HOUSE OF ASSEMBLY

Wednesday, August 25, 1965.

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

PARLIAMENTARY DRAFTSMAN.

The SPEAKER: As Speaker of the House, and therefore as the representative of all members on both sides of the House, I desire to have clarified the role of the Parliamentary Draftsman in Parliament. First, however, I draw attention to the following statement made to the House in 1934 by Mr. Speaker Nicholls as to the use of the name of the Parliamentary Draftsman in debate:

I draw honourable members' attention to the custom of members bringing the name of the Parliamentary Draftsman into debate. That officer has a place in the Chamber in an advisory capacity by special resolution, and there is a growing custom on the part of members generally to say that they consulted the Parliamentary Draftsman. It is not in accordance with procedure, and I ask members not to bring his name into debate, because conclusions may be improper.

I am taking this opportunity to affirm to the House that it is as much out of order today as it was in 1934 to introduce the name of the Parliamentary Draftsman into debate, and that this prohibition applies with equal force to Ministers of the Crown as to all other members. So that the functions of the Parliamentary Draftsman can be seen in perspective, let me say that I fully realize that the Parliamentary Draftsman and his assistants are servants of the Crown and answerable to the Attorney-General, and that they are not officers of Parliament answerable to the Speaker. However, they have always provided a service of inestimable value to all members of the House, and, as Speaker and custodian of the rights and privileges of each member, I am concerned that there should be no diminution of the advice available to members from officers of the Parliamentary Draftsman's Department. Accordingly, I should welcome now an assurance from the Attorney-General that there will be no curtailment of the services previously available to members.

The Hon. D. A. DUNSTAN (Attorney-General): Mr. Speaker, I am perfectly happy to give you an assurance that no instruction of mine at any stage previously has curtailed (nor will it curtail in future) the traditional services of the Parliamentary Draftsman to this Chamber and to its members. The Parliamentary Draftsman is available in this Chamber to assist all members in the drafting of amendments to measures or the drafting of originating measures where his time permits. The Parliamentary Draftsman is also available in the Chamber during debate for explanation to members of the terms of measures before the House which they do not understand. But, Sir (and I have checked on this with you) that is the traditional role of the Parliamentary Draftsman in this House. He is, of course, an officer of the Public Service responsible to me as his Minister. However, it has been traditional (and a tradition which I uphold and applaud) that when private members approach the Parliamentary Draftsman in relation to drafting assistance he treats that as confidential and it is not to be reported to me. Those are my instructions to the draftsman. But, Sir, let me say this: In the giving of opinions to this House or to its members as to the constitutionality or legal efficacy of measures before the House, the draftsman has no place. On that, the only person in the Government or the department who will give an opinion to this House is the law officer of the Crown, duly appointed by Her Majesty's representative—the Attorney-General.

Yesterday the Parliamentary Draftsman was requested to give an opinion on the legal efficacy of a measure before the House. That, however, is not his function: it places him in an intolerable position, when the Minister has given a legal opinion on that efficacy to the House as the law officer of Her Majesty, that a member of his department should be asked publicly to disagree with his Minister. Indeed, that that position was intolerable was brought home to me by the officer concerned. It would place him in an impossible position, and it is not proper that he should be asked to do this. As to the traditional role of the draftsman in this House in helping members to draft measures or explaining to members the measures which are before the House and which they cannot understand, I am in accord with every other member of this House in wishing to see that that will continue. If there is anything that I can do as Minister in charge of the department I will see that it is done.

The Hon. T. C. STOTT: Am I correctly interpreting the Attorney-General when I say that he, as Attorney-General, is responsible for the legal opinion of the Parliamentary Draftsman, whether he agrees with his opinion or not?

The Hon. D. A. DUNSTAN: Yes, Mr. Speaker, I am responsible as Minister in charge of the department. Where legal opinions are to be given by my department, the only opinion

that will be given is mine. The draftsman will assist members in drafting, and will tell them what he thinks the legal efficacy of their proposals are when he gives them drafting assistance. But in the giving of opinions to the House as to the legal efficacy or constitutionality—

The Hon. T. C. Stott: Of a Government Bill?

The Hon. D. A. DUNSTAN:—of a Government Bill, the only person responsible for giving an opinion to this House is the Attorney-General.

The Hon. T. C. Stott: You should distinguish between a Government Bill and private members' Bills.

The Hon. D. A. DUNSTAN: I thought I did, and I am sorry if I did not make it clear to the honourable member. Once an honourable member goes to the Parliamentary Draftsman for drafting assistance, that assistance will be given confidentially to the member and I will not be informed.

The Hon. T. C. Stott: Can I stop the Minister there? Supposing—

The SPEAKER: The honourable member should not debate this now.

The Hon. T. C. Stott: A private member may have a Bill and you may express an opinion on it, but the Parliamentary Draftsman may have a different opinion on that Bill.

The Hon. D. A. DUNSTAN: That is a matter between the honourable member and him.

The SPEAKER: I have received the following letter from the Leader of the Opposition:

I wish to intimate that I desire to move today that the House at its rising do adjourn until 1 o'clock tomorrow to enable me to discuss a matter of urgency, namely, the curtailment of the services of the Parliamentary Draftsman in relation to members of this House.

Does any honourable member support the proposed motion?

Several members having risen:

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I move:

That the House at its rising do adjourn until tomorrow at 1 o'clock,

to enable me to discuss a matter of urgency, namely, the curtailment of the services of the Parliamentary Draftsman in relation to members of this House. Yesterday a Supply Bill was placed before honourable members, one clause of which stated that no moneys should be paid in excess of the sums provided in the Estimates of last year. I have seen this provision on a number of occasions, and previous discussion has taken place among legal representatives of the Crown in regard to its meaning. When I asked the Parliamentary Draftsman whether he would interpret the meaning of this particular provision, he informed me that he had received specific instructions from the Attorney-General that, in future, he was to confine himself to drafting amendments required by honourable members, and that he was not to give them any opinion of his interpretation of a provision.

I accept his word on this matter, but I point out that this practice is contrary to what has obtained in this House ever since I have been in Parliament. I am sure that honourable members on both sides of the House will agree with me that the effect of this Parliament has undoubtedly been enhanced by the fact that over many years the Parliamentary Draftsman has always been at the service of honourable members to explain to them what a clause meant, so that members could be fully apprised of the intentions and provisions of a certain measure. Until yesterday no problem had ever arisen through this practice. True, the Parliamentary Draftsman has never had the duty of drafting private members' Bills in priority to Government Bills; nor is that requested.

The Premier said last night that the Parliamentary Draftsman could not give priority to private members' Bills, but I point out that that has never been requested, for it has always been understood that the Parliamentary Draftsman must obviously draft Government Bills before doing anything else. However, it has always been clearly understood, ever since I entered Parliament in 1933, that the Parliamentary Draftsman was freely available to honourable members for consultation in respect of the meaning of a Bill's provisions. This House cannot work effectively unless that practice continues, because, obviously, we do not want to delay every Bill, so that we may receive an exposition from the Attorney-General as to its meaning. Nor would I always accept such an exposition by the Attorney-General as being the last word in these matters. In saying that, I do not mean to cast any slur on either the legal ability or the integrity of the Attorney-General. Even High Court judges have had two different interpretations of clauses argued before them. No need exists to curtail the services of the Parliamentary Draftsman. This action was taken arbitrarily and, I believe, taken without the consent and knowledge of the Premier; and it was certainly taken without any consultation with the Opposition. This House

can work effectively only if the Parliamentary Draftsman is freely available for consultation on the meaning and drafting of clauses.

I do not know what justification the Attorney-General can give for his instruction to the Parliamentary Draftsman. The question I raised on the Supply Bill was not controversial or political. It was not designed to embarrass the Government and I clearly stated my reason for raising the question. I wanted to draw to the Premier's attention the fact that last year, for the payments he was proposing, he relied upon an Appropriation Bill that was not available this year. The Opposition bitterly resents any curtailment of the privileges that its members have enjoyed without abuse for as long as I have been associated with this Parliament—in fact, I believe since the very inception of the Parliament. Why is this officer called the Parliamentary Draftsman? Obviously, because of the particular duties he performs in the Chamber. Let us consider the reply the Attorney-General just gave to a question. Assuming that the Parliamentary Draftsman did give a different interpretation to a clause from that which the Attorney-General had given, would it not be just as well to have that ironed out while the matter was before the House? Is the Attorney-General so thin-skinned that he will not have a different view expressed?

Mr. Quirke: His is only one view.

The Hon. Sir THOMAS PLAYFORD: Yes. Perhaps we will get to the stage where only one view will be expressed in this House. I assure honourable members that the Opposition will not agree to that happening.

Mr. QUIRKE (Burra): I support the remarks of the Leader. Like him, I have been in this place a long time, and in that time this question has never arisen. As an Independent member, with no Party affiliation, I could go to the Parliamentary Draftsman and seek an interpretation or have an amendment drafted. No Party line was taken by the Government at that time concerning Independent members. We had access to the Parliamentary Draftsman just as freely as did members on both sides of the Parliament—we had as much freedom as Labor members. By this instruction we will be reduced to having the opinion of only one man. The Attorney-General said, in answer to a question, that the Parliamentary Draftsman would not be allowed to give an interpretation or that he could give only the Attorney-General's interpretation if he were allowed to give any interpretation at all. That is not the function of Parliament, however. Parliament should produce legislation reflecting the opinions expressed by both sides of the House in open debate, and not have forced upon the House the opinion of one man. That is what is going to happen here, and I am deeply resentful, Mr. Speaker, after all the time that I have been here to have at this time and date an imposition like this placed upon Parliament, because that is what it is. It is an imposition which prevents individual members from giving service to the people they represent if they happen to be on the Opposition side; there is not the slightest doubt about that.

Furthermore, there is no necessity for this unless it is to exalt one person, which seems to be the reason for it. Here today we have the person of Her Majesty's representative (I forget the title he used), but there is no title under the realm of the British Crown that is greater than the one which was given today in this House to the honourable the Attorney-General, and he really sees himself as that. We see him in an entirely different light, and we will cut him back to size. He is a usurper of privileges of this House. You, Sir, had to get up today and state your views on this. I know your views, Sir; you are one of the most temperate and gentle of men, and nobody knows more than you the necessity for the protection of the privileges of this House, because you have been here and enjoyed those privileges under other Speakers for so long. You know, Sir, that today those privileges are being whittled away from this House. We on this side, although we are numerically weaker than the Government, are not prepared to stand it; I certainly am not. I am not prepared to allow a privilege of this House to be whittled away, whether it be the standing space for cars outside or any other of the little niggling things that are being experienced here today. The things that have been an established custom are being taken away at the will and wish of one man, and he is not as big as he thinks he is; at least I do not think he is, and there are many people outside who think the same thing, too.

If he will accept a little bit of wisdom from people who are older than he, in his first juvenile attempt at Government he should not attempt to exalt himself above the rest of men. That is what he is doing today. We are not going to tolerate this, and we will insist that the privilege that has formerly obtained shall be given to the Opposition of this House and so enable the Opposition members to fulfil the functions for which they are elected. They

are elected as Her Majesty's Opposition; it is their duty to oppose, and in opposing they must have every facility. I do not say that their legislation should take precedence over Government business: if there is a Government Bill and an Opposition Bill to be drafted, then the Government Bill takes precedence. Every Government measure shall take precedence, but following the acceptance of the order of precedence then the operations of the Parliamentary Draftsman shall be open to every member of this House, irrespective of his Party affiliation, because the Parliamentary Draftsman is above Party affiliation. If we are going to reduce this to the condition of things where we are going to be on case-hardened Party lines, with no give and take, no matter what happens in this House or whoever falls by the wayside and has to be picked up on the way, and where certain elements are to be prohibited to members of the Opposition, then we will fight the Government on those lines.

Mr. Hudson: You are distorting everything he said.

Mr. QUIRKE: It is not distortion at all. Evidently I have got under Government members' skins. Even though they are pachydermatous, at least I can get under their thick hides. They have come in here; they have defeated the Government that was here for about 30 years, and I concede that that was the will of the people, but we are here to protect the privilege of the people we represent, and we are going to do it.

The SPEAKER: Order! Please do not let us have any more debate on what happened before or since the elections. This is an important matter, and I ask the honourable member for Burra to keep to the terms of the motion. The same applies to the interjectors.

Mr. QUIRKE: Thank you, Mr. Speaker. Perhaps I am as guilty as other members in this respect, and I confess my guilt. I am the most humble of men. If there is any suggestion that members of Parliament are to be deprived of the Parliamentary Draftsman's services, then I strongly oppose it. That is the simple point. Perhaps the rest of the argument is extraneous, but I like to see the faces of members opposite light up in opposition, for a good fight is satisfying and if they want it I will give it to them. I support the motion of the Leader of the Opposition.

Mr. SHANNON (Onkaparinga): I could not agree with you more, Mr. Speaker, that this motion is a matter of major importance and one that should be dealt with in a calm and considered way. I compliment you, Sir, on your research into this matter and your quotation from Mr. Speaker Nicholls regarding the practices of Parliament in this Chamber. Obviously, they are very well founded, and they are important to members who have not had the experience which you, Sir, have had in this Chamber, which I have had, and which other members (including the present Leader and the member for Ridley, who have also been here for many years) have had. We have enjoyed certain benefits which have derived to members of Parliament from advice we have secured in the Chamber itself; we do not need to go outside the Chamber to get it. It is one of the privileges that have made Parliamentary life interesting and, I hope, effective, particularly from the private members' point of view. I offer only one word of advice to the puisne judge: any draftsman operating for a Government puts into any legislation what that Government directs, and I have no objection to that because that is the way it should work. A person should never hold himself out as an infallible guide to whom all men must go for advice. That is a bad tactic, and it is bad in that person's own interest that he should hold himself out as an infallible authority in anything. When you and I came into this place, Mr. Speaker, the first lesson we learned was that there were other people in this Chamber who knew more about some things than we thought we knew. The first thing one learns in this House is to be modest. Modesty is a magnificent gift, by the grace of God, which attracts many friends. I do not say that unkindly and I hope that I am saying it to a young man who will learn and listen. I have not many enemies, largely because I hope I can always learn: the longer I live the wiser I become. I approve, Sir, of your ruling. I hope it will be obeyed, as there is no need for an adviser to Parliamentarians to be referred to in debate. What Mr. Speaker Nicholls said about this is entirely correct. I have noticed, Sir, with some pleasure your rulings in this Chamber and that you are following good precedents. I support you wholeheartedly in your efforts to conduct properly the business of this Chamber.

The Hon. T. C. STOTT (Ridley): We have an interesting position at this stage of this Parliament, one that goes back a long time, and one, on your ruling, Sir, that should stand. We had a statement from you, Sir, about this matter, the significant part of which was:

So that the functions of the Parliamentary Draftsman can be seen in perspective, let me say that I realize that the Parliamentary Draftsman and his assistants are servants of the Crown and answerable to the Attorney-General, and that they are not officers of Parliament answerable to the Speaker. However, they have always provided a service of inestimable value to all members of the House, and as Speaker and custodian of the rights and privileges of each member, I am concerned that there should be no diminution of the advice available to members from officers of the Parliamentary Draftsman's Department. Accordingly, I should welcome an assurance to this effect from the honourable the Attorney-General.

You, Sir, have carried out the traditions of previous Speakers in maintaining the rights and privileges of all members, but I am seriously concerned about my position and the rights of a private member. I have always maintained that every member should have the right to speak in this Parliament whether others agree with him or not. The matter we are discussing refers closely to that. Most of us are laymen and are concerned about interpretations of a particular clause, and we ask the Parliamentary Draftsman what it means. In my experience in this House, I have done this many, many, times concerning Government Bills, and the Parliamentary Draftsman has never refused a request of this nature.

Mr. Casey: That practice still applies.

The Hon. T. C. STOTT: Does it? Wait until I have finished. Suppose a private member has drafted a Bill, after having received valuable assistance from the Parliamentary Draftsman. It is introduced and then debated. The Parliamentary Draftsman in his wisdom has given his opinion to the private member about a part of that Bill, but that opinion does not agree with that of the Attorney-General. Where do we stand?

Mr. Ryan: How would you know about it?

The Hon. T. C. STOTT: The Attorney-General will speak on behalf of the Government, and will give an opinion that may be contrary to that of the Parliamentary Draftsman which has been given to the private member.

The Hon. D. A. Dunstan: You cannot bring the Parliamentary Draftsman into the debate. You have had the right to get assistance from him.

The Hon. T. C. STOTT: I am not doing that. The private member drafts his Bill after receiving valuable legal advice from the draftsman, whose opinion has been reached without assistance from the Attorney-General, but the Attorney-General may have a different view, and then there is a state of confusion. The Parliamentary Draftsman states his opinion but is also aware that the Attorney-General, the head of his department, may have another view.

The Hon. D. A. Dunstan: Oh, no!

The Hon. T. C. STOTT: That could be so. That was the question I asked this afternoon. Whose opinion would prevail?

Mr. Casey: Does the Attorney-General see the Bill?

The Hon. T. C. STOTT: Yes, when it is introduced in the House.

Mr. Casey: I mean prior to that. You are talking a lot of rubbish.

The Hon. T. C. STOTT: The private member introduced the Bill into the House, but before doing so asked the Parliamentary Draftsman for his opinion. However, the Attorney-General gave a different opinion in the House and that meant that the Parliamentary Draftsman would have had to alter his opinion because the Attorney-General was the head of the department.

Mr. Ryan: Rubbish!

The Hon. T. C. STOTT: That is what the Attorney-General said.

Mr. Ryan: He never said that at all.

The Hon. T. C. STOTT: That may not be your interpretation of what he said, but that is what I think. The Attorney-General said that he would give the opinion.

Mr. Ryan: He said that about Government measures.

The Hon. T. C. STOTT: No, he did not. Perhaps the Attorney-General will make this point clear, because I want clarification of it. Since I have been in this House I have been busily engaged in drafting legislation, and, during the life of the previous Government, I had every co-operation possible from the Parliamentary Draftsman. I have had the same co-operation since the present Government took office.

Mr. Ryan: And that will continue.

The Hon. T. C. STOTT: I hope it will. It has always been understood that if the Parliamentary Draftsman is engaged on Government legislation, other members have to wait. If he has spare time he will assist the member: that practice should continue. I cannot recall any instance where a member has put the Parliamentary Draftsman on the spot and said, in effect, that something was the Parliamentary Draftsman's opinion. It has been done by Ministers when explaining a Bill. If an interpretation is needed, the Government asks the Crown Law Office to give an opinion, and I do not object to that.

Mr. Hudson: It wasn't a Crown Law opinion. In the past, the Parliamentary Draftsman has been called on by Ministers, and he has had his opinion quoted in the House.

The Hon. T. C. STOTT: I may be wrong, but let us hear the Attorney-General clarify the matter. I have some lay knowledge of many measures that come before the House, and when a Government Bill is being explained by the Attorney-General, or by any other Minister, I might say that I do not agree with what is said. I am no lawyer, but I like to be fortified by knowing of a better opinion than my own. Must I go to the Parliamentary Draftsman, and be expected to accept the Attorney-General's opinion, whether it is right or wrong? That does not help me in my capacity as an honourable member trying to obtain the correct interpretation of how a particular provision will affect constituents in my own district, or elsewhere.

Mr. Hudson: You have two experts over there!

The Hon. T. C. STOTT: I do not accept them as experts; nor do I accept the Attorney-General as an expert on all matters. I do not speak of the Attorney-General's ability in a derogatory way; indeed, I admire his ability. I am sure, too, that he would not agree with every opinion that I advanced. The Leader himself made the point that High Court judges have different opinions on many matters. If we have to accept the Attorney-General's opinion every time, the Parliamentary Draftsman, in effect, becomes Little Sir Echo to that opinion.

The Hon. Frank Walsh: Pull your head in!

The Hon. T. C. STOTT: I am pleased that this matter has been raised, because it should clarify the position in the future. I hope that your ruling this afternoon, Mr. Speaker, will be maintained. You have said:

> However, they have always provided a service of inestimable value to all members of the House, and as Speaker and custodian of the rights and privileges of each member, I am concerned that there should be no diminution of the advice available to members of officers of the Parliamentary Draftsman's Department.

I strongly support your ruling on this matter, and, as a previous Speaker of the House, I believe that your ruling is to be maintained over the Attorney-General's opinion.

The Hon. G. G. PEARSON (Flinders): I have seen in the House today two things which I think, in my experience, are unique. First, we have never before seen a big stick wielded so arrogantly by a little man. Secondly, we have never before seen a Minister of the Crown rise in the House and dress himself in all his regalia of title, and announce himself as "Her Majesty's representative, the Attorney-General" in such arrogant tones.

Mr. Quirke: The marionette master will drop the coronet on the head at any moment.

The Hon. G. G. PEARSON: The Attorney-General today has exposed a side of his character which many people suspected existed, but of which they had no proof. I remind the Attorney-General that he assumes his portfolio today through the will of the people of South Australia.

The Hon. D. A. Dunstan: That's right!

The Hon. G. G. PEARSON: What the people have done they can undo, and the electors of this State—or of any other Australian State—detest nothing more than an arrogant little man.

Mr. Curren: Unless it is an arrogant big one!

Mr. Jennings: How big is the chip on your shoulder?

The Hon. G. G. PEARSON: Honourable members can trot out all sorts of things; they can tell us to pull our heads in, too. I have heard the lot this afternoon, but I say again that this was a completely unnecessary display of arrogance and authority. Further, Sir, I say that I believe the Attorney-General's reply to you was not the kind of reply which I think you have the right to expect. You very properly suggested that you would welcome certain assurances from the Attorney-General on this matter, and he rose and immediately said he readily gave you the assurances you desired, but—

Mr. Shannon: "But I am the fountain-head."

The Hon. G. G. PEARSON: "But" is the crux of the matter. I think most honourable members come into this House with very small experience of legal matters. I am not ashamed to say I came into the Chamber as a farmer, knowing little about law or the Statutes. All I knew about Parliament was what I had absorbed by visiting it over a number of years when my late brother was a member, so I perhaps had some little advantage over other honourable members, in that I knew everybody in this place and at least something about its procedure. However, I knew nothing of Parliament's Statutes and laws.

Mr. Jennings: You haven't improved much.

The Hon. G. G. PEARSON: I thank the honourable member for that compliment. Most

of what I have learnt since entering Parliament —and I have learnt something—has been at the hands of Sir Edgar Bean. Whenever I had occasion to talk to Sir Edgar about any matter, he patiently and carefully explained how this or that was done, and what its effect would be. Sir Edgar Bean always unhesitatingly gave me his opinion on matters about which I wished to know more. They were not necessarily the opinions of the Attorney-General. Frequently, of course, they were, and the interpretation was often clear-cut and not open to any doubt. However, whenever I said to Sir Edgar, "The Minister says this, but I am wondering whether another interpretation could be placed on this clause", Sir Edgar did not always say, "No it is not capable of another interpretation", for if there was any shadow of doubt about a meaning he would say, "Possibly a slightly different interpretation could be placed on it, and the provision could work in a slightly different way from what has been suggested." I point out that the whole of the legal profession makes a living out of placing different interpretations on the law. Frequently it has been said that, if legislation passes, then probably any doubts arising from it can be resolved by a test case in a court of law; and this has happened. Therefore, I do not see why, if a member goes to the Parliamentary Draftsman (and this is the crux of the matter; this is the reservation in the Attorney-General's assurance to you, Sir), the Parliamentary Draftsman cannot admit or agree with the member if he has an honest doubt in his mind that a clause, under certain circumstances, might act in a certain way.

Mr. Jennings: The honourable member is contradicting what he said a moment ago.

The Hon. G. G. PEARSON: No, I am not. All we want to know is whether a clause in a Bill could have some result which the draftsman did not intend for it. Perhaps the Attorney-General and the Cabinet might not have intended a certain result when a Bill was introduced in the House. This is frequently a trap into which one can fall. A Bill can be designed to do certain things but perhaps its author overlooks the side effects it may have. That is where a draftsman's special training and gifts are involved, because he knows (because of his wide and extensive knowledge of the Statutes) just how one piece of legislation will affect another, and whether or not something else in the Statutes, undreamed of, could be affected by the amendment or Bill being discussed.

Mr. Shannon: If the honourable member looks at certain amendments of the Attorney-General on the file he will see that the Attorney-General is already amending Bills that he recently presented.

The Hon. G. G. PEARSON: Yes, and that would not be anything new. That is the result of an afterthought and of the Attorney-General's having discovered some side effect that came up after the original drafting was completed. Is the Parliamentary Draftsman only to be able to stand by and support the opinions of the Attorney-General? Is the Attorney-General intending to brainwash the Parliamentary Draftsman so that he can have only one point of view to express? Does this provide the ordinary freedoms allowed to a public servant? Much is involved in this question. Quite apart from the privileges of members, we must consider the privileges of the Parliamentary Draftsman as a decent, responsible man. I protest most vehemently on this point.

Of course, presently the Attorney-General will get up and proceed to take us apart. Nobody doubts his ability, his gifts, his plausible manner and powers of debate. Nobody under-rates the Attorney-General, not even the Attorney-General himself. The Attorney-General will probably get up and put all sorts of points, and then look around to his colleagues with a smirk on his face that implies, "Let them digest that one."

Mr. Jennings: I think he will be very humble today.

The Hon. G. G. PEARSON: Let us see whether he is; if he is, that will be an interesting sidelight of his character. I am not concerned so much with personalities, but I regret that the Attorney-General has displayed to the public today a side of his character so clearly and blatantly. I am concerned with my rights and privileges, and with my requirements, which must be met if I am to carry out my duty in this House. Most of us are untrained in legal matters and must rely heavily on the legal advice that we can obtain in the Chamber. The only person qualified and trained to give this advice is the Parliamentary Draftsman, and I protest that the advice that has been available to members for so long (at least, since I have been a member of this House) is to be curtailed. I support the motion.

The Hon. G. A. BYWATERS (Minister of Agriculture): First, I congratulate you, Mr. Speaker, on the initiative you displayed today. I believe that yours was an act of true statesmanship. Last evening, when I heard the

comments of the Leader of the Opposition, I must admit that I was perturbed to think that the Leader thought that some privilege (and a very important privilege) had been abused or taken away. This concerned me as a private member and as a Minister of the Crown. As you stated today, Sir, it is your responsibility to make sure that all members are given the opportunities to which they are rightly entitled; and I uphold your view entirely. I believe that your action today in drawing this matter to the attention of honourable members was very wise indeed.

Having listened to your statement, in which you made the role of the Parliamentary Draftsman clear, having listened to your request to the Attorney-General to state just what was the situation, and having listened to the Attorney-General, I thought that that was the end of the matter; I was satisfied. Let me say that I was discomfited by what I heard last night, and I gave some thought during the night to what had been said. If what had been said were true then I would have had something to say about it in the right place. Nevertheless, the matter was cleared up, to my satisfaction, by the Attorney-General's explanation this afternoon. However, this was not the end of the matter and further remarks have been made by Opposition members. I do not deny them the right to criticize any member of this side. They are entitled to do that at any time: it is their prerogative and right. However, I believe a deliberate attack has been made on the Attorney-General in an endeavour to cut him down to size, as it were. This has become a personal issue, and that is not right. If we do anything wrong then we deserve to be criticized, and we will bear the consequences.

I think it is extremely wrong to try to take a man apart because he has certain fixed ideas or because of his personality. I believe this has been the essence of the debate this afternoon; and this has been done not only today. What happened last night presented an opportunity to Opposition members to further attack the Attorney-General. This is wrong and I hope it will not continue. Much has been said about the Attorney-General and about the fact that he has some rather revolutionary ideas concerning social problems. The Attorney-General is a reformist, and he has stated his views outspokenly.

Mr. Clark: This position has obtained over the ages.

The Hon. G. A. BYWATERS: That is true. If he brings matters to the House, it is the right of members to oppose his point of view and if they disagree with him they are entitled to do so. However, they have claimed he is arrogant. I have not found that. Certainly, his personality is different from mine and perhaps from that of other members. We all differ in personality, and I would hate to think that this is going to become a personal attack on any individual, whether he be in the Government or the Opposition.

That is why I am speaking on this matter. I was satisfied with the Attorney's reply. I was satisfied that he, as the Minister, was prepared to take the responsibility regarding a decision by his department. We have all come to realize since we have been in this particular position that we have to rely a great deal on the knowledge and advice of different officers of our departments, and I have been most grateful for the help given me by the officers of my department. Unfortunately, one of my officers has been criticized in this House, and I think that is entirely wrong. If members have any criticism to make regarding a person's judgment or opinion, they should criticize the Minister and not the officer concerned. I will take responsibility for any officer's advice or opinion quoted in this House, and I think that is right. All the Attorney is saying is that he is responsible. Whether or not members opposite think he should not have used the terminology that he did, that is the Attorney's way of expressing himself. After all, he is entitled to express himself. We all have expressions of opinion and we all have different ways of saying things, and probably I would be the worst offender in saying something the wrong way. I do not think the previous speaker should have used the derogatory terms that he did.

The whole situation, as I see it, is that the Parliamentary privileges will be upheld in exactly the way they were upheld in former Parliaments. The Attorney-General gave that assurance this afternoon, and I accept it. I do not think there is anything wrong at all in any Minister being responsible for his department, and I certainly intend to be responsible for mine. I will deplore any criticism of my officers. If anyone has a criticism of my department, let him criticize me as the Minister. I do not hold myself out as being the most humble of men; I do not try to set myself up that way.

The Hon. G. G. Pearson: You are not under discussion.

The Hon. G. A. BYWATERS: I realize that, but I am drawing an analogy. I intend to be

responsible for my department, and I think that is the only attitude the Attorney-General has taken. In fact, he has said that he, as the Minister in charge, is responsible for the decisions of the department. I am confident that the Attorney will refer matters to his officers for advice and guidance. He has not set himself up as a know-all, and he would have the assistance of officers far more experienced than he is. He will receive advice as a result of his co-operation with his departmental officers, but in this House he is responsible, and that is all the Attorney said this afternoon. He has assured the House that there will be no change in the privileges of this House, and I applaud him for that statement.

Mrs. STEELE (Burnside): I have neither the eloquence nor the experience of other speakers who have spoken from this side of the House but, like them, I am concerned that one of the traditional privileges of members of Parliament should perhaps be curtailed. At the beginning of each session permission is sought for the Parliamentary Draftsman or one of his assistants to be accommodated on the floor of the House, and I have always understood that the Parliamentary Draftsmen were there so that members on either side of the House could seek information from them.

Mr. Hughes: That will still be available.

Mrs. STEELE: For most lay people, and for members coming into this House with very little experience in interpreting Acts and Bills, it is very difficult indeed to understand Bills, and it is only by experience that we are able to interpret them correctly. If we cannot do so, then we usually go to someone who has had experience in drafting Bills and we ask his advice. I suggest (and I have been told this by some of my legal colleagues) that to be a draftsman takes many years' experience. A draftsman needs to have spent almost a lifetime in his profession amongst Statutes and to be able to interpret them and relate them to the appropriate legislation. Therefore, it is very helpful to members to be able to have someone with this experience to whom to refer. I suggest that, if the draftsman or someone who has this experience was not there to satisfy members in this direction, then the permission for him to be accommodated in the House would not be sought every session. I believe that, if there were no differences in the interpretation which the members of the legal profession put on various complaints or grievances, there would be no need to resort to courts of law, and in fact many people would be denied justice simply because they had to accept one or the other set of opinions expressed by certain members of the legal profession. In the same way I believe there would probably not be the good Acts that are passed in Parliament if people were unable to amend Bills that had been drafted by the Parliamentary Draftsman for the Government of the day. Therefore, I suggest that it is most necessary that we should get off on the right foot and that we should know that, when we amend a Bill, the amendment is being presented properly and that it refers specifically to the Bill.

Mr. Hughes: That right will still be available to the honourable member.

Mrs. STEELE: We hope it will be. Obviously, of course, if there had not been some concern, would you, Mr. Speaker have got up this afternoon after prayers and made your statement to the House? Obviously, you were concerned, as every other member of Parliament is concerned at the present. I pay my tribute, as other members have done, to you, Mr. Speaker, for upholding the traditions of members of this House so that any privileges they might have should not be curtailed in this manner. Having made those few remarks, I have much pleasure in supporting the motion.

Mr. LAWN (Adelaide): In opposing the motion, may I say, regarding the honourable member for Burnside's latter remarks, that until you made your statement this afternoon, Mr. Speaker, I would have agreed that the honourable member or any other honourable member might have had cause to be perturbed over what happened yesterday. I can say this (and the honourable member for Burnside cannot deny it) that since your statement, Mr. Speaker, this afternoon, there has been no need for concern on the part of any honourable member. Members on this side are more concerned about the rights and privileges of members than are members on the other side, and I make no apology for saying that. We respect this institution, which is more than members opposite do; they gerrymandered this State to keep themselves in office, and they took away from the people the right to have a free Parliament.

The SPEAKER: Order! I ask the honourable member to keep to the subject matter of the motion.

Mr. LAWN: I am, Mr. Speaker, and I am not going to debate any issue other than the subject matter of the motion before the

Chair. I am speaking about the honourable members opposite saying they are concerned about the rights and privileges of members. I maintain they are not.

Mr. Ryan: They never have been.

Mr. LAWN: They gerrymandered this State and took away from the people the right to elect a Government of their own choice.

The Hon. B. H. TEUSNER: On a point of order, Mr. Speaker. Is the honourable member for Adelaide in order in speaking of the gerrymander of this State?

The SPEAKER: No, the honourable member is not in order in introducing that matter into the debate. I ask him to keep to the subject matter of the motion.

Mr. LAWN: Of course the honourable member is hurt.

Mr. Coumbe: Don't you agree with the Speaker?

Mr. LAWN: Never mind about that. I have said what I wanted to say, but I add that members on this side represent people, not broad acres, as it is termed by members opposite.

Mr. Quirke: What has that got to do with the Parliamentary Draftsman?

Mr. LAWN: I will come to that. Honourable members opposite have spoken about rights and privileges of members, but I say they are not concerned about them. I have proved that statement, although honourable members opposite who said they were concerned, did not prove it. Yesterday a member opposite held in his hand several alleged newspaper cuttings, but did not read one. He read only from *Hansard*.

Mr. Ryan: Which did not bear him out.

Mr. LAWN: Yes. Although challenged to read the cuttings, he did not do so. I am concerned about the rights and privileges of members. I represent people and I demand (as I have demanded over the years) to be heard on their behalf, although attempts have been made to stop me. The honourable member for Angas was the Speaker most concerned when he had the opportunity to stop me. His predecessor was not concerned, nor was his successor. I demand the right to speak on behalf of the people I represent and I will not tolerate having that right taken away. I thank you, Mr. Speaker, for the time you spent on this matter prior to the House meeting today. If all honourable members had confidence in you, they would have accepted your assurance that you would safeguard the rights and privileges of all members. Since you made that statement, no member should have had any cause for concern. However, I was interested in what you quoted of Mr. Speaker Nicholls's remarks, that the Parliamentary Draftsman should not be referred to in debate. I have been a member for 15 years—

Mr. Coumbe: Too long!

Mr. LAWN: —and all Bills introduced by the late Mr. O'Halloran as Leader of the Opposition, and all Bills introduced by his successor, the present Premier whilst Leader of the Opposition, were drafted by the two Leaders in co-operation with their secretaries, and they were vetted by the Parliamentary Draftsman when he had the opportunity to do so. When they were introduced to the House, the Bills were invariably criticized by the then Premier who said that, on the advice of the Parliamentary Draftsman, the Bills were badly drafted. This happened for 15 years to my knowledge, although it has not happened this year. The Speaker has ruled that the Parliamentary Draftsman should not be referred to in debates in this House, but this practice has been carried out year after year by the ex-Premier.

Mr. Hudson: And he did it yesterday.

Mr. LAWN: Yes, but now we are in Government. The honourable member for Burra will not accept one man's will being forced on this House, as we have had it for too long, and I agree with him. However, we have had one man's will forced on this House for too long, and it has been forced on the people of the State. The honourable members for Burra and Burnside said today that they were concerned yesterday about a statement made by the Attorney-General. The Speaker and the Attorney-General today refuted any allegation that this House was being dominated by one man. Yesterday when the lines of the Loan Estimates were being discussed it was obvious to any experienced member, and also to new members, that when the line "Police and Courthouse Buildings" was reached, a direct personal attack was made on the Attorney-General by members opposite. The ex-Premier thought he was Premier and that is what brought this matter to a head. He could not realize yesterday that this was 1965 with a Labor Government, and not 1964 with a Playford Government. We passed the Supply Bill without saying how the money provided was to be spent, except that it should not be spent on any items not previously referred to or in excess of the amount spent in the previous year.

Mr. Ryan: It was identical to the Bills introduced by the Leader for many years.

Mr. LAWN: Yes.

Mr. Ryan: Now he wants an interpretation of it.

Mr. LAWN: Yes. Honourable members have seen this year and the public will see, too, that the ex-Premier is lost without his advisers. When he was on this side of the House he relied on the Parliamentary Draftsman, Sir Fred Drew and on other experts. He said that he could write a report of any committee he appointed. The ex-Premier knew the answer that would be given by any Royal Commission or committee he appointed because he wrote the report. Today he is on his own without these advisers, and in my 15 years' experience this is the most demoralized Opposition I have seen. Yesterday, the ex-Premier, still believing that he was Premier and playing politics again, said that this Government had forgotten the workers and that he, as their saviour, would ask the Government to provide in the Bill for the money to pay the incremental payments until the Budget was passed. He used a 1964 Statute to tell the Government that it did not know what it was doing, and that the Bill would not justify the Government's paying the incremental payments because they were not included in the Bill that he introduced in 1964. He did not realize that there has been a change of Government this year and that in May, 1965, Supplementary Estimates were passed. The Bill yesterday authorized payments which were passed by the Estimates introduced by the ex-Treasurer in 1964 and by the Treasurer in May, 1965. Opposition members were demoralized when their legal advisers floundered yesterday afternoon, and they made the biggest crash they have made this year. Of course, this inefficient Opposition will make others. Opposition members were wrong yesterday in saying that the Bill would not authorize the payment of these incremental rates, but an authorization was given in May this year. What is the next thing? Today, the ex-Premier notified the Speaker (and, of course, notified his colleagues) that he intended to move this motion. He did not know, however, that we have a very good Speaker, who is better able to look after the rights and privileges of honourable members than members on the other side are. I would sooner trust my rights and privileges with this Speaker than with members opposite. The ex-Premier did not know that the Speaker, himself, had made an investigation into this matter.

The Hon. G. G. Pearson: Why?

Mr. LAWN: Because of what happened yesterday and last night.

Members interjecting:

Mr. LAWN: The Leader of the Opposition yesterday went to a person who is receiving his first experience of Parliament—not the Parliamentary Draftsman but his assistant.

Mr. Ryan: Was he going to stand over him?

Mr. LAWN: Not only stand over him but embarrass him, by asking for opinions contrary to the opinions given to us in relation to the Bill. This Parliamentary Draftsman's assistant has been here only this session, and not even all the time, at that! The Leader tried to induce this inexperienced person to give a legal opinion contrary to that given to us by the front bench. We know now that the front bench was right, as, consequently, the Attorney-General made a statement to the House. Honourable members became perturbed that they would lose the right to approach the Parliamentary Draftsman in the future. If ever there was any justification (and I am not saying there was not) for members last night to think that they might be losing a right or privilege, that was dispelled today by the Speaker. However, the Leader of the Opposition told his members and told you, Sir, that at 2 o'clock he would move this motion. What happened?

Mr. Casey: He couldn't sleep all night!

Mr. LAWN: Every honourable member heard the Leader speak. How many times have we heard him speak in the past? Have we heard him speak as he did today? His voice trembled and shook. I have heard him previously rise to belabour a point, but today he did not know whether he was coming or going, because the ground had been cut from under him by the statements made by both the Speaker and the Attorney-General. He knew then that the rights and privileges of members of this House would continue in the future the same as they have in the past. He was too far in to get out, so he had to move his motion. He did this briefly, and as I say, in a trembling voice.

Mr. Ryan: Don't let your voice tremble!

Mr. LAWN: I never do, because I always speak the truth. The honourable member for Onkaparinga used to participate frequently in the debates in this House when I first became a member in the 1950's, but I have noticed that over the last two or three years he participates only when he knows that his Leader is wrong and needs some help. He rose in this debate to try to give that loyalty to his Leader (and I commend him for that) but these are the only

occasions on which he speaks. He spoke on this issue because he knew his Leader was wrong, and he came into the debate to give that loyalty which the Leader has from his colleagues over there.

Mr. Jennings: I don't think he deserves it, either.

Mr. LAWN: Whether he does or not, I do not know, but I point out that that loyalty may disappear soon, because I understand that about four men are after his job. We know that this motion should never have come before the House; it has come from a demoralized Opposition. The ex-Premier said, in opening the debate this afternoon, that a good or efficient Parliament must have the services of an efficient Parliamentary Draftsman. However, an efficient Parliament, in my opinion, must have an efficient Government and an efficient Opposition. We have the efficient Government but, unfortunately, 1965 has seen the worst Opposition for the past 16 years. I hope the motion will be defeated. The Leader was committed to moving the motion prior to the statement you made, Mr. Speaker, but having heard the statements by the Attorney-General and other honourable members, I now invite the Leader of the Opposition to show me some leadership, and to withdraw his motion.

Mr. MILLHOUSE (Mitcham): When this debate began I did not expect to take part in it, and I rise to speak now in support of the motion because of the sneering interjection made earlier by the member for Glenelg (Mr. Hudson), when he suggested that there were two experts on this side of the House who could assist in the drafting of measures (Bills presumably) and amendments. I have spoken to my colleague, the member for Angas (Hon. B. H. Teusner), and he has authorized me to say for him, as I say for myself, that neither of us holds himself out as an expert draftsman; nor have we ever done so. The interjection by the member for Glenelg was as ill-mannered as it was inaccurate, and I wish to make it clear that this side of the House requires the assistance and services of the Parliamentary Draftsman.

Mr. Shannon: Your deficiencies in draftsmanship are shared by others.

Mr. MILLHOUSE: Of course. Drafting is a very specialized art, and, as has been said during this debate, it requires much practice before one can even pretend to be in the slightest proficient. I certainly do not pretend to be; nor does the member for Angas. Therefore, the coincidental fact that we both happen to be members of the legal profession is entirely irrelevant. Having said that, and having, I hope, corrected the situation as it was presented in that most unfortunate interjection, I should like to say a couple of things—

Mr. Clark: Are you sure he meant you two gentlemen?

Mr. MILLHOUSE: I have no doubt that the honourable member for Glenelg, who looked straight over at us, was referring to us, and in this case I accept that he was. If he were not, perhaps he will get up and say so. I regret that the interjection to which I have referred was typical of some of the things that have been said in this debate by members on both sides of the House, things with which I cannot associate myself. This is a matter of great importance because on the availability of the services of the Parliamentary Draftsman depends, to a large degree, the effective working of this House. It is essential to all members, whether it happens at any particular time that they be on this side or on the other side of the House, to be able to consult the Parliamentary Draftsman. Therefore, I entirely support my Leader when he raises this as a matter of principle.

However, I must also say that, although it is of great importance, it is also a very delicate matter. I cannot but respectfully agree with you, Mr. Speaker, when you point out that the Parliamentary Draftsman is not technically an officer of this Parliament. He is, as has been said by the Attorney-General, a public servant. He is a Government officer, and the Attorney-General is his Minister and therefore, in the nature of things, he is responsible to the Attorney-General, as his Minister. I must also agree with the way in which the Attorney-General described his own office.

Mr. Shannon: Even though he was a little pedantic in doing so?

Mr. MILLHOUSE: It was entirely accurate even if the tone he used was a little pompous to describe his position as chief law officer and leader of the legal profession in this State. The Parliamentary Draftsman is an officer who is responsible to him. This is on the one side, but on the other side, even though the Parliamentary Draftsman is not strictly and technically an officer of Parliament, he is, in a real sense, a man on whom we all must rely, with whom we should be able to talk freely, and whose opinion we should be able to obtain without embarrassment either to him or us. In my 10 years'

experience this has always been the case until the unfortunate incident that arose yesterday.

The Attorney-General himself, when he was in Opposition, relied on both the Parliamentary Draftsman, his predecessor and the various assistant draftsmen, and I do not think he would say he is an expert draftsman. He would have to admit (because I can remember them and I have no doubt he can remember them, too) that he has made mistakes in drafting. I do not blame him for that any more than I would blame myself. We do our best but we make mistakes because we are not experts in drafting. Even this session, even though the Attorney-General has the advantage of the constant help of the Parliamentary Draftsman and his assistants and also of the Crown Solicitor and officers of that department, in a number of Bills he has introduced he has had to put many amendments on the file. I think that in the Capital and Corporal Punishment Abolition Bill there are already 10 amendments on the file from the Attorney-General. This is merely an illustration of the support and the necessity for the support we all seek from the Parliamentary Draftsman.

There is no reason at all that I can see why the system, which worked well in the past under the old Government, should not work equally as well under the present Government. No reason exists why that should not be so, provided everybody, including the Attorney-General (and here I believe the Attorney-General was deficient yesterday), the Parliamentary Draftsman and all members of the House, showed toleration, forbearance and understanding of the delicate position of the draftsman in practice as an adviser to every member. Provided we all show understanding (and, as I say, I think there probably was some lack of it yesterday) then this important matter should be disposed of and should cause no more trouble.

During this debate many members on this side have spoken but it is notable that only two members on the Government side have spoken, one being the Minister of Agriculture and Lands, the junior member in the Cabinet. I think it is most unfortunate that the Premier, as the Leader of the Government, has not entered the debate and apparently does not intend to enter it. He could have put officially and properly, as head of the Government, the Government's point of view because, as all speakers have said and as I have said several times already, this is a most important matter, and one on which we would expect that the Premier would want to speak and make clear the attitude and the practice to be followed by his Government. Unfortunately, that is not to be so, but I do think that he should be prepared to speak. I regret that he has not spoken, but I hope that whether he does or does not this matter will not arise again in the life of this Parliament or in the life of any Parliament of which I am a member.

Mr. HUDSON (Glenelg): First, I wish to deal with the last point raised by the honourable member for Mitcham. There is no necessity at all for the Premier to speak in this debate when he and all members of the Government have complete confidence in the Attorney-General and in the fairness with which he is prepared to approach this matter. This was shown earlier this afternoon by the assurance given by the Attorney-General to the House that the services of the Parliamentary Draftsman would be freely available to members. Mr. Speaker, in your ruling this afternoon you said that it was out of order for honourable members, in dealing with a debate on a Bill, to quote or refer to the Parliamentary Draftsman. I remember three years ago (when I was not a member of this House) listening to a debate in this Chamber when the Labor Party, in Opposition, introduced an Electoral Reform Bill to this Parliament. That afternoon I heard the Leader of the Opposition (the then Premier) discuss that Bill, and a large part of his speech on that occasion consisted of reporting the Parliamentary Draftsman's views on the Labor Party Bill in pulling the Bill to pieces. Let us get it quite clear where the alleged offence occurred yesterday. The former Premier, as Leader of the Opposition, was in the process of calling for a report from the Parliamentary Draftsman. He said, "I have referred a point to the Parliamentary Draftsman who is examining it."

The Hon. D. A. Dunstan: He asked that progress be reported.

Mr. HUDSON: Yes, he wanted the Parliamentary Draftsman to give an opinion contrary to the opinion of the Government, and if he had got that opinion he intended to quote it to the House the same way as I heard him quote the Parliamentary Draftsman's opinion three years ago to comment on a Bill before the House. I was glad to hear you say this afternoon, Mr. Speaker, that that procedure was incorrect. If we recognize that that procedure is incorrect, then I think much of this sort of trouble will simply not arise.

A further point arises, and this is, I think, possibly a point of some difficulty; and it was

the reason for my interjection which the member for Mitcham took as referring to himself. I refer to the distinction between giving a legal opinion on the general consequences of a particular clause and dealing with a matter of pure draftsmanship—the problem of drafting as against the problem of the legal effect or legal consequences of a particular clause as it already had been drafted. It is a difficult line to draw.

Mr. Millhouse: That is why you need toleration and forbearance.

Mr. HUDSON: Yes, but toleration and forbearance have to come from both sides, as I am sure the honourable member would be the first to admit. I am sure he will also be the first to admit that the Leader of the Opposition offended yesterday afternoon in specifically referring to the Parliamentary Draftsman, in trying to get progress reported, and in trying to get the opinion of the Parliamentary Draftsman to go against the opinion of the Attorney-General and to be quoted back to the House.

The Hon. D. A. Dunstan: That was not on a matter of drafting at all.

Mr. HUDSON: No, it was not. It was not a matter of the technique of putting words together to get a particular meaning rather than some other meaning: it was a question of the overall meaning of that clause. I am prepared to agree that there is a distinction between a drafting question and a question of the legal effect of an Act of Parliament. I am certain the member for Mitcham (as would his colleague) would like to be known as an expert on the general question of the effect of Acts of Parliament, apart from the general problems of draftsmanship. When I made my interjection I meant that if members of the Opposition were concerned to get opinions on legal questions, they had a perfect right to ask the Attorney-General to give his opinion; and they have a perfect right to ask any other lawyer to give an opinion. I was pointing out that they had two experts in their own ranks. I am sure that, despite any deficiencies the honourable member for Mitcham may have regarding draftsmanship, he would be happy (as all other members of the House would be happy) to have himself known as an expert when it comes to the question of the legal effect of legislation.

Mr. Millhouse: I should be happy if I were, but I am afraid I am not.

Mr. HUDSON: I am sorry if I have overrated the honourable member in this matter, and I most humbly withdraw and apologize if I have and if it has caused the honourable member any annoyance; I certainly did not mean it to do that. I believe there will be no difficulty if we adhere to your ruling strictly, Mr. Speaker, and refrain from quoting the Parliamentary Draftsman. This will mean that our front bench will adopt a practice that was not adopted by the previous Government. If members want to disagree with the drafting of a Bill presented by an Opposition member, they should just present their opinion and not present it as the opinion of the Parliamentary Draftsman. In other words, I am suggesting that the practice adopted by the previous Government is the source of the trouble that occurred yesterday afternoon, that that practice is bad, and that it should cease. I maintain that if our own front bench does not follow the practice of the previous Government (and if other members of Parliament do not follow it) we will be able to look back on the events of yesterday and see them as a storm in a teacup. I see no need for the motion at all.

The Hon. D. A. DUNSTAN (Attorney-General): I have listened quietly and humbly to what has been said by honourable members opposite and other members on this side of the House. I learned that my character was one which was unpleasant to members opposite, that it was undoubtedly going to produce in the country that defeat which the Leader of the Opposition has been prophesying for me ever since I came into this House but which so far he has not seen accomplished, and which my defects (which are very real, I admit, Mr. Speaker) have not accomplished for me either. I was perhaps not surprised at the spleen that was evident in the personal abuse heaped on me by certain members opposite. Their annoyance with some of my public activities has been unfortunately evident, Mr. Speaker, since this Government took office.

Mr. Clark: And indeed before.

The Hon. D. A. DUNSTAN: Yes, but more so recently. The honourable member for Flinders, who passed some not particularly complimentary remarks in my direction this afternoon, interjected with horror and fury yesterday that there had been two statements a day from the Attorney-General published in the newspapers—a shocking thing, Mr. Speaker, that so much had been happening, with the agreement of my colleagues, in the departments to which I was assigned that the newspapers found it hard news while they found the vapourings of members opposite not worth reporting.

Mr. Heaslip: You have a good idea of yourself.

The Hon. D. A. DUNSTAN: It is not of myself but of the policies of this Government.

Mr. Lawn: The people should be told.

The Hon. D. A. DUNSTAN: The things that have been in the press have not been things concerning me: they have been concerning the policies of this Government, and that is the important thing.

Mr. Lawn: And that is what the people should be told.

Mr. Jennings: And we have all known beforehand what was going to be said, which is different from the previous Government's practice.

The Hon. D. A. DUNSTAN: I have also been given much good advice by certain of the members opposite, who have taken great care to point out to me that they are older than I. I appreciate that. I realize the virtues of experience and of age, and I have always paid deference to them where those virtues were evident, Mr. Speaker. But now, Sir, if I may turn to the matter before the House and get away from the things on which members opposite have tended to spend their time: this matter arises not because there has been any departure from the traditions of Parliament, the position of Parliamentary Draftsmen in this and in other Lower Houses of Parliament elsewhere, or the position of drafting assistance given to members, but because of a departure in two other respects. First, I refer to the matter mentioned by the honourable member for Glenelg. The ex-Premier has chosen to treat the Parliamentary Draftsman as somebody whose opinion he cites to this House against precedents and ruling, against members in this House, and (what he is now seeking to do) against the ruling which you gave, Mr. Speaker. Whenever he finds something before the House as to the legal effect of which he wants to differ from the Government, he wants to adjourn the House and get the Parliamentary Draftsman to tell the House that the Government is wrong. I say frankly, Mr. Speaker, that this is contrary to Parliamentary practice. It is contrary to the ruling of Sir Robert Nicholls which you, Sir, today have cited and upheld. That is not the position of the Parliamentary Draftsman, and to demand that the Parliamentary Draftsman be in that position places him in an intolerable position in which he does not want to be. I made that clear to the House and I made it clear to the Parliamentary Draftsman yesterday, and if the Leader was not so intent on distorting and misrepresenting the position, he could have checked with me as to the instruction that was given. He did not say a word to me, and did not bother to find out whether, in fact, there was any change in the traditional duties of the Parliamentary Draftsman.

Mr. Heaslip: Are you suggesting that those instructions were not given to the Parliamentary Draftsman?

The Hon. D. A. DUNSTAN: I am suggesting that the instructions given to him were exactly the instructions which I retailed to the House in reply to your question, Mr. Speaker, today, and that was made perfectly clear. For drafting matters the Parliamentary Draftsman is available to members of this House. I have endeavoured to make available drafting assistance to members of this House as far as I possibly can. We appointed an additional Parliamentary Draftsman as one of the first actions of this Government to see that more drafting assistance was available. We have released one of the Parliamentary Draftsmen from the necessity of attending the meeting of the Standing Committee of Attorneys-General, and chosen another officer of the Crown Law Office to do that work, as the burden upon the draftsmen is now so heavy that it is impossible for them to give service to members if we continue the practices of the previous Government. I have sought to see that services are available to members here, and they will continue to be so available.

The Hon. G. G. Pearson: Were they not available previously?

The Hon. D. A. DUNSTAN: On many occasions they were not. When we were in Opposition many Bills had to be drafted by members of my Party.

Mr. Heaslip: That will always be done, won't it?

The Hon. D. A. DUNSTAN: Honourable members will have to do some drafting themselves, but I hope that more drafting assistance will be available to them than was enjoyed by the then Opposition. That was not the fault of the Parliamentary Draftsman: too few people were employed in the office. There were two Parliamentary Draftsmen and a junior assistant.

The Hon. T. C. Stott: That is a fair statement.

The Hon. D. A. DUNSTAN: For the provision of drafts, which honourable members ask for, or the interpretation and explanation to members of the meaning of Government measures before them, or measures brought forward by private members, the services of

the draftsmen are available, and there is no suggestion that they should not be.

Mr. Heaslip: Were they available yesterday?

The Hon. D. A. DUNSTAN: They were.

Mr. Heaslip: You say that!

The Hon. D. A. DUNSTAN: The services of the draftsmen were available yesterday but not available for the kind of opinion the Leader asked for.

Mr. Heaslip: Don't qualify it.

The Hon. D. A. DUNSTAN: They were not available for the opinion the Leader sought to get. He sought to get an opinion that the statement of the Government to this House (that it was satisfied that the legal efficacy of the measure before the House would do what the Government said it would) was wrong. The next thing alleged by honourable members opposite is that only one legal opinion is available to the House, and that I am trying to force my opinion on the House. That is not so. Members opposite have colleagues, properly referred to in this place as honourable and learned members of the legal profession, available to them to advise on the legal efficacy and constitutionality of measures before the House. This is what I was required to do when in Opposition, because we did not have the opinion from the Parliamentary Draftsman. We either got the opinion from a member of our Party or we went up the street, and we often did that.

Mr. Quirke: You were never refused it.

The Hon. D. A. DUNSTAN: The Parliamentary Draftsman would not discuss with us the legal efficacy of measures before the House. He discussed with us the meaning of something.

Mr. Quirke: That is all that was asked yesterday.

The Hon. D. A. DUNSTAN: Something more was asked for yesterday, and it placed the Parliamentary Draftsman in an intolerable position.

Mr. Quirke: It was not asked of the assistant draftsman.

The Hon. D. A. DUNSTAN: Yes it was.

The Hon. Sir Thomas Playford: I asked Dr. Wynes.

The Hon. D. A. DUNSTAN: Dr. Wynes came to me after the assistant draftsman had been spoken to, and asked me what the trouble was. I told him. We then discussed the matter and agreement was reached between us as to the instruction, and I gave it.

The Hon. Sir Thomas Playford: Dr. Wynes refused me the information.

The Hon. D. A. DUNSTAN: I have no knowledge of any further conversation that took place or of any request from the Leader to Dr. Wynes. All I heard concerning any conversation of the Leader with Dr. Wynes was that Dr. Wynes said he had spoken to the Leader about his conversation with me. I know of no reason for refusing the ex-Premier—

The Hon. Sir Thomas Playford: Dr. Wynes was the person who refused me the information, and he said that he refused it on the specific instruction of the Attorney-General, and that he was authorized to tell me so.

The Hon. D. A. DUNSTAN: I know of no information for which the Leader asked him and which was refused to the Leader, but I will inquire. I assure the House that the only instruction given to the Parliamentary Draftsman was the instruction that I retailed to the House in reply to your question, Sir, today. If the Leader had any query about that, instead of all this sound and fury this afternoon after the matter had been brought up specifically in the House, he could have come and asked me.

The Hon. Sir. Thomas Playford: It is still not cleared up.

Mr. Quirke: It was the Attorney-General who came here with drums and clashing cymbals making the sound.

The Hon. D. A. DUNSTAN: If the honourable member wants to wax eloquent about other people's activities this afternoon, he might look at his own performance in this debate before slinging out statements about how other people carry on.

Mr. Quirke: The Attorney-General needs the spurs.

The Hon. D. A. DUNSTAN: The honourable member can wax sententious if he wishes. The plain fact is that the traditions of this Parliament are being maintained by the present Government. There is a second departure from what has happened previously.

Mr. Heaslip: Give us the answer.

The Hon. D. A. DUNSTAN: It is true that the position that I have been instructed to take by my colleagues in relation to the office of Attorney-General is that I will carry out the Ministerial functions of that office and will take responsibility for the Attorney-General's position. My colleagues have told me that that was not carried out by my predecessors, who did not take responsibility for many things in their office, but hid behind the opinions of public servants. Documents tabled in the House stated the opinion of the Crown Solicitor, and not that of the Attorney-General. I am sorry if I have upset the member for Flinders or other honourable members by referring to

the Attorney-General as the law officer of the Crown. As the honourable member for Mitcham said, that is a perfectly proper description of the office. It is the duty of the Attorney-General to take the responsibility for opinions given to this House on behalf of the Government, and I intend to take that responsibility. As I do not consider it arrogant to undertake that, I will carry out the responsibility that has been given to me as a member of this Government by the people of the State. That will be done.

At 4 o'clock, the bells having been rung, the motion lapsed.

CHURCH PROPERTIES.

Adjourned debate on the motion of Mr. Coumbe:

(For wording of motion, see page 633.)

(Continued from June 30. Page 639.)

Mr. LAWN (Adelaide): Although I oppose the motion, I listened to the whole of the remarks made by the member for Torrens (Mr. Coumbe), and in addition, twice read most of what he said about. It is obvious to me that he was sincere in moving the motion, which, of course, requests the Government, in short, to exempt church properties from both State taxation and rates and taxes. The honourable member put his case to the House fairly and without any undue criticism of the Government or of anybody else. I believe that it would be fair for me to say that his case contains three main factors: (1) the previous Government had for some time been aware of many anomalies in the State taxation legislation and the various regulations that affected this State; (2) being aware of those anomalies it appointed a special committee to investigate the position; and (3) it was contained in the policy speech of the Leader of the Opposition delivered on February 18, 1965.

Mr. Jennings: Should we adopt this?

Mr. LAWN: I shall deal with each of these submissions as I proceed. Having listened to the honourable member, I believe that what I have just said would be a fair summary of the main factors concerning his arguments on behalf of the church organizations. The honourable member said (at page 633 of *Hansard*):

Let me say that the previous Government had for some time been aware of many anomalies in the State taxing legislation and the various regulations that affected those laws. Being aware of those anomalies, it appointed a special committee to investigate the position, and even further, to investigate the whole incidence of taxation, including water, sewerage and land tax rating under the Local Government Act. This committee, headed by Sir George Ligertwood, became known as the Ligertwood Committee. It took much evidence from private persons and a number of official bodies. The report was printed and laid on the table of this House on October 1, 1964.

In reply to that statement, the committee said on page 30 of its report:

The committee entertained doubts from the commencement whether the subject of exemption from rates and taxes came within the terms of reference and finally decided that it did not do so. Again, the question is one of policy and the committee makes no recommendation upon it, but draws attention to the arguments addressed upon the subject. The example of other States shows that relief to churches from rates and taxes can be based upon a general principle.

As to the second main factor that I have outlined, I do not think we need argue any more about that matter. The committee is the authority, and it has said that it entertained doubts from the commencement whether this subject came within the terms of its reference, and finally decided that it did not. Therefore, the committee found that the reasons for the second main factor of the honourable member's argument did not exist. As far as the previous Government is concerned, committee reports are not necessarily of any value, and they certainly have not been of any value to it if the recommendations have not suited it. Some years ago, that Government appointed a committee known as the Workmen's Compensation Committee, one member representing the Trades and Labor Council, one representing employers, and the Parliamentary Draftsman being the Chairman. The then Premier said that this committee's function was to advise the Government on what amendments should be made to the Workmen's Compensation Act from time to time.

On one occasion, the ex-Premier told the House that we should accept *in toto* that committee's recommendations, and he said that he did. He said he passed those recommendations on to the Parliamentary Draftsman, without even looking at them to see what they contained. I asked, by way of interjection, whether, if that committee recommended that workmen's compensation should be provided for workmen travelling to and from their employment, he would agree to it, and he definitely said that he would not, even if the committee recommended it. Honourable members can see that statement for themselves in *Hansard*. I

think I have justified my statement that committee reports were only of value to the previous Government, if the recommendations suited it.

The member for Torrens referred to the policy speech of the Leader of the Opposition, made on February 18, 1965. Honourable members on the other side of the House have expressed such confidence in the Government this session (as the Notice Paper discloses) that they have moved one or two motions requesting the Government to give effect to items contained in the Government's policy speech. Indeed, they have been able to speak in the House and to read from a copy of the Premier's policy speech. However, I am not in that position, in respect of the Opposition's policy speech, for I have to rely on what the member for Torrens has said, and what is reported in *Hansard* as being the Leader of the Opposition's speech. I do not doubt that the member for Torrens did not correctly quote extracts from that speech. However, all I am saying is that when, for instance, the member for Mitcham (Mr. Millhouse) can move a motion asking the Government to give effect to the Premier's policy speech, he can read from it. I accept the statement by the member for Torrens that this is what the Leader said. The honourable member stated:

Last year the Government received a report from a committee which it had appointed to investigate anomalies in rating assessments. The committee's report has been studied, and particularly a submission which was made by almost all church denominations, relating to the rates and taxes levied on church property. Whilst the committee made no recommendation on these submissions, as such was considered to be outside its terms of reference, it did specifically draw the attention of the Government to the arguments presented on this matter. These arguments appeared to be valid, and, if returned, the Government proposes to amend existing legislation to exempt from rates and taxes not only churches but also residences of ministers of religion owned by churches, and vacant land held by churches for the erection of future churches or ministers' residences. The Government greatly appreciates the work churches are doing, and desires to help their activities in new housing areas.

It will be seen from the policy speech of the Leader of the Opposition that he promised to exempt churches from rates and taxes, also residences of ministers of religion owned by churches, and vacant land held by churches for the erection of future churches or ministers' residences. I draw the attention of the House to the promises contained in the Leader of the Opposition's speech because the member for Torrens then proceeded to quote a speech of the Leader of the Opposition made at Peterborough. He said:

The Hon. Sir Thomas Playford amplified this statement further during the election campaign. A meeting was held at Peterborough on March 1, 1965, and in reply to a question, the Hon. Sir Thomas Playford said:

> "The proposed exemptions would include churches, schools, playgrounds, buildings associated with churches and religious orders, and land held by churches for religious purposes. Income-producing properties owned as an investment would not be subject to the exemption. The remission would apply to water and sewer rates, land tax and council rates. Charges, however, would be made for excess water."

According to this latter statement (which is not the policy speech of February 18), we find that schools and playgrounds, buildings associated with churches and with religious orders, and land held by churches for religious purposes would also be added to the promises contained in the policy speech. The member for Torrens continued:

This was a definite election promise and would have been honoured if the former Government had been returned. It is in consequence of this that I am now moving this motion urging the new Government to take action along the lines promised by Sir Thomas Playford on the occasion to which I have referred.

The member for Torrens had no right to be that confident and to say that an election promise would definitely be honoured by a Liberal Government. I have been associated with many election and by-election campaigns and I have heard the former Premier make all sorts of promises which his Government did not keep. At two election campaigns he promised two separate deep-sea ports. He made all kinds of promises in the district of Gawler during the by-election campaign there. Those promises may have been conditional upon the Liberal Party candidate being returned. He has also promised fishing havens on the West Coast. I think that promise was contained in two policy speeches.

Only yesterday I had the pleasure (or may be it was the displeasure) of hearing the member for Flinders complain that there were insufficient fishing havens on the West Coast. Therefore, it does not naturally follow that simply because this promise regarding church properties was contained in the Leader's policy speech that it would have been implemented if his Party had been elected. I suggest to the member for Torrens or to anybody else who thinks along these lines that, simply because the person delivering a policy speech becomes

the Leader of the Opposition after an election, that does not mean that this House should take that as a reason why it should ask the Government to implement such a promise. This is a different idea of Parliamentary practice from what I have been accustomed to. I always thought the Party elected by the people as the Government implemented its policy in preference to the other Party's policy.

Mr. Jennings: That would be a fairly reasonable assumption.

Mr. LAWN: Yes, it is logical. I always try to be fair and I have tried to be fair to the member for Torrens. I tried to put myself in his position. I believe he was sincere in moving this motion. I came to the conclusion that his Government had been in office for 32 years, the Leader of the Opposition had been Premier in that Government for 27 of those years, and that members on that side had probably been so accustomed to being in Government that they still thought they were in Government and wanted to implement their policy. The member for Mitcham has also tabled motions. The Government must choose between putting into practice the policy speech of the Leader of the Opposition or the policy speech of the Government.

Mr. Hughes: Does the honourable member know whether any of the churches have approached the Government to implement this motion?

Mr. LAWN: I do not know, but at a guess I would say "No". I have discussed this to some extent with some Cabinet Ministers. They knew that I was going to speak in this debate; I spoke to them to get some ideas of what was happening and they left it to me. I think the Ministers would have told me if approaches had been made.

Mr. Coumbe: Does the honourable member agree with the motion or not?

Mr. LAWN: I said at the outset that I did not agree with the motion; I oppose it. I hope that by the time I have finished I shall have given sufficient reasons why. The honourable member did not give any estimate to the House of what this request would cost the Government. On the other hand, the policy the Government presented to the people, which they endorsed, is costing a great sum. One item alone (which has been debated heatedly recently) concerns the increment payments and this is costing the Government over £1,000,000 a year. That was a definite promise contained in the Premier's policy speech, and it has been honoured and is being honoured. The promise of increased teachers' allowances has been honoured and is being honoured; they are costing the Government £224,000 a year. That is the estimated cost, and the estimated cost is usually less than the actual cost.

Mr. Jennings: It is the first time in 10 years that adjustments have been made.

Mr. LAWN: It took a change of Government to bring that about. Concession fares for schoolchildren cost the Government at least £10,000. The Government has not yet given effect to its promise to grant free books to all schoolchildren, and when that is given effect to it will cost a considerable amount of money. The Government has announced that as from July 1, 1966, it will be implementing equal pay, so all our female school teachers will receive a pay increase and that, too, will considerably increase Government expenditure. The extra travel concessions granted to pensioners has cost the Government some money, just how much I do not know.

I feel that this Government is duty bound to the people that elected it to first concentrate upon its own programme. Lest there should be any misunderstanding regarding my opposition to the present motion, I make it clear that I am not suggesting that the request of the honourable member for Torrens may never be given effect to.

Mr. Coumbe: Do you approve the principle?

Mr. LAWN: The honourable member wants to explain—

The Hon. B. H. Teusner: The answer is "No"; that is obvious.

Mr. LAWN: The honourable member should explain why people in these circumstances who live in homes built by the churches are any different from the people who are living in these cottages built by the Housing Trust. They are pensioners—poor people—with no income other than their pensions, and they are similar to the inmates of the homes on whose behalf the honourable member is speaking. I see no difference between them, and at the appropriate time I want to see justice done to all people in similar circumstances. On page 17 of the committee's report the following appears:

Originally the home which provided for 40 inmates or more was so organized that prior to 1962 it was assessed as one occupation on a community basis and was charged a £6 per annum minimum rate for water and £48 per annum for the sewerage service at £1 per W.C. About 1961 the institution acquired additional adjoining land and erected a block of 200 self-contained flats, each of which was assessed as a separate occupancy but was treated as exempt from rates on assessment.

Thereupon the minimum charge for water became £6 per annum for each flat and £1 per annum sewerage charge for each W.C., increasing the total charge by £1,200 per annum for water and £200 for sewerage. The institution bears water and sewerage charges and does not pass them to the tenants.

The honourable member said it was unfortunate that this situation had gone on for a number of years, and I agree with that. Therefore, he was condemning the previous Government, and that may be one of the reasons for the change of Government that occurred at the election. The committee said originally that a home that had 40 inmates was charged as one occupancy on a community basis, but since 1961 there has been an increase. The previous Government was responsible for that increase as from 1961; it took effect in 1962. The honourable member did not raise the matter on the floor of this House at that stage with the then Government, but he is asking this Parliament now to carry a motion asking the incoming Government not only to undo what the previous Government did in 1962 but to completely remove the liability for rates and taxes. On page 18 of the committee's report the following appears:

The committee accordingly recommends—

(*a*) That where a tenement is exempted from rates on assessment on the ground that it is used exclusively for charitable purposes, that tenement shall be charged by measurement for the water actually used therein and shall not be subject to a minimum charge, and

(*b*) That where there is a block of such tenements serviced by the one meter, the charity, as the owner of the block, shall be charged by measurement for all the water actually used through the meter.

The honourable member, in the course of his speech, referred to the £6 and £1 charges. I want to bring the honourable member and the House up to date on this matter, because this Government has made an adjustment since July 1. Under the subsidy scheme, the Commonwealth Government subsidizes the construction of homes for the aged on a £2 for £1 basis to a maximum cost of £2,500 a unit. The methods employed by the organizations to raise their one-third share range from requiring the applicant to pay a capital contribution of the full amount in exchange for a life tenancy to the provision of all moneys by the organization from charitable funds subscribed by the general public or from funds subscribed by the members of the church, lodge, etc. The life tenancy business appears to me to be a gamble. A person with perhaps £1,000 to £1,200, which is the amount required to purchase a life tenancy, has to take a gamble on how long he is going to live; if he thinks he is going to live for a long time it pays him to buy a life tenancy, but if he thinks he is not likely to live very long it is better for him to keep the money and so be able to pass some of it on to his children. I point that out because some of these people say they do not believe in gambling.

Rentals at the home vary from a nominal amount to rentals which cover the total estimated cost of operation, including maintenance. The occupants of pensioners' flats erected under the Commonwealth subsidy scheme are in an identical position to many pensioners or similar aged non-pensioners not occupying a flat or cottage erected under the scheme (and that is the matter I referred to just now in answer to a question), and the amount of charity involved is dependent upon the financial arrangements adopted by each particular organization. This can vary not only between institutions but between cases in the same institution.

In replying just now to the member for Torrens and the member for Angas, I said that there were other people in similar circumstances to the people in these church homes. I draw the attention of those honourable members and others to a statement by their Premier when they were in Government. The Opposition put up a proposal that pensioners should be exempt from council rates. The then Premier, supported by the honourable member for Torrens and the honourable member for Angas, said there were other people besides pensioners in equally necessitous circumstances, and he moved an amendment to provide that all persons in necessitous circumstances could apply to a local government body for suspension of rates. I point out that a council was not obliged to grant such a suspension. What I want to emphasize is that the then Government would not accept our amendment to specifically refer to pensioners; it insisted that it apply to "all those in necessitous circumstances". I point out to honourable members that that is consistent with my reply just now. Not only should people in special homes be considered, but persons in similar circumstances should also be assisted if the Government considers it can grant relief.

The Hon. B. H. Teusner: The honourable member can amend the motion to include that.

Mr. LAWN: If I did, I do not think it would be acceptable. I do not intend to amend it. The honourable member for Enfield moved

an amendment to a motion by the honourable member for Mitcham that the Government should give effect to its policy speech, and members opposite did not like that.

Mr. Hughes: When that policy speech was delivered, was specific mention made that councils should be adequately compensated?

Mr. LAWN: I do not have a copy of the Leader's policy speech, but I am indebted to the honourable member for Torrens for so much of it, as it has been quoted by him and so recorded in *Hansard*.

Mr. Hughes: Did he quote that?

Mr. LAWN: No, he did not refer to the Government's compensating councils.

Mr. Hughes: It couldn't have been there.

Mr. LAWN: Evidently not, otherwise he would have said it. This leads to the question whether it is the charitable organization that should receive financial assistance or whether it is the occupants of such flats. Is it the institute or the occupier? It is questionable whether further preferential treatment over similarly situated pensioners or aged persons elsewhere is justified. A comparison of the charges levied on a subsidized flat or a house valued at £2,500 that could be occupied by a pensioner, and based on the current scale of rates and prices of water, is as follows:

Charitable Institutions.

	Subsidized flat.	Other.		
Value	£2,500	£2,500	0	0
Annual assessed value	£100	£100	0	0
Water	Exempt: £4 min. charge	£7	10	0
Sewer	Exempt: £1 min. charge	£6	5	0

The total payment to the department by charitable institutions would be £5 compared with £13 15s. paid for a similar flat occupied by other people. The rebate allowance for charitable institutions is 27,000 gallons and for others 50,000 gallons. The minimum charge of £4 a year represents a payment of 1s. 6d. a week, which is a small charge for the convenience of having water laid on and for the fire protection that the department's mains afford. The previous Government had 32 years to do what this motion requests, and in fact the committee report, which I have referred to, refers to the additional charges since 1961 which the Government again had three years in which to rectify, and now asks the Labor Government to do five months after having been elected to office.

Churches are exempt from rates and taxes and private schools have a one-quarter rating. If we recommend to the Government to give effect to something contained in the policy speech and we carry the motion, some honourable member may ask that the policy of the Leader of the Opposition as delivered at Peterborough be adopted. That speech goes much further than the policy speech delivered on February 18. I remind the House that if it is to be expected to endorse the policy speech of the Leader of the Opposition, then surely every member must endorse the policy speech of the winning Party—the Party which the people decided they wanted as the Government. This policy provides for a House of Assembly of 56 members, the abolition of the Legislative Council, and pending this, one roll for all Parliamentary elections. I take it that the member for Torrens and other Opposition members who think the same as he does, will all be supporting these measures. For these reasons, I cannot support the motion.

The Hon. G. G. PEARSON (Flinders): I support the motion and express my appreciation that the honourable member for Torrens (Mr. Coumbe) has introduced it. This morning I reread his speech on moving the motion, and I am sure everyone agrees that he did much useful research and placed the matter fairly before the House. For those reasons I do not intend, nor is it necessary, to recapitulate his points. The motion is based on a statement made by the then Premier in his policy speech, which was later amplified at a meeting at Peterborough. The honourable member for Adelaide referred to this addendum at Peterborough as being something of an afterthought and not carrying the full responsibility of a policy speech. I correct that impression, and tell the honourable member and the House that the answer Sir Thomas Playford gave at Peterborough was a considered reply, based on discussions in Cabinet which authorized him to amplify his earlier statement. This probably needed amplification as it may not have been completely explicit on all points. As everyone knows, that is something of a problem with all policy speeches. Because of the time factor and delivery, certain matters have to be referred to briefly, and it becomes necessary—and I think the leaders of both Parties have found it necessary and desirable—to amplify statements by making supplementary statements later in the campaign. I know that the Premier has frequently done that, and that members of his Ministry have done it also. There is no objection to this, for it is necessary, and members of the previous Cabinet made these supplementary statements when

speaking in various parts of the country during the election campaign. However, I point out that in this case (and I presume in the case of the Labor Party) statements made by responsible members of the Party are accepted as being just as binding on the Party as are statements made during the official policy speech.

At least this statement made at Peterborough comes under that category, because it was made by the Leader of the Government; it was a responsible statement, which, as I have said, was considered and approved by Cabinet before it was made. It therefore carried the full weight and effect of part of the original policy of the Government for the election. As the member for Torrens said, the exemptions which previously applied to religious organizations, which still apply, and which he desires to alter, are narrow in their application.

They relate to buildings and/or churches used for public worship (being defined as places where religious services are held at least four times in a year). It is almost only these buildings that are exempt from rating. It is intended to seek to incorporate in the legislation dealing with these matters all church properties that are not revenue-earning. Churches, schools, playgrounds and ovals associated with churches and religious orders, as well as land held by churches for religious purposes which is not income-producing in its own right, should be exempt from rating. It is intended that the remission of rates should be in respect of both water and sewerage, as well as of land tax and local government rates. It will be necessary, of course, to have some safeguards in the provisions, if they are to work equitably. For example, if it should happen that a religious organization purchased land for speculative purposes, and sold that land for a profit, then I think it would be only fair and proper to recover some of the outstanding rates due on that property, if not all of them. In other words, an element of retrospectivity must be considered.

Mr. Quirke: Most of them miss out on those opportunities, though.

The Hon. G. G. PEARSON: I made a similar interjection when the member for Torrens was speaking to the motion, namely that not many churches have the resources, even if they were so inclined, to invest in speculative enterprises. They are mostly fully committed by the financial requirements of their organizations and, unfortunately, I think most of them are aver-committed. It is only by the loyal support that they receive from their members that they are enabled to incur liabilities and still carry through. Safeguards are required on the other side of the picture, too. For example, if we provided that church properties, which have been exempt from rating for many years, should be required under new legislation to be liable for retrospective payment of rates, then what is the position with regard to the old established church, say, in the city of Adelaide, which has for many years enjoyed freedom from rating, and which suddenly has become eligible for retrospectivity?

Churches in Flinders and Pirie Streets, and St. Francis Xavier's Cathedral are extremely valuable properties that would attract heavy rating in the normal way, so that provision would have to be made, so that they were not involved in retrospectivity. I think, too, that safeguards are required in respect of water rates. For example, we cannot provide the right for any church organization to turn on the water tap and to water, say, an oval regardless of the quantity of water used. I believe that all State schools should be metered, in the same way as church schools or private schools, and that the cost of the water at the normal price should be calculated and shown in the books of account of the Education Department.

Mr. Quirke: That usually necessitates two meters.

The Hon. G. G. PEARSON: But these schools do not pay. I believe an accounting should be kept between one department and the other. I believe, too, that the Director and Engineer-in-Chief who supplies this service should be entitled to the financial credit in his department's accounts. I know that this would make no difference to the Government's revenue statement.

Mr. Quirke: It should be recorded.

The Hon. G. G. PEARSON: Yes, and I should think that an appropriate entry on the revenue side should be made in the Engineering and Water Supply Department, and the appropriate debit raised against the Education Department, which would be proper accounting. Not many years ago it was decided that registration fees should be paid for all Government vehicles, not that that brought any more revenue into the Government's accounts, but in this case, of course, it boosted the Roads Fund. Registration fees for Government vehicles are paid to the Registrar of Motor Vehicles in the ordinary way, and much money, of course, automatically goes directly to the Roads Fund. Registration fees are paid also on Tramways

Trust vehicles, and on the vehicles of Government instrumentalities, such as the Electricity Trust. Those fees are a proper debit against the normal operations of those departments and, again, the Roads Fund has been supplemented, providing more expenditure for the roads system of South Australia. By accounting for wasteful watering of, say, school ovals and so on, there would be a useful effect on the economic use of water. At present church properties and charities are not on equal terms as regards rate payments. Church properties such as church schools and homes and so on are not in such a favourable position at present as are the premises that come under the category of charities. The definition of charities by the Engineering and Water Supply Department is fairly rigid but in spite of its apparent clarity and rigidity there are always border-line cases coming up. In my experience as Minister of Works, when such a case arose we always endeavoured to be lenient in the interpretation of the definition. In cases where there was any genuine doubt whether they were or were not in the category defined we always exercised our leniency and included as a charitable organization anything that could reasonably qualify for this provision.

I point out that the motion does not contemplate that the minimum charges should be waived. Minimum water charges are paid by everybody, including charities. I shall not deal with land tax. Everybody was charged the minimum, and I think this is not improper. After all, the Engineer-in-Chief has to provide services and maintain them. It is his responsibility to maintain the service connection from the meter to the main and to provide the meter and the water. Maintenance and service is a heavy charge on the department and has become so heavy that not long ago the Engineer-in-Chief, after a long investigation, recommended to me that from the date of his recommendation all new services and replacement services should be made in copper piping. The cost is very high but the corrosive properties of the soils in many places in the State are such that some services that may cross a one-chain to three-chain road, if they were in galvanized piping, would only last a short time. Bituminized streets would have to be dug up at frequent intervals to replace them. It was therefore decided that copper piping would be economical, and I agreed. I point out that this is notwithstanding the fact that premises are not rated differently. The Engineer-in-Chief is still obligated to maintain and replace these services, and therefore it is not proposed in this motion that these institutions, although exempt from rating, should be exempt from the minimum fee.

I do not think that any of the institutions to be included in the provisions of this motion would expect that those minimum charges should be waived. I believe that there is a strong case for the proposed exemptions. Although the impact on the total revenues received by the Government and by local government would not be very great in terms of a percentage of the total revenue, these exemptions would, nevertheless, represent a substantial and extremely welcome relief to the churches and church schools in individual cases. This would also be particularly advantageous in new areas. Around the metropolitan area and in some country towns in South Australia, housing development has proceeded at such a rate that new suburbs have sprung up almost overnight. The religious bodies, in an endeavour to keep contact with the people of their respective denominations and provide them with the services to which the churches feel they are entitled, have committed themselves extremely heavily in buying parcels of land and erecting buildings (some of them of a temporary nature intended for other purposes later on) in order to establish in these new suburbs some religious centre and a church to which people can go.

It is well known and well understood that the inhabitants of these new areas, encumbered as they are in establishing themselves, in purchasing a new house, and in the cost of perhaps moving to South Australia from some place overseas, are fully committed financially, and are therefore unable to support to the extent necessary the establishment of religious causes in new areas. Therefore, the mother churches in every case have had to come to the rescue. Every denomination that I know of has involved itself heavily in these areas, and it will be many years before these commitments are liquidated. This motion will be of great benefit to people in these areas and will alleviate to some extent the burden on other branches of the churches which are sponsoring the development.

This matter is of even greater moment now that water rating assessments have been increased throughout the State. The new quinquennial land rate has been introduced and this will undoubtedly increase land tax. Thus the burden which is already heavy enough will increase. The constantly increasing value of land owing to changing money values and

increased building charges affects the assessed annual value or the A.A.V., as we affectionately called it in the department. Most of these properties are in the metropolitan area or in country towns and in both places annual values are the basis of rating.

Acceptance of this motion by the Government would be a just recognition by the State of the contribution which religious organizations, as a whole, make towards the maintenance of good order, discipline and the moral standards of the community upon which, after all, the State depends if it is to function as an ordered society. I commend the honourable member for bringing this matter forward. I think it deserves the Government's full attention, particularly as increased charges have been recently imposed for water and probably higher land tax will be evident shortly. I believe this motion would not unduly interfere with the Government's revenue but it would help in providing relief to the individual beneficiaries of the provision. I commend the motion to the House.

Mrs. STEELE secured the adjournment of the debate.

TOWN PLANNING ACT AMENDMENT BILL.

Second reading.

Mr. HALL (Gouger): I move:

That this Bill be now read a second time.

It has been on members' files now for a long time, and in fact it is No. 6 in the file which now has 25 Bills. It has remained in that position because of the pressure of private members' business that has been brought forward on Wednesday afternoons. I have pleasure in moving this second reading because I consider the subject of recreational areas is one in which all members of the House are interested, and I know there is a great deal of public interest in the matter. I have been moved to introduce this Bill because of my involvement with the areas in the southern part of the district of Gouger and the need that I can see (and it has been brought to my notice) for sufficient recreational areas to be obtained from subdivisions as they are made. Over the last few years the Town Planning Report has focused attention upon the need for sufficient recreational areas. In the Town Planning Report presented to this Parliament, proposals were included for a Metropolitan Parks Authority, and this has become a topic referred to often lately by the Attorney-General, the Minister in charge of town planning.

The history of recreational areas is that the previous Government increased the provision of these areas by several specific actions that it took. Several years ago it raised the requirement of subdividers to provide recreational land from 5 per cent of a subdivision to 10 per cent, a move which I believe was hailed by most people in this State. In addition, it set up a scheme whereby purchases of recreational land by local government bodies could be subsidized by the Government. That is provided under an Act which I think is called the Public Parks Act, and it has been availed of by a number of councils. Past action in this matter is perhaps best outlined if I read a letter from the Town Planner to Mr. March, who was then the Open Space Project Co-ordinator, South Australian Junior Chamber of Commerce. That letter, which was included in a project conducted by the Chamber, is as follows:

As you are aware, the Town Planning Committee in its report to the State Government of South Australia on the metropolitan area of Adelaide recommended that an additional 7,600 acres of land would be needed to serve the outdoor recreational needs of the year 1991 metropolitan population of 1,384,000. In order to facilitate the acquisition of the larger metropolitan open spaces, the committee recommended the establishment of a Metropolitan Parks Authority. Parliament has not so far brought down the necessary legislation to implement such a proposal. However, it is noteworthy that the amount of money spent by the Government in the three years 1961 to 1963 in subsidizing the acquisition of open spaces by local councils throughout the State was nearly three times as much as the amount spent in the previous 14 years. Furthermore, this year a policy of requiring 10 per cent of the subdividable land to be set aside for recreational purposes in subdivisions instead of only 5 per cent has been introduced. This policy applies throughout the State.

That letter was dated September, 1964. Therefore, it was only last year that the 10 per cent requirement instead of 5 per cent became operative. The Attorney-General is himself involved in the matter of the Metropolitan Parks Authority. I believe, Mr. Speaker, that something must be done in the way of acquiring land before it is lost to posterity as a result of development. However, I believe that a settlement of the means by which this land will be acquired is still some time distant. We see in today's newspaper that the City Council is objecting to providing more finance for open spaces. Today's *Advertiser* states:

Adelaide ratepayers already carried a huge burden in maintaining parklands for the benefit of people throughout the State, the Lord

Mayor (Mr. Irwin) said yesterday. They should be excluded from any contributory plan for acquiring land in the metropolitan area for recreational space.

Several other councils to my knowledge have objected to contributing towards such a scheme. I am not taking their side on this issue. I raise this point simply to show that it will be some time before we reach a suitable agreement whereby money can be raised to acquire any large-scale amounts of recreational land. Therefore, I believe it is up to us to obtain what we can at the present time. One of the means by which we can acquire additional land quickly is to increase the amount required of a subdivider from 10 per cent to 15 per cent. The Town and Country Planning Association of South Australia has involved itself, of course, as it should, in this matter of recreational areas. I was privileged to attend one of its meetings a few weeks ago at which the Attorney-General addressed the gathering on some of his ideas on town planning. After that I explained to the meeting the purposes of my intention through this Bill, and the meeting then passed a unanimous resolution that it would support this move to increase the provision from 10 per cent to 15 per cent. A few statistics taken from the Town Planning Committee's report and also some from the association's own sources make interesting reading. The association lists the following points to illustrate the need for urgent action:

South Australia's under-25 population increased 36.4 per cent between 1954 and 1961. This age group represented 46 per cent of the total population in 1961. Since 1900 the working week has dropped from 70 hours to 40 hours. America's conservation estimate of its needs for national park and reservation lands is 20 acres per 1,000 people. The Town Planner's standard for Adelaide is 12½ acres per 1,000 people for small local open spaces and minor and major district open spaces plus 10 acres per 1,000 people for regional open spaces. From 1954-58 Adelaide's population increased by 70,000. According to the Town Planner's standard some 875 acres of additional space should have been acquired for local and district open space. The actual increase was only 143 acres. From 1954-64 the Adelaide population increased by 125,000, and 2,500 acres should have been acquired. The actual increase was 680 acres. The Adelaide region should have a population of over 1,000,000 in 1981, and therefore would need 12,500 acres excluding regional open space needs. In 1964 only 8,792 acres were available from Gawler to Willunga. There were only 7,449 acres of regional reserve, so that at least another 1,800 acres are wanted to maintain the standard for 1981.

The Public Parks Act provides that land can be acquired by councils assisted by a Government subsidy. Since the Town Planner's Report was presented to Parliament a move is afoot to set up a metropolitan parks authority, but, no doubt, it will be some time before this operates. Meanwhile, land can be acquired when a subdivision is approved. It may be argued that the provision of more recreational land from subdivisions will increase the cost of blocks of land. I hope this will not occur, and that subdividers will not resort to this. When the 5 per cent requirement for recreational land existed, the minimum size of a block was 7,500 sq. ft. Subsequently, this size was reduced to 6,000 sq. ft. although in practice the minimum size is about 6,300 sq. ft. If the increase to 15 per cent were allowed, as more blocks would be available because of this practical minimum of 6,300 sq. ft., the same or more land would be available as was required when the 5 per cent operated. That answers any criticism that the price of blocks would be higher. A provision is included in the Bill whereby councils can accept money in lieu of land, as long as proper safeguards are observed, and that the money is banked and used to acquire land in more suitable areas. I have spoken to councillors about this need. In a small subdivision the recreational land to be provided under the present regulations may be no larger than an acre or two and does not provide a useful space for the community. If there were four or five subdivisions, and if a council had power to aggregate these areas so that it could accept money instead of land, at a suitable time and after approval by the Town Planner the council could purchase a piece of land equal to the aggregated area so that proper recreational and gardening facilities could be placed on it and the district would greatly benefit. Clause 3 is the relevant clause. I could not obtain the service of the Parliamentary Draftsman: I am not critical of this. If honourable members find the drafting not exactly to their liking, this is probably the reason. When we were in Government I found that when I went to the Parliamentary Draftsman early in the session he was too busy with Government business. It is the same today. If members can improve the drafting I shall welcome their assistance. One of my legal friends (and not the member for Mitcham) looked at the drafting and improved it somewhat, but no doubt room exists for further improvement.

Mr. Hudson: You agree that your legal friend has some expertise?

Mr. HALL: My legal friend said he was not a draftsman and did not have much time to

consider this Bill. No-one will argue that the areas provided in this Bill are not necessary, and this is a means by which we can get them. Schemes are afoot for acquiring land and I hope they are successful, but I am sure plans will not reach fruition overnight, and it may be some time before metropolitan area councils agree to an overall parks authority. We should be able to obtain legitimately what is required now, without affecting subdividers, by setting out what I believe can be provided. Section 12a(1)(j) of the Town Planning Act states:

That the plan provides for reasonably adequate reserves for public gardens and public reserves having regard to the existing reserves which will be available for the use of persons residing on the land subdivided by the plan.

That shall be provided at the discretion of the Town Planner. Regulation 63 under the Town Planning Act states:

The Town Planner may also withhold approval to a plan if it does not provide for reasonably adequate reserves for public gardens and public recreation, having regard to the existing reserves which will be available for the use of persons residing on the land subdivided by the plan.

I understand that it will create no hardship or inconvenience to have this matter clearly laid down in the Act, and that is what I am trying to do. Through my association with the Para Hills area, I have become involved in trying to establish a licensed club. We have had a good look at the area, and I have been the member of a subcommittee investigating the matter. However, we have found some difficulty in obtaining land adjacent to a reasonably sited and sufficiently large reserve. Although large water reserves exist in the area, the land is not suitable for recreational purposes.

Mr. Ryan: You would have difficulty in licensing a club, too, under the present set-up.

Mr. HALL: I believe that that would not be a difficulty in Para Hills, where most of the residents concerned are in favour of a licence, and where the matter is in their hands. Indeed, I believe the licence will be issued. This search for a suitable site has really focused my attention on the need for a larger area that can be chosen by the local government body to suit the needs of the district. Therefore, I commend the Bill to the House. I should appreciate any assistance in the drafting of the Bill, although I should like to see its two main intentions left intact, namely, that 15 per cent of subdivisions be reserved as recreational areas, plus the right of aggregation of recreational reserves by local government bodies. I support the second reading.

Mr. JENNINGS secured the adjournment of the debate.

PROHIBITION OF PREFERENCE AND DISCRIMINATION IN EMPLOYMENT BILL.

Second reading.

Mr. MILLHOUSE (Mitcham): I move:

That this Bill be now read a second time.

My intention to introduce it stems from the discovery three weeks ago of the policy of preference to unionists adopted by the present Government. This policy, as was admitted by the Premier on August 5, is set out in Industrial Instruction No. 118 issued by the Public Service Commissioner and dated July 19, 1965. It is to the effect that preference should be given to unionists in engagement for Government jobs and that present employees who are not unionists should be "encouraged" to join appropriate unions. Apparently the Government itself was rather doubtful about putting the policy into effect because it is hard to avoid concluding that a deliberate attempt was made to conceal its action from this House.

I remind members of the question which I asked the Premier on Tuesday, August 3, and the answer which I received. My question was:

Yesterday, I was speaking to a member of the Public Service who told me that a report was circulating in the Public Service that the Government intended to introduce what I suppose we can sum up in the phrase "compulsory unionism" in the Public Service, by giving preference in promotion to members of the Public Service Association. Can the Premier say whether there is any truth in this rumour and, if there is, what provisions the Government has in mind?

To which the Premier replied:

I consider that the honourable member is better informed than I am, as I have no knowledge of this matter.

Two days later the Premier, when I asked him another question and read out the industrial instruction, said that his hearing had been at fault. Arising out of this latter answer the following points came to mind: (1) *Hansard* heard my question and recorded it accurately. It is strange that the Premier could not hear equally as well. (2) I wonder what the Premier thought I had asked him. What question did he think he was answering? (3) I understand that *Hansard* is checked in Ministers' offices the following day. The mistake made by the Premier in answering my question would have been discovered, therefore, on the morning

of Wednesday, August 4. This gave the Premier, upon being prompted by his officers, an opportunity to correct his mistake on that day either with me personally, if he could bring himself to speak to me, or in the House. Alternatively, at any time any of the other Ministers could have prompted the Premier to correct his mistake. No such correction was volunteered.

The inference is irresistible, that for reasons best known to himself and maybe to other members of the Government as well, the Premier, did not want to make this policy publicly known. He attempted, rather clumsily, to conceal it. It was precisely because such an inference was drawn that I was given a photostat of the industrial instruction. I was telephoned on the Thursday morning and informed that I had been misled by the Premier. I received the photostat later that morning. On the other hand, the attempt to put into effect the policy of preference to unions should not surprise anyone. After all, "preference to unionists" is set out in those words in the State Platform of the Australian Labor Party, even though it was not mentioned in the A.L.P. policy speech before the last election.

The Hon. B. H. Teusner: Has anything been said over television?

Mr. MILLHOUSE: I do not know about that. However, I entirely disagree with that policy. I believe, and think all members on this side of the House share my belief, in the greatest degree of freedom for the individual. Personal liberties should be guarded and preserved. I do not believe, therefore, that anyone should be obliged to join or coerced into joining an association. The decision to join or not to join should be entirely a personal one. No-one should be compelled to do so against his will. Membership of a trade union or any other like association should be voluntary. In practice, pressure of one kind or another may be put on the individual to join associations but this pressure is no excuse for creating an obligation by law to join, nor for the Government to embark on preference as a deliberate act of policy. Joining a trade union or other association is only voluntary when an employee is neither preferred nor discriminated against because of membership. What is known as "compulsory unionism" obliges an employee to join a trade union irrespective of his desires. Otherwise he cannot earn his living.

Preference to unionists (the now discovered policy of the Government) in my view has in the long run the same result. Indeed, this very matter was originally mentioned to me by a member of the Public Service who is not a member of the Public Service Association, does not want to join, and is fearful of being obliged to join because of pressure on him. Apart from such considerations of principle, there is a severely practical side to obliging persons to join trade unions. The funds of the Australian Labor Party are augmented through the contributions made by affiliated unions. I have no doubt that this has not been forgotten by the Government in adopting its present policy. I am fortified in what I have said by the second part of Article 20 of the Universal Declaration of Human Rights. Article 20 is as follows:

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No-one may be compelled to belong to an association.

I support wholeheartedly both parts. I believe that all members of this House would subscribe to the Universal Declaration of Human Rights. I am sure that I have heard it referred to with approval in this Chamber by members opposite, notably by the present Attorney-General. Yet the present policy is quite contrary to article 20 (2). It ill becomes the Government to try to enforce a policy contrary to a declaration which its own members say they support and which is so widely accepted throughout the world.

I also remind the House that the South Australian Industrial Code forbids the inclusion of preference in any order or award. Section 21 (1) (*e*) gives the court power to make any award or order and to include anything which the court thinks necessary or expedient with the following proviso:

Provided that the court shall not have power to order or direct that, as between members of associations of employers or employees and other persons offering or desiring service or employment at the same time, preference shall in any circumstances or manner be given to members of such association or to persons who are not members thereof.

Section 122 (1) reads:

No employer shall dismiss any employee from his employment or injure him in his employment by reason merely of the fact that the employee—

(*a*) is an officer or member of an association;

(*b*) is not a member of an association; or

(*c*) is entitled to the benefit of an award or order of the court, an industrial agreement, a determination of a board, or an agreement under section 98 of this Act.

Penalty: Fifty pounds.

Subsection (2) goes further and provides that the onus of disproving an offence shall lie on the employer. I understand that when

the amendments to the Code were being discussed prior to the introduction of the amending bill in 1963, union representatives were most anxious to give the court power to grant preference. Such a provision was not included and the provisions to which I have referred remained. They remain for the very good reason that they express the view of the majority in the community. If the Government does not believe this then why does it not follow the open course of introducing legislation to repeal these provisions and to give power to grant preference? Instead it has taken the underhand method of bringing in preference through this Industrial Instruction which it then tried to conceal.

I turn now to the details of the Bill. It is short and simple. Its aim is summed up in the long title—"to prohibit preference and discrimination in employment." Members will notice that it is wider in scope than the provisions in the Industrial Code to which I have referred, although some of the wording is co-incidentally similar. I have not found it easy to draw specific provisions. The aim is, in effect, to prevent a negative, and it is never easy to achieve this. Even so I have avoided including a provision reversing the onus of proof such as is contained in section 122 (2) of the Industrial Code to which I have referred.

In drawing the Bill I have had in mind Industrial Instruction No. 118. I believe that the terms of the Bill are at least sufficient to negate that instruction. Members will also notice that the Bill includes terms which are broader than those merely dealing with preference to members of trade unions and other associations. The fashion in this State recently seems to be to emphasize that there shall be no preference or discrimination on grounds of race and colour. I wholeheartedly agree that there should not be any such preference or discrimination although I doubt whether in our community this needs much emphasis. However, I have included a prohibition of preference and discrimination on the grounds of a person's race or colour to give the Bill an irresistible attraction to members of the Government even though other provisions may be against Government policy.

Clause 1 sets out the short title. Clause 2 contains definitions. The definition of "association" follows that in section 5 (1) of the Industrial Code. The definition of "employee" follows the wording in section 6 (1) of the Public Service Act. The latter definition is inserted to emphasize that the Bill is intended to prohibit preference and discrimination both in the Public Service and amongst all Government employees as well as in employment generally. Clauses 3 and 4 both begin by excepting the operation of any Act or law of the Commonwealth or any order or award made thereunder. Even though forbidden under the law of this State there are provisions in Commonwealth legislation for preference and I understand that in one industry at least (on the waterfront) union preference is an essential part of the present system. Even though I hold the views on preference which I have expressed, I do not desire to precipitate a clash between State and Commonwealth legislation nor to interfere with any established system of work. That is why I have included this exception.

Clause 3 prohibits preference in the appointment or employment of any person and in the promotion of any employee by reason only of the fact that such a person or employee is or is not a member of an association or has refused to become a member and because of his race or colour. Clause 4 prohibits discrimination by prohibiting dismissal or alteration or other injury in his employment of an employee on the same grounds. Clause 5 provides that any act in contravention of clauses 3 or 4 shall be void and of no effect. This provision would nullify, I believe, the Industrial Instruction of July 19 embodying the present Government policy.

Clause 6 makes any contravention of the Act an offence punishable summarily and provides for a penalty of up to £100. Clause 7 makes the Act binding upon the Crown except as to prosecution and penalty. I believe that the principles promoting the Bill are just and fair. I believe they are supported by the great weight of opinion in this State. I believe they should be accepted without hesitation by all members. I also hope that the provisions of the Bill, as I have drawn them, are sufficient to safegard the principles I have mentioned. I therefore commend the Bill to the consideration of the House.

Mr. HURST secured the adjournment of the debate.

OFF-COURSE BETTING.

Adjourned debate on the motion of Mr. Casey:

That in the opinion of this House, a Bill should be introduced by the Government this session to make provision for off-course betting on racecourse totalizators, similar to the scheme in operation in Victoria,

which Mr. Hughes had moved to amend by leaving out all words after the word "House" and inserting in lieu thereof the following words:

any Act passed to make provision for off-course betting on racecourse totalizators should not come into operation until it has been approved by the electors at a referendum,

and which Mr. Millhouse had also moved to amend by leaving out the words "this session" and by leaving out all the words after the word "totalizators" with a view to inserting in lieu thereof the words "so that this matter may be properly considered by Parliament".

(Continued from August 18. Page 1112.)

Mr. JENNINGS (Enfield): I support the motion, and I do so unashamedly. There has been quite a bit of argument around the lobbies about this matter by members on both sides. I am not going to take up the time of the House for very long because I am not greatly interested in this matter. I believe I may be the only member of this House who has never had a bet. I have no interest in gambling. I go to the races occasionally; I have been reported as saying that I go one and a half times a year, which means thrice in two years. I do not particularly enjoy racing, because I know that the people who go there always have to wait until the numbers go up to find out which horse won the race anyway. I also know that most of them do not go there to see the races; they go there purely for gambling purposes.

Mr. Hughes: Sometimes they go to see the horses run.

Mr. JENNINGS: Half the time they cannot see them. Being a non-gambler, I can talk about this matter dispassionately, and I register some protest about the letters and circulars with which members have been flooded. My letterbox has been cluttered up with these things. I do not deny for one moment the right of any person in the world to write to his member of Parliament, but when members get stereotyped circulars that are sent to the wrong person it is a reflection on the people sending them. For example, I received a circular with a covering note that said, I think, that 15 signatures had been sent to the honourable member for Klemzig, Mr. Coumbe. As we all know, Mr. Coumbe is not the member for Klemzig. We also know that there is no such district as Klemzig, although there is a Klemzig subdivision in my district. I could perhaps pardon this if it had not been soon after the election, and surely most of these people must have voted soon before I received this circular. When I was much younger, petitions relating to bank nationalization were available at every bank, and I signed them as Robert Gordon Menzies, Donald Bradman, and Darby Munro. The people who placed these petitions in the banks would have gone to the Government and said they had 100,000 signatures. Unfortunately, many people will sign anything put up to them just to avoid the nuisance value of it.

Mr. Clark: That would apply to both sides.

Mr. JENNINGS: Of course.

Mr. Quirke: Sometimes the same signatures are on both petitions.

Mr. JENNINGS: That is so. Once again proclaiming my virtue as a non-gambler (I cannot parade any other virtues; if I wanted to do so, I would have to do it in a place where I was not so well-known), if I wanted an illegal bet I think I could get one in a five-minute walk from this House.

Mr. Quirke: Yes, and at five different places.

Mr. JENNINGS: I do not think that is an exaggeration. However, I am not interested in the matter. I have taken a ticket in a raffle at a school fete.

The Hon. C. D. Hutchens: What made you take it?

Mr. JENNINGS: I opened the fete and then had to draw a ticket out of a hat. I made a few remarks that I thought were appropriate about lawmakers not being law-breakers, and then drew out my own name.

Mr. Quirke: And then gave the trophy back.

Mr. JENNINGS: I had to do so in the circumstances, and I did not particularly like the idea because it was a prize that I would have valued. I think it is better to legalize this business than to leave it as it is.

Mr. Hughes: Would you stamp it out?

Mr. JENNINGS: I do not think it can be stamped out; I do not think it has ever been shown or proved that it can be. If I went to Wallaroo—

Mr. Hughes: It is a good place.

Mr. JENNINGS: Yes, I spent three weeks there.

Mr. Hudson: You would have been busy getting away from the dogs.

Mr. JENNINGS: I was bitten three times, but I spent three pleasant weeks there.

Mr. Hughes: And profitable, too!

Mr. JENNINGS: Yes, in that we returned the right member, except that I think he is misguided on this subject.

The Hon. B. H. Teusner: He may be right this time.

Mr. JENNINGS: I do not think he has the numbers, and that is what counts. If I went to Wallaroo I am sure I could get a bet on within five minutes. The honourable member for the district knows that himself.

Mr. Millhouse: Where would you go?

Mr. JENNINGS: I would go to the closest pub. The Hon. Mr. Pearson, the member for Flinders, made quite a good contribution to this debate, even though I do not agree with what he said. I believe that he raised something that is in our minds, and that is that if legalizing betting will foster betting he is very much opposed to it. If I could agree that legalizing betting would foster it, I would be opposed to it myself, and I tell the honourable member for Wallaroo that; but I have seen no evidence anywhere that it would. I think it has been very clearly shown that illegal betting has greatly decreased since T.A.B. systems have been law in other States.

Mr. Shannon: What about the moral aspect of legal betting as opposed to illegal betting; which is worse?

Mr. JENNINGS: I do not think there is any morality involved in this.

Mr. Shannon: Then we need not worry about it.

Mr. JENNINGS: The honourable member can have his own view, but I do not think there is any morality involved. I know many people whom I consider to be stalwarts of the State (if the honourable member will accept that term) and who have no hesitation whatever in making it quite public that they have a bet, and why shouldn't they if they want to?

Mr. Shannon: And it is a sin, of course, if they bet illegally!

Mr. Quirke: It is just unlawful; that's the difference.

Mr. JENNINGS: The remarks of the member for Onkaparinga are pretty stupid. We have got strange bedfellows.

Mr. Ryan: Is it easier to back a winner on the T.A.B. than it is under the present system?

Mr. JENNINGS: I do not know. I went to the races once (I did not have a bet, as I have already said) with a former member of this House (unfortunately, he is now deceased) who had all the information under the sun. We had turkey for lunch; we were in the committee room, and in fact I think that is the only reason I went. As we came down the stairs from the committee room my friend (who was a friend of most members in this Chamber and who had every kind of advice under the sun) said, "I do not know what to do." I said, "We have had turkey for lunch; why not back Miss Turkey", and that was the only winner he backed all day.

Mr. Hughes: Have you ever been to the Kadina races?

Mr. JENNINGS: No, every time I have been to Kadina I have been there to talk to and meet the member for Wallaroo. I am absolutely—

Mr. Shannon: Undecided.

Mr. JENNINGS: No, I am not undecided; I made that perfectly clear. I think the honourable member for Frome presented a good case, but that a good case is presented against him, too. I think the Leader of the Opposition and his lieutenant, the member for Flinders, said it was a kite-flying stunt. Then the bloke who has now been promoted to chief hatchet man for the Opposition (the member for Mitcham) said that he realized that it was not, because he looked over here and saw the startled countenances. They cannot have it both ways. I personally think that the member for Frome has done a service to this House and to the State by seeking an expression of Parliament about a matter that is important to the State, although it is not terribly important to me. What we have noticed is that the ex-Premier skirted around this with consummate artistry for about three years, and we still do not know what he would have done or what he would not have done. I am prepared to vote for the motion quite unadorned, just as it is, and not clutter it up with any of these other things. I support the motion.

Mr. RODDA secured the adjournment of the debate.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

HAWKERS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

REFERENDUM (STATE LOTTERIES) BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to provide for the taking of a compulsory referendum on the question of State lotteries, a subject of much discussion during recent months on which strong opinions are held by various sections of the community. The Government has decided as a matter of policy that the question should be submitted to the electors so that an indication of the views of the people at large can be obtained.

The Bill deals only with this question and provides only for a referendum on the specific issue that is spelled out in clause 4. The question to be submitted to the electors is, "Are you in favour of the promotion and conduct of lotteries by or under the authority of the Government of the State?" The general design of the Bill is to adopt or adapt the general provisions of the Electoral Act for the purposes of the referendum and, therefore, it will be unnecessary for me to say a great deal by way of explanation of the several clauses.

Clause 3 of the Bill provides for the issue by the Governor of a writ as soon as practicable after the commencement of the Bill for the submission of the question set out in clause 4 to the electors (defined by clause 2 as the electors for the House of Assembly). Clause 5 is a machinery clause. Clause 6 provides that only qualified Assembly electors may vote. Clause 7, which is modelled on the lines of the Commonwealth Act relating to constitutional alteration referenda and other similar Statutes, provides for the application to the referendum of those provisions of the Electoral Act that can be applied in relation to it. Sections 8, 10 and 38 of the Electoral Act are purely machinery provisions. Part X deals with voting by post, Part XI with the polling, Part XII with the scrutiny, and Part XV with offences. From these Parts have been excepted such sections as either are totally inapplicable or have references such as references to candidates that could not be applied in relation to a referendum. Clause 7 also applies to the referendum sections 198 and 199 of the Electoral Act concerning regulations and exemption of declarations under the Electoral Act from stamp duty. Clause 8 provides for the taking of a vote on the day appointed by the writ, and also that each elector shall vote only once. Clause 9 provides that polling places under the Electoral Act shall be polling places for the referendum. Clause 10 and part of the Schedule provide for the form of the ballot-papers, which will set out the question with two squares marked "Yes" and "No", the voter being required to place the number "1" in the square indicating his vote (clause 11). Clause 12 provides that only certain persons may be present at the poll. Clauses 13 and 14 provide for the closing of the rolls as at August 30, 1965. Clause 15 provides for compulsory voting. This clause substantially follows section 118a of the Electoral Act, and has been reproduced with an additional paragraph (*c*) in subclause (4) to provide that the Returning Officer for the State need not send a notification to an elector who had failed to vote if he were satisfied of his own knowledge or from inquiries that the elector had a valid reason for not voting—for example, illness, old age, etc.

Clause 16 sets out the grounds on which ballot-papers may be rejected for informality. This corresponds with section 123 of the Electoral Act which could not be incorporated by direct reference under clause 7. Clause 17 provides for the scrutiny and is purely a machinery clause. Likewise clause 18, providing for the return of the writ, is a machinery clause. Clause 19 provides for the return of the writ before the receipt of all ballot-papers if the Returning Officer for the State is satisfied that votes recorded on ballot-papers issued at some remote polling place or as postal votes and not received by him, could not possibly affect the result of the referendum. Clause 20 provides for a recount. Clauses 21 to 27 inclusive reproduce, with the necessary modifications, those provisions of the Electoral Act which deal with bribery and illegal practices. Likewise clauses 28 and 29 deal with posters relating to the referendum in terms similar to those of the Electoral Act. Clauses 30 and 31 deal with proceedings for offences. Clause 32 provides for the making of any necessary regulations, and clause 33 makes the usual financial provision.

The overall effect of the Bill is to provide for the application to the referendum of such of the machinery provisions of the Electoral Act as will be required. The policy of the Labor Party is to hold a referendum for a lottery. If the referendum is submitted to the people of South Australia and defeated, the Government will accept the decision of the electors. If the referendum is successful, the Government will introduce another Bill to establish a lottery. Speaking for this side of the House, that Bill can be debated as social legislation.

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

TRAVELLING STOCK RESERVE: HUNDRED OF WALLOWAY.

Adjourned debate on the motion of the Hon. G. A. Bywaters:

That the portion of the travelling stock reserve, south of section 294, hundred of Walloway, and now numbered sections 340 and 341, hundred of Walloway, shown on the plan laid before Parliament on November 12, 1963, be resumed in terms of section 136 of the Pastoral

Act, 1936-1960, for the purpose of being dealt with as Crown lands.

(Continued from August 12. Page 1001.)

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): Members on this side do not object to this simple motion. This land is desired by the local authority for certain purposes and I believe it can be ceded to that authority for those purposes without Parliament's objecting. I understand, however, that the Government, at considerable expense, has established a bore on the part to be ceded, and I believe it would be a mistake to alienate a part of the town water supply from the Engineering and Water Supply Department. In this country it is not easy to obtain suitable sites for boring, and recently the water obtained throughout the area generally has not been of good qualiy. Indeed, I understand that this bore does not give good quality water and that the water is used only in an emergency rather than as a normal day-to-day supply.

Subject to the Minister's assuring members that the bore site and the necessary right-of-way to maintain the bore site will not be alienated, there is no objection whatever to the motion. In such townships as there are in this area it is the duty of the Government and of this Parliament to see that any water supplies that can be made available are made available freely for sporting and other activities. I understand that one such activity in this area is the community swimming pool. Although I believe it is desirable for the department to retain control of the bore, I do not say that the local committee should be prevented from using the water if it can be spared. With these qualifications, I offer no opposition to the motion.

The Hon. G. A. BYWATERS (Minister of Lands): I thank the Leader for his comments. I mentioned this matter to him the other evening, and subsequently to the member for the district concerned. Following the suggestion just outlined by the Leader, I sought to clarify the position, and contacted the member for the district. It has now been established that the bore will be separated from the rest of the area, and the Leader has correctly outlined the situation. The area concerned is a travelling stock route of a little over six acres, and contains a bore as well as a swimming pool (placed there despite the fact that it is a travelling stock route). The swimming pool and adjacent area will be used for community purposes, and the bore will be treated separately. The whole area, of course, reverts to Crown lands, and, of course, people wishing to use the swimming pool may do so. The bore will remain the property of the Government, and water will be made available for the people in that locality (including, I presume, the people operating the swimming pool).

Mr. Quirke: What is the charge on the water used in the swimming pool?

The Hon. G. A. BYWATERS: I am not aware, and that would probably be outside my department. However, the Engineering and Water Supply Department is responsible for supplying some of the water to the town. I took this matter up with the Surveyor-General who assured me that what the Leader has suggested will, in fact, take place, and I appreciate the Opposition's approach to this matter.

Motion carried.

PETROLEUM PRODUCTS SUBSIDY BILL.

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to subsidize the distribution of certain petroleum products in certain country areas and to provide for matters incidental thereto. Read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

In pursuance of an arrangement between the Commonwealth Government and the States the Commonwealth Government recently introduced legislation [States Grants (Petroleum Products) Act, 1965] to provide for payments to be made to the States as part of a scheme to enable it to subsidize sales of certain petroleum products in country areas by oil companies and certain other distributors. This State, in pursuance of the arrangement referred to, now proposes the present Bill as a complement to the Commonwealth Act. It gives effect to the Commonwealth scheme and facilitates out of the grants made to the State the payment to distributors registered under the scheme. The subsidy scheme will, it is hoped, come into effect throughout Australia by October 1, 1965, by which time it is expected that legislation similar to this will have been passed in the other States.

The subsidy scheme will apply to motor spirit, power kerosene, automotive distillate, aviation gasoline and aviation turbine fuel, all of which are directly used in transport. The sales to be subsidized are, in general, those made at specified country locations in the State, which on June 30, 1964 were recognized distribution points at which the wholesale price was more than 4d. above the wholesale price

in Adelaide—the reason for the differential in the wholesale prices being due to the additional element of transport costs being included in the price of petroleum products to users in country areas. The areas in South Australia where subsidies will be paid are the whole of Kangaroo Island, north and western Eyre Peninsula including Kimba and Streaky Bay, all of the Far West, and Far North and North-East around to Cockburn, and the pastoral country from Cockburn down towards, but not including areas along the Murray River. A provisional schedule of towns and centres has been issued by the Department of Trade and Customs, together with the amounts of subsidies.

In South Australia, a subsidy will be paid on eligible products for sales to towns and centres as follows:

Product.	Number of Centres.	Range of Subsidy.
Motor spirit (standard and premium)	186	From ½d. to 24d. a gallon
Power kerosene	198	From ½d. to 25d. a gallon
Distillate	179	From ½d. to 25d. a gallon
Aviation gasoline	28	From 1d. to 31d. a gallon
Aviation turbine kerosene	6	From ½d. to 8d. a gallon

Of a total of 467 sidings, townships and pastoral properties submitted by the oil industry and not listed in the present freight differential schedule, all railway sidings and additional townships on Eyre Peninsula and Kangaroo Island have been included in the provisional schedule of subsidies issued by the Department of Customs and Excise. The balance of about 350 pastoral properties that should qualify for a subsidy have not been accepted and, at this time, it appears unlikely that they will be before the legislation is due to be introduced. The Commonwealth will accept them if the proprietor is appointed an agent by contractual agreement. There are few, if any, of these properties in South Australia where the oil industry would agree to the appointment of an agency. The oil industry is at present attempting to find ways and means to provide for this situation. The result will be that, until a solution is found, there will be many pastoral properties in South Australia's Far North where the price of motor spirit will be considerably more than 4d. a gallon above Adelaide prices. Some examples are:

	Present cost of transportation per gallon.	Cost of transportation to railhead only 4d. gallon.	Excess still over capital city price.
Clifton Hills	27½d.	Subsidy to Marree	6½d.	21d.
Mount Irwin	22½d.	Subsidy to Abminga	11½d.	11d.
Everard Park	30d.	Subsidy to Oodnadatta	10½d.	19½d.
Commonwealth Hill	16d.	Subsidy to Malboona	6½d.	9½d.

The above examples show the cost above city prices to some of the more distant stations instead of the 4d. originally promised. The Commonwealth Government does not propose to deal with the special position of excess resellers' margins in particular localities; this relates mainly to the position in Western Australia and Queensland, where some resellers in remote localities sell at a price that allows a margin considerably in excess of the normal margin allowed in the various States to compensate for small gallonage.

In South Australia there are very few of these localities (for example, Andamooka, Coober Pedy and Kingoonya) where the retail prices now charged at these centres exceed 4s. a gallon for standard grade and range up to 5s. 6d. a gallon for super grade, and provide for a reseller's margin of about 10d. a gallon, as against 5d. and 5¾d. a gallon allowed for standard and premium grades respectively.

By clause 3 (2), the Commonwealth Minister, who is the Minister of State for Customs and Excise, has power to decide whether a particular petroleum product is an eligible petroleum product or not within the definition of "eligible petroleum products" in clause 3. Clause 4 provides for the calculation of the subsidy payable to registered distributors of eligible petroleum products ascertained in

accordance with the scheme. The rates of subsidy are set out in a schedule which the Commonwealth Act provides shall be gazetted. Clause 5 enables the Commonwealth Minister to make advances on account of payments made under the scheme to a registered distributor of eligible petroleum products, subject to such terms and conditions as he thinks fit. By clause 6 the Minister may appoint persons to be authorized officers for the purposes of the Act, and such officer may be an officer of the Commonwealth. It is intended that authorized officers will be officers of the Commonwealth Department of Customs and Excise.

Clauses 7 to 12 contain machinery provisions of the kind normally incorporated in a Bill of this nature. They provide for such matters as the lodging of claims by registered distributors, the issue of certificates by authorized officers and for payments thereon as well as certain safeguarding provisions dealing with overpayments, preservation of accounts, stock-taking inspection of accounts, etc., taking of copies and extracts from such accounts, etc., and requiring production of documents. Clause 13 is a penalty provision which lays down a maximum fine of £50 for offences against the Act including offences for failing to produce any account, book or document, and obtaining a payment by fraud or falsification of accounts. Clause 14 enables the Minister to delegate all or any of his powers. Clause 15 is an appropriation provision which provides for the payment of moneys paid by the Commonwealth to be paid into a trust account at the Treasury and authorizes the Treasurer to appropriate from this account any moneys required to be paid in accordance with this Act. Clause 16 provides that all offences shall be dealt with summarily. Clause 17 provides for the making of regulations by the Governor. September 1 is the date mentioned for the ratification of this legislation. I regret the necessity for urgency, but I hasten to assure the House that the Attorney-General has done everything in his power to finalize certain matters with the Commonwealth Government concerning distribution in the areas that will benefit by this reduction, and the delay in the matter is no fault of his. In fact, matters were being finalized as late as last Friday. Therefore, I do not think I would be expecting too much from members of this House in asking them to finalize this Bill tomorrow to enable it to pass through another place before the end of this month. I commend the Bill for the consideration of honourable members.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I appreciate the urgency attached to this Bill. It arises as a result of matters that are not normally specifically within a State sphere. Prior to the last Commonwealth election the Prime Minister promised that he would reduce the price of petrol and fuel oils in outlying places to within 4d. of the capital city price. Having made that election promise, and having received a mandate to implement it, the Prime Minister then found that far from being a simple matter it was indeed complicated. First, the Commonwealth Government had no direct power to do anything of this sort at all, and, secondly, a question had been raised by the Premier that the Commonwealth had no power over resale prices in the respective States. Indeed, South Australia is the only State with price control on petrol that would enable some control of the retail price, even if the Commonwealth did reduce the charges to the extent that it would be necessary to subsidize the price to the normal city price plus 4d. I know some of the difficulties connected with this matter. This Bill is a vast improvement on the original Commonwealth proposals, which were limited to depots and freight charges to depots. I notice with considerable satisfaction that this will now extend far beyond depots although it will still leave the price of petrol in the outback areas over the figure promised by the Prime Minister. However, that is not a matter within our function because we have no control over that.

I have not studied the clauses carefully but I understand that the purpose of this Bill is to enable the Commonwealth Government, by making a grant to the States, to subsidize the freight costs of petrol to certain areas. The responsible Minister in each State will be authorized to appoint inspectors, but they will be Commonwealth officers. I understand that to be the proposal, so that what is really required from this Parliament is the approval of the Treasury for the receiving of and the paying out of Commonwealth moneys in accordance with the Commonwealth legislation and for the purposes for which that legislation is designed. In those circumstances the Opposition can have no objection to this Bill. It gives partial effect to what has been promised, but the deficiency arises not because of any action that could be taken by this Parliament or the Government of this State but because the Commonwealth Government made a rash promise. It did not appreciate the ramifications of the oil industry or the enormous

increase in the use of fuel that would arise from the lowering of the price in outback areas. No doubt even now it will involve the Commonwealth in fairly heavy costs. I have not consulted my colleagues but I can say that we do not oppose this Bill and are prepared to allow it to proceed forthwith.

Mr. SHANNON (Onkaparinga): This is too important a matter to pass with only two speeches on it, one from the Premier and the other from the Leader of the Opposition. It will greatly affect the economy of the people it is designed to help. I point out to my Leader that, although the Commonwealth is literally up for a fairly steep bill in subsidizing the cost of fuel for people in outlying areas, it will help make their operations more profitable and will return additional money to the Treasury through their taxes. It is not all lost, and no doubt the Commonwealth will regain something in taxation. I listened to the Premier's explanation and I have read the financial set-up recommended. However, no provision is made for the State to be recouped for its administration costs. The inspectors will be Commonwealth employees, paid by the Commonwealth Government. Under clause 15, the State Treasurer is empowered, in the event of Commonwealth money not being available at the time but knowing it will come eventually, to advance funds required to implement the subsidies to users of petrol in the area specified. I know that these things cannot be done without cost to the State, but will the State carry the costs involved? I do no object to that, but South Australia has a considerable area under pastoral holdings and Kangaroo Island has its intense culture, where the landowner is at a great disadvantage because of his fuel costs. No doubt some benefit will accrue to the State from this scheme.

I do not know whether a Commonwealth department will keep the accounts, but no doubt these should be checked. If any action is necessary as a result of the work of the Commonwealth inspectors, I do not know whether our Crown Law Office will handle it or whether the Commonwealth Government will take the appropriate steps. There have been hard seasons in the outlying areas with rough times for some people. Those fighting to hold their land and to carry their stock need relief as outlined in this legislation, and this will assist people to remain on the land. Seasons fluctuate violently in the areas. It is a loss if an experienced man is forced by economic circumstances to release his holdings. The next man is probably no more efficient than the man who has walked off because of financial trouble. This legislation is timely for the people living in the Far North of South Australia, and I am pleased that some relief is to be given them. I support the Bill, and hope that South Australia will not delay its implementation.

Mr. MILLHOUSE (Mitcham): I make a mild protest, not necessarily about the contents of the Bill, because, frankly, I have not had an opportunity to look at it, but because I think it is a poor show to have introduced a Bill less than three-quarters of an hour ago and to expect to put it through the second reading this evening. The first inkling I had that this Bill was coming on was last night, when the Clerk Assistant happened to read out the notice of it instead of another motion. However, that was a slip of the tongue and the Bill, which contains 17 clauses, was handed around to us this evening. The legislation breaks new ground and I say, with due respect to the Premier, that I could not hear what he was saying when he read the explanation. In fact, even if I had been able to hear, the explanation was read too quickly for me to take it in. I do not think that legislation like this should be put through in less than an hour, as, apparently, we are going to do. I understand that the Bill has to be passed by September 1 and that, therefore, there is some hurry about it. However, I cannot understand why it has been introduced so late, if that is the position.

Mr. Shannon: The Premier explained that.

Mr. MILLHOUSE: He may have, but I could not hear him.

Mr. Shannon: I think it is justified.

Mr. MILLHOUSE: The Premier probably wants to get it to another place, but I do not think that the other place is sitting tomorrow, in any case. I suggest that, certainly in the interests of appearances, but also in the interests of all members, we should have an opportunity to look at this Bill, at least overnight, and I hope that the Government will be prepared to let us have that opportunity. I do not think that the time table would be altered in any way if that were done, if the other place is not sitting tomorrow. I do not believe that any measure should be pushed through the House like this; certainly not of this nature, and I therefore ask—

The SPEAKER: Order! I think that perhaps the honourable member was out of the

Chamber when the House approved the suspension of Standing Orders only so far as would permit the moving of the second reading.

Mr. MILLHOUSE: Thank you. That was my impression, but it is conceivable and possible (although I do not think it will happen) that when I have had a chance to look at the Bill, I may oppose the second reading. I do not know, but that is the prerogative of any member. What I am complaining about is that I have not had an opportunity to consider whether I am in favour of or against this, and I think that, in principle, it is a bad thing for a Bill like this (or any Bill) to come into the House and be pushed through the second reading stage in less than an hour.

Mr. Hughes: Were you here when your Leader was speaking?

Mr. MILLHOUSE: Yes. If the honourable member for Wallaroo did not hear me, that is what I complained of. I did not follow the explanation of the Bill because I did not hear what the Leader said and I did not follow because I did not hear what the Premier said. I challenge the honourable member for Wallaroo to get up and say what the Bill is all about without looking at the Bill; if he is so self righteous about it.

Mr. Hughes: Are you saying you did not hear your Leader?

Mr. MILLHOUSE: Yes. I did not follow what he said.

Mr. Hughes: Well, I heard him from over here.

Mr. MILLHOUSE: I am glad the honourable member did. That shows just how much better the honourable member for Wallaroo is than I am as a member. We have a certain procedure and practice whereby, as a rule, we take one step at a time in legislation, and that is a jolly good procedure that I do not like to see upset in this way; but that is what we are doing. We had an argument this afternoon about the way the House should function, and so on, and I protest against pushing through the second reading stage of a Bill of this nature in less than an hour. It may be that my protest will fall on deaf ears but, if it does, I think that is the worse for private members on both sides if they acquiesce in this.

The Hon. D. A. DUNSTAN (Attorney-General): I rise only to say something about what the honourable member has just said. I think all honourable members are unhappy about having to put legislation through the House in haste, but perhaps if I explain why we are pressed in the way that we are at the moment it may mollify him. We do not like having to do this, but we are faced with a difficult position. The legislation arises from negotiations between all State Governments and the Commonwealth Government over some period to have the State Governments authorize the Commonwealth scheme. The nature of this arrangement was, of course, not unknown to the present Opposition, in view of the fact that the Leader was well aware of the negotiations prior to his leaving office as Premier.

The Hon. Sir Thomas Playford: I took part in the beginning of them.

The Hon. D. A. DUNSTAN: In fact, this legislation was agreed to by all States, but there was one difficulty. When the legislation was finally forwarded to this State there was one set of clauses in it to which, I think, the honourable member would have taken objection. They were clauses relating to the power of inspectors to require answers from persons who could be incriminated by their answers but who could be committing an offence by failing to make the answers. The Government of this State indicated to the Commonwealth Government that it was unhappy with the provisions. The Commonwealth Government said it wanted the Bill, and we pressed it for an answer to our objections.

I spent, as the Leader has said, days having my officers hanging on the end of a telephone to obtain some answer from the Commonwealth Government. I am glad to say that eventually the Commonwealth Attorney-General was able to inform me (which he did late last week) that the Commonwealth Government would agree to certain amendments in our Bill, that is, in respect of certain differences in our Bill in the enforcement procedure, which did not exist in the legislation of other States. The matter was held up because of this. We endeavoured to obtain an answer as quickly as we could, aware of the time limit with which we were faced. As soon as we could get an answer from the Commonwealth Government, I asked officers of the Parliamentary Draftsman's Department to prepare the Bill ready to be introduced as early as possible, which was yesterday.

The honourable member will appreciate that there has been a lengthy series of debates in the House on the Loan Estimates and on grievance matters, which has taken the time of the House beyond which the Government expected it would. We had this Bill ready to be introduced at the earliest possible

moment, but the time has now come where, unless we put the measure through quickly, we shall not be ready to have it in force at the time the scheme comes into effect.

Mr. Millhouse: Would it matter if it were held over until tomorrow?

The Hon. D. A. DUNSTAN: I think the honourable member would find that any objections he had to make could be coped with in Committee and on the third reading.

Mr. Millhouse: I do not know.

The Hon. D. A. DUNSTAN: I should have thought so. With respect, I should think that in the circumstances we should be able to deal with the second reading tonight, especially as the Leader was not unaware of the nature of the measure. He made that quite clear through being able to debate the second reading. He was aware of the urgency of the matter. I think the circumstances of this matter are so exceptional that they justify an exceptional procedure.

Mr. Millhouse: Are you only going to put it into Committee and not through Committee?

The Hon. D. A. DUNSTAN: We shall finish only the second reading tonight.

Mr. Millhouse: Will we have an opportunity tomorrow to examine all the clauses in Committee?

The Hon. D. A. DUNSTAN: Yes.

Mr. HEASLIP (Rocky River): I support the remarks of the honourable member for Mitcham. I will vote for the Bill in principle, but I do so blindly. This matter is similar in essence to the discussion that took place this afternoon. Tonight I could not hear the Premier very well, and although I heard most of what the Leader of the Opposition had to say he was speaking about matters of which I knew nothing. I believe we should have an opportunity to examine the Premier's second reading explanation before being asked to pass the Bill. The Attorney-General has explained that we will not go further than the second reading stage tonight, and that we shall have an opportunity in Committee tomorrow to ask questions and debate the matter. Because of that explanation I will support the Bill, but it should not be rushed through.

The Hon. FRANK WALSH (Premier and Treasurer): I am not looking for sympathy in this matter. I hope that the honourable member for Mitcham has never faced the disabilities that I have faced with regard to this Bill in the last couple of days. It was not my intention to go beyond the introduction of the Bill. However, the Leader of the Opposition showed that he undoubtedly understood all about it. Probably he was more conversant with it than I was. Let me say this: the district of Mitcham could not be considered to be on the map when compared with the great benefits that will come from this Bill.

The Hon. G. A. Bywaters: Every country member will be glad to see the Bill introduced.

The Hon. FRANK WALSH: Of course they will. When the member for Mitcham has examined the Bill he will probably not have anything more to say about it, and will support it.

Mr. Millhouse: That is not the point.

The Hon. FRANK WALSH: The point is that the honourable member's Leader was prepared to have the Bill go through all stages tonight. I introduced it and said that I desired to give the second reading explanation. I did not ask for the suspension of Standing Orders to take the Bill through its remaining stages. I referred to the disabilities that have faced the Government in making this legislation workable in South Australia. The puny effort by the member for Mitcham did not do justice to the Bill.

Mr. Heaslip: Why not include me?

The Hon. FRANK WALSH: The honourable member wouldn't understand it, anyhow. I believe the member for Onkaparinga asked a question concerning the appointment of Commonwealth personnel.

Mr. Shannon: No, about the cost of State administration generally.

The Hon. FRANK WALSH: I think the Leader would agree with me that the State has certain ways and means for the distribution of petrol and other fuels. However, they do not apply to all parts of this State, and with the passing of this Bill country people will be assisted.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

JURIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 3. Page 795.)

Mr. MILLHOUSE (Mitcham): I support this Bill and agree that women should be liable to serve as jurors in this State. The ease with which they may get exemptions under the provisions of the Bill does not really worry me very much. We have heard in this debate much about the status of women, whether they should serve on juries,

and, if so, whether they should be permitted to get exemptions easily or at all. I cannot help thinking that the arguments advanced are very much the same as arguments I heard in a high school debate on which I adjudicated last Monday evening on the subject: That a woman's place is in the home.

Mr. Jennings: I guarantee that the wrong team won.

Mr. MILLHOUSE: In my view, I gave it to the superior team. That is one of the extraordinary interjections that the member for Enfield is beginning to be fond of making. I will pass it over; if I had a little more self-control I would not have listened to him, I suppose. Many of the arguments trotted out in this House on the rights, privileges, obligations and duties of women serving on juries were like those I heard last Monday night, except that the high school students did drag in a few others. I did not hear The Pill mentioned in this debate, but it was one of the points raised in the debate I heard on Monday night. Maybe as time goes on we shall get that here, too. It seems to me that we have heard much nonsense about the position of women in our community, and particularly in regard to this matter. The fact is that women are not the same as or the equal of men: they are different. In some things they are better, and in some things they are not as good. They are certainly (and I have to be very careful because of the little lady on my right) equal in their rights to men, but they are different in their function. They are different physically, and because of their physical differences they are also different mentally and psychologically. It is therefore nonsense to try to equate them and say that men and women should be treated in the same way. Of course they should not, and we do not treat women in the same way as we treat men. Therefore, there is no reason on earth why in an Act such as the Juries Act they should be treated in the same way.

May I sum up my submission by saying that I do not agree with those who contend that women should be treated in the same way as men regarding jury service. There is no reason why it should not be made easier for them to opt out of it than it is for men. That is point number one. Point number two is that I agree with the second aim of the Bill, which is to make the roll from which jurors are picked the House of Assembly roll and not the Legislative Council roll. I can see no valid reason why the choice of jurors should be restricted in this way. Indeed, I think (and perhaps I can raise this now) that the list of exemptions contained in the Third Schedule to the Juries Act is far too wide. There are a number of categories there for which there is now in our modern society no real reason.

The Hon. B. H. Teusner: Even you are exempt.

Mr. MILLHOUSE: Yes. There may be some good reason for that. A large number of categories of people are exempted and there really is no reason why they should be so exempted. Why, for example, should persons in the employ of the Municipal Tramways Trust not serve on juries? I cannot think of any particular reason for that, yet that is one which I notice at random as I look at the list. That is another matter that we should look at in order to cut down the number of categories of people who are exempted from jury service. So I agree that the House of Assembly roll should be used. I think we are the last State to make the change and adopt that roll.

The third point that I desire to mention is that I am very glad the Government has done what the previous Government did in the Bill introduced last year, and that is to provide an exemption from service for both men and women on grounds of conscience. That is an amendment, I think, to section 16 of the Act. I am glad that the Government is doing that. There are some persons (I do not share their religious beliefs) who object on the grounds of conscience to serving on juries. Their beliefs when they are genuine, as they mostly are, should be respected.

My only other point is the question of the notice given to women jurors for the time that they have, under clause 10 of the Bill (new section 14(a)(2) of the Act), to notify their desire to cancel their liability to serve. Only three days is given within which time that notification must be made. That is a very short time. With great respect, I do not agree with the remarks made by the honourable member for Angas (Hon. B. H. Teusner), who made a most scholarly speech that I appreciated very much. I think that under section 37 of the Act a summons must be served personally. Therefore, the point of a person being away from home at the weekend and not getting a summons until three days has elapsed does not arise. Three days is a short time in which a woman must notify her desire not to serve. If it can be done, as I believe it can be (I will not press for leniency to develop this), that time should

be extended somewhat. It can be extended without causing any inconvenience. However, apart from that one small point, I have pleasure in supporting the second reading.

Mrs. BYRNE (Barossa): I have listened to the remarks of the member for Mitcham with interest and am pleased to note that, like me, he supports the principle contained in this Bill. The Australian Labor Party, by and large, in this House supports full civic rights for women, and a sound case can be put up in justification of the Government's action in bringing down this Bill. So that it could have a fast passage through the House, I previously did not intend speaking but, because of the opposition to it, I have been forced to rise.

The remarks on the fitness of women as jurors made by Opposition members in opposing this Bill reflect the views of their grandfathers, views that were evolved to keep women in their place as house servants, whose only function in life was to manage and control a household, a little self-contained community with as many problems as a large community; to manage a budget pruned to a minimum, to bear children without complaint, to rear them, to handle the hourly crises that occur in a family; and, above all, at the end of a long day to be pleasing and refreshing for the benefit of her master—at the end of a long day that often started long before he rose from bed, and was practically dressed, fed and gently impelled on his way to work. After all that, the poor, helpless creature was not considered capable of using any judgment or having common sense.

I do not profess to be a student of human nature but, from my observations, I know that human beings are much the same whether male or female, and take every advantage of opportunities to evade unpleasant responsibilities. Men accept the outside responsibilities on a much greater scale than women simply because they have put themselves in the position where it is expected of them. Women are allowed to shrug off those outside responsibilities, and many do so because all human beings are naturally lazy, and women are allowed to get away with it. Women who have to undertake outside responsibilities, either through personal inclination or by force of circumstances, have acquitted themselves well, despite the Victorian prejudice that still persists in this State. It is a difference in emotion rather than a degree of emotion between the two sexes. Women have to deal with so many more of the human everyday problems, that they can discern more of the obscure facets and are more likely to have their sympathies aroused. Men, on the other hand, have less of a call on such a wide scale, and basically are called upon to deal in sharp differences which boil down to right and wrong and praise and vengeance. There is little room in that for a balanced justice. Women are not expected to restrain their emotions, and being human they take advantage of that latitude, react accordingly, and often express themselves as freely. On the other hand men are expected to restrain their emotions, do as they are expected, and are more inhibited emotionally in expressing themselves until they sometimes reach the stage when they can hold back no longer and often go beyond what they first intended. In war as well as in peace time women have measured up equally well with men for emotional stability. An opposing speaker said:

> The type of woman who will want to serve on a jury may well be the least likely type of woman we desire.

There are undesirable men, too, but no mention has been made of them. The Act stipulates that to be called up for jury service, a person must be of good fame and character. An Opposition speaker said that in the deputation to the Premier last year, he did not think all sections of women were represented, especially wives and mothers, and that he did not oppose women being on a jury if they want to be. Since the Bill has been before the House, I have received many telephone calls and letters from women in various walks of life, all expressing a desire to serve on juries. They mostly state that they thought this right should have been extended years ago. It is men who have mainly stressed the fact that women do not desire to serve on juries, but I stress that those men do not want women jurists.

If the trouble were taken to ask men whether they wanted to serve on juries, it would be interesting to find out what percentage were anxious to do so. I am convinced there is a place for women on juries because they will give a better balance, and restrain the extreme tendencies. In asking the House to approve of the Bill, I point out that women in western democracies occupy high positions in almost every walk of life. There are women judges, writers, justices of the peace, lawyers, business executives and many others. In South Australia women hold positions in almost all spheres of public life, but they do not have

the right to be empanelled for a jury, although there is every justification for them taking part in these activities. Already in other Australian States and some Commonwealth countries these privileges have been granted. Although there are some differences in the legislation enacted, some of which has been amended since first introduced, I refer again to those countries that have given this right to women. In England, women were given the right to sit on juries in 1919 and they have had that right in New Zealand since 1942. I now turn to Australia and we find that the right has been in existence in Queensland since 1929, in New South Wales since 1947 (but it did not operate until 1950), in Victoria since 1956, in Tasmania since 1957, and in Western Australia also since 1957, but it came into operation there in 1960.

Mr. Hudson: Is this the only State in which it has not applied?

Mrs. BYRNE: Yes, South Australia is the only State in the Commonwealth where women have not the right to be empanelled for jury service. Women were given the right to sit on juries in Queensland 36 years ago and other States have progressively introduced similar legislation. I have never heard any criticism levelled against women serving on juries in other States, so I cannot see why we have anything to fear from this in South Australia. I mentioned that women were given the right to serve on juries in England, first of all, in 1919 and at first an eminent English judge was prejudiced about their serving but, after three years' experience of their service, he apologized for his previous attitude and said that he had found women most helpful and he commended them for the decisions they had made and the help they had been to him in his judicial capacity. I consider that that was high praise from a man of his standing and I fail to see why the women of South Australia could not do equally as well.

It is to be regretted that up until now in this State we have had juries consisting solely of men and it is to be deplored that we have not heard a woman's opinion voiced in a court of justice here. I wonder how opposing speakers would feel if it were suggested that a man or one of them, should be tried by a completely female jury.

Mr. Clark: They would not like it at all.

Mrs. BYRNE: Doubtless, members think that this is a joke but the position in this State at present is that women are tried solely by men; in other words, men sit solely in judgment on women. Life is supposed to be a partnership and men and women are supposed to be complementary to each other. There are some cases in courts on which women would be much more competent to make a decision than men. Further, it is about time we moved into line with other States and countries and granted this right to women. The presence of women on juries should give them a truer balance. No logical reasons can be offered why women should not participate in the dispensing of justice; any objection could only be based on prejudice against their sex, an implication that the women of South Australia are less intelligent than the women of other States and countries.

I turn now to clause 10 of the Bill, which simply provides that a woman, when she so desires, may be exempted from jury service, and that she may then cancel that exemption after two years. While I am inclined to be wary of exemptions, I realize that there are circumtances that may make it undesirable, or a practical impossibility, for a woman to serve on a jury, and such a provision must be made for a start, at least. If, in practice, this provision does not come up to expectations, experience will show what changes are necessary. I believe it is a common-sense provision that must be accepted to smooth the passage for a change in principle, which is a major one, concerning the Juries Act.

Clause 22 provides for specific exemptions to be decided on by the court, and broadly defines the grounds for such specific exemptions. Again, this is a necessary provision that will help this new principle to be assimilated. As these exemptions are responsible, and as only experience will show whether they are as good in practice as they are in theory, they should be accepted, and they therefore receive my support. When there is any reform in the laws of a country, there is always a period of trial and error.

I turn now to the adoption of the Assembly roll which should be the basis of the franchise. Jury service is equitable and just, because it gives all electors the right to play a part in the administration of justice. The choosing of jurors from the Legislative Council roll does not do honour to the claim that a jury consists of the peers of the ordinary man, because that roll, as we all know, is based on a restricted franchise. I support this Bill, as it is another forward step that has been too long delayed. It is a natural effect of the changing concept so evident even in South Australia, which until recently had such a struggle to climb out of the Victorian era, for which we

have been branded as intellectually backward in our thoughts and actions. I support the Bill.

Mr. QUIRKE (Burra): I did not intend to address myself to this debate until I heard the member for Barossa, and now I am fearful lest this Bill should pass. I am reminded of an extract from Longfellow's *Hiawatha*, and although I cannot remember it in its entirety, it goes something like this:

As unto the bow the cord is,
So unto the man is woman;
Though she bends him, she obeys him,
Though she draws him, yet she follows;
Useless each without the other!

I have listened to the member for Barossa, and I wonder why she wants to sit on a jury. We hear all this clamouring by women for equality with the male, but surely that has been achieved. "Though she bends him she obeys him" and that is absolutely—

The Hon. G. A. Bywaters: Remind me to get you a copy of it from the library!

Mr. QUIRKE: Perhaps you had better. If the honourable member for Barossa is a fair sample of the female to sit on a jury, then deliver me from ever being a prisoner in the box! It would be a poor, defenceless male who came before her. The difference between a male jury and a female jury is that the former always looks sympathetically on the female prisoner in the dock, but if it is a male prisoner being tried by a female jury, then he has a scant chance, indeed. If we have jurors like the member for Barossa, the poor prisoner is prejudged, and is signed, sealed, consigned and buried before he starts.

The Hon. G. A. Bywaters: The honourable member is talking at cross purposes to the member for Rocky River.

Mr. QUIRKE: I do not care what the member for Rocky River said; I am speaking now. Fancy the possibility of capital punishment with a jury of women! There is nothing in the law calendar they would not do to the poor unfortunate prisoner. I should prefer death to going before a female jury. We could have an alternative for unfortunate prisoners: they could choose between death and going before a female jury. When some men join up with women they have imprisonment for life anyway, and there is no release from that "until death do us part". The honourable member for Barossa made a very good case for her sex and as a mere male (you know, a man or "one of them") I support her. I am being a little facetious but I am prepared to let women have a go at this. However, I hope it will not be on the same basis as that laid down by the member for Barossa who seemed to suggest of men that we could not do anything right. She seemed to believe that, as jurors, we have perpetrated the greatest injustices in the world on countless people and that only when we have women jurors will there be security in the law. I do not believe that. I should hate to be in the position of a woman prisoner who came before a jury of women jurors.

Mr. Hughes: Hell hath no fury like a woman scorned!

Mr. QUIRKE: They don't have to be scorned to have fury.

Mr. Clark: You are not going home tonight, are you?

Mr. QUIRKE: Yes, I am. It was a pleasure to listen to the member for Barossa, who was so forthright in standing up for the rights of her sex. Underneath all my facetiousness I agree with her, but I hope she is never a juror if I am arraigned.

Mr. CLARK (Gawler): I support the Bill. I think all members will agree with me that it is significant that during this debate the two best two speeches have been made by women. I thought the contribution by the member for Burnside (Mrs. Steele) was excellent, and what the member for Barossa has just said was tip-top. I enjoyed it immensely, and I hope we hear more from the honourable member. There has been rather a regrettable tendency in this debate and I think that the honourable member for Mitcham (Mr. Millhouse) has been the worst sufferer from it. He did not actually suffer in silence, but I think that while he was endeavouring to make intelligent remarks, with a good deal of success, the rest of the honourable members were trying to be facetious. I think it was a pity, because for once I was in complete agreement with what he was saying—and that probably means he was right. Excellent speeches were made by the member for Burnside (Mrs. Steele) and the member for Barossa (Mrs. Byrne). This is a good sign that women are no longer the slaves of the household in this State. There was a time when women did not have time to serve on juries. The member for Rocky River (Mr. Heaslip) seems to think that is still so.

Mr. Heaslip: It is so in many cases in the country.

Mr. CLARK: I think the honourable member will admit that even in the country women have more leisure time than they used to have. As the member for Barossa said, I think it is about time we came into line with other States

and gave women the right to serve on juries. We know they may opt out if they wish, which is how it should be. I followed this debate with much interest, and I was impressed with the thoughtful contribution made by the member for Angas (Hon. B. H. Teusner). Those who know him well will know—I say this kindly—that he likes to make a speech and that when he does he gives the historical background of the matter, as he did successfully in this debate.

I enjoyed the speech made by the member for Mitcham (Mr. Millhouse) when he was not interrupted by rather ribald remarks. His was a very good speech. I thought the member for Burra (Mr. Quirke) thoroughly enjoyed himself. It is good that after some of the hectic moments we have in this Chamber members can speak, although seriously, with some humour. The member for Onkaparinga (Mr. Shannon) followed his usual form and expressed opinions similar to those I have heard on other occasions. I do not agree with many of the things he said. He said that often the women who may want to serve on juries may be the type we do not desire to have on juries. He said that many people of both sexes liked to pry into the affairs of others. I find it hard to believe that women who would be prepared to sit on juries would, as he implied, all be people who liked to pry and interfere. I also find it hard to believe that many women would want to serve on juries because they like listening to sordid things.

The honourable member also said we should not change the law from a sentimental point of view, but I do not think there is anything particularly sentimental about this matter or that any members have shown any sentimental point of view. I am doubtful about this charge of sentimentality. However, the member for Onkaparinga did not make it in this sense, but the member for Rocky River did. He suffers from the idea that women are much more sentimental than men.

Mr. Heaslip: Don't you think they are?

Mr. CLARK: Well, I think my wife would be more sentimental than I am, and I fancy the honourable member's wife might be more sentimental than he is.

Mr. Shannon: You have heard of the saying that the female of the species is the one of whom you have to be careful.

Mr. CLARK: As a matter of fact, I was going to make some remarks along similar lines. I believe some women are sentimental. I also believe that if you really want a sentimental person you want to run into a highly sentimental man, and there are some such men. Women are sentimental in some respects, but I think the honourable member probably would agree that women can be pretty tough, too. I know that my wife would hate to sit on a jury, and if she got summoned as a juror she would not be able to fill in the form quickly enough to get out of sitting on a jury. On the other hand, my wife (as I know from speaking to her over the last few weeks) disagrees with me strongly on capital punishment. I am a very strong believer in the abolition of capital punishment, and I hope to take an hour or two to express my beliefs on that topic in the next few weeks, but I can tell you frankly, Mr. Speaker, that my wife takes the opposite view from me.

Mr. Quirke: She has been with you too long.

Mr. CLARK: I hope the honourable member for Burra is being facetious. I hope he is not suggesting that that would be my just deserts. However, I do not think he is suggesting that. The thing that rather intrigues me about the honourable member for Onkaparinga's remarks was that he was not a bit keen on this thing at all. He had the idea we were going to get the least likely type of female on the jury, yet later on he said he could see no valid reason why a woman who had been subpoenaed for jury service should be able to escape that obligation. In other words, he did not want them on there very much, but once they had the chance to be on he did not want them to get out of it either. His argument seems to me to be a bit confusing. He concluded his remarks by saying something that I find I cannot agree with:

> I like sticking to things that have worked well, and there has not been much wrong with our jury system so far.

I suggest to the honourable member that we do not know in South Australia whether the admittance of women to juries is going to make it any worse.

Mr. Shannon: Would it make it any better?

Mr. CLARK: I think the experience in other States could well tend to do that very thing. As the honourable member for Barossa (Mrs. Byrne) expressed it during her most interesting remarks, I think there are certain cases on which the presence of a woman on a jury could be most advantageous. In fact, I got up mainly to speak in a friendly and kindly way regarding

the remarks of the member for Onkaparinga and the member for Rocky River (Mr. Heaslip).

Mr. Quirke: Are you for it or against it?

Mr. CLARK: I am strongly for it. I thought the speech of the member for Rocky River was also a bit confusing, if I may say so. The honourable member began by saying that he had not changed his opinion since a similar Bill was before the House during the previous Parliament, and he opposed it. He referred to the deputation headed by Miss Roma Mitchell, and he went on to say that he did not think the deputation represented all the women of South Australia; in fact, he was sure it did not. I, too, am certain it did not, for it would be impossible to have a deputation that did. He went on to suggest that mainly career women would have provided the bulk of that deputation, and he suggested that we ought to have heard people who were not represented there. I like the idea of holding referenda on certain things, but I am sure the member for Rocky River was not advocating a referendum on whether we should have women on the jury. He, like the honourable member for Onkaparinga, said that our present system had worked admirably and he did not see why it should be changed. I do not see that that is any argument at all, any more than it was in the case of the honourable member for Onkaparinga. Let us go on to a few further remarks of the member for Rocky River.

Mr. Shannon: What about a few original ideas? Forget about other members for the moment.

Mr. CLARK: The member for Rocky River then said that women should not ape men. I could not agree with him more, but woman is not aping man by sitting on a jury because in this State women have not previously sat on juries. We heard something about the natural duty of women, and I agree to a certain extent. I have some sympathy with the remarks that the honourable member made in the early part of his speech but none for those made towards the end of it so I will leave the early part and go to the end. It may be wiser for me to do so. I cannot agree with the honourable member (and I think he will have some trouble in agreeing with it himself if he stops to think about it) when he seriously says that he believes—and this is in support of not making the House of Assembly roll the jurors' roll for men and women, with which all-embracing roll I completely agree—that people with a stake in the country, such as the head of a household, are much more responsible. A little further on the honourable member enlarged on that. I see no justification for such a statement. That argument seems to be on all fours with the attitude of some honourable members that there should be a restrictive franchise for the Legislative Council.

The argument seems the same. We were also told by the honourable member that a woman does not have the experience of a man: she is looking after the home and doing a wonderful job there, but a man is out about his business. Her experience in the home, looking after the children and doing the household work, is something that a man does not have, thank heaven! I hate that sort of work but it gives a woman an experience that a man lacks. The two types of experience cancel themselves out. The honourable member went on to say that a woman is more sentimental than a man. I hope she always will be but I have my doubts about this: sometimes she is and sometimes she is not. He concluded by asking, "Are we going to get the justice we got in the past?" He said that he could not support the Bill for that reason. I cannot see that with women jurors we shall be denied the justice we have had in the past. The experience of women, particularly in certain cases, will be of great advantage when they serve on juries. I am happy to see this Bill introduced. I welcome the advent of women jurors in South Australia, particularly if they are taken from the House of Assembly roll. A roll containing the names of everybody in the State should be used.

Mr. McANANEY (Stirling): I support the Bill. We have a number of proposed reforms before us. I do not think I shall be able to support them all but I support this one. I thought I should have to speak after the member for Barossa (Mrs. Byrne), who said that men kept themselves under control and then let themselves go. I thought I would restrain myself during my speech and get carried away towards the end. The honourable member mentioned common sense. The only time I have heard my wife praise me was when a teacher at a school attended by my daughter, who happened to do well in an examination, asked, "Where does the child get the intelligence from to achieve this result?" My wife said, "My husband has the brains and I have the common sense." Possibly on many questions to be decided by a jury a woman would have more common sense than a man.

The member for Burra said that perhaps men would be influenced by an attractive girl and would not give a considered verdict. If

someone had vital statistics of 42-24-40 there may be a miscarriage of justice. Women in South Australia have earned the right to act on juries. I met an English lady recently who had spent much of her life in the United States and in England, and she was amazed and surprised at the work women do in South Australia for charitable and other organizations. I am sure that women here have proved themselves capable, and are entitled to serve on juries. I do not agree with the speakers who said that our youth is too irresponsible to act on juries. It has been proved that the youth of today has a sounder judgment than did the youth of my generation, and perhaps the generation before that. They are better educated, more balanced, and work harder at the university than I did when I was there 30 years ago.

Possibly it would be better to use the Legislative Council roll than the House of Assembly roll, and give a vote to the wife of a person who is entitled to vote. Perhaps the only person who would not be entitled to vote would be the single person who is boarding. Perhaps a minimum income could be included in the property qualifications. If these people were on the roll there would be a wide and varied scope. The person unwilling to accept responsibility should not be included in the proposal. The varied Legislative Council roll would mean that we would get a wider and better opinion than if everybody was on the roll. I support the general principle that women should act on juries. Those with valid reasons who do not want to act should have the right to withdraw. I am sure that the younger generation with its wider training and interest in public affairs, will accept the responsibilities, and they should be allowed to act on juries.

Mr. BURDON (Mount Gambier): I listened with interest to the speeches made by the honourable member for Burnside (Mrs. Steele) and the honourable member for Barossa (Mrs. Byrne). I do not propose to go through the clauses of the Bill. They have been described well and in detail by the honourable member for Angas. Provision to enable women to serve on juries in South Australia is long overdue. Women in this State were given the right to vote in the mid-1890's but we have denied them the right to serve on juries, a right for which women's organizations have agitated over the years. The history of this matter in New South Wales dates back to 1904, when an attempt was made to allow women to serve on juries, but it was not until 1951 that the objective was achcieved. In South Australia women may not get the right until 1966. In this debate on August 3 the member for Rocky River said:

> I have not changed my opinion since a similar Bill to this was before the House during the last Parliament. I then opposed it, and I oppose the present Bill.

On September 13 last year, on a similar Bill. he said:

> I shall not oppose the Bill, but I support it only because I would otherwise deny the right of women to serve on juries.

I do not know that I should enlarge on this, because the honourable member is not in the House. We have heard some confusing remarks on whether women should or should not serve on juries. The honourable member for Onkaparinga threw considerable doubt on the question of women serving on juries. What he said has been recorded in *Hansard* for the women of the State to read. After listening to the honourable member for Stirling, I am convinced that he is a real women's man. I commend him for that because the women of South Australia have been denied a privilege and a right. The honourable members for Burnside and Barossa have adequately expressed the views of the women's organizations on this matter. Women should have the right to be equal with men. Indeed, I firmly believe in equality, and nothing will convince me otherwise, because there are many functions that can be fulfilled by both male and female, to the benefit of the State. We find women these days in Parliament, in local councils, being represented at conferences, and at oversea missions, and many are now assuming equality in employment. I have much pleasure in supporting the Bill, because it will give equality to women in this matter in South Australia.

Mr. COUMBE (Torrens): The main purpose of this Bill is, of course, to improve the jury system in South Australia, and anything that does that has my complete support. I listened to the member for Rocky River (Mr. Heaslip) with some interest, and I may have something to say about his comments, because I do not agree with them. This Bill is a good move and, indeed, I admired the speeches made by the member for Burnside (Mrs. Steele) and the member for Barossa (Mrs. Byrne) on this measure. Further, I particularly appreciated the learned remarks made by the member for Angas (the Hon. B. H. Teusner), who appeared to have undertaken much homework on this subject.

Apart from other things, of course, this measure provides opportunities for women to serve on juries, and I was disappointed to hear certain comments made by honourable members because they seemed to reflect a rather Victorian outlook, and an outmoded and narrow point of view. We have progressed, of course, in recent years, and we do not want to go into this controversy at length. Most people know of the wonderful work undertaken in our modern community, in which men and women complement each other. The community life that we now enjoy would be vastly different if we did not have this participation by both men and women in public affairs, and in community and church work.

Mr. Clark: In private affairs, too.

Mr. COUMBE: I was waiting for the honourable member to say that for me.

Mr. Clark: You would agree with that?

Mr. COUMBE: Yes. Our rather starchy past has been emphasized in some of the views expressed earlier in this debate. Of course. not every woman will desire the opportunity to serve on a jury; neither will every woman seek to have this privilege. However, the Bill provides an opportunity for a woman to opt out of jury service if she so desires.

Mr. Heaslip: Most of them will hop out, too.

Mr. COUMBE: I must differ from the member for Onkaparinga (Mr. Shannon) on this occasion, because he suggested that some types of women available to serve on juries would not be the most desirable to have. However, I point out that some of the men eligible for jury service today are certainly not the most desirable types, either. It is invidious for honourable members to make such comparisons in this regard, because there are some highly undesirable males on the jurors' roll today.

Mr. Shannon: But men cannot take their names off the roll.

Mr. COUMBE: I know that, but it is regrettable that the honourable member should suggest that undesirable types of women may be included on the roll. Possibly, years ago, I would not have made these comments, but I have had the privilege of having a mother-in-law who was a militant feminist. I was one of those crotchety old batchelors in former days. It must be remembered that in the courts today women serve on the bench as justices of the peace. In fact, in some cases (as the Attorney-General knows) it is necessary for women to sit on the bench in adoption cases.

Mrs. Steele: And some sordid cases.

Mr. COUMBE: Some of them are not very pleasant. In adoption cases it is necessary for a woman justice, by law, to be on the bench. If it is good enough for a woman to serve on the bench I suggest that it is good enough for a woman to serve on a jury.

I shall not discuss the remarks of the honourable member for Rocky River because I have made it quite clear that I do not agree with him. I am sure the Attorney-General would be the first to see that some discretion would be used by the clerk in actually empanelling a jury. The wider roll will mean a better spread of those who will be called to serve on the jury, and this is important. Many working men and business men in the community have been called up perhaps two or three times, and this has been a hardship to them because of absence from work and loss of pay. On the other hand, other men in the community have escaped the call up for jury service because of the enrolment factor. I suggest the new roll gives a better spread and there will be less chance of a man's being called up more than once because of the greater period between possible calls. This also means a greater spread of the responsibility of citizenship, because one of the most responsible facets of citizenship is the right to serve on juries. I am happy to support the Bill.

The Hon. D. A. DUNSTAN (Attorney-General): I am grateful for the attention that honourable members have given to this Bill and for the geniality with which they have debated it.

Mr. Clark: It was a welcome change.

The Hon. D. A. DUNSTAN: Yes. I, too, should like to join with those honourable members who have paid a tribute to the contributions made to the debate like those of the honourable member for Burnside, the honourable member for Barossa, and the honourable member for Angas. The honourable member for Angas delivered a learned and effective address which was extremely helpful in pointing out an omission in the drafting which it was necessary to correct. The omission had arisen from the discussions with the Electoral Office originally about how it wished to work the new rolls for jury service. In the Second Schedule certain things will be retained which relate to somewhat ancient districts. Nevertheless, the Electoral Office and the courts want to retain these areas as there defined, and it was because of this that a mistake was made in the drafting in relation to clause 3. As the honourable member rightly pointed out, an

amendment is necessary to clause 3 and the Parliamentry Draftsman has put an amendment, in my name, in the file in consequence.

There are only two comments I wish to make about the two members who opposed the Bill and the one member who criticized its proposals though he said he intended to support it. The latter was the member for Burra. In another debate this afternoon I was given a lecture as a young man from the heights of age and experience. If I may now, I will with as much humility deliver to those gentlemen a lecture of the same kind, though in reverse, from the depths of my youth to my septuagenarian friends that it is about time they caught up with the times. The attitude they have ascribed to women in this community shows attitudes which, as other members have said, are reminiscent of another era, and I am afraid they are still living in that era when it has long passed. Thank goodness it has passed and that women are today taking their rightful place in the community and rightly claiming the same rights and responsibilities as other people within the community have.

I was somewhat surprised at what the member for Rocky River (Mr. Heaslip) had to say, because he had bitterly complained to me as Attorney-General about the number of calls made on jurymen in his area. I had pointed out to him that the inclusion of women on the jury lists and the transfer of calls on jurors from the Legislative Council roll to the House of Assembly roll would inevitably lessen considerably the number of calls upon jurymen on whose behalf he had been complaining.

Mr. Heaslip: But some will apply for exemption.

The Hon. D. A. DUNSTAN: Even if all of them rush in and apply for exemption whenever they are served (I doubt that they will, but we shall see what happens in Rocky River as elsewhere if this measure goes through, as I am confident it will), even the transfer from the Legislative Council roll to the House of Assembly roll for women will considerably relieve the calls made upon men in the honourable member's area. I would not have thought that he would say of those constituents who were wise enough to elect him that although they were able to make that decision they were not sufficiently responsible to decide upon the guilt or innocence of someone on evidence placed before them. I would have thought he would be more kindly and trustful of the people who elected him here.

I believe the House of Assembly roll is the only proper roll. It is the only way effectively to get a cross-section of the community to see to it that the country that the jury represents is in fact properly represented on the jury. I commend the Bill to the House, and thank honourable members for the attention they have given it.

Bill read a second time.

Mr. MILLHOUSE (Mitcham) moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause relating to the time of service of summonses to jurors.

Motion carried.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Woman may cancel or reinstate liability to serve."

Mr. MILLHOUSE: I move:

In new section 14a (2) to strike out "three" and insert "six".

This clause provides a right to a woman to obtain exemption from service. The only point on which I desire to amend the clause is contained in new section 14a (2), that is, changing the period of three days to six days. Before I put this amendment and another amendment that we will be dealing with later, I consulted by telephone with the Sheriff (Mr. Heairfield) and one of his officers to ascertain the present practice. Under section 37 jurors must be summoned at least four clear days before they are required to attend for jury service, and the three clear days' notice to women is one day less than that, so there would be notice before the shortest possible time in which jurors had to attend at the court that they would not be coming and that they were applying for this exemption. That is perfectly logical.

However, I understand from my inquiries that in fact the persons who are first summoned for jury service are summoned usually about one month before they are required, and then, when people drop out through one good cause or another, the Sheriff's office has to summon other people to take their places, and it does sometimes get down to as short a period as eight days, which, in fact, was described to me as the shortest period. That period, which is the shortest period in practice given to people of their obligation to serve on juries, is twice as long as the period given in section 37. If we are to lengthen the period in which women may apply for exemption, we must also lengthen this period of four days to something longer. The consequential amendment to keep everything logical is to alter the four days in section 37

to seven days. Because of the explanation I have given it will not cause any change in the present system. If we change the "four" to "seven", we should correspondingly increase "three days" in this clause to "six days", and it will still be one day less than the minimum period of notice to be given under the Act, which is the notice that in practice is given now. This amendment will not affect the practical working of the summoning of jurors. I hope there will be no objection to it on that ground that it will. On the contrary I hope there will be support for it on the ground that it will be an added convenience to women, in that it will give them a longer time in which to apply for exemption.

Mr. SHANNON: I want to allay any suspicions about where I stand in regard to women jurors. I do not object to women assuming the responsibilities of men if they so desire. Why shouldn't they join with men in their responsibilities? If they do, well and good. It is well known that one of women's peculiarities is their ability to change their minds. I have never seen a clause drafted in this way, to give women an opportunity to opt out. Under new section 14a (1), she may notify the Sheriff by saying, "Please take my name off the roll; I do not want to be a juror." Then, by subsection (3), she gets two years in which to change her mind again. That is a long time. Women can change their minds much more smartly than that, and because a woman decides to opt out we should not keep her out for two years before she can opt in again. That is illogical.

My objections to this measure are based on the fact that a woman may, if she so desires, get out of jury service or she may opt to remain on the jury list. I said on second reading that I thought this was a bad principle. People who seek this type of service are sometimes the least suited for it. It has never been a method by which a male jury has been empanelled. The judge decides whether a man should be excused jury service. If he has a reasonable excuse, the judge will excuse him. That procedure should apply to women empanelled to serve on a jury: they could, by giving suitable reasons, be excused from service by the judge. That is a fundamental change I should like have made to this Bill. At present it is purely a trial, and no doubt it will have to be broadened to give women the same equality of responsibility with men that they are seeking.

The Hon. D. A. DUNSTAN (Attorney-General): I have carefully considered the amendment: it is a good one, and the Government accepts it.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I am pleased the Government has accepted this amendment. This Bill is substantially the same as the one introduced last year, except for the clause dealing with the use of the House of Assembly roll instead of the Legislative Council roll. That Bill resulted from a deputation, but the position represented to the Government then did not prove to be the case when the Bill was before Parliament. We had much opposition from women who did not desire to serve on juries, and the longer the Bill was before Parliament the less popular it became. That is why the Bill was held over. Perhaps this legislation may not appeal to many of the women who may be called upon to serve on juries. The contents of new section 14a (1) and new section 60b have to be included on the notice to serve on a jury, and I suggest that they be printed so that the person receiving the notice will realize that she can use the provisions of the Act to be excused.

Mr. HEASLIP: As a country member, I support the amendment, although there has been some criticism of it. I know the feelings that the women I represent have in connection with women jurors. The position will be bad enough in the city but it will be worse in the country if they are to be given only three days in which to object. About 95 per cent of them will object.

The Hon. D. A. Dunstan: I said that I am going to accept this amendment.

Mr. HEASLIP: Yes, I heard that. A big percentage of the women will ask for exemption and it would be unreasonable to give them only three days in which to do so.

Mr. Clark: What is your reason for thinking that that will be the position?

Mr. HEASLIP: In the country, communications are much more difficult than in the city and if a woman had been absent from her home and then returned, it would be unreasonable if she had only three days in which to reply and I think the Attorney-General is correct in accepting the amendment so that the time given for applying for exemption will be six days instead of three. I support the amendment.

The Hon. B. H. TEUSNER: I express pleasure at the Attorney-General's acceptance of the amendment moved by the honourable member for Mitcham. I commented on this

clause in the second reading debate and mentioned that three days would be insufficient time to meet the situation. It has been stated that a woman may be absent from her place of abode when service is effected by the police officer under section 37 of the principal Act. In terms of that section, a summons need not necessarily be served personally. Section 37 states:

Every such summons shall be served by a member of the Police Force, four clear days at least before the day on which the juror is required to attend, and shall be delivered personally to the juror thereby summoned, or in case a juror be absent from his usual place of abode, shall be left with some person there dwelling.

Therefore, the summons need not necessarily be personally served. The amendment contains much merit, because it enables a greater length of time in which a person can notify her desire to be exempt from jury service.

The Hon. Sir THOMAS PLAYFORD: The wording in new subsection (1) relates to the liability to serve as a juror, but in new subsection (2) the wording is "to serve at any inquest or inquests". I understand that the word "inquest" is merely a continuation of an old expression, and a woman may not realize that an inquest is a trial. I think this provision should be worded in modern language. Is there any objection to saying "to serve at any trial"? Why should we use the word "inquest" rather than a more commonly used term?

Amendment carried.

The Hon. Sir THOMAS PLAYFORD: New section 14a (5) provides that on receiving a woman's notice of concellation, under new subclause (2), the Sheriff shall forthwith remove her name from the jury panel. However, I suggest it would be advisable to add the words "and the jury list". If a woman objects on one occasion, she would most probably object to jury service on another occasion, and at the moment her objection would relate only to one particular trial.

The Hon. D. A. DUNSTAN: I think that actually the matter is adequately covered. I do not want to hold up the progress of the Bill now but I can assure the Leader that his suggestion will be examined and, if necessary, an amendment can be made at a later stage. With reference to the other question raised by the Leader, I appreciate that people might conceivably think that inquests relate to coroner's inquests which, of course, they do not. Under this Act juries are not applicable to such inquests at all. I will examine whether the Leader's suggestion can be simply accomplished by some explanation on the material to go out with the notice, or whether it would be better to amend the clause. I will discuss that with the Sheriff and if it is necessary to amend the clause that will be coped with.

Clause as amended passed.

Clauses 11 to 33 passed.

New clause 4a—"Interpretation."

The Hon. D. A. DUNSTAN: I move to insert the following new clause:

4a. Subsection (1) of section 3 of the principal Act is amended—

(*a*) by striking out the definitions of "Legislative Council Subdistrict" and "Subdistrict" therein; and

(*b*) by striking out the definition of "subdistrict roll" therein and inserting in lieu thereof the following definitions:—

"subdivision" means subdivision of any electoral district for the purpose of electing members of the House of Assembly:

"subdivision roll" means the electoral roll of House of Assembly electors for a subdivision prepared and kept as required by law.

This new clause makes an amendment to the definition clause of the principal Act, and cuts out the reference to Legislative Council electors. It is a necessary amendment which was overlooked in the original drafting last year and which was pointed to by the member for Angas (Hon. B. H. Teusner) during the second reading debate. I ask the Committee to accept it.

New clause inserted.

New clause 7a—"Areas of jury districts."

The Hon. D. A. DUNSTAN: I move to insert the following new clause:

7a. Subsection (1) of section 9 of the principal Act is amended by striking out the words "Legislative Council" therein.

This is consequential on the change from the Legislative Council roll to the House of Assembly roll.

New clause inserted.

New clause 18a—"Amendment of principal Act, section 37."

Mr. MILLHOUSE: I move to insert the following new clause:

18a. Section 37 of the principal Act is amended by striking out the word "four" therein and inserting in lieu thereof the word "seven".

This new clause is consequential on my other amendment turning "three" into "six". This changes the present "four" in section 37 to "seven". It means that in law as in practice at least seven days' notice must be given to a

person of the requirement for jury service. This is consequential on the amendment already accepted by the Committee, and it is necessary. I apologize to the member for Angas (Hon. B. H. Teusner). Section 37, which I am now seeking to amend, permits a non-personal service of a jury summons in case a juror be absent from his usual place of abode. I was wrong when I said it did not; it was careless reading of the section on my part. I have described the speech of the member for Angas as scholarly and I should not have presumed that he would make such a mistake as I thought he had made. It is unlikely that a wife would be away from home unless the whole family were away, of course, and if no member of the family were home, non-personal service could not be effected.

New clause inserted.

New clause 18b—"Balloting at trial."

Mrs. STEELE: I move to insert the following new clause:

18b. Section 46 of the principal Act is amended by striking out the word "men" therein and inserting in lieu thereof the word "persons".

This is a consequential amendment.

New clause inserted.

Title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 10.24 p.m. the House adjourned until Thursday, August 26, at 2 p.m.