

in numerical order. However, clause 4, which I believe should be clause 5, deals with a question that I raised on a previous Bill before the Council concerning the unusual circumstance where a candidate dies between nomination and election. A serious problem could occur where, if a candidate died, less than the number of candidates elected by the voters would be able to take their place in the Parliament. That could create quite a difficult situation as far as the democratic process was concerned.

That problem does not occur in single-member seats, but it is a serious problem where proportional representation is used with the list system. The Electoral Act provides that, where this occurs, an election for the Legislative Council is void and a new election is then called. As the Constitution Act has no provision for by-elections for the Legislative Council, it is necessary to take up the point in the amendment to the electoral legislation in the Constitution Act. This is done in clause 4, which should be clause 5. New section 14 (2) provides:

Where an election held in pursuance of subsection (1) is avoided or fails, a fresh election to supply vacancies in the membership of the Legislative Council shall take place as soon as practicable after the date of that election.

Does this provision create, as it is drawn, another difficulty? Is it possible that, where an election for the Legislative Council fails for some legitimate reason, a new election is called? If the elections of the House of Assembly and the Legislative Council are not held concurrently, the provision that the Legislative Council should serve for not less than six years, calculated from 1 March in any year, could create the position that the election of the Legislative Council members could be for a considerably longer period than six years.

I do not think that that is a possibility that we could count on; the possibility of that occurring is at very long odds. I would consider it reasonable to include a further subsection in new section 14, stating that, for the purposes of the Constitution Act, in the event of an election for the Legislative Council failing, the subsequent election (which is really a by-election for the Legislative Council) should be deemed to have been held on the same date as the House of Assembly election.

This is a minor point and I ask the Government to examine it because it is a valid point where there is a possibility of the Legislative Council, for the first time, having an election separately from the House of Assembly. This may complicate the question of the six-year period which is included in the Constitution Act for service in the Legislative Council. Apart from those comments, I support the second reading.

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

EVIDENCE ACT AMENDMENT BILL (No. 2)

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.

BRANDS ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It amends the Brands Act on a number of different subjects. Presently the principal Act provides that livestock are not

to be branded except with a brand approved by the registrar. The primary purpose of such branding is to facilitate the ready identification of an animal's owner. However, the Bill proposes an amendment to the Act which will enable the State's horse racing authorities and approved breed societies to require their respective members' stock to be branded in accordance with the appropriate registration rules of the authority or society.

Such a brand will be for the express purpose of identifying the animal rather than its owner. The amendment originates from a longstanding request by the Australian Trotting Council and, more recently, the South Australian Trotting Control Board to allow the trotting industry in this State to introduce the 'alpha angle' system of branding for animal identification purposes. The amendment will also permit approved breed societies to brand stud stock according to society specifications. Such branding will accord societies a higher degree of protection in maintaining stock blood lines.

Due to the progress of the national eradication of bovine tuberculosis and brucellosis, it is intended that all cattle moving from tuberculosis and disease infected properties be permanently identified. The Bill provides for the use of appropriate distinctive brands. The Bill will also enable departmental officers or an authorised officer of a breed society to brand cattle indicating that such cattle have undergone a herd test as, for example, is required by the Angus Breeds Society in relation to mannosidosis.

The Australian Wool Corporation and all organisations of coloured sheep breeders have unanimously agreed that a standard ear mark to identify heterozygous sheep should be adopted. This will enable responsible breeders to identify sheep for sale which are heterozygous so that a buyer may be warned of the risks in their use. The Bill also contains a number of minor amendments removing references to the defunct livestock division of the department and updating the definition of 'disease' so that it accords with the present definition of the Stock Diseases Act. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 provides that where an animal is registered with an approved authority the owner may brand the animal with a brand which has been approved by the authority and in a position and manner approved by the authority. Where an authority is approved for the purposes of the new provision it is required to keep records of approved brands and is required to allow the registrar to examine and make copies of or take extracts from those records. Clause 5 provides that a sheep that carries the colour pattern gene may be earmarked with the distinctive earmark identifying it as such a sheep.

Clause 6 amends section 62 of the principal Act. This section relates to the branding of diseased stock. The amendment expands the form of the brand that may be used in relation to such stock and provides that the brand may be either a fire brand, a freeze brand or an acid brand. Clause 7 amends section 63 of the principal Act by removing the reference to the body known as the Advisory Committee for the Improvement of Dairying. Clause 8 is a consequential amendment.

The Hon. FRANK BLEVINS secured the adjournment of the debate.