HOUSE OF ASSEMBLY

Thursday, July 1, 1965.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

QUESTIONS

STATE FINANCES.

The Hon. Sir THOMAS PLAYFORD: As the 1964-65 financial year ended yesterday, can the Treasurer indicate the Budget position for the last financial year, particularly the cash position as at June 30?

The Hon. FRANK WALSH: I have just received a report from the Under Treasurer, who states that the deficit on Consolidated Revenue Account for 1964-65 will be about £1,313,000, and that on Loan Account £1,728,000. These may be subject to very small adjustments when the Agent-General's figures are received. Since the year commenced with funds in hand from past surpluses of £1,922,000 on Revenue Account and £1,698,000 in hand on Loan Account, the balances at the end of the year will be about £609,000 in hand on Revenue Account and a net deficit of £30,000 on Loan Account. Whereas the Estimates presented by the preceding Government proposed to spend during 1964-65 more than the whole amount carried forward on Revenue Account and all but £18,000 of the amount carried forward on Loan Account, there has been a significant improvement on the former and a very minor deterioration on the latter. It should be appreciated that the previous Government had in hand at the beginning of the year £3,620,000 on these two accounts and also £680,000 of surplus from the Uranium Production Account, which was paid to Revenue, making £4,300,000 in all. These were used up to the extent of £3,721,000, so there now remains only £579,000 net to assist next year. My Government must accordingly approach its 1965-66 Budget proposals from a £3,750,000 less favourable position than did the outgoing Government last year.

The Hon. Sir THOMAS PLAYFORD: In view of the fact that arising out of last year's transactions there was this year an increase of more than £4,000,000 in the tax reimbursement, can the Treasurer say whether the last sentence in the statement he gave me is accurate?

The Hon. FRANK WALSH: I should be the last person to suggest that this last sentence is inaccurate. The information was supplied to me by the Under Treasurer as being authoritative.

The Hon. Sir Thomas Playford: Are these the Under Treasurer's words or have they been altered?

Members interjecting:

The SPEAKER: Order! The Premier is answering a question and he is entitled to be heard in silence.

The Hon. FRANK WALSH: In the first place, I demand of the Leader of the Opposition a complete withdrawal of that accusation.

The SPEAKER: I do not think it is within my power to insist on such a withdrawal.

The Hon. FRANK WALSH: I can tell honourable members that this is the first occasion in all my experience that any Opposition member, to the best of my knowledge (and I was in Opposition for 24 years), has ever accused the Under Treasurer of this State in connection with something he gave to the Treasurer. The Leader, a former Treasurer, has challenged the Under Treasurer's statement. I indicated from the word "go" that the statement was prepared by the Under Treasurer and I gave the Leader a copy. I cannot understand what was in the Leader's mind to make the suggestion that he did. Let me go further: to the best of my knowledge, whatever may have been done regarding the Loan Council meeting, whatever was done at the Premiers' Conference, and whatever comes out of that, all this will commence as from July 1 this year and not as from July 1 last year.

The Hon. Sir THOMAS PLAYFORD: Mr. Speaker, as the Treasurer has accused me of certain things that were not said or intended, I seek leave to make a statement.

Leave granted.

The Hon. Sir THOMAS PLAYFORD: The last sentence of the statement deals with the position of the Budget for next year. It states that the Government starts off, with a certain sum, in a worse position than last year's. That obviously could not be determined on one item, and my only reason for asking whether this figure was provided by the Under Treasurer was to point out that to mention one item of a Budget and to say that that means that the Budget starts off that much worse off is obviously not correct. That is the only reason I raise the matter. I am not imputing to Mr. Seaman anything at all; I know that he is a highly competent officer.

The Hon. Frank Walsh: Are you imputing anything to me?

The Hon. Sir THOMAS PLAYFORD: I asked leave to make a statement, and I suggest that the Treasurer have a little patience and hear what I have to say.

The Hon. Frank Walsh: I need to have a lot of patience with you.

The Hon. Sir THOMAS PLAYFORD: The Treasurer will be quite happy with what I have to say. I am asking whether the Treasurer understood what was implied in Mr. Seaman's report to him, whether this was a complete report as provided by Mr. Seaman, or whether it was not understood perfectly and its intention fully conveyed.

The Hon. FRANK WALSH: Mr. Speaker, I crave your indulgence—

The SPEAKER: Does the Treasurer ask leave to answer those remarks?

The Hon. FRANK WALSH: I do.

Leave granted.

The Hon. FRANK WALSH: When I brought this matter before the House, I had had little or no opportunity to discuss it with the Under Treasurer. He merely gave me to understand that this was the State's financial position. Out of courtesy (and I, too, claim courtesy in this matter) I told the Leader of the Opposition, in view of his experience as a former Treasurer, that I had received the statement and that, if he would ask a question, I would make it known to the House. For the Leader of the Opposition to challenge me whether I know all the details of this statement or not is embarrassing at this juncture. This is a proper statement prepared by one of our most honourable officers, with a great responsibility to the State. As Treasurer, I accepted the statement. There is no reason why I should ever doubt the integrity of any officer of the Treasury Department or the Premier's Department. I hope and sincerely trust that this House will never have to question the integrity of anything that the State's senior officers have to present to Parliament.

INDUSTRIAL ACCIDENTS.

Mr. CASEY: I understand that the Minister of Works has a reply to my question of June 23 regarding safety precautions at Gidgealpa.

The Hon. C. D. HUTCHENS: The Minister of Mines reports:

Drilling operations on petroleum exploration projects are subject to the safety requirements of the Mines and Works Inspection Act, and all such drilling operations are regularly inspected by officers of this department. The drilling project at Gidgealpa and the adjoining area at Merrimelia is being undertaken by a contractor on behalf of the Delhi-Santos Group. The work is carried out in a most efficient manner, and with full attention to the complete requirements of safe practice. The unfortunate mishap resulting in the death of one man cannot be blamed on the contractor. In three years' continuous drilling operations, serious accidents in addition to the one above total three, two broken legs and an injured ankle. It is the opinion of departmental inspectors that the operations of the drilling contractor are first class in respect of both safety and efficiency.

GOVERNMENT PRINTING OFFICE.

The Hon. T. C. STOTT: Can the Minister of Works say whether his Government has considered the subject (which was raised with the previous Government) of the purchase of land on which to build a new Government Printing Office? Has this matter come under the Minister's notice; does the Government intend to move the Government Printing Office to the new land; and, if it does, when is the work likely to be undertaken?

The Hon. C. D. HUTCHENS: I regret that the honourable member asked this question at this stage. By a queer coincidence I commenced inquiries with the object of finding out answers to these very questions. When these answers come to hand I shall be pleased to inform the honourable member.

KEILIRA PRIMARY SCHOOL.

Mr. CORCORAN: Has the Minister of Education a reply to my question of June 24 regarding the Keilira Primary School?

The Hon. R. R. LOVEDAY: I have been informed by the Director of the Public Buildings Department that a contract for the erection of new toilets at the Keilira Primary School was let on May 12 to A. Lehermayr and Co. of 39 Burbank Avenue, Burbank, and that arrangements are being made to have the contractor expedite the work.

ANGASTON PRIMARY SCHOOL.

The Hon. B. H. TEUSNER: In a letter I received recently concerning certain conditions at the Angaston Primary School, a constituent of mine from Angaston states:

Is it possible for you to do something about the appalling accommodation the Education Department provides for children who have to have their lunch at school? I am sure that other schools are equally as bad as Angaston, but if I made my daughter sit outside in an open "shed" to partake of meals someone would rightly report me to the Welfare Department. Surely the least the Education Department can do is to make it a general rule that in winter weather the children partake of their lunch in the multi-purpose rooms, when and where other accommodation is not available.

Will the Minister of Education look into this matter and see whether the position can be improved?

The Hon. R. R. LOVEDAY: I shall be pleased to have the matter examined.

MATHEMATICS.

Mrs. BYRNE: Can the Minister of Education say whether his department is aware of the new method of mathematics instruction and whether it is taking any interest in it?

The Hon. R. R. LOVEDAY: I am pleased that the honourable member has asked me this question. I noticed the report in today's *Advertiser* about a method introduced by Professor Dienes. About three years ago the Education Department accepted an offer from Professor Dienes to act as consultant. It established experimental classes in mathematics at primary level at the Cowandilla and Glen Osmond schools. The classes started in the lower grades and have been extended. Their purpose is to introduce the idea of mathematical concepts at an early age; the work is being gradually extended to other schools and the results are being continually assessed. The Director of Education has the responsibility of determining courses and this particular method is being carefully evaluated.

AGRICULTURE DEPARTMENT OFFICERS.

Mr. NANKIVELL: I think the Minister of Agriculture will agree that it is important to the proper functioning of the Agriculture Department to have a full complement of highly efficient and competent officers. Consequently, is he aware of the alarming wastage taking place among such officers in his department? Has he any plans to recruit officers to fill the 35 vacancies at present in the department, 29 of which are in the plant industry section? Will he consider having a strict inquiry undertaken into the reasons for the wastage, as increased salaries do not appear to be the only attraction?

The Hon. G. A. BYWATERS: I thank the honourable member for his question. It lends weight to action I have already taken. I am perfectly aware of the situation, which concerns me greatly. I appreciate, too, that other members have contributed to this suggestion, and I have taken action about two officers, which action I have previously explained in this House, and they are still with the department. I am aware that there is a need for recruitment, a matter that will be discussed by me next week, I hope, with the Public Service Commissioner and the Director of Agriculture. I have some thoughts on recruiting: we could recruit officers from overseas, which might help the position. The Director intends to go overseas a little later for a conference and I shall discuss this matter with him to see whether it will be possible for him whilst in England to ascertain whether any officers are available there to help out in this situation. I am aware that it is not only salary that is causing the transfer but I shall persist with the problem in the hope that good results will accrue.

MARINO BLASTING.

Mr. HUDSON: I understand that the Minister of Agriculture, representing the Minister of Mines, has a reply to a question I asked recently about blasting at Linwood quarry, Marino.

The Hon. G. A. BYWATERS: My colleague, the Minister of Mines, reports:

Over the last few years a number of tests have been carried out in the Marion, Brighton and Marino areas, to measure the ground vibrations caused by quarry blasting. While these tests have indicated that the vibrations from quarry blasting are not sufficient to cause damage to houses, the department is continually seeking to improve blasting practice and to minimize vibration and blast effects. At the present time a series of tests is being carried out by the department in conjunction with the Marion City Council. The blast set off in the Linwood quarry on Tuesday, June 22 of this year, was not a large one. There were seven column-loaded and five bulled holes. It was only a moderate blast compared to some regularly fired. But these holes were fired on the top bench, and there were 25 small "popping" charges which are small in amount, but which are noisy. Coupled with these conditions, *i.e.* an open top bench and noisy light shots, the air was fairly still, so that the sound travelled a good distance. This would account for the effect of the blast being pronounced, even though the amount of explosive was quite moderate. A drop-ball is being built in the quarry to break boulders and so lessen the number of popping charges required. Further work is being done, as mentioned above, by the department in collaboration with the council.

With regard to the fencing of blasting areas, it is required by regulation that the person doing the blasting place men as guards to ensure that no persons come into the danger area.

GRAPES.

Mr. QUIRKE: Has the Premier a reply to my recent question concerning the widening of the terms of reference of the Royal Commission into the wine industry?

The Hon. FRANK WALSH: I think I should explain this matter. Last Friday, I think it was, I had a consultation with the Chairman of the Royal Commission and we discussed certain matters relating to the terms of the inquiry. As a result of those discussions, I submitted a certain proposal to Cabinet last Monday, and this morning at a meeting of

Executive Council the terms of reference were assented to. Three of the terms of reference are exactly the same as previously, the first one stating:

The costs of production of the various types of grape in the various districts in the State of South Australia.

The second one states:

The factors (including availability of varieties and demand) upon which the allocation of grapes for drying and for wine production is based.

No. 4 of the terms of reference remains the same, namely:

The effect upon existing grapegrowers and in particular upon settlers under the War Service Land Settlement Agreement Act of 1945 of further plantings of wine grapes.

Previously, No. 3 stated:

The form of negotiations and agreements between winemakers and grapegrowers (or grapegrowers' organizations).

In its amended form it has been approved by Executive Council. It now states:

The factors, including the costs of winemaking, upon which agreements between grapegrowers and winemakers should be based, so as to ensure a fair and proper return to all parties to such agreements.

Mr. CURREN: Various public statements have been made recently regarding the reaction of certain people to the appointment of the Royal Commission. Can the Premier give the House any information regarding the official reaction by the Grapegrowers Council of South Australia to the appointment by the Government of a Royal Commission to inquire into the wine grapegrowing and winemaking industry?

Mr. Shannon: I'll bet he can!

Mr. Jennings: It is not a Dorothy Dixer.

The Hon. FRANK WALSH: I can give this information if I am permitted. A letter from the Wine Grapegrowers Council of South Australia, dated June 30, 1965, addressed to me, states:

As President of this Council may I commend you for your action in having a Royal Commission appointed to inquire into the problems of the grapegrower in relation to the wine industry. The terms of reference quoted should enable the Commissioners to arrive at a finding on both the position of sultanas in industry and the cost of production of grapes before next vintage. I note in this morning's *Advertiser* that the full terms of reference for the Royal Commission into grape production would be given after the matter had been discussed by Executive Council.

Also recorded is the statement by the Chief Secretary regarding a request from the people concerned. I therefore respectfully ask, on behalf of this State Council, that the terms of reference be extended to cover the costs of the manufacture of wine and also its merchandizing.

The letter continues, and this is worth reading:

I am sure you will be a champion of the growers if this inquiry can answer their questions regarding the £23 a ton they receive and the final realization over the bottle bar of £244 for the finished product.

Mr. Clark: You had better read that again!

The Hon. FRANK WALSH: I do not know whether they are getting £23 for a ton of grapes and a bottle of brandy is sold at the equivalent of £244 a ton for the grapes. Perhaps that is the answer. The letter continues:

We sympathize with you regarding the needling questions being asked in the House and the frustration of a genuine attempt to assist growers on a vital matter. Council is aware and appreciative of the endeavour. May I offer the services of our office at any time, and point out that despite the publicity given to the surplus grape crush of 1965 and the many probing questions asked in the House, only two Parliamentarians, the member for Chaffey and the member for Ridley, have sought information from us.

The letter finishes, "I am, Yours sincerely", and is signed by the President of the Wine Grapegrowers Council of South Australia.

The Hon. D. N. BROOKMAN: I should like to know whether I heard the letter correctly, because I was astonished at what I understood to be the statement by the writer that only two members of Parliament had approached the council for information, these having been the honourable member for Chaffey and one other. The whole letter and the extraordinary way in which it was constructed interested me. Will the Premier re-read those lines that refer to the inquiries from other members because, if they read as I understand them to, I do not think the letter is quite correct?

The Hon. FRANK WALSH: I am not at fault concerning the honourable member's hearing or understanding, but I assure him that it is not my intention to re-read from the letter signed by the President of the Wine Grapegrowers Council because I have already read directly from it. I repeat that the concluding paragraph to which the honourable member has referred mentioned the two honourable members of this House in the persons of the honourable member for Chaffey and the honourable member for Ridley.

The Hon. B. H. TEUSNER: On June 22 last I asked the Premier whether he would table the Prices Commissioner's report relating to the prices recommended by him for grapes purchased by wineries in 1965. I reminded him on that occasion that a similar report in respect of the 1964 vintage had been tabled and made a Parliamentary Paper. The Premier replied that any report in respect of

prices submitted by the Commissioner would be printed in *Hansard* or elsewhere, and that he would obtain this particular report for me. Is the Premier prepared to table that report and to have it printed as a Parliamentary Paper?

The Hon. FRANK WALSH: First, I believe the honourable member will recall that I sent a message to him on Tuesday to the effect that I had this information. Because of its length, I seek leave of the House to have it printed in *Hansard* without my reading it.

Leave granted.

The Hon. FRANK WALSH: I seek leave to make a statement.

Leave granted.

The Hon. FRANK WALSH: I wish to make a correction to a reply I gave to a question earlier today concerning grape prices. To conform with the usual practice, I seek leave to lay on the table of the House, in lieu of inclusion in *Hansard*, the report of the Prices Commissioner on wine grape prices and their effect on the wine industry, and move that the report be printed.

Leave granted.

Ordered that report be printed.

The Hon. D. N. BROOKMAN: I seek leave to make a personal explanation.

Leave granted.

The Hon. D. N. BROOKMAN: As this is the last day Parliament will be sitting for a few weeks, and as the Premier has refused to re-read a line or two from a letter he received from the Grapegrowers Council, and on the assumption that I correctly heard him say that the letter from the President of the council said that only two members (the member for Chaffey and the member for Ridley) had approached the council for information, I wish to say that the facts as set out are not correct. I have personally approached the Secretary of the Grapegrowers Council for information and I know of at least one, and I think two, members on this side of the House who have also done that.

TANUNDA COURTHOUSE.

The Hon. B. H. TEUSNER: Has the Minister of Works a reply to my recent question about the police station and courthouse at Tanunda?

The Hon. C. D. HUTCHENS: The Director, Public Buildings Department, states that a contract for the work was let on April 30, 1965, to Mr. B. V. Rohrlach of 2 Second Avenue, Tanunda. Arrangements are being made to have the contractor expedite the work.

FURNITURE REMOVAL CHARGES.

Mr. HALL: Recently I brought to the notice of the Premier the fact that migrants arriving by air were not receiving free transport from the point of unloading goods to their local place of habitation for their goods that came by sea. I instanced the case of a husband and wife who paid £26 for the transport of 11 tea chests, two trunks and five crates from Outer Harbour to Para Hills, a charge that they and I think is exorbitant. The Premier said he would look into the matter if I could give him further details of the persons involved. These people have given me their names so that I may quote them and, whilst they realize that they will probably not receive reimbursement, they would like this case taken up so that further exorbitant charges are not incurred by migrants to South Australia. The names are Mr. and Mrs. Fey, 10 Harold Street, Para Hills. Their goods came by the *Port Launceston* in the first instance and were consigned at Southampton through the Seven Seas Transport Company to Brambles in South Australia and the goods arrived on January 19. I believe that that information should pinpoint the matter. Will the Premier take up this particular case with a view to seeing whether there has been overcharging and, if so, that it is not repeated? Further, will he take up the other matter of interceding with the Commonwealth authorities with a view to providing free transport of goods arriving by sea from the port of arrival to their homes when migrants travel by air?

The Hon. FRANK WALSH: I shall be pleased to obtain the necessary report and I sincerely commend the honourable member for bringing this matter forward, because I do not hold with the over-charging of migrants and I shall do all possible in their interests.

STUDENT TEACHER ALLOWANCES.

Mr. HUGHES: The following statement appeared in the press, under the name of the Minister of Education:

The Minister of Education, Mr. Loveday, said yesterday that previously a boarding allowance could not be paid to a student who could attend a local secondary school with a Public Examinations Board course, even though the course was not necessarily suitable for his needs. The new policy meant a student could select a course leading to the Intermediate certificate, the Technical Intermediate certificate, the Area Intermediate certificate, or the third year certificate in high schools, if the course were not available at the nearest approved secondary school.

Will the Ministter explain this report more fully?

The Hon. R. R. LOVEDAY: Yes. The report in the newspaper was somewhat brief, and I do not think it explained the matter as fully as it might have done. The present Government reviewed the situation when it came into office. The position under the previous Cabinet ruling was that a boarding allowance could not be paid to a student who was able to attend a local secondary school which offered a course leading to one of the P.E.B. examinations, even though that course was not necessarily suitable for his educational needs. In addition, the allowance was payable for a repeat year in exceptional circumstances only. That has been made more flexible by the present Government adopting a different interpretation of the regulation, and the approval given means that a student can now select a course of secondary education that leads to the board's Intermediate certificate, Technical Intermediate certificate, Area Intermediate certificate, or the alternative third year certificate in high school, if the course is not available at the nearest approved secondary school, provided the Director of Education is satisfied that it is suitable for the child's educational needs, and that he is reasonably capable of following it. The word "course" is not to be interpreted as meaning a single subject: it means a whole course, so that if a student merely wants to go to a secondary school for the purpose of following one particular subject it will not be approved. However, if the student wishes to follow a particular course, that will be considered in the terms I have just mentioned. The new conditions will also apply to boarding allowances for the fourth-year course, but in addition to that the regulation has been liberalized still further by extending the payment of the boarding allowance to new students who fail to pass the Intermediate examination in three years, and who are considered by the Director to have a reasonable chance of success if they repeat the year.

MOUNT COMPASS SCHOOL.

Mr. McANANEY: On June 19 workmen arrived at the Mount Compass Area School and removed the wood heaters in four of the rooms. Despite the school committee's inquiries of the Public Buildings Department it has not been able to secure workmen to install the oil heaters that are to be used. Will the Minister of Works inquire into this matter and ascertain whether there can be more co-ordination in future?

The Hon. C. D. HUTCHENS: I appreciate the honourable member's anxiety, and I am somewhat concerned to hear that a delay has occurred. I do not like to see children deprived of heating facilities at this time of the year, and I will certainly do all I can to have the work expedited.

DECIMAL CURRENCY.

Mr. COUMBE: Has the Treasurer a reply to the question I asked yesterday concerning the introduction of decimal currency as it applies to financial statements and documents in this House?

The Hon. FRANK WALSH: Whereas the Budget Papers customarily omit shillings and pence in the great mass of figures, conversion of the relevant matter to decimal currency simply will be a matter of doubling the figures expressed in pounds. The extensive additional printing and the very considerable alterations in set-up preparatory to printing that would be involved to show all figures in both currencies would not appear to be justified. However, for the purpose of reference by members after the changeover to decimal currency, consideration will be given to the subsequent printing of the main figures and appropriations in the new currency units.

EVANSTON PRIMARY SCHOOL.

Mr. CLARK: Has the Minister of Education a reply to my question of June 29 about accommodation at the Evanston Primary School?

The Hon. R. R. LOVEDAY: An additional classroom has been included in the list of timber rooms currently being erected, and it is expected that the room for Evanston will be ready for occupation before the commencement of the third term of this year. This will free the library.

PRICES COMMISSIONER.

Mr. MILLHOUSE: Will the Premier say whether the Prices Commissioner (Mr. Murphy) and one of his senior officers have resigned as from tomorrow?

The Hon. FRANK WALSH: Yes.

The Hon. T. C. STOTT: Can the Premier say whether the Prices Commissioner, when he tendered his resignation, set out any reason for doing so?

The Hon. FRANK WALSH: I do not think the matter of reasons arises at this stage. The Government received a certain resignation and accepted it. The Government treated it the same as it would treat the resignation of any other officer employed by the Government.

The Hon. T. C. Stott: Did he set out reasons?

The Hon. FRANK WALSH: I do not recall the exact reasons or whether any were given. Even if there are reasons I do not intend to

make them public at this stage. Cabinet has accepted the resignation that was submitted.

The Hon. T. C. Stott: All I am asking is whether any reasons were given.

The Hon. FRANK WALSH: I am not prepared to go into the pros and cons regarding any person who desired to resign from a position, as in this case the Prices Commissioner did. I will go as far as to say that an Acting Prices Commissioner has already been appointed.

The Hon. Sir THOMAS PLAYFORD: I know some of the problems associated with this matter. Prices legislation has been renewed from year to year and, as a consequence, officers of the Prices Department have always been under a considerable disability compared with officers of the Public Service in regard to leave, superannuation and similar matters. For a long time the Prices Commissioner and his chief officer have done a good job in the interests of the people of this State, and have been completely incorruptible in doing a job involving tremendous responsibility. Because of these factors, I ask the Premier whether the Government will take a generous view on any financial matters that may be outstanding between these officers and the Government. I assure him that on this occasion the Government has the unqualified support of the Opposition in any action it takes, because of the circumstances under which these officers have been employed from year to year resulting from the exigencies of the Prices Act.

The Hon. FRANK WALSH: I declined to answer questions asked by the honourable member for Ridley, and I am sorry that the Leader of the Opposition is persisting with this matter, because, when a person resigns as Prices Commissioner, he should be able to say what he wants to say. I do not reflect on the honourable member for Ridley, and I hope he forgives me for not giving him any information.

The Hon. T. C. Stott: I have a supplementary question.

The SPEAKER: Order! I ask the Premier to be seated. There has been a tendency amongst honourable members to interrupt Ministers when they are replying to a question, by asking a further question, and a tendency for debating to take place in question time. This is not in accord with Standing Orders. I ask for the co-operation of all members, so that when they ask a question they will hear the answer without interrupting. I ask members not to ask further questions during the reply.

The Hon. FRANK WALSH: Recently, the Prices Commissioner waited on me, as Minister in charge of prices. I discussed with him many phases of his position. He finally determined that he was going to have a rest. My understanding of the position and of my obligation to the State is that if any officer goes on sick leave or leave of some similar description, it should be on the strength of a medical certificate, so in order to protect the particular officer, I requested that he return and resume his position. I had to further press him to do so. Subsequently, a conference took place, attended by the Secretary to the Premier (who was chairman of the conference), the Public Service Commissioner and the Auditor-General. On my way to Renmark to ascertain something in the interests of the State I had plenty of time to read 25 pages of transcript, and it caused me concern. I subsequently communicated with the officer concerned and requested that he carry on. I might indicate that the officer's salary was fixed by the Public Service Arbitrator, who is now the President of the Industrial Court (Judge Williams) during the term of office of the previous Government, and a further emolument was provided because of his work in connection with the wine and grape industry in this State.

As Minister in charge of the department, I have taken a serious view of the matter and have been most sympathetic in every respect. I even went out of my way more than I probably would have done for most other people to press this officer to reconsider his position. I think he appreciates that. As a matter of fact, with the approval of Cabinet, I even went so far as to offer something outside and beyond the reasonable bounds of superannuation as an inducement to him to continue in his position. If I am pressed further concerning the matter of the resignation of this officer, I will present to this Parliament a complete statement covering all the points I have mentioned. I have nothing to hide but I want to say in fairness that nobody knows better than the officer concerned that the appointment was on a year-to-year basis and nobody knew better than I the concern and anxiety of this officer. I certainly have gone to every extreme to encourage the Prices Commissioner to remain in his position and I again mention that, with the approval of Cabinet, we went almost beyond reason to encourage him to do that.

In case anything is said of his deputy, I inform the House that the resignation of that officer was received two days later, over the weekend. I understand he thought that, because

of health reasons, he could not assume the responsibilities of the Prices Commissioner's office. He indicated it would hardly be fair to him, after his long years of service in the department, to continue as a deputy officer to whoever was appointed Commissioner. Without labouring the reasons for his decision, I say that it was his choice and not mine. Had it not been for that decision, I should have had no hesitation in recommending to Cabinet that he be appointed forthwith Acting Prices Commissioner. Executive Council this morning endorsed the Public Service Commissioner's recommendation that an officer of the department be appointed Acting Prices Commissioner. No member of this place is more concerned about the matter than I am. Both officers will terminate their employment today, although they will continue to receive salaries (as though they were still officers of the department) until July 30, and they will also receive long service pay and any other moneys that may be due to them.

The Hon. T. C. STOTT: I assure the Premier that there was no provocative insistence on my part in my previous question about the Prices Commissioner; I was only seeking information. He will realize that the matter raised by the Leader of the Opposition was one reason why I asked my question. Will the Premier tell the House the name of the person who has been appointed to take the place of Mr. Murphy?

The Hon. FRANK WALSH: I made an announcement earlier today that Mr. Murphy's successor is Mr. Baker.

Mr. MILLHOUSE: With other honourable members I listened with great attention to the answer that the Premier gave to a question supplementary to mine about the resignation of the Prices Commissioner. I think that in the course of that answer he offered to furnish this House with a full report of the circumstances, should that be requested. I now ask whether the Premier will furnish a full report on the circumstances.

The Hon. FRANK WALSH: There is a further qualification to my reply. Any more detailed reply than the one I have given the House would necessarily be a repetition to a certain extent of what I have already said. As a further question has been asked on this subject, I will endeavour to do the best I can without elaborating on some of the points that have already been made. That is all I can promise to do at this stage. I am not the only one perturbed about this matter: Cabinet itself has been most concerned generally that we should have this occurrence at this time.

CADELL IRRIGATION.

Mr. FREEBAIRN: Will the Minister of Irrigation let me know in due course when his department will call for tenders for the extensive rehabilitation work to be carried out at the Cadell irrigation settlement?

The Hon. G. A. BYWATERS: Yes.

CLEAN AIR COMMITTEE.

Mr. LANGLEY: Last session the member for Hindmarsh (Mr. Hutchens) and this session the member for Torrens (Mr. Coumbe) have been concerned about when the Clean Air Committee under the Health Act will be set up. Recently many of my constituents have complained that soot has fallen on their properties from nearby factories and that washing can be done only when the wind is in a certain direction. Will the Premier obtain a report from the Minister of Health indicating whether all parts of the State will come under this legislation? If they will not, will he ask the Minister to consider some means of minimizing the nuisance in the Unley district?

The Hon. FRANK WALSH: I shall be pleased to get this information for the honourable member.

TARPEENA ROAD.

Mr. RODDA: I have received requests from some people in my district for the old road from Tarpeena to Mount Gambier, which is in reasonable order, to be retained and used as a double lane in conjunction with the new highway being constructed between these towns. Will the Minister of Education obtain a report from the Minister of Roads on whether this will be done?

The Hon. R. R. LOVEDAY: I shall be pleased to get this information for the honourable member.

BARLEY BOARD.

Mr. FERGUSON: The Director of Agriculture will be going overseas, and I understand that he will be away for some months. As the Director is at present Chairman of the Australian Barley Board, can the Minister of Agriculture say who will be the Acting Chairman?

The Hon. G. A. BYWATERS: I cannot tell the honourable member offhand, but I will ascertain from the Director who will be Acting Chairman. I am sure this will be adequately catered for.

PROPERTIES FOR MIGRANTS.

Mrs. BYRNE: It has come to my notice that some South Australian land agents have established offices in the United Kingdom for

the purpose of selling properties in South Australia to intending migrants. Can the Minister of Immigration say whether permission has to be obtained for this and, if it does, from whom it is sought; what companies have been given permission to date; what conditions have to be complied with before permission is obtained; and whether more companies are to be given the privilege and, if they are, when?

The Hon. FRANK WALSH: I shall endeavour to obtain the necessary information and supply it to the House as soon as possible.

VOCATIONAL GUIDANCE.

The Hon. D. N. BROOKMAN: On June 9 I introduced a deputation to the Minister of Education from the councils of secondary schools on Kangaroo Island. The members of that deputation informed the Minister that vocational guidance was a difficulty with children leaving the schools on Kangaroo Island, as many of them had to seek employment on the mainland, where they found difficulty in getting suitable jobs. A case was made out for special attention regarding vocational guidance over and above the normal visits of vocational guidance officers. The Minister promised to look into this matter, and he has already given me replies on other matters raised by the deputation. As a meeting is to be held shortly to discuss the results of the deputation, can the Minister comment on the problem concerning vocational guidance?

The Hon. R. R. LOVEDAY: I have called for a full report on vocational guidance in the Education Department to see whether our present methods can be improved. I am much impressed with the need to give the best possible vocational guidance to students about to leave school because I regard vocational guidance and the choosing of a career as most important matters for students. I also appreciate the disadvantages of people on Kangaroo Island, and also those in the country who are a long distance from the city, in respect of helping their children select a career; they have not the close access to information that children in the metropolitan area have in this matter. I assure the honourable member that I shall do my best to improve the facilities for vocational guidance not only on Kangaroo Island but throughout the State.

HATHERLEIGH SCHOOL.

Mr. CORCORAN: Has the Minister of Education a reply to my recent question concerning the Hatherleigh school?

The Hon. R. R. LOVEDAY: The proposal for the installation of an electric pump to water efficiently the grassed area at the Hatherleigh school has been investigated by the Public Buildings Department, which states that there should be no difficulty in obtaining sufficient water. The cost of installing the pump and switching gear is about £310, and a subsidy on the usual 50/50 basis would be available to the school committee if it wished to proceed with the project.

BALAKLAVA HIGH SCHOOL.

Mr. HALL: Has the Minister of Education a reply to my recent question about the acquisition of recreation land for the Balaklava High School?

The Hon. R. R. LOVEDAY: Steps are being taken by the Crown Solicitor under the Compulsory Acquisition of Land Act to acquire 14 acres of land situated opposite the school across Gwy Terrace. Notice to treat was served on April 1, 1965, but it is not possible under the Act to take any further action until after October 1, 1965, a period of six months from serving of the notice.

PARACHILNA SCHOOL.

Mr. CASEY: The Minister of Education is probably aware of the extreme weather conditions obtaining at Parachilna in the Far North. The local school committee has asked me to investigate the possibility of installing facilities to enable light and power to be supplied at the school, especially in the evenings, and also the possibility of installing a cooling plant, for the benefit of students attending the school during the summer months.

The Hon. R. R. LOVEDAY: I shall be pleased to take up both those matters for the honourable member. I know of the difficulties there and, apart from the question of heat, I remember being stuck in the mud there for several hours.

PARA HILLS PRIMARY SCHOOL.

Mr. HALL: I believe the Minister of Education has a reply to a question I asked on June 29 about the Para Hills Primary School.

The Hon. R. R. LOVEDAY: The honourable member asked when a start was likely to be made on the new primary school building at Para Hills and whether the construction of this school could be speeded up. The answer is that the enrolment at Para Hills, as stated by the honourable member, is approaching the 1,500 mark—an increase of about 1,200 over

the past four years—and, as the accommodation provided by 32 timber classrooms is inadequate for this number, six classes (235 children) are transported daily to the Pooraka school. The position will be relieved when the new infants school in permanent construction is completed and occupied at the end of August, 1965. Although this building will provide eight actual classrooms only, the pressure on accommodation at Para Hills will be further and considerably relieved by the completion in late July of seven classrooms, an administrative unit, toilets, etc., at Para Hills West. This accommodation in timber construction is regarded as a temporary measure only, as the firm proposal is to build a large school containing 23 classrooms in permanent construction at Para Hills West.

Approval has been given for the construction at Para Hills of a new primary building containing 18 classrooms, and the planning of this is well advanced. It is doubtful whether the construction of this building can be speeded up without affecting adversely the progress of urgently needed buildings elsewhere. However, the information requested by the honourable member is being sought urgently from the Director, Public Buildings Department, and a further report will be submitted immediately the information comes to hand.

AWARD PAYMENTS.

The Hon. Sir THOMAS PLAYFORD: Recently I asked the Premier a question about adjustments to be made following the new Commonwealth wage award and whether the matter would be dealt with by special machinery or whether it would be done by administrative action. Has the Premier any information on this matter?

The Hon. FRANK WALSH: The Minister of Labour and Industry reports:

The decision of the Commonwealth Conciliation and Arbitration Commission issued on June 29 was to increase marginal rates of pay under the Metal Trades Federal Award by 1½ per cent: this represents increases ranging from 5s. to 7s. a week for persons subject to that award. These increased margins will not apply automatically to any employee under any other award, but application must be made to vary each award. The judges who gave the majority decision indicated that they had made it in anticipation that the increases awarded under the Metal Trades Award would be speedily reflected through the awards of the Commonwealth Commission. As no application has yet been made for any State award or determination to be varied, no indication has been given as to whether the increases will flow into State industrial jurisdiction.

The majority of officers and employees of the State Government are subject to awards and determinations of State industrial tribunals. If the metal trades decision is extended to all awards and determinations under which all daily and weekly paid employees of the Government are paid (including State awards and determinations) the effect on the Crown would be to increase wages by about £500,000 per annum. If the principle of the decision is also extended to all salaried officers of the Government, including teachers, then the total cost to the Crown would be of the order of £750,000 per annum.

TIMBER FOR CASES.

Mr. HALL: Last year difficulty was experienced by some case-makers in obtaining sufficient timber of the right quality or type for the construction of tomato half-cases. The Minister of Agriculture is well aware of the problem then existing, as he has tomato growers in his district. I understand that the biggest problem arose among the newer participants in the case-making business. I suggested at that time that perhaps a conference could be held, or some means adopted, to examine the position before the crucial period arrived this year. Will the Minister consider arranging a conference with the case-makers, or at least investigate in some way their needs before a similar shortage develops this year?

The Hon. G. A. BYWATERS: I will take up this matter with the Conservator of Forests. I spoke to him this morning about a question asked in another place on this subject, and I will further discuss it with him now that the honourable member has raised it here.

SERVICE PAY.

The Hon. T. C. STOTT: On Tuesday last the Premier was good enough to reply to a question that I asked about retrospective service pay. He said:

The tribunals which at present prescribe annual salaries for officers of the Government are the Commonwealth Conciliation and Arbitration Commission, the Industrial Court, the Public Service Arbitrator, the Public Service Board, and the Teachers Salaries Board. Each of these tribunals has for many years prescribed salaries which have included annual increments based on service.

That information was helpful. Can he now tell me whether the tribunals he has mentioned have the power to deal with retrospective service pay for employees of the Municipal Tramways Trust?

The Hon. FRANK WALSH: I think I stated not long ago that, when we knew what our budgetary position was, we would consider Municipal Tramways Trust employees in this regard. Present indications are that the

Government itself will take up the question of service pay for M.T.T. employees with the appropriate authority without waiting to know whether such employees have to go to special arbitration and conciliation. We will deal with it.

SOUTH-EAST INDUSTRY.

The Hon. Sir THOMAS PLAYFORD: Can the Minister of Agriculture say whether negotiations are still proceeding for the introduction of an industry in the South-East? I raise this matter because some interest has been shown by another party who may be interested in taking up the negotiations.

The Hon. G. A. BYWATERS: As promised, I took up this matter with the Forestry Board and was informed that negotiations were still continuing. Further communications have taken place and other suggestions have been put forward, and they are being considered.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

The Hon. FRANK WALSH moved:

That Mr. Hurst be appointed a member of the Joint Committee on Subordinate Legislation in place of Mr. Burdon.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL.

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1963. Read a first time.

The Hon. FRANK WALSH moved:

That Standing Orders be so far suspended as to enable the second reading to be proceeded with forthwith.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): Although I do not object to the suspension of Standing Orders—

The SPEAKER: Order! There cannot be a debate on the motion to suspend Standing Orders.

Motion carried.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

It has been the foremost plank in the Labor Party's policy in South Australia for many years that we should provide democracy in this State. The present constitutional and electoral arrangements are clearly undemocratic, and the policies contained in this Bill have been overwhelmingly endorsed by the people of South Australia in two successive elections. In the last one the Labor Party obtained a larger proportion of votes than has been recorded for any major Party in any State election in Australia in the last 50 years. At that election I announced that our policy was for a 56-member Lower House, based on the principle of one vote one value; that in making this provision there would be no decrease in the numbers of country members; that there would be adult suffrage for the Legislative Council and one vote one value for that House, and effective deadlock provisions of a kind previously outlined to Parliament that are similar to the deadlock provisions existing between the House of Commons and the House of Lords.

I also explained that the drawing of electoral boundaries would be by a permanently constituted independent commission, so that shifts in population would not place any district either at a disadvantage or an undue advantage electorally, and so that the boundaries in South Australia would permanently be aligned on instructions to the commissioners, enshrined in the Constitution, and providing for effective democratic Government and not a political measure that was the subject of periodic manipulation for unscrupulous sectional ends. As to the Lower House redistribution, this will provide that 26 of the 56 seats must be in the present country area. The oommission must obtain a quota for electorates in South Australia which at the moment would be about 10,000 to a seat, but it may depart from the quota by 15 per cent above or below that figure. This would mean that more closely settled districts would have a number of voters something over 11,000 and country districts something over 8,000. This would still provide difficulties in two areas. While most of the settled area in South Australia comprises a total area smaller than that of the State of Victoria, there remain vast empty and unsettled spaces in the Far North and Far West.

Here, because of difficulties of communication and the extreme sparseness of the population, it would be difficult for the commission to provide seats quite up to the figure which would bring them within 15 per cent below the electoral quota, although the commission would not have to depart very far from the figure that I outlined previously. In consequence, provision is made in the Bill that the commission may in its discretion provide that in two seats, on the grounds of remoteness, sparseness of population and difficulty of communication, the number of voters shall be more than 15 per cent below the electoral quota,

although this is subject to the overriding direction to the commission that it shall require seats to be approximately equal in number of voters to the other seats in the State.

The redistribution for the Upper House will necessarily be based upon the Lower House redistribution, and it is not possible to separate provisions for Upper House electorates from those for Lower House electorates. Therefore, the measures in respect of both Chambers are necessarily contained in the same Bill. The Upper House, under the new provisions, will be democratically constituted but, because only half its members retire at each election, it may well have a different political view in total from that of the Lower House, where all members must retire at each general election. The Labor Party regards its measures for the Upper House as a step to eventual abolition, as we consider that experience in this area of unicameral legislatures in New Zealand and Queensland has amply demonstrated that a second Chamber is redundant. However, the provision for democratic elections for the Upper House will leave the ultimate decision as to abolition to the people.

The deadlock provisions that I have outlined were explained at the election, as they had been at the time of a Bill introduced by me in the last Parliament. They mirror those between the House of Commons and the House of Lords, which allow the House of Lords the right to cause the popularly elected Chamber to have second thoughts, but not to exercise a power of veto over measures introduced by the people's Chamber and insisted upon by it after a period. I now turn to the detailed provisions of the Bill. The Bill makes three substantial alterations to the Constitution of the State. The first will increase the number of members of the House of Assembly from 39 to 56, new Assembly districts to be defined from time to time by an electoral commission. The second major amendment is made to the deadlock provisions and is along lines similar to the provisions of the Bill which was introduced by my Party some three years ago. The third amendment provides that all enrolled electors for the House of Assembly shall be qualified as electors for the Legislative Council.

The first general amendment is effected by clauses 4, 5, 8, 9, 10, 11 and 14, and I deal with clause 14 first. This clause (together with clause 3, which makes a consequential amendment to section 3 of the principal Act) inserts a new Part consisting of sections 76 to 85 inclusive in the present Constitution. New section 76 provides for the appointment of an electoral commission comprising a Supreme Court judge (who is to be the Chairman), the Surveyor-General, and the Assistant Returning Officer for the State. New sections 77 and 78 make the necessary machinery provisions concerning procedure and application of the Royal Commissions Act. New section 79 requires the commission to divide the State into 56 approximately equal electoral districts for the House of Assembly. For this purpose the commission is to obtain an electoral quota by dividing the total number of electors by 56. It is provided that electoral districts for the Assembly are to be regarded as approximately equal to each other, if none of them contains a number of electors more than 15 per cent above or below the electoral quota. Subsection (4) of new section 79 provides, however, that if the commission, having regard to sparsity and remoteness of population and difficulties of communication, is satisfied that it is desirable, it may provide that in not more than two districts the number of electors can be more than 15 per cent below the electoral quota.

New section 80 sets out the criteria and matters which the commission will take into account. Paragraph (*a*) requires that each electoral district is to be of convenient shape, with reasonable means of access between the main centres of population; not less than 26 of the electoral districts are to be wholly within the country area (which means any area outside the areas comprised in certain metropolitan districts, as they were defined in 1954 when the Electoral Districts (Redivision) Act was passed). It is also provided that townships shall not, as far as possible, be divided between electoral districts. Paragraph (*b*) of new section 80 sets out that the commission may have regard to physical features, community of interest, local government areas and existing district boundaries. New section 81 provides for a redivision of the five Legislative Council electoral districts, four of which are to consist each of 11 whole Assembly districts and the fifth of 12 whole Assembly districts.

New section 83 provides that within eight months of the passage of the Bill the commission is to present its report and recommendations, and under new section 84 when the Governor considers it fit so to do he is to publish the report and recommendations in the *Gazette*, upon which event the new boundaries will come into force without the intervention of Parliament. At this stage I refer to new section 82 which is in terms similar to

corresponding sections in previous redivision Acts; it provides for the commission to invite, receive and consider representations from individuals and organizations before making its report. New section 85 provides for complete or partial redivision from time to time (but not more frequently than once in six years) by further electoral commissions to be appointed on each occasion comprising a Supreme Court judge, the Surveyor-General and the Assistant Returning Officer, and the provision of sections 77 to 82 and section 84 are to apply with the necessary modifications in relation to such future commissions.

It will be seen that the new Part V provides for the detailed definition of boundaries to be altered from time to time on recommendations by an electoral commission appointed from time to time. The number of electoral districts will continue at 56, but the definition of the boundaries will be the prerogative of the Governor on the recommendation of an electoral commission.

I deal now with the other clauses of the Bill governing this matter. The first of these is clause 4, which inserts new section 11a in the principal Act. This new section provides that, from and after the first general election of members of the House of Assembly after new boundaries have been proclaimed, those members of the Legislative Council whose term of office has not expired shall, for the unexpired portion of their term, be deemed to represent Council districts to be determined by the electoral commission. Such a provision is necessary, as it is likely that after redivision of the State the Council districts will not be the same or bear the same names as those which were in existence before the redivision and, of course, members of the Council are elected for a term of six years. Clause 5 makes it a consequential amendment. Clauses 8, 9, 10 and 11 deal with the House of Assembly. Section 27 of the Constitution Act provides that the Assembly shall consist of 39 members. By clause 8, this provision will remain only until the day of the first general election of members held after redivision, and clause 9 inserts new section 27a providing for a House of 56 members after redivision.

Clause 10 amends section 32 of the principal Act (which now provides for 39 electoral districts) by making provision for the continuance of the 39 districts until the first general election of members after a redivision. New section 32 (2) provides that the State is to be divided into 56 new electoral districts for the purpose of the first general election of members after a redivision. Clause 11 makes a necessary consequential amendment in regard to a quorum for the House of Assembly. At present, with a House of 39 members, the quorum is 15, including the Speaker. By clause 11 (*a*), this will continue to be the position until the first general election after a redivision. Paragraph (*b*) inserts a further subsection (1a) in section 37 to provide that after the redivision the quorum shall be 21 members, including the Speaker.

I have explained the way in which the amendments dealing with the redistribution are being made. As honourable members know, it has been the policy of my Party for many years to seek an increase in the number of members of the House of Assembly. Originally consisting of 36 members, by 1890 the number rose to 54. On Federation, the number was reduced to 42, and after the transfer of the Northern Territory to the Commonwealth in 1911 it was reduced to 40. It was increased in 1915 to 46 but in 1936 was reduced again to 39 members. Only in Tasmania is the membership of the Lower House (35) smaller than our own, others varying from 50 in Western Australia to 94 in New South Wales. Only allowing for increases in population since 1936, there would be justification for a membership of over 56.

The other aspect of this matter is the basis upon which the electoral commissions are to proceed. This basis is the principle of one vote one value, with the necessary practical provision that if a district is within about 15 per cent of the electoral quota the principle is considered to have been observed. The other matter to which I refer is the requirement that of the 56 districts at least 26 are to be wholly within the country area. Having regard to the great increase in population and the differing rates of increase between the metropolitan and country areas, the Government considers that the present basis of 26 country districts and 13 metropolitan districts is completely unjustified and that the basis of near equality provided for by the Bill is more in keeping with democratic methods.

I come now to the second amendment concerning the franchise for the Legislative Council, which is effected by clauses 6 and 7. Clause 6 (1) provides that all enrolled electors of the Assembly who are entitled to vote for the Assembly shall be entitled to vote for the Legislative Council. Subclause (2) provides that this amendment shall not take effect until the first general election of Assembly members to be held after the commencement of the Act. In other words, the new provisions will not apply to by-elections between the commencement of the Act and the next general election.

Clause 7 makes a consequential amendment and I do not need to speak at length on this matter. It is well known that the policy of my Party has for many years been that the qualification of electors of the Council shall be Assembly enrolment, and the clauses to which I have referred so provide.

The last substantial amendment is that made by clause 12, which repeals the present deadlock provisions in section 41 and substitutes what the Government regards as workable provisions based upon those which relate to disputes between the House of Commons and the House of Lords. In effect, the new provision means that, if the House of Assembly insists on a Bill in two successive sessions with a space of 12 months between each passing, then the Bill may be presented to the Governor and become law without passing through the Legislative Council. The provision would not apply to money Bills or Bills extending the duration of Parliament. The last clause of the Bill to which I refer is clause 13, which makes a consequential amendment to section 60 by relating the definition of money Bills in sections 60, 61 and 62 also to section 41.

I have been Leader of the Labor Party of this State since October, 1960, following the death of Mr. O'Halloran, the previous Leader. Almost 18 months later, in March, 1962, I propounded a policy in line with the provisions of this Bill that this State needed 56 members of this House, universal franchise, and provisions for resolving deadlocks between the two Houses. This was put forward at a general election in 1962, and the records of that election show that the Government of the day lost two seats as a result of the advocacy of the Labor Party during the campaign. I do not need to mention the result of the election in detail except to claim that my Party was elected with 19 members, whereas the Government of that day had only 18 members elected. That is now history and it is known throughout the world that by some manipulation (and I do not intend to debate this at length) the Labor Party was denied the right to form a Government. We did not have the numbers because of certain intervention. During the past three years when votes were taken the numbers on each side of the House were often equal, but a casting vote usually went against us. We patiently bided our time and continued as an Opposition advocating improvements to the legislation introduced by the Government during that period.

However, as a result of the general election in March this year under my leadership we were able to win two more seats from the then Government. Therefore, in the short space of 4½ years since I have been its Leader the Labor Party has won four seats and this has enabled it to govern in its own right. The point I make more strongly than any other is that in the two elections when I was Leader of the Party the people endorsed the policy that I enunciated in regard to electoral reform. That policy provides for 56 members in the House of Assembly and gives people eligible to vote for the House of Assembly the right to vote for the Legislative Council. In addition, Labor's policy on the deadlock provision was endorsed.

Therefore, today I come before this House in the full knowledge and belief that the Labor Party of this State (the Party that I lead in this Parliament), which has formed a Government, is entitled to present this Bill to the House in the expectation not only that it will be carried through this House but that it will become the law of the land in South Australia. In consequence, I am confident that the House will pass the Bill.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

MAINTENANCE ACT AMENDMENT BILL.

The Hon. D. A. DUNSTAN (Minister of Social Welfare) moved:

That the Speaker do now leave the chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to amend the Maintenance Act, 1926-1963, and certain other Acts; to repeal the Children's Institutions Subsidies Act, 1961, and to make other provision in lieu thereof, and for other purposes.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

TRAVELLING STOCK RESERVE.

The Hon. G. A. BYWATERS (Minister of Lands): I move:

That the travelling stock reserve in the hundreds of Eba, Lindley, Maude, Bundey, King and Baldina, and in land out of hundreds, shown on the plan laid before Parliament on May 13, 1965, be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands.

The stock route in question comprises about 10,283 acres and runs in a general north-westerly direction from Morgan to Burra, but

it is proposed to resume it as far as the intersection with Stone Chimney Creek in the hundred of Baldina. As is the case with many travelling stock reserves created in the last century, the need for this reserve for the purposes of travelling stock has been eliminated by transport developments. Upon resumption, it is proposed to establish a road about three chains wide, which will cater adequately for stock and other transport requirements. Beyond the land requirements for such a road, and the possible creation of about five miles of the reserve as a fauna and flora reserve, the remaining land will be dealt with as Crown lands. The proposal for resumption has been put to the District Councils of Morgan and Burra, as well as to the Stockowners' Association of South Australia. All of these bodies have signified their agreement to the proposal. In view of these circumstances I ask members to support the motion.

The Hon. G. G. PEARSON secured the adjournment of the debate.

WILLS ACT AMENDMENT BILL.

Second reading.

The Hon. D. A. DUNSTAN (Attorney-General): I move:

That this Bill be now read a second time.

It has been prepared under the auspices of the Standing Committee of the Commonwealth and State Attorneys-General and will bring the law of South Australia relating to formal requirements for the making of wills into line with the law of the United Kingdom and of some of the other States. Its provisions will in due course be adopted by the other States of the Commonwealth. The formal requirements for the making of a will are those rules that govern the form and manner of its execution as distinct from rules governing essential validity: for example, capacity to make a will or the intrinsic legality of the disposition a testator seeks to make.

The principle underlying any law that requires wills to be executed with certain formalities is that a will should be accepted as valid only if it can be said with reasonable certainty that it was executed by the testator with the intention of disposing of his assets after his death or of revoking any previous dispositions of that nature. A will that fulfils these conditions ought, in principle, to be accepted as valid and not be excluded because of some technical imperfections of which the testator might reasonably have been unaware. If, therefore, a testator in executing his will complies with the formal requirements of any system of law that could fairly be said in the circumstances to be applicable, that will should be treated as formally valid. It is also desirable that, as far as possible, a will treated as valid in one country should equally be treated as valid in others, since the testator may have assets in several countries. It was with these objects in view that legislation was recently enacted in England to enable the United Kingdom to ratify the Hague Convention on the "Conflicts of Laws relating to the form of Testamentary Dispositions" made in 1961.

As it is considered desirable that in this branch of the law there should be uniformity, not only between the States but also with the United Kingdom, this Bill, as well as the legislation to be enacted throughout Australia, follows the form of the legislation enacted in the United Kingdom. After this legislation has been enacted by each State, the Commonwealth will be able to accede to the Hague Convention.

In essence, this Bill provides that a will is to be regarded as validly made if it is executed in accordance with the law of any place with which the testator could be said to have a real and substantial connection. Clauses 1 and 2 of the Bill are formal provisions. Clauses 3, 4, 5 and 9 effect a minor revision of the principal Act by dividing it into Parts. Clauses 6 and 7 amend sections 13 and 14 of the principal Act, which deal with wills made outside and within the State so far as they dispose of personal estate. These sections are amended (without departing from uniformity with the law of England and the other States on the main principles) so as to limit their operation to validate only such wills disposing of personal estate made before this Bill becomes law as may rely on the present effect of these sections.

Clause 8 inserts into the principal Act a new Part containing new sections 25a to 25d relating to the formal validity of wills. Subsection (1) of new section 25a contains definitions of terms used in the new Part. Subsection (2) contains rules for selecting the appropriate system of law where there is more than one system of law in force in the country in question. Subsection (3) provides that it is the formal requirements in force at the time of execution that are to be taken into account, but this will not prevent account being taken of an alteration of law if the alteration enables the will to be treated as properly executed. Subsection (4) provides that the new provisions will not apply to the will of a

testator who dies before the Bill becomes law. Subsection (5) provides that a requirement of any foreign law that testators of a particular description are to observe special formalities, or attesting witnesses to possess certain qualifications, is to be treated as a matter of form.

New section 25b contains the general rule. A will will be treated as properly executed if it is executed in accordance with the formal requirements of the internal law of the place of execution or of the testator's domicile or habitual residence or of the internal law of the country of which he was a national. In each case it will be sufficient if the will was executed in accordance with the law in force at the time of the execution or at the time of the testator's death. New section 25c enacts additional rules with regard to specific cases. Subsection (1) of new section 25c makes provisions for the case of a will executed on a ship or in an aircraft and makes certain additional rules under which a will disposing of immovable property or revoking a previous will or exercising a power of appointment is to be treated as properly executed for those purposes. Under subsection (2) a will exercising a power of appointment is not to be treated as improperly executed solely because its execution does not comply with the formalities required by the instrument creating the power.

New section 25d provides that the new rules relating to formal validity will not restrict the operation of section 23 of the Administration and Probate Act, which provides that a will executed in a foreign country and valid according to the law of that country as regards personal or real property shall be regarded as a valid will in this State for all purposes. The meaning of this section is somewhat obscure, but the better opinion seems to be that it goes to essential as well as formal validity. As such, the section would go further than the uniform provisions, and section 25d is inserted so that those provisions shall not in any way derogate from the effect of section 23 of the Administration and Probate Act.

The question of validity of wills is becoming one of increasing practical importance in private international law, for it is now common for people to travel and migrate from one part of the world to another. In Australia we have welcomed many thousands of migrants who may well have executed wills in accordance with the law of the country from where they have come. It is surely reasonable to treat such wills as validly executed. The main object of the law relating to formal validity is to ensure that a will is executed with due formality. It matters little what formalities are required so long as they ensure that the will is properly executed with due regard to its importance. I believe that this legislation will be of great assistance to our migrants, and also, to a lesser extent, to the many Australians who move abroad in the course of their work.

Mr. MILLHOUSE secured the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL.

Second reading.

The Hon. D. A. DUNSTAN (Attorney-General): I move:

That this Bill be now read a second time.

It amends the Second Schedule to the Companies Act, 1962-1964. The amendments are three-fold and are contained in clause 3 as follows:

The amendment to item 3 thereof would remove a doubt as to whether all companies should pay on an increase of share capital the fees specified in the schedule. It has been contended that the phrase "that the amount payable on a first registration" means that a company that has increased its share capital has to pay a fee based on the scale of fees in force when it was first registered as a company. It was never the intention that these words should be given this interpretation. The true meaning and intention of the words "the amount payable on a first registration" is that the fees payable by a company on an increase of share capital would be the fees based upon the scale of fees in force at the time of the lodging of notice of the increase in share capital.

That this is the proper interpretation of these words is borne out by the words that follow, namely "by reference to its capital as increased and the amount which would have been payable by reference to its capital immediately before the increase . . ." This implies a notional as distinct from an actual calculation. The confusion arises, it is felt, by the use of the word "first" in the expression "on a first registration". A company is registered only once, so there is no question of a second or subsequent registration. If the true meaning of these words were as contended, the odd situation could arise that different companies registered at different times with the same share capital would, on a similar increase of share capital, pay a different scale of fees according to the scale of fees in force

at the time each company was registered. This is clearly not the intention. It is to remove any doubt as to the proper interpretation to be given to those words that the present amendment is proposed. The amendment is in line with the practice of all companies registries in Australia since the introduction of the uniform legislation.

The amendment to item 12 thereof provides that the fee in respect of a licence of the Minister to dispense with the word "limited" in the name of a charitable or non-profit making company would be payable on the application for, rather than the granting of, such licence. It is the intention of the Government that the fee would be payable whether the licence is granted or not. This proposal was agreed to by the Standing Committee of Attorneys-General in Brisbane in April, 1965.

The amendment to item 39 thereof provides that the fee for lodging an annual return of a company would be increased from £2 to £3. The reason for this increase is to obtain funds for the purpose of investigation of the affairs of companies. This is a most important amendment, although it is slight in form. The point is that if we are to protect people in South Australia from the kind of wholesale depradation of the public by companies, which in fact are schemes for fleecing the public (and we have seen those schemes in South Australia), we must have investigators who can see to it that, where any question arises from time to time, there are means of finding out what is going on under these schemes. If we have these people, we can protect the public in a way in which they have not been protected previously. The purpose of this increase in fees, which is not a great one, is to provide us with the necessary funds for these inspectors and investigators. I hope the House will give unanimous support to the Bill for the purposes that I have outlined.

Mr. MILLHOUSE secured the adjournment of the debate.

EDUCATION ACT AMENDMENT BILL

Second reading.

The Hon. R. R. LOVEDAY (Minister of Education): I move:

That this Bill be now read a second time.

It is being introduced to ensure a harmonious working relationship between the new Bedford Park Teachers College and the University of Adelaide and to ensure that the needs of teacher training will be more closely related to the University Department of Education than hitherto. It is considered desirable that the person appointed to hold the office of Professor of Education of Adelaide University Bedford Park should at the same time hold the position of Principal of Bedford Park Teachers College. In order to provide for this joint appointment it is necessary to amend the Education Act, 1915-1963, to enable the Minister to make appropriate arrangements with the Council of the University of Adelaide for a suitable person to be appointed to hold both the office of Professor of Education and the position of Principal of Bedford Park. Clause 4 (1) so provides. By clause 4 (2), it is made clear that if, as a result of this arrangement, the person appointed to be Principal of Bedford Park Teachers College ceases for some reason to be Professor of Education of Adelaide university, that person shall thereupon cease to be Principal.

By clause 4 (3), it is provided that Part IIA and Part IIB of the Education Act (which deal with Teachers Salaries Board and Teachers Appeals Board and appeals concerning special appointments) shall not apply to any person appointed to hold the position of Principal of Bedford Park Teachers College.

These arrangements came about as a result of discussions between the Director of Education, the Vice-Chancellor of the University of Adelaide, and Professor Karmel some 18 months ago. An agreement was reached during those discussions that under this arrangement the Principal of Bedford Park Teachers College would have the some opportunities to experiment with methods of teacher training as he would have as Professor of Education at Adelaide University Bedford Park to experiment with methods of university training. This arrangement demonstrates the willingness of the Education Department to have new methods considered and to have them tried out and evaluated if the Professor of Education of the new university and the Education Department co-operating together believe that these steps are necessary.

I take this opportunity of expressing my appreciation of the work that Professor Karmel and other members of the University of Adelaide have accomplished in the preparation of the new university at Bedford Park. I had the pleasure recently of inspecting the new university buildings at Bedford Park; they are up to schedule, and I think the work which the people from the University of Adelaide carried out is worthy of considerable recognition. Much voluntary work has gone into the preparation of the plans and the general arrangements for this new university.

The whole siting is admirable, and I think all those concerned with the preparation of the new university site and buildings deserve our compliments on the work they have done.

The Hon. G. G. PEARSON secured the adjournment of the debate.

STANDING ORDERS.

The Hon. FRANK WALSH (Premier and Treasurer): I move:

That the report (including proposed amendments to Standing Orders) made by the Standing Orders Committee and contained in Parliamentary Paper No. 106 of 1963-64 be adopted.

This report was tabled in the House of Assembly late in the 1963-64 Session. It will be recalled that, at that time, members of the Standing Orders Committee that submitted the report were the Speaker (Hon. T. C. Stott), the Chairman of Committees and a former Speaker (Hon. B. H. Teusner), the Minister of Lands (Hon. P. H. Quirke) and the Leader of the Opposition (Mr. F. H. Walsh), a quartet whose Parliamentary service aggregates 100 years. The report of the committee was unanimous and, therefore, it can be said that in the rendition of this report the quartet performed in pleasing harmony.

The passing of the motion which I have moved will mean that the House approves of the proposed amendments to the Assembly Standing Orders and authorizes a reprint of the volume of Standing Orders to incorporate all the amendments made since 1940; and further, that the House concurs in the committee's recommendations on the various matters contained in paragraphs 4 to 8 of the report. Adoption of the report will not operate automatically as an authority to implement the committee's recommendations in paragraphs 6 to 8 on the subjects of *Hansard,* subordinate legislation and amendment of the Constitution Act concerning the power of the Legislative Council as to suggested amendments. The action of the House in adopting the committee's recommendations on these matters will simply mean that the House agrees with the expressions of opinion or the recommendations of the committee. It still remains for the Government to make a decision to authorize their implementation. I will now explain briefly the effect which the carrying of my motion will have in relation to individual paragraphs in the committee's report:—

Paragraph 1—Review: This is simply an introductory paragraph, indicating that the Standing Orders Committee made a comprehensive review of the Standing Orders of the House of Assembly, and in the course of its deliberations had given careful consideration to the tabled report of the Clerk of the Assembly on House of Commons procedure.

Paragraph 2—Proposed Amendments to Standing Orders: Adoption of the report will mean the approval of the proposed amendments to the Standing Orders. The proposed alterations, set out in detail in the appendix to the report, express the unanimous will of the committee. The proposed amendments clarify or simplify procedure and the opportunity has been taken to prune out a little dead wood. For example, the cumbersome and largely meaningless procedure of founding every money Bill in committee has been eliminated while still retaining, of course, the principle of the initiative of the Crown in money Bills.

Paragraph 3—Reprint of Standing Orders: This will provide the authority to reprint the Standing Orders and to incorporate all amendments made since 1940, the year of the last reprint. The Standing Orders will be re-numbered consecutively. Where the numbers are altered, the former numbers will be indicated in the marginal notes.

Paragraph 4—Questions: Adoption of this paragraph means that the House supports the committee's recommendation that no alteration should be made to the Standing Orders relating to questions, grievances and ministerial statements, but that the existing Standing Orders relating to questions without notice, and the answers thereto, should be enforced more strictly.

Paragraph 5—Public Accounts Committee: Adoption of this paragraph means that the House supports the view stated by the committee that it would be exceeding its function to express an opinion on the question of the establishment of a Public Accounts Committee without a specific reference from the House.

Paragraph 6—Official Report of Debates (*Hansard*): Agreement with this paragraph means that the House urges the Government to consider the establishment of a new Government Printing Office as a project of urgency, and to make adequate provision therein to ensure an improved daily *Hansard* service to Parliament and to the public.

Paragraph 7—Subordinate Legislation: Adoption of this paragraph means that the House supports the committee's recommendation "that favourable consideration be given by the Government to—

(*a*) adopting the English system of appending an explanatory note at the foot

of each regulation, such note not being part of the regulation but being intended to indicate briefly its general purport;

(*b*) the collection and publication of subordinate legislation in a suitably indexed annual volume.''

Paragraph 8—Financial Initiative of the Crown and Rights of Private Members: Adoption of this paragraph means that the House supports the recommendation of the committee that legislation be introduced to provide that power to initiate suggested clauses or suggested amendments in the Legislative Council should be restricted to Ministers of the Crown, thus placing private members of both Houses on the same basis instead of having the present position in which members of another place have greater powers, in practice, than Assembly members in relation to money amendments. Relations between the two Houses as to money Bills are regulated by the Constitution Act (sections 60-64) and any change in this relationship must be authorized by an amendment Act.

My colleagues on the then Standing Orders Committee are to be warmly commended for the skill and ability which each of them brought to bear in the deliberations which resulted in the production of the most comprehensive report on Standing Orders for more than a quarter of a century. I have moved the motion, confident that it will attract the unanimous support of all honourable members.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

JURIES ACT AMENDMENT BILL.

Second reading.

The Hon. D. A. DUNSTAN (Attorney-General): I move:

That this Bill be now read a second time.

It amends the Juries Act and has two chief purposes. First, it gives effect to representations that have been made from time to time that women should be permitted to serve on juries, the amendments made for this purpose being the same as those contained in the Bill introduced last year by the present Government, which it allowed to lapse. Secondly, the Bill provides for an extension of the jury franchise to House of Assembly electors. In addition, the Bill makes several amendments of a revisionary or machinery nature to the principal Act. It contains many consequential amendments, but clause 8, which amends section 11 of the principal Act prescribing the qualifications of jurors, may be taken as the principal amendment. Section 11 as amended will provide that every person (thus including women as well as men) who is on the House of Assembly roll and who is under the age of 65 years is qualified to serve as a juror.

At present the principal Act provides that only electors of the Legislative Council are qualified to serve as jurors, and the effect of the amendment is to remove this restriction, a restriction that is not to be found in any of the other States of the Commonwealth. When a man pleads not guilty in a Criminal Court, he is held by that court (and these words are used) ''to put himself upon his country'' and the jurors are then charged by the Clerk of Arraigns as the representatives of the country who are to hearken to the evidence, to examine the evidence placed before them, and to come to a conclusion. Therefore, the jury is to be an effective representative of the country. It must be an effective cross-section of the people, who can be held to be representatives of the country at large and who can determine, upon the facts, whether the indictment made against the accused is true or false; but if we are to treat jurors as people who are only to be selected from a certain class of people in the community, how can we say that the jury is, in effect, a true cross-section of the people? How can we say that such a jury is the country? Those words are used by the Clerk of Arraigns in his charge to the jury. The only proper way is to take a complete cross-section of the citizens of the community whose names are contained only in the House of Assembly roll, and we should act as does every other State in the Commonwealth (and the Commonwealth itself) in choosing its jurors for determining the guilt or innocence of an accused on an indictment before the Criminal Court.

Mr. Lawn: We are the last State, once again.

The Hon. D. A. DUNSTAN: Yes.

Mr. Lawn: We always have been, but we can take a step forward this time and try to catch up.

The Hon. D. A. DUNSTAN: It is, I think, accepted that the requirements for jury service by women (at any rate, at this stage) should not be as stringent as in the case of men, for a woman may have domestic duties which cannot be relinquished without undue hardship to her or her family, or a woman may be indisposed or otherwise inconvenienced for a number of reasons. The Bill therefore provides in new section 14a, inserted in the principal Act by clause 10, that a woman may cancel her liability to serve as a juror by notice in writing to the Sheriff (subsection (1) of the new section). Under subsection (2) any such

cancellation by a woman after receipt of a jury summons must be made within three days after service of the summons. In other words, we are allowing a woman to opt out of jury service. This is preferable, in our view, to the system applying in some other States, where only those women who choose to put themselves on the roll for jury service may be chosen, as this may mean that a fair cross-section of women is not obtained. Subsection (3) provides for reinstatement at her request of a woman's liability to serve, and subsections (4) and (5) are machinery provisions.

The new section is based generally on a corresponding provision in Western Australian legislation as suggested by the women's organizations. I shall now deal with the remaining clauses of the Bill in the order in which they occur. Clauses 1 and 2 are formal provisions. Clause 3 provides for the amendments to take effect by proclamation. This will enable the Sheriff to prepare appropriate jury lists and allow time for suitable accommodation to be made for women at the Supreme Court. At the moment, unfortunately, with our archaic conditions (which unfortunately exist in certain other Government buildings) adequate provision does not exist, and I have already given instructions for the necessary work to be carried out to put this in train. Clause 4 amends section 2 of the principal Act by repealing transitional provisions which are now obsolete, and by replacing them with a transitional provision to have effect until the preparation of the first jury list after the commencement of the Bill.

Clause 5 repeals certain obsolete provisions in section 5. Clauses 6, 7 and 9 make amendments consequential on clause 8. Clause 10 I have already explained. Clause 11 amends section 16 to give statutory recognition to the practice of excusing jurors who have a conscientious objection to jury service. Clauses 12 and 13 contain revisionary amendments of sections 20 and 22 respectively. Clause 14 (*a*) inserts new paragraph (*c*1) in subsection (2) of section 23, to ensure that each jury list will contain men and women in the same proportion as that in which they appear in the subdivision roll from which the jury list is made up. The remaining paragraphs of this clause are consequential amendments. Clause 15 contains an amendment to section 24 consequential on amendments made to sections 10 and 23 by the Statute Law Revision Act, 1957. Clause 16 has a similar purpose to that of clause 14 (*a*) inasmuch as it ensures a proportionate representation of women in each jury panel. Clause 17 adds a new subsection to section 33 providing that a husband and wife may not be empanelled together and therefore will not serve together on the same jury.

Clause 18 adds a new subsection to section 36 requiring the full text of new sections 14a and 60b to be included in a jury summons served on a woman in order that she may be made fully aware of her rights under the Bill. Clauses 19 and 20 contain amendments consequential on clause 8. Clause 21 repeals and re-enacts section 55 to enable the court in any criminal trial to permit a jury to separate, if they think it fit, at any time before the jury considers its verdict. Under the present legislation the jury cannot be permitted to separate in cases of murder or treason. Honourable members may imagine the inconvenience of locking up together a jury at the moment, and how even more inconvenient it will be when women serve on the jury. Clause 22 inserts new sections 60a and 60b in the principal Act, both of which correspond to provisions in English legislation. New section 60a provides that, where so indicated by the nature of the evidence to be adduced, the court may order that the jury shall consist of men only or of women only, as the case may require. Honourable members may realize that certain cases arise which, from the nature of the indictment or depositions, are not suitable to be heard by women, and in those circumstances women should be excused from jury service.

New section 60b enables the court, upon application by a woman, to excuse her from serving if the court thinks it desirable by reason of the evidence to be adduced. As I have explained, the full text of new section 60b will be set out in the summons which she receives. Clauses 23 and 24 contain amendments consequential on clause 8. Fees paid to jurors are now fixed by proclamation under section 77, and there is therefore no need for the scale of fees contained in the Eighth Schedule. This schedule is therefore repealed (clause 33), and clause 25 makes a consequential amendment.

Clauses 26, 27 and 28 contain amendments consequential on clause 8. Clause 29 amends section 89 by enlarging the power of the judges to make Rules of Court in order that they may have ample power to make rules carrying into effect the proposed amendments. Clause 30 contains an amendment to the Second Schedule consequential on amendments made to sections 10 and 23 by the Statute Law Revision Act, 1957. Clause 31 amends the Third Schedule, which sets out a list of persons exempt from

jury service. Paragraphs (*a*), (*b*) and (*c*) of this clause add to the list wives of judges and magistrates, nurses and women living in a convent or other religious community. Clause 31 (*d*) deletes a reference to the now obsolete Interstate Commission. Clause 32 contains an amendment consequential on clause 8, and clause 33 I have already referred to in dealing with clause 25.

The Hon. B. H. TEUSNER secured the adjournment of the debate.

CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL.

Second reading.

The Hon. D. A. DUNSTAN (Attorney-General): I move:

That this Bill be now read a second time.

The Australian Labor Party has had, as a prominent plank in its platform for many decades, the abolition of capital and corporal punishment. Labor Governments everywhere in Australia have refused to allow the death penalty to be carried out when they are in office. Capital punishment has been abolished by Labor Governments in Queensland and New South Wales. The law for its abolition in England will clearly be passed within 12 months under a Labor Government there, and the Labor Party in this State has made clear its attitude on this matter over a very long period—first, by moving in this House previously for the abolition of capital punishment; secondly, by making representations for the commutation of every death sentence imposed in the last 25 years which it appeared might be carried out; and, thirdly, by public statements and broadcasts by members over a very long period.

Abolition of capital and corporal punishment is the first plank in the published Legal and Prison Reform Section in the Labor Party's published platform. Moves to abolish capital punishment in western countries are continued, and there is a steady trend to abolition in all comparable countries with our own. Indeed, South Australia is now in a small minority of western countries still retaining capital punishment, along with Eire, France, Spain and some States of the United States, although in that regard it is interesting to note that New York State has abolished capital punishment, except in the case of the murder of a peace officer while acting in the line of duty, or of murder by convicts under life sentence. The new streamlined penal code incorporating this change passed the New York Assembly last month by 113 votes to 17.

The argument for the abolition of capital punishment rests mainly on the view that life is important, that a State which disregards its importance is not a civilized State, and that the onus of showing that capital punishment is a proper punishment in a civilized State is on those who would retain capital punishment in the face of the view that life must be respected. It is often alleged by the proponents of capital punishment that those who would abolish it are sentimental do-gooders not prepared to face facts. On this score it is perhaps useful to turn to the words of Sir Ernest Gowers, the Chairman of the British Royal Commission on Capital Punishment, 1949-1953—probably the most comprehensive public inquiry that has been made into capital punishment. The terms of reference of that commission did not allow the commission to recommend abolition but, as I will show in a few moments, the conclusions of the commission are valuable on the subject of whether abolition should take place or not. Sir Ernest Gowers wrote:

> Before serving on the Royal Commission, I, like most other people, had given no great thought to this problem. If I had been asked for my opinion, I should probably have said that I was in favour of the death penalty and disposed to regard abolitionists as people whose hearts were bigger than their heads. Four years of close study of the subject gradually dispelled that feeling. In the end I became convinced that the abolitionists were right in their conclusions, though I could not agree with all their arguments and that so far from the sentimental approach leading into their camp and the rational one into the supporters, it was the other way about.

The Royal Commission on Capital Punishment that I have mentioned examined the question of whether capital punishment was a uniquely effective deterrent. This is the main argument that is adduced for the retention of capital punishment by its supporters; other arguments I shall deal with later. Basically I believe that unless it can be shown that capital punishment is a uniquely effective deterrent—that is, a more effective one than any other—then there is no argument for its retention. If imprisonment for life—and in South Australia the sentence of imprisonment for life means imprisonment for life—is as effective a deterrent as capital punishment, then we should not ourselves be taking the lives of those whom we convict.

The Royal Commission on Capital Punishment examined the evidence of statistics from countries that have abolished capital punishment, and contrasted the murder rate before and after abolition and the murder rate in abolition countries as compared with what it found to be comparable countries that had not abolished capital punishment. As to the former, it said in paragraph 64 of its report:

The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate or that its reintroduction has led to a fall.

The Royal Commission then referred to Professor Sellin, who is probably the most world-renowned authority on criminology and the penal system; he is recognized throughout the world as the foremost criminologist the world knows today; second to him is, of course, Professor Norval Morris, who was Bonython Professor of Law at the University of Adelaide and who supports abolition as vociferously as does Professor Sellin. The Commissioners said in paragraph 64:

We agree with Professor Sellin that the only conclusion which can be drawn from the figures is that there is no evidence of any influence of the death penalty in the homicide rates of these States, and that whether the death penalty is used or not, and whether executions are frequent or not, both death penalty States and abolition States show rates which suggest that these rates are conditioned by other factors than the death penalty.

Indeed, the one conclusion that we can reach on examination of those exhaustive statistics is that what influences the murder rate is the respect for life within the community. It is the moral attitude of the community as a whole that determines the murder rate. In order to maintain that capital punishment is a uniquely effective deterrent, the supporters of it have to disregard the experience of other countries where abolition of capital punishment has taken place and the whole of the evidence contrasting the experience in those countries with comparable countries where abolition has not taken place. Sir Ernest Gowers summed up the matter this way:

The principal rational arguments used in favour of the death penalty are four. One is that public opinion demands it. A second is that to punish all murderers by imprisonment —some of them for a very long time—would present insuperable difficulties to the prison authorities. A third is that death is a more humane punishment than long imprisonment. A fourth is that if the deterrent effect of the death penalty were removed, more murders would be committed.

The argument that popular opinion demands the death penalty is not a revered argument—it takes us back into the realm of dogma. It may be a practical reason why the death penalty cannot be got rid of but it is not a rational justification of it unless it is based on rational grounds. So far as it is possible to judge, popular opinion in favour of the death penalty is not in the main based on rational grounds—it rests in the main on the acceptance of the dogma that death is the only fitting retribution for murder.

As to the argument that insuperable difficulties would be created for the prison authorities, all that need be said is that this does not happen in countries that have abolished capital punishment, and the Home Office, which ought to know—

and representatives of the Home Office gave evidence before the Royal Commission quite vociferously—

do not think it would happen here. Long imprisonment is unquestionably a very dreadful thing. It may no doubt serve as a partial counter to anyone who bases the case for abolition on its excessive cruelty to the offender, but it cannot be made to do much more. The dreadful case of long imprisonment has to be weighed against the fact that death takes away all opportunity of reformation, and I should not myself feel any doubt about the side to which the scale is inclined.

There remains the argument that without the uniquely deterrent value of capital punishment more murders would be committed. This is the only serious utilitarian argument in favour of capital punishment, and the one on which thoughtful supporters of it wholly rely. It is also the argument that can be put most readily to the test of evidence in the proper sense of the word, and, as we have seen, such evidence as there is goes to show that the abolition of capital punishment does not in fact have this result.

Perhaps I should also draw the attention of the House to a publication *Law Reform Now*, edited by the present Lord Chancellor (and this is an inspiration to members of the legal profession throughout the Commonwealth), which states:

There is ample evidence both at home and abroad to show that the abolition of the death penalty does not in fact lead to an increase in murder. In our own country the death penalty has already been abolished for some 200 different offences, without any resultant increase in the crimes for which it was abolished. Abroad it has been abolished in practically every civilized country in the world except the British Commonwealth—though some Commonwealth countries have abolished it—Eire, France, Spain and some States in the United States. The Gowers commission which examined all the available evidence reported that its abolition had not led to any increase in murder, and the inquiry also showed that its abolition had not led to an increase in murder by professional criminals, or to the carrying of firearms by any criminals in the world.

The imposition of the death penalty in Australia has certain unfortunate results in that in those States where the death penalty is still imposed for murder, it is far more difficult to get conviction in a murder case than in those States where the death penalty is not imposed. The figures recently published in Australia show that in the death penalty States, manslaughter convictions are quite fantastically higher in proportion to murder convictions

than is the case in the abolitionist States (and, indeed, quite disproportionate to population), and it is quite clear that in the death penalty States people who should be dealt with as murderers are not being convicted because of the influence upon the jury of the existence of the death penalty. Indeed, what the juries are doing is that they are committing what is often called pious perjury and people are convicted for manslaughter, which normally in our courts attracts a very much lesser penalty than a murderer would get if life imprisonment were the punishment for murder, and that is being done improperly. We have not the certainty of reasonable conviction upon evidence in this State because of the influence of the death penalty on juries.

It has been suggested to the Government by a number of correspondents that we are morally enjoined to impose the death penalty because of some of the verses in the Old Testament, and specifically those contained in the Book of Leviticus. I have not yet been able to discover one of these correspondents who, in fact, literally opposes all the injunctions of Leviticus, or who would seriously argue that the *lex talionis* demanded by Leviticus be the basis of our penal Statutes. To suggest that, if a man knock another's eye out, the punishment to be imposed by the State is that the offender's eye is to be knocked out in return, would seem to us barbarous and absurd, but that is what is enjoined upon us by the very verses in Leviticus that these people cite. How, then, can we be selective about other sections of the same verse? Nor do I find that any of these correspondents are, in response to the injunctions of Leviticus, bearded, universally circumcized, subjecting themselves to periodic purification and refraining studiously from eating hare, rabbit, pork in all its forms, shellfish, crayfish, and the like, or that they advocate not only the retention but the extension of capital punishment to the crimes of sodomy and bestiality; or that any person who curses his father or mother should be put to death.

The other correspondents who have written concerning this matter almost uniformly have taken the attitude that, if a man commits the dreadful crime of murder, then the State as a matter of revenge or retribution should put him to death because no man who does so awful a thing should be allowed to live. The penal Statutes are not based upon State revenge or retribution, and there are only two proper elements for penalties: one is deterrents to the offender and to others, and the other is the reformation of the criminal. That murderers have been and can be reformed, there is ample evidence to show. Hanging, however, puts an end to a chance of reformation and completely disposes of that element in punishment.

It appears, unfortunately, the case that there are a number of citizens in our community who seek some vicarious satisfaction of an unpleasant kind through the carrying out by the State of hangings, and there was disturbing evidence of this in England presented to the Royal Commission and mentioned by Sir Ernest Gowers. Our penal Statutes should be rationally based and, on the grounds of reason, steps should now be taken in South Australia to abolish capital punishment.

I have not dealt with a further argument that the supporters of the death penalty always carefully overlook. They never answer this but anyone practising in our courts must know that, while we have to have courts that must come to conclusions about the guilt or innocence of people accused before them, no court of law constituted by fallible human beings is so infallible an instrument of justice that a mistake cannot be made.

Mr. Jennings: Are there any infallible human beings?

The Hon. D. A. DUNSTAN: I do not know. There have been many instances of mistakes. Let me mention only two of the most obvious. In the case of McDermott in New South Wales, he was found guilty of murder and sentenced to death; his sentence was commuted by the Labor Government in New South Wales to life imprisonment. On the facts of that case, according to the existent practice in this State at that time he would have been hanged. At a later stage the Public Solicitor in New South Wales took up his case and a Royal Commission was appointed to investigate the matter. Mr. Shand, Q.C., appeared before that Royal Commission, which concluded that McDermott had been wrongly convicted. He was released and given some sort of compensation, though how one could compensate him for the years he had spent in prison it would be difficult to see. In South Australia, to have had a Royal Commission some years later to exonerate him would have been very cold comfort to his ghost.

In England there is the opposite case of Evans and Christie. There the man Evans was condemned on evidence which appeared to be perfectly clear and without question. It did not seem to be possible for there to be any doubt that, in fact (although he had on two of his statements accused a witness for the Crown, the man Christie, of having been

responsible for the murder of Evans's wife and child), Evans was lying and that he was clearly guilty, and when the papers were produced to the then Home Secretary (Mr. Chuter Ede), the Home Secretary signed the papers and said that the law must take its course, and Evans was executed.

Mr. Jennings: He has changed his attitude since then.

The Hon. D. A. DUNSTAN: Yes, he has changed his views, because not long afterwards the man Christie was arrested for eight murders, and he confessed to the murder of Mrs. Evans; and the murders of all the women that he had been responsible for were committed in exactly the same way as the murder of Mrs. Evans. Had that evidence been before a jury, no jury would ever have convicted Evans. And therefore Mr. Chuter Ede said to the House of Commons, in voting for abolition of the death penalty, that he had been convinced by that case that no man should be subjected to this sort of thing in future, and he said, with tears in his eyes, that he knew he had been wrong and that it would be on his conscience for the rest of his days. However, Mr. Speaker, while the death penalty exists, how is there any chance of our finding out our mistakes in time? If a man is serving imprisonment, it is possible for us to reverse a process where we find that we have made a mistake.

Let me turn now to the imposition of corporal punishment. In South Australia this takes two forms: whipping of adult offenders and birching of juveniles. Whipping is a savage and barbarous penalty, inflicting grave physical harm upon the person upon whom it is inflicted —scarring him for life, and, in the view of the Government, utterly degrading to the community which imposes it. There are most absurdly exaggerated claims for the effective influence of this penalty in deterring offenders. It has been claimed by certain public officers in the past that there has been no case where men who have been whipped have repeated the offence for which the penalty was imposed. In my own experience, Mr. Speaker, at the criminal bar, and in that of a number of senior practitioners mainly practising in criminal law, that claim is nonsense. I know, from my own knowledge, of cases of men who have been whipped in this State committing crimes again of the same kind or similar in content to the crimes for which they were whipped.

Apart from the general penalties of whipping, which I shall specify in a moment, our Acts contain two extraordinary and archaic provisions of this kind. One concerns the provisions of the Children's Protection Act, so called, whose title, while it contains these provisions, appears a complete misnomer. Under section 15 of that Act, any male person under the age of 16 years who is in any public place guilty of riotous or indecent conduct or behaviour, or writes or draws an indecent word, or throws a stone which causes damage to anyone, or is convicted of being a vagabond, may be whipped with a birch rod up to 25 strokes—and this could be ordered to be imposed on a child of nine years. Imagine the case of a child of nine who throws a stone in a public place and it bruises another child, or who writes or draws an indecent word. The penalty that can be imposed upon him by this Act is that he can be whipped with a birch rod up to 25 strokes.

Under the Evidence Act, a tribal Aboriginal who wilfully made a false statement which was not on oath to a court could be sentenced to be whipped. This is a disgraceful provision, completely contrary to the policy of the Government in relation to Aboriginals, and a discriminatory blot upon our Statutes that ought to be removed at the first possible moment. As to other penalties removed, the Prisons Act retains certain sections that are completely opposed to modern penal practice, and their removal from the present Act is strongly supported by the Comptroller of Prisons. The sections in question provide for leg irons on prisoners, whipping of prisoners for certain prison offences and solitary confinement in a darkened cell on bread and water diet.

There is only one further matter that I need to deal with before turning to the details of the measure. Capital punishment by this Bill will be abolished in respect of treason and piracy. As to piracy, I think that we may safely assume that the likelihood of an offence being committed which comes within that category in the foreseeable future is remote (that is, as piracy is defined in our law today) and that any crime of that kind could be properly dealt with by life imprisonment anyway. As to treason, it is unlikely that anyone in South Australia would be proceeded against under our Criminal Law Consolidation Act for treason. The crime of treason is covered by the Commonwealth Crimes Act.

I now turn to the details of the provisions of the Bill. As its short title indicates, the principal object of this measure is to abolish capital and corporal punishment. The Bill is also designed to abolish some other forms of punishment now regarded as archaic. I deal first with the matter of capital punishment,

the governing clause of the Bill being clause 2, the first part of which simply enacts that after the commencement of the Bill no sentence of death shall be pronounced or carried out. Clauses 4, 5, 6, 10, 11, 13, 14, 15, 17, 18, 19 and 21 (*a*) make consequential amendments to various Acts. Clause 4 amends section 3 of the Criminal Law Consolidation Act consequential upon the provisions of clause 5 which enacts a new section 10a providing that the penalty for treason shall be life imprisonment. The death penalty is applicable to the crime of treason at common law and there is, therefore, no provision for a penalty for treason in the Criminal Law Consolidation Act. With the abolition of the death penalty, no penalty would be applicable to the crime of treason, except such forms of treason as may be covered by the Commonwealth Crimes Act, and this gap in State law will be filled by the new section 10a. Clauses 6, 10, 11, 13, 14, and 15 make the necessary consequential amendments to the Criminal Law Consolidation Act by removing all references to the death penalty wherever they occur. Clause 17 (*a*) makes a necessary consequential amendment to the Juries Act which in sections 55a, 56 and 57 refers to "capital offences". Since there will be no capital offences if this Bill passes into law, it is necessary to substitute the passage "murder or treason" in each place.

Section 87 of the Juries Act provides for an inquiry by a medical practitioner as to the pregnancy of a female on a capital conviction; in the event of a report that a female is pregnant, execution of the sentence is to be stayed for the time being. This section will no longer be required and is therefore repealed by paragraph (*b*) of clause 17. Clause 18 amends section 134 of the Justices Act which also refers to "capital offences". Clause 19 deals with section 24 of the Juvenile Courts Act which now provides that "sentence of death shall not be pronounced on or recorded against a child but in lieu thereof the court shall sentence him to be detained during pleasure". The opening words of the section are removed and detention during pleasure is provided on conviction of a child of murder or treason. The last consequential amendment relating to the death penalty is in clause 20 (*a*) of the Bill which removes from the Prisons Act subsection (3) of section 6 which refers to the duty and power of the Sheriff to carry every sentence of death into execution.

I come now to corporal punishment. As in the case of the death penalty, the governing clause is clause 2, the latter part of which provides that, after the Bill comes into force, no judgment, order, or sentence for whipping shall be passed or carried out. Clauses 3, 7, 8, 9, 16, 20, 21(*b*) (in part), (*e*) (in part), (*f*), (*g*), (*h*), and (*i*) (in part) make consequential amendments to various Acts. Clause 3 removes from the Children's Protection Act sections 15 to 18 which provide for whipping in the case of certain offences by males under 16 years of age. Clause 7, 8 and 9 remove references to whipping from the Criminal Consolidation Act. The chief one of these is the repeal of section 52a of that Act which makes an order for whipping mandatory in cases of carnal knowledge unless the court is of the opinion that there is adequate reason for not making such an order. Clause 16 of the Bill removes the provision in section 14 of the Evidence Act for the whipping of an uncivilized Aboriginal wilfully making a false statement not on oath. Likewise, clause 20 removes the provision for whipping from the Kidnapping Act.

Clause 21(*b*) (in part), (*e*) (in part), (*f*), (*g*), (*h*) and (*i*) (in part) remove references to corporal punishment from the Prisons Act. I deal lastly with the removal from the Criminal Law Consolidation and Prisons Acts of certain other punishment provisions which are out of line with modern penal practices. Clause 12 of the Bill repeals section 312 of the Criminal Law Consolidation Act providing for solitary confinement. The amendments to the Prisons Act are all effected by clause 21 of the Bill. Paragraph (*b*) of that clause repeals three paragraphs of section 14 which empower the making of regulations dealing with irons, whippings and solitary confinement. Paragraph (*c*) removes the references to irons in section 29 dealing with the penalty for escape from custody. Paragraph (*d*) removes from section 47 (which deals with punishment of prisoners) three paragraphs providing for close confinement in a dark cell and a bread and water diet. Paragraph (*e*) removes three paragraphs from section 48 dealing with solitary confinement in connection with the punishment of prisoners. Paragraph (*f*) repeals section 51 of the Act dealing with corporal punishment, while paragraphs (*g*) and (*h*) remove provisions in section 57 dealing with the same subject. Paragraph (*i*) removes the provisions in section 58 for the use of irons and solitary confinement in the case of escapes from prisons.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

INHERITANCE (FAMILY PROVISION) BILL.

Second reading.

The Hon. D. A. DUNSTAN (Attorney-General): I move:

That this Bill be now read a second time.

It repeals and re-enacts the Testator's Family Maintenance Act so as to extend its scope to provide that where a person dies, with or without leaving a will, and his widow or other members of his family are left without adequate provision for their maintenance, education or advancement in life, they may claim against his estate. At present the Act applies only in the case of a person who dies leaving a will, and the extension to cover cases of intestacy will bring our law into line with that of England, New Zealand and New South Wales. The Bill also enlarges the classes of persons who may make claims. Clause 1 of the Bill contains the short title and provides for the Bill to come into operation by proclamation. Clause 2 contains transitional provisions consequential on the repeal of the Testator's Family Maintenance Acts. Clause 3 contains definitions of terms used in the Bill. Clause 4 provides that an order under the Bill may apply to the estate of a person who died before the commencement of the Bill but that no such order will affect the lawful distribution of any estate before the commencement of the Bill.

Clause 5 is an important provision which enlarges the classes of persons who may claim against the estate of a deceased person. The clause will enable the following persons, previously debarred, to make a claim: (*a*) a divorced husband (divorced wives may at present claim in Queensland, South Australia and Western Australia in certain circumstances): (*b*) a step-child (provided for at present in Queensland): (*c*) a legitimated child (provided for at present in Queensland): (*d*) a grandchild, including an adopted child of a child and a child or adopted child of an adopted child (New Zealand has a similar provision): (*e*) a parent (where the deceased was a legitimate child): and (*f*) where the deceased was illegitimate, his mother and a person adjudged by an affiliation order to be his father.

Clause 6 prescribes the jurisdiction and powers of the Supreme Court in relation to a claim under the Bill, and is drafted generally on the lines of section 3 of the present Act. Jurisdiction under the Act is founded on the existence of assets in this State, and clause 6 (*i*) confers an additional ground of jurisdiction if the deceased died domiciled in this State. Subclause (5) confers powers to refuse to make an order or to adjourn the proceedings if it appears that proceedings in another State or country would be more appropriate. Subclause (6) makes a general provision enabling the court to order both periodic payments and lump sum payments. This cannot be done under the present Act.

Clause 7 increases the time for making an application from six months to 12 months from the date on which probate or letters of administration of the estate of the deceased person are granted, and gives the court power to extend this period. In other respects, this clause corresponds with section 4 of the present Act.

The remaining clauses of the Bill correspond with the provisions of the present Act. Clause 8 makes provision for the matters which the court is required to specify in an order and also confers power to vary or revoke the order. Clause 9 provides that an order will operate as a codicil to the will of the deceased or, if he left no will, as a will executed immediately before his death. Clause 10 enables the court to fix periodic or lump sum payments for certain purposes, and clause 11 enables the court to vary or discharge any order made under clause 10.

Clause 12 invalidates any mortgage or assignment of the provision made by an order. Clause 13 protects administrators from liability after distribution of the estate, and clause 14 prescribes a method of apportioning duty on the estate. Clause 15 is a machinery provision relating to certain estates administered by the Public Trustee, and clause 16 confers power to makes Rules of Court.

The Bill has been suggested by and has the full support of Their Honours the Judges of the Supreme Court. It has also been seen and approved by the Law Reform Committee of the Law Society. A series of discussions have been held between that committee, Their Honours the Judges, and me, and the Bill as it now stands has the support of both of those groups of people.

Mr. HALL secured the adjournment of the debate.

ADJOURNMENT.

At 5.18 p.m. the House adjourned until Tuesday, July 27, at 2 p.m.