LEGISLATIVE COUNCIL

Wednesday, September 15, 1965.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

TOURIST TRADE.

The Hon. M. B. DAWKINS: Has the Chief Secretary, representing the Minister in charge of the Tourist Bureau, a reply to my question of August 10 regarding the replacement of the jetty at Minlacowie and also the wharf at Swan Reach, in connection with encouragement of the tourist trade?

The Hon. A. J. SHARD: Yes. Regarding the landing stage at Swan Reach, the General Manager of the Harbors Board reports that it has not been used for at least 20 years and is in an advanced state of collapse. The Director of the Tourist Bureau subsequently intimated that the proprietor of the vessel *Coonawarra* had agreed that an expenditure of £1,450 on the driving of six piles, strutting, and other sundry works could not be justified. In connection with the jetty at Minlacowie, the Director of the Tourist Bureau has informed the District Clerk at Minlaton that he will visit Minlacowie and make an on-the-spot inspection, possibly early in October.

PORT NEILL FACILITIES.

The Hon. C. C. D. OCTOMAN: Has the Minister representing the Minister of Marine a reply to my question of August 10 regarding tests being undertaken to determine the characteristics of ocean swell at Port Neill?

The Hon. A. F. KNEEBONE: I have received a report from my colleague, the Minister of Marine, that he has received the following information from the General Manager of the Harbors Board:

The wave-recording machine at Port Neill has functioned intermittently since it was installed on February 12 last. Recordings to date have confirmed that waves with periods from 7 to 21 seconds occur with sufficient amplitude to necessitate the construction of heavy breakwater protection for ships to be safely moored to a bulk loading structure.

The machine samples the waves for 10 minutes every four hours and from these samples the maximum heights of the waves in the whole four-hour period are deduced. The results obtained to date are as follows:

Wave period in seconds.	Recorded height in feet.	Deduced height in feet.
7	3.4	5
9	2.4	3.2
12	2.1	2.8
16	2.5	3.4
21	1.7	2.3

BERRI TECHNICAL HIGH SCHOOL.

The Hon. G. J. GILFILLAN: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. G. J. GILFILLAN: In the Upper Murray area of this State are two secondary schools—at Glossop and Renmark—and a very persistent rumour is current in the area that the Education Department intends to build a technical high school at Berri. Will the Minister of Labour and Industry ask his colleague, the Minister of Education, whether this is the department's intention?

The Hon. A. F. KNEEBONE: I shall be pleased to get this information from my colleague and let the honourable member have it at the earliest possible opportunity.

HOUSING TRUST RENTALS.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. A. GEDDES: In view of a statement in this morning's paper that the Premier can justify the recent increase in rentals of Housing Trust houses, will the Chief Secretary endeavour to have the trust's report made available to this Council?

The Hon. A. J. SHARD: The matter was discussed at a certain place this morning, but as unfortunately I had to leave that place to represent the Premier at a function I do not know just what happened. However, I understand that a report is to be given in another place, and, if there is such a report, I shall be happy to supply it. In any case, the honourable member will be able to read it in *Hansard*.

TEA TREE GULLY BY-LAW: TRADERS AND HAWKERS.

The Hon. F. J. POTTER (Central No. 2): I move:

That by-law No. 34 of the District Council of Tea Tree Gully in respect of street traders and street hawkers, made on April 20, 1965, and laid on the table of this Council on July 27, 1965, be disallowed.

This is the subject of a recommendation by the Subordinate Legislation Committee, which unanimously decided to recommend to this Council that the by-law be disallowed. This and similar matters on the Notice Paper today relate to by-laws connected with street traders. They deal also with by-laws of the corporations of the City of Kensington and Norwood and the City of Unley, which will be before us later.

Briefly, the Subordinate Legislation Committee has acted in all these matters more or less with the support of the councils concerned. As all honourable members know, the considerable difficulties have already been debated in this Chamber on the Hawkers Act Amendment Bill. Honourable members will realize that that Act limits the fee for a hawker's licence to a particular sum. It prescribes that no other licence fee shall be charged to a hawker. There are provisions covering the regulation by councils of street traders, itinerant traders, visiting traders (whatever they may be called) under the Local Government Act.

The question has arisen (and it was extensively canvassed in evidence given before the committee and in obtaining legal opinions from officers in the Crown Law office) whether or not the fees that were being imposed by councils were, in fact, *ultra vires*. I believe that this question might have been raised earlier in other Parliaments had the attention of the Subordinate Legislation Committee or of honourable members been drawn to it, because there is no doubt that by-laws have been made in respect of non-resident traders by other councils that have not been the subject of any disallowance by this Council or by another place. Those by-laws are, in fact, in force. But, as was pointed out to the committee, already one of them has been held to be invalid by a decision of His Honour Mr. Justice Hogarth in a case recently before the Supreme Court, as it was a total prohibition on the carrying out of these activities by all persons within the district and was not limited to people who were non-residents of the district. The committee and all honourable members who took part in the debate on the Hawkers Act Amendment Bill in this Chamber know that there is a difficulty in this matter. We are not sure whether the regulating power of local government bodies includes a power to impose a fee or some other monetary requirement in excess of the actual amount that has been laid down in the Hawkers Act. It would seem that, now the Hawkers Act has been amended in the manner that it was amended by this Council some few days ago, if the amendment is to succeed, a corresponding amendment is needed to the provisions in the Local Government Act in order to make the position clear.

There is no doubt that, on the advice we have received from the Crown Law officers, the whole question of the validity of the imposition of these fees by councils is a moot point. It is just as likely that they are *ultra vires* as that they are within the powers of the council. A coin could be tossed by a layman, and only a court of law could probably determine the matter, and even then it would not be an easy question to determine.

The Hon. R. C. DeGaris: The amendment to the Hawkers Act would not have caused this problem, would it?

The Hon. F. J. POTTER: No, it existed long before that, but the point is now that the Hawkers Act has been amended it is even more desirable to examine the Local Government Act to see if that can be tied in with the amended Hawkers Act. This is not an easy problem because there are wide powers in the Local Government Act and it is not a question of amending one small section only. It is a job that should be tackled by the committee engaged in the total revision of the Act.

Dealing briefly with the District Council of Teatree Gully—because this is the only one before the Chamber now—evidence was taken from the District Clerk and it was pointed out to him at the hearing by the Hon. Mr. Gilfillan that the by-laws of the council were drawn under the powers given both in the Local Government Act and in the Hawkers Act. It was also pointed out to him that the council had not made any provision for a daily trader and also that in the regulations the fee proposed by this council was £10 annually, and the restriction in the Hawkers Act was brought to his notice. The District Clerk admitted that the matter was complex and difficult, that the legal officer for the council had not considered those aspects and that both he and the council wanted an opportunity to go into the matter. They suggested—and it is a good suggestion, possibly one method of solving the problem eventually—that some kind of model by-law should be drawn up. This suggestion was placed before the Attorney-General by the committee when we met informally this morning and I think that he seemed well disposed towards the idea. However, it is not a matter for the Government to draw up model by-laws, and nobody suggests this, because it is a matter for the Municipal Association or their legal advisers. No doubt the Crown Law officers will scrutinize such a model by-law and will assist in putting it in order before granting the Crown Solicitor's certificate. I assure this Council that if this particular regulation should be disallowed the district council would concur, purely to have an opportunity to rewrite the by-law and iron out some of the difficulties.

The Hon. S. C. Bevan: Is it £10 a quarter under the regulation?

The Hon. F. J. POTTER: It was just £10 per annum in this regulation. As I said, there was no provision in the regulations for the daily trader, but apparently this was something that it was desired to cover. Accordingly, I ask honourable members to support the motion. There are slightly different reasons in respect of each of the other matters to be dealt with and I shall mention them to the Chamber in due course.

Motion carried.

KENSINGTON AND NORWOOD BY-LAW: TRADERS.

The Hon. F. J. POTTER (Central No. 2): I move:

That by-law No. 44 of the Corporation of the City of Kensington and Norwood in respect of non-resident and street traders, made on September 14, 1964, and laid on the table of this Council on May 13, 1965, be disallowed.

I shall not repeat what I said in connection with the disallowance of the Tea Tree Gully regulations, but point out that this regulation made by the Corporation of the City of Kensington and Norwood is almost certainly invalid, because it prescribes that the fee for a non-resident street trader's licence shall be £10 10s. a quarter, which would be £42 a year, payable in advance, and this clearly offends against the provisions of the Hawkers Act. There is also a general prohibition upon any person engaging in street trading and a restriction of the hours of trading to between 9 o'clock in the forenoon and 5 o'clock in the afternoon. These are legal matters technically, but they would render these particular by-laws invalid, on the information placed before the committee.

We have also taken considerable evidence from the Mayor, the Town Clerk and some of the councillors of this council and I think I can inform the Council that they are now fully seized with the difficulties and realize that these particular regulations are, in fact, likely to be defective. They also desire an opportunity to do the same as the Tea Tree Gully people, namely, to confer again with their legal advisers and have the regulations rewritten. The committee considers that the simplest way of enabling them to do this is to disallow these regulations.

The Hon. S. C. Bevan: Did the Crown Solicitor give his certificate of validity on this by-law?

The Hon. F. J POTTER: He did and, in fact, this matter was specifically referred to the two solicitors from the Crown Law Office who were before the committee. Of course, the point about that certificate is that it is only *prima facie* evidence of validity, only a statutory way of putting a *prima facie* imprimatur on the regulations. The fact that the certificate is there does not validate them; it is an indication that, in the opinion of the Crown Solicitor, they are within the powers of the council. This is an extremely complex question and I think I am not wrong in saying that the Crown Solicitor has probably taken the view: as the matter of whether those regulations are within the powers of the council may be arguable, who is he to withhold his certificate? That is how it came to be given. However, for the reasons I have mentioned, I move the disallowance of the regulation.

Motion carried.

UNLEY BY-LAW: TRADERS.

The Hon. F. J. POTTER (Central No. 2): I move:

That by-law No. 46 of the Corporation of the City of Unley in respect of trader's licence, made on July 6, 1964, and laid on the table of this Council on May 13, 1965, be disallowed.

Briefly, this regulation also has the two defects that are present in the case of the regulation from the Corporation of the City of Kensington and Norwood, namely, that there is a total prohibition on any person trading within the particular city. The regulation also prescribes a fee of £20 flat, with no restrictions or limitations at all. For the same reasons as were advanced in the case of the last matter before the Council, I move that this regulation be disallowed.

Motion carried.

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL.

The Hon. A. F. KNEEBONE (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Municipal Tramways Trust Act, 1935-1952. Read a first time.

SUPREME COURT ACT AMENDMENT BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Its object is to make provision for the appointment of a sixth puisne judge to the Supreme Court bench increasing the total number of judges, including the Chief Justice, to seven. The last increase in the number of puisne judges was made in 1952 when, following an amendment to the principal Act, the

number of puisne judges was raised from four to five. Considerable pressure for the appointment of a sixth puisne judge has come from the Law Society, which has expressed concern over the steady increase in the business of the Supreme Court and in the number of cases awaiting trial.

Since the appointment of the fifth puisne judge in 1952, the population of the State has grown from 723,500 to over 1,000,000, which represents an increase of over 38 per cent; but statistics indicate that the increase in the work of the court has been proportionately greater than the increase of population. For example, civil cases set down for trial (including matrimonial cases) have increased from 758 in 1951 to 1,389 in 1964. Decrees in divorce cases in the same period rose from 637 to 940. During 1964 the number of matrimonial causes instituted was 1,053. The number of criminal cases rose from 372 in 1951 to 662 in 1964.

Despite the efforts of judges to keep the work of the court up to date it will be seen that the burden of work has become so heavy that an additional judge is urgently required to cope with the steadily increasing work of the court. This Bill accordingly amends section 7 (1) of the principal Act by increasing the maximum number of puisne judges from five to six.

The Hon. C. D. ROWE (Midland): The purpose of this Bill is quite clear, and I entirely support its proposals. For that reason I do not seek an adjournment; I propose to speak to the measure immediately. The appointment of a seventh judge was being actively considered by the previous Government at the time it went out of office. It was then watching the position very closely to see how it would work out. I think honourable members will know that unfortunately in recent years we have suffered losses by death from the Supreme Court, and always when that has occurred there has been a delay in the work of the court until a new judge has been appointed. In addition, as so often happens, the judges have been used for other purposes, and this has meant that they have been taken away from the work of the court. It was thought at one stage that if we had an unbroken run of service by the six judges they would be able to manage the work, but events did not show that to be the case. According to the figures submitted in the second reading explanation, there is a build-up of work in almost all the jurisdictions of the court. Consequently, it would seem that with the growth of the State the time has come to add a seventh judge to the bench. I therefore wholeheartedly support this Bill.

There are other considerations that may come before us in due course. I think it is time that we had a look at some of the work that is committed to the judges of the Supreme Court, and it may be that the establishment of intermediate courts should be considered in the near future. Obviously, much work must be done before the full details of this can be worked out, and the Government, I think in its wisdom, has decided that it is not wise to wait until those details are worked out before appointing a seventh judge. Although there is a back-lag in many types of case, particularly in the civil jurisdiction, it is still true to say that this State's position is very much better than the position in other States, where I think the arrears are much greater than they are here.

Another matter that should be considered is that where there is a long list of cases and litigants do not expect that they will come on for hearing quickly, early attempts at settlement are not made. As everyone knows, it frequently happens that within a week before a case comes on for hearing the parties come together and that as a result many cases in the list are settled and do not come on to take up the time of the court. If we appoint another judge and reach the stage where cases are brought on quickly, probably many of the cases now on the list will be settled. Consequently, the list will not look as formidable as it does now. I have much pleasure in supporting the second reading of this Bill.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill. If honourable members remember, I have raised this matter on two or three occasions.

The Hon. Sir Arthur Rymill: You have raised it on several occasions in recent years.

The Hon. F. J. Potter: That is so. I think it was back in 1961 that I pointed out to the Council that if one looks at the position in the Supreme Court over the years, apart from the absolute minimum number of three judges when the court was originally constituted, a judge has been added every time our population has increased by about 250,000. Statistics show that that is so. I think I pointed out previously that we had in fact exceeded the 250,000 since the last appointment was made in 1952 and that we were therefore well and truly due for the seventh judge. I am pleased to see this measure introduced, as there is a back-lag in the work being done by the courts. The number of cases at present in the civil jurisdiction list is higher than it has ever been. It is true as the

Hon. Mr. Rowe said, that many of these cases are settled when they are eventually called on. This may mean that the number of cases now in the list awaiting trial will be quickly cut down to a more manageable size with the appointment of a new judge.

Apart from this, the defended matrimonial causes list is a hard core list, and it takes a long time for these cases to be heard. I do not know precisely why this is so; perhaps it is because some of the judges do not like taking matrimonial cases. However, it has been noticed by many practitioners who practise in the matrimonial jurisdiction that by the time a case is called on so much time has elapsed that another claim based on two years' desertion, which was not available when the action was commenced, can be added. This is happening time after time, and it shows the extent of the delay that has occurred in that particular list.

On the other hand, the Supreme Court judges are to be greatly commended for the way in which in recent months they have kept up with the undefended matrimonial list. At one time, some two or three years ago, it was in a dreadful state, with many cases awaiting hearing, but now it is right up to date and very little delay occurs. I am sure that all members of the profession engaged in this jurisdiction will join me in commending the court for the way in which it has caught up in that jurisdiction.

The Hon. Mr. Rowe raised an interesting and important point (I support him fully), that the time has come in this State for us to completely review our legal system. We have what I think was described somewhere as a double-decker system in South Australia—a Supreme Court and our magistrates courts. I think we are the only State with this double-decker system; every other State in the Commonwealth has what may be called a three-tier system, with an intermediate court known as either the district court or the county court, depending on which State is being considered. I am sure that our State would benefit materially from the introduction of such a system. It is a matter fraught with much difficulty in working out its details and bringing it to fruition, but I hope that the Government is prepared in this matter to grasp the nettle and, in the near future, present to this Parliament a scheme that will introduce a new system to include some sort of intermediate court, because that is probably the best system. It will undoubtedly surmount the difficulty that the Government now has in recruiting members from the legal profession to fill positions on the bench.

It is a notorious fact that in recent years it has become increasingly difficult to get suitable applicants from the profession to accept an appointment as magistrate. I am certain from my understanding of the position that one of the principal reasons for this is that the magistrate is a person who is regarded, particularly in other States, as being somewhat inferior in status. In other States special magistrates are not recruited from members of the legal profession; those positions are filled by people who have qualified themselves by experience over the years and by passing a certain prescribed standard of examination, and who usually work up to the position of magistrate from being a clerk of a court. We have not had that system here but, unfortunately, we have used the title and, as a result, most members of the profession who would be pleased to take a position on the bench and would be happy with the salary offered are particularly unhappy about the inferior status and, in some cases, the inferior work that magistrates have to do. This is one of the big problems involved.

I am certain that the new district court or county court system is a problem that the Minister concerned will have to decide for himself. It will ultimately have to be decided by one man—the Attorney-General. If too many advisers are relied upon, we shall get too many suggestions.

The Hon. A. J. Shard: There will be plenty of complications, too.

The Hon. F. J. POTTER: And too many people with axes to grind. What is required to bring this idea to fruition is for the Attorney-General to examine all the possibilities and arguments for and against, to make a decision and to say to the existing members of the bench, "Well, this is what it will be and this is what we shall do." I know as a fact that the question of the creation of an intermediate court has been talked about for a long time in this State. It seems that we are getting nowhere, because everybody has a different idea of how it should be done. Sometimes people have different ideas of where they will be fitted into the scheme. When this happens, we find that real progress sometimes gets bogged down. What is required is somebody to grasp the nettle and say, "This is what it will be." I hope when that day comes a Bill will be introduced in this Chamber to completely revise our system of lower courts. In the meantime, I welcome this addition to the number of puisne judges in the Supreme Court. It is necessary, and will be necessary in any

case, whether we have another revision or not, because the work has increased over the years and will continue to increase with our expanding population. I said on another occasion that the extra people we are getting into our State are no more virtuous than the people already here: they have just as many divorces, road accidents and civil claims. This question of the number of judges on the bench is directly tied in with our population increases. Accordingly, I commend the Bill to honourable members and support it.

The Hon. Sir ARTHUR RYMILL (Central No. 2): As was the case with the former Attorney-General and the member who has just resumed his seat I, too, have no need to ask for time to reflect on this measure. In common with the Hon. Mr. Potter, I have felt for a long time that there should be at least one further puisne judge appointed to the Supreme Court Bench. The statistics quoted by the Chief Secretary seem to be of absolutely undeniable force. In fact, the query they raise in my mind is whether one additional appointment will be sufficient, because statistics show that the court work, quite apart from the comparison of populations that the Chief Secretary made, has increased tremendously percentagewise and has only the same number of judges to cope with it. If it were that we had an intermediate legal system, such as that mentioned by Mr. Potter and, I understand, as has been canvassed elsewhere, this might not become necessary. If we are not to have another system, is it not possible that we shall need to make yet another appointment, or even more appointments? The query I pose is: is it desirable that our Supreme Court judges should be worked, as it were, flat out? I do not believe that this should be so, nor do I believe that a judge should have to be so engrossed in keeping up with the cases that come before him, or have to work so hard to try to keep the trial list down, that he has not time to consider other things. Judges need time to reflect on evidence, arguments and the legal problems in order to give their judgments. As has been mentioned, it is desirable that we should have judges who are available for Royal Commissions, committees of inquiry, and so on. Judges also have important social duties in a major sense, that is, in relation to various causes outside their actual judicial requirements. For instance, the Chief Justice has to act from time to time as Lieutenant-Governor. He has all kinds of other important duties to perform. This is also the case with the puisne judges.

As honourable members know, I am still a member of the legal profession, although I have not practised for nearly 10 years, but, of course, I am still tremendously interested in it. However, these days I am in business and one of the things I have always tried to watch in my companies, as a member of boards of directors, is that the managing director or the general manager has time to think above his actual day-to-day duties, and to be able to carry out intensive broad thought processes. This must add to his effectiveness, and I believe that the same thing applies to Supreme Court judges. They have to keep up with developments not only of the statute law but of judicial interpretations and decisions. They need time for much reading. I think it would be better in future if we are to err that we err on the side of having too many judges rather than too few, which seems to have been the order of the day in the past. If we were to have a complete contingent of judges capable of keeping the lists up to date without over-exerting themselves and still have time to give fundamental thought to other matters, I think it would be far better for our judicial system than overworking them all the time, as we appear to have done in recent years. This is not intended as a criticism of our judiciary; on the contrary, we are very proud of our judiciary and of the way in which it has managed to keep up with things. I think I have said enough for honourable members to know that I wholeheartedly support the Bill.

Another thing I would like to say is that appointments to the bench, of course, deplete the list of Queen's Counsel. I believe one of the other judges will be retiring shortly.

The Hon. A. J. Shard: At the end of the year.

The Hon. Sir ARTHUR RYMILL: Yes, and that will mean another appointment. I am one of those people who has always believed that honours come too late in the legal profession. This applies mainly to South Australia, as I do not believe it applies elsewhere. Appointment as a Queen's Counsel comes much earlier, if it is desired or considered suitable, in other places than it does here. I think we have been too stingy in our appointments of Queen's Counsel. I consider that we have too few of them, and I certainly believe that they should be appointed at earlier ages, which I think would not only be good for the profession but would hold people in the profession. Many are inclined to drift out of it because recognition comes too late. I do not know in whose hands the appointment of a Queen's

Counsel is, and I do not want to delve into that, but I do recommend to whoever makes the appointments that not only should more be appointed soon but also that consideration be given to having a longer list of Queen's Counsel than we have at present. The Bill itself is a simple one, and should not need to be looked at clause by clause. It should not need exhaustive inquiry, and I assume that in those circumstances it will probably have a speedy passage, which I have no doubt is the desire of the Government.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for their enlightening addresses on this Bill. I rise only to say that most of the subject matter mentioned by members is receiving the attention of the Attorney-General. The matters raised in relation to intermediate courts and justices of the peace are being considered, together with the question of Supreme Court judges. The matter of Queen's Counsel appointments, raised by Sir Arthur Rymill, is also under review. Again I thank members for their assistance in debating this Bill. We would like to have it put through today as it is expected that the appointment of a further puisne judge will be made in the very near future. The sooner the Bill is passed the sooner the Attorney-General will be able to do what he is desirous of doing.

Bill read a second time and taken through its remaining stages.

WILLS ACT AMENDMENT BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

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

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

As it is considered desirable that in this branch of the law there should be uniformity not only between the States but also with the United Kingdom, this Bill, as well as the legislation to be enacted throughout Australia, follows the form of the legislation enacted in the United Kingdom. After this legislation has been enacted by each State, the Commonwealth will be able to accede to the Hague Convention. In essence, this Bill provides that a will is to be regarded as validly made if it is executed in accordance with the law of any place with which the testator could be said to have a real and substantial connection.

Clauses 1 and 2 of the Bill are formal provisions. Clauses 3, 4, 5 and 10 effect a minor revision of the principal Act by dividing it into Parts. As clause 6 does not deal with the formal validity of wills, I will deal with it at the end of this explanation. Clauses 7 and 8 amend sections 13 and 14 of the principal Act, which deal with wills made outside and within the State so far as they dispose of personal estate. These sections are amended (without departing from uniformity with the law of England and the other States on the main principles) so as to limit their operation to validate only such wills disposing of personal estate made before this Bill becomes law as might rely on the present effect of these sections.

Clause 9 inserts into the principal Act a new Part containing new sections 25a to 25d

relating to the formal validity of wills. Subsection (1) of new section 25a contains definitions of terms used in the new Part. Subsection (2) contains rules for selecting the appropriate system of law where there is more than one system of law in force in the country in question. Subsection (3) provides that it is the formal requirements in force at the time of execution that are to be taken into account, but this will not prevent account being taken of an alteration of law if the alteration enables the will to be treated as properly executed. Subsection (4) provides that the new provisions will not apply to the will of a testator who dies before the Bill becomes law. Subsection (5) provides that a requirement of any foreign law that testators of a particular description are to observe special formalities, or attesting witnesses to possess certain qualifications, is to be treated as a matter of form.

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

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

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

I believe that the foregoing legislation will be of great assistance to our migrants, and also, to a lesser extent, to the many Australians who move abroad in the course of their work. Clause 6 is not related to the other provisions of the Bill dealing with the formal validity of wills. This clause reduces the minimum age at which a person may make a will from 21 years to 18 years. At present, except in the case of certain members of the armed forces, a person under the age of 21 years cannot make a valid will, but the effect of the amendments made by clause 6 is that any person of or over the age of 18 years may make a will. Section 5 of the principal Act is repealed and re-enacted with the necessary alteration to the minimum age. As a consequential measure, sections 6 and 6a, which enable certain members of the armed forces who are over the age of 18 years to make a will, are repealed, these sections being no longer necessary in view of section 5 as re-enacted. Subsection (2) of new section 5 is a transitional provision that provides that the extension of testamentary capacity to persons of or over the age of 18 years will apply only in respect of wills executed after the Bill becomes law. This amendment will bring the law of our State into line with an amendment to the Victorian law made earlier this year. I commend the Bill to honourable members.

The Hon. F. J. POTTER secured the adjournment of the debate.

JURIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 1. Page 1380.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This Bill appears to enunciate two main principles, the first being that it is

proposed that the House of Asembly roll be used as the qualification for jurors instead of the Legislative Council roll, as at present, and the second being that women shall be enfranchised for the first time in South Australia as jurors. I should like to compare these two principles with two principles that I have always understood underlay jury service—and this is the result of the fact that at an earlier time I studied law. The first principle I should like to mention as a fundamental principle that I have always understood to be applicable to jury service is the principle of responsibility—that is, that persons comprising a jury should be assured to be responsible persons. The second principle is that jury service traditionally has always been compulsory.

First, I should like to compare the principle of responsibility with the proposed principle of using the House of Assembly roll instead of the Legislative Council roll for the purpose of qualifying jurors. Why the present Government has decided to bring this part of the Bill before this Council is certainly not clear to me from the terms of the second reading speech of the Minister, who merely said, as I remember it, that South Australia is now the only State in Australia that uses the Legislative Council roll and not the House of Assembly roll. Of course, there could be reasons in other States that do not apply here. For instance, in Queensland there is no Legislative Council roll to fall back on in any event. However, I emphasize that this was the only reason given by the Minister for using this other roll. He did not claim that we were going to get better juries by using another roll. He did not claim that our juries needed strengthening. He did not claim anything; all he said was that South Australia was the only State that did not use the House of Assembly roll as the qualification for jury service. I therefore pose the question: why is it necessary to change the roll? Is it for the sake of uniformity? We have heard much about uniformity between States in legislation in recent years, and I have expressed myself very forcibly in this Chamber from time to time about this, as I do not believe in uniformity for uniformity's sake. However, there is not very much uniformity in this Bill because, even though the other States do adopt the House of Assembly roll for the qualification, they have varying factors of exemption from jury service and other disqualifications and qualifications, so this measure certainly will not make the qualifications for jury service uniform between the States.

Is it a doctrinnaire reason? We know that the Labor Party does not like the Legislative Council, and therefore one can assume that it does not like its roll either. I believe that is because the Legislative Council roll does not suit that Party, as it does not think it gets as many votes under it as it would get with a universal franchise. Is this the reason, or is this Bill plain politics, which one can suspect it is? Is this a piece of political sparring? I am not clear about it. Is it that members of the Labor Party have found it difficult to get some of their supporters on the Legislative Council roll, which of course is a voluntary roll, because they know they will thereby be rendering themselves liable to jury service? I merely postulate these various factors that may have come into the Labor Party's consideration because we have been left completely in the dark about really why this aspect of the Bill has been presented to us. All we have been told is that all the other States use the House of Assembly roll, which to me is no reason whatsoever.

I believe that in South Australia we have the best juries in Australia, and I think that view is shared in other States. I think cases in the courts and the lack of complaints about verdicts in this State confirm that opinion by themselves. Looking at it conversely, complaints in other States about the results of jury verdicts or about the verdicts themselves suggest that we have a tremendously good, effective and responsible jury system at the moment. So, if we have the best jury system in Australia, why is it necessary to tamper with it? I do not think anyone could claim that this Bill will produce better juries. Rather, in my opinion it will tend to weaken the effectiveness of juries.

Tasmania has a minimum age of 25 years for jurors. In this State (if this Bill is passed) and in other States the minimum age is 21 years. Is this a good age for people to serve on juries? I think it has been said by members of the Labor Party that a complete cross-section is desired, and this is so, but the effect of this legislation, if it is passed, will be to increase the number of younger jurors, and I wonder, as I would have wondered when I was young, whether that is a particularly good or desirable thing. Certainly a cross-section in juries is desirable, but it is a question of how far the cross-section should be taken. For instance, nobody has suggested that anyone under 21 should be capable of

being a juror, so why should we have many more younger people because, although people are qualified to be on the Legislative Council roll at 21 (they cannot be members until they are 30) by the nature of the franchise of the Council the people on the Legislative Council roll are normally of a more mature age, although there are many at 21 who have the necessary qualifications? So, the effect of this Bill would be to lessen considerably the average age of jurors; I have no doubt about that. One queries whether in these circumstances Tasmania is not wise in having a minimum age of 25.

I merely pose this question; I am still considering this Bill very carefully because I believe it is of major importance in our Statute Books. On the other hand, certain things could be said that would help to justify these provisions. The first is that juries are comparatively limited in this State in their sphere of operation compared with the cases that they are capable of trying in other States. I think it is many years since we had a jury in any civil case in South Australia. I remember a jury of four sitting in the 1920's in the Supreme Court, and that is about the last one I remember in Court No. 1 in a civil case. I think I am right in saying that juries still can be available in civil cases, in a very limited sense, but I do not think they ever are called upon. So that lessens the need for juries in South Australia compared with the need for them in other places.

A saving factor in relation to the arguments I have been putting on this question of widening the jury roll is the right of challenge available under the Juries Act. The defence (and, for that matter, the Crown) can challenge three jurors of a panel without showing any cause for doing so; they have the absolute right to challenge three and there is a right to challenge for cause other jurors. So that, with a jury of 12, with the defence having a right to challenge three, it means that, if the defence exercised that right to challenge, it would challenge three out of 15 people, so there is a 20 per cent right of challenge; and the Crown, too, has a 20 per cent right of challenge; and, on top of that, there is a right of challenge for cause. That is a saving factor of some sort, and it is a factor that would operate and hold to ensure that a suitable jury was empanelled.

I hope that the Minister in his reply on this Bill will give us further reasons why it is proposed that we have the House of Assembly roll instead of the Council roll, because the only reason given at the moment is that the Assembly roll is used in all other States. I hope that his reply will not be given for a while, because this is a most important Bill, the type of Bill that should receive earnest attention. That is about all I wish to say about the roll at this stage.

I want now to deal with women jurors and compare the principle that I have mentioned before compulsion in jury service with the provisions of this Bill in relation to women. One can easily be misunderstood on these matters, so let me say now that I have no objection whatever to women as jurors. On the contrary, I think they would make, and do make in other places, at least (I emphasize those words) as good jurors in most cases as men, because women have great experience of the humanities, and I have no doubt that in the great majority of cases they would bring excellent experience and ideas to serving on a jury. But, on the other hand, the structure of our social life makes it difficult for women to be compelled, as men are, to serve on juries in many cases, because of course in a family with young children it is most difficult for the mother to get away, especially for a whole month, as I believe is required at the moment. After all, she is the hub of the household and is the person who in most instances keeps the house going. An absence of that nature could seriously affect the whole social structure. Hence, of course, the provision, not only in this Bill but in the Acts of some other States, that women can by merely making a decision and giving notice remove themselves from the requirement of having compulsorily to serve on juries. I agree with that entirely. But we then come back to the fundamental principle that compulsion of jurors has always been regarded as an essential to getting proper juries. This is because a proper cross-section is wanted, not a bunch of enthusiasts who want to serve on juries, whereby we get certain people becoming, as it were, professional jurors, which is not the essence of the system at all. The essence of the system is that the juror should not know anything about the law, that he will bring the lay point of view to bear on the facts so that people can be judged in the social surroundings in which they exist. That is the reason why legal practitioners are not entitled to serve on juries, because they would infringe completely that principle.

So we have three competing factors: (1) that women make excellent jurors; (2) that the nature of our social life makes it really impossible for them to be compelled to attend; and

(3) that that infringes a fundamental principle of jury service. So one wonders exactly what is the right and proper thing to do in this sort of case. Then again this position arises: if we are going to excuse women from serving on juries just because they do not want to or because it does not suit them to or because they have other reasons that render it necessary for them not to serve, why should we compel men to serve on juries? After all, plenty of men have valid and substantial reasons for not serving on juries, which reasons do not excuse them under the Act from such service. If this is a question of equality for women, it is not equality—it is superiority, because they are entitled to serve on juries if they want to and they are entitled to get out of jury service if they want to whereas men, with few exceptions, are compelled to serve on juries; so, in my opinion, none of this lines up very well. The principles underlying this Bill are bad.

We have talked about uniformity and I should like to compare the legislation of the other States, referred to by the Chief Secretary, with this Bill, because there is certainly no uniformity on this question of compulsion or otherwise of women jurors. I have examined the legislation of the other five States, though not exhaustively. I did not think it was necessary for me to do so at this stage, in any event; I think this is a job for the Government to do, if we ask it nicely.

The Hon. A. J. Shard: You get well paid for it; you do your share.

The Hon. Sir ARTHUR RYMILL: I have done my share. I have to do my share by myself, whereas honourable members of the Government have working for them people, also well paid, to assist them. I have not that advantage, and that is why I suggest that the Chief Secretary might get some of his people to have a further look at this for the purpose either of confirming that I am right or of pointing out to me where I am wrong, because I have spent much time on this and I think that what I say is right. However, the Acts are fairly lengthy and I have always found, even with a legal training, that it is hard to read an Act just once or twice and be absolutely sure that I have covered everything in it. That is why I invited the Chief Secretary to correct me where I go wrong. In Queensland women cannot merely give notice and say that they do not want to serve on a jury and so get out of it. I think—but I am not quite as confident here—that the same position applies in Victoria. If I am right in that, we have two States where women's jury service is compulsory—except of course in the case of illness, and a special clause in the Queensland Act provides for women being exempted for illness.

In Western Australia, and as proposed in this State, women are entitled to, or are liable for, jury service if they are on the House of Assembly roll and are not disqualified by any of the disqualifications. However, they are entitled in Western Australia, and will be entitled in our case under this Bill, to get out of jury service if they give notice to the effect that they do not want to serve. In New South Wales and Tasmania it is the other way around; if women want to serve on the jury they must give notice of that desire. So that means three different categories exist: no exemption in two States; a right to elect not to serve in two States; and a right to notify the desire to serve in two States. As I see it there is no uniformity here. Which is the best principle to adopt? I find myself in some difficulty.

I certainly do not believe that women should be compelled to serve on juries, for the reasons I have given. The Bill presented to us allows them to opt out, which I think is a good way of doing it if this law is to be passed. In two States women have to notify their desire to serve before being placed on the jury list, and I think that would encourage the professional jurors I have referred to rather than the method suggested here. The truth of the matter is that if compulsory service is not desirable, why should it be necessary to burden them with the obligation to serve on a jury at all? I know that some people say it is a privilege to serve on juries. I think some of the women who promoted the idea here regard it as a privilege. I know a lot of people regard it as a severe obligation. As there are so many conflicting ideas, I want to hear them debated before I make up my mind on what I think is the right course to adopt.

There is one specific point I should like to refer to, and this has been disturbing me considerably. Clause 16 of the Bill says that a new paragraph is to be inserted, paragraph (*c*1), and it reads:

> The number of men in each quota shall as nearly as possible bear to the number of women in that quota the ratio which the number of men in the subdivision roll bears to the number of women in that roll.

My interpretation of that—and I think I am right, but no doubt I will be corrected if I am wrong—is that the ratio of men to women in the jury quota shall be the same as that on the House of Assembly roll of a particular

place. As the number of women voters and men voters roughly approximate the same, this means it is proposed that in South Australia they want roughly equal numbers of men and women on all juries; that is, unless it is a case certified for all men or all women or some other factor comes into it. I wonder whether this is really the intention of the Government in bringing down this Bill, because in my observation of what goes on elsewhere there are usually two or three women on a jury of 12 and nine or 10 men. I know the numbers vary, but I am talking of the generalities. Does the Government really intend that the number of women serving on the jury shall be, in the normal case, approximately the same as the number of men?

The Hon. A. J. Shard: No, the same proportion as that in which they appear in the subdivisional roll.

The Hon. Sir ARTHUR RYMILL: That is the same—on the roll. In Western Australia, for instance, they say that the ratio shall be the same proportion as appears on the jury list. This is a different matter, because the jury list excludes the number of women who have decided that they do not want to serve on a jury and, assuming a lot of women would give that notice (and I imagine they will), that means there will be a far smaller proportion of women on a jury list to the proportion of women on the subdivisional roll.

The Hon. A. J. Shard: You would start off with 60 to 40 and finish with 70 to 30.

The Hon. Sir ARTHUR RYMILL: I have no doubt that this will happen in South Australia and if this clause remains as it stands it will mean that, as far as the jury lists are concerned, a greater proportion of women will be taken from the lists than men because there will be far more men on the list than women. It is apparent that the proportion of women to produce an equal number will be far greater. This is my interpretation of the clause, and I hope the Chief Secretary will be good enough to look at this and in his reply tell me whether I am right or wrong in this suggestion because I think it is an important feature and one that needs a good deal of examination. I think I have said enough to show that I consider this Bill has a number of fallacies and contradictions in it and I am not certain at this stage what course I should take. I hope, and confidently expect, that I will obtain help from honourable members in this debate in deciding what should be done. In other words, I have not a great deal of enthusiasm for this piece of legislation but I will keep an open mind on the matter and determine in due course which way my vote should go, first, on the Bill itself, and secondly, on the various aspects that I have referred to.

The Hon. JESSIE COOPER secured the adjournment of the debate.

PUBLIC PURPOSES LOAN BILL.

Adjourned debate on second reading.

(Continued from September 14. Page 1445.)

The Hon. M. B. DAWKINS (Midland): I rise to give consideration to this measure which was explained in considerable detail by the Chief Secretary when he introduced it in this Chamber. First, I congratulate the Government on the splendid set-up that it inherited. I was a little disappointed to learn from the Chief Secretary's remarks about the serious problems that the Government faces. I consider there was an inference, at least, that the outgoing Government was to blame for these problems. I could not disagree more with that. I think it is completely foreign to the rules of the Loan Council for any State Government to carry forward large sums of money. I think the Government was exceedingly fortunate in inheriting the quota that it inherited from the previous Government. All that the present Treasurer had to do was sit tight and say he wanted the established quota, which, from memory, is 13.71 per cent. In my opinion, we have been successful in the past in establishing a quota about 50 per cent above what we would be entitled to on a strict population basis, which would be, perhaps, 9 per cent or 10 per cent. I think that this Government was fortunate (and I do not think that it would do it any harm to say so) in having such a state of affairs passed on to it by the previous Government.

I do not intend to speak at length about many lines on these Estimates, because some of them have been dealt with with much competence by previous speakers. However, in referring to a few of them, I mention first the Loans to Producers Act. I note that in 1964-65 the bank advanced £649,000 under that Act. The allocation suggested here, £600,000, will be insufficient, particularly if the Government intends to continue to assist certain primary industries in the way they have been assisted in recent times under that Act. I think it was the Hon. Mr. Story who mentioned that if the Government intends to continue to help in regard to surplus grapes, for example, the money must come from somewhere other than the allocations under the Loans to Producers

Act.—I agree with that, and believe that in future considerable financial assistance must be given to the citrus industry, and also to the apply industry, in which the Hon. Mr. Kemp is vitally interested. The Hon. Mr. Story was quite correct when he said that £600,000 could well be insufficient.

An amount of £1,050,000 is provided for afforestation and timber milling. Recently I have been fairly closely involved in representations by the users of timber, particularly for case-making and other purposes. Apparent shortages of timber have been underlined. My colleagues and I attended a deputation to the Minister of Forests on the matter. In addition I have had contact with other branches of the timber milling industry where there has been much concern about the shortages. I support the comments made by my friend, Mr. DeGaris. He has considerable first-hand knowledge of the problems of the timber industry and I am sure he was on the right line when he stated we should seek to develop, I think, 80,000 acres of land for the further development of timber rather than purchase valuable land now used for other primary production and already contributing largely to the economy of the State. I ask the Government to look at my colleague's suggestion, which is exceedingly valuable. The problem of afforestation and timber supplies will continue to engage our attention and, quite apart from politics, it must be looked at in the light of future requirements of the State.

I notice that nearly £1,800,000 is allocated for the rolling stock branch of the Railways Department for 1965-66. I am a little surprised that this is about £120,000 less than was allocated in the previous year. Then, over £1,900,000 was allocated to this section of railway activity. I am sure that the movement of freight by the railways will be one of the chief activities of value to the State in future. The movement of passenger traffic is a service, particularly in the suburban areas and on interstate lines, but the movement of freight, particularly bulk freight for primary industries, is something in which the railways must engage in even more in the future.

I was interested to hear the Hon. Mr. Octoman discussing this matter and referring to the fact that we are lagging somewhat in the provision of the right type of bulk trucks for grain, superphosphate and similar commodities. I am disappointed that the Government has not done more in this regard.

The Hon. L. R. Hart: Prompt movement would be important, too.

The Hon. M. B. DAWKINS: That is quite right; prompt movement of large quantities of primary produce is extremely important. My colleague, the Hon. Mr. Hart, spoke about the Overland Express and said that no dining car is provided. By interjection I suggested that it would be the only first-class train in Australia that did not have a dining car. I do not wish the Minister to consider this in a personal or political way at all, because I think it is largely a matter that has been in the lap of the Railways Commissioner for some time. This is a service that I believe should be provided on the Overland Express, which compares in my view (and I have been able to travel on most of our interstate trains) very favourably with the other major trains in Australia, except on this one particular aspect. If one wants breakfast one has to get out and run along the platform. That is not the sort of thing that induces people to travel on this train. If my memory serves me correctly, I first travelled on the Overland about 30 years ago. I believe a dining car was then attached and that I had a meal on the train. I think the dining car was taken off as a war-time economy measure, and it has never been put back. I believe it is high time that it was put back, and I endorse Mr. Hart's suggestion that the Minister should have a look at this matter in due course. I believe it is a shortcoming on our main interstate train compared with all the other major passenger trains in Australia. As I said earlier, the major passenger traffic is largely suburban traffic, which it is highly important the railways should move, but interstate traffic is equally important.

I register my approval of the fact that the Government is continuing to work on the major scheme of widening and deepening the Port River. It has always been a matter for regret that we have not got a better harbour than we have at Port Adelaide, but as the harbour has been sited there it is essential that it be kept up to date and that it be able to accommodate the larger ships now coming to our ports. The Government is to be commended for continuing the work started by the previous Government. I also noted that £170,000 was to be spent in constructing a new passenger terminal at Outer Harbour. This work was commenced by the previous Government, I think last year. I am interested in this because, after all, Outer Harbour and Port Adelaide, although perhaps not of direct interest to a country member, are the main outlets for the State as a whole. When I was in Perth about three years ago I went to

Fremantle and had a look at the new terminal there. That was an eye-opener compared with Outer Harbour, and I had something to say about it in this Chamber on my return. I was gratified to know that the previous Government was doing something last year about constructing a comparable terminal in this State, because I believe a good first impression to overseas visitors and good facilities for overseas cargo ships are most important.

Fishing havens were dealt with by the Leader of the Opposition and by the Hon. Mr. DeGaris. I agree with them that the allocation of £21,000 is disappointing. I cannot be so disappointed about the provision of £16,000 for the Edithburgh fishing jetty, because this is essential and has been in the offing for about three years. It is necessary for the Edithburgh people, and it will be of interest and use to tourists. We have had some evidence of the growing importance of tourism in this State, and I am glad that this money is to be provided for the fishing jetty. However, I regret that the overall allocation is insufficient to develop our fishing industry, which is another industry of growing importance to South Australia.

I turn now to the section devoted to waterworks and sewers, for which £13,100,000 has been allocated. I note that £80,000 is provided to continue work on the Elizabeth water supply, which, of course, is in the Midland District. This proceeding is in accordance with the development of Elizabeth and Salisbury. I also note in passing that, while only £80,000 is provided this year for this further development, over £1,100,000 had been provided by the previous Government for this purpose. I join with Mr. Hart in noting that of the £141,000 provided for work in the Barossa water district, £90,000 will be spent on duplicating portion of the existing trunk main between Sandy Creek and Gawler. This matter was investigated and started during the term of office of the previous Government, and I am glad that something more is to be done about it as the reticulation scheme in this area, which I know fairly well, is very old in most places and very much in need of replacement. The provision of a better supply between Sandy Creek and Gawler is the first step in what I imagine will be a complete replacement of these old mains in due course.

I am also pleased to see that something is to be done in the Warren water district. The sum of £40,000 is provided to continue work on a new pumping plant, pumping main and storage tank to improve the supply to Angaston, and £20,000 is provided for further work on a scheme implemented by the previous Government to provide the township of Watervale with a supply from a bore. Recently I asked the Minister of Mines a question about the further improvement of water supplies on Yorke Peninsula, and I was pleased to note that the Mines Department would probably complete its investigations into underground water supplies in that area by the end of this year. I also see that £51,000 is proposed for further work on the enlargement and extension of the Yorke Peninsula water supply system. This is part of what is considered by some engineers to be the final extension that can be carried out of the existing mains, which are supplied from Murray water. I noted that £170,000 had been provided up to June 30 of this year and that 27 miles of main had been completed. However, I note with some concern that although £457,000 is the estimated cost of these extensions only £51,000 is provided this year. It means that at this rate it will be some four or five years before the Yorke Peninsula farmers, now without a service, and people at the bottom end of the peninsula in particular receive the water from the last extension from those mains. This is too slow. More money should have been provided. In due course, if it is not possible, as our engineers have told us, to send further water down these mains, we must proceed with the extension from the underground water supplies now being investigated by the Mines Department.

I note that the provision for sewers is £4,371,000, and that over £2,500,000 is provided for further work on the Bolivar sewage treatment works. This scheme was implemented by the previous Government. It is expected that it will provide sewerage for the fast-developing Salisbury-Elizabeth area and that it will extend north to the town of Gawler. I was pleased to receive earlier this year, in February, a letter from the previous Minister of Works in which he stated that he hoped that the town of Gawler would be sewered within the next two or three years. I am glad to see that the present Government is carrying on with this scheme which was started by the previous Government.

I now come to the amount for school buildings, £5,700,000. I am pleased that something is being done for the Urrbrae Agricultural High School. In company with several other gentlemen vitally interested in agricultural education, I inspected this school earlier this year and was disturbed by the lack of facilities. The school has been established for about 30 years. I am pleased to know that the scheme, which

was then on the drawing board, is now to be proceeded with and that the Urrbrae Agricultural High School will not be a sort of Cinderella high school but will become a fine one. I hope that with the improvement in the status of agricultural science as a subject the school will go from strength to strength.

I am pleased also that the new buildings for the Gawler Adult Education Centre are now nearing completion. This is a much needed facility in that area. It will serve not merely the town of Gawler but also very largely the whole of the lower north of the State. With the Hon. Mr. Story, after perusing these Estimates for school buildings, I am concerned that so many of the schools are in the city. Not enough are in the country. I realize that school facilities must be provided but it appears to me that too much is being done in the city compared with the country. I suppose it would be wrong to say that too much was being done anywhere, because there are pressing education needs in every part of the State, but we should maintain a balance between the needs of the city and those of the country. Not enough money is provided on this line for country schools, many of which have had to be bolstered up by prefabricated buildings. This has been somewhat unavoidable, but I hope that as time goes on we shall be able to have more and more solid construction schools so that quotas of timber that have been used in the provision of prefabricated school rooms will, as the Hon. Mr. DeGaris recently suggested, be available to be diverted into other necessary State projects.

I note that the Housing Trust is still building houses in the country, but not enough. I have made some suggestions to the trust, particularly about housing in the Upper Murray area where more houses are sought, and also on the outskirts of the town of Gawler. One thing about which I am pleased is that I have received information from the trust that part of the outskirts of the town of Gawler known as Duffield will be developed and drained and in due course many houses will be built there. I am glad that the present Government is continuing with the Torrens Island power station and that nearly £4,250,000 is being provided for the construction work there. Any Government, regardless of politics, would be foolish if it did not realize the vital importance of this work to the development of the State. One other thing I am pleased to note is the probability of future underground water supplies in the Warooka area. I mentioned that earlier, so I shall not dwell on it now.

In conclusion, I must express disappointment that I have not seen anything in these Estimates providing for decentralization. My friends on the front bench here used to have much to say about decentralization when they were in Opposition. I felt sure that, once they became members of the Government, they would introduce many schemes for the further decentralization of South Australia but I can find nothing to give me cause for encouragement in that field. I am aware that it is not possible to decentralize people when one is in Government. Things are different when they are not the same. One can do it when in Opposition; one can talk about it, but the only way in which to do it in Government is by providing facilities for people to go to a certain area.

The Hon. A. F. Kneebone: You are learning fast.

The Hon. M. B. DAWKINS: I think the reverse applies, that the Minister is learning about it. When in Government, unless we have a police State (which seems to be the case with a clause in another Bill) we cannot direct people to go to a certain area; the only thing we can do is to offer to provide facilities in the way of power, water and anything else that can be provided for the development of country centres. I am sorry that I have been unable to find anything that would provide for further industrial expansion in the country areas.

The Hon. A. F. Kneebone: The previous Government was in office for 32 years.

The Hon. M. B. DAWKINS: I have no doubt that the present Government will not hold office for 32 years. I think its life has been estimated at 29 months. However, I increase it to 32 months.

The Hon. A. F. Kneebone: You can increase it further. You learn as time goes on.

The Hon. M. B. DAWKINS: I have had some time to learn a little. I suggest to the Ministers that they look at some of the suggestions I have made, and with the reservations I have mentioned I support the Bill.

The Hon. C. D. ROWE (Midland): I rise to support these Loan Estimates, which I think cover the most unsatisfactory Loan programme I have seen since I have been in this Council. I was sorry when I read that the Premier had come home from the Loan Council meeting and had to report that the percentage increase in the amount of Loan moneys available was the lowest for a period of 10 years. I was further disappointed when I read the details of this particular programme. I was even

more disappointed when I read certain statements that indicated that this Government had found itself in the position that a considerable amount of Loan money had been committed for various projects and, consequently, whereas there was a carry-over of about £1,600,000 of the Loan funds 12 months ago, when this Government came into office there was practically no carry-over.

The first thing I want to say with regard to that is that when we were in Government figures were published every month for everybody to read that set out the exact position with regard to the Budget and the exact position with regard to the Loan funds, and so at all relevant times during and after the election campaign this Government had full and accurate information about the finances of this State. However, notwithstanding the fact that that information was in its hands, it still went on to make election promises that it has had either to postpone or cancel, and the responsibility for that rests entirely on its own head. I realize that it is not reasonable to expect that any Government will honour all its election promises within a short time after an election, and it is for that reason that I have ceased to ask the Government what is happening with regard to certain things that it promised at this and previous elections. I have not asked a question about its proposal to put a tunnel through the Adelaide Hills, first, because I believe it is not desirable and, secondly, because I know the Government has commitments in other directions. Nevertheless, we must remember that that particular promise was made, and made quite definitely.

The Hon. A. F. Kneebone: It was not endorsed by the people.

The Hon. C. D. ROWE: That is so, and it is a good thing; it is not endorsed by me, either. We are living in a period when there are many new innovations and I suggest to this Government an innovation that it might adopt that would help it out of a considerable amount of trouble and that would be of lasting benefit to South Australia. The suggested innovation is: when the next Loan Council meeting is held the Premier should take with him the Hon. Sir Thomas Playford to assist with negotiations and to ensure adequate amounts of Loan money for this State. Whatever the criticism may be of Sir Thomas Playford—and I suppose everybody is subject to some legitimate criticism—nobody has questioned his ability to negotiate and get the best possible deal. I am satisfied in my own mind that if Sir Thomas had been taken to the Loan Council—although for the time being he has not a seat in that council meeting—his knowledge and wisdom that he has acquired over a period of 25 years would have meant that, if the Premier had made use of that knowledge and wisdom, he would have come home with at least £1,000,000 a year more Loan money than we now have to spend. It would have got the State and this Government out of the very serious trouble that it is now in.

The Hon. A. F. Kneebone: You are not suggesting that the Commonwealth Government would give people of its own political colour more money than it would give to others?

The Hon. C. D. ROWE: That is the last thing I suggest, and the last thing I think the Minister himself would suggest.

The Hon. A. J. Shard: He gave one of his colleagues a nice hand-out behind the back door.

The Hon. C. D. ROWE: I am not discussing that matter at the present time.

The Hon. A. J. Shard: That is a fact, though.

The Hon. C. D. ROWE: I do not know whether it is a fact or not, but if we want to get the best deal to which we are entitled—and I am one of those people who believe in the retention of State Parliaments and State instrumentalities—and if we are to get what we deserve from the Commonwealth Government we have to see that our case is put in the strongest possible terms to the Loan Council and I believe that was not done on this occasion. The evidence is that we have the lowest increase for 10 years when possibly we had the strongest case, and I am afraid that unless our case is put more strongly in future the good work done by Sir Thomas Playford where our share of the Loan money was built up to 13.7 per cent of the total Loan money when we have only 10 per cent of the population of Australia will decrease and we shall be in worse difficulties than at the present time. I have said that we live in a period of . . .

The Hon. M. B. Dawkins: I have not heard the Government express any appreciation for that 13.7 per cent.

The Hon. C. D. ROWE: I make the suggestion seriously; there is no reason why it cannot be carried out and I believe that it would have the support of the people of all this State. I have mentioned it to several people and some have said to me, "I see it looks as though nothing will be provided for Giles Point in this year's Loan Estimates", and I have to reply that there is not sufficient Loan money forthcoming to enable the Government to meet all of its commitments, and then I

say that I believe that if Sir Thomas had been asked to go to the Loan Council meeting there would have been a better result, and to that extent everybody agrees.

The Hon. A. F. Kneebone: He would not have been able to take part in the discussions.

The Hon. C. D. ROWE: No.

The Hon. A. F. Kneebone: How then could he use his arguments?

The Hon. C. D. ROWE: He could have helped and made sure that all the relevant facts were placed before the Loan Council.

The Hon. A. J Shard: You are not trying to tell us that Sir Thomas made up his own case and prepared all his own material that he put before the Loan Council?

The Hon. C. D. ROWE: What I am prepared to say is that Sir Thomas never came home unless he had a satisfactory answer with regard to the amount of Loan money, and on one occasion he kept the Loan Council sitting for three days until he got a satisfactory result. I want to see our case put much more strongly; unless the Government may prefer the alternative of going to the people and saying, "We will have to increase your water rates, house rents, succession duties and tram fares." I believe that the worst is yet to come. I don't think that that is the answer. I think the answer is to see that we get adequate amounts from the Loan Council.

Having said that much by way of introduction, I want to deal now with the item of railway accommodation. Last year the amount spent on this item was £3,199,974 whereas the figure proposed to be spent this year has been reduced to a total of £2,800,000, a reduction of about £400,000. We are faced with the situation that the railways are expected to earn an additional £1,000,000 a year and we are told that action is to be taken to divert freight to the railways. The emphasis seems to have changed a bit lately, and apparently it will be possible to use the roads provided payment is made for doing so, and I will have more to say about that later on. In a year when we are to push rail freights up by £1,000,000 and at the same time reduce the vote for railway accommodation by £400,000, I cannot see how that reduction can be justified. I cannot see how the Government can expect to cope with additional traffic if less money is made available for railway accommodation. In Committee, I shall ask the Minister for a detailed explanation in regard to this reduction. The amount provided does not give us what we require on this particular matter. The same applies to the Engineering and Water Supply Department. Last year, actual expenditure by that department was £14,744,992, whereas this year the proposed expenditure is only £13,350,000, which is a reduction of about £1,500,000. Everyone knows what water means to the State of South Australia.

The Hon. M. B. Dawkins: It is a reduction of more than 10 per cent.

The Hon. C. D. ROWE: We know how important the Chowilla dam project is, yet this Government comes along and says that it will slice £1,500,000 off the Estimates of the Engineering and Water Supply Department. I shudder to think what the position will be in a few years' time. It seems to me that we are starting on a road that will get us into serious difficulty. The planning of water supplies must be done well ahead of demand and, when we were in Government, we looked after the matter well.

The Hon. S. C. Bevan: Your own district is singing out for water. That shows how well you looked after it!

The Hon. C. D. ROWE: My own district does require certain assistance, but it has been treated fairly well as far as water extensions are concerned in the past. If the Minister is referring to Yorke Peninsula and if he would go there (and I should be happy if he would), we could discuss Giles Point.

The Hon. S. C. Bevan: I have been there recently.

The Hon. C. D. ROWE: I noticed that the Minister has been there recently and that he made the announcement that he was going after he returned. I now come to my most serious criticism of the Loan Estimates. I think the total programme for the Electricity Trust last year was an amount of £10,000,000. This year, the proposed total programme is £12,000,000 and, of that amount, State Loan funds are to provide £3,000,000 and loans amounting to £3,250,000 are to be raised by the trust from financial institutions and the public. This means that £5,750,000 is to be found from the trust's internal and other funds. I want to know where the trust is going to find that amount from those funds.

It seems to me that one of two things is going to happen: either the accumulated profits of the trust built up over the years are to be spent this year on these capital works or, alternatively, the amount set aside for depreciation in the Depreciation Account will be used for this particular purpose. Whichever of those courses is followed or, if both are followed, they are extremely dangerous and the trust would be using its accumulated resources

when, in point of fact, new money should be provided for that particular purpose, and undoubtedly that is the beginning of what will result in increased charges before very long for electricity.

When we are in Committee, I propose to ask the Minister for a detailed explanation of where the trust is to find this amount of £5,750,000 from its internal resources and other funds. It is a large amount of money and I think we are entitled to know where it will be coming from. The trust is embarking on a programme involving expenditure of £2,000,000 more than was expended in the previous programme, but is still to receive only the same amount from outside sources. As you know, Sir, the trust came into being in the regime of the L.C.L. Government.

The Hon. D. H. L. Banfield: With the help of the Labor Party, and only because of that help.

The Hon. C. D. ROWE: I would not say "only because of that help".

The Hon. D. H. L. Banfield: The numbers indicate that.

The Hon. C. D. ROWE: I hope that the trust, about which the Labor Party seems to want to take some credit, will not be brought to a position of financial stringency. I consider that the trust is vital to the development of South Australia and that this Council and the public are entitled to know in what manner the trust is to provide this additional money. I now turn to the Housing Trust, and the story here is an unfortunate one, indeed. I do not want to deal with the situation regarding housing, but desire to mention particularly the provision for the construction of factories and shops. This year, the figure is £430,000, a reduction of £520,000. In other words, the Housing Trust will spend about £500,000 less this year on factories and shops than it spent in the previous year. Only time will tell what effect that will have ultimately on the economy of the State.

We have been able to say to any industrialist who wanted to come to South Australia, "We will give all the assistance you require. We can assist you financially and in every other way." We found that to do that, an amount of £950,000 was required. However, some people wanting to come to South Australia will be told that the money is not available for them and that means a reduction in the rate of expansion of industry in the State. It means that some industries will go elsewhere, and that will result in a gradual closing down of the activities of the State. It is a serious position indeed and is the beginning of a course of action that will lead us into extreme difficulties. I am sorry that the Government has not seen fit to continue the rate of progress established by the previous Government.

While I am dealing with that, I say that it is becoming painfully obvious that our rate of industrial expansion is decreasing. Since this Government has been in office, there has not been an announcement of one major new industry coming to South Australia. The one or two announcements that have been made related to proposals that were on the books when the Government came into office.

The Hon. D. H. L. Banfield: A lot were announced before that didn't get going, too.

The Hon. C. D. ROWE: I want to join issue with the honourable member on that question. In a broadcast on one occasion, a gentleman who is now a Minister of the Crown in another place said that the then Minister of Labour and Industry, who happened to be me, was making announcements of industries that never materialized. I challenged him on that and said that I had never announced any industry that had not materialized in South Australia, and I challenge anybody to deny the truth of that.

The Hon. D. H. L. Banfield: I never said that you said it. I said that announcements were made.

The Hon. C. D. ROWE: Announcements were made every month, if not every week, and now we have the situation where this Government has been in office for over six months and not one new worthwhile industry has been announced. That is an extremely serious position indeed. I consider that, having regard to the number of young people coming on and looking for work and the expansion necessary if this State is to continue to develop, we should expect a continual flow of new industries, but that flow has dried up. When we look at this Loan programme and see less money being provided for railways, factories, shops, and water supplies, and the Electricity Trust being asked to find over £5,000,000 from its own resources, we see that the picture is not a very good one.

There is only one other thing that I want to emphasize, and I do not apologize for doing so, because I think it is something about which action should be taken; I am referring to the construction of Giles Point on Yorke Peninsula. Every time I go to the Peninsula, which is fairly frequently, people approach me on the matter and ask, "When can we get something from the Government?" All I can say is,

"A committee has been appointed. I do not know that it has taken any evidence. I do not know what authority it has. I do not know what notice the Government will take of it when its decision is made. The members seem to be almost incognito at present." The farmers say to me, "We hope to develop land in this area. It is necessary that we have a port in the close vicinity if we are going to develop satisfactorily. Many of us signed up with the company to pay tolls for our barley because we believed that promises made both by the Playford Government and by the present Government would be honoured. We have acted adversely to our interests because this work is not going to be proceeded with." I put to the Ministers strongly that if this port is not established the cost to the average farmer on Yorke Peninsula to deliver his wheat to Ardrossan instead of having it sent out from a deep-sea port at Giles Point will be between £300 and £500 a year.

The Hon. S. C. Bevan: Get a handkerchief!

The Hon. C. D. ROWE: That is not a small sum of money to ask farmers to pay because this facility is not provided. Furthermore, there is another angle to this matter. We have heard about decentralization and the development of the State, and here is an area of about 250,000 acres at the bottom of Yorke Peninsula available for development. Produce can be taken from that area to the market without great cost. The soil problems in that area have been overcome, as has been demonstrated, but progress is being held up because of the uncertainty with regard to this port.

The Hon. S. C. Bevan: I had a look at that, too. Manganese is not a bad substance, is it?

The Hon. C. D. ROWE: The Minister may have had a look at it but I do not think he would have seen anything to change the opinion he had in the previous year.

The Hon. C. R. Story: He reported on it as a member of the Public Works Committee.

The Hon. M. B. Dawkins: It was a unanimous report.

The Hon. C. D. ROWE: Yes, and if he saw anything to change his mind he should say so. The Public Works Committee investigated this matter, and that committee is a body which is constituted by Act of Parliament and which has the powers of a Royal Commission. Having investigated the matter over a long period, the committee unanimously recommended that the work proceed. Following that, the then Government promised that the project would go ahead, and so did the Opposition if they were elected to office. I know there may be some slight delay with regard to technicalities, but I am disappointed that some provision is not made in the Estimates this year either to meet the cost of preparing plans or of the other developmental work in connection with the project. I sincerely hope that before long there will be an announcement indicating that this work will proceed.

The Minister rather facetiously said that he wanted a handkerchief. If that is his reaction to what I have had to say, I am delighted, because it indicates that perhaps he is getting upset and is really feeling what other people are feeling. If that is so, we are making some progress. I hope that the progress and development this State has maintained over the last 20 years will be continued and that we shall not get to the stage where the dead hand of Socialism will touch everything that has to do with our economic life. I believe that above everything else there are two things that everyone desires—the first is good health, which is supremely important to all of us and without which life is not worth while, and the other is to know that there are good houses and good jobs for ourselves, our families, and those who are to come after us. That was the prime consideration of the previous Government—good housing and good jobs—and it always had a record of housing construction better than that of any other State in the Commonwealth. It also had a record of an economic climate for this State that could not be equalled in any other State. That is what I want to see continued, but that will not continue if we start cutting down on Loan funds and if we reduce allocations for water supply, the Electricity Trust or the railways. This is a road that can lead to serious decline. I want to see this stopped, and for that reason I sincerely suggest that the services of Sir Thomas Playford should be made available to the Premier at the next Loan Council meeting so that we can get back to the stage where we shall get adequate funds for our requirements. I support the Bill.

The Hon. H. K. KEMP (Southern): In speaking in support of this Bill I will be brief and not go over ground covered before. I must elaborate on the line dealing with the funds available under the Loans to Producers Act, however. I know that £600,000 is provided this year and that the expenditure last year was £558,000. A significant thing that I think must be brought to the notice of the Government is that the estimated expenditure last year, looking forward to the future, was only £200,000 and that over £500,000 had to be spent. This is

a tremendously important thing to appreciate, because it is the small man—the small producer—who is sustained by this fund.

We are completely and utterly dependent on this source of funds for the future development of the small farmer industries—dairy farming, fishing, fruitgrowing, vegetable growing, dried fruit production and the canning industry. Every one of these, without any doubt whatsoever, has facing it an expansion such as we have never seen before in this State. It is not perhaps so great in the dairying industry, but if one looks over the figures for the last few years one can see that the production of dairy produce in this State is going up and up and that it shows no sign of levelling off whatever. This entails the provision of a tremendous amount of capital expenditure in the form of cheese factories, butter factories, milk plants, and so on. The same applies to the fishing industry. I do not want to go into it in any great detail, but we have it in the Southern District, which is an important district for fishing, and I do not think I need do more than say that we expect a very great increase in fish production in South Australia.

In future this may be an extremely valuable industry, but only if we have the capital to bring about the increase. It will take a large capital increase to provide the plant and works necessary for the storage, handling, canning and distribution of fish. The position in the fruit industry has been ably covered by Mr. Story, Mr. Dawkins and company. Honourable members have heard that our present citrus growings amount to 2,500,000 boxes. The departmental estimate is that in five years' time they will reach 4,000,000 boxes. The people chiefly responsible for growing and handling the fruit put the figure at 5,000,000 boxes of oranges to be handled in the next five years. That does not sound very much, but it is just double the provision to be made for the packing, handling, distribution and storage of this fruit. It is important here to appreciate that the only possible destination for this increase is the export market. If the export market is to take this fruit it must be packed carefully and pre-cooled if it is to be sent over in a fresh state. This will entail huge expenditure on packing sheds, cooling rooms and everything necessary if we are to maintain this trade. If the fresh fruit market cannot take it, where else does it go? It must go overseas as juice or concentrate. If any honourable member has any idea of the capital expenditure that would be involved in drying and handling 2,500,000 boxes of oranges, he has some idea of the problems we are up against in just this one line of fruit production—oranges. If we look at our horticultural industries, we find that the same thing applies in practically every instance. Our canning fruits are increasing by 50 per cent, which means that we have to provide canneries and all the facilities to get the fruit into them. I am sure that a 50 per cent increase in our dried fruits in five years is verging on an under-estimate rather than a fair estimate.

At present we are exporting 1,000,000 boxes of tomatoes to the Melbourne market, which is our principal market. The men engaged in that industry are sure that in a very short time they will have to budget for 1,500,000 boxes. My point is illustrated if I refer to the lack of timber available for case-making for this industry. The timber supply is only just the first edge of the trouble showing up. Although the Minister of Agriculture told Mr. Story that the position was fairly satisfactory, the growers themselves and their official representatives are sure that we must have well over 300,000 more boxes available next year to handle the fruit already ripe on the trees. If we do not get some substitute for these boxes, we shall waste that fruit. Another reply indicated that the position could be met in regard to half-cases by having carton packing. If this is the information that has been given to the Minister of Agriculture, I am afraid he must be advised to check it. One of our principal exporters said that it was news to him. His principal agent in the Melbourne market, referring to the carton pack for tomatoes, which the Minister of Agriculture had been told was satisfactory, used the expression, "We would sooner get your tomatoes in bags than have them in cartons." What I am afraid of is that the true position is not being revealed to the Government in these matters; it is being badly advised. All I can do is put the position as I see it and as I truly believe it to be. If we do not have an increase such as occurred last year, which was absolutely forced on the Government, of roughly £200,000 to over £500,000, and it does not go on and on for the next few years, we shall be in a terrible position in our fruit and vegetable industries. It is inevitable that this should happen. In the citrus industry we are already in a really pitiful position. I have been hearing a few references to people who want handkerchiefs to dry their tears, but if someone knows the financial position of the citrus growers today and is not very sympathetic about it

he is really a hard-hearted person, because many of these people are now right on the bread line.

Settlers are walking off their blocks and people who enjoyed a comfortable existence in the past are wondering how they can carry on. The only possible way in which they can carry on is to be given provision for packing sheds and the means of distribution in order to get the fruit out of the way. Do not think that these people are rich farmers—they are not. It is the small man who is involved here, the tomato grower at Murray Bridge, the man working 15 or 20 acres. Most of the Adelaide Hills blocks average 50 acres. Don't forget the people who are dependent on them, too. These figures cannot be over-emphasized. Between one-quarter and one-third of all the people who earn their money principally from agriculture are engaged in these small industries and, because of the intensive competition, inevitably the wage-earners whom they support are greater in numbers proportionately than in any other industry.

Do not forget, too, that many people engaged in the packing, cartage, and selling of this fruit reach into every corner of the suburbs. The local greengrocer and the man in Woolworths are dependent on the money provided in the Loan Estimates for primary producers. It is unfortunate, but it must be said, that many people who are themselves engaged in these industries do not realize just how precarious the position is. I will give honourable members an illustration. We have at this time of the year in our apple industry a crop of 1,250,000 cases. It is estimated that in a few years it will probably be 2,000,000 cases. The crop will be harvested in January and February. I was laughed at by one man who should be the best informed in the State of the true position in the apple industry. He laughed with glee when I said that we would have more fruit in our district than we had last year. In our district we shall have to draw on the Loans to Producers Act to the extent of at least £20,000 a year to keep ahead of the crop increases to come. It is not costly to the Government to provide this assistance. In fact, the report of the Auditor-General shows that the Government makes a profit out of loans to primary producers; not a large profit, but it does make a profit. It would not be as expensive as the amount necessary to keep a rocky railway system in operation and the many other services on which Loan money is being squandered. I do not think there is any need to add to that, but unless we have an increasing supply of loans to primary producers our fruit industries will be running into serious trouble. The amount involved is considerable. It should be enough to supply the capital to handle 2,500,000 cases of oranges, another 500,000 boxes of apples, and half as much again drying and canning fruit. I do not know what the dairymen will want, but the fishermen cannot possibly increase production unless they get financial assistance. It is not possible for these industries to find the necessary capital themselves. I have heard it stated frequently. It is impossible for the small men to accumulate the large sums necessary. Records show that if they are given assistance by having the capital provided they repay it, and even provide a small profit to the Government.

I now wish to deal with the Tailem Bend to Keith pipeline. It may not seem important, especially to the Government now in power, but that pipeline is designed to feed poor holding country where the water supply is niggardly, and yet the land is capable of producing heavy pastures and carrying a high amount of production.

The Hon. R. C. DeGaris: It has no underground water supplies at all.

The Hon. H. K. KEMP: That is so, and although pastures can be grown they cannot be grown unless water is provided. The plan promised to the people—and it was well under way—was that that pipeline would be through by 1968. On that promise a large amount of money was spent by private individuals in development. This money is subject to interest payments, but it cannot earn a cracker until water is provided. The present Government has cut the allocation from the original £750,000 to about half of that amount, which means that people who spent their money now have to wait four years before they can hope to get any return. They must wait until the pipeline is established. Until then they cannot carry any stock. The Hon. Mr. Rowe was very hot under the collar about Giles Point and as a Southern District representative I think I have every right to get as heated about the Tailem Bend to Keith pipeline.

I now turn to the poor labour supply faced by Messrs. Shearer & Company at Mannum because of the failure of the South Australian Housing Trust to provide sufficient accommodation to enable the company to bring in skilled labour. This is, in my opinion, one of the ideal examples of the proper dispersion of industry. I do not think there is anybody who

can have other than admiration for the efficiency of the works at Mannum, but the company is being seriously impeded by the difficulty that I have mentioned. I know that there are other difficulties, such as contractor trouble, but surely, if the Government is as keen on decentralization as it claims to be and not merely giving lip service to it, an effort can be made to help this worthy firm.

The last matter I wish to mention is one that affects me deeply, and it is water consumption in Adelaide. The total allocation for the Kangaroo Creek reservoir this year is £70,000. We know that this work must be completed shortly if Adelaide's water supply is to be maintained. I mentioned £70,000. I do not think further comment is needed, except to say that I regretfully support the Bill.

The Hon. A. J. SHARD (Chief Secretary): I do not intend to detain members, but there are one or two matters to which I wish to reply. Before doing so, I thank members for their co-operation in getting this Bill so far today. It helps us to keep to a time table and it is appreciated. Generally, the debate has been of a high standard, and criticism of the Government is natural from an Opposition. I do not need to say more than that, except to mention that when in Opposition I voiced my criticism forcibly.

The Hon. D. H. L. Banfield: And justifiably.

The Hon. A. J. SHARD: That may be so, but I leave it to others to say that. When I was in Opposition I sometimes spoke to the walls—or thought that I was doing so—but I can recall some of the matters that, although not attended to at the time, were attended to later. This was the position in connection with a matter raised by Mr. Potter.

I want to clear up a matter the Hon. Mr. Hart mentioned yesterday regarding the subsidy for one hospital being reduced. I think he said it was a country hospital. I can say that no subsidized hospital promised money by the previous Government has not received money under the Loan Estimates, and in some cases it has received more. The hospital that the Hon. Mr. Hart had in mind is, in fact, not a country subsidized hospital. It is a hospital within the metropolitan area that the previous Government—and I hope we shall continue the practice—met pound-for-pound on capital improvements. The decision was made by the previous Government, and we endorsed it. I think it was in 1963-64 that the matter was taken to the previous Government and the people concerned were told to come back in 1966-67, because of the programme. I understand that the hospital has planned its improvements. The grant will be made in 1966-67. I say that in case someone reading *Hansard* may think that a country subsidized hospital has been refused a grant previously promised, because nothing is further from the truth.

I am not saying that the Hon. Mr. Hart said that, but I want to make it perfectly clear that since I have been Minister of Health the programme has gone ahead, and in at least two cases grants of amounts larger than were promised have been made. I understand that the Hon. Mr. Dawkins (and this is becoming a habit which I do not accept) said that this Government is apt to overload expenditure in the metropolitan area, as against the country. Again, nothing is further from the truth. Since I have been Minister country areas have received as much as they received previously; they may have received more. I understand that the Hon. Mr. Dawkins said that building by the Education Department was dominated by building in the metropolitan area.

The Hon. M. B. Dawkins: I did not say "dominated".

The Hon. A. J. SHARD: The honourable member said that the metropolitan area got more than its share.

The Hon. S. C. Bevan: He said there was very little money spent in country districts.

The Hon. M. B. Dawkins: I did not say that very little was spent in the country, either.

The Hon. A. J. SHARD: I do not mind constructive criticism; in fact, I welcome it. However, let us criticize truthfully and fairly. If honourable members look at the Loan Estimates and can truthfully say that the metropolitan area is receiving more than its share, I shall stand corrected. I say as forcibly and truthfully as I can that this Government considers the State as a whole, not only one part of it. I have been around the country fairly well in the last six months and my colleagues and I know that the metropolitan area cannot exist without the country districts.

The Hon. M. B. Dawkins: That is right.

The Hon. A. J. SHARD: We are prepared to go along the road as far as we can to see that the country districts receive full attention. If any honourable member at any time thinks he can say that in relation to the departments under my control (and I control important departments) the metropolitan area is receiving a better deal than the country, I will be pleased to hear it. My Cabinet colleagues have said to me, "You are looking after the country areas. They are getting more than their fair share."

The same has been said to my colleague, the Minister of Education. There is the position at Whyalla and the matter of schools, hospitals and police stations. I am prepared to say that possibly not enough is being done in the country.

The Hon. M. B. Dawkins: That is what I said.

The Hon. A. J. SHARD: The same can be said of the metropolitan area. As far as the country districts and the amount of money being spent are concerned, the country districts are receiving a fair share of the pudding. I again thank honourable members for their co-operation in getting this Bill to this stage, at least. I hope that it passes this afternoon. Let us keep to the time table. I do not like night sittings, and if members co-operate as they have done it will be to their benefit.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

First Schedule.

The Hon. C. D. ROWE: I said during my remarks earlier this afternoon that I should like information on one or two items, but there is an additional item on which I should like to speak. I want to refer to the first item in the First Schedule, "Advances for Homes, £350,000." I notice that in the detailed statement in the Loan Estimate papers the estimated repayments on account of loans will be £1,000,000 and that of that amount only £350,000 is to be ear-marked for advances for houses this year, so the State Bank is recovering £1,000,000 from people who have had loans from the bank, but it is only reinvesting £350,000 in further advances for houses. It seems to me unfortunate that Loan moneys coming back should not be used again for that purpose, but that they are to be taken by the State Bank for some other purpose.

I have not the full figures on the housing programme, but I draw the attention of the Minister to the particular situation. I should also like to raise the question I mentioned earlier in regard to the item under "Miscellaneous". I refer to the loan of £3,000,000 to the Electricity Trust. I realize that, because of circumstances, the Minister has not had an opportunity to confer with the appropriate officer to obtain an explanation, but I should like information on how the Electricity Trust proposes to finance the total amount of £5,750,000 from its internal resources. It means that it will have to find another £2,000,000 from its internal resources in addition to the amount provided last year and I am worried about that from the point of view of the future economy of the State, as well as that of the trust.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I cannot give the honourable member exact details of this but I should like to make a comment about this and about most of the schedule. Only a certain amount of Loan money was available, and for this reason the amounts had to be placed to the best advantage. In doing this the Government had advice from the same advisers as the previous Government had. The Government put much time into preparing the Loan Estimates, and accepted, as no doubt the previous Government accepted, the advice of its economic advisers.

The Hon. Sir Lyell McEwin: It is the decision that matters, not the advice.

The Hon. A. F. KNEEBONE: But we accepted the advice. Surely the Leader of the Opposition will not tell me that the Ministers of the previous Government did not accept advice from their financial advisers.

The Hon. Sir Lyell McEwin: We did not pass the buck.

The Hon. A. F. KNEEBONE: He cannot tell me that the people previously occupying the Treasury benches were such sound economists that they were able to ignore the advice of their advisers.

The Hon. C. D. ROWE: I appreciate the Minister's explanation and I would be the last to say that a Minister does not rely, I think very heavily, on the advice of his advisers who, after all, are there permanently and have a greater detailed knowledge, particularly in accountancy matters relating to the Treasury, than the Ministers have. However, as Sir Lyell McEwin said, the ultimate decisions are made by the Ministers, and they must accept responsibility for them.

A criticism was made about the running down of Loan moneys during the last few months in which the previous Government was in power. It was said that it finished up with a short-fall of £30,000. At the time the previous Government went out of office Loan funds had been spent only in relation to the portion of the year that had expired, and finances were in a satisfactory condition, but there was a big rundown in May and June due to service payments provided by this Government. I understand that the proportion of these service payments that related to Loan works was paid from Loan funds.

The Hon. A. J. Shard: What line is that?

The Hon. C. D. ROWE: It is on all lines.

That was a policy decision made by this Government and not by the previous Government.

The Hon. A. J. Shard: You are making a second reading speech. Be reasonable.

First Schedule passed.

Second Schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 5.35 p.m. the Council adjourned until Thursday, September 16, at 2.15 p.m.