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 the
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.