

**LEGISLATIVE COUNCIL**

Wednesday, August 13, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

**QUESTIONS****SHOOTING REGULATIONS**

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of the Minister representing the Minister for the Environment.

Leave granted.

The Hon. R. C. DeGARIS: On behalf of many people in the South-East, submissions were made to the Subordinate Legislation Committee on regulations brought down under the National Parks and Wildlife Act. Members of the committee appeared to me to agree that variations to the regulations were required, because they thought that the submissions were reasonable. However, since then a new Parliament has been elected, and the Council has no further power to influence the regulations. Can the Minister inform the Council whether the Government intends to bring down variations to the regulations, particularly those covering hunting licences for juniors, storage of carcasses, use of boats, bag limits, written permission to enter properties, and confiscation of prohibited objects?

The Hon. T. M. CASEY: I will refer the Leader's question to my colleague and bring down a reply.

**SALISBURY-ELIZABETH HOSPITAL**

The Hon. C. M. HILL: Can the Minister of Health say, first, when the Government expects that construction of the proposed new hospital at Elizabeth will commence; secondly, whether the plans provide that the project will service the whole of the Elizabeth area; and, thirdly, what use will be made of the old Lyell McEwin Hospital when the new hospital has been completed?

The Hon. D. H. L. BANFIELD: Planning for the new hospital in the Salisbury-Elizabeth area is well in hand. However, because the project has not yet been submitted to the Public Works Committee, we do not have a starting date for the construction of the hospital. Nevertheless, it has a very high priority, and we want to get on with it as soon as we can. It will serve the whole Salisbury-Elizabeth area. The present Lyell McEwin Hospital will be used as a nursing home type hospital.

**MANNUM PRIMARY SCHOOL**

The Hon. J. C. BURDETT: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. J. C. BURDETT: Part of my question falls into the portfolio of the Minister of Health, so I ask the Minister of Education to consult his colleague before bringing down a reply. For some time questions have been asked in this Council and in another place about the provision of a new primary school at Mannum, and the answer has always been that the need is recognised but it is a question of priorities. Urgent representations have recently been made seeking a dental clinic at Mannum; this matter falls into the portfolio of the Minister of Health. The answer given in this connection was that there will not be a dental clinic until there is a new school, because a dental clinic must be housed in a permanent building. Residents were perturbed by the recent announcement that

12 new dental clinics have been established, while they have been pressing for one for some time. My questions are: first, when will the new primary school be placed on the Estimates and, secondly, when will a dental clinic be provided at Mannum?

The Hon. B. A. CHATTERTON: I will refer the honourable member's questions to the Minister of Education and ask him to consult with the Minister of Health before he brings down a reply.

**STOCK**

The Hon. J. R. CORNWALL: I understand that the pastoral areas of the State have an abundance of feed because of the excellent seasonal conditions that have obtained in the past two years. Will the Minister of Lands say whether stocking rates, which have been controlled in these areas, have been increased and, if so, to what extent?

The Hon. T. M. CASEY: As honourable members are aware, the State's pastoral areas come within the ambit of the Lands Department and are policed (if I can use that expression) by the Pastoral Board. For the past few months, the board has made extensive tours into pastoral areas and made certain recommendations, because of the abundance of feed in those areas. It has recommended that stock on at least some properties should be increased until November 30 this year. The stocking rates vary from a small percentage to as much as 30 per cent. I believe that this is in the interests of the industry generally and of the meat industry particularly, because we do not want to see a big influx of sheep coming on the market in one fell swoop from those areas in which the stocking rates have been increased slightly over the past two years. However, I believe that pastoralists themselves realise that there is an abundance of feed in these areas, and it will be to their satisfaction to know that in many cases they can hold the same stock as they are holding at present.

**MEAT INDUSTRY**

The Hon. C. J. SUMNER: Did the Minister read the report in this morning's *Australian* relating to the suggestion that he intended to establish a cartel in the meat industry, and will he say whether that report was correct?

The Hon. B. A. CHATTERTON: I think the headline in this morning's *Australian* suggesting that I intended to establish a cartel in the meat industry was somewhat unfortunate, as the word "cartel" has a rather unfortunate connotation. The report by the journalist covered substantially my ideas in this area, which are that there is, unfortunately, too much competition between Australian exporters on the export market. We have the situation in which prices are unnecessarily low on the export market because exporters from South Australia and other States are competing with one another instead of co-operating to produce a higher return to South Australian producers. My suggestion, which I hope to take up with meat exporters and representatives of stock owners and United Farmers and Graziers of South Australia Incorporated on Friday, is that we should be looking at some form of marketing overseas, where we can take a more united approach to try to improve the return to South Australia's producers.

**COUNTRY HOSPITALS**

The Hon. R. A. GEDDES: My question is directed to the Minister of Health. In reply to a question yesterday on hospitals, the Minister said that it had never been Government policy to subsidise private hospitals. I am under the impression that, prior to the present Minister's taking over his portfolio, the Laura Hospital was a private

hospital and previously received a Government subsidy for buildings only. Will the Government look tolerantly at that type of assistance, if requested, for hospitals not coming under Medibank?

The Hon. D. H. L. BANFIELD: As I have indicated, we have as yet no firm policies as to what will happen to hospitals declaring themselves private hospitals.

### STAMP DUTY

The Hon. C. M. HILL: Has the Chief Secretary replies to the questions I asked a week ago relating to the present practice of the Government as regards exemptions from stamp duty where matrimonial homes are being transferred into joint names?

The Hon. D. H. L. BANFIELD: My colleague states:

The remissions of gift duty and stamp duty in relation to transfers of matrimonial homes to joint names are at present being met from the line in the Estimates under the heading:

V Treasurer—State Taxes Department

Contingencies—Refunds and remissions.

This arrangement will continue until specific exemption is authorised by the Bill to be presented to Parliament.

### STANDING ORDERS COMMITTEE

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

That the decision taken by the Council on August 5, 1975, by ballot, to appoint members to the Legislative Council Standing Orders Committee be rescinded and a new ballot be taken so as to ensure correct representation of all interests in the Council upon the Standing Orders Committee.

The purpose of this motion is to draw to the attention of the Council the result of the ballot for membership of the Standing Orders Committee, a committee of this Council with the President acting as an *ex officio* member. Always in the past, four members from the floor of the Council have been elected to the committee and their numbers have been equally divided between the Parties in the Council. Up to the present time there have been two Australian Labor Party floor members and two Liberal floor members, once again with the President acting *ex officio*. In Saturday's *Advertiser* the political writer states:

The Opposition Leader (Mr. DeGaris) has given notice that he will seek another ballot. He considers it a denial of rights that a major Party has no representative on a committee which determines House procedure.

He goes on to say:

However, it is established practice that the Government should have a majority on Parliamentary committees.

That attitude is not sustainable in relation to the Standing Orders Committee. Always, as far back as one wishes to go, there has been equality of numbers from the Parties on the floor of the Chamber, with the President acting *ex officio* on that committee. It is a committee of this Council dealing with the Standing Orders that govern its operation, and as such all groups should be represented on it from the floor of the House. The President, acting as an *ex officio* member of the committee, cannot (and indeed should not) represent the views of any one particular group.

You, Mr. President, were elected to your office on the nomination of the Chief Secretary and elected not to express the view of the group which saw fit to endorse you but to preside impartially over this Chamber, and to preside impartially over the committee that Standing Orders require you, Mr. President, to serve. When you were elected President, Sir, the Chief Secretary stated:

I am sure you have the qualities of impartiality, fairness, courtesy and tolerance that have been shown by your illustrious predecessors in this great office.

That is the situation. You, Mr. President, are the *ex officio* member of the Standing Orders Committee and, as a unanimously elected President, you cannot be expected to represent the views of any group on the floor of the Council. The Chief Secretary has recognised the fact that, in your office, you possess the qualities of impartiality (and Mr. President, I will go one step further as I know the Chief Secretary would also go this far), and you will ensure in all your deliberations absolute impartiality, whether in the Council or in your *ex officio* position on any committee.

Where does this leave the viewpoint of the Liberal Party in the deliberations of this committee? As I have already stated, the committee is responsible for recommendations and discussion of the rules that govern this Chamber. The question goes further than that, and I refer to the election of the House of Assembly Standing Orders Committee. Here we find equality of membership from the floor, with the Speaker being an *ex officio* member of the committee. Again I refer to the report of the *Advertiser's* political writer, who stated:

Committee recommendations have to go before the House for approval so, in effect, the Liberals will still have a say.

If this view is valid (and I would say at this time that this is the view of the A.L.P.), in these circumstances one can ask why there should be any representation from any group other than Government members on the committee.

If, for example, the committee brings to the Council recommendations for changes without the benefit of the views of the members on the floor of this Council on the committee, no matter how strongly the case is put by spokesmen from that group the membership of the committee will predetermine their passage. The point to me is clear: to deny representation on a purely internal committee, a committee of importance dealing with the procedures of this Council, of a major group on the floor of the Council, is a denial of justice. So far as I can ascertain, at no other time in the recent history of the South Australian Parliament has such action been taken in relation to the Standing Orders Committee where a major group has been denied representation from the floor of the Council on that committee.

The next step is even more important. There is also a Joint Standing Orders Committee, and that committee will be comprised of the Speaker, you, Mr. President, with both those offices being committed to impartiality, elected unanimously, almost, by their Houses.

The Hon. D. H. L. Banfield: What is the "almost"? It cannot be "almost".

The Hon. R. C. DeGARIS: I think the Speaker in another place was elected to that position of impartiality almost unanimously. That joint committee would also be comprised of two A.L.P. floor members, two Liberal floor members and one L.M. floor member.

The Hon. M. B. Cameron: What on?

The Hon. R. C. DeGARIS: The Joint Standing Orders Committee.

The Hon. M. B. Cameron: Where?

The Hon. R. C. DeGARIS: I will explain it to the Hon. Mr. Cameron. There is a Joint Standing Orders Committee that is called on under Standing Orders. It is comprised of members of the Standing Orders Committee of both Houses. There are Joint Standing Orders in the Legislative Council

Standing Orders book of 1963, if honourable members care to look at them. So that committee, which is a combination of both Houses, will comprise five A.L.P. floor members, two Liberal floor members, and one Liberal Movement member, with a total membership in both Houses of the Liberal party of 28 members. I submit that this does not do justice to the Standing Orders Committee, which is a committee of this Council and also acts, if required, as a committee on Joint Standing Orders. For those reasons, I think the Council should reconsider this matter. If honourable members look at the history and composition of the Standing Orders Committee over the years, they will see that what I am saying is correct.

The Hon. N. K. Foster: Why not tell us why you want it altered?

The PRESIDENT: Is the motion seconded?

The Hon. J. C. BURDETT: I second the motion. This committee is fundamental to the operation of the whole Council because it provides the rules under which we operate. It sets out the way in which we function. I do not know whether any other honourable members have recently looked at the Constitution Act, as I did this morning, to see how far that directs the method by which we operate. It says very little. Even the question of the President's or Chairman's casting vote is dealt with under Standing Orders. There is very little in the Constitution Act itself which states how we function, how we vote, how we divide, what the various rules are, of all sorts, both great and small. So, the functioning of this committee is essential to the way in which this Council carries on.

The Hon. D. H. L. Banfield: How often does it meet?

The Hon. J. C. BURDETT: If the Minister would like to wait, I am coming to that. I was going to say that in the last few years, as far as I am aware, it has not met at all.

The Hon. D. H. L. Banfield: How many years is that?

The Hon. J. C. BURDETT: I do not know how many years; perhaps the Minister would like to tell us when he speaks, but it has not met for some time.

The Hon. D. H. L. Banfield: Ten years, isn't it?

The Hon. J. C. BURDETT: The question of the Standing Orders is fundamental. It is the Standing Orders that direct the way in which we carry on our business. There is hardly anything else provided anywhere in any other place. There is nothing in the Constitution Act: it is almost all in Standing Orders, which provide the way in which we operate. While this committee has not met much in the past, I believe it is likely to meet often in the future to deliberate to a considerable extent about recommending coming reforms contained in the Standing Orders. I believe that there should be reforms and changes in the Standing Orders. They have not been amended recently; certainly the volume that we have is dated 1963. There may have been some amendments since then—I do not know—but the volume we have is dated 1963, and I have found some Standing Orders that appear to me to be archaic and need reforming. I believe this will be a Parliament of reform and this session of the Council will be one of reform. I think this committee will meet and will have, I hope, some meaningful and useful deliberations.

The point I make first is to reiterate that made by the Hon. Mr. DeGaris, that in the past we had the numbers and, even when we were in Government, from the floor of the Council half the members of the committee came from the Liberal Party. We allowed that and are expecting perhaps some return of the compliment. At that time we did not say it was a matter for the Government, that the

Government should have a majority on the floor of the Council. That was before my time, but our Party acknowledged then that, in the matter of controlling our own affairs, running around, paying visits, and saying how we should operate, the two Parties should be equally represented, even though at times the numbers were 16 to 4; but even then the Labor Party had half the numbers from the floor of the Council.

I would ask honourable members opposite to be fair and to consider what was done then and to give this Party some consideration in return. I entirely disagree with what Mr. Eric Franklin said in the *Advertiser*; he said that it was a tradition that the Government had the majority on Standing Committees. Other Standing Committees, yes; Standing Committees relating to the operation of the Government, yes; but in connection with Standing Committees relating to this Council affecting every one member equally, whether in Government or in Opposition, I suggest that neither the Government nor the Opposition has any bearing on this question.

The Hon. D. H. L. Banfield: Why do you want representation? What are you worrying about?

The Hon. J. C. BURDETT: It affects every member and, because this Party has 40 per cent of the members on the floor of this Council yet has no representation from the floor on this Standing Committee, it is a complete denial of natural justice. There is no way any organisation can be carried on like that, with different interests and different groups, yet some members are denying an organisation having 40 per cent of the members on the floor of the Council any representation at all. I am not being difficult: I am making a genuine request that members opposite consider this matter. I will speak about the floor of the Council and the Chair in a moment, but at this time it is not a question of who is in Government and who is in Opposition: it is a question of each member being fairly represented on a committee that will make substantial representations in this session as to the rules by which we are governed. This Party, which has 40 per cent of the members on the floor of the Council, has no representation at all.

The Hon. D. H. L. Banfield: Who is the President?

The Hon. J. C. BURDETT: I am talking about the floor of the Council.

The Hon. J. E. Dunford: But you got 30 per cent of the vote. Work it out.

The Hon. J. C. BURDETT: I have. Out of 20 members on the floor of the Council, we have eight and we have no representation on this committee from the floor of the Council. I said before that I would come to the position of the Chair. At present, you, Mr. President, belong to this Party, but I would reiterate what the Hon. Mr. DeGaris said: that the President is a member *ex officio*, and he has a particular function to perform. The President has the function of representing the whole Council, not of representing any group. A member has been appointed to the committee from the Liberal Movement, and members have been appointed from the Labor Party; those members can quite legitimately consider the interests of their own groups. They can and I hope they will, consider first and foremost the interests of the whole Council, but they are entitled to consider their groups. However, the President is not so entitled; he has a duty to represent the whole Council and to dissociate himself from any Party affiliation. From my knowledge of you, I am sure that you, Mr. President, will fulfil that duty. I am sure that you will be impartial when you act in your capacity as an

*ex officio* member of this committee, and that you will not represent this Party, but you will represent the whole Council. This will mean that this Party, with eight members out of 20 members on the floor, will have no representation at all as a Party. It has been freely canvassed in the press that you, Mr. President, may be elevated fairly soon to another position. In that case, we do not know where the President will come from.

The Hon. M. B. Cameron: The new President may be you.

The Hon. J. C. BURDETT: I will not be the new President, but he may be from the Australian Labor Party or the Liberal Movement; I do not know. In such a case, it is quite possible that this Party will have no representation at all.

The Hon. N. K. Foster: Standing Orders have been complied with, haven't they?

The Hon. J. C. BURDETT: They have usually been complied with by members on this side of the Council, but very often they have not been complied with by members on the other side, and not by the honourable member at present.

The Hon. N. K. Foster: You won't answer the question.

The Hon. J. C. BURDETT: I believe that the Standing Orders need changing. Some things in the Standing Orders are fairly archaic. For example, the Standing Orders provide that, if a member wishes to address the Council, he must stand uncovered and, after being recognised by the Chair, he must advance to the table.

The Hon. T. M. Casey: One would think he was a streaker.

The Hon. J. C. BURDETT: In this matter I am being progressive and radical. I am saying that we need change. When we have a committee designed to institute that change, there must be representation from every Party on the floor of this Council; we have eight members on the floor but no representation. I am sorry that this debate, as a result of interjections, has become heated, but I would now like to bring it back to a sincere and personal level. This is not a matter of Party politics affecting the Government; it is not going to change anything affecting the Government. It affects the way in which this Council manages its affairs. I hope this Council will have the sense of fair play to say that a Party with eight members on the floor of the Council should have some representation on this committee. I support the motion.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the motion. I am a little surprised that you, Mr. President, allowed this motion to go on, because it is a reflection on each member of this Council. Further, it is a reflection on a decision of this Council arrived at by a secret ballot last week. Members opposite claim that they believe in the ballot-box and in secret ballots but, when they have a secret ballot in this Chamber and when the result is different from what members opposite want, they say that it should not have come out that way. They then want to alter the result. How can they alter the result? They can alter it only by another ballot. If the result is still the same, will we have this procedure week in week out until members opposite get the result they are seeking?

The Hon. C. M. Hill: To which they are entitled.

The Hon. D. H. L. BANFIELD: I have moved the suspension of Standing Orders so that members could be entitled, but members opposite are also entitled to respect

the result of the secret ballot. They had the right to vote for whomever they liked. All members of this Council were candidates in the ballot.

The Hon. R. C. DeGaris: No.

The Hon. D. H. L. BANFIELD: We were all in the ballot, and the result was that the President, the Hons. N. K. Foster, C. J. Sumner—

The PRESIDENT: Order! The Minister is referring to the wrong committee.

The Hon. D. H. L. BANFIELD: Members of the Standing Orders Committee are the President, the Hons. F. T. Blevins, M. B. Cameron, C. J. Sumner, and myself. The motion is as follows:

That the decision taken by the Council on August 5, 1975, by ballot, to appoint members to the Legislative Council Standing Orders Committee be rescinded and a new ballot be taken so as to ensure correct representation of all interests in the Council upon the Standing Orders Committee.

Surely the members of this Council are capable of deciding whom they want as their representatives on the committee. That is exactly what the Council did last week when this ballot was conducted. I used to think that the Hon. Mr. DeGaris was only kidding when he spoke about the permanent will of the people. I thought he was trying to convince the people outside, but I now realise that he has not only convinced himself that the permanent will of the people should stand but he has also convinced some members opposite that there should not be any change. The Opposition has been in power in this Council for over 100 years and, now that it has lost the numbers, it does not like it.

The Hon. J. C. Burdett: And when they had the numbers they gave you a chance.

The Hon. D. H. L. BANFIELD: When they had the numbers, they had a majority on the committee.

The Hon. J. C. Burdett: Not on the floor.

The Hon. D. H. L. BANFIELD: Whether they were in Opposition or in Government, they had the numbers.

The Hon. J. C. Burdett: But not on the floor.

The Hon. D. H. L. BANFIELD: There were three Liberal and Country League members and two Labor members; that was the situation for many years. It did not matter to the Opposition, when the Labor Government came into power, that it was perhaps entitled to a little more representation than it had in the past and that it should have an extra member on some of these committees. Even when the L.C.L. was in Opposition and still had the numbers in this place, it used those numbers in its favour. Today, because the Liberal Party does not have the numbers, and because members opposite do not approve of the result of a secret ballot, they want to upset the ballot. If there is something shonky about the ballot, let us upset it. However, the ballot was conducted from the table in this Chamber, and the Opposition is not happy with the result. Surely the Liberal Movement, as well as the Liberal Party, is entitled to representation on this committee. Its Chairman is a member of the Liberal Party, so members opposite will have representation.

The Hon. J. C. Burdett: But he has a special responsibility.

The Hon. D. H. L. BANFIELD: Of course he has, and that is why he is on the committee. We all have a special responsibility, and honourable members gave us

that responsibility. When we go on to the committee, we must look after the Council's interests. I thank honourable members for the confidence they have placed in the members who have been appointed to the committee.

The Hon. R. C. DeGaris: What about the Joint Standing Orders Committee?

The Hon. D. H. L. BANFIELD: Of which committee is the Leader speaking? The motion relates to the Council's Standing Orders Committee, so let us stick to that committee, concerning which the Council held a secret ballot last week and arrived at a decision.

The Hon. R. C. DeGaris: You haven't answered the question. This is part of the Joint Standing Orders Committee.

The Hon. D. H. L. BANFIELD: It has nothing to do with it.

The Hon. R. C. DeGaris: Why not?

The Hon. D. H. L. BANFIELD: The ballot was not for that. We are talking about the ballot that was held relating to the Legislative Council Standing Orders Committee. Honourable members know that. We make no secret of the fact that we believe the Government should have a majority on the committee. Indeed, we have always believed that. We did not have a chance to exercise this power when the Opposition had the numbers in this place. The L.C.L., even when it was in Opposition previously, still thought it was in power. It would not accept the decision made by the people at election time, and it continued to have a majority on the committee. Now, the Liberal Party will not even accept the decision taken by honourable members in this Council. It seems that members opposite will not accept the result of a ballot when it does not suit them. It is so much poppycock for members opposite to say that they believe in secret ballots when, if something happens that they do not like, they will not accept the result.

The Government believes that it is entitled to a majority on the committee, because it is in office—something that honourable members opposite do not yet seem to have realised. The Government also recognises that you, Sir, are President of this Council, and Government members still have great faith in you as President. However, I do not think your position debars you from being a member of the Liberal Party. I believe you are still a good member of that Party and, therefore, I have no doubt that if and when the Standing Orders Committee meets you will, of course, try to use your influence in debate regarding what decisions should come back to this Council. The Hon. Mr. DeGaris says that Liberal Party members cannot participate in deliberations. However, any decisions made by the committee must be referred to the Council for ratification. Therefore, members opposite will have a chance to deliberate on any recommendations that the committee makes.

The Hon. R. C. DeGaris: We haven't got the right to deliberate on the committee.

The Hon. D. H. L. BANFIELD: The Liberal Party has a member on the committee. I refer, of course, to the President, and members opposite cannot tell me that that gentleman is not a member of the Liberal Party. Is the Leader going to try to tell me that?

The Hon. R. C. DeGaris: But he has a certain function.

The Hon. D. H. L. BANFIELD: Of course he has, and the honourable member wants him there so that his Party can have an extra man on the committee.

The Hon. R. C. DeGaris: No.

The Hon. D. H. L. BANFIELD: Of course the Leader does, and I have no doubt that the result of the vote on the motion will be the same as that in the ballot, because at last, after 100 years, the Government is gradually getting the numbers to which it is entitled as a result of the percentage vote given to it by the people. I strenuously oppose the motion, and, if this is to be the attitude of honourable members opposite, they should not in future tell unions how they should conduct their ballots. If the unions did not carry out a decision taken in the secret ballot and did exactly what honourable members opposite are doing now, there would be a great hue and cry, just as there is today.

The Hon. N. K. FOSTER: This is the first time on which I have risen to speak in this Chamber, and I should like therefore to congratulate you, Sir, on your elevation to the Presidency of the Council. Members of your Party regard you as a member of that once great Party, the Liberal Party, once removed! However, they are suggesting that you will not carry out your function in this place because you have been elected not only President of the Council but also Chairman of the committee. In moving the motion that has been moved today, members opposite refuse to accept the will of the Council and the decision of an umpire. I have risen to my feet because I wanted the Hon. Mr. Burdett to tell the Council at one stage whether the ballot that was held last Tuesday was, in fact, a valid ballot in conformity with the Council's Standing Orders. I refer particularly to Standing Orders 1, 9, 11, 19, 31, 386, 414, 415, 416 and 417. That covers just about all of the Council's rules, of which you, Sir, are custodian while you occupy the position of President.

Absolutely no concern was expressed by members opposite, or those members who were here before the last election, regarding this matter. Blind Freddie could have foreseen the result of the last election, because of what happened in this place in 1973. I refer, of course, to the wider franchise given to the people. If, between 1973 and now, honourable members in this place, through their own neglect and stupidity, did not seek to alter the Standing Orders to which I have referred, it was their own fault. If members opposite wanted to raise the matter in a democratic and Parliamentary way, they should not have raised it in the matter of a contest of a ballot legally held within the framework and rules of this Council. They should, of course, be working towards a change within the rules of the Council and in accordance with those members who have been elected. They should not say, on the one hand, that the ballot was crook because they did not have a member elected from the floor of the Chamber. For 100-odd years members opposite stayed here—

The Hon. F. T. Blevins: The same ones?

The Hon. N. K. FOSTER: —not, of course, the same personalities. The illustrious gentleman referred to by someone else left this Chamber recently; I understand he was here for almost half a century. From the time the Labor Government was elected in the 1960's right up to the recent election, certain Standing Orders prevailed in this House, and in fact in both Houses of this Parliament, that directly denied the Government its full and proper representation on a whole number of committees. There was not one—

The Hon. R. C. DeGaris: Which one?

The Hon. N. K. FOSTER: A number of committees. I cannot name them all at the moment. Catch me on that, if you like. The Hon. Mr. DeGaris can rise to his feet and explode the argument I put forward that neither he nor his colleagues ever expressed an intention or a desire to

change the Standing Orders of this or another place. However, the people have spoken and they have elected a Government of a political complexion other than that to which the Leader adheres. The Leader might answer me on that, and I will be satisfied if he can do so. He never gave a damn about the people's vote in his expression or non-expression of views concerning the Standing Orders of this Parliament, whether they be Joint Standing Orders or House Standing Orders. How can he be described as being anything other than hypocritical when he attempts today to pull the wool over the eyes of the Council, constituted as it is today, on the basis that he has been unfairly dealt with? Has he no conscience whatever? Is the Leader so forgetful that he has forgotten last year and the last 20, 30 or 50 years? If he wants someone on the committee coming from the floor of the House, he should stand here and say that he was directly denied that because a rort went on in this place last Tuesday. If he cannot do that, he should shut up.

The Hon. R. C. DeGARIS (Leader of the Opposition): I seem to have some questions to answer. First, let me remind the Council that the Chief Secretary talked about a reflection on the Council. There is no reflection on this place because Standing Orders give me the right to stand on my feet and move the motion I have moved. I refer honourable members to Standing Orders 192 and 159. Standing Order 192 states:

No member shall reflect upon any vote of the Council or upon any Statute, except upon a motion for rescinding or repealing the same.

Under Standing Orders, I have a perfect right to do what I have done, and there is no reflection whatsoever on this place: I am acting within my rights. The points made have been valid points, that the Government here is concerned with what it has done, concerned in denying eight people on the floor of this place the right to take part in the committee's deliberations on the Standing Orders that will govern this Council. I have said all along, and I say again in reply to the Hon. Mr. Foster, that the Government is entitled to have the numbers on standing committees dealing with questions of Government business. That has always been done, to my knowledge, but we are not dealing here with such a question: we are dealing with Parliament, and time and time again the Australian Labor Party confuses the question of Parliament with that of Government.

If we are to have a situation where the Executive and the Government have total and absolute control over matters concerning Parliament, Parliament may as well disappear, because Parliament itself has a right to determination. Parliament itself has that right, and under Standing Orders I have the right to move this motion, because I believe in all conscience that what I have said is absolutely correct, that the Government, with the Liberal Movement, has taken all floor positions on the Standing Orders Committee, a committee which has nothing at all to do with the Government but which is a committee of this Council. I believe the conscience of the Government is one Government members are worried about at present. They know in their consciences that they have come to a deal to deny representation on the Standing Orders Committee to eight people on this side of the Council. I ask the Council to support the motion because it is, in all fairness and in all justice, correct. The Hon. Mr. Foster cannot look through the records and find a committee where this Council denied the Government the numbers where the Government, in my opinion, should have had the numbers.

The Hon. D. H. L. Banfield: What about the Subordinate Legislation Committee?

The Hon. R. C. DeGARIS: That was three-all. The Government had the numbers, plus the Chairman. Do not let us argue that question. This motion is just, and we will see whether the A.L.P. members in this Chamber are people who will enjoy a reputation for doing the correct thing in relation to this committee.

The PRESIDENT: This is an unusual motion and it falls into two parts: the first is that the decision taken by the Council on August 5, 1975, by ballot, to appoint members to the Legislative Council Standing Orders Committee be rescinded; the second part is that a new ballot be taken so as to ensure correct representation of all interests in the Council upon the Standing Orders Committee. The first part of the motion is covered by Standing Order 159, and I point out that the decision which is sought to be rescinded is that a Standing Orders Committee be appointed consisting of the President and the Hons. D. H. L. Banfield, F. T. Blevins, M. B. Cameron, and C. J. Sumner. I propose to treat the motion in two parts and to put to the Council the first part, namely, that the decision I have just read be rescinded. I point out that the provisions of Standing Order 159 will require that there be a division if I hear any dissentient voice. I put the question, "That the motion moved by the Hon. Mr. DeGaris that the decision taken on August 5 be rescinded be carried." For the question say "Aye", against "No". As there is a dissentient voice, a division is necessary. Ring the bells.

The Council divided on the motion:

Ayes—(7)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (13)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and A. M. Whyte.

Majority of six for the Noes.

Motion thus negated.

#### ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from August 12. Page 120.)

The Hon. F. T. BLEVINS: First, I wish to congratulate you, Mr. President, on your being elected to your high office. Your personal reputation is such that all honourable members in this Council will be certain of fair and impartial treatment in their dealings with you.

Like all other new honourable members on this side of the Council, I am proud and honoured to have been elected to this Council after standing as an Australian Labor Party candidate. For too long the Australian Labor Party has been denied effective numerical representation in this Council under the most undemocratic electoral system that the Opposition could devise. Of course, the Labor Party made up in the quality of its Councillors what it was lacking in quantity.

In his Speech the Governor referred to the necessity for further electoral reforms for both this Council and another place. Of all the issues that will come before the Council in the next few months, I do not believe there will be one of more importance than this issue. It is unfortunate that in 1975 the time of Parliament should be taken up with voting reform but, as the Opposition has insisted on living in the past, we have no option but to clear up the matter once and for all. Indeed, I believe that to

deny a one vote one value electoral system is a form of political violence that cannot be tolerated in a democratic society.

If a citizen is denied an equal say in the composition of Parliament through an unequal voting system, democracy is looking for trouble, and in the latter part of the twentieth century it is likely to get it. Chief Justice Warren of the United States Supreme Court has said all there is to say on this question, as follows:

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our Legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system . . . And, if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or 10 times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavoured areas had not been effectively diluted...

Those were wise words, which the Opposition would do well to heed. I am sure that speech has been referred to before in this Council, and doubtless it will be referred to again because, when the Government's proposals for a fair redistribution come before this Council, I am sure that the Opposition will trot out all the old red herrings and rationalisations about the supposedly disadvantaged country people, and then I will probably again refer it to Earl Warren's wise words.

What a scandalous situation currently exists in this Council and in another place, where the Liberal Party holds 46 per cent of the seats, yet it could attract only a miserable 29 per cent of the vote on July 12. No wonder the Hon. Mr. DeGaris and I hold fears for Parliamentary democracy when such a result can obtain. We are almost getting to the Queensland stage where that wellknown peanut vendor Bjelke-Petersen rules with even less electoral support than the Liberal Party enjoys in South Australia.

However, it is comforting to know that South Australian people need no longer put up with whatever system the Hon. Mr. DeGaris chooses to inflict on them. The voting system is now firmly in the hands of democrats: it is in the hands of the Australian Labor Party and the Liberal Movement and, in these new circumstances, Parliamentary democracy has now a much better chance of survival. His Excellency also referred to the Government's intention to widen the franchise for local government elections. I find it appalling that this Council in the past has denied voting rights to all adult South Australians. Not only has it denied voting rights: it has given multiple voting rights to some of its friends who have claimed extra votes because they are wealthier than ordinary citizens.

In my home city of Whyalla about \$750 000 is currently being spent on various State Government and Australian Government projects. A Commonwealth grant of \$210 000 has just been made to the city to spend as the council sees fit. These grants and projects are long overdue, and I commend the respective Governments for making them. However, it makes a mockery of the democratic system when some people, who have been taxed to supply the funds, are not allowed a say in the election of the councillors who will decide how the funds are to be spent.

As Whyalla is a progressive city, the council supports the principle of full adult franchise for local government elections, and has on several occasions made representations to the Local Government Association seeking the association's support for that important principle. However, that ultra-conservative body, aided and abetted by this even

more conservative Council, has refused even to entertain the idea. Therefore, when the legislation to extend the franchise comes before this Council, I will look forward to assisting in its speedy passage.

Last Thursday the Hon. Mr. Laidlaw referred to South Australian industrial relations. There was little in his speech with which I would agree, but perhaps that is not surprising when one considers the different people we represent in this Council. The Hon. Mr. Laidlaw represents employers, as he has done in the years before his election here, whereas I represent in this Council ordinary people, comprising the working class of this State who have been on the receiving end of the Hon. Mr. Laidlaw's actions and policies, and I can assure the honourable member that the receiving end is not pleasant.

I should now like to give one example of what metal workers have had to deal with when faced with the Hon. Mr. Laidlaw's metal industry association. I outline one recent dispute. At the Torrens Island power station B site, metal workers were on a lower rate of pay than their colleagues on the A site. A clause in the B site contract provided for negotiations to commence two months before the end of that contract. On the instructions of the metal industry association, the employers refused to honor that contract and they would not negotiate with the metal workers at all. In these circumstances the metal workers had no practical alternative but to take strike action. I do not suppose too many of the Opposition have any experience of what it is like to be on strike, but they can take my word for it—it's no picnic. After several weeks on strike, men become desperate and do desperate things.

This happened at Torrens Island. In desperation, men picketed the A station and closed it down because of their employers' refusal to negotiate meaningfully. I am not saying that I agreed with the picketing, but I understand how men are driven to take such extreme action as that. The fact that the men's wage rates were increased by \$12-20 a week, within the guidelines of Judge Moore's decision, shows that the employers were completely unreasonable in refusing to negotiate an increase that the men were proved entitled to, and in provoking a dispute that inconvenienced every person in South Australia.

There is one hopeful note in relation to the Hon. Mr. Laidlaw's Metal Industry Association, and that is that more and more metal industry employers are ignoring it and freely negotiating new wage rates with the metal workers, to the benefit of both parties. If there is an answer to the industrial relations problems of a capitalist society, I believe it to be in the employers and employees sitting down, freely negotiating contracts and then sticking to them.

Mr. President, I think my first speech to the Council should include a clear statement of my views on two issues of fundamental importance: my role in the Council and the role of the Council itself in our society. Regarding my role first, there is no way that any honourable member would be here today if he had not had the endorsement of his political Party. Not one of us would have attracted sufficient votes throughout the State to get anywhere near a quota. We have all relied totally on the name of the Party that allowed us a place on its ticket. In my case, that Party ticket belonged to the Australian Labor Party. I was not elected as Frank Blevins, seaman, but as a nominee of the A.L.P. pledged to carry out the policies put to the electorate by our Leader, Don Dunstan, prior to the July election. My role will be to stick rigidly to the policy of the A.L.P. at all times and, if this makes me part of a so-called rubber stamp for the House of Assembly, that

will not upset me at all. In any case, I cannot imagine the great A.L.P. doing anything that would so outrage my conscience as to make me want to vote against it.

Regarding the role of the Council itself and my attitude to its continuing, my attitude is clear and firm. I see no role at all in a democratic society for Upper Houses of Parliament. The sooner the people do away with all of them, the better. I dislike the idea of Upper Houses because of the reason they were created. They were brought into being to preserve the privileged position of those people who imagined they were born to rule. These people could not afford to have democratically elected Parliaments interfere in any way with their alleged right to exploit their fellow human beings to their own personal and financial advantage. That was the concept, Mr. President, and nothing I have seen or heard about this particular Upper House makes me think it is any different from all the others and worth preserving—other than perhaps as a museum! In fact, it is far worse than any other Upper House I have ever heard of. It is the type of Upper House that gives all other Upper Houses a bad name.

Its powers are far too strong and it has stupidly used them to the extent that it is destroying itself and destroying the Liberal Party that for so long was in control through its misuse of this Chamber. This Council will eventually go or be totally emasculated by evolution. It has happened to the House of Lords and other Upper Houses; the process is irresistible. Perhaps the best quote I have ever heard about an Upper House was made by a United Kingdom Liberal Party Leader (I must point out that this was a Liberal Party Leader; he was not a high Tory calling himself Liberal, which is completely misleading in this country) about the House of Lords. He said that the House of Lords was proof that there was life after death. Until one month ago, he could easily have been talking about this place.

I wish to make only one more point, Mr. President, and it relates to the word "socialist". It is obvious that the honourable members opposite see red every time they hear the word. I am afraid that, unless they get a little more rational about it, they will be upset quite a lot over the next few years as I am a dedicated socialist who takes every opportunity to promote the principles and ideals of democratic socialism. The reason I am a socialist is simple: I do not believe that any person has the right to exploit the labour of any other human being for his own gain or personal well-being. To me the making of profit through exploitation is immoral and, although I make no claim to be a Christian myself, I am sure the misery and poverty the capitalist system brings to the people of the world also makes it unchristian. Like this Chamber, the sooner capitalism is relegated to the history books the better off mankind will be.

In conclusion, Mr. President, I pay tribute to members of the Parliamentary staff. I am a little premature with this as I understand it is usually done at the end of the year. However, I am sure that all of the new honourable members will join me in thanking them for their kindness, courtesy and efficiency. They have made our first few weeks as members a lot easier and more pleasant than they may otherwise have been. I support the motion.

The Hon. JESSIE COOPER: Mr. President, I take this opportunity to congratulate you on attaining your high office, and I have the temerity to say, "May you continue for many years!" I thank His Excellency, in once more opening Parliament so graciously, for his Speech on that

occasion. In expressing my sorrow at the deaths of Mr. Densley and Sir Norman Jude, I would say that these men, who served the State so well, are never forgotten. Mr. Densley's quiet whimsicality and dignity as President will long be remembered. Sir Norman was a generous and happy man who, by his great sense of humour, good fellowship, and friendly disposition, gave a great deal of happiness to many people. At his funeral service, the officiating clergyman said in his panegyric, "He was a man among men."

I would like to congratulate all new members of the Council and hope I may be allowed a small amount of sex discrimination when I say how pleased and proud I am to see the Hon. Anne Levy here. While so many women have talked and talked, she has worked hard and achieved much, both in the academic field and in her personal life. I have known her father (a well respected business man) and her mother (a distinguished lawyer) for many years, and respected them greatly. She has a distinguished academic husband who, I understand, has recently been given a rare honour—a doctorate in agricultural science.

With her background and her educational attainments, the Hon. Anne Levy cannot fail to make a most valuable contribution to the work of this Parliament. Her maiden speech has already demonstrated that. She has, too, another advantage. She has entered this Council under happier auspices than I did. Honourable members may recall that two weeks before the 1959 election, when two women were standing for the seat of Central No. 2 (Mrs. Scott for the Australian Labor Party and myself for the Liberal and Country League), a challenge to the right of women to sit in the Legislative Council came before the Full Court. The challenge claimed that, under the Constitution Act of 1934-1939 and by law, women could not be elected members of the Legislative Council. The Crown claimed that women could be elected. A very interesting four-day legal battle then ensued. Nothing has touched it, even in this mis-called Women's Liberation Year. One of the three judges, Mr. Justice Piper, said on February 20, "It looks like a battle for women's rights," to which Dr. Bray, appearing for the applicants, replied, "Yes, Sir, I can see that battle going through this case."

There were other distinguished barristers taking part in the proceedings, notably a certain Mr. D. A. Dunstan, appearing for Mrs. Scott, and Mr. A. J. Hannan, Q.C., and Miss Jean Gilmore, appearing for me. Many fascinating remarks came forth during the four-day battle. Mr. Dunstan, in tracing the constitutional history of South Australia to 1856, contended that there was no disqualification "of women, of gaolbirds or of lunatics". Later, one of the other barristers, referring to common law, spoke of the clause saying, "No woman, nor dead body, nor inanimate object shall hold public office."

It was quite a relief to find, when I won my seat and entered this Chamber, that I was received with the greatest courtesy and kindness by all honourable members, irrespective of Party affiliations. I feel sure that the Hon. Anne Levy is welcomed in the same way and will continue to be given respect for her views and admiration for her achievements.

I see from paragraph 6 of His Excellency's Speech that the endless expansion of operations under the general sphere of the Planning and Development Act is to continue. Paragraph 6 says:

An intensive study of the developing northern and southern metropolitan growth regions will be undertaken during the next 12 months. It is planned to produce



intermediate stage concept plans to co-ordinate the growth of these areas until the year 2001, thus giving direction to public and private developers in the fringe areas.

The actions of our various planners seem to be more restrictive than productive; or perhaps I should say that they form an endlessly extending mist—one can see where it touches but, when one tries to get to the substance, it proves to be formless and vague. The Government may well be discovering where it thinks it is going for future action, but people outside Government offices are finding it more and more difficult to discover clear-cut rules, decisions and guides. Every problem relating to the use of land or type of development seems to depend on slowly produced, arbitrary, *ad hoc* decisions. However, the ever-increasing army of people in Government employment or under contract to the Government need not worry about their future livelihood, for let us take note that the co-ordination of plans to the year 2001 is to be attended to and, if that job ever runs out (or, as the Speech says, “when completed”), the comparatively recently produced Metropolitan Development Plan is to be comprehensively reshaped. Back to square one in a perpetual motion study, as it were. Paragraph 12 of His Excellency’s Speech is as follows:

Legislation will be placed before you during the forthcoming session to ensure that the quality and quantity of all the State’s water resources will be conserved and enhanced. This legislation will provide for a State Water Resources Council charged with duties of the preservation of underground and surface water, of controlling water pollution and of generally husbanding the State’s scanty water resources.

I trust that, in its attempt to renegotiate the River Murray Waters Agreement, the Government will be more successful than it was when it last negotiated for South Australia’s water supply from the Murray River. Honourable members will recall that the last Labor Government came to power on the promise of getting a dam. Where was it to be? Oh, yes! It was to be at a place called Chowilla. There seems to be no mention of how that project is going. Presumably it has gone to that hall of fame known as the temple of lost opportunities or perhaps, as Daniel Vare might have said, the Temple of Costly

Experience, where monuments to mismanagement will no doubt be joined by Monarto and the electric train under King William Street, together with the skeletons of the dial-the-bus service and the petro-chemical works.

In paragraph 13 of the Speech we see that endless strip of tape that is played at every opening of Parliament—the Government’s plan for a more efficient public transport system. It is still with us. There is a slight obligato this time to the effect that it is to have more top-hamper organisation and more controlling and planning. We are very strong on planning in this State. What is really needed, I consider, is not more top jobs but more speed and cleanliness at the business end of our public transport. Paragraph 17 of the Speech explains that there is a surplus for the past year in the Revenue Account due to the fact that the consideration paid by the Commonwealth Government for the purchase of a large part of that great capital asset of the State, our railway system, was assessed as revenue for that year. One wonders, as I said yesterday, what part of the State’s property will be sold this financial year to keep us solvent.

Finally, I would like to say that I do not believe that Parliament should be made the setting for a kind of rhetorical civil war. The object of being in Parliament is not to be the spearhead of an attack by 51 per cent of the populace against the other 49 per cent: the object is to make good laws for the well-being of 100 per cent of the people, so that the social structure works in a balanced and stable way to give the people whom we represent and for whom we make laws the best possible circumstances for their existence. I support the motion.

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

#### **BUSINESS FRANCHISES (MISCELLANEOUS PROVISIONS) BILL**

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

#### **ADJOURNMENT**

At 3.40 p.m. the Council adjourned until Thursday, August 14, at 2.15 p.m.