those candidates are seeking election.

The Hon. A. F. Kneebone: You know they can't do that.

The Hon. A. M. WHYTE: What if they had a majority in both Houses?

The Hon. A. F. Kneebone: They couldn't do it then without a referendum. Don't you follow the amendments?

The Hon. A. M. WHYTE; I do not know who is the constitutional expert.

The Hon. A. F. Kneebone: You put the amendment in yourself.

The Hon. A. M. WHYTE: How watertight is it?

The Hon. A. J. Shard: It's pretty wide, I can assure you of that.

The Hon. A. M. WHYTE: Over the years the Labor Party has failed to get candidates into this Chamber because it has not told the people that its candidate would be the best candidate it could find and that he would be in the Upper House to represent the people. The Labor Party has said that the Legislative Council is a terrible place, and that if people

vote for the Labor candidate he may be able to knock out the Council.

The Hon. D. H. L. Banfield: Where did you hear that?

The Hon. A. M. WHYTE: It was said before Mr. Cameron's motion.

The Hon. M. B. Cameron: Which Mr. Cameron?

The Hon. A. M. WHYTE: Mr. Clyde Cameron, who is one of the best Labor politicians this State has seen. Had he concentrated on State politics instead of Commonwealth politics, he would be Premier today. It was not one of the back-benchers of the Legislative Council who made this move: it was a prominent Labor member, because this is what his Party had to do to have members elected to this Chamber.

The Hon. A. F. Kneebone: That's how democratic the Labor Party is.

The Hon. A. M. WHYTE: I am not referring to how democratic the Labor Party is.

The Hon. A. F. Kneebone: We are told it is not.

The Hon. A. M. WHYTE: I do not think I said it was not democratic. I have told you some home truths, because I can remember getting up at a Labor meeting one evening at which the Premier spoke on these lines. I know what sort of a hand-out I received from the Labor people when I said to the Premier what I have said today. They did not agree with what I said, but I was pleased to find that Mr. Clyde Cameron had made similar statements to his own Party. One could detail the various Parliaments throughout this country and the world, and the need for a House of Review. I am adamant in my views about this Bill. I have given it as much consideration as has any other member, and I believe the solution is proportional representation. Perhaps one of these days the Labor Party may find someone like Mr. Clyde Cameron—

The Hon. A. J. Shard: He doesn't believe in it now: he has learned his lesson.

The Hon. A. M. WHYTE: The Chief Secretary probably has him bluffed temporarily. Having heard so many democratic stands by Mr. Cameron, however, I should not be surprised to see him move for proportional representation in the Labor Party. When this Chamber comprises members elected by proportional representation, the franchise will not be the question to be considered. I oppose the Bill.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I think the matter has been pretty well canvassed by other members in their speeches, and we have previously rejected a similar Bill to this. Perhaps that remark is not correct: we did not finally deal with a Bill before, because it did not go to a conclusion. I think most members on this side have expressed decided views on the matter. One point I refer to is the circumstances in which this Bill comes before us. The Hon. Mr. DeGaris promoted in this Chamber a Bill having a similar purpose but containing many more provisions, and this was the Bill that set out to modernize procedures here and the districts, rather than, as this Bill does, merely to seek to introduce adult franchise.

The Hon. Mr. DeGaris's Bill was passed in this Chamber and went to the House of Assembly, but the Government rejected it and introduced another Bill. I suggest that the Government introduced another Bill as a device, having regard to our Standing Orders, so that we had to take this Bill or nothing: we had no choice of amending it in the way we all would wish and to make a sensible modern Bill out of it. Members of the Labor Party know the Standing Orders of this Chamber as well as other honourable members do, and I strongly suggest that this was a device. You, Sir, ruled on this matter at the request of the Leader of the Opposition.

Your ruling, Sir, was not unexpected by me or by any other student of Standing Orders, and I believe it to have been wholly correct. The Government also knew that this would have to be your ruling, so it introduced this simple little Bill that gives it exactly what it wants (the first step towards the abolition of this Chamber) by taking advantage of the fact that we, having passed a similar Bill earlier this session, cannot now—

The Hon. D. H. L. Banfield: That earlier Bill didn't give full adult franchise.

The Hon. Sir ARTHUR RYMILL: That was its intention.

The Hon. D. H. L. Banfield: It was not in the Bill.

The Hon. Sir ARTHUR RYMILL: It could not be put in and sustained, because, as the honourable member knows, the Bill could have been divided by the other place. The intention was to give adult franchise on certain conditions that are lacking in this Bill.

The Hon. D. H. L. Banfield: It was only the conditions in the Bill.

The Hon. Sir ARTHUR RYMILL: Our hands are tied: because of our Standing Orders, we cannot do what we want to do with this Bill, and our only course is to reject

it. I recommend that honourable members do so.

The Hon. A. J. SHARD (Chief Secretary): I think we have had enough of this Bill. No-one in the Chamber is more regretful than I am about the situation that has developed. The Leader said this Chamber had worked admirably for the State of South Australia and in the interests of the people of this State. From his point of view, that statement is true, because it has worked well for the people whom he and other members represent. My attitude is known to every honourable member in this Chamber: the Government in another place, irrespective of Party, has the right to govern this State unless something is really wrong, and it should not be impeded in its progress.

The Hon. Mr. Hart said how the managers from each House got together on certain legislation and came to a satisfactory conclusion. However, it was not a satisfactory conclusion from the Government's point of view: it was the best the Government could get out of the conference. This Council is elected on a different franchise from that of another place, and it is not wholly representative of the people of this State. I make no apologies for Labor Party policy. My Party believes in full adult franchise for both Houses —something that is coming more quickly than most honourable members realize. There has been a great play on words since this Bill was introduced, particularly this morning. We have been told that this is the first step towards abolishing the Legislative Council. However, if the Labor Party next year had a majority in this Chamber, it could not, even by a vote of the Council, abolish it.

The Hon. A. F. Kneebone: I have been trying to tell them that all day.

The Hon. A. J. SHARD: The only way in which the Council can be abolished is by the Council's deciding to submit the matter to a referendum. The people could then vote on the matter and, if they decided to abolish the Upper House, what would be wrong with that? Many red herrings have been drawn across the trail.

The Hon. Sir Arthur Rymill: They are all over the country at the moment.

The Hon. A. J. SHARD: Being deaf to interjections, I do not know what the honourable member is talking about. Having sat and listened patiently, I have not interjected much. I have stood by Labor Party policy and, if one refers to *Hansard,* one will see that my attitude regarding this place has not altered since I entered it in 1956. One will find numerous speeches of mine in which I have spoken against this Chamber. I do not want to enter into arguments regarding all the trash that has been spoken this morning. Honourable members should say "Yes" or "No" to the Bill now before them and, if they are not willing to vote on the Bill, I feel sorry not only for the people here but also—

The Hon. R. C. DeGaris: We do not want to say "Yes" or "No".

The Hon. A. J. SHARD: Honourable members are faced with a straightforward choice. Someone said that "the more that one handles human beings the better it gets". That is the sort of trash honourable members have had to listen to. This Bill sets out specifically what the Government wants to do, and this Council should not have taken so long to decide whether to support the Bill or throw it out. I do not want to carry the matter any further, because I am sure everyone has had enough. Not only do I feel sorry for what honourable members have done but also I think that, in the eyes of the public of South Australia, our exhibition has written down honourable members, the Council itself, and the South Australian Parliamentary system. In all my time here I have never seen an exhibition such as I have seen this morning.

The PRESIDENT: As this Bill seeks to amend the Constitution Act and to alter the constitution of the Legislative Council, the second reading must 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 "No". There being a dissentient voice, it will be necessary for the Council to divide.

The Council divided on the second reading:

Ayes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

Noes (14)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 10 for the Noes.

Second reading thus negatived.

PROROGATION

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

That the Council at its rising adjourn until Tuesday, January 16, 1973, at 2.15 p.m.

This is not only the end of the third session of this Parliament: it is the end of the Fortieth Parliament. I have had the honour and privilege of being Chief Secretary for at least six Parliamentary sessions, and all of them seem to be getting heavier. This session, in particular, has been much heavier than have previous sessions, from my point of view. I think I am right in saying that we have dealt with 145 messages and 104 Bills, many of which were heavy, and honourable members have dealt with them very well. I take this opportunity, because it is the end of the Parliament, of saying more this time than perhaps I usually do. I wish to thank not only the people who have been helpful and kind to me but also other honourable members.

The first person I wish to thank is you, Mr. President. I have sat in this place under the guidance of three different Presidents and you, Mr. President, have done as good a job as any of them. I know that at times the work has been heavy and that some honourable members have been trying: although I may have been guilty in the past, I believe I have not been so guilty this session, as I am looking after myself these days. What I have admired about you, Sir, is that you have allowed a certain degree of latitude and, when we have had our little play, you have firmly but kindly read the riot act, so to speak. From a social point of view, our relationship has been of a high standard. On behalf of the members of my Party and all other honourable members, I thank you for the way in which you have presided over the Council. To my colleagues, I say that we are a pretty good team. They do an excellent job and, no matter what I have asked each and every one to do, he has done it willingly and kindly.

I say to the Leader that we have had our differences of opinion. However, we have put our point of view most forcefully but, I think, fairly. I thank the Leader for his help and assistance. It is not easy to occupy my position, and the Leader has had some experience of this. Without the Leader's co-operating with the Chief Secretary, irrespective of the person who holds the office, we could not function in this place very well. Another gentleman I wish to name is the Hon. Mr. Gilfillan: I do not think the value of his work in the Chamber is known more to anyone than it is to me. Every honourable member has an idea of what is going on and, if we run into trouble as we occasionally do, the Hon. Mr. Gilfillan can sort it out. I say to Gordon that I appreciate what he has done.

I appreciate the way all honourable members have done their job, despite our occasional differences of opinion that can only be expected. Several honourable members have not been in the best of health, but I hope that they recover full health soon and will be able to enjoy the coming festivities. Without naming them, I express my wish that they enjoy a speedy return to good health. I pay a tribute to the Clerks at the table, namely, Mr. Ball, Mr. Drummond and Mr. Mertin, who do their work very efficiently and in an unbiased manner. The work done by them this morning is truly indicative of their fairness. Many things have happened recently, and we have not heard the last of what happened this morning, involving certain procedural difficulties.

Both sides of the Council owe special thanks to the Clerks for what they have done. The Parliamentary Counsel, particularly Mr. Daugherty and Mr. Hackett-Jones, have helped not only me but every other honourable member at various times. Their advice and knowledge have been very sound, and I think that no small measure of the success of the workings of the Council can be attributed to the Parliamentary Counsel. To the *Hansard* staff, Mr. George Hill and his boys in particular, I say "Thank you" for doing a magnificent job, which we all appreciate.

Another department which we do not see at work but which does a really good job is the Government Printing Office. At times I wonder how Mr. James and his staff manage to do their work. I ask Mr. Hill to convey to Mr. James my personal thanks and that of other honourable members for the excellent job his department has done this session. The same may be said of the Library. Mr. Casson and his staff always do a very good job. Our messengers, under Mr. Fletcher, are always willing, co-operative and anxious to do anything they can for every honourable member. I do not know how we keep the catering staff, which must work long and unusual hours. Miss Stengert and her staff have done a very good job, and I thank them on behalf of all honourable members.

As this is the end of the third session of the Fortieth Parliament, there is bound to be at least one new face in Parliament next year. I refer to the retirement from the Council of the

Hon. Mr. Russack. I wish him good health and say that I have enjoyed his company. The Hon. Mr. Russack has been an asset to the Council; he is getting on his feet here, and I assure him that, if he is elected to the House of Assembly, he may wonder what has happened to him there. If he is successful, I hope I shall see him around the place, and I wish him well. I wish the best of health and luck to all honourable members. May they have a very good Christmas, and may 1973 be the year to bring them all they wish.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Chief Secretary's remarks, but I do not intend going through all the names in the same lengthy fashion as he, as Leader of the Government, quite rightly has done. Mr. President, I thank you for the manner in which you have presided over the Council. I also thank all honourable members for the co-operation they have shown. The Council has operated in a very co-operative manner, although we have had some difficulties and disagreements. However, by and large there is a degree of understanding between us that does much for the Parliamentary system.

Regarding my colleagues, I should like particularly to refer to the Hon. Mr. Russack, who has been a member of this Council for about two years and who, I am sure, has greatly impressed all honourable members. Having worked with many Parliamentarians not only in this State but also in other States, I have not known a Parliamentarian with a more honest approach to his politics and with a higher degree of integrity in his work than has the Hon. Mr. Russack, and I say that with justification. I am certain that after the next election the electors of Gouger will have a worthy man representing them in another place.

I refer also to the Hon. Mr. Gilfillan, whom I thank for his work as Whip, and to the Hon. Mr. Potter and the Hon. Mr. Geddes, as Secretaries of the Party. I refer, too, to the Hon. Mr. Story, our Deputy Leader, and thank him for his work. I refer particularly to the Hon. Mrs. Cooper, who is the first woman to be elected to this Chamber. With the retirement from the House of Assembly of Mrs. Steele, the Hon. Mrs. Cooper could soon be the only Liberal and Country League female member of Parliament in South Australia. She has at all times represented her district and Party well, and has represented and kept to the forefront in this Council the viewpoint of the women in the community. I congratulate her on the manner in which she has served this State and this Parliament.

I also thank the Clerks, Mr. Ball, Mr. Drummond and Mr. Mertin, as well as the *Hansard* staff and the Parliamentary Counsel, all of whom have had a fairly hectic time this session. I also thank the Parliamentary Librarian and his staff, the messengers and the catering staff for the service they have given.

Finally, I refer to this last day of the session. I do not quite agree with what the Chief Secretary said when closing the second reading debate on the Constitution Act Amendment Bill (Franchise). It is clear that this Council has been forced by the Government to cast a vote that does not reflect its views. That was the problem honourable members faced last evening and this morning. As the Chief Secretary knows, Opposition members would have liked to move amendments to that Bill that were contained in an earlier measure. Earlier this morning we cast a vote that did not reflect fully the views held by most honourable members in this Chamber. For that reason, Opposition members considered that it would have been better had the Bill lapsed with no vote being taken on it. However, the Government for purely political reasons wanted to force a vote on it. I take this opportunity merely to point out why certain action was taken last evening and this morning.

I thank all those people who have worked so well during the session, particularly the Chief Secretary, who is my opposite on the Government benches. In practically all matters before the Council there has been a degree of understanding and co-operation that I, as Leader, have deeply appreciated. To all honourable members I extend my best wishes for the festive season. I wish the best of luck to those honourable members who will be involved in elections to this Council next year, and I look forward to working with them in the next Parliament.

The PRESIDENT: Before putting the motion to the Council. I should like to associate myself with the remarks made by the honourable Chief Secretary and the honourable Leader of the Opposition, and I thank them for their references to me. Whatever success I may have achieved as presiding officer of this Council, I repeat what I have said before: the reputation of this Chamber is in the hands of honourable members themselves, from whom I have received much co-operation. Having had experience as both Chief Secretary and Leader of the Opposition, I know the temptations that

overtake honourable members on occasions when handling Council business.

However, I congratulate the Chief Secretary and his colleagues on the work they have done during the session. The Hon. Mr. Kneebone was absent on Parliamentary duties for a period, during which only two Ministers handled the work load, and these two gentlemen would know more than anyone else would know about the difficulties arising in such circumstances. These Ministers are to be congratulated on the amount of work they have handled and the manner in which they have handled it. I am sure all honourable members join with me in those remaks.

I refer also to the Hon. Mr. DeGaris: there is not a harder working member in the Council, or a more effective speaker in analysing and explaining legislation, than he is as Leader of the Opposition. I often wonder how he does the amount of work he does on practically all the legislation that comes before the Council. I congratulate him on the work he has done and on his great assistance in debates, having analysed, as he has, the various measures before the Council.

I do not wish to refer to everyone to whom reference has been made. However, I extend my best wishes to all concerned. I have reason to appreciate the assistance of the Clerks at the table, particularly when the Council sits for 20 hours in succession, as it has just done. One gets a little tired handling various matters over such a period but, with the Clerks sitting alongside one, one does not go astray. They have at all times been of assistance to me, as have the messengers, who have served us well, both in the Chamber and in the outer office.

I refer also to the Parliamentary counsel, with whom I do not now have so much to do but who I know are devoted to their work, and I thank those officers. They have had a tremendously hard session, dealing with so many Bills. The librarians have, as usual, been of tremendous assistance to honourable members. The catering staff has also given honourable members the best of service. Of course, we now have additional staff, and I refer especially to members' typists. Judging by the happy faces I saw last evening at the prorogation dinner, I am sure honourable members are happy with the support they get from their staff.

I conclude by referring to the efforts of Senior Constable Dolph Tamone, who has been with us for only about a year. He has done so much for honourable members who have difficulty in getting their cars into and out of the parking spaces in front of Parliament House. I am sure all honourable members appreciate his services. To all honourable members I express my thanks. They have all worked well and I think the debating in this Council during this session has been of a high standard. I convey to you all the compliments of the season.

The Hon. Mr. Russack has said that he is certainly leaving us; other honourable members are perhaps more doubtful about their future. Let me say to all honourable members that I shall be happy to see them back here again. They know that, if an honourable member leaves them, he leaves with the goodwill of all other honourable members in the Council. I conclude on that note, wishing you all the compliments of the season, good health and good luck.

Motion carried.

ADJOURNMENT

At 9.28 a.m. on Friday, November 24, the Council adjourned until Tuesday, January 16, 1973, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.