LEGISLATIVE COUNCIL

Wednesday, October 15, 1975

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

QUESTIONS

UNEMPLOYMENT

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Minister of Health, as Leader of the Government in this Council.

Leave granted.

The Hon. C. M. HILL: The public is acutely aware of the possibilities of unemployment facing school leavers. This matter concerns not only the prospective school leavers but also their parents, their relatives, and the community at large. There was recently an article by Stewart Cockburn on this issue in the *Advertiser,* and today there are two letters to the Editor on the same subject in that paper, one letter being an outstanding contribution by Mrs. E. Kelly, of South Brighton. Has the Government concerned itself with this matter, and has it any plans, apart from unemployment relief, to assist in alleviating this serious social problem?

The Hon. D. H. L. BANFIELD: The Government is very concerned about the possibility of unemployment, not only among school leavers but among people generally. No-one likes to have people unemployed in the community, and the Government has attempted to get industry into top gear again. It has frequently approached the Australian Government to see what it can do to inject enthusiasm into industry. I assure the honourable member that we are concerned and that we are looking at ways of alleviating the position.

TRAIN BRAWL

The Hon. J. E. DUNFORD: Has the Minister of Lands a reply from the Minister of Transport to my question of September 9 about travellers being terrorised on trains travelling to other States?

The Hon. T. M. CASEY: Two male passengers travelling from Perth to Brisbane approached a train porter whilst the Overland was travelling between Coonalpyn and Keith and demanded to be supplied with a torch to search for a lost ring. They were told by the porter that he did not have a torch. The porter was then threatened and assaulted. Prior to the train's arrival at Keith, another porter who endeavoured to quieten the men down was also assaulted. When the train arrived at Keith, the police were called and the two troublesome passengers were removed and held at the police station overnight. The next day they appeared in the Keith Court of Summary Jurisdiction. One of the men pleaded guilty to the charge of common assault and was fined $20 with $3 costs, while the other pleaded guilty to the charge of being drunk and was fined $5 with $3 costs.

The police sergeant at Keith made his investigations as quickly as possible in order to avoid undue delay to the Overland. These situations can be awkward to handle from the point of view of prosecutions, as the railway running staff cannot stay behind at a station to appear subsequently in court as witnesses; likewise, passengers are loath to leave the train and become involved and inconvenienced. This type of trouble does occur from time to time on all long-distance trains throughout Australia, but it is usually kept under control by the train's staff, who call for police intervention if considered necessary. The Overland's staff, which averages 18, is quite often supplemented by senior traffic staff and security personnel who are present from time to time, particularly when large groups are known to be travelling. The incident in this particular case was unusual, as the violent behaviour shown by the two men was beyond that usually encountered when handling intoxicated persons. Discussions will be held with the Crown Solicitor concerning the present method of obtaining prosecutions in such cases with a view to stiffer penalties and the protection of passengers, train personnel and train damage.

SHEARERS

The Hon. J. E. DUNFORD: On August 7, I asked a question of the Minister of Agriculture in relation to Government expenditure in the training of shearers. I understand he has an answer.

The Hon. B. A. CHATTERTON: I have a reply, which also covers the question that was raised by the Hon. Mr. DeGaris, which was a follow-on from the question asked by the Hon. Mr. Dunford. In reply to the points raised by the Hon. Mr. Dunford on this matter, I point out that at present there is no basic training scheme for people wishing to become professional shearers other than "barrowing" and to my knowledge this is the only industry without an adequate apprenticeship or training scheme. Despite this fact, many shearers are able to achieve remarkable competence in their profession. Efforts are being made to encourage the year-round employment of such competent professional shearers. Studies are being made on the seasonality of shearing with a view to spreading the peaks of demand for shearers throughout the State, wherever possible. It has been demonstrated that sheep can be shorn in some of the higher rainfall areas during summer and autumn and even into early winter if shelter and adequate pastures are available (the appetite of sheep increases up to 50 per cent offshears and sheep would readily succumb to exposure if there were not adequate shelter and sufficient feed to provide readily available energy to replace heat loss). It must be pointed out, however, that some properties do not have adequate shelter or adequate feed at that time of the year, thus making it necessary for them to shear at a more appropriate time. In addition, there are many areas in the cereal belt where the occurrence of grass seeds makes it essential to shear weaners in spring to avoid high losses.

"Barrowing" (practising before the bell) or the provision of a "learner's pen" as stated in the award does not constitute a satisfactory training programme for would-be shearers. Graziers and contractors understandably have hesitated to employ learners or shearers who try to shear too fast before they have learned how to hold and shear a sheep properly. Therefore, the Agriculture Department accepted the responsibility of providing a shearer training course for learners who indicated their intention of becoming professional shearers. A prerequisite for the course was that all learners had to be able to shear at least 60 sheep a day, thereby establishing some degree of familiarity with shearing procedures. I emphasise that this course was not an attempt to induce additional people to become shearers. It was directed at those already in the industry and was designed to increase their proficiency so that they could shear more sheep with less effort and, at the same time, effect a reduction in skin cuts and damage to the animals. The

organisers of the course actively encouraged union membership. The course was considered to be a distinct success.

In reply to the subsequent inquiry by the Leader, the department does not organise and conduct shearer training courses for raw recruits wishing to learn to shear. However, it has provided a wool adviser to assist in clip preparation in shed management courses organised by groups of wool producers whose sons wish to learn the range of procedures applicable to their own shearing sheds.

I have with me a comprehensive report by one of the course leaders (Mr. A. L. Brown) which I shall be happy to make available for the perusal of the Leader and the Hon. Mr. Dunford if they so desire.

SALTAI CREEK

The Hon. R. A. GEDDES: I desire to direct a question to the Minister representing the Minister of Works, and ask leave to make a short statement.

Leave granted.

The Hon. R. A. GEDDES: The Saltai Creek has its head waters in the Flinders Range immediately east of Stirling North, near Port Augusta, and in recent years, due to the above average rainfall, the township of Stirling North has been badly flooded when this creek has been in flood. Have any surveys been made or taken of this creek with the idea of damming it or building a small reservoir in the Flinders Range for the purpose of possibly curbing the excess floodwaters at present coming down and causing great inconvenience and property damage to the people in Stirling North?

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

PERSONAL EXPLANATION: SUCCESSION DUTIES

The Hon. N. K. FOSTER: I seek leave to make a personal explanation, if this is the appropriate time to do so.

The PRESIDENT: Yes, under Standing Order 173.

The Hon. N. K. FOSTER: Unfortunately, the reporter whom I want to hear my remarks is not in the gallery at the moment; I make them as the result of what he wrote. The name of the press reporter, whose conduct in this matter is reprehensible, is Eric Franklin, who wrote in yesterday's edition of the *Advertiser* an article headed "Death duties". In the article there appear a number of photographs, three being of honourable members of this Council, including me. There was also a photograph of the Premier. Underneath my photograph, the astute gentleman who claims to be a *bona fide* reporter writes:

> Mr. Foster, M.L.C. . . . "Running around telling people to take advantage of the offer while it lasts".

In the article itself he writes:

> Normie (Mr. Norman Foster, M.L.C.) is running around telling people to take advantage of the offer while it lasts, but neither the solicitors—

I want to draw this to the attention of the Council—

> nor brokers want to be caught. We are putting applications aside until this area of confusion has been cleared up.

The reporter, in his stupidity, has misrepresented me in that. He has talked to members of the public who associated themselves with a broker in this city, who breached a confidence of a member of the public.

The PRESIDENT: Order! The honourable member has sought leave to make a personal explanation, and he must keep to that.

The Hon. N. K. FOSTER: This is tied up with it.

The PRESIDENT: The honourable member cannot debate these matters.

The Hon. N. K. FOSTER: I am not debating them; it takes two to debate.

The PRESIDENT: Order! Ancillary matters must not be debated; the honourable member must confine himself to his personal explanation.

The Hon. N. K. FOSTER: ft is all bound up with it. I have not been at any time "running around" this city telling people to "get in for their chop" (if I may use that term). That has been wrongfully attributed to me by this reporter. For the information of this Council, I have had a number of approaches on this matter, but there has been only one area in which my advice was given and taken, so it is easy to identify it. If this particular firm of land brokers, which I will not now name in this Chamber, wants to go talking in the highways and byways of this city so that some unscrupulous reporter can come in out of the woodwork or bar tables of hotels and start name-dropping, that is his business; but he need not include me, because I was not identified with the persons concerned until the transactions were completed. The advice I ultimately gave got to these persons because of a number of circumstances and the fact that there was no legislation before this Council in regard to this matter yet, but there will be. So the advice I gave was quite correct. However, as a result of this scurrilous type of reporting I have been subjected to considerable telephone calls at my home address as to my honesty and other things.

The Hon. J. E. Dunford: Coca-Cola Bottlers, for instance.

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I want to impress on honourable members, for their own information, that I do not care what people call me, and when, if they are telling the truth. If I put my head on the block they can chop it off if they can, and I will enjoy the contest. However, I have no special respect for the newspaper for which this gentleman works, and I have less respect for a reporter who does not check his facts.

QUESTIONS RESUMED

ACQUISITION OF LAND ACT

The Hon. C. M. HILL: With regard to the Acquisition of Land Act, has the Minister of Lands any plans to update and improve its provisions so that a fairer method of assessing compensation for those people dispossessed of property can be written into the law?

The Hon. T. M. CASEY: No.

URANIUM STUDY

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to the question I asked on October 2 concerning a uranium enrichment study committee and the members of that committee?

The Hon. B. A. CHATTERTON: The Minister of Mines and Energy has supplied the following information:

The members of the committee established by the Government to study uranium enrichment are as follows:

- Mr. W. M. Scriven (Chairman)—Director, Development Division, Premier's Department.
- Professor M. Brennan—School of Physical Sciences, Flinders University.
- Mr. B. Guerin—Senior Project Officer, Policy Division, Premier's Department.
- Dr. W. G. Inglis—Director of Environment and Conservation.
- Mr. B. P. Webb—Director of Mines.
- Mr. R. E. Wilmshurst—Operations Manager, A.M.D.E.L.

The guidelines on which the committee is to report are as follows:

To report to the Premier, the Minister for the Environment, and the Minister of Mines and Energy, as a subcommittee of Cabinet, on all aspects related to the establishment of a uranium enrichment plant in South Australia with particular reference to the following factors: Australian Government policy on uranium; environmental factors and assessment of hazards; available technologies and costs; desirability of establishing a refinery for the conversion of uranium oxide to uranium hexafluoride; locational, environmental and operational requirements; possible sites in South Australia; likely arrangement of ownership and control; and complementary benefits potentially accruing in the generation of related industries and the development of resources.

By arrangement with the Australian Minister for Minerals and Energy, the Australian Atomic Energy Commission is providing the committee with considerable assistance and information. It will, therefore, be necessary for the South Australian Government to consult with the Australian Government before a report of the committee can be made public.

HILLS BUS SERVICE

The Hon. C. J. SUMNER: Has the Minister of Lands a reply to the question I asked on September 18 concerning Hills bus services?

The Hon. T. M. CASEY: Buses were not operated during the evening on several of the former privately owned bus services which are now operated by the Municipal Tramways Trust. Evening services were tried out on some of them while they were still under private ownership but were discontinued because of poor patronage. There has been no change in the operating hours of bus services in the Crafers, Stirling and Aidgate areas since they were transferred to the trust, and the trust has no present plans for operating an evening service in these areas.

WHYALLA TRAFFIC

The Hon. R. A. GEDDES: Has the Chief Secretary a reply to the question I asked on September 30 concerning the installation of traffic signals at a Whyalla intersection?

The Hon. D. H. L. BANFIELD: Decisions on applications for traffic signals are made in most instances by the Road Traffic Board. Decisions on the provision of coast facilities are made by the Coast Protection Board. Each of these authorities has a sum available to it each year which is broadly in line with Government priorities, and naturally the two operate independently of each other in deciding how these sums shall be allocated. The business of government would quickly become unworkable if Cabinet were obliged to consider individual recommendations for the expenditure of sums of this nature and to set priorities between them. In any case, I point out that the extra sum of $6 000 for the completion of the jetty would have been nowhere near sufficient to meet the cost of the extra set of traffic lights, which is estimated to be about $45 000.

ADELAIDE OVAL DRINKING

The Hon. C. J. SUMNER: Has the Chief Secretary a reply to the question I asked on October 2 concerning patrons being prevented from taking alcohol to Adelaide Oval during cricket matches?

The Hon. D. H. L. BANFIELD: I wish to report that I raised the matter with the South Australian Cricket Association. This morning a meeting was held in my office and, following discussions, it was agreed that, although the association and the police were reluctant about having to enforce the regulations which have been in existence since 1932, they considered that, because of a few irresponsible groups that spoil the enjoyment and harm the convenience of the majority of cricket patrons, they have no alternative but to enforce the regulations. With some regret, that decision was reached. The association was also influenced by the excellent results achieved at Football Park following a similar ban. The police have reported much less throwing of cans, and so on, at Football Park, with the result that people there can now enjoy their outing. Reluctantly, the cricket association found itself in the position in which it is necessary to ask that the regulations that have been in force since 1932 be implemented.

SHEEP

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. M. HILL: I refer to a matter which has previously gained certain publicity, and on which questions previously have been asked of the Minister in this place, dealing with his original proposal to come to some kind of arrangement with the exporters of live sheep meat in South Australia, and also, if possible, with the Minister of Agriculture in Western Australia and exporters in that State, so that a better overall export price might be obtained for producers of this export commodity. As I recall it, in his most recent reply the Minister said he was taking up the matter with the Australian Minister for Agriculture to see whether the plan could be furthered in any way. I notice that there is to be a change in the portfolio of the Minister of Agriculture in Canberra—

The Hon. D. H. L. Banfield: How does that come about? What is the position there? Does his name start with a "C"?

The Hon. C. M. HILL: It came about as a result of Senator Wriedt's appointment to a vacancy which, as the Minister will realise, occurred rather dramatically a few days ago; I realise that further changes are possible in the relatively near future. First, can the Minister of Agriculture add anything further to his comments on the plan (because naturally producers in this State are interested in the matter and want to know whether the Minister can achieve any results on their behalf); secondly, does the Minister intend to continue discussions with the newly appointed Minister in Canberra, whoever that may be?

The Hon. B. A. CHATTERTON: I certainly will continue discussions on the lines indicated previously with the new Minister for Agriculture in Canberra as soon as we know who will be appointed to that position. Regarding the other matter, I have had discussions with the Australian Meat Board and have also looked at some of the statements made. Unfortunately, however, these have been made in confidence in the Australian Agricultural Council, and I do not think it is appropriate for me to reveal here what has been said by the board. I can say, however, that the direction I indicated in terms of oversea marketing of Australian meat is already being pursued to some extent, but I shall certainly be continuing discussions with both the Australian Minister for Agriculture and the Australian Meat Board to try to get a more united front on the matter. Although negotiations are taking place, it is difficult for me to reveal them now because of the implications this may have.

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

Adjourned debate on second reading.

(Continued from October 14. Page 1257.)

The Hon. J. E. DUNFORD: I rise to speak in support of the Bill and briefly to put my proposition to the

Opposition. I consider that we all have a responsibility in society to present the facts to the public and the Parliament in their correct order of precedence. I believe Parliament has a responsibility to set standards, and the standard that this Bill represents means, in effect, that a person has some rights when he goes to the polling booth. We in the Council have heard some inflammatory speeches made here. However, I followed the proposition put by the Opposition in another place, and in this respect I refer to what the deposed Leader of the Liberal Party had to say on September 18 (page 888 of *Hansard)* regarding optional preferential voting, as follows:

I believe that the Bill is as abhorrent today as was a similar measure introduced in the latter part of March. I said that that measure was political dynamite, as is this Bill. One can conceive that the Bill has been introduced so that eventually there will be no elections at all.

He concluded by saying that the people of South Australia would have no voting rights at all. As I said previously, this is propaganda to which the people ought not to be subjected. I am aware of the public's opinion regarding this Bill. Indeed, I have spoken to many Liberal Party supporters, who have said that some of the remarks made by Mr. Blacker, a member of another place, are correct. Those people support them. He is reported as having said (page 887 of *Hansard):*

I consider that every person is obliged to vote: it is a necessary part of the Australian way of life that everyone should accept his responsibility in electoral matters. Anyone who opts out of that responsibility does not cast an intelligent vote . . .

The Hon. J. C. BURDETT: I rise on a point of order, Mr. Acting President. I point out that the Hon. Mr. Dunford is precluded, by Standing Orders, from reading from the *Hansard* report of proceedings in another place.

The Hon. J. E. DUNFORD: Well, I will not read from *Hansard.* I do not need to.

The Hon. N. K. Foster: I'll jump up in a moment.

The ACTING PRESIDENT (Hon. C. M. Hill): Order! I uphold the Hon. Mr. Burdett's point of order. It seems that the Hon. Mr. Dunford has infringed Standing Order 188. I should therefore appreciate if he would not read from the *Hansard* report of the proceedings in another place.

The Hon. J. E. DUNFORD: Thank you, Mr. Acting President. I did not mean to read the remarks in full. However, I believe they ought to be expressed in the Council, because we have told the public (and all Opposition members have said this) that this is a House of Review. Members of another place have also said this. They have said that a person ought to cast an intelligent vote. I instanced the proposition recently that, for all sorts of reasons, people do not want to vote for certain candidates. Certainly, many people would not vote for me if they listened to some of the rantings of members in another place. When I came into this Parliament I decided that I would represent all the people of South Australia effectively and well.

Let us remember that many of the Australian soldiers who were wounded in Vietnam were not volunteers: they were conscripted through the ballot system. Further, Australian forces had no right to be in Vietnam, as Dr. Kissinger said. The history books will show that the Labor Party's policy in Vietnam was correct. I agree that a person ought to go to the polling booth, but he ought not to be compelled to cast a vote for a candidate or a Party that is completely opposed to democracy.

The Hon. Mr. DeGaris referred to percentages, and it must be remembered that the Labor Party's preferences helped other Parties. The Liberal Party may want optional preferences because it sees some political advantage in them. People should not be compelled to vote for anyone at all. I intend to refer to *Voting in Democracies* by Lakeman and Lambert.

The Hon. R. C. DeGaris: You had better not quote it in full, because it might not suit you.

The Hon. J. E. DUNFORD: As an ex-member of the Labor Party, the Leader would know all about voting systems. His contribution to this debate was one of the worst that he has made. He knows that people cannot be forced to vote. At page 128, Lakeman and Lambert say:

There would seem to be no justification for interfering with a citizen's right to indicate that he considers only one of the candidates to be worth voting for. Still less is there any need for the rule adopted for the Australian Senate, that the elector must mark a preference against *every* candidate. Not only are there strong objections to forcing—

I stress the word "forcing"—

a voter to express opinions about candidates of whom he may have no opinion at all, or all of whom he may dislike equally, but it only increases the number of invalid papers. An example of its futility is the 1949 election of Senators for New South Wales (where the invalid papers were 12.1 per cent): there were (for the 7 seats) 23 candidates, all of whom had to be numbered.

The public ought to know that in the last Legislative Council election all that a voter really had to indicate was one Party, and it was to the advantage of the Opposition that this was not known to most of the electors. At page 210, Lakeman and Lambert say:

It is unfortunate that Australia has again adopted, for her Senate elections, the superfluous rule that every candidate must be numbered. This serves no useful purpose and merely tends to discredit the system, owing to the excessive number of invalid papers it produces. In 1951, the number of spoilt papers was 7 per cent of the total poll—a figure about six times as high as in Eire.

As an ordinary citizen, if an attempt was made to force me to give a preference to the Liberal Movement or the Liberal Party, I would rather not cast my vote at all. I was hoping that the Hon. Mr. Cameron would speak before I did, so that I would know his attitude. The Leader of the Opposition said that the Bill was all about one vote one value, but it is not about that: it is about people having the right to indicate the Party that they want to vote for. The Hon. Mr. DeGaris referred to first past the post voting, and you, Mr. President, allowed him to filibuster. I read his contribution to the debate twice to find out what reply was necessary. Yesterday the Opposition found its saviour when the Hon. Mr. Whyte said that there would be a dictatorship, bloodshed, civil war, and a withdrawal of voters' rights if this Bill was passed.

The Hon. Mr. DeGaris is worried about first past the post voting because he knows that the Labor Party was in tune with the public when it decided to give away first past the post voting and bring in optional preferential voting. The State Government wants to democratise people's rights. I am sure that, if the Opposition has its way, it will take away people's democratic rights. In view of the Hon. Mr. Whyte's suggestion that this Bill will create a dictatorship, bloodshed, civil war, and a withdrawal of the voters' choice, I suggest that he should go back to his farm. Since being elected, the Dunstan Government has been in the forefront of democratic legislation all over Australia. I support the Bill.

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

CIGARETTES (LABELLING) ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Clause 6, page 2—lines 26 and 27—Leave out "word and paragraphs" and insert "passage".

No. 2. Clause 6, page 2—After line 27—Insert "and".

No 3. Clause 6, page 2—Line 32—Leave out "(f) and".

Consideration in Committee.

Amendment No. 1:

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the House of Assembly's amendment No. 1 be agreed to.

This is more of a drafting amendment, and I think we would all agree that the word "passage" is much better than the previously used verbiage.

Motion carried.

Amendment No. 2:

The Hon. D. H. L. BANFIELD moved:

That the House of Assembly's amendment No. 2 be agreed to.

Motion carried.

Amendment No. 3:

The Hon. D. H. L. BANFIELD moved:

That the House of Assembly's amendment No. 3 be agreed to.

Motion carried.

MONARTO DEVELOPMENT COMMISSION (ADDITIONAL POWERS) BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It confers on the Monarto Development Commission powers to act as a consultant body to other organisations. As honourable members will be aware, it has become necessary recently to reconsider the timing for the development of Monarto in the light of reductions in funds available for this project. Originally the Monarto Development Commission planned to spend $10 100 000 during 1975-76, but the programme has now been limited to about $4 000 000, of which the Australian Government is contributing $500 000, $3 200 000 provided in the Loan Estimates, and the remainder from working balances. Negotiations are continuing with the Australian Government with a view to establishing a five-year rolling programme for Monarto for the period 1975-76 to 1979-80. This would enable satisfactory progress to be made towards achieving the Government's aims and objectives for the development of Monarto.

There are two consequences of the change in programme for Monarto. First, construction on site will not commence until the latter half of the 1976-77 financial year, a delay of 12 to 18 months. Secondly, population growth at Monarto will be more gradual than originally planned, not reaching the target level of 180 000 until after the turn of the century. Planning for Monarto is currently at a fairly advanced stage. Most of the land required for the new city has been purchased, major planning and related studies are complete, and an extensive public information and public participation programme has been undertaken. As a result, Government proposals for Monarto are known and understood by a wide cross-section of the South Australian community, and in general those who have taken the trouble to inform themselves about these proposals support them. The planning undertaken to date for Monarto will not be discarded as a result of the revised programme. The design and development concepts set out in the original proposals published earlier this year will still be implemented, but at a later time than had been intended.

As a consequence, the Monarto Development Commission will have some excess capacity for work over the next 12 to 18 months. It is vitally important that the expert planning and management team built up at the commission is not lost to South Australia as a result of this situation. The combined expertise of the commission is evidenced both by the quality of work it has produced so far, and by the acclaim of many professional people with whom the commission has had contact, including a number of Australian Government departments. A prime concern in the coming period, therefore, is that the Monarto commission is not disbanded, and that the valuable resources of the commission can be made available for other work. This concern is shared by both the Australian and South Australian Governments, and is the reason for introducing legislation designed to allow the commission to do consultancy work on developments other than Monarto. Under the original Act this is not possible. Furthermore, to the extent that the Monarto commission can earn income from consultant activities, the more effective will be the use of the available funds in the current financial year in furthering necessary preliminary work for the future development of Monarto.

In particular, the South Australian Government has received a request from the Australian Government, through the Australian Minister for Urban and Regional Development, to make the services of the commission available to assist in the planning and reconstruction of Darwin. Preliminary negotiations are proceeding for the preparation of a brief for the commission's assistance in this matter. It is expected that the resources of the commission will also be made available to South Australian Government departments and agencies, including the Land Commission, the Housing Trust and the State Planning Authority. In all consultancy work undertaken, the commission will operate on a fee-for-service basis.

Clause 1 of the Bill is formal. Clause 2 sets out the definitions necessary for the purposes of the Bill. In particular, I draw honourable members' attention to the definition of "prescribed agreement". This covers the range of activities considered appropriate for the Monarto Development Commission to undertake. Clause 3 is the principal operative clause of the Bill and is self-explanatory. Clause 4 is a regulation-making power.

The Hon. C. M. HILL secured the adjournment of the debate.

SEX DISCRIMINATION BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It is designed to give effect to the Government's policy of removing as far as is legislatively possible unfair discrimination based upon sex or marital status. The Bill represents a major step in improving the position of women in our society, and is a positive step towards achieving the aims of International Women's Year. The need for this Bill has been placed beyond doubt by the findings not only

of an expert committee set up by the British Labor Government but also a Select Committee appointed by our own Parliament. Of course, the Bill cannot completely eradicate all forms of unfair discrimination based on sex or marital status, but it represents a major step towards that end, and the Government hopes that it will create a climate in which public opinion will be mobilised against this form of discrimination. The Bill recognises the need to keep legislation and social policies under review to ensure that discriminatory practices can be identified and effective action taken against them.

The Bill implements the major recommendations of the Select Committee of the House of Assembly and of the United Kingdom White Papers on sex discrimination: it renders unlawful discrimination on the basis of sex or marital status by employers and bodies or authorities connected with employment; it prohibits discrimination by educational authorities; and it prevents discriminatory practices in the supply of goods, services and accommodation. The procedures for administration and enforcement are an important feature of the Bill and represent a major advance upon those available in analogous legislation in other places. The Bill provides for the appointment of a Commissioner for Equal Opportunity. His function will be to make a study of areas in which discrimination may be occurring, and to assist the board in making non-discrimination orders that will redress existing discriminatory situations and to assist individual complainants in bringing proceedings for personal redress before the board. He will also perform an important conciliatory function. The most important authority established by the Bill is the Sex Discrimination Board. This board will consist of a Chairman with extensive legal experience and two other members appointed by the Governor. The function of the board will be to arbitrate not only in relation to personal complaints of discrimination but also upon discriminatory practices with which the Bill is concerned with a view to ensuring that discrimination will not occur.

Clauses 1, 2 and 3 are formal. Clause 4 sets out a number of definitions necessary for the purposes of the new Act. I draw attention particularly to the extended meaning assigned ot the term "marital status". Clause 5 provides that the new Act will bind the Crown. Clause 6 establishes the office of Commissioner for Equal Opportunity. The Commissioner is to hold office subject to the Public Service Act. Clause 7 establishes the Sex Discrimination Board, which is to consist of a Chairman who has extensive legal experience and two other members appointed by the Governor.

Clauses 8 to 12 are the normal provisions dealing with procedure of the board. Clause 13 provides that, before the board embarks upon a hearing, it must give reasonable notice to the parties affected by the proceedings and afford them a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses, and to make submissions to the board. Clause 14 gives the board various procedural powers. Clause 15 provides for the appointment of a Registrar to the board. Clause 16 sets out the criteria necessary to establish discrimination on the basis of sex or marital status. A person discriminates for the purpose of the Bill if he discriminates either on the ground of sex or marital status, or on the ground of a characteristic that appertains generally to persons of the one sex or marital status or a presumed characteristic that is generally imputed to persons of the one sex or marital status.

Clause 17 defines an "act of victimisation". If a person treats another adversely because he pursues his rights under the new Act, that adverse treatment, in general, constitutes victimisation for the purposes of the new Act. Clause 18 deals with discrimination in the ordinary employer-employee relationship. It renders unlawful discrimination by an employer in determining who should be offered employment, or in the terms of which employment is offered. It is also unlawful for an employer to deny an employee access to opportunities of promotion, transfer or training on the ground of his sex or marital status. The new Act does not apply to employment or persons within a private household, or in cases where the employer does not have more than five employees. Clause 19 is a similar provision dealing with discrimination in the engagement of commission agents.

Clause 20 deals with the case where a person has control of workers by virtue of a contract between him and an employer of the workers. Provisions are inserted making it unlawful for the person who has effective control of the workers to discriminate against them. Clause 21 deals with discrimination by partnership firms. Clause 22 renders unlawful discrimination by employee or employer organisations. Clause 23 renders unlawful discrimination by bodies that have power to confer authorisations or qualifications that are needed for, or facilitate, the practice of a profession or the carrying on of a trade. Clause 24 renders unlawful discrimination by employment agencies.

Clause 25 renders unlawful discrimination by educational authorities. The provision does not, however, apply in relation to a school, college or institution established wholly or mainly for students of the one sex. Clause 26 renders unlawful discrimination in the supply of certain services. Those services include banking, the provision of credit, insurance, entertainment, recreation, refreshment, services connected with transportation or travel, and the services of a profession or trade. Clause 27 prohibits discrimination in the provision of accommodation. However, the clause does not apply to a case where the person who provides the accommodation, or a near relative of that person, resides on the premises and accommodation is provided for no more than six other persons. Clauses 28 and 29 deal with ancillary matters. They render unlawful acts of aiding and abetting discrimination, and make an employer vicariously liable for the acts of his employee. Clause 30 makes it unlawful for a person to commit an act of victimisation.

Clause 31 provides that the new Act will not affect discriminatory rates of remuneration. In this connection, I refer to the corresponding amendment that is proposed to the Industrial Conciliation and Arbitration Act, which provides that there will, in effect, be no further discrimination in rates of pay prescribed by any industrial award. Clause 32 provides that the new Act does not affect charitable instruments. Clause 33 provides that the new Act will not render unlawful the exclusion of persons of the one sex from participation in any sporting activity in which the strength, stamina or physique of the competitor is relevant.

Clause 34 provides that an insurance company may act on the normal actuarial tables in assessing premiums for insurance policies. Clause 35 provides that the new Act does not render discrimination unlawful if the discrimination is based upon some other Act, or an instrument made or approved under any Act (such as, for example, an industrial award). Clause 36 provides that the new Act does not affect the practices of a religious order. Clause 37 empowers the board to grant exemptions for periods of up to three years from the provisions of the new Act.

It is intended that these exemptions should be reviewed from time to time so that they conform to changing social mores. Clause 38 empowers the board to make non-discrimination orders. This is an essential feature of the new Act. Much of the criticism that has been levelled at the British Race Relations Board results from the difficulty of establishing discrimination in an individual case. However, clause 38 will enable the board to take an over-all view of what is in fact taking place in a particular area of commerce or industry. The board could, for example, establish how many males and how many females are available for employment in a certain area of employment and require an employer to achieve within a reasonable period of time a reasonable male-female ratio amongst his employees.

Division II of Part VIII deals with the enforcement of personal remedies. A person who claims that some other person has discriminated against him may lodge a complaint with the Commissioner or with the Registrar of the board. Where a complaint is lodged with the Commissioner, and he believes that it may be resolved by conciliation, he is required to make all reasonable endeavours to resolve the matter by conciliation. However, if in the opinion of the Commissioner a complaint has substance and he fails to resolve it by conciliation, he is required to refer the complaint to the board. The conciliation proceedings will be conducted in a confidential manner, and no evidence of anything said or done in the course of those proceedings will be subsequently admissible.

Clause 41 deals with the hearing of a complaint by the board. A complaint may reach the board either through the Commissioner, or, where the complainant does not seek the assistance of the Commissioner, through the Registrar. The board, after hearing any evidence and representations that the complainant and the respondent desire to adduce or make, may order that the respondent refrain from committing further acts of discrimination or victimisation, it may order the respondent to do anything that is required to redress any act of discrimination or victimisation, or it may order the respondent to pay damages for loss or damage suffered by the complainant in consequence of an act of discrimination or victimisation. Clause 42 provides that the board shall, if so required by a party to proceedings under the new Part, state its reasons for a decision or order that it makes in those proceedings. Clause 43 provides that a right of appeal lies against a decision of the board.

Clause 44 provides that a contravention of the new Act will attract no sanction or consequence (whether civil or criminal), except to the extent expressly provided by the new Act. Clause 45 makes it illegal for a person to publish an advertisement that indicates an intention to contravene the Act. Clause 46 requires the Commissioner to make an annual report. The report is to be upon the administration of the Act during the period preceding the preparation of the report and upon research undertaken by the Commissioner during that period and any recommendations that he considers appropriate for the elimination or modification of discriminatory legislative provisions.

Clause 47 provides for the summary disposal of offences. Clause 48 is a financial provision. Clause 49 provides that the Governor has power to make regulations for the purposes of the new Act.

The Hon. JESSIE COOPER secured the adjournment of the debate.

BEVERAGE CONTAINER BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 2, 4, and 5, and had disagreed to amendments Nos. 3 and 6 to 10.

Consideration in Committee.

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

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

We are going about this matter in the wrong way, because we are trying to undo the present arrangements for the intake of bottles, which arrangements have been working well for a number of years. Only 10 per cent or 15 per cent of bottles cause all the trouble: up to 80 per cent or 90 per cent of bottles find their way back for re-use. If we increase the deposit on these bottles, we will upset the normal outlets, which have been working well. If we provide for a maximum deposit of 2c on other containers, people will not return them. At present about 80 000 000 cans and other types of container litter our countryside every year.

The Hon. R. C. DeGaris: That is not so.

The Hon. T. M. CASEY: That is the figure that has been quoted to me. We are trying to clean up litter but, if we do not provide for a worthwhile deposit on these containers, people will not co-operate. However, bottles are a different case. If we insist on the amendments, we will not go any way toward cleaning up litter.

The Hon. M. B. CAMERON: I oppose the motion. The Minister said that 80 000 000 cans a year are being used. The object of the Bill is perfectly clear: it is to get rid of cans.

The Hon. J. E. Dunford: No.

The Hon. M. B. CAMERON: What I have said is widely accepted. The Bill would eliminate the use of 80 000 000 cans a year. Probably two cans would hold as much beverage as one bottle would hold. So, 40 000 000 bottles will be added if we get rid of cans. The Minister said that between 10 per cent and 15 per cent of bottles are not returned. So, about 4 000 000 bottles will be added to the litter of this State. If the Minister is satisfied with that, he has a strange idea about the litter question. From the litter viewpoint, bottles are very much worse than cans. So, if the Council supports the motion and if the Minister does not take a more realistic attitude, this Bill will certainly not have my support. I therefore ask honourable members to oppose the motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am disappointed at the Government's attitude towards this Bill, particularly with the Minister's remarks. With a 2c deposit on each can it would be a lucrative business for people to set up a collection of these cans because there is on the roadside $1 600 000 worth of cans each year, if the Minister's statement is correct that there are 80 000 000 cans on our roads each year. It would be a lucrative business for someone to collect them because the total returns to that person would be about $1 600 000. The other point I make is that I want to know what is the deposit on each beer bottle. I think it is about l.2c.

The Hon. M. B. Cameron: It is ½c.

The Hon. J. A. Carnie: 10c a dozen.

The Hon. R. C. DeGARIS: Yet 90 per cent are returned with the 1c deposit.

The Hon. N. K. Foster: Do you know the reason why they are returned?

The Hon. R. C. DeGARIS: Perhaps the honourable member can tell me.

The Hon. N. K. Foster: Yes, because they are re-usable.

The Hon. R. C. DeGARIS: Someone has to collect them. What the Hon. Mr. Foster has said supports the argument I am making.

The Hon. N. K. Foster: It does not.

The Hon. R. C. DeGARlS: If there is a return to the person collecting them of only 10c a dozen and 90 per cent of the bottles come back, then with a 2c deposit on cans it is absolutely certain that even if they are not re-usable they will be collected and returned. I think that that is quite obvious. I am somewhat disappointed with the attitude of the Government because in looking at this Bill I believe, with all sincerity, that the attitude of the Government towards the Bill is not in the best interests of everyone in this State. It has been said that it is a "ban the can Bill". The Government has denied that. It could have shown by an acceptance of this amendment that its attitude is not a "ban the can" attitude, and 1 would like to ask the Government to reconsider its attitude. I would agree that this Council at this stage should insist on this particular amendment.

The Committee divided on the motion:

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

Noes (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.

Pair—Aye—The Hon. B. A. Chatterton. No—The Hon. M. B. Dawkins.

The CHAIRMAN: There are 9 Ayes and 9 Noes. There being an equality of votes, I give my casting vote for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 9.30 a.m. on October 16, at which it would be represented by the Hons. M. B. Cameron, T. M. Casey, R. C. DeGaris, D. H. Laidlaw, and C. J. Sumner.

The Hon. T. M. CASEY (Minister of Lands) moved:

That Standing Orders be so far suspended as to enable the conference on the Bill to be held during the adjournment of the Council and that the managers report the result thereof forthwith at the next sitting of the Council.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL (COMMISSION)

Adjourned debate on second reading.

(Continued from October 14. Page 1266.)

The Hon. M. B. CAMERON: I support the Bill. This matter has been the subject of considerable argument in this State for many years. The record of previous Governments in connection with electoral boundaries has not been good. In fact, for many years the Liberal element in this State had a system that was certainly advantageous, as was shown by the record of the Liberal Government, which held power with a relatively small percentage of the vote, compared with what applies now. It is to be hoped that, once this Bill is dealt with, at long last we will be able to remove the word "gerrymander" from our language; this Bill will achieve that. Yesterday the Hon. Mr. DeGaris referred to something that happened in the past; I cannot vouch for the correctness of his quote, but he said:

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.

He went on further to say that there had been a Royal Commission and that the Royal Commission had indicated that perhaps this was not the best way of achieving a representative Government in this State. If we are going to get back to 1855 and find that a Parliament (in fact, this Council in those days) believed that there should be equal numbers in electorates, and a Royal Commission said "No", I wonder why. I wonder what is the difference between then and today. I guess one could say that, in terms of transportation, communication and many other items, we are a little more advanced, because we do not have horses and buggies or coaches; we have telephones and many other advantages. These days, there is not the same requirement or reason for leaving things in a situation where there is a wide variation.

If a member in a country electorate believed he needed more help in order to represent his district, I would be the first one to say, "Give it to him," but I do not believe, when it comes to representation on the floor of the Parliament, that there should be any greater advantage. I do not believe that it is proper that in the law making of a democracy one section of the community should have an advantage. I believe that democracy is based on people so that if we are going to have democracy we have got to get it as close as possible to the point where all people have as near as possible equal representation.

The Government has allowed in this Bill for some slight variation owing to the problems that may occur in electorates. It is not stated that it is country electorates that are given the 10 per cent tolerance up or down. The terms of reference are provided in such a way that country electorates can be looked at from that point of view. In many respects, I would prefer to have some country electorates to represent (if I was a concerned member) to city electorates. I say that with some knowledge, because I have represented country districts. I live in a country area, and I know that if one goes to a country town it is very easy to make people aware that one has been around or that one is going to be around and is going to be there as the representative of the people concerned.

It is easy to get the word around in a country area. One can "door-knock" half a dozen people, and the whole town knows one has been around; the people know what one has been trying to bring to their attention. But one can "door-knock" every second house in a city electorate and the people in the houses in between would not know one had been in the area because they do not talk to their neighbours. There are not the same lines of communication in the metropolitan area that there are in a country area. In fact, one can walk up and down the main street in a country town, and people know one has been there, whereas, a person can walk up and down main streets in Adelaide and, no matter how well known he is, nobody knows he has been there.

I believe there is reason to question the premise that, if one represents a country electorate, one is automatically disadvantaged in terms of representation in Parliament. I do not believe that is necessarily the case, and I would

argue that premise. A suggestion has been made that the terms of reference cancel one another out and that we should now set up the commission without any terms of reference. I find that an extraordinary proposition: that we should set up a commission to bring about democratic government in this State and tell it, "If you want to create a gerrymander, you can. We do not give you any terms of reference; you can do what you like." Heavens above!

The Hon. R. C. DeGaris: Who made that suggestion?

The Hon. M. B. CAMERON: You did.

The Hon. R. C. DeGaris: I didn't.

The Hon. M. B. CAMERON: It was suggested that the Commissioners should be given maximum freedom, in making their recommendations, to consider all aspects. That is virtually what it amounts to. The Leader can say what he likes. I believe that the terms of reference are remarkably wide and give the Commissioners every opportunity to take into account any matter that will affect representation of a district, whether it be a city or country area, and I do not believe that anything has been left out that should have been put into this Bill.

I do not intend to speak at great length but perhaps I should also say something about the entrenchment clause. Thank goodness, we will not have to put up with the perpetual arguments that have taken place with regard to redistributions, representation in this Parliament, and all the other things that have taken up far too much time, both in politics and in this Parliament, and, if the insertion of this clause will lead to getting rid of that argument, it is a very good thing indeed; it is a provision that this Council should support, as did the Lower House unanimously. I say "unanimously", because there was no dissenting voice on the third reading. There was an opportunity there for members to vote or call against the Bill, but not one person, from any side of politics in this State, in the Lower House did not support this Bill at the third reading stage.

[believe this Council ought to consider that and realise that perhaps it is not its right any more to interfere with what the popularly elected House says in regard to its representation and the type of electorates it believes it should have. I know there have been arguments that other systems have produced better examples of one vote one value: in terms of theoretical representation this may be the case. If a future Government wishes to introduce such a system under this entrenchment clause, there is nothing to stop it from doing this. In fact, if another Government wants to introduce a gerrymander and has the support of the people, there is nothing to stop it, but it means either that it has to get a certificate in relation to the proposal or that, if it does not get one, it can have a referendum of the people on the matter. Surely, that in itself is sufficient safeguard in relation to what a future Government may want to do.

I believe that a 10 per cent tolerance is ample for whatever the commission may decide. The Commissioners may decide that certain metropolitan areas where there are deprived sections of the community need greater support from their member of Parliament or deserve some tolerance. I do not go along with the thought that perhaps it is only country areas that will receive this tolerance. In the country areas it depends on the economic climate of the time, and that can change. Sometimes we need a lot of representation, sometimes we do not need any. At the moment, for reasons that must be obvious, we need quite a bit in terms of representation, but that can vary. However, I believe democracy is decided on floor of the Parliament and that representation between people should be as equal as possible. I support the Bill.

The Hon. JESSIE COOPER: I rise to speak against this Bill. It is clearly aimed at devising a system of voting whereby the heavily populated and industrialised areas will begin an over-powering and dominant role over the surrounding rural and primary-producing areas.

The Hon. N. K. Foster: What a load of rubbish!

The Hon. JESSIE COOPER: It will lead to control of the State by a minority group, with other strong groups, including groups that produce most of the State's wealth, such as the primary producers, having no power in Government at all.

The Hon. J. E. Dunford: Has Coca-Cola taken over the brewery?

The Hon. JESSIE COOPER: No wonder the Premier is jumping up and down in glee at the passing of this Bill. It ensconces him in power for the term of his natural life. No wonder the Leader of the Liberal Movement also is jumping up and down in glee at the passing of this Bill. By his own declaration in the press, he has been working and plotting this scheme for over 20 years. I suppose one can understand his Party supporting its Leader as, after all, being a Liberal socialist group its members have no thought for primary producers, or private industrialists, either, for we never hear about plans or policies that will support any of South Australia's major areas of production.

I wish to draw attention to the fact that the wealth of South Australia, and therefore the quality of living conditions, relies very heavily upon its primary production. For example, the 1974 *South Australian Year Book* shows that the gross value of rural production in South Australia was worth over $511 000 000—

The Hon. N. K. Foster: Who wrote that speech for you?

The Hon. JESSIE COOPER: —for the latest year recorded therein, whereas the value added by manufacturing and secondary industry was just over $802 000 000 for the same period. Perhaps the Hon. Mr. Foster believes in pollution, because by his remarks he indicates that he does, noise pollution being a most dangerous form of pollution.

The Hon. N. K. Foster: That's a good one—I'll pay that!

The Hon. JESSIE COOPER: In the gross production figures, I have not included income from mining and its associated activities. We therefore have a clear indication—

The Hon. N. K. FOSTER: Mr. President, I want to raise a point of order and I seek your advice in this matter. It has occurred to me that there are certain Standing Orders, upon one of which I seek guidance from you.

The PRESIDENT: The honourable member has taken a point of order.

The Hon. N. K. FOSTER: I refer to Standing Order 225, at page 69 of the revised edition of the Legislative Council Standing Orders. It states:

No member shall be entitled to vote upon any question in which he—

and in this year, 1975, even the honourable member who has just resumed her seat would agree that that means either sex in this State—

has a direct pecuniary interest not held in common with the rest of the subjects of the Crown, and the vote of any member so interested may, on motion, be disallowed by the Council.

I refer to a debate that has taken place in this Chamber.

The PRESIDENT: Order! The honourable member must state his point of order.

The Hon. N. K. Foster: The point of order, my having drawn your attention to that, is whether or not it is appropriate for me at this point of time to draw your attention to a certain matter; I seek your guidance. It is a matter that was debated here yesterday on another piece of legislation, where I consider that the Standing Orders of this place were infringed because an honourable member of this place cast a vote when that person had a pecuniary interest in the matter before the Council. Can I raise this matter now or should I wait until that matter is again before the Council?

The PRESIDENT: That matter is not presently before the Council. Therefore, the honourable member must raise his point of order later. The Hon. Mrs. Cooper.

The Hon. JESSIE COOPER: Thank you, Mr. President. As I was saying, we therefore have a clear indication that almost half the wealth of this State comes from operations away from the city areas, but how much say will the people who produce this wealth have in the Government of this State as a result of their representation in future Parliaments? Virtually none. But the Labor Party and Liberal Movement have the effrontery to call this system one vote one value. What a lot of nonsense!

Another aspect of this Bill that I find very dangerous is a proposal that the commission shall comprise not only one judge but also two public servants, who may well be people put in these positions by the most outrageous politically enforced appointments. We could, therefore, at some future date well have a triumvirate with great arbitrary powers, two-thirds of which is made up of most outrageous political radicals. These remarks are, of course, no reflection whatever on the splendid public servants who currently occupy the high positions to which I have referred, but who knows when they will be replaced? Therefore, I oppose this Bill, the most vicious gerrymander that South Australia has ever known.

The Hon. N. K. FOSTER: Much has been said by the previous speaker on this matter now before us, but it will not be justice because she has paid some regard to wealth in this place. The criticism made here of the previous system or the way in which honourable members have been elected to this Council was that it was a restricted franchise vote. It is apparent from what the previous speaker said that she thinks we should return to that system. She seems to think that this is the first occasion on which electoral provisions have been spoken of. I draw her attention and that of the Leader of her Party to the fact that the Constitutional Review Committee made a whole host of recommendations on this matter in 1958 and 1959.

I point this out briefly to the honourable member who has just resumed her seat, because she is concerned that this measure may produce a whole host of political radicals, of whom there are many in this country today; but they are on the extreme right rather than, as the honourable member suggests, on the extreme left. Also, she makes allegations against honourable members on this side of the Council and on the Opposition side (the Liberal Movement) that are unfounded. This commission, as she should know, takes from the role of politicians, as it should, the right to determine districts, and it says in loud and clear terms that it shall no longer be the right of politicians to determine their length of stay in any Parliament of this State (it should apply to any Parliament). It also provides for the right of the people to change the Government if they want to.

The Hon. R. C. DeGaris: Hear, hear!

The Hon. N. K. FOSTER: Your Party sat in this place for year after year, decade after decade, for scores of years, hiding here, profiting from the fact that it sat in this place, knowing that it was more secure in this Council because it was denying the people of this State the right to remove it from this Chamber. The Liberal Party did that for over 125 years—there is no question about it. I refer to those people who wrote the Constitution of this place and others who have reflected on it from time to time. I cannot recall the names of the authors who have written about what happened here in the 1850's, 1860's, 1870's, 1880's, 1890's, and so on into this century. It is a blemished record of incompetence on the part of those who sat in this Chamber, be it on the Opposition side or even on this side.

The measures on electoral reform that have resulted from this place or from another place in the last few years, under Governments of both political complexions, even though it brought about the downfall of one person (Steele Hall), of a political complexion adhered to by certain honourable members opposite, have been an improvement. There have been legislative improvements in this place and it is to the credit, in these later years, of Parliamentary democracy that that came about. I stood in the public gallery of this Chamber in 1973 and saw some honourable members, who are sitting here now, wriggling in agony while the then President of this Council sat in the chair that you now occupy, Mr. President, concerning himself with the crossword puzzle in the *News*. How seriously were honourable members taking it?

In 1973, fearing that the electors would deal with them, they were dragged or forced to agree in part, if not *in toto,* to what had been carried in another place. Now we find that there has been an election held under those changes reluctantly agreed to by members opposite. However, members opposite still fight a forlorn rearguard action, in a last ditch attempt to preserve what they still consider to be the province of those who represent wealth and privilege in this place. The speech of the previous speaker attempted to do nothing more than demonstrate that.

One can ridicule that speech in relation to what is meant by rural production. In bygone days the horse was the major source of transport and was considered to be more valuable (there were almost more horses) than sheep, and it could be said that horses were then considered to be more important than people, although today greater importance is placed on sheep. I would have thought that the speech of the previous speaker was written by a statistician. The honourable member tried to divide the people of this State on the basis that people living on the other side of the tracks (if I can use that term) were more important than the people living on the opposite side. Of course, in this case, we could refer to the people living on the other side of the gulf.

South Australia has gone a long way since the 1800's, but it still has a long way to go. The facts are that, whilst over 80 per cent of South Australia's population lives in the metropolitan area (the percentage is much greater in South Australia than it is in the other States), it must be understood that, because South Ausralia is a very dry State in a very dry continent, one cannot expect equally large population centres on Eyre Peninsula and in the Nullarbor

area. South Australia is different from Victoria, which is a much more populous State with several provincial cities having large populations. The situation would be bad enough if the argument that was advanced here was advanced in a populous State such as Victoria or New South Wales, but it has been advanced in South Australia where less than 20 per cent of this State's total population lives outside the metropolitan area. It has been stated that these people's basic rights have been disadvantaged.

Throughout our history concern has been expressed about who shall govern and who shall rule. It is a shame that Opposition members sit here today so damned hypocritically and pay lip service to the fact that they agree with what is being done by the Government in this Bill. It is also hypocritical for members opposite to quote at any time a variety of documents, as does the bush lawyer who sits opposite (Hon. Mr. DeGaris), to try to put a sugar-coating on what they consider is necessary to achieve electoral justice. It is not good enough for members opposite to say that one vote one value is weakened in a number of areas, or to put up a spurious or false argument on the basis of one vote one value.

Members opposite should be concerned with electoral justice. As I have stated, there has been some form of investigation and improvement and, if members opposite wanted to use their narrow political views and forget their narrow, petty, personal prejudices and hang-ups within the sphere of their own political Party, they, as a Party, could have taken some of the credit for change, instead of becoming embittered about it. Members opposite could have taken some credit for the fact that an earlier Premier did something about this problem. However, members opposite do not want to do that. I support the Bill, especially as I have heard nothing from members opposite to lead me to have any misgivings whatever about what is being done.

In conclusion, the Leader might recall that earlier in this session he bitterly stood in this Council and sought to contest a decision of this Council concerning the composition of the Standing Orders Committee which had been made in this Council as a result of a ballot. The Hon. Mr. DeGaris objected to the situation that arose, because he considered that adequate and proper representation had not been provided to his Party in accordance with the number of members it had in this Council. Why do not the Hon. Mr. DeGaris and his colleagues opposite recall that situation and what was said in this Council on that afternoon, which was not so long ago? Why do not members opposite now apply that simple principle to this Bill?

The Hon. J. C. BURDETT: This speech will be a much more quiet and far less colourful speech than the preceding speech.

The Hon. R. C. DeGaris: It will be more rational.

The Hon. J. C. BURDETT: Probably. I rise to support the second reading of this Bill so that it will go to the Committee stage and be considered there. When one reviews an electoral redistribution Bill one must first have a clear view of the principles which one considers are fundamental to an electoral system. I believe that the main consideration is that the system should be such as to ensure, so far as possible, that the Party or group of Parties which secure more than 50 per cent of the preferred vote should govern.

Conversely, the system should ensure as far as possible that no Party or group of Parties which do not gain more than 50 per cent of the preferred vote should govern. I am saying that the system should be such as to ensure this situation obtains as far as possible. I do not suggest that, if despite the system having been devised to this end a Party gains the numbers on the floor of the House of Assembly with less than 50 per cent of the preferred popular vote, there should be any way of preventing it from governing. In the last resort the Government must be determined on the floor of the House of Assembly.

If a Government were elected with less than 50 per cent of the preferred vote, the electoral commission should examine the redistribution to see whether a change should be made to try to ensure that the majoritarian principle, to which I have referred, is adhered to in the next election. Another way of applying this principle, and probably the technically accurate way of applying it, is that the representation in the House of Assembly at the date of the election should accurately reflect the views expressed by the majority of votes cast in that election.

In this Bill any mention of this principle is conspicuous by its absence. Nowhere does the Bill advert to this principle, or anything like it. In fact, on the research that I have seen done on what is considered a likely redistribution under the Bill, the principle would not be adhered to; rather, it would be grossly departed from. On the research I have seen done, and I have seen two independent sets of figures, the results obtained under this Bill would be likely to ensure that the Australian Labor Party would govern with 45 per cent or even substantially less of the preferred vote.

The Hon. D. H. L. Banfield: That's getting back to the Playford days.

The Hon. J. C. BURDETT: It is even worse.

The Hon. T. M. Casey: That would be impossible. What about the 32 per cent under Playford?

The Hon. J. C. BURDETT: I am glad the Minister has referred to the 32 per cent. That is the figure about which I have heard, but it is a complete furphy. At that time neither Party, in particular the Liberal Party (the L.C.L. as it was then), stood candidates in every seat.

The Hon. N. K. Foster: That is a spurious argument.

The Hon. J. C. BURDETT: It is not a spurious argument. At the recent State election, both major Parties stood candidates in every seat, as they had to do in order to maximise the Legislative Council voting. At that election, for the first time we got an accurate figure. I have seen exercises done on the Playford 32 per cent voting figure to allow for the Liberal votes not cast because there was no Liberal candidate, giving a figure close to 50 per cent. Certainly, it goes to more than 45 per cent, and that is what I am talking about now.

The Hon. T. M. Casey: You know the Labor Party got more than 50 per cent in the State election, but was not returned.

The Hon. J. C. BURDETT: Not more than 50 per cent of the total votes cast when the figures were corrected to allow for the Liberals who did not vote for Liberal candidates because they were not standing.

The Hon. N. K. Foster: You are worse than Bjelke-Petersen. He got only 19.8 per cent.

The Hon. J. C. BURDETT: I am not worried about him.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I do not mind those interjections, Sir, because I do not agree with his style of politics and I do not belong to the same political Party.

At the very least, the principle to which I have referred should be a term of reference in the proposed new section 83, and the legislation should be so devised that the principle should have full weight and effect. Other principles which I think are important in devising an electoral system are to preserve community of interest and to ensure that, as far as possible, each elector in the State has equal access to Parliamentary representation. These principles are, at least in effect, included in the terms of reference but, because of the requirement of numerical equality of electors in each district and the limited tolerance, these principles are greatly restricted in their operation.

It is worth considering how far any of the terms of reference in the proposed new section 83 could have much real value in view of the absolute requirement of numerical equality, subject to a 10 per cent tolerance. It is important to realise the nature and purpose of a tolerance. The existing legislation, the present Act, contains provision for both a loading and a tolerance. The purpose of a loading or weighting is to give advantage or to offset a disadvantage to some section of the community. In the case of the present Act, the loading is in favour of country seats to offset the disadvantage to country electors in that, because of distance, they frequently have less ready access to Parliamentary representation than do people in the city. This Bill provides for a 10 per cent tolerance, but no loading. It is idle to think that this tolerance will take the place of a loading as the Bill is at present drawn, or that it will operate as a loading.

The purpose of a tolerance, unlike a loading, is to allow for an estimated increase or decrease in electoral population without having to redraw the boundaries too often. The term "tolerance" is used in the Bill, and I have no doubt that the Electoral Commissioners, in interpreting the Bill, would read the word in its traditional sense and not as authorising them to give any kind of loading to any sector of the community. I emphasise that what I have said applies to the Bill as presently drawn. Under the terms of the Bill, it is likely that districts in growth areas, such **as** the outer metropolitan area, will have the least number of electors.

The Hon. F. T. Blevins: So they should have.

The Hon. J. C. BURDETT: That is, the tolerance would operate downwards to allow for possible growth without redrawing the boundaries.

The Hon. F. T. Blevins: Who wrote that?

The Hon. J. C. BURDETT: I did. On the other hand, electorates such as the main country districts and perhaps the inner metropolitan districts, with stable or declining numbers of voters, would have the biggest number of voters, because the likelihood of their exceeding their quota would be remote. The net result could be said to be a kind of reverse loading, a loading against country areas and in favour of outer metropolitan areas. It is to be noted that the terms of reference in new section 83 certainly do not specifically apply to the question of determining the tolerance, but only to drawing the lines. The most objectionable of the terms of reference in the new section 83, in my view, is that in paragraph (c), which provides as one of the things the commissioners have to take into account, the following:

> the desirability of leaving undisturbed as far as practicable and consistent with the principles on which the redistribution is to be made, the boundaries of existing electoral districts.

In my view, the effect of this Bill on electoral distribution is likely to be so radical that the only sensible course would be to delete this term of reference, to tear up the existing distribution, and to start again. That way, there would be a reasonable chance that the majoritarian principle I have referred to would be observed. In fact, if this term of reference were substituted for new section 83 (c) in. the Bill, there would be a fair chance that the majoritarian view I have referred to would be observed.

I cannot understand why the Government, if it is sincere, insists on the term of reference in new section 83 (c), and why it will not accept and write in the majoritarian principle as a term of reference. It is said that this Bill provides for one vote one value. It does nothing of the kind. It provides for equal numbers of voters in districts with a 10 per cent tolerance, and terms of reference which are limited in their effect. This by no means ensures one vote one value. It is fairly obvious that the Bill was frankly designed to give the maximum vote value to Labor votes and the minimum vote value to Liberal votes.

The Hon. F. T. Blevins: Why did the L.M. support it?

The Hon. J. C. BURDETT: Because they thought it might help them, too, I suspect.

The Hon. J. A. Carnie: It is democratic.

The Hon. J. C. BURDETT: Perhaps not democratic, because there is no provision in this Bill for one vote one value. The only way to make any sense of the term one vote one value—

Members interjecting:

The Hon. F. T. Blevins: It was 16 to 4 when you came here.

The Hon. J. C. BURDETT: It was not, and that is nonsense, for a start.

The Hon. F. T. Blevins: It wasn't far off. What was it?

The Hon. J. C. BURDETT: The honourable member can read that for himself. The only way to make any sense of the term one vote one value is in multi-member districts with proportional representation. There, one does achieve a situation where each Party elects members proportionately to the total vote of that Party. I am not necessarily advocating proportional representation. I would be satisfied with any system where a realistic attempt was made to ensure majoritarian government. However, if we do want one vote one value, the only way to get it is by P. R. (by that, I mean proportional representation). The catch cry of one vote one value is motivated by another kind of P. R. (public relations), because it means nothing in itself.

Finally, I refer to the entrenching provisions of the Bill. The Bill seeks to entrench certain provisions in the Constitution. I do not know of any other State or country where the Westminster system prevails which seeks to entrench in the Constitution a mere system of electoral boundaries, something which should be reasonably flexible to meet changing needs and a changing community. I should think that if this is to become an entrenched constitutional principle, so that it cannot be changed without a referendum, a referendum should be held before that principle is so entrenched.

The Hon. F. T. Blevins: You mean a referendum to see if all the referendums are—

The Hon. J. C. BURDETT: Not at all. I mean a referendum to provide for the entrenching of a principle into the Constitution.

The Hon. F. T. Blevins: It can't be changed without a referendum?

The Hon. J. C. BURDETT: I suggest that that principle should not be so entrenched without our first having a referendum. Before we seek to entrench this principle into the Constitution, we should have a referendum to do that.

The Hon. F. T. Blevins: So we should have a referendum to see if we will have a referendum to change the Constitution?

The Hon. J. C. BURDETT: Not at all. The Hon. Mr. Blevins has completely misunderstood me: we should have a referendum before we entrench into the Constitution a principle that cannot be changed.

The Hon. F. T. Blevins: Without a referendum?

The Hon. J. C. BURDETT: No, we should have a referendum so that we can entrench that principle. Regarding this entrenching provision, I draw honourable members' attention to the constitutional aspects of proposed new section 88 (the entrenching section) to be inserted in the Act by this Bill. We have heard much in the past few days from Labor professors and others about what a terrible thing it is for Governments or Oppositions to break the conventions of the Constitution. Proposed new section 88 is a flagrant breach of the Constitution convention that judges should take no part in politics and that the legislative, Executive and judical functions should be separate. This principle is one about which I have spoken consistently ever since I became a member of this Council: the principle that the legislative, Executive and judicial functions should be divorced.

That is one of the basic principles of the rule of law, but it is broken by proposed new section 88, which gives the judges a political role to play. As proof of this, I refer to section 3 of the Act, which provides as follows:

This Act is divided into Parts, as follows:
Part I Preliminary
Part II The Legislature
Part III The Executive
Part IV The Judiciary.

So, the Act itself takes care, right at the outset, to ensure this great constitutional principle of the divorce of the three functions of Government. There are separate parts in the Constitution: one for the Legislature, one for the Executive, and one for the Judiciary. This Bill, which inserts new section 88 in the Act, breaches this principle by giving the Judiciary (the judges) a political (that is to say, a legislative) function. I support the second reading so that the Bill can go into Committee.

The Hon. C. M. HILL: I believe that two features of this Bill should be improved as the Bill passes through the Council. The first issue relates to the number of members in another place. The Government has laid down in the Bill that the number of members in another place should remain at the present figure of 47 members. I believe that the number should be increased to a reasonable number above 47 members so that the voters can receive the service they deserve from their members of Parliament.

The Hon. N. K. Foster: How many seats do you suggest?

The Hon. C. M. HILL: I will come to that, if the Hon. Mr. Foster will be patient. I would not advocate an unreasonable increase and, on looking at comparisons in other States and weighing up the situations there, I believe the number should be increased by six members to 53 members. It is interesting to see that in Queensland, for example, which according to the latest figures I have obtained has a population of 1 967 000 people, there are 82 members in that State's House of Parliament.

In South Australia, which has a population of 1 218 000 people, we have 47 seats. In Western Australia (and I am referring only to those other States that are generally regarded as being the smaller States compared to Victoria and New South Wales), which has a population of 1 094 000 voters, there are at present 51 members in the Lower House, although agreement has been reached to increase that figure to 55 members after December 31, 1976. On that comparison, South Australia is most certainly down.

If I take another comparison that may be deemed a more proper one, and look at the number of House of Assembly representatives compared to the voting population, I find, on the figures I have been able to obtain, that in Queensland there is one member of Parliament for every 12 150 voters. In this State, there is one House of Assembly member for each 16 600 voters, and in Western Australia there will be 11 000 voters for each member after December, 1976. By that comparison, certainly there is some justification for an increase.

Indeed, if one takes those figures as the only guide to this question, I suppose a proposal to increase the number of members in this State to a figure much higher than 53 members could be substantiated. Accepting the general premise that the public at large does not seek an unreasonable increase (and I do not think Parliamentarians do, either), I believe the number of seats in another place ought to be increased, in this Bill, to 53 seats.

The second issue that I raise deals with the extremely harsh way in which those in rural areas will have their representation slashed by this Bill. The change in representation from rural to urban areas (and I stress that in my view some change is inevitable) should be by gradual evolution. It should not be done as contemplated in this Bill. Extreme measures are contrary to the principles of the Westminster Parliamentary system.

The Hon. T. M. Casey: That doesn't mean it's right.

The Hon. F. T. Blevins: You mean 16 Liberal members to four Labor members?

The Hon. C. M. HILL: No, I do not mean that.

The Hon. F. T. Blevins: That wasn't extreme?

The Hon. C. M. HILL: I am not talking about 16 Liberal members and four Labor members. I am making the point that gradual change is fundamental to the best practice of the Westminster system, and that cannot be denied.

The Hon. N. K. Foster: Do you mean the position as it was in 1856?

The Hon. C. M. HILL: I am talking about the situation now and the future situation. Surely, that is the point that has been considered in this Bill. It says nothing about past history. We ought to be talking about the situation now and the situation in the next five years. We hear much about democracy from Government members in regard to electoral reform. The fundamentals of democracy, as I was taught, are the qualities of compromise, tolerance, and understanding. This is no doubt old hat to the Hon. Mr. Foster and the Hon. Mr. Blevins, but I point out to them that, basically, those principles still stand.

The Hon. F. T. Blevins: Of course they do.

The Hon. C. M. HILL: I am pleased to hear the honourable member say that. There is one more principle—the virtue of fairness toward the individual within society. Those principles stand. As a result of this Bill, the rural electors of this State see their representation reduced,

in one change, from 19 seats to 13 seats—a reduction of about one-third in their representation. Rural electors see the advantage of a 15 per cent loading, which was agreed to by the Labor Party only six years ago, completely repealed and extinguished in this Bill. Further, rural electors see a tolerance of 15 per cent (again supported by the Labor Party in 1969) reduced to 10 per cent.

With our State's geographical features, with our population very much centred in urban areas, and with far-flung rural electoral districts comprising up to nearly 39 000 000 hectares in area, the cruel and extreme reduction in rural representation that will be brought about by this Bill does not show compromise, tolerance or understanding toward the Parliamentary needs of those far-flung constituents. Nor are the Government's proposals fair to these people.

I firmly believe that metropolitan people acknowledge these factors and that they would not disagree to some change that was not as harsh as that proposed. Accordingly, I believe that, if the Government wishes to throw the loading overboard, a reasonable compromise would be to fix the tolerance at 15 per cent, which is the present tolerance for non-metropolitan areas; I again emphasize that the Bill provides that this figure be reduced to 10 per cent.

The matters that the commission should take into account in defining tolerance should include features that previously were reasons for fixing tolerances. In other words, a matter such as the geographical size of electoral districts should be clearly laid down in the Bill and considered in assessing tolerance, as an alternative to the other accepted guidelines for assessing tolerances, such as expected population trends.

The Hon. N. K. Foster: Why?

The Hon. C. M. HILL: I do not think anything could convince the honourable member. This Council should recognise the needs of the whole State, because honourable members are now elected by the whole State and they should therefore consider the interests of all people within the State, no matter where the people live.

I summarise by stressing, first, that the number of seats should be increased to 53 and, secondly, that the permitted tolerance should be increased from 10 per cent to 15 per cent, as a compromise to lessen the harsh treatment being meted out to rural voters by the Government's Bill. I intend to support the second reading so that I can move amendments along these lines to bring a more reasonable and fairer change to our electoral system. I firmly believe that my suggestions would be supported by a majority of metropolitan electors.

The Hon. D. H. LAIDLAW: I support the second reading of this Bill. Its object allegedly is to ensure that the single-member electorates of the House of Assembly are redistributed on the basis of one vote one value with, as nearly as practicable, equal numbers of voters in each electoral district but with a tolerance from an electoral quota of 10 per cent either way.

The creation of a permanent Electoral Districts Boundaries Commission with power to make periodic redistributions free from political interference is to be commended. Clause 83 sets certain guidelines which should be taken into account by the commission when making this redistribution. One is the need to have regard to existing boundaries. The Hon. Ren DeGaris has pointed out that, if the commission followed this particular condition too slavishly, it could foil the objective of one vote one value. I understand that the Leader intends to move an amendment in Committee to delete this condition.

I give the following three reasons for supporting the second reading of this Bill. First, it basically conforms to the platform of the South Australian Liberal Party which was adopted by our State Council as recently as February this year. I quote:

> The Liberal Party supports ... an electoral system which guarantees as nearly as possible:
>
> (1) the right to equality of representation for each elector in the State irrespective of where he lives;
>
> (2) each vote shall have an equal electoral value in determining Government.

True, our platform is not binding upon Liberal Party members in this Council, but we are certainly meant to give due consideration to it. It has been claimed that these principles of the Liberal Party can be achieved only under a system of proportional representation. However, we have had single-member electorates in the House of Assembly for over 40 years, and the electors are used to this method.

Voting should be kept as simple as possible and it is therefore wrong to make changes in the system unless absolutely necessary. Anyway, I do not favour proportional representation because it leads to a multiplicity of Parties and, as I said recently during the debate on the optional preferential voting Bill, Parliamentary government works best with two large Parties offering clear-cut alternatives to the electors.

My second reason for supporting this Bill is that all of my Liberal Party colleagues in the House of Assembly as well as the member for Flinders, on behalf of the Country Party, supported this Bill, or at least did not call for a division, at the second and third reading stages. As members of a House of Review, we are of course entitled to differ from our colleagues in the other place, but I hesitate to oppose the basic objective of this Bill when it so vitally affects their future.

My third reason is pragmatic. The Liberal groups in this State Parliament have far smaller electoral representation from the metropolitan area than in other capital cities. I group the Liberal Party and Liberal Movement together for the purpose of this exercise because the two have similar platforms with regard to electoral reform. In the Adelaide area the Liberals hold only seven out of 28, or 25 per cent, of the metropolitan seats. By comparison, the Liberals hold 24, or 36 per cent, of the State seats in Sydney, Newcastle and Wollongong, and 29, or 66 per cent, of the seats in the Melbourne area. The Liberals hold 17, or 47 per cent, in Brisbane and surrounding areas, and 13, or 56 per cent, of the seats in Perth.

As honourable members well know, the Labor Party holds 75 per cent of the metropolitan seats in this State. I have worked for many years in a highly competitive business and know from bitter experience that it is almost impossible to hold such a large percentage of any market against active opposition. So soon as the Liberal Party has cast off the stigma of unduly favouring small country electorates it can surely advance in the metropolitan area to the same degree as our Liberal counterparts in the other States have done.

The Hon. N. K. Foster: You should be in the Liberal Movement.

The Hon. D. H. LAIDLAW: I am quite happy where I am, thank you.

There is one detail of this Bill that I strongly oppose (as does the Hon. Murray Hill) and that is to confine the House of Assembly initially to 47 seats. I believe that State

Parliamentarians have a part to play in the future development of Australia. House of Representatives electorates at the federal level are very large, with up to 70 000 or more electors, and as a result are necessarily impersonal.

The Hon. Anne Levy: And some are much smaller.

The Hon. D. H. LAIDLAW: I know. The public have little opportunity of continuous contact with their members. State electorates by contrast should be much smaller and more personal. I fear that, if this Bill passes in its present form, the 19 country seats as at present will be cut down to 12 or 13, with a corresponding increase in the number of metropolitan electorates. To my mind this provides for too few members to represent adequately the varied geographical and occupational interests of people living in country areas or towns outside of Adelaide.

The solution is to increase the size of the House of Assembly above 47 seats, and it is significant that the Western Australian Parliament is at present considering a Bill to increase its Lower House from 51 to 55 seats, even though that State has nearly 20 per cent fewer electors on the rolls than does South Australia. The present size of our House of Assembly was set at 47 seats in 1969, when there were 615 000 eligible voters in South Australia, which was equivalent to an average of 13 085 electors a seat. There are now about 780 000 persons on the rolls and if we accept 13 085 as the norm we should, in these days of indexation, settle for 59 seats.

If South Australia retains the *status quo* of 47 seats, the quota for each electorate will be, as the Hon. Murray Hill said, 16 595, and it is to be noted that the Electoral Boundaries Commission is expected to make redistributions and possibly increase the number of seats at intervals of several years, which means that the quota will increase significantly before any move is made to correct the situation.

Members of the Labor Party and the Liberal Movement have said that the size of the House of Assembly should remain at 47 because of the need to contain expenditure in the public sector. I certainly commend the need to economise, but honourable members will be aware that we are already saddled with the overheads of a State Parliamentary system, and the costs of maintaining a few more members in the House of Assembly would be minimal.

The Hon. F. T. Blevins: Especially if you abolish the 21 members who sit here; they are all parasites who sit here. That is dead right; I am telling you.

The Hon. D. H. LAIDLAW: Then let us all be parasites together.

The Hon. F. T. Blevins: Well, we are.

The Hon. D. H. LAIDLAW: I suspect that the real reason for wanting to keep the number at 47 stems from a desire to reverse the undue influence exerted for nearly 100 years by country members in this Parliament. If that is true, it is a particularly strange attitude for the two honourable members of the Liberal Movement to adopt, since both of them have lived in country areas and should be sympathetic to non-metropolitan needs. If honourable members compare the average size of House of Assembly seats in South Australia with that of other States—

The Hon. J. E. Dunford: Your Party gained only about 20 per cent of the vote.

The Hon. D. H. LAIDLAW: I would like to say to the honourable member—

The Hon. J. E. Dunford: That is Mr. Millhouse's figure.

The Hon. D. H. LAIDLAW: I heard the Hon. Jim Dunford interject the other day and say that the Liberals would not get 40 per cent of the popular vote again in South Australia.

The Hon. J. E. Dunford: No chance.

The Hon. D. H. LAIDLAW: I would suggest that if you get 20 seats we will get 27.

Members interjecting:

The Hon. J. E. Dunford: With all your money, you will not bet 20c on that.

The Hon. D. H. LAIDLAW: Just to prove my point, when the Liberals come into power the 20c will still be worth something after a couple of years.

If honourable members compare the average size of House of Assembly seats in South Australia with that of other States they will see there is justification for increasing the number of districts.

The Hon. J. E. Dunford: Who is paying for your trip to Penang?

The Hon. D. H. LAIDLAW: I am not going. For comparison, I refer to the number of eligible voters as listed in the latest published Year Books of the other States. Whereas South Australia would have with 47 seats an electoral quota of 16 595, the seats in Western Australia comprise on average 11 800 persons and will decrease when the Lower House is raised in size, as at present planned. The average in Queensland is 12 150 and in Tasmania it is much lower.

The Hon. J. E. Dunford: Why are you not going to Penang?

The Hon. D. H. LAIDLAW: I have just been, and paid my own way. Only in New South Wales and Victoria are the average sizes larger than here, but it must be remembered that these States have very large urban populations, and the electorates in urban centres are easier to cover than those in more sparsely populated areas.

The Hon. N. K. Foster: That is a load of rubbish.

The Hon. D. H. LAIDLAW: I support the second reading of this Bill but I will vote for various amendments to be moved at the Committee stage so long as they conform broadly to the principles set out in the Liberal Party platform, namely, equality of representation for each elector in this State and that each vote should have an equal electoral value.

The Hon. F. T. BLEVINS: I support the Bill. To some extent I have been upstaged by the Hon. Martin Cameron. He barely said a word I could disagree with. It was a very fine speech, one of the finest speeches I have heard in this place. It was music to my ears. I though when the Hon. Mr. Laidlaw kicked off that his words would be just as agreeable to my ears. However, it appears that he has decided on two bob each way. We will see what happens later on with that.

I want to preface my own remarks on this Bill with a quote from Senator Steele Hall in addressing the joint sitting of Parliament in Canberra on August 6, 1974. (We all know Senator Steele Hall, of course.) It appears on page 15 of that particular *Hansard.* He said:

One of the tragedies of the non-Labor side of politics in Australia is that it almost invariably stands against the extension of the franchise to its fullest. Today, with the experience that I have behind me in the matters of electoral redistribution and electoral reform, I thought, when listening to the Leader of the Opposition (Mr. Snedden) and

the Leader of the Australian Country Party (Mr. Anthony), that I was back in South Australia listening to members of the Legislative Council.

I have been listening to some of the members opposite, and I can assure Senator Steele Hall that nothing has changed. The same people he fought during his membership of the Liberal and Country League are still alive and kicking in this Chamber, and their thoughts on electoral reform are just as reactionary as they were when he had the misfortune to lead them. They have not progressed one inch from the line they have always adopted in keeping political power out of the hands of the electors and firmly grasping it themselves through an unjust and undemocratic voting system.

The Hon. J. C. Burdett: What about the principle that I spoke of: is that undemocratic?

The Hon. F. T. BLEVINS: I cannot follow you, mate. You got on to referendums at that stage. I am delighted to be able to assist in the passage of this Bill that will give the citizens of this State a full and equal say in the election of members of the House of Assembly regardless of where those electors live and how much wealth they own. It was suggested by the Hon. Mrs. Cooper that, because certain areas of the State, according to her figures, produce large amounts of wealth, not only should the people in control have that wealth, but that wealth should be translated into voting power—a scandalous and disgraceful proposition. It is an indictment on the conservative forces that have controlled this State since its foundation that it has taken until 1975 for all South Australian citizens to have this basic and fundamental right.

I listened to some part of the debate on this Bill when it was before another place and I have heard what Liberal Party members in this Council here had to say, but there was not one argument that they put up on the Bill that impressed me at all. Indeed, the arguments advanced by the Opposition here opened my eyes even further to the near impossible position that those Council members who opposed the nineteenth century minds of Liberal members have been placed in over the years; and, in this remark, my sympathy is not only with the few A.L.P. members who were allowed in this place previously but also with the very few Liberal Party members who raised the odd weak voice of protest about the way in which this reactionary section of the Liberal Party raped democracy for so many years in this State.

The Hon. J. C. Burdett: Was the majority Government in 1973 a good idea?

The Hon. F. T. BLEVINS: Not a thing would the honourable member know about majority government. The main argument that the Opposition has to the Bill seems to be that it takes away from country people an advantage they have previously had by the system allowing a much smaller number of electors for country areas. I admit that the Bill, when passed, will do this, and so it should.

The enormous benefit in political terms that country people have enjoyed is a benefit that they have never been entitled to. It is a benefit that they have enjoyed at the expense of the majority of the people of this State, who chose to live in the metropolitan area. People in the metropolitan area have had their political powers stolen from them by a rural-biased voting system, and that process must stop. Much has been made of the disability suffered by members of Parliament who represent country electorates.

The Hon. J. E. Dunford: That is you.

The Hon. F. T. BLEVINS: As a country member of Parliament myself, I can appreciate these difficulties, but they have nothing to do with equality of political rights. I suggest that country members of Parliament have a good case to put for much more assistance in servicing their electorates, and this is what they should be doing—putting that case loud and strong and not trying to steal other people's political rights by demanding more country members of Parliament than they are numerically entitled to. As difficult as it is to service country electorates, I have not noticed any lack of starters when nominations are called for Liberal Party preselection in country electorates.

Nominations never have to be called twice. In fact, while some country Liberal members of another place have been in Adelaide representing their electors, the knives have been out back on the farm, and there is more than one Liberal member in the other place who has gained the seat by stabbing the previous incumbent in the back. If it is such an impossible task to represent a country electorate, why is there all the undignified jockeying for positions by Liberal Party members that is going on already around the corridors of this building and back in the electoral districts?

The Hon. C. M. Hill: Who stabbed whom in the back?

The Hon. J. E. Dunford: Your Party stabbed Bruce Eastick in the back.

The Hon. F. T. BLEVINS: Is the Hon. Mr. Hill suggesting that there are no members of Parliament in another place who do not know that whilst the member for a country electorate is doing his job in Adelaide, people are going around organising preselections, signing up members and getting people to vote for them while the poor member sits here until 2 o'clock in the morning? The honourable member knows them.

The Hon. C. M. Hill: You name one.

The Hon. F. T. BLEVINS: You name one in the Labor Party.

The Hon. C. M. Hill: I repeat, you name one in the Liberal Party.

The Hon. F. T. BLEVINS: I will name them to you later; you know them as well as I do.

The Hon. J. E. Dunford: What about Bruce Eastick?

The Hon. F. T. BLEVINS: I am speaking of the man who has the money to enrol Liberal Party members by an enlarged method of preselection. I am not like members of the Liberal Party, naming people in Parliament, but I will do so outside the building. Why don't some of the very wealthy members who purport to represent country people give it away? On their own argument the job will become intolerable. Not one of them will go quietly; they will fight tooth and nail to carry this alleged enormous burden, because their argument is a sham, without one decent democratic moral principle behind it, and every honourable member in the place knows it.

I want to spend a short time dealing with some of the ridiculous things said yesterday by the Hon. Mr. DeGaris. He is not here to listen to me. I do not believe in attacking people when they are not present but, if they choose to go away, these is nothing I can do about it. It is funny, in a rather sick way, to hear the Hon. Mr. DeGaris talk about electoral reform in this place, where for so long he and his sycophantic collaborators have completely denied even the smallest measure of electoral reform to the people of South Australia. Not one word that be or his colleagues say has any credibility with the people of South Australia, when they have the gall to stand up in this place and try to kid the people that they have an interest in anything other than saving their own political necks.

The Hon. Mr. DeGaris yesterday treated us to a history lesson on what some obscure Royal Commission did 100 years ago, and came up with the surprising conclusion that its views would not have conformed to what this Bill provides for today. I am forced to draw the Hon. Mr. DeGaris's attention to the date—October 15, 1975. I repeat, "1975". The political thoughts of the people have progressed in the century since the material he presented to us was written, even if his own philosophy has not. If the results of Royal Commissions and Select Committees held before anyone in Australia now was born are a basis of opposition to this Bill, it proves that the Hon. Mr. DeGaris is desperate in his opposition to it. The same philosophies expressed in the Hon. Mr. DeGaris's document today are right, according to him. It is a pity they are still attempting to impose their nineteenth century philosophies on the rest of us.

The Hon. J. C. Burdett: Like majority government.

The Hon. F. T. BLEVINS: You stand up and say you are worried about democracy. You came in here when, if it was not 16 members to four members, it was 14 members to six members. Look at your maiden speech. Did you say that the system—

The Hon. J. C. Burdett: My maiden speech was on a Bill.

The Hon. F. T. BLEVINS: How many times have you spoken about democracy?

The Hon. J. C. Burdett: Quite a number.

The Hon. F. T. BLEVINS: You came here in 1973, on the formal first preference vote. The Australian Labor Party got 56.86 per cent of the formal vote, the first preference vote in this Council, and won four seats.

The Hon. D. H. L. Banfield: What percentage did the Liberal Party get?

The Hon. F. T. BLEVINS: I refer not only to the percentage but to the way the boundaries were drawn, to ensure that no-one but a Liberal candidate won the election.

The Hon. B. A. Chatterton: What about voter qualifications?

The Hon. F. T. BLEVINS: True, women could not vote then—women living in Housing Trust houses. How long has the Hon. Mr. Burdett been in the Liberal Party? Has he ever said that the voting system previously applying was crook?

The Hon. J. C. Burdett: I have always supported a proper system of adult franchise in the Legislative Council.

The Hon. F. T. BLEVINS: The accent of the honourable member's comment is on the word "proper". It is only proper if it suits the honourable member. Certainly, it has nothing to do with democracy. What did the *News* have to say about this Bill, which the honourable member regards as being bad and which I regard as being good? On October 1, under the heading "Electoral Changes", the *News* editorial states:

> The electoral changes embodied in legislation now before State Parliament should come as no surprise. The arguments around city-country representation, the "one vote one value" slogan and the role of the Legislative Council have been central themes in South Australian politics for more than a decade. The main change proposed is that electorates should be numerically equal in voting strength. While the country voters favoured by the present system may feel aggrieved at the prospect of losing their special status, the democratic justice of it cannot be denied.

This is the *News,* which is no supporter of the Labor Party. The *News* examined the issue and decided independently of Party politics (the only politics it supports are those of members opposite). The editorial states:

> . . . the democratic justice of it cannot be denied.

So that members opposite cannot say I have left anything out, I will continue to quote this editorial, which continues:

> But the political advantages likely to accrue to the Labor Party are also undeniable.

I agree. The editorial continues:

> South Australian voting patterns have been remarkably stable for a decade or more, with the A.L.P. polling a majority of the vote and drawing most of its support from the metropolitan area. The changes would enhance Labor's prospects of retaining power—

this is the point—

> but that assumes the A.L.P. is able to capture a majority vote.

By denying this principle, members opposite appear to suggest that they will never win a majority vote, and I think they are right. I do not think members opposite ever will win a majority vote. Members opposite have everything to fear, because they cannot get people to vote for them, and that is their problem.

The Hon. J. C. Burdett: We got 50 per cent of the vote at the last election.

The Hon. F. T. BLEVINS: Who did?

The Hon. J. C. Burdett: The Opposition.

The Hon. F. 1. BLEVINS: I will leave the editorial there, but I commend this first-class editorial in the *News* of October I to all honourable members. The Hon. Mr. DeGaris suggested that this Bill should be held over until next year, or that it should be referred to a Select Committee or a Royal Commission. That suggestion is utter nonsense, especially as on July 12, 1975, at least 70 per cent of the people of South Australia voted in favour of this legislation. Where is the 50 per cent of the support for the Opposition? It appears that 20 per cent has suddenly disappeared. The A.L.P. and the Liberal Movement promoted this Bill at the election and inflicted a crushing defeat on what was left of the Liberal Party. Why should we waste any more time in delaying the passage of this Bill, which is now a century overdue? The sooner the Bill is passed, the better.

Another of the Hon. Mr. DeGaris's flights of fancy related to provisions he wanted included so that the electoral commission could examine the result of each election to see whether the people's wishes had been carried out. However, the Hon. Mr. DeGaris did not tell us how the commission was going to be able to judge this, or how the people would vote at the next election so that the commission could redraw the boundaries. Is the Leader going to issue the commission with a crystal ball to enable it to see how people will vote? This ridiculous idea of his would really leave open the way for a possible gerrymander, with the commission trying to draw boundaries to accommodate how it believes people will vote in the future. Indeed, that is what is meant by the term "gerrymander". That is what the Hon. Mr. DeGaris is promoting and, as I stated, it is a ridiculous suggestion which should not even be entertained.

I should now like to look at the real reason for Liberal Party opposition to this Bill. All the arguments it has advanced so far have been red herrings. The real reason for its opposition (and the Liberal Party knows this) is that it cannot compete with the A.L.P. under a fair redistribution. The Liberal Party also suspects that not

only can it not compete with the Labor Party but also the Liberal Movement will trounce it at the next election. The Liberal Party is running scared, and it has every justification for doing so. However, that is not the fault of the South Australian people. If the Liberal Party cannot advance policies and candidates to attract South Australian voters it should look at its policies and candidates and try to do better, rather than seeking to rely on a weighting in country electorates to keep itself in the field. If the Party cannot make such improvements, I suggest it abandon its Liberal colours in favour of the Liberal Movement, as the Liberal Party is no longer fit to carry them.

On August 13, 1975, in my maiden speech, I referred to and quoted the remarks of Chief Justice Earl Warren of the United States Supreme Court. I promised members opposite that I would quote his words again when I was dealing with electoral reform and, being a man who always keeps his promise (a politician), I now refer to what he said.

Members interjecting:

The Hon. F. T. BLEVINS: Instead of quoting Earl Warren, I refer the Council to page 198 of *Hansard,* of August 13, 1975. I suggest that members opposite study that fine speech by a member of this Council; they would do well to heed what was said. In conclusion, I believe that no Government has a greater claim for the passage of this Bill than has this Government. Its passage will put into law in this State a completely fair electoral system and that has been an unchanging principle on which the A.L.P. has fought election after election, and won. Now, finally, it has also won on this policy in Parliament.

What is going to happen to members opposite if this measure goes through, I have no idea. They were put in this Chamber for the sole purpose of denying the people of South Australia a full and democratic say in the running of this State. They have failed. I suspect that their masters outside this Chamber will dispose of them during the next preselection ballot, and I doubt that after the next preselection any of them will be back here, because the ruling class is ruthless with its failures. Democracy will be stronger for their absence. I commend the Bill to honourable members.

The Hon. A. M. WHYTE: I rise to speak briefly to the Bill with the idea of supporting its second reading, in the hope that it can be amended and made a more justifiable piece of legislation during the Committee stage. The Bill itself is set out in very plain terms. It takes away from the country a number of seats and puts them in the metropolitan area.

The main argument seems to have been based around the rural and primary industries, but the Bill does not say anything about primary producers. It certainly gave some of the members opposite an opportunity to vent their spleen and to show exactly what they think about primary producers. In actual fact, I was very pleased to hear the speakers, because it did put them in their true light as far as the public of South Australia is concerned. Any of those country people who read *Hansard* or get a decent newspaper will be very pleased to know just exactly what the Labor Party members will do with a minority group. Never mind that they are primary producers; that is only part of the story. I was very grateful to hear those Labor Party members in action.

The fact that the Government has this amount of power means that the Labor Party entrenches itself to the best of its ability. It is not remarkable to me that the Labor Party has taken the opportunity to do just that. However, it may not be as easy as it has planned. The fact that more seats are created in the metropolitan area does not necessarily mean that the Labor Party can win them. There is no injustice there; I have no quibble about extra seats being made available in the metropolitan area, but I do say it will be impossible for those members who are elected in country areas to give adequate representation to areas larger than those they are already servicing. I think the Hon. Mr. Cameron spoke about extra assistance for country members, and the Hon. Mr. Dunford, or his close advisor, Mr. Blewett, said something similar to this the other day about providing helicopters to country members. That is not what really counts.

The Hon. J. E. Dunford: When did I say that?

The Hon. A. M. WHYTE: What we want is free agents, so that a member can give just and proper service to the people he represents, regardless of whether they are Liberal or Labor voters. That is my conviction about this Bill: it takes away representatives from the country areas; no doubt, it will take away six or seven members from those areas if the commission acts upon the directions of this legislation, as I presume it will. So it is up to us to think carefully about the Bill and create, as nearly as possible, a democratic Government. It could be done easily, I believe, by allowing smaller quotas for seats in the country than in the metropolitan area. There is nothing wrong with having extra seats in the metropolitan area, if that is what is wanted, but in the country it must be an area that a member can service. By making them larger, we shall deny any possibility of just representation. When the Whip comes out to honourable members opposite and tells them to entrench clauses that will benefit their Party, they must jump.

Clause 4 deals with section 27 of the principal Act. It gives a direction to the commission that the State shall always have 47 seats. I do not believe that is what we should be looking at. The commission should have the right to analyse clearly not only the number of seats but also the method of election, if it so desires. Otherwise, it is not fair to the commission. Its members are chosen as men of integrity, so there is no need to question that they will give just consideration to this legislation. I do not believe it is necessary that they should in any way be impeded from looking at the electoral system or the number of seats from an unbiased position. They should not be coerced by Party politics. We are trying to get away from Party politics, but the Bill does not do it.

The Hon. J. E. Dunford: I hope they are not members of the Liberal Party.

The Hon. A. M. WHYTE: I know you do, but that should in no way inhibit their decisions.

The Hon. J. E. Dunford: It will not help them, though.

The Hon. A. M. WHYTE: As I say, the fact that the House of Assembly shall consist of 47 members need not be included in the Bill; it should not be there. Subsection (4) of new section 32 provides:

Each electoral district shall return one member of the House of Assembly.

Again, there is no need for that. If the Commissioners in their wisdom decide that there should be multiple-member electorates, they should have the right to consider that. Clause 7 deals with a permissible tolerance. Much has been said about tolerance. It works in two ways, and I believe that the 10 per cent tolerance is a fairly sound one when the commission is considering those areas in the metropolitan area that are growing and have a

known growth rate. The 10 per cent would be used in establishing more seats than ever in the metropolitan area, but in the country it is not a matter of tolerance: it is a matter of justice and of loading, of which the Hon. Mr. Hill spoke.

People say to me, "Don't talk about country loading, because that is an intolerable situation"; but it is only justice. Before this Bill leaves this Council, I hope that amendments, which I believe are to be circulated, will include such provisions as will bring about justice. I think I have made the points I wanted to. I do not object to the fact that the present Government has introduced this legislation. All I am asking of the Government and honourable members opposite is just that old cry (I think the Prime Minister often uses it)—"All we want is a fair go." That is my appeal to honourable members opposite: let us have a fair go; let us look at this Bill and make it work; let us take the heat out of the debate and put some common sense into it. I support the second reading.

The Hon. ANNE LEVY: I support the second reading of this Bill. In speaking to it briefly, I thank the Hon. Mr. DeGaris for the history lesson he provided for us yesterday, when he went through the various stages of what had happened in the previous century. I would, however, point out, both to the Hon. Mr. DeGaris and to the Hon. Mr. Burdett, that what happened in the last century does not really concern us very much now.

The Hon. R. C. DeGaris: It does, because it was exactly the same sort of representation legislation.

The Hon. ANNE LEVY: The recommendation made in 1855 did not refer to more than half the population of the State. At that time, there was no suggestion that women should get a vote. The Hon. Mr. Burdett talks about majority rule, but he was talking about majority rule by males. In neither case was any suggestion made that women should be included.

The Hon. J. C. Burdett: We are talking about majority rule now.

The Hon. ANNE LEVY: Women form just over half the population of this State and, in consequence, anything in the past is relevant to less than 50 per cent of the population. In these days, we have more enlightened attitudes; we do not automatically disfranchise half of our population.

I refer to another point made by the Hon. Mr. DeGaris (and I recall his words vividly), who referred to the slogan of one vote one value and said that it cannot, and he emphasised "cannot", be achieved by this Bill.

The Hon. R. C. DeGaris: By single-man electorates.

The Hon. ANNE LEVY: This is nonsense. Electorates with equal members of electors are a necessary if not a sufficient condition for electoral justice. By this, I mean that it is not possible to have electoral justice without such a condition. It is not a sufficient condition in that this alone will not necessarily achieve electoral justice, but it certainly is a necessary condition for electoral justice to have one vote one value. The Hon. Mr. DeGaris made great play, too, of "gerrymander". Previously, he has referred to mathematical gerrymanders, and yesterday he referred to the gerrymander factor. The word "gerrymander" was named after Governor Gerry of the United States and, strictly speaking, gerrymander does not mean that the districts encompass electorates containing different numbers of electors: gerrymander relates to the peculiar drawings of boundaries to the advantage of political Parties.

Therefore, one can have a gerrymander while at the same time having the same number of electors in each district. It is such peculiarly-shaped boundaries which constitute a gerrymander. The situation that has applied in South Australia has been aptly described as a "Playmander", and this word was introduced in the book *From Playford to Dunstan,* by two well-known South Australian political scientists, Blewett and Jaensch. It is under the Playmander system that the numbers in the districts are adjusted to the advantage of a specific Party, which is what the Liberal and Country League did in Playford's day and for many years thereafter.

The aim of this Bill is to remove the Playmander by ensuring that all electorates are comprised of an equal number of electors. Regarding protection against gerrymandering, this matter is to be dealt with by an independent electoral commission. The commission's terms of reference are clearly set out in the Bill.

Term of reference *(e)* allows for any difficulties in communication that people in remote areas of South Australia may have in communicating with their member of Parliament. Term of reference *(a)* allows for the community of interest to be taken into account in the drawing of district boundaries. The Hon. Mr. DeGaris yesterday asked why a tolerance was imposed at all, but I believe that the answer to that question is obvious. If no tolerance were included in the Bill we would need a redistribution every time a family moved house across an electoral boundary.

The electoral commission (the concept of which all members have supported) to be established under this Bill is to draw up new boundaries, and its terms of reference are such that this apolitical body will not gerrymander electorates if it follows the guidelines. Therefore, at one stroke we will abolish the Playmander and prevent any gerrymander.

In her speech, the Hon. Jessie Cooper seemed to suggest that dollars and sheep were what counted, that these should be considered and. if dollars or sheep do not now have the vote, perhaps they should have it. We could have emancipation of sheep, which was laughingly referred to in this Council yesterday. However, in the latter part of this century we usually accept that it is people who count when it comes to voting in districts, and this is surely the principle on which both this Bill and the Australian Constitution are founded.

Regarding the speech of the Hon. Mr. Laidlaw, I agree with much of what he said, but I do not agree with his suggestion for more members of Parliament. Not only would that be a costly exercise but, by examining the figures, we can see that Australia is already one of the most politician-ridden countries of the world. The United Kingdom has a population of about 55 000 000, and there are 625 members of the House of Commons. In the 13 Houses of Parliament in Australia—

The Hon. R. C. DeGaris: How many members are in the House of Lords?

The Hon. ANNE LEVY: The Lords do not have any power. In the United Kingdom there are 625 elected members of Parliament serving a population of about 55 000 000 people.

The Hon. R. C. DeGaris: What about Guernsey and the Isle of Man?

The Hon. ANNE LEVY: There is not a great population there. I am talking about Houses of Parliament, and Australia has 13 Houses of Parliament serving a population of about 13 000 000 people. Australia has 759 elected full-time members of Parliament and has more

members of Parliament than has the United Kingdom, yet we have only about a quarter of the United Kingdom s population. I do not believe any case can be made out to support an increase in the number of members of Parliament at this time in Australia. Certainly, I doubt that such a proposition would have much popular support at this time.

Finally, the Hon. Mr. DeGaris suggested that there should be much more discussion of this matter in our community and that the Bill should consequently be delayed to allow such discussion to take place. For heaven's sake, I have heard discussion and debate on this topic and the principles involved in this Bill *ad nauseam* since 1953 (and it probably was discussed before then, but I was not aware of it because I was too young to take any notice of it). Certainly, since 1953, this topic has been thoroughly canvassed in South Australia. At the recent election, this matter was thoroughly canvassed by both the A.L.P. and the L.M.

The people are well aware of the principles of this matter on which both these Parties stand. Between them, these two Parties, the major Party, the A.L.P., and the minor Party, the L.M., obtained two-thirds of the votes of the South Australian people. I do not believe that anyone can say that the people of South Australia do not understand the principles involved in the Bill and, in fact, they overwhelmingly endorsed it at the last election. I support the Bill.

The Hon. J. A. CARNIE: I do not think it will come as a surprise to members of this Council when I say that I support the Bill, because it brings into being two things in which I have believed for a long time. First, it brings in the concept of voting equality for all electors in South Australia, and it does away with the idea that the power of a person's vote should be greater if he happens to live in Port Lincoln or in Mount Gambier than if he lives in the metropolitan area. Secondly, it sets up a permanent commission entirely divorced from politics, answerable to no Government, either present or future, and by entrenching these clauses it ensures that the principles laid down in the Bill will always be maintained, and that no Government, of whatever Party, can alter the boundaries to suit its own purposes.

As the Hon. Anne Levy has just said, I do not believe that anyone will argue against the idea of an Electoral Commission. The only argument we have heard against it is that the terms of reference as laid down in the Bill are too restrictive, and in fact that there should be no guidelines al all. I do not agree. I believe that the terms of reference of the commission as laid down are extremely fair but, more importantly, there must be guidelines of some sort if we are not to place an entirely unfair burden on the electoral commission. We cannot expect the commission to make decisions on electoral boundaries without some rules being laid down by this Parliament. The first point is one which has generated a great degree of emotionalism throughout the State. The main argument coming forward is that the country will lose its voice in Parliament. I do not believe that that is so, but I must agree that, under this Bill, there will be fewer country members of Parliament. I also agree that the larger districts, such as Eyre and Frome, will be more difficult to service. This still does not do away with my firm belief that a city vote should have, as nearly as is practicable, the same value as a country vote. I believe that the 10 per cent plus or minus tolerance provided in the Bill will allow sufficient difference, and I believe that is all the difference that could be fairly argued for.

Much mention has been made of the total vote and whether or not it would be possible for a Party to govern with a minority vote. Of course, it would be possible. We know that it is possible under any system, and we on this side have no reason to be proud of the record in that regard. It is possible, because we must consider each seat as a separate entity. The total vote really is not relevant if there are any districts, either multi-member or single-member districts, because the total vote loses relativity. Some members will have seen a paper put out by the Henley State Electoral College of the South Australian Liberal Party. The paper is opposed to the principles in this Bill, but it gives some examples of hypothetical cases in which two Parties contest three seals. I will not bore the Council with all the figures, but it finishes up with one Party winning two of the three seats with a minority vote. It is always possible to juggle figures in this way, and I have no doubt there have been times when the Australian Labor Party has used similar examples against the L.C.L.

There will always be some seats with huge majorities and therefore, to some extent, wasted votes. The only way to lessen the chance of a Government ruling with an extreme minority (and it is always possible under any system involving separate districts for a Party to rule with a minority) is to try to ensure that all seats are marginal. This is obviously an impossible situation, and would be most difficult to work. The other point which has been raised is that the only fair way for people to have political representation is by proportional representation. I do not believe in proportional representation. As the Hon. Mr. Laidlaw said, it leads to a proliferation of Parties and generally is wrong in concept for a Lower House. For a House of Review, such as the Senate or Legislative Council, it is a different matter, but here we are dealing only with the Lower House. This question of proportional representation raises two points in my mind. The first is whether a member is looked upon only as representing a political Party or whether he is looked upon as representing a district.

I would hate to believe that any member of Parliament would ask a constituent who came to him whether or not that constituent voted for him. I hope that any member would consider that he represented all the people in his district, whether 70 per cent voted for him or whether it went to preferences. That is how democracy works: the majority rules. The majority in one district elects a member for that district, and the Party with the majority of members forms the Government.

The Hon. A. M. Whyte: What about the 49—

The Hon. J. A. CARNIE: Is a member of Parliament representing only a political Party or does he represent a district? Where do we draw the line? We can reach the point where there is always someone who says that his member did not get in and that he has no representation. Obviously, that is nonsense. When members are elected in proportion to the votes cast (which is the idea of proportional representation), whether there be 10 members in each district, or three or five members, there will always be some voters who can say that their vote was wasted because their candidate did not get in. Under this argument those people do not have representation, which is quite ridiculous. Whatever system is used, the argument could apply that a percentage of people say they do not have representation. However, it is not so.

The Hon. J. C. Burdett: It is a matter of degree.

The Hon. J. A. CARNIE: Of course it is, but where should the line be drawn? I cannot support the idea put

forward by the Hon. Mr. Laidlaw and the Hon. Mr. Hill of increasing the size of the House. I do not think there is any justification whatever for that at the present time and the Bill does not entrench the 47 seats. It will be possible at some future stage, if thought necessary with a large growth in population, to enlarge the House. Nor can I support any alteration in the guidelines for the electoral commission. I believe that the guidelines as laid down in the Bill are fair and just and will provide no favouritism for any political Party in South Australia.

The Hon. J. E. Dunford: What about the L.M.?

The Hon. J. A. CARNIE: The Liberal Movement is prepared to fight an election on the basis of its policies on a fair distribution. That is all we ask. In conclusion, I should like to make one point regarding my own Party. Over the past two or three years sometimes the reason for the formation of the Liberal Movement has become obscured, but the main reason for the division within the L.C.L. at that time, which led to the formation of the Liberal Movement, centred around electoral reform—

The Hon. R. C. DeGaris: That is complete nonsense.

The Hon. J. A. CARNIE: —and the belief on our part that there should be adult franchise for this House and voting equality for the Assembly. The Hon. Mr. DeGaris knows that that is true. I am pleased that at last these objectives are achieved by the introduction of this Bill, and I support it in the belief that the word "gerrymander", which for so long was synonymous with South Australia, can no longer be applied.

[Sitting suspended from 5.35 to 7.45 p.m.]

The Hon. C. J. SUMNER: Not surprisingly, I support this Bill. I do not wish to say a great deal about it but I felt compelled to make a few comments. I believe it is a historic occasion that faces the Council this evening. At last we have a proposal to enshrine in legislation the acceptance of the principle of one vote one value, a principle that has been espoused by this side of the Council over the last decade at least, and even longer. It is a principle that is espoused by the United States Supreme Court in prescribing the way in which boundaries for all elections in the United States should be set out.

I would like to commend the Premier of the State, Don Dunstan, who has fought over many years for this principle, and I am sure that it must leave him with a great deal of satisfaction now that the Bill has finally been passed in the Lower House. But it is also a historic occasion because we have what I call the coming of democratic age of Renfrey DeGaris.

The Hon. R. A. Geddes: Why don't you use his second name as well?

The Hon. C. J. SUMNER: I cannot pronounce it. I would, if you give me some help. In his Address in Reply speech he referred to his opposition to Governments governing with less than 50 per cent of the vote. He referred to the acceptance of the principle of one vote one value. It is a far cry from the comments that he made and the stance he took previously.

The Hon. R. C. DeGaris: I have not varied on my view.

The Hon. C. J. SUMNER: In 1966 you said household suffrage was possibly more democratic than complete adult suffrage. That is hardly consistent with your present stand.

The Hon. R. C. DeGaris: In relation to an Upper House, where there was no protection against abolition. Get the thing in context.

The Hon. C. J. SUMNER: I do not think I have read that the Leader has ever applied that qualification in the context of the abolition of the Upper House. I will be interested to hear him quote that if he can find it, but I suspect that he cannot. But the Leader certainly supported a restricted franchise for this Chamber, and he certainly accepted the distinction between the city and the country and the weighting of country votes to the extraordinary extent that existed under the Liberal Government up until 1965.

The Hon. R. C. DeGaris: Only because the Labor Party would not redistribute in 1962. Do not forget that the 1956 redistribution was supported by the A.L.P.

The Hon. C. J. SUMNER: The 1962 distribution tried to produce city electorates in country areas so that the weight of the numbers of working-class people in areas such as Whyalla and Port Pirie would be reduced. The Labor Parly would not support it, quite clearly, because it would not go any way towards the principle of equalisation of electorates.

The Hon. R. C. DeGaris: Can you make a comment on the 1965 Bill where there was no quota at all in two seats?

The Hon. T. M. Casey: That was moved by the Labor Party, which in those days was in Opposition.

The Hon. R. C. DeGaris: That is what I am saying; the Labor Party has changed its principles anyway.

The Hon. C. J. SUMNER: I do not follow the Leader's remarks.

The Hon. R. C. DeGaris: Back in 1965 a Bill came into this House for numerical equality with the exception of two seats, concerning which the commissioners could make their determination.

The Hon. F. T. Blevins: It was a question of taking what we could get.

The Hon. C. J. SUMNER: That was exactly the reason for accepting previous redistributions. We were not particularly happy about it, because it did not go to the principle that we espoused. Certainly, the 1965 redistribution and the most recent redistribution we had to accept, giving the numbers in this Chamber. I certainly believe that we should welcome the comments that have been made by the Hon. Mr. DeGaris. As I say, I believe it is a far cry from the position he took up years ago. That is the second reason why I think that this is a historic occasion.

During the course of his remarks, I think on this Bill and also during the Address in Reply debate, he tried to criticise our stand by saying that the Labor Party did not poll more than 40 per cent of the vote between 1948 and 1956. That may be true if one takes the actual votes, but clearly in those days all the electorates were not contested by all Parties; the Liberal Parties contested some electorates, and the Labor Party contested some.

The Hon. R. C. DeGaris: That has been allowed for.

The Hon. C. J. SUMNER: The Leader's conclusions certainly do not accord with those of Professor (as he now is) Blewett and Dr. Dean Jaensch.

The Hon. J. C. Burdett: I wouldn't expect them to.

The Hon. C. J. SUMNER: Are you impugning their credibility? Does the honourable member believe that they are not authorities to be taken some account of?

The Hon. R. C. DeGaris: My authority is the *Australian Quarterly Review.*

The Hon. C. J. SUMNER: I am certain these authors are very well respected. Just to set the record straight, I would like to quote from this book, entitled *Playford to Dunstan,* at page 19, table 2.2, under the heading "A.L.P. under-representation in seats 1944-65". The introduction to the table is as follows:

A preliminary estimate of Australian Labor Party under-representation in the period from 1944 is set out in table 2.2, where a hypothetical estimate of Labor's share of the two-Party vote (calculated by making allowances for uncontested seats and for the distribution of all minor Party votes) is related to its actual, proportional and theoretical number of seats in the Party.

The table which lists the elections, the A.L.P. vote on a percentage basis, the A.L.P. seats actually obtained, and the proportion that should have been obtained on the basis of the votes, shows that, in 1944, Labor received 53.8 per cent of the vote, actual seats 16, proportional 21; 1947, 51 per cent, 13 actual, 20 proportional; 1950, 48.4 per cent, 12 actual, 19 proportional; 1953, 52.9 per cent, 14 actual, 21 proportional; 1956, 49.6 per cent, 15 actual, 19 proportional; 1959, 50.4 per cent, 17 actual, 20 proportional; 1962, 54.9 per cent, 19 actual, 21 proportional; and 1965, 54.4 per cent, 21 actual, 21 proportional. So it is clearly a misleading figure that the Hon. Mr. DeGaris gave us previously, because it did not take into account factors such as the electorates in which there was no contest.

The Hon. R. C. DeGaris: I took all that into account; 1 quoted an article.

The Hon. C. J. SUMNER: Who was the author?

The Hon. R. C. DeGaris: I do not know, but I can provide the figures for you.

The Hon. C. J. SUMNER: It seems clear from that table (and I believe the authors of that book are reputable academics and every credence should be given to their opinions) that that is their view of the A.L.P. vote and the degree to which the A.L.P. was under-represented in the Parliament during those years. Although I commend the Leader of the Opposition for his new-found approach to electoral reform, we should in this Council not forget history and that there was a weighting of country votes on a two to one basis, going back to 1856 and contained in every redistribution from then until the most recent redistribution. Under Playford, some of the city electorates had three times as many people as some of the country electorates.

The Hon. N. K. Foster: Except on one occasion.

The Hon. C. J. SUMNER: There are further examples—for instance, the 1968 election result. I quote again the authority I referred to previously, at pages 155 and 168, where the authors refer to the result of that election. On that occasion, the A.L.P. contested 39 seats and the L.C.L. contested 39 seats; the A.L.P. gained 52 per cent of the formal votes, and the L.C.L. gained 43.8 per cent of the formal votes, and both Parties won an equal number of seats. In the conclusions, on page 168, we see:

Labor's reverses in rural South Australia deprived the Government of a majority in the Assembly. But they did not deprive it of a popular majority in the State as a whole. Overall the A.L.P. polled 52 per cent of the formal vote to the L.C.L.'s 43.8 per cent. This was a higher poll than that scored by any Government ruling in Australia in 1968.

I emphasise that. The book continues:

Converting this to a two-party figure by distributing the votes of the minor parties, produces A.L.P. 53.9 per cent, L.C.L. 46.1 per cent. But for the last time the "Playmander" transformed this clear A.L.P. popular majority into a minority of the seats in the Assembly. By 1968 malapportionment under the "Playmander" had reached fantastic proportions. The contrast between the largest and smallest seats had never been greater, the index of representativeness, a measure of electoral equity, had never been lower. The enrolment of one metropolitan district, Enfield, was more than equivalent to the total electors—

listen to this—

in Frome, Burra, Light, Port Pirie, Rocky River, Wallaroo and Yorke Peninsula. The average city electorate was nearly three times the average non-metropolitan electorate.

The Hon. D. H. Laidlaw: I believe it is a very good indication of the past. How about looking at the future?

The Hon. N. K. Foster: It certainly reflects the past of the Liberal Party members here today.

The Hon. C. J. SUMNER: At page 169 we read:

Labor actually won 19 seats. If seats had been divided proportionately to votes, Labor would have won 21 seats, and given the inflation of seats the majority party usually secures under a single-member electoral system, with a vote of 53.9 per cent it could have expected 24 seats. The source of Labor under-representation was entirely the differences in the size of seats, for the concentration of majorities which had so worked against the A.L.P. in the past, now told against the Liberals.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: When considering the views of the Leader of the Opposition, we must consider the part and the role that he and other honourable members opposite have played in maintaining a disproportionate electoral system in this State, with a very heavy and substantial weighting in favour of country areas.

The Hon. R. C. DeGaris: That is a little unfair.

The Hon. C. J. SUMNER: There does not seem to be any suggestion that in the Leader's early years in Parliament he was carrying the standard for one vote one value in the halls of this hallowed institution. Certainly, I quoted his reference to households being possibly more democratic than individual votes. I suspect no condition was imposed on the retention of a restricted franchise in the Leader's speeches in this Council, and the only reason why he accepted it in the end was that he knew he would be knocked over if he did not.

The Hon. R. C. DeGaris: It has been pointed out with some weight before that proportional representation would have come in long before it did if that principle had been accepted.

The Hon. C. J. SUMNER: It was not put up.

The Hon. R. C. DeGaris: Yes it was, and it was rejected.

The PRESIDENT: Order! There are too many interruptions.

The Hon. C. J. SUMNER: The Leader of the Opposition seems to be upset about my bringing up the past and the role he played in it. Another argument that he put up is that we cannot get one vote one value with a single-member constituency. He is really asking whether we should have proportional representation. If we like to take the sort of example that the Leader of the Opposition took in his Address in Reply speech this session and which he repeated, I believe, in his speech on the Bill, we can get a rather odd result. If we take three seats with 10 000 people in each seat, and 6 000 people in each seat vote for one Party and 4 000 people in each seat vote for the other Party, there are three members of one Party, elected with 18 000 votes, and no members of the other Party elected with 12 000 votes. As a theoretical exercise,

that is true, but that situation is most unlikely to obtain, especially if electorates cover the whole State. I refer to what the electoral commission is required to take into account in new section 83 *(a)* as follows:

> the desirability of making the electoral redistribution in such a manner that there will exist, as far as reasonably possible, amongst the population of each electoral district, a community of interest (of an economic, social, regional or other kind).

Given that qualification, it is most unlikely that Electoral Commissioners would be able to gerrymander boundaries by drawing them all over the State in order to prevent one Party with a substantial proportion of the vote from obtaining any representation in Parliament. It would require the drawing of boundaries like a salamander, which is how the term "gerrymander" originated. It was named after Massachusetts Governor Gerry, who attempted to remain in power by so concocting electorates.

An independent electoral commission with the term of reference to which I have just referred, and having the term of reference to redistribute electoral districts throughout the Slate, is most unlikely to produce the theoretical situations foreshadowed by the Hon. Mr. DeGaris. I believe it is impossible that such a situation would eventuate. Within the context of single-member districts we are dealing with one vote one value. If members are really interested in ensuring that the Parties in the community get representation in Parliament in proportion to the electoral support they receive, then members would have to turn to proportional representation and, if that is what members want, let us talk about a system of proportional representation.

I do not believe that that system, so far as Lower Houses are concerned in the British Parliamentary tradition, plays a large part. I believe it is against the tradition which has developed and which was based on the House of Commons and other Lower Houses in America and Australia, at both State and Commonwealth level.

The second point I want to make concerning proportional representation is that, if we have that system applying for Lower House elections in this Parliament, we would have both Houses of Parliament elected in a similar manner. However, one of the main arguments advanced by members opposite is that we should have a different method of election in this Council as part of its justification for its existence.

The Hon. J. C. Burdett: What about the whole State?

The Hon. C. J. SUMNER: If the honourable member supports proportional representation for Lower Houses he is advancing a system of proportional representation for both Houses.

The Hon. R. A. Geddes: What about the Tasmanian system?

The Hon. C. J. SUMNER: I believe that a Lower House method of single-member districts is preferable. The next point I wish to make concerning proportional representation concerns the stability of government and the stability of the system. It is well known that proportional representation tends to create a proliferation of Parties.

The Hon. R. C. DeGaris: ft didn't happen in Tasmania.

The Hon. C. J. SUMNER: It is a general principle. If one examines proportional representation systems that have operated throughout the world, one can see that they tend to encourage a proliferation of Parties. I refer to the situation existing in Italy, which I visited last year. Italy has had 34 Governments since the Second World War, and such a situation should not be encouraged.

We give up the precise representation of groups in the Lower House in order to achieve greater stability in government. Other objections to the proportional representation system can be made. Another criticism is that in multi-member districts, if one accepts that system, the electors do not have an individual representative as such: they have perhaps a series of representatives who might compete with one another.

The Hon. Mr. DeGaris referred to the enshrining of the majoritarian principle in the legislation. I am not sure whether there is such a word as "majoritarian", but I assume it means that no Party should be able to govern without a majority of votes—

The Hon. R. C. DeGaris: I said the commission should be able to draw boundaries so that the majoritarian principle applies.

The Hon. C. J. SUMNER: I do not see what the difference is.

The Hon. R. C. DeGaris: There is a big difference.

The Hon. C. J. SUMNER: If one accepts that with a proportional representation voting system one has a proliferation of Parties with, say, one Party obtaining 40 per cent of the vote, and other Parties obtaining varying smaller percentages, and if they cannot get together to form a Government in the Lower House, where is the majoritarian principle then? Perhaps the Party with the largest proportion of votes governs as a minority Government. Certainly, if we enshrine the principle in the legislation, we could have a situation resulting in the need for another election. If two Parties can get together to form a coalition—

The Hon. A. M. Whyte: This Bill does not deal with proportional representation; you're obviously off beam.

The Hon. C. J. SUMNER: Members opposite have been talking about proportional representation.

The Hon. C. M. Hill: Don't assume that all members on this side want proportional representation in the Lower House.

The Hon. C. J. SUMNER: I accept that the Hon. Mr. Hill and the Hon. Mr. Laidlaw do not want that, but the Hon. Mr. DeGaris referred to it. If members opposite do not want proportional representation, what do they want? Do honourable members want single-member constituencies in the Lower House?

The Hon. R. C. DeGaris: Yes.

The Hon. C. J. SUMNER: Once honourable members accept single-member constituencies for the Lower House, they have to accept that occasionally, because of the concentration of voters in certain areas, they may get a Government that has less than 50 per cent of the vote.

The Hon. R. C. DeGaris: Do you agree with that?

The Hon. C. J. SUMNER: That is quite clear.

The Hon. R. C. DeGaris: I am glad that you agree with that, because you criticised it a moment ago.

The Hon. C. J. SUMNER: That is the price that one pays for accepting single-member constituencies, but one should try to avoid that as much as possible. One does that by accepting the one vote one value principle in so far as it means that one does not weight any particular individual vote in the community.

The Hon. R. C. DeGaris: Political or representational?

The Hon. C. J. SUMNER: The representational idea has left me a little bemused. I do not really see how the Commissioners could possibly work out exactly what it means.

The Hon. A. M. Whyte: They should have the right to look at anything at any time.

The Hon. C. J. SUMNER: Quite clearly, Parliament ought to lay down the basic rules, and then it is up to the commission to make adjustments as the population changes. If the population did not change, one could set up the redistribution now and it would be valid for all time, but this is not the case because the population does change. There has been some criticism of the guideline in new section 83 (c) which provides for:

> the desirability of leaving undisturbed as far as practicable and consistent with the principles on which the redistribution is to be made, the boundaries of existing electoral districts.

That seems to have every justification in common sense. People become accustomed to voting in a particular area, and they become accustomed to certain boundaries, so it is wise to include this criterion, which provides greater stability and operates against the gerrymander problem, that is, in the same way as new section 83 (a) does, about which the Hon. Mr. DeGaris was worried.

The Hon. R. C. DeGaris: As a lawyer, would you comment on new section 88 as an abrogation of a convention?

The Hon. C. J. SUMNER: I do not know whether it is an abrogation of a convention. We have just had one of the most scandalous announcements in our constitutional history in Canberra.

The Hon. D. H. Laidlaw: What about the Prime Minister's action in connection with his subordinates?

The Hon. C. J. SUMNER: The Prime Minister has taken the proper action: he has dismissed his Minister. The action of the Upper House in blocking Supply is an abrogation of our constitutional principles.

The PRESIDENT: Order! I suggest that the honourable member return to the principles in this Bill.

The Hon. N. K. Foster: They are rotten, right-wing, bloody anarchists.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: I did not raise the question.

The PRESIDENT: I suggest that the honourable member should return to the Bill.

The Hon. C. J. SUMNER: I hope that the Canberra colleagues of honourable members opposite will realise what constitutional mayhem has been caused by Mr. Fraser.

The PRESIDENT: Order! I have asked the honourable member to return to the subject of the debate.

The Hon. C. M. Hill: You will hear the people's answer later.

The PRESIDENT: Order! Interjections are out of order. The Hon. Mr. Sumner.

The Hon. C. J. SUMNER: Another argument that has been advanced is that representation of rural areas will be slashed. True, the number of rural members will be reduced, but the Bill allows a 10 per cent tolerance. We obviously have a problem of reconciling representation in a widespread country district with the basic principle of equal numbers in electoral districts. The problem of representation of country people could be solved by using the tolerance to a certain extent and by providing additional allowances to country members so that they can more easily get around their districts. The Hon. Mrs. Cooper referred to the contribution of rural industries to this State. She concluded that there should be greater representation for country areas than for metropolitan areas. No-one has any doubts about the contribution of rural people to the economy of the State, but it is not economic interests that are represented in Parliament: it is people.

The Hon. R. C. DeGaris: Please comment on new section 88. What is your opinion of introducing the Judiciary into a political decision?

The Hon. C. J. SUMNER: It is not a political decision.

The Hon. R. C. DeGaris: It is.

The Hon. C. J. SUMNER: How?

The PRESIDENT: Order! Order!

The Hon. C. J. SUMNER: The Chief Justice merely gives a certificate relating to the matters referred to in new section 88 (2) (*a*).

The Hon. J. C. Burdett: What about new section 88 (2) (*a*) (iv)?

The Hon. C. J. SUMNER: That principle becomes enshrined in the Constitution as an entrenched provision, and should not be taken out. The Chief Justice merely has to look at the Bill and say whether it is trying to do away with the permanent commission. If it is, and if it is entrenched, it cannot be done away with without a referendum. The electoral commission set up by this legislation is independent of political influence. If a commission such as this is to be set up, it should not be done away with merely by an act of both Houses of Parliament.

The Hon. J. C. Burdett: The Chief Justice has to certify that it is independent of political influence.

The Hon. C. J. SUMNER: All he has to certify is whether it is in the Bill.

The Hon. J. C. Burdett: A matter of opinion, surely?

The Hon. C. J. SUMNER: Whether a certain clause is in the Bill seems to be something that could be worked out without a great deal of trouble. If one wants to split hairs, one could say that every decision a judge makes is political in that he reflects certain social and economic situations, but it seems to me that the Chief Justice is solely required to say whether certain things are proposed in the legislation.

The Hon. R. C. DeGaris: Do you know whether the opinion of the Judiciary was sought on this matter?

The Hon. C. J. SUMNER: I believe it was.

The Hon. R. C. DeGaris: Do you think the Government would table that opinion?

The Hon. C. J. SUMNER: I do not know. I am a back-bencher, not a member of the Government. The Hon. Mr. DeGaris would have to ask the Government that question. Having dealt with that interjection relating to section 88, I conclude my remarks by supporting the legislation.

The Hon. R. A. GEDDES: We have heard a most interesting debate on this constitutional problem. The matter has been made more interesting because we have had an opportunity to hear such a diversity of comment and opinion from Government members. I am sure you will recall, Sir, the time not many years ago when the Chief Secretary, the Hon. Mr. Banfield, had to fight all the Government's problems as a back-bencher. He did it most eloquently and well, although sometimes a trifle heatedly. It must be a great source of satisfaction to him to have a team behind him to assist him so that he does not have to pour the bucket out on us all by himself.

If they could be collated into one page of paper (which, with respect to the Hon. Mr. Foster, would be rather difficult), it would be interesting to look at the various philosophies that have come out and to see exactly what Government back-benchers mean in their interpretation of the Bill.

The Hon. J. E. Dunford: Principle.

The Hon. R. A. GEDDES: It is quite obvious from the enthusiasm with which the Bill has been received and debated by Government members that it will be a measure to the benefit of the Australian Labor Party in South Australia, not only in the next election but hopefully, in their opinion, for many elections to come.

The Hon. F. T. Blevins: He knows they can't win.

Members interjecting:

The Hon. R. A. GEDDES: The honourable gentleman says we cannot win, but he should hold his humble pie, because the day will come when we will win. The Liberal side of politics in South Australia will win because of the diversification within the A.L.P., which members opposite will create amongst themselves, with the able assistance of the trade union movement. The Government and the Hon. Don Dunstan believe in socialism and in the equality of the people and of the wealth of the people. That is socialism, which cannot be brought about without Government and without Parliament.

The Hon. J. E. Dunford: We know that.

The Hon. R. A. GEDDES: Members opposite know that! Who is the white ant, the rotten apple in the barrel, that will spoil the socialistic dream in South Australia and in Australia?

The Hon. J. E. Dunford: No-one can spoil it; it's on.

The Hon. R. A. GEDDES: The Hon. Mr. Dunford says no-one can spoil it, but the trade unions are spoiling and will continue to spoil the socialist dream because they do not want government; they cannot tolerate government. The trade union movement has only one aim: the worker, people, nothing else.

The Hon. J. E. Dunford: What else is there?

The Hon. R. A. GEDDES: What is the socialist dream? The socialist dream is everyone—

The Hon. J. E. Dunford: All people.

The Hon. R. A. GEDDES: That is not the trade union philosophy.

The Hon. J. E. Dunford: You have never been in the trade unions. You wouldn't know.

The Hon. R. A. GEDDES: A man must be a fool if he cannot read, understand, and interpret; he must be very narrow-minded if he cannot read and interpret what is happening in our nation. The Hon. Mr. Foster laughs in mirth, like the court jester. What do the unions want? The powerful unions want more money, and the worker unions are going up the ladder behind them. Are they concerned about the poor and the needy?

Members interjecting:

The PRESIDENT: Order! This is a Bill to amend the Constitution Act, not a debate on the philosophy of socialism. I ask the honourable member to return to the subject matter of the Bill, and perhaps then we will have fewer interjections.

The Hon. R. A. GEDDES: I respect your ruling, Sir, and I deliberately wanted to bring this point into the debate.

The Hon. J. E. Dunford: Union bashing again.

The Hon. R. A. GEDDES: I cannot reply to the interjection because I respect your ruling, Mr. President. I brought this matter in because, as I said in my preliminary remarks, the A.L.P. believes the Bill will give it continuity in government in South Australia for many years to come. However, I believe the A.L.P. will lose that continuity because of certain factors that will occur in the course of time; I used the axiom of the rotten apple in the barrel. To carry the debate a stage further, however, the problem of the rural community, as the Hon. Mr. Sumner admitted, will be difficult. He thought the House of Assembly member, with slightly more remuneration, would be able to cope with the problem. Where will the whims and fancies of Government be concentrated? Where will the whims and fancies of the Government be in relation to the country member, whatever his political colour, and no matter how much money he may be given to cover his district? Will they be oriented to help the small shopkeeper in the rural community, or to help local government?

The Hon. F. T. Blevins: The small shopkeeper like—

The Hon. R. A. GEDDES: Yes, the small shopkeeper, for the benefit of the Hon. Mr. Blevins, perhaps the Four Square store that holds a small community together. Will it help local government with grants for roads or grants in aid to keep workmen in employment? Will it help the education of children in rural areas, will it help with hospitals and with doctors, leaving aside the argument of Medibank? The Government will concentrate its assistance and its help in the same way as a magnifying glass concentrates the rays of the sun on a pinpoint, and that will be on the smog-ridden metropolis of Adelaide.

The Hon. T. M. Casey: That is not true.

The Hon. R. A. GEDDES: "That is not true", said the Minister of Lands.

The Hon. T. M. Casey: I can show you money that has gone out into rural areas, which is more than has been given to the metropolitan area.

Members interjecting:

The Hon. R. A. GEDDES: Let us not talk of the past. Let us talk of the future, and I am talking of the future. I am talking of what will happen from 1975 onwards, not what munificence we have seen given to the country road system!

The Hon. J. E. Dunford: Rubbish! Go to Victoria and see what the roads are like there.

The Hon. R. A. GEDDES: The socialist Government will fall because of its scant regard for the result of this Constitution Bill, which will alter the electoral equality for the rural community. I am opposed to the Bill and I make my point loud and clear.

The Hon. D. H. L. BANFIELD: I thank honourable members for their comments, and I think the most interesting part of the debate was when the Hon. Mr. DeGaris said (and I do not agree with what he said) that he thought the Labor Party had said that this would entrench it in office for many years, but that this Bill would bring about the downfall of the Labor Government. This is what the Bill is all about. If the people do not want a Government, they will be able to throw it out. This is exactly what the Bill is all about, and, if the Labor Party gets into a mess such as the Liberals have been in over a number of years, it does not deserve to govern. It is just as simple as that, and the Hon. Mr. Geddes agreed that under this

Bill that is what could happen. So there is nothing wrong with the Bill. Once the people have lost confidence in the Government and they no longer give it the greater majority of their votes, the Government has no right to govern.

If the Liberals opposite had accepted that philosophy years ago they might not have been in the position that they are in today. They came into office on voles well and truly below 50 per cent. That is what honourable members opposite did for years, and now we find we must go right down to the very minute details; it has got to be one vote one value. This is the principle, so they say. How long have they had this principle? They have only had this principle since they have been in Opposition, since 1965. Since 1965, this is the first time that they have believed that such a thing could be possible, because they have realised that their number was up after 100 years in Government in this place. They realised the fact that as far as the Liberal and Country League was concerned they were finished; they were a spent force.

The Hon. Mr. DeGaris said the other day that if one was in Russia one could not get a vote. We could not get a vote in South Australia under the Administration of the Liberal Government as far as this Council was concerned for many years. We did not have to worry about going to Russia to be disfranchised for voting for Parliament. We had only to reside in South Australia and we were denied a vote in the Upper House. The people opposite have tried to tell us how much they think of the value of votes. The value of votes does not mean a thing as far as the Opposition is concerned, as long as they are sewn up in favour of the Liberal Party.

The Hon. T. M. Casey: Do not forget to tell them that a member of the Assembly could not vote for this Council because he was not an owner of property.

The Hon. D. H. L. BANFIELD: I do not have to go into that.

The Hon. T. M. Casey: Because he lived with his mother. They know very well that that is the case.

The Hon. D. H. L. BANFIELD: It is no use people opposite trying to tell us, "You know you will be able to govern with 49.9 per cent of the votes; you have not got 50 per cent of the vote. You cannot have good Government because you have not got 50 per cent." They are now telling us that with Playford governing with 42 or 46 per cent it was not good government. Is that what the members opposite are now telling us? Of course, they do not want such a thing to happen again. If it is the Hon. Mr. Geddes' point of view that this Bill will allow a Party to govern if it has got the majority of votes, then we agree that that is what this Bill is all about. The Hon. Mr. Laidlaw says that this is L.C.L. policy. Every person opposite, with the exception of members of the L.M., got in on an L.C.L. ticket because this was their policy.

The Hon. C. M. Hill: In the past—

Members interjecting:

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: This was their policy, enunciated by the Hon. Mr. Laidlaw, and I believe he was reading from the Bible of the L.C.L.

The Hon. C. M. Hill: Liberal, not L.C.L.

The Hon. D. H. L. BANFIELD: I really cannot keep up with the names; they change so frequently. It is amazing to me how members opposite know just which Party they are in. By the time they have taken out a ticket for one Party they have found that it has changed its name and they have got to take out another ticket. This is how they get their finances: by double subscriptions to another Party because it has changed its name .

The Hon. D. H. Laidlaw: We are the Party in power in every other mainland State.

The Hon. D. H. L. BANFlELD: Of course you are. Have you looked at Queensland? The Hon. Mr. Laidlaw states that it is really the Party in power in every other mainland State, so Bjelke-Petersen gets in on 23 per cent of the votes!

The Hon C. M. Hill: He is not a member of our Party.

The Hon. D. H. L. BANFIELD: I am going by what the Hon. Mr. Laidlaw said. He said that in every other mainland State the Liberal Party was in power. Now in Queensland they get 23 per cent of the vote and Joh is in charge. Not only is Joh in charge as far as Queensland is concerned but when Joh speaks you get Court jumping, Lewis jumping; you get all the other boys jumping, too. They will not attend a Constitution Convention.

The PRESIDENT: Order! I suggest that the honourable member return to South Australia.

The Hon. D. H. L. BANFIELD: I am going to return to South Australia, as I think South Australia is the best-governed State because the people will have the opportunity of putting into power the Government which they want by voting by the majority of votes. This is how the Government should govern. This Bill gives the people the right to do this, and for those very reasons, and I think by the force of the argument to which I have listened most intently, I am convinced this is right. For those reasons I intend to vote for it.

The PRESIDENT: Order! This is a Bill to amend the Constitution and therefore must be passed in the second and third reading stages by a constitutional majority. I have counted the Council and, there being present an absolute majority of the whole number, I put the question that this Bill be now read a second time. Those in favour say "Aye", those against say "No". The Ayes have it.

Bill read a second time.

In Committee.

The Hon. C. J. SUMNER: Mr. Chairman, I take a point of order. I refer to the vote that has just been taken. Honourable members opposite did not indicate any opposition to it. I therefore believe that this was a unanimous vote and should be so recorded.

The CHAIRMAN: It will be so recorded.

The Hon. C. M. HILL: Mr. Chairman, I take another point or order. Will the honourable member state the number of the Standing Order under which he makes his point of order? If he does not, I claim that his point of order is out of order.

The CHAIRMAN: The honourable member did not need to take a point of order, because the record will show the result of the voting.

Clause 1 passed.

The Hon. D. H. L. BANFIELD: As there is a message from another place that must be dealt with so that business can be proceeded with, with the concurrence of honourable members opposite, I ask that progress be reported and the Committee have leave to sit again.

Progress reported; Committee to sit again.

Later:

Clauses 2 and 3 passed.

Clause 4—"Number of members of House of Assembly."

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

In new section 27 to strike out "The House of Assembly shall" and insert:

(1) Until the day on which the first general election of members of the House of Assembly is held next after the commencement of the Constitution Act Amendment Act (No. 5), 1975, the House of Assembly shall continue to;

and after "vote" to insert the following new paragraph:

(2) On and after they day referred to in subsection (1) of this section the House of Assembly shall consist of fifty-three members elected by the inhabitants of the State legally qualified to vote.

My amendment relates to the proposal I put forward in the second reading debate that the number of seats for the House of Assembly, as laid down in the Bill, be increased from 47 to 53. It is fair and reasonable for the House of Assembly to increase its numbers, as a result of this measure, from 47 to 53. In the second reading debate, I pointed out that if we compared the number of seats in the House of Assembly to the voting population, it was clear that South Australia was way behind Queensland and Western Australia. I also stressed the point that one accepts the general premise that it is unnecessary to increase the number of seats unreasonably. I accept the popularly held belief that we must approach the matter cautiously and responsibly. However, we must consider the service that members in the House of Assembly give to their constituents. We must bear in mind the number of constituents that a member of the House of Assembly must serve.

The Hon. N. K. Foster: You were not concerned about that on a gerrymander basis.

The Hon. C. M. HILL: I am getting sick to the back teeth of this rabble-rousing concerning a gerrymander. I will answer the point that has been made in all these accusations that have been flowing across this Chamber in a stream in this debate. The chief reason for it is that apparently it is the only argument of strength the Government has.

The Hon. J. E. Dunford: You are embarrassed.

The Hon. C. M. HILL: Honourable members opposite have not been in Parliament very long. Once they have been in Parliament for some time, they will learn that it is not easy for any Government, of whatever political complexion, to change the electoral system. Years of hard bargaining must take place before that happens. If those honourable members had come into Parliament at the end of 1965, they would have seen that endeavour after endeavour was made to change the system, but it is hard to get the horse to the starting gate. Honourable members opposite will find that in the years to come it will be hard to change the electoral system in this State; it will come only after years of hard and practical bargaining.

Members interjecting:

The Hon. J. E. Dunford: What about Steele Hall?

The CHAIRMAN: Order!

The Hon. C. M. HILL: I supported the change advocated by Steele Hall in 1969. I spoke in favour of it in this Council. It was then my principal argument, as it is now. There comes a time after years of hard bargaining when both Parties see sufficient daylight to get together to change the electoral system. Such accusations about gerrymandering show the little experience and knowledge of members opposite in dealing with such a situation.

Members interjecting:

The CHAIRMAN: The Hon. Mr. Hill will resume his seat. There are too many interjections. Members should not repeat their interjections, and I ask them to preserve some form of order. The Hon. Mr. Hill.

The Hon. C. M. HILL: I am tired of hearing such baseless accusations of gerrymandering about changes in electoral systems. I support the consensus of opinion which has been expressed on this side because we are progressive in the way we look at the situation. We are concerned with the future and improving the legislative interests of the people.

Apparently members opposite are satisfied that, by maintaining 47 seats in the House of Assembly, constituents in South Australia are put at a considerable disadvantage in comparison with constituents in other States where there are far fewer voters per member in Lower Houses than is the case here. Members opposite want our citizens to be placed in a second-class category, as they are unwilling to give South Australians the privilege of having a satisfactory service by House of Assembly members.

If members opposite are cognisant of this fact, they obviously do not have the respect for South Australian citizens that they should have. The Council should consider increasing the number of House of Assembly seats. If that is accepted, the size of the increase in seats must be considered. I stress that no-one wants to be wasteful in regard to public expenditure.

My amendment seeks merely to obtain a reasonable increase, which from a statistical view still leaves the number of voters per member in the House of Assembly at a lower figure than applies in other States. The number of 53 seats cannot be challenged on the ground that it is too large. I ask the Committee to support this change, which is sought in good faith. I believe no accusation can be made that there is any political motive behind my amendment, because I cannot see any Party obtaining an advantage, whether the number be 47 seats or 53 seats.

The Hon. J. E. Dunford: Why have you chosen 53?

The Hon. C. M. HILL: If the number is based on interstate comparisons, the number would be greater than 53, but I believe the public would accept an increase of six seats on 47 as not being extravagant or incurring unnecessary public expense. True, it is a matter of opinion, alhough it could be approached in a more scientific manner, but it is not unreasonable to suggest such a relatively small increase.

The Hon. D. H. L. BANFIELD: I oppose the Hon. Mr. Hill's amendment. He has said that perhaps the Government believes South Australian citizens are second-rate citizens because it will not support an increase in the number of members in another place. Into what category does the honourable member put the people of South Australia? It is not the same as that foreseen by the Hon. Mr. DeGaris, who has referred to 56 members. When the Labor Party previously made provision for 56 House of Assembly members, honourable members claimed that they had to look after their own districts and could not assist members in another place. However, now there are 21 Council members representing the whole State, in addition to House of Assembly members. Therefore, South Australia has more representation than ever before. The Government wants to give this new system a trial period. It is not saying that 47 seats is the end of the matter: it is saying that presently, and in view of the new situation in relation to the Legislative Council, which now represents all of the people instead of specific districts, Council members can assist House of Assembly members to service

their constituents. For these reasons the Government is not willing to increase the number of House of Assembly members from 47. I ask the Council to vote against the Hon. Mr. Hill's amendment.

The Hon. R. C. DeGARIS: It might be easier if we dealt with both the Hon. Mr. Hill's amendment and mine at the same time.

The CHAIRMAN: I do not think that we can do that. We are dealing with the Hon. Mr. Hill's amendment now, and the Leader's amendment will have to be dealt with separately.

The Hon. R. C. DeGARIS: The Chief Secretary has already referred to my amendment on file and, to save time, I thought we could look at the amendments together.

The CHAIRMAN: I will allow some latitude in the debate.

The Hon. R. C. DeGARIS: The Hon. Mr. Hill's amendment seeks to increase the size of the House of Assembly to 53 members. My amendment takes a slightly different approach as it provides for a discretion, and I made this point in the second reading debate, in relation to the commission and the number of members of Parliament. Using the term "gerrymander" in its widest form, the number of members of Parliament can change the vote values—I put it that way. The commission should be given a discretion in the matter of the number of members of Parliament. It allows the commission to look at the matter and say in the terms of reference that the number of members should be lifted to 49 or 50. A Bill came before this Council 10 years ago to increase the number to 56, and that is why I chose that number. We had a Labor Party promise of a 48-seat House seven or eight years ago. Giving the commission this discretion—

The Hon. D. H. L. Banfield: You want the commission to do something you were not prepared to do.

The Hon. R. C. DeGARIS: No. It is giving the commission a discretion to remove from the legislation a gerrymander factor, which is the number of members in the House. I will support the amendment moved by the Hon. Mr. Hill, and if that is not successful I will attempt to move my amendment on a recommittal. However, if we can deal with the first part of the Hon. Mr. Hill's amendment, and if that is defeated, I am prepared to withdraw mine at a later stage.

The CHAIRMAN: On reflection, that might be the best way to do it. The Committee must clearly understand that in voting on this portion of the amendment it will be voting as a test of whether it wants to vary the number either in the way preferred by the Hon. Mr. Hill in proposed new subsection (2) or in the way preferred by the Hon. Mr. DeGaris in his proposed new subsection (2). The first part becomes a test vote for either alternative. The question is that the amendment moved by the Hon. Mr. Hill be agreed to.

The Committee divided on the amendment:

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

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, 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.

Clause passed.

The Hon. ANNE LEVY: On a point of order, Mr. Chairman, I seek your guidance. At the moment we are being worried and interrupted by the bells from another place. I do not think they are meant to be audible in this Chamber, and I wondered if something could be done about closing the doors so that the bells are not audible here to disrupt our deliberations.

The CHAIRMAN: I think the trouble has arisen because of the grilles that have been inserted for the air-conditioning. However, I shall take up the matter with the appropriate people.

The Hon. D. H. L. BANFIELD: Sometimes members from another place sit in the President's gallery and they are called out. If the bells cannot be heard it could be harmful to them.

Clauses 5 and 6 passed.

Clause 7—"Enactment of Part V of principal Act."

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

In new section 77 (2), in the definition of "permissible tolerance", to strike out "ten" and insert "fifteen".

My amendment increases the tolerance from 10 per cent to 15 per cent. I move this amendment simply in the cause of fairness and justice. The tolerance enjoyed by country people at the moment under existing legislation should be maintained at 15 per cent, because I know that that 15 per cent tolerance has been tossed out the window by the Government. To hit them to leg by the loss of their loading and then, for good measure, to reduce their tolerance from 15 per cent to 10 per cent is in my view unfair. I remind honourable members that I have a further amendment which does in some respects relate to this one, and that is an amendment in which I introduce into the Bill a further matter which must be taken into account by the commission in making the electoral redistribution. That matter relates to geographical area, which in turn is a subject that is closely related to adding a tolerance. Therefore, I believe that it is not unreasonable for the Government to allow this extra play to the commission in determining its exact boundaries as they undoubtedly will apply to vast country areas. I understand that one of our House of Assembly electorates in the North measures 148 000 square miles (over 38 000 000 hectares).

The Hon. N. K. Foster: Which one?

The Hon. C. M. HILL: That is Frome. That is, in anyone's language, an immense area. It will be increased further under the Bill, but it will not be increased to the same degree as it will have to be increased under the Bill if this extra tolerance is agreed to and the amendment is carried later in the Bill, introducing into the matter of tolerance the definition of loading. It simply rests on that base, which I think was aptly stressed and well put by the Hon. Mr. Whyte, who has direct involvement in this subject, more so than any other honourable member in this Chamber.

The Hon. T. M. Casey: Except me.

The Hon. C. M. HILL: The Minister ought not to show his head in this debate at all, because he is on record in the other place on a previous occasion as saying that there ought to be a loading for country people.

The Hon. D. H. L. Banfield: You have it; you've got 10 per cent here.

The Hon. C. M. HILL: We have got a 10 per cent tolerance. The loading in this Bill has been cut to the minimum; it has been extinguished, repealed by the Government.

The Hon. T. M. Casey: Don't forget that—

The Hon. C. M. HILL: Here is the Minister, who has represented a seat in the Far North for many years, standing here and saying that country people have been getting too good a deal altogether; the area in the country should be greater; the people should have to drive further; the communications for people to contact the local member should be much worse than they are today. "That is progress," he says, "that is in the best interests of my friends around Peterborough." That is what he is trying to tell the Committee. It is absolute rot, and he ought to be ashamed of himself.

The Hon. T. M. Casey: I did not get to my feet.

The Hon. C. M. HILL: The Minister interjected. I wish he would get to his feet and let his country friends know where he stands. That is, of course, if they need any telling, because they know very well by the way the Minister is voting in this debate that he has sold them down the creek. The Minister has cut out their loading and reduced their tolerance.

The Hon. T. M. Casey: No.

The Hon. C. M. HILL: Yes, he has. He has cut out their loading of 15 per cent and reduced their tolerance from 15 per cent to 10 per cent, and the honourable gentleman cannot refute that.

The Hon. T. M. Casey: Yes, I can. I will do it, too, if you want me to.

The Hon. C. M. HILL: They are the two points that I would like the Minister to get up on his feet and deny. This Bill extinguishes the question of loading. That is the first thing. Docs it or does it not extinguish the matter of loading? That is what we want to know, because I remind—

The Hon. N. K. FOSTER: On a point of order, Mr. Chairman, are you going to allow the member to gather his notes?

The Hon. C. M. HILL: I do not know what the honourable gentleman is talking about. I have in my hand the paper to which I intend to refer. That paper is the Electoral Districts (Redivision) Act, 1968-69, section 8 (3) of which provides:

> The commission shall thereafter determine the metropolitan quota for the purposes of this section which shall be the sum of the quotas representing *(a)* the State quota; and *(b)* 15 per centum of the State quota calculated to the nearest integral number.

That determines the question of loading. Loading is in the existing legislation, but it is not in this Bill. I challenge the Hon. Mr. Casey to get up and deny that. On the matter of tolerance, subsection (7) of the Act to which I have just referred, in paragraph *(a)*, provides that districts into which the metropolitan area is divided shall be regarded as equal "if no such proposed Assembly district contains a number of Assembly electors that is more than 10 per cent above or below the metropolitan quota". Paragraph *(b)* provides:

> The proposed Assembly districts into which the country area is divided by the commission shall be regarded as approximately equal if no such proposed Assembly district contains a number of Assembly electors that is more than fifteen per centum above or below the country quota.

Therefore, in the existing legislation the tolerance for country people is 15 per cent. In the Bill, the tolerance in all areas, whether it be metropolitan or country, is 10 per cent. I ask the Hon. Mr. Casey to get up and deny that.

The Hon. T. M. Casey: No, I do not deny that; I know that.

The Hon. C. M. HILL: Now the Minister says he knows that.

The Hon. T. M. Casey: I never denied it. What are you trying to do; are you trying to have an argument?

The Hon. C. M. HILL: We are getting to the point that the Hon. Mr. Casey is so ashamed of himself in the first instance that he cannot get on to his feet, and in the second instance he has sold the country people down the drain by supporting this Bill. That is what he has done. He has cut out their loading and reduced their tolerance. How he can satisfy his conscience in this matter, I do not know. I gave him the opportunity to do just that, to satisfy his conscience. I have moved an amendment to go back to the existing tolerance. I am not saying that the matter of loading should come back. I am not trying to have the Bill revert to the existing legislation in form at all. I am saying that if the Government wants the loading to go (and we know that it is hell-bent on that)—

The Hon. T. M. Casey: It is not.

The Hon. C. M. HILL: It knows it is kicking the country people. What the Minister must admit is that the deal that the country people are getting by this Bill is shocking, and I believe that my amendment certainly rectifies the state of affairs to a certain extent. It brings the Bill back a certain degree so that the Government can hold its head high and say, "At least we are trying to be fair; we are trying to do justice to country people. We are showing in some way, at least, that we understand their problems of distance, communication, and so forth, and we are prepared to give a tolerance, as it existed before, of 15 per cent." That is what I am trying to do. I ask the Committee to support the amendment.

The Hon. A. M. WHYTE: I support the amendment and point out that there is a need, in the name of justice and democracy, to allow a further tolerance for country areas over and above that permitted in the growing areas of Adelaide. As the Hon. Mr. Hill has pointed out, lines of communication and sparsity of population need to be considered. It is a pity that, in some of this legislation, there is no provision for that: the Commissioners have not the right to consider that point and to give a fair and proper representation to these people. There is no way, under the present legislation, in which the outlying areas will be protected. We should allow the Commissioners to examine this matter and provide for a proper percentage of tolerance. It is needed. There is no other way in which country people can get the fair and just representation they are entitled to.

The Hon. N. K. Foster: An old foot-slogger like you, Arthur, can look after them very well.

The Hon. A. M. WHYTE: I have not done too badly. In the future, seeing all members now represent these areas, it may do them some good to go out and look at the areas concerned. The people might like to see those members who have condemned them to non-representation. Let me take as an example 100 people. At a meeting of, say, 300 people in the metropolitan area, 100 of them at least would want some project supported—perhaps a new foot-bridge or pedestrian crossing. But, if we go to 600 kilometres away, we find that 100 people in the country would have different propositions to put to their representative, so his task is much greater and the difficulty of reaching them is much greater. It is not fair that they should suffer by comparison with city people because of numbers. They are entitled to adequate representation in Parliament, and this Bill denies them that.

The Hon. D. H. L. BANFIELD (Minister of Health): I can hardly believe the plea made by the honourable member that country people should have a 30 per cent tolerance—because a 15 per cent tolerance is 15 per cent up or 15 per cent down, which is, in effect, a 30 per cent tolerance. Not once did we hear any complaints from honourable members opposite when, in the gerrymander days, the Playford Government was able to have five Ministers elected by fewer voters than it took to elect one member in the city. Did we have pleas for justice from honourable members opposite when that sort of thing was allowed to go on for years? We never heard a bleat from them. They said that sort of thing should continue and be encouraged.

The Hon. C. M. Hill: Are you now trying to get your own back?

The Hon. D. H. L. BANFIELD: We are trying to get justice. We say that a person in the city is of equal value to a person in the country, and a vote in the country should be equal to a vote in the city. We are giving a 10 per cent permissible tolerance, which is, in effect, 20 per cent, so we are doing better than one vote one value, because we believe that possibly there is some justification for it; but there is no justification for the situation that existed under the Playford Government, to which honourable members opposite agreed for many years, whereby Playford was able to select five country people to be Ministers on a total vote less than the vote it took to elect Mr. Jennings for Enfield. Is that what the Opposition wants? Is that what they call justice?

The Hon. D. H. Laidlaw: Don't let the past—

The Hon. D. H. L. BANFIELD: Let us not refer to the past, because this Council governed this State for over 100 years. Let us forget about that! The Hon. Mr. Laidlaw tells us to forget about all that—never mind about the injustices! However, now honourable members opposite want to get back to another form of injustice in South Australia; they want to give the country people a 30 per cent tolerance.

The matter of tolerance was debated prior to one election (I think in 1965). We went to the people and said, "When the Labor Party gets in power its policy will be one vote one value." That was our policy. Honourable members opposite said, "If you return a Labor Government, with one vote one value, you will be losing some representation from the country." What did the country people do? They returned a Labor Government, with a policy of one vote one value. The Hon. Mr. Hill says we have to do justice to the country people. Why are they any different from the city people? They must be represented and they are able now to be represented, but they should be represented on an equal basis, and not with the 30 per cent tolerance suggested by the Hon. Mr. Whyte. I oppose the amendment.

The Hon. T. M. CASEY (Minister of Lands): A short time ago, the Hon. Mr. Hill challenged me to get to my feet and explain exactly what the situation was when I made a statement in the other place back in 1964, 11 years ago. I think I should explain exactly what the situation was in that year. The Playford Government was in power and a Bill was introduced in another place by the then Leader of the Opposition (Mr. Frank Walsh). The Hon. Mr. Hill said that we should take things more steadily and try to build up an exercise whereby we could achieve one vote one value over a period. That is exactly what the Labor Party has been trying to do for years. On that occasion, when the Bill was introduced by Mr. Frank Walsh, he was trying to establish the concept of one vote one value throughout the State, but unfortunately the situation was quite different then from what it is now. We were in Opposition, and we were gradually moving towards becoming the Government, which we did in 1965.

The Hon. D. H. L. Banfield: We got 55 per cent of the vote in 1962.

The Hon. T. M. CASEY: True, but that is denied by members opposite, anyway. However, in 1964, the Hon. Frank Walsh's Bill set out two electorates in the Far North of the State, one in the North-East and the other in the North-West. One district was represented by a Labor member (by me), and the other district was represented by Mr. George Bockelberg, the then member for Eyre. In order to gain political impetus the then Premier (Sir Thomas Playford) labelled the Bill "Casey's Protection Act" which, of course it was not.

The Hon. A. M. Whyte: It didn't achieve that.

The Hon. T. M. CASEY: True. We were trying to establish the principle of one vote one value, but we knew that any redistribution of Frome would extend south. That was completely idiotic, because the boundary should have gone to the west. Frome bordered on Rocky River.

The Hon. R. C. DeGaris: How could you have drawn the boundaries?

The Hon. T. M. CASEY: After analysing the terms of reference of the then commission, we knew exactly where the boundaries would go, because we knew the capabilities of Sir Thomas Playford. We knew that the Frome boundary would be extended to the south, whereas, if the line of communication had been considered (and I will explain that to the honourable member, because he does not know anything about the North, anyway), it had to go in a westerly direction if iL was to be compatible with the situation then obtaining.

The Hon. M. B. Cameron: To Broken Hill?

The Hon. T. M. CASEY: No, that is to the east. The honourable member obviously lives in the South-East. In order to get to some of the towns in the District of Frome, the member (and I was the member) had to travel through part of Rocky River. This shows the stupidity of the situation, especially as it would not have inconvenienced the member for Rocky River if the electorate had extended in a westerly direction rather than in a southerly direction. The District of Frome would have had to be made much larger if it were extended in a southerly direction. As the boundaries are now drawn, the district comes down to the edge of Truro, whereas, otherwise, it would have merely taken in part of Rocky River. Of course, Sir Thomas Playford did not want to lose Rocky River, but he would have lost it, anyway.

The Hon. D. H. L. Banfield: He got in only on the communist vote, anyway.

The Hon. T. M. CASEY: True, and that reflects the stupidity of the exercise. That is why in the 1964 debate I maintained that I believed in the principle of one vote one value, which I still do, and which this Bill sets out to implement.

The Hon. R. C. DeGaris: What does that phrase mean?

The Hon. T. M. CASEY: There is no need for me to go over that again. However, the Hon. Mr. Hill spoke today on matters that took place in 1964. He knew nothing about those matters and made no attempt to find out what really was the case. This merely reflects on what sort of a member he is. The honourable member

criticises another honourable member without any justification whatever. He has challenged me to explain the situation. If this is not sufficient for him, I suggest that he read *Hansard* to ensure that what I have said is correct in all respects. The Hon. Mr. Hill cannot claim that I was responsible for selling country people down the drain. On the contrary, it was Sir Thomas Playford who sold out the country people of South Australia.

The Hon. C. M. Hill: You are demolishing the loading in this Bill.

The Hon. T. M. CASEY: Sir Thomas Playford had it all arranged, and the honourable member probably knew what was in mind, anyway.

The Hon. C. M. Hill: Are you demolishing the loading in this Bill? Yes or no! The loading is gone and the tolerance is reduced.

The Hon. T. M. CASEY: It is plus or minus. I understand that the tolerance in the Commonwealth sphere is 10 per cent.

The Hon. D. H. L. Banfield: That is accepted by the Commonwealth Liberal Party.

The Hon. T. M. CASEY: Yes.

The Hon. C. M. Hill: The tolerance is gone.

The Hon. T. M. CASEY: The honourable member will not go along with the true concept, to which his Liberal friends agree but which he is not willing to accept. I do not know what I must do to convince the honourable member.

The Hon. C. M. Hill: Answer two questions!

The Hon. T. M. CASEY: It is not possible to convince the honourable member, who has already spoken and tried to explain the situation. He has attacked me personally, and I regard that as an injustice, especially as I did not believe that he would stoop so low. I thought the honourable member was a man of integrity. It was the honourable member's remarks that prompted me to explain what was behind the 1964 redistribution. It was a con job. I accept what the Government has done, and I support the Bill.

The Hon. A. M. WHYTE: I do not advocate an increase in the tolerance, because it does not assist in this situation; it merely creates a further problem. We are looking for a situation—

The Hon. C. W. Creedon: You're seeking the previous loading plus a 50 per cent tolerance!

The Hon. A. M. WHYTE: No, we are seeking a discretion for the commission to examine the situation.

The Hon. D. H. L. Banfield: The amendment does not say that.

The Hon. A. M. WHYTE: I have been accused of seeking a 30 per cent tolerance.

The Hon. D. H. L. Banfield: I merely said that you did not tell us about the time when the Liberal Party could appoint five Ministers by receiving fewer votes than it took to elect one Labor member.

The Hon. A. M. WHYTE: I am pleased that the Minister said that. Obviously, during the Playford era he suffered an injustice.

The Hon. D. H. L. Banfield: I was not a member then.

The Hon. A. M. WHYTE: Now the Minister is saying that while the Government has the whip hand it will use it. That is not good politics, it does not lead to justice, and it is the sort of situation we are seeking to avoid.

The Hon. D. H. L. Banfield: Why?

The Hon. A. M. WHYTE: The Hon. Mr. Hill's amendment does not go exactly as I would like it to go.

The Hon. D. H. L. Banfield: Will you vote for it?

The Hon. A. M. WHYTE: Yes, because it provides for a better situation than the one for which the Bill provides.

The Hon. D. H. L. Banfield: Better for whom? For people in the country? It would certainly not be better for city people.

The Hon. A. M. WHYTE: That is not true. The Minister of Lands explained how what Sir Thomas Playford described as the "Casey Protection Act" was created. In every other State, special areas have been created. Even in West Germany there are special areas.

The Hon. R. C. DeGARlS: The point made by the Hon. Mr. Hill is valid: there is no loading in any country area. The tolerance is restricted by two terms of reference, one of which cancels out the other. While the Government has implied that there will be a loading through the tolerance for country areas, that will not occur. Can the Chief Secretary say whether that is the intention behind the legislation, or is the intention to provide a tolerance of 10 per cent for far-flung country areas?

The Hon. D. H. L. BANFIELD: This Bill attempts to get as near as possible to one vote one value. We arc willing to allow the Commissioners to arrive at that figure, but there is a permissible tolerance of 10 per cent in either direction.

The Hon. R. C. DeGARlS: We have argued about one vote one value. 1 would like the Chief Secretary to use the term "numerical equality of numbers in electoral districts".

The Hon. D. H. L. Banfield: I will use my term, and you can use your term.

The Hon. R. C. DeGARlS: Will the Chief Secretary now agree that, under the terms of reference, there is much greater likelihood that the tolerance will be exercised in the metropolitan area to a greater extent than it will be exercised in far-flung districts?

The Hon. D. H. L. Banfield: 1 have the greatest faith in the Commissioners, and 1 leave it to them.

The Hon. R. C. DeGARlS: I now support the amendment very strongly. The Hon. Mr. Hill is trying to emphasise that, in the term of reference dealing with communication, the Commissioners should be given a wider discretion in connection with the tolerance allowable in that respect. If there are 16 600 electors, a 10 per cent tolerance will allow a district like the Eyre District to come down to 15 000. However, that will not be exercised, because the district loses in respect of the growth factor.

The Committee divided on the amendment:

Ayes (7)—The Hons. 1. C. Burdett, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill (teller), D. H. Laidlaw, and A. M. Whyte.

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, 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. R. C. DeGARlS: 1 move:

In new section 77 (2), in the definition of "permissible tolerance", after "per centum", to insert "or such other percentage as is determined by the commission in relation to any particular proposed electoral district or electoral districts of a class, such determination having been made having regard to the matters set out in section 83 of this Act".

The following are some of the terms of reference that the commission must look at in relation to establishing electoral districts:

(d) the topography of areas within which new electoral boundaries will be drawn;

(e) the feasibility of communication between electors affected by the redistribution and their parliamentary representatives in the House of Assembly;

and

(f) the nature of substantial demographic changes that the commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the time when proceedings are likely to be next taken for the purpose of making an electoral redistribution,

The Commissioners must place a certain weight on each of these factors. Tt may well be that those terms of reference could never be applied. This was the point debated in the previous amendment, except that I approach the matter from a different direction. Having looked at the terms of reference, the commission could well be in a position where it is unable to act in justice. The Hon. Mr. Banfield has said that virtually we would have numerical equality throughout the State.

Why, then, include terms of reference and brush them off as looking after the distant areas when the Chief Secretary knows, and has said, that the Bill produces virtually numerical equality of districts because the terms of reference tend to cancel each other out? The amendment says to the commission, "There are the terms of reference and the tolerance is 10 per cent but if, in your opinion, there is a special class of seat where the tolerance of 10 per cent does not do justice, in those special circumstances they can be varied in relation to the terms of reference." This applies just as much to the question of demographic changes applying to the city as to the question of the feasibility of communication. It cannot be claimed that this amendment is directed wholly and solely to country areas. The discretion should be given to the commission, otherwise the terms of reference are no more than a joke.

The Hon. C. M. HILL: The amendment proposes to give the commission some flexibility in fixing the percentage of tolerance. A few moments ago the Chief Secretary said, referring to leaving things to the commission, "I have the utmost faith, and I leave it to them." I ask him to back up those words by supporting the amendment.

The Hon. D. H. L. BANFIELD: I am prepared to do exactly that, and I leave it to the commissioners, in line with the Bill which will be passed by this Parliament. This afternoon we had a query about why the judiciary should make political decisions. I can imagine the outcry from people opposite if the commissioners were allowed to make a 40 per cent tolerance in favour of city people, and that is what could happen if we accepted the amendment. Are members opposite prepared to make up their own minds, or are they casting the responsibility on someone else? This is not a job for the commission, but a job for this Parliament, to set down the guidelines. It is the job of (he commissioners to bring down (heir report in accordance with the guidelines Parliament gives them. I oppose the amendment.

The Hon. C. J. SUMNER: It saddens me to have to speak on this amendment. During the second reading debate, I thought we had seen the historic occasion of the coming of democratic age of Renfrey DeGaris, but his amendment negates almost anything he said in the second reading debate.

The Hon. R. C. DeGaris: That is not true, and you know it.

The Hon. C. J. SUMNER: The Leader suggested two things in the second reading debate, the first being that he supported one vote one value.

The Hon. R. C. DeGaris: I do, but you don't.

The Hon. C. J. SUMNER: The other point was the majoritarian principle, so called, about which I have previously expressed my thoughts. The Bill prescribes the principle of one vote one value, but the amendment leaves it open to the commission to negate the principle by increasing the tolerance beyond 10 per cent. I am saddened, and in some ways I regret having thought that the Leader had come of democratic age.

The Hon. N. K. FOSTER: I regard the Hon. Renfrey DeGaris as being the person in this Chamber who, beyond anyone else, has a great love of constitutional review and all it entails. I would draw his attention to the report of the Constitutional Review Committee in the Federal sphere dealing with the three largest Commonwealth electorates, brought down in 1958 to 1960. In all seriousness, I say that, in relation to communications in large electorates, it is no secret that the member for Kennedy, in Queensland, often gave the impression that he was in his electorate while sitting in his office in Canberra, simply by ringing the local airports in his district and having himself paged. People used to think that Bob Katter, the federal member, was in Cloncurry or wherever. It was quite unscrupulous, but nevertheless it was his practice. I should like to quote from the report of the committee, as follows:

350. Darling, Kennedy and Kalgoorlie are large electoral divisions by any standard. Kalgoorlie has an area of almost 899 000 square miles out of a total of 976 000 square miles for the whole of Western Australia; Kennedy occupies 283 600 square miles out of Queensland's total area of 670 500 square miles and Darling occupies 42 per cent of the total area of New South Wales, which is 309 400 square miles. If a one-tenth margin had to be satisfied there would presumably be some increase in the area of these divisions. Kennedy, for example, which is primarily an inland electorate, would probably include a larger coastal belt than it has at present. In the preparation of a proposed redistribution of a State, the Distribution Commissioners enjoy substantial discretion so that they might achieve the most equitable results possible. They are required to pay regard to the considerations laid down in section 19 of the Act which include community or diversity of interest, means of communication and physical features. But, in the opinion of the Committee, it is quite unrealistic to imagine that in electorates covering more than 100 000 square miles, the reduction of the permissible margin from one-fifth to one-tenth will produce any vastly different results. Community of interest and the other factors mentioned in section 19 can mean a great deal in drawing the boundaries of divisions of small areas, but they become rather unreal in the determination of the boundaries of the mammoth divisions which exist in four States.

351. It is the Committee's view that each large division can be fitted into a marginal allowance of one-tenth without frustration of the purposes of section 19. The same legal considerations have applied to the last three redistributions, but the assessed enrolment of Kalgoorlie, Darling and Kennedy, for purposes of the redistribution in 1937, was, in each case, considerably greater than the quota determined for each of the States concerned for purposes of the redistributions in 1948 and 1955.

The report contains many pages dealing with the subject now before this Committee, but what is rather surprising is that there are more recommendations from those sections of the report than on any other matter discussed or considered by the Committee. They cover some three pages in all, which is much more than others. I have read that to convey to honourable members that I think we should regard them as explorers, because suddenly they have discovered the country. It has lain dormant in the past to be accepted by the Liberal Party in this State, which did not give a damn about it because it could always count on its support. It is no good honourable members here saying to us on this side of the Chamber that we have departed entirely from the measure, because it does not do that; it merely reduces it to an entitlement more in keeping with one vote one value, irrespective of where the people live. 1 commend this clause to the Committee.

The Hon. A. M. WHYTE: The Hon. Mr. Foster has made a valid point and has substantiated my earlier argument, inasmuch as he has spent some time explaining exactly the areas I spoke of earlier. It is right, because that is exactly my argument. That we should do something about these areas is what justice is all about. I thank the honourable member for his contribution. The other point raised by the Chief Secretary was not covered, inasmuch as the amendment does not distinguish between country and city. It leaves the discretion with the commission; it does not say it needs to apply any special preference to the country or the city.

The Hon. R. C. DeGaris: That is right.

The Hon. A. M. WHYTE: It was an unjust accusation by the Chief Secretary that we were claiming special privilege for the country. We say, "If there is a problem area, the commission should be able to do something about it."

The Hon. R. C. DeGARlS: I ask the Committee to support this amendment, which is reasonable. No-one has denied that the commission should be independent.

The Hon. N. K. Foster: Does not that negate the 10 per cent tolerance?

The Hon. R. C. DeGARlS: Your own Bill negates your own principle, anyway, if it is a principle, and I doubt whether it is. The commission should be given the discretion to determine the terms of reference given to it. What we are doing with a 10 per cent tolerance is saying to the commission, "Here are your terms of reference, but you cannot carry them out because we will lace you up with a 10 per cent tolerance in every circumstance." Therefore, I want to know why the Government is so strongly opposed to the amendment, because it is in the discretion of the commission.

The Hon. C. J. Sumner: It negates the principle of the Bill.

The Hon. R. C. DeGARIS: It does not; it allows the commission to interpret the terms of reference that are given to it, and it is useless giving it terms of reference and telling it that it must take into account certain things if, when looking at the terms of reference, it finds it cannot carry them out.

The Committee divided on the amendment:

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

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, 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. R. C. DeGARIS: I move:

In new section 83 to strike out paragraph *(c)*.

This probably is the most important amendment that the Committee should support. It is not based on tolerance, but we must realise that previously in South Australia there has been a defined metropolitan area. However, there is no defined metropolitan area in this Bill, and the existing boundaries are drawn inside that defined metropolitan area. I believe it is completely unjustified to use those boundaries inside the existing metropolitan area, which is there by definition, if one is drawing boundaries in relation to which there is no definition of "metropolitan area". It will constrict the ability of the commissioners on a basis that should not occur in relation to the principle of this Bill. We have heard about the principle of the Bill, and honourable members have claimed that the amendment would negate that principle.

If the Government says that there is a principle in the Bill, this negates that principle, because existing boundaries are at present drawn under a system in which there were two defined areas: the metropolitan area and the country area. To tie the commission in this Bill to an old concept is untenable. It is therefore reasonable that paragraph (c) should be struck out.

The Hon. J. C. BURDETT: I support the amendment. Many honourable members who have supported the Bill have regarded it as a landmark, a great step forward, and so on. This substantiates what I said in my second reading speech this afternoon: the Bill is radical. It makes a great change to electoral distribution in South Australia and, if that is so, what is the merit (and this has been acknowledged by those honourable members who have supported the Bill) of trying to adhere in any way to the existing boundaries?

Would it not be better to tear them up and start again? When we have a new Bill and a new basis for distribution, which is said to be such a great step forward for democracy, why be hog-tied to the old boundaries in any way at all, even as a term of reference? Why not tear up the previous basis for distribution and start again?

The Hon. D. H. L. BANFIELD: I oppose the amendment.

The CHAIRMAN: The question is: "That the amendment be agreed to." For the question say "Aye", against say "No". I think the Noes have it. The Hon. Mr.—

The Hon. R. C. DeGaris: Divide!

The Hon. D. H. L. BANFIELD: On a point of order, Mr. Chairman, you had called on another honourable member before "Divide" was called.

The CHAIRMAN: Although the call for the division was somewhat delayed, I will allow it.

The Committee divided on the amendment:

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

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, 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. C. M. HILL: I move:

In new section 83 to insert the following paragraph:

(ea) the desirability of ensuring so far as is practicable and consistent with the principles on which the redistribution is to be made that disproportions in the geographical areas of proposed electoral districts are minimised;.

My amendment adds one further matter to the mailers that must be considered by the commission in its deliberations. Honourable members can see the existing matters that the Government has written into the Bill that the commission must consider: the desirability of making the electoral redistribution in such a manner that there will exist, as far as reasonably possible amongst the population of each electoral district, a community of interest. There are also the matters of population and topography, and the feasibility of communication. I refer also to the nature of substantial demographic changes, and so on.

The Committee has decided that the 10 per cent tolerance should remain, so I am not asking for any variation to that. However, in my amendment I am saying that the geographical areas of the electorates must be taken into account by the commission in fixing the tolerance. In my view, this would tend to give some advantage, in fixing the tolerance, to some far-flung, sparsely-populated country regions of the State. In other words, when it examines its terms of reference and draws up its draft proposals, the commission would then have to examine the question of electorates that comprised large geographical areas.

The Hon. N. K. Foster: How many votes do they give at Ayers Rock?

The Hon. C. M. HILL: The Hon. Mr. Foster even thinks that Ayers Rock is in South Australia. The commission should lake into account the question of geographical area in its final deliberations. I stress that it is not increasing the tolerance in any way. The tolerance remains now at 10 per cent. The commission merely has an opportunity to readjust boundaries to a small extent that did not previously exist, thus minimising disproportions that seem to the commission to exist. That is the object of the amendment. It backs up the point I have made concerning the need for fairness and justice for people with problems in respect of their Parliamentary representation resulting from the sparseness of districts. In seeking to help these people, as I have explained in regard to tolerance, some adjustment can be made for the districts to be made geographically smaller, thereby providing constituents with a better deal than otherwise would have existed under the old boundaries.

The Hon. D. H. L. BANFIELD: The Government opposes the amendment, because it believes there is adequate provision in the Bill to deal with the problems of people living in large geographical areas.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. T. M. Casey.

Majority of 4 for the Noes.

Amendment thus negatived.

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

In new section 83 to insert the following paragraph:

(g) the desirability of ensuring that so far as is practicable each vote cast at an election shall have an equal political value.

We have now reached the stage where the Bill has not been amended in any way. We have heard much talk about one vote one value. I make clear, as I have stated previously, that I do not oppose one vote one value. I refer to the number of times I have expressed this opinion and have said what I believe one vote one value to mean. That interpretation is borne out by practically every political writer of distinction I have read. One vote one value means that each vote cast shall have an equal political value. I have referred previously in this Council to the decision of Earl Warren and the comment of Judge Frankfurter that, in relation to the question of one vote one value, an equality of population or of electors in each electorate is a three-legged stool, but the fourth leg is still to be constructed.

The boundary revolution in America took place in 1962, and it is still proceeding. Indeed, there are more minority Governments now in the American States than ever previously existed. The term "one vote one value" has a much more subtle and deeper meaning than just the mere question of numerical equality. We have heard much emotional talk about one vote one value, and I know that the South Australian public has been virtually brainwashed over many years into thinking that one vote one value means numerical equality in electorates. This amendment tests the sincerity of the Government, because it seeks to include in the term of reference the provision that the commission must take into account the desirability of ensuring that, so far as is practicable, each vote cast in an election shall have an equal political value.

The Hon. C. J. Sumner: What does that mean?

The Hon. R. C. DeGARIS: It means just as much to the commission as do the other terms of reference contained in the Bill. One term of reference deals with the feasibility of communication. What does that mean? Later in the Bill, the word "political" is used. The Hon. Mr. Sumner has asked what this means, and I will tell him what it means and what the commission will interpret it to mean: that in drawing boundaries in South Australia, it must take notice of the fact that the pivotal point, in drawing boundaries for a change of Government, is 50 per cent of the preferred vote. That is how the commission will interpret it; no other interpretation could be placed on it. If the Government and other members in this Chamber are serious in their claim that this Bill will produce one vote one value, let us put it in the BilL This amendment really tests the credibility of the phrase that has been hammered around the country for many years.

The Hon. J. C. BURDETT: I strongly support the amendment, and 1 suspect that all other members will do the same.

The Hon. C. J. Sumner: You're an optimist.

The Hon. J. C. BURDETT: All honourable members who have supported the Bill have used the term "one vote one value".

The Hon. D. H. L. Banfield: Not your side.

The Hon. J. C. BURDETT: All honourable members who supported the Bill. Listen to what I say. We are simply writing that into the Bill. That is what the Government has been talking about and what it says the Bill achieves. We are not satisfied that, in its present form, the Bill achieves that. The Hon. Mr. DeGaris is simply

trying to write that principle into the Bill. The Government says that it supports that principle; that is what it says the Bill is all about. Surely the Government will support the amendment and write into the Bill what it says is the heart, core and reason for the Bill. If honourable members who support the Bill are unwilling to support this amendment, they are stubbornly deciding to oppose all amendments, come bell or high water, and regardless of their merits.

The Hon. C. M. HILL: I support what has been said by the previous two speakers. This amendment is at least an endeavour by the Hon. Mr. DeGaris and those on this side to try to write into the Bill what is meant by the Government in its one vote one value catchcry. If the commission in its future deliberations seeks guidelines on that phrase, at least it will be able to find something that relates to it. If the phrase were included, it could use it as the basis of its definition. I believe that an explanation or definition of this general principle, which the Government has brought forward, should be included in this measure if it is to be good legislation. For those reasons, I support the amendment.

The Hon. C. J. SUMNER: How would the mover of this amendment define the word "political"?

The Hon. R. C. DeGARIS: I would define it in somewhat similar terms to the way in which "political" is defined in another part of the Bill.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Burdett has said that the Bill does not achieve one vote one value. We are satisfied that it does, and for that reason I oppose the amendment.

The Hon. J. C. BURDETT: I draw the attention of members opposite to the wording of this amendment. It states:

> *(g)* the desirability of ensuring that so far as is practicable each vote cast at an election shall have an equal political value.

If honourable members opposite vote against that amendment, I hope that the public notes that they are opposed to writing into the Bill an amendment that provides that each vote cast at an election shall have an equal political value. If they want to oppose that principle, let them do it.

The Hon. C. J. SUMNER: Perhaps we would be in a position to consider it if we knew what it meant. Unfortunately, the Hon. Mr. DeGaris has been wary about explaining it.

The Hon. D. H. L. Banfield: He has been cagey.

The Hon. C. J. SUMNER: That is the precise term for it; he has been cagey about exactly what he means by "political value". He has tried to say that the term is as used later in the Bill, but in that context it seems to me to have a clear meaning. The term is used in new section 88 (2) (*a*) (iv), which states:

> offend against the principle that an electoral redistribution is to be made by a commission that is independent of political influence or control;

"Political influence" relates to the influence of members of Parties contesting elections or involved in the electoral process.

The Hon. R. C. DeGaris: It has exactly the same meaning in the amendment.

The Hon. C. J. SUMNER: I cannot see that the meaning the Leader hopes to ascribe to "political" in his amendment can possibly be the same as the meaning of "political" in new section 88. If one accepts what I have said it means in new section 88, it makes the amendment nonsensical. Perhaps that is the Leader's intention. I should like the Leader, so that 1 can consider the merit of the amendment, to define what he means by "political" and what he means by his amendment.

The Hon. R. C. DeGARIS: It means exactly the same as "political" as used in the Bill. It does not have a different meaning in new section 88 from what it has in my amendment.

The Hon. T. M. Casey: What about using the phrase "independent of political influence or control" in your amendment?

The Hon. R. C. DeGARIS: It does not matter whether it is independent or dependent; the word "political" has the same meaning.

The Hon. N. K. Foster: Qualify that in terms of your amendment.

The Hon. R. C. DeGARIS: I have already done so.

The CHAIRMAN: Order!

The Hon. N. K. Foster: You have merely referred to the word "political" that appears later in the Bill.

The CHAIRMAN: Order!

The Hon. N. K. Foster: Qualify it!

The Hon. R. C. DeGARIS: I have; it means exactly the same as "political" means in the Bill. It means that the commission, in looking at the question of drawing up boundaries, must ensure that each vote cast has an equal political value. If honourable members believe that a vote does not have a political value, they are deluding themselves. The commission, like all other honourable members in the Chamber, will know exactly what that phrase means. It means that the commission, in drawing up boundaries, must keep in mind (and it must be the commission's opinion when it draws up the boundaries) that the pivotal point for changing the Government will be 50 per cent of all votes cast.

The Hon. T. M. Casey: No!

The Hon. R. C. DeGARIS: That is what the amendment means. It does not say that the commission has to produce this, because in single-member district systems it cannot be done. That has been shown time and time again. No matter how the system of single-member districts is drawn up there will be a gerrymander factor. No-one can deny that. It is accepted by everyone who has examined the system. I am deadly serious about defining this principle, because this is the fourth time I have introduced an amendment of one sort or another to put an interpretation on the phrase one vote one value. The honourable members in this Chamber who supported me in this matter are the only honourable members who have, since I have been here, attempted to find a rational meaning for the expression. Honourable members opposite know exactly what that means, and the commission will know exactly what it means. What the Government is afraid of is that the amendment will place a certain strain on it, because it knows that, without this in the Bill, it cannot produce votes of equal political value.

The Hon. C. J. SUMNER: I am absolutely amazed at the Leader's contribution to the debate. First, he tells us that "political" in his amendment means the same as "political" means in new section 88, and then he says that the word "political" in his amendment relates to a pivotal point of the legislation, that of the governing Party having to achieve 50 per cent of the vote. He says that the

Commissioners will have to bear this in mind. I do not know how that can possibly be the same definition of "political" as that in new section 88.

The Hon. R. C. DeGaris: Then you do not understand it.

The Hon. C. J. SUMNER: The Leader has said that "political" in new section 88 means the same as "political" in his amendment, and then he says that it refers to a pivotal point, that of the governing Party being required to achieve 50 per cent of the vote.

The Hon. R. C. DeGaris: No. I said that the Commissioners must be directed along that course.

The Hon. C. J. SUMNER: The Leader said that it was a pivotal point, and he said that the word "political" in the two places had the same definition. It is nonsensical to try to define the word "political" in that way. The amendment is therefore meaningless. The Leader has not attempted to define "political" in any sensible way. I am sure that the Hon. Mr. Burdett will agree with me.

The Hon. J. C. Burdett: No.

The Hon. C. J. SUMNER: Does the honourable member say that the definition of "political" in the amendment is the same as the definition in new section 88? Surely this is the vital part of the amendment, and surely the Leader has contradicted himself. He says that the Commissioners have to guess at the definition. This Bill enshrines the system of one vote one value.

The Hon. R. C. DeGaris: It does not, and you are afraid of it.

The Hon. C. J. SUMNER: I certainly am not. This Bill enshrines the system of one vote one value in so far as we can have it in single-member constituencies. The Leader says that his idea of what it means will be very clear to the commissioners, but I cannot see how that can possibly be. I do not know what it means, and it seems that the Leader is making another attempt to negate the principles that he espoused in his contribution to the second reading debate. He said that he agreed with the principle of one vote one value, but later in Committee he said that he would like to allow the Commissioners to extend the tolerance beyond 10 per cent.

The Hon. R. C. DeGARIS: If the honourable member is at all puzzled, he seems to be favouring the amendment. He said that he could not understand it.

The Hon. C. J. SUMNER: I rise on a point of order, Mr. Chairman. I did not say what the Leader has said that I said. He is putting words in my mouth.

The CHAIRMAN: I think the Leader said that the honourable member seemed to do it.

The Hon. R. C. DeGARIS: That is so. When he commenced his remarks, the Hon. Mr. Sumner did not openly oppose the amendment. Perhaps I should strike out "political" and insert "have an equal value in determining the Government". That is perfectly clear, and the commission could not be upset by that direction. The Government is really frightened of one vote one value. It knows that the terms of reference in this Bill cannot produce one vote one value. When we try to write the principle into the Bill, the Government finds every excuse to stop it.

The Committee divided on the amendment:

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

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, 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.

New section 87a.

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

87a. (1) In addition to the powers elsewhere conferred upon it, the commission shall as soon as practicable after each general election for members of the House of Assembly make a report relating to any matter or thing in connection with its powers and functions under this Act, or relating to any matter arising out of or in connection with that election, or any election for the members of the Legislative Council held at the same time as that election, that it feels should be brought to the attention of Parliament.

(2) The commission shall cause a copy of its report to be forwarded to the Speaker of the House of Assembly and the President of the Legislative Council who shall respectively cause those reports to be laid on the table of their respective Houses.

When dealing with this matter in the second reading debate, I pointed out the need for the commission to report to the Parliament, after each election, any matter which it believed should be drawn to the attention of Parliament. It does not matter whether it concerns the question of the management of booths or the actual voting values: the commission should be free to report to Parliament on any matter at all.

The Hon. N. K. Foster: Why, if politics has been removed?

The Hon. R. C. DeGARIS: Because, if the commission wishes to draw something to the attention of Parliament, and if this is to be an independent commission outside political influence, let it report to Parliament, in an official report; it should be obliged to do so. We have heard much talk about one vote one value, and, if the system did not produce that, the commission could draw that fact to the attention of the House. It could also report to the Legislative Council. The voting system that will operate will not provide for votes of equal value; people will be denied the value of the votes they cast. Therefore, it is important that, when the independent commission is established (which I support), it be completely free to report after every election on any matter related to the Electoral Act or to the Constitution Act that it believes should be drawn to the attention of Parliament.

The Hon. D. H. L. BANFIELD: I oppose the new section, because the Bill has nothing to do with elections for the Legislative Council.

The Hon. R. C. DeGaris: There's no reason why we shouldn't make it so.

The Hon. D. H. L. BANFIELD: The Leader has had his say, so I hope he will let me have my say. The Bill has nothing to do with the Legislative Council. Why does the Leader want to bring in the Legislative Council? I do not think it is the commission's job to bring down a report on the elections, because other bodies are capable of doing that.

The Hon. R. C. DeGaris: Who?

The Hon. D. H. L. BANFIELD: The Electoral Commissioner, if he so wishes, can do that. For those reasons, I oppose the new section.

The Committee divided on the new section:

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

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, B. A. Chatterton, J. R. Cornwall, 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.

New section thus negatived.

New section 87a.

The Hon. J. C. BURDETT: I move to insert the following new section;

87a. (1) Section 88 of this Act shall have no force or effect until a day to be fixed by proclamation made for the purposes of this section.

(2) A proclamation shall not be made for the purposes of this section unless the Governor is satisfied that a majority of the electors for the House of Assembly voting at a referendum have expressed their approval of the provisions of section 88 of this Act.

Proposed new section 88 seeks to entrench parts of the Bill in the Constitution so that, subject to the other provisions of the proposed new section, they cannot be removed without a referendum. This is merely a distribution Bill, and one would have thought it should be as flexible as possible so that it could be changed by the Parliament in accordance with changing needs of the electorate. To seek to entrench parts of what is simply a distribution Bill in the Constitution so that it cannot be changed or removed without a referendum has not, as far as I am aware, been done anywhere else in the Westminster system. If we are going to so entrench portions of the provisions of this Bill in the Constitution, we must do so by referendum in the first place. It seems reasonable and logical that we must first be satisfied that the people wish to entrench the provisions in the Constitution. It seems only common sense that we should be satisfied of that by referendum before we do something that will prevent it from being removed, apart from by referendum.

During my second reading speech, interjections made suggested that I was proposing a referendum to find out whether we would have a referendum. That is nonsense. New section 88 seeks to entrench certain provisions of the Bill in the Constitution so that they cannot be removed without a referendum, and I am merely saying that, before taking this radical and drastic step, we should find out by referendum whether the people want these provisions.

The Hon. D. H. L. BANFIELD: I oppose the new section. We are following the previous Governments in this entrenching provision. Other Governments have put entrenching provisions into the Constitution without holding a referendum.

The Hon. N. K. Foster: They had a referendum to remove section 127 of the Commonwealth Constitution, though.

The Hon. D. H. L. BANFIELD: If it has been good enough for other Governments to put entrenching provisions in, it is good enough for this Government to do so. We believe that this new clause would frustrate to some extent the entrenching of the provisions. We believe that these should be entrenched and we do not think the referendum is necessary on whether they should come into being.

The Hon. R. C. DeGARIS: This new section provides that a referendum shall be held to entrench this part of the Constitution. The point made by the Minister of Health is not valid, because previous entrenchments have entrenched institutions that have been in existence for 120 years, namely, the House of Assembly and this place. The Bill entrenches in the Constitution something that has not been referred to the people at an election. First, no mention was made in any election campaign or policy statement that the Government intended entrenching this matter in the Constitution.

Secondly, it breaks with a precedent and a convention that the Judiciary should be entirely separate from political considerations. I have not had a chance to check with constitutional lawyers or anyone else the impact of this sort of legislation's being entrenched. 1 ask the Government whether it has checked with the Judiciary in South Australia on this matter. If it has not, it should do so: if it has checked, the opinion of the Judiciary should be tabled here, because this breaks with the very spirit of the Constitution. I refer to section 3. All we ask is that, before we take this radical step that breaks with convention and tradition, the people should have the right to vole on it.

The Committee divided on the new section:

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 (teller), F. T. Blevins, M. B. Cameron, J. A. Carnie, T. M. Casey, 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.

New section thus negatived.

The Hon. J. C. BURDETT: Clause 7 seeks to insert several new sections, and I wish to oppose new section 88. I ask whether you, Sir, would put the proposed new sections *seriatim.*

The CHAIRMAN: I will do that. The whole of clause 7 has been before the Committee, but I propose to deal first with that portion of it that ends on page 7, with the proposed new section 87, which concludes on line 34.

New sections 76 to 87 passed.

New section 88—"Special provisions as to referendum."

The Hon. J. C. BURDETT: I consider this new section to be a matter of some importance. Subsection (2) states:

A Bill providing for or effecting the repeal, suspension, or amendment of any provision of section 32 of this Act or of this Part shall not be presented to Her Majesty or the Governor for assent unless:

(a) the Bill does not provide for, or effect, the repeal, suspension or amendment of a provision of this section and the Chief Justice has certified in writing that the Bill does not—

and then follow four matters that he must certify. This is a gross breach of governmental principle. It is a fundamental tenet of the rule of law, of which we are proud because it distinguishes us from nations that do not observe such a principle. The fundamental principle is that we have a divorce, a separation, between the three functions of Government. First, there is the Legislature, which only legislates. It deals with matters such as these; it makes new laws. There is also subordinate legislation, but the whole of the law-making function comes under the Legislature and no other body, and anything that has the effect of changing the law comes under the function of the Legislature. Then there is the Executive Government; we know what that does. Finally, there is the Judiciary—the judges who preside in the courts and determine specific matters that come before the courts.

This Bill seeks to give the judges a political and legislative function, in saying that certain things can happen only if the Chief Justice certifies them. Probably, of the four things he is required to certify, the most offensive is the last: he is required to certify that the Bill does not "offend against the principle that an electoral redistribution is to be made by a commission that is independent of political influence or control". In that case, particularly,

he is not exercising a judicial function: he is making a political opinion that the Bill does not offend in such a way.

This is confusing the legislative and the political functions with the judicial function. The most serious matter is the independence of the Judiciary and the separation of the Judiciary from the legislative function. One reason why we have a fine Judiciary, of which we can be proud, is that it has always been separate from politics, from the law-making function, and that it has been removed from political matters. Although this may seem trite to some honourable members, to me it is most important that we have here a Bill that is breaking down this fundamental principle and bringing the judges into the political and law-making arena. The Hon. Mr. DeGaris touched on this when speaking to the last new clause. The Government should have contacted the Judiciary about this matter and sought its views. Can the Minister of Health say whether the Government or its advisers contacted the Judiciary? If so, what was the reply? Was that reply in writing and, if so, would the Minister table it?

The Hon. R. C. DeGARlS: The Government must answer this question because, as has been pointed out, this is a serious departure from the understood convention to which the Hon. Mr. Burdett has referred. The Judiciary should have no part in politics. The Legislature, the Executive, and the Judiciary functions should be absolutely separate; it is a fundamental principle of the whole of our system. One has only to look at section 3 of the Constitution Act to understand exactly what that division means. That Act at present recognises that convention, and there are many historical reasons for it.

The Hon. N. K. Foster: Don't be so hypocritical.

The Hon. R. C. DeGARIS: We are in Committee. If the Hon. Mr. Foster wishes to make a contribution to the debate, he can.

The CHAIRMAN: He is at liberty to do so.

The Hon. R. C. DeGARIS: There are many historical reasons justifying the fact that the judges take no part in the political process, yet new section 88 reverses that constitutional convention. The matters dealt with in this new section could cause intense political disagreement, and the Chief Justice could be thrown into the middle of such arguments. It is only fair that the Government should contact the Judiciary and that the Judiciary's views should be known to honourable members before this clause is passed. If the Minister cannot answer, I shall ask that progress be reported, because to pass this Bill without the best possible advice would be wrong. After all, the Bill has been pressured through this Council today, and many matters have not been fully considered. The Government has taken no notice of many very fair amendments, but this new provision goes further: it touches on the very fundamental principles of our Constitution Act. It is only fair that the Government should answer the question: did it contact the Judiciary? If it did not, it must say why it did not. This Committee, irrespective of political feeling, should insist that the Judiciary's opinion be made available to it on this point.

The Hon. N. K. FOSTER: It is amusing as one attempts to follow the line of thought and reasoning of those honourable members who occupy the Opposition front bench in this Chamber. Imagine the effect it would have on a group of schoolchildren or kindergarten children in the gallery, at any given time, hearing the deliberations on a matter involving more than one clause! They would be highly amused to hear the contradictory remarks of two or three honourable members on the front bench opposite. On many occasions during the course of the debate they have made submissions about this Bill. I do not know what the Hon. Mr. Hill is so mirthful about, for he does not give a damn about it. The Hon. Mr. DeGaris is a bushed bush lawyer. I say that he is almost alleging that the Judiciary is being misled by the measure that will be passed through this Chamber. Honourable members opposite have gone through the Bill clause by clause and said that they were willing to support it on the basis that it should be removed from politics. If it is removed from politics where will it be put?

The Hon. J. C. Burdett: You show me where there is a precedent anywhere in the Westminster system for entrenching a distribution Bill.

The Hon. N. K. FOSTER: I have told the Hon. Mr. Burdett that his profession may have to rely on precedent, and he has the temerity to say that 1 should show him where is the precedent for this. He should tell me where is the precedent for the action of his corrupt leadership in the federal field in this country.

The CHAIRMAN: Order! The Hon. Mr. Foster is reflecting on another Parliament, and that is forbidden under Standing Orders.

The Hon. N. K. FOSTER: I know that, Sir, but I am damn well correct, whether or not I am out of order. Although I may be contravening Standing Orders, it does not make me wrong.

The CHAIRMAN: Order! The Hon. Mr. Foster must not reflect on a Parliament of the Commonwealth.

The Hon. N. K. FOSTER: I have reflected not on a Parliament but on the Leaders of the Liberal Party in the Commonwealth Parliament, with whom I lump the Leaders of the Country Party and the hopeless Leader of the Opposition in the Senate.

The CHAIRMAN: Order! I think the honourable member is still out of order. He must not reflect on the Commonwealth Parliament or any member thereof. I refer the honourable member to Standing Order 193.

The Hon. N. K. FOSTER: That is fair enough. Even though that may be so, it does not make me wrong. As a citizen of the Commonwealth—

The CHAIRMAN: Order! It will make the honourable member out of order.

The Hon. N. K. FOSTER: Certainly it will.

The CHAIRMAN: If the honourable member persists, I will have to name him.

The Hon. N. K. FOSTER: I conclude by saying that there is a conflict between what one can see regarding one's own conscience and what the Standing Orders in this or in any other Parliament may preclude one from doing. The severity of what happens around one from time to time leads one to the conclusion that one must breach (if I dare use the word) convention.

The Hon. R. C. DeGaris: This breaches convention.

The Hon. N. K. FOSTER: It is interesting that the Leader says that, because he has not spelt out where it breaches convention. As the Leader has the right to gel up and speak, I hope he will tell the Committee where there is a breach of convention in relation to this matter. If there is a breach of convention, as I see it in my humble way, there would need to be set down in one of the Parliaments of the Commonwealth a system such as that which we are trying to introduce into this State tonight and which has been accepted as a convention. Beyond that, I would have to be satisfied by the Hon. Mr. DeGaris

when he gets on his feet: perhaps he can show where, in the convention debates in the latter end of last century, this was mentioned. I do not think it was referred to in any of those debates.

The only time it was referred to related to the deliberations of the Constitutional Review Committee, to which I have referred tonight. I will resume my seat for the moment, and expect the Leader of the Opposition to get up and say that, in fact, the entrenchment provision in this clause is a breach of convention. If he tells me that, he will have to convince me (in fairness to you, Sir, and to all honourable members) that there is a breach of convention.

The Hon. J. C. BURDETT: When I spoke in opposition to the proposed new section, I did not use the word "convention".

The Hon. N. K. Foster: But your mate did.

The Hon. J. C. BURDETT: If the Hon. Mr. Foster really wants to hear me, he should listen. He can speak again if he so desires. I am explaining that when I spoke in opposition to the proposed new section 88 I did not use the word "convention". This afternoon, I used the term "a gross breach of principle", as did the Leader of the Opposition. It is indeed both a convention and a principle.

The Hon. C. J. Sumner: What is the principle?

The Hon. J. C. BURDETT: The principle is perfectly clear, and will be found in many places in Dicey's *Law of the Constitution,* which is regarded as a leading textbook on the subject of the rule of law. The principle is that there will be a divorce or separation of the functions of government. It is a fundamental matter that one learns in one's first year at law school: to be consistent with our system and the rule of law, there must be a divorce of the three functions of government. The Legislature passes the law; the Executive carries out its functions; and the Judiciary sits in the courts and adjudicates on specific matters that are brought before it. That is a clear principle and, if the Hon. Mr. Sumner, the Hon. Mr. Foster, or anyone else wants to deny that that is a principle and a convention and that this is part of the law and the Constitution, I should like to hear him do so.

The Hon. C. J. SUMNER: I certainly agree with the Hon. Mr. Burdett that the separation of powers is a matter of constitutional principle that has come to us from the British and American constitutional provisions. However, one could not say that the separation of powers, that is, the separation between the Executive, the Legislature and the Judiciary, is an absolute principle, particularly in the system which we have in this country and which is based more on the British system than it is on the American system.

Perhaps I could explain that more fully. The American system of separation of powers is one in which there is a strict separation. It was thought at the time of Federation in America that, for the protection of individual liberties, there ought to be a strict separation of powers. That is, in fact, what obtains there: a separation of the judicial arm of the constitutional structure. The judges are, of course, appointed by the Government, but, apart from that, they are completely separated. There is the Legislature, which is elected by the people and which is separate from the Executive arm of government. It is represented by the President, who is also elected by the people.

So, in America, there is a fairly strict separation of powers. However, there are some exceptions to that. For instance, the Vice-President, who is a member of the Executive arm of government, is Chairman of the Senate. The President plays no direct part in the Legislatures, either in the House of Representatives or in the Senate, in the American system. So far as we are concerned, there is a much less formal separation of power; that is, we have the Executive arm of government actually in the Legislature. We have Ministers representing the Government. The Ministers play a part in the deliberations of the House of Assembly and the Legislative Council. That situation is a breach of the strict doctrine of separation of powers. The whole structure of Cabinet Government in Australia and in Britain is a negation or qualification of that basic doctrine of separation of powers.

In Britain there is the situation of the Lord Chancellor being a member of the three arms of the constitutional set-up, the three arms of government: he is a member of the House of Lords, as a legislative body; he is a law lord in the House of Lords, that is, a member of the judicial arm of government; and he is a member of Cabinet. We have one person exercising these three functions about which we have been talking.

In Britain, at least, there is not that strict separation of powers, and people do overlap in their functions in this way. In this matter, if there are not precise precedents, there are precedents which go some way towards the proposition advanced by the Government here, because judges have been appointed in the past to electoral commissions. A judge is the Chairman of the commission referred to, and *I believe* that years ago a judge was the electoral Commissioner in South Australia. That situation represents the Judiciary taking a role in the administration of the State. In this situation, the strict separation of powers has not been adhered to.

There is nothing especially strange about that, especially in the Australian situation, which is based more on the British system than on the American system. Indeed, judges have been presiding officers over a number of Royal Commissions, and I refer to the Petrov Royal Commission. Justice Bright headed an inquiry into health services in South Australia, and Justice Mitchell was Chairman of the Law Reform Committee, and I could give many other examples. My point is that the strict doctrine we should pay considerable credence to, the strict doctrine of the separation of powers, does not operate in all circumstances. In any event I believe that the Chief Justice, who is charged with a duty under new section 88 of the Bill, is really involved in a matter of judicial interpretation, and that is not giving him a political role. Therefore, I consider that the provision is reasonable.

The Hon. N. K. FOSTER: Despite the challenge I earlier made to the Hon. Mr. DeGaris, who has failed to take it up, and to the Hon. Mr. Burdett, who took up the matter I raised, no members have shown how this provision amounts to a breach of convention. Any attempt to do this has failed miserably. The Hon. Mr. Burdett said it was an elementary principle of law that conventions played an important role in the whole concept of law-making, but members opposite have not in any way attempted to clear up the allegation that a breach of convention is contained in this measure.

The Hon. R. C. DeGARIS: For the benefit of the Hon. Mr. Foster, I believe a breach of constitutional convention is involved in this matter, the convention being that judges take no part in politics, that political and judicial functions are separate. I refer to section 3 of the Constitution Act to show that the Constitution as presently drawn recognises this convention. There are historical reasons both in England and in Australia for this convention, which is recognised in our Constitution.

The Hon. D. H. L. BANFIELD: I was earlier asked whether the Government had contacted the Chief Justice. In the course of the preparation of the Bill the Government's advisers were in formal contact with the Acting Chief Justice. Certain comments on the Bill were made by him in a letter which was taken into account in the preparation of the final draft. Since the Bill was introduced into Parliament the Chief Justice has returned to South Australia and has raised a question relating to section 88 proposed to be inserted. That question was expressed in the form of a letter which is at the moment not available to me. The Attorney-General and the Premier have tried to see the Chief Justice in relation to this matter, but have so far been unable to meet with him.

The Hon. J. C. BURDETT: In this circumstance, is the Minister willing to report progress until the letter is available?

The Hon. D. H. L. BANFIELD: No.

The Hon. R. C. DeGARIS: It is important that this question be cleared up. To merely brush it off in this manner is unsatisfactory. The claim has been made here in all honesty by members of this Council that this provision stands in breach of convention, both in regard to the recognition of that convention in the Constitution Act and the historical convention that judges are separate entirely and take no part in political matters. This situation could place the Chief Justice in the middle of a purely political argument. The question has been asked whether this matter has been referred to the Judiciary. A letter was received from the Acting Chief Justice, but we do not know what was in that letter.

The Hon. N. K. Foster: What about the involvement of Justice Woodward in the injury into Aboriginal land rights?

The CHAIRMAN: Order! I do not think that that has anything to do with this matter.

The Hon. R. C. DeGARlS: I cannot see what that has to do with this matter, and I have been struggling to understand what the Hon. Mr. Foster has been saying in his speeches and interjections. I ask the Chief Secretary to report progress on this important matter. To members of the legal profession and the Judiciary this matter could be considered as one involving absolute principle. No expression of opinion is available to us from the Judiciary or from the Law Society. The Committee should have those opinions before it proceeds to throw out an important convention that is historic and is recognised in the Constitution Act.

The Hon. J. C. BURDETT: Conflicting opinions have been expressed on this matter by the Hon. Mr. DeGaris and me on the one hand and the by the Hon. Mr. Foster and the Hon. Mr. Sumner on the other hand. Surely it appears from what the Chief Secretary has said that Their Honours have said something about this matter. Apparently a letter from Mr. Justice Hogarth does exist, and contact has been made with the Chief Justice. It seems vital that, if the Government has this knowledge, this Chamber should have access to it. I therefore ask the Chief Secretary not to ask the Chamber to vote on this matter until we know what Their Honours have said.

The Hon. R. C. DeGARlS: As the Chief Secretary has not replied, I suppose it means he will press on with this clause and will not allow the Chamber to obtain the information it requires on this vital matter. Regardless of what the Chief Justice, the Judiciary, or what the Law Society says, or what people outside may think about it, this information will be denied to us. It is an extremely vital matter and breaks with one of the important conventions on which our Constitution Act is based. If the Chief Secretary proceeds with this matter, I hope the Liberal Movement will defeat the new section until the information we require is available. If the Chief Secretary wishes to recommit it tomorrow, and supplies the information we are asking for, it could be recommitted, but to let this new section pass without that information being available is a matter that could well be regretted in future.

The Hon. M. B. CAMERON: Before the Bill is passed, will the Chief Secretary say whether he intends to make available tomorrow the opinion of the Chief Justice?

The Hon. D. H. L. BANFIELD: The Attorney-General and the Premier have tried to see the Chief Justice on this matter, so I cannot guarantee that they will see him tomorrow. I know they are still trying. It will be up to honourable members opposite to recommit the Bill.

The Hon. R. C. DeGaris: No!

The Hon. D. H. L. BANFIELD: Honourable members opposite can move—

The Hon. R. C. DeGaris: We can move.

The Hon. D. H. L. BANFIELD: —that the Bill be recommitted.

The Hon. J. C. Burdett: Why pass it without the information we want?

The Hon. D. H. L. BANFIELD: Because I do not intend to force the Bill through the third reading stage. I indicated earlier this week that I wanted it to go only through the Committee stage tonight. Honourable members opposite will not be prevented from recommitting the Bill tomorrow; that is their prerogative.

The Hon. R. C. DeGARIS: If it is moved that the Bill be recommitted, will the Government support it?

The Hon. D. H. L. BANFIELD: The time to debate that matter would be when it was moved that the Bill be recommitted. That motion is not being considered.

The Hon. J. C. Burdett: Because you haven't supplied the information.

The Hon. D. H. L. BANFIELD: The honourable member has not moved the motion, so how can I say whether the Government will support something that has not been moved?

The Hon. J. C. Burdett: But you haven't supplied the information.

The CHAIRMAN: The question before the Committee is whether new section 88 should stand part of the Bill. If honourable members are dissatisfied with the situation they can vote against it but, if they are satisfied with it, they can vote for it. In either case, the Bill can be recommitted before the third reading.

The Hon. R. C. DeGaris: It can be recommitted.

The CHAIRMAN: Yes.

The Hon. M. B. CAMERON: I intend to support it at this stage, but I will consider tomorrow whether it should be recommitted.

The Committee divided on new section 88:

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

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

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

Majority of 4 for the Ayes.

New section thus passed.

Clause 7 passed.

Clause 8 and title passed.

Bill reported without amendment.

The Hon. D. H. L. BANFIELD (Minister of Health) moved:

That the Committee's report be adopted.

The Council divided on the motion:

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

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

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

Majority of 4 for the Ayes.

Motion thus carried; Committee's report adopted.

[Midnight]

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

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

ADJOURNMENT

At 12.3 a.m. the Council adjourned until Thursday, October 16, at 2.15 p.m.