LEGISLATIVE COUNCIL

Wednesday, April 27, 1977

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

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Blair Park South Primary School,

Christies Beach-Noarlunga District Sewerage Scheme—Phase II (Christies Creek Trunk Sewer).

QUESTIONS

CANS

The Hon. R. C. DeGARIS: Has the Minister of Lands a reply to my question of yesterday about regulations in regard to the Beverage Container Act?

The Hon. T. M. CASEY: The need for regulations under the Beverage Container Act is limited. Negotiations with the beverage industry are continuing, and regulations will not be tabled before the session is completed.

The Hon. R. C. DeGARIS: I thank the Minister for his reply. Will he say whether the Government intends to bring down the regulations relating to deposits on cans before the Council sits next session?

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

DROUGHT SUBSIDY

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Minister of Lands.

Leave granted.

The Hon. M. B. DAWKINS: Last year during the drought some constituents in the northern end of the Barossa Valley in the Truro area had to cart water to provide necessary drinking water for drought affected stock. These people were informed in a copy of the *Stock Journal* last year that farmers could claim a subsidy on water carted for drought affected stock. I understand that, after they had applied to the Agriculture and Fisheries Department, an officer sent them subsidy forms and advised them to cross out the word "fodder" wherever it appeared and substitute the word "water". These forms were sent to the Agriculture and Fisheries Department and then to the Lands Department. In due course the applications were refused. I believe that there has been notification that, where water is carted for drought affected stock (I stress that I am not referring to water that is carted because it is normal practice), assistance will be given. As it was refused in the cases to which I have referred and as the water was definitely for people who had to cart it because of the drought, will the Minister further investigate this matter and see whether anything can be done?

The Hon. T. M. CASEY: The only time that a subsidy has been granted in the case of cartage of water was for farmers on the West Coast some years ago during a drought, when water was carted to a central point. The farmers were then required to cart the water from that central point to their properties. There has never been a subsidy on the cartage of water for drought affected stock in the kind of case to which the honourable member referred. The department refused the application on those grounds.

PRISONERS

The Hon. J. C. BURDETT: Has the Minister of Health a reply to my recent question about prisoners?

The Hon. D. H. L. BANFIELD: There is no specific course dealing with filling in forms. The understanding of the written word is part of the remedial education programmes undertaken by departmental education officers in institutions.

RAILWAY CLOSURES

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

Leave granted.

The Hon. A. M. WHYTE: I have received a request from the Frome District Committee of the Stockowners Association of South Australia. The letter states:

You are no doubt aware of the current investigation by the Australian National Railways Commission which could lead to the closure of certain railway lines in northern areas. We as a committee are extremely anxious that people who live in these areas should not lose such a vital transport link. Accordingly, we seek whatever aid you can give to ensure the closures do not come to pass. Our immediate concern is the Gladstone-Wilmington line. Closure of this line would cause increases in council rates as district gravel roads would have to be upgraded to cope with the increased number of heavy semi-trailers which would be needed. We believe the line handles an average of 26 000 tonnes of grain a year as well as wood, livestock, fertiliser, machinery and consumer items.

Can the Minister indicate at what stage these investigations have reached and, in the light of the figures to which I have just referred, will he bear in mind the concern of people in the area and use his good offices as Minister to ensure that these facts are fully considered during the inquiry?

The Hon. T. M. CASEY: I will refer the honourable member's request to the Minister of Transport and bring down a reply.

WAGES-PRICES FREEZE

The Hon. J. A. CARNIE: I seek leave to make a brief statement before directing a question to the Chief Secretary, as Leader of the Government in this Chamber.

Leave granted.

The Hon. J. A. CARNIE: On April 14 in a report in the *News* dealing with the wages-prices freeze agreed to by the Prime Minister and the Premiers, the Premier is quoted as follows:

The Premier, Mr. Dunstan, said today there would be no exemptions in South Australia from the three month prices-wages freeze announced last night. He urged members of the public to report any price increases to the Prices and Consumer Affairs Department.

The report continues:

Mr. Dunstan said he was prepared to condemn publicly any company which came out and increased prices.

I refer to the A.C.T.U.-Solo petrol station on Port Road, Alberton. I understand that only six days after the Premier's statement, that company increased the price of super grade petrol from 13·5 cents a litre to 13·9 cents a litre; and standard grade petrol was increased by a similar amount. In view of the Premier's statement, will the Minister check whether or not that company did increase the price of its petrol after the direct request was made by the Premier and, if it did, will the Premier honour his promise to condemn publicly any such company?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

ILLEGAL GAMBLING

The Hon. N. K. FOSTER: Has the Chief Secretary a reply to my recent question on illegal gambling?

The Hon. D. H. L. BANFIELD: I can give the assurance required yesterday by the President, Mr. Acting President, that no summonses have been issued in this matter. On April 13, 1977, the attention of the Vice Squad was drawn to people congregating in a disused railway tunnel in the Panorama area. They made observations and subsequently entered the tunnel and saw 50 to 80 people, most of them holding plastic cups that were suspected of containing beer. They also saw in the tunnel several poker machines and, as a result of these observations, two people were subsequently reported as being the principals involved. One of them was a promotions manager for a league football club, and the function was a fund raising benefit for the club. Reports have been submitted for breaches of the Licensing Act and Lottery and Gaming Act and are at present under consideration in respect of retailing liquor without a licence and exhibiting an implement for unlawful gaming.

WOUNDED POLICE OFFICER

The Hon. N. K. FOSTER: Has the Minister of Health, as Leader of the Government in the Council, a reply to the question I asked on April 13 regarding the pension rights of the police officer wounded in a recent shooting?

The Hon. D. H. L. BANFIELD: Should the police officer be declared medically unfit to resume duty, he would be retired under the Police Pensions Act and receive benefits provided for under that Act. He would still be able to pursue further claims under the Workmen's Compensation Act.

The Hon. N. K. Foster: What amount would he get each week under that scheme?

The Hon. D. H. L. BANFIELD: I do not have that information now.

PONIES

The Hon. A. M. WHYTE: I thank the Minister of Lands, representing the Minister for the Environment, for the reply he gave to my question regarding the future of ponies on Coffin Bay peninsula. In part of his reply, the Minister pointed out that, in the short term, the ponies would be allowed to stay on the peninsula. However, concern has been expressed by certain people that that is not an assurance that the ponies, which have been running wild in that area for 70 or 80 years and which have become part of the environment of the area, will not have to be removed completely, the Minister's reply having dealt only with the short-term future of these animals. I should like a further assurance, if that is possible, from the Minister that provision will be made for the ponies to remain on the peninsula.

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply. However, I should add that I was under the impression, when replying to the honourable member's question previously, that in the short-term the ponies would be allowed to remain and that there would be a further assessment of the situation in relation to whether they should remain there or be taken elsewhere. I can see the significance of the honourable member's question, namely, that the ponies have been in this area for a long time and they are a part of its environment. This reminded me of the bang-tail cattle in the North-West of Australia, which originated from Indonesia but which have been in the North-West of Australia for many years. They, too, have become a part of the environment in that area.

PRESIDENT'S OVERSEA TRIP

The Hon. N. K. FOSTER: Mr. Acting President, honourable members will realise that the President intends to shoot through overseas for a while. Are you, Sir, occupying the Chair because the President has already gone, or is the President likely to be in the Chair before this sitting concludes? In other words, is the President likely to return so that I can direct a question to him?

Members interjecting:

The Hon. N. K. FOSTER: Now that the President has returned to the Chamber and, indeed, to the Chair, the question that I have just asked does not need to be answered.

The PRESIDENT: The Hon. Mr. Foster.

The Hon. N. K. FOSTER: I was concerned: I thought you had shot through. I understand from the grapevine that you will not be able to be with us tomorrow at the conclusion of this session. I also understand that you are going overseas.

The Hon. D. H. Laidlaw: If you didn't talk so much, we would finish today.

The Hon. N. K. FOSTER: Just keep quiet. I was wondering, Mr. President, whether you would be good enough to tell the Council the reason for your trip and whether it would entail a matter in which you showed some interest yesterday, namely, a question I asked about whether a matter would be *sub judice* because it was, or was likely to be, before the court. During the course of debate on this matter, you said that you would get information about the *sub judice* rule. I have been wondering whether, on the information available to you and on your tour overseas (which I understand will involve many Speakers and other people), you will seek clarification on how the *sub judice* rule operates in Houses of Parliament under the Westminster system and perhaps in other areas, and whether you will tell the Council the result. I have no doubt that you will give a full and proper report.

The PRESIDENT: All I can say to the honourable member is that tomorrow I will be proceeding overseas on Commonwealth Parliamentary Association business. As

honourable members know, the Clerk left a few days ago, and he will be attending the same conference. The matter of the *sub judice* rule was discussed at the last conference of Presiding Officers and it will be discussed at this conference. I have no doubt that I will come back full of information for the honourable member.

The Hon. N. K. FOSTER: As an answer has been given to the question I asked yesterday, I assume that you will take note of that in any submission that you make to the conference.

The PRESIDENT: I did not hear the answer, but I suppose I will read it in *Hansard*.

MOTOR VEHICLE FEES

Order of the Day, Private Business, No. 1: Hon. M. B. Dawkins to move:

That the regulations under the Motor Vehicles Act, 1959-1976, in respect of fees, made on December 16, 1976, and laid upon the table of this Council on March 29, 1977, be disallowed.

The Hon. M. B. DAWKINS moved:

That this Order of the Day be discharged.

Order of the Day discharged.

FIREARMS BILL

Adjourned debate on second reading.

(Continued from April 26. Page 3678.)

The Hon. A. M. WHYTE: The Minister, when introducing the Bill, said that it was designed to give stricter control of the possession and use of firearms, and one could hope that from the legislation might stem greater control over the use of firearms. However, I find it difficult to discover anywhere in the Bill any provision that will control their use. There will be much more control over the possession of firearms by legitimate licence holders. Undoubtedly, this control will be achieved, but the concern that the Minister has expressed about the misuse of firearms is not corrected by anything in the legislation. Nothing that shows that they will be more effectively controlled. It is perhaps a fact that it was not tried to be established here. I imagine that, because we shall have a very comprehensive licensing system, it may be of some aid to our ballistics experts. These people perform most incredible analyses of the discharge of weapons and spent missiles and, to a large extent, I believe they are responsible for the solving of many of our crimes. If the legislation will in some small way assist these experts then I presume that it is worth while.

The legislation will demand that not only will a person in South Australia need to register a firearm but, and I would like the Minister to clarify this, as I read the Bill the purchaser of a firearm will require a licence in the first place before he purchases a firearm. He will then need to register the firearm. I had imagined that since the Act will be repealed, the need to register should not be necessary because there is provision for licences instead. No doubt the Minister will be able to tell me in full detail what is intended when he replies.

It appears that a person in the first place would have to obtain a licence. He would then purchase the firearm and have 14 days in which to register it. I would think most of the firearms in South Australia are presently registered. I would think it would be the intention of most people who use firearms to register them. The present provision gives the Registrar some opportunity to assess the applicant's suitability to purchase a firearm.

Just how much time the Registrar would need to process the identity and record of a person applying for a licence I do not know, and I would like the Minister to tell me all about this, because if a person walks into a local police station and applies for a licence to obtain a firearm, does this mean that his application would then be forwarded to the Registrar, the Registrar would then assess the situation and forward or reject the licence? It seems to me to be a pretty slow and unwieldy process in view of the method that we are presently using.

The fee, I understand, will be set by regulation and, therefore, we do not really know if there is any revenue in it for the Government or not. It would be hoped that this is not the intention. I give the Government credit that that is not its intention, though I do not say it will not capitalise on it if it gets the opportunity. I think the Bill is a result of a move by all States which are also discussing similar legislation. In fact, Western Australia has similar legislation. I understand that Queensland is presently discussing the possibility of introducing legislation fairly closely aligned to the Bill we see before us. It is a wellknown fact that criminals have never had any problems in obtaining firearms or any other lethal weapon. Unfortunately, there is nothing in this Bill that will preclude them from doing that.

One clause of the Bill deals with silencers; the Bill precludes their use. Once again, I point out that silencers have always had a very limited use with firearms. They are suitable only for the low-velocity type of ammunition. They are not used generally, but I am satisfied that perhaps silencers should be removed from the list by this Bill. Just about any person can make a silencer, so there is not much gain in that part of the Bill.

It is difficult to assess just what will be achieved. I will support the Bill because it may, as I say, assist in some way. I am certain it will have nothing to do with the elimination or reduction of the use of firearms and the accessibility to firearms by criminals. I should like to quote from an article written by a British policeman, Colin Greenwood, who is a Chief Inspector in West Yorkshire. He took time off to research this problem and make certain comments on the possibility of reducing the incidence of fatal shootings in Britain. Part of his article is as follows:

> No matter how one approaches the figures, one is forced to the rather startling conclusion that the use of firearms in crime was very much less when there were no controls of any sort and when anyone, convicted criminal or lunatic, could buy any type of firearm without restriction.

That is a rather startling statement of the situation as this man was able to analyse it. I understand he took some time and did a great deal of research for his article, which continues:

> Half a century of strict controls on pistols had ended perversely, with far greater use of this class of weapon than ever before. The system of registering all firearms . . . as well as licensing the individual takes up a large part of the police time involved and causes a great deal of trouble and inconvenience. The voluminous records so produced appear to serve no useful purpose. In none of the cases examined in this study was the existence of these records of any assistance in detecting a crime.

That is quite a startling statement. Often, we leave much of our legislation about 10 years in arrears and we always seem in Australia, and especially in South Australia, to have to go through the process of testing. No matter how

many times it has been proved that legislation does not apply in practice, we have to run a test case, and I think that perhaps that is exactly what we are doing at present. Having had a lifetime of experience with rifles, shotguns and firearms of many different types and calibres, I am certain that the approach we should be taking, if we are to safeguard the public against the misuse of firearms, is to consider a method of educating people who are licensed, so that they will take every precaution with these lethal weapons. People must receive instructions before they are licensed to drive a car, but there is no provision in the Bill for educating people about firearms and about the seriousness of their responsibilities.

Before the National Parks and Wildlife Act made it necessary for a person entering a property to have the property owner's permission for that person to go shooting, we were often plagued by people who came from all parts of the State to shoot in our area. At one stage a Shell road map showed a nearby area as being an area that was good for shooting. People who had little knowledge of fireams drove around with highpowered rifles and shot at anything. Therefore, the National Parks and Wildlife Act has provided a valuable restraint on this type of shooter and probably it has considerably reduced the sale of firearms. However, nothing in this Bill will promote the safer use of firearms.

We should bear in mind the serious accidents that can occur as a result of people's lack of knowledge of firearms. The Government should consider this aspect. There is no restriction as regards a person applying for a licence; it will be slow and unwieldy for the person to obtain that licence, but I do not think many people will be denied a licence. Having received a licence, a person is no safer in his handling of firearms. Further, an unlicensed person who wishes to use a rifle may obtain one from a licensee. In my opinion, criminals will still be able to obtain firearms without a licence. It is unlikely that a known criminal would apply for a pistol licence, because he would not be granted one. There are many sources, I am told, from which such people can obtain firearms.

In Switzerland, adult male members of the family are issued with current military rifles and are entrusted with the maintenance of those rifles. Further, the adult males in that country are trained in the use of the rifle. As a result, the incidence of armed robbery in Switzerland is very low. From experience, I would say that I know of no greater deterrent to a person who is likely to pull a stocking over his face and sneak through a door than for him to think that just inside that door there could be a very capable marksman with a gun as lethal as the one that the criminal is carrying. Criminals should bear in mind that society will not for ever sit back and have homes broken into and people molested.

Criminals will find that remedial action will be taken by householders if there are more and more muggings and breakings. True, householders will have to obtain licences, but this Bill will in no way prevent criminals from attacking people. So, more and more people will arm themselves to protect their families and their homes. This Bill will perhaps assist ballistic experts and it will create a register and a licensing system that will give the police and other authorities better knowledge of people who legimately own firearms; what gain will come from that is questionable. There is nothing in this Bill that one could oppose, and I believe that the police are convinced that it will assist them. Because the Bill may be of some small assistance to authority, I support it.

The Hon. ANNE LEVY: I support the Bill, which requires people to be licensed before they can purchase firearms. The provisions contained in the Bill are not as tight as those applying in Western Australia, which has the strictest gun laws in Australia. In Western Australia a licence must be obtained before one can purchase a firearm and it must specify the actual firearm and its serial number before the purchase is made. Such detail is not required under this Bill.

The Bill provides for the licensing of firearm dealers, with which I am sure all honourable members agree. Between 1962 and 1972, 473 people in Australia were killed by firearms. That is about the same number of Australians that were killed in the Vietnam war. However, a study in Sydney showed that 30 per cent of those fatal shootings were by people who had less than one years experience with firearms, and 70 per cent of the shootings were by people with less than four years experience with firearms. These figures suggest that training in the use of firearms is essential.

I agree entirely with the remarks of the Hon. Mr. Whyte in this regard, and I hope to see, in future, legislation providing for the proper training of people to use firearms or, alternatively, the encouraging of organisations such as gun clubs to train people in the correct and responsible use of all firearms. Reference has been made to the differences in firearms legislation applying in the various States. Although uniformity is undoubtedly desirable, it does not seem possible to achieve it at present because of the wide variety of provisions in force throughout Australia. Queensland and Tasmania are at one extreme and provide a situation of almost open slather regarding the purchase and use of firearms.

New South Wales and Victoria have legislation basically similar to the provisions contained in this Bill, so South Australia's legislation in relation to firearm purchase will be similar to that of the two most populous Australian States. As I have already stated, Western Australia has the tightest legislation. Dr. Paul Wilson, a well-known Australian criminologist, has examined many statistics relating to firearms, and he has shown that the ratio of gun deaths to population is three times greater in country areas than in city areas. This is not a reflection on the irresponsibility of country people: it merely indicates that in country areas many more people have guns. We can see that the more guns that there are in the community the greater the likelihood of deaths resulting from irresponsible use or mis-use of these weapons. In expressing his attitude in relation to gun legislation, Dr. Wilson states:

> The sort of legislation I would like to see ideally is for firearms to be held at the sporting clubs and checked in and out when they are needed. I do not see any argument against that in city areas. At the very least there must be registration of both guns and owners.

I have much sympathy with Dr. Wilson's view, which merits much further discussion in our community in relation to the use of guns in city areas. This Bill does implement the least that Dr. Wilson urges in this matter. The figures referred to by the Minister in his second reading explanation show that an increasing use of firearms, other than pistols, is occurring in crime statistics. Licences are now required for pistols, but not for other firearms, but the Minister's figures suggest that it has been far too easy to obtain firearms in South Australia.

Hopefully, the licence system will prevent many people from obtaining firearms who can now readily do so and who use them for criminal purposes. I refer to the South Australian statistics on accidental shootings, suicides and criminal offences, where death or injury resulted from the

use of firearms. Data collected by the police indicates that in a three-year period 178 incidents were reported, and 57 of these involved unregistered firearms. Those who say that these figures illustrate that many criminals obtain firearms illegally and use unregistered firearms are missing the point of these figures.

True, one third of these deaths and injuries may involve unregistered firearms, but the reverse position applies: two thirds (involving 121 persons) of these incidents involved registered firearms. Obviously, these weapons were in the hands of people who should not have had firearms and who could not be trusted to use them responsibly. Hopefully, as a result of this new legislation people like those 121 persons will not get licences for firearms in the future and, if this legislation had been in force, they would not have got them hitherto. If the police keep tight control and are selective about who is permitted to have a licence, the number of deaths and injuries from legally registered firearms will decrease.

The question of ammunition is not dealt with under this Bill, but it too should be the subject of wide public discussion. In Western Australia a firearm licence is required to be produced before ammunition can be purchased. In the United Kingdom purchase and possession of ammunition is authorised only on the production of a firearm certificate. Further, the certificate specifies the quantity of ammunition the holder can purchase or can have in his possession. A person dealing with ammunition in the United Kingdom must be a licensed firearms dealer, and all ammunition transactions must be recorded in a register kept by the dealer, as well as noted on the firearms certificate. I would like to see a similar situation in force in South Australia. Obviously, a gun without ammunition cannot do much damage, and the control of ammunition is an important means of reducing random acts of vandalism involving the use of ammunition.

I refer to the destruction of road signs, water tanks, and so on, which inconveniences the general public so much. I should emphasise that the Bill introduces controls that present no threat whatsoever to the legal uses of firearms. The number of registered and lawfully held firearms far outnumbers the number of crimes in which firearms are used. Although it is certainly inevitable that firearm controls will cause some inconvenience to those with perfectly law-abiding and valid uses for them, the degree of inconvenience is not large when compared to the risk to the community of our failing to have adequate controls.

It can be argued (indeed, it has been stated) that the changes in the Bill may cause inconvenience to and be time-wasting on the part of the police. However, the extra work involved must be balanced against the dangers (particularly to the police themselves) of not putting obstacles in the way of criminals who wish to use firearms. There is evidence in the United Kingdom that in a significant number of cases firearms are used criminally or irresponsibly because they happened to be available rather than because those concerned were determined to obtain them by hook or by crook.

No system of legal controls will be wholly successful in preventing all criminals from obtaining firearms. However, society should make it as difficult as is reasonably possible for criminals to lay their hands on these weapons. It might perhaps be argued that the object of the law should be to deter and punish the unlawful use of firearms. However, I argue that this should not be the sole approach to the problem of firearms. We need a licensing system to ensure that, as far as practicable, firearms are not available to irresponsible people, known criminals, or even those who are mentally ill, in other words, to those who cannot be trusted *a priori* to be responsible in their use of firearms. I should like to conclude with a quotation from a United Kingdom Green Paper entitled "The control of firearms in Great Britain—1973", as follows:

> In its present form, the law in some circumstances allows unsuitable persons to possess firearms, or persons to possess firearms without having a legitimate use for them, or to possess more firearms than required for such uses, or to take inadequate precautions against theft or misuse. The main object of firearms controls should be to ensure, as far as practicable, that the possession of lethal weapons, which can be and are used criminally and irresponsibly to the danger of the community, is restricted to suitable persons who have legitimate use for them and who will keep them safely.

This applies at least equally as well in Australia. I support the Bill.

The Hon. J. C. BURDETT: I, too, support the Bill, although with some reservations. I do so because it seems to me that there is a general consensus of opinion among the community that greater controls on the right to own and hold firearms, to purchase and deal in them, and so on, are necessary. I suppose that this is so, although it has not been demonstrated that any great problems have arisen under our present system. Certainly, anyone who seriously supposes that the incidence of crimes of violence with firearms will be reduced because of the introduction of this Bill is sorely deluded. I wonder how many crimes that are committed with firearms are committed with registered firearms. Criminals who want to procure firearms for use in the execution of their crime will get those firearms one way or another, whether or not a system such as this exists.

The Hon. J. R. Cornwall: They usually get their silencers from other States.

The Hon. J. C. BURDETT: That may be so. I will comment on that aspect later.

The Hon. N. K. Foster: It's a pity that they don't put a silencer on DeGaris, so that we can hear what is being said.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The Hon. Mr. Burdett has the floor.

The Hon. J. C. BURDETT: I will deal in a moment with the matter of silencers. This Bill will ensure that a complete register is kept of firearms owned by persons in this State who hold them for legitimate purposes.

The Hon. N. K. Foster: And illegitimate purposes.

The Hon. J. C. BURDETT: That is not so. People who hold firearms for illegitimate purposes will not register them; that is my point. Almost the only thing that this Bill will do will be to ensure the keeping of a complete register of firearms held by people for legitimate reasons. Although it will be of some benefit to have this complete register of firearms owned by persons who want to use them properly, I emphasise that the Bill will not do much more than that. Many people either need or want to use firearms for proper purposes, and they should be able to continue to do so, as they have done in the past. They should be able to continue using firearms for proper purposes, and to purchase, hold or sell them, without being subjected to undue expense or bureaucracy.

When the regulations are brought down, I will scrutinise them carefully. As I would expect, and as is proper with a Bill of this kind, which deals with matters of detail, much of the guts of the Bill will be in the regulations. Many people wish, quite properly, to own a number of firearms. I can think of people who might loosely be called "collectors": people who just love firearms. There

is nothing wrong with their doing that. Some people have 12, 50 or even more firearms, and I wonder how they will be treated. Will they be subjected to heavy registration fees that will make it almost impossible or too onerous for them to be able to continue to maintain their collection? Most of these peple are responsible, and it is not often that crimes are committed by people who obtain their firearms for such collections. Indeed, the owners of collections are probably more accident-free with firearms than are most casual users of them.

It would be almost a tragedy if collectors of firearms of this kind were required to fill the barrels with weld, or something of that kind, rendering the collection almost valueless. I wonder whether the Government, in considering regulations, will consider having a single fee to be paid for each period by owners of firearms, irrespective of the number of firearms held. The Government might also consider providing for a collector's licence. I believe that the Government is considering having five categories of licence and, if it does that, I hope that collectors will be in one special category, because most of them are responsible people. I am not a connoisseur of firearms, but I own three. I cannot recall having fired a weapon this year, but I wish to continue to hold them.

The Hon. N. K. Foster: Why?

The Hon. J. C. BURDETT: Why should I not continue to hold them? I have not committed an offence with a firearm or had an accident with one. I have trained my children to use firearms properly, and they are much less likely to have an accident than are untrained people. There is no reason why people who wish to own firearms should not be able to do so. If the Hon. Mr. Foster is suggesting that it is a crime to hold a firearm and that a person who holds one should be treated like a person on parole, I say that something is wrong. If it was the intention of the Bill to make it undesirable to hold firearms, I would not agree with the measure. The purpose should not be to make it difficult to own them, and I would oppose a Bill that did that. The intention should be to control them and to ensure that criminals and persons of unbalanced mind cannot purchase and own them. I am pleased about the appeal provisions in Part III, Division IV. Clause 21 provides:

A person aggrieved by a decision of the Registrar—
(*a*) to refuse an application for a licence;
(*b*) to grant a licence subject to conditions (other than prescribed conditions); or
(*c*) to cancel a licence,
may appeal against that decision to a special magistrate sitting in Chambers.

This is a valuable protection, and I would either oppose the Bill or move amendments to it unless that protection was there. If there is stringent control, there is a need for appeal provisions; otherwise a Registrar could refuse a licence because he disliked the applicant, and there would be no right of appeal. I listened to the highly academic speech made by the Hon. Anne Levy on a highly practical subject. She put a suggestion made by a writer about limiting guns for use in the city or obtained from city areas to those that were checked in and out of sports clubs.

That suggestion is quite iniquitous and unwarranted, and I would oppose legislation that enforced it. I see no reason why city people as well as country people should not be able to hold and use firearms, as long as they comply with reasonable registration requirements. The Hon. Miss Levy said that limiting the use of firearms would reduce the number of accidents. Limiting the use of motor cars would reduce the number of accidents on the road, but I do not know that such a move would be popular. Regarding silencers, I do not object to clause 29, which provides that a person who has in his possession a dangerous firearm or a silencer shall be guilty of an offence. The penalty provided is extremely high. I understand that many silencers have been sold to people in South Australia and that they are in use, but there is much misunderstanding about them. The ordinary form of silencer obtainable from shops is not suitable for high-velocity weapons. It is suitable only for low-velocity ones and it would not be likely to be used by people who obtained firearms to commit a crime. The silencers can be used only in ·22 rifles and low-velocity rifles of that kind.

I also understand that it is fairly easy to manufacture a silencer. Further, they are often used by legitimate shooters who shoot rabbits to destroy the vermin, because the rabbits will not disperse when the first shot is fired. In addition, some people do not want shooting to create a noise nuisance. By an indirect means, under clause 39, which deals with the making of regulations, a silencer could be defined as being a firearm and then an exemption could be granted, but that would be a strange way to deal with the matter. Because I hope that the Bill will not do any harm and because Parliament will be able to scrutinise the regulations, I support the second reading, with some reservations.

The Hon. C. M. HILL: I support the Bill and, in general terms, favour the Government's approach regarding further control being necessary on those who use firearms and regarding the registration of firearms. I think there is a feeling amongst people, particularly in metropolitan Adelaide, the region with which I have close contact, that the time has come when further controls in this whole area are necessary. I stress the point that in general terms I support the Government's approach of exercising further control in this area. I make two points concerning the Bill. The first is that I think it is a rather hollow sham that the Government has appointed a firearms consultative committee within the legislation. I cannot see in the measure where the objects of this committee are laid down.

In fact, I find only one reference in the Bill to what work it might do and that is under the heading "Dealing in Firearms" in clause 14: the Registrar may refer the matter of an application for a dealer's licence to this committee. He does not, of course, have to accept the committee's recommendations on the matter. Apart from that relatively minor reference, I cannot see what work the Government proposes that this firearms consultative committee should do, and I think that that is a great pity.

The purpose of a committee of this kind under such legislation is to provide some cushioning effect between those who will be in complete control of administering such an Act (in this case the Commissioner of Police, who will be the Registrar) and the public generally. I think that in the general democratic process a consultative committee ought to act as some democratic buffer between such authoritative control that can be exercised by the Commissioner of Police and the individual member of society. But the Government seems to have omitted the duties of this committee from the Bill.

I ask the Chief Secretary, when he replies to the second reading debate, to give me further information on what he envisages this committee's work will be. If he cannot provide a satisfactory explanation, one then has to accept that the Government is prepared to hand over this form of control to the Commissioner of Police and leave it at that. One could then suspect that such a provision was

included for propaganda purposes and to make the legislation look rather good. The Government is providing for a committee known as the firearms consultative committee, but has not given that committee any powers to check the Commissioner of Police at all, and I cannot find anywhere in the Bill where this committee might override the decision of the Commissioner of Police.

I think that is a great pity because in all democratic legislation I want to see brought down in the South Australian Parliament I favour the involvement of consultative committees, and I favour them to act in the form of an arbitrator. I favour giving them some powers, because there will be occasions when individuals in society believe that they are not being treated fairly, and in these circumstances it is good legislation, in my opinion, when they can turn to a consultative committee for some help.

The second point I make is that I support the remarks that have been made so far concerning the need for collectors to have their rights preserved in legislation of this kind. In this category there are people who deserve special consideration, and whilst I have not as yet seen any amendments placed on file (and I know time has been short because we are reaching the end of the session), I certainly hope that before this Bill passes the rights of genuine collectors will be protected under the Bill.

Lastly, I make the point, and I know this has been made already by the Hon. Mr. Burdett but I think it needs some stress, that I believe there is a need for some discretionary power to be written into this measure to give some people the right to retain silencers. I know that this is the last State where silencers are legal. I put the case of one constituent who comes from the country and whom I have heard make representations on this matter. He is a farmer, and he uses a silencer for the purpose of destroying vermin on his property. Over the years he has encouraged wildlife and native fauna to inhabit his land, and he finds that, without a silencer when he destroys vermin by shooting, he disturbs the fauna to such a degree that he believes it is quite unreasonable. He also experiences the plight of many other farmers when endeavouring to destroy vermin, such as rabbits and foxes, in that he finds that without a silencer he disturbs his stock, and that is not, of course, in the best interests of his overall operation.

The Hon. T. M. Casey: What sort of rifle does he use?

The Hon. C. M. HILL: A low-power rifle. Is that the answer the Minister was looking for?

The Hon. T. M. Casey: A ·22?

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

The Hon. T. M. Casey: But you are not sure?

The Hon. C. M. HILL: No, I am not sure. I know the Minister of Lands is an expert on firearms; he thinks he is an expert in everything. An individual whom I assess as being sincere and genuine in his predicament, who has been a responsible citizen and member of society conducting a practice such as farming and occasionally using a silencer, in no way infringing the rights of other people, and who suddenly hears that legislation is before Parliament which is going to prohibit him from using a silencer on his rifle, is naturally upset. He believes that there should be some discretionary power so a person of his kind can at least apply to the registering authority and be considered as a person who can retain that weapon and the right to use a silencer. If the Government in this State considered the rights of the individual, as it should, it would consider such people.

Therefore, I propose to pursue this point in Committee and to ask this Council favourably to consider an amendment giving such people at least some right to seek further consideration. I believe there must be a considerable number of persons who responsibly use their silencers to destroy vermin and who do not disturb their stock or native fauna on their farms. It appears to me that it is not a fair deal at all when a Government, by blanket legislation, brings in a Bill which catches everyone in the net irrespective of his circumstances; when that situation can apply, that is not justice in the real sense of the term.

The Government is introducing somewhat of a sham in regard to this consultative committee, because I challenge the Government to tell me where the objects of this committee are laid down in this Bill. Of course, that causes me to suspect that the overall powers being given to the Registrar may be too wide and may be unable to be detected in this Bill.

Secondly, I hope a further debate will continue in regard to a genuine collector whose rights can be infringed by this Bill; and, thirdly, I hope that the Government ultimately will consider further the cause of those people who genuinely and sincerely use silencers and want to continue using them as they have in the past. Subject to those three points, I support the second reading.

The Hon. N. K. FOSTER: I support this Bill because it has so many restrictions that are most desirable in view of the loose way in which people can secure firearms. I am against firearms; I see little necessity for them in this country. I see little necessity for people to carry them. I think it is false to say that in the country areas of this State, and indeed of the whole of Australia, there is a need and a demand for the keeping of firearms on farming property.

The Hon. M. B. Cameron: You try and operate without them!

The Hon. N. K. FOSTER: I know of many people who operate without them. That is why I questioned the Hon. Mr. Burdett when he said that he kept three, four, or five firearms. As a solicitor and politician, he may think he should have some recourse to using them in the manner he thinks fit. However, it intrigues me why people keep firearms.

Members interjecting:

The Hon. N. K. FOSTER: Why should people use firearms to an extent about which previous Liberal Governments in this country have done absolutely nothing? Let us not fool ourselves when we talk claptrap about the criminal element and what criminals will do with firearms—with stolen guns or rifles. Liberal Governments did nothing about the mushrooming of firearms in metropolitan Adelaide, giving false encouragement to people to keep firearms and encouraging children, as a result of watching television programmes and reading comics dealing with nothing but death and destruction, to want to possess firearms.

The Hon. J. A. Carnie: Your Government has been in office nearly eight years.

The Hon. M. B. Cameron: We shall be hearing about Mr. Fraser soon.

The Hon. N. K. FOSTER: The point is that the legislation is necessary because there has been much agitation outside Parliament about the false proposition that there has to be almost absolute freedom in the training in and possessing of guns and weapons. How many people sit in this Chamber with a clear conscience when they read of a

deaf mute going into a big store, buying a gun and ammunition and going and shooting his wife and parents-in-law in a north-western suburb? How many members in this place feel that those three people are in their graves now and the person who committed the crime is in the situation he is in today because attention was not paid to this problem early enough?

The Hon. Mr. Hill answered an interjection by the Minister about a ·22 rifle. Many people think that a ·22 rifle has a small bore and a shell that contains explosive that most of us associated with a ·22 know about; but how many people know that young persons and children can procure a ·22 today? A ·22 rifle can, of course, have a shell that contains an explosive equivalent to, if not greater than, the ·303 bullet.

The Hon. J. C. Burdett: But that weapon is one with the shorter range.

The Hon. N. K. FOSTER: The honourable member interposes as the owner of five guns. He says it has a shorter range. Those guns with a minimum range can kill people. Do not talk rubbish as a practising solicitor! It is a short-range bullet that can be the means of destruction. Is a bullet at its most dangerous when it is near the end of its journey or when it is at the highest point of its velocity? My point is that it is stupid to furnish an explosive for use in a ·22 rifle that has greater power than that in a ·303 rifle; I hope that some attention is paid by the consultative committee, to which the Hon. Mr. Hill refers, to these matters. It seems to be a high-powered committee.

The Hon. C. M. Hill: You have not read the Bill.

The Hon. N. K. FOSTER: I do not know about guns at all.

The Hon. C. M. Hill: You said you did.

The Hon. N. K. FOSTER: I did not say I knew all about guns. It is the last day of sitting for a few weeks, Mr. President, and you should shut him up.

Members interjecting:

The PRESIDENT: Order! Let us get back to the subject matter.

The Hon. N. K. FOSTER: Then why don't you shut him up?

The PRESIDENT: Order! I might have to deal with the honourable member.

The Hon. N. K. FOSTER: Of course, you understand that your responsibility in this place is to give each person a fair right to be heard. My point is that we will deal in the Committee stage of this Bill with that matter that the Hon. Mr. Hill has raised. As a first step, a consultative committee comes into being, which in itself, means something, because there is no such committee now. If the honourable member wanted it to be clothed in all sorts of initial powers and if the Government had done that, the Hon. Mr. Hill would have got to his feet and said that the powers were too wide. If we give a committee no powers, he goes crook because there is nothing in it but, if we give a committee some powers, he says they are too wide.

Why does he not want silencers banned? Because a farmer he knows does not want to frighten his stock while he is killing rabbits. I support the Bill on the basis that it restricts the sale of firearms. I would like to see it spelt out in detail that the supermarket type of operator should not get a licence to sell firearms. The labour turnover in supermarkets is such that the supermarkets would not have a person experienced in counselling people interested in firearms. I wonder whether the Hon. Mr. Burdett's name is on the potential offenders list.

I commend the Bill to the Council on the basis that it takes what I hope is a first step in imposing a form of control over the indiscriminate sale and purchase of firearms and the indiscriminate use of firearms. I hope that we are soon able to impose other forms of restriction in connection with firearms. Much rubbish has been talked about people needing firearms if they live in the country. Some country people say that they need firearms to kill beasts.

The Hon. R. C. DeGaris: How else could you kill beasts on a farm?

The Hon. C. M. Hill: The Hon. Mr. Foster would talk the beasts to death.

The Hon. N. K. FOSTER: This Bill does not go far enough, but it is as far as the Government can take the matter in the initial stage.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am in total agreement with one point raised by the Hon. Mr. Foster, and I want this unique occasion to be recorded: in my opinion, the sale of firearms in supermarkets should not be allowed. I do not think any honourable member on this side of the Council would disagree with that contention. The remainder of the points made by the Hon. Mr. Foster were a load of garbage. I agree with the Hon. Mr. Cameron that a firearm is essential to a farmer. If a horse, a cow, or a dog has to be destroyed on a farm, how can this be done if a firearm is not used? The ignorance of the Hon. Mr. Foster on these matters is abysmal. A firearm is essential to any person in a rural situation.

I would like to see in the Bill a recognition of collectors and provision for collectors licences. Perhaps the Government intends to introduce such a provision by regulation, but that is hardly satisfactory, because we know how difficult it is to alter regulations; the only power the Council has in this connection is either to disallow a regulation completely or to support it completely.

In many ways this Bill represents some advance on the present situation, but I make a plea on behalf of avid collectors of firearms, some of which will eventually be given to the National Trust. Such collectors should be given special privileges as regards their firearms. A gentleman whom I know has a magnificent collection of guns, which he does not fire, but he does not want them destroyed; he wants each piece of equipment to be maintained as far as possible in its original state. I am tempted to move an amendment in connection with collectors of firearms; because the question of dealers licences is dealt with, there is no reason why the question of collectors licences should not be dealt with.

The Hon. Mr. Foster asked why there should be a case for using silencers. I point out that silencers are used only on low-velocity rifles. There is a genuine case for people to use silencers. A gentleman whom I know very well was interested in a small colony of bristle birds in a coastal area of the South-East. He spent much of his time in that area shooting every cat and fox, to preserve this colony of birds, and he used a silencer to do that shooting. Without a silencer, he could not have been as effective in protecting the colony of bristle birds, which were almost extinct. I see no reason why the use of silencers should not be permitted but, if the Government wants to control their use, let us have controls.

Some of the fines provided in this Bill are too high to be realistic. We must recognise in this sort of legislation that there must be control over the sale of firearms, and to whom they are being sold. That is important. Otherwise that will restrict the collection and normal use of firearms, and that would not be in the best interests of the community or of the people of this State.

The Hon. M. B. CAMERON: I did not wish to speak at length on this Bill, and I would not have spoken at all but for some of the remarks of the Hon. Mr. Foster, whose contention I have not heard before and I trust that it is not the Government's view. The honourable member suggested that firearms should not exist on farms. The Hon. Mr. DeGaris has covered that point well, but there are situations that can arise on a farm when firearms are an essential part of a farmer's equipment.

I remember only too well an occasion when I had to use a firearm in a way that I hope never to do again. I lived alone on a farm without a telephone and without any vehicles. A person sought to establish whether anyone was living in the homestead. In that circumstance, would the Hon. Mr. Foster have preferred me to have gone out in the moonlight and tell that person to run away because I was there on my own? I took my shotgun outside and fired two shots into the air, and that was the last I heard of that person.

Many such incidents arise in isolated areas, and the Hon. Mr. DeGaris dealt with the need for firearms for personal protection in isolated areas. Veterinarians use firearms for the destruction of animals, be they sick animals or unwanted animals and firearms are a legitimate means of disposing of them. I am not in any way opposed to the legislation, notwithstanding that it is usual when one puts up such a Bill to describe it in a way to make people believe that once its provisions are implemented they will be a panacea for all the problems occurring in the community.

True, there may be some lessening of the opportunity to obtain them but, if a person really wants a firearm, he will obtain one. If a person sets out with that purpose in mind he will be able to obtain a firearm. The Bill may stop casual acquisition of firearms, but it would be foolish for people to believe that when this Bill is in force there will not be problems. Therefore, although I support the Bill, it would be wrong of the Government in any way to lead the community to believe that the successful passage of this Bill will bring an end to the problems that we have.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given to the Bill. True, this Bill will not prevent criminals from obtaining firearms, but it may prevent a person of unsound mind from obtaining a firearm. Such a person may be in the mood to shoot his wife, his family or others, and such a restraint is worth while.

The Hon. M. B. Cameron: It's sometimes hard to pick them.

The Hon. D. H. L. BANFIELD: Even if it is hard to pick them, by the time a person has obtained a licence some time will have passed before he can obtain a firearm, and by then that person may be in hospital or may have calmed down and the intended victims will be saved. If this Bill does that just once it will be worth the little inconvenience caused to people having to obtain a licence before they can purchase a firearm. I agree with the Hon. Mr. Whyte, who said that there will be a delay, but it will be for the shortest possible time. A computerised system will be implemented, and a licence will be issued within a few days. Will the average person need a gun at 10 minutes notice? At present a firearm can be obtained in that time, and I do not believe it will matter if one must wait for about a week to obtain a licence. Regarding the consultative committee, it exists to enable the Registrar to consult with the committee before he can refuse or revoke a licence.

The Hon. J. C. Burdett: Which clause is that?

The Hon. D. H. L. BANFIELD: It is clause 12, which provides:

(3) Where the Registrar is of the opinion that a firearms licence should not be granted to an applicant—

(*a*) because he is not satisfied that the applicant is a fit and proper person to hold the licence;

or

(*b*) for any other reason,

he shall refer the matter to the consultative committee and if the committee concurs in his opinion that the licence should not be granted, he may refuse the application.

The Hon. J. C. Burdett: My Bill states that "he may".

The Hon. D. H. L. BANFIELD: It should be "he shall".

The Hon. C. M. Hill: Why don't you put the latest Bill on our files? You're in charge of the Council.

The Hon. D. H. L. BANFIELD: I am glad the honourable member realises that. That provision will prevent the Registrar from willy-nilly refusing a licence to any person. If the committee upholds the Registrar's view the applicant has a further right of appeal. That is the purpose of the consultative committee. It ensures that the Registrar cannot refuse a licence out of hand. I apologise about the poor distribution of the new Bill. Regarding silencers, their prohibition is designed primarily to prevent the use of silencers in criminal activities, and any inconvenience caused to individauls will be far outweighed by the protection afforded the community at large, as well as the protection given to private property. South Australia is the only State in which silencers are allowed to be used.

The Hon. J. C. Burdett: They have just as many murders in the other States.

The Hon. D. H. L. BANFIELD: I refer to the Charleston murder in 1963. The offender entered the kitchen of the house and killed the wife, and shot and wounded the 10-year old daughter. The husband was in an adjoining room, where he had access to a loaded rifle. He was unaware of any irregularity, until he heard the wounded child cry out. He entered the kitchen, not suspecting trouble, and was confronted with the armed man who shot and killed the husband. The wounded child had hidden, but was found and murdered. A son aged 8 years was the only member of the family to escape from the house during the murders. In this case, the rifle was fitted with a silencer and the offender used ·22 calibre short low-velocity ammunition. Had the husband heard the shots in the first place, he would have been prepared for what happened, the child would not have entered the room, and the woman might still have been alive. That is the sort of thing that can happen when silencers are used.

The Hon. C. M. Hill: That is very rare.

The Hon. D. H. L. BANFIELD: That may be so, but do we want more murders to occur? Why should we make it easier for this to happen? The Federal Government has prohibited the importation of silencers, and every other State has banned their use. I could quote another case at Seacombe Gardens in 1964, when a man killed another man and wounded two women with a ·22 calibre rifle fitted with a silencer. The neighbours

did not know that that had happened simply because their attention was not drawn to it by the sound of the shots.

The Hon. M. B. Cameron: But the Minister knows—

The Hon. D. H. L. BANFIELD: The Hon. Mr. Cameron is more concerned about the possibility of two or three rabbits getting away than he is about the public. Although I realise that some silencers will still be available, I do not think we should make it easier for people to acquire them. In the case to which I have just referred, the rifle was fitted with a silencer. Neighbours were unaware of the shooting until the wounded women gave the alarm. By prohibiting the use of silencers, that sort of offence could not occur. This legislation has worked well in the other States, and there is no reason why it should not work in South Australia. If this Bill prevents occurrences similar to those to which I have referred, it will be worth while.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. A. M. WHYTE: I refer to paragraph (*c*) of the definition of "firearm". Has the Minister any idea what type of weapon will be termed a firearm? I have in mind, for instance, a tranquiliser gun.

The Hon. D. H. L. BANFIELD (Minister of Health): That could be dealt with under the regulations for the purposes of exemption.

The Hon. R. C. DeGARIS (Leader of the Opposition): I do not know what is intended regarding the definition of "firearm". Having read the definition, I believe that a demand could be made on a person who had spent a lifetime collecting firearms to render those firearms unusable. How would they be rendered unusable? For instance, would the firing pin be pulled out, thereby making the weapon of little value to collectors?

The Hon. D. H. L. BANFIELD: This relates to the control of activated pistols and their being re-activated.

The Hon. R. C. DeGARIS: I still do not understand. Can a collector get out of having a piece of equipment declared a firearm if he takes action that destroys the weapon? I would not like to see that happen. I would be pleased if there was to be a collector's licence that exempted such collectors from this provision. However, the inclusion of the definition of "firearm" in the Bill will not please me if it means that there will be power for one to demand the virtual destruction of a firearm so that a collector may keep it.

The Hon. D. H. L. BANFIELD: A collector will not need a special licence. A person will be able to collect firearms, provided that he holds a licence enabling him to own firearms of various types. If a person is a genuine collector, his licence will be endorsed accordingly. Regarding the definition, if a firearm has been de-activated as a result of the removal of its trigger or bolt, it can easily be re-assembled and will not, in fact, have been permanently de-activated.

The Hon. R. C. DeGARIS: The Chief Secretary is suggesting that the removal of the trigger or pin does not permanently de-activate a weapon. However, I ask whether this provision means more than that. This definition concerns me, as I have heard of some people who have been told that they must do something to a weapon, such as welding up the barrel, that has destroyed its value. This sort of provision goes too far.

Clause passed.

Clauses 6 to 10 passed.

Clause 11—"Prohibition against unlicensed persons having firearms in their possession."

The Hon. A. M. WHYTE: Will the Minister say whether it will be necessary for a person to obtain a licence for each type of firearm that he wishes to purchase or possess? I would have thought it more appropriate to issue a licence showing that a person was capable of having a firearm.

The Hon. D. H. L. BANFIELD: The person will need only one licence. He will apply for a licence for a particular purpose. People have various reasons for having different types of firearm. If they can show that it is necessary to have various types, the one licence would be endorsed, enabling them to purchase the types they required.

The Hon. A. M. WHYTE: Can a person have one licence that will cover other types of firearms?

The Hon. D. H. L. BANFIELD: Yes, provided the licence has been endorsed.

The Hon. M. B. CAMERON: There are situations on farms in which women keep light shotguns to destroy snakes, and a totally different type of firearm is required for other purposes on farms. Will the licence cover firearms used for different purposes?

The Hon. D. H. L. BANFIELD: Yes, provided the licence has been endorsed for the different types, they will need only one licence.

Clause passed.

Clause 12 passed.

Clause 13—"Prohibition against dealing in firearms without a licence."

The Hon. R. C. DeGARIS: Undoubtedly, regulations will allow for the prescription of a collector's licence, but I should like to see provision for that licence included in the Bill. We do not have opportunity to do much about regulations except disallow them, and a collector's licence should be dealt with in the same way as a dealer's licence.

The Hon. D. H. L. BANFIELD: A genuine collector will not need a special licence. If he can prove to the Registrar that he is a genuine collector and wants to collect a certain type or types of firearm, there will be no problem about his getting one licence and having it endorsed. He could have as many firearms as were covered by the endorsed licence.

The Hon. R. C. DeGARIS: Can he not get another firearm until he gets the licence endorsed?

The Hon. D. H. L. BANFIELD: A genuine collector would apply to the Registrar, saying what types he wanted. If it was proved that he was a genuine collector, he would get a licence endorsed accordingly.

The Hon. R. C. DeGARIS: Obviously, there must be a collector's licence to enable him to do that. Many people purchase guns that have a historic value all the time. If they could have a collector's licence and could tell the Registrar that they had obtained a type, I would be happy about that. It would become an easy matter then. Otherwise, people will tend to break the law rather than obey it.

The Hon. D. H. L. BANFIELD: A genuine collector would have already taken out the licence to collect all the various types that he knew were available, and the licence would be endorsed accordingly. Because he has his licence endorsed does not mean that he must purchase

that type of rifle. If he was going through the country and saw a particular type of rifle for which the licence was endorsed, he could purchase it.

The Hon. J. C. BURDETT: The point made by the Hon. Mr. DeGaris is that this class of licence should be prescribed in the Bill. If it is not made clear in the Bill, it will not be made clear at all that there ought to be a class of collector's licence. It would not be satisfactory to put the provision in regulations, because, if a regulation was not satisfactory in this regard, we would have to vote against all the regulations.

The Hon. D. H. L. BANFIELD: The person will get a firearm licence and he will apply, in the same way as a farmer will, for the right to have various types.

The Hon. J. C. Burdett: It would be almost impossible to specify the range that a collector might want to buy.

The Hon. D. H. L. BANFIELD: Not to the collector. He knows exactly the type of rifles that are available.

The Hon. J. C. Burdett: How many thousand?

The Hon. D. H. L. BANFIELD: What does it matter? A collector knows what is on the market. If he is a genuine collector he only needs to have his licence endorsed. An individual can do that by satisfying the Registrar that he has a purpose for this type of firearm. Why does he have to have another licence? If there are 1 000 types of firearm the collector will know each of them. When he applies for a licence he will ensure that it is endorsed to fit the various categories of firearm.

The Hon. R. C. DeGARIS: I am not satisfied with the Chief Secretary's answer to this question. Having got this far I am now convinced that it is necessary to include in the Bill the category of collector's licence for firearms. I do not believe that a person who is a genuine collector can go along and get a licence for firearms and specify all the types of firearm he is collecting. Firearms can vary from such things as a muzzle-loaded elephant gun to a small hand pistol as far as a collector is concerned. If a person went along to get a licence to buy that sort of firearm he would be questioned. If he could show that he was a genuine collector, and that could be established quite easily, he could take out a collector's licence and then advise what guns are in his collection. That would make it simpler for that person, as well as for the Government in its administration.

I have not drafted an amendment on the matter but I would like to do so, because I believe that the question of a collector's licence is most important in this legislation. If consideration of Division II can be deferred at this stage I will have an amendment drafted.

The Hon. D. H. L. BANFIELD: I have no objection to deferring it to enable the Leader to prepare an amendment. I point out that one will not have to name the type of firearm. The licences will be classed from A to E: there will be five different classifications. All that will appear on the licence is a statement that a person is able to get a class A, B, C, D, or E firearm. One only has to be in the position to say to the Registrar, "I am a collector", and if he can prove he is and says that he wants to have in his collection all classes of firearm, his licence will be endorsed accordingly. Providing for a dealer's licence will restrict other people, because it will be much harder to prove that one has a complete need for the licence if one is not a collector.

The Hon. R. C. DeGARIS: It is becoming more confusing. I thought it was legislation to control the use of firearms and make it more difficult to obtain them, yet the Minister says that all a person has to do to be able to be the owner of a complete armoury is to say, "I am a collector."

The Hon. T. M. Casey: It's not as simple as that.

The Hon. R. C. DeGARIS: In the legislation there is nothing to determine what is a genuine collector. If a person had a collector's licence, he would have to show to the satisfaction of the Registrar that he was a *bona fide* collector and, without that, a person could not have a licence to run around and buy what he likes. According to the Chief Secretary, any person can get his licence endorsed, go around with an open licence and buy what he likes. That is another reason why there should be a collector's licence.

The Hon. D. H. L. BANFIELD: I have no objection to such a provision being included in the Bill, although it could be restrictive in other areas. It is not a matter of going up to the Registrar and saying, "I am a dealer." After all, what is the Registrar there for? Why are licences not issued over the counter by the Deputy Registrars throughout the State if this is what it is all about? The application has to go before the Registrar so that he can assess whether the application is correct and whether the applicant is a fit and proper person to have his licence endorsed for these various classes. If there is provision for a collector's licence it may make it harder for people to prove that they require a licence. I am prepared to by-pass Division II and come back to it, although I say it is not necessary for this to be done because the Registrar is the person whom an applicant for a dealer's licence will have to convince.

The Hon. A. M. WHYTE: I would like further clarification on clauses 13 and 14. What is the position of a person who wishes to sell a firearm? I have seen it happen many times where a person is dissatisfied with a firearm and someone says, "I will buy it." Provided that person also held a firearm licence, is there anything to stop one person selling a firearm to another? Is it the intention that a person would not be able to sell to his neighbour a shotgun which was of no more use to that person?

Th Hon. D. H. L. BANFIELD: A person can sell a shotgun to his neighbour provided the neighbour has a licence endorsed for that type of firearm.

The Hon. A. M. WHYTE: I have the Minister's undertaking that that is what it is, but there is no provision for it.

The Hon. D. H. L. BANFIELD: He must inform the Registrar that he has disposed of it. For example, just as one can sell a motor car to one's neighbour, one can sell a firearm to the fellow next door provided that person has a licence for that category of firearm.

The Hon. R. C. DeGARIS: As I would like to confer with the draftsman on the question of a collector's licence, I ask that clauses 13 to 16 be deferred.

Consideration of clauses 13 to 16 deferred.

Clauses 17 to 28 passed.

Clause 29—"Offence to possess dangerous firearms and silencers."

The Hon. C. M. HILL: I intend to move to insert a new clause covering the same situation of a dangerous firearm and dealing also with a silencer. It states, in effect, that a person may apply to the Registrar for a permit to have possession of a firearm, and it goes on to state that the Registrar may—I emphasise that it is "may" and not "shall"; in other words, it is left to the discretion of the Registrar—grant to that person a permit authorising him to have a silencer in his possession. The Registrar may add whatever condition he thinks fit to that permit and, if the successful applicant does not comply with those conditions, the Registrar has the right to cancel the permit.

Representations have been made to me by one person, and I have heard of other people in country areas who are concerned about this part of the Bill. They have had silencers in their possession and have used them, and they are very responsible citizens. They see no reason why they should not be able to retain the silencers as in the past. A person who has contacted me has mentioned that he uses his silencer to destroy vermin while not disturbing fauna and other native wild life on his property. Other country people have made representations to the effect that they want to destroy rabbits and other vermin while not disturbing their stock. Having had these silencers in their possession in the past and having acted responsibly, they see no reason why they should not have the opportunity to continue using the silencers in that way.

I see no reason why this Committee cannot fashion its legislation to be flexible enough to take into account the position of such responsible citizens. Why do we have to put everyone in the same net and put the same kind of umbrella legislation over the whole community so that those who offend are ensnared but those who do not offend but act responsibily are caught up in that overall umbrella? We should be able to forge legislation to take into account these people, who may be relatively few in number, but that is no argument against my proposition. I do not mind whether there is only one citizen who has been acting as I have said.

Why should not that one individual have his position considered by this Parliament in the way I intend to lay down? I stress that the decision is being left entirely to the Registrar. If he has any doubt about it, I am sure he will not give the permit, but it has been left to him whether or not he issues this kind of permit. Again, I refer to the word "may". It is fair and reasonable to expect Parliament to take into account people of this kind. Where there are such people in the community who use silencers and have not offended in the past, they should be allowed for in legislation of this kind, and that is what my new clause proposes to do.

The Hon. D. H. L. BANFIELD: I would oppose the new clause. This Bill is getting somewhere near to uniform legislation in Australia. This clause is uniform throughout Australia. The Commonwealth prohibits the importation of silencers. It appreciates the dangers that can arise from their use. The Hon. Mr. Hill says that he has had representations from one person that we should not ban silencers. I shall read now from a letter from the Stockowners' Association of South Australia, as follows:

Dear Mr. Minister,

The last council meeting of the association carried a resolution which I am directed to submit for your consideration, to urge the banning of the use of silencers on rifles in South Australia. There has been growing concern among members of the association about the more widespread use of silencers on firearms and the implications this has for the personal safety of landowners in the country and that of their families. The only way most landowners become aware of unauthorised people shooting on their properties is through the noise made by the firearms. It follows that undesirable elements who wish to avoid their obligations under the National Parks and Wildlife Act would use silencers as a means of avoiding discovery and prosecution. In the interests of wildlife conservation alone, there is justification for banning the use of silencers. It is hoped that this request will receive your favourable consideration.

It has received my favourable consideration, and favourable consideration from many people, including the Editor of the *Advertiser*, who has come out strongly in favour of banning silencers. It has also received the favourable consideration of every other State in Australia: they have banned silencers. If silencers are completely banned throughout Australia, it will be that much more difficult for the criminal element to get them. If they are not banned completely and they can be bought in anticipation of a crime, then they are more readily available to the criminal element which can use them for its own purposes.

There have been cases where people would possibly still be alive had it not been for someone using a silencer. A crime was committed but no warning came from the firearm, and people died as a result of that. Other States get rid of their vermin other than by using silencers.

The ACTING CHAIRMAN (Hon. M. B. Dawkins): If the Hon. Mr. Hill wishes to insert new clause 29, which he has foreshadowed, his correct procedure is to vote against clause 29, with a view to moving to insert new clause 29.

The Hon. C. M. HILL: Thank you for your advice, Mr. Acting Chairman. The Minister said that the Bill would provide for uniformity throughout Australia, but I do not agree that it is necessarily wise to have uniformity for its own sake. It is easy to say that the Government wants laws that are uniform with laws in the rest of Australia, but South Australians want more explanation than that. A person who has contacted me will not receive much consolation when he hears the Minister's claim that he must go without his silencer simply because people in other States must go without silencers. So, the Minister's argument based on uniformity is not strong.

Secondly, the Minister has said that the Commonwealth Government prohibits the importation of silencers. I take it that the Minister believes that the Commonwealth's hand will be strengthened if similar legislation applies throughout Australia. However, my constituent is not concerned as to whether the Commonwealth prohibits the importation of silencers. If a prohibition on the importation of silencers will assist in overcoming crime, I am sure that my constituent would support such a prohibition; he is not interested in purchasing an imported silencer, because he has his equipment now which he uses as part of his way of life on the land.

Thirdly, the Minister said that stockowners had written to him asking that silencers be prohibited, because they were concerned about vandals and about the undesirable use of silencers by people with no authority to be on stockowners' land. I support the idea that people should be prohibited from possessing silencers if they do not have a permit. Of course, the vandal who goes north and upsets stockowners would never get a permit. So, my amendment does not adversely affect stockowners; every person whom the stockowners want to see prohibited from having a silencer will be so prohibited. So, I am at one with the Stockowners' Association in this respect. I am concerned about a property owner who already owns a silencer and who uses it responsibly. So, I believe that the Stockowners' Association would agree that my case is just.

Rural people who already use silencers should be able to continue to use them under a special permit; this would not give an opportunity for the criminal element to obtain more silencers. Under my amendment, people will be allowed to retain silencers only if the Registrar has approved their applications, and I stress that there is no right of appeal if he rejects an application. So, I am not influenced by the Minister's arguments.

The Hon. D. H. L. BANFIELD: The advantages of banning silencers far outweigh the interests of the constituent to whom the Hon. Mr. Hill referred. In some cases

of shootings, people nearby have been unaware that they have been in danger, because the gunman has used a silencer.

The Committee divided on the clause:

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

Noes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, C. M. Hill (teller), and D. H. Laidlaw.

Pair—Aye—The Hon. F. T. Blevins. No—The Hon. R. A. Geddes.

Majority of 1 for the Ayes.

Clause thus passed.

Clauses 30 to 36 passed.

Clause 37—"Penalties."

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

Page 12, lines 23 and 24—Leave out paragraph (*b*) and insert paragraph as follows:

(*b*) for a second or subsequent offence—to a fine of not less than five hundred dollars but not more than two thousand dollars or imprisonment for a period of not less than one month but not more than six months.

After line 23—Insert subclause as follows:

(2) Notwithstanding the provisions of any other Act, where a person is guilty of a second or subsequent offence against this Act, the court before which he is convicted shall not reduce, suspend or mitigate the penalty prescribed by this section in any manner.

The Government is concerned about serious offences being committed. For a first offence the penalty has been set at a fine not exceeding $500. This does not mean that a person convicted will be fined $500; he may be fined only $10, but the Government believes that for a second or subsequent offence the penalty should be severe. For those reasons I ask honourable members to support the amendment.

The Hon. J. C. BURDETT: I oppose the amendment, especially if the Minister moves it as one amendment. The penalties are severe enough.

The ACTING CHAIRMAN: I will put the two parts of the amendment separately.

The Hon. J. C. BURDETT: As the Minister has spoken to the whole amendment, I will speak to both parts of it. Penalties are severe enough already. Offences under this Act could be relatively minor ones, they may not be committed deliberately, or they may be committed carelessly. Clause 37 provides for a penalty for a first offence to not exceed $500 and for a second or subsequent offence the penalty shall not exceed $2 000 or six months gaol. These are substantial penalties. The Minister's amendment provides in the case of a second or subsequent offence for a fine of not less than $500 but not more than $2 000 or less than one month or more than six months gaol. More alarmingly, that takes some of the discretion away from the courts. True, that is not without precedent but the Legislature, when it prescribes the penalty for an offence generally leaves to the court's discretion the penalty to be imposed. There are many examples of a minimum penalty being prescribed. I believe that we should hesitate to do even that. I am opposed to the second part of the amendment. The principles are well known and have been clearly defined by the courts, which in special circumstances could reduce the penalty below the minimum under the Justices Act or the Offenders Probation Act. It is only in rare cases, such as in drink-driving cases, where there is a great need for a deterrent, that minimum penalties are provided that cannot be reduced. I believe that Parliament should hesitate before it imposes a double stranglehold on the courts. First, it imposes a minimum and then says that in no circumstances may that minimum be reduced. Second and subsequent offences could also be relatively trivial or the result of mere oversight.

A wide range of offences is covered by this Bill. They vary greatly in seriousness. To have a blanket penalty apply for all offences, to then prescribe a minimum penalty in the case of second or subsequent offences, and to make that irreducible seems to be going too far. If the amendment is put in two parts I would, with some reservations, support the first part, but I will not in any circumstances support the second part of the amendment.

The CHAIRMAN: The question is that the first part of the amendment be agreed to.

Amendment carried.

The CHAIRMAN: I will now put the second part of the amendment.

Amendment negatived; clause as amended passed.

Clauses 38 and 39 passed.

Clause 13—"Prohibition against dealing in firearms without licence"—reconsidered.

The Hon. R. C. DeGARIS: I have examined further the matter of a licence to be called a collector's licence and have discussed it with the Parliamentary Counsel. I would be satisfied if I could obtain from the Chief Secretary an undertaking that the regulations will cater for a collector's licence, which will operate something along the lines that were discussed during the passage of the Bill.

The Hon. D. H. L. BANFIELD: As I indicated previously, I am not averse to such a licence being made available. I do not know whether this is too large a matter for the regulations. However, if it can be done under regulations I will certainly ensure that that happens.

Clause passed.

Clauses 14 to 16 and title passed.

Bill read a third time and passed.

Later:

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

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This short Bill is introduced as a result of discussions between officers of the Government and the Renmark Irrigation Trust, established under the principal Act, the Renmark Irrigation Trust Act, 1936, as amended. Honourable members may recall that since 1959 by various amendments to the principal Act grants totalling $3 309 423 and loans totalling $3 578 577 have been made to the trust to enable it to complete a programme of rehabilitation of its irrigation and drainage works and, in addition, to make some provision for domestic water reticulation. The

present Bill proposes to make a further $1 800 000 available for those purposes and, in addition, postpones the repayment of earlier loans granted the trust.

Clause 1 is formal. Clause 2 amends section 123ba of the principal Act. This section provided for a loan in an amount of $1 450 000 for the purposes of the rehabilitation of the irrigation and drainage works of the trust. It carried interest at 5 per cent and repayments were due to commence on July 1, 1979. The amendments proposed by this clause provide for the commencing date for the first repayment to be postponed until July, 1982. Clause 3 provides for a postponement for a similar period in respect of a loan authorised under section 123bb of the principal Act. This loan, in an amount of $313 000, was to assist in the provision of a reticulated water supply for the district.

Clause 4 inserts a new section 123bc in the principal Act which is, it is suggested, reasonably self-explanatory, and in essence provides funds for the completion of the works mentioned, the sums being $900 000 by way of grant and $900 000 by way of loan bearing interest at 10 per cent and repayable by equal annual instalments over 40 years commencing on July 1, 1982. Clause 5 is an amendment consequential on clause 4, and requires the trust to account properly for the disposition of the grants and loan provided for by that clause. This Bill has been considered and approved by a Select Committee in another place.

The Hon. M. B. DAWKINS: I support the Bill and commend the Government for introducing it. As the Minister said, since 1959 there have been various periods in which the Renmark Irrigation Trust has been assisted by loans of over $3 500 000 for rehabilitation of irrigation and drainage works, and also to provide for domestic water reticulation, as is indicated in clause 3.

Section 123ba, which is amended by clause 2, was enacted in 1972, as was section 123bb, which is amended by clause 3. Those clauses, as the Minister said, provide for the first repayment of the loans to be postponed for a period of three years. The repayments were due to commence on July 1, 1979, but under the Bill they will not be due to commence until July, 1982.

The Minister also said that clause 4 inserts new section 123bc in the Act. Under that new section, the sum of $900 000 is provided by way of grant, and a similar sum by way of loan, the first repayment of which will be due in July, 1982. However, the $900 000 loan will bear interest at the rate of 10 per cent, whereas the earlier loans bore interest at 5 per cent. In effect, therefore, as $900 000 is being given by way of grant and $900 000 by way of loan, it means that the trust is getting $1 800 000 and, if that whole sum was a loan, it would involve a rate of interest equivalent to 5 per cent.

I commend the Government for making this money available for what is hoped to be the completion of the trust's rehabilitation and drainage works. As honourable members know, this was one of the first irrigation works in the Upper Murray, and some of the drainage works and irrigation channels at Renmark are well overdue for rehabilitation. Open channels are being replaced by pipes, which means that there will be much less evaporation of water and a much better pressure of water supplied to those people who are growing fruit trees and vines.

As the Minister said, this Bill has been examined by a Select Committee from another place. Having spoken to members of that committee, I have satisfied myself that the Bill is a good one. In supporting the Bill, I again commend the Government for introducing it.

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

FENCES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It amends the principal Act upon two subjects. First, it contains a power of exemption that is designed to make possible the exemption of "roads screening reserves" from the provisions of the Act. These reserves are a relatively new development in South Australia and so far are only to be found at West Lakes. They are strips of land which lie between land in private ownership and road reserves. The strips, which do not form part of the road, are owned by the local council and are used by it as buffer strips; they are heavily planted with trees, shrubs, and other vegetation to reduce the transmission of noise caused by motor vehicles to abutting residential areas. This kind of reserve was not envisaged at the time the Fences Act was enacted.

If these reserves are not exempted from the Act, the local council could be liable for upwards of $250 000 as its contribution towards the cost of fencing private property that adjoins the reserves. In order that the exempting provision will be wide enough to cover not only the road screening reserve, but also other forms of development that may occur in the future, the Bill provides for the exemption to be prescribed by regulation. This will make possible a flexible approach to exempting public lands from the provisions of the Act, while retaining Parliamentary oversight of such exemptions.

The other amendment proposed by the Bill is designed to clarify the transitional period between the old Act and the new Act. Under the old Fences Act the occupier of land which abutted on unoccupied land or Crown land could erect a fence and subsequently claim a contribution when that adjoining land became occupied or fell into private ownership. Legal opinions differ as to whether this right to contribution can still be exercised following the repeal of the old Fences Act. The Bill therefore seeks to put the matter beyond the reach of argument by providing for the rights conferred under section 10a or section 11 of the repealed Act to remain in force following the enactment of the new Fences Act.

Clause 1 is formal. Clause 2 provides that where a fence was erected under the repealed Act and a right to claim contribution could have arisen under section 10a or 11 of the repealed Act, that right shall be exercisable notwithstanding the repeal. Clause 3 empowers the Governor to make regulations exempting public land of specified kinds from the provisions of the Fences Act.

The Hon. A. M. WHYTE: The Minister's explanation is satisfactory, and I will not debate the matter at length. I understand that there is a need for this legislation to allow fencing of different types to be erected; and there seems to be the problem which confronts councils with much expenditure in many cases in the metropolitan area that is not warranted. I want to raise the point that the Crown is not bound by the Act. It is bound only where the areas does not exceed half an acre. I have always thought, considering that one-fifth of the State is held in Government reserves, that the Government has an obligation to fence its section of land that adjoins pastoral or farming land.

Many reserves are not being cared for as they were when they were pastoral leases. The fences are being allowed to collapse and the watering facilities are not being cared for. Adjoining farmers or graziers must fence the entire area if they wish to retain their stock. The National Parks and Wildlife Service has been most co-operative and has tried to the best of its ability to meet some part of the cost. I believe that the Crown should be bound by the Act. If it was, a fund would be created for the purpose and the National Parks and Wildlife Service would not have to meet part of the cost from their budget, because the Crown would be obliged to provide the money. I compliment Mr. Lyons and his department for the work they are doing (in fact, they are making some material available), but it would be better if the Crown was bound by the Act for a fair commitment.

The Hon. R. C. DeGaris: Do you think the Crown should pay half the cost of all roads?

The Hon. A. M. WHYTE: That may be hard. I am referring exclusively to the large tracts which the Government holds as reserves that are of no use to anyone. They are a blot on the economy. It would be proper for the Government to meet its obligation for its portion of fencing the boundaries of all reserves adjoining occupied land.

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

[Sitting suspended from 5.44 to 7.45 p.m.]

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 26. Page 3709.)

The Hon. J. C. BURDETT: I support the second reading of this Bill, and I applaud what was said to have been the motive for introducing the Bill; namely, to grant some concessions in respect of succession duties to brothers and sisters. The need for such concessions has been apparent for some time. This need becomes apparent when we find, say, two sisters, two brothers, or a brother and a sister, sharing a common house, particularly in later life. In many cases they have been single all their lives or widowed or divorced; at any rate, they are alone in the world and have only each other to depend on. In such circumstances it is sad when, after one dies, the other is faced with a savage impost of succession duties.

Often two people in these circumstances own the house in which they live, jointly or in common, and they leave their assets to each other. In such circumstances, succession duties often eat up the great part of the estate of the one who dies first. Frequently what is received from the first to die is just about all that the survivor has to rely on. I regret that this Bill does not seem to give very much real benefit to the survivor. The computation set out in the Bill is extremely difficult to work out. In the short time I have had to study it, I have not been able to work out the rebate which it gives. I hope that some other honourable members, who perhaps have had more time than I have had or who are better at mathematics than I am, will give some examples of what the benefit is.

I support the Bill because it clearly provides for a concession and it is better to have something than nothing. We do not want to look a gift horse in the mouth. However, the benefit is largely illusory, and there is not much real benefit at all. The need to grant concessions in the case of siblings is fairly pressing. It has recently become more common to find that two brothers, two sisters, or a brother and a sister are looking after each other and pooling their resources. So, there is a need to ensure that great hardship is not caused when one dies. It would be a shame if any concession in this regard was abused, but that is unlikely. If we grant concessions to brothers and sisters, obviously the benefit will be given to the brother or sister only where they have been dependent on each other, because, where there are brothers and sisters and also nearer dependants (spouses or children) it is unlikely that very much will be left to the brothers or sisters. So, there is not much danger of abuse. If a deceased person has a surviving spouse or surviving children, they will be the beneficiaries, rather than a brother or sister. I would have liked the concession to go much further.

I can see no reason why there should not have been some test to pick out brothers and sisters who are dependent on each other; for example, where they are unmarried (the term "unmarried" could be defined) and also persons who are divorced or widowed. There could have been a test: where there are two sisters, two brothers, or a brother and a sister who are unmarried within the definition and have been sharing a common house for, say, five years, the same concession could be made as is made at present under the principal Act as between husband and wife. I believe that they could have been extempted from succession duties altogether in those circumstances. This would not have cost a large sum to revenue, and it would have been a simple and humane concession. Alternatively, the best thing would have been, instead of a complicated computation, to put the brother or the sister in the same position as a child under 18 years of age of a deceased person. That would have overcome the calculation of the rebate as set out in the Bill. It seems to me that the rebates provided in the Bill are very small indeed. However, because there are some concessions, I support the second reading of the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the view expressed by the Hon. Mr. Burdett that the Bill should be supported because it grants a minimal concession. First, I should like to give some figures in relation to collections of death duties or succession duties by the South Australian Government, as compared with collections in other States until the time that Queensland abolished death duties altogether.

The Hon. ANNE LEVY: I rise on a point of order, Mr. President. Are the Leader's remarks relevant to the Bill, which deals with changing the succession duties payable between brother and sister? I do not see that total death duties in other States are relevant.

The PRESIDENT: It is relevant to the title of the Bill.

The Hon. R. C. DeGARIS: I am sorry that the figures I intend to quote upset the honourable member, who obviously knows what they are, as they have been published in the *Advertiser*. In South Australia, in the collection of death duties there has been a 109 per cent increase to the State Treasury over five years. Victoria is the nearest State to South Australia, with a collection increase of 50 per cent, but the lowest State is Western Australia, with an increased collection of 5 per cent. One can see that the tremendous concessions that have already been made by the Government do not amount to much when it comes to the impact on the total community.

Once again the same thing applies to this Bill: the actual concession made here is extremely small. I do not want to go over the ground covered by the Hon. Mr. Burdett, but I would like to give an illustration. I refer

to the case of a brother and sister who, under the requirements of this Bill, have an interest in a dwellinghouse used as the principal place of residence by the deceased and a surviving unmarried brother or sister which passes to such survivor; or to the case of where the surviving brother or sister was living with the deceased for a period of at least five years prior to the date of death: if those two criteria are satisfied, the Bill's provisions apply. For example, a sister may be the inheritor of an estate of a deceased brother with a house valued at $25 000 and other property of, say, $9 000, including furniture, household appliances, some insurance, a motor vehicle and the like. The formula that applies is interesting in regard to a share or an inheritance of a house of $25 000 and additional property of about $9 000. I refer to section 55h of the principal Act, which provides:

(1) Subject to this section, where property is derived by a spouse, ancestor or descendant of the deceased person the general statutory amount is the sum of the following amounts (so far as they may be applicable):

(*a*) where an interest in a dwellinghouse is derived from the deceased person by a beneficiary of the first category and the dwellinghouse was, in the opinion of the Commissioner, the principal home of the deceased and of that beneficiary at the date of death of the deceased—an amount determined as follows:

(i) if the aggregate value of the property derived from the deceased person by beneficiary does not exceed $A the amount is—

(A) an amount equal to the value of the interest;

or

(B) an amount of $B,

whichever is the lesser;

Anyone reading that provision would be utterly confused. Further in the principal Act it is stated that (A) is equal to $35 000 and (B) is equal to $17 000. Once that sum has been done another sum must be done regarding the amount equal to the value of that interest based on the amount of (B), and whichever is the lesser of those two amounts applies.

For example, the rebate applicable in relation to section 55h (1) is $18 000 if it is a wife, and in that case it is the value of the interest in a home of $25 000 or $17 000, whichever is the lesser. Obviously, $17 000 is less than $25 000, so the applicable sum to that rebate is $18 000 plus $17 000, which is $35 000. As the estate has a value of $35 000 there is no duty payable, but this Bill provides:

(1a) Where—

(*a*) an interest in a dwellinghouse is derived from a deceased person by a brother or sister who is entitled to the benefit of this section;

and

(*b*) the value of property derived by that beneficiary from the deceased (excluding the value of the interest in the dwellinghouse) exceeds $5 000,

the general statutory amount shall be—

(*c*) the amount arrived at under paragraph (*a*) of subsection (1) of this section;

or

(*d*) $B less four times the excess referred to in paragraph (*b*) of this subsection,

whichever is the lesser.;

Another computation is required. After working from the principal Act and doing the sum involved, one finds that the statutory amount of rebate is $35 000, but another sum is required to determine whether that statutory rebate applies. Looking at the example I gave of a $25 000 house and $9 000 additional property, one finds that under this Bill one must deduct $5 000 from $9 000, leaving $4 000. However, multiplying $4 000 by four one finds that the statutory amount disappears altogether. In my example, and as I read the Bill, there is no statutory rebate except for about $1 000, but that would be the maximum that could apply. There is no rebate available to a brother or sister where the estate involves a share in a $25 000 house and $9 000 other property. As it disappears, this concession is worth little to the brother or sister still living in the house.

Once additional property reaches $9 000 (and it does not take much to do that), the whole of the rebate disappears, because it is a lesser amount than $35 000, which is computed under section 55h (1) (*a*). When the Hon. Mr. Burdett said that this Bill conveyed little assistance, his statement was correct. This is a complex matter involving complex mathematics. Perhaps I have made a mistake in my calculations, but that is how I see the position. There is virtually no benefit in this Bill to a brother inheriting property from a deceased sister if the assets exceed $9 000 in excess of the value of the house. That would apply in almost every brother/sister relationship. The Bill overcomes the pressure that has been mounting on the Government, but it does little.

I am willing to support the second reading because I believe that something may be achieved in the Committee stage to assist these people to obtain some realistic benefit. There is no reason why such people should not be looked on in the same way as *de facto* wives. A *de facto* wife's position in relation to the assets of her deceased husband is infinitely better than the relationship between a brother and sister who have lived together for the whole of their life. I do not believe that that is justice or that the Government has done what it said it would do in letters that I have seen written from the Premier's Department to people who have complained. This Bill does not do what the Premier said he would do for these people. Every honourable member would agree that in most estates the assets outside the value of the house would exceed $9 000. I am willing to support the second reading, in the hope that in Committee the Government will accept some realistic amendments.

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

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 26. Page 3702.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill seeks to provide a system for determining those Legislative Councillors who will serve a long term and those who will serve a short term in the event of a double dissolution. Under the Constitution Act at present, the only means of determining those who will serve a long and short term is by lot. Such a system is not satisfactory, as every honourable member would agree. Fundamentally, it offends against the spirit of members being elected by a system of proportional representation.

The Bill before the Council provides one means of achieving that end, but the solution offered by the Government also has an offensive element. As I read the Bill, it means that it would be almost impossible for a minor Party, or an Independent, to achieve a long term position, although a candidate may receive a full quota. That interpretation of the Bill before us would be sufficient reason to view the Bill with suspicion. But the real problem facing the Parliament is not the question of some scheme, whether fair or not, to determine the long and short term Legislative Councillors in a double dissolution;

it is the existing voting system. Until that problem is satisfactorily solved, and an accepted, fully democratic voting system instituted, there can be no proper solution to the dilemma.

There is available to the Parliament to adopt, a voting system that cannot be challenged as far as fairness is concerned, both in the fact that each vote, however expressed, will always have an equal value, and at the same time, accurately solve the problem of long and short term Legislative Councillors. This cannot be achieved by amendment to the Constitution Act alone. The Government must face reality on this question. If it adopts an accepted voting system that ensures that each vote cast has an equal value, that an elector votes for a person and not for a predetermined group, then the problem of determining long and short term Legislative Councillors will solve itself.

To amend this Bill at this late stage of the session to provide such a system would be an almost impossible task. If time was not so short, I would attempt such an amendment. So at this stage, the only course open to me is to oppose the Bill.

The Hon. M. B. CAMERON: I oppose this Bill. Obviously, when a new system of election for a House (such as the massive change we saw in this particular Chamber) takes place, as a result of manifest imperfections, one would expect that amending legislation would be necessary. One very vital correction is needed and that is the correction to bring about the situation where a true reflection of the wishes of the people is apparent in the representation in this Chamber. It is clear to any person who has examined the results of the previous election for this Chamber that at least one member on the other side, the Hon. Mr. Sumner, would not be here today if all preferences had been counted.

The Hon. F. T. Blevins: Absolute nonsense!

The Hon. M. B. CAMERON: It is not absolute nonsense. It is a clear and irrefutable fact that the Hon. Mr. Sumner would not be in this Chamber. We accept that that imperfection was brought about as a result of the previous Bill, and that is a situation that cannot be corrected now, but it will be at an ensuing election provided we make sure that the system is corrected, and provided we make sure that a true result for this Chamber is reflected in the members who represent the people.

We say that there is a necessity to introduce legislation to make corrections to determine the long-term people in this Chamber. We could take this legislation bit by bit and say "We will correct this today, this tomorrow and this bit next week". I do not believe that that is the correct way to go about it. I believe we should do all the corrections together, that we should bring in a system that is fair and just, and make sure that the people are represented properly and the wishes of the people are truly reflected in the results. We should leave this legislation until such time as that correction is brought about.

Government supporters here have assured me over the years that they believe in one vote one value, and I am sure they want this Chamber to reflect the wishes of the people. For that reason they would want a full count of the preferences. They would want to make sure that proper results were reflected in any election. Frankly, I do not believe that the system we have would be the correct way to go about it and I believe that in future we will have to look at further change and adopt the more commonly used system, the Senate system.

That is a matter that can be argued if and when legislation is introduced to bring about any such change in the system. It would be quite wrong to take any corrections that are necessary one by one and do them in that way. I say to the Government that if it introduces a Bill to ensure that a proper result is brought about at the next election, then perhaps this will be looked at and viewed in a different light. I do not support the Bill.

The Hon. A. M. WHYTE: The introduction today of this Bill brings me back to the point I made and have made to the various Governments since I have been a politician, namely, that the proper and correct way to elect members of this Council is a proportional representation system similar to that used by the Tasmanian Parliament. Had this system been adopted we would have seen a great deal less friction and trouble with the election of this Council.

One would also see, instead of the somewhat mongrel-type system we have now, which has caused the Government to bring forward this Constitution Act Amendment Bill at this time to try to overcome an anomaly, that we would not be faced with that situation because there is proper provision in the system which I advocate. I believe one should prevail upon the Government, no matter what its political colour, to introduce a fair and proper system.

The Hon. F. T. BLEVINS: I am astonished at the Opposition complaining about this Bill. It is a simple Bill which corrects what is an obvious anomaly, something that could be required in the not-too-distant future when the whole of the Legislative Council could be up for election. It would be a much fairer system to select a long-term and short-term Legislative Councillor if we applied the principles of this Bill rather than what prevails at the moment. To suggest that now is the time to go through the whole system of Legislative Council elections before any slight amendment can be made is utter nonsense. This Bill does not involve Party politics, but the Opposition will throw it out, an Opposition that includes members who have not been democratically elected. Only members democratically elected should vote on the Bill.

The Hon. M. B. Cameron: The Hon. Mr. Sumner was not democratically elected.

The Hon. F. T. BLEVINS: He was democratically elected and you know it.

The Hon. M. B. Cameron: Nonsense!

The Hon. F. T. BLEVINS: I will come to that in a moment. You are continually maligning a system that you have voted for and praised. The Hon. Mr. Cameron was delighted with the system. Why did not the Hon. Mr. DeGaris, the Hon. Mrs. Cooper and company, and certainly the Hon. Mr. Burdett, who has not been elected in any kind of democratic way to this Council, do something about this matter? It annoys me to think that the Hon. Arthur Whyte, who I know is absolutely convinced of the virtue of the proportional representation system applying in Tasmania, did nothing about introducing such a supposedly brilliant system here. Members opposite, when they had the numbers in the Council to do anything they liked, had no compunction about ensuring that this State was run very much to their liking; they had the numbers to do it, so why did not they do it then?

Every time there is a constitutional matter, the Hon. Mr. Whyte gets up and says to us, "You ought to be introducing the Hare-Clark system." The honourable member says what we should be doing but why did he not convince his own people that this was democracy in this State; why could he not convince his own people? What

happened? What happened was that he went to water when this system was introduced and voted for it and praised it. The Hon. Mr. DeGaris says that every vote had a value; I have quoted his words in this Council time and time again. I had no idea that this rather ridiculous attitude of the Hon. Mr. DeGaris was going to come out today. If I had known of it before, I would have opposed it. What do members opposite say? They say they will toss out this simple Bill that corrects an anomaly, because they cannot have their own way, when they have been having their own way here since Adam was a lad. In the past, they had no compunction about implementing their slightest whim irrespective of whether or not the public voted for them, and it did not. Now they will toss out this Bill which is a non-Party measure.

Members of the Liberal Party in concert will toss out this Bill, and some of them have not been democratically elected to this place; they will use the force of numbers undemocratically to toss out what is a simple and sensible measure. The Hon. Mr. Sumner won the eleventh position on the list at the last poll, and he did that rightly. To suggest that he did not is an absolutely scurrilous attack on the man.

Members interjecting:

The Hon. F. T. BLEVINS: The honourable member did it under this system that the Opposition all voted for and praised. The Opposition's problem at the last election was that the Liberal Party was split: 100 per cent of Liberal Movement preferences did not go to the Liberal Party; nor should they have. At the last Legislative Council election, if 11 per cent of the Liberal Movement's preferences had been distributed to the Australian Labor Party, members opposite would see that the Hon. Mr. Sumner was elected in a completely fair and democratic way. I never suspected for one moment that the Hon. Mr. DeGaris could get on his hobby horse over a simple Bill like this. It is an absolute disgrace to the Liberal Party.

This Bill is essentially a simple, non-political and non-contentious issue, and I am disappointed to hear that those Opposition members who have spoken thus far do not intend to support the Bill. One issue arose during the course of the Hon. Mr. Cameron's speech. That honourable gentleman continually raises this matter, and I have continually told him how he is wrong in saying that, for some reason or another, the Hon. Mr. Sumner is not entitled to sit in this place.

The PRESIDENT: I think the Hon. Mr. Cameron says that the Hon. Mr. Sumner is lucky to be sitting in this place.

The Hon. J. E. Dunford: So he is. I can tell you that.

The Hon. M. B. Cameron: He isn't here now, because he knows he's lucky.

The Hon. F. T. BLEVINS: I thought that Opposition members would surely have to be rational people who could be persuaded of the logic involved in the introduction of this Bill. The Hon. Mr. Cameron continually says that the Hon. Mr. Sumner is lucky to be here, but he is not lucky at all.

The Hon. M. B. Cameron: My word he is! If the system was fair, he would not be here.

The Hon. F. T. BLEVINS: Despite what the Hon. Mr. Cameron thinks, I now refer to the donkey vote. I am sure that at the last Federal election the Liberal Party won it in five out of six seats in the Senate. I do not know what can be done about that matter; it involves a draw out of the hat. I concede that the Australian Labor Party won the first position, and that that was in its favour. Perhaps it will be the Liberal Party's turn next time. However, that does not alter the fact that the Hon. Mr. Cameron continually complains that this system is wrong, and that it is the system that elected the Hon. Mr. Sumner. I should like now to quote from an excellent speech that was delivered in the Council on September 8, 1976, the report of which can be found at page 868 of *Hansard*. Part of that speech, which was delivered by me, is as follows:

I will explain exactly what the figures were and why the Hon. Mr. Sumner has every right to be here. I will give the official returns from the Electoral Department. I do not know whether the Hon. Mr. DeGaris wants to contradict them, but at the election on July 12, 1975, the total vote for the Australian Labor Party was 324 744. The Liberal Movement got 129 110 votes and the Liberal Party got 191 341, which was not many more than the Liberal Movement got. I also asked the research section of our library how the Liberal Movement preferences were distributed.

After some nasty interjections from the Hon. Mr. Burdett, I continued as follows:

My information from the library was that, in the House of Assembly districts where preferences were distributed, about 11 per cent of the Liberal Movement preferences went to the Labor Party. Of the people who voted for the L.M., 11 per cent preferred to be associated with the A.L.P. rather than with the Liberal Party. Figures were bandied around about there being leakages amounting to 30 per cent, but I went to the library and found that the figure was about 11 per cent.

The Hon. R. C. DeGaris: That is on my research.

The Hon. F. T. BLEVINS: That is very good. Apparently I am using the Leader's research. That merely adds enormous weight and prestige to my argument. I continued:

If we take out of the A.L.P. total vote of 324 744 the 11 per cent L.M. preferences, which amount to 14 202 votes, we see that the total Australian Labor Party vote and the 11 per cent give 339 946 votes, or 49·33 per cent. If we take the total Liberal Party vote and the 89 per cent of Liberal Movement preferences, we get 306 249 votes, or 44·57 per cent of the total. How can members opposite say that the Hon. Mr. Sumner has no right to be here?

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

The Hon. F. T. BLEVINS: The honourable member should wait a minute. It gets even better. I continued:

It seems to me to be eminently reasonable to use the figure of 11 per cent. I do not think that is overstating my case. Indeed, it may even be a little conservative. I do not know on which figures members opposite work, because no matter how I do it, I cannot get the same result that they get. If we take the final totals from the Electoral Department, after the elimination of all but the three who finally won seats, the result is even worse for the Liberal Party. If one does the same thing there, and gives the A.L.P. 11 per cent of the L.M. preferences, and the Liberal Party 89 per cent of the L.M. preferences, the Labor Party receives 50·66274 per cent of the formal vote. The votes for the A.L.P., being 332 616, plus 11 per cent of the L.M. preferences, being 15 469, gives a total of 348 085. That gives the Labor Party 50·66274 per cent of the vote. The total vote for the Liberal Party, being 211 447, plus 89 per cent of L.M. preferences, being 125 162, gives a figure of 336 609, or 48·9923 per cent of the vote. If preferences were distributed, there would have been three Parties contesting the last position. The Electoral Department will count out the preferences in future, but, if what I have referred to had happened, the leakage of L.M. preferences would have been more than sufficient to elect the Hon. Mr. Sumner. I gave those figures on September 8 last year, and they were available to the Hon. Mr. DeGaris. Can someone tell me that I have exaggerated the A.L.P. position by allocating that 11 per cent? That is the percentage of preferred votes to be associated with us.

The Hon. R. C. DeGaris: You failed Grade I arithmetic.

The Hon. F. T. BLEVINS: I will give the figures to the Hon. Mr. DeGaris. Apart from the fact that they prove that the Hon. Mr. Sumner has the right to be here, I point out that the people who are saying that he has not that right are mainly the Hon. Mr. DeGaris, the Hon. Mrs. Cooper, the Hon. Mr. Burdett, and, with all due respect, you, Mr. President. The members to whom I have referred have never been democratically elected to this place. Members opposite complain that, under a fair system to which they agreed, the Hon. Mr. Sumner should not be here.

The Hon. R. C. DeGaris: You have a Government in the other place that has not been elected democratically.

The Hon. F. T. BLEVINS: Members opposite are complaining about Chris Sumner. He does not want to be referred to as "the Hon. Mr. Sumner".

The Hon. M. B. Cameron: He is dishonourable for staying here.

The Hon. C. J. Sumner: Mr. President, did you hear that interjection?

The Hon. F. T. BLEVINS: The Hon. Mr. Whyte's objection to the list system is that people cannot vote for individuals, whereas they can. That honourable member, if he wishes to give the electors the right to vote for him, can stand as an Independent, as Arthur Whyte. Then the people could vote for an individual. If a person chooses to stand not as an individual but as a member of a team, he says to the voters, "If you wish to vote for me, you vote for my team." No-one is forced to stand as a member of a team: any person can stand as an individual. Was the Hon. Mr. Burdett in the Council when the list system was introduced?

The Hon. J. C. Burdett: No.

The Hon. F. T. BLEVINS: His colleagues were. Why did the Hon. Mr. Burdett, instead of seeking Liberal Party endorsement, not stand as John Burdett, LL.B?

The Hon. J. C. Burdett: Because I support the Liberal Party.

The Hon. F. T. BLEVINS: The honourable member does.

The Hon. D. H. L. Banfield: When the whip cracks, he jumps.

The Hon. F. T. BLEVINS: I think it was reported in the *Sunday Mail* that the Hon. Mr. DeGaris said he would have won the Southern District, as it was, if he stood as an Independent. I will be delighted if that honourable member puts his money where his mouth is and stands as an Independent at the next election for this Council. I cannot see any reason why rational members of the Liberal Party do not support the Bill. It is entirely non-political, and perhaps the provisions will be essential in future when we have to work out who will be long-term members. That will be far better than picking them out of the hat.

The Hon. J. C. BURDETT: I will speak briefly.

The Hon. D. H. L. Banfield: Are you opposing the Bill?

The Hon. J. C. BURDETT: I will not support it. I do not support the Bill, for the reasons given by the Hon. Mr. DeGaris and the Hon. Mr. Cameron. If the Government were sincere about trying to overcome the anomaly concerning the long and short term Legislative Councillors it would change the electoral system to provide for something like the Senate system (or the Hare-Clark system) whereby one votes for the individual although he represents a Party. If that had been done there would be no need for this Bill at all.

I only wish to refer to a couple of matters which were mentioned by the Hon. Mr. Blevins. He asked why the Liberal Party, which had a majority in the Legislative Council, did not do something about this. Why did it not do something about changing over to the Senate system or the Hare-Clark system? Of course it did what it could. In 1972 the Hon. Mr. DeGaris introduced a private member's Bill—

The Hon. D. H. L. Banfield: But you weren't in Government.

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

The Hon. D. H. L. Banfield: You were in power from 1968 to 1970 and you didn't do a thing about it.

The Hon. J. C. BURDETT: In 1972 when this Party had a majority in the Legislative Council the Hon. Mr. DeGaris introduced a private member's Bill for the full Senate system for the election of the Legislative Council. This Council passed that Bill but it was rejected by the A.L.P. in the House of Assembly.

The Hon. D. H. L. Banfield: This Council also passed the present system.

The Hon. J. C. BURDETT: The other matter that I propose to refer to (which the Hon. Mr. Cameron mentioned) is that on the voting figures in the 1975 election, and I think he put it in an unkind way, when he said the Hon. Mr. Sumner should not be here—

The Hon. C. J. Sumner: You wouldn't agree with that.

The Hon. J. C. BURDETT: I do not, because I do not want to be personal, but on the votes in the 1975 election the Labor Party with its votes should not have achieved six members and the other Party five.

The Hon. F. T. Blevins: What are your figures? If you can show me the figures I will agree with you.

The Hon. J. C. BURDETT: On the votes in 1975, as I was saying when I was interrupted, the Labor Party should not have achieved six members and the other Party five.

The Hon. F. T. Blevins: What do you base that on?

The Hon. J. C. BURDETT: If the honourable member will keep quiet I will tell him. I would not have spoken if I had not been going to say—

The Hon. D. H. L. Banfield: If you didn't have instructions from Ren DeGaris you would not have spoken.

The Hon. J. C. BURDETT: I have provided these figures before. It is not the first time that I have given them. I will give them again. When the complete quotas in the 1975 election were filled there was left over among the three major Parties ·82 of a quota for the Australian Labor Party, ·73 for the Liberal Party, and ·46 for the Liberal Movement. I accept the figures of the Hon. Mr. Blevins of the distribution of the Liberal Movement preferences, that is, 11 per cent going to the A.L.P. and 89 per cent to the Liberal Party. Those preferences of the Liberal Movement were not distributed. They were completely wasted: the whole ·46 of a quota. If we take these percentages of 11 and 89 and distribute them, the Labor Party would get 11 per cent of the ·46, which is ·05, still only making ·87 of a quota; the Liberal Party would get ·4, which would take it well over a quota. We would have bolted in.

The Hon. C. J. Sumner: You should not have split, and you know it.

The Hon. D. H. L. Banfield: That system was approved by this Council.

Members interjecting:

The PRESIDENT: Order! I cannot say that this subject is not relevant to the Bill. It deals with percentage quotas. However, we have had this all before and if honourable members want to have an argument it ought to be done outside. Could the Hon. Mr. Burdett return a little nearer to the subject?

The Hon. J. C. BURDETT: I had proposed to change the subject but I was only commenting on the statement made by the Hon. Mr. Blevins.

The PRESIDENT: I am aware of that.

The Hon. J. C. BURDETT: I want to refer to one other matter raised by the Hon. Mr. Blevins. He produced figures which he claimed showed that the Labor Party received more than 50 per cent of the total vote.

The Hon. F. T. Blevins: We did. The two-Party preferred vote showed we got 50·66 per cent.

The Hon. J. C. BURDETT: That is the point. It is not a two-Party system. In the 1975 elections there was not only the Labor Party, the Liberal Party, and the Liberal Movement; there was also the Country Party and a number of other groups which stood.

The Hon. F. T. Blevins: And their preferences were distributed.

The Hon. J. C. BURDETT: They were not distributed. In fact, everyone knows that. Those preferences were not all distributed and the Hon. Mr. Blevins has completely overlooked that. He may think that the two-Party system is the best system. So it may be, but democratically our electoral system does allow Independent and other groups to stand if they want to.

The Hon. F. T. Blevins: Weren't those preferences distributed?

The Hon. R. C. DeGaris: Not the Liberal Movement.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Blevins has had a pretty fair go. I am sick of hearing this talk about all this argument as to whether the preferences were distributed or not. The subject matter of this Bill is a suggested way of dealing with the problem of determining the long-term and short-term Legislation Councillors. The question of minor Parties is connected with this. The Hon. Mr. Burdett has introduced this and I am not going to permit any further argument on this question of what happened in 1975.

The Hon. J. C. BURDETT: Because this Bill does not solve the problem completely as to long-term and short-term Legislative Councillors I do not propose to support it.

The Hon. D. H. L. BANFIELD (Minister of Health): This is the greatest lot of baloney I have ever heard. Actions speak louder than words. Whatever system we have today has been approved by this Council with a majority of members of the Liberal and Country League; it is as simple as that. If they had been fair dinkum, we would not have had only four Labor members in this Council for nearly 100 years. That is how much members opposite worry about the vote of the people of this State. They ensured that in no way would the majority of the people in this State get a vote, and now they want to try to tell us what to do because we are trying to take notice of what the electors want and how they will have long-term members sitting in this Council. All honourable members opposite want is a piece of straw; they have been sucking on straw and drawing in wind and blowing out hot air for years.

They adopt the attitude "I am holier than thou". For years, the L.C.L. denied the people of South Australia the right to have a democratic Legislative Council; all they allowed the people to have was four Labor Party representatives in this Council; they were not prepared to stand candidates in Central District No. 1 because they might just have won that seat and they wanted to make it look fair dinkum. Look at the Hon. Mr. Cameron yawning! He was elected here on the Liberal Movement vote, and then he moved to the Liberal Party and is now prepared to claim that the people put him there when he was not even elected on their vote. He has the hide to yawn—

The Hon. M. B. Cameron: Because I have to sit here and listen to you.

The Hon. D. H. L. BANFIELD: He says the system does not go far enough. It goes half-way, which is more than the Liberal Party ever wanted it to go. A previous Bill got thrashed because there was a double dissolution at the end of it and they acted like that because Boyd Dawkins was on the outer and Hart went out, and they adopted our system today as a result of the vote of members opposite. Can they deny that?

The Hon. M. B. Cameron: Yes.

The Hon. D. H. L. BANFIELD: How can you deny it?

The Hon. M. B. Cameron: Because I was here, too.

The Hon. D. H. L. BANFIELD: You were a Liberal Movement supporter and you no longer are representing the people who put you here, and yet you say that the Bill does not go far enough because it is not democratic! It is more democratic to say that the people of South Australia have more right to a vote than pulling out a short straw from a cup.

The Hon. M. B. Cameron: Then why didn't you put it in the Bill?

The Hon. D. H. L. BANFIELD: Why not go all the way after the 100 years of domination by L.C.L. policy in this place?

The Hon. M. B. Cameron: Why didn't you put it in the Bill?

The Hon. D. H. L. BANFIELD: Honourable members opposite have had 100 years experience to make it go all the way. Suddenly, for them, democracy reigns supreme, only because the people of South Australia made their wishes felt. It is all right for the Hon. Mr. Burdett and for the Hon. Mr. Hill to say that we should take notice of what the people say. We do not want to take any notice of what a bit of straw says.

The Hon. M. B. Cameron: Why didn't you put it in a Government Bill?

The Hon. D. H. L. BANFIELD: That is all right.

The Hon. M. B. Cameron: You are embarrassed by your own Bill; you have made a mess of it.

The Hon. D. H. L. BANFIELD: Every Bill that has gone through this Council and every law passed in this Chamber has been passed with the consent of honourable members opposite.

The Hon. M. B. Cameron: Yes.

The Hon. D. H. L. BANFIELD: If you did not agree with it, why did you pass it?

The Hon. M. B. Cameron: Why didn't you put it in the Bill?

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: Do you think they can tell me why they passed the Bill if they are not satisfied with it? Are they fair dinkum hypocrites? Of course they are, otherwise they would not have let the Bill pass, because they have been in control of this Council.

The Hon. J. C. Burdett: We did not have much choice.

The Hon. D. H. L. BANFIELD: Has not the honourable member a mind of his own or was he afraid of a double dissolution when the Hon. Mr. Dawkins was on the way out?

The Hon. J. C. Burdett: I was not here.

The Hon. D. H. L. BANFIELD: Of course not, but the policy has not changed and it is not changing tonight. Members opposite are squealing like cut pigs—it is as simple as that. They do not like the truth brought home to them because they have been in charge of this place for as long as the Legislative Council has been in existence.

The Hon. M. B. CAMERON: Mr. President—

The Hon. D. H. L. BANFIELD: There is another cut pig squealing.

The Hon. M. B. CAMERON: —I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. D. H. L. BANFIELD: When members opposite hear the truth they interject because they do not want to hear the truth. For years, they denied over 50 per cent of the people of this State the right to vote for the Legislative Council. Does any member opposite deny that? Come on—deny it!

The Hon. M. B. Cameron: What are you talking about?

The Hon. D. H. L. BANFIELD: With your democratic ideals, you denied 50 per cent of the people the right to vote for their representatives in this Council.

The Hon. M. B. Cameron: Never.

The Hon. D. H. L. BANFIELD: You lying blighter!

The Hon. M. B. CAMERON: Mr. President, the Minister has just made an assertion against me to which I take extreme exception because my record in this Council is completely above board. I ask the Minister to withdraw.

The PRESIDENT: Order! What words does the honourable member object to?

The Hon. M. B. CAMERON: He called me a lying hound.

The Hon. D. H. L. Banfield: I never used that expression.

The Hon. M. B. CAMERON: He called me a lying blighter and I ask him to withdraw.

The PRESIDENT: I understand the expression used was a "lying blighter".

The Hon. D. H. L. BANFIELD: The honourable member said "lying hound"; I did not use that expression at all.

The PRESIDENT: Order! The Hon. Mr. Cameron is not objecting to the word "hound"; he is objecting to the word "lying". Will the Minister withdraw that statement?

The Hon. D. H. L. BANFIELD: Then he has not got a hair on his head.

The Hon. M. B. Cameron: I ask the Minister to apologise.

The Hon. D. H. L. BANFIELD: He is not lying; he is only telling untruths.

The Hon. M. B. Cameron: I ask the Minister to apologise.

The PRESIDENT: I have not heard the Minister withdraw the statement that the honourable member was lying.

The Hon. D. H. L. BANFIELD: I apologise for saying "lying" but I do not apologise for the fact that he is telling lies.

The PRESIDENT: Order!

The Hon. M. B. CAMERON: I ask the Minister to withdraw that remark and apologise.

The PRESIDENT: Order! The Minister cannot accuse the honourable member of telling lies. Whether he puts it one way or the other, I ask the Minister to withdraw the implication that the Hon. Mr. Cameron was lying.

The Hon. D. H. L. BANFIELD: He was telling an untruth; I withdraw the fact that he was lying. He could not have been "lying" because he was sitting in his seat.

Members interjecting:

The PRESIDENT: Order! The Minister will resume his seat. Everybody is getting too excited and it is time we all calmed down. The Hon. Mr. Cameron has complained and the Minister, as I understand it, has withdrawn the implication that the honourable member was a liar or was lying.

The Hon. D. H. L. BANFIELD: The fact remains—

The PRESIDENT: Order!

The Hon. M. B. CAMERON: I sought an apology from the Minister, as I believe that I am entitled to one, but I do not believe that the Minister has withdrawn his statement.

The PRESIDENT: I believe that the Minister did say that he apologised.

The Hon. D. H. L. BANFIELD: It just shows that the honourable member has not been listening. Boo-boo!

The PRESIDENT: Order! The Minister will add to the decorum of the Chamber by winding up his speech.

Members interjecting:

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: The fact remains that honourable members opposite are not interested in allowing the electors to decide who will be their representatives. The Hon. Mr. Cameron has had enough, and is now leaving the Chamber.

The Hon. M. B. Cameron: No, I am not leaving.

The Hon. D. H. L. BANFIELD: The honourable member has had enough. He was elected on an L.M. ticket, but he does not represent the L.M., and he will not give the people the opportunity to decide who will be their long-term representatives in this Chamber. All he wants is another chance.

The Hon. M. B. Cameron: I am merely sticking to the Bill, which you presented but which we passed. That's fair enough.

The Hon. D. H. L. BANFIELD: Honourable members opposite are unwilling to allow the people of this State to decide who their representatives will be. Honourable members opposite have never been willing to do that. They have been unwilling to do that for over 100 years. They debarred 50 per cent of the people of this State from voting—

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

The Hon. D. H. L. BANFIELD: Members opposite would not allow spouses the opportunity to vote. How can the Leader say that spouses do not represent 50 per cent of the people of South Australia? Do spouses represent about 50 per cent of this State's electors?

The Hon. R. C. DeGaris: About 85 per cent of people have the franchise.

The Hon. D. H. L. BANFIELD: What a great lot of crap. You would not allow spouses the right to vote in this State for Legislative Council elections, yet they represent about 50 per cent of the voters in this State. Members opposite denied them the opportunity.

The Hon. R. C. DeGaris: You are denying them the opportunity now.

The Hon. D. H. L. BANFIELD: For Christ's sake—

The PRESIDENT: Order! The Minister is going beyond the pale with some of his expressions. It is about time he remembered where he was. I must call upon him to wind up his speech or to desist from using such expressions.

The Hon. D. H. L. BANFIELD: I suggest that you, Mr. President, cannot ask me to wind up my speech. I believe I have a right to speak on this Bill. These aspects have been raised in the debate, although they had nothing to do with the Bill.

The PRESIDENT: The Minister is becoming tedious and repetitious.

The Hon. D. H. L. BANFIELD: That, Sir, is a matter of opinion. I suggest that you are expressing an opinion. Honourable members opposite are anxious to hear me on this matter before they throw out the Bill, because they do not like being reminded of the fact that for years they denied more than 50 per cent of the voters the opportunity to vote in Council elections. Now the Government is presenting honourable members opposite with the opportunity to allow electors in this State to decide who will represent them in the long term, but honourable members opposite forget all about the electors, just as they have done for the past 100 years when they were in power.

Honourable members opposite can throw out the Bill. We shall be happy if they do that, because we can then assure the people that members of this august Council are not interested in people—they have never been interested in people. I refer to the provisions of the Electoral Act, which allowed only the owners of property the right to vote. It did not matter how much property they owned, so long as they owned property. These were the people that honourable members opposite wanted to have the vote. Indeed, the Opposition is still trying to deny the people a right to a say, and this has been their philosophy ever since the beginnings of this State.

The Hon. R. C. DeGaris: You've misunderstood the whole drift of what we have said.

The Hon. D. H. L. BANFIELD: I have not done that. Initially, I stated that actions speak louder than words, and the actions of the Liberal Party over the past 100 years have been successfully to deny the people the right to elect representatives in this Council.

The Hon. R. C. DeGaris: If that's true, what you're doing now is exactly the same thing.

The Hon. D. H. L. BANFIELD: No, it is not. By not passing this Bill the Leader is saying, "We will not care two hoots about the way in which people vote—we will take our chances by way of lot." That is what the Leader is saying.

The Hon. R. C. DeGaris: When you give every vote an equal value, that will determine the long and the short—

The Hon. D. H. L. BANFIELD: It does not say anything about that in the Bill. This Bill takes this matter out of the area of chance.

The Hon. R. C. DeGaris: It does not.

The Hon. D. H. L. BANFIELD: It does, and it gives the right to the people themselves to decide who will be their representatives. The Opposition wants the lotto system under which, if one's number comes up, that will be the decider. The Opposition is not interested in people. Why did members opposite allow the present system—

The Hon. R. C. DeGaris: Because you wanted it.

The Hon. D. H. L. BANFIELD: Will you accept this Bill merely because I want it? The Leader is talking so much baloney. If I tell honourable members opposite that I want this Bill to be passed, will they accept it? They are going to throw it out because it does not suit them. Of course, it suited them previously when half their members were on the way out, and that accounts for their previous stance. Then it was a real S.O.S.—it was a case of "saving our seats". The situation was as simple as that. Honourable members opposite said, "We have got to give in to the policy of the Labor Party so far as it goes, because there is the Hon. Mr. Dawkins and several other members who are on the way out." That is why they voted in that way previously. The Liberal Party did not vote in the way its members did because it wanted any semblance of democracy—all it wanted was to save a couple of seats of honourable members who had difficulties in the northern area. Certainly, it was not because it was a step forward. The Government introduced a system to give everyone a vote for the Legislative Council. That was not introduced by honourable members opposite—they were not interested in that. Between 1968 and 1970 honourable members opposite had a majority in another place and also in this Council and they could have passed any legislation they liked. They could have brought democracy up to its highest point, but they did not do that.

The Hon. R. C. DeGaris: Neither are you doing it now.

The Hon. D. H. L. BANFIELD: The fact remains that, as a result of the Labor Party's introduction of various Bills, we have come much further.

The Hon. R. C. DeGaris: But not to democracy.

The Hon. D. H. L. BANFIELD: We have come much further along the road. What did the Leader do between 1968 and 1970?

The PRESIDENT: Order! We are not going back to 1968 and 1970. I point out to the Minister that Standing Order 186 may allow me to ask him to resume his seat if he is guilty of persistent and tedious repetition. He is close to it now and I ask the Minister to quickly conclude his remarks.

The Hon. D. H. L. BANFIELD: Mr. President, I do not accept your ruling, but I sit down and I hope to God that you will in the future make sure that there is no repetition from honourable members opposite. I do not agree with your ruling on this occasion, and I make no bones about it.

The PRESIDENT: As this is a Bill to amend the Constitution Act, and provides for an alteration to the constitution of the Parliament, its second reading is required to be carried by an absolute majority. I have counted the Council and, there being present an absolute majority of the whole number of members, I will now put the question, "That this Bill be now read a second time". I point out that, if there is a dissentient voice, there will have to be a division. Those in favour say "Aye", against "No". There being a dissentient voice, there will have to be a division.

The Council divided on the second reading:

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

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

The PRESIDENT: There are 10 Ayes and 9 Noes, a majority of 1 for the Ayes. As the second reading of this Bill has not been carried by an absolute majority of the whole number of members of the Council, it cannot be further proceeded with.

FISHERIES ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendment:

After clause 5, page 1, insert new clause as follows:

5a. Section 34 of the principal Act is amended by striking out subsection (1) and (2) and inserting in lieu thereof the following subsections:

(1) The Director may—

(*a*) grant an applicant a fishing licence or licence to employ;

or

(*b*) refuse an application for a fishing licence or licence to employ.

(2) The Director shall not grant an applicant a fishing licence or licence to employ unless he is satisfied that the granting of that licence will not prejudice the proper management of the fishery in relation to which the relevant licence is applied for.

Consideration in Committee.

The Hon. B. A. CHATTERTON (Minister of Fisheries): I move:

That the House of Assembly's amendment be agreed to.

This matter having been fairly well debated in the Council and in another place, I will not prolong it any further, except ask honourable members to support the motion.

The Hon. J. A. CARNIE: This Bill, which originated in this Chamber, has been returned from another place with clause 5 reinserted in it. I am sure all honourable members will recall that this Chamber opposed clause 5 and removed it from the Bill because it preferred the original provision, section 34 of the Act. I repeat what I said earlier in the debate: this clause will give the Director the right to grant or refuse fishing licences. My attention was drawn to this matter initially by the Minister's second reading explanation. He said:

Essentially, section 34 at the moment provides, as it were, an obligation on the Director to grant a fishing licence to any applicant who satisfies the conditions laid down in the principal Act.

That is not a true but a misleading statement, as the Director already has power under the Act to refuse licences. Indeed, he uses that power, as any fisherman or would-be fisherman in South Australia could tell us. The Minister admitted in Committee that the scale fishery was already closed *de facto* by the department's refusal to grant applications for licences. So, the Minister admits that the department has power to grant or refuse licences but that, in fact, because of departmental and Ministerial policy, no licences have been granted for some time. This Chamber opposed clause 5, as section 34 contains a reference to the Minister, subsection (2) providing:

The Director may refuse an application for a licence if the refusal is necessary for the purpose of giving effect to any administrative policy approved by the Minister for the conservation of any species of fish or the proper management of any fishery.

I believe that any Minister, not just the Minister of Fisheries, should stand up and be counted on any policy that he promulgates. That is even more important in respect of the Minister in charge of this department, as South Australia's fishing industry is not in a happy state. Whether that is the fault of the Minister or the department I do not know, and I am not willing to say. However, it has been shown that the Minister has no understanding of the fishing industry. The industry is of increasing importance in South Australia and it is vital that, at this comparatively early stage in its history, it is pointed in the right direction. However, no-one in the fishing industry knows what will happen next and there is confusion in all sections of it. Only last week the Hon. Mr. Whyte moved a motion which I think all members will agree was, in effect, a motion of no confidence in the Minister and in his handling of certain aspects of the prawn and abalone fishing industry. The motion was not passed in this Council, for obvious reasons. If a no-confidence motion was put to the professional fishermen in South Australia at present, it would pass with a substantial majority, and the sooner the Minister realises that he has not the full confidence of the industry the better the position will be.

I am sure that the Minister and the department agree that the whole licence and permit system in relation to fisheries needs overhauling, and I do not believe that clause 5 as it has come back to this place is the answer. However, I am forced to accept that, for administrative reasons in the department, clause 5 as submitted here more clearly sets out the policies and intentions of the Minister. He has every right to have these policies implemented if that is what he wishes.

I am also swayed by the fact that the Minister is mentioned further in section 34, dealing with appeal provisions. If the Director refuses an application, the person whose application is refused may, by delivering a notice to the Minister in writing within one month, appeal, and the Minister shall appoint a competent person to hear the appeal and make a decision. I suppose that ultimately the Minister must stand up and support his policy, so reluctantly I will not again oppose clause 5. I hope that the Minister will examine the whole licence and permit system in the fishing industry and soon introduce a Bill to allow us to consider the matter again.

The Hon. B. A. CHATTERTON: The whole management of fisheries in South Australia is being examined, and I give the assurance that we will be reviewing all the fishing legislation, although I cannot say whether legislation will be ready for the next session or the session after that. We engaged Professor Copes, a resource economist from Canada, to prepare a Green Paper on the fishing industry. It has been a very useful document which, in principle, has received much support from the fishing industry. On the basis of that general review, we will develop further more detailed policies. In fact, the implementation of some aspects of the Green Paper is already under way. It is on the basis of this rethink of many of the management objectives that legislation is being developed, and this work will continue in consultation with all sections of the fishing industry.

Motion carried.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

This short Bill is intended to correct a clerical error that has been detected in the principal Act, the South Australian Meat Corporation Act, 1936, as amended. Honourable members will recall that in 1976 the principal Act was amended to provide for the transfer of the Port Lincoln abattoirs to the South Australian Meat Corporation. At section 93b of the principal Act as amended in that year certain land was vested in the corporation, the particulars of this land being set out in subsection (1) of that section.

It has now come to the notice of the Government that the reference to two certificates of title in that subsection are, patently, incorrect. Accordingly, this Bill amends that section by, at clause 3, inserting the correct references. All that remains to be said is that this measure is by clause 2 given appropriate retrospective effect and that steps have been taken to ensure that errors of this nature will not arise in the future.

I add that it would not normally have been considered necessary to rush this Bill through so quickly, and I apologise for taking that action. However, the person who has been affected has had difficulty in raising a loan on the property, and I seek the co-operation of honourable members in passing the measure.

The Hon. A. M. WHYTE: The Minister's explanation is sufficient to enable me to have no objection to it. When it was first intimated that a Bill concerning the South Australian Meat Corporation would perhaps deal with the transfer of the Port Lincoln abattoirs to the corporation, I was concerned that perhaps there was a problem about the area to which we confined the activities of Samcor at that time. However, the Bill is in relation to a clerical error. Because the measure has been introduced so late in the evening, I have not been able to check and verify what the Minister has said regarding the number of the title to the property. I would need time to do that. All I can say is that, if the Minister is wrong twice, I am sorry for him.

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

SOUTH AUSTRALIAN GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 5 and had agreed to amendment No. 6 with the following amendment:

Leave out proposed new clause 4b and insert in lieu thereof the following new clause:

4b. The following section is enacted and inserted in the principal Act after section 20 thereof:

20a. (1) The commission shall not pay, apply or allocate any part of the assets of the Life Fund—

(*a*) pursuant to section 18 of this Act;

or

(*b*) as bonuses to the owners of any policies of life insurance,

otherwise than in accordance with this section.

(2) There shall be an actuarial investigation of the state and sufficiency of the Life Fund as at the 30th day of June in every year.

(3) The commission shall ensure that following each actuarial investigation of the state and sufficiency of the Life Fund the sum of—

(*a*) the amount paid or allocated from that fund to a reserve referred to in section 18 of this Act (not being a reserve established for the purposes of that fund);

and

(*b*) the amount, if any, paid into Consolidated Revenue pursuant to that section,

arising from that part of the surplus in the fund, which is derived from policies issued by the commission which in their terms provide for sharing in the surplus or profits of the fund, shall not exceed one-quarter of the amount paid or allocated from the fund by way of bonuses to or for the benefit of the owners of those policies.

Consideration in Committee.

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

That the House of Assembly's amendment to amendment No. 6 be agreed to.

The House of Assembly has gone a long way in accepting a number of amendments which were included in the Bill after careful consideration by honourable members in this Chamber. I think the amendment now made by the House of Assembly meets the principle put forward by members in this place in the previous debate. I understand it meets the Commonwealth provisions and this was a bone of contention as far as honourable members opposite were concerned. For some reason they believed the S.G.I.C. had some advantage over other life assurance companies. As I indicated, both in the second reading debate and in Committee, the commission did not want any advantage and would be prepared to face any competition.

We believe members opposite agree that as long as competition is fair it is all right, and the life assurance offices have claimed that they are not afraid of competition provided it is fair. We believe the amendment proposed by the House of Assembly meets this criterion, and I ask honourable members to accept the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I would like to congratulate the Government on its realistic view of the amendments carried in this Chamber. One must agree that there has been pressure in connection with this Bill. There have been threats of double dissolution, and it takes some courage in that position for honourable members to stand up and be counted on a matter of principle. I would congratulate those members in this Chamber who were prepared to amend the Bill in the face of a declared intention that this was a double dissolution Bill. At the same time I congratulate the Government on looking at those amendments in the Lower House and coming to the conclusion that they had merit. In the focus of Parliament that does a good deal of credit to both the Government and the Opposition.

I am still opposed to the Government being involved in the life field, because I do not believe that it creates any advantage for the community or anyone else. While the Chief Secretary and others may disagree with my point of view, I think they respect it as being genuine on this matter. I stated my views quite clearly in the debate.

The House of Assembly accepted all amendments with the exception of amendment No. 6, in respect of which it has made an alternative amendment. It may be said that the alternative amendment suggested by the House of Assembly does pick up the minimum standard of the Commonwealth Insurance Act. In other words, as I understand what it provides, it applies to the S.G.I.C. substantially the same

controls over its Life Fund as are applicable to life assurance companies registered under the Commonwealth Life Insurance Act, 1945. That Act provides that, on a distribution of surplus following an actuarial investigation, in respect of the profits arising from the "with-profits" business (that is, business where a bonus is declared for the policy-holders), the amount credited or paid to the shareholders shall not exceed one-quarter of the amount distributed by way of bonus to the policy-holders.

In other words, where a business is operating in the life field one-quarter of the actuarial investigation of the profit of that Life Fund goes to the shareholders in the company, and three-quarters goes to the policy-holders. This is a minimum requirement for every mutual society in Australia. As I pointed out in the second reading debate and in Committee, 99 per cent of the premiums paid in South Australia are on a purely mutual basis. In that circumstance, less than one-quarter is taken out for the reserves of the profits of the business. Indeed, in the mutual societies is is a good deal less. In this amendment the Government is taking the absolute minimum standard which is exceeded by practically every society operating in South Australia. That is the position I want the Committee to understand.

The Hon. D. H. L. Banfield: This does not stop the commission; this is what the Bill allows.

The Hon. R. C. DeGARIS: That is right; I am coming to that point. What the House of Assembly's amendment does is to apply the absolute minimum standard applicable in the Life Assurance Act to the S.G.I.C. operations. With the application of the minimum standard in the Life Insurance Act, I hope that the Government in its Life Fund operations comes up to the level of return of profits to the policy-holder at the present standard of the mutual societies operating in South Australia. If the Government wanted to be the front runner and the leader in this field, I should have thought it would give a guarantee in its own legislation that it would do better than the mutual societies at present operating in the life field.

The Hon. Anne Levy: I thought you wanted it to be equal to the mutual societies, with no advantages or disadvantages.

The Hon. R. C. DeGARIS: If the Government has any place in entering the life assurance field, it must provide a better service and something that the other sectors cannot provide.

The Hon. D. H. L. Banfield: This does not prevent it from doing that.

The Hon. R. C. DeGARIS: I know that is the case but, if the Government had any reason for being involved in the field of life assurance, which is covered so adequately at present by the mutual societies, it should be able to exceed the present position offered by mutual societies, and we have built into the legislation the lowest possible minimum that applies under the Life Assurance Act, which is exceeded by every mutual society operating in the field today. Once again, I am not criticising what the Government has done in relation to these amendments; I believe the amendments moved were reasonable, although there has been some disagreement on amendment No. 6. I think that the Government has adopted the minimum standard of the Life Assurance Act to apply to the S.G.I.C., and I am prepared to accept that; but I think my comment is valid, that the Government is still adopting the lowest possible minimum. I hope the Government will give some undertaking that it will, by its reference back of profits to the policy-holders, achieve a standard already achieved in the State by the existing mutual societies. I support the motion.

The Hon. D. H. L. BANFIELD: The Leader is wrong in saying that the Government has accepted the minimum standard. The Government is allowing for this possibility, and the Hon. Mr. DeGaris will have to agree with that, because the life assurance business is not yet set up. But this amendment allows the Government to accept the minimum. For the Hon. Mr. DeGaris to say that it has already accepted it is not really the position, because the Government is not even in business yet. To imply at this stage that it is offering only the minimum is not exactly correct.

The Hon. R. C. DeGaris: I did not say it was offering the minimum.

The Hon. D. H. L. BANFIELD: The Leader said that the Government has accepted the minimum.

The Hon. R. C. DeGaris: Yes.

The Hon. D. H. L. BANFIELD: The S.G.I.C. has not accepted it but it can do so if it so desires. The Leader is trying to put in a plug for the other companies by saying that the S.G.I.C. is not doing the right thing.

The Hon. R. C. DeGaris: No, I did not say that.

The Hon. D. H. L. BANFIELD: The Leader did not say it but he implied it.

The Hon. R. C. DeGaris: No, I did not imply it.

The Hon. D. H. L. BANFIELD: The Leader said it has accepted the minimum. We are saying it allows the commission to accept the minimum. It has not accepted anything yet, because it is not in business, so how can it accept anything, whether the lowest or the highest? The amendment allows it to be competitive with the people outside.

The Hon. A. M. WHYTE: I am gratified at the outcome of the continuing struggle on the Government's entrance into life assurance. When the debate commenced, I made clear that my attitude to the Bill was different from that of the Hon. Mr. DeGaris, who said he did not believe that the Government should enter the life assurance field. I said, on the other hand, I did not care who entered life assurance; it does not matter to me who enters it provided the organisation concerned enters it on a fair and equitable basis and competes in conformity with the rules laid down under the various Federal and State requirements. We have come a long way from the first debate on this matter, which goes back over a series of years and threats of double dissolution but, despite all that pressure, everyone who is fairminded would say that at present we have something that, to my mind, though perhaps it may not go to the point that the Hon. Mr. DeGaris mentioned when speaking about the minimum provision, is acceptable. I do not suppose anyone entering this field would give the maximum, because perhaps that would be dishonest: he might not be able to fulfil that. Provided it stays within the ambit of the guarantee suggested by this amendment, the Government is bound to play the game fairly; if it does not, let it be on its own head. I am pleased at the Government's attitude to our amendments.

Motion carried.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 26. Page 3702.)

The Hon. C. M. HILL: This short Bill results from the appointment of the Royal Commission into the Non-medical

Use of Drugs. It is desirable that the widest possible range of information should be available to that commission. I am sure that honourable members realised, when they heard of the Government's intention to establish the Royal Commission, that difficulties would arise, simply because some people who had experimented in drugs or were addicted to drugs would be loath to give evidence to the commission, because they might become liable to legal proceedings if they disclosed such matters. This Bill provides for special consideration for such people.

The Bill provides that, where a witness gives evidence or makes submissions that tend to incriminate him of offences against the principal Act, no prosecution shall be launched in respect of the offences so disclosed except upon the authorisation of the Attorney-General. We all want the commission to be successful and to take evidence from all people who wish to give evidence to it. Because it is in the general interest that special consideration should be given to such people, I support the second reading of the Bill.

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

LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 26. Page 3709.)

The Hon. J. A. CARNIE: This Bill provides for the payment of subsidies in connection with expenses incurred in acquiring or fitting out motor vehicles for use as mobile libraries. In his second reading explanation, the Minister of Agriculture said:

> The Libraries Board sees the establishment of mobile library services as an important factor in the development of a State-wide system of public library services, particularly in rural areas and in the developing outer metropolitan areas.

I am sure that all honourable members agree with that view. Most of us tend to think of the need for mobile libraries in country areas, but outer metropolitan areas have as great a need for mobile libraries as have country areas. The Bill also draws attention to the fact that libraries nowadays are concerned not only with books but also with other material of a cultural, educational or literary nature; for example, records, cassettes, films, slides, prints, videotapes, maps, and so on. Yesterday, when I dealt with the Libraries and Institutes Act Amendment Bill, I pointed out deficiencies in our library services. I support this Bill and I hope that it represents part of a continuing upgrading of library services in South Australia.

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

INDUSTRIAL CODE AMENDMENT BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

This is the one occasion when the Committee can agree fully with the reasons given by another place for disagreeing to the amendments, because they are contrary to the objects of the Bill. The Bill seeks to allow the Industrial Commission to make decisions in this matter and to provide the opportunity for members of the public to go before the commission to present their views. Honourable members opposite have said that they believe in arbitration and conciliation, and the commission was established to consider applications to it in line with the provisions in this Bill.

There can be no argument about the reasons given by another place for its disagreement to the amendments, because they are contrary to the objects of the Bill. On the one hand the Hon. Mr. Laidlaw suggested that the commission should not be involved, whilst on the other hand he wants to use the commission to break down the conditions of shop assistants. The Committee can agree fully that the objects of the Bill have been thwarted. I ask the Committee no longer to insist on its amendments.

The Hon. J. A. CARNIE: I shall not keep the Committee long, because all that needs to be said on this matter has been said. The Government has shown itself to be inconsistent in this matter. It now says that Parliament should not have any say in shopping hours in this State, yet three or four years ago it introduced a Bill which sought to introduce late night shopping on one evening a week. The Government then thought that Parliament should have a say in fixing shopping hours in this State, but it also sought to impose terms and conditions, which are not and which never have been the function of Parliament.

As in this case, Parliament's function is to allow industry to find its own level, to sort itself out. The commission should not be involved in this matter. What are the objects of the Bill? Does the Government want extended trading hours in South Australia? The Government introduced this Bill in the hope that nothing will happen, that shopping hours will not change in South Australia and, for that reason, I ask Committee to insist on its amendments.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. R. A. Geddes.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the Bill to be further considered, I give my casting vote to the Noes.

Motion thus negatived.

The Hon. D. H. L. BANFIELD (Minister of Health): As there may be a possibility that I will miss the next message, I should like to take the opportunity of wishing that you, Mr. President, have a most successful trip overseas. As you know, Sir, this is near the end of the session, and I want to thank you for your co-operation and the odd times when you supported us on this side of the Council. There were occasions when the Opposition convinced you that it was right, and you gave your judgment accordingly. When we look back on the session, we see that we have had a reasonably good one. There have been times when some of the "boys" have been a little boisterous. I have not been one of those, but we know that some honourable members cannot always control their emotions. We wish you a successful trip. There may be opportunity to mention this matter later but, in case there is not, I mention it now.

The PRESIDENT: I thank the Minister and all other honourable members.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 9 a.m. on Thursday, April, 28, at which it would be represented by the Hons. D. H. L. Banfield, M. B. Cameron, J. A. Carnie, J. E. Dunford, and C. M. Hill.

LAND COMMISSION ACT AMENDMENT BILL (No. 2)

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

Consideration in Committee.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That the Legislative Council do not insist on its amendment.

The amendment made by this Council defeats the purpose of the Bill entirely by leaving unchanged the gap of one year between the time substantial commencement has not occurred and the time when the commission can acquire in terms of prices ruling at the time the notice of intention was issued. Furthermore, two additional years are given for anyone with a planning unit to show substantial commencement. The amendments are designed to make it more difficult for the Land Commission to achieve its objectives, namely:

(*a*) Lowering land prices through consolidation of development and the elimination of speculative gain;

(*b*) Securing the better planning and development of new communities;

(*c*) Assisting in the provision of community facilities in new communities; and

(*d*) Considering the extent to which the rest of the community subsidises newer areas through a more effective utilisation of expensive public services.

The Liberal Party has now demonstrated that it is opposed to these objectives and that it will do anything in its power to restore a situation where the highest speculative gains are made by a few individuals at the expense of the rest of the community. Furthermore, the Liberal Party has also demonstrated its desire to maintain a situation where the maximum encouragement is given to litigation (by maintaining the one-year gap) to the enduring profit of certain members of the legal profession.

The Hon. R. C. DeGARIS (Leader of the Opposition): I cannot agree to the motion and I am surprised at the reasons that the Minister has given as to why we should not further insist on our amendment. The Bill amended subsection (8) in the clause that has been amended by giving the Land Commission the right to acquire land at a price five years in retrospect. The existing power is for three years. We did not disagree with the fact that the Land Commission had a role to perform. However, we do not agree that that role cannot be fulfilled adequately with the existing powers. The Government has asked for an extension of time to be provided so that the Land Commission will be able to acquire land at a price five years in retrospect.

The Hon. B. A. Chatterton: No.

The Hon. R. C. DeGARIS: Will the Minister agree that the commission can under the existing Act acquire at a price three years in retrospect? When the Land Commission states that it wishes to acquire a planning unit, it gives notice of acquisition at that time. Then the person concerned has the right to say that he wishes to develop the unit, and he has three months to submit plans for that planning unit and he has two years to make a substantial commencement. If at the end of the two years he has not made a substantial commencement, the Land Commission can proceed with the acquisition. If the acquisition was at the end of the three years, the price would be retrospective to three years before. This Bill extends the three years to five years, but it is correct that the Government's amendment allows the commission to have a five-year period when the price will be fixed at what it was at the beginning of the five-year period.

The Hon. M. B. Cameron: What is the present inflation rate?

The Hon. R. C. DeGARIS: I will not go into that at the moment. At the moment in subsection (7) the period is two years and in subsection (8) it is three years, and it is that relativity between the two periods that we wish to preserve. Under subsection (7) a person has only two years to make a substantial commencement, the reason being that "substantial commencement" means the actual laying of the foundations—on rural land, from the subdividing of the land to the roads and sewers being constructed and the foundations of the house being laid. If any Government department wishes to cause frustration, it is almost impossible for a private person to avoid having his property compulsorily acquired.

In our amendment we have said, "We will allow the Government to extend this period, in subsection (8), from three years to five years but, as a *quid pro quo*, it is necessary to give the person whose property is being acquired an extension of time, under subsection (7), from two years to four years." That is the crux of the amendment. When I hear the Minister talking about how the Liberals in this Council are anxious to shield a few individuals at the expense of the rest of the community or that we are shielding the legal profession in its operation, that has absolutely nothing to do with it. It is pure politics on the part of the Minister that has pushed him into making those ridiculous statements. Following Justice Mitchell's ruling that the "substantial commencement" means the actual laying of the foundations, if the Government was serious in what it was trying to do, it would grant an extension of time in subsection (7).

If the Government amendment is carried, every private developer in South Australia will have to desert this State, which would be a tragedy for young people not to have some private competitors with the Land Commission; also, it would be a tragedy for the whole community, not a gain for a few individuals. The Council's amendment is justified and a compromise is available if the Government will take it. It can have two years in subsection (7) and three years in subsection (8) or three years in subsection (7) and four years in subsection (8), and so on, as long as it preserves the one year difference between the two periods. That is the crux of the matter. The relationship between the two periods must be preserved. Therefore, I cannot agree to the motion.

The Hon. M. B. CAMERON: I was a little surprised at the Minister's explanation of the rejection by the Lower House and the Government of this amendment, more particularly when he said that, if the Liberals insist on their amendment or fail to agree to the Bill as it is (those are not the exact words but they are a fair summary), we are turning our backs on the Land Commission and, in effect, are destroying it. That is the

implication of what the Minister said. The only fact I can glean from that is that the commission up to now has failed or, if this extension is not granted, it will fail. That is rubbish, as the Minister knows. It is certainly not a requirement. I think the Land Commission has operated very well for the purpose for which it was set up.

The Hon. T. M. Casey: You have never said a good word for the Land Commission.

The Hon. M. B. CAMERON: Yes, I have.

The Hon. T. M. Casey: Do you remember what you said when the Bill was first introduced?

The Hon. M. B. CAMERON: Yes; if the Minister looks through *Hansard* he will find I was a supporter of the Land Commission.

The Hon. T. M. Casey: But all your mates were not.

The Hon. M. B. CAMERON: I am not talking about what other people did; I am telling you that I supported the Land Commission. For that reason I still support the Land Commission's operations, provided the Government does not have the ability to turn the commission into a monopoly; that is the effect of this provision. There is a danger that the Government will turn the community against the Land Commission, because the people will be frightened that the Land Commission will become a monopoly. Instead, the Government should allow the commission to operate as it is, and not give it absolute power. I do not believe that the Government should castigate the Opposition to the point of saying that the Opposition will destroy the Land Commission by not passing the Bill in the form that the Government desires; that is absolute nonsense.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. D. H. L. Banfield. No—The Hon. R. A. Geddes.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the matter to be further considered, I give my casting vote for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the House of Assembly conference room at 9 a.m. on Thursday, April 28, at which it would be represented by the Hons. J. C. Burdett, B. A. Chatterton, R. C. DeGaris, N. K. Foster, and A. M. Whyte.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

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

PIPELINES AUTHORITY ACT AMENDMENT BILL

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

LEGAL SERVICES COMMISSION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 4, and Nos. 6 and 7, but had disagreed to amendment No. 5.

Consideration in Committee.

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

That the Council do not insist on its amendment No. 5.

The Hon. J. C. BURDETT: This was a Government amendment to which the House of Assembly disagreed. This happened simply because yesterday the Minister had two amendments before him; it was intended that he move one and not the other. However, the Minister made a mistake (for which I do not blame him) and moved them both. The Government decided that it was not wise to refer to the cessation of services in the Australian Legal Aid Office, I believe, because that office requested that it be not mentioned in the Bill. The other amendment moved by the Minister that deleted certain portions of clause 15 was the one that was intended to be moved and to be made operative. The amendment simply rectifies the situation and corrects a simple and pardonable mistake. I support the motion.

Motion carried.

ADJOURNMENT

At 11.15 p.m. the Council adjourned until Thursday, April 28, at 2.15 p.m.