LEGISLATIVE COUNCIL

Wednesday, October 6, 1965.

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

QUESTIONS

WATER AND SEWER CONNECTIONS.

The Hon. Sir LYELL McEWIN: I understand that the Chief Secretary has a reply to my question of September 16 about the cost of sewer and water connections to Housing Trust houses. May we now have that reply?

The Hon. A. J. SHARD: I have a report. If the Council will bear with me, although it is lengthy I will read it. It is as follows:

For some years past the Government has entered into certain agreements whereby some subdividers, developers and group builders have provided the initial capital cost of water and sewerage reticulation. These agreements provided for refunds to the companies according to building development over the period of five years. Agreements were not entered into with the South Australian Housing Trust, but in certain high cost areas the trust was required to contribute towards the cost of sewerage services. Because of the limitation of the Engineer-in-Chief's authority to certify subdivisional proposals to the boundaries of the metropolitan area only, as described in the Town Planning Act, many group builders and subdividers were able to escape any requirements to give consideration to the provision of essential water supply and sewerage services.

By 1964, it became apparent that the Engineering and Water Supply Department could not keep pace with the works necessary to cope with housing and industrial development, as it had neither the financial nor physical resources to meet the total requirements of the rapidly expanding economy. In other States, particularly New South Wales and Victoria, where the same situation has arisen, subdivider-developers, etc., are required to meet the full cost of providing services. In order to avoid any curtailment in the rate of building development imposed by the department's limited resources and upon the recommendation of the Engineer-in-Chief, Cabinet approved of the employment of private contractors by subdividers, subject to supervision by the department. This provision will supplement the physical aspect and enable work to be carried out when required. At the same time, Cabinet approved of the recommendation that refunds provided for under the agreement scheme referred to previously be reduced from a total of £200 for each house erected to a total of £100.

The effect of this reduction was to require some ultimate contribution from all subdividers, group builders and others for whom services were provided. This did not apply generally under the previous scheme. So far as the South Australian Housing Trust is concerned, a Joint Services Committee has been established comprising officers of the Engineering and Water Supply Department and the trust to co-ordinate the works of each authority and to give effect to the general principles of the agreement scheme. This co-ordination, together with the avenue to employ private contractors, if necessary, to keep pace with building development, will result in greater efficiency and avoid losses experienced in the past because of lack of services when required in certain cases.

The Minister of Works, on August 19, 1965, in answer to a question by Mrs. Steele in the House of Assembly, stated that the estimated annual cost for 1965-66 of water and sewerage services provided in Housing Trust areas and borne by the trust is about £275,000. Offsetting this amount are the savings that will result from the effect of the Joint Services Committee co-ordination. The actual cost of providing the houses and services, of course, will remain the same whether the cost of services is borne wholly by the Engineering and Water Supply Department's Loan funds, or partially by the South Australian Housing Trust and the Engineering and Water Supply Department's Loan Fund.

It is not possible to say what will be the estimated increase in the cost of houses, if any, so far as the Housing Trust is concerned as a result of the present arrangement. Costs of providing services vary according to localities served. Overall costs have to be taken into consideration and also the reimbursement made to the Housing Trust by the Engineering and Water Supply Department as development proceeds under the new arrangement. The Housing Trust, in the past, has also contributed towards the cost of sewerage services in high cost areas.

The overall effect of requiring subdividers to make provision for essential services should tend to curb the purely speculative subdivider and help to keep land values more stable. This will react to the benefit of the Housing Trust and other *bona fide* developers and group builders. This department is, therefore, unable to give any accurate estimate of the increase in the cost of houses to the Housing Trust, as there is a number of factors having a direct or indirect bearing upon this matter.

ELECTRICITY TRUST.

The Hon. C. D. ROWE: Can the Chief Secretary supply the information I sought recently in regard to the finances of the Electricity Trust, particularly in connection with moneys that it had to provide from its own internal resources in connection with the current year's programme, and, further, is he able to reply to my question regarding the repayment of housing loans by individuals to the State Bank?

The Hon. A. J. SHARD: I have a report in answer to both questions. It is as follows:

Any large industrial undertaking which is operating profitably, and particularly one where a high proportion of the plant is relatively new, is able to build up funds from its profits and from its provisions for depreciation and

maintenance. The Electricity Trust has done this and for some years has held a proportion of these funds in reserve against future requirements. It has been planning a very considerable capital programme and, so as to equalize its borrowing programme and avoid placing unduly increased future demands on the Treasury for capital funds, it has allowed a proportion of these internal funds to accumulate. As the capital programme now becomes much heavier, for a few years it will utilize those funds in increasing degree. This procedure is a normal practice in well-planned large industrial undertakings. The trust does not anticipate that the procedure will in any way jeopardize its ability to make replacements when the depreciating plant makes this necessary, or that the procedure could bring a risk of increased charges. On the contrary, if the depreciation funds were all held as a reserve against the necessity for ultimate replacement, and if much heavier new borrowings were made to cover new capital works, the increased interest commitments could bring a risk of increased charges.

The honourable member is not correct in assuming that the anticipated recoveries of £1,000,000 of earlier advances under the Advances for Homes Act are retained by the State Bank for some other purpose. In the administration of this Act the bank acts as agent for the Crown and all recoveries are paid back to the Crown and credited to the Loan Fund. They therefore form part of the fund, together with new borrowings, and are available for apportionment for all works and housing purposes. In recent years it has been the practice to make the major part of the housing finance allocation by diversion of funds under the Commonwealth-State Housing Agreement rather than under the Advances for Homes Act because of the lower interest rate payable. This year the funds available for lending for housing through the State Bank will be about £5,800,000, of which £4,900,000 will be by way of the housing agreement, £350,000 will be under the Advances for Homes Act, and the remainder will be from repayments of earlier loans made through the Housing Agreement.

GUN LICENCES.

The Hon. Sir NORMAN JUDE: Last week I asked the Minister of Local Government if he would get a report from the Minister of Agriculture about certain instructions that had been issued under the Fauna and Flora Conservation Act. Has he a reply?

The Hon. S. C. BEVAN: Yes. The Minister of Agriculture reports as follows:

The statements in country newspapers referred to by the honourable member have not been brought to my notice. I note that he attributes them to the Police Department, myself, or the Agriculture Department. No statements have been issued to the press by myself or any department under my control. Gun licences under the Fauna Conservation Act, 1964, come into force from January 1, 1966, but the fee of £1 is the same as for gun licences available under the Animals and Birds Protection Act. One significant alteration is that in future gun licences will be available only after the applicant has completed an application form. These application forms will be forwarded to all police stations for distribution to shooters on demand. After the application form has been completed, it will later be returned to the police and filed in the Adelaide office of the Fisheries and Fauna Conservation Department. The application forms thus will constitute a record of persons holding gun licences. Under the old procedure, although gun licences were issued there was no application form and no central record was kept of persons holding gun licences.

Application forms will enable persons to apply by post for renewals of gun licences. In the past, persons who held gun licences did not receive a reminder to apply for a licence in the following year and the possibility of forwarding blank renewal notices to holders of gun licences is now receiving consideration. This method of sending application permits for fishing licences has meant that the number of licences issued is maintained. The application form requires an applicant for a gun licence to state whether he is over the statutory age of 18 years. The Firearms Act stipulates that an alien applicant must disclose this fact. The use of an application form will facilitate the collection of these facts.

BEDFORD PARK UNIVERSITY.

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 this morning's *Advertiser* an article indicated that the Australian Universities Commission had recommended that £200,000 be paid to the South Australian Government to meet in part the cost of erecting a hall of residence at the new Bedford Park University. It was also indicated in the article that South Australia had not received the £200,000 because a similar amount of matching money had not been provided by the South Australian Government. I assume that Cabinet has discussed this matter. Can the Minister of Labour and Industry, representing the Minister of Education, say whether it is a fact that this matter has been deferred, or is it posible that, provided South Australia can find the necessary matching money, the amount of £200,000 will be available in the future?

The Hon. A. F. KNEEBONE: This matter was mentioned in another place. There was a report in this morning's *Advertiser* that accurately reported the Minister of Education's reply. The matter referred to by the honourable member was, I believe, answered plainly, but I will ask the Minister of Education for a further report, if one is necessary, although, as I have said, I believe the matter

has been fully reported. The honourable member asks me whether it is a fact that the report was correct. I do not know what the honourable member implies in relation to the Minister of Education, but I think that the report in the newspaper was factual. However, I will ask my colleague for a further report.

GAWLER BY-PASS.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the intersection of the Redbanks Road with the Gawler by-pass. I asked some questions on this matter last year. The situation, as honourable members may know, is that some improvements have been made and the risk has been reduced at that dangerous intersection. Nevertheless, the situation is still dangerous, and I was informed that the Highways Department was redesigning the whole intersection and that plans would probably be available this financial year. Can the Minister of Roads say whether the plans are now available and how soon the work will proceed?

The Hon. S. C. BEVAN: I will make inquiries in relation to the question and give the honourable member an answer as soon as possible.

PERSONAL EXPLANATION: ROSEWORTHY RAIL CROSSING.

The Hon. M. B. DAWKINS: I ask leave to make a personal explanation.

Leave granted.

The Hon. M. B. DAWKINS: Yesterday in this Chamber I asked the Minister of Transport a question with reference to the railway crossing just north of Roseworthy. Although this matter may be a small one, in the interests of accuracy I wish to explain it. I notice that the report of the question in the press this morning stated that many pedestrains used the crossing. I examined the comments that I made yesterday and find that I did, in fact, say that many people crossed the line. Probably, I should have said that many people crossed the line in vehicles or that many vehicles crossed the line, but the press, possibly quite justifiably, inferred that I meant pedestrians and stated that many pedestrians crossed the line. I make this explanation because those words were not the words that I used and the phraseology is not in accordance with the facts, although many people do use the crossing in vehicles.

ABORIGINAL AND HISTORIC RELICS PRESERVATION BILL.

Third reading.

The Hon. H. K. KEMP (Southern): I move:

That this Bill be now read a third time.

I would very much like to thank this Chamber for the consideration it gave to this private measure. I also thank the Government and acknowledge the work done by the Parliamentary Draftsman.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL.

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1957. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to revise the law relating to the curatorship of convicts' estates. The principal amendment is made by paragraph (*a*) of clause 5, which deletes the definition "convict" from section 329 of the principal Act and replaces it with a definition of "prisoner", a term more in keeping with modern usage. "Prisoner" is defined as a person undergoing imprisonment but who is not in prison on remand for trial or sentence. The old term "convict" was limited to persons convicted of felony. The effect of this amendment is that all prisoners (whether convicted of felony or of some lesser crime) will have their property placed under the control of a curator as provided by Part X of the principal Act. It is proposed that, if the prisoner's estate is less than £500, the Comptroller of Prisons will be appointed curator; if the estate is greater than £500, the curator will be the Public Trustee or, if the prisoner so desires, some other person.

Consequentially upon the new definition of "prisoner", the term "convict", wherever it occurs in the principal Act is replaced by "prisoner" (clauses 3, 4, 5 (*b*), 6 (*a*) and (*c*), 7 (*b*) and 9). Clause 6 (*b*) amends section 331 of the principal Act so as to clarify the position relating to prisoners' earnings by excluding them from the curatorship provided for by Part X. It is provided by regulations under the Prisons Act that prisoners' earnings remain under the control of the Comptroller of

Prisons. Clause 7 (*a*) amends section 333 of the principal Act relating to the remuneration of curators by giving the Governor power to direct that in certain cases no remuneration will be payable. In the majority of cases, an officer of the Public Service, the Comptroller of Prisons, will be curator and the question of remuneration provided for by section 333 will not arise.

Clause 8 inserts new section 338a in the principal Act enabling the curator to make payments out of a prisoner's property for his support or maintenance while he is released on probation or on licence. Subsection (2) of the new section provides that such payments shall be made upon the recommendation of the Chief Probation Officer. In a recent case where a prisoner was released on licence, it was clearly desirable that the curator should have such powers in order to assist in the rehabilitation of the prisoner. I commend the Bill for the consideration of honourable members.

The Hon. C. D. ROWE secured the adjournment of the debate.

APPROPRIATION BILL (No. 2).

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

The total appropriation proposed in this Bill is £89,690,000. Payments already authorized by special Acts are estimated at £31,828,000, giving a total of proposed payments from Consolidated Revenue Account for the year 1965-66 of £121,518,000. Estimated receipts total £119,977,000, so that an estimated deficit of £1,541,000 is forecast for this financial year. Accumulated surpluses of past years, totalling £611,000, are available to set against this, so leaving an estimated net deficit on Consolidated Revenue Account at June 30, 1966, of £930,000.

Before dealing with the appropriations proposed in the Bill, I shall comment briefly on last year's experience and on expected receipts this year. For 1964-65 receipts at £111,091,000 were £1,015,000 in excess of the original estimate of £110,076,000, and payments at £112,402,000 were £166,000 below the original estimate of £112,568,000. The net effect of these variations was to convert the result for the year from an estimated deficit of £2,492,000 to a deficit of £1,311,000. The main factors leading to the improvement in receipts were a very good rural season and sustained economic activity despite uncertainty in some fields, notably the share market.

Taxation receipts overall were £332,000 above estimate, the major item being stamp duties, with an increase of £212,000. Receipts of the Betting Control Board were £100,000 above estimate, due partly to an amendment of turnover tax during the year and partly to increased volume of betting, the first significant increase since 1960-61. Other increases above estimate were: motor vehicle registration and licence fees £76,000, and land tax £35,000. The only notable item below estimate under this heading was succession duties, which follow no set pattern and were £98,000 short of the original forecast. Receipts of business undertakings exceeded estimate by £254,000. The principal items comprising this excess were: water and sewer rates £143,000, arising from expanded services; harbour revenues £63,000, from increased volume of business; and rail earnings £36,000, from the carriage of grain and general merchandise.

There were three significant increases above estimate in departmental fees and recoveries. These were: Education Department £207,000, due principally to increased recoveries from the Commonwealth for university purposes; £93,000 for Law Courts, and £30,000 for Public Trustee. The last two increases arose from a greater volume of business. Receipts from land transactions were £79,000 above estimate, following unexpected settlements, while final figures for population and wage movements resulted in an increase of £78,000 in Commonwealth grants.

The shortfall of £166,000 in payments as compared with estimate was made up of many individual variations, some above and some below the original appropriations. The major excess above estimate was £294,000 for Minister of Education—Miscellaneous, under which it was necessary to provide for further grants to the University of Adelaide and the Institute of Technology. These gross provisions were partly offset by increased recoveries from the Commonwealth. For the same reasons an excess of £58,000 occurred under Minister of Agriculture—Miscellaneous, where the grants for the Waite Agricultural Research Institute are appropriated.

For social services as a whole, however, there was no impact beyond the original provisions. Additional costs for educational purposes were offset by underspendings in health activities, as hospitals and institutions requested progress payments under approved subsidies less than had been provided. For Hospitals Department savings of £64,000, as compared with the estimate, occurred because of

the difficulty of attracting and holding suitably qualified staff.

Among the business undertakings, the largest variation was for Railways Department, a shortfall of £426,000 from the Budget, due largely to the delayed delivery of motors and other equipment required for maintenance of rolling stock. Harbors Board Department had actual payments of £48,000 less than the original appropriation as dredging equipment was used on reimbursement works rather than for maintenance. The payments of the Engineering and Water Supply Department exceeded the original estimate by £82,000, the main reasons being increased maintenance and service pay.

Other large variations in payments were a saving of £90,000 for Agriculture Department as provisions to combat fresh outbreaks of fruit fly were not required; an excess of £60,000 for Public Buildings Department to cover additional commitments for service pay and maintenance of Government buildings; and two unforeseen payments under special Acts. They were £100,000 towards subsidies for country electricity supplies and £100,000 towards satisfaction of a guarantee under the Industries Development Act.

The estimated total receipts from all sources in 1965-66 are £119,977,000, an increase of £8,886,000 above actual receipts last year. Of this increase, £2,115,000 is anticipated from State taxation. The principal upward movement within State taxation will be in stamp duty receipts, which are estimated to increase by £833,000 this year to a total of £5,290,000. Of this increase some £400,000 is due to the operation for a full year of increased rates of duty which were effective for part only of 1964-65. It is proposed to increase stamp duty on cheques to five cents with decimal currency in February next, and this will mean increased revenues this year of about £150,000.

Although succession duty receipts are rather unpredictable, it is considered reasonable to estimate an increase of about £300,000 from normal annual growth. This, together with approximately £150,000 net anticipated from proposed new rates and exemptions, will bring the estimate for the year to £3,750,000.

Legislation is being introduced to amend the present rates of land tax. The new rates will be fully effective in 1965-66 and, after allowing for a decrease of some £20,000 in the amount of arrears and deferred tax collected, Land Tax receipts are expected to increase this year by £405,000 to £2,890,000.

Motor vehicle taxation receipts are expected to reach £6,000,000 this year, £324,000 above actual receipts for 1964-65. This increase is automatically made available for road purposes. For public works and services, it is estimated that receipts will total £55,326,000, an increase of £2,564,000 over actual receipts for 1964-65. The increase is expected to come from:

	£
The operation of public undertakings	1,833,000
Recoveries of interest and sinking fund	550,000
Other departmental fees and recoveries	181,000
Total	£2,564,000

Within the group of public undertakings the largest increase in receipts is expected to be for the Engineering and Water Supply Department, for which receipts from water and sewer charges are estimated at £9,861,000, an increase of £1,003,000 above actual receipts for 1964-65. This increase consists of about £400,000 from expansion of services and £600,000 from increased rates following reassessment of property values.

Receipts from Harbors Board facilities are expected to total £3,500,000, an increase of £437,000 compared with last year. Some £300,000 will arise from a proposed revision of rates, and the remaining £137,000 is expected from increased business. Railway freights and fares are estimated to bring in £15,107,000, £321,000 more than in 1964-65. This improvement is expected from increased carriage of ores and concentrates from Broken Hill to Port Pirie, an increase in the rate at which they are carried and increased grain traffic.

Expected recoveries of interest and sinking fund this year total £10,901,000, an increase of £550,000 above actual recoveries in 1964-65. The main increases will be £255,000 recovered from the Housing Trust, £203,000 from the Electricity Trust and £24,000 from the State Bank. Each of these authorities meets debt service costs in full, so that there is no net charge against revenue on that account.

For "Other departmental fees and recoveries" the expected increase is £181,000 taking the total to £10,648,000. A special repayment of £680,000 received last year from funds made available for purposes of uranium production will not be repeated this year. However, an increase of £410,000 is expected in Education Department receipts, including £387,000 additional recoveries from the Commonwealth for university purposes. Hospitals Department receipts from patients' fees and

recoups from the Commonwealth are expected to rise by £235,000.

The operation of the formula for taxation reimbursement grants is expected to increase this State's revenues by about £4,212,000 for 1965-66. Estimated payments in 1965-66 on purposes for which appropriation is contained in existing legislation are £31,828,000, of which the main items are:

	£
Interest and sinking fund in respect of the public debt of the State	25,459,000
Transfer to the Highways Fund of the net proceeds of motor taxation	4,322,000
Contributions by the Government to the South Australian Superannuation Fund	1,512,000

The difference between total estimated expenditure for the year and payments already authorized by special Acts is £89,690,000, which is the amount to be appropriated by this Bill. Details of the requirements for each department to carry out its normal functions for the year are shown in clause 3. I shall now give honourable members a brief outline of the major appropriations sought to continue and expand these activities during 1965-66.

Police Department, £3,720,000.—This is an increase of £234,000 above the actual amount spent in 1964-65. The provision, which includes an increase of £161,000 for salaries and wages, will enable the active strength of the force to be maintained at the higher level achieved in the latter part of last year. At June 30 last, apart from trainees and cadets, members on active strength of the force numbered 1,558.

Prisons Department, £686,000.—The amount proposed for 1965-66 represents an increase of £44,000 above actual payments made last year. The sum of £30,000 of the increased provision is required for salaries and wages and the remaining £14,000 is for increased general running expenses.

Hospitals Department, £9,149,000.—The proposed expenditure this year is £827,000 in excess of actual payments in 1964-65. The sum of £205,000 of this increase is for the mental health services, making a total provision of £2,111,000 for these services in 1965-66. After allowing for certain changed accounting procedures because of the projected operation of the new group laundry and the closing of individual hospital laundries, this represents an increase of about 11 per cent over actual payments for mental health services last year, and will enable the department to operate at Parkside a second hostel for patients who have been discharged from mental hospitals but who are not quite ready to resume their normal home life. It will also permit training of staff for a second child guidance clinic at North Adelaide, and further improvements in staffing and service at all mental institutions.

The provision of £3,136,000 for Royal Adelaide Hospital is an increase of £204,000 above expenditure at this hospital last year. Included is an increased amount for salaries and wages to provide for the appointment during the year of additional medical, nursing and domestic staff.

For the Queen Elizabeth Hospital, the appropriation sought is £1,859,000, or £200,000 greater than actual expenditure in 1964-65. The sum of £71,000 of this increase is required for salaries and wages, including provision for additional medical and nursing staff, and £129,000 is to meet charges of the new group laundry and for increased cost of provisions and expenses incurred in the normal operation and maintenance of the hospital. In the 12 months to June 30, 1965, the number of patients admitted to the hospital was 15,985. During the same period the number of casualty and out-patient attendances was over 129,000. The figures for the previous 12 months were 15,657 and 123,000 respectively. For country hospitals, a total of £1,054,000 is required this year. The largest provisions under this heading are £348,000 for the 200-bed hospital at Mount Gambier and £274,000 for the Port Pirie Hospital.

Department of Public Health, £433,000.—The provision this year is £35,000, or almost 9 per cent, in excess of actual payments in 1964-65, and will enable the department to continue its campaign to eliminate or reduce the factors and conditions which adversely affect the health of the community. The department will continue its services to combat poliomyelitis and tuberculosis, and the activities of the School Health Branch will be increased.

Chief Secretary and Minister of Health—Miscellaneous, £5,077,000.—The sum of £4,458,000 is proposed for medical and health services, which is an increase of £945,000 over last year's expenditure. Of this provision, £2,968,000 is for subsidies to hospitals. Provision has been made for maintenance, new buildings, alterations, additions and equipment required by hospitals operated by independent boards of management. The hospitals for which substantial grants are proposed towards major building projects include the Lyell McEwin

Hospital, the Queen Victoria Maternity Hospital, and the Whyalla Hospital.

Provision has been made to enable completion of the third stage of the development of the Lyell McEwin Hospital at Elizabeth. This will provide an additional 27-bed wing for surgical cases and a similar wing for medical cases. The extensions have an estimated total cost of £200,000, of which the final £110,000 approximately will be required this year. When the third stage is completed, the hospital will have a capacity of more than 160 beds. Further amounts have been provided for heating equipment for the nurses' home and to cover preliminary work on a new building to house pathology and casualty departments.

At the Queen Victoria Maternity Hospital, work is well advanced on major additions, which are expected to cost about £1,500,000. The project will consist of the erection of a new seven-storey building and extensive alterations to existing buildings, and the hospital's overall capacity will increase to 180 beds. Accommodation will also be provided for an additional 28 nurses. An amount of £600,000 has been provided this year as grants toward the building programme, and the hospital is also expected to benefit from special grants made by the State and the Commonwealth for teaching hospital purposes. The maintenance grant for this year will be £167,000.

Work is procceding on extensions at the Whyalla Hospital estimated to cost in total about £900,000. The Government will provide grants of about £600,000 towards the cost, £300,000 being required this year. The main part of the extensions consists of a six-storey wing, and the capacity of the hospital will ultimately be increased from 85 to 230 beds. The Government has also undertaken to meet costs up to £100,000 of equipping and furnishing the new wing. Some £50,000 is expected to be required this year.

Subsidies to institutions and other bodies are estimated at £1,344,000. The main provisions in this group are subsidies to the Home for Incurables, the Institute of Medical and Veterinary Science, the Mothers' and Babies' Health Association, the St. John Council, and the South Australian Blood Transfusion Services. The accommodation at the Home for Incurables is insufficient, and construction of extensions is in progress. The additions, which will consist of a four-storey building with a basement area, will provide a further 200 beds, and many facilities and amenities. The Government will contribute more than £1,100,000 towards this project. Last year £225,000 was provided and a further £475,000 is proposed this year.

Other important items provided for under "Chief Secretary—Miscellaneous" are grants to the Royal Institution for the Blind (£30,000), the South Australian Institution for the Blind, Deaf and Dumb (£10,000), Meals on Wheels (£16,000), Aged Citizens' Clubs (£10,000), and Homes for the Aged (£19,000). The sum of £151,000 is provided for transport concessions to pensioners, and £86,000 is provided for similar concessions to incapacitated ex-servicemen.

Department of Aboriginal Affairs, £726,000.—The provision for aboriginal welfare and assistance at £726,000 is £91,000, or more than 14 per cent, higher than last year. One of the most direct ways in which the Government is promoting the assimilation of aborigines is in housing, for which £75,000 is set aside this year. The sum of £34,000 of the increased provision this year if for a full year's cost of the Davenport Reserve opened during last year. The department provides employment for all aborigines on reserves, and to assist them to attain a higher standard of living has increased their wage rates by £1 a week.

Children's Welfare and Public Relief Department, £1,143,000.—To meet requirements for the upkeep of schools, training centres and other institutions under the control of the department, for the payment of relief to widows, deserted wives or pensioners with children, and for assistance to families in serious need through continued sickness or unemployment, a provision of £1,143,000 has been made. This is £98,000 above the actual payments in 1964-65.

Premier, Treasurer, Minister of Immigration, and Minister of Housing—Miscellaneous, £6,987,000.—Amounts which appear on both the revenue and expenditure sides of the Budget are the main items in the appropriation sought under this heading, which is £150,000 more than actual payments last year. The contribution to the Commonwealth of principal and interest in respect of moneys borrowed under the terms of the Commonwealth-State Housing Agreement is estimated at £2,196,000, which is £234,000 in excess of payments made in 1964-65, but this will be fully recouped to the Budget by the Housing Trust. For the transfer to the Railways Department the same amount as last year—£4,000,000—is proposed. This transfer is designed to reduce the prospective deficit in the railways account to a figure which could possibly be eliminated by further achievements in reducing expenditure or attracting

revenue. A grant of £215,000 made last year to the Electricity Trust of South Australia towards the cost of connecting Kangaroo Island to the trust's distribution system will not be repeated this year. This is the main decrease in proposed expenditure under this heading.

Lands Department, £822,000.—This provision is necessary to meet expenses associated with land development and settlement, surveying, mapping and recording, and the collection of revenue due to the Crown under leases, etc. The amount proposed includes a provision of £50,000 for a contribution to the Commonwealth towards the State's share of the costs of war service land settlement.

Minister of Lands and Ministry of Repatriation—Miscellaneous, £380,000.—This amount includes £125,000 for salaries and grants for the Botanic Garden, £60,000 for grants to the National Park Commissioners, and £37,000 for grants to the Royal Zoological Society of South Australia. An amount of £81,000 is also provided under this heading for the purchase of land for reserves.

Engineering and Water Supply Department, £5,249,000.—Of this amount £760,000 is provided for power for pumping through the two major pipelines; and £103,000 is for South Australia's contribution towards the maintenance of River Murray works, leaving £4,386,000 for normal operation and maintenance. The provision of £760,000 for power for pumping is made up of £310,000 for the Morgan-Whyalla pipeline and £450,000 for the Mannum-Adelaide pipeline. Because of the dry winter the latter provision exceeds last year's cost by £302,000.

Public Buildings Department, £2,994,000.—This provision is mainly for maintenance and repairs to Government buildings, for the cost of replacement furniture and furnishings, and for minor additions and alterations. It exceeds actual payments last year by £172,000. Apart from salaries and wages totalling £1,182,000, the main items of expenditure under this heading are £565,000 for education buildings, £385,000 for hospital buildings, £80,000 for police and courthouse buildings, and £260,000 for other Government buildings.

Education Department, £19,577,000.—For education services the Government proposes to allocate funds to enable both the extent and quality of services to be improved. The Education Department has been allocated £19,577,000, an increase of £1,613,000, or 9 per cent. This includes £205,000 to meet the cost of higher allowances recently approved for students at the teachers colleges. The provision also includes funds specifically to enable the Minister to improve the staffing of high schools.

The Libraries Department, £409,000.—This amount includes the salaries and wages of library staff, a transfer of £79,000 to the Libraries Board to spend at its discretion on books and services, and £88,000 towards the establishment and operation of libraries by local government authorities.

Minister of Education—Miscellaneous, £6,266,000.—The proposals for this year are £647,000 above actual payments in 1964-65. The difference is due almost entirely to variations in grants to the University of Adelaide and to the Institute of Technology. Grants to the university, additional to the £44,000 to be paid under the authority of special legislation and £540,000 provided for the Waite Institute under Minister of Agriculture and Minister of Forests—Miscellaneous, are estimated at £5,082,000, which is an increase of £613,000 over payments last year. The sum of £100,000 is provided for grants to residential colleges; while grants to the Institute of Technology are estimated at £750,000. The figures quoted for grants to the university to residential colleges, and to the institute are gross; that is, they include the State contribution and the Commonwealth contribution. The latter is paid to the credit of Revenue when received by the State. Other provisions included under this heading are:

	£
Grant to Kindergarten Union of South Australia	221,000
Assistance to students in meeting their fees at the University of Adelaide and the Institute of Technology	35,000
Grant to Institutes Association of South Australia	27,000
Concession passes for scholars on metropolitan licensed bus services	10,000
Grant to South Australian Oral School	10,000

Department of Agriculture, £1,100,000.—This year's provision exceeds last year's payments by £150,000. An amount of £82,000 is provided to meet any fresh outbreaks of fruit fly. Funds are also provided so that the department may continue its other activities in guarding against the introduction of pests and diseases, its information and advisory services, and its work at research and experimental centres.

Minister of Agriculture — Miscellaneous, £679,000.—The amount proposed this year is £28,000 greater than actual payments in

1964-65. The sum of £540,000 is provided for the Waite Agricultural Research Institute. This grant forms part of the State's contribution to the University of Adelaide and is determined at the same time and under the same conditions as the main grant to the university to which reference has already been made. Expenditure on demonstrations and research conducted by the Bush Fire Research Committee, with the object of introducing bush fire prevention and control measures, is estimated at £32,000 this year. An advance of £19,000 is proposed for the operations of the Artificial Breeding Board, and £25,000 is set aside for subsidies to councils for the control and destruction of proclaimed weeds on travelling stock routes, reserves and other lands. An amount of £20,000 is provided for subsidies to volunteer fire fighting associations for the purchase of fire fighting equipment. Other grants include £15,000 to local government authorities towards the cost of operating fire fighting organizations and £10,000 to country agricultural, horticultural and field trial societies.

Mines Department, £941,000.—The proposals for this year are £45,000 above actual payments in 1964-65. The appropriation sought includes £120,000 for the Government's contribution towards the Australian Mineral Development Laboratories, and £20,000 to cover the costs of an investigation into the feasibility of constructing a natural gas pipeline from the north of the State to Adelaide.

Harbors Board, £1,794,000.—This provision is £145,000 in excess of actual payments last year. In addition to meeting requirements for wharf maintenance, dredging of channels, and general working expenses of ports, the proposed appropriation will also cover the cost of increased operation of the board's bulk handling facilities at Wallaroo, Port Lincoln, Thevenard, Port Pirie, and Port Adelaide.

Railways Department, £15,295,000.—This amount represents an increase of £664,000 above actual payments in 1964-65. Of this increase, £594,000 is to meet increased salaries and wages and £70,000 to meet other increased costs of operation and maintenance.

Highways and Local Government Department, £1,045,000.—This year's provision is £138,000 in excess of expenditure in 1964-65, but has no net impact upon the Budget, for costs associated with the department are deducted from motor vehicles taxation receipts in determining the amount to be transferred to the Highways Fund in accordance with the Highways Act.

Clause 2 provides for the further issue of £61,690,403, being the difference between the amount authorized by the two Supply Acts (£28,000,000) and the total of the appropriation required in this Bill.

Clause 3 sets out the amount to be appropriated and the allocation of the appropriation to the various departments and functions. The clause also provides that, if increases of salaries or wages become payable pursuant to any determination made by a properly constituted authority, the Governor may appropriate the necessary funds by warrant, and the amount available in the Governor's Appropriation Fund shall be increased accordingly. The clause further provides that, if the cost of electricity for pumping water through the Mannum-Adelaide main from bores in the Adelaide water district and through the Morgan-Whyalla main should be greater than the amounts set down in the Estimates, the Governor may appropriate the funds for the additional expenditure, and the amount available in the Governor's Appropriation Fund shall be increased by the amount of such additional expenditure.

Clause 4 authorizes the Treasurer to pay moneys from time to time up to the amounts set down in monthly orders issued by the Governor, and provides that the receipts obtained from the payee shall be the discharge to the Treasurer for the moneys paid. Clause 5 authorizes the use of Loan funds or other public funds if the moneys received from the Commonwealth and the general revenue of the State are insufficient to make the payments authorized by this Bill. Clause 6 gives authority to make payments in respect of a period prior to July 1, 1965, or at a rate in excess of the rate which was in force under any determination during the period in respect of which the payment is made; that is to say, it gives authority to make retrospective payments. Clause 7 provides that amounts appropriated by this Bill are in addition to other amounts properly appropriated. I commend the Bill to honourable members.

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

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

Third reading.

The Hon. A. F. KNEEBONE (Minister of Transport) moved:

That this Bill be now read a third time.

The Hon. Sir NORMAN JUDE (Southern): Rather unusually, I am taking this opportunity to say a few words in explanation of a

point that I think should be cleared up for the record. The Minister of Transport, in replying to an amendment that I moved yesterday, said this:

The effect of the amendment, as far as the Estimates of Expenditure and the Appropriation Act are concerned, is that there would be an additional line of expenditure showing the amount involved in losses on approved schemes. The total payment to the railways, however, would be unaltered. For these reasons I do not support the amendment. This is the point: there is only a certain amount of money available, and whether this kind of amount would make any difference to the amount of money available I do not know. However, I cannot see that this would do anything other than place another line on the Estimates without any additional money. I am not strongly opposed to the amendment but I prefer to have the clause as it stands in the Bill.

I think the Minister was under some slight misapprehension about this matter, as what I was pointing out was that this would mean an additional line on the Supplementary Estimates at the end of the year and, therefore, it could mean additional money to the Minister of Transport. That was part of my reason for introducing the amendment. In other words, if the Minister's colleagues insist on additional expenditure, which results in a loss, he can say, "Well, in that case, I shall want the money made up in the Supplementary Estimates", and he will be able to go ahead with his already allotted Estimates under the Appropriation Bill introduced here today. As we cannot very well alter the report of what the Minister said yesterday, I wish that to be placed on record as referring to the Supplementary Estimates at the end of the year and not to the present Estimates. Otherwise, I support the third reading.

The Hon. A. F. KNEEBONE (Minister of Transport): I thank the honourable member for his explanation.

Bill read a third time and passed.

WILLS ACT AMENDMENT BILL.

Read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 5. Page 1894.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): As is customary with amendments to the Road Traffic Act, this amending Bill comprises a number of mainly unrelated amendments to various sections of that Act. Consequently, it is necessary to deal with it in a piecemeal fashion. I propose to make a few general observations at this stage on various clauses of the Bill and then, when we get to the Committee stage of the debate, I shall be more precise.

Clause 3 is an amendment of the interpretation section (section 5) of the principal Act, but I think the two amendments, paragraphs (*a*) and (*b*), ought to be the other way around because in the section the second amendment comes first. This is a minor point, but I think they are out of order. The first amendment widens the definition of "traffic control device", about which I had something to say on the Local Government Act Amendment Bill. Similarly, with clause 5, the amendment widens the ambit of section 22 of the principal Act. Clause 6 is technical. Clause 7 is more important. It states:

No carriageway shall be declared a one-way carriageway unless the board has consented to such carriageway being declared a one-way carriageway.

However, a council may, with the board's consent, make such a declaration. I should like to draw the Minister's attention to the fact that there is a provision in the principal Act for an appeal against or a review of the board's decision. This is a new type of decision for the board to make. In my view, it does not come within the appeal clause. Section 28 of the Act states that, if the board refuses to give approval for the erection, marking or removal of any traffic control device, then an appeal shall lie against the decision. I do not think this comes within the definition of "traffic control device", but I submit strongly that there should be an appeal against this just the same; otherwise, the board becomes a complete authority, answerable to no-one. I pointed out when the Road Traffic Board was first constituted that there was a great danger that it would become a power unto itself. It is not like a local government authority and a Parliament, which are directly responsible to the people electing them. This is a board set up with its own powers and with no-one controlling it. However, this power of appeal did give the Minister some control.

It seems to me that this amendment and another, with which I shall deal later, fail to take comprehension of the fact that there is an appeal provision relating to the current powers of the board, but that the new powers proposed to be given to it do not appear to fall within the appeal provision. I strongly recommend that the Minister look at this matter and, if necessary, bring down an amendment. I am always trying to be helpful, and if he does not bring down an amendment I shall bring down one for

him to assist in making this a nice piece of legislation.

Clause 8 is in the same category. Its purpose is to amend section 32 of the principal Act so that the board may at any time fix speed limits that are fixed by regulation at present. Here again, not only is there no appeal against the board's decision but, as far as I can see, even if this clause came within the appeal provision, the amendment would give the board absolute rights because there would be nobody to make an appeal. I agree with the reasons that the Minister has given for inserting the clause and have no objection to the amendment. However, in my opinion, this clause goes considerably further in its scope than is necessitated by the reasons given. In his second reading explanation, the Minister said:

> Instances have arisen where speed zones are justified only during certain periods of the year, for example, caravan parks. Temporary speed zones are also necessary from time to time in country areas where road or bridge works are in progress.

I have no quarrel with that at all, but in the name of rectifying that particular situation this amendment to the principal Act cuts out altogether, as I read it, the requirement of having regulations for speed zones at all. This is done in the name of dealing with certain objections of a minor nature, and gives no power to disallow regulations or to draw attention to the fact that a wrong decision has been made, because no regulations will be required if this clause is inserted. Indeed, I think the clause goes to the extent of making the board a power unto itself and, here again, amendments should be considered.

Clause 9 gives the voluntary fire fighting organizations similar rights to those enjoyed by the fire brigade people, and that is probably quite logical. I agree with Sir Norman Jude that although the object of clause 10, which deals with persons rendering assistance after an accident, is laudable it could have consequences that are not foreseen and in certain circumstances the position could be made worse by the doing of something than would be the case if nothing were done at all. I think that any humanitarian person, even if he was horrified by the shedding of blood, would do his utmost even in the most appalling cases to try to render assistance where he could.

This would apply to most people, but such assistance often can be misguided and dangerous to the injured person. I think the advice given these days, as Sir Norman Jude said, is certainly to try to staunch any bleeding by applying pressure at certain points, and things of that nature, but not to move the injured person or do the sort of thing that this clause could be interpreted as requiring. It says that a person shall render such assistance as is reasonably necessary and practicable. I think it has a tremendously laudable object, but most of us are inexperienced in that sort of thing and I am wondering whether a person, knowing he has this obligation on him, may not rush in, especially in the excitement or terror of an accident, and do things that would be far better left undone. However, I do not think I can take the matter much further than that and leave it to the Minister to be the arbiter regarding the amendment.

Sir Norman Jude also referred to clause 11, which says that a driver shall not enter upon or attempt to cross any intersection or junction if the intersection, junction or carriageway that he desires to enter is blocked by other vehicles. As he pointed out, this is a sort of provision that should not have to be put in; people's common sense ought to tell them what they should do.

Clause 12, in itself, appears quite sensible and innocuous. It says that a certificate purporting to be signed by the Government Analyst shall be *prima facie* evidence of matters relating to blood tests, and so on. The reason given by the Minister for this clause was that it would save much expense and time in calling on experts to support reports in many cases that might be unnecessary. I agree entirely that this should be *prima facie* evidence. I should like the Minister, when he replies, to give some information on the amendment, because in the context in which it is being put in it could render the totality of this Act as meaning that blood tests are compulsory, which I understand is not the case at the moment and I do not think the Minister has an intention of making them compulsory.

This is an amendment to section 47 of the principal Act and all of us, especially those who practise or have practised law, come across the rules of interpretation of Statutes from time to time. I have forgotten the Latin phrase that applies to one of the rules, but it has been interpreted by a university lecturer with a slight degree of punstry as meaning "words of a feather flock together". He used that expression to try to emphasize to students what he meant, although I think that, as a pun, it is deplorable. However, when one gets words related to things in a section of an Act they are interpreted as being related and, therefore,

the intepretation that a court could place on the amendment might be different from what is intended by the amendment. I will illustrate what I mean by using the exact words of the section. Section 47, which clause 12 amends, provides:

> (5) The court . . . may . . . order . . . that the defendant pay . . . the expenses of all or any of the following things:—
> . . . (*d*) Medically examining him.

Subclause (6), which is inserted by clause 12, provides:

> In any proceedings for an offence under this section a certificate, purporting to be signed by the Government Analyst and certifying the proportion of alcohol or any drug found in a specimen of blood identified by the certificate, shall be *prima facie* evidence of the matters so certified.

If this subclause is inserted, the Act will have a reference to medically examining a person and immediately following that will be a reference to a certificate relating to blood being *prima facie* evidence.

The Hon. S. C. Bevan: This could not override the provision that a blood test is not compulsory.

The Hon. Sir ARTHUR RYMILL: Is there a clause to that effect?

The Hon. S. C. Bevan: It is in the principal Act.

The Hon. F. J. Potter: It seems an odd place to put an amendment, doesn't it?

The Hon. Sir ARTHUR RYMILL: Before answering that, I should like to say that I would be grateful to the Minister if he would point out where it is made not compulsory to have a blood test. I think it has always been assumed that it is not compulsory because there is nothing in the Act that says it is compulsory. However, this is an Act of nearly 200 sections, and it is difficult for everyone to know every aspect of it.

The Hon. F. J. Potter: I think it is just an administrative practice that he is offered a choice.

The Hon. Sir ARTHUR RYMILL: That is what I have always understood. As to the Hon. Mr. Potter's comment that this is a curious place to put the provision, there is a subsection relating to the medical examination of a person and immediately after it will be another subsection saying that a certificate relating to a person's blood shall mean so and so. Surely one would conclude from these words flocking together that talk about blood tests immediately after medical examinations may mean that a medical examination can include a blood test as of right, not of the person to refuse it but of the medical man examining the person. I think this should be looked at, because when I was practising law I came across many examples of where a combination of amendments aggregated to mean something that the Legislature never intended. I think this could well be interpreted by a court to mean this in the new context, and if I am right some words should be put into it, along the lines of what the Minister said by way of interjection, saying that there shall be no compulsion. I am sure there are many people who revolt against the idea of compulsorily having their blood interfered with by the use of hypodermic syringes. I personally revolt against the idea that a person should be compelled to do this for this purpose or any other, except in extreme cases where it may come to a question of saving a life.

Certain clauses relate to widths of vehicles, loads on tyres, and so on, and, as I am sure many members are more qualified than I to deal with them, I do not intend to embark on them. I should like to comment on clause 14, however, which seeks to amend section 63 of the principal Act. That section is the very well-known section under which the driver of a vehicle approaching an intersection or junction shall give right of way to any other vehicle approaching the intersection or junction from the right. This provision started as regulation 9 (*a*) under the old Road Traffic Act, then it became regulation 30, and then it became a section of the Act, the number of which I now forget. On the face of it, the amendment appears to be minor and innocuous; it provides that after the word "approaching" the words "or in" shall be added. It appears to be a tiny amendment, but I think it can very well completely alter the traditional construction of the section. I think that originally the section came out of the navigation laws at sea, and certainly the United States of America had it before it was ever introduced into Australia. Curiously enough, although we keep to the left and the Americans keep to the right, motorists in America give way to the man on the right, and so do we. One would think that either one or other of these things would be illogical. However, it seems to work quite reasonably here, although I know that some people believe there may be a reason for giving way to the man on the left because we drive on the left, just as the rule of the sea provides that if one keeps to the right one gives way to the right.

In Western Australia, if I remember rightly, the section used to read "when two vehicles are approaching each other", which again was given a different interpretation. We have always had the words "the driver of a vehicle approaching an intersection or junction shall give way to any other vehicle on the right", and very much value has been given to those words by the court in as much as it used to be argued that the dangerous circumstance had to be assessed on the approach to the intersection and not in relation to what happened in the intersection itself. This amendment has a very definite bearing on that, because as amended it will read:

The driver of a vehicle approaching or in an intersection or junction shall give right of way to any other vehicle approaching the intersection or junction from the right.

This seems rather curious to me. Let us analyse those words and forget the approaching. The new part that the amendment will achieve will mean reducing the section to provide that the driver of a vehicle in an intersection shall give right of way to any other vehicle approaching the intersection. I think I am right, and it sounds rather peculiar.

The Hon. S. C. Bevan: I think it would be the other way around—approaching or in an intersection.

The Hon. Sir ARTHUR RYMILL: Yes, I was leaving out the first "approaching", and taking the second part of it. The effect would be for it to read:

The driver of a vehicle in an intersection or junction shall give right of way to any other vehicle approaching the intersection or junction from the right.

The Hon. S. C. Bevan: Where there are lights and a man wants to make a right-hand turn he meets on-coming traffic, which has the right of way.

The Hon. Sir ARTHUR RYMILL: I thank the Minister for that interjection and I agree with him; I also agree with the intention of this amendment. However, it seems curious to me that, when the section is boiled down as I am trying to do now, the driver of a vehicle in an intersection must give way to another vehicle approaching the intersection, because he is in the intersection.

The Hon. Sir Norman Jude: This refers to situations like that at the Maid and Magpie intersection where it is possible to get into the centre of the intersection and stand there.

The Hon. Sir ARTHUR RYMILL: Yes, but this refers to any intersection—a cross-over, a T-junction or any intersection. I can see the sense of making a vehicle in an intersection give way to another vehicle in the intersection on its right, and I believe that that is the intention of this clause. However, I cannot see how it works out in practice. Why should a vehicle in an intersection be obliged by law to give way to a vehicle that is merely approaching the intersection? It used to be the interpretation of the Western Australian law, as I remember it that the vehicle reaching the intersection first had the right of way. I believe some versions of this section provide that the person who reaches the intersection first under normal circumstances shall thereupon have right of way, even if he is on the left of the other vehicle.

The Hon. Sir Norman Jude: He does not give way to the man on his right in those circumstances.

The Hon. Sir ARTHUR RYMILL: Yes, although this has never applied in South Australia. Many variations of this section exist all over the world and it has applied in some places. I am trying to instance here that I do not see how a vehicle in many places in the intersection could physically give way to a vehicle that was merely approaching that intersection. That is the interpretation of this amendment, according to my reading, and I think that my reading is right. That is what the vehicle must do. I think it should read:

The driver of a vehicle approaching or in an intersection or junction shall give right of way to any other vehicle approaching or in an intersection or junction.

I think that would make sense, but it is not what the amendment says. The amendment states that the words shall only be inserted after the word "approaching" where it first occurs. I think that the Minister could have a look at this and improve on it. If it is left as it is it could become a source of much legal argument. I can assure the Minister that the section or its predecessor has already been a tremendous source of legal argument. I must have been in 20 or 30 such cases myself on different occasions. I think the verbiage takes the matter too far, as it says that the vehicle in the intersection shall give way to the vehicle on the right that is approaching the intersection, but that would be impracticable.

The Hon. Sir Norman Jude: The other vehicle could be 300yds. away.

The Hon. Sir ARTHUR RYMILL: Yes. The driver in the intersection would probably get out of the way, but the section does not say that. The vehicle approaching the intersection on the right could be going fast, while the vehicle in the intersection could be caught completely flat-footed and unable to give way, and there would be nothing that

the driver could do about it. I do not want to labour the point further, but I have tried to explain what it means because the section is rather technical, as is instanced by the fact that there have been streams of law cases not only in this State but in other States.

Clause 15 relates to the switching off of signalling devices. The non-switching off is generally caused in the manner indicated by Sir Norman Jude. It is that the wheel is not turned far enough to turn the device off, or the driver does not know it is still operating. Certainly, it is something that is almost always accidental, but it can be dangerous. I have been mixed up in some incidents, some having occurred at the corner near to this Chamber, through people leaving their blinkers on. Following drivers have started to turn, thinking that the driver in front will follow the indication of the blinkers. They have then suddenly found that the vehicle has continued straight on, with a dangerous situation arising. I was almost involved in such an incident some years ago because of this happening. I agree that it should be policed, but I do not know how it can be effective. This will be a question for the Minister to attend to on the administrative side.

The next two clauses are fairly technical. I draw the Minister's attention to clause 19, relating to the powers of the Road Traffic Board over councils. The appeal provision should extend to this clause also. I think that the draftsman has overlooked that there is a right of appeal, but at present it is limited to the matters where the board has aegis over the existing Act. When the functions of the board are being extended, in my opinion the power of appeal against the board's decision should be extended in the same way. I think this could well be looked at.

The Hon. Sir Norman Jude drew attention to clause 21, which refers to people not walking a certain way in a one-way street. It is necessary that they walk on the carriageway itself in certain instances, because footpaths are not provided. He pointed out that in certain city streets this would be rather onerous. I thought he gave a good example of the distance that might be walked in going from one street to another.

The Hon. Sir Norman Jude: I overlooked the point that people could walk backwards.

The Hon. Sir ARTHUR RYMILL: I do not think that they are allowed to do that.

The Hon. S. C. Bevan: Doesn't the honourable member realize that these matters must be dealt with by the board and the council concerned before any proclamation is made?

The Hon. Sir ARTHUR RYMILL: That could be so, but there is no appeal against it.

The PRESIDENT: Order! There are two many interjections.

The Hon. Sir ARTHUR RYMILL: I was going to make the point that in a number of these one-way streets the footpaths are extremely narrow, and only one person would be able to walk on them at a time. If two-way movement is allowed on those footpaths, as is envisaged by this clause because it relates only to the carriageway in one-way streets, someone has to step on to the carriageway if he happens to meet another person on the footpath.

The Hon. S. C. Bevan: There could be a footpath on only one side.

The Hon. Sir ARTHUR RYMILL: That may not be a solution because if there are two-way movements on a narrow footpath somebody must give way and step on to the carriageway at some stage. Even if that person did as Sir Norman suggested I do not think he would escape a technical offence at least. I was going to say that in the early days of motoring there were good stories about motorists getting into one-way streets in the early 1900's. Apparently, there were one-way streets even then, although one would have thought that they were a later idea. I understand that my father was driving one of the very first motor cars here and he had not noticed that he was in a one-way street and that he was going in the wrong direction. He got down there, parked his car and left it. When he came back, there was an Irish policeman (of whom there were plenty about at that time) standing over the car. He asked, "You are the driver?" to which my father replied, "Yes." The policeman the said, "You have got this car going the wrong way in a one-way street." My father claims that he said, "Not at all. You think it is going that way, do you?", pointing in the direction that the front of the car was facing. The policeman said, "Yes." My father put the car in reverse and said, "No, the car goes this way", pointing in the opposite direction. That was in the very early days of motoring.

Clause 24 relates to the non-registration of left-hand drive vehicles after January 1, 1966. I agree that wrong-side drive vehicles can be dangerous. I have had experience the other way round, in a right-hand drive vehicle on Continental roads (where one keeps to the

right) and this can be shockingly dangerous. Clause 24 will not affect existing left-hand drive vehicles duly registered, so I do not think we are interefering with anyone's rights. It is a satisfactory clause.

Those are, in the main, the clauses I want to deal with. Most of the others are fairly technical. The only other clause to which I should like to refer is clause 32, which states that the court that makes an order for disqualification of a person can order the disqualification to take effect from a day or hour subsequent to the making of the order. This is sensible. Often the fact that the magistrate (or whoever it is) is obliged to make the order for disqualification take effect immediately causes much heart-burning. The person disqualified may have a car in front of the court building and he then has to get someone else to drive it home for him. Particularly in the country this could be most inconvenient. This is a sensible clause, because it provides that it is still in the hands of the court to make the order for disqualification take effect immediately if it thinks it should do so.

I think I can summarize what I have said by saying that, in the main, I agree with the Bill. I think I totally agree with the Bill's objects. I have no quarrel with its objects that I can think of at the moment, but there are one or two amendments that could make it a little clearer, better and more protective—such as an appeal from the Road Traffic Board. I hope the Minister will heed my representations and deal with them in his reply.

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

JURIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 1734.)

The Hon. C. R. STORY (Midland): I rise to support the second reading of this Bill. In so doing, I want to deal only with two or three phases of it and merely put my point of view. At the outset, let me say that I am in favour of women jurors—I have no argument whatsoever with that. My Party before the last election had this as its policy. We were happy about it then and I remain happy about it now. We have been fortunate in this debate to have the benefit of a great amount of research and many useful speeches by honourable members well qualified to speak upon this matter. I am not an expert on juries, never having served on one, never having been tried by one, so I do not speak with the authority that some other members, more closely associated with juries in either way that I have mentioned, may have.

I compliment the Hon. Jessie Cooper upon her very fine contribution to this debate. Her speech is full of information and presents a point of view that I do not think would normally be presented by a man. I am not saying that the speech is effeminate; it is a fine speech and the honourable member has come down firmly on the side of women wanting to accept their obligations. I, too, believe that to be so. The only difference I have with the present legislation is on the selection of the new jurors if this Bill is passed in its present form. An interesting point is that until about 1926 jurors were chosen on the basis of a property qualification, from a specially organized roll. It was only at about that time that it was found that the qualifications closely resembled those needed for the Legislative Council roll. As that roll was from time to time brought up to date and reprinted, it was decided that the Legislative Council roll should be used as the roll for choosing jurors.

We have heard from other honourable members of the qualifications needed in other States. Reading those through and studying them, at first glance one can become a little confused, because it would appear that in a number of States the rolls used are the House of Assembly rolls. In Queensland, they have only one roll, an Assembly roll, and a woman there may elect to be placed on the jury list. She is not compelled to be on the list. The same applies in New South Wales, where a woman, once having got on the jury list, is then obliged to serve unless she comes within the category of one of the exemptions provided in the Act.

The position is slightly different in Tasmania, in that they have two rolls, an Upper House and a Lower House roll, and voting is compulsory for the Upper House in that State. They work on the Assembly roll, but there is a qualification that all males on the roll must serve on a jury and all females who are over the age of 25 years and under the age of 65 years must serve, and this places another restriction upon the absolute House of Assembly roll.

In Western Australia, as I think the Hon. Jessie Cooper and other honourable members pointed out, they had this legislation as early as 1957 but only got around to doing something about implementing it in 1962-63. So, although Western Australia gave the right to women to be on juries some time ago, they

were not empanelled until 1962-63. The Hon. Mr. Kemp has a number of amendments on the file that would have the effect of keeping the position as it is at present, whereby juries in this State are chosen from the Legislative Council roll.

I cannot quite see any need for a change in this matter, because it is freely stated that South Australian juries are of an extremely high standard. The people who serve on the juries have some qualification and some sense of responsibility, as is indicated by the fact that they own something and have a stake in the country. It is a good principle to work upon and I cannot see why there is any necessity to change the position.

I think time has proved this to be a good system. It worked in the United Kingdom for many years, with the same type of property qualification. Every State has something in its Act that amounts to a differentiation from the Assembly roll. I notice that in this Bill, in clause 23, the word "men" is struck out and the word "persons" is inserted. Further, in paragraph (*b*), the word "jurors" is used. Section 74 of the principal Act, which is amended by clause 29, says:

> Every juror who has been summoned and who has punctually attended any Court (whether he has actually served or not), and every talesman who has served, shall be entitled to receive compensation at the rates mentioned in the eighth schedule. . . .

We have gone to much trouble to alter the wording, as I stated, but what is the position regarding "talesman"? Shall we have talesmen and "taleswomen" when we have females on the juries? Is there some need for the alteration of that wording? If we were to be consistent, I should have thought we would coin a new word if there was not an appropriate one already. I do not know about this, but if a talesman is a stand-in for a juror, would a woman in similar circumstances be also a talesman?

The Hon. Jessie Cooper: What about using the term "tale piece"?

The Hon. C. R. STORY: I do not think that in this case women could be called talesmen and I suggest that the Minister look at the matter. I support the principle of women on juries and shall support the amendments to be moved by the Hon. Mr. Kemp.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I do not desire to speak at length on this measure, but it is an important Bill and I prefer not to give a silent vote on it. I particularly congratulate those who have spoken on it. The Bill has been before us for several sitting days and many good speeches have been made. We are indebted to honourable members for the information they have placed before this Chamber.

There is no division of opinion so far as having women jurors is concerned. The Hon. Mrs. Cooper is not in favour of women being able to evade this newly-created responsibility that is being placed upon them. However, I think the majority of members consider that those who do not desire to sit on a jury should be exempt, as is provided in the Bill. Information has been given by other honourable members on the position in the other States regarding juries and the rolls. The Hon. Mr. Story has referred to the position in South Australia and how it came about that jurors were selected from the Legislative Council roll. He said it was not a matter of the merits as between the two Houses but was rather the convenience of using the Legislative Council roll, as against the difficulty of establishing who were property holders so as to qualify as jurors. Mr. Story pointed out that that was why the Legislative Council roll was adopted. There is an example in another State of the general roll being used and of there being a condition that requires a minimum age of 25 in order to qualify. In other words, it appears that in that State there is a condition under which there will be some stability in the type of jurors it will have. I think there may be some sense in that. Because of the simplicity of using the Legislative Council roll for this purpose and because it not only gives women the opportunity to sit on juries but also, if the roll needs to be extended, we have done it by adding women to it, I see no need to change from the present system of using the Legislative Council roll, and I shall support the amendment that has been placed on honourable members' files.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for their contributions to this debate. Whether or not I agree with their point of view is beside the point, as they have done much work and have put forward their views in a straightforward manner. They have also dealt with the Bill in a serious manner. It is breaking new ground, and I appreciate their close attention. During the debate, the Hon. Sir Arthur Rymill asked questions that I noted. He said, if I understood him correctly, that in Victoria women's jury service was compulsory. By Act No. 7187 of 1964, by which women in Victoria were made eligible for jury service, section 6

provided that a woman could cancel her liability to serve.

It was also said that it appeared that the Government wanted roughly equal numbers of men and women on all juries. I think there is some confusion here. What is being provided is that when the annual jury list is being prepared the ratio of men to women on the list will be the same as the ratio of men to women on the subdivisional roll. As the honourable member pointed out, this would mean in most cases that about half would be men and half women. We have also provided that when the jury panel is being made up the proportion of men to women will correspond to the proportion on the annual jury list.

Some women may opt out after receipt of their summonses. This could, and probably would, mean a greater number of men than women actually attending at the court. Apart from this, I point out to the honourable member that no alteration is being made to the present system of drawing the names required to make up a jury of 12 from the panel. All the names on the panel (those of the men and the women) will be placed in the box and as they are drawn out there is no guarantee that the resulting jury will consist of about the same number of men as of women. This is purely a matter of chance. On the balance of probabilities, having regard to the fact that some of the women summoned will almost certainly opt out, the chances are that there will be a preponderance of men in the resulting jury.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. H. K. KEMP moved:

In the definition of "subdivision" in paragraph (*b*) to strike out "House of Assembly" and insert "Legislative Council".

The Hon. D. H. L. BANFIELD: I oppose the amendment, as I believe it is the obligation of every adult to serve on juries. The Hon. Mr. Story has said that people who have their names on the Legislative Council roll have a stake in this country. I agree with that, but there are also nearly as many people who have just as big a stake in this country who are not enrolled on the Legislative Council roll.

The Hon. M. B. Dawkins: Why aren't they?

The Hon. D. H. L. BANFIELD: Because they are not compelled to be on it.

The Hon. M. B. Dawkins: But it is their own choice, isn't it?

The Hon. D. H. L. BANFIELD: Yes, but the fact still remains that their names are not on the roll, yet they have the same stake in the country as those referred to by Mr. Story have. Apart from that, some people who have had their names on the Legislative Council roll have found that they have been taken off, and they have not been given the reasons why. Some people believe they are on the roll only to find that for some reason or another their names have been removed.

The Hon. Sir Arthur Rymill: Your Government should have a look at that.

The Hon. D. H. L. BANFIELD: It is looking at the position.

The Hon. R. C. DeGaris: Is it compulsory to be enrolled on the House of Assembly roll?

The Hon. D. H. L. BANFIELD: Sir Lyell McEwin has said that because of the simplicity of the Legislative Council roll it is desirable to retain that roll. Surely the use of the House of Assembly roll is just as simple as the use of the Legislative Council roll?

The Hon. Sir Lyell McEwin: I did not say it should be used because it was more simple.

The Hon. D. H. L. BANFIELD: The honourable member said it was simplicity itself. I noted what he said. Much has been said about women being exempted from serving on juries, and some speakers have suggested that we are making it too easy for them to be exempted. By using the Legislative Council roll we are not only exempting them from serving but are debarring many from serving.

The Hon. C. D. Rowe: I thought one was not allowed to make second reading speeches in Committee.

The Hon. D. H. L. BANFIELD: I take it that you are in charge of the Chamber, Mr. Chairman, and that if I am out of order you will inform me accordingly. However, I believe that women want to serve on a jury and there will not be many who will claim an exemption, but a number of women will be debarred if we allow women to serve on a jury only if their names are on the Legislative Council roll. For that reason I oppose the amendment.

The Hon. JESSIE COOPER: I support the amendment. All I want to say at the moment is in defence of our State Electoral Office. Names do not disappear from the Legislative Council roll. On inquiry, after the last election, the electoral officer told me that the office had received 800 complaints but of those only one had proved to be true. It concerned a man and his wife. The wife had died but

the name of the husband had been mistakenly struck off the roll. The criticism of the State Electoral Office is unjustified.

The Hon. Sir ARTHUR RYMILL: I think honourable members opposite have some predeliction about the Legislative Council roll. The principle of the Juries Act is not whether we have the Legislative Council roll, or whether we have some franchise of responsibility, such as an age limit, a property franchise, or whatever else might be the rough test for that purpose. Nobody can claim that a franchise is perfect. For instance, with adult suffrage at the age of 21 years nobody can say that every person of 21 is capable of casting an informed or intelligent vote. When a restricted franchise exists nobody can claim that it is perfect in all respects; it is a method of trying to reach a given result. It is whether people of experience or responsibility, or whether it may be, are to be appointed to adjudge these matters.

I am indebted to the former Master of the Supreme Court of South Australia, Mr. F. B. McBryde, who rang me a week ago about this matter and pointed out something that I had overlooked. He said that up to 1927 the Legislative Council roll was not used at all for the purpose of jury service. Mr. McBryde told me—and I have made a rough check on this and I am sure it is right—that up to that time there was a property franchise for jurors just as there is in England but that the Sheriff had to go to each individual to find out what kind of property was held and whether people were therefore qualified, or obliged, or both, to serve on a jury. He told me that at that stage a law reform committee had asked for suggestions. Mr. McBryde said he believed he had made a suggestion. He said that he was not certain of this, as it happened almost 40 years ago, and that he did not want to steal anyone else's thunder. He suggested a practical way of handling the situation to save much expense. He suggested using the Legislative Council roll which was already in existence and which had a similar sort of qualification to that required for jurors. He said the necessary inquiries had already been made to enable that roll to be used for jurors.

The Hon. H. K. Kemp: That committee was appointed by a Labor Government.

The Hon. Sir Arthur RYMILL: I think that is probably right, although I have not checked on it. However, that was the committee that recommended this practical method of dealing with the matter. In voting on this matter we are not really voting on whether we should have the Legislative Council roll or the House of Assembly roll. We are voting on the question of whether we consider that all and sundry over the age of 21 years should be jurors or whether a test of some kind should be applied so as to get people who would be experienced and stable as jurors.

The Hon. A. J. Shard: Am I following the honourable member correctly? Do you maintain that a person should have some property qualification to entitle him to be a juror?

The Hon. Sir ARTHUR RYMILL: That is not quite what I said. I said that with a restricted franchise, whatever the purpose, it was necessary to have some kind of test, and that, in some senses, it must be an arbitrary test. It has to be fixed to something that will achieve, in the broad, the kind of result wanted, whether it be an age franchise, thereby guaranteeing that we get people who have had a fair amount of experience, have plenty of balance, are used to what happens in life, and realize things that should be considered in creating a juror, or whether there should be some other type of test, such as a property franchise. The possession of property would suggest that a person had some stake in the land and, therefore, was a fairly responsible person. Whether any or all of these tests are applied is not the purpose of my argument at the moment; it is not my purpose to try to pinpoint a particular test.

What I am saying is what I said in the second reading debate, and as other honourable members said in the same debate. I think it is unassailable that South Australian juries are regarded as the best in Australia. To test this, look through the newspaper files over the years and seldom, if ever, will it be found that there has been criticism of juries in South Australia. To apply another test, I invite members to look through the newspaper files in New South Wales and see what people in that State think of their juries. It would not be necessary to look further back than three months.

The Hon. H. K. Kemp: Six days.

The Hon. Sir ARTHUR RYMILL: I am grateful to the honourable member. I visit Sydney about every second month and nearly every time I do so there is some criticism of juries.

The Hon. D. H. L. Banfield: Are they criminal or civil cases?

The Hon. Sir ARTHUR RYMILL: Mainly criminal; juries are used more in civil cases there. However, I am referring in the broad to criminal cases. It is many years since a

jury sat on a civil case in South Australia. There is much dissatisfaction in New South Wales with the jury system there. My point is that South Australia has a jury system that has worked excellently, and nobody can deny that.

The Hon. H. K. Kemp: The Ministers do not deny it.

The Hon. Sir ARTHUR RYMILL: That is so. They cannot claim, and indeed they have not claimed, that by the use of another type of qualification or another roll jury service in South Australia will be improved. They will not admit that with any other qualification our jury system will be improved. It cannot be better.

The Hon. A. J. Shard: It could be as good.

The Hon. Sir ARTHUR RYMILL: It could be; I will not deny that, but in my estimation it will not be as good.

The Hon. D. H. L. Banfield: But you are attempting to exclude women from juries.

The Hon. Sir ARTHUR RYMILL: When we have something that we know is as good as, if not better than, anything else that we can have, why not keep it? The Ministers cannot say definitely that it will be as good, any more than I can say that it will not be as good. When we have something on which we cannot improve, why tamper with it or alter it?

The Hon. A. J. Shard: If you carry your argument to its logical conclusion, you will not have women on juries.

The Hon. D. H. L. Banfield: You cannot have it both ways.

The Hon. Sir ARTHUR RYMILL: If the Chief Secretary thinks that woman is inferior, which has to be the basis of his argument, he can think that.

The Hon. A. J. Shard: No; I am not thinking that. The honourable member is saying it. He is saying, "Do not alter something which is good. We may not make it better."

The Hon. Sir ARTHUR RYMILL: That is true. I say, "Do not alter the roll, because that roll has proved that it is good." We have women on the roll now. Indeed, if it had not been for the Labor Party in the last session, we would have many more women on it now. This seems to be a specious argument. I plead for equality for men, not for women, because under this Bill woman is certainly held to be man's superior, because she has privileges over and above his. But this has nothing to do with the point I am trying to make. I am talking about a qualification that applies equally to men and women. Ministers dare not say, as the honourable back-bencher has said or implied, that women will not make as good jurors as men. I am sure that the Ministers would not dare to say that.

The Hon. S. C. Bevan: You are saying that some of them may not.

The Hon. A. J. Shard: You are implying that the system may be weakened if we alter it. The honourable member cannot have it both ways.

The Hon. Sir ARTHUR RYMILL: I think that is all I wanted to say. There were one or two side issues about names not being on the Legislative Council roll. The answer to that is that people can be enrolled if they want to be. The Labor Party was disappointed at the last election, when it made a great drive regarding the Legislative Council, that it could not get more people on to the roll. The point is that everyone qualified can be on the Legislative Council roll if he or she wants to be. If they are responsible people and the sort of people who would be wanted on juries, they are the people who will have put themselves on the roll. I want to see the best people serving on juries, as we have them at the moment. I hope we shall continue as at present.

The Hon. A. J. SHARD (Chief Secretary): I ask the Committee not to accept the amendment. I do not intend to debate the point at length. We feel that every person within the State over the age of 21 should be granted the opportunity to serve on a jury. It is not for me to say that juries would be better with people of 21 years of age on them, but we should not condemn those over 21 who are not on the Legislative Council roll and say that it weakens the system. I do not believe in condemning anything unless it has failed. Until this is tried, nobody can say whether it is better or worse than the present system.

The Hon. Sir Arthur Rymill: No-one will attempt to say that it will be better.

The Hon. A. J. SHARD: I say that it will possibly be just as good. Sir Arthur said that, if it is good now, we should preserve it. That is the logic of Sir Arthur's argument, that we should not alter it, because it is good and because we shall not improve it. If that is right, his attitude should be that we should not permit women to be on juries, because that would not improve the position. That is his argument. A number of women well over 25 years of age, and well over 30 years of age, do not qualify for the Legislative Council roll, through no fault of their own. They have just

as much ability and take just as active a part in the community effort as those women fortunate enough to be on that roll.

The Hon. Sir Arthur Rymill: That is right.

The Hon. A. J. SHARD: Those women are not on the Legislative Council roll, through no fault of their own. They have no property qualifications.

The Hon. Sir Arthur Rymill: Then there are the returned soldiers.

The Hon. A. J. SHARD: I am talking about the large number of people who pay rent. In seven cases out of 10 where they pay rent it is the woman who actually pays the rent. She gets the pay envelope and pays the rent, yet she is not eligible to be on the Legislative Council roll.

The Hon. Sir Arthur Rymill: Why isn't she?

The Hon. A. J. SHARD: Because the women have only the rent to pay: the male is held responsible for its being paid, and he is eligible to be on the roll, while the woman is not.

The Hon. C. D. Rowe: They should both be on the roll.

The Hon. A. J. SHARD: But they are not. At the moment both are not eligible. I do not want to get away from the clause under discussion. Honourable members want me to talk about something else, but I do not want to. I personally think there should be the one roll for both Houses, and let everybody be on that roll. Members have heard me on this before.

The Hon. Sir Arthur Rymill: Getting back to the point, whose name is on the lease determines whose name goes on the roll.

The Hon. A. J. SHARD: It is the rent that counts; the honourable member cannot get away from that. It is a solid argument, and I am right in saying that. If honourable members want to be honest with themselves, let them go around to the school committees and the Mothers and Babies Health Association meetings and see the women at work. I venture to say that women who pay rent are denied a place on the Legislative Council roll, yet they play an active part in the community.

The Hon. Sir Arthur Rymill: They are entitled to be on the roll.

The Hon. A. J. SHARD: No, they are not entitled to be on the roll through paying the rent.

The Hon. Sir Arthur Rymill: Of course they are, if they become lessees or tenants.

The Hon. A. J. SHARD: Honourable members will not accept facts. If a married couple pays rent and the male is responsible for the rent, he is the one and the only one who can be on the roll. Returned servicemen can be on the roll at 21 and they have the right to serve on juries, but their wives and friends who turn 21 cannot serve. We want to be fair. All women are equal and all should have the right to serve on juries. If we do otherwise, we are differentiating. Honourable members are saying that unless a woman is on the Legislative Council roll she cannot serve on a jury. I say that all women are equal and that all men are equal, and we have to start from there.

The Hon. Sir Arthur Rymill: Some are more equal than others, aren't they?

The Hon. A. J. SHARD: I know that some have more money than others. If it is fair for one section of the community to be compelled to serve on a jury, the other section should have an equal right to serve.

The Hon. Sir Arthur Rymill: But you are not going to compel half the people to serve.

The Hon. A. J. SHARD: They are all of equal status.

The Hon. Sir Arthur Rymill: No, they are not.

The Hon. A. J. SHARD: If the House of Assembly roll is used, all women will have equal rights.

The Hon. Sir Arthur Rymill: You are saying that women will not have equal obligations, not rights.

The Hon. A. J. SHARD: The honourable member wants to differentiate between women.

The Hon. Sir Arthur Rymill: No. I want you to say whether you do not agree that women have not the obligations of men under this Bill.

The Hon. A. J. SHARD: They have obligations in community life. They are equal to men and can take their part.

The Hon. Sir Arthur Rymill: Under this Bill, you are letting them out.

The Hon. A. J. SHARD: All women should have the opportunity. Honourable members are denying women not on the Legislative Council roll the right to be considered as jurors.

The Hon. Sir Arthur Rymill: And the men.

The Hon. A. J. SHARD: Yes. Members opposite are saying that the class of people enrolled on the Legislative Council roll has more responsibility, more stake in the country, and are better fitted to serve as jurors.

The Hon. R. A. Geddes: Do you know how many have served on juries in Adelaide in any one year?

The Hon. A. J. SHARD: About 500. I do not know why there should be any difference between groups of citizens. Honourable members are saying that a better type of person is enrolled on the Legislative Council roll, more able to serve on a jury than people who are not on that roll.

The Hon. C. D. ROWE: If it is the object of the Government that every man and every woman throughout the State on the House of Assembly roll should have an equal opportunity to serve on a jury, the Bill does not attempt to attain that object, because we all know that under the present arrangement jurors for the Supreme Court in Adelaide are selected in the metropolitan area, those for the circuit court at Mount Gambier are selected in that area, and those for the circuit court at Port Augusta are selected in that area. So, the only people who can serve on juries in the whole State are the people living in those areas. The others are entirely excluded (such as the people at Giles Point) and are never likely to be called. If the object is to put everybody on the same basis, the Bill should be drafted in an entirely different way, so as to provide that, regardless of where people live in the State, they will have equal opportunity for jury service. I believe that another motive actuates the Government in bringing in this Bill, and it is a motive that I do not propose to enlarge on now. The giving of equal rights to men and women throughout the State to serve on a jury is not provided for in this Bill and the protagonists in this regard are not telling the truth, because the people in a large portion of the State have not been asked to serve and they cannot be asked to serve.

The Hon. D. H. L. Banfield: If we leave it your way, fewer will be asked to serve.

The Hon. C. D. ROWE: No-one has said that our jury system does not work efficiently and that it is not the best in the Commonwealth. My policy has always been to not alter things that are working well. There are plenty of areas where the Government can find adequate scope for its energies other than in this field. Our jury system has worked more efficiently than that in any other State, and I cannot see why we should set the clock back and do what is done in other States.

The Hon. A. F. Kneebone: Are you saying that introducing the right for women to serve on juries is setting the clock back?

The Hon. C. D. ROWE: Nobody on the Opposition benches has opposed the suggestion that we should provide for women to serve on juries. That is not the issue. We are as one on that matter. We do not object to women serving on juries. It has been said that not as many women as men are on the Legislative Council roll, but that is not the fault of the present Opposition. I firmly believe that if a man is entitled to be enrolled his wife should also be entitled to be enrolled, but that that is not so is not the fault of the Opposition.

The Hon. F. J. POTTER: The question of whether or not this should be extended to the House of Assembly roll is not unrelated to the question of liability or non-liability to serve on juries. I have noted some expressions used this afternoon. One honourable member referred to the opportunity to serve, another said that people would be asked to serve, and another said women should have the right to serve. In his second reading explanation the Chief Secretary said this Bill was designed to extend the franchise for jury service. "Franchise" is defined as "A privilege granted by the Sovereign to any person or body of persons", and the last definition given is "It has eventually been extended to mean the right to vote at public elections." One of the primary meanings of the word is that it is a privilege. I cannot understand how the use of those expressions by some honourable members fits in with the Juries Act, which places a liability on people to serve. This point is important. There is under section 11, subject only to a person's being in an exempted occupation, a liability to serve, and one cannot get out of that liability without having a proper reason. If it is a question of becoming liable to serve—as it clearly is in the Juries Act—I cannot see any reason why this provision should not be extended to the House of Assembly roll, which is the roll on which people are liable to vote. This is not a privilege, an opportunity, a right or a franchise; it is a liability.

As I said in the second reading debate, it is a liability that initially is not kindly accepted by the people who are called. It is often considered an onerous burden or liability, and the use of the House of Assembly roll seems to me to do nothing more than spread the burden of that liability more widely amongst the community. It may well be that the general standard of our jury service will not be as good in the future as it has been in the past, and I approach that matter with some trepidation. In saying that, I am not reflecting on women coming on to juries, but, with the wider section of the community that will be involved, with New

Australians coming on to the jury panel and having language difficulties, and with the larger number of younger people, the general standard of juries may drop. However, as jury service is a liability it seems to me that, as we have fixed the age of 21 as the age for compulsory voting, there is no reason why we cannot adopt the House of Assembly roll in this matter, particularly as this seems to be the position in every other State.

We are indebted to the Hon. Sir Arthur Rymill for pointing out that originally a property franchise was required, and it is true that it is still required in England, but there is a difference in England in that juries are required to return unanimous verdicts whereas in South Australia all that is required is a majority of 10 after four hours' deliberation, except in murder trials. It has been argued by learned writers that where unanimity is not required there seems to be no reason why the broad roll should not be used and the liability not confined to a section of the community with property qualifications. As this is a liability, I think the burden should be spread among the community. If this does not work satisfactorily, I am sure that the officers charged with the administration of the Act will promptly report that things are not going too well and that the Government will have to reconsider the matter. I see no reason in anything put forward by other speakers to change my opinion that the Bill should be left as it is.

The Hon. D. H. L. BANFIELD: By way of interjection to the Hon. Sir Arthur Rymill I said that writs were issued at very short notice for one election, and I was challenged to bring forward the necessary information. I have endeavoured to do so, but unfortunately there is no legal necessity to give notice of the issue of writs before the rolls close. The orders given to the returning officer are confidential, and he is unable to advise me how much notice he received. It is possible, however, for the order to be given in the morning and for the writs to close that night. I said that when there was a concerted effort to get people on the roll a large number of applications went in on the Monday morning, and the issue of the writs closed within two days.

The Committee divided on the amendment:

Ayes (10).—The Hons. Jessie Cooper, M. B. Dawkins, L. R. Hart, Sir Norman Jude, H. K. Kemp (teller), Sir Lyell McEwin, C. C. D. Octoman, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (8).—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, A. F. Kneebone, F. J. Potter, and A. J. Shard (teller).

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 6 to 9 passed.

Clause 10—"Qualifications of Jurors."

The Hon. H. K. KEMP moved:

To strike out "words" twice occurring, and insert "word"; to strike out "and 'Legislative Council'"; and to strike out "and 'House of Assembly' respectively".

Amendment carried; clause as amended passed.

Clauses 11 to 14 passed.

Clause 15—"Preparation of lists from Legislative Council Rolls."

The Hon. Sir ARTHUR RYMILL: I would imagine that this clause would also need amending in view of the success of the previous amendment. Would you propose to make this amendment, Mr. Chairman, may I ask with respect, or is it necessary to move the necessary consequential amendment?

The Hon. H. K. KEMP: I am advised by the Parliamentary Draftsman that the consequential alterations will be made automatically.

The CHAIRMAN: Is the Committee happy for that alteration to be made?

The Hon. Sir LYELL McEWIN: Is it within the power of anybody to alter a clause after it has been dealt with in Committee and approved, without authority? It seems extraordinary to me if that is so.

The Hon. A. J. SHARD: I am advised that this clause does not need any alteration. In the old days it used to be "subdistrict" and "subdistricts", and the insertion of the words "subdivision" and "subdivisions" respectively covers the matter according to the Parliamentary Draftsman. He says that clause 15 as it stands covers the position.

Clause passed.

Clauses 16 and 17 passed.

Clause 18—"Balloting for jurors."

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

To insert after "list" second occurring, and within the quotation marks, "provided that, whenever practicable, the Sheriff shall ensure that each panel shall contain not less than fourteen women."

The explanation is as follows: The amendment to this clause adds a proviso to section 32 of the principal Act dealing with the ballot by the Sheriff to form a jury panel. The proviso requires the Sheriff to ensure that each jury

panel shall contain not less than 14 women (the present practice being for a jury panel to comprise some 40 men). By virtue of clause 18, the panel must comprise men and women in the same proportions as they appear in the jury list and the result will be that usually there will be approximately the same number of men as women on the jury panel. In the case of the Port Augusta jury district, however, this will not be so owing to the great preponderance of men on some of the subdivision rolls (the word "subdivision" is used in amending clause 15) and the proviso proposed to be added is designed to bring this situation into line with that obtaining in the other two jury districts by prescribing a minimum number of women who will appear on each jury panel.

This amendment is submitted at the suggestion of the Sheriff. If he had to try to get equal numbers of men and women, it would be difficult in some districts. This provides that there must be a minimum of 14 women on each jury panel.

The Hon. R. C. DeGARIS: I am not completely clear on this. As far as I can understand this matter, it means that, supposing 90 per cent of the women on the roll decide that they do not wish to accept jury service, then 5 per cent of the total number of the roll would be guaranteed 14 women of a total jury panel of 40.

The Hon. S. C. Bevan: What do you do with the other 90 per cent?

The Hon. R. C. DeGARIS: My point is, if I understand it correctly, that, if a large number of women decide not to accept jury service, this number of 14 may be difficult to get on a jury panel. Is that a correct assumption?

The Hon. A. J. SHARD: The position, as I understand it, is that the Sheriff feels confident that he will be able to get 14. His job is to get a panel for a jury a month or two months ahead. He must ensure that, wherever practicable, there is a minimum of 14. The purpose of the clause is that, wherever possible, the representation shall be 50-50, but in the districts where it is difficult the Sheriff must ensure that there are not less than 14 women available.

The Hon. R. C. DeGARIS: There may be still a difficulty in getting 14 women for a panel of jurors. I do not know whether or not I am looking at this correctly, but I can see difficulties facing the Sheriff when he tries to get 14 women on a panel of jurors if many women decide they do not wish to serve.

The Hon. F. J. POTTER: There is an ambiguity here that I do not understand. This provision refers to the persons in the jury list who are to be summoned. That list is prepared annually. So far as I understand it, there is no machinery by which this list can be added to from month to month. If we assume an annual jury list of about 1,600 people (which is, I understand, the standard list), under clause 16 it would mean that there would be approximately 800 men and 800 women. Clause 18 provides that the monthly panel of 40 is to be drawn on more or less a 50-50 basis.

What I do not understand about clause 18 is this: What is the jury list? Is it the jury list as originally drawn or the jury list as it becomes after some women have exercised their right not to serve, having been served with a summons? As the Hon. Mr. DeGaris has said, if 90 per cent of the women withdraw, we have in fact 800 men left in the 1,600 on the list, but we have only 80 women left. From this ratio, we have to draw 14 women for each panel from the 80 women left on the list. In other words, we would not have enough women to complete the whole year's work.

The CHAIRMAN: I remind honourable members that the amendment states "whenever practicable".

The Hon. A. J. SHARD: The Parliamentary Draftsman says that the position stated by Mr. DeGaris could arise. The amendment states only "whenever practicable". If it is not practicable, the Sheriff cannot do it, and there will be a preponderance of men.

The Hon. R. C. DeGARIS: It still appears to me that we could have a jury list on which every woman who had accepted jury service would have to take her turn on a jury. This appears to present some difficulty. I do not know whether or not it is logical to suggest a further amendment to this. If the Chief Secretary is happy in his own mind that it is practicable under this amendment for the scheme to work, I, too, am happy, but I think it may not be a practical amendment for the service of women on juries.

The CHAIRMAN: The amendment does cover that point; it states "whenever practicable".

Amendment carried; clause as amended passed.

Clauses 19 to 33 passed.

Clause 34—"Amendment of principal Act, Second Schedule."

The Hon. A. J. SHARD: The Parliamentary Draftsman has been instructed by the Attorney-General that it is not intended to proceed with this clause for the following reasons:

The clause replaces the term "subdistrict" wherever it occurs in the Second Schedule with the term "subdivision" and is, therefore, as stated in the second reading explanation, in keeping with the amendments to sections 9, 10 and 23 of the principal Act made by the Statute Law Revision Act, 1957. However the Sheriff has drawn the attention of the Government to the fact that proclamations made under section 10 of the principal Act have varied the areas of jury districts as defined in the Second Schedule. In the result, the Second Schedule is, in effect, superseded by the proclamations and it would now be inappropriate to make any amendment to it.

Clause negatived.

Remaining clauses (35 to 37) and title passed.

Bill reported with amendments. Committee's report adopted.

ADJOURNMENT.

At 5.29 p.m. the Council adjourned until Thursday, October 7, at 2.15 p.m.