LEGISLATIVE COUNCIL

Tuesday, October 14, 1975

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

QUESTIONS

SKATE BOARDS

The Hon. C. M. HILL: I seek leave to make a statement before asking the Minister of Tourism, Recreation and Sport a question.

Leave granted.

The Hon. C. M. HILL: Concern has been expressed recently regarding the dangers involved in the sport of skate board riding. There was a report in the press of September 2 that moves were afoot in Sydney to ban skate board riding from the streets of New South Wales. It was reported in the *Sunday Mail* that the death of an Australian girl was the first skate board death; that tragedy occurred, I understand, in Sydney. In the same article an Adelaide doctor was reported as having said that skate board riding was fairly hazardous. He went on to say that it was only a matter of time before someone got hurt. On television last evening, a representative of one of the safety organisations in this State expressed concern about this sport. My questions are: first, does the Government intend to take any action in relation to restricting the use of skate boards on public thoroughfares and in such places as service stations and drive-in shopping centres; secondly, can the Minister and his officers consider the development in Adelaide of a skate board track on which youths can practise this sport under some supervision and in accordance with organised club rules?

The Hon. T. M. CASEY: The answer to the first part of the honourable member's question is that this matter has already been taken care of, in that persons are not permitted to use public thoroughfares for purposes other than those for which they are intended. No report has been made to me regarding the provision of a special track for this type of recreation. In any event, I doubt whether it would be feasible at this stage, as so many children participate in this kind of recreation all over the State that facilities would have to be provided all over the State for this type of thing. I suppose this is a hazardous sport, the same as are many other sports; for example, a wellknown and prominent sporting figure in South Australia fractured his skull playing squash. I do not know, therefore, whether for that reason the playing of squash should be banned, because it proved fatal in the circumstances to which I have referred. No representations have been made to me on this matter, and at the moment it rests where it is.

MEDIBANK

The Hon. J. C. BURDETT: I seek leave to make a statement before asking the Minister of Health a question.

Leave granted.

The Hon. J. C. BURDETT: My question relates to Medibank. One alternative allowed to medical practitioners is not to bulk bill but to leave it to patients to claim in respect of their treatment. My inquiries indicate that the time lapse between making a claim and the receival of payment therefor varies from five weeks to 10 weeks. Does the Minister acknowledge that this is so? If he does, what are the reasons for the delay? Is it because of a lack of staff or money, or because of some other cause, and will steps be taken to alleviate the delay?

The Hon. D. H. L. BANFIELD: I have told the Council previously that the payment of medical fees through Medibank is not the prerogative of the State Government, nor is it included in the agreement with the Australian Government. The question regarding the lack of money or a time lag in relation to payments for medical fees is really nothing to do with the State Government. If the honourable member has any specific case to bring forward, I will take it up with Medibank for him.

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health.

Leave granted.

The Hon. J. C. BURDETT: As the State Government is a party to the Medibank agreement, will the Minister contact or inquire of the Government's partner in the agreement, the Commonwealth Government, and bring down an answer to my question?

The Hon. D. H. L. BANFIELD: We are not a party to the medical side. Is the honourable member talking about doctors' services?

The Hon. J. C. Burdett: I am just asking whether or not the Government has signed an agreement on this matter.

The Hon. D. H. L. BANFIELD: That is not right; the Government entered into an agreement in regard to hospital service payments but not in regard to payment of medical practitioners in the surgery. That is nothing to do with the State Government.

The Hon. J. C. Burdett: Will you ask—

The Hon. D. H. L. BANFIELD: However, if the honourable member cannot make a telephone call to Medibank headquarters in South Australia, I will undertake to do it for him.

The Hon. J. C. Burdett: I have done that and have been given an answer that you would not like.

FIRE PREVENTION

The Hon. R. A. GEDDES: I desire to direct a question to the Minister representing the Minister responsible for National Parks and Wildlife Services, and I seek leave to make a short statement before asking it.

Leave granted.

The Hon. R. A. GEDDES: I notice that Mr. J. L. Fitzgerald has been appointed the fire protection officer for the State National Parks and Wildlife Services and that his appointment is designed to co-ordinate the fire prevention plans for the 380 000 hectares of national parks in the State. Primary producers and other interested people have been concerned for some time about the problem of fire either coming into or out of national parks in the summer. Will the Minister ascertain whether it is intended that Mr. Fitzgerald will be able to purchase on behalf of the Government fire equipment for the national parks, or whether his role will be purely of an advisory nature, telling the wardens of parks what is necessary for fire prevention?

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

SHEEP SLAUGHTERING

The Hon. J. A. CARNIE: Has the Minister of Agriculture a reply to the question I asked on October 7 regarding the slaughtering of sheep?

The Hon. B. A. CHATTERTON: The reply is similar to that given in another place to a question asked there on October 2. It is as follows:

The potter sheep scheme was announced on Thursday, July 31, and the Port Lincoln management was inundated

with requests for bookings. It is necessary for producers to be given sufficient notice to arrange transport, and so on, and it is also the policy that regular slaughterings of stock take preference over potter sheep. Management therefore has the problem of anticipating regular slaughtering requirements for a week or so ahead, and ordering in potter sheep to fill up unused killing space on the chain. Unknown factors are the actual regular slaughterings to be catered for, and also the chain capacity for any particular day, this being dependent upon the degree of absenteeism, and so on. Having made this assessment, 200 potter sheep were accepted from Mrs. E. F. Fiegert of Tumby Bay, and delivery date was arranged for Thursday, August 7, anticipating slaughter on Friday, August 8. The 200 sheep arrived on Thursday and, although none was dead on arrival, they were observed by my staff and officers of the Agriculture Department to be in a very emaciated condition. The change in the slaughtering programme since ordering in did not allow these sheep to be treated on the Friday, nor the following Monday, and the first opportunity was on Tuesday, August 12. In view of this situation, these and other sheep being held were fed with hay and, of course, watered. These particular sheep were held in yards close to the lairages, they being considered too weak to move to the top paddocks for grazing, particularly as weather conditions at the time were cold and bleak. By the Tuesday morning, 104 of these sheep had died in the yard, but certainly not due to lack of feeding and watering at the works. Of the 96 live sheep remaining, 71 were condemned, leaving only 25 passed for human consumption. All sheep submitted during the early period of the scheme were in very poor condition, and the following figures show the results for the week ending Tuesday, August 12:

Total potter sheep delivered ..	2 398	
Died in yards	284	(12 per cent)
Slaughtered	2 114	
Condemned at slaughter	1 180	(56 per cent)

I am informed that the 200 sheep from Mrs. Fiegert's property gave much worse results, indicating their extremely poor condition; in fact, this line of sheep must have been the worst of any received under the scheme. It became obvious that the very worst sheep were received during the early days of the scheme, and a steady improvement in stock condition has been the pattern as the scheme progressed. For the week ended September 16, of 2 240 sheep received, only 2 per cent died in the yards, and only 19 per cent of those slaughtered were condemned. The total number of sheep received so far is about 16 000. It is very regrettable, of course, that Mrs. Fiegert's sheep should have turned out so badly, but the officer is satisfied that everything was done that could have been done under the circumstances, and in spite of her statement that these sheep were not ready to die, the officer finds it difficult to believe that they would not soon have died at Tumby Bay.

The Hon. F. T. BLEVINS: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. F. T. BLEVINS: In Saturday's newspaper there was another letter written by the same person claiming that the sheep sent to Port Lincoln were not intended for human consumption. As the Minister indicated in his earlier reply, 25 out of the 200 sheep sent to the works were apparently passed for human consumption. The writer of the letter wanted to know where and at what price the meat was sold. The writer also asked why the stock agent acting for the person concerned was not given relevant information from the Government Produce Department concerning the date of slaughtering the sheep. Can the Minister answer the two queries raised in the letter?

The Hon. B. A. CHATTERTON: When I first announced the scheme, I think I made plain that any sheep that were passed by the rigid health inspection that takes place at the Port Lincoln abattoir, an export abattoir, would be used for human consumption, and that the meat would be sold wherever possible to defray some of the costs involved in the scheme. I believe that some of the meat has been boned out and used for mincing for the purpose of hamburger meat, most of which has been sold on the export market. Some of the offal has been recovered and sold on the domestic market through the normal trade outlets. This procedure was made plain when the scheme was originally announced, that any meat available for sale would be sold to defray some of the costs. The other point raised by the honourable member in connection with the letter in last Saturday's *Advertiser* related to the alleged lack of information. Actually, information was available; it was given in the form of a reply to a question asked of the Premier on, I think, October 2. We certainly do not have anything at all to hide in connection with this scheme. Information has been made readily available through replies to many questions in this Council and in another place. It is a little disappointing to get this sort of criticism in view of the fact that the Government has made the scheme available as a genuine attempt to help Eyre Peninsula producers who are suffering from poor seasonal conditions.

LONG SERVICE LEAVE ACT

The Hon. J. E. DUNFORD: Has the Minister of Health, representing the Minister of Labour and Industry, a reply to my question of October 2 about pro rata long service leave?

The Hon. D. H. L. BANFIELD: As the legislative programme for the present session of Parliament was finalised some time ago, it is not possible to consider additional amendments to legislation this session. My colleague, the Minister of Labour and Industry, has informed me that, when amendments to the Long Service Leave Act, 1967-1972, are next being contemplated, an amendment to section 4 will be considered.

BUS LANE

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: There is at present an experimental bus only lane operative on the western side of King William Street between 4 o'clock and 6 o'clock in the afternoon. I understand the experiment has another four months to run. Concern is expressed by members of the public and by the taxi industry that, as taxis are not permitted to pick up or set down passengers in this restricted lane, it is affecting people who want to travel by taxi during that period. People are upset, and particularly the taxi industry, which claims that, as it forms part of the transport industry in this State, it is naturally adversely affected. There was an article about this matter in this morning's press. Could taxis also, as an experiment, be allowed to use that inside lane for the purpose of picking up and setting down passengers for a certain

period in the four remaining months of the trial, as taxis are part of the transport industry? Can consideration be given to a trial period in which taxis as well as Municipal Tranmways buses can use the experimental bus only lane?

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

BORDERTOWN HOSPITAL

The Hon. J. R. CORNWALL: I seek leave to make a brief statement prior to addressing a question to the Minister of Health.

Leave granted.

The Hon. J. R. CORNWALL: During a visit by my colleague, the Hon. Jim Dunford, and me to Bordertown last weekend, several constituents raised the matter of standard ward beds available under the Medibank scheme at Bordertown Hospital. Rumours are widespread in the district that patients not covered by private health insurance will not be able to use the local hospital. Can the Minister tell the Council what the true position is regarding Bordertown Hospital?

The Hon. D. H. L. BANFIELD: Bordertown Hospital is a recognised hospital. It means that the board running that hospital applied for it to become a recognised hospital. Therefore, it is obvious it thought it could meet the requirements laid down, which means that people not covered by private insurance can be standard hospital patients. If the scheme is not functioning properly there, it could be only as a result of the doctor not having arrived at an agreement with the hospital. I will make inquiries to see what the position is, and I will bring down a report for the honourable member.

BORDERTOWN YARDS

The Hon. J. E. DUNFORD: I seek leave to make a brief statement prior to directing a question to the Minister of Lands, representing the Minister of Local Government.

Leave granted.

The Hon. J. E. DUNFORD: While I was visiting Bordertown last Friday with my colleague, the Hon. J. R. Cornwall, several constituents referred to their concern over the Bordertown sale yards, which are located in the centre of the town. I believe that a report has been made recommending the relocation of the sale yards, but the local council has so far not carried out the recommendations. It appears that, with support from the Minister of Local Government, the Tatiara council (which I think is the responsible authority) might be encouraged to relocate the yards. Shift workers residing in Bordertown have their sleep interrupted by the noise of the cattle and, last Friday evening, transportation of cattle at the yards continued until midnight. I believe these constituents have a good case, especially as there is also the noise arising from the railway line and the national highway running through the town. Although the sale yards are located in the centre of the town, I do not believe it would be a big problem for local government to have the yards relocated near the railway line, perhaps 8 kilometres out of town, as has been suggested. Will the Minister ask the Minister of Local Government to do everything in his power to persuade the Tatiara council to accede to the requests of these Bordertown constituents?

The Hon. T. M. CASEY: I will refer the question to my colleague and bring down a reply.

ANIMAL EXPORTS

The Hon. R. A. GEDDES: As the Minister of Agriculture has not yet replied to the question I asked on August 28 about the amount of meat imported from other States to the metropolitan area, can he give me that answer by the end of the week?

The Hon. B. A. CHATTERTON: I will certainly look into it. I am surprised that the reply has not yet come through, and I will try to have a reply available as soon as possible.

PLAYGROUND EQUIPMENT

The Hon. C. M. HILL: Has the Minister of Health a reply to the question I asked on September 18 about safety inspections of playgrounds and playground equipment in the metropolitan area?

The Hon. D. H. L. BANFIELD: The maintenance of playground equipment is the responsibility of the body owning the playgrounds. In the case of playgrounds controlled by local government, it is the responsibility of the council concerned. It is considered that any action by the Government to inspect playgrounds to ensure safety requirements is unnecessary, as councils and public bodies must accept the responsibility which they have in this regard. However, this matter will be brought to the attention of councils.

TRANSPORT CORRIDOR

The Hon. C. M. HILL: Has the Minister of Lands a reply from the Minister of Transport to a question I asked recently concerning a freeway route south of Adelaide?

The Hon. T. M. CASEY: My colleague, the Minister of Transport, has indicated that the land bordered by Sturt Road, Main South Road, and Marion Road will be required for a new road which is the route of the Noarlunga Freeway, as proposed in the Metropolitan Adelaide Transportation Study plan.

TRADE AND PROMOTION APPOINTMENT

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question regarding a trade and promotion appointment?

The Hon. D. H. L. BANFIELD: The Director-General, Trade and Promotion, is a contract appointment, and it is proposed that an agreement be signed by Mr. Davies and the Premier. The salary is $24 828 per annum, and has not been included in the appropriation Budget now before Parliament.

SAILORS AND SOLDIERS MEMORIAL HALL ACT AMENDMENT BILL

Read a third time and passed.

BOATING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 9. Page 1226.)

The Hon. R. C. DeGARIS (Leader of the Opposition): My interest in this Bill stems from two things: first, the somewhat misleading second reading explanation of the Bill; secondly, from the report of the Select Committee that examined this question very closely and the general consensus of opinion arrived at on the Bill presented some 12 months or 18 months ago. The second reading explanation states that it is necessary to clarify the application of the provisions of the principal Act. However, the Act is quite clear; it does not need

clarification. Under section 11 (1) of the principal Act, any motor boat that is required to be registered and to bear identification marks under the provisions of any other Act or law does not come within the ambit of the Act. That is quite clear; therefore, the explanation given that the Bill merely clarifies is, I claim, misleading.

The vessels at present excluded from the provisions of the legislation are such vessels as are required to be registered under the provisions of the Merchant Shipping Act. The Bill changes the law but, as I see it, the Government has given no reason why the existing law should be changed. The only thing the Bill deals with, according to the Minister, is the question of clarification, but it does not do it; it changes the existing law. This question was widely canvassed by the Select Committee when it sat on the Boating Bill. The Select Committee saw that the inclusion of a provision such as this could well be unconstitutional because of the provisions of the Merchant Shipping Act. If there is a reason why the Government is now changing its direction, it should clearly say so, but the second reading explanation does not do that.

The passage of the Bill, unamended, could see costly and unnecessary court actions which, I believe, should be avoided, if possible. One does not know how far it could go or what would happen, but there is little doubt that the provisions could be challenged as being unconstitutional. For that reason I do not see why the Bill should pass as it is at present. I know that many honourable members have canvassed the intentions of the Bill, and it has been reported to me that all honourable members who do not belong to the Government have already expressed opposition to its general tendencies as at present drafted. I do not wish to reiterate the examination that the Hon. John Burdett made of this Bill, but I commend what he said to members of this Council and support his views.

Although I will support the second reading, I will support also the foreshadowed amendments spoken about by the Hon. John Burdett during the second reading debate. What concerns me is that the Select Committee examined this question, made recommendations on it, and specifically excluded those vessels registered under the Merchant Shipping Act. I think that is the correct position in which to leave it, and any change could see long and complex court actions in which the Government would be involved (and so would many private citizens). The examination of the matter made by the Select Committee and its recommendations should stand.

The Hon. J. A. CARNIE: I support the Bill. As I understand it, and as I read the Bill before the Council, it is designed to correct an anomaly which became evident after the Boating Act became law. Section 11 was intended (and I am sure this has been accepted by everyone) to provide for reciprocity between the States so that power boats coming from other States and registered under the laws of other States would not have to reregister under the South Australian Act. In fact, as the Hon. Mr. DeGaris has just pointed out, the wording also provided an exemption for vessels registered as British ships under the Merchant Shipping Act, 1894. It is this point which largely has prompted me to support the Bill. To me, it is ridiculous that anyone can claim exemption from a State law by referring to an Act passed seven years before South Australia became a self-governing State of the Commonwealth of Australia.

The Hon. R. C. DeGaris: We cannot avoid that, though.

The Hon. J. A. CARNIE: Perhaps not, but it is something we should not accept in principle. The Hon. John Burdett put forward very strong arguments, quoting the Colonial Laws Validity Act, and raised the point that this Bill is constitutionally unsound, as did the Hon. Mr. DeGaris. It may well be that ultimately it will be decided in the courts rather than here in Parliament; I believe that a constitutional question such as this perhaps is better decided in the courts. I hope that it will not involve long and costly litigation, as mentioned, but it may well be that a test case will eventuate with the passing of this Bill.

At the moment we are dealing with the Bill and its relation to the parent Act. Much argument has arisen as to just what vessels can be registered under the Merchant Shipping Act, and it has been stated to me that only ocean-going vessels can register as British ships. I agree that this should be the case but, in fact, it is not. I have checked with the Registrar of British Ships at Port Adelaide, and have been told that the registration of any vessel that puts to sea cannot be refused, and a vessel that puts to sea can be described as any boat of any size that puts to sea as opposed to remaining in a river. The Registrar must therefore register a 4·3 metre vessel with an outboard motor if that vessel goes fishing one mile off Outer Harbor and if the owner requests it. In these circumstances, unless this Bill is passed, the entire Act is rendered useless.

Any dependence on any United Kingdom Act, particularly such an old one, is not valid if South Australia is to regard itself as being a self-governing State. We are not a colony any longer, and have not been so for three generations. I now refer to the report of the Committee of Inquiry into Shipping, chaired by the Rt. Hon. the Viscount Rochdale, which was presented to the United Kingdom Parliament in May, 1970. At paragraph 1480, the report states:

So far as we can determine, the present arrangements—

that is, the arrangements whereby Commonwealth ships can register as British ships—

are valuable to those Commonwealth territories and countries which do not have a sufficiently large fleet to make establishment of their own shipping law and registers a practical or efficient proposition; they enable owners in some parts of the Commonwealth to use the U.K. register more as a flag of convenience than anything else; and they confer no real benefit to our own national commercial interest. We recognise that any major recasting of the law must be considered in the light of existing agreements with other Commonwealth countries, including the Commonwealth Shipping Agreement of 1931, as well as of Commonwealth relations as a whole, but we believe that the present arrangements will increasingly appear anachronistic . . .

If this can be said of commercial trading vessels, how much more anachronistic is it when applied to pleasure yachts? I understand that 48 ocean-going yachts are registered as British ships in South Australia, and I cannot support the premise that the owners of those 48 vessels should be exempt from a law with which all other boat owners in this State must comply. For those reasons, I support the Bill.

The Hon. C. M. HILL: I listened to the Minister when he introduced the Bill, to those honourable members who have contributed to the debate, and to the Hon. Mr. Carnie, who has just supported the Bill. I believe that the point made in opposition to the Bill, that no real reason has been given for its introduction, is a strong argument in this debate.

The Council ought to be given reasons for the introduction of legislation and, of course, they must be reasons that warrant changes in any Bill that comes forward.

However, the Minister in his second reading explanation of this Bill did not give any reasons of substance regarding why the Government wants to amend this Act.

As against that, as has already been stated, in 1974 a Select Committee examined the whole matter of the registration of boats. All issues dealing with the subject matter would have been discussed in full by that Select Committee, as a result of whose comprehensive investigations the Boating Bill was passed in the South Australian Parliament.

Only about a year after that, the Government now wants a change of this kind to be made. The only reason of any substance that I can see it has given is that it may be questioned whether those boat owners who are exempt from registration under the South Australian Act and who have not taken the trouble to register under the Merchant Shipping Act should register in some way. As I understand the Hon. Mr. Burdett's proposed amendment, those people would have to register, even though they were registered under the Merchant Shipping Act. Then, anyone who owned a boat would be registered under one Act or another.

That is as far as I think the measure can be taken. However, to close up this imagined loophole, a relatively short period after the principal Act was introduced and debated here, that Act having run the gauntlet of a Select Committee, is taking change too far. Accordingly, I intend to vote for the second reading of the Bill but also to support the Hon. Mr. Burdett's amendment.

The Hon. T. M. CASEY (Minister of Tourism, Recreation and Sport): I thank honourable members for their contributions to the debate. I remind them that the Hon. Mr. DeGaris said that the suggested amendment was a result of a recommendation made by the Select Committee. However, that is not so. I was Chairman of that committee, which received much evidence from people interested in boating in this State. The Select Committee recommended changes to the Act, and those recommendations have been incorporated in the Bill now before the Council. The Select Committee, on which I was happy to serve, was a jolly good one. The main bone of contention is whether all boats in this State that are powered should be registered. I believe they should be. I should like now to refer to the Select Committee's report to show clearly that what the Hon. Mr. DeGaris has said is not correct.

The Hon. R. C. DeGaris: What was that?

The Hon. T. M. CASEY: I am about to refer to the Select Committee's report, as follows:

On the matter of fees, the committee was divided in its opinion as to whether ocean-going yachts registered under the Merchant Shipping Act should be exempt.

That is the true situation, but that is not the situation illustrated by the Hon. Mr. DeGaris when referring to the report. I was not convinced, as a result of the evidence given to the Select Committee, that these people had a case. The whole situation was that a court action could result. I was willing to accept that, but the whole bone of contention is whether all boats that are powered should be registered, or whether some should be exempted and a charge made in relation to others. Because I think that the second alternative involves an anomaly and that all powered boats should be registered, I ask the Council to accept the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3--"Application of this Part."

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

To strike out all words after "out" and insert "paragraph (*a*) of subsection (1) and insert in lieu thereof the following paragraph:

(*a*) any motor boat registered, and bearing an indentification mark, in pursuance of some other Act or law;".

The purpose of clause 3 of the Bill, and indeed of the whole Bill, is radically to amend section 11 of the principal Act. It is impossible to explain this amendment without referring to the principal Act. At present, under the principal Act any motor boat that for the time being is required (and I stress "required") to bear an indentification mark under the provisions of any other Act or law is exempt. This exemption applies only to motor boats that are required to be registered and to bear an indentification mark under the provisions of any other Act or law. It may well be that a 4·3 m boat with an outboard motor, if presented for registration under the Merchant Shipping Act, would be so registered but would not qualify for exemption because it would not be required to be registered. As I explained earlier, the requirement applies only to vessels of more than about 15 tonnes burden or to vessels that do not operate exclusively in the rivers and coastal waters of South Australia. The only reason given for this Bill (and none other has yet been given in reply or at any other time) is that the Merchant Shipping Act does not contain any enforcement provisions. So, it could be that a vessel was required to be registered under the Merchant Shipping Act but was not registered; it was exempted because it was required to be registered, so it would not be registered at all.

The reason, I suggest, why section 11 of the principal Act was accepted as it stood, and after a Select Committee considered these matters, was that there was no need to provide for compulsory registration vessels that were already required to be registered under some other Act or law; that would simply be a duplication. The reason given in the second reading explanation for this Bill was that it could be that some vessels would be required to be registered under the Merchant Shipping Act but, because they might not be registered and because there were no enforcement provisions, no sanctions, they could escape registration altogether. The purpose of this amendment is to preserve the principle of the original Act, namely, that we do not have duplication in registration systems, but if a vessel is required to be registered under another Act or law (in this case the Merchant Shipping Act) it should be exempted from registration under this Act. But to make sure that it could not escape, because there are no sanctions, the relevant part of the amendment is that the exemption applies to any motor boat registered and bearing an identification mark. So that, if the vessel is required to be registered under the Merchant Shipping Act but is not, it does not enjoy the exemption. For those reasons, I recommend the amendment to the Committee.

The Hon. T. M. CASEY (Minister of Tourism, Recreation and Sport): I cannot accept the honourable member's amendment, because it seeks to negative clause 3 of the Bill. This matter, as I said earlier, was the subject of much discussion during the course of the Select Committee. The committee was not adamant in its recommendation on this matter, but I still believe that all owners of powered craft have an equal responsibility to the State (because this Act will be administered by the State) to share in the registration. I think that if we are going to exempt some people just because they have a larger yacht than another person has, we are being discriminatory. Therefore, I cannot support the amendment.

The Committee divided on the amendment:

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

Noes (11)—The Hons. D. H. L. Banfield, F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. C. W. Creedon.

Majority of 4 for the Noes.

Amendment thus negatived.

The Hon. J. A. CARNIE: The name of the yacht squadron has not been mentioned during the course of this debate but I do not think there is any doubt where the main objections, or where most vessels that have been exempted from this Act, come from. I have been a member of the yacht squadron for many years, and the main reason put forward to me in opposition to this Bill has involved a question of aesthetics and not an objection to registering as such. The owners of these yachts do not want to be forced to place large numbers on each side of the bow, particularly as these vessels usually are under sail. They rarely use power, except in the squadron's own basin. I seek from the Minister an assurance that the yacht squadron's vessels will be exempted from carrying identification numbers, if such a request is made by the squadron. The Royal Yacht Squadron is a responsible and well-regulated body. Its own safety requirements, which are policed, exceed those required by the legislation.

The Hon. T. M. CASEY: On behalf of my colleague who is in charge of the legislation, I assure the honourable member that every consideration will be given to any suggestion that the yacht squadron makes. I am sure that these things can be ironed out to the advantage of everyone concerned. I see no reason why the honourable member's request cannot be complied with.

The Hon. J. C. BURDETT: The Hon. Mr. Carnie said that the Royal Yacht Squadron had not been mentioned by name, and I think it is proper that it should not have been mentioned. Honourable members will have received in their boxes this afternoon a communication from the South Australian Yacht Racing Association. The reasons that the association raised were not objections to having identification marks on its vessels but were, at least in a general sense, conformable to the objections I raised and the reasons I gave when I moved the amendment.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

The Hon. T. M. CASEY (Minister of Tourism, Recreation and Sport) moved:

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I oppose the third reading of this Bill. A sensible amendment moved by the Hon. Mr. Burdett has not been accepted by honourable members. Because this legislation is in conflict with the Merchant Shipping Act, which applies to this State, I do not believe that we are justified in writing it into the Statute Book.

The Council divided on the third reading:

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

Noes (5)—The Hons. J. C. Burdett (teller), Jessie Cooper, R. C. DeGaris, R. A. Geddes, and C. M. Hill.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Dawkins.

Majority of 8 for the Ayes.

Third reading thus carried.

Bill passed.

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

Adjourned debate on second reading.

(Continued from October 9. Page 1223.)

The Hon. A. M. WHYTE: I intend to support the second reading of this Bill with the idea that I may be able to amend it in Committee. Honourable members are aware that for a number of years I have claimed that our present electoral system lacks true democracy. Preferential voting in House of Assembly elections and the list system in Legislative Council elections are so designed that they support the election of Parties, not people. Institutions are made by man and, consequently, are shaped by him to suit his own purposes, quite often without much consideration as to their democratic content.

The PRESIDENT: Order! There is too much audible conversation.

The Hon. A. M. WHYTE: Institutions which disregard this vital ingredient of good government will eventually fail unless the citizens are willing and able to play their part fully. With our present list system, no matter how willing they are, they can well be denied the right to take part. Methods which deny the voter an opportunity to choose who should represent him will invariably lead to a weak and unacceptable Government or, on the other hand, will promote power into one channel and lead to a dictatorship.

Some stability can be claimed for Party discipline but any such advantage is quickly lost if it creates an artificial division between opposing Parties that bars them from admitting the existence of any common ground on vital matters. It is my personal view that Party politics, taken to extremes, creates an artificial barrier to good government and eliminates the usage of common ground. Political and economic chaos and eventually bloodshed and civil war, as we see in other countries, are often a result of a struggle for Party power.

Political writers and politicians are often heard to speak of "the people" in the singular, as if it was just one person, and to say that any majority, no matter how slim, entitles them to do and say what they like, disregarding the wishes of the minority groups. A good Government should, to my mind, continually reflect the main trends of opinion within the electorate and, to achieve this truly democratic balance, the only course is election by proportional representation. I can give, as an example, the inequality that presently applies to our means of electing members of Parliament, and I point out that a Liberal voter in a strong Labor seat may just as well not go to the polls, for his voice is never likely to be heard.

The Hon. J. E. Dunford: What about the workers in Burnside?

The Hon. A. M. WHYTE: On the other hand, the Labor voter in a strongly held blue-ribbon Liberal seat is disfranchised and may just as well not cast his vote.

He may just as well stay at home, for he has no chance of electing anyone to represent him.

The Hon. F. T. Blevins: That is a defeatist attitude.

The Hon. A. M. WHYTE: It is a fact and, if the honourable member will listen to me, I will tell him how the situation can be corrected—simply by a multiple-member electorate, in which case we would find that the strongly held Labor seat would no doubt return at least one member of another Party, who would have a voice for those people who did not wish to vote Labor. The same would apply in reverse and, in an evenly divided situation, we would find that the seat would vary from time to time with the popularity of the Government of the day. Until people are given the opportunity to be fully represented in Parliament, we shall not have a good Parliament; nor shall we put an end to the discontent that is at present ruining our country.

I have raised this matter on several occasions and, of course, it has fallen only on deaf ears in Parliament but, throughout the State, more and more people are taking notice of the proportional representation system of electing Governments. I believe that in time we shall see such support for this method (which is the only democratic method of choosing representatives) that the Government will be forced to consider it. Let me give one or two examples of exactly how the system has aided contries that have adopted it. First, there is the Irish Republic (although, of course, it did not adopt it: it was forced upon it by the British Government), but in the Irish Free State, where previously people carried shillelaghs to the polling booth, there has been little discord with the Government since proportional representation was adopted. Although Mr. de Valera went to the people on a number of occasions seeking more power, he was on each occasion rejected by the people of the Irish Free State.

On the other hand, Northern Ireland, which rejected proportional representation, has been fighting ever since. West Germany, one of the few countries in the world able to cope with the economic crisis threatening every country in the world, has been electing its Government under the proportional representation system ever since the Second World War.

The Hon. R. C. DeGaris: That was a rather different system, though.

The Hon. A. M. WHYTE: I understand there is a variation, but the counting system is similar. The West German system allows for allocation of preferences.

The Hon. R. C. DeGaris: They still prefer single-member electorates in West Germany but they have a corrective proportional representation system over the whole country.

The Hon. A. M. WHYTE: Yes, on a population basis. West Germany is entirely different from South Australia with its huge areas of sparsely occupied land.

The Hon. F. T. Blevins: What has this to do with the Bill?

The Hon. A. M. WHYTE: It has something to do with the Electoral Act. I have asked permission to introduce amendments to this Act.

The Hon. F. T. Blevins: I was not referring to that; I was wondering why these other countries had anything to do with our elections. I was not querying your facts; I was only querying why sparseness of population has anything to do with electing a member of Parliament.

The Hon. A. M. WHYTE: I am sorry; I did not mean to bring that into it, but I was answering an interjection by the Hon. Mr. DeGaris.

The Hon. F. T. Blevins: I missed that.

The Hon. A. M. WHYTE: With the present list system for the election of the Legislative Council, we see here the promotion of Party politics at the worst. It denies the voter any right to choose who should represent him. I do not believe that Party politics taken to these extremes is good for any country. On top of that, it involves a great wastage of votes, inasmuch as any number less than one-half of the full quota of votes is lost. Together with that wastage, any of the fractions left from the count are also lost. Certainly, that is not a democratic way of using a voter's full entitlement.

The Hon. C. M. Hill: Would you favour a system like the Senate's?

The Hon. A. M. WHYTE: That is my point: the Senate system is the one I prefer most of all. It is a democratic system, and the Hare-Clark system of counting leaves no votes wasted. It gives the elector the opportunity to choose who should be his candidate. His candidates are not chosen by the Party, as is the case at present, leaving him with no alternative but to vote for a Party. It may be of interest to honourable members opposite to realise that one of their very great leaders was the man who introduced the proportional representation system of electing in the Senate—the late Ben Chifley, who was Prime Minister and whom the Labor people and many Australians believe was one of our greatest leaders.

The Hon. J. E. Dunford: The Liberals called him a Commo.

The Hon. A. M. WHYTE: It does not matter.

The Hon. J. E. Dunford: It does matter.

The Hon. A. M. WHYTE: He considered a first past the post system, which was previously the system under which the Senate was elected. He saw the pitfalls in a first past the post voting system, and he introduced proportional representation for Senate elections.

The Hon. J. E. Dunford: And preferential voting.

The Hon. A. M. WHYTE: True, but he was a man who placed great importance on justice. Indeed, half of the members opposite today could not get a job even sharpening pencils for Ben Chifley. I have outlined my reasons for my intention to move amendments to this Bill, which is designed to allow for optional preferential voting. It is strange that we have a system which, on the one hand, demands that a voter be at the poll, while on the other hand, once there, the voter can please himself whether he wishes to record a preference or not. I am not opposed to that concept, but there can be no doubt that, in introducing this Bill, the Government has one thing in its mind; that is, eventually to have a first past the post system. Yet this is a system which one of the Labor Party's greatest leaders condemned, and now we again have the suggested imposition of this system in South Australia. However, this is not likely to eventuate, because I find it hard to believe that the Labor Party will be able to regiment its forces sufficiently.

A first past the post system would well suit the Labor Party in South Australia, as it would encourage the elimination of smaller groups. I cannot understand the Liberal Movement supporting a first past the post system, because one election would probably be enough for such a minor Party to be eliminated, and I doubt that the Labor Party would be able to organise itself so well that it would favour first past the post in a State election, but then ask them to do exactly the opposite in a Commonwealth election. The Labor Party would be put at a disadvantage federally.

Apart from that, whether a person casts a second preference or a third preference is not of great consequence to me.

What is of great consequence to me is that people should have the right to choose who will represent them. They should have the right to have their vote counted, so that they will have some representation in Parliament. However, this method of reforming the Electoral Act will further deny people their right to elect a candidate who is truly the people's choice. I will support the second reading with a view to introducing amendments to provide that the system currently used to elect Senators is also used in the Legislative Council elections. I hope that members will support those amendments.

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

BEVERAGE CONTAINER BILL

In Committee.

(Continued from October 9. Page 1225.)

Clause 4—"Interpretation"—which the Hon. T. M. Casey had moved to amend by striking out "declared by proclamation" in the definition of "glass container" and inserting "for the time being declared by proclamation under section 5 of this Act".

The CHAIRMAN: When this Bill was last before the Committee clause 4 was being considered. Two amendments had been agreed to, and the Minister had moved a further amendment. Confusion having arisen in respect of this amendment and the preceding amendment, progress was then reported. As new amendments have now been drafted I suggest, first, that the Minister seek leave to withdraw his amendment now before the Committee; secondly, that the Bill be proceeded with without considering any further amendments; and, thirdly, that the whole Bill be recommitted when all the proposed amendments can be considered again.

The Hon. T. M. CASEY (Minister of Lands): I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause as amended passed.

Remaining clauses (5 to 17) and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 1 passed.

Clause 2—"Commencement"—reconsidered.

The Hon. R. C. DeGARIS (Leader of the Opposition): Can the Minister confirm whether it is the Government's intention for this legislation to come into operation in July, 1977?

The Hon. T. M. CASEY: Yes, I confirm that.

Clause passed.

Clause 3 passed.

Clause 4—"Interpretation"—reconsidered.

The Hon. M. B. CAMERON moved:

In the definition of "exempt container", after "regulation", to strike out "under section 5 of this Act".

Amendment carried.

The Hon. T. M. CASEY moved:

In the definition of "glass container" to strike out "declared by proclamation" and insert "for the time being declared by proclamation under section 5 of this Act".

Amendment carried.

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

To strike out the definition of "refund amount" and insert the following new definition:

"refund amount" means the amount of 2 cents or such lesser amount as may be prescribed.

I gave the reason for this when the matter was previously considered on Thursday last. I believe the whole purpose of this legislation should be questioned, because the Government has been somewhat guarded in its explanation of the Bill, not stating what it is setting out to do. The general public believes that this is a litter measure, whereas the Government intends it as a resource measure. If the Government is setting out to remove cans altogether (and that is the intention of the Bill), it should introduce legislation to do just that, not hide behind some other intention. I do not believe it is proper for the Government to set out to shift the emphasis from beverages in cans to beverages in bottles, but that will be the effect of the Bill, because bottles will have practically no refund deposit on them, while the Government has stated its intention of putting a 10c deposit on cans. The net result will be a greater problem unless the Government subsequently takes action to get rid of beer bottles. No doubt that will happen, but not until after the changeover. I would prefer cans to be left around rather than bottles, which are a greater menace in terms of injury to human beings.

If the Government feels that a certain type of container does not create a litter problem, it can exclude that container from the legislation by regulation. That will be the result of another amendment. This amendment will mean that all containers will carry a deposit of 2c, and I think that is the proper way to approach the problem. Whether that is a sufficiently high deposit will be determined only by time, but it is worth trying. It is claimed that 90 per cent of beer bottles are returned, although the deposit on such bottles is only half a cent. If that is so, the remaining 10 per cent must be left on country roads, creating a far greater hazard than cans.

The Hon. C. M. HILL: During the second reading debate I criticised the proposal that beer bottles should be covered by this law. However, as the amount involved in the amendment is a maximum of 2 cents, and as other amendments on file will bring considerable change to the Bill, I support the amendment.

The Hon. T. M. CASEY: I cannot accept the amendment. We have been all through this during the second reading debate. The whole question revolves around the fact that the present system operates quite satisfactorily in South Australia, with refunds on certain containers.

The Hon. M. B. Cameron: Which containers?

The Hon. T. M. CASEY: The Hon. Mr. Cameron is suggesting a deposit of 2c across the board, but we already have a 10c deposit on Coca-Cola bottles and other soft-drink bottles.

The Hon. M. B. Cameron: They can be excluded by regulation.

The Hon. T. M. CASEY: I do not want to go into the argument again. We have a system operating quite satisfactorily, and there is no need for change.

The Hon. R. C. DeGaris: We are not changing it.

The Hon. T. M. CASEY: Of course we are. We are varying the degree of the deposit on these items, changing it from 10c to 2c.

The Hon. M. B. Cameron: No.

The Hon. T. M. CASEY: That is what it amounts to.

The Hon. C. M. Hill: No.

The Hon. T. M. CASEY: We have gone through it all. I oppose the amendment.

The Hon. R. C. DeGARIS: The Minister is quite wrong in what he says. Perhaps he has been misled on the information he has been given. We have just dealt with an amendment relating to an exempt container. If

a Coca-Cola bottle carries a 10c deposit, it can be excluded by regulation. The same could apply to a soda siphon, which carries a deposit of $1·50. There is no reason why we should upset that system.

The Hon. C. M. Hill: Nor is it intended to upset it.

The Hon. R. C. DeGARIS: Not in any way. I have done much negotiating in an effort to find a solution to the problem. I could not support the amendment put forward originally by the Hon. Mr. Cameron, because it tackled the matter of beer bottles, rather sadly, and no-one can criticise the present collection system for beer bottles in South Australia.

The Hon. N. K. Foster: Then why penalise it?

The Hon. R. C. DeGARIS: This amendment does not penalise the beer bottle in any way.

The Hon. N. K. Foster: You would be the most bushed bush lawyer I have ever heard, without doubt.

The Hon. R. C. DeGARIS: That may be so.

The Hon. N. K. Foster: Protecting Coca-Cola all along the line, and anyone else who snaps their fingers to you. You are like the reed in the river, always wobbling.

The CHAIRMAN: Order!

The Hon. R. C. DeGARIS: Perhaps I may continue after that rather odd interjection. The argument put forward by the Minister in relation to this amendment is not valid, because exempt containers can be exempted by regulation. No-one wants to upset the present collection system for beer bottles, because it is excellent. The original amendment put forward by the Liberal Movement would have affected the collection of beer bottles. I suggested that the amount of 2c should be canvassed as a maximum deposit. This gets over all our problems. I heard quite a long speech in this Chamber recently about the system prevailing in Alberta, and, although I had read the reports from every other place where such legislation is in force, I had not read about Alberta. I looked at the Alberta legislation, quoted in this Chamber as being excellent deposit legislation, and I found that Alberta requires a 2c deposit on cans. Government members in this Chamber have stated that the Alberta legislation is model legislation that should be followed in South Australia. On that evidence, the amendment should be supported. The argument put forward by the Minister is not factual, because certain containers can be exempted by regulation.

The Hon. T. M. CASEY: The maximum that could be charged under this amendment would be 2c.

The Hon. J. C. Burdett: Under the legislation! It's a compulsory charge.

The Hon. T. M. CASEY: I have given the Leader an undertaking that the Bill will not be proclaimed until 1977. How will a deposit of 2c now compare with a similar deposit in 1977?

The Hon. R. C. DeGaris: How does the Alberta amount compare?

The Hon. T. M. CASEY: They have probably increased their charges. Has the Leader their up-to-date charges?

The Hon. R. C. DeGaris: Yes, I have the latest ones.

The Hon. T. M. CASEY: When was that?

The Hon. R. C. DeGaris: It is in a telex message of a week ago.

The Hon. T. M. CASEY: The point is that the Government does not consider that a 2c deposit is sufficient for cans. I do not believe it is, either. We will not help to clear up the litter problem by charging a maximum of 2c. There will be a delay of two years before this Bill is proclaimed. I suppose that one could say the deposit should then be about 4c or 5c.

The Hon. J. A. CARNIE: If the amendments have done nothing else, they have shown the Government's true intention. This is not an anti-litter Bill but a ban-the-can Bill. The Liberal Movement considers that 90 per cent of beer bottles are returned at present. The remaining 10 per cent is an awful lot of bottles to be strewn around the State. If this is an anti-litter Bill, why should we not cast the net as wide as possible? It would be possible to regulate soft-drink bottles, and to bring beer bottles and cans into the same category. As it reads at present, the Bill discriminates against one section of the industry. For that reason, I support the amendment.

The Hon. M. B. CAMERON: I was extremely disappointed with the Minister's response to this amendment. I thought he showed a total lack of understanding of what the amendment seeks to do. He tried to say there would be a compulsory 2c deposit on all containers, but that is not so. The Minister knows that certain containers can be regulated out by the Government and, if he is satisfied with what happens regarding soft-drink containers, they can be excluded. There is no intention to bring them within the net of the legislation. That would be ridiculous and is not intended.

One honourable member stated by interjection that only 10 per cent of beer bottles are not returned. If we get rid of the cans and increase the use of bottles, that 10 per cent must inevitably increase enormously. Unless we do something about it, we will create an even worse problem. We ought at least to be honest about this Bill. Let the Government say what it intends. If it intends to do this, at least let us do something about other containers. It would be stupid if we transferred from cans to bottles and left bottles outside the scope of the legislation.

The Minister suggested that a 4c or 5c deposit would be necessary by 1977. I hope he does not think that will be the rate of inflation experienced in this State in the next two years. If the Minister intends to do that sort of thing in relation to the State Budget, we will indeed be in trouble. The last time the Minister referred to an amendment I had moved, he said that it destroyed the true intention of the Act. That was probably a more honest approach. I wish the Minister would get up and say that again. I ask the Committee to support the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron (teller), J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable this amendment to be considered through later stages, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 5—"Appointed day"—reconsidered.

The Hon. T. M. CASEY: I move to insert the following new subclauses:

(2) The Governor may by proclamation declare a class or kind of container not to be a glass container.

(3) The Governor may by proclamation amend, vary or revoke a declaration under subsection (2) of this section.

I point out that the amendments would give greater flexibility in the administration of the measure in that they would allow containers to be included in or excluded from the category of glass containers. I think the Leader mentioned that a sodawater siphon could be one example. I think he meant that it could be excluded from the category. For example, stubbie bottles, which properly are glass containers, since they are composed mainly of glass, because they are non-returnable also have a characteristic of other non-returnable containers, which are generally non-glass containers. For those reasons I ask the Committee to accept the amendment.

Amendment carried; clause as amended passed.

Clause 6—"Marking of refund amount on beverage containers"—reconsidered.

The Hon. M. B. CAMERON moved:

In subclause (1) to strike out "applicable to that container"; and in subclause (2) to strike out "applicable to that container".

Amendments carried; clause as amended passed.

Clause 7—"Payment of refund amount"—reconsidered.

The Hon. M. B. CAMERON moved:

In paragraph (*b*) to strike out "applicable to that container".

Amendment carried; clause as amended passed.

Clauses 8 to 11 passed.

Clause 12—"Delivery of containers to collection depots"—reconsidered.

The Hon. M. B. CAMERON moved:

To strike out "applicable to that container".

Amendment carried; clause as amended passed.

Clause 13—"Ring pull containers"—reconsidered.

The Hon. R. C. DeGARIS: Following the undertaking given by the Minister that the Bill will not be proclaimed until June, 1977 (which I accept), I point out that I did consider moving an amendment. However, I point out that we shall have an anomaly in this clause. Subclause (2) states "On or after the thirtieth day of June, 1976". I was wondering whether the Minister would amend that to June, 1978.

The Hon. J. E. Dunford: 1977?

The Hon. R. C. DeGARIS: No. I think the reason for 1976 being in the Bill was to give time from the proclamation of the Bill to enable the industry to adjust to the banning of the ring pull cans. I think at this stage it may be better if we come back to clause 13 later.

Consideration of clause 13 deferred.

Clauses 14 to 16 passed.

Clause 17—"Regulations"—reconsidered.

The Hon. M. B. CAMERON moved:

To strike out paragraph (*a*).

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron (teller), J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. It appears to me that if this amendment is not passed there may be an inconsistency between the situation here and that prescribed by the amendment previously passed in clause 4. Therefore, I give my casting vote to the Ayes.

Amendment thus carried.

The Hon. N. K. FOSTER: I rise on a point of order, Mr. Chairman. A few moments ago, after the tellers had agreed on the number of votes cast for and against the amendment, you gave your casting vote. Do I understand correctly that you gave your casting vote on the basis that amendments had been carried previously and, to be consistent with the manner in which the Committee had dealt with previous amendments, you were more or less bound to cast your vote in the manner in which you did cast it?

The CHAIRMAN: I gave my reasons for casting my vote in a certain way.

The Hon. N. K. FOSTER: So, the answer to my question—

The CHAIRMAN: I am not bound by the rules of order: I am bound by the rules of logic to give my vote in the way I did.

The Hon. N. K. FOSTER: Do I take it correctly that, if a Bill is amended, you, as Chairman, always keep in mind that previous amendments were carried and you are duty bound to follow through, because of amendments carried to earlier clauses in the Bill?

The CHAIRMAN: I am at liberty to give my casting vote in any manner that I see fit. I do not really have to give reasons at all, although I chose to give a reason on this occasion. Although, in fact, amendments were carried to clause 5, that does not necessarily end the matter, because further procedures may be gone through in this place and in another place to resolve the question.

The Hon. N. K. FOSTER: Thank you, Mr. Chairman.

The Hon. R. C. DeGARIS: It appears anomalous to have June, 1976, mentioned in the Bill when an undertaking has been given that the Bill will not be proclaimed until 1977. However, the Minister has said that he would like the words "on or after the thirtieth day of June, 1976" kept in the provision, and I have no great objection.

The Hon. T. M. CASEY: I would prefer to leave "1976" in the clause.

Clause as amended passed.

Clause 13 passed.

Title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (COMMISSION)

Adjourned debate on second reading.

(Continued from October 9. Page 1228.)

The Hon. R. C. DeGARIS (Leader of the Opposition): My views on the question of electoral justice should, by this time, be well known to all honourable members of this Council. I have dealt with the question on at least two previous occasions, including the Address in Reply debate. I shall concisely reiterate my views. First, every person in the State should be entitled to a similar standard of representation; that is, equal access to his member of Parliament, and an equal chance to express his views to his member of Parliament. Secondly, the electoral system should provide for the pivotal point for Government to be 50 per cent of the preferred vote on a two-Party basis;

that is, one vote per person, and that vote should have as near as possible a political value of one.

This Bill does not provide for either principle, yet it has been widely promoted under the emotional catch cry of one vote one value. How often have I heard press, radio and television commentators say, "The proposed electoral system brings the State closer to the principle of one vote one value."? Yet, on examination, the reverse is the truth, both in regard to the representational value of the vote and the political value of the vote.

The question of electoral justice finally divides itself into these two categories: the value of the vote representationally and the value of the vote politically. The representational value is the ability of each member to represent his district and the people in that district, to be in contact with his people, to know his constituents, and to know their views. The political side of it is the ability of the electoral system to ensure that no Government should be in office with less than 50 per cent of the preferred vote on a two-Party basis; that is, the Government and the Opposition.

In the debate on a previous Bill, I examined the result of the last election on a preferred two-Party vote basis, and the result of that examination shows that 50 per cent of the preferred vote at the last election favoured the Government and 50 per cent of the preferred vote favoured the Opposition. Although the Government is in power with the preferred support of 50 per cent of the people of the State, at the same time 50 per cent of the people would prefer the Opposition in government. So the present electoral distribution has, at the last election, as accurately as is possible in a single-man electorate system, interpreted the political wishes of the people of the State, although a slight bias toward the A.L.P. is evident.

Let me now examine what the result would have been if the votes in the last election were cast by each person in exactly the same way, but assuming the proposed redistribution principles in the Bill before us had been in force. The Opposition would lose at least six country seats, reducing its number in the House from 23 to 17. Those six seats would be transferred to the city, where, under the terms of reference of the Bill, the A.L.P. would gain at least four, and the Opposition at the most two. With an identical vote (that is, 46·3 per cent for the A.L.P. of first preference votes and a preferred vote on a two-Party basis of 50 per cent for the A.L.P.) under the Bill's proposals, the A.L.P. would have won 28 seats and the Opposition 19. Taking the most optimistic view for the Opposition, the result would be 27 Government, 20 Opposition. On this examination, the present Government could with ease hold government in this State with a 45 per cent first preference vote and a 55 per cent first preference vote opposed to it. The Australian Labor Party could hold government probably with 45 per cent of the preferred vote and the Opposition remain in opposition with 55 per cent of the preferred vote in South Australia.

Therefore, the Bill can be viewed, by any person prepared to sit down and examine and study it thoroughly, only as entrenching in the Constitution Act a permanent provision that will not (1) provide an equality of political representation to all people in the State, or (2) produce a system whereby each vote cast will have an equal political value. Indeed, under the terms of reference of this Bill, every vote cast for the A.L.P. will be worth more than one, every vote cast for the Opposition will be worth less than one (looking at the matter purely from the viewpoint of the political value of the vote), and every vote cast in the country areas of this State will have less value, representationally, than a vote cast in, or close to, the metropolitan area. So, on both criteria upon which I speak (political values and representation values) votes cast will not be equal.

If one vote one value has any meaning at all, it cannot be interpreted by a single-man electorate system on its own, except by pure chance; nor can the numerically equal electorates policy give equality of vote value as far as representation is concerned. The Hon. Mr. Whyte in his speech today highlighted that very matter. Under the single-member electorate system, one vote one value has no real meaning at all except, once again, by pure chance; but the terms of reference to the commission can be such that votes of equal value will not occur, even by chance. If, then, Parliament entrenches the single-man electorate system in the Constitution Act, it must do so giving the Electoral Commissioners as wide a discretion as possible to interpret the phrase "equality of vote value" on both the criteria I have mentioned.

The narrow limits to the discretion of the Commissioners in the terms of reference in the Bill tie their hands to certainly a malapportionment as far as the values of votes are concerned. If the terms of reference in the Bill are to be fair to all concerned, no gerrymander factor (I use that term in its widest sense) should be entrenched in the Constitution but it should be at the discretion of the Commissioners. Therefore, let me examine for a moment the gerrymander factors that will not be under the control of the Electoral Commissioners. Some of these are minor but they still remain factors that can upset the ability of the Commissioners to produce votes of equal value in the community.

The first factor is the number of members of Parliament. The results of any elections could be different depending upon the number of members in the House. For example, in South Australia, if there had been 21 seats in the House of Assembly at the last election on an equal population basis, it is likely that the Opposition would have achieved more seats than the present Government did, but with 47 members the Government won easily, with the same overall vote. It can be seen, if honourable members are prepared to examine the matter, that the number of members of Parliament is a small gerrymander factor. Why do we say there shall be 47 members when that number is, in itself, a gerrymander factor related to the other terms of reference? I say, "Give the Commissioners scope to examine this matter to decide how many members of Parliament there should be."

Why should not the Electoral Commissioners determine this matter from time to time within certain limits, thus removing from the consideration of the politicians a factor of gerrymander? The number of members of Parliament need not necessarily be a gerrymander factor, provided the remaining gerrymander factors I shall mention are removed and these factors are left to the discretion of the Commissioners, but, with the other factors so rigidly imposed, the number of members of Parliament becomes a gerrymander factor. The second gerrymander factor is the provision that the Commissioners, where possible, should follow the existing electoral boundaries.

The Hon. Anne Levy: Our present boundaries are gerrymandered?

The Hon. R. C. DeGARIS: I have said before that it is fairly commonly accepted that all single-man electorates produce gerrymander effects. It does not matter how we draw them, we cannot produce votes of equal value under a single-man electorate system. Let me explain more fully.

Under the Bill's proposals, the country areas of the State will lose six, and could be seven, seats. For the sake of argument, I will settle for six, so the Opposition clearly will lose six seats in Parliament, and they will be transferred to the city area. If we look at the existing boundaries in the city, we see that two seats (Tea Tree Gully and Mawson) divide themselves into four seats, and one extra seat goes into the Salisbury, Playford, Elizabeth, and Florey districts. Therefore, three of the six new city seats will become A.L.P. seats. Of the other three new seats, it is likely the Opposition would win two, and the A.L.P. would win one. It can be seen clearly that the term of reference involving the following of existing boundaries is no more than a constitutional instruction to the commission to produce a redistribution favourable to the A.L.P.

In such a drastic change in boundaries as the Bill contemplates, any narrow constitutional restriction on the commission in its task of drawing boundaries cannot be justified. Where existing boundaries are based on 28 city districts and 19 country districts currently producing, almost exactly, votes of equal political value with a reasonable appreciation of the representation factor in South Australia, retention of those boundaries where possible under a 34 city district and 13 country district basis will produce an electoral injustice or, if one uses the word so often used, a "gerrymander". Such a provision should have no place in the Constitution Act where boundaries are intended to be so drastically changed.

Regarding the third point, the maximum tolerance permitted is 10 per cent, but under the terms of reference the tolerance means little, because its use by the Commissioners is cancelled by two terms of reference related to it. Why should the commission be tied to any tolerance at all? The tolerance also should be a discretion of the commission. The allowable tolerance suddenly, on examination, becomes a gerrymander factor. If honourable members examine the figures I have just given, they will see clearly that the inability of the Commissioners under the terms of reference to give adequate weight to all the factors must force the Commissioners to produce a redistribution that cannot provide votes of equal value, either politically or representationally. However, they could if they were not under the constraint of the 10 per cent tolerance limit.

Let me now approach the question of a tolerance limit from a different direction. If this emotional catch cry of one vote one value can be interpreted as meaning equal electorates numerically (which is the narrow A.L.P. interpretation), how can such a principle be a principle if a tolerance is allowed? If one vote one value is such a magnificent principle, why have a tolerance at all? Why have 10 per cent? Why not 5 per cent or 1 per cent? If the principle is a principle, why does the Government not say it is a principle?

By including a 10 per cent maximum tolerance, the Government is admitting that the principle of which it speaks so feelingly is no principle at all and, therefore, the provisions of the Bill destroy its own argument. How can the Commissioners give any adequate weight to the term of reference dealing with communication and distance on a rational basis, when they can grant only a 10 per cent tolerance on that consideration, and take it away with other terms of reference? Let me suppose that the Commissioners in their deliberations decide that, to enable the term of reference, taking into consideration distance and communication which the Bill contains, in the comparison of Norwood and Eyre, there should be a tolerance of 33 per cent. That is the tolerance they decide is necessary to fulfil the obligation of that term of reference. They cannot recommend that tolerance, because another term of reference prohibits it.

The Hon. F. T. Blevins: That's right, too.

The Hon. R. C. DeGARIS: I am merely asking the question. I point out that the 10 per cent tolerance does not allow the Commissioners to interpret one of the terms of reference that the Government has included in the Bill. Is the numerical equality proposal a principle? What does the Government want? What is the Government's decision? Is the term of reference in the Bill a term of reference, or is it not? That is what it has to make up its mind about. The Commissioners should not be constricted by any such contradictory terms of reference. They should be free to make their own determination on the facts as they see those facts. If this question of distance and communication is a principle, let it be a principle, and leave it entirely in the hands of the Commissioners, but let us not constrict their findings by an arbitrary 10 per cent tolerance.

The Hon. C. J. Sumner: Cannot the two go together?

The Hon. R. C. DeGARIS: By reading the Bill, one can see that the two cannot go together. I am not saying that there should be any tolerance laid down by Parliament. I am saying that there will be appointed a permanent and independent electoral commission, which will be given terms of reference. The Government is saying that the terms of reference do not mean anything, because the commission is being restricted to a 10 per cent tolerance in relation to those matters. Either it is a term of reference or it is not a term of reference, and the Government has to make up its mind on that point.

The Hon. J. E. Dunford: What tolerance do you advocate?

The Hon. R. C. DeGARIS: I say that it should be left to the Commissioners. If we are to have a permanent and independent commission, let it be independent, let it make its own decision on the facts and information that come to it.

The Hon. F. T. Blevins: Within a clearly stated term of reference.

The Hon. J. E. Dunford: Up to a 10 per cent tolerance.

The Hon. R. C. DeGARIS: That is the point I am arguing. The Hon. Mr. Dunford suggests that the tolerance be up to 10 per cent. He is predetermining what the terms of reference will be, but that point should be opposed strongly by this Council. The Commissioners, because of the narrow terms of reference provided, cannot place any weight on a term of reference that the Government puts in the Bill. Not only does the constriction to a 10 per cent tolerance destroy the Government's own philosophy that one vote one value is numerical equality but it also destroys the term of reference that distance and communication is a factor that the Commissioners must take into consideration.

Questions of distance and communication in boundary drawings in South Australia have a long history, right from the first Bill dealt with by this Council in 1855, drawing the boundaries for the new House of Assembly which was to be established. It is interesting history because, on many occasions, Select Committees have examined the question we are now considering. It is strange that in 1855, although I cannot remember the exact words, in seeking to establish the House of Assembly this Council passed a Bill requiring that House of

Assembly electorates should be determined on a strict population basis.

The matter went to a Royal Commission for determination, and in those days there were no political Parties pushing their political barrows. It was a question looked at from the point of view of the rights of the individual in representation in the Parliament. That Royal Commission brought down a finding that, in a State the size of South Australia, justice could not be achieved by having electorates purely on a population basis. It is rather strange—

The Hon. F. T. Blevins: We have progressed since then.

The Hon. R. C. DeGARIS: It is rather strange that the Hon. Mr. Blevins seems to agree with the Legislative Council of 120 years ago. It is something of a changed position for us to be in. The matter was referred to a Royal Commission, which came down with the findings that such would not produce electoral justice. In 1861, a Select Committee of the House of Assembly appointed for the purpose prepared and brought down a Bill to consolidate and amend the several Acts providing for the election of members of Parliament. The 1861 Select Committee resulted in a Bill, concerning which the members of the committee were not unanimous, but which recommended the division of the City of Adelaide District into two districts, to be called West Adelaide and East Adelaide, and the reduction of its representation from six members to four. This was to be compensated for in total by allowing two members each for the Districts of Flinders and Victoria, which previously had had only one member each. Those were the only alterations to the 1855-1856 Act recommended by the House of Assembly Select Committee.

In 1861, the average number of eligible voters for each of the two-member House of Assembly districts was 1 660. The highest number of voters was 2 314, in the District of Light, and the lowest number was 1 056 in the District of Stirling, there being a deviation from the average to the extent of about 40 per cent. This result is interesting if for no other reason than that, in relation to electoral boundaries, the House for the first time had been the judge of its own cause. We are going back almost full circle to 1850, when we had an independent commission doing the work for us. In 1872, the Attorney-General brought in an Electoral Districts Bill based on the report of the 1871 Select Committee. It provided for 21 districts, each returning two members. The debate on this measure continued over a period of more than six months, and the House failed to agree to any theoretical principle of division in the early discussions on the Bill. The Ayers Government pointed out that it had prepared the schedule of districts on the principle of avoiding any wiping out of existing districts, but at the same time providing for more adequate representation of the inconveniently large electorates. So one goes on right through to the present time on this argument of the question of population in electorates, and one comes to the 1900's, when a Select Committee and a Royal Commission reported that they were of the opinion that representation on the basis of population alone was undesirable, as it gave undoubted voting power to the centres of population. So one goes through the Royal Commissions appointed to examine this question over a period of many years.

The Hon. F. T. Blevins: Conservative nineteenth century minds, the same as yours.

The Hon. R. C. DeGARIS: It is rather funny to hear talk of conservative nineteenth century minds, but I draw to the attention of the Hon. Mr. Blevins that the Constitution of West Germany, which was established by France, Great Britain, and the United States of America, three of the great democracies—

The Hon. F. T. Blevins: Three of the great democracies upon gerrymanders—experts at gerrymanders.

The Hon. R. C. DeGARIS: Whatever the Hon. Mr. Blevins has to say, it is better to be where one can get a vote rather than in Russia, where one cannot get a vote. Three of the world's great democracies drew up the West German Constitution, in which provision is made for a 33⅓ per cent loading in a country half the size of the District of Eyre. In 1956, the redistribution about which honourable members complain so much was carried in the House of Assembly with one dissenting voice; that was the voice of a Liberal. In 1962, following the rapid growth of the new suburbs, a redistribution was presented but did not pass because of the lack of a constitutional majority in the House of Assembly. At that stage, the Australian Labor Party opposed that redistribution.

In 1965, a redistribution was presented by the A.L.P., in Government at that stage, with 56 seats in South Australia in equal numerical districts except for two districts with no statutory quotas at all, a recognition of the difficulties in large districts such as Eyre and Frome. The Bill, rather cynically, was referred to by many as the Casey Protection Act, but I did not go along with that. I do accept the principle presented by the A.L.P. in this Chamber in 1965 that the question of vast areas should be taken into consideration. At the 1968 election, the Liberals (under the now Senator Steele Hall) presented a policy of 25 city seats and 20 country seats, with a redefined metropolitan area, still with a recognition of this representational argument. In Government, Cabinet unanimously decided, because of the evenly divided House of Assembly, to move to 47 seats, with a 28:19 ratio.

The Hon. N. K. Foster: Why don't you tell the truth?

The Hon. R. C. DeGARIS: This passed with unanimous support in the House of Assembly. Up to the present time there has been a general recognition by all Parties that the question of distance and communication is a real one in representational democracy in South Australia. The Bill before us still recognises this point, and all the bleating of the Hon. Mr. Blevins cannot say that this is not so.

The Hon. N. K. Foster: He's agreeing with you, mate. What's the matter with you?

The Hon. F. T. Blevins: That is why we are putting a 10 per cent tolerance in the Bill.

The Hon. R. C. DeGARIS: If the Hon. Mr. Blevins is agreeing with me, he should keep quiet. The Bill before us still recognises this point, but places no value upon it. The Government must explain two points more clearly. First, in the Government's mind, one vote one value means numerical equality. How, then, does the Government justify any tolerance at all? If that is the great principle, how does it justify any tolerance? Secondly, if it wishes to recognise area, distance, and communications as a factor (which the Bill does), by what logic does it place a maximum tolerance of 10 per cent on that factor, on that term of reference? The term of reference to the independent commissioners should not constrict them in their deliberations or recommendations. If the commission is not to be trusted with this discretion, and if it is to be restricted to a tolerance of 10 per cent, it then becomes no more than an entrenched gerrymander factor in the interests of the A.L.P.

The Hon. F. T. Blevins: Garbage!

The Hon. R. C. DeGARIS: It is not garbage.

The Hon. F. T. Blevins: Absolute tripe, absolute rubbish.

The Hon. R. C. DeGARIS: We will come to that in a moment, and I will see what the Hon. Mr. Blevins has to say to my solution to the question. We come now to the matter of community of interest. Always in a Bill such as this one speaks of community of interest; it has always been part and parcel of the terms of reference in this redistribution. The inclusion in this Bill of the community of interest factor becomes a doubtful provision. I pose this question: how can one distinguish a community of interest between Port Lincoln and Coober Pedy, between Clare and Oodnadatta, between Clare and Leigh Creek, or between Waikerie and Keith? In such circumstances it is now a useless provision.

Once again, this places a constraint on the commissioners to produce a fair distribution. Two things can occur in relation to community of interest in this Bill. The first is what I would call a "locked in" interest, as has happened in distributions in America following Earl Warren's judgment. There are now more minority Governments in the States of America than ever before under this so-called one vote one value system. Secondly, there could be vast wastage of votes for one Party in a series of huge majorities in blue ribbon seats.

On this question, a gentleman rang me to put an interesting proposition, which I will now relate to the Council, because it may give honourable members some amusement. His argument was that there should be 47 divisions in the city area and 47 in the country, each city seat having a country seat attached to it, and vice versa, so that, say, Norwood would have 11 000 city voters and 5 000 voters on Eyre Peninsula, while Davenport would have 11 000 city voters and, say, 5 000 from Port Pirie.

Under this system, each member of Parliament would have a cross-section of the State to represent both in area and population, which would make him more appreciative of the problems and viewpoints of people in the city, and also more appreciative of the problems that country members have in representing their districts. He pointed out also that some of those who argue that distance and area should play no part in boundary drawings would soon take a different viewpoint if forced by the system to undertake part of the burden of such representation, with, say, the Premier having to spend one week in three in Ceduna as well as representing his own District of Norwood.

The Hon. Anne Levy: Do you call that community of interest?

The Hon. R. C. DeGARIS: I am putting this point of view as that of a person who rang me and offered a solution to this problem.

The Hon. Anne Levy: Do you agree with it on grounds of community of interest?

The Hon. R. C. DeGARIS: No, but I think it would be a good idea if some honourable members who seem to think it is a piece of cake to represent a district like, say, Eyre District, had to do this.

The Hon. J. R. Cornwall: Do you think it is easy to represent an area like Tea Tree Gully?

The Hon. R. C. DeGARIS: It is far easier to represent Tea Tree Gully than it is to represent Eyre. Let me now come to the question of an independent electoral commission, of which I spoke about 12 months ago, when I indicated that I might introduce such a concept into the Electoral Act Amendment Bill, which was then before the Council. At that time, the Premier reacted sharply to such a suggestion with his usual brand of emotional criticism. As it was difficult in the time available to draft such a proposal, I did not proceed, although in speaking I gave my wholehearted support to such a proposition. Also, it seemed a rather time-wasting procedure, as neither the Premier nor anyone else on the Government side seemed to favour the proposal. Now, 12 months later, it is the great new idea, approved by all, and hailed as the end of all gerrymanders.

I support strongly the concept of an independent commission but, as I have said previously, I will oppose the constitutional straitjacket into which the Government intends lacing the commissioners with the narrow terms of reference. If the commission is to be permanent, I have no objection. I support it. However, I want them free. The Government wants them controled by politically motivated terms of reference. Is the Government afraid to give them the right to end, for all time, any semblance of a gerrymander? Let me answer that question for the Government. Of course, the Government is afraid to do so. Why did the Premier oppose the original concept that I suggested a year ago?

The Government declares that the constitutional provisions relating to the commission will end gerrymanders for all time. I saw the headline in the press, the Minister in another place stating that this would end gerrymanders for all time. I should like to put this question to the Council: can honourable members imagine the Minister who made that statement sitting down and dreaming up this straitjacket in which to place the commission, with the one idea in their heads: to prevent gerrymanders in the future? One can bet one's last dollar that the Minister and all his colleagues have had the computers running hot to find the most advantageous terms of reference to suit the political ends of the Australian Labor Party. With the straitjacket into which the commissioners are put, I can see only a permanently entrenched gerrymander for at least the next 10 years.

The Hon. N. K. Foster: How can you talk about gerrymanders with what's happened in the past?

The Hon. R. C. DeGARIS: In reply to the Hon. Mr. Foster, I am the only member who has moved to have votes of equal value in this place. In suggesting a permanent and independent commission 12 months ago, I envisaged a commission free from any political straitjacket; free to take evidence from all interested people; free to report after each election whether or not the electoral system produced majority government; free to report on the ability of members to represent their districts; and anything else it felt like reporting upon.

The Hon. N. K. Foster: Where is it in a political straitjacket compared to the straitjacket you had it in a few years ago?

The Hon. R. C. DeGARIS: The Hon. Mr. Foster has not been listening to what I have been saying. I do not intend to go over it all again. The honourable member can read what I have said in *Hansard* tomorrow. I believe the commission should be independent and be able to report on voting systems, the future use of voting machines, booth management and control, mathematical gerrymanders in voting systems, and so on. However, the provisions in this Bill constrict the options of the commission so narrowly that it can only be an extension of the Government's interest in its terms of reference.

It will not be given freedom by this Bill. The commissioners will not be able to report on vote values or to report, for example, on voting systems, which can produce gerrymanders just as effectively as can boundary drawings.

The commission will be a toothless tiger, which, once the Bill is passed by Parliament, will never be able to be given any teeth. It will be committed to gently sucking the bone of gerrymander, Australian Labor Party style, that this Bill will toss to it. The commission should make a report to Parliament after each election of such electoral facts as the number and percentage of total formal votes cast to elect the Government, the number and percentage of total formal votes cast to elect the Opposition, the number of votes it took to elect a member of the Government, and the number of votes it took to elect a member of the Opposition. From all this electoral information, the commission should determine the value of each vote cast for the Government, and the value of each vote cast for the Opposition.

I put this to the Council: would the Government consider including the necessity for the commission to make such a report after each election? Is that what the system is producing—one vote one value, or not? There is no answer from the Government. I should think that the answer would be along the lines of, as Eliza Doolittle said so succinctly, "Not bloody likely". The commission with its permanently entrenched provisions is permanently to be a toothless tiger—tied constitutionally to the next 10 years political programme of the present Government.

Now let me turn from the point to the entrenching provisions. If we are to write permanently into the Constitution Act terms of reference for electoral redistributions which enshrine a system not understood or experienced previously, then this Parliament should not proceed without that provision being approved by the people of South Australia, by referendum. The people of South Australia should understand that the Parliament is writing into the Constitution Act for the first time rigid and permanent electoral provisions, upon which they have not been consulted and which they may never be able to change. On such a question as this, the people of the State must be consulted. All the facts must be placed before the people before such a restrictive and narrow electoral concept is entrenched in the Constitution Act. To do other than that could perpetrate a permanent miscarriage of electoral justice. Before such a proposition is taken to the people by way of referendum the whole matter should be placed before a Royal Commission to take evidence over the whole State and to recommend a suitable draft of terms of reference to be placed permanently in the Constitution Act; then, upon that non-political draft, the people could express their opinion.

Following this procedure, one can go into the matter (which I know is very dear to your heart, Mr. President), that a Parliament should not have the power to refuse a referendum on questions such as this by public initiation. Why should any Government in power prevent people from expressing a view on such an entrenchment, if there is popular support for such a change?

Now, Sir, I think I have come to the end of my submission on this Bill. I will support the second reading, on the basis that I strongly support the concept of a permanent electoral commission, and I express my pleasure that, after such critical comment and opposition from the Premier when I first broached this matter 12 months ago, the Premier has seen fit to accept that suggestion. Those who remember those comments will remember they were not very complimentary to me when I first raised this question. From that point, my views do not coincide with those of the Government.

I do not agree that restrictive terms of reference should inhibit the determinations of the Commissioners—let the commission be free from political determinations. Nor do I believe such terms of reference should be entrenched in the Constitution Act without the people agreeing thereto. One of the problems here is to allow sufficient time for the public to understand what the Bill does and its long-term effects, and to allow time for public expression of opinion. That, at least, should be the role of this Council. To ensure the people of the State may better understand all the ramifications of the Bill, I will be seeking a deferment of its consideration during the second reading debate until February.

This Bill makes a fundamental change to the Constitution Act. It is entrenching an electoral matter in the Constitution Act which has not occurred in any State in Australia, or has not occurred federally, as far as I know. It is entrenching in the Constitution, for the first time in the history of Australia, an electoral matter, and I believe that the people of this State should understand exactly what that means as far as they are concerned in the future. I do not believe, in justice, that the Government can refuse this request to allow this matter to have wide public debate. If the request is not agreed to, then to me it can only mean that the Government is trying to hide the real intentions of the Bill from the people of this State. The constitutional entrenchment of a narrow concept of electoral representation, as I have pointed out, deserves close attention. If the Government does not agree, I will seek by vote of the Council an adjournment of the debate until February.

If the Bill is forced to the Committee stage this week by Government action, I will be seeking amendments along the lines I have suggested:

(1) to give the Commissioners maximum freedom in making their recommendations, to let them consider all aspects, not only of tolerances, loadings, existing boundaries, and electoral distribution, but all electoral questions—to give them freedom to consider and recommend a distribution that, in their opinion, will guarantee fair and effective representation to all people of the State and guarantee majority Government;

(2) to ensure that the people of the State are consulted before any narrow concepts are entrenched in the Constitution Act.

If these general principles are not included, or at least some agreed compromise is not reached, then I am left with only one alternative—voting against the third reading.

The Bill as it stands at present is no more than an attempt to rape representation values, to reduce effective representation from large and distant electorates, and to enshrine an electoral system that cannot give an equal political value to each vote cast in South Australia. I support the second reading.

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

POLICE OFFENCES ACT AMENDMENT BILL

Read a third time and passed.

ADJOURNMENT

At 5.8 p.m. the Council adjourned until Wednesday, October 15, at 2.15 p.m.