LEGISLATIVE COUNCIL

Wednesday, September 22, 1965.

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

QUESTIONS

LEGISLATIVE COUNCIL ACOUSTICS.

The Hon. Sir LYELL McEWIN: On two or three occasions complaints have been made by honourable members regarding press reports of their speeches. Do you, Mr. President, consider that there is any deficiency in the acoustic properties of this Chamber that may be responsible for a misunderstanding of what honourable members are saying?

The PRESIDENT: On several occasions the Clerk has discussed with me the advisability of having tape recorders installed in this Chamber so that we can be sure of what has been said. I do not think there is anything wrong with the acoustics.

MAIN NORTH ROAD.

The Hon. Sir LYELL McEWIN: Has the Minister of Roads a reply to a question I asked on September 14 about repairs to the Main North Road?

The Hon. S. C. BEVAN: Yes. The potholes referred to on the Main North Road south of Horrocks memorial cairn opposite the road to Crystal Brook and Port Pirie are local in character and caused by normal wear and tear. They will be repaired by the local maintenance gang shortly. No major expenditure is contemplated on the reconstruction of this section of the Main North Road in the immediate future, as the road is in a reasonably satisfactory condition. Resealing may be necessary within a few years.

The Hon. D. H. L. BANFIELD: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. D. H. L. BANFIELD: I have received correspondence from the Corporation of the City of Enfield indicating concern about hazards to pedestrians on the Main North Road caused by vehicular traffic. Recently several accidents have occured on that road and it appears that bus stop 22 is a dangerous crossing for pedestrians because the traffic at that place moves at a considerable speed, and, if pedestrians are not quick, they are dead, which unfortunately happened recently to two women. What action is being taken about the widening and reconstruction of the Main North Road from Regency Road to Grand Junction Road? If there is to be any hold up in this programme, can some temporary action be taken to provide safety measures for pedestrians crossing the Main North Road at that particular bus stop?

The Hon. S. C. BEVAN: I will get the necessary information for the honourable member and advise him later.

LOCAL GOVERNMENT ACT.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: The Minister of Local Government has said before—and I think I am correct in saying that he is reported to have said it yesterday—that he and others are working on the laudable idea of trying to reduce the volume of the Local Government Act itself. I recall that a long time ago we used to have two separate Acts—the Municipal Corporations Act and the District Councils Act—which, as I say, many years ago were consolidated into one Act. This Local Government Act contains provisions relating to district councils only, provisions relating to municipal corporations only, and also provisions relating to both types of bodies. I see no reason why we should not have two Acts, some parts of each of which are completely repetitive of the other, for convenience of reference. Can the Minister say whether his committee or he himself is considering the question of detaching these Acts again, even though it involves some repetition, because it would be much easier for reference if, when one was looking up the principles relating to district councils only, one was not cluttered up with provisions relating to municipal corporations, and *vice versa*? I ask this question because it seems that we are generally dealing with one or the other and it would not matter whether, possibly, there was some repetition in the two Acts.

The Hon. S. C. BEVAN: Personally, I think that the present position is in the best interests of local government generally, in that we have the one Act dealing with both councils and local government itself, but I have not made representation to the Local Government Revision Committee to consider a separation of the Act, making two Acts out of it. However, I will refer this question, not only to the Local Government Revision Committee but also to the Local Government Advisory Committee, for consideration of the points raised by the honourable member.

PERSONAL EXPLANATION: LOCAL GOVERNMENT (DISTRICT COUNCIL OF EAST TORRENS) BILL.

The Hon. S. C. BEVAN (Minister of Local Government): I ask leave to make a personal explanation.

Leave granted.

The Hon. S. C. BEVAN: The Local Government (District Council of East Torrens) Bill was before this Chamber yesterday and in last night's *News,* under the heading of "Better Audits Urged", this report appeared:

Tighter auditing of council books was suggested by the former Local Government Minister, Sir Norman Jude, in the Legislative Council, this afternoon. Sir Norman was speaking to the second reading of a Bill which provides for an overdraft of £9,000 to East Torrens Council. He said the Auditor-General's department could at present make spot checks of the more than 140 local government councils each year. But these councils were handling many thousands of pounds in Highway grants.

The particular part to which I draw attention reads:

The Local Government Minister, Mr. Bevan, said auditors were likely to be called before a select committee which was investigating councils' activities. He hoped to receive a full report later. Many smaller councils were not paying auditors enough, and sometimes their fee was farcical. The Bill was passed without amendment.

At no time during the debate did I use those words at all.

The Hon. Sir Arthur Rymill: You said almost the opposite, I think.

The Hon. S. C. BEVAN: Again with the concurrence of the Chamber, I should like to read now what I actually said, as follows:

The Hon. Sir Norman Jude was, I think, perhaps a little harsh when he asked why the Select Committee did not call the auditors before it and why it did not inquire why these things were going on. The position at the moment is that an investigation of the affairs of this particular council is in progress and I do not know what will be the outcome of that investigation. As these investigations are in progress, there could be circumstances in relation to the auditors themselves on the matter of their not coming before this committee.

That was the Select Committee. I went on to say:

If the auditors had been summoned before the committee, surely they would have wanted to protect themselves because of the investigation, anyhow. I cannot understand how an auditor, who must be a certificated local government auditor, would not know that these things had been going on for the time suggested. There is not only the matter of the laxity in collecting rates; other matters come into this, so much so that the former clerk refused to answer any questions on it. Investigations are going on and the criticism levelled at the Select Committee may be a little unjust, because of the circumstances.

They were the words I used. I was not the one who mentioned the fees paid by councils to auditors. Those statements were correctly attributed to the Hon. Sir Norman Jude in *Hansard,* and a factual report appeared in the *Advertiser* this morning. Why we cannot have factual newspaper reports of proceedings in this Chamber I do not know, but I want to correct this statement that appeared in last night's *News,* as in no circumstances can it be attributed to me.

TOWN PLANNING.

Adjourned debate on the motion of the Hon. Sir Norman Jude:

That, in the opinion of this Council, the administration of the Town Planning Act should be placed under the care and control of the Minister of Local Government and Roads.

(Continued from September 1. Page 1369.)

The Hon. C. R. STORY (Midland): I rise to support the motion of the Hon. Sir Norman Jude. I think this Council should compliment him on the great research he made into this matter before he delivered his speech in this Chamber. Of course, Sir Norman is well qualified to speak upon this subject and similar subjects because of his experience as Minister and as a member of this Chamber. When Sir Norman comes up with a motion like this, I think that all honourable members should take notice of it, particularly when he has spent so much time on research, as he obviously must have, in preparing his speech. A member of speakers have voiced their opinion on this matter and I do not intend to speak at length. I support the motion. I have not heard one Opposition member speak against Sir Norman's suggestion. The Hon. Mr. Banfield spoke at length on this subject and, although he put some time into studying the matter, he did not convince me that his facts were straight or that Sir Norman Jude was not bringing forward an important matter. Not only is it the opinion of Sir Norman but in a short time it will be the opinion of this Chamber. It is also the opinion of local government. Only yesterday the annual general meeting of the South Australian Municipal Association considered the matter. The Minister of Local Government (who I hope will have the mantle of town planning on his shoulders before long) may be a little sceptical at present about press reports, but I am prepared to say that

the report in today's *Advertiser* is an accurate report of what happened at the meeting of the association. The report said:

The general meeting decided that it would be best to indicate to the Government that the Municipal Association would prefer that town planning come under the Minister of Local Government.

Therefore, we have three authorities—the Hon. Sir Norman Jude, this Chamber (which in a short time will favour it) and the Municipal Association—supporting the move. It cannot be said that the association is a body of no importance. It is well known that it represents a large portion of the population of this State interested in local government. It is headed at present by an eminent person, who has been chosen by the Government to represent South Australia in Great Britain. The fact that such a body supports the motion must make the Government sit up and have another think about this matter.

The Hon. S. C. Bevan: The honourable member has a lot of confidence in me.

The Hon. C. R. STORY: All honourable members have a great deal of confidence in the Minister. I do not think there is any doubt that town planning will work hand in hand with local government. They are almost synonymous. I believe that local government needs to be in the closest contact with town planning. Both matters should be under the control of the Minister of Local Government. That is my opinion after experience in both local government and town planning. It is essential that there be a co-ordinated policy. We have a good motion before us, and in his heart I believe the Minister agrees that it would be easier for him to administer the local government side of his activities if he knew exactly the position on the town planning side. Town planning in this State will assume greater proportions in the future. The present Attorney-General has assumed extra duties to those assumed by the previous Attorney-General, and he appears to have his hands full. I am not suggesting that the Minister of Local Government is not doing enough work, but I think it would be better in the interests of the State if local government and town planning were under the one roof, so to speak. I do not wish to speak at any length on this matter, but I think I would be failing in my duty if I did not raise these points. The honourable member has brought forward a legitimate and proper case for consideration by the Chamber. I am pleased to know that local government has supported Sir Norman.

The Hon. Sir NORMAN JUDE (Southern): I thank honourable members for the careful consideration they have given to this matter. I appreciate that the Minister of Local Government would be in a somewhat invidious position if he replied, particularly after the many flattering remarks that have been made regarding the conduct of his office. I also appreciate that the Government put forward one member to do his best in speaking against the motion, but it was most unfortunate that he lacked experience in the matter.

The Hon. D. H. L. Banfield: It did not go over badly, though.

The Hon. Sir NORMAN JUDE: This is a typical motion for consideration by this Chamber. I suggest that it is a move ahead of public opinion but, because I knew that it was right and proper for the progress of the State that this matter should be under the control of the Minister of Local Government, particularly the administration of the Highways Department, I did not hesitate to go ahead with the motion. This is an extremely good example of how the Council can review from day to day, or from month to month, the progress of the affairs of the State and make suggestions to the advantage of the Government.

The Hon. Mr. Banfield spoke on the matter of portfolios and I, as a former Minister, would be the last to suggest that the Premier of the State ought not to have the right to allocate portfolios to members of his Party. However, I say in a friendly way that the Hon. Mr. Banfield, because of lack of experience, has suggested that town planning was a portfolio. Such a suggestion has never been made by me. About 37 years ago there was a town planning portfolio but the Act has been amended since then, and town planning has been placed under the care and control of the Attorney-General. Decisions to transfer administration of portfolios are made not by the Premier of the day but by Cabinet by way of minutes on dockets after the Acts concerned have received the Governor's assent.

I found myself in control of taxicabs one afternoon, apparently because other Ministers decided that they did not want to assume control of them. The same position could apply to town planning and I (and I have had experience as Minister in charge of the department) consider it more appropriate that the Minister of Local Government should control the matter. There has been no suggestion of a change in portfolios. I regret that the Government had to spend so much time prior to the session in allocating portfolios, but that was entirely its

responsibility. The Hon. Mr. Banfield made a delightful remark yesterday to the effect that someone was having a go at him, and I want to get in first now and say that I am having a go at him. I want to read from a letter that I wrote to the President of the Municipal Association of South Australia after the Hon. Mr. Banfield had spoken in the Council on the motion. My letter stated:

I refer to a statement made yesterday by the Hon. D. H. Banfield, M.L.C., in the House on this matter. He stated—

''The Councils have great faith in the Ministers and in the administration of the Act at the present time. They have assured me of that.''

The Hon. L. R. Hart: ''How many councils?''

The Hon. D. H. Banfield: ''The association . . . (and proceeded on similar lines to say that previously the members of the association were divided) ''those same associations and bodies now have an overwhelming feeling of confidence in the present administration . . . As a result of the new-found confidence, there is no longer the desire to have the administration transferred from one Minister to another.''

The Hon. S. C. Bevan: Is that an admission that they never had confidence previously?

The Hon. Sir NORMAN JUDE: I do not know. That is for the Minister to decide. My letter then stated:

Under these circumstances I would be glad if you would be good enough to advise me immediately if this change of attitude, as mentioned, was recorded by the Municipal Association at its last meeting. If not, at what meeting, on what date, and the voting appertaining to such motion?

I have contacted a number of your members who deny any knowledge of such a resolution, and if Mr. Banfield's statement is incorrect I would appreciate a specific reply on this matter over your signature as Chairman.

The remainder of the letter is more or less irrelevant. I was informed that the matter would be placed on the agenda for the conference, which was held yesterday. The result was reported in this morning's *Advertiser*, as follows:

The general meeting decided that it would be best to indicate to the Government that the Municipal Association would prefer that town planning come under the Minister of Local Government.

The Hon. D. H. L. Banfield: It does not say whether it was unanimous.

The Hon. Sir NORMAN JUDE: I did not suggest that the honourable member said that the reverse was unanimous, either. I have not checked with the Secretary on the minutes of the conference, but I accept the report that appeared in the *Advertiser* as being correct. I have no hesitation in asking the Chamber to support my motion.

Motion carried.

ABORIGINAL AND HISTORIC RELICS PRESERVATION BILL.

In Committee.

(Continued from September 1. Page 1370.)

Clause 3—''Definitions.''

The CHAIRMAN: Honourable members will remember that when we reported progress on September 1 the Committee was considering clause 3, which some honourable members felt required amendment. Since then, the Hon. Mr. Kemp has consulted with a Parliamentary Draftsman and has provided members with a long list of amendments. Had this list of amendments been available before the Committee commenced its consideration of the Bill, it would have been proper to move that the Bill be committed *pro forma*, as has been done on a previous occasion with a considerable saving in time to members. However, as clause 3 was under consideration at the time these amendments were brought forward, it will be necessary to ascertain from this Committee whether it desires to accept all the amendments to each clause without discussion so that the Bill may be reported and reprinted with a view to recommittal and detailed consideration of each clause as so amended. Is it the wish of the Committee that this procedure be adopted? Very well; the Hon. Mr. Kemp.

The Hon. H. K. KEMP: I make no apology for this circumstance having arisen. This Bill was first presented this session with the full cognizance of the specialist committee that guided its formation earlier, and that committee was completely happy that it would give all the necessary provisions. However, since that time we have had guidance and assistance from all sorts of unexpected corners, and there are amendments now before the Committee that were not thought of at that early stage. I think that without any doubt they will require inclusion in the Bill as it leaves this Chamber. However, I gather that the procedure I must follow is to seek the permission of the Committee to review these amendments in fairly brief form and seek the permission of the Committee for this Bill to be reprinted and presented again to it. In view of this, I think that where much of this information has come from should be acknowledged. Probably the first and most important amendment that arose was that suggested by Mr. Zelling, Q.C., who

drew attention to the fact that we had off the South Australian coast some wrecks of Dutch origin, some certainly above 200 years old, which must be preserved. I should like a ruling that the procedure I must follow is that I must review the amendments as they stand before you, Mr. Chairman, or whether I need simply seek permission for them to be reprinted.

The CHAIRMAN: It is simply a matter of voting on the question.

Clause passed.

New clause 3a inserted.

Clauses 4 to 8 as proposed to be amended passed.

New clause 8a inserted.

Clause 9 as proposed to be amended passed.

Clause 10.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I understand the position to be that all these clauses are being dealt with *pro forma,* and that after the Bill has gone through it will be reprinted and dealt with clause by clause.

The CHAIRMAN: It will be recommitted.

Clause as proposed to be amended passed.

Clauses 11 to 17 as proposed to be amended passed.

New clause 17a inserted.

Remaining causes (18 to 32) as proposed to be amended and title passed.

Bill reported with amendments.

REGISTRATION OF DOGS ACT AMENDMENT BILL.

Read a third time and passed.

ALSATIAN DOGS ACT AMENDMENT BILL.

Read a third time and passed.

REFERENDUM (STATE LOTTERIES) 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 provide for the taking of a compulsory referendum on the question of State lotteries, a subject of much discussion during recent months on which strong opinions are held by various sections of the community. The Government has decided as a matter of policy that the question should be submitted to the electors so that an indication of the views of the people at large can be obtained. The Bill deals only with this question and provides only for a referendum on the specific issue that is spelled out in clause 4. The question to be submitted to the electors is, "Are you in favour of the promotion and conduct of lotteries by or under the authority of the Government of the State?" The general design of the Bill is to adopt or adapt the general provisions of the Electoral Act for the purposes of the referendum and, therefore, it will be unnecessary for me to say a great deal by way of explanation of the several clauses.

Clause 3 of the Bill provides for the issue by the Governor of a writ as soon as practicable after the commencement of the Bill for the submission of the question set out in clause 4 to the electors (defined by clause 2 as the electors for the House of Assembly). Clause 5 is a machinery clause. Clause 6 provides that only qualified Assembly electors may vote. Clause 7, which is modelled along the lines of the Commonwealth Act relating to constitutional alteration referenda and other similar Statutes, provides for the application to the referendum of those provisions of the Electoral Act that can be applied in relation to it. Sections 8, 10 and 38 of the Electoral Act are purely machinery provisions; Part X deals with voting by post, Part XI deals with the polling, Part XII with the scrutiny, and Part XV with offences. From these parts have been excepted such sections as are either totally inapplicable or which have references such as references to candidates which could not be applied in relation to a referendum. Clause 7 also applies to the referendum sections 198 and 199 of the Electoral Act concerning regulations and exemption of declarations under the Electoral Act from stamp duty.

Clause 8 provides for the taking of a vote on the day appointed by the writ and also that each elector shall vote only once. Clause 9 provides that polling places under the Electoral Act shall be polling places for the referendum. Clause 10 and part of the Schedule provide for the form of the ballot papers which will set out the question with two squares marked "Yes" and "No", the voter being required to place the No. 1 in the square indicating his vote (clause 11). Clause 12 provides that only certain persons may be present at the poll. Clause 13 provides for the closing of the rolls as at five o'clock in the afternoon of August 30, 1965. (A complementary provision is contained in the definition of "elector" in clause 2.) Clause 14 provides for compulsory voting. This clause substantially follows section 118a of the Electoral Act and has been reproduced with an additional paragraph (*c*) in subclause (4) to provide that the Returning Officer for the State need not send a notification to an elector who

has failed to vote if he is satisfied of his own knowledge or from inquiries that the elector had a valid reason for not voting—for example, illness, old age, etc.

Clause 15 sets out the grounds on which ballot papers may be rejected for informality. This corresponds with section 123 of the Electoral Act, which could not be incorporated by direct reference under clause 7 of the Bill. Clause 16 provides for the scrutiny and is a machinery clause. Likewise, clause 17, providing for the return of the writ, is a machinery clause. Clause 18 provides for the return of the writ before the receipt of all ballot papers if the Returning Officer for the State is satisfied that votes recorded on ballot papers issued at some remote polling place or as postal votes and not received by him could not possibly affect the result of the referendum.

Clause 19 provides for a recount. Clauses 20 to 25 inclusive reproduce, with the necessary modifications, those provisions of the Electoral Act that deal with bribery and illegal practices. Likewise, clauses 26 and 27 deal with posters relating to the referendum in terms similar to those of the Electoral Act. Clauses 28 and 29 deal with proceedings for offences. Clause 30 provides for the making of any necessary regulations, and clause 31 makes the usual financial provision. As I have said, the overall effect of the Bill is to provide for the application to the referendum of such of the machinery provisions of the Electoral Act as will be required. I commend the Bill for the consideration of honourable members.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

NURSES REGISTRATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 14. Page 1436.)

The Hon. JESSIE COOPER (Central No. 2): I wish to speak only briefly on this Bill, which proposes to increase the membership of the Nurses Board of South Australia from seven to nine. I would be prepared to support this increase if I could be assured that this was indeed the wish of the board. However, by reason of various representations made to me in connection with this Bill, I am not altogether sure that this is so. At present the members comprise one nominated by the Minister, one nominated by the Royal British Nurses Association, two nominated by the Royal Australian Nursing Federation (South Australian Branch), one from the South Australian Branch of the Australian Medical Association, and two from the South Australian Hospitals Association. In other words, this is a professional board.

With reference to clause 4 (*b*) concerning the nomination of a member of the Mental Health Services of the State, I do not agree with some people who think that such a nominee should be appointed through the previously mentioned associations. I can see no real objection because, after all, there are in South Australia very large institutions dealing solely with mental health cases, and it may be presumed that in this sphere there are specialized requirements in matters of training and qualifications. Therefore, a voice in the determinations of the board would seem not to be a bad thing. It is a recognized fear among the mental health authorities that their interests will be submerged in the much larger and less specialized fields of general hospital staff problems. However, I do find objection to subclause (*c*) of this clause whereby nomination is made by the Australian Government Workers' Association.

This Bill concerns the construction of the Nurses Board, which, as I have said, is a professional board with certain defined duties. These are defined in section 15 of the principal Act, which states:

> The board shall have and may exercise and discharge the powers and duties conferred or imposed upon it by this Act, and in particular the following powers and duties:
> 1. The holding of examinations including preliminary entry examinations; to appoint examiners and decide upon their remuneration.
> 2. To decide the place where and the times when examinations are to be held.
> 3. To issue and cancel certificates of registration or enrolment.
> 4. To approve of any institution as a training school or at any time to cancel such approval.
> 5. To publish periodically a list of the institutions approved by the board as training schools.
> 6. To take proceedings against persons guilty of offences against this Act and generally to do anything necessary for the due and proper carrying out of the provisions of this Act.

This is not, therefore, a board designed to run hospitals or to employ staff but one designed primarily for the supervision of training qualifications and registration of nurses. Such a function requires a small board in which each member should have technical or specialized knowledge and it does not require any interference from non-specialized outside bodies or, may I say, busybodies. I can see

no earthly reason why such a board should have any non-specialized person on it from any outside organization. Such suggested legislation leads one to ask the question, "Is this proposition to be a forerunner of attempts to place unqualified persons from similar organizations on all established State boards?"

I am prepared to vote for the general principle of the Bill but I hope the Minister will see fit to withdraw the substance of clause 4 (*c*); otherwise I shall be forced to vote against that section.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): In addressing myself to this Bill I find myself very much in agreement with what has already been said by the Hon. Mrs. Cooper. I have made a survey of the history of the board since its inception because I think it is necessary to have the correct picture of the functions of the board. I think those functions are not only as read from the Act by the Hon. Mrs. Cooper but also as borne out by the representation that has constituted the board since its inception.

It will be found that the appointees to the board at that time were, as far as nurses were concerned, a nominee of the Royal British Nursing Association, one from the Australian Trained Nurses Association and one representing nurses who were not members of either of those organizations. That was later amended because the nurses had become organized. I will not go back over the history of the progress and development of the nursing profession. In fact, some reference has been made to it in this morning's edition of the *Advertiser*. It refers to a recent publication dealing with the history of the nursing profession from the convict days up to the present time and also deals with the conditions under which they operated and the standards applicable to the profession. Amendments have been made over the years to this Act and the representation of nurses not belonging to the two organizations mentioned was later—I think in 1960—amended to two members to be nominated by the Royal Australian Nursing Federation (South Australian Branch) and the other representation was deleted. The position remains that one can be nominated by the Royal British Nursing Association, although that is more or less redundant at present because I do not think there is any active member of that association in existence. What remains is a hostel which I think is run now, or possibly used, in some way for nurses, but I am not sure of the constitution under which that building is operated. However, the association no longer exists.

The Act was originally introduced in the early history of country subsidized hospitals when there were only two or three of those hospitals in existence. The same problems existed then as exist today; there has never been an over-supply of nurses to provide for the staffing of our hospitals. That was one of the considerations in the establishment of the board—that it should establish a method of training. I think probably this influenced the original constitution of the board and that is why it includes two representatives from the South Australian Hospitals Association, which is the organization of country subsidized hospitals, and members of the Australian Medical Association. In other words, it was constituted from hospitals and nurses.

I said that the problem still existed regarding the shortage of nursing staff today and perhaps some time could be spent discussing it and what more the board could do to assist the problem of the staffing of hospitals. It could be suggested that the board give consideration to training that could be more advantageous to country hospitals. A system has gradually developed whereby the country hospital is a small unit and has more or less an approved standard of equipment that may be subsidized by the Government to help it maintain hospital services and enable it to be serviced by a general practitioner. In other words, there is a limitation according to the size of the hospital as to the type and size of equipment to be subsidized. That applies to X-ray equipment, theatre equipment, and so on. If it is a larger hospital with a greater volume of business, then the usual policy is that the Government would subsidize the installation of the type of operating equipment perhaps using hydraulics or whatever type of mechanism is used to ensure speedy operation. On the other hand, if the hospital is one that carries out only one major operation a fortnight, a cheaper manual type would be used there.

Consideration could be given to nurses' training whereby a number of country hospitals could become training centres for nurse aides because the less complicated or less specialized work done in such a hospital would not require as high a standard as far as the nurses' qualifications were concerned. Under the present system a second-year nurse who has become useful to a hospital has to transfer to a teaching hospital, such as the Royal Adelaide or the Queen Elizabeth, for a further two years in

order to graduate. That means that these nurses are required to train for an additional 12 months and, accordingly, they are 12 months older when they complete their training. Nurses are only human and it is certain that there will be a wastage because of marriage. At one time I accepted that 51 per cent of nurses entered the field of matrimony after graduating. Of course, many of them help at hospitals on occasions and so there is not a complete wastage, but if girls who do not desire to make a career of the profession could at an earlier stage retain the status of nurse aides in these hospitals, that would reduce the requirement for fully qualified nursing sisters.

I know that those who have the responsibility of conducting country hospitals will reply that their difficulty does not arise so much in relation to the trainees as in relation to trained staff. That is another matter that could be considered by a board of this kind. I think attention could well be given to the introduction of a system of post-graduate training. For some years, leave without pay has been granted to enable South Australian nurses to attend college courses in Melbourne and, as a result, their services are lost for a certain time. I consider it would be competent for the board to consider establishing a system whereby post-graduate work was done here so that we would not lose the services of the nurses and a greater number would be available for country hospitals.

Responsibilities such as these were placed on the board at the time of its establishment and I think that its attention could well be directed to them now. Of course, the problems confronting hospitals now have existed for some time and the present position is not exceptional, but I think that now is the appropriate time to do something about it. We have the advent of specialized nursing in the mental health and other fields. This was not thought of when the legislation was enacted. However, in a previous session recognition was granted in respect of dental nurses. Mothercraft nurses have also been recognized, whereas at the beginning of this era they were called midwives. They did that work because they had borne children themselves rather than because they had had particular training.

The profession has progressed rapidly in a comparatively short time. Indeed, the original Act was passed only in 1920 and as medicine and surgery advanced, so the requirements regarding nurses advanced. In his explanation, the Minister referred to the representation of mental nurses on the board and said:

The absence of any such representation on the board in the past has meant that the needs, interests and problems of psychiatric nurses and mental deficiency nurses may not have been adequately considered by the board. A particular bone of contention has been the standards of the examinations set, and the course of training conducted, by the board for psychiatric nurses and mental deficiency nurses. This proposal for direct representation was put to the board last year but was rejected since it was then considered that as registered mental nurses were accepted as members of the Royal Australian Nursing Federation (South Australian Branch) they were through this Association well represented on the board. Experience has shown, however, that this indirect form of representation is inadequate and that psychiatric and mental deficiency nurses have been denied an effective voice on the board.

When the matter was considered previously in this Council, I said that mental nurses were members of the South Australian Branch of the Royal Australian Nursing Federation and that they had a voice through the board. However, if the position is as the Minister states and these girls are not properly represented, then I am prepared to travel along with him, because other branches of nursing have been recognized. However, I have one qualification and that is that I consider a board of seven to be large enough to carry out the responsibilities entailed. I am not a supporter of large boards or committees. Usually the position arises with large boards that all the work is left to two or three who, if they do not do all the work, take all the responsibility, while the other members avoid their responsibility and either do not say anything at all or say that the others did something that they were not in favour of. I think that the more members there are on a committee, the greater is the shelving of responsibility.

The Minister's statement indicates that the main complaint is in connection with the setting of the examination. I should think that the standard of the examination would be in accordance with the requirements of an efficient and properly trained mental nurse and having regard to the modern techniques in mental nursing. The board itself need not set the examination papers. They could be set by someone engaged in the profession, possibly a Professor of Mental Health or the Director of Mental Health, who would know the requirements of the hospital and, therefore, of the members of the profession in that hospital. However, if a voice on the board is required, I am prepared to accept what the Minister has suggested, although it is an indictment of the board. I cannot find any

reference in his explanation to this matter having been considered by the Nurses Registration Board and I think this Council would have liked to have the opinions of the board itself. However, on this occasion I am very benevolent and am prepared to follow the Minister's suggestions, but where I do run counter to the suggestions in the Bill is in the suggestion of the Minister that the two additional members shall include an industrial representative. I do not think it is correct to have an industrial representative on a professional board.

The Hon. A. J. Shard: Let us clear that up. What is the difference between a psychiatric nurse who belongs to the Australian Government Workers Association and a nurse who belongs to the Royal Australian Nursing Federation (South Australian Branch)?

The Hon. Sir LYELL McEWIN: The nurse who belongs to the Royal Australian Nursing Federation is the representative of the Public Service Association, and they represent a majority of nurses. There is no more justification for putting a member of the Australian Government Workers Association on this board than there is for appointing a member of the Public Service Association. The Minister may have other views, but I maintain that this is a professional board to establish the standards of nurses and that it has nothing to do with wages and conditions. If the Government wants to go outside the profession and put someone else on the board, let it be frank about it. We agreed to the disallowance of a regulation a week or two ago and it has since been said that we did not do right by the profession. When it comes to deciding whether an examination is fair or otherwise, I fail to see what contribution a representative of an industrial organization can make, as he has no knowledge of what is required in relation to the standards of the profession any more than any honourable member has—and probably our standards of mentality would be comparable even with those of a representative of the Australian Government Workers Association. However, with all respect to honourable members, I do not think any of them would be competent to go on the board for the purpose of setting the standard of education required. Sometimes I wonder whether we are quite mental here, but when we require attention I hope it will be given by someone qualified to give it. Who represents our dental nurses? What about our mothercraft nurses and our nursing aides? We have been told so much about what nursing aides do, and I agree that they do much.

The Hon. A. J. Shard: Nursing aides are entitled to be members of the Royal Australian Nursing Federation.

The Hon. Sir LYELL McEWIN: I gave that answer 12 months ago. The Minister has said that we want two other representatives, and has introduced this Bill for that purpose. I agree with the Minister on this, but I am saying that we should do the same for the others. I think the amendment I have placed on honourable members' files will keep the matter on its proper plane, as it will recognize that the board is to set standards for nurses in their respective spheres. If the profession considers that it is necessary for each branch to be represented, let it speak for itself; industrial matters will be looked after by the respective agents. However, we should keep the board a professional body. Subject to the amendment that I shall move, I support the Bill.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 14. Page 1433.)

The Hon. Sir NORMAN JUDE (Southern): I listened with interest to the Minister's second reading explanation of this Bill. I think it would be fair to say that, having regard to the nature of the present Government, this Bill was not entirely unexpected. I have realized for the last year or two that some members, particularly of another place, appear to have been somewhat frustrated in minor matters—I emphasize "minor"—in relation to the South Australian Railways. This applies to members on both sides. Even the new Premier on occasions stated, not unequivocally, that he thought it was time that the Commissioner came under the direct control of a Minister. I will not argue that point strongly at the moment; in fact, I will indicate now my intention to support the Bill. However, I think we should consider what may be termed the major matters that will of necessity be brought under consideration by this Bill.

I am fully aware that there is nothing personal about this matter with regard to the present Commissioner. I think therefore that it is highly desirable that we leave in the public mind no doubt that at least the members of this Chamber have every confidence in the way he and his senior staff have administered a very difficult business proposition—a losing

and State-protected proposition—during the past 12 years. It so happens that the period of the present Commissioner's holding of office coincides almost with my own as Minister of Railways. I now make two points that should not be overlooked by anyone. The first is that for some years, until this State decided to be independent of the Commonwealth Grants Commission, it was a matter of great satisfaction to the Government of this State that on every occasion the Grants Commission reported on this State it went out of its way to commend the administration of the South Australian Railways, the way in which its accounts were presented, and its general handling of a difficult transport problem. A little later, when we no longer sought assistance from the Grants Commission, we went into deliberations with the Commonwealth and, in conjunction, went ahead with the changeover to the standard gauge on the Port Pirie to Broken Hill line. Once again we found that the handling of accounts and negotiations, and the actual work —tenders, contracts, and financial arrangements —were at all times commended, not only by the Commonwealth Commissioner for Railways but also by the Minister for Shipping and Transport, to me personally. I can assure this Council of that. In fact, I do not think he would mind if I quoted him as saying "I only wish my organization was as businesslike as your Commissioner is in South Australia." He commended him heartily. I can assure the new Minister that he has inherited an excellent set of railway administrators.

To support what may be regarded as just mere praise without any facts, I have taken out some statistics of the State railways over this period. I find that the gross ton miles hauled in 1952-3 was 2,078,000,000 as against 2,451,000,000 last year, representing an increase of 18 per cent in miles travelled, despite the fantastic increase, as honourable members will appreciate, over 12 years in our long-distance road ability in the cartage of freight. Although the Government of the day always found it desirable to keep freight rates and fares as low as possible (sometimes, though not always, in keeping with the view of the Commissioner, but always in accordance with what was considered to be the general public's requirements), I do not doubt that revenue is one of the things underlying the present Bill from the Government's point of view. It has been suggested (I do not know why) that the revenue has been decreasing. In 1952-3 it was just on £12,000,000, and the revenue last year was just on £15,000,000, an increase of 25 per cent over the period. I shall not go into the details of unit revenue but ask that the figures be incorporated in *Hansard* without my reading them.

Leave granted.

SOUTH AUSTRALIAN RAILWAYS.

Comparison of Various Statistics for 1964-65 *with* 1952-53.

	1952/3.	1964/5.	Ratio 65/53.
A. Work performed—Gross ton miles hauled—			
All traffic	2,078,000,000	2,451,000,000	1.18
Excluding Leigh Creek coal	1,900,000,000	2,451,000,000	1.29
B. Revenue received	£11,948,470	£14,979,981	1.25
C. Unit revenue—			
Fares—			
Suburban, pence per mile	0.86d.	1.73d.	2.02
Country, pence per mile	1.56d.	2.09d.	1.34
Freight—Pence per net ton mile	3.63d.	3.64d.	1.00
D. Average hourly wage paid	87.56d.	135.88d.	1.55
E. Ordinary working expenditure	£14,483,904	£14,608,736	1.01
F. Total expenditure—Including interest	£16,238,063	£18,543,687	1.14
G. Staff employed—			
Excluding construction	10,923	8,125	0.745
Per million gross ton miles	5.25	3.31	0.63

The Hon Sir NORMAN JUDE: An interesting figure is the average hourly wage payment. In 1952-3 it was 87.56d. and in 1964-5 it was 135.88d., an increase of 55 per cent. The total expenditure, including interest in 1952-3 was £16,238,063, and in 1964-5 it was £18,543,687, an increase of 14 per cent. The staff employed by the South Australian Railways (excluding construction, which is spasmodic) was 10,923 in 1952-3, and in 1964-5 it was 8,125, only 74 per cent of the previous figure. I hope members, particularly my friends opposite, are not suggesting that that is a retrograde step and that we

should be employing more men when already we have full employment. On the other hand, it is a tribute to the administration, the dieselization and greater efficiency in the internal office working (in accountancy, etc.) that there has been a reduction in the staff by that high percentage when, as everybody knows, wherever else we go it seems necessary to increase staff to get a similar amount of work done.

The Hon. A. F. Kneebone: We are short of staff.

The Hon. Sir NORMAN JUDE: Admittedly; I think most employers are. It will be seen that during the period of 12 years the work done by the railway operating branches has increased by 18 per cent while the total staff employed has been reduced by 25 per cent. For haulage, because of dieselization, the staff has been decreased by 37 per cent; yet during the same period the average hourly wage paid to railway employees has increased by 55 per cent. I ask honourable members, and particularly the country members, to note this clearly: the average freight charges (I have left this figure deliberately to the last) have remained practically unchanged, and the ordinary working expenses, because of careful administration, dieselization and the reduction of actual labour hands, have increased by only 1 per cent over 12 years. Notwithstanding all this, the tracks in general throughout the State have been improved. There has been a greater input of sleepers and various other equipment into the tracks throughout the State, yet I suppose that with heavier engines and greater speeds there has been a greater burden on these tracks, and the diesel traction has increased from 13 per cent to 98 per cent of the total haulage today.

As I have said, the present administration of the Railways Department has from time to time been criticized. I felt it was on minor matters, but it has been criticized by various members for its alleged neglect of passenger services. But the fact is that much has been done over the past 12 years even in this respect, and certainly more than at any time during the previous 30 to 40 years. Not only did we replace the steam-hauled suburban passenger services but we initiated the complete replacement of them by diesel-hauled services. We extended the programme of modernizing coaches, and built at Islington, not only for our own railways but also for the Victorian Railways, new air-conditioned coaches. Finally, the administration implemented the building and development of what are known today as our Bluebird diesel coaches, which, of course, are also fully air-conditioned. Having given those figures I feel that not even the most grudging member would concede that the Bill is a slur upon the administration. If I considered that it was I would have no hesitation in opposing it. The main clauses are clauses 4, 5 and 6. The intention is to give to Executive Council the right to fix fares and freight rates. I think that sets out the position clearly.

The Hon. C. R. Story: Do you think that a Minister would be able to handle this matter as well as a Commissioner?

The Hon. Sir NORMAN JUDE: The honourable member has forestalled me somewhat, because I was going to say that was not an unreasonable proposal. Members should look at the background of the Bill, having regard to competition, special concessions to support industry, and so on. This may be considered necessary by the present Government, but I refuse to believe for a moment, and I certainly would not suggest it myself, that any Government would consider alterations in fares and freight rates without first conferring with the Commissioner. Any thought to the contrary would show a great lack of administrative thinking on the part of the Minister, or even the Government. I can assure members that it has occurred in the past, and I have no doubt that it will occur in the future. If there is to be this conferring, why introduce a Bill? Where is the bogie man in this Bill? It places railway policy with the Cabinet, not with the Minister; be quite clear about that! From there honourable members may ask, "Will the Minister and his Commissioner have a continual and running fight, or argument (in some respects that may be a good thing), with other members of Cabinet who also require considerable funds?" That is one of the fears I have—that the matter will go to Cabinet and the Minister will be told that if he needs more funds he must raise fares and so on. He will be pressurized in a friendly manner and told to increase freight rates and fares, and that if he does not do so he will not get more money on the Loan Estimates. It could go further, and he could be asked, "What about award determinations?"

In the past the Commissioner has varied certain award determinations and they have had to go to the appropriate court. Are these requests for variations to go to the Minister, who will refer them to Cabinet for a decision without the matter going to the court?

It is a possibility under the Bill. Are these matters to be referred to appeal boards? The Minister was, I think, associated with the Railways Appeal Board for some years and I have not the slightest doubt that he did a good job. This Bill appears to take all of that away and gives the right—although I suppose a right already exists—for a union to approach the Minister direct, without going to the Commissioner. The Minister will then be in the invidious position of having to argue it out with his colleagues in Cabinet, without prior consideration by the Commissioner. I say in all friendliness to my colleague opposite, "Beware that you are not riding a tiger. Beware of the fact that you may find that this pressure will worry you, or give you ulcers."

The Hon. A. F. Kneebone: That is a hazard of any Minister.

The Hon. Sir NORMAN JUDE: I repeat this warning. Parliament may give the power to the Minister, and then he may wish he did not have it. He may even find that he has not got the power. Having made this mild criticism, it is my duty to see whether there is a way to alleviate the position for the Minister in the future. In the Victorian Railways Commissioners' Act there is a saving provision that helps to some extent. It reads:

Expenditure on Railways. Division III.

1. In the following cases, that is to say—
   (a) where Parliament makes any alteration in the law which occasions any increase in expenditure by the Commissioners or any decrease on the Railways revenue, and
   (b) where Parliament or the Governor in Council directs the Commissioners to carry out any system or matter of policy which occasions or results in any increase of expenditure by the Commissioners or any decrease in Railways revenue—

and I omit subsection (c)—

   (d) the annual amount of increase of expenditure or decrease in revenue or of the loss resulting from such new losses shall be from time to time notified in writing by the Commissioners to the Auditor-General and, if certified by him, shall be provided by Parliament in the annual Appropriation Act and paid to the Commissioners.

I suggest two things: first, that the Government could well accept this as an amendment to our Act, and, secondly, that the Minister of Transport should give it his blessing. It would mean that if the Governor in Council says, "This must be cut by 50 per cent," the Commissioner might say, "That will cost £500,000", and then the Minister of Transport might say, "I do not like that very much. We cannot afford to lose that money; we have to carry out maintenance work." This is where the protection would come in—the amounts could be placed on the Estimates to reimburse him for the expenditure that Executive Council had forced him to incur. I think that the provision in the Victorian Act is a good one and hope that the Minister, when he replies, will give us his thoughts on it. There is nothing of a Party nature about the matter and I think he would support it himself in the interests of the Commissioner and the department. I indicate that it is possible that I shall move an amendment regarding the provision in the Victorian Act. I point out that there is a serious printer's error in clause 3, where reference is made to a "by-law", whereas the words mean "prescribed by law" and I trust that the Minister will deal with that in Committee. Beyond that, I commend the Bill to honourable members.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 21. Page 1593.)

The Hon. R. C. DeGARIS (Southern): This Bill does three things. Clause 3 makes a drafting amendment to section 5 of the principal Act. The Act was consolidated in 1961 and in section 5, the interpretation section, the Road Traffic Act was referred to as the Road Traffic Act of 1934. This drafting amendment will delete "1934" and insert "1961-64". Secondly, the Municipal Tramways Trust Act gives exclusive rights to the trust or to holders of licences under the trust to carry passengers paying separate fares within certain parts of the metropolitan area and, I understand, in certain areas outside it.

Section 30 of the principal Act deals with this and also restricts the fares payable to 2s. 6d. for a single fare and 5s. for a return. This section was amended in 1952 (when the single fare was 1s. 6d. and the return fare was 3s.) so as to prescribe the present fares. As mentioned by the Minister in his explanation, on October 1 (I think that is the date) the area over which the trust has jurisdiction is to be enlarged, and it is obvious that if this area is to be extended to developing areas well outside the metropolitan area, the restriction on the maximum fare charged should be

removed. Also, bus operators at present operating in the new area will otherwise be in some difficulty, because they are already charging fares in excess of the maximum of 2s. 6d. Clauses 4, 5 and 7 remove the provision dealing with maximum fares.

The only other amendment is provided by clause 6, which amends section 33 of the principal Act. The Hon. Sir Norman Jude said yesterday that he considered that the Minister should enlighten the Council on this clause and he mentioned that the trust paid to the Highways Department 1d. a running mile, with a limit of £30,000. I am not clear on this and cannot agree with Sir Norman's contention.

I consider that section 33 gives councils the right to object to operators using certain roads where unreasonable damage may be done. However, other Acts of Parliament may relate to section 33 of the Municipal Tramways Trust Act regarding a charge. I cannot quite understand the point made by the Hon. Sir Norman Jude and shall be looking to the Minister for an answer on that point.

The Hon. G. J. Gilfillan: Buses do not always run on highways: they sometimes run on council roads.

The Hon. R. C. DeGARIS: That is quite so. Clause 6 provides that the area referred to in section 33 of the principal Act will be the new area over which the trust will have control. I support the second reading.

The Hon. A. F. KNEEBONE (Minister of Transport): I appreciate the points made by honourable members and consider that I can provide answers that will be to their satisfaction. The Municipal Tramways Trust pays to the Highways Department the amount of 1d. a bus mile per annum. This is provided in the Highways Act and will continue to apply, irrespective of the amendments made by this Bill. The Municipal Tramways Trust buses do not pay vehicle registration fees. Private bus operators pay vehicle registration fees, but not the 1d. a bus mile per annum previously referred to.

Clause 6 amends section 33 of the principal Act, under which the trust shall, in respect of any of the trust's buses or licensed buses operating on any road on which the trust did not operate on October 9, 1928, satisfy itself that the road to be used is sufficiently strong to bear buses thereon without unreasonable damage thereto. Section 33 imposes an obligation upon the trust to confer with any council concerned on this matter and, if there is any dispute, such dispute will be determined by the Commissioner of Highways.

Various councils have licensed buses in areas where the trust will now assume control and it would not be reasonable for the trust to have to comply with this provision in respect of existing services licensed by councils and subsequently placed under the control of the Municipal Tramways Trust. These buses would only be using roads that the council concerned is satisfied they could use. Clause 6 of the amending Bill does not affect the trust's liability to pay 1d. a mile in respect of its own buses.

The Hon. R. C. DeGaris: That is under the Highways Act, is it?

The Hon. A. F. KNEEBONE: Yes. It has been suggested that the amendment to delete the maximum fare of 2s. 6d. for a single journey and 5s. for a return journey is being made becauses of increases in the general cost structure. This is not truly the position. The trust at present only has power to control services where the maximum fares are 2s. 6d. single and 5s. return. With the extension of the area of the trust's control, it would be possible that licensed services running between the metropolitan area and the extended areas could involve charges in excess of the amounts at present stipulated in the Act. There is a legal possibility that if an operator charged beyond the present maximum amount he would not be subject to control under the Act. The purpose of the amending Bill is to ensure that the trust can control him. I think that should clear up any doubts in the minds of honourable members.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

WILLS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 21. Page 1594.)

The Hon. C. R. STORY (Midland): I support the second reading of this Bill. I have not much fault to find with its clauses except clause 6, on which I shall speak at some length. Generally speaking, I believe the amendments contained in this measure are an improvement on the present position. I refer particularly to the provisions relating to wills made in other States and outside the country. I think these are important, as we know that in the past difficulties have been experienced because people who have been travelling have died in remote places. On the other hand, people who have made wills in other places have come

to live here and have then died outside this State, and that creates problems, too. This measure brings the legislation into conformity with that of other States, and it is a great improvement on the principal Act.

The matter of wills, generally speaking, is most important. People are reluctant to talk about wills, death, funeral charges and this type of thing because they believe there is something sinister about them. I do not believe that is so; I think the making of a will is one of the most important things a person is called upon to do in his or her lifetime. It seems to me that the making of wills, and particularly their lodgment, is a most haphazard business. Certain people are put to a great amount of difficulty in locating a will after a person has died, or in proving whether a will has been made. In this State we have on record a very fine history regarding the registration of land. I am referring to the Torrens titles, which originated in this State. Also early in our history we realized that it was necessary to have births, deaths and marriages registered. No-one complains about these things, which are now part and parcel of our normal way of life.

It is obligatory on people to register on the electoral roll on reaching the age of 21 years. It is also necessary to register the formation of a company with the Registrar of Companies and to file agreements. However, the disposition of a person's worldly goods is often given little consideration. No-one is obliged by law to make a will. Candidly, if it were in my power I would see that people made wills at the age of 21 and that those wills were registered with a central authority in the same way as land transactions and things of that nature are registered.

The Hon. F. J. Potter: There is a registry for wills, but very few people use it.

The Hon. C. R. STORY: I realize that at the Supreme Court wills can be registered, but this is known to few people. If they know about it they rarely get around to using it. A famous old Chinese saying is that it is always later than we think. This is the trouble with will making; the wisest of us knows not when he will die, and making a will is always something we are going to do tomorrow. It is not a matter of what the person who owns the property thinks about it, because he does not think any more after he is dead; it is the trouble caused by the fact that there is no will that is important. I think everyone here would have some proof of this. On many occasions I have been approached by widows, some of them with three or four children—and sometimes they are young children—whose husbands have died leaving a fair amount of property in real estate. Often this property is in the form of houses, and on many occasions there is not sufficient rent from them to keep them in good repair and to support the family.

The Public Trustee of this State has to administer the estates to the best of his ability and in the best interests of the estates. It is not like a private executor doing this; this is set out by law. Generally these houses must remain with the family until the youngest child is 21, and this means that the widow often struggles throughout her life to bring up her children; she cannot draw very much from the Public Trustee because the property is in real estate and there is nobody to say that it is better to sell the houses. If their value is enhanced, that is very good, and I have seen that happen. However, I have also known of cases where no will has been left and it has been necessary for the family to go to an extreme amount of trouble to get a satisfactory arrangement. It is something that we should tackle boldly. If a will is made at the age of 21, the person concerned may have very few assets but, by the time he is 40 or 50 years of age, he may be quite well off. This person may have assumed added responsibilities by having a wife and children, and if he had not made a will his family could be in difficulties.

Only a few weeks ago I knew of a man in quite a substantial position who died suddenly, and it was only after three weeks of search that a friend found an old Air Force will that he had made when he joined the Air Force.

The Hon. R. A. Geddes: That was compulsory.

The Hon. C. R. STORY: Yes; it was sketched out in a boy's hand when he was probably under 21 years of age.

The Hon. A. J. Shard: But it was quite all right?

The Hon. C. R. STORY: It was quite a legal will.

The Hon. A. J. Shard: He was under 21.

The Hon. C. R. STORY: I will not join issue with the Minister on that.

The Hon. R. A. Geddes: It has always been so in the armed services.

The Hon. C. R. STORY: Yes, a person under 21 in the armed services can make a will.

The Hon. C. D. Rowe: He had the advantage of good advice, too?

The Hon. C. R. STORY: Yes; he had the advice of his officer. His will was found. He was newly married and he left his whole estate to his wife but, had that not been found (and

it was found amongst some very old papers in an old tin trunk), the estate would have been in no end of trouble, because a house was half-constructed and there were complications with a business. I believe sincerely that at the age of 21 a person should make a will and that will, or a copy of it, should be lodged, registered and sealed. If one has the title deeds of a property somewhere in a bank and anything happens to him, at least there is a record at the Lands Titles Office, showing he was the owner that property.

The Hon. Sir Arthur Rymill: Would you have a will examined for validity as well, to see that it was properly executed?

The Hon. C. R. STORY: The whole thing would be done in a proper form.

The Hon. Sir Arthur Rymill: I thought you said "sealed".

The Hon. C. R. STORY: It could be sealed after the testator had taken the necessary steps to make sure that it was a legal will. In the case of complicated wills, I know it is necessary for a lawyer to look at them but I am not absolutely wedded to the idea that a lawyer ought always to do these things. A very simple printed form will dispose of property quite easily. It is only when one has to make sure of these things—

The Hon. A. J. Shard: You get into trouble then!

The Hon. C. R. STORY: Yes; my honourable friend is helping me—I hope! My reply to Sir Arthur Rymill is that I am not going to set up the machinery; that is not my job. My job is to throw up ideas and I am throwing up an idea that I think is appropriate at this particular time.

The Hon. Sir Arthur Rymill: I was trying to help the honourable member examine the position.

The Hon. C. R. STORY: I know, because I would merely get it on the Statute Book and then allow my legal friends to try to get me out of difficulties.

The Hon. R. C. DeGaris: Would they get you out of difficulties?

The Hon. C. R. STORY: They would argue until they got me out of difficulties—I am sure of that. I am sincere when I say that it should be compulsory to make a will and that we should also have a place where a will could be lodged.

The Hon. S. C. Bevan: What about the amendments?

The Hon. C. R. STORY: Amendments to what?

The Hon. S. C. Bevan: To the will.

The Hon. C. R. STORY: That is no problem at all. If I want to transfer a piece of land, my making a will does not stop me forever from transferring that land. If I want to sell off two acres of it, I merely sell off two acres of it. If my legal adviser is called in to me at 11 o'clock at night and I want to change my will, I can change it provided I have two witnesses who can witness the fact that I have changed the will. At the moment a person can make a will and do what he likes with it. Two people can witness it and he can put it in the bottom drawer if he likes, and there it stays. Three weeks later he can change the whole will and put it in his top drawer. If certain people have been told that they are beneficiaries under the will in the bottom drawer (I often wonder what happens to the one in the top drawer), do they know that it is there? I am always worried about wills, because they are sacrosanct and should be looked after.

The Hon. D. H. L. Banfield: What is the registration fee?

The Hon. C. R. STORY: I think it is something like a dog licence. The Hon. Mr. Rowe and the Hon. Mr. Potter have both spoken on clause 6. Both gentlemen are more knowledgeable on this than I am. I can see much merit in the case put forward by those two honourable members as regards the age for making a will. Clause 6 would reduce it to 18 from 21 years. Both honourable members have advanced the argument that this is not always in the best interests of younger people or families. Both have suggested that it should be perfectly proper for a married person under the age of 21 to make a will. I agree with that entirely. I am not dogmatic on this at the moment, but should like to hear the Minister's reply to those honourable gentlemen because at the moment I am inclined to the argument that they have put forward. I made a will before I was 21. Fortunately, it has not yet been executed, though no doubt some people would wish that it had been. I made a will as a serviceman before I was 21. The case that the Hon. Mr. Rowe put up yesterday about what boys will do sometimes before they are 21 makes my mind flash back to years gone by.

The Hon. S. C. Bevan: But this is peacetime now, not wartime.

The Hon. C. R. STORY: Yes, and I do not suppose that the 18-year-old today in peacetime is any less human than he was when I was 18. At that age, a youth thinks he has met the only girl in the world, and she twists his arm to get him to make a will. It is easy

to do that at the age of 18 and, if he happens to fall off his bike (or whatever he happens to be on at that time), he can bring a family into some difficulties because, as the Hon. Mr. Rowe pointed out, many people today are forming companies into which they take their children at an early age. At the age of 18 years they have their share in the books of the companies, but they do not have any responsibility. It will become theirs when they turn 21, but until then they will not have full control of it. By the time they are 21 they will be taking an active interest in the firms. It is amazing how much one can pick up in those three years, and they do not think that father is half as silly as they thought he was when they were 18. I am inclined to support the proposed amendment. I support the second reading of the Bill, which, in general terms, will improve the legislation.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

JURIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 16. Page 1539.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading. I am sure that all honourable members will join with me in congratulating the Hon. Mrs. Cooper on the excellent speech she prepared and delivered to this Chamber. In fact, after listening to the honourable member it seems to me that there is little left to be said on the matter, except to put my personal views on one or two aspects. Before doing that, I, like other members, want to say that I fully support the retention of the jury system of trial in this State for criminal matters. I emphasize "criminal matters" because the use of a jury in civil matters has long been abolished in this State. I do not think any member of the legal profession or the bench would wish jury trials to be reintroduced on civil matters. Indeed, this matter has become a somewhat live topic in other States, and in New South Wales and Victoria there is a move to abolish civil juries. However, for the reasons given by the Hon. Mrs. Cooper, particularly dealing with the retention of civil liberties of the individual, I support the system for criminal trials.

This Bill introduces a new concept into the empanelling of a jury, namely, that women shall be jurors. Because this system is now only used for criminal trials, it will mean that women will be, in many instances, sitting in judgment on men. It is a fact that the persons who appear before the criminal courts are predominately members of the male sex. I have not the exact figures but I know that it is rare to see a woman in the criminal dock of the Supreme Court. I suspect that because women will in most cases be judging men this gives rise to doubt (particularly in men's minds) about having women on juries. Despite that, I support the principle that women should be on juries and I believe they are just as much entitled to serve as are men. I also believe that they are just as competent to judge objective questions of fact as are men. I join with the Hon. Mrs. Cooper in saying that they are no more interested in the seamy side of life than are men, and I do not think they are any less competent to judge questions of fact that may involve some rather seamy questions at times. The Hon. Mrs. Cooper said that women regard service not as a privilege or a right but as a duty. From personal experience perhaps I can be excused for being a little cynical about this but I doubt if I have met many men who regard their service on a jury as a duty. Most men called for jury service would like to get out of it if they possibly could.

The Hon. A. J. Shard: No question about that.

The Hon. F. J. POTTER: That is so, and if it were not for the fact that we have a Juries Act in operation I think the Sheriff would have a difficult job in compiling a jury list.

The Hon. D. H. L. Banfield: Men accept jury duty.

The Hon. F. J. POTTER: My experience has been that when they get the call they immediately think up reasons why they should not attend, but when they get there—and this will probably be true of the women also—and see out their first week they become interested in what is going on, and become absorbed in what they are doing and conscious of their duty and responsibility. It is something like giving evidence in court: ask someone to give evidence and that person will make all possible excuses to get out of the obligation.

The Hon. A. J. Shard: Some of us get subpoenaed to give evidence.

The Hon. F. J. POTTER: That is so, and that draws attention to the fact that we can sometimes threaten to draw a subpoena out of the bottom drawer to ensure that a witness will attend, particularly in cases involving a dispute between husband and wife. People do not want to be involved in things of that

nature and will run a mile to get out of giving evidence. Even some professional people, who are necessary witnesses, hate the job.

The Hon. Sir Arthur Rymill: Looking at it in general, how do you line up the fact that men are obliged to serve and women can get out of it?

The Hon. F. J. POTTER: I am coming to that, and it is important. Women should be placed on the same basis as men as far as their obligation to serve is concerned.

The Hon. Sir Arthur Rymill: My question was more as to whether men should be placed on the same basis as women.

The Hon. F. J. POTTER: It is a matter of what we shall allow women to do. Two matters of importance are associated with the Bill, and they will need consideration by members. The first is the right given to women to cancel their liability to serve and the second is the question of which roll should be used. Should we have the Assembly roll or continue with the Council roll? These are the only matters that leave room for real debate in this Chamber. The Hon. Mrs. Cooper has said, and it is true, that women are engaged in much work outside the home. They are engaged in industry or, where they are not so engaged on a part-time or full-time basis, they are taking part in charitable work, or, perhaps, work of a social nature. This is all the more reason why more women may be inclined to cancel their obligation to serve on juries than would otherwise be the case. This is because they are working and do not wish to lose continuity of employment, or because they have regular weekly engagements on certain charitable work; perhaps they take part in Meals on Wheels, or something of that nature.

They may not want to spend time serving on a jury. I think honourable members want to be clear that there are two distinct opportunities granted to women under this Bill to cancel their obligation to serve. It is clear from clause 12 that a woman may at any time notify the Sheriff in writing that she does not want to serve as a juror. This is the first opportunity that she is given. The second arises if she cancels her liability to serve after she has been summoned, in which case she has six days in which to cancel her obligation.

The question of whether or not we give a voluntary right to a woman to cancel her obligation to serve is not unconnected with the problem of which roll we use, because in the case of the Legislative Council roll there will be a third opportunity for her to voluntarily do something that will have an effect upon her obligation to serve as a juror. The Legislative Council roll is a voluntary roll.

The Hon. A. F. Kneebone: Does she need three opportunities?

The Hon. F. J. POTTER: Honourable members may have to consider that point. I see certain administrative difficulties. Sir Arthur Rymill referred to difficulties of principle and, from the interjection made by the Chief Secretary at the time, it would seem that the Hon. Mr. Shard was not quite aware of the point Sir Arthur made. I shall explain it again in a different way.

The Hon. A. J. Shard: Explain it to me.

The Hon. Sir Arthur Rymill: You are not talking about my claim for equal rights for men, are you?

The Hon. F. J. POTTER: No. I am talking about the distinct possibility we shall have under the provisions of this Bill that the juries empanelled will be composed of an equal number of men and women. I do not know whether members are familiar with the procedure that will be adopted when this Bill comes into operation, but it will be somewhat similar to the procedure adopted at present. Under this Bill, the Sheriff is required to draw annually in December for the coming year 1,600 names from the electoral roll. If this Bill becomes law it will be the Assembly roll that will be used by the Sheriff in compiling the jury list for the ensuing 12 months.

The Sheriff, in obtaining his list of 1,600 names, must first eliminate those persons who are exempted from jury service. At present he does this in a rather arbitrary and perhaps unsatisfactory way; he merely rejects people whose occupations as shown on the roll are identical with the occupations of persons who are exempted. It may well be that these persons have changed their occupations and are just lucky when they are rejected. However, the Sheriff has to get 1,600 names of persons in non-exempted occupations.

Under this Bill he must take the names from the various subdivisions in the same sex ratio as exists in the various subdivisions. In the Adelaide District, from which most of the jury lists are drawn (although lists are required for country sessions at Port Augusta and Mount Gambier each year), if he draws 1,600 names in the same ratio as the number in the subdivision bears to the number of women in that subdivision, he will inevitably be drawing 50 per cent men and 50 per cent women. Having got those 1,600 names, he must then, according to clause 18, actually

summon month by month sufficient numbers to make up the jury panel for the month. I am told that he usually summonses 80 a month in order that he will have at least 40 present in court at the beginning of the session. In trying to get his residue of 40, he has to allow for people who cannot attend because of illness and other reasons.

The Hon. A. J. Shard: What is a panel?

The Hon. F. J. POTTER: A panel means the actual number of 40 people present at the beginning of the month in the court, from which the jury of 12 is chosen.

The Hon. A. J. Shard: We are going to move an amendment that where practicable he will not have any less than 14 women on the panel.

The Hon. F. J. POTTER: The question of drawing from the population is a problem. Let us suppose that in the list of 1,600 names for the year he has to draw (as he is compelled under this legislation to do) 800 men and 800 women and that there is a subdivision of 10,000 people, divided into 5,000 men and 5,000 women. Suppose also that out of the 5,000 men in the subdivision 4,000 are left after 1,000 are exempted because they are in exempted occupations, and that he has to draw 10 per cent of his required 800 men from the 4,000 men. He will draw one man in 500 from that subdivision. On the other hand, he has to draw 80 women from the number of women in the subdivision. These will also initially be 5,000, but will be reduced by the number of cancellations. Assuming that of the 5,000 women 3,000 say they do not want to serve, he has to draw 80 women from the balance of 2,000; in other words, he is drawing one woman from each 250. This seems to be clearly what he has to do.

The Hon. A. J. Shard: That is the reason for the amendment.

The Hon. A. F. Kneebone: There is an amendment suggesting that it be one-third women and two-thirds men.

The Hon. F. J. POTTER: I did not know about that. What I have said could operate greatly against the principle that the Bill seeks to set up. Another important matter is that, apart from the drawing of the annual jury list, we have the problem of drawing the monthly panel. In the monthly panel, according to clause 18, jurors must be drawn as nearly as possible so that the number of men to be summoned bears to the number of women to be summoned the ratio which the number of men in the jury list bears to the number of women in the jury list.

The Hon. A. J. Shard: That is where the amendment comes in.

The Hon. F. J. POTTER: That provision appears to be defective, because it does not say whether this is before or after the cancellation of the woman's right pursuant to the second opportunity that is given to her. All these things need to be looked at, because they are important and merit attention. Incidentally, on the administrative side, it appears to me to be cumbersome that the Sheriff is required to keep a list of all women who notify him in the first instance that they do not want to serve on a jury. In effect, he will be compelled to keep a list in a somewhat haphazard form of women who may merely write letters, perhaps not even giving their full names and addresses. How he is going to use this list effectively when he is comparing names drawn from the electoral roll I find it difficult to see. Indeed, we have the rather silly position—perhaps this is an absurdity—that if every woman said she did not want to be a juror the Sheriff would be duplicating in his office the Assembly electoral roll for women. It seems to me that administratively this is a cumbersome thing. However, I do not think it is my duty to do other than point it out to the Government and suggest that it be amended.

Some doubt has been expressed by previous speakers about whether we should stick to the present situation and continue to use the Legislative Council roll. As far as the sex distribution on that roll is concerned, I was told by the Chief Electoral Officer that he is unable to say how many men and how many women are actually on it. However, I made a spot check for myself by looking at, I think, about 12 or 15 various subdivisions and checking at random the sex distribution. Strange as it may seem, there are about 50 per cent men and 50 per cent women on the roll in the metropolitan area. If the present system is to be continued, it would be a fair thing from the point of view of sex distribution.

I am inclined to agree with the Hon. Sir Arthur Rymill that the introduction of the House of Assembly roll will not improve juries or the system of juries in this State. However, the question of the use of the roll is not unconnected with the new provisions available to a woman giving her the right on her own motion to cancel her liability. In other words, it is not unconnected with the system of choice. I am not very happy about this right being given to potential women jurors to cancel their

obligation. I see no reason why, if they are going to become jurors and accept this new responsibility, they should not accept it on virtually the same terms as men. However, I know that there are some difficulties and that this is a first step. All I can say is that, as it is something new, I do not oppose the idea set out in the Bill that women should have this opportunity to cancel their liability. Indeed, it may well be that, despite the hopes of some women's organizations, a large number of women will cancel their obligation to serve, as I have distinct recollections that about 18 months or two years ago, when this matter was first raised, an extensive Gallup poll was conducted among women on whether they wanted to serve on juries. The result was published in the newspapers, and I remember it showed that 65 per cent or thereabouts of women said they were not interested.

The Hon. A. F. Kneebone: Men would have said the same.

The Hon. F. J. POTTER: I agree, and this is no reflection on women. However, at least men have not the opportunity to cancel their obligation whereas there is a danger that up to 65 per cent of women will cancel it, if the Gallup poll is an indication. As I have said, I am not happy about giving women this choice. If the system does not work, and if after the Act comes into operation we regularly get almost entirely male juries, as we have had in the past, some representations will no doubt be made to the Government for the system to be changed. We have to see whether it is a success. We should not like to try to impose upon women the full obligations that now lie upon men in undertaking this service. I recognize and appreciate the points that the Hon. Mrs. Cooper has made about the difficulty arising with our New Australian citizens and the shifting population.

At present it is the usual practice for judges to make sure that all members of a jury do, in fact, understand what is going on and have a fairly good idea and command of the English language. They take prompt steps to see that anybody who is muddled or is not aware of his obligations or his oath when he goes into the jury box is discharged. So, although it is somewhat expensive to have these people come up before the court only to be dismissed, nevertheless it is something that can be taken care of. The shifting population is an administrative difficulty that the Sheriff will have to meet. It is true that he will have more difficulty in locating the people he calls from his jury list, having used the House of Assembly roll, but this is a matter of administration that the Government is prepared to undertake and meet.

The other matter raised by the Hon. Sir Arthur Rymill is difficult to decide—namely, we are certain that with the use of the House of Assembly roll we shall have more people on juries from the younger age group (round about 21 to 25 years of age), because statistics show that this is the predominant group. So we can be sure that many people in that age group will in future appear on our jury list. Whether or not this is a good thing is something for individual members to have their own philosophy about. All in all, I am inclined to agree that the changeover to the House of Assembly roll will not improve our juries, but I recognize that this is the common roll adopted in all other Australian States. I, for one, have no strong objection to the use of that roll although it will, in fact, not materially add to the calibre of our juries. I am glad to know that at least one amendment will be moved by the Government when we get into Committee.

The Hon. A. J. Shard: It will help the Sheriff, and will be on the files tomorrow.

The Hon. F. J. POTTER: We must look at that. I support the second reading.

The Hon. H. K. KEMP secured the adjournment of the debate.

BUILDING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 21. Page 1606.)

The Hon. C. R. STORY (Midland): I support the second reading of this Bill, the purpose of which is to have qualified people as building inspectors. In most district councils it is the function of either the district clerk or a visiting person to undertake the duties of building inspector. In the bigger councils and municipalities a building inspector is often a full-time officer of the council. I have had experience of people with some knowledge of building being employed as building inspectors, and this has caused some trouble with people who have had the foundations of a house laid which have not, on test, come up to specification and, consequently, those people have been considerably inconvenienced by not being able to get their bank or other type of loan. The object of this Bill is that building inspectors should be properly qualified and pass an examination in the same way as building surveyors have to. In fact, the authority which sets the qualifications for a building surveyor will conduct the examination of the building inspectors.

When the Minister introduced this Bill, I was a little worried about what would happen to those people employed by councils at present who are completing a course and have not yet qualified. I have taken the trouble to find out from the Minister his attitude on this question. He assures me that these amendments actually do what they set out to do: they will enable those people who are qualified or are attempting to qualify to be allowed to continue in their work and be accepted as qualified people.

The other safeguard we have, as the Hon. Mr. Potter pointed out yesterday, is that the regulations mentioned here will have to come down to Parliament and be laid on the table, and the Subordinate Legislation Committee will have the opportunity of examining them carefully to see that they are in conformity with the Building Act and these amendments. I can only commend the Government for doing this. I notice that it has been introduced on the recommendation of the Local Government Officers Association. It is ironical that many members of that association themselves would not be at this time qualified district clerks, because they are given a period of grace. If they can satisfy the Minister that they have the educational qualifications they are given a period in which they are able to continue to study to pass the local government examination. However, as long as I have the assurance of the Minister that these inspectors will in the future be qualified people and that those who are at present engaged as inspectors and are studying for a certificate will be allowed to continue, I am happy to support the second reading.

The Hon. S. C. BEVAN (Minister of Local Government): The Hon. Mr. Story believes there should be a safeguard for building inspectors now employed by councils. The Bill now before us provides a safeguard in the extending of the regulation-making powers to enable a regulation for the registration of building inspectors to be framed. I assure the honourable member that all the building inspectors employed by councils who are going through a period of training to qualify themselves are not affected. They will have every opportunity of continuing their training and becoming qualified, if that should be their desire. There is nothing in the Bill to prevent that.

The Hon. R. A. Geddes: Is this period of training a long one?

The Hon. S. C. BEVAN: No. This Bill does not lay down that a building inspector shall go through a particular period of training or that it shall take a certain time. All the Bill does is establish a regulation-making power, and by regulation require a course of training to be undertaken by a building inspector. An added safeguard is that the regulation will come before the Joint Committee on Subordinate Legislation and it will be laid on the table of the Council. It can, therefore, be disallowed by either House on the motion of a member, if one is moved within 14 sitting days of its being tabled. This regulation, not the Bill, will prescribe the course of training. I consider that the safeguards are adequate, and I hope they satisfy the Hon. Mr. Story. I thank honourable members for their attention to this matter.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Governor may make regulations."

The Hon. C. D. ROWE: I understand that the Building Act applies only to such areas of a municipality or a district council as are proclaimed by the council. In other words, the council itself decides the portion of its area to which the Building Act shall apply. I think a district council might apply the Act to a township in its area, but would not apply it to buildings erected on farming lands. Am I correct in assuming that areas where this Act is to apply are determined by the council itself?

The Hon. S. C. BEVAN (Minister of Local Government): The council has control in relation to the operation of the Building Act in its own area. It does not apply to farm lands, and it does apply only within those areas as determined by the council itself. The operation of the Act is within the jurisdiction of the council.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

ADJOURNMENT.

At 5.12 p.m. the Council adjourned until Thursday, September 23, at 2.15 p.m.