HOUSE OF ASSEMBLY

Tuesday, July 27, 1965.

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

COMPANIES ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

JURIES ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

QUESTIONS

MATRICULATION CLASSES.

The Hon. Sir THOMAS PLAYFORD: My question concerns a recent press statement by the Minister of Education regarding matriculation classes at high schools. Will the Minister have prepared for honourable members a report showing the schools in which matriculation classes will be provided next year and the number of scholars attending each of those schools?

The Hon. R. R. LOVEDAY: I shall be pleased to do that.

STRADBROKE SCHOOL.

Mrs. STEELE: Has the Minister of Education a reply to a question I asked earlier this session regarding permanent buildings at the Stradbroke school?

The Hon. R. R. LOVEDAY: A new primary school of 15 classrooms in permanent construction was occupied at Stradbroke on September 16, 1963, with an enrolment of 308. The enrolment today (July 9, 1965) is 630. This number will increase to about 720 by February next and to 780 by July, 1966. A new infants school of eight classrooms is being planned, but as it is most unlikely that this building will be completed before February, 1967, the two additional timber classrooms now under construction are an urgent requirement. The headmaster has applied for two additional classrooms, and these have been approved on the current priority list of timber classrooms for erection in the second half of this year. There can be no doubt at all that they will be required to cope with the growth in enrolments pending the completion of the new infants school. It is expected that the 23 classrooms in solid construction will provide accommodation sufficient to meet the needs of the Stradbroke primary and infants schools when the enrolment stabilizes and the neighbouring school at Newton is occupied. When this stage is reached the timber classrooms will be removed.

DEPUTATION.

Mr. HEASLIP: I understand that last Thursday you, Mr. Speaker, introduced a deputation from my district to the Premier. This is the first time in my Parliamentary experience that such action has been taken without first consulting the member for the district. I understand the deputation was seeking assistance for the local institute. I am more or less at a loss to know much about this, because I was not consulted at all in the matter. As I have other institutes in my district, and as I believe all other members are interested in this subject, can the Premier inform the House to what extent, if at all, this deputation was successful?

The Hon. FRANK WALSH: All I can tell the honourable member is that the representations from the deputation are receiving the Government's attention. To what extent those representations will be successful is a different matter.

The Hon. Sir THOMAS PLAYFORD: I understand that it has been the normal procedure for many years that, where a deputation concerns a matter of exclusive interest to a district, the member for that district is invited either to be present at the deputation or to introduce the deputation to the Minister. I think that procedure was introduced by a previous Labor Government many years ago and, as far as I know, it has been carried on ever since. Can the Premier say whether there has been a change in that policy?

The Hon. FRANK WALSH: As a matter of courtesy to members, no alteration is involved. Through my Secretary, I received a written request from the District Council of Crystal Brook, and I agreed to receive its deputation. I did not know that you, Mr. Speaker, would be present until you arrived in my room. I am not to know the precise matters about which a council may be concerned. If a council wishes to make representations, I am entitled to receive them, and I am not responsible if the council by-passes the member for the district. I assure the Leader that, if any local government body wishes to make

representations on any matters that come within the ambit of the Premier's Department, I have no alternative but to receive them. If the matters involved were likely to concern the Minister of Local Government, I would certainly ask that the deputation be taken to that Minister. I would try to assist in the hearing of representations from any local government body in the circumstances I have outlined, for I think that local government is closest to the people. I would accept responsibility for hearing such a deputation.

The SPEAKER: Following the question asked by the honourable member for Rocky River and understandably, I suggest, followed up by the Leader of the Opposition, I desire to make a statement. The deputation in question was introduced by me at the request of the District Council of Crystal Brook. The council wrote and asked whether I would introduce to the Premier a deputation concerning financial assistance in the building of a hall. I wrote to the council and said that I would write to the Premier asking whether he would receive a deputation with the member for Rocky River (Mr. Heaslip), and subsequently I wrote to the Premier in those terms. Arrangements were made to receive the deputation at a time satisfactory to the council. On the Parliamentary visit to Woomera, I spoke to the honourable member for Rocky River and asked him whether he would not only accompany me with the deputation but have lunch with me at Parliament House in company with the deputation. The honourable member explained that he had a previous engagement at Appila in the afternoon and that he would be unable to have lunch with us at Parliament House. I assure the House that I would not be a party to going into any other member's district on a matter of his representation. The council explained to me that a large part of its district council area was in the electoral district I represent.

Mr. Heaslip: Port Pirie! It is not.

The SPEAKER: My explanation can be verified by the District Council of Crystal Brook. I assure the House that I have plenty to occupy my time without in any way trying to represent other members' districts. It was a disappointment to me that the honourable member for Rocky River was unable to be with us on the deputation.

Mr. HEASLIP: That was impossible; you did not give us a chance. I appreciate your explanation, Mr. Speaker, but during the whole of my Parliamentary experience it has always been an unwritten law that the member for the district is approached before a deputation is arranged, and even before the deputation takes up any matter, its members consult with the member for the district.

The SPEAKER: Is the honourable member asking a question, or does he wish leave to make a statement?

Mr. HEASLIP: I ask leave to make a statement.

Leave granted.

Mr. HEASLIP: On this occasion it was only two days before the deputation that you, Mr. Speaker, casually told me at Woomera that this deputation had been arranged and that the date, which was two days later, had been fixed and you asked me then to have lunch with you. At that time, I had arranged another engagement as I had a Public Works Committee meeting in the morning, and could not attend the deputation. In my opinion, it has always been the custom in this House to consult with the member for the district before arranging affairs in his district with an outsider.

FITZROY LAND.

Mr. COUMBE: Recently I asked the Attorney-General, representing the Minister of Health, what use the Minister of Health's department would make of the property on Fitzroy Terrace that was formerly owned by Sir Mark and Sir William Mitchell. Has the Minister a reply?

The Hon. D. A. DUNSTAN: The Director of Mental Health reports:

The house on the block of land on the north-east corner of Fitzroy Terrace and Braund Road, Fitzroy, was bought to provide a second child guidance clinic for the metropolitan area. The clinic will be available for parents and children living in the northern parts of Adelaide and its environment. At the present moment, funds are being sought for some essential alterations to the house. It is proposed to place on the land of some two acres a residential school for emotionally disturbed children who require a longer or shorter period away from home. This is the same type of child who is being catered for at the day school at the child guidance clinic in Wakefield Street, but a number of these children would make a more satisfactory adjustment in a therapeutic situation where it is residential. Plans are at present being drawn by the architects of the Public Buildings Department for such a residential school to accommodate 60 pupils in all. It was thought that this site, being close to the psychology branch of the Education Department, with access to the north parklands, was ideal.

BERRI BY-PASS ROAD.

Mr. CURREN: Has the Minister of Education a reply from the Minister of Roads to my

recent question about the alterations to the Worman Street by-pass in the Berri township?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that the plan of this project has been prepared and is being checked by the departmental planning branch. It is expected to be made available to the Berri District Council soon.

EASTWOOD INTERSECTION.

Mrs. STEELE: Has the Minister of Education a reply from the Minister of Roads to a question I asked earlier in the session about the installation of traffic lights at the intersection of Greenhill and Fullarton Roads, Eastwood?

The Hon. R. R. LOVEDAY: My colleague the Minister of Roads reports that following a request from the Corporation of the City of Burnside, the Road Traffic Board informed the council in November, 1963, that traffic lights were warranted at the intersection. The corporation subsequently engaged a consultant to prepare a design for the intersection and for the necessary signal layout. To date a firm proposal has not been submitted to the board for approval, but a plan of a suggested scheme has been forwarded to the board for its information. The scheme, which has been designed to fit into the existing kerb alignment, however, affects an entrance to a service station on the north-eastern corner of the intersection. This access point feeds directly into the intersection area and its closure is essential to ensure full operational control of the traffic signals and to prevent unorthodox manoeuvres within the intersection.

The closure of the access will affect the operation of the service station and the Burnside council has referred the matter to the Highways Department to ascertain whether the department contemplates the purchase of land from this property for future widening purposes. Portion of the service station property will be required, but the amount will not be known until such time as the transportation study proposals are examined. As an interim measure, the board is prepared to approve the scheme as prepared by the corporation's consultant on condition that the entrance in question is closed.

COFFIN BAY ROAD.

The Hon. G. G. PEARSON: The Highways Department intends in due course to reconstruct and seal the road from the Flinders Highway to Coffin Bay. I am informed, I think reliably, that it would prefer to make the road on a new alignment rather than on the old alignment, thereby saving about two and a half miles of construction and sealing. The new alignment, however, would go through a fauna and flora reserve, so I direct this question to the Minister of Lands. I am informed that there is at present through that reserve a surveyed road, but that it is not on the alignment desired to serve Coffin Bay. However, I think the council would be willing to surrender that surveyed road in favour of the new site. Can the Minister of Lands say whether this matter has been brought to his notice, presumably through his colleague, the Minister of Roads? Will he ascertain what inquiries, if any, have been made of his department, and can he say what his attitude will be?

The Hon. G. A. BYWATERS: I shall be pleased to comply with the latter part of the honourable member's question. As yet, I have no knowledge of this matter, but I shall inquire and inform the honourable member soon.

PROPERTIES FOR MIGRANTS.

Mrs. BYRNE: Has the Premier a reply to the question I asked on July 1 regarding the sale of properties to intending migrants?

The Hon. FRANK WALSH: The following evidence is required:

(a) A bank reference showing that the applicant is in good financial standing.
(b) A bank reference providing evidence that the houses built are of good and sound construction and good value for the prices charged. Also the loan finance the bank is prepared to provide and the terms of the loan.
(c) Information regarding the arrangements the applicant proposes to make in Britain for establishing contacts with prospective migrants.
(d) The minimum finance which each migrant family will be required to possess. At present £1,000 sterling is regarded as the minimum, but most operate on a minimum of £1,250 sterling.
(e) The period of free maintenance given for houses. A minimum guarantee of three months free maintenance is required.
(f) An overall plan for the area being developed, including the total number of houses to be built and other facilities to be provided or available.
(g) Plans for six typical designs of houses and the complete price to be charged for each design, including land, fencing, all fixtures and fittings, gardens, roadworks, etc.
(h) Details of the temporary accommodation to be provided for migrants on arrival here, the rental to be charged and

the period this accommodation will be available A maximum rent of £5 10s. a week for a suitable furnished flat is permitted.

(*i*) Details of the arrangements proposed for providing employment assistance for working members of migrant families and to meet them on arrival and otherwise assist them to become happily settled.

(*j*) Arrangements proposed for financing purchase of houses if the bank loan is insufficient, giving the terms for any additional loan money required.

It is an essential condition of the scheme that every family must have complete freedom of choice on arrival and must not be bound to buy a house from the sponsoring organization. Each organization is expected to administer the scheme in a helpful, generous manner. It is not unusual for contracts to purchase houses to be torn up if a migrant family has a good reason for changing its mind and representations are made by the State Immigration Department. Each organization given a quota has been informed that the Government places a great deal of importance on the successful operation of the scheme and the quota will be withdrawn immediately if the organization fails to comply with its full obligations under the scheme. So far each organization has played its part in a commendable way.

It is not intended to grant a quota to any new organization in the near future for the following reasons:

(*a*) The quotas now granted or promised total 200 families per month or a total of approximately 800 persons. We will be fortunate to get nominations and transport for this large number, particularly bearing in mind that many others come under other nominations.

(*b*) The organizations other than the S.A. Housing Trust and Realty Development Corporation Pty. Ltd. were brought into the scheme only in recent months. It is desired to gain experience on the wisdom of bringing in additional operators before granting any new quotas.

MILK REFRIGERATION.

Mr. McANANEY: On June 22 the Minister of Agriculture, in replying to a question, said that the Milk Board had decided that in future, where it was intended to introduce bulk tank collection, approval would be given only for a refrigerated farm milk tank which complied with Australian Standard Regulation N.46. The Minister said that he was inquiring of the Victorian Milk Board concerning bulk pick-ups. I understand that in Victoria and New South Wales the basis of control of milk handled by bulk milk tanks is the actual construction of the vats and that the regulations set out the requirements as to the frequency of delivery and milk temperatures. Standards are determined by the quality of the milk delivered rather than arbitrarily. The popular refrigerated units installed do not comply with Regulation N.46. As these units could be cheaper in the initial costs and maintenance charges, can the Minister of Agriculture say whether he has received further information from Victoria about this matter?

The Hon. G. A. BYWATERS: The honourable member is correct in his statement of what I said in the House. As a consequence of that, I received certain information which I gave him to read. I have had no further communication from Victoria as yet. However, the people most concerned with this matter are meeting me on Friday of this week and a further discussion on this important matter will take place. I shall inform the honourable member of the outcome.

FETTLERS.

Mr. BURDON: Recently my colleague, the honourable member for Millicent, asked for information concerning measures taken by the Railways Department to ensure the safety of railway fettlers. I understand that the Premier now has an answer to that question.

The Hon. FRANK WALSH: The Railways Commissioner reports:

The movement of motor trolleys on lines of the South Australian Railways is governed by the comprehensive safe-working rules of the department. A record of accidents involving trolleys is kept and the situation was reviewed in 1960, when the number of accidents that year totalled 17. A campaign of education and persuasion has resulted in a continuous reduction until the present year, the total number of accidents in 1964 having been 10. No fatal injuries have been sustained by any employee in the four-year period in consequence of accidents involving gang trolleys.

TIMBER FOR CASES.

Mr. HALL: On July 1, I asked the Minister of Agriculture a question concerning the availability of timber for tomato cases. I believe that he now has a reply to that question.

The Hon. G. A. BYWATERS: The cases commonly used in this industry are mainly second-grade, and have been supplied generally by recognized casemakers in the metropolitan area. The department supplies as much timber as it is able to these casemakers in an effort to augment their supplies from other sources, but it does not deal direct with growers.

Our supplies of this material are, however, strictly limited. The information I have undoubtedly suggests a shortage in the coming months and it seems probable that, to overcome this, growers may have to use first quality boxes which the department may be able to supply, through casemakers, if adequate notice is given. Departmental production is scheduled well in advance in order that the sawmills can maintain a smooth production rate in relation to definite orders. It is, however, difficult to alter their scheduled commitments when last-minute orders are received. Indeed, if supplies by the department were contemplated it would certainly have to be done at the expense of some other primary industry which would, of course, merely create difficulties elsewhere.

Mr. HALL: I appreciate the Minister's answer to my query. However, I do not think his answer went as far as my question took the matter. I am concerned that sufficient timber may not be available for tomato cases this season. In my original question I suggested that a conference of casemakers might be arranged to ascertain the needs of this industry and to regulate the supply of timber. Although I appreciate that there may be some difficulty in arranging a conference, will the Minister consider asking the Woods and Forests Department to circularize its present users of timber in an endeavour to ascertain the firm needs of the industry for the coming season? I take it from the tenor of his earlier answer that if this were done early enough the department may be able to supply high-grade timber as an alternative. Can the Minister ascertain in some way the firm demands for the forthcoming season?

The Hon. G. A. BYWATERS: The honourable member and I have a similar problem in this regard, for as he mentioned in his earlier question I had been concerned in this matter personally. At that time I suggested to the tomato growers in my district that they form a co-operative to order in advance sufficient shooks for the manufacture of their cases and to bring down a firm order overall for their needs. I believe there are casemakers in the various places where tomatoes are grown. I do not know whether the honourable member has considered that aspect, but I believe it would help the suppliers of shooks if they had a knowledge of the requirements from year to year. I took this matter up with those suppliers at the time when I was particularly interested in it; one query then was whether I knew just how many cases would be required for the coming season, and I was not able to answer that question. I understand that negotiations then took place in my district between the growers and the suppliers to see whether they could ascertain requirements for the coming year. One problem was that some tomato growers who made cases (and in some instances a casemaker would manufacture for a number of growers) liked to have the timber green so that the nails could be put in more easily than when the timber was dry, and subsequently they only ordered in small quantities. Under the existing conditions this is just not practicable; I have told growers in my district this, and I believe they are now ordering in advance. I think it would be a good idea if the district itself would ascertain just what shooks were required for the coming season so that the growers could place firm orders for a large quantity on a co-operative basis. I will take the matter up again to see whether arrangements can be made to find out whether those quantities will be available, and I suggest to the honourable member that he in turn might take the matter up with his growers to ascertain just what the requirements are for the coming season.

LOXTON DRAINAGE WORKS.

The Hon. T. C. STOTT: No doubt the Minister of Repatriation is aware that some time ago the Commonwealth Government entered into an arrangement with the South Australian Government concerning drainage works for the Loxton soldier settlement scheme. Although I am not sure about this, I have it from a reliable source that about nine months ago another £1,000,000 was voted by the Commonwealth Parliament for this purpose (I think, specifically for drainage). I cannot ascertain how much of the £1,000,000 has been spent and what progress has been made. Can the Minister give me this information?

The Hon. G. A. BYWATERS: I cannot give the honourable member the information offhand, but I shall ascertain the facts and supply them to him as soon as possible.

TARPEENA TO MOUNT GAMBIER ROAD.

Mr. RODDA: On July 1, I asked the Minister of Education, representing the Minister of Roads, a question concerning the Tarpeena to Mount Gambier road. Has he a reply?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that the new alignment from Tarpeena to Mount Gambier is in part clearly removed from the old line

and in part closely parallel, coinciding also in some short sections and crossing points. From an alignment viewpoint, therefore, and because of limited road reserve width, it would be impossible to physically provide two pavements other than for some of the total. The present stage of construction is probably misleading on some parallel sections, inasmuch as only some 75 per cent width of the new pavement has been built; 100 per cent width will eventually partly cover the existing road which must be kept open for traffic until it can be switched to the new pavement. The new pavement also varies considerably in level from the existing. The important point about this request is of course that the existing pavement is, in fact, not in reasonable order. It is very near the point of breaking up and is only being currently kept going by extensive and costly maintenance. Additionally, the traffic use of some 800 vehicles per 12-hour count does not warrant two separate pavements.

STRATHMONT GIRLS SCHOOL.

Mr. JENNINGS: Yesterday, at the invitation of the President of the Strathmont Girls Technical High School Council, I inspected the school in the distinguished company of Mrs. Byrne, the honourable member for Barossa. The leave granted me by the House will not permit me to enumerate all the complaints I could make about this school. However, as an example, the headmistress's office was such that she had to have around every wall of it what are commonly described as sausage bags to keep out the wind. This was typical of the general condition of the school. I am willing to put most of these complaints in writing to the Minister of Education and to ask him to refer them to his colleague, the Minister of Works, with a view to having senior officers of that department go out and take remedial action.

The Hon. R. R. LOVEDAY: If the honourable member will put the complaints in writing I shall be pleased to refer them to my colleague, the Minister of Works.

PORT PIRIE VISITS.

Mr. McKEE: Recently, a member of the press at Port Pirie rang me to say that he understood the Public Works Committee would be visiting Port Pirie soon to inspect the proposed oil berth site. That was the first I had heard of this visit. Will the honourable member for Onkaparinga, as Chairman of the Public Works Committee, ask his Secretary to notify the member for a district when the Public Works Committee will be visiting the district, so that the member can be available to meet the committee?

Mr. SHANNON: It is not the custom of the Public Works Committee to invite the member for any district in which the committee is visiting or inspecting a project.

Mr. McKee: What about telling the press?

Mr. SHANNON: The press is always inquiring for information about any matter that the committee is at liberty to give it. Since this was a matter of great importance to Port Pirie and of some moment for the readers there, I did not object to the press getting what information it could. I think it would be embarrassing to the member for the district if he were invited to come on an inspection of a project of which he might not be in favour.

Mr. McKee: It is embarrassing if the member is asked whether a committee is visiting the district and he does not know!

Mr. SHANNON: I do not think so. Last week the committee visited the districts of three members in one morning in relation to schools. Should I have invited every member to attend the school inspection?

Mr. Jennings: You could inform the member without inviting him.

Mr. SHANNON: I do not think any real harm has been done. If there has been, I shall be happy to confer with the honourable member. However, it has not been the practice of the committee to invite members in the past, and unless I get stronger support for it than I am getting at present, I do not intend to make it a practice.

BOXING.

Mr. FREEBAIRN: Has the Attorney-General a reply from the Minister of Health to a question I asked on June 22 about boxing in this State?

The Hon D. A. DUNSTAN: The Director-General of Public Health reports:

The question of setting up State boxing commissions was discussed at Health Ministers Conferences in 1959 and 1965. In each case a minority of States considered that situation merited investigation in their own State because boxing was popular and physical standards of boxers were possibly not adequately safeguarded. The view of the South Australian Minister on each occasion, in common with the majority of Ministers from other States, was that boxing both professional and amateur was at present a minor sport, that proper steps appeared to be taken by those concerned to ensure medical supervision, and that it was not necessary to set up a controlling authority.

MURDER STATISTICS.

Mr. HUDSON: Will the Attorney-General provide me and other honourable members with the following information: First, will he summarize the crime committed by each convicted murderer since 1920, including the location of each crime? In each case will he say whether the death sentence was commuted to life imprisonment? Secondly, will he indicate in respect of each convicted murderer whether or not a recommendation for mercy was made, either by the trial jury or the judge? Thirdly, how many convicted murderers were subsequently certified to be insane, and in how many of these cases was the defence of insanity raised during the trial? Fourthly, in how many cases of murder was the conviction obtained as a result of the application of the felony-murder rule? Fifthly, in how many cases of a trial for murder was the subsequent decision a conviction for manslaughter? Finally, will the Minister provide me with statistics showing the number of homicides known to the police for each year since 1920?

The Hon. T. C. STOTT: I rise on a point of order. This question has been on the Notice Paper under my name for a considerable time, and under Standing Orders a subsequent question not on the Notice Paper is out of order. I ask you, Mr. Speaker, to rule this question out of order.

The SPEAKER: There is no point of order, as it is not an identical question.

The Hon. D. A. DUNSTAN: The honourable member will appreciate that I do not have this information ready at the moment, but if he will allow me a little time to have a research officer work on it, I shall try to provide him with the information as soon as possible.

Later:

Mr. Shannon for the Hon. T. C. STOTT (on notice):

1. How many murder trials have been held in this State since 1920?

2. What were the names of these cases?

3. How many persons have been convicted of murder since 1920?

4. How many of these convicted persons were condemned to death by hanging?

5. How many of these penalties were subsequently altered by Executive Council to life imprisonment?

6. How many of these persons have been released from prison as a result of good conduct?

7. What terms of imprisonment did each serve?

The Hon. D. A. DUNSTAN: The replies are:

1. No record is kept by the Prisons Department concerning the number of murder trials held. Inquiries made in both the Supreme Court and Crown Law Departments indicate that this information could only be obtained by conducting a search of the actual court files.

2. In view of the above these are not available.

3. Since 1920, 50 persons have been convicted of murder.

4. Forty-four persons were condemned to death during this period.

5. Of these penalties, 31 were subsequently commuted to life imprisonment. In addition to these commutations, five juveniles were found guilty of murder, and ordered to be detained during His Excellency the Governor's pleasure.

6. Persons sentenced to imprisonment for life are not released from prison as a result of good conduct. All prisoners in this category are periodically reviewed and each case is dealt with on its merits. Since 1920, 14 of these prisoners have been released. Two died in a mental hospital and another was deported.

7. The respective terms of imprisonment of those released were: 17 years, 3 years, 12 years, 10 years, 13 years, 5 years, 1 year, 10 years, 10 years, 10 years, 11 years, 15 years, 3½ years, 7 years.

KEITH COURTHOUSE.

Mr. NANKIVELL: Has the Attorney-General a reply to the question I asked on June 17 about the building of a new courthouse at Keith or transferring the court activities from the Keith area to the existing court at Bordertown?

The Hon. D. A. DUNSTAN: Following the honourable member's question, I asked for a report from Mr. Johnston, the Magistrate in charge of the Country and Suburban Courts Department. He has reported to me and I agree with his recommendations. His report states:

There are many towns in which it would be a waste of public money to build a courthouse and yet some court accommodation is necessary. To meet this a large room has been built when a police station has been erected.

This has been the practice in the past and is what obtained at Keith. The report continues:

This room can be used as a courtroom on occasions and when not so used can become part of the police station office.

While this will not be done in the future, we have such a building at Keith at present. The report continues:

There are many of this type of building in the State. When the new police station

was erected at Keith in 1960-61 a room such as this was added to the building. There has been a court of summary jurisdiction at Keith for many years. A few years ago a local court was opened there in order to relieve the pressure at the local court of Bordertown. At that time the accommodation at Bordertown was very poor. The office work of the local court is done at Naracoorte under the composite court scheme. Last year there were 394 complaints heard at Keith and 313 unsatisfied judgment summonses were heard on the 11 local court days. It is considered that the small number of both complaints and judgment summons does not justify any additional premises at Keith. The courthouse at Bordertown is a fine building but it would be unjust for persons living at Keith to be required to travel to Bordertown. It is to be noted that the magistrate for the district has sat at Keith from time to time and I have had no complaint.

UNIVERSITY FEES.

The Hon. D. N. BROOKMAN: The university paper *On Dit* of March 25 reports that, when he was asked whether the Labor Party intended to repeal the university fee increases, the Attorney-General replied "Yes". Will the Minister of Education indicate the Government's intention concerning university fees?

The Hon. R. R. LOVEDAY: The question of reduction of university students' fees is being considered, and a statement will shortly be made on the matter.

MOUNT TORRENS SCHOOL.

Mrs. BYRNE: At the Mount Torrens Primary School no area exists on which the children can play football, cricket or basketball. The ground for the establishment of an oval adjacent to the school was surveyed in September, 1963, and a quotation for the levelling and grading of same from Mr. Green of Lenswood was sent to the Education Department. Measurements for fencing the house yard, schoolyard and oval were taken at the same time. Can the Minister of Education say whether this work has been approved and, if it has, when it will be commenced?

The Hon. R. R. LOVEDAY: I shall be pleased to inquire concerning the matters raised by the honourable member and to bring down an answer as soon as possible.

URRBRAE HIGH SCHOOL.

Mr. MILLHOUSE: My question concerns additions to the Urrbrae Agricultural High School in my district. I have raised this matter from time to time in this House with the previous Government, the last time I think, during the debate on the Loan Estimates last year. When I asked the then Premier what was happening, he replied that the project had been referred to a private firm of architects for the drawing of plans, and that it had not at that stage gone to the Public Works Committee. In fact, before the end of the last session, the Public Works Committee reported favourably on the project to this House (I think on October 20), recommending that the additions go ahead. That was welcome news, but now there is an ugly rumour that, in fact, the additions are to be abandoned. Can the Minister of Education say whether this rumour is accurate? If it is not (as I hope it is not), then will he say when the work is likely to be put in hand?

The Hon. R. R. LOVEDAY: The programme of buildings to be constructed (and under construction) is at present being considered. I hope to have finality on all of these buildings in so far as they affect the Education Department within the next fortnight. I shall be pleased to inform the honourable member as soon as I have the information.

WHEAT TRUCKS.

The Hon. T. C. STOTT: Has the Premier a reply to the question I asked on June 30 concerning rolling stock?

The Hon. FRANK WALSH: The report states:

This matter was fully covered in a letter addressed to Mr. Stott by the honourable the Minister on April 29, 1965, which explained that the department was not at present deficient in railway waggons suitable for the carriage of bulk grain but that when the time comes to build more waggons for this purpose, consideration will be given to the advantages and disadvantages of building hopper rather than open waggons. There are at present no new proposals going forward in this regard.

APPRENTICESHIP COURSE.

The Hon. G. G. PEARSON: In February this year a young man in Port Lincoln, after entering indentures with a constituent of mine in the radio and electrical trades, enrolled for a four-year course. He was encouraged to enrol, because he received a brochure from, I think, the Commonwealth Employment Service, which set out that under certain conditions he could complete his apprenticeship in three years, the conditions being that during the first year he should attend trade classes for 20 weeks, and in the second year the same classes for seven weeks, which would be a credit of one year against his apprenticeship, so that he could therefore complete his apprenticeship in three years. On inquiring whether the course was available, he was informed by, I think, Mr.

Macklin-Shaw (at any rate, by somebody in the Education Department) that the course was not available in South Australia this year and that it might not be available next year because of shortage of numbers. Can the Minister of Education say whether this is correct? If it is, will he inquire whether the course is available in other States (for example, in Victoria), because I believe the person concerned would be willing to go to another State for his training if it were necessary and if that training were not available here?

The Hon. R. R. LOVEDAY: I am sorry that I can neither confirm nor deny the statement, but I will have the whole matter examined to see whether these facilities can be made available either in South Australia or in another place.

HORTICULTURAL SERVICES.

Mr. CURREN: On May 25 I asked the Minister of Agriculture a question relating to a horticultural survey in rural areas, and the report he read from Mr. Milier indicated that it was not considered necessary to have such surveys continued. I have received a letter from the S.A. Canning Fruitgrowers' Association, which states:

> As you are already aware, executive committee of S.A. Canning Fruitgrowers' Association is concerned with trying to obtain a census of all canning fruit trees, similar to the one carried out by Mr. Mount some time ago. I have therefore been requested to ask you to pursue this matter with the Minister of Agriculture (Mr. Bywaters) in an endeavour to have this census carried out.

The letter is signed by the Secretary (Mr. C. R. Price). Will the Minister of Agriculture again take this matter up with his departmental officers with a view to having a census taken not only of horticulture or deciduous trees but also of citrus trees?

The Hon. G. A. BYWATERS: Yes.

WHEAT.

The Hon. Sir THOMAS PLAYFORD: On one or two previous occasions when the season has opened late we have been left with insufficient wheat in the Adelaide Division for milling purposes. As a result, the wheat has had to be brought from outside divisions and at considerable cost to the consumers. On one occasion it meant a heavy increase in the price of bread. Will the Minister of Agriculture ask the Wheat Board whether sufficient wheat cannot be retained in the Adelaide Division to meet home consumption requirements until the season has been definitely established?

The Hon. G. A. BYWATERS: Knowing something of the situation, I can appreciate the Leader's concern, and I shall be pleased to take up the matter and try to allay his fears.

FURNITURE REMOVAL CHARGES.

Mr. HALL: A few weeks ago I asked the Premier about excessive charges levied on migrants for the removal of their furniture to Para Hills. I referred to one specific instance and I asked the Premier to investigate it. Has the Premier a reply?

The Hon. FRANK WALSH: The Director of Immigration reports:

1. Migrant families arriving by sea are entitled to the free transport and delivery to their homes of 40 cubic feet of luggage for each adult person and 20 cubic feet per child. They are required to pay for any excess over this quantity. The State Government bears the cost of fares and transport of baggage from the Outer Harbour to their destination, with the proviso that where travel over Commonwealth Railways is involved the cost of such travel is borne by the Commonwealth and where private services are used outside the metropolitan area half the cost is recovered from the Commowealth Government.

2. Migrants arriving by air are liable for the cost of transporting their luggage from the place of their departure to their destination. They are informed of this obligation before leaving Britain. It is understood that this policy has been adopted by the Commonwealth because:

(a) The wage earning capacity of the migrant arriving by air is achieved much earlier than that of the migrant arriving by sea.

(b) The sea travelling migrant families usually incur extra charges for excess luggage.

(c) The sea travelling migrant families incur extra expenses in travelling on a ship for four weeks.

3. Mr. and Mrs. Fay arrived in South Australia by air and therefore were liable for the delivery cost of their luggage and effects. A total of 20 items, not 18 as stated, consisting of tea chests, crates and trunks, were delivered to their residence at Para Hills from the Outer Harbour at a total cost of £19 2s. 5d. Details of this charge were as follows:

	£	s.	d.
Quarantine permit	0	12	6
Telegrams, telephone and postage	0	8	6
Fumigation fee	0	10	6
Use of fork lift	0	12	6
Opening and resealing of cases for Customs	4	2	6
Wharf stacking	1	4	11
Wharfage paid to S.A. Harbors Board	1	6	10
Entries passed for wharfage	0	10	6
Statutory declaration	0	17	6
Verification of goods by Customs	2	5	0
Agency fee	2	3	8
Cartage to Para Hills	4	7	6
Total	£19	2	5

4. The actual cartage is under price control. The amount of £14 could have been charged for cartage instead of the £4 7s. 6d. actually charged. Most of the other charges are laid down by the Chamber of Commerce and the S.A. Road Transport Association. Higher charges could have been made for some of these services, *e.g.*, use of the fork lift. It is believed that the total charge permissible could have been £33 18s. 9d. as against the £19 2s. 5d. actually charged. However, arrangements made by the State Immigration Department with the carrier company have been designed to give migrants the maximum benefits possible in the way of service and reduced charges.

5. In the year 1964-65 South Australia received under State auspices a record total of 9,310 British migrants of whom 5,444 came by sea and 3,866 by air.

Therefore, if the policy regarding air passengers' luggage is to be altered, substantial additional costs would be involved. It would be a matter for discussion between State and Commonwealth Governments. The whole matter of migrants' luggage is very complicated. In past discussions the Commonwealth Immigration Department has shown no intention of altering the present arrangements, no doubt because of the fact that the existing immigration scheme is a very generous one on which the Commonwealth Government is spending about £16,000,000 a year.

NURSES' CAR PARKING.

Mr. COUMBE: On June 29 I asked the Minister of Education, representing the Minister of Local Government, about the whole matter of car parking facilities for nurses at the Royal Adelaide Hospital, and in particular in Frome Road. Can the Minister say whether action is being taken in this matter? If he does not have a reply for me, will he expedite this matter as I can assure him and other honourable members that it is of great concern to the nurses, particularly those in my district, and that it is creating some public concern?

The Hon. R. R. LOVEDAY: I regret that I have not yet had a reply from my colleague on this question, but I will see that the matter is expedited.

BARLEY.

The Hon. T. C. STOTT: Has the Minister of Agriculture a reply to my question of June 30 regarding tests on the behaviour of barley stored in the Australian Barley Board's transit and other country silos?

The Hon. G. A. BYWATERS: I have received the following reply from the General Manager of the Australian Barley Board:

The purpose of the tests carried out by the board is to ascertain the behaviour of barley under bulk storage conditions, and the intention is for the barley under tests to remain in bulk storage for as near as possible to a 12-month period. Whilst the progressive reports received in regard to the tests have been satisfactory to date, there is still a considerable length of time to go before the tests are complete and it would be premature for the board to form an opinion at this stage on the final results.

TOURISM.

Mr. HEASLIP: On June 24 I asked the Premier a question about tourism and the opening of the road to the top of the Bluff where television channel 1 is now operating. I understand that the Premier now has a reply to that question.

The Hon. FRANK WALSH: I have ascertained that the honourable member previously raised this matter in October, 1963. On January 6, 1964, a letter from the Secretary to the Premier conveyed the following information to the honourable member:

The Premier took up the matter with the Minister for the Interior, and the Commonwealth Government has now made it clear that if the roadway were declared a public road for the use of tourists the State would have to bear the full cost of the construction of the road. In its present form the road is not suitable for use as a public road and under the circumstances it is not proposed to take the matter further.

The present Government does not intend to take the matter further at this stage.

UPPER STURT ROAD.

Mr. MILLHOUSE: Several weeks ago I addressed a question about the Upper Sturt Road to the Minister of Education, representing the Minister of Roads. I understand that the Minister now has a reply to that question.

The Hon. R. R. LOVEDAY: My colleague reports that his department is investigating a proposal to continue the Old Belair Road south along Lindsay Terrace, to merge with the Upper Sturt Road for a short distance between Pine Lodge Drive and Hawthorndene Drive, and from there to feed into the eastern areas of Blackwood. This connection will be necessary as the main road through Belair to Blackwood becomes overloaded. The proposal is as yet at a very preliminary stage, but it appears to involve some widening on the western side of Upper Sturt Road between Brolga Avenue and Hawthorndene Drive. The extent of the widening is not yet known and may not necessarily be 17ft. In any case, widening strips would only be acquired from abutting properties when road works were to be commenced, and on present indications this is many years into the future.

SPEECH AND HEARING THERAPY.

Mrs. STEELE: Has the Minister of Education a reply to a question I asked recently concerning hard-of-hearing children in the Elizabeth area?

The Hon. R. R. LOVEDAY: At present 12 children (eight years of age and under) from Elizabeth attend the South Australian Oral School at Gilberton and three older children are enrolled in the speech and hearing centre at North Adelaide. This number does not warrant the establishment of a speech and hearing centre at Elizabeth. The position, however, is being watched carefully by the Chief Psychologist, and the Advisory Panel for Deaf and Hard of Hearing Children has set up a subcommittee to examine the need for additional classes for hard-of-hearing children. Elizabeth, of course, is included in the panel's review. With the continued growth of Elizabeth there can be little doubt that the number of children requiring the special kind of help which can be given in speech and hearing classes will increase, and that a stage will be reached when the provision of a centre at Elizabeth will be warranted.

NANGWARRY WATER CHARGES.

Mr. RODDA: I understand that water charges at Nangwarry have recently been increased. I know the Minister of Forests is not unaware of the problems at Nangwarry regarding the manning of the mill, and the question of these water charges is another thing that worries the people in that centre. Will the Minister have a further look at the necessity for these increased charges?

The Hon. G. A. BYWATERS: Yes, I will do that.

FULLARTON ROAD INTERSECTION.

Mr. MILLHOUSE: Some weeks ago I asked the Minister of Education, representing the Minister of Roads, a question regarding the installation of traffic lights at the intersection of Cross Road and Fullarton Road in my district. Has the Minister a reply to that question?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that the Unley council prepared a scheme for the installation of traffic signals on the existing kerb alignments. This scheme was not acceptable to the department and the Road Traffic Board because the width was insufficient to cater for the present traffic volume without causing excessive delay to traffic. The additional width required for a temporary satisfactory scheme involved the moving of an open drain and an obsolete stone and wooden culvert across the intersection of the southern side of Cross Road. Last year, the Mitcham council was advised by the department that funds were available to reconstruct the drainage along Cross Road between Waite Road and Fullarton Road. Departmental survey notes were supplied to the council to enable it to design the drain. About two months ago the council advised that it would not be in a position to carry out this work for at least six months because of other work commitments. On this understanding, the Highways Department is now preparing a temporary scheme which involves the laying of a temporary pipe across the intersection and along the open drain until such time as a more detailed examination can be undertaken on the drainage requirements for the whole area. It is hoped that with the co-operation of the two councils, namely, Unley and Mitcham, when this temporary work has been completed, the traffic signals will be installed.

FREIGHT RATES.

The Hon. D. N. BROOKMAN: Has the Premier a reply to my question of June 17 about the reported statement during the election campaign that a Labor Government would subsidize the freight rates to and from Kangaroo Island?

The Hon. FRANK WALSH: First, I thank the honourable member for drawing my attention to this matter. However, before answering his questions, I had to communicate with him to ascertain what it was all about, and he was good enough to send me a photostat of the press cutting. I examined the report in the *Kangaroo Island Courier*, but this was the first time my attention had been drawn to it. During the election campaign on Kangaroo Island, I did mention that I would inquire into freight rates. However, it is not correct, as indicated in the report referred to, that I stated that I would subsidize freight rates to and from Kangaroo Island.

NORTHERN ROADS.

Mr. MILLHOUSE (on notice):

1. Is the construction and maintenance of roads in the North and North-East of the State still the responsibility of the Engineer-in-Chief?

2. If not, what arrangements have been made different from those in force on August 4, 1964?

3. How much has been spent on such roads in the last 12 months?

4. Is it proposed to improve the Birdsville Track in the near future?

5. If so, what will these improvements be and when will they be made?

The Hon. R. R. LOVEDAY: The replies are:

1 and 2. The construction and maintenance of roads in the North and North-East of the State are still the responsibility of the Engineering and Water Supply Department.

3. The expenditure on roads under the control of the Engineering and Water Supply Department for the year 1964-65 was £240,198. Amounts spent in the various areas were as follows:

	£	£
District Roads:		
North of Kingoonya-Tarcoola	7,922	
Copley area	17,943	
Blinman area	1,615	
East of Burra	3,276	
Oodnadatta area	15,745	
North and north-west of Port Augusta	8,716	
Marree area	1,088	
Hawker area	2,347	
East of Peterborough	7,735	
Access to Gidgealpa Road	26,989	
		93,376
Beef Cattle Roads:		
Murnpeowie-Innamincka-Cordillo Downs	12,457	
Marree-Birdsville	42,385	
Everard Park-Oodnadatta	2,546	
		57,388
Main Roads:		
Arkaba-Blinman-Parachilna	22,643	
Hookina-Copley	5,578	
Copley-Lyndhurst	4,732	
Lyndhurst-William Creek	13,262	
Pimba-Wirraminna	1,785	
Wirraminna-Tarcoola	5,574	
		53,574
Port Augusta-Woomera	35,860	
		35,860
		£240,198

4. and 5. A gang consisting of a foreman and eight men equipped with two graders, a front-end loader, a bulldozer and three trucks is continually engaged in maintenance and upgrading of the Birdsville Road. Since December last, the gang has been operating between Clifton Hills and the northern border and has re-located and straightened 40 miles of the "Inside Road" and constructed a number of creek crossings. This work will continue for six to eight weeks after which the gang will undertake improvements north and south of Kopperamanna Crossing. In September it is proposed to make a survey of Coopers Creek near Kopperamanna with a view to constructing an improved crossing in the form of a causeway.

BELAIR ROAD.

Mr. MILLHOUSE (on notice):

1. Does the Highways Department require land in Hannaford's proposed subdivision at Belair for road purposes?

2. If so, what are the boundaries thereof?

3. What is the route proposed for this roadway north and south of the proposed subdivision?

4. When will the roadway be constructed?

The Hon. R. R. LOVEDAY: The Commissioner of Highways reports:

1. The Highways Department will require additional land from the approved Hannaford subdivision.

2. The land required is in two parcels. Firstly, a 100ft. width southerly extension of Lindsay Terrace to Laffer Road. This will be

required when the arterial road is constructed, which could be many years into the future. Secondly, a widening strip may be required along the Adelaide-Blackwood main road of up to 14ft. width. A short length of less than 400ft. is involved, and the land would be purchased from the appropriate owners prior to actual road widening.

3. The roadway referred to in the question is doubtless Lindsay Terrace. The purpose in widening this road was to provide a better alignment across the railway, linking into the Old Belair Road (James Road), thus avoiding the dangerous curves and bad intersection which presently exists at Florence Terrace and Upper Sturt Road. Thus the northerly extension would be to James Road, then down the Old Belair Road to Adelaide. South of Laffer Road the new road curves to merge with the Upper Sturt Road south of the National Park entrance.

4. It is not possible to give a time when construction will be carried out as this depends on when the additional road capacity will be required.

PRICES COMMISSIONER.

Mr. MILLHOUSE (on notice):

1. What is the salary of the Prices Commissioner?

2. When was it last altered?

3. Is it considered too low, adequate or too high?

4. Is it proposed to alter it?

The Hon. FRANK WALSH: The replies are:

1. £3,692 per annum. The salary range for this office is £3,362 minimum to £3,692 maximum. The present occupant also receives an allowance of £350 a year.

2. August 12, 1963, following increases granted by the Public Service Arbitrator to public servants.

3. In relation to existing Public Service standards it is considered adequate.

4. It is not proposed to vary existing relativities.

PUBLIC WORKS COMMITTEE REPORTS.

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

Augmentation of Water Supply in the Salisbury-Parafield-Para Hills Area,

Chandlers Hill to Heathfield Trunk Water Main,

Elanora Hospital and Training Centre,

Strathmont Hospital and Training Centre,

Whyalla West Technical High School.

Ordered that reports be printed.

JOINT COMMITTEE ON CONSOLIDATION BILLS.

The Legislative Council intimated its concurrence in the appointment of the committee.

LOTTERY AND GAMING ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

MAINTENANCE ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Second reading.

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

That this Bill be now read a second time.

In moving the second reading of this considerable piece of legislation (one of the largest Bills to come before the House in recent years), I make it clear to honourable members that it will be treated as a Committee Bill, and that it is vital, for the effective working of these provisions, that all interested parties and citizens have an opportunity to examine its proposals and to make suggestions as to their alteration, if they believe that alterations should be made. The Government is not specifically wedded to the precise terms of the machinery provisions of the Bill. We are concerned to see to it that the most effective remedies are provided for those people whom this Bill is designed to protect and to aid and, therefore, we welcome the suggestions of interested bodies and of honourable members in relation to the specific provisions of the Bill.

The Bill is primarily designed to change the administration of the Maintenance Act and the department administering that Act, to amend and consolidate into one Act the present provisions of that Act, the Children's Institutions Subsidies Act and the law governing the making and enforcement of orders for the payment of maintenance and other necessary expenses of deserted children, spouses and other persons left without means, including the reciprocal enforcement of maintenance and other orders between this State, the other States and Territories of the Commonwealth and certain

reciprocating countries outside Australia. It will bring the law of South Australia relating to the making and enforcement of orders for the payment of maintenance and other necessary expenses of persons left without means of support substantially into line with uniform principles which have been agreed to by the Standing Committee of Commonwealth and State Attorneys-General and which already have been given effect in the legislation of New South Wales and Victoria. The principal Act, as amended by the Bill, will be known as the Social Welfare Act, 1926-1965.

I may say that the Bill does not stand alone: it is part of a scheme of legislation, the first part of which is contained in the Capital and Corporal Punishment Abolition Bill now before the House, the second part of which is contained in this Bill, and the third part of which will be a new Juvenile Courts Act (a Bill in relation to which will be introduced shortly—and certainly before this Bill is disposed of); so that honourable members will be able to see, overall, the pattern of legislation covering this whole field, which the Government has designed. The draftsmen have been working continually on this scheme of legislation since the Government took office, and have spent many long and wearying hours in getting this extraordinarily large scheme of legislation ready for presentation to the House.

It abolishes the Children's Welfare and Public Relief Board and vests its general powers, functions and responsibilities in the Minister of Social Welfare who is constituted a body corporate. Provision is made for the establishment of a Department of Social Welfare and the appointment of a Director of Social Welfare who will be the permanent head of the department and will be under a duty to administer the Act in accordance with the Minister's directions. Provision is also made for the establishment by the Minister of a council to be known as the Social Welfare Advisory Council which will advise the Minister on questions relating to social welfare referred to it by the Minister. In regard to the field of maintenance and the enforcement of orders in connection therewith, the principal Act, as amended by the Bill, will retain the existing provisions of our law which provide persons who are left without adequate means of support with greater opportunities for recovering maintenance than are provided for in the uniform proposals, while it will also incorporate other uniform proposals which (*inter alia*) provide for the payment of confinement, funeral, medical and other necessary expenses of persons by others who should be responsible for their support.

Division II of Part IIIa of the principal Act, as amended by this Bill, deals with the reciprocal enforcement of orders. Subdivision 2 of that Division replaces the Inter-State Destitute Persons Relief Act which is repealed by that Subdivision and, as administrative arrangements would have to be made between States after the Bill becomes law, provision is made for that subdivision to be brought into operation by special proclamation. Similarly, Subdivision 3 of that Division replaces the Maintenance Orders (Facilities for Enforcement) Act which is repealed by that Subdivision and for the same reason provision is also made for that Subdivision to be brought into operation by special proclamation.

The provisions of the Children's Institutions Subsidies Act, 1961, which is repealed by clause 3 of the Bill, have been incorporated in the new Part VIa inserted by clause 117 of this Bill.

Clause 4 amends the long title of the principal Act to accord with the amendments proposed by this Bill; clause 5 contains necessary saving and transitional provisions consequent on the amendments proposed by this Bill; and clause 6 repeals and re-enacts section 4 of the principal Act, which sets out the arrangement of the principal Act, as amended by this Bill. Clause 7 amends section 5 of the principal Act which contains the general definitions for the purposes of the Act. It will be observed that the expression "asylum" is discontinued, and the expression "home" is used to cover all places intended or used for the reception, care, maintenance, support or training of destitute, infirm, necessitous or neglected persons or for the reformative treatment of children. An institution is defined as a home that is set apart by proclamation as an institution to be used for certain specified purposes. Reformatories will in future be referred to as reformative institutions.

The expression "confinement expenses" has been replaced by the expression "preliminary expenses" which will include the reasonable medical, surgical, hospital and nursing expenses attendant upon the confinement of a woman and the expenses of the maintenance of the woman and the child or children born to her for three months after the confinement. The expression "destitute child" is discontinued, and the expression "neglected child" has been expanded to include the former "destitute child". Under modern conditions of community welfare, a child is rarely destitute in

the old sense and the inclusion of the definition of neglected child of all those children needing care because of family circumstances will be administratively more convenient.

Clause 8 repeals Part II of the principal Act and enacts in its place a new Part comprising new sections 6 to 39 under which, *inter alia*:

(*a*) the Minister is constituted a body corporate with powers ordinarily conferred on bodies corporate (section 6);

(*b*) the Children's Welfare and Public Relief Board and its constituent offices are abolished and its property, rights, powers, etc., are transferred to and vested in the Minister (section 8);

(*c*) provision is made for the establishment of the Department of Social Welfare and the appointment of a Director and Deputy Director of Social Welfare and such other offices and positions in the department as are necessary (sections 10 and 11);

(*d*) the Director will be the permanent head of the department (section 12);

(*e*) the Minister will have the custody and be the legal guardian of each State child (section 13);

(*f*) the Minister will have certain general powers and functions (section 14) including—

(i) the general care and control of the persons and property of State children and inmates of homes under the control of the Minister and the power to take proceedings on behalf of a State child or inmate; and

(ii) power to establish homes and community centres and to use departmental offices and facilities for the promotion of social welfare within the community.

Although that is a small clause it is a very important one and provides the key to a basic change in the set-up of the department. Previously the Children's Welfare and Public Relief Board was not (except in the administration of public relief or the provision of assistance to deserted wives or neglected or destitute people) concerned in general family welfare. Indeed, its main function was, apart from those functions I have outlined, the care of neglected or delinquent children. It is the Government's view that it is necessary to provide officers who will be concerned generally with family welfare. In the past there have been places where neglected children have been looked after by the department acting within its legal authority, but the parents of those neglected children who needed welfare assistance have had no provision made for them and have suffered considerably in consequence. It is the Government's belief that we should have power to extend the board's activities into the general family welfare field. Although this will have to be carefully done and be part of the projects to show us the way we should proceed in this field, it will have to be done at the outset.

(*g*) the Minister may delegate duties to the Director who may himself (with the Minister's approval) delegate to the Deputy Director or other officers (sections 15 and 16);

(*h*) the Director may act within his powers subject to Ministerial directions and may investigate the affairs of aged and infirm persons (section 19).

Here again it has been found advisable that some powers of investigation of the needs and estates of people, who might have orders made in relation to their property under the Aged and Infirm Persons' Property Act, be taken because it so happens that some old people are in the custody and care of strangers to them and questions are raised from time to time by the relatives of those particular aged or infirm people as to their care or their property. It is difficult to get any answer in relation to this, and to bring the matter before the court requires a writ of *habeas corpus,* an extraordinarily expensive and complicated procedure. Therefore, it seems proper that we should have some powers of investigation concerning those people to which the Aged and Infirm Persons' Property Act applies in relation to their property so that an application can be properly made to the court. Power is taken under this Act for the necessary investigation to be made so that a report may be made to the court upon a proper application which can, of course, be made either by the department or by the Public Trustee.

(*i*) provision is made for the establishment, constitution, duties etc. of the Social Welfare Advisory Council (sections 20 to 30);

(*j*) the existing provisions for State public relief are continued with modifications (sections 31 to 39) and the Director will have the responsibility of affording relief to necessitous persons subject to the directions of the Minister.

At the moment the whole method of assessment and administration of public relief is under review. The existing Division III of Part II of the principal Act, which has not been used for many years, has been omitted as all relief can more readily be given under the new section 31 which corresponds with the existing section 22.

Clause 9 renumbers present Division I of Part III of the principal Act as Division II and enacts as Division I of that Part a new Division comprising sections 39a to 39d under which, *inter alia*:

(*a*) courts of summary jurisdiction are vested with jurisdiction to make or discharge, suspend or vary orders provided for under that Part (section 39a (1));

(*b*) a complainant will have the right to lay a complaint under that Part where he or she is resident for the time being (thus entitling a wife forced to leave the matrimonial house in one State and go to her parental home in another State to bring proceedings in the court nearest to her parental home) (section 39a (2));

(*c*) rules are prescribed for determining whether adequate means of support have been provided for a person and for determining the amount that a defendant is to be ordered to pay by an order under the Part (section 39b);

(*d*) an existing order made under that Part is not affected by a subsequent order except to the extent that the subsequent order varies the existing order or unless a court otherwise determines (section 39c);

(*e*) the provisions of section 65 of the principal Act, which prescribe the persons who may make complaints against the father of an illegitimate child, are re-enacted (section 39d).

Clause 10 is a formal amendment. Clauses 11 and 12 bring existing sections 42 and 43a up to date. Clause 13 repeals section 44 of the principal Act which is replaced by new Division IIIb of Part III enacted by clause 28 and also repeals section 45 of the principal Act which is a provision that is not now invoked.

Clauses 14 and 15 make amendments to sections 47 and 48 of the principal Act that are consequential on the abolition of the Children's Welfare and Public Relief Board. Clause 16 repeals section 49 which is substantially re-enacted by new section 76h inserted by clause 28. It also repeals sections 50 and 51 of the principal Act which are not now invoked. Clause 17 is a formal amendment. Clause 18 replaces sections 53 to 57 of the principal Act with new sections similarly numbered under which, *inter alia*:

(*a*) a justice may, upon complaint made in an affiliation case, issue a warrant (in lieu of a summons) for the apprehension of the defendant and for his detention unless he enters into a recognizance to appear at the hearing (section 53, re-enacting existing section 53 (3));

(*b*) the existing provisions of section 54, which provide for the making of an order for confinement expenses not exceeding £25, are replaced by new section 54 which provides for an order for the payment of a reasonable amount towards "preliminary expenses" which, according to its definition, covers a wider range of expenses than the existing definition of "confinement expenses", (sections 54 and 55);

(*c*) an order for preliminary expenses may be made in any proceedings against the father for maintenance of the child, without any specific complaint therefor (section 56); and

(*d*) power is conferred on a court to make an order for the future maintenance of the child when making an order for preliminary expenses but enforcement of the order for maintenance will depend upon production of the birth certificate of the child (section 57).

Clause 19 repeals section 59 of the principal Act and re-enacts it with substantially the same effect. Clause 20 makes amendments to section 59a of the principal Act that are consequential on the abolition of the Children's Welfare and Public Relief Board and on the substitution of preliminary expenses for confinement expenses.

Clause 21 repeals section 60 of the principal Act which is replaced by new section 76f enacted by clause 28. Clause 22 repeals section 61 of the principal Act and re-enacts it with substantially the same effect. Clause 23 repeals section 61a of the principal Act which provides for the taking of blood tests in affiliation cases and re-enacts it with improvements. The section is to come into operation on a day to be proclaimed.

The House will doubtless remember that in the last Parliament an amendment was made providing for such blood tests. So far, however, that has not been brought into effect but it is intended to do this as soon as possible.

Clause 24 repeals sections 62, 63 and 64 of the principal Act, which are replaced by new Division IIIb enacted by clause 28; repeals section 65, which has been replaced by new section 39d enacted by clause 9; and enacts two new subdivisions comprising new sections 62 to 65a which provide for the making of orders for funeral, medical and other expenses and for the making of nominal and interim orders for the payment of maintenance.

New section 62 provides for the recovery of funeral expenses of a child dying after the Bill becomes law whilst there was a maintenance order in force in relation to him. New section 62a provides for an order against the father of an illegitimate child for the payment of the funeral expenses of the mother of the child if the mother died in consequence of the pregnancy or of the birth of the child. New section 62b provides for an order against the surviving spouse of a deceased person for the payment of the funeral expenses of that deceased person if that deceased person was entitled to be maintained by his or her spouse. New section 63 provides for the recovery by a person for whose maintenance an order is in force of medical and like expenses from the person against whom the order was made.

New section 64 provides for the making of an order for the payment of a merely nominal amount in respect of the maintenance of a person where the court is satisfied that that person is not presently without adequate means of support or that the defendant is not presently able to contribute to the support of that person. This provision is intended to enable a court to make a determination on the merits of a case while the facts are fresh in the minds of witnesses rather than postpone a decision until the wife has exhausted her means and is without adequate means of support. The nominal order can be varied as changes occur in the financial situation of the parties. Honourable members will see how this will make much better provision for the protection of married women who otherwise must at times wait until they are in a position to claim a substantial amount of maintenance before they bring their cases and at that time the facts upon which they rely for bringing their cases for maintenance may no longer be easily ascertainable by evidence before the court.

New section 65 makes provision for an almost automatic right for a child for whose maintenance a complaint has been made to be maintained until the complaint is heard and determined. New section 65a provides that where the hearing of a complaint is adjourned the court may make an interim order for the payment of maintenance until the determination of the complaint. Subsection (1) of section 67 of the principal Act provides that, except as provided by section 75, an application under that Division shall be heard and determined by a special magistrate unless one of the parties demands that it be heard by a magistrate and two justices. The right to demand that two justices should sit with a special magistrate in these cases is never exercised and is unnecessary. Clause 25 accordingly repeals and re-enacts the section to provide that the court shall be constituted in every case by a magistrate sitting alone.

Clause 26 adds a subsection to section 71 of the principal Act providing that a custody order under that Division shall not be made where there is in force a custody order made by the Supreme Court of this State or of any other State or Territory; where the child is a State child, in which case the Minister already has its custody; or unless either party to the application was resident in the State at the time of the application and the child is in the State at the time of the making of the order.

Clause 27 re-enacts in new sections 75 and 75a the main provisions of section 75 of the principal Act and also prohibits molestation of a child in respect of whom a custody order was made and prohibits refusal to deliver the child to its mother on demand after custody has been given to the mother. Where an order provides for access by any person to a child, refusal of or interference with such access is made an offence. At the moment, incredible troubles occur from time to time over the access. Difficulties are often created by either of the parties to an order and this provision will mean that the court will have some ready means of seeing that the court orders are obeyed and that trouble in relation to the children is not, in fact, wreaked upon the children who would then become the unfortunate and innocent victims of disputes between their parents.

As the Third Schedule is being repealed by clause 147 and provision is made in this Bill for forms to be prescribed by regulation, section 76 of the principal Act is repealed by clause 28, which enacts three new Divisions numbered IIIa, IIIb and IIIc comprising new

sections 76 to 76ra. New section 76 provides that, subject to section 76a, an order for the maintenance of a child shall not be made if the child is 18 years of age and shall cease to have effect upon the child attaining that age.

New section 76a provides that, where the education of a child for whose maintenance an order is in force is to continue beyond the age of 18 years, the maintenance order may be extended. New section 76b confers power on a court to back-date a maintenance order to take effect from such past date as the court thinks reasonable. It could be dated back to before the date of the original complaint. New section 76c provides for the termination on the death of either party of a maintenance order in favour of a wife or husband. New section 76d preserves the right to recover arrears of maintenance due under an order after it ceases to have effect. New section 76e contains rules under which desertion by a party to a marriage will be presumed by reference to the conduct of that party. Such conduct is generally known as constructive desertion.

New section 76f, which replaces section 60 of the principal Act, provides that the evidence of a woman as to the paternity of her illegitimate child will not be accepted without corroboration except where the defendant has had an opportunity of denying the allegation and has not done so, but in any event, before an order is made, the court must be satisfied by evidence that the woman is pregnant and that she was not at the time of conception a common prostitute. New section 76g requires proof of the marriage in connection with a complaint by one party to the marriage against the other party. New section 76h substantially re-enacts the provisions of the present section 49 of the principal Act.

New sections 76i to 76n re-enact, with considerable improvements, the provisions of sections 62 to 64 of the principal Act relating to the discharge, suspension and variation of maintenance orders, but the new sections have a far wider application than those that are being replaced. New section 76j confers a general power on courts of summary jurisdiction to discharge, suspend or vary maintenance orders and prescribes the general rules governing the discharge, suspension and variation of such orders. New section 76k is a substantial re-enactment of present section 62 of the principal Act. New section 76ka explains the effect of the suspension of a maintenance order.

New section 76m provides for the variation of an order for maintenance of an illegitimate child made before the birth of the child if it turns out that two or more children are born. New section 76n confers power on a court of summary jurisdiction to revive a suspended order. New sections 76na to 76p contain normal procedural matters. New section 76q provides that a court may, by an order made under the Act, direct the mode of payment of moneys payable under the order. New section 76r empowers a court in certain cases to issue a warrant for the apprehension of the defendant and to proceed to hear a complaint in the defendant's absence.

New section 76ra enables a defendant against whom an order is made in his absence to apply to the court to set aside the order and re-hear the matter of the complaint upon such terms as to costs as the court thinks fit. Clause 29 makes a formal amendment to the principal Act and enacts a new section 76s, which defines a maintenance order for the purposes of the Division governing the enforcement of maintenance orders generally. The definition is wide enough to include any order for the payment of money for the maintenance of a person or directing the payment of money to the Director by way of repayment for relief and so much of any order made under Part III as relates to the payment of money. All procedures for summary recovery of money under a maintenance order will be available to the person in whose favour the order is made.

Clause 30 makes an amendment to section 77 of the principal Act that is consequential on other amendments proposed by this Bill. Clause 31 makes an amendment to section 78 of the principal Act that is consequential on the abolition of the board. Clause 32 repeals section 79a of the principal Act dealing with attachment of earnings, which is being replaced by the new Subdivision 3 enacted by clause 45. Honourable members may recall that in the previous Parliament the House passed a provision for the making of attachment of earnings orders in those specific cases; otherwise, under the provisions of the Mercantile Law Act, the earnings of employees in South Australia cannot be attached. However, while we made that provision, the method of enforcement of the provision was to be prescribed by regulation. In fact, no regulations were ever promulgated by the previous Government and, therefore, except in one or two instances where it was not necessary to prescribe any form of procedure, no attachment of earnings orders have been made under the Maintenance

Act. It is now proposed to make full provision here for attachment of earnings orders so that as soon as this Bill is passed it will be possible to protect deserted wives or persons caring for children by attachment of earnings orders against those who persistently default in their maintenance obligations.

Clause 33 makes two amendments to section 80 of the principal Act that are consequential on the repeal of section 79a and the abolition of the board. Clauses 34 to 40 make numerous amendments to sections 81, 82, 83, 85, 86, 87 and 88 consequential on the abolition of the board. Clause 41 repeals section 91 of the principal Act which deals with the penalty for failure to comply with maintenance orders, and enacts a new section which confers on a court of summary jurisdiction power to commit a defendant to prison for a period not exceeding 12 months for failure to pay maintenance. Under the new provision the defendant will not be liable to serve imprisonment more than once for any specific arrears, but the liability to pay those arrears is not discharged by imprisonment in respect thereof. This provision will be uniform throughout Australia. The provisions of subsections (1a) and (1b) of present section 91 are preserved in subsections (3) and (4) respectively of the new section. The new section also contains provisions for the discharge of the defendant from prison or for reduction of the term of imprisonment where the balance of the arrears are paid or a part payment of arrears is made respectively.

Clause 42 enacts a new section 92a under which a court of summary jurisdiction can certify the amount due on a maintenance order where default has been made by the defendant in making the payments thereunder, and upon the filing of that certificate in the Local Court of Adelaide judgment will be entered against the defendant and that judgment can be enforced as any final judgment of the local court. Honourable members will see that it will then be possible to obtain an order for sale of property under the Local Courts Act, to issue a warrant of execution against the goods of the person against whom the certificate is registered, or to issue an unsatisfied judgment summons. Each one of the modes of enforcement under the Local Courts Act could be used for the enforcement of a maintenance order where a certificate was granted for arrears by a court of summary jurisdiction. This will mean that there are even wider provisions for enforcement than those contained in relation to property under the existing Maintenance Act, and it will make facilities for enforcement very much greater.

Clause 43 repeals section 93a of the principal Act which is now obsolete. Adequate provisions for discharging of a maintenance order are already provided for under the new Division IIIb of Part III. Clause 44 makes an amendment to section 95 of the principal Act consequential on the abolition of the board. Clause 45 enacts a number of sections numbered 96a to 96v which include a subdivision comprising new sections 96a to 96p dealing exclusively with attachment of earnings which closely follows the uniform proposals and the Third Schedule to the Commonwealth Matrimonial Causes Act which is in force throughout Australia. This subdivision replaces section 79a of the principal Act. New section 96r, which introduces a procedure for requiring the furnishing of information, has been taken from the Commonwealth attachment of earnings provisions, but the procedure has been made applicable to all modes of enforcement under the Act. New section 96t makes it an offence to molest or interfere with any child contrary to an order for custody of the child made in another State or Territory. New section 96u deals with the restriction on the publication of reports in affiliation and like proceedings.

Clause 46 repeals section 98 of the principal Act which is being replaced by new section 194a enacted by clause 136. Clause 47 makes amendments to section 99 of the principal Act that are consequential on other amendments made by this Bill. Clause 48 enacts a new Division comprising new sections 99a to 99zm which deal with the reciprocal enforcement of orders. Subdivision 1 of that Division (comprising new section 99a to 99d) deals mainly with interpretations and administration. Subdivision 2 of that Division repeals and replaces the Interstate Destitute Persons Relief Act, 1910-1958, and contains the provisions necessary for reciprocal enforcement of orders between the States. As further discussions between the States would be necessary for the framing of uniform regulations dealing with this subdivision, provision has been made for it to be brought into operation by special proclamation. Basically the provisions of this subdivision will provide an effective system whereby the States will co-operate in enforcing each other's orders and of varying those orders in accordance with the changing circumstances of the parties. Subdivision 3 of the new Division repeals and replaces the Maintenance

Orders (Facilities for Enforcement) Act, 1922-1955.

As further discussions between the States and with reciprocating countries would be necessary before this Subdivision can become fully operative, provision has been made for it also to be brought into operation by special proclamation. Basically this Subdivision also contains provisions for facilitating the reciprocal enforcement of orders between this State and certain overseas reciprocating countries. Provision is made in this Bill for two types of reciprocity—absolute reciprocity which would be usual with countries within the British Commonwealth of Nations that make orders of a kind similar to ours, and "restricted reciprocity" where the overseas country makes some orders we would not. Restricted reciprocity will allow us to discriminate by accepting from a country in the restricted list only those orders of a kind we would make. Before establishing reciprocity with an overseas country, consideration will be given to the question whether that country is able in return to enforce our orders. As most representations from foreign countries come through Commonwealth channels, the Attorney-General's Department in Canberra will investigate their law, when required, on behalf of all the States and, if it decides that the orders of all States may be enforced under the law of an overseas country, a declaration will be made declaring it a reciprocating country under the law of the Territory and the States will follow suit, thus making the situation uniform throughout Australia.

The provisions of this Division are very detailed and provide procedures for all practical and foreseeable contingencies which will be uniform throughout Australia.

Clause 49 makes formal amendments. Clause 50 amends section 100 of the principal Act to accord with the new definition of "neglected child" and with ministerial changes that have been effected by the Government. The new subsection (2) enacted by paragraph (*c*) of the clause foreshadows further legislation to be introduced during this session dealing with juvenile courts, which I have mentioned earlier to honourable members.

Clauses 51 and 52 mainly contain consequential amendments to sections 101 and 102. Additionally, references to custody and control of the board, in relation to a child, will be replaced by reference to control of the Minister in order to cover the case of children who are committed as State children but not placed in institutions.

Clause 53 amends section 102a of the principal Act by raising the age up to which a child may be accepted by the Minister at the request of his parents from eight years to 12 years. The application of the section is also extended to cover uncontrolled children. The clause also includes new provisions which will enable the Minister, at the request of the appropriate statutory authority of another State, to accept under his control a State child who comes to South Australia from that other State. These provisions are needed to enable the State authorities to exercise care and control over the increasing number of State children who are crossing the borders because of movements of their foster-parents or to secure employment or because of abscondings. Similar legislation is being considered in other States.

Clause 54 makes consequential amendments to section 103 of the principal Act and also amends that section by omitting the power presently exercisable by parents to charge their own children as uncontrolled. This power has rarely been exercised, and it is considered undesirable that a parent should be placed in a position of being a complainant against his child. Honourable members may see that the situation can be easily covered by parents coming to the department, which can then make the charge against the child so that the parents are not the complainants and the child the defendant in the court, which is an undesirable procedure.

Clauses 55 to 60 mainly contain consequential amendments, but paragraph (*c*) of clause 56 increases from £20 to £50 the punishment that can be inflicted on a guardian of a neglected or uncontrolled child where the court holds that the child's offence was wholly or partly due to the guardian's fault. Paragraph (*b*) of clause 57 corrects a long-standing verbal error in section 107.

Clause 61 amends section 111 of the principal Act by substituting for the expression "reformatory schools" the expression "reformative institutions". The clause will also have the effect of preventing a court from sending a child charged as neglected to a reformative institution. Clause 62 repeals and re-enacts section 112 in substantially similar form, but under the new provision there will be no power to transfer a child from a reformative institution to an institution proclaimed for neglected children. Such transfers are most rare, and where necessary a child from a reformative institution would be placed in one of the department's non-proclaimed homes rather than

in an institution designed specially for other types of children.

Clause 63 makes consequential amendments to section 113 (1), and amends subsection (2) of that section by removing the power of a court to order that a child be detained in an institution (which could be a reformatory) by reason of the non-payment of a fine. It is considered that a child should not be subjected to reformative training unless that is clearly needed. The non-payment of a fine is not, by itself, a sufficient reason. The alternative provision of placing the child under the control of the Minister until he attains the age of 18 years, or for such lesser period as the court deems proper, is retained. A child under the control of the Minister may, under section 109, be placed, if necessary, in an institution (including a reformative institution) with the approval of the Minister.

Clause 64 amends section 114 of the principal Act by replacing the present provision that a court may commit a child over 16 years of age to an institution "for the period of two years" by a provision that the period of committal shall be not less than one year nor more than two years provided that it does not expire before the child attains the age of 18 years. The existing provision has been variously interpreted by the courts, and the new provision makes it clear that the court dealing with a child over 16 years of age may commit that child to an institution for any period not less than one year but up to two years so long as that period does not expire before the child's eighteenth birthday.

Clauses 65 to 68 make a number of consequential amendments. Clause 69 deletes from section 122 of the principal Act the words "whether a private institution or not", which are now unnecessary in view of the revised definition of institution. The other amendment to the section is consequential. Clause 70 makes a consequential amendment to section 122a of the principal Act.

Clause 71 amends section 123 of the principal Act by extending the offence of absconding from an institution to absconding from a children's home. This is necessary because the present definition of institution includes a children's home. The words "apprenticeship or" are deleted from subsection (1) (*b*) because they tend to be confusing. A child apprenticed to a trade is not required to return to an institution after completion of his articles.

Clause 72 repeals section 124 of the principal Act because it is considered undesirable under modern conditions for an administrative welfare authority to have power to impose detention on a State child for absconding. The section has not been invoked for some years. Clause 73 makes consequential amendments to section 125 of the principal Act. Clause 74 enacts a new section 125a, which is a transitional provision under which children in custody and under the control of the Children's Welfare and Public Relief Board shall be deemed to have been placed under the control of the Minister.

Clause 75 makes a number of consequential amendments to section 126 of the principal Act, which empowers the Governor to extend the period of control over a State child if it is in the child's interests to do so. This section is used to enable assistance to be continued for those young people who are without parents and relatives or who are in need of extended supervision because of some handicap. Paragraph (*i*) of the clause deletes from subsection (4*a*) of the section the words "except in the case of the first order in respect of any child" in order to remove an administrative difficulty where children are committed under section 114 for periods expiring after they attain the age of 18 years.

Clause 76 makes a consequential amendment to section 127 of the principal Act. Clause 77 makes a number of consequential amendments to section 128 of the principal Act, which enables the board to place out State children. Paragraph (*c*) of the clause replaces the words "adoption or service" in subsection (1) (*b*) with the word "employment", because adoption is governed by a separate Act and "employment" is regarded as a more suitable word than "service" in this context.

Clause 78 repeals sections 129 and 130 of the principal Act, as their provisions are governed by the Education Act. Clause 79 amends section 131 of the principal Act. The words "indentures of apprenticeship and agreements" are replaced by the word "arrangements", because indentures of apprenticeship are now a matter for the Minister under section 127 and placings out by the Director do not require formal agreements.

Clause 80 repeals and re-enacts section 132 of the principal Act with substantially the same effect as the present section. Clauses 81 to 83 make consequential amendments to sections 132a, 134 and 135 of the principal Act. Clause 84 repeals sections 136, 137 and 138 of the principal Act which are obsolete in practice and inconsistent with the new provisions, which

will enable the placing out of State children by arrangement rather than by formal agreement.

Clause 85 makes a consequential amendment to section 139 of the principal Act. Clause 86 repeals and re-enacts section 141 of the principal Act prohibiting a foster-parent from transferring to another person without the Director's consent any State child apprenticed or placed out with him. The existing provisions of the section are obsolete and inconsistent with new provisions, which will enable the placing out of State children by arrangement rather than by formal agreement.

Clause 87 makes a number of consequential amendments to section 142 of the principal Act, which deals with ill-treatment of State children, and increases the penalty for the offence of ill-treating from £20 to £100, but the maximum term of imprisonment of six months is unaltered.

Clause 88 repeals sections 143 and 144 of the principal Act as they are obsolete and inconsistent with the other provisions of the Act. Clause 89 repeals and re-enacts section 145 of the principal Act with substantially the same effect but having regard to the administrative changes contemplated by this Bill.

Clause 90, besides making two consequential amendments to section 146 of the principal Act, also increases the penalty for an offence by a foster-parent who disobeys an order under section 145 for delivery of a State child to a children's home from £10 to £50.

Clause 91 amends section 147 of the principal Act by substituting for subsection (1) of that section a new subsection designed to combine the effect of the present subsection and section 149, which is repealed by clause 93. The other amendments to that section are consequential. Clause 92 makes two consequential amendments to section 148 of the principal Act. Clause 93 repeals section 149 of the principal Act, which is replaced by new subsection (1) of section 147 enacted by clause 91.

Clause 94 repeals and re-enacts subsection (1) of section 150 of the principal Act so as to enable the amount of subsidies paid for State children to be prescribed by regulation without the limit of 50s. a week fixed under the present provision. The clause also makes a consequential amendment to subsection (2) of that section. It is unfair that we should be faced with the present limits in cases where the expenditure by the relevant person or authority is very much greater than 50s. a week.

Clause 95 repeals section 151 of the principal Act, which will be unnecessary in view of the amendment to section 150. Part V as amended by this Bill, will draw the distinction between a home (which, as defined, includes any establishment for the reception, care, maintenance, support or training of destitute, infirm or neglected persons or for the reception, care, custody, detention or reformative treatment of children), and an institution which is a home that is proclaimed for a specified purpose. Clause 96 makes a formal amendment. Clause 97 repeals section 152 of the principal Act, and in its place enacts a new section enabling the Minister to establish and abolish homes and the Governor, on the Minister's recommendation, to proclaim institutions. The new section also provides necessary transitional provisions.

Clause 98 repeals sections 152a to 156, which will be unnecessary in view of new section 152. Clause 99 repeals and re-enacts section 157 of the principal Act with substantially the same effect, having regard to the new definition of private reformative institution. The reference to "private institution" is omitted in the new section as such an institution does not exist under the present legislation. Clause 100 repeals sections 158 and 159 of the principal Act, which are unnecessary in view of new section 152. Clause 101 makes two consequential amendments to section 160.

Section 161 of the principal Act provides that all members of the Executive Council, members of the Legislature and justices of the peace, shall be entitled to visit every institution and the inmates thereof. Honourable members will perhaps hear suggestions that it may be impossible for the Minister (and I have no doubt that is the case) to make all the visits to institutions that are sometimes made by various members of the present board, or to cover the amount of individual interest sometimes taken by some members of the board in all State children. It would be impossible for one person to cover all that work, although the major work will be done by departmental officers. Nevertheless, there has been some value in the individual interest taken by some members of the board in particular cases of children under the care of the department.

Although under the old Maintenance Act visits to institutions were allowed, this was not acted on. Honourable members will see that we are providing for visits to institutions by people in responsible positions who are interested in individual cases. They will have the opportunity to take an interest in them, and to

see that the procedures in the institutions are satisfactory and meet the public interest. All honourable members will, in consequence, have the right to act as visitors to the institutions.

Honourable members may remember that previously specific Ministerial approval had to be obtained to visit institutions. It is not proposed that that be now obtained. If an honourable member wishes to visit an institution after the passing of the Bill, he is welcome to do so. Clause 102 amends that section by substituting the words "any person authorized in that behalf by the Minister" for the words "justices of the peace".

Clause 103 amends subsection (2) of section 162 of the principal Act by increasing the penalty for wilfully defacing a visitor's book from £10 to £50. Clause 104 makes formal amendments to the heading of Part VI of the principal Act. Clause 105 enacts a new section 162a, which provides that a person who keeps a children's home in which more than five children under 12 years of age are cared for apart from their parents, must be licensed. The section also provides for the observance by a licensee of conditions attached to a licence. This section will bring children's homes under greater supervision by the department in the interests of the children, and will ensure that, as improvements in methods of care are developed, they will be rapidly carried into practice. It is also desirable to ensure that new homes will be established only if they conform to necessary standards.

In view of the proposals coming forward for the establishment of new homes, it is considered that this section is vital. The combined effect of this section and new sections 167 and 170 (which will be dealt with later) will ensure proper care for all children living away from their parents or guardians. Clause 106 makes consequential and transitional amendments to section 165 of the principal Act. Clause 107 repeals section 167 of the principal Act which requires foster-parents to be licensed and re-enacts substantially similar provisions, but the new provision applies to persons acting as foster-parents to children under 12 years of age (which is the age fixed for the purposes of new section 162a), whereas the existing provision applies to those acting as foster-parents to children under seven years of age. The new section also raises the penalty to £50 from the £20 presently provided for in section 170, which is being repealed by clause 110. Clause 108 repeals and re-enacts section 168 of the principal Act to make it consistent with sections 162a, 165 and 167. A foster-parent's licence will be limited to five children under 12 years of age, and under section 162a a licence to keep a children's home will permit more than five such children to be cared for.

Clause 109 repeals section 169 of the principal Act, which enables a foster-parent, with the board's consent, to adopt a foundling child. This provision is not necessary as adoption is dealt with under separate legislation. Clause 110 repeals section 170 of the principal Act dealing with penalties for unlicensed foster-mothers, which has been substantially included in new section 167. In its place a new section is enacted restricting the keeping of any child under the age of 12 years for more than six months in any year by any person who is not a near relative of the child unless that person is licensed under section 162a or 168 or authorized by the Director to have the child. The subject matter of this new provision has concerned the Attorneys-General and the Children's Welfare Departments of the various States and is proposed as a means of safeguarding individual children who may be living with strangers away from their parents. There have been instances in most States where young children have been living under most unsatisfactory conditions or with unsuitable persons, having been handed over recklessly or capriciously by their parents for fostering or adoption, and in some cases parents have had difficulty in recovering custody of their children.

Clause 111 makes consequential amendments to section 171 of the principal Act and increases the penalty for a licensed foster-parent taking charge of more than the number of children allowed by his licence from £20 to £50. Clause 112 repeals and re-enacts section 172 of the principal Act to provide for inspection of licensed children's homes as well as lying-in homes and the residences of foster-parents. Clause 113 raises the penalty in section 173 of the principal Act for obstruction of such inspection from £20 to £50. Clause 114 makes a consequential amendment to section 174 of the principal Act. Clause 115 amends section 175 of the principal Act, which provides for the keeping of a register by a licensed foster-parent, so as to extend its provisions to cover licensees of children's homes as well. Clause 116 makes consequential amendments to section 176 of the principal Act and also increases the penalty for a breach of the section from £20 to £50. Clause

117 re-enacts, with minor drafting alterations, the provisions of the Children's Institutions Subsidies Act, which is being repealed by clause 3. These provisions will now be contained in the new Part VIa of the principal Act which will comprise new sections 176a to 176c. These provisions are now appropriately placed in the principal Act as amended by this Bill, which provides in new section 162a for the licensing of children's homes.

Clause 118 inserts in section 117 of the principal Act new subsections which will enable the exclusion from courts of persons not directly involved during hearings of affiliation and like cases. This subsection follows the uniform proposals agreed to by the Standing Committee of Attorneys-General. Clauses 119 to 122 make amendments to sections 177a, 178, 179 and 181 that are consequential on other amendments made by this Bill and minor drafting improvements. Clause 123 amends section 182a of the principal Act, which provides that where a child under the age of eight years is remanded on a charge of being neglected, his presence in court will not be required at the hearing of any application for further remand of the child. The amendment raises the age of the child from eight years to 12 years, and provides that the child's presence will not be required at such hearing unless the court otherwise orders. Honourable members who have been to the Juvenile Court in Adelaide and seen the congestion that occurs in that unsatisfactory building, and the difficulties that arise from having to bring a bevy of small children in to remand them to another day, will appreciate how worthwhile this provision will be.

Clause 124 makes consequential amendments to section 183 of the principal Act. Clause 125 repeals section 184 of the principal Act, which is now obsolete, and in its place enacts a new section which makes certain provisions of Part VII of the Act, which deal with court proceedings, subject to the Juvenile Courts Act. Like the amendment to section 100 made by paragraph (c) of clause 50, this clause also foreshadows changes in the legislation dealing with Juvenile Courts. Clauses 126 and 127 amend sections 185 and 186 of the principal Act by raising the penalties for breaches of the sections from £10 to £50 and making a number of consequential amendments. Clause 128 makes consequential amendments to section 187 of the principal Act. Clause 129 amends section 188 of the principal Act, which provides for inspection of the residence of any person other than a near relative who has the care of any child under the age of seven years. The clause raises the age of the child to 12 years, in keeping with similar changes already explained, and increases the penalty for refusing inspection from £20 to £50. The clause also makes consequential amendments to the section. Clause 130 makes similar amendments to section 189 of the principal Act.

Clause 131 amends section 189a of the principal Act, which provides for the furnishing of confidential reports as to the circumstances of persons dealing with the board. The clause makes some consequential and drafting amendments to the section and raises the penalty for failure to furnish a report when required or for furnishing an untrue report from £20 to £50. Clauses 132 to 135 amend sections 190, 191, 192 and 194 of the principal Act to bring them into line with other amendments made by this Bill. Clause 136 enacts new sections 194a and 194b. Section 194a will enable a statement of the earnings of a defendant made by his employer to be admitted in evidence and replaces section 98, which is repealed by clause 46; and section 194b provides that payments received in respect of a maintenance order will operate as a discharge to the extent of the moneys received. These two sections follow the uniform proposals agreed to by the Standing Committee of Attorneys-General. Clause 137 makes two consequential amendments to section 197 of the principal Act.

Clause 138 enacts sections 197a and 197b, which contain normal evidentiary provisions. Clause 139 repeals section 198 of the principal Act and re-enacts it with substantially the same effect. Clause 140 amends section 200 of the principal Act, having regard to the repeal of the schedules by clause 147 and the widening of the regulation-making power by clause 143 to enable forms to be prescribed by regulation. Clauses 141 to 143 make consequential amendments to sections 201, 202 and 203 of the principal Act. Clause 144 enacts new section 203a, which widens the rule-making powers under section 203 of the Justices Act.

Clause 145 makes consequential amendments to section 207 of the principal Act. Clause 146 repeals section 208 of the principal Act, which is obsolete. Clause 147 repeals the Second and Third Schedules of the principal Act, which prescribe forms for the purposes of the Act, most of which are either obsolete or in need of substantial amendment. Forms will in future be prescribed by regulation. Clause

148 and the schedule to the Bill make several amendments to the Acts specified in the schedule which are consequential on amendments made by the Bill.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from July 1. Page 654.)

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I intend to deal with the provisions of this Bill by dividing them into those matters that affect the House of Assembly and those that affect the Legislative Council. The Bill contains provisions to increase the number of members in the House of Assembly from 39 to 56, and to appoint electoral commissioners who will divide the electors of the State by a quota, roughly on the basis of one vote one value. In his second reading explanation the Premier made two statements with which I shall deal. The first was that this legislation would not reduce country representation. He used the words "country representation", not "rural representation", but of course this Bill will just about cut out rural representation as an effective voice in the deliberations of this Parliament because, if honourable members look at the definition of the metropolitan area, they will see that it is out of date. For many years honourable members opposite have pointed out that the definition of the metropolitan area is a definition not of the metropolitan area but of only a part of it.

So this legislation would alter the distribution in a way that would enable a Government to remain in office perpetually with no support from any rural district. As I say, the definition of the metropolitan area has long since been outmoded. A commission was set up about three years ago to consider definitions of rural areas and the metropolitan area. A definition was arrived at for the metropolitan area that included, for instance, a considerable part, if not the whole, of the area at present so gracefully represented by the member for Gawler (Mr. Clark). It included also an area at present represented by my colleague the Hon. David Brookman, and a part of the Barossa district. So it can be appreciated that this definition of the metropolitan area is false. It was designed as a false definition so that it could be said, "We are not taking away country representation." But we are taking it away. If this Bill is passed, the rural representation in the State will be negligible. In the short time that this Government has occupied the Treasury benches we have seen that rural representation is necessary, for it has already steadied up the Government on two or three of its pre-election proposals which would be most detrimental to our rural industries. We have observed that the Government, under the present distribution, cannot afford completely to disregard the rural interests, and that into some of the measures has been introduced a moderation that certainly would never have been introduced if we had not some members opposite representing rural areas. I say quite definitely that their influence would cease if this Bill came into operation. I deal now with this so-called principle of one vote one value which, incidentally, was the principle enunciated by the Labor Party for the rejection of a very good Bill for electoral reform introduced by my Government two years ago. It was not considered in Committee, although the Government at the time said it would be prepared to have it considered in Committee. It was not even allowed to reach the Committee stage because it did not give effect (so the Leader of the Opposition said at the time) to Labor's principle of one vote one value. As a matter of fact, in his second reading explanation the Premier said he had outlined at the election that this Bill would be introduced on the basis of one vote one value, but one would have to study the Premier's policy speech carefully even to find an oblique reference to that matter. Actually his policy speech did not say that the Bill would be introduced on the basis of one vote one value; what the Premier said was this:

> Tonight I propose to give a firm indication that our policy provides for a House of 56 members, the abolition of the Legislative Council, and one roll for all Parliamentary elections. In the event of forming a Government, early legislation will be introduced to provide for an increase in the number of members in the House of Assembly and an alteration of the voting franchise of the Legislative Council, which will mean that every person who is entitled to vote for the Lower House receives one also for the Upper House, pending its abolition.

So, in fact, the so-called principle which the Premier said he enunciated at the election was not enunciated, although if one studies his remarks carefully enough one would probably receive the impression that that was what he meant. In the first place, this principle is not the one followed by the Labor Party itself in the decisions it makes in relation to the very policy we are discussing. If we look at

the rules of the Labor Party (and, thanks to my colleague the member for Mitcham, I have now an up-to-date copy of that document)—

Mr. Ryan: Did he sell it to you?

The Hon. Sir THOMAS PLAYFORD:—we find that when the Labor Party has its convention, 25 members have one delegate, 150 have two delegates, 250 have three, 350 have four, 500 have five, and 750 have six delegates. I certainly cannot read a principle of one vote one value into that. Then, if (I think it is) five affiliated organizations require it, we suddenly swing around, and these members each have a total number in their own right for the purposes of deciding an issue. For example, assume that one of the industrial unions has the right to have six members and that that union has, say, 1,000 votes: that means that 1,000 votes will be put down not on the basis of what the industrial unions have decided but on the basis of what the individuals at that conference will be deciding.

The principle of one vote one value was the stumbling block to the last attempt by the previous Government for a redistribution. The Opposition at the time said, "We are not going to consider it; it doesn't provide for the principle of one vote one value, and that is the plank of our platform. We stand by that." However, it is not a plank of the Labor Party's platform; Labor's very platform is drawn up on a totally different basis. An interesting feature is that the present Government, having rejected a Bill introduced by my Government two years ago on the basis of one vote one value, is introducing a Bill that will provide a greater gerrymander than has been hitherto provided—

Mr. Hudson: Rubbish!

The Hon. Sir THOMAS PLAYFORD:—if a gerrymander existed previously.

Mr. Jennings: That was an afterthought, wasn't it?

The Hon. Sir THOMAS PLAYFORD: I thank the honourable member for that interjection.

Mr. Clark: What about finishing the sentence you were on, first!

The Hon. Sir THOMAS PLAYFORD: The member for Enfield can generally help me along. I shall read now from page 857 of 1955 *Hansard*, which was the year when the present distribution was submitted to Parliament. The House divided on the second reading, and the Speaker said:

There appears to be no-one on the negative side for the teller for the Noes (Hon. Sir George Jenkins) to count;—

Mr. Jennings: We've been through this a thousand times.

The Hon. Sir THOMAS PLAYFORD: —therefore, under the Standing Orders the division is over. There being 31 in favour of the second reading, which is more than an absolute majority, the second reading passes.

In other words, this gerrymander we have been hearing about is something which the Labor Party assisted the then Government in providing. No member of the Labor Party opposed that measure. There is certainly no principle of one vote one value in this present Bill, and the measure now before the House is completely opposed to the rules of the Labor Party.

Mr. Coumbe: Hear, hear!

The Hon. Sir THOMAS PLAYFORD: The Party rules of members opposite provide for one vote one value with a plus or minus of 10 per cent, and let any honourable member opposite deny that. This Bill provides for a plus or minus of 15 per cent.

Mr. Coumbe: How does that square up?

The Hon. Sir THOMAS PLAYFORD: I do not know; it is rather surprising. I think there might be a little bit of political expediency here. Of course, the Bill having provided for 15 per cent up or 15 per cent down, it was still not sufficient to meet the political expediency of one or two Labor districts.

Mr. Jennings: What about Eyre!

The Hon. Sir THOMAS PLAYFORD: I shall come to Eyre in a few moments, and I think we shall want some air before we are finished. I shall now carry out a small calculation on what is involved in the Bill, which sets out a list of metropolitan districts. The districts and the number of voters in each of them are:

Adelaide	16,800
Burnside	33,700
Edwardstown	31,900
Enfield	39,100
Glenelg	35,000
Hindmarsh	22,700
Mitcham	24,900
Norwood	20,100
Port Adelaide	22,500
Semaphore	23,200
Torrens	20,000
Unley	19,500
West Torrens	35,600

Those are the last available figures and could now be subject to a slight difference up or down. Therefore, in the metropolitan area that has been set out in the Bill there will be a total of 345,000 voters, though this is not the metropolitan area that my Party is prepared to accept. The total enrolment of the State is 563,000 voters. The position under the Bill

would be that the electoral commissioners would be obliged to take the total number of voters and divide it by 56. Then, as the Premier said in his second reading speech, a quota of about 10,000 would be obtained; 10,000 voters would be the mean for each of the 56 districts. There are 218,000 voters in the area not classified as the metropolitan area in the Bill. If one takes the mean of 10,000 and multiplies it by the 24 districts not subject to the special provisions of the Bill then 240,000 voters would be needed. Therefore, there would be no voters at all for the two special districts because the mean of 10,000 for each district would have already more than absorbed all voters. Indeed, to have any voters at all for the two special districts the electoral commissioners would have to reduce the numbers of voters for country seats (and I am not talking of the rural seats) to about 8,500.

Mr. Jennings: That is an insult to the commissioners.

The Hon. Sir THOMAS PLAYFORD: My calculation shows that little consideration has been given to a fair distribution in drawing up this Bill. In making my second point I am again much indebted to the Premier for his policy speech. It gives me great comfort from day to day to read the Premier's words in his policy speech.

Mr. Jennings: It could not have given you much pleasure on March 7.

The Hon. Sir THOMAS PLAYFORD: I have received much pleasure from these words in the past and will receive much pleasure from them in the future because I assure the honourable member that it is much easier to tell others to do things than to do them yourself. Government members will find that out in due course.

In his policy speech the Premier waxed quite eloquent about the views of the Labor Party with regard to Executive control. As a matter of fact, since that time I have heard another side to this. If the report is correct, I believe that the other day the Minister of Agriculture attended a meeting in the metropolitan area and said that the Government had a very clever Attorney-General who had found a number of ways to do things without taking them to Parliament. However, I shall let that be as it may. I shall deal with the Labor Party's views about Executive control because they contain something significant concerning this Bill. At the time of the election the Premier said:

> The Labor Party has always opposed Executive control. Our reasoning in this matter is that we must give greater opportunities for the voice of the people to be heard in Parliament rather than to be subjected to Executive control by an extra Minister without a substantial increase in the number of members.

What does this Bill do? Let us assume that this electoral commission is set up, although I think it is extremely unlikely that this Bill will ever become law. In the past, two principles have been established with regard to redistribution in this State. First, the commissions which have established redistribution have always been appointed by Act of Parliament. This will not be done in this case. The commission that will attend to redistribution in future will not be appointed by Act of Parliament. The commission will be based on positions rather than people. This offers some interesting food for thought.

The commissioners are set out in the Bill and they are to be people occupying certain positions. This will be the procedure in the future. The appointment of the commission will not be subject to Parliament's approval from time to time, but subject only to Executive control. How long will it be before the Government, in appointing persons to this commission, remembers that it also has the important function of having redistributions from time to time? This Bill completely gets away from Parliamentary control and places the redistribution system under the control of the Government. As if this were not sufficient, we have in connection with it a unique provision in the Bill. The commissioners will not make their report to Parliament and it is doubtful whether the report will ever see the light of day in this House. Let me refresh the minds of honourable members about clause 84. The explanation in the margin is:

> Recommendations to have force of law on promulgation by the Governor.

The clause begins:

> At such time as the Governor shall deem fit the Governor shall publish the report and recommendations of the Commission.

What does that mean? Everyone knows that it is laid down (I think in the Acts Interpretation Act) that, wherever the Governor is mentioned in an Act of Parliament, it means the Governor in Council on the advice of and with the consent of the Executive Council. In other words, if the Governor does not get advice from Cabinet, this machinery will be held up indefinitely. If the proposed redistribution were not in accordance with what my friends opposite would like, they could take no action and it would not come into effect. These fine

words about submitting things to Parliament and letting the people in Parliament have a say are all forgotten. This provision is crook, and I make no apology for saying that.

Mr. Coumbe: Why has it been done?

The Hon. Sir THOMAS PLAYFORD: It is being done for the very purpose for which I said it is being done. If the proposed redistribution is not suitable to the Government, we will hear no more about it. As far as I can trace the history of the State, every redistribution has come back to Parliament and the commissioners have made their reports to Parliament. What is the reason for changing that? Assuming that all other provisions in the Bill are correct, what is the reason for taking away from Parliament the right to consider the redistribution that may be recommended?

The Hon. B. H. Teusner: A foretaste of what is to come!

The Hon. Sir THOMAS PLAYFORD: I again ask honourable members opposite what is the reason for taking away from Parliament for all time, not for this one time only, the right to consider the recommendations of the commission? How does the Premier line that up with his statement at the time of the election that he was against Executive control and that he believed that these matters should be considered by Parliament? I say advisedly that this provision is crook, and honourable members opposite know that.

The Hon. B. H. Teusner: And so will the electors.

The Hon. Sir THOMAS PLAYFORD: And so will the electors in due course. I have pointed out that the provisions in regard to the House of Assembly do not provide for one vote one value and I defy any honourable member opposite to say that it provides for Labor's policy even disregarding the two special districts that are to be fiddled up in due course.

I come now to the provisions that affect the Legislative Council. The Acts Interpretation Act provides that all legislation shall be deemed to be remedial. What is the evil that is proposed to be remedied under this Bill as far as provisions for deadlocks are concerned? Strangely enough, history does not show any. I have had the benefit of some research in connection with the position regarding the Legislative Council and the House of Assembly and I find that, over a period of years, we just about break even and I propose to name the Bills initiated in the House of Assembly in the last 10 years that have not been passed by the Legislative Council. In 1954, the Town Planning Act Amendment Bill, a Government Bill, was negatived in the Council. Nothing was negatived in the Council in 1955 but, in 1956-57, the Coursing Restriction Act Amendment Bill, which was introduced by a private member on my side of the House and which provided for the use of mechanical hares in dog races, was negatived in the Council.

In 1956-57 a Government Bill dealing with marriage was negatived in the Council and it is rather significant that the Government did not bring the Bill in again. There were reasons for defeating the Bill, because the Commonwealth was taking over the whole matter. In 1957 a mining Bill, which dealt with registration of claims and involved considerable difficulty in regard to the rights of minorities, lapsed in the Legislative Council because of prorogation. In 1958, the Local Government Act Amendment Bill, which dealt with septic tanks, was laid aside by the Council. In 1959 the Hire-Purchase Agreements Bill, which dealt with the content of hire-purchase documents, lapsed in the Council because of prorogation.

Nothing lapsed in 1960 or 1961 but in 1962 a Bill dealing with the registration of business names lapsed in the Council because of prorogation. In 1963-64 a Bill introduced by the present Attorney-General that dealt with rents and a review by a rent court was negatived in the Council and in 1964 the Aboriginal and Historical Relics Preservation Bill lapsed in the Council because of prorogation.

It will be seen from that list that in 10 years, nine Bills have not passed in the other House and all of them were found, on examination, to have some particular problems associated with them. Let me now, if I may, deal with the other side of the question: the Bills that have been initiated in the Legislative Council, passed by that House and not passed in the House of Assembly. I point out to honourable members that this position in regard to the settling of deadlocks is to operate only against the Council; it is not to operate against us, because we are never wrong!

Mr. Coumbe: It is one-way traffic.

The Hon Sir THOMAS PLAYFORD: Yes, it only operates against the Council. According to the founders of this Bill, a Bill passed by us is automatically all right and the Council has to pass it, but if that House passes a Bill that we do not like, there is not the same right of redress. It is one-way traffic.

Let us look at the position regarding Bills passed by the Council in the last 11 years. In 1953 a Government Bill passed in the Council and lapsed here because of prorogation. In 1954 the Evidence Act Amendment Bill passed in the Council and lapsed here for a similar reason. In 1955 the Marriage Act Amendment Bill, which previously had been ruled out by the Council but which subsequently had been passed, lapsed in this House because of prorogation, so both Houses did not like that one, ultimately: they both had second thoughts on it. In 1959 the Dentists Act Amendment Bill lapsed in this House owing to prorogation, after having been passed by the Council. In the 1963-64 session the Children's Protection Act Amendment Bill lapsed in this House owing to prorogation. In that same session a Lottery and Gaming Act Amendment Bill lapsed in this House for the same reason, and the Pistol Licence Act Amendment Bill, which had been passed by the Council, also lapsed in this House after the Labor Party had expressed opposition to it. We see that this House refrained from passing eight Bills in the period under discussion, and the Council refrained from passing nine. Is that any reason for the deadlock provisions now proposed?

Mr. Clark: But the situation might be different now and in future.

The Hon. Sir THOMAS PLAYFORD: That is exactly the interjection I wanted. Honourable members opposite know that they are going to introduce questionable legislation.

The Hon. R. R. Loveday: That is your definition.

The Hon. Sir THOMAS PLAYFORD: That is the position. This legislation is designed not to deal with something that has happened but to get control before members opposite show their hand. The honourable member for Gawler has come right in. Members opposite want to get the control before they show their hand.

The Hon. R. R. Loveday: That is a bogeyman.

The Hon. Sir THOMAS PLAYFORD: The honourable member knows that the Government's ultimate object is to abolish the Legislative Council.

Mr. Ryan: The sooner the better.

The Hon. Sir THOMAS PLAYFORD: For once the honourable member agrees with what I am saying. Members opposite propose to sneak up on the Legislative Council: it is not to be a frontal attack. They know that if a referendum on the abolition of the Legislative Council went before the people it would be overwhelmingly defeated, the same as it was defeated when a similar question was submitted by the Labor Party in New South Wales. Members opposite have enough intelligence to know that if they put a Bill before the Council, which provided in clear, straightforward terms that the Chamber should cease to exist, their own members there probably would not vote for it.

Mr. Jennings: Rubbish! I don't think many people in South Australia know a Legislative Council exists.

The Hon. Sir THOMAS PLAYFORD: I am not speaking without chapter and verse on this subject, because that also happened in New South Wales. We see that this is a wily attempt—

Mr. Clark: You would be an authority on wily attempts.

The Hon. Sir THOMAS PLAYFORD: I hope I am, because I will need all my wits for a few years to deal with honourable members opposite. This is a wily attempt to sneak up on the Legislative Council. The Council would not and certainly the Labor Party's own members in that Chamber would not, willingly vote for the abolition of the Council.

Mr. Ryan: Give them a chance. Why don't you prove it?

The Hon. Sir THOMAS PLAYFORD: Why didn't the Government, in introducing this Bill, give them a chance? It did not do so, because, first of all, it knew the Legislative Council would not accept it, and, secondly, members opposite know that the people of South Australia do not want it.

Mr. Jennings: The people of South Australia don't know there is a Legislative Council.

The Hon. Sir THOMAS PLAYFORD: We find that the proposed terms for the settling of deadlocks are not designed to remedy something that has occurred: as the member for Gawler so aptly interjected, they are to provide for something that the Government proposes to do in the future.

Mr. Clark: I will stick by that.

The Hon. Sir THOMAS PLAYFORD: I have always found the honourable member for Gawler most helpful, and I know he will stick to what he has said. What are the measures the Government wants to introduce that would not receive fair consideration by the Council? As you, Mr. Speaker, know, I can speak on this topic, I believe, with as much assurance as any person in this House. You, Mr. Speaker, the honourable member for Ridley, the honourable member for Onkaparinga, and I are the four members that came into this House

in 1933 and are still on the active list. I probably introduced the most contentious Bill ever introduced in the Parliament of this State—the Bill to seize the electricity undertaking, a private company, and turn it into a public utility.

Mr. Ryan: It was Labor Party policy.

The Hon. Sir THOMAS PLAYFORD: I do not know whether or not it was Labor Party policy, but the Labor Party supported me in that instance. The Labor Party policy, as members opposite have demonstrated, can be twisted from time to time, and from day to day. Although I have that Party's latest volume I cannot keep up with it. The Labor Party supported that legislation, if that is what the honourable member means. The Legislative Council debated the Bill and rejected it. Two months later it was again submitted to the Council and this time it was accepted.

Mr. Clark: That is only half the story. Tell us what went on behind the scenes.

The Hon. Sir THOMAS PLAYFORD: The honourable member forgets that—

Mr. Clark: No, he remembers.

The Hon. Sir THOMAS PLAYFORD: He forgets that when my Party has a meeting its Legislative Council members are not associated with the meeting.

Mr. Clark: And you never speak to them any other time!

The Hon. Sir THOMAS PLAYFORD: Let me go further, for the benefit of members opposite. When the Liberal Party was in power Ministers were not members of the Legislative Council Liberal Party and did not attend Party meetings. The Council has always held the view (I believe properly) that that House is a House of review. I know members opposite do not like Houses of review, because they sometimes tend to discover weaknesses in legislation, and they certainly look after the rights of minorities; no-one denies that. I know that my honourable friends opposite believe that democracy is the government of the people by a majority of the people; they completely forget the minorities. That is shown in their glib discussion—and it is glib—of one vote one value. One vote one value is often mentioned, but under it what is the value of the vote of an elector in any district who does not succeed in electing his candidate? It has no value at all. When one says that democracy is the government of the people by the people, one must add, as the House of Commons has always done, "with due regard to the rights of the minorities". It is not just a flat outright rule by the majority; the rights of the individual must be considered. Everyone has rights under the law, and those rights cannot be trampled on merely because a Party has an absolute majority in this House.

The provisions relating to the settlement of deadlocks arise only because the Government intends to introduce legislation which is questionable and which it knows is questionable, and because it intends to over-ride the rights of minorities. Members opposite are silent on that because they know it is true. That is the background of this provision. I would go as far as to say that, if these provisions relating to deadlocks were accepted, the case for having a Legislative Council would cease to exist, as it would not be able to have any effective voice in carrying out the traditional duty it has to perform. All it would be able to do would be to take the role of the hereditary House of Lords—be a debating club. I hope that, whatever else in this Bill the Legislative Council may accept, it will not make itself abortive by accepting the provision that, so long as there is a brutal majority in this House, the Legislative Council can be swept aside.

Mr. Ryan: You would know the answer to that now, wouldn't you!

The Hon. Sir THOMAS PLAYFORD: When introducing this Bill, the Premier was very careful to say on a couple of occasions that country representation would not be affected. I am not quoting his precise words, but that is the effect of what he said. However, I refer honourable members to new section 81 (1), which is a small provision dealing with the new distribution for the Legislative Council. It is interesting; I have never seen so much put into so few words. It is not like the Bill introduced earlier this afternoon, where there was much ado about nothing; here we have little ado about much in a very small compass. This was not very adequately explained by the Premier, who glossed over it with only a few words. I will read it through to see what its implications are. It must have some implications, as the words must mean something. New section 81 (1) provides:

> The commission shall also divide the State into five electoral districts for the Legislative Council. Four of such council districts shall each consist of eleven whole Assembly districts and one of such council districts shall consist of twelve whole Assembly districts. The commission shall also make the determination specified in section 11a of this Act.

Under this provision we are to have five electoral districts for the Legislative Council, four of them being of 11 Assembly districts and one being of 12 Assembly Districts. If that is put alongside a map showing where the Assembly districts will be, one suddenly finds that the purpose of this provision is to take away one district from the country, which at present has three districts, and to give it to the metropolitan area. That provision takes away from the country one district; that is inevitable if one looks at the arithmetic of the matter, and that is the purpose of the provision. When, two years ago, I introduced a Bill which had as its purpose giving an additional Legislative Council district to the metropolitan area (which incidentally would have been a sure Labor district) honourable members opposite were not interested, yet here we have the opposite—taking away one district from the country and giving it to the city, and changing the whole complexion of the Legislative Council. I do not know how big a Council district would be under this system, but I believe one could take a line east and west through Gawler and say that the whole of the State north of that line would be one rural district and the whole of the State south would be another. Do members opposite who represent country districts believe that is a good provision? Obviously they do not; they cannot believe it is. The deadlock and redistribution provisions would in themselves nullify the Legislative Council in a way that I believe to be entirely unjustified.

The Bill also provides for compulsory enrolment on an adult suffrage basis and for compulsory voting for the Legislative Council. Honourable members will remember that this matter came up two years ago in a Bill introduced by my Government that provided for a duplication of the present vote for the Legislative Council; it provided that any spouse would have the right of enrolment. South Australia's franchise for the Legislative Council is already the broadest possible franchise short of giving what the Bill provides, which of course will nullify the Council by merely duplicating the House of Assembly vote.

I have given a contingent notice of motion in relation to this Bill, as I do not believe that we should merely criticize; I think we should put up something constructive. This contingent notice of motion is to the effect that the Bill should be withdrawn and redrafted. My Party does not object to fair metropolitan representation. One honourable member opposite laughs, but he has only been here for about three days under a financial proposal that has not been given effect to. I should think it would be a good time to laugh when that financial proposal is accepted and is shown to be successful, because in the meantime he is on probation. Two years ago I introduced a Bill that gave a 50 per cent increase in the metropolitan representation, but the Labor Party turned it down because it did not provide one vote one value. My Party does not object to a redistribution providing for fair representation in the metropolitan area, but it does object to a redistribution that wipes out rural areas completely. My Party does not object to a broadening of the Legislative Council franchise by giving spouses of everyone enrolled the right to vote. That means that every householder in this State (as well as some who are not householders) and his or her spouse would have the right to vote. After all, they are the taxpayers but, unfortunately, honourable members opposite sometimes forget that.

Mr. Clark: What about a single woman householder?

The Hon. Sir THOMAS PLAYFORD: Anyone who is a householder has the right to vote, and I would propose that the spouse would have the right, too. They are taxpayers and the people the Treasurer will soon call upon severely to give effect to some of his glorious proposals. In those circumstances, I suggest that this Bill be withdrawn and then redrafted to provide for proper representation for the rural areas. By "rural areas" I mean the rural areas that provide our export income, and we should not forget that. They will be most adversely affected by this Government's policy. When the various proposals of this Government come into effect, each of them will have an adverse effect on our rural industries. There is an old saying that the proof of the pudding is in the eating. If one considers the present distribution (which I admit should be altered now) one could ask honourable members opposite which is the most favoured part of the State; which has the most amenities; which has the most public services; and which has its problems considered?

Mr. Clark: We are going to change that.

The Hon. Sir THOMAS PLAYFORD: It is only a question of common sense, and everyone knows that the further away from the seat of Government the less effectively is the voice heard.

Mr. Jennings: Even though they have 26 members instead of 13! That is a contradiction in terms, and you know it.

The Hon. Sir THOMAS PLAYFORD: When the Commonwealth Constitution was drawn up, why did the small State of Tasmania have the same Senate representation as New South Wales, which has eight times more electors?

Mr. Nankivell: And Tasmania has only five seats in the House of Representatives!

The Hon. Sir THOMAS PLAYFORD: Yes. Everybody here knows that the closer one is to the seat of Government the more effective is one's voice and the greater opportunity one has of supporting, objecting to or initiating legislation. For all the criticism that honourable members opposite raise, they cannot get away from the fact that the country schools are substandard compared with city schools.

Mr. Clark: We will alter that.

The Hon. Sir THOMAS PLAYFORD: I was interested to notice that, when the roads and education programmes were announced this year, they would still place more emphasis on the city. With the present distribution of seats (I am not criticizing country members; I am one myself) the towns have had electricity for umpteen years, but there are plenty of places in the State where electricity is still needed. The city is always looked after with sewers, but there are 50 towns in the country that need them.

I asked a question of the Minister of Education this afternoon. A new system of matriculation to the university is being introduced. From the Minister's reply we shall see how much chance a country child has of matriculating in a local school.

Mr. Jennings: Much more than he had last year.

The Hon. Sir THOMAS PLAYFORD: We shall see. The fact still remains that even under the present system the favours of Government are not evenly distributed. I do not blame this Government: my Government was just as much to blame. If a complaint needs ventilating, the person with the best opportunity of ventilating it is a messenger in this House, because he sees honourable members every day. We have electoral districts where the member of Parliament can walk from one side to the other in an hour—without being a sprinter, either! We also have electoral districts that members cannot, even with a fast motor car, traverse in three days.

Mr. Shannon: Burke and Wills would get lost in some of them!

The Hon. Sir THOMAS PLAYFORD: It is all very well for honourable members to put forward these beautiful ideas but the fact still remains that my Party and I will oppose anything that tends to destroy our rural industries or take away from country people the right to reasonable amenities and a fair voice in the Government of the State.

I have spoken for much longer than I intended to but, as I cannot formally move my contingent notice of motion until tomorrow, I ask leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT.

At 5.40 p.m. the House adjourned until Wednesday, July 28, at 2 p.m.