LEGISLATIVE COUNCIL

Thursday, October 30, 1975

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

CIGARETTES (LABELLING) ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table the report of the Ombudsman for 1974-75.

QUESTIONS

MILLICENT AND KINGSTON HOSPITALS

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

Leave granted.

The Hon. R. C. DeGARIS: The day before yesterday, I directed a question to the Minister relating to Millicent and Kingston Hospitals. The Minister's reply was:

At this stage we are unable to say when money will be available but, as soon as it is, it will be provided.

I point out that in the Loan Estimates approved this year there was approval of the sum of $160 000 for Kingston Hospital. Also, I remind the Minister of his promise to Millicent Hospital earlier this year when he was reported as follows:

Don told us at 4.30 on Thursday, that he'd just phoned Adelaide and the $223 000 had been approved by him on a high priority for Millicent Hospital. . . . Having visited the hospital and found they (the beds) were nearly full, I have approved the extensions to start early in the first part of this financial year.

In reply to my question yesterday, the Minister said, "We are unable to say when money will be available but, as soon as it is, it will be provided." It seems that money has been specifically allocated in the Loan Estimates. Also, there is a clear promise by the Minister and the Premier relating to Millicent. Will the Minister review the answer he gave me yesterday?

The Hon. D. H. L. BANFIELD: The position is as indicated in the report, that Millicent would have a high priority. It still has a high priority; it was anticipated at that time that more funds would be available. Unfortunately, the funds that we anticipated have not come to light and, so far, we are still endeavouring to get the money. What I said at Millicent was that Millicent Hospital had a very high priority, that the project had been approved, and that Millicent would have a very high priority to go ahead with the building when the funds were available. The present position is that the funds are definitely not yet available and we are not too sure when they will be; but in no way has Millicent Hospital lost its priority.

HYPNOSIS

The Hon. C. M. HILL: I seek leave to make an explanation prior to directing a question to the Minister of Health.

Leave granted.

The Hon. C. M. HILL: On September 16 this year I raised in this Chamber a matter, as a result of an article in the newspaper, to the effect that the South Australian Branch of the Australian Society for Clinical and Experimental Hypnosis had won Cabinet approval. I pointed out that the Minister had indicated by public announcement that Cabinet was forming regulations in this area based on recommendations from that particular society. I also pointed out that there was a second association in South Australia, known as the South Australian Association of Hypnotherapists, which association had been established in this State longer than the former group. Also, I said that the latter association was very upset that it was being overlooked by the Government in preparing such regulations.

In his reply, the Minister said he was going to have discussions with these people and he would see what he could do from that point on. My questions are: can the Minister say whether such discussions were held and, if so, is he being guided at all by representations from the South Australian Association of Hypnotherapists, or does the position stand in which Cabinet approval of the proposed regulations is based solely upon representations from the South Australian Branch of the Australian Society of Clinical and Experimental Hypnosis?

The Hon. D. H. L. BANFIELD: I have had discussions with a representative from the South Australian association. I indicated at that meeting that, if they wanted recognition under the Act, they would have to amend their rules accordingly. Discussions were on a friendly basis, and the representative said he would give consideration to looking at the amendments to their rules so that they would comply with the standards set down by the board. I am sure there will be no problem having these people recognised.

BORDERTOWN HOSPITAL

The Hon. J. R. CORNWALL: I understand the Minister of Health has further information about a question I asked recently regarding the Bordertown Hospital.

The Hon. D. H. L. BANFIELD: Bordertown Hospital, which is a recognised hospital under the Medibank scheme, has not refused admission to any person requiring treatment as a hospital service inpatient. Membership of a health insurance fund or the ability of a patient to pay for hospital treatment is not and has never been a criterion for admission to this hospital.

LAND COMMISSION

The Hon. C. M. HILL: I seek leave to make an explanation prior to directing a question to the Minister of Lands.

Leave granted.

The Hon. C. M. HILL: My question relates to the South Australian Land Commission. The procedure in seeking approval for a plan of subdivision of land in this State, is briefly, four copies of the proposal are lodged at the State Planning Office and the lodgement fee of $20 is paid. The State Planning Office examines the proposal and writes to the surveyor asking for a further 18 copies together with any amendments he wants on the plan. On receipt of the 18 copies, the State Planning Office sends them to all the authorities concerned for comments. The expected time of receipt of form A which is the formal approval for subdivision is, in a few cases, seven to eight months. The average time is 12 to 15 months, and in some cases it is 18 months or more.

In August of this year a surveyor lodged four copies on behalf of a private client, and the request came back for the 18 copies five weeks later. Then the long procedure to secure form A was put in train. In July of this year one surveyor lodged four copies on behalf

of the South Australian Land Commission, and the final form A was issued seven weeks later. It is not unreasonable to say, based on these examples, that the private subdivider would wait 12 months for his approval, and the Government instrumentality seven weeks. My questions are these: does the Government acknowledge that its own instrumentality, the South Australian Land Commission, is being significantly favoured at the expense of the private sector in these areas; if so, is this Government policy; if it is not Government policy, will the Minister take immediate action to rectify the injustice and instruct his officers accordingly?

The Hon. T. M. CASEY: I assure the honourable member that it is not Government policy to give any kudos to the Land Commission over private people. I make that quite clear. The honourable member is asking me to take up the matter with the Minister who administers the Planning and Development Act, who happens to be a Minister in another place. I shall certainly draw to the attention of my colleague the question the honourable member has raised, and bring down a reply.

CATTLE PRICES

The Hon. F. T. BLEVINS: Has the Minister of Agriculture a reply to the question I asked on October 7 regarding cattle prices?

The Hon. B. A. CHATTERTON: A meat wholesaler is concerned with selling many types of meat. The demand for competitive types of meat varies considerably on a monthly or yearly basis for a number of reasons, including quality, price and availability. A wholesaler will continually adjust his margins for the various meats in accordance with demand to enable him to conduct a viable business enterprise. Recent investigations carried out by the Agriculture and Fisheries Departments found no evidence of excess profits in the wholesale meat business and, while the share of the consumer's dollar absorbed by the wholesaler has risen markedly in recent times, wholesale costs continue to constitute a small proportion of that dollar.

Currently the number of firms, the degree of competition between firms and their published accounts suggest that wholesalers' margins are rising because of increasing business costs attributable largely to inflation pressures. I was also interested to read the proceedings of a recent seminar on *The Beef Dollar,* which in reference to beef wholesaling stated:

It is unfortunate that no great taste for fancy meats has developed in Australia, for the returns on edible offal have not increased significantly over the last five years, still returning around $1.20 a set. Unfortunately, in the past three years, the value of green hides has dropped dramatically. Today each green yearling hide is returning between $1.50-$2.00. The overall cost picture has altered greatly since July, 1972, when hide returns covered the cost of killing and still left an $8 credit. In 1973, hide returns almost covered the cost of killing, a situation which was traditionally accepted in wholesale costing—"sinking" the hide, in effect, eliminated the killing charge.

Today, however, when we subtract the hide return from the killing charge $13 towards the killing charge must still be found from the carcass return. The wholesaler in this situation is in a similar position to the livestock producer; he becomes a "price acceptor". Subtracting offal and hide returns, the net cost of wholesaling and delivering a 180kg carcass to Melbourne retail outlets is $26.50 or 14.2c/kg. So, it can be seen that wholesale costs are subject to tremendous variation and pressure. Fortunately for the wholesaler, he is still able to ask a price for his product, which covers the production costs involved.

FISHING INDUSTRY

The Hon. C. M. HILL: Can the Minister of Fisheries say whether the Canadian fisheries expert, Professor Parzival Copes, has commenced his inquiry; if he has, is it proceeding to the Minister's satisfaction, and when does the Minister expect the professor's final recommendations to be made?

The Hon. B. A. CHATTERTON: Professor Copes has spent about eight days in South Australia talking to people in the fishing industry. He has submitted to me the first draft of his report; it is a preliminary study of some problems of the fishing industry, and it indicates, in general terms, some of the ways in which he thinks the fishing industry should develop. The professor's studies are continuing. He is here not only to undertake a study of the fishing industry but also to help some of our own fisheries economists in South Australia in their investigations. We will not receive a full report from Professor Copes until some of these more detailed studies have been completed. At this stage we are not sure whether it will be necessary for him to return to South Australia and have further discussions with our economists or whether this can be done by correspondence. Professor Copes's visit to South Australia will be very valuable and will provide us with some useful guidelines for the future development of the fishing industry. The important change in policy on which we hope the professor will be able to guide us relates to the management of the fishing industry in terms of the economic well-being of the fishermen. I think I would be correct in saying that, in general, past policies have been more to ensure that fishing grounds have not been over-exploited in biological terms, whereas we are now looking for an improvement in the management of the fishing industry to ensure not only that fishing grounds are not over-exploited biologically but also that they are not over-exploited economically. There can be a difference in connection with these two aspects. For example, we can ensure that there will be a sustained yield of rock lobster in biological terms, but this sustained yield may not be the most economic. This is a further development in the fisheries policy area on which we hope Professor Copes will be able to advise us.

FISHERIES ACT AMENDMENT BILL

The Hon. B. A. CHATTERTON (Minister of Fisheries) obtained leave and introduced a Bill for an Act to amend the Fisheries Act, 1971. Read a first time.

The Hon. B. A. CHATTERTON: I move:

That this Bill be now read a second time.

Its object is to amend the Fisheries Act, 1971, with a view to bringing the definition of "the Director" in section 5 of that Act into line with present Government policy as expressed in the proclamation made by His Excellency the Governor under the Public Service Act and published in the *Gazette* on October 2, 1975, whereby provision has been made, *inter alia,* that any reference in any Act to the Director of Fisheries or the Director of Fauna Conservation and Director and Chief Inspector of Fisheries is to be read as a reference to the Director of Agriculture and Fisheries.

Clause 2 of the Bill seeks to achieve this object by striking out the definition of "the Director" and substituting a new definition which defines the Director as the person for the time being holding and performing the duties and functions of the office of Director for the purposes of the Act. There are a number of references to the Director

throughout the Act and it would be a simple administrative act for the Governor to appoint a person to the office of Director for the purposes of the Act, without reference being made in the Act to his specific title.

Clause 3 enacts a new section 6a which provides for an office of Director for the purposes of the Act and confers power on the Governor to appoint to that office such person as he thinks fit. Apart from the reasons for this Bill which I have already given, the enactment of this Bill will facilitate the reprinting of the principal Act (as part of the consolidation programme) with an undated definition of "the Director", the present definition having also been affected by a previous proclamation under the Public Service Act which has now been superseded by the proclamation published in the *Gazette* on October 2, 1975.

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

ARCHITECTS ACT AMENDMENT BILL

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Architects Act, 1939-1973. Read a first time.

The Hon. D. H. L. BANFIELD: I move:

That this Bill be now read a second time.

It makes substantial amendments to the Architects Act on two main subjects. First, it modifies the provisions of the principal Act dealing with qualifications for registration as an architect. Under these amendments the certificate of the Architects' Accreditation Council of Australia becomes a primary qualification for registration. However, provision will also exist for registration of persons who possess professional qualifications recognised by the board, or who pass examinations that the board itself sets.

Secondly, the Bill provides for the incorporation and registration of a firm of architects. These amendments will enable architects to arrange their affairs in the same manner as persons in analogous professional practice, for example, civil engineers. The Bill contains safeguards to insure that any company registered as an architect will be administered by persons with a high level of professional expertise.

Clauses 1 and 2 are formal. Clause 3 makes amendments to the definition section of the principal Act consequential upon the new amendments. Clause 4 repeals section 5 of the principal Act, which is now redundant. Clause 5 makes a drafting amendment to section 6 of the principal Act and provides that no registered company is entitled to vote at an election of members of the board or to be a member of the board. Clause 6 makes consequential amendments to section 7 and provides for the board to fix the day in each year upon which new members of the board are to be elected.

Clause 7 makes a consequential drafting amendment. Clause 8 provides for greater flexibility in the manner in which the register is to be kept. Clause 9 provides for deregistration of a company that has been registered as an architect under the new provisions. It may be deregistered if (*a*) it applies for deregistration; (*b*) its registration has been obtained by fraud or mis-representation; (*c*) it purports to act, or its directors purport to act, in contravention of its memorandum or articles of association; or (*d*) it commits an offence that shows it to be unfit, in the opinion of the board, to continue as a registered architect. Clause 10 repeals and re-enacts the provisions of the principal Act making it unlawful for an unregistered person to hold himself out as an architect. The main point of the re-enactment lies in the new exceptions that are prescribed: it is not an offence for a member of the Australian Institute of Landscape Architects to describe himself as a landscape architect; a naval architect, or golfcourse architect, may hold himself out as such; a partnership of which at least two-thirds of the members are registered architects and the remainder have professional qualifications in associated disciplines (town planning, engineering, etc.) may describe itself as a firm of architects.

Clause 11 makes amendments consequential upon the new provisions for registration of companies as architects. Clause 12 sets out the revised qualifications for registration and provides for the registration of companies. In order to qualify for registration the memorandum and articles of association must provide as follows: (*a*) a sole object of the company must be to practise as a registered architect or to combine such practice with professional practice in fields approved by the board; (*b*) at least two-thirds of the directors of the company must be registered architects and all must hold professional qualifications provided by the board; (*c*) no share in the company is to be held except by a director or employee, or a relative of the director or employee; (*d*) at least two-thirds of the voting rights must be held by registered architects. Clause 13 provides that a person is guilty of professional misconduct if he contravenes a provision of a code of professional conduct prescribed in the by-laws of the board.

Clause 14 provides that there shall be the right of appeal against any decision of the board to the Supreme Court. Clause 15 is a consequential amendment. Clause 16 enables the board to make by-laws regulating certain formal matters; it provides that the board may prescribe a code of professional conduct to be observed by registered architects; and it provides that the by-laws may require registered architects to insure against civil liabilities that they may incur in the course of their professional practice. Clause 17 removes the maximum annual fee that the board may charge registered architects. The fee fixed by by-law will, of course, be subject to disallowance by Parliament. Clause 18 enacts a number of new provisions relating to companies that are registered as architects. New section 45a provides that a company must furnish the board in each year with a return setting out certain prescribed information. New section 45b provides that a registered company is not entitled to practise in partnership. New sections 45c and 45d provide that liabilities incurred by the company may be enforced against directors. New section 45e provides that no alteration shall be made in the memorandum or articles of a registered company unless that alteration has first been approved by the board.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (CITY PLAN)

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

Adjourned debate on second reading.

(Continued from October 29. Page 1499.)

The Hon. C. M. HILL: I question the good faith of the Government in its bringing forward this measure. The situation has been that this matter, which the Government has apparently found to be a problem, has existed ever since—

The Hon. T. M. Casey: Far too long.

The Hon. C. M. HILL: —the bicameral system has been with us in South Australia. Indeed, in 1970 one House only, and not both Houses, went to the people of this State.

The Hon. N. K. Foster: That wasn't fair.

The Hon. C. M. HILL: Yet, at that time, we did not hear anything from the Labor Party, as we heard from it in the electoral campaign this year, that this was a state of affairs that would be put right. What really has motivated the Government to introduce this Bill?

The Hon. T. M. Casey: To save money.

The Hon. C. M. HILL: Why is it that the first time we heard about this matter was in the election campaign of July in this year? I think the reason is that the Government was seeking yet another reason for the sole purpose of criticising the Legislative Council. The issue of adult franchise that had been hammered for so long was behind the Labor Party, and something else had to be found as an issue to try to build up some public emotion in criticism of this Council.

The Hon. T. M. Casey: It would save a lot of money.

The Hon. C. M. HILL: The Government introduced this issue for its cause in the last election campaign.

The Hon. R. C. DeGaris: What money would be saved?

The Hon. T. M. Casey: It has been mentioned previously by honourable members in this Council—the amount of money that would be saved by not having an election at a certain time.

The Hon. C. M. HILL: I think the Minister has got the wrong end of the stick.

The Hon. T. M. Casey: Oh, no!

The Hon. C. M. HILL: Let me explain. The Minister has made a few interjections already. In 1970, there was only one election. The cost at that time was less than it would have been if both Houses had gone to the people—it is as simple as that. So the Minister is entirely wrong when he maintains that this Bill will save costs, because what happened in 1970 was that only one House had to go to the people, under our Constitution, and surely that was a less costly exercise than if both Houses were compelled to go to the people every time, which is the very purpose of this measure. So I say that the Minister's contention about costs is entirely wrong.

The Hon. T. M. Casey: Your mathematics are up the creek.

The Hon. C. M. HILL: If the Minister will not agree that one House going to the people is a less costly exercise than both Houses simultaneously going to the people, I am afraid his calculations are completely wrong.

The Hon. T. M. Casey: No.

The Hon. C. M. HILL: However, I do not intend to be sidetracked by the Minister from the point I was arriving at; it is a point on which he may have to agree with me—that the very purpose of this Bill is to find yet another reason for criticising the Council. It is one of a series of processes designed to denigrate this Council. Honourable members opposite do this because they believe that this Council should not be here; they openly admit it. It is in their written platform that it will be abolished.

The processes are leading up to abolition or to some kind of acceptance that they may ultimately be able to obtain in the community for trying to achieve that final aim of abolition; and this Bill is but one issue for criticising the Legislative Council. As I say, in my view, now that adult franchise is behind us, this is the new issue that honourable members opposite have grasped for the sole purpose of the abolition of this Chamber, for a change to a one-House system of Government in this State—and, of course, ultimately they want one Parliament for Australia and in that Parliament a one-House system only. That is indeed what their leader the Premier wants as his final goal.

If there is to be any rebuttal of that statement (and I believe I heard the Hon. Mr. Cornwall say it is not true) let me refer the honourable member to a quotation the Hon. Mr. Dunstan made on July 11, 1970. I point out that this is not a time when the Hon. Mr. Dunstan was a student or in his earlier years as a member of Parliament. It was a day when he was Premier of this State. In the journal *Nation,* in an article which he called "The Future of the States", he said:

> Ideally the direction in which we should be moving as a nation is towards a complete restructuring of governmental responsibilities with a central government exercising effective national control and with subordinate legislatures in self-contained regions throughout the country.

The Hon. J. R. CORNWALL: Will the honourable member give way?

The Hon. C. M. HILL: Certainly.

The Hon. J. R. CORNWALL: The Premier, as the Hon. Mr. Hill will be aware, has gone on record many times saying he believes that there should be effective central government but that he has just as consistently espoused the system to which the Hon. Mr. Hill has referred: in other words, effective regionalisation, so that government would in fact be decentralised at a level to which the people could have ready access. I think the Hon. Mr. Hill even acknowledges this in his statement.

The Hon. C. M. HILL: In his statement, the Premier makes his ideal perfectly clear: he hopes to see one central government in Canberra. That is the first point I make. His subordinate legislatures are nothing but local governments in their concept, local governments being (and I use his very word) subordinate, in the same ways as local government is subordinate to the State Government. In other words, the future Government of this State would act only within the provisions of one Commonwealth Parliamentary Act, just as local government—

The Hon. N. K. Foster: Who said that?

The Hon. C. M. HILL: —here has to live within the provisions of the parent Act, namely, the Local Government Act. There is a world of difference, I reply for the information of the Hon. Mr. Cornwall, between the original subordinate legislature and the present State Government system. If the Hon. Mr. Cornwall wants to see this State, or parts of it, degenerate into an area or areas, or regions, with sub-directors or deputy directors of Commonwealth departments from Canberra exercising Public Service control in this State, and if he wants to see these regional bodies scattered about—

The Hon. N. K. Foster: Where do you get all this information? What do you base it on?

The Hon. C. M. HILL: I am basing it on the statement of the Premier of this State—

The Hon. N. K. Foster: No.

The Hon. C. M. HILL: —at a time when he was the Premier of this State, I repeat: that is the ultimate dream of members opposite, their Party and their leaders. That is their ultimate dream, and this Bill, as I have said, is just another process in this chain of events in which they hope that their dream will come to fruition. One of those processes is the abolition of this Council. How do they set

about that? They continue with a series of critical issues in the public arena which they hope will bring criticism on this place.

Ultimately, they hope that they will gain public opinion on their side to support its abolition. That is why I say that when I seek a reason for this Bill, and now when I see that the question of adult franchise is behind us, I believe this Bill is being brought forward with that intention.

The reasons against the Bill itself have already been stated by members, I think adequately. Indeed, I commend the Hon. Mr. DeGaris on his speech, and I do not intend—

The Hon. N. K. Foster: What does the Bill seek to do?

The C. M. HILL: You should know. You are capable of reading it.

The Hon. N. K. Foster: You tell us.

The Hon. C. M. HILL: I simply want to stress one point which, although it has been made, I believe is very important and should be stressed. As a result of this Bill, a Government irrespective of which political—

The Hon. N. K. Foster: Your Leader will have been elected for 8½ years next time he fronts up. Is that correct? He has not fronted up for eight and a half years but he sent his colleagues to an election and they got knocked off.

The Hon. C. M. HILL: It is possible, under our present Constitution, for a term to be longer than six years. No-one denies that, but I will speak about that later.

The Hon. N. K. Foster: Is that correct?

The Hon. C. M. HILL: It is better than your alternative in this Bill. That is the point I want to make.

The Hon. N. K. Foster: You are out of step with your Federal colleagues.

The Hon. C. M. HILL: I am not concerned with the Federal position. All one hears from the Hon. Mr. Foster is something about our Federal colleagues and about Federal Parliament and everything that centres on Canberra. It is about time someone reminded the honourable member that he is in the South Australian Parliament now, and he should attend to matters affecting us here and deal with issues with which we in this State Parliament are concerned.

The point I stress is that it does not matter which Government is in power. A State Government in South Australia could tend to force the second Chamber to obey its wishes if this Bill is passed. The continuous threats of an immediate election if certain Bills are not passed by this Council is a form of political pressure; there is no doubt about that. That pressure would exist in the extreme if this Bill passed.

I believe this is a political pressure that is not in the best interests of the principles of the bicameral system, and not in the best interests of good legislation for the people of this State. These principles involve a certain degree of security of office and a certain degree of independence of members in a second Chamber to review legislation. Such scrutiny and independence is undermined if this House can be taken to the people, say, every 12 months, and that will happen if this Bill is passed.

I refer briefly to the question of the six-year term. I believe that the six-year term of honourable members (and I point out that that means that half the number of members come out at each successive Legislative Council election, or, in other words, half the number of members retain their seats on these occasions) ensures security and independence.

Even the present constitutional position, which can arise occasionally and in which honourable members can retain their seats in this Council for longer than six years, is preferable to the alternative that this Bill presents. I think that that one point, and that point alone, is sufficient reason for this Bill to be rejected in this Council. I therefore intend to vote against its third reading.

The Hon. F. T. BLEVINS: I support this Bill and do so very strongly. I contest what the Hon. Mr. Carnie said yesterday: that the way members vote on this Bill will indicate their support or otherwise for the retention of this Council. Of course, the Hon. Mr. Hill has just given us 10 minutes on the same thing: that if we vote for this Bill it is because we want the Council abolished. That is what they both said, but that is absolute rubbish. The Bill has nothing to do with the retention or otherwise of this Council, but merely seeks to put a more reasonable limit on the term of members of this place. How this perfectly reasonable proposition can be interpreted in the manner outlined by the Hon. Mr. Carnie and the Hon. Mr. Hill escapes me. Not being able to follow their rationalisation or the rationalisation of other members opposite of their opposition to the Bill, I will give my opinion of the real reason why they are opposing it.

Let us look at a couple of examples of the years some members of the Opposition have sat in this place and how many elections they have contested in that time. That situation shows clearly why honourable members opposite oppose the Bill. It is simply that members opposite enjoy being members of this place. They enjoy the illusion of power that being a member of the Legislative Council gives them, and they enjoy the very short hours of sitting, which leaves some of them plenty of time to look after their profitable outside commercial interests. I believe that the least all honourable members should do is to face the electors who put us here a little more often than we face them now. It is not good enough that some members who have sat in this place for 22 years have faced the electors only three times.

The Hon. M. B. Cameron: That's not so.

The Hon. F. T. BLEVINS: The Hon. Mr. Cameron's reasons are different. His reasons for opposing the measure are purely political, and I do not mind that because it is honest. There is self-interest there, and I grant that that is not—

The Hon. M. B. Cameron: That's untrue.

The Hon. F. T. BLEVINS: In seeking some examples of the service of members in this place and the number of elections they have faced, I picked out at random the record of four honourable members opposite, including the number of elections they have contested and their length of service in this place. First, I dealt with the Hon. Mr. Burdett. He was elected here in 1973 in a by-election, on a restricted franchise. The honourable members of his Party who preceded him in this place, and who still encircle him, would not allow, for example, married women living in Housing Trust houses to vote. They were not considered worthy of a vote. Various other people also were not allowed to vote. Of course, the boundaries—

The Hon. J. C. BURDETT: I ask the honourable member to give way.

The Hon. F. T. BLEVINS: The day I give way to a Lib., mate, is the day I give the game away. If you have anything to say, you say it now, and I will deal with it. The boundaries—

The Hon. R. C. DeGaris: Can you tell me why a person in a trust house was refused a vote?

The Hon. F. T. BLEVINS: Because it did not suit the Leader and the people he represents in this House to give them a vote.

The Hon. R. C. DeGaris: They have a vote.

The Hon. F. T. BLEVINS: The day you give them a vote, they will knock you off.

The Hon. R. C. DeGaris: They have a vote. Your information is incorrect.

The Hon. F. T. BLEVINS: All right. The Hon. Mr. DeGaris can get up later and speak.

The Hon. R. C. DeGaris: I cannot do that. I have spoken to the Bill.

The Hon. F. T. BLEVINS: Now you have done it by way of interjection, which is completely out of order. I am surprised at the Leader. The Southern District was one of five districts with boundaries dreadfully rigged, to ensure the old 16 to 4 composition of the Council. The Labor Party was permitted four members, and that was all.

The Hon. M. B. Cameron: That's why you are building Monarto.

The Hon. F. T. BLEVINS: Do not worry about Monarto. Monarto will kill you elsewhere. If elections are held for the House of Assembly, as we assume they will be (and, barring accidents, we hope they will be at three-year intervals), the Hon. Mr. Burdett will be due for re-election or otherwise in 1981. This means that he will have sat here for eight years and, since his election to this place, will never have faced an election.

The Hon. N. K. Foster: Real democracy!

The Hon. F. T. BLEVINS: Beautiful, is it not?

The Hon. C. M. Hill: And he will do a good job for the whole eight years.

The Hon. F. T. BLEVINS: I strongly suggest that eight years will be his lot, and anything he wants to do had better be done now.

The Hon. N. K. Foster: That is what it's all about, Frank. They are frightened.

The Hon. F. T. BLEVINS: Now we come to the Hon. Mr. Geddes. He has had a wonderful trot. He was elected in March, 1965.

The Hon. R. A. Geddes: At the same time as the Chief Secretary.

The Hon. F. T. BLEVINS: There is a difference. I was waiting for that; thank you very much. The Chief Secretary is going to vote for this Bill to see that this scandalous situation does not continue. The Hon. Mr. Geddes, I assume, is not, and that is the difference. The honourable member was elected in March, 1965. If, as we expect, the next House of Assembly elections are held in less than three years time, and then again in another three years time, which takes us to 1981, the Hon. Mr. Geddes will then front up to the electorate again. By 1981 he will have sat in this place for 16 years, and since he first came here he will have faced one election. He is only second on the list, and it gets worse.

The Hon. J. C. Burdett: That's not right.

The Hon. F. T. BLEVINS: I am saying it is right, and the Hon. Mr. Geddes will tell you this. Is that correct, Mr. Geddes?

The Hon. R. A. Geddes: No, it is not.

The Hon. F. T. BLEVINS: He can correct that later.

The Hon. N. K. Foster: He's stunned into silence. The truth hurts.

The Hon. F. T. BLEVINS: Yes. The Hon. Mr. Geddes was elected in March, 1965. Is that correct?

The Hon. R. A. Geddes: This is your speech.

The Hon. F. T. BLEVINS: Since he came into this place he has contested one election in 16 years. That is scandalous. That is assuming that 1981 is the time when he must front up again.

The Hon. J. C. Burdett: A total of two elections.

The Hon. F. T. BLEVINS: Not since he came here.

The Hon. N. K. Foster: And he is supposed to be a lawyer!

The Hon. J. C. Burdett: You must grant that it is two elections, the first one and then another.

The Hon. F. T. BLEVINS: I said, and it can be read in *Hansard* tomorrow, that since the Hon. Mr. Geddes was elected to this place, if elections run normally to 1981 —

The Hon. M. B. Cameron: But he was elected when he first came here.

The Hon. F. T. BLEVINS: I said that since he was elected to this place he had faced the electors only once.

The Hon. J. C. Burdett: That's not a relevant statement.

The Hon. F. T. BLEVINS: It is very relevant. He has had one election since he was elected to this place.

The Hon. R. C. DeGaris: You sound more like a crici.ct commentator every day.

The Hon. F. T. BLEVINS: What is meant by that?

The Hon. R. C. DeGaris: Have you never heard of John Arlott?

The Hon. F. T. BLEVINS: It is rather a lengthy list. We come now to the Hon. Mrs. Cooper. She was elected to this place, as no doubt you will recall, Mr. President, in March, 1959. No rebuttal? It was on a restricted franchise, of course, a very bad and evil franchise, with boundaries shockingly rigged. I read somewhere that the only way the metropolitan area could be divided up into two electorates to make sure the Liberals won was the way they did it. No-one else could win it. The Hon. Mrs. Cooper came here in March, 1959, and, assuming that the normal course of history is followed and the next House of Assembly elections are held at the proper time, the Hon. Mrs. Cooper will have sat here for the staggering total of 22 years, with only two elections since she was first elected to this place. That is a disgrace. You will remember the details, Mr. President, because your career and the Hon. Mrs. Cooper's career run in tandem. I have left you out of my account, in deference to your position. We now get to the honourable member whom I hesitate to call the villain of the piece, but he is certainly the most notable of the Opposition members—the Hon. Mr. DeGaris. He has had a marvellous run. The year 1962 was a very good year for him. He contested an election against the present Deputy Premier (Hon. Des. Corcoran) and got done like a dinner.

The Hon. M. B. Cameron: That's not fair.

The Hon. F. T. BLEVINS: The Hon. Mr. DeGaris was beaten, and there are no second prizes. He obviously decided that contesting House of Assembly elections did not suit him as a way of life, so he decided to become a member of this place; he did that in a by-election in 1962. His only opposition at the by-election came from two Independents: it was virtually no contest. The same

circumstances applied: rigged boundaries, restricted franchise, and virtually no opposition. If the Hon. Mr. DeGaris wants to claim that as an election, all right.

The Hon. R. C. DeGaris: At least I faced the people. That is more than you can say.

The Hon. C. M. Hill: What about me?

The Hon. F. T. BLEVINS: The Hon. Mr. Hill has been elected to this place democratically.

The Hon. C. M. Hill: You have been picking out only the cases that suit you.

The Hon. F. T. BLEVINS: I have referred only to those honourable members who have not been elected democratically to this place. Actually, the Hon. Mr. Hill has been elected democratically to this place, and he has every right to sit here, but he does not have the right to interject continually. He has the right to ask me to yield, but I will not do it.

The Hon. C. M. Hill: You are picking only the instances that suit your own case.

The Hon. F. T. BLEVINS: It appears to me that the honourable member does not want to hear the electoral record of the Hon. Mr. DeGaris. If the honourable member wants the Council to hear details of someone else's record, he should realise that he had an opportunity to give such details. I am picking out people who were not democratically elected to this place.

The Hon. C. M. Hill: I was elected under a restricted franchise in 1968.

The Hon. F. T. BLEVINS: But the honourable member has been legitimised since then. No amount of protest by him will prevent me from putting the Hon. Mr. DeGaris's record into *Hansard.* In March, 1962, the Hon. Mr. DeGaris was defeated at an election by the Hon. Mr. Corcoran. Deciding that elections were not the thing because he tended to lose, he decided to enter this place in 1962 at a by-election, standing against two Independents. It was virtually no contest. I wonder whether the Hon. Mr. DeGaris wishes to claim that that was a fair assessment of his popularity in South Australia.

The Hon. C. M. Hill: You are picking out only the cases that suit you.

The Hon. F. T. BLEVINS: But it is stirring the honourable member, is it not? The truth hurts.

The Hon. C. M. Hill: I have stood at three elections in less than 10 years. It just goes to show you've left out the people who don't suit your case.

The Hon. F. T. BLEVINS: I intend to go through every line of the Hon. Mr. DeGaris's record. I do not have to catch a plane until 8 a.m. tomorrow, and I am happy to stay here until then and give details of his record. In 1965, the Hon. Mr. DeGaris was unopposed: there was no point in opposing him.

The Hon. J. C. Burdett: Because he was too good.

The Hon. F. T. BLEVINS: What evils were there at that election? There were the usual evils—restricted franchise, crook boundaries, etc. The Hon. Mr. DeGaris did not have to stand at the 1968 election, and in 1970 he had served for only five years since the 1965 election and, therefore, he did not stand at the 1970 election, because of the provisions that we are trying to change today. In 1973, the Hon. Mr. DeGaris was opposed by the Australian Labor Party, and he won. Hopefully, the next House of Assembly election will be in 1978. when the Hon. Mr. DeGaris will not face the people, if this Bill is not passed. In 1981, he will complete his term and face the people. So, the Hon. Mr. DeGaris has sat here running this State for 19 years, with one election in 1973. Yet honourable members opposite try to tell us that they are opposing this Bill because of their claim that it has something to do with the A.L.P. wanting to abolish this Council. What nonsense! Some honourable members have been here for 19 years, with one election. I will let the record speak for itself. I must be honest: I have not listed the Hon. Mr. Whyte, because time is short.

The Hon. D. H. L. Banfield: He has a good record.

The Hon. F. T. BLEVINS: It is interesting to see how a person can be elected to this Council, disappear from sight, and not have to face the electors, except on rare occasions. It is not a bad job! We now have a clear understanding of what the Hon. Mr. DeGaris meant when he coined the phrase "permanent will of the people". One election in 19 years! That is permanent, all right. Of course, the Hon. Mr. DeGaris is on record as preferring no elections at all for the Council: he is on record as saying that he prefers honourable members to be nominated.

The Hon. R. C. DeGaris: In Port Augusta, how many elections did Mr. Ritchie face in 30 years?

The Hon. F. T. BLEVINS: The Leader did not bite when I said that he preferred no elections. He would prefer to be nominated; that is the kind of democrat he is, yet he wonders why honourable members on this side interject when he speaks. When he opposed this Bill, the Hon. Mr. DeGaris clearly showed the charade that has been played out in this Council over the years. I now refer to the *Hansard* report of the Hon. Mr. DeGaris's speech when he spoke on this Bill, as follows:

> The recent changes in the structure of this Council will tend to lead it to a position of becoming an extension of the dictates of the political Party machine.

The Hon. R. C. DeGaris: That's right. Don't you agree with that?

The Hon. F. T. BLEVINS: I will tell the Hon. Mr. DeGaris what I think about that. That comment was an aunt sally he put up to frighten himself. It comes close to being hypocritical to suggest that this Council has ever been anything other than a Party political House servile to the dictates of the L.C.L. Party machine, and such a suggestion is absolute rubbish. Anyone who knows anything about politics in Australia will know that such a suggestion is rubbish. Not only has the L.C.L. Party machine run this Council, but the most reactionary part of that machine has been the controlling faction here.

Each honourable member opposite was elected to this Council only because he was endorsed by his or her Party political machine. Apart from the Hon. Mr. DeGaris, I have not heard any member opposite say that he or she could win a seat in this Council without the endorsement of that member's political Party. With the exception of the Hon. Mr. DeGaris, all honourable members opposite know how ridiculous such a suggestion is. The Hon. Mr. DeGaris is on record as saying that he could win a place in this Council without the backing of his political Party.

The Hon. C. J. Sumner: Did he say that?

The Hon. F. T. BLEVINS: That is my understanding, and I shall be delighted if the Hon. Mr. DeGaris will correct me if I am wrong. The Leader will have an opportunity to show just how good he is, because I cannot believe that the Liberal Party will be so stupid as to preselect him again, and we will then see whether he has the courage of his convictions and whether he stands as an

Independent candidate. If he does, and if he wins, he can honestly say that he is aloof from any Party political machine.

The Hon. R. C. DeGaris: I can do that now.

The Hon. F. T. BLEVINS: Go right ahead. I am waiting to see that, and I will be the first person to congratulate the Leader if he does win. I admire excellence in everything (although I have not seen much excellence here) and, if the Leader stood as an Independent candidate and won, I would be the first to congratulate him.

The Hon. R. C. DeGaris: We have a system whereby we can stand for election to this Council without backing.

The Hon. F. T. BLEVINS: The Hon. Mr. DeGaris says that he can win. We will see whether he can win. We will use this legislation as a test case, and we will see how many Liberal Party members in this Council vote for this Bill, which is simple and democratic. There is nothing especially contentious in it: all it seeks is that half the number of Legislative Council members face the electorate each time the House of Assembly has an election. This will mean that Legislative Council members' period of office will be twice as long as that of members in another place. I shall be delighted to welcome any members opposite to this side as Independents.

The Hon. J. C. Burdett: In how many other Upper Houses does this apply?

The Hon. F. T. BLEVINS: I could not care less about what happens in any other Upper Houses in the world. Every other Upper House is crook, unnecessary and should be dumped.

The Hon. D. H. L. Banfield: What is the position in Queensland?

The Hon. F. T. BLEVINS: It is atrocious. The lack of an Upper House in Queensland is possibly the only redeeming feature of that State. An Upper House does not exist there, and even Bjelke-Petersen, with his authoritarian attitudes, said he would have no interest whatever in bringing in an Upper House, which involves a shocking waste of money on a pack of bludgers; say what they like, members opposite know this is true.

The inference from the speech of the Hon. Mr. DeGaris to which I have just referred is that there is something wrong with this Council being a Party political Chamber. What is wrong with electors making it that if that is what they want? If the people of South Australia elect a majority of Legislative Councillors who adhere to a political Party platform, that is their democratic right. The Hon. Mr. DeGaris should not rubbish the electorate if that is what it freely chooses.

Far better members with a political philosophy having a majority in this place in an open and honest manner than the previous situation where an extreme right-wing majority held the control by misleading some people into thinking that Liberal Party members in this place were, and somehow are, Independent. I believe that the people of South Australia do not want their representatives in this Council to hold their seats for longer than the period of two Governments. Such a period is more than enough time for a member to sit in this Council without having to face the people.

The opponents of this Bill will be seen by the people of South Australia for what they are: a bunch of Party political time-servers who are scared to face the electors in a democratic ballot. I believe that what I have said can be substantiated by referring to an article on page 57 of *The L.M. Story.* This article deals with a distribution for the House of Assembly, and its relevance will be seen almost immediately. The article states:

The Council districts were only marginally affected by the House of Assembly redistribution but most of the members of the Council eagerly wanted some new distribution of the Council seats which would preserve country members' representation above anything else.

The Hon. R. C. DeGaris: Who said that?

The Hon. F. T. BLEVINS: Frank Potter.

The Hon. D. H. L. Banfield: Is that the honourable Frank?

The Hon. F. T. BLEVINS: It does not say but, Mr. President, they were fine words, and I believe that whoever wrote that article knew exactly what he was talking about. He was privy to all the terrible goings-on that were happening in the Liberal Party at that time and, to some extent, they are still going on. I believe it is important that we take strong heed of those words, "which would preserve country members' representation above anything else", because they are relevant in considering this Bill. We have heard the Hon. Mr. Hill, and there are hundreds of his comments to which I could refer.

The Hon. C. M. Hill: You can say what you like, provided you can read.

The Hon. F. T. BLEVINS: I am reading all right. The type of people represented by the honourable member are to some extent egotists: they say too much and are followed from behind several years later by someone who sweeps up all the bits and pieces and trots out their sayings.

The Hon. R. C. DeGaris: There is always someone coming from behind.

The Hon. F. T. BLEVINS: Provided the Hon. Mr. DeGaris pays careful attention to what I say, he is welcome to come from behind and remind me of anything I have said. Anyway, Mr. President, I commend Frank Potter for saying that country members of the Liberal Party were interested only in preserving their seats above anything else. That is what this debate is all about today. The same members described by Frank Potter in his article are still here, and the same attitudes are still here. We have the Hon. Mr. Geddes who, by his own admission, receives support from the League of Rights.

The Hon. C. J. Sumner: Is that right?

The Hon. F. T. BLEVINS: I told the honourable member that I would give him a mention today, but he is not here at present. I cannot speak for other honourable members, but the Hon. Mr. Geddes said that he had received good support from them. It is recorded in *Hansard:* it is all here. He is not a country representative. He takes exactly the same attitude, and he still here. It is all in the papers of the Legislative Council. The Hon. Mr. DeGaris was elected 19 years ago, and he is still here. I commend this book to honourable members. I do not know whether it is still available. The Hon. Mr. Hill may have said it is not available, but it is still here.

The Hon. D. H. L. Banfield: There is nothing about Andrew Jones?

The Hon. F. T. BLEVINS: No. It is going very well, although I think some honourable members regret some of the things they said in it and snatched every available copy.

The Hon. J. A. Carnie: It is still selling well.

The Hon. F. T. BLEVINS: I am pleased to hear that.

The Hon. C. M. Hill: When did you buy your copy?

The Hon. F. T. BLEVINS: I got it out of the Parliamentary Library: I am a poor man. Of, course, the Hon. Mr. DeGaris is still here and he was the whole, sole, and only reason for that book *The L.M. Story.* It is a tragedy really, but it is well worth reading. Not one of them has faced the people in a democratic election;

they want only to preserve their country seats at all costs. I hope they will not be allowed to do so because it will be at the expense of the democratic right of the people of South Australia to change their representatives at reasonable intervals. On Tuesday last, the Hon. Mr. DeGaris had some difficulty in remembering from which book he got a quote from John Stuart Mill: it is in here, in Murray Hill's book.

The Hon. C. J. Sumner: What book is that?

The Hon. F. T. BLEVINS: *The L.M. Story.*

The Hon. C. J. Sumner: Who wrote it?

The Hon. F. T. BLEVINS: Murray Hill, Frank Potter, and some others. The quotation is in there.

The Hon. C. J. Sumner: Are they in the Liberal Movement?

The Hon. J. E. Dunford: They were.

The Hon. F. T. BLEVINS: I am getting confused with so much to-ing and fro-ing. Why the electors had anything to do with any of them I fail to understand. It refers here to the members of the Liberal Movement. The Hon. Mr. Sumner is obviously very interested in this. I promise him that in another debate I will read at length what some of the main players in the drama have said about each other. It is very instructive and I promise to read it to the honourable member.

The Hon. C. J. Sumner: Thank you.

The Hon. F. T. BLEVINS: Perhaps, just to jog the Hon. Mr. DeGaris's memory, one place where he quoted from John Stuart Mill was the Hon. Mr. Hill's quotation in *The L.M. Story.*

The Hon. R. C. DeGaris: I quoted it in 1950, also.

The Hon. F. T. BLEVINS: You have not read this book?

The Hon. R. C. DeGaris: I have.

The Hon. F. T. BLEVINS: Then you must have seen it in *The L.M. Story.* I am not suggesting that the honourable member has not seen it anywhere else. As a matter of interest, as his memory was lax, possibly it was in *The L.M. Story* that he saw it. There have been all these questions about interjections and yielding. It is an 800 kilometre round trip for me to go home at 8 o'clock in the morning. I have plenty of time. I support the Bill.

The Hon. J. C. BURDETT secured the adjournment of the debate.

SUCCESSION DUTIES ACT AMENDMENT 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 provides for very generous remissions of succession duties. There is no doubt that rapid inflation over the last few years has meant that the incidence of succession duty has fallen with increasing severity upon beneficiaries of deceased persons. The Government believes that relaxation of the incidence of duty is justified in two main areas: in the case of duty on a dwellinghouse passing to a surviving spouse, or to a relative who has a special claim to succeed to that property, and in the case of rural property.

The present Bill contains provisions that enable a half-interest in a family home of average value to pass to a surviving spouse without duty. Furthermore, there is an increase in the general statutory exemption from $12 000 to $18 000. This should mean that, where an estate is of average size, the surviving spouse or surviving orphan children (to whom the benefit is extended by the Bill) will take their shares free of succession duty. Thus a surviving widower is now to be entitled to the same benefits applicable to a surviving widow; I see this as a significant advancement in achieving equality between the sexes. An important aspect of the Bill is that these statutory exemptions are in future to be indexed and will be adjusted annually to accord with movements in the Consumer Price Index and with movements in the average value of residential properties in this State.

It should also be observed that the Bill will extend the new concessions in relation to dwellinghouses not only to widowers and to orphan children of the deceased but also to an adult son who has devoted himself to the care of the deceased over a period of 12 months preceding the death of the deceased. Such a concession was given to a daughter-housekeeper by the 1970 amendments, and there is no good reason why a son in the same situation should be discriminated against. A spouse adjudged to have been a putative spouse of the deceased on the date of his death under the proposed new Family Relationships Act will also be entitled to the concessions proposed by this Bill in relation to property passing to a surviving spouse.

The concessions proposed in relation to rural property are extremely generous. All previous limitations under which the rebate was reduced as the value of the succession increased have been swept away. Rural property will be assessed for duty at half the rate applicable to other property. Moreover, the existing provisions under which no rebate is allowable where the property is held jointly or in common have been removed. In their place a new provision is inserted providing for a proportionate rebate where rural property is held in this form of tenure.

Clause 1 is formal. Clause 2 amends the definition section of the principal Act. Amendments are made to the definition of "administration" and "administrator". These amendments are designed to ensure as far as possible that the provisions of the South Australian Act cannot be evaded by an administrator obtaining a grant of probate or letters of administration outside the State. New definitions of "spouse" and "putative spouse" are inserted The purpose of these definitions is to extend the succession duty concessions available to spouses under the principal Act to cover a long-standing *de facto* relationship. Clause 3 enacts new section 4b of the principal Act. This section provides, in effect, that the new amendments will apply in respect of the estates of persons dying after the commencement of the amending Act.

Clause 4 provides that a gift made by a person to his spouse at any time during his lifetime of a half-interest in a matrimonial home is not to be regarded as a disposition attracting succession duty. Clause 5 repeals and re-enacts sections 9 and 9a of the principal Act. The purpose of the amendment is to make it clear that actual or prospective delays in administering an estate are not to be taken into account in ascertaining the value of the estate. The amendment follows upon a recent judgment of Mr. Justice Zelling in which he held that such delays should be taken into account when making a valuation for succession duty purposes.

Clause 6 closes up a loophole in the legislation which has been exposed by a recent judgment of the High Court. A testator lent out large sums to his beneficiaries shortly before his death. The terms of the loan were so generous that the value of the debts to the estate was reduced practically to nothing. Thus the incidence of succession duty was effectively circumvented. The amendment enables the Commissioner to treat any such debt as if it had fallen due at the date of death. The amendment is similar to legislation that has already been adopted in several other States to overcome the problem.

Clause 7 makes drafting amendments to section 51 and inserts a new provision enabling the Commissioner to remit wholly or in part the interest payable on overdue succession duty. Clause 8 enables the Treasurer to fix from time to time the interest to be paid by the Government when there has been an overpayment of succession duty. Clause 9 makes an amendment consequential upon the proposed abolition of the status of illegitimacy under the law of the State. Clause 10 makes a consequential amendment to section 55c.

Clause 11 amends section 55e of the principal Act. A simplified definition of "dwellinghouse" is provided. The definition of "land used for primary production" is amended for two purposes: first, so that land will not be excluded from the definition by reason of the fact that it is devised contingently on the beneficiary surviving the testator for a short period (a common provision in many wills); and secondly, so that land will not be excluded from the definition by reason of the fact that it is held jointly or in common. Clauses 12 and 13 make consequential drafting amendments to the principal Act.

Clause 14 sets out the new scales upon which rebates of succession duty are ascertained. A surviving spouse or an orphan child under the age of 18 years may, where he derives an interest in a dwellinghouse, receive property of up to $35 000 in value without attracting duty. Where no such interest is derived, a surviving spouse or a child under the age of 18 years may receive property of up to $18 000 without duty. Other descendants or ancestors may receive property of up to $6 000 without liability to duty. These amounts are indexed: each year the Treasurer will publish a notice adjusting the values in accordance with movements in the Consumer Price Index and movements in the price of residential properties. In order to make the operation of this clause clear, I shall furnish each honourable member with an explanatory note that contains a number of examples showing how rebates will be calculated under the new provisions. It should be noted that under the principal Act as it now stands, a rebate is allowed in respect of moneys received under certain life assurance policies. No such rebate is allowed under the new provisions.

Clause 15 provides for rebates of duty on rural property. The rebate is to be a rebate of 50 per cent upon the duty otherwise payable. The provision by virtue of which the rebate is presently reduced as the value of the property increases is removed entirely. Moreover, the Act at present provides that there is to be no rural rebate in respect of land where the land is held jointly or in common. This limitation has been removed by amendments to sections 55e and 55n. A new provision is inserted providing for a proportionate rebate where the rural property was held jointly or in common by the deceased and other persons. Clause 16 makes consequential amendments to section 55k of the principal Act. Clause 17 makes a metric amendment. Clause 18 makes a consequential amendment to section 55n. Clause 19 makes an amendment consequential upon the provisions of the Family Relationships Act. Clause 20 increases to $2 000 the limit of the amount in a bank account that may be paid out by a bank without a succession duties certificates. Clause 21 makes a consequential amendment to the schedule.

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

JOINT HOUSE COMMITTEE

The House of Assembly intimated that it had appointed the Hon. G. R. Broomhill to fill the vacancy on the Joint House Committee in place of the Hon. Peter Duncan.

SEX DISCRIMINATION BILL

Adjourned debate on second reading.

(Continued from October 29. Page 1505.)

The Hon. C. M. HILL: I support the Bill, which sets out to remove, as much as is legislatively possible, unfair discrimination based upon sex or marital status. I note from its provisions that a Commissioner for Equal Opportunity is to be appointed and also a Sex Discrimination Board which will consist of three members. I would have thought that it might be advisable for the Government to express its intentions as to whether or not it was going to appoint men or women, or at least some women.

The Hon. D. H. L. Banfield: There's no discrimination.

The Hon. C. M. HILL: I feel this would have been an act of good faith in the matter. I noticed with interest, when I read the report on the White Paper printed by the United Kingdom Government in October, 1974, that that Government referred to its particular commission (although of course its number was to be more than three) and it specifically mentioned this point. Quoting from that report, under the heading "Equal Opportunities Commission" one sentence reads: "Both men and women should be substantially represented". I hope, even though the Minister failed to mention that matter in his explanation, that this is the South Australian Government's intention.

I commend the Government for the Bill on many points. I am pleased to see that the Act will bind the Crown. That is a principle I have supported in many Bills which have passed through this Council from time to time. In some of those Bills the Crown has not been bound. In this Bill it is, and I think without doubt that is the proper course to adopt. I also commend the Government for the orderly method of drafting the Bill. It is quite clear to follow in that its various Parts are dealt with under distinct headings, such as the criteria that are set down, the question of discrimination in employment, the matter of discrimination against agents and contract workers, and discrimination applying to partnerships. The Bill then deals with trade unions and employment agencies, and discrimination in education is dealt with, followed by discrimination in the provision of goods and services in relation to accommodation.

I also support the general exemptions set down in Part VII. I believe these exemptions are reasonable and sensible. I am very pleased to see that in clause 40 of the Bill it is made abundantly clear that the Commissioner must first attempt to resolve problems by conciliation. I certainly hope, when this machinery is set in train, that through the method of conciliation at least a great number of complaints which might be made will be settled by that means and that there will not be need for such complaints to be taken further and finish up before the Sex Discrimination Board. This is a procedure I welcome.

The only point of objection I have regarding the whole Bill relates to the clause dealing with regulations. I think that is the last clause in the Bill; it is clause 49. I want to make the point, and I am speaking in rather general terms, that Parliament has been passing Bills in the past year or two which provide for a regulation-making power, but which are worded in such a way (as is this Bill) that the Governor can make regulations as he considers necessary or expedient for the purposes of the Act. This means that any issue, whether relevant to the Bill or not, which the Government (and that is the interpretation one can place on the meaning of "the Governor" in this sense) believes ought to be introduced could be introduced and could withstand challenge as to whether or not at some future date that regulation falls within the province of the Act.

That is a defence any Government would like to have if it believed in government by regulation. Whereas regulations must run the challenge of disallowance within the Parliament, there are periods of time between sittings of Parliament which could mean that, for a certain period of time, regulations which are gazetted become lawful. The present Government came under some public criticism only a few weeks ago when the public gained the impression that the Government intended to go into recess for about eight months, and the period became popularly known as the eight-month holiday the Government expected to enjoy.

The Hon. C. J. Sumner: You had that all the time when you were in office.

The Hon. C. M. HILL: That is entirely untrue. The Liberal and Country Parties always favoured the principle of an autumn session, and if the honourable member looks back—

The Hon. C. J. Sumner: I will. I am going to do it immediately. I will be back.

The Hon. C. M. HILL: Perhaps he can produce something to show me where the L.C.P. in the last 10 to 15 years had an eight-month recess. Whether it is for eight months or for a period approaching that time, regulations gazetted are lawful within that period. It may well be that they can be disallowed when Parliament resumes, but for a period they are lawful. With the wording of this Bill, I believe that a Government could make any regulations whatever, because it is given the right to do that simply on the ground that the Government considers (and that is the relevant word) those regulations to be necessary for the purposes of the particular Act.

This trend of government by regulation should stop. The Government should be bound to bring down regulations which fall within the province of the Bill, and for that to occur I believe the words "he considers" should be deleted and the word "are" inserted. By that means I think we will be getting back to the old principle of regulations, and we would ensure that regulations brought down come within the ambit of the particular legislation. For a Government to have a defence as to whether those regulations come within the ambit of the Act, simply saying, "The law says that we can bring down regulations the Government considers necessary, and our case rests on that," is giving the Government too much power.

The Hon. C. J. Sumner: Back with the facts!

The Hon. C. M. HILL: I see that the honourable member who rushed away to try to disprove my claim has now re-entered the Chamber with a smile on his face and a book in his hand. Referring to my rough notes, it seems that I have just about concluded my speech, so the honourable member had better be quick. Perhaps he can make a special speech on the issue and use the material as the basis for that speech.

The Hon. C. J. Sumner: What was your allegation?

The Hon. C. M. HILL: The honourable member is trying to refute the fact, first, that the present Government has suffered a great deal of public criticism because of the impression that went abroad that, because of its numbers in the other House, the Government was seeking an eight-month holiday from Parliament. The second point was that the honourable member said that that procedure was adopted by the L.C.P. in years gone by.

The Hon. C. J. SUMNER: Will the honourable member give way? In connection with this matter I wish to quote from an article by Eric Franklin headed "Parliament needs a spell" in the *Advertiser* of September 11, 1975, as follows:

Labor, on coming to office in 1965, doubled the Liberal performance in terms of sitting days.

Does the honourable member wish to dispute that?

The Hon. C. M. HILL: The honourable member, by his interjection and explanation, is now on the topic of the number of sitting days, and I dispute that that can be claimed as a credit to the Labor Party. I argue this on the basis that the people are not necessarily better served by more legislation. This is a fallacy expounded by the Labor Party from the day it came to office in 1965, flushed with victory, and it was going to work, work, work, and work the Opposition. What it did not say was that the vast majority of its legislation involved more controls for the South Australian people.

The Hon. C. J. Sumner: And a better society.

The Hon. C. M. HILL: That is in dispute. I do not want to hear any Government members getting up in Parliament and saying, "Our record is a great one."

The Hon. C. J. SUMNER: Will the honourable member give way? I wish to quote from a document which indicates that the number of sitting days in 1962 was 48, in 1963-64 it was 52, in 1964 it was 37, in 1965-66 it jumped to 82, in 1966-67 it was 73, and in 1967 it was 57. Is the honourable member prepared to dispute those figures, and does he believe they indicate that Parliament, under a Labor Government, was almost doubly active as compared with any preceding Liberal Government?

The Hon. C. M. HILL: I dispute the claim that this State was better governed after 1965 than it was previously.

The Hon. C. J. Sumner: That is not the point.

The Hon. C. M. HILL: That is my point. In the year 1962 and thereabouts, this State had the best Government in its history. I base that upon its record. For how many years in the past, at how many elections, had the people seen fit to send it back time and time again?

The Hon. D. H. L. Banfield: What percentage of the vote got it back?

The Hon. C. M. HILL: Does not that spell success? On what basis do the people judge the success of a Government? Surely, the basis of success in elections is the yardstick. Are honourable members trying to say that, because the Playford Government came back time and time again, it was a terrible Government?

The Hon. D. H. L. BANFIELD: I ask the honourable member to give way, and I appreciate that he is willing to do so. He has talked of the number of times the Government was re-elected. Can he inform us of the number of times the Liberal Government was elected with less than 50 per cent of the votes?

The PRESIDENT: Order! I am pleased to see that some effort is being made to apply the new rules, but I am afraid that honourable members should be dealing with the Sex Discrimination Bill. For the last few moments I have doubted whether they have been dealing with that Bill.

The Hon. C. M. HILL: It is the numbers on the floor that count. The success of the Playford Government stands unchallenged in the history of this State.

The Hon. R. C. DeGARTS: Will the honourable member give way?

The Hon. C. M. HILL: Mr. President, was it your intention that honourable members should give way to members on the same side?

The PRESIDENT: Yes.

The Hon. R. C. DeGARIS: Can the Hon. Mr. Hill say when the Labor Party polled more votes than the L.C.L. did between 1938 and 1962?

The Hon. C. M. HILL: I understand that it happened on only one occasion, in 1962.

The Hon. C. J. SUMNER: Will the honourable member give way?

The PRESIDENT: I hope the honourable member is going to bring the discussion back to the Sex Discrimination Bill.

The Hon. C. J. SUMNER: Is the honourable member's statement based on actual votes and percentages, or is it based on an extrapolation of votes if all seats had been contested? If the honourable member says that his statement is not based on the latter assumption, he has made a false assumption.

The Hon. C. M. HILL: It is based on an extrapolation.

The PRESIDENT: Order! I think all honourable members must come back to the Bill. I ask the Hon. Mr. Hill to return to the subject matter of the Bill.

The Hon. C. M. HILL: Mr. President, I will defer to your ruling without question. Regarding clause 49, if Parliament goes into recess for a long period regulations can become lawful. I want to see regulations that must conform to the provisions of existing legislation. I do not want to see regulations which the Government can claim quite properly (because of what the legislation says) it considers are merely necessary or expedient for the purposes of the legislation. It is giving too much power to the Government, and it will lead to government by regulation; surely honourable members on both sides do not want that. Tn the Committee stage I will endeavour to amend clause 49 to meet my objection. I commend the Government for exercising a moderate approach to this matter. I hope that we shall see in the future more genuine equality of opportunity between the sexes in South Australia and, of course, more genuine equality in connection with marital status.

The Hon. ANNE LEVY: I trust that the hilarity that occurred during the contribution of the Hon. Mr. Hill is not an indication of the degree of seriousness that honourable members attach to this topic. As a member of the minority sex in this Chamber, I regard this as a serious matter and one which I hope will receive proper consideration from honourable members.

This Bill removes discrimination on the basis of sex and marital status in the areas of employment, education, and the provision of goods and services. In our society, women often encounter discrimination in these areas; men encounter it less often. The effects of such discrimination range from mere pin-pricking trivialities to major frustrations that affect the rest of an individual's life.

I pay tribute to the Leader of the Opposition in another place for his contribution to this topic through his introducing a private member's Bill to prohibit sex discrimination. Following the setting up of a Select Committee in the other place, a Government Bill, representing an improvement, was introduced, and it is that Bill which is now before us. I trust that the Leader of the Opposition in another place recognises that the present Bill is an improvement on that which he originally introduced.

Baroness Seear, who recently visited Australia, was asked to comment on the time taken between her first introducing a private member's Bill on this topic in the United Kingdom Parliament, and the stage where it became a Government measure, which will eventually become the law. She said that women had been waiting since Eve to have such a Bill brought in, and a wait of a few months longer was well worth while, provided the best legislation resulted. She was gracious enough to admit that the Bill before the House of Commons was better than that which she had originally introduced.

There has been general acclaim for the Bill now before us. The Hon. Mrs. Cooper quoted the conclusions of the Select Committee set up in another place in connection with Dr. Tonkin's Bill. Regarding discrimination in employment, the Select Committee's report states:

> The committee is satisfied from the evidence that discrimination exists, and that it is not necessarily limited to females, but finds it difficult to determine accurately how widespread that discrimination is.
>
> Views were expressed that in certain types of employment the failure to secure positions more often than not results from the fact that only a small proportion of females possess the necessary qualifications or experience. If this is the case the remedy is very much a long term matter. In fact it was stated that equality of opportunity is unreal at the present time in many occupations because so many women have not had the opportunity to be trained or to obtain experience that men have had for many generations.
>
> Some examples of discrimination given to the committee appear to be based on traditional attitudes rather than on any objective ground ... It was suggested by other witnesses that some employers are reluctant to promote women to executive positions, or some trade unions to appoint women to management committees, because it is claimed that the presence of women at meetings or other gatherings might inhibit discussion. Another point which was highlighted in the evidence was that often women do not apply for positions which they do not expect to get, so that in those cases it could be said that they are themselves responsible for what others may consider to be discrimination.

Regarding the latter point, I point out that the *Advertiser* has correctly ceased advertising vacant positions under the headings of "Men and Boys" and "Women and Girls" and now advertises these positions under the headings "Positions Vacant", without the mention of any sex.

A friend of mine in an employment agency has said that, as a result of this change, there has been an increase in the number of women applying for jobs where sex was not specified but where, nevertheless, the employer had been considering the appointment of a male. I was told that in at least one case an employer had been persuaded to consider a female applicant along with male applicants and that the woman had been appointed to the job, but it was stressed that this situation did not always occur. The report also states:

> Information was submitted to the committee to indicate that over the last 10 years the proportion of women in professional and executive positions has remained relatively unchanged.

Here is other evidence that discrimination has not decreased with time and that attitudes are not necessarily changing, as many people might wish. A few years ago I examined the proportion of women who formed part of the student body in South Australian universities. To my great surprise I discovered that the proportion of female students had hardly changed from 1934 to 1972.

If one ignores the war years and the immediate post-war years, when many returned servicemen were enrolled in universities, the actual number of women comprising the student population had increased greatly, but their proportion of the total student body had not changed in almost 40 years.

I draw the attention of honourable members to an interesting article, by Margaret Power, recently published in the *Journal of Industrial Relations.* In this article, headed "Women's Work is Never Done—By Men", Margaret Power presents a well documented case to this effect. Amongst other things, she has calculated the proportion of the female labour force which is employed in occupations that are predominantly female.

In 1911, females made up 20 per cent of the total labour force, and 84 per cent of the females were observed in occupations that were predominantly female. Margaret Power follows the figures through for the census years until 1971, a period of 60 years. By 1971, females made up 32 per cent of the total labour force, but 82 per cent of these women were engaged in predominantly female occupations.

In 60 years there had been little change in the segregation that occurs in the work force. Women had, and still have, employment in occupations that are predominantly female, and large areas of employment are closed to them. In her article, Margaret Power states:

A feminine occupation has been described by Epstein as one where the majority of workers is women and where, in addition, there is the associated normative expectation that this is as it should be. Thus female occupations are those in which work relationships require men to be in authority over women and where the nature of the work is often derivative of housework, for instance, work associated with food, clothing and cleaning and work which involves caring for the young and the sick.

A result of these views about the "natural" economic roles of women is that women are concentrated in a very narrow range of jobs. In 1971 more than one-third of women worked in just three occupations—clerk, saleswomen, and stenographer and typist—and over half of all women worked in only nine occupations . . . Most men work in occupations that employ very few women. But men have access to a much greater number of occupations than women do. In 1971, one-third of all male workers was employed in 16 occupations—

in comparison with three for the same proportion of women—

and half of the male labour force was employed in 41 occupations.

Margaret Power further stated:

While there is no evidence to suggest that occupational segregation is diminishing, there are signs that some occupations are becoming increasingly segregated to the further detriment of women. This is happening in some of the present female professions. Already men have begun to take high status administrative jobs in nursing, in social work and in libraries, jobs traditionally held by women. And this process is likely to continue.

In giving further examples, Margaret Power stated:

These facts provide tentative evidence that occupational segregation, far from disappearing, may be becoming even more intractable.

I hope that the Bill will do something to remedy in some way the situation of the double labour market that we have in Australia.

I should now like to give examples of discrimination in regard to employment which were given to the Select Committee.

I imagine that most honourable members have not read the detailed evidence presented to the committee. One example that was quoted concerned a woman who complained that, because she was female, she was required to retire at age 60, even though her male colleagues were permitted to continue in employment until the age of 65. As a result, and as she held a well paid position, she would have lost $56 500 as a result of her not being able to work for those five years. She considered that this was a most unfair penalty for being female.

Another example brought to the committee's attention was that the *Advertiser* and *News* do not permit women to operate newspaper delivery routes. In one case a man had died and his wife sought to continue his delivery route, but the newspapers refused to let her do this and gave the route to another man.

Another example dealt with a situation involving a Government department at Port Lincoln. True, this situation occurred about three or four years ago. Promotion was considered for a competent and capable woman, who had all the qualifications required for a higher position but, when the matter was referred to the Adelaide head office, advice was received that this woman should not be promoted, as the other women might be jealous; I have never heard of a man being refused promotion merely because his workmates might have been jealous of his success!

Another example concerns women working for the Australian Mutual Provident Society. Women employed by the A.M.P. are not permitted to smoke at work, yet no such prohibition applies to male employees of the society. Perhaps this is a trivial example, but it is indicative of the discriminatory attitude adopted in respect of women. The evidence given to the Select Committee suggested that there are still insurance companies which insist that women resign when they get married.

There was a case cited to the Select Committee of a girl who approached the Railways Department to apply for a job as a clerk in the department. That position was being advertised, and she was told that no female clerks were appointed there—full stop; her application would not even be considered.

Evidence was given likewise to the Select Committee that the commercial radio stations in South Australia do not take on women as cadet journalists, the reason given being that all journalists have to be able to read the news on the radio or on television and it is policy that no woman should be allowed to read the news; so the stations will not take them on as cadet journalists. This reason does not seem to me to justify the policy followed, and women have been successful newsreaders for the A.B.C.

Coming to the area of education, we look at another matter with which the Bill is concerned, that is, discrimination in education. I quote again from the report of the Select Committee:

Little evidence was produced to the committee alleging discrimination in the spheres of education and training for employment. In giving evidence the Deputy Director-General of Education (Mr. J. R. Steinle) indicated that instances of discrimination in schools are disappearing. For example, although the traditional division between boys' and girls' subjects remains he said that the same courses are available to both sexes in most schools.

I appreciate the comment there. I know it is not true in all schools yet, and I look forward to this Bill becoming law so that as from next year it will not be possible in any schools in this State to say that girls shall do cooking and the boys shall do woodwork, whether or not they wish to, and so it will remove discrimination and the elimination of choice for the individual.

We must remember, too, that women are not accepted into many apprenticeships. The overwhelming majority of girls who take on apprenticeships do so in hairdressing, but most other types of apprenticeship are closed to girls. This very much affects the training that girls get and the jobs for which they will have the qualifications to apply. We cannot hope to get equality of opportunity in employment until we have equality of opportunity in training for employment, so I. very much hope that in this area, too, there will be equality of opportunity for education and training so that girls can be trained for a much wider range of occupations and have more choice.

The third area with which the Bill deals is the provision of goods and services. Here again, there is discrimination against women. There are still a number of hotel bars in Adelaide that do not admit women, although in many

cases this has changed in recent years. When this Bill becomes law and is proclaimed, I imagine it will mean that such segregation in bars will become illegal, and I hope to be able to invite honourable members to accompany me to a hotel bar to see what happens.

The Hon. D. H. L. Banfield: Who's paying?

The Hon. ANNE LEVY: I shall be happy to pay for anyone who cares to come with me. There is a situation at the Blair Athol Hotel, where a certain section of the dining-room has been reserved for men customers only; women are not permitted in that section of the dining-room. I have a copy of a letter that a friend received from Lee's Hotels Proprietary Limited when she wrote complaining about this. It reads, in part, as follows:

> We regret that our policy of reserving an area of our total dining space available, for the use of our predominantly male clientele, is seen by yourself as a case of sex discrimination. This of course was never intended in this modern day and age.

But there was no suggestion of altering their practice.

The Hon. C. J. Sumner: What did they say it was?

The Hon. ANNE LEVY: They did not say anything.

The Hon. M. B. Cameron: They just said "Men only".

The Hon. ANNE LEVY: Their answer was totally irrelevant to the inquiry. Then there is a lovely example in the evidence to the Select Committee of a young married woman who approached Custom Credit for a loan to purchase a motor bicycle. She was told (again, this was at least three years ago, and the situation may have changed by now) that they would not give a loan to a married woman but they would give one to her husband.

She pointed out that she had a steady job with a reasonable income and, furthermore, that she was eligible for maternity leave if she got pregnant unintentionally, but still they would give a loan only to her husband. She further pointed out that her husband was unemployed, had been unemployed for three years and had no intention of getting a job as he was a freelance artist and she was the breadwinner. They still said they would give a loan to her husband but not to her.

There were numerous examples in the evidence given to the Select Committee of discrimination in the matter of finance, the provision of loans, mortgages, and so on—a constant repetition of the theme that a woman requires a male guarantor before she can get a loan. This practice may be changing, judging by the report of the Select Committee. A gentleman representing the Associated Banks agreed that discrimination against women in the granting of loans and mortgages may have been practised by banks at one time but now believes that most decisions to grant or deny credit are based only on financial considerations. He believes that this change in attitude has been a gradual one over recent years.

Some women stated in evidence given to the committee they were refused bank loans or mortgages, or more commonly were required to obtain a male guarantor regardless of financial circumstances, before credit facilities would be extended. One witness stated that she had been told that it was not the policy of the bank concerned to grant loans to women.

The Hon. C. J. Sumner: It still goes on.

The Hon. ANNE LEVY: I am sure it does, and many examples of fairly recent years can be quoted from the Select Committee's evidence. To introduce a personal note, I quote the sole example of my ever being discriminated against. I approached a bank for a loan and was told I could not get one without a male guarantor, but that a man with an income and security similar to mine would require no guarantor to get the sort of loan I wanted.

The Hon. C. J. Sumner: Did you ask why?

The Hon. ANNE LEVY: Because I was a woman. Other examples cited to the Select Committee include the case of a professional woman on a good income who wanted to take out a mortgage. The bank concerned insisted that she have a male guarantor and was happy to accept her father as a guarantor, even though he was an old-age pensioner.

I think in general the examples quoted to the Select Committee and numerous others which crop up all the time definitely show that a good deal of discrimination on the basis of sex still exists in our society in the areas of employment, education, and the provision of goods and services. I know the Hon. Mrs. Cooper quoted from the conclusions of the Select Committee in her speech, but I think it worth repeating the first couple of sentences of those conclusions, as they are extremely important. They are as follows:

> It appears to the committee that many women still see their major roles as wives, mothers and key members of a family. But it believes that those women who choose, or who are obliged through force of circumstances, to enter the work force, or who seek credit or other services on their own behalf should have equal access to opportunities for education and training, promotion and advancement in employment, and to credit and other services, without fear of discrimination by reason of their sex.
>
> The committee has concluded that further legislative action is necessary to remedy the current situation.

Hence the Bill before us.

The Hon. A. M. Whyte: Do you think the naming of hurricanes after females is a form of discrimination?

The Hon. ANNE LEVY: The Meteorological Department has risen to the occasion, and hurricanes now will be named alternately after males and females. If we look at the details of the Bill, we can see that it has the teeth required to remove injustices. Along with the Hon. Mr. Hill, I am very glad that the emphasis is on conciliation and quiet investigation before proceedings are taken in the case of a complaint to the board. To be effective, though, the board must have the power to award damages and to issue injunctions as a last resort, if necessary.

This seems to me preferable to the situation regarding the Australian Government Committees on Discrimination in Employment and Occupation, set up in 1973. They are much narrower in scope and refer only to employment. They have no powers to take action to correct cases of discrimination. They have only conciliatory powers and are unable to solve cases brought before them if conciliation does not work.

One important clause in the Bill is clause 46, subclause (1) providing that the Commissioner shall undertake a review of the legislation of this State with a view to identifying provisions that improperly discriminate in substance or effect against persons on the ground of their sex or marital status. I trust that the Commissioner will not be too busy investigating complaints brought to him (or her), but will find the time to undertake this review and that, as a result, before long the appropriate amending legislation will be presented to Parliament.

In conclusion, I understand that Dr. Tonkin's mother had died the day before he first introduced his private member's Bill into the other place but that, despite his bereavement, he spoke to the Bill, knowing she would have wished him to do so, and stating that its principles were very dear to her heart. In my own case it is just a week

since my husband died, and it is not easy for me to take part in this debate today. However, I know my husband would have expected me to do so and that he, too, had a life-long interest in and concern for equality of opportunity for women.

He always strongly supported me in any efforts on behalf of women; right from the time, more than 20 years ago, when we both read Simone de Beauvoir's outstanding book *The Second Sex,* he was as concerned as I have been about society's attitude to women and the secondary status accorded to them, which restricts the potential of so many members of the human race. We have both believed that, while attitudes cannot be changed overnight and are probably not much affected by legislation, this Bill is an important step towards changing behaviour in our community. Through such changed behaviour, more enlightened and humane attitudes will eventually become more widespread, resulting in a more just and civilised society. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

Clause 16—"Criteria for establishing sex discrimination."

The Hon. D. H. L. BANFIELD (Minister of Health): I move to insert the following new subclause:

(2a) A person discriminates against another on the ground of his sex or marital status if he discriminates against him by reason of the fact that he does not comply, or is not able to comply, with a requirement and—

(a) the nature of the requirement is such that a substantially higher proportion of persons of a sex or marital status, other than that of the person discriminated against, complies or is able to comply with the requirement than of those whose sex or marital status is the same as the sex or marital status of that person;

and

(b) the requirement is not reasonable in the circumstances of the case.

This provision was omitted, by error, in the other place. It refers to a type of discrimination not included in the Bill, and would permit the employer to get around the Bill in another way. That is why I seek to insert the new subclause.

Amendment carried; clause as amended passed.

Clauses 17 to 48 passed.

Clause 49—"Regulations."

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

In subclause (1) to strike out "he considers" and insert "are".

I repeat what I said in my second reading speech. I believe that the words "he considers" in this case give the Government the right to bring down any regulations it considers necessary or expedient for the purposes of the Act. If at any time after that the Government is challenged, even through the courts, as to whether or not the regulations are within the province of the Act, it can simply fall back on the defence that it was the Government's view, that the Government considered it necessary. In my view, it is impossible to argue against that situation. A challenge should succeed or fail on the facts that a court would fully consider. I also believe that these words have been creeping into legislation only in the last year or two.

The Hon. D. H. L. Banfield: That is not so.

The Hon. C. M. HILL: Is the Government willing to produce research figures on Bills passed in this Chamber in the last five years?

The Hon. D. H. L. Banfield: I can go back further than five years.

The Hon. C. M. HILL: If the Government can do that, I shall be happy. It is not proper for any Government, irrespective of its Party affiliation, to have such a wide power. Although I have not had time to check this out, I believe that, prior to a year or two ago, the wording in regulation clauses was to the effect that the Government could make regulations as were necessary or expedient: the words "he considers" were not included prior to a year or two ago.

I am not saying that there were not regulation-making powers prior to a year or two ago: I am saying that in the last year or two the words "he considers" have crept into Bills. When that happens, we have bad legislation. The Government ought to be bound by the provisions of legislation, and regulations should conform to the scope of the legislation. The recent trend ought to be stopped. It is in the cause of better government that we should go back to the previous practice. Surely no-one wants to see government by regulation.

The Hon. C. J. Sumner: Do you believe that the words you quoted make any real difference?

The Hon. C. M. HILL: Yes; the words definitely permit Governments to produce regulations that do not entirely conform to the provisions of the legislation.

The Hon. C. J. Sumner: The regulations must still be necessary or expedient.

The Hon. C. M. HILL: In whose opinion? Regulations should be able to withstand challenge in a court. If a matter goes to court and if the Government can fall back on the defence that it considered the regulations necessary or expedient, it is difficult for a challenge to succeed.

The Hon. C. J. Sumner: Do you have any authority on that point?

The Hon. C. M. HILL: No. It is obvious to me, as a layman.

The Hon. D. H. L. BANFIELD: I oppose the amendment. The Hon. Mr. Hill's claim that this has been going on only for the last year or two is incorrect. This has been the normal drafting practice for a number of years. I can refer to the Land Valuers Licensing Act, 1969. That legislation was brought down by the Hall Government, in which the Hon. Mr. Hill was a Minister. So, the practice to which the honourable member referred is not new.

The Hon. R. C. DeGaris: But the point that the honourable member made is new.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill said that the practice was new and had been followed only in the last year or two. He could not point out any challenge resulting from this type of wording.

The Hon. R. C. DeGaris: I don't think that makes any difference.

The Hon. D. H. L. BANFIELD: The Parliamentary Counsel considers that this is the correct wording. Section 61 of the Underground Waters Preservation Act, 1969, provides:

The Governor may make all such regulations as are contemplated by this Act or as he deems necessary or expedient for the purposes of this Act . . .

So, that gives the Governor the right to make such regulations. Section 25 of the Land Valuers Licensing Act, 1969, provides:

The Governor may make such regulations as he deems necessary or expedient for the purposes of this Act . . .

So, the practice has been going on for years. There are many other examples, and there have been no challenges in the courts, as far as I know. I therefore oppose the amendment.

The Hon. R. C. DeGARIS: I am not concerned about what the position was five years ago. The Hon. Mr. Hill has raised a question of whether this wording allows the Government to bring down regulations that are not strictly in accordance with the Act and, whether this has been done before or not, it is necessary that this question be satisfactorily answered. Will the Minister report progress to enable information to be obtained on this point? It is not a matter of our wishing to obstruct the Government. We would like to be certain that this provision does not do what the Hon. Mr. Hill thinks it might do.

The Hon. D. H. L. BANFIELD: I am advised that this provision does not prevent anyone from challenging such regulations in the courts. I cannot see any advantage in reporting progress. The Leader has brought forward nothing new. It has been pointed out that this has been the normal drafting practice for many years.

The Hon. C. M. HILL: I am disappointed with the Minister's refusal to allow members the opportunity to examine this question further. The words he quoted from older Acts are not identical with the words in this Bill.

The Hon. Anne Levy: "Deems" has been substituted for "considers". That is hardly a great change.

The Hon. C. M. HILL: It is not the same. "Deems", as I heard it, was secondary to the initial point made in the sentence. These are matters of legal interpretation on which I would like to take further advice. This matter was brought to my attention by a person with experience in this area. He expressed concern and pointed out the trend. I understand that the change was as definite as I had first pointed out, and was more definite in the last year or two.

I acknowledge the Minister's reference to older legislation indicating that there was similar wording (not identical wording) to that now before us. What is the reason for this change? Why was net the same wording used again? If we had more time, we could examine the matter and refer it to authorities. It may be that new wording makes the situation as I thought it might be. I am not an expert (I am only a layman). If we want to drift along towards a system of government by regulation, we will do as the Minister asks us, that is, whip this through and forget it.

The Hon. D. H. L. Banfield: You've had the Bill for some time.

The Hon. C. M. HILL: It came into the Committee stage five minutes ago.

The Hon. D. H. L. Banfield: Rubbish!

The Hon. C. M. HILL: It is not rubbish: it is the truth. The Bill came to the Committee about five minutes ago. In considering government by regulation we are dealing with a serious matter. We have heard that a recess might be taken for eight months, and we know that regulations can be gazetted and become law until such time as they can be disallowed, after running the gauntlet of 14 days on the table of this place, and there can be a period when people are affected by law. It should be the Committee's responsibility to ensure that those regulations fall within the provisions of the Act.

Because of the wording of this provision, it does not really matter whether it is new or old. If any Government can bring down regulations which it considers necessary, that is going too far and, if there have been words that have meant that included in previous legislation, it is about time that this place stopped the trend and did something about it. This is the time and place to do it. It is a pity that, as the mover of the amendment, I am not allowed more time to seek legal opinions on the matter.

The Hon. D. H. L. Banfield: Did you seek any before?

The Hon. C. M. HILL: I did have one opinion and, as I said, I would like a little more time to get further opinions. It is not too much to ask. How long has the State been waiting for such legislation?

The Hon. D. H. L. Banfield: Too long.

The Hon. C. M. HILL: What difference will another few days make? It will not make any difference whatever. We might be able to ensure that, when Governments bring down regulations in the future, regulations conform with the Act. I refer to the position of someone who is affected by a law created in this way and who challenges it in court. The Government can merely rest its defence on the fact that the Government considered the law to be necessary. What hope has an appellant got when the Government has such a defence available to it? That is the type of machinery that this Government apparently wants to push through today.

The Hon. C. J. Sumner: The same as in 1969.

The Hon. C. M. HILL: That might be so. I am not denying the wording, although it was not identical wording.

The Hon. C. J. Sumner: The same effect.

The Hon. C. M. HILL: I am not saying whether it has the same effect or not; I think that is arguable, and that does not necessarily mean that it is right. It does not mean that that is the best form of legislation this Parliament can produce.

The Hon. C. J. Sumner: Were you a member of the Government in 1969?

The Hon. C. M. HILL: Yes, I was.

The Hon. C. I. Sumner: A Minister?

The Hon. C. M. HILL: Yes.

The Hon. C. I. Sumner: Of what?

The Hon. C. M. HILL: Minister of Local Government and Minister of Roads and Transport, and I am proud of it.

The Hon. D. H. L. Banfield: You allowed that wording in then.

The Hon. C. M. HILL: Yes.

The Hon. D. H. L. Banfield: So it is all right for you?

The Hon. C. M. HILL: There is always room for improvement. If this Committee can improve this legislation, it should do so. My amendment improves this Bill and will see to it that, if and when the Government brings down regulations, they will be necessary or expedient for the purposes of the Bill.

The Hon. M. B. Cameron: And can be challenged.

The Hon. C. M. HILL: Yes, and can be decided, in all fairness, by the court. I do not want this Government to go to the court and say, "We do not care what you say about its being necessary or expedient; we consider it necessary or expedient, and the Act gives us this right." That would be the situation if the Bill was passed in its present form. I should like more time to look at it. I was disappointed with the Chief Secretary's reply on that point. If he will not give us until next Tuesday to look further into this matter, I shall certainly vote for my amendment.

The Hon. C. J. SUMNER: It has been pointed out by the Chief Secretary that similar wording has been used in Acts of Parliament for some time, especially in legislation introduced by Liberal and Country League Governments until 1970; in other words, the discretion was given to the Minister to introduce regulations to put into effect the purposes of an Act. There is nothing unusual about this in the legislative procedure: it has been done for a number of years. It is surprising that, having sanctioned it as a member of a previous Government, the Hon. Mr. Hill complains about it as a member of the Opposition.

The Hon. R. C. DeGaris: Not complain; that is the wrong word.

The Hon. C. J. SUMNER: The Hon. Mr. Hill's second point is that he has not had time to consider this matter or obtain sufficient legal opinion on it. There are members of his Party who are lawyers and, if he had turned his mind to it in the two weeks or so that this matter has been before this Council (and it has been before Parliament for a much longer time), I am sure he could have obtained some information on it; but he has not chosen to do so and now seeks to adjourn the matter to enable him to do that.

The substantive point is that similar words have been used in previous legislation; they do not take from the board the right to challenge the regulations on the ground that they may be *ultra vires* the Constitution. The Minister has the power to advise the Government to make regulations, which must be "necessary or expedient for the purposes of this Act". If there was a challenge in the court, it would still be up to the Government to say that the regulations fell within that formula. It does not give an unfettered discretion to the Minister to make regulations willy-nilly.

Although it is not a point I have considered in detail before today, I think the courts would adopt the attitude that that discretion must be limited by the substantive part of the clause—that the regulations must be necessary or expedient for the purposes of the Act. I do not believe the courts would expand that discretion so as to make the latter part of the clause meaningless. I submit that the Hon. Mr. Hill's concern about the matter is ill-founded.

The Hon. M. B. CAMERON: I, too, sought advice on this matter. My advice is that the view taken by the Hon. Mr. Hill is quite correct—that, if the words "he considers" are left in, that in effect gives the Government the right to make regulations if in the view of the Government those regulations are necessary, and so they must remain as they are. However, if the words are substituted, the regulations can be challenged. I accept this advice and urge the Committee to support the amendment; otherwise, the Chief Secretary should allow further time for consideration of this matter.

The Hon. C. J. SUMNER: Any discretion that the Minister has in this area must be a discretion that is used reasonably; in other words, it would not be sufficient for him just to go to a court and say, "I consider that it is necessary or expedient for the purposes of the Act." He would have to show that that discretion was based on reasonable grounds. Therefore, I believe that what the Hon. Mr. Hill has said is not correct.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill should surely know that any regulation, whether or not the Government considers it necessary, if it is inconsistent with the Act can always be challenged in the court. That is the main point. It does not matter who thought it was necessary or expedient: any regulation can always be challenged. I take exception to the Hon. Mr. Hill's saying that we are rushing this Bill through the Chamber and honourable members have not had time to consider it.

The Bill came before the Council on October 15. Is this to be the pattern? We have a fortnight in which to complete this part of the session. So, will every Bill have to be in this Council for a period longer than a fortnight so that honourable members opposite can make a last-minute perusal of it? If any valid reason had been put forward (and I have not heard one from members opposite) I would have been willing to look at the situation. I am in a difficult position, because I understand that two opinions have been taken, and it is not unusual for members of the legal fraternity to be on opposite sides. While there is no doubt that the Hon. Mr. Sumner is right, his view differs from that of the Hon. Mr. Burdett and perhaps from that of the Leader of the Liberal Movement in another place. There is no uncertainty in my mind about this being the correct course to adopt but, because of the uncertainty existing on the other side, I am happy to report progress.

Progress reported; Committee to sit again.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (MORATORIUM)

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

COMMUNITY CENTRES

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That this House resolves that the providing of community centres by the Government of this State shall be a public purpose within the meaning of the Lands for Public Purposes Acquisition Act, 1914-1972.

PERSONAL EXPLANATION: VOTING FIGURES

The Hon. C. J. SUMNER: I seek leave to make a personal explanation.

Leave granted.

The Hon. C. J. SUMNER: My personal explanation arises out of comments made during the debate on the Sex Discrimination Bill this afternoon, especially those made by the Hon. Mr. Hill. It relates to a reply he made to an interjection by the Leader of the Opposition as to the percentage of votes received by the Australian Labor Party over a certain period of time. Members opposite are continually misrepresenting the situation so far as this is concerned, and, as I have put the facts to the Council on a prior occasion, I feel that my personal—

The Hon. R. C. DeGARIS: On a point of order, Mr. President, I raise the matter of whether this is a personal explanation or adding to a debate.

The PRESIDENT: Order! I was listening intently, and I think the honourable member had almost strayed away from making a personal explanation, although perhaps he was about to make it. I hope that is the case.

The Hon. C. J. SUMNER: My reputation has been impugned by honourable members opposite during the course of the debate, because I had quoted in a speech I made on the recent Constitution Act Amendment Bill relating to electoral boundaries certain facts and figures concerning the percentage of the vote received by the A.L.P. over certain years. The personal point is that members opposite are impugning my reputation and disputing these figures. I wish to make quite clear the source of those figures, and I direct honourable members to page

1327 of *Hansard,* where I quoted from a book by two notable political scientists, Professor Neal Blewett (as he now is) and Dr. Jaensch, in which they give, I believe incontrovertibly, certain facts about percentages of votes obtained or being not obtained through calculations of the votes that would have been obtained taking into account that all seats were contested; in other words, honourable members opposite insist on using figures based on the actual votes obtained rather than taking into account what the situation would have been if all seats had been contested. The extrapolated percentages are shown at page 1328—

The Hon. M. B. Cameron: Is this a grievance debate?

The Hon. C. J. SUMNER: It is my personal explanation. That indicates that there were only two elections when Labor would have obtained less than 50 per cent of the vote.

The Hon. R. C. DeGARIS: On a point of order, Mr. President—

The PRESIDENT: I think the Hon. Mr. Sumner is starting to debate the question. He has made his personal explanation and has drawn to the attention of the Council that he quoted certain figures. He has indicated the relevant page in *Hansard,* and I think he should leave it at that point.

The Hon. C. J. SUMNER: I will defer to your ruling, Sir.

ADJOURNMENT

At 5.17 p.m. the Council adjourned until Tuesday, November 4, at 2.15 p.m.