LEGISLATIVE COUNCIL

Thursday, September 30, 1965.

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

QUESTIONS

LOXTON AND RENMARK BUS SERVICES.

The Hon. C. R. STORY: Has the Minister of Transport a reply to the question I asked recently regarding the Loxton bus service and to a similar question asked by the Hon. Mr. Geddes?

The Hon. A. F. KNEEBONE: Yes. I think that the Hon. Mr. Story asked whether the answers would be similar, and they are so similar that the only difference is that one refers to Renmark and the other to Loxton. I am aware of the popularity of the passenger bus service operating between Renmark and Adelaide and would inform the honourable member that it is not the Government's intention, at the present time, to discontinue this service. A commonsense attitude will be taken in matters such as these and, where a road passenger service is in the best interests of the community, it will certainly be permitted to continue.

MAIN NORTH ROAD.

The Hon. D. H. L. BANFIELD: Has the Minister of Roads a reply to the question I asked on September 22 regarding traffic hazards on the Main North Road?

The Hon. S. C. BEVAN: Yes. The Road Traffic Board states that there is insufficient pedestrian traffic across the Main North Road in the vicinity of stop 22 to warrant the installation of an authorized pedestrian crossing. One of the main reasons for accidents here is the location of the bus stop close to the crest of a rise, thus allowing insufficient warning to motorists of the presence of pedestrians on the road. Following discussions with the Municipal Tramways Trust, the trust has agreed to move the stop to a position further north, just beyond Jeffrey Street, subject to the approval of the Enfield Corporation. The Road Traffic Board has referred the matter to the corporation for comment. In the meantime, the board in conjunction with the Highways Department is considering the marking of lane lines on the road to regulate the flow of traffic as well as a painted median line which would enable pedestrians to cross one half of the road at a time with comparative safety.

With respect to the reconstruction of the Main North Road from Regency Road to Grand Junction Road, funds are contained in the current works programme to enable the City of Enfield to commence widening the eastern portion of the Main North Road between Grand Junction Road and Harewood Avenue in this financial year. The progress of works will be dictated by the ability of the P.M.G. Department to relocate an overhead trunk system. This latter aspect could cause delays. In any case, it is doubtful if any work will be carried out in the vicinity of bus stop 22 during this financial year.

AIR-CONDITIONING.

The Hon. R. A. GEDDES: Will the Minister of Health favourably consider granting subsidies for air-conditioning in country subsidized hospitals when major alterations are planned for in the future?

The Hon. A. J. SHARD: It has been the practice to install air-conditioning in hospitals where necessary. One I have in mind is the hospital at Whyalla, which is fully air-conditioned. Where it is necessary for parts of a hospital to be air-conditioned, I assure the honourable member that this will be favourably considered.

GUN LICENCES.

The Hon. Sir NORMAN JUDE: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir NORMAN JUDE: Recently various country newspapers have contained statements which at first I attributed to the Police Department and then to the Minister of Agriculture or the Agriculture Department regarding the Fauna and Flora Conservation Act but which relate specifically to applications for gun licences in the future. These statements are somewhat complex to the lay reader. Will the Minister of Local Government get a report from the Minister of Agriculture on his intention in relation to having a State record of licensees of guns and will he ask him to provide members of both Houses of Parliament with a copy of the directions issued?

The Hon. S. C. BEVAN: I will obtain a report from my colleague and advise the honourable member later.

MILLICENT SOUTH PRIMARY SCHOOL.

The Hon. R. C. DeGARIS: Has the Minister of Labour and Industry obtained a reply from the Minister of Education to a question I

asked recently about the Millicent South Primary School?

The Hon. A. F. KNEEBONE: Yes. My colleague, the Minister of Education, informed me that a similar question was asked of the Minister of Works last week and that he replied as follows:

I have spoken to the Director of Public Buildings about this, and the contract was let on August 13, 1965. Recently, however, the contractor told the authorities that excavations were difficult and dangerous to make at present because the water level was within 2ft. of the surface. If the excavations were continued they would create further cave-ins. After investigating the complaint, the department agreed that it was not the proper time to make the excavations. Officers of the department who are watching the situation assure me that the earliest possible start will be made so that the building will be finished and ready for occupation early next year.

ELECTRICITY TRUST.

The Hon. C. D. ROWE: During the debate on the Loan Estimates, I asked the Chief Secretary for two items of information. One was in relation to the manner in which the Electricity Trust could finance its programme from its internal resources, and the other was in regard to the repayment of Loan moneys from house purchasers to the State Bank and the non-reinvestment of a portion of this money in housing. I did not delay the Loan Estimates debate then, but the Chief Secretary promised he would obtain the information for me. Will he get that information at an early date?

The Hon. A. J. SHARD: Yes.

PUBLIC EXAMINATIONS.

The Hon. R. A. GEDDES: Has the Minister representing the Minister of Education a reply to a question I asked on September 16 about public examinations?

The Hon. A. F. KNEEBONE: Yes; I have a reply to that question. My colleague the Minister of Education advises me that at the meeting of the Senate of the University of Adelaide on September 13, 1965, the Senate approved the revised regulations affecting public examinations and the proposal that these amendments should come into force on March 1, 1966. Among other amendments, the Senate approved of a change in the form of certificate to be issued in respect of the Intermediate and Leaving certificate examinations. For the better information of all concerned, the new form of certificate will be a record of the candidate's performance, whatever that performance may be. Other alterations in the regulations were consequent upon the introduction in 1966 of the new fifth-year matriculation. Thus, after 1965 no provision will be made for the existing Leaving Honours examination, and the supplementary examination will not be offered on the Leaving certificate examination, but instead on the new matriculation examination. Other proposed amendments have to do with the change to decimal currency and alterations in the numbering system of subjects at each level to facilitate the use of a computer in preparing results.

SHORTAGE OF GENERAL PRACTITIONERS.

The Hon. F. J. POTTER: On August 18 of this year, in answer to a question I had previously asked in this Chamber concerning the quota at the University of Adelaide on the medical course and the effect it might have on the shortage of medical practitioners, the Minister of Health said that he was taking steps to set up a committee to examine what measures were practicable. Has he any further information on that?

The Hon. A. J. SHARD: The answer is "Yes". The Government has decided to appoint a committee but I should not like to name it now. If the honourable member will ask his question again next Tuesday, I will bring down an answer.

RURAL YOUTH MOVEMENT.

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. L. R. HART: In South Australia we have a well-known and a very good movement known as the Rural Youth Movement, but its advancement is being retarded to some considerable degree by its inability to attract suitable advisers. I understand that one of the reasons why suitable advisers are not attracted to this movement is the fact that the salary range is not sufficient. The Senior Adviser in the Rural Youth Movement is on a salary range lower than that of senior advisers in other branches of the Agriculture Department, and the officers working under that Senior Adviser are also on lower salaries than are officers with similar qualifications in other branches of the department. Will the Minister representing the Minister of Agriculture discuss with him the advisability of conferring with the Public Service Commissioner in an endeavour to have the salary ranges of the Rural Youth officers brought into line with the salaries of persons in other branches of the Agriculture Department in an effort to attract more people to these positions?

The Hon. S. C. BEVAN: I will take up the matter with the Minister of Agriculture and inform the honourable member when a report is available.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Read a third time and passed.

REFERENDUM (STATE LOTTERIES) BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 and 2 and 4 to 6 and disagreed to amendment No. 3 for the following reason:

Because clause 14 is an essential provision of the Bill.

Consideration in Committee.

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

That amendment No. 3 be not insisted upon.

It is not my intention to debate this matter at length. It is a simple question on which members either agree or disagree. Clause 14 provided that the referendum should be conducted on a compulsory basis. The striking out of that clause meant that the referendum, if conducted, would be on a voluntary basis. The question is whether there shall be a compulsory vote when the referendum is held. It is a matter of "Yes" or "No".

I ask members not to insist on the amendment. Over the years it has been shown fundamentally that the vote should be compulsory. Since about 1941 or 1944 voting has been compulsory for Assembly elections. We have compulsory voting in elections for the House of Representatives and for the Senate. I believe that at this referendum the voting should be compulsory. It is necessary to get the view of the people on the holding of lotteries and the Government is anxious to obtain that view from as many people as possible. It is a tragedy to have to say this, but if voting is on a voluntary basis only a small number of people will vote. This question of compulsory voting is not new. In most Parliamentary elections and in Commonwealth referenda over the last generation or so voting has been compulsory, and I consider that this referendum should be on a compulsory basis.

Even if compulsory voting was not mentioned in the policy speech of the Hon. Frank Walsh at the time of the election, it was common knowledge that if the Labor Party was returned to office a referendum would be conducted to ascertain whether the people wanted a lottery conducted by the State or under its authority.

The Hon. C. R. Story: We are not disagreeing with anything you have said so far.

The Hon. A. J. SHARD: The important point is that the general public knew there would be a referendum on a compulsory voting basis.

The Hon. Sir Arthur Rymill: No.

The Hon. A. J. SHARD: Whether members of this Chamber accept it or not, that is my opinion.

The Hon. Sir Arthur Rymill: Compulsory voting was never mentioned on the hustings.

The Hon. A. J. SHARD: I did not say that. I said it was accepted by the people, and honourable members can ask them. I get around; I do not stand in one spot. I think I mix with a greater cross-section of people than most members, and not one person has told me that he expected the referendum to be conducted on a voluntary voting basis. However, dozens have said to me they expected it to be conducted on a compulsory basis. That is my personal opinion from my knowledge of the feeling of the people. The Hon. Sir Norman Jude would know some people with whom I mix on one day of the week and in that company it has been accepted by all that voting at this referendum would be compulsory.

The Hon. D. H. L. Banfield: Rightly so, too.

The Hon. A. J. SHARD: It would be wrong to conduct a referendum on a voluntary voting basis in this particular case. If compulsory voting was not specifically mentioned in the Labor Party policy speech, it was enunciated on the hustings, and a majority of the people on the House of Assembly roll returned my Party. All members know that.

The Hon. Sir Arthur Rymill: When was compulsory voting mentioned on the hustings?

The Hon. A. J. SHARD: I never said that compulsory voting was mentioned; I said it was accepted by the people. Members cannot get me to say something I do not want to say; I want to be honest and straight-forward. I have said that compulsory voting was not included in the policy speech. I have said quite clearly that compulsory voting may not have been mentioned. Honourable members disagree with the statement that it was accepted by the people that voting would be compulsory. The people expected a referendum. There has not been a referendum in the

lifetime of the average member of this Chamber that has not been conducted on a compulsory voting basis, whether it be a Commonwealth referendum or not.

The Hon. Sir Lyell McEwin: When was there a referendum here on a compulsory voting basis?

The Hon. A. J. SHARD: I did not say that. I said there has not been a referendum in South Australia in the lifetime of the average member where the voting has not been compulsory. I refer to Commonwealth referenda.

The Hon. F. J. Potter: We knew what we were voting for.

The Hon. A. J. SHARD: The honourable member knows what he is voting on here; otherwise, he is not well balanced. The question is whether, in principle, the people want a lottery conducted in this State. If honourable members do not know whether they want a lottery of one sort or another, they should not ask me to express my views, because I might offend somebody. I say sincerely that it would be wrong for this Chamber to insist on its amendment in view of the vote cast on a compulsory basis by most people in South Australia at the last election.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I am not convinced by the remarks of the Chief Secretary. I think the long explanation he has made was made only because he realizes the weakness of the submission. If there is any mandate—and the Chief Secretary stated that it was not in the policy speech—

The Hon. A. J. Shard: I said it might have been.

The Hon. Sir LYELL McEWIN: Some things sneak out here and there, and many people may have heard it, but we are not disagreeing on that part. We are not opposing a referendum, but we are opposed to the way in which the question is being submitted. At least, that is what I am opposing. The Chief Secretary's explanation about referenda in Australia falls to the ground. I would go further and say that in some oversea countries referenda are part of the Constitution. I should like the Chief Secretary to point out where in those countries the people are not permitted to know what they are voting on. The Minister says, in effect, "You know what it all means. Let's compel a vote." I am sorry, but perhaps I am one of the ignorant people in the community. I do not know what it means.

I asked the Chief Secretary many questions in the course of the debate. I asked what sort of lottery would be promoted, in what way it would function, who would benefit, was it merely another form of taxation, or would it assist charity. We have not had an answer to any of the questions. There is a difference between this referendum and the other referenda referred to by the Chief Secretary. Voting is compulsory at Commonwealth referenda, but it is also compulsory that a Bill be submitted to enable the people to know what they are voting on. There is compulsory voting at general elections for members of another place in this State, but people know what they are voting on. People can make up their minds about that. At a function yesterday a picnic queen was chosen, but every candidate was paraded and the judges had something to pick from. There is nothing to pick from in this case, except "Are you in favour of some sort of a lottery?". We all know that many types of lottery can be held. The Government will be no more in a position after the referendum to make up its mind and convert some people in its own Party than it is now.

The Hon. Sir Arthur Rymill: And the Government has said that its members will not be bound by the result.

The Hon. Sir LYELL McEWIN: That is so. If I do not know what it is and how to vote, how would the many thousands of people compelled to vote know? They would not, but they would be subject to a fine if they did not vote. The position is intolerable, and I oppose the motion. I think that the Council should insist on its amendment and that it is entitled to a better explanation than that given by the Minister. None of his arguments apply to this referendum. Why are we not given information about the form of the lottery? Is the Government ashamed? Why is this being kept in the dark and why are people being asked this nebulous question, on which perhaps 30 interpretations can be placed? I do not think people should be asked to submit to being fined because they are unable to make up their minds or compelled to travel 50 miles to put a pencil through the voting paper because they do not wish to vote either way. If £50,000 is to be spent on a referendum, let us have a vote on a precise question.

The Hon. S. C. Bevan: But you do not favour a referendum.

The Hon. Sir LYELL McEWIN: We favour a referendum being held. Only if the Government is prepared to put the full facts

before us will we have a look at the matter of compulsion. However, under this measure people will be fined if they do not vote on something, on which they have not been given the full information.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I have listened with interest to the Leader's support of the proposal that this referendum should be on a voluntary basis. I agree with the Chief Secretary, because most people I contacted around the hustings asked me whether the referendum would be voluntary or whether it would be compulsory, and I said that it would be compulsory because it would be a complete waste of money if it were voluntary. I am amazed at the Leader's statements; I thought members opposite were opposed on principle to compulsory voting at a referendum, but I now find that no principle is involved, except that, because the Leader says that there is no information about the referendum, the people will not know what they are voting on. That is the only reason why they are saying there should be a voluntary vote. It is wrong that the opposition should be based on this premise, because it is my understanding that people either support or do not support a lottery. Whether they pay 5s., 10s., or £1 for a ticket, and whether it is run by the Government, Tattersall, or some other agency, does not affect a person who wants a lottery, or a person who, being opposed to gambling, does not want one.

The Hon. Sir Arthur Rymill: You are taking only the extreme cases on either side.

The Hon. A. F. KNEEBONE: No. Do not tell me that whether the Government runs it, or whether Tattersall runs it, will change the honourable member's opinion about the lottery. I am sure it would not change mine. Comparing this with a referendum for a change in the Constitution is going from the sublime to the ridiculous. If people agree to a lottery, will we not have an opportunity to argue it in this Chamber? Will not the people who oppose a lottery have a chance to vote against it? We are voting on the principle of establishing a lottery and not on the details.

The Hon. Sir NORMAN JUDE: The Minister imagines that people are either for or against a lottery. Since the unfortunate statement that the Chief Secretary has endeavoured to defend, or explain away as nicely as possible, with regard to whether lotteries would be run for charity or for the State, the attitude of the public is not what the Minister thinks it is.

The Hon. F. J. POTTER: I did not speak in the second reading debate, but I voted for this clause to be struck out, so I think I should explain my reasons for doing so. One cannot decide on whether there should be a compulsory or non-compulsory vote without looking at the question to be submitted to the people. The Chief Secretary compared the proposal with an election, but there can be no comparison. This is no more than ascertaining an expression of mass opinion on a social question.

The Hon. R. C. DeGaris: And a vague question.

The Hon. F. J. POTTER: Yes. When I was a young lad I had a teacher who, when not satisfied with an answer, wrote "D.V.B.I." at the bottom of the paper. This was supposed to represent "Delightfully vague, beautifully indefinite". That is a good description of this question. It is nothing more than asking for an expression of mass opinion on the vague question whether or not the people want a lottery under the control of or promoted by the State. Mass opinion is all right—that is what the Government wants.

The Hon. A. F. Kneebone: You will not get that under a voluntary vote.

The Hon. F. J. POTTER: But mass opinion comes down to the opinion of the individual. That is what makes up the mass opinion.

The Hon. A. F. Kneebone: As long as the majority of the people vote.

The Hon. F. J. POTTER: If a majority of the people agree to this.

The Hon. A. F. Kneebone: But can you guarantee that the majority of the people will vote under a voluntary system?

The Hon. F. J. POTTER: It comes down to an expression of individual opinion. Expression of opinion of the individual on a question of this nature is governed entirely by what that individual knows about the consequences of his vote. If someone is to have an opinion on something and is to be asked to express his opinion he must know something about it. It is claimed by the Government that a question of this nature is so easy that everyone knows whether or not he will vote "Yes" or "No". The position in the community, as I understand it, is simply that a section of it favours a lottery and will vote "Yes" on this question or any similar question concerning a lottery. Another section of the community is, equally, opposed to a lottery and will vote "No" on this question or any similar question. But a large section of the community has really no opinion one way or the other about the matter

and, if they were forced to give their opinion, it would be given taking into consideration other implications—whether the lottery was for charity, or whether it was to be run by this State Government alone or in conjunction with another authority outside the State. Those extraneous questions would make up the final crystallization of the opinion of that type of individual to be found in the large mass of the community—the person with no fixed opinion on this matter. No person should be forced, at the point of a gun or under pain of a fine of £2 10s., to express an opinion on what is virtually a philosophical or moral question. That is the real principle we are discussing here.

If this Government had taken up the suggestion that it should bring before this Chamber a Bill setting out the actual details of the lottery, how it was to be run, and had answered the questions that the Leader of the Opposition put and to which he received no answer, then I think perhaps the members of the Government might have had some justification for demanding a compulsory vote. But, because they have chosen not to do that but have insisted that the question go to the people in the form in which it is in this Bill, it is nothing more than demanding individuals to have an opinion and to voice it. They should never have to do that under the pain of a penalty. That is the principle involved and I am prepared to support the attitude that the Council adopted on another occasion. I shall vote against the Chief Secretary's motion.

The Hon. D. H. L. BANFIELD: I am in favour of compulsory voting for the referendum.

The Hon. L. R. Hart: You have to be; your Party said so.

The Hon. D. H. L. BANFIELD: I shall have the right to vote how I want to when I am outside the Chamber at the poll. I am convinced that 99 per cent of the people should not only have the right to vote but should be compelled to vote. This Council adopts the attitude that this matter should go before the people in the form of the Bill as passed by this Council. Members here accepted that part of the Bill that provides for taking a poll on the type of lottery set out in the question.

The Hon. R. C. DeGaris: We drew attention to the fact.

The Hon. D. H. L. BANFIELD: You accepted that part of the Bill, which is the question to go before the people.

The Hon. L. R. Hart: We accepted under protest.

The Hon. D. H. L. BANFIELD: You have the numbers. Don't say you accepted it under protest. You accepted it by a constitutional vote for clause 4 of this Bill.

The Hon. Sir Arthur Rymill: The honourable member thinks that the Government needs help in this matter?

The Hon. D. H. L. BANFIELD: I say that the referendum initiated by the Commonwealth Government many years ago contained nothing definite, and people felt it was all right for that referendum to be held with a compulsory vote. The questions asked were not specific, one of which was:

Are you prepared to alter the Constitution to allow the Commonwealth to make laws with respect to terms and conditions of employment in industry but not so as to authorize any form of industrial conscription?

They were not saying what the laws should be; they said nothing at all about what the law would be so that people could agree to a specific law or not. Clause 4 of the Bill asks:

Are you in favour of the promotion and conduct of lotteries by or under the authority of the Government of the State?

That is asking: are you prepared to allow the Government to introduce lotteries in this State?

The Hon. Sir Arthur Rymill: But your Government can do it now, and it is not doing it.

The Hon. D. H. L. BANFIELD: Of course we can do it.

The Hon. Sir Arthur Rymill: You have the power.

The Hon. D. H. L. BANFIELD: But the fact remains that we are giving the people the opportunity to find out whether they want lotteries in this State.

The Hon. Sir Arthur Rymill: Is that the real reason?

The Hon. D. H. L. BANFIELD: This is a social question that will vitally affect every family in this State because, irrespective of one person's view or the view of the master of the household, that does not mean that his children will accept his views. Therefore, the people of this State have to decide for themselves whether it is good or bad to have a lottery conducted in this State.

The Hon. Sir Lyell McEwin: Nobody is interfering with that.

The Hon. D. H. L. BANFIELD: The only way in which to get a proper expression of opinion is by everybody expressing his opinion. We know of people who openly say that they cast an informal vote; yet they are the first to grumble about what is going on in regard to government. Those same people who do not

exercise their vote will put on a turn if things do not turn out as they think they should, when all the time they have had an opportunity to express their opinion whether there should or should not be a lottery. The only way in which to get a true expression of opinion by the majority of the people is to make sure that everybody is compelled to vote For those reasons, I think it is right that people should be compelled to vote. That is what I believe, that is what I state, and that is what I am sticking to.

The Hon. C. D. ROWE: I made my view on this matter clear during the course of the second reading debate. My views on compulsory and voluntary voting are not limited to this particular question. They are set in a firm belief as far as I am concerned, and that belief relates to the future of our democracy. If we are to have a democracy, it can be developed only on the basis that the people in it are prepared to accept their responsibilities, inform themselves on a matter at issue and then cast an intelligent vote. Unfortunately, in too many instances in Australia of recent years people have not been thinking for themselves, and decisions have been made for them by some organization or Party. They are so used to compulsion that they fall in with the views of that particular organization or Party. So long as we encourage people not to accept their responsibilities and not to think for themselves, then so long are we jeopardizing the future of our democracy and the democratic principles by which we hope to live for many years to come.

Reference has been made by various speakers to the reaction that they received when speaking to others regarding this matter, some people being in favour of a lottery and some against. I have spoken to many people and the reaction of the majority of those people is, "Well, I have not thought much about it yet; I don't know much about it and I have not made up my mind." Under those circumstances I think it is wrong to compel a person to express an opinion on a matter in which he may not be interested or on a matter on which he is not able to inform himself on the facts. We have done our best to cure that situation by asking from the Government full details of the proposal but we have not been able to get that information.

If there is to be a compulsory vote then at least the people should be given the opportunity of saying they have no opinion on the matter. If people do not wish to record a vote they should not be made to, but no provision for those people is made by the Government. They must vote for or against lotteries and in those circumstances I consider that the proper way to get an opinion from the people is to put the matter on a voluntary basis. If that is done most people who have thought about it and made a decision in favour of a lottery will go along and record their vote "Yes" while those who have decided against it will record their vote accordingly. Those people not interested in the matter in any way, who have not taken the trouble to inform themselves as to the facts for or against, and those who consider that they are not competent to express an opinion, will not vote.

My view is that a better expression of opinion of the people on this matter, from people who really care about it, will be obtained if the vote is a voluntary one. For my part, I am getting a little tired of the compulsory approach of this Government to so many matters; compulsory unionism, compulsion to do this and that, and I consider it is a negation of the principles of democracy.

The Hon. A. J. Shard: What do you mean by "this and that"?

The Hon. C. D. ROWE: I hope that democratic processes will prevail here. I have expressed my opinion on this Bill and I would support a referendum although in the majority of instances I believe that we, as members of Parliament, are paid to do a job; we should accept our responsibilities and make up our minds on questions before us and not pass them back to the people. In the second reading debate on this matter I said that I was in favour of a referendum and now I would take the second step and say that we should try to get the best expression of opinion possible. The way to do that is to make it a voluntary matter for the people who have really given it thought and wish to record their vote. By this means those people who have not informed themselves on the subject will not be required to record a vote.

The Hon. JESSIE COOPER: I made my views plain the last time I spoke on this matter, but a few statements have been made this afternoon that I consider should be cleared up. In the first place, the Hon. Mr. Potter and the Hon. Mr. Rowe have spoken as though the great majority of people are undecided on such questions as lotteries. A Gallup poll conducted last year makes this opinion completely fallacious and I would like to say that the South Australian figures were most

interesting. In the Gallup poll, the figures for the whole of Australia showed 83 per cent were in favour and 10 per cent opposed, with only 7 per cent undecided, and therefore it is amazing that all of the people who have been spoken to by those members are in that 7 per cent! When divided into States, South Australia of all the States of Australia has the lowest percentage undecided.

The Hon. G. J. Gilfillan: What was the question?

The Hon. JESSIE COOPER: The first question was, and I quote:

In every State big majorities favour Government lotteries, but in Victoria, South Australia and Tasmania, people are inclined to think they should be run FOR the Government, like Tattersall—not by the Governments. People interviewed throughout Australia by the Gallup poll in July were first asked whether they were for, or against, Government lotteries.

That was the first question and that was where 7 per cent in all Australia were undecided. The majority for Government lotteries was at least 80 per cent in all States except Tasmania, where it was 63 per cent. I continue:

Everyone was also asked whether lotteries should be run by the Government itself, or for the Government, like Tattersall in Victoria. In Queensland, New South Wales and Western Australia most people approve their Government-run lotteries, but elsewhere licensed lotteries are preferred.

This was the table of percentages:

	Government run.	Licensed.	Undecided.
New South Wales	63	11	26
Queensland	53	14	33
Western Australia	51	11	38
South Australia .	34	43	23
Victoria	31	38	31
Tasmania	29	42	29
Australia	47	24	29

My point is that only 23 per rent of the population of this State were undecided and if members wish to argue on these lines they must be accurate.

The Hon. R. C. DeGARIS: I would like to comment on utterances of the Hon. Mr. Banfield where he said that this Chamber had accepted clause 4 of the Bill which sets out the prescribed question:

Are you in favour of the promotion and conduct of lotteries by or under the authority of the Government of the State?

If I heard the honourable member correctly, he said that this Chamber, having accepted clause 4, should also accept the question of compulsory voting, but, as was pointed out in the second reading debate in a speech by the Leader of the Opposition, this question could not be altered to the opinion of all other speakers that a Bill should be introduced setting out the full particulars of a lottery because of a restriction in our Standing Orders.

The Hon. D. H. L. Banfield: It could have been thrown out.

The Hon. R. C. DeGARIS: The point was adequately put by most members who spoke that this was an abstract question. In my opinion, this is possibly the main reason in this context why we should have a voluntary vote. Mention has also been made by the Hon. Mr. Banfield regarding referenda conducted by the Commonwealth on matters of the transfer of powers from the State to the Commonwealth. Once again, that was a specific question and not an abstract one as is the question in clause 4.

The Hon. D. H. L. Banfield: And the laws were not laid down.

The Hon. R. C. DeGARIS: If the honourable member reasons it through he will see that laws cannot be laid down for transfer of powers from the States to the Commonwealth. The question put by the Commonwealth referendum was specific, but the question in clause 4 is, as I said, abstract, and this is the major reason why I consider we should insist on a voluntary vote. The reasons have been given clearly in this place that that is so, and all the evidence given by the speakers favouring a voluntary vote show clearly that in this instance it is the correct thing. We have the views of political writers on the conduct of referenda and evidence that the referendum is used in some countries as a means of legislation. I think Switzerland is the country where it is used most extensively.

The Hon. Jessie Cooper: A most backward country, indeed.

The Hon. R. C. DeGARIS: That may be so, but the principle of a referendum is accepted in certain States of America and I do not think the Hon. Mrs. Cooper would accept that America is a backward country. The principle in these American States is that voting is voluntary unless the question is specific. Voting is not compulsory on a vague, abstract question. The Hon. Crawford Vaughan, who was at one time the Leader of the Labor Party in this State, put forward the same views when the last referendum in this State was conducted. If this question was specific, there would be a somewhat stronger argument for insisting on compulsory voting, but as the question is abstract, no such case has been made out. Mention has been made of what people outside

have said and I, too, have spoken to a number of people in my district and I consider that, in submitting that a voluntary vote should apply in this matter, I am putting the view of the majority of the people in my district.

There has been a marked change in the opinions held by people on the question of a lottery since the debate commenced. Many people who were previously in favour of a lottery are now asking, "Why should we be compelled, under pain of penalty, to cast a vote on a question when we do not know what it means?" People will be compelled, under pain of penalty, to attempt to cast an intelligent vote on a question when nobody can say exactly what it means. The Minister of Labour and Industry said, "Don't forget that we will have an opportunity to debate the issue of a lottery at some future date if this referendum is carried." However, I doubt that very much. As I said in my second reading speech, all kinds of charges have been laid against the attitude of this Council, against the attitude of the Opposition. If a "Yes" vote results from this referendum (if one is conducted) and if a Bill is introduced and an attempt made in this Chamber to alter an objectionable clause, what charges might be laid against this Council that it is adopting an obstructionist attitude when there is the backing of a referendum that has been carried? There will be no opportunity for this Chamber to do much amending of objectionable clauses if the referendum is carried on a completely vague question. There has been only one newspaper comment on the matter whether voting should be compulsory or voluntary and that appeared in the *News* last night. It stated:

The Legislative Council's action in removing the compulsory vote provision from the Government's lottery referendum Bill would reduce a useful test of public opinion to a waste of money and a waste of time. It is difficult to understand the attitude of members who voted against compulsion. They accept it for a general election. Why not for a referendum? I think the reasons and the difference between a general election and a referendum on an abstract question have been canvassed.

The CHAIRMAN: The honourable member must not read extracts from a newspaper on a motion on which debate is proceeding in the Chamber.

The Hon. R. C. DeGARIS: May I refer to the report in general terms?

The CHAIRMAN: Yes, as long as the honourable member does not read it.

The Hon. R. C. DeGARIS: The report claims that the reason why local government in South Australia is at such a low ebb is because voting is voluntary. If that is the only argument that can be found in favour of demanding a compulsory vote, I think the opinion is a biased one. I do not think it carries any weight whatsoever, because the opposition is based on a wrong presumption. I support the view that this should be a voluntary vote.

The Hon. S. C. BEVAN (Minister of Local Government): I cannot support the system of voluntary voting, in the circumstances. I listened attentively to the debate on the second reading and again this afternoon. It appears to me from the opinions expressed by the Hon. Mr. DeGaris that the opposition to compulsory voting is based on a great fear psychology, that if voting is compulsory the overwhelming majority of people of this State will vote for the introduction of a lottery.

Honourable members have said, "Why should people be forced to vote for something that they would not believe in and would not desire?" It is also said that the people would not understand what they were voting for. The Hon. Mrs. Cooper referred to a Gallup poll at which two or three questions were asked. When such a poll is conducted, the persons interviewed do not have before them a Bill or such information as the terms under which the lottery would be conducted, who would conduct it, where the money would go, what prize money would be made available or how much the tickets would cost. It is suggested that this information should be before the Chamber to enable honourable members to make up their minds on whether a referendum should be conducted on a compulsory basis so that the general public could say whether or not they were desirous of a State lottery.

When a Gallup poll is taken, a person is asked a question like, "Do you believe in a State lottery?" and he answers "Yes" or "No". This afternoon we have been led to believe that people who are interviewed in the course of these Gallup polls have not sufficient common sense to enable them to understand the questions put or to enable them to give an intelligent answer. Members opposite are really saying that the people have not enough intelligence to understand the question. If I asked the Leader whether he was in favour of a State lottery being conducted by or on behalf of the State, he would immediately know what I meant and would answer one way or the other. Do not honourable members think that every other elector in South Australia has the same intelligence?

The Hon. Sir Norman Jude: No.

The Hon. F. J. Potter: Don't you think many people would answer "It all depends" to that question?

The CHAIRMAN: Order! I would like the Minister to have the opportunity to speak.

The Hon. S. C. BEVAN: The same line of reasoning was taken in another place, where it was suggested that the electors were more or less children and had to be treated as such. It has been said that a referendum should not be submitted to the people but that a Bill should be introduced so that Parliament can determine the matter, yet "democracy" has been mentioned. Perhaps that is what members opposite mean by that word—that we should express an opinion for the people instead of asking them.

The Hon. Sir Arthur Rymill: But isn't the Government elected to govern?

The Hon. S. C. BEVAN: This boils down to a fear psychology. Members opposite are afraid that with a compulsory vote the referendum will be carried, so they do not want a compulsory vote.

The Hon. Sir Lyell McEwin: Are you sure of that? Perhaps it would be easier to carry a referendum on a compulsory vote if the position were made plain.

The Hon. S. C. BEVAN: If people are forced to vote, I think the referendum will be carried by a big majority. The people will know what they are voting on. There will not be as many informal votes as members opposite have suggested. However, with a compulsory vote people who favour a lottery but cannot be bothered about voting will go along and vote in favour. A few days ago the Hon. Mr. DeGaris mentioned something that was said in Parliament in 1930 and suggested that we should all now have the same opinion. Despite that, when something that happened 20 years ago was mentioned, he said that we had progressed since then, and that the conditions did not prevail now.

The Hon. G. J. Gilfillan: Do you think compulsion is progress?

The Hon. S. C. BEVAN: I am speaking not about progress but about an opinion given in 1930. On one matter members opposite want to adopt the line of reasoning used in 1930, but on another they say we should not go back so far because we have progressed. They say that they believe that a referendum should be held but that it should be a voluntary vote, yet really their objection is against the introduction of a lottery. They agree to having a referendum with a voluntary vote, and they have based their objections to a compulsory vote on not having before them the full details of the lottery. If they thought there should not be a lottery conducted by or on behalf of the State, they could have voted against the Bill and given us a further illustration of their strength in this Chamber. Their reasons for objecting to a compulsory vote are only a guise so that all the people will not express an opinion, as they know that those who oppose lotteries will go along to vote.

The Hon. Sir Lyell McEwin: You are not pleased because we did not throw out the Bill, are you?

The Hon. S. C. BEVAN: We shall have the opportunity to debate the details when a Bill is introduced. Members opposite say that will be too late because the referendum will have been carried. They are governed by a fear psychology. An Opposition member said that if a referendum were carried we would not be able to go against it. That is why they do not want to have a referendum.

The Hon. R. C. DeGaris: We are not worrying about the opinion of the people; we are worrying about the opinion of the Government.

The Hon. S. C. BEVAN: Members opposite are worried that the referendum will be carried and that they will be placed in a cleft stick.

The Hon. R. C. DeGaris: What worries me is how the Government will interpret the vote.

The Hon. S. C. BEVAN: If a Bill is introduced, it will contain all the details of the lottery. The honourable member can then vote against the Bill if he wants to. To get a true expression of opinion in this State, as we do in general elections, the referendum should be held as set out in the Bill. It should be on a compulsory basis.

The Hon. C. R. STORY: I have listened with great interest to the Ministers and the Hon. Mr. Banfield. I made my position clear during the second reading debate. There was nothing new in what I said. My Party in this Chamber believes, and always has believed, in voluntary voting. We have had differences of opinion with the Party opposite many times previously. To suggest that we are bobbing up today suddenly and deciding to do something new is a mere flight of fancy.

The Hon. A. F. Kneebone: I thought you were opposed to this because of lack of detail?

The Hon. C. R. STORY: The honourable member is completely out of character when he tries to put words into my mouth. With some other honourable members—yes, but he is normally a truthful man and I know he would not

attempt to sway me by trying to twist my words on a matter like this.

The Hon. A. F. Kneebone: I thank the honourable member for those remarks.

The Hon. C. R. STORY: I am a good judge of men.

The Hon. Sir Arthur Rymill: It is the Government that is trying to do something new.

The Hon. C. R. STORY: That is what I am complaining about.

The Hon. S. C. Bevan: There is nothing new in compulsory voting.

The Hon. C. R. STORY: There is nothing new in this matter for my Party. I was pleased to hear some of the utterances of Government members on this matter, because they come in here and talk about compulsory voting, but they do not take it any further than this Chamber. They do not inflict it on themselves in their pre-selections. They get selected on a voluntary vote; they come in on a voluntary vote, take their seats and draw their salaries on a voluntary vote—and they like it, too! They shadow-spar from time to time about it but they do nothing about it, really.

In public opinion polls on simple questions, just as simple as the one the Minister of Local Government referred to, usually the voting is about 41 per cent one way and 39 per cent the other way; and then there are those people who wish to remain uncommitted, because they have no opinion. What are we deciding in this issue? We are to decide by referendum whether or not this State should have a lottery. Is it not ludicrous that we are going to force to vote a large number of people who, if we were conducting a Gallup poll, would have no opinion? They will be dragged along under fear of penalty and they will put something on a piece of paper. It may be rude words, it may be a cross, it may be a cross in the wrong square, but still they are to be dragged along against their will. My Party is not opposing, as the Minister suggested, the principle of a referendum on a lottery. Such a statement is incorrect, a flight of fancy on the part of the Minister, who has used the half-truth, has wandered, and has not really got down to the crux of the matter. He has assumed things.

My Party is not opposed to a referendum on this matter, but it is opposed to people being forced to vote. This situation is very different from referenda held in the past in the Commonwealth sphere. Under the Constitution of Australia provision is made for these things. Clause 4 of this Bill is only snatched from the Commonwealth Act and put into our measure. This whole Bill is made up of bits and pieces, because we have no provisions laid down. In those circumstances, in the last large Commonwealth referendum, held in 1951, the public of South Australia when they went to vote had a clear case laid down for them for and against the question. That was done under the provisions of the Act. It was stated there that it would be done. In the referendum held on Saturday, September 22, 1951, the whole thing was set out—the case for and against the referendum. But do we hear anything about our having a case for or against this referendum? Of course not. We are asked to vote "Yes" or "No". We are adopting the attitude that my Party has always adopted, and it is nothing new: we believe in people expressing their point of view.

In other social questions this same rule applies. In connection with local option polls, how do we close hotels in an area, how do we get new licences in an area? We get them by the voluntary vote of the people on the House of Assembly roll in those areas to which the polls apply.

The Hon. R. A. Geddes: And local government, too.

The Hon. C. R. STORY: Yes; it is done in the same way. At the moment, we are getting complaints about these things merely because we stand up and say what we think. It does not matter whether the voting is compulsory or voluntary—the people will be pressurized. The only difference is that, if the voting is compulsory, everybody is pressurized.

The Hon. A. J. Shard: By whom?

The Hon. C. R. STORY: By the "Yes" and "No" people. The whole thing is pressurized but if we take the screw off and allow it to be a voluntary vote these people will not know quite where to put the pressure on. If voting is under compulsion, people churn out literature and poke it through letter-boxes because they know that every person has to go to the poll with a pamphlet or a ticket.

The Hon. A. F. Kneebone: It happens in voluntary voting, too.

The Hon. C. R. STORY: Only if the person goes along and is informing himself on a particular matter. My point is that we shall not be pressurized nearly as much under a voluntary vote as under a compulsory vote. This is a proper point to take.

The Hon. Sir Arthur Rymill: We are much more likely to get a real expression of opinion.

The Hon. C. R. STORY: Of course. If we get 66 per cent of the people giving a voluntary vote at least they will know what they

want and what they have voted for when they get home, but if 99 per cent . . .

The Hon. A. F. Kneebone: We don't get a 66 per cent vote in by-elections for this Chamber.

The Hon. C. R. STORY: It usually happens in Central No. 1, and I can tell the honourable member that the figures for by-elections are high, especially in country areas where people really take the trouble to find out what it is all about. The point I wish to make is that in elections held in country districts a high percentage of voluntary voters take part and they know what they are voting on, as can be judged by looking at their representatives in this Chamber. The Chief Secretary in his opening remarks gave me the impression . . .

The Hon. A. J. Shard: I thought the honourable member agreed with everything I said.

The Hon. C. R. STORY: Only up to a point. The Chief Secretary went on and spoilt everything. I gained the impression that he said some people would be almost deprived of their rights if this matter were left to a voluntary vote, and that, if it were a compulsory vote, they would get their rights.

The Hon. A. J. Shard: I did not even imply this.

The Hon. C. R. STORY: The Minister left that impression anyway. If there is a voluntary vote a person is not deprived of his rights, but if there is a compulsory vote a person is compelled to attend, and as a result there are many unhappy people. Members who have been scrutineers when there has been a compulsory vote know how many unhappy people there are because of the number of mutilated ballot-papers left behind or thrown away. They have seen the rude words written on ballot-papers. This shows that the voters have not the slightest interest in what they went along to do. They have merely gone through the motion of voting. I hope I have made my points clear. If there is a voluntary vote it will not deprive anybody of his rights. If there is an informed vote it will enable the Government to make up its mind whether or not to introduce legislation for a lottery. The principle of voluntary voting has been successfully used in local option polls. I have not heard any members argue about compulsory voting at such polls, although they concern the liquor question, which is an important social question.

The Hon. D. H. L. Banfield: It is because only a small area of the State is affected.

The Hon. C. R. STORY: It affects the whole of the State. Local option applies in all areas covered by the House of Assembly roll; therefore, it does affect the State as a whole. The fact that local option polls are not held on the same day does not mean that they do not affect the whole of the State. They control the drinking laws of the State.

The Hon. Sir Arthur Rymill: It is possible to have them all on the same day.

The Hon. C. R. STORY: Yes.

The Hon. D. H. L. Banfield: Such polls are not held to control the laws about drinking; they control only the number of hotels at which people can drink, and there is a difference.

The Hon. C. R. STORY: I think I have said enough to convince members of the Labor Party of my views on this matter, but before concluding I want to quote something written by J. St. Loe Strachey, an authority on the matter of referenda. We are talking not about lotteries but about the holding of a referendum. Strachey says:

> The referendum should never be used in answer to abstract questions, as, "Are you in favour of a monarchy?" or an emperor, or a war, or a peace, or so forth. Those are questions that nobody can or ought to answer in the abstract. If a man of sense is asked, "Are you in favour of a monarchy?" he naturally asks, "What kind of monarchy do you mean?" When you have got a definite statement of that kind you can say whether on the whole you are in favour of it or not, but you cannot give that answer to a purely abstract proposition.

I believe that is what the Government is asking us to do. I have aired my views and given some reasons why I want the voting to be on a voluntary basis. I am not opposing a referendum, nor are the members of my Party opposing it.

The Hon. L. R. HART: I wish to speak briefly to this question. I believe I made my position clear in my second reading speech. I have been intrigued by the inconsistencies displayed by the Ministers. To begin with, the Chief Secretary has said that if there is a voluntary system of voting only a small section of the people will go along to vote. Yet, on the other hand, he said that he had spoken to a number of people in many walks of life who had all expressed the opinion that there should be a compulsory vote. If the Chief Secretary is to be consistent, many people will vote, even if it is a voluntary vote. The Minister of Local Government said he believed that most people were in favour of the lottery. If that is so, then many people will vote.

The Hon. Sir Arthur Rymill: If they are so certain of these things, why don't they bring down a Bill?

The Hon. L. R. HART: That would be the obvious thing to do. The Hon. Mrs. Cooper gave some interesting figures. She stated that a Gallup poll taken in South Australia showed that 34 per cent of the people voted in favour of a Government lottery and 43 per cent in favour of a licensed lottery. These two figures taken together represent 77 per cent, but that does not necessarily mean that that percentage of the people is in favour of a lottery. It means that each figure given shows the number of people in favour of a certain type of lottery, but the significant figure is the percentage of people who were undecided. We know that 23 per cent of the people can decide the fate of any Government and 23 per cent would decide the fate of a lottery conducted on a compulsory voting basis.

The Hon. Jessie Cooper: No, 7 per cent were undecided on the main question.

The Hon. L. R. HART: This showed that 23 per cent would decide the fate of a lottery.

The Hon. Jessie Cooper: No, 7 per cent.

The Hon. L. R. HART: It must be 23 per cent. We have 34 per cent in one group.

The Hon. Jessie Cooper: That is on the specific question—7 per cent.

The Hon. L. R. HART: Twenty-three per cent were undecided.

The Hon. A. F. Kneebone: As to what type of lottery. There were two types.

The Hon. A. J. Shard: You are getting your lines crossed.

The Hon. L. R. HART: I am not. I am just saying that, from the figures, 23 per cent of the people were undecided as to the type of lottery they wanted, but they would probably be undecided on whether they wanted a lottery or not. The Hon. Mr. Banfield suggested that if we were not in favour of this provision, we should have thrown out clause 4 of the Bill. I stated in my second reading speech that I thought the Government would like us to do this but the Chief Secretary said that I was completely wrong. We accept that it is part of the Government's policy to have a referendum and, for the sake of not being obstructive, this Council decided to let the referendum issue go through, but we made one reasonable proviso that voting was to be on a voluntary basis.

If the Labor Party is genuine in its desire to have compulsory voting, why does it not have compulsory voting by members of a union when strike action is being considered? When a union is considering strike action, it is not compulsory for every member to record a vote.

The Hon. A. F. Kneebone: That has nothing to do with the Government.

The Hon. L. R. HART: If voting was compulsory in those circumstances, we would have fewer strikes than we have today. I support the principle of voluntary voting.

The CHAIRMAN: The Chief Secretary has moved that amendment No. 3 of the Legislative Council be not insisted upon. I shall put the question in the positive form, that amendment No. 3 be insisted upon.

The Committee divided on the question:

Ayes (12).—The Hons. R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (5).—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, A. F. Kneebone, and A. J. Shard (teller).

Majority of 7 for the Ayes.

Amendment thus insisted upon.

TRAVELLING STOCK RESERVE: HUNDRED OF PENOLA.

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That the travelling stock reserve adjoining section 535, hundred of Penola, shown on the plan laid before Parliament on June 10, 1964, be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands.

ROAD TRAFFIC ACT AMENDMENT BILL.

Second reading.

The Hon. S. C. BEVAN (Minister of Roads): I move:

That this Bill be now read a second time.

Its object is to amend the Road Traffic Act, 1961-1964. There has been no major review of the Road Traffic Act for some time, and the Road Traffic Board considers that the amendments proposed by this Bill are required to make the operation of the Act more effective having regard to changing conditions in traffic on the roads in this State. The principal object of the board in proposing these amendments is to bring the Act to some extent into line with the National Road Traffic Code so far as is practicable and desirable for conditions in this State. The Government accepts the proposals of the Road Traffic Board as being

desirable and necessary, particularly with regard to the safety of persons in vehicles and on the roads.

After these introductory comments, I shall deal with each clause in numerical order and give as much detail as may be necessary for honourable members to appreciate the reasons for proposing the amendments. Clause 3 amends in two ways section 5 of the principal Act. Signs, lines and marks are painted on roads to regulate the movement of traffic that either turns left or proceeds straight ahead. For the better regulation of traffic it is necessary to delete the reference to turning in the definition and insert the wider concept of regulating or guiding traffic. In addition, the board considers that the marking of lines on roads (such as parking lines) should require the approval of the board before being placed on roads. This amendment is relevant to clause 19. The alteration to the definition will bring "lines" within the meaning of "traffic control device". The other amendment inserts into section 5 a new definition. There is no definition in the Act of "footpath". The suggested definition is the one used under the National Road Traffic Code, and its inclusion in the Act would facilitate interpretation of the term as used in sections 61 and 82 (1) (*c*) of the prinicipal Act in regard to the driving and standing of vehicles on footpaths.

Clause 4 amends section 21 of the principal Act. The use of the passage in this section "or a portion of a road used by children going to or coming from a school" in the location of school signs leads to confusion, and is deleted. When the presence of a school is not evident from the road on which motorists are travelling, it is extremely difficult to detect whether children in the vicinity are going to or coming from a school, or are merely using the road for other purposes. The situation could arise where a school could be a half a mile from an area where school signs were requested for children crossing in the area. If there were no other schools in the vicinity, it would be difficult for motorists to realize that these children were actually going to the school in question, especially if the time were outside normal school times. Such crossings as described are covered by "children" signs.

Clause 5 amends section 22 of the principal Act. This amendment will allow the painting of straight ahead direction arrows on laned approaches near intersections. Whilst the principal Act provides for the marking of turn arrows, no provision is made for arrows pointing straight ahead. Clause 6 amends section 31 of the principal Act. The board has power to order the removal of any false traffic sign or light that is likely to increase the risk of accident on any road. With regard to signs and advertisements, this power is restricted to those from which light is projected. A number of authorities exercise limited control over the erection of advertising signs, but this control is not fully effective as no one authority has overall responsibility. The board has received reports that traffic hazards are being created at intersections where the presence of advertising signs restricts visibility. In existing legislation there is inadequate authority to control the erection of undesirable signs that may have an adverse effect on traffic safety. The proposed amendment will enable the Road Traffic Board to order the removal of any advertising sign that creates a hazard to traffic. It is intended that this provision will override other legislation.

By clause 7 a new section 31a is enacted and inserted in the principal Act. As one way streets are one of the most important forms of traffic control, it is considered that provision should be made to enable the board to control their adoption by councils; otherwise, dangerous situations could arise. In the past some councils have not given sufficient attention to the necessary measures required to ensure the safety of one way traffic operations.

Clause 8 amends section 32 of the principal Act. It is considered that, as speed zoning is a continuing project and as it may be desirable to alter limits from time to time, the board should exercise control by the erection of signs rather than by regulation. Instances have arisen where speed zones are justified only during certain periods of the year—*e.g.*, at caravan parks—but at present it is not possible to impose a temporary speed zone. Temporary speed zones are also necessary from time to time in country areas where road or bridge works are in progress. In Victoria the Traffic Commission has the power to fix speed zones without making a regulation, whilst in New South Wales the Minister has similar power. In those States the zones are indicated by appropriate signs.

Clause 9 amends section 40 of the principal Act to confer the same exemption upon fire engines registered under the Bush Fires Act, 1960, as is conferred upon fire engines used by the Fire Brigades Board or fire engines registered under the Fire Brigades Act from the provisions of the Act relating to such

matters as speed limits, etc., when a fire engine is being driven, etc., to the scene of a fire.

Clause 10 amends section 43 of the principal Act by inserting a new paragraph in subsection (3). The Police Department is concerned at the absence of legislation in this State that would require the driver of a vehicle involved in an accident to assist another person who may be injured as a result of an accident. The National Road Traffic Code, on which the various States are recommended to base their legislation, stipulates that a motorist involved in an accident shall "immediately render such assistance as he can" and "as soon as practicable and if possible at the scene of the accident produce his driver's licence and give his correct name and address". New South Wales, Victoria and Western Australia have legislation along these lines.

The purpose behind this proposed amendment is not only to ensure that an injured person receives assistance but to lead to the identification of the other party involved, for the amendment places an onus on him to remain in the vicinity and give such assistance to the injured party as is necessary and practicable. The Police Accident Investigation Squad is concerned with the prevalence of accidents in which a person is injured but the other party concerned in the accident does not remain at the scene and make any attempt to assist injured persons.

Clause 11 inserts a new section 45a in the principal Act. This section is necessary to prevent busy intersections from becoming blocked by vehicles unable to proceed because the roadway ahead is in turn blocked. It frequently occurs that traffic in a street is unnecessarily blocked at an intersection by motorists who have stopped on the intersecting road at the intersection. This proposed amendment is similar to the provision in the National Road Traffic Code.

Clause 12 amends section 47 of the principal Act and provides that a certificate purporting to be signed by a Government analyst certifying the proportion of alcohol or any drug found in a specimen of any blood shall be *prima facie* evidence of that fact. If this amendment is accepted the result would be that frequent appearances in court of the Government Analyst to testify as to the result of his analysis would become unnecessary unless the evidence were challenged by the defence.

Clause 13 of the Bill amends section 53 of the principal Act. Heavy earth-moving, road and building construction equipment, mobile cranes, etc., are becoming bigger and faster and are in ever-increasing numbers on the road. Most of them are far in excess of the 3-ton minimum requirement under section 53 of the principal Act but, because they cannot be brought within the definition of "commercial motor vehicle", no action can be taken to enforce the speed limits under this section. Large mobile cranes with long dangerous booms often travel at dangerous speeds having regard to the size, weight and stopping power of these vehicles. They also cause undue damage to the roadways.

Clause 14 amends section 63 of the principal Act. This amendment would bring the provision into line with the National Code. The section would then apply to drivers actually in the intersection as well as to those approaching it. Subsection (5) causes confusion to motorists and is deleted. Clause 15 inserts a new section 74a in the principal Act. Many instances occur where turning lights on vehicles are left operating after the vehicle has completed its manoeuvre. This often occurs because the driver is unaware that the light has not been automatically switched off. The amendment provides that a driver must see that the light is out after completion of the manoeuvre. Similar provision is contained in the National Code. A maximum penalty of £50 is imposed for an infringement of this provision.

Clause 16 of the Bill amends section 78 of the principal Act. The existing wording of this subsection makes its interpretation difficult, as a driver could stop his vehicle at any distance before reaching the stop line or carriageway boundary and claim that he had complied with the Act. In order that stop signs may have the desired effect with regard to road safety, it is necessary that the vehicle stops at a safe position where the driver has a view of traffic approaching on his right. The board considers that the safe position is at the nearer boundary of the intersecting carriageway or at a stop line which has been located by the board's engineers.

Clause 17 of the Bill amends section 78a of the principal Act. This amendment is most desirable in order that motorists should use the correct traffic lanes at laned approaches to intersections. It is current practice to mark the respective lanes with arrows to indicate left turn, right turn or straight ahead traffic movements. Clause 18 amends section 82 of the principal Act by making a minor drafting amendment thereto. Clause 19 inserts new section 82a in the principal Act. The board

considers that a council should be required to obtain the board's approval before it permits angle parking in its area. Police records show that accidents have markedly increased where parallel parking has been changed to angle parking or centre of the road parking has been introduced. An example is the comparison of accident rates between Norwood Parade and Unley Road. Until recently angle parking was permitted in the former street, whilst parallel parking only was allowed in the latter. Norwood Parade, which is much wider than Unley Road and carries less traffic, had three times the accident rate of Unley Road. The cost to the community is too great to allow councils to experiment with angle parking merely for the purpose of storing more vehicles on roadways primarily constructed for travel. The board should be able to control angle parking only where it is safe to do so. All parking in New South Wales is controlled by the State and is administered by an inter-departmental committee (Parking Advisory Committee), comprising representatives of the police, Main Roads Department, Department of Motor Transport, etc. In Victoria, angle parking comes under the jurisdiction of the Victorian Traffic Commission.

Clause 20 amends section 83 of the principal Act. This amendment is desirable to enable effective policing; otherwise, dangerous situations must arise or accidents occur before any action can be taken against the driver concerned. Clause 21 repeals section 88 (1) of the principal Act and inserts a new subsection. More pedestrians are killed on roads than any other type of road user. Hitchhikers are becoming a real problem and they cause many hazardous situations by not walking on the footpath or, if there is no footpath, by walking with their backs to the traffic. If a person is compelled to walk on a carriageway he should always face the traffic that may approach him along the side of the carriageway on which he is walking in order that he may take evasive action should the driver not see him in time. The section in its present form is unworkable as far as pedestrians walking on a divided road are concerned, because it requires them to walk in the same direction as the traffic and, what is more, on the same side that carries the faster, overtaking stream of traffic.

Clause 22 amends section 106 of the principal Act. The Railways Commissioner has requested that provision be made in the Act to cover damage to railway tracks at level crossings caused by low-loaders, graders and similar types of vehicle. He states that there is an increasing incidence of such damage and that action of a deterrent nature can be taken only after the event. Section 106 relates to damage to roads, bridges, culverts and certain other roadside appurtenances, but does not include railway tracks. Clause 23 makes a minor drafting amendment to section 132 of the principal Act.

Clause 24 inserts a new section 138a in the principal Act and provides that no vehicle that has its steering on the left-hand side shall be registered after January 1, 1966, unless the board thinks there are reasonable grounds for allowing such a vehicle to be used on the roads in this State—for example, if a motor vehicle is brought from overseas for temporary use in South Australia. This proposal was approved by the Transport Advisory Council and adopted by the Premiers' Conference in 1949. All other States except South Australia, A.C.T. and Northern Territory have implemented this proposal in their legislation. These other States have placed a complete ban on left-hand drive vehicles, with certain exceptions for special types of commercial vehicles. This inconsistency in the legislation of the various States has produced administrative problems, for persons residing in States outside South Australia have acquired such vehicles and, on being refused registration in their own State, have attempted to get the vehicles registered here. If successful, they then drive the vehicle with a South Australian registration to their home State. Though such owners could be prosecuted in their own States, the authorities have difficulty in proving their case, just as we have difficulty in refusing to register such vehicles here.

In an effort to confine such registrations to South Australia, we adopt measures of inspecting vehicles to see that the equipment complies with the requirements of our Road Traffic Act and of questioning the owners to ascertain if they are *bona fide* residents here. Inspection is a prerequisite to registration in most other States other than South Australia, and it is arguable that there is no power to inspect such vehicles here. There is no power for the Registrar to refuse such a registration for a resident of South Australia even if he knows or suspects that a vehicle does not measure up to the requirements of the Road Traffic Act. The net result is that the other States are not happy that South Australia has not adopted these recommendations described above, not only because their own residents circumvent the prohibition against using

such vehicles in their own States but also because South Australian residents frequently drive such vehicles into other States. The recommendations to refuse registration were probably made in the interests of safety on the roads for, in overtaking another vehicle in particular, the driver of a left-hand drive vehicle has to move his vehicle further to the right of the road to obtain a clear view of approaching traffic.

It is for these reasons that it is considered by the Government that the present proposals should be given legislative effect in this State. Clause 25 repeals and re-enacts subsections (2) and (3) of section 141 of the principal Act. Section 141 of the principal Act restricts the width of a vehicle and its load to eight feet other than for agricultural machines and motor bodies, which are specifically excluded. The board may grant permits for the carriage of loads in excess of eight feet and this is done only when the load is indivisible. A condition of a permit is that vehicles may not operate over metropolitan roads during hours of peak traffic, and complaints have been received from individuals who are required to observe this condition that the carriage of motor bodies is not restricted in any way. An inquiry has been received from a motor body firm for the board's views on the transport of motor bodies during hours of darkness. This firm proposes to increase production during night shifts and requests advice of the conditions under which the board considers such movements could be made. Although it is doubtful whether the board has any jurisdiction in the matter so far as motor bodies are concerned, it is pointed out that because of the dangers involved permits are never issued for carriage of other wide loads during the hours of darkness. The board is opposed to such practice and is supported by the Police Traffic Division, with which the matter has been discussed. The regulations under the Act require that all vehicles in excess of seven feet and every articulated vehicle must be equipped with clearance lamps mounted on the outer edges of the vehicle or load, and all vehicles are required to be fitted with reflectors. Even assuming that loads of motor bodies could be permitted on the roads at night, it is considered impracticable to mount clearance lamps and reflectors on such loads in the correct position where adequate warning would be given to other motorists.

In view of the expansion of the motor body building industry in this State, the number of loads of bodies transported by road is likely to increase substantially with the subsequent greater risk of accidents. If one firm is permitted to transport motor bodies at night, similar requests could be expected from other firms, and the development of such a practice would be undesirable. South Australia is the only State which exempts motor bodies from the width provision of road traffic legislation. It is now common practice to carry motor bodies side by side longitudinally, and this results in a greater width of load than when the bodies were loaded transversely. Side by side loading was probably not contemplated when the legislation was framed and the practice would seem to be contrary to the intention of the Act. Traffic volumes are considerably greater now and the increasing number of wide loads seriously impairs the capacity of our roads, causes congestion and could lead to greater accident risk. The Government therefore proposes to amend the principal Act to restrict the carriage of motor bodies and agricultural machines to the hours of daylight only.

Clause 26 amends section 144 of the principal Act. Under present legislation regarding axle weights a prosecution can succeed only against the driver, unless the owner admits the offence. The driver could be acting under instructions from the owner and thereby committing an offence, but the owner may escape prosecution. It is desirable that the owner and any person in the vehicle who is in charge of the driver be made liable for such an offence. Clause 27 amends section 146 of the principal Act. The limit has been suggested by the Australian Motor Vehicles Standards Committee and has been adopted by all other States. The amendment will limit the load which may be varied on the front axle of a vehicle to 10,000 lb., approximately 4½ tons. Loads in excess of this amount would make the vehicle difficult to steer and could also cause damage to road pavements. Clause 28 amends section 159 of the principal Act. Cases have arisen recently where passenger buses for which safety certificates have not been given have been involved in accidents. The proposed amendment should act as a deterrent against using such vehicles without a safety certificate. Clause 29 amends section 162 of the principal Act. Long projecting loads are a serious hazard and it is most desirable that the projecting portion be adequately marked. Clause 30 amends section 162a of the principal Act. It is essential that each seat belt have at least two anchorages, otherwise it would be of little value. The board did not have the opportunity of commenting on the seat belt legislation before it

was enacted, otherwise this amendment would have been suggested at the time. In order that two anchorages were provided for each seat belt, it was necessary for the board to prepare a lengthy and cumbersome specification. If the amendment is accepted the board will prepare a more concise and simpler specification. The amendment will not affect the motorist in any way, but it will simplify the interpretation of the legislation and specification.

Clause 31 amends section 168 of the principal Act. Under this section a court has the power to disqualify a person from holding or obtaining a driver's licence for a fixed period or until further order. In addition, the court "may if it thinks fit order that the person so disqualified shall not at the end of the period of disqualification or upon the removal of the disqualification be granted a driver's licence until he passes a driving test as prescribed by section 79a of the Motor Vehicles Act, 1959-1963". This section also provides that "Where an order is made requiring a person disqualified under this section to pass a driving test before being granted a driver's licence, his disqualification shall continue until the expiration or removal of the disqualification". A person ordered to pass a driving test under this section remains disqualified until the period expires and he passes the test or, in the case of an order, "until further order", until his licence is restored by the court, and no provision seems to have been made to enable a police officer to test such a person on a road. It is true that the test could be held on private property, for example, a paddock, but this type of test would not indicate whether the person had the ability to drive on main thoroughfares and in congested traffic conditions. An amendment to the section is desirable to provide that such a person, whilst undergoing a driving test ordered under this section, shall be deemed to be a licensed driver and that any disqualification ordered by a court shall, for the purposes of the test, be suspended.

Clause 32 amends section 169 of the principal Act by adding a new subsection (2a). Section 168 provides that where a court orders that a defendant be disqualified from holding or obtaining a driver's licence it may order that the disqualification may take effect from a day or hour subsequent to the making of the order. No such power exists in section 169 which provides for a person to be disqualified from holding or obtaining a driver's licence where he is convicted a second time within three years. This on occasions causes hardship to a person who is disqualified. Clause 33 amends section 175 of the principal Act. This amendment provides convenient proof for prosecutions, otherwise it would be necessary to produce the S.A.A. Road Signs Code in order to prove the specifications. I commend the Bill for the consideration of members.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

NURSES REGISTRATION ACT AMENDMENT BILL.

In Committee.

(Continued from September 23. Page 1726.)

Clause 4—"Constitution of nurses board" which the Hon. Sir Lyell McEwin had moved to amend by striking out paragraph (*b*).

The Hon. A. J. SHARD (Minister of Health): When this Bill was before the Committee previously the Leader of the Opposition moved an amendment and I said at the time that the Government went a long way with his proposals. I asked that progress be reported to enable me to examine them. I have now examined them and, in principle, they are acceptable. I have decided to do two things; I understand that the Leader has accepted them. We think that the Mental Health Department should have a representative because in the near future it will be a department in its own right. Consequently, we have accepted the suggestion to delete the words "Australian Government Workers Association" and agreed that the psychiatric and mental deficiency nurses should have a representative.

I hope that all members are in possession of my amendments. If accepted it will mean that the constitution of the board will include two to be nominated by the Minister, one of whom shall be the Director of Mental Health Services or any person nominated by him. Five shall be nominated by the Royal Australian Nursing Federation (South Australian Branch), one of whom shall be a registered psychiatric nurse or registered mental deficiency nurse elected by members who are registered psychiatric nurses or registered mental deficiency nurses, as the case may require, and another shall be a person enrolled as a mothercraft nurse, as a nurse aide or as a dental nurse. Two shall be nominated by the South Australian Hospitals Association.

The board will be extended from seven members to 10, and nurses will have five representatives in their own right. There were three previously. We also desire that clause 5 be amended so that six members, instead of five,

shall constitute a quorum. I think we are going a long way towards meeting the wishes of the nurses. Although they have not obtained their desire for a majority on the board, 50 per cent of the members will represent them, and that goes a long way. We are trying to help these people and I appreciate the co-operation of the Leader. I hope that the Committee will accept the amendments.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I thank the Minister for his consideration and co-operation. I intended to move certain amendments but I shall seek permission to withdraw the one I have moved so as to allow the Minister's amendments to go in. The Bill, as it originally came to us, provided for an increase of two in the number on the board in order to give nurses special representation. The Bill will still provide that one shall be a representative of mental deficiency nurses. The Minister is also providing that the representative shall be elected by that branch of the federation. In view of that, I recommend that the Committee accept the amendment. The Minister said in a previous Committee that he desired to take the matter further and preserve the present balance. The Director-General of Medical Services is to be the Chairman. Other members will represent the hospital side.

The amendments will balance the appointment of nurses, particularly from the mental section, by providing that the second nominee shall be the Director of Mental Health Services or any person nominated by him. The Minister expects that some day there will be a Department of Mental Health Services. I have no quarrel about putting the head of that section on the board. He has charge of mental deficiency nurses at present. The amendments are extremely complicated and I believe members will have difficulty in following them.

After having done a lot of homework on the matter I had to seek the assistance of the Parliamentary Draftsman in order to understand fully the Minister's amendments. I support them, as well as the consequential one providing that six and not five shall constitute a quorum. I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. A. J. SHARD moved:

In paragraph (*a*) to strike out "nine" and insert "ten; and".

Amendment carried.

The Hon. A. J. SHARD moved:

In paragrah (*b*) to insert after "the" the word "following" and after "passage" to insert ":—".

Amendment carried.

The Hon. A. J. SHARD moved:

In paragraph (*b*) to insert after "Minister:" but within the quotation marks "One shall be nominated by the Royal British Nurses Association: Two shall be nominated by the Royal Australian Nursing Federation (S.A. Branch):"

The Hon. Sir LYELL McEWIN: I point out it is proposed to strike out words in the principal Act and to insert other words. There is no confusion about the matter.

Amendment carried.

The Hon. A. J. SHARD moved:

In paragraph (*b*) before "passage" to insert "following" and after "passage" to insert ":—".

Amendment carried.

The Hon. A. J. SHARD moved:

In paragraph (*b*) to strike out "a member of the Mental Health Services of the State:"; and" and insert "the Director of Mental Health Services or any person nominated by him:

Five shall be nominated by the Royal Australian Nursing Federation (S.A. Branch)—

(*a*) one of whom shall be a registered psychiatric nurse or registered mental deficiency nurse elected by members who are registered psychiatric nurses or registered mental deficiency nurses, as the case may require; and

(*b*) another of whom shall be a person enrolled as a mothercraft nurse, as a nurse aide or as a dental nurse:".

Amendment carried.

The Hon. A. J. SHARD moved:

To strike out paragraph (*c*).

Amendment carried.

Clause as amended passed.

Clause 5—"Quorum."

The Hon. A. J. SHARD moved:

To strike out "five" and insert "six".

Amendment carried; clause as amended passed.

Clauses 6 to 8 passed.

Clause 9—"Unregistered persons not to take or use certain titles."

The Hon. Sir LYELL McEWIN: Does this merely use a capital letter instead of a small letter and correct the drafting of the principal Act?

The Hon. A. J. SHARD: That is so.

Clause passed.

Clause 10 passed.

Clause 11—"Regulations."

The Hon. A. J. SHARD: I move:

After "amended" to insert:

"(*a*) by striking out the word 'member' in paragraph I of subsection (1) thereof and inserting in lieu thereof the word 'members';

(*b*) by striking out the words 'election of a person for nomination as a member by the registered nurses who are not members of the Royal British Nurses Association or' in paragraph II of subsection (1) thereof and inserting in lieu thereof the words 'elections required for the purposes of subsection (2) of section 5 of this Act by registered psychiatric nurses and registered mental deficiency nurses who are members'; and

(*c*) ''.

This deletes the Royal British Nurses Association and provides for psychiatric and mental deficiency nurses to elect their own representative.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 1727.)

The Hon. L. R. HART (Midland): The South Australian Railways Commissioner's Act as we know it today came into being in 1936 through the consolidation of 28 Acts or parts of Acts relating to the South Australian Railways. The Minister at that time in his second reading explanation said that he had had considerable difficulty in preparing the Bill because of the antiquity and obscurity of some of the Acts under which the South Australian Railways Commissioner operated. He went on to say that great care had been taken to reproduce with fidelity all the existing powers and duties of the Railways Commissioner. Since 1936 this Act has been amended four times. In 1938 it was amended to bring into operation the Classification Board; in 1941 it was amended to bring into operation the Appeal Board; in 1950 it was further amended to make provision for the acquisition of lands; and in 1957 it was amended again to provide for by-laws for the prevention of pilfering and, in particular, for the purpose of authorizing railway detectives to take certain steps for the purpose of detecting pilfering.

All these amendments have tended to increase the powers of the Railways Commissioner. In addition to this, under the Road and Railway Transport Act of 1930, in an indirect way further powers are not necessarily conferred on the Railways Commissioner but some power is given to the Railways Department through the operation of the Transport Control Board, whose purpose it is to co-ordinate road and rail transport. It is fair to say that the Railways Commissioner has greater power than any other departmental head.

This amending Bill takes away some of those powers from the Railways Commissioner and confers them upon the Minister. Whether or not this is a wise move is debatable. We realize that the railways are in direct competition with private enterprise. Whether a Government department that is in direct competition with private enterprise should be under the control of the Minister or whether it would be better under the control of the Commissioner is a matter that perhaps we could debate at length.

The Hon. Sir Norman Jude, who of course has had some experience as a former Minister of Railways, made some suggestions. I believe he has on the files an amendment that will perhaps give some protection to the Minister, and to the Commissioner, if it is carried. For that reason, I am prepared to support this Bill on the assumption that Sir Norman's amendment is carried. The point that worries me is that, if these powers are to be conferred upon the Minister, what will his position be when we get pressure from industrial groups and unions for certain concessions arising from demands that unions make upon various employers? While the department is under the control of the Commissioner—

The Hon. A. F. Kneebone: The Minister would be in no different position from the Minister of Roads or the Minister of Works.

The Hon. L. R. HART: I do not see a parallel there but, when these things are under the control of the Railways Commissioner, he is in a position where perhaps he does not have to bow to pressure from sundry unions. Whether the Minister will be in a similar position, time alone will tell. I take honourable members back to the railway strike a week or so ago involving railway employees at Murray Bridge and Tailem Bend. I had a personal interest in that strike and was concerned with the action taken by the union on that occasion. I believe it was completely irresponsible. The reason given for the strike was that a particular train did not have radio communication between the engine and the brake van. I am not too sure whether this is the reason or the excuse for the strike. On this occasion, if this was the reason for the strike and the railway employees could not get what

they believed were their just desserts from the Railways Commissioner, they should have gone to the Minister of Transport or their own local member of Parliament.

The Hon. A. F. Kneebone: But wouldn't there have been union pressure on the Minister if they had gone to him? That is what you are fearing?

The Hon. L. R. HART: This is what I am fearing if the department is under the control of the Minister; but in this case the union acted irresponsibly. Let me build on this. The union on this occasion could have tried to obtain justification for its action by approaching its local member of Parliament or the Minister of Transport; but it did neither of those two things. The men merely approached the Commissioner, were not able to get what they wished and, therefore, went on strike. I said that I doubted whether the issue was the reason or the excuse for the strike. I am fortified in saying that by a press statement by Mr. Byrne, the Divisional Manager, South Australian Division, Australian Federated Union of Locomotive Enginemen. He was referring to this strike that was said to be caused by a train crew not having radio communication. The *Advertiser* had published an editorial on the strike, and Mr. Byrne said:

> Your editorial . . . did not make any allowance for the circumstances which led up to the incident and in fact still exists. Train operating crews, in particular, are seething with discontent. Many have not been able to get any leave for as much as three years without production of a medical certificate; most of their work is done at night; they are hauling heavier and faster trains; they work to rosters which are a constant source of complaint and have had to take very firm action to get relief from excessively long shifts.

If what Mr. Byrne says is correct, the reason for this strike was not that a particular train did not have radio communication: it was that a number of grievances had been in existence for some time. He goes on to say, "Immediately the driver over whom the stoppage took place was penalized, work stopped and a meeting was held." That was the excuse for the strike, but the reason for it consisted of a number of other issues. I believe this strike occurred on a Thursday night. I rang the Minister early on Friday morning and he said, "The first thing I knew of this was last night; I did not know anything about it until last night. I am sure if I had known about this previously this thing could have been talked out." If this discontent had been in existence over a period of a week or more, why was not the Minister of Transport consulted? Why had he not been informed of the discontent that existed? If he is to be the Minister in control of the railways—

The Hon. S. C. Bevan: He is not; that is the trouble, he is not in control.

The Hon. L. R. HART: I am not so sure of that. The Bill is simply worded, but I am afraid that the Minister will be in a position where this type of thing will happen. I believe that he will become involved in industrial disputes if this measure is carried, and it is a matter that concerns me.

The Hon. S. C. Bevan: But the honourable member was advocating that these people should have gone to the Minister and now he complains that if the Minister has this power they might go to him!

The Hon. L. R. HART: If he had this control something would have been arranged which would have meant that the Minister would have had to give in; he would have been forced to concede a point. I believe that Sir Norman Jude's amendment may give protection to the Minister, and I believe that the Minister will need some protection if this amending Bill is carried. I also believe tthat it will give some protection to the Railways Commissioner, and for that reason I support the second reading.

The Hon. R. A. GEDDES secured the adjournment of the debate.

WILLS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 1727.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This Bill, in the main, has been drafted, as the Minister introducing the Bill said, by the Standing Committee of Attorneys-General. Apparently its purpose is to ratify a certain international agreement and bring the laws in line internationally in relation to will-making, and to this part of the Bill I have no objection whatsoever. However, I challenge clause 6, which relates to the making of wills by persons under the age of 21 years but not under the age of 18 years, 21 being the present age limit when a valid will can be made. When I first saw this clause I thought I recognized it as a piece of Labor doctrine added to this Bill that is for a wider international purpose, but upon investigation I find to my modified astonishment that it was introduced by a member of the Liberal and Country Party in another place.

The Hon. S. C. Bevan: That took your thunder away!

The Hon. Sir ARTHUR RYMILL: Not at all; quite the contrary, as I will explain in a moment. This was apparently readily accepted on behalf of the Government in another place and it comes to this Chamber as part of the Bill. A member of the Labor Party expressed the fact that the Government was considering a much wider application of the 18-year-old principle, but when this was proposed by a member of the Liberal and Country Party it was accepted as being part of the principle that the present Government is apparently proposing to investigate and which it appears is part of its policy. I said I would return to the question that the Minister of Local Government raised as to the matter of taking away my thunder. On the contrary, as this did not initiate itself as a Government principle, I have no hesitation at all in opposing this particular clause of the Bill. If it had been brought along as part of the Government's Bill I would have considered the position very carefully indeed as to whether it was part of its policy.

The Hon. A. J. Shard: The honourable member can definitely say that it was not mentioned in the policy speech.

The Hon. Sir ARTHUR RYMILL: I thank the Chief Secretary for that interjection and I repeat that he is always very frank and very helpful. In fact, he is almost as frank as the Minister of Labour and Industry, who is Frank.

The Hon. A. J. Shard: I am most co-operative.

The Hon. Sir ARTHUR RYMILL: I am grateful for that statement. I do not wish to appear narrow-minded about these things and I am perfectly prepared to consider any measure of this nature in its proper context, but this proposal is brought along piecemeal, as it were; it does not enthuse me at all. It can be said to be brought along in these circumstances as the thin end of the wedge, which I have never liked at all. As I have said, I am prepared to consider the proper issues in their full context, but to agree to something like this as an isolated case is, in my opinion, out of order. I will explain that later. Secondly, it can raise an argument for honourable members opposite who could say that we on this side of the Chamber have agreed in principle to this kind of thing. I do not agree to it in principle, and I will not agree to it unless I am satisfied that the whole issue has been properly canvassed and that it is a proper thing that the general age of 21 should be reduced to 18. I am far from being convinced of that at the moment.

The Hon. Mr. Geddes raised the question of minors, or infants as they are known at law. It is a curious expression, but infants are people under 21 years of age and the phrase is a normal one used in law. Minors may not contract, in broad, except where it is thought necessary, but there are many legal disabilities that they now suffer. At this stage, we are supposed to be removing one of these disabilities, but we are leaving others, and I do not think that is a good way to make laws. I do not want to canvass the question regarding the ages of 21 and 18 now. I am not trying to make a pun, but I do not think the canvas is nearly broad enough at the moment. The picture is not clear and I do not wish to consider this unless it is part of a total proposition.

To take a technical example of what I mean, under the law powers of appointment are given in certain circumstances to people by trusts or wills, those people being able to appoint to such other people as they wish. Also, some powers of appointment are given by deed; that is, a person invested with the power can exercise the power of appointment by deed. In other instances, he can exercise the power only by will or codicil and in many other instances he can exercise it by deed or by will or by codicil. The difficulty here is that, if a man can make a valid will at 18, he can exercise a valid power of appointment by will but unless his contractual disabilities are removed (as they are not) he cannot exercise the same power of appointment if it is given by deed.

This Bill merely deals with one small factor. Again, there is the point that, happily in the circumstances, the vast majority of these wills made at 18 will never operate, because the death rate of persons between 18 and 21 years, in peace time in any event, is low. Of course, the danger remains that a will may be made at 18 and forgotten about and a man may never make another will.

The Hon. S. C. Bevan: Wouldn't you say the same thing applies in the case of a man of 21?

The Hon. Sir ARTHUR RYMILL: Yes, the same thing could be said, but it is not as likely to happen, because a good deal of responsibility is acquired between the ages of 18 and 21. I think that, if honourable members will cast their minds back into the dim and

distant past when they were in those categories, they will realize that a lot of responsibility is acquired between those ages. Of course, for any law that has survived for centuries, there is always a wonderful backing of reason and wonderful human, technical, biological, mental, and physical grounds for the existence of that law.

The Hon. S. C. Bevan: What about the young man under 21 years who marries and, perhaps, has a young family?

The Hon. Sir ARTHUR RYMILL: The Minister's question is timely, because I was about to deal with that point. If I may paraphrase an old saying, some people are born responsible, others acquire responsibility, and others have responsibility thrust upon them. It is the lastmentioned category that the Minister has questioned me on, because there is no doubt that a man assumes tremendous responsibility on marriage, whether he expects to get it not. I think something is to be said for what the Minister has mentioned about the man or woman of 18 or more who marries and has a right to make a will.

We have had some discussion about the laws of intestacy. Under those laws, the estate of a married 18-year-old person would go to his wife, and family if he had any. In the case of his having a wife only, the whole or most of it would probably go to her, which is probably satisfactory in intestacy. However, in the case of his having children, difficulties arise, inasmuch as the estate is distributed among the wife and the children and often the children's money is accumulated for them, whereas it is possible that it could be used to their better advantage at an earlier date. That is an argument why the wills of married 18-year-olds should be valid. I should like to consider this whole matter in a much broader arena than we have at the moment, but I would support the amendment to allow 18-year-old married persons to make wills if it were necessary to do so.

The Hon. A. J. Shard: You and I would differ there. I think that a man 18 years of age and unmarried may have more responsibility than an 18-year-old who is married.

The Hon. Sir ARTHUR RYMILL: I take it that the implication of what the Chief Secretary says is that he does not believe in marriage—

The Hon. A. J. Shard: No. I am only judging the responsibilities of one who marries at that age.

The Hon. Sir ARTHUR RYMILL: I was about to say that the implication is that the Chief Secretary does not believe in marriage at that young age, and he may have something there. I should prefer to see the clause deleted at this stage. If the Labor Party brought it along later in a broad way, as a question of policy, when all the difficulties that can arise could be dealt with at the one time, that would be a different matter. This was more or less a snap inclusion in a Bill, not something that the Government considered and then put in. It was proposed by a member of the Opposition in another place and the Government accepted it because—

The Hon. A. J. Shard: Do you want me to tell you why?

The Hon. Sir ARTHUR RYMILL: Yes.

The Hon. A. J. Shard: It did not want a long debate; put it that way.

The Hon. Sir ARTHUR RYMILL: I thought it was rather a matter of political opportunism. Certainly, the debate (into which I cannot go) was extremely short; it has been longer in this House of Review. I have mentioned various implications and propose to close on this, because I do not think there is need to give elaborate consideration at this stage. There are implications in the nature of family inheritance that may be serious in this restricted application to an 18-year-old, whether married or unmarried, who has the right to make a will but has not the right to do other things. It means that he cannot deal with any money left to him and cannot use it for himself, but he has the right to say where it will go.

Many of these young people do not know the amount of their vested inheritance. They cannot receive it until they are 21 years at the earliest, because they cannot give receipts until they attain that age. In my opinion, many family arrangements could be seriously interfered with by this particular Bill, and I have had some experience of this sort of matter.

The Hon. R. C. DeGaris: There may be good reasons why a minor is not told that he has an inheritance.

The Hon. Sir ARTHUR RYMILL: I agree. I have dealt with many inheritances. Whether inheritances are large or small (because it applies to the smallest estate and to the largest and the principles remain the same in both categories), there are many good reasons why these things happen and, as the Hon. Mr. DeGaris says, why the young people are not told. The reasons are not just questions of taxation. I am perfectly aware that some arrangements are made to try to minimize

the impact of income tax and succession and estate duties. Those arrangements are perfectly legitimate, as people are entitled to dispose of their estates or properties so as to minimize the impact of laws upon them. They are not avoiding tax; they are merely doing this so that there is less impact, as any sensible person would do. However, this particular provision could easily run against that. A young man of 18, not knowing what his inheritance is and in a state of infatuation, may leave all his money to his girl friend of the moment, who in a few weeks may not be his girl friend, as often happens. He may forget to alter the will. I do not want to go into this at length, but I do not like this clause. I am not satisfied that 18 is the correct age (it certainly is not for all and sundry) and I do not think that a momentous matter such as the reduction of the age of adulthood, as it were, should be dealt with in one little haphazard clause in a Bill really introduced for a different purpose. I intend to vote against this clause, which I do not like, and I think I have given sufficient reasons for my attitude. I propose to defer any further comments I may have until the Committee stage. Otherwise, I support the Bill.

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

TEA TREE GULLY BY-LAW: MOTOR BUSES.

Order of the Day, Private Business, No. 1:

The Hon. F. J. POTTER to move:

That By-law No. 35 of the District Council of Tea Tree Gully, in respect of motor buses, made on April 20, 1965, and laid on the table of this Council on July 27, 1965, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

ENFIELD BY-LAW: ZONING.

Order of the Day, Private Business, No. 2:

The Hon. F. J. POTTER to move:

That By-law No. 20 of the Corporation of the City of Enfield, in respect of zoning, made on November 23, 1964, and laid on the table of this Council on July 27, 1965, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

ADJOURNMENT.

At 5.29 p.m. the Council adjourned until Tuesday, October 5, at 2.15 p.m.