HOUSE OF ASSEMBLY.

Wednesday, November 16, 1955.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

FRIENDS OF THE BLIND LEAGUE.

Mr. O'HALLORAN—Has the Premier any further information concerning a matter I raised while discussing the Estimates, namely, the withdrawal of the licence to the South Australian Friends of the Blind League under the Collection for Charitable Purposes Act?

The Hon. T. PLAYFORD—I have received the following report from the secretary of the Advisory Committee appointed under the Collections for Charitable Purposes Act:—

The S.A. Friends of the Blind League made an application for a licence under the Collections for Charitable Purposes Act in December, 1953, "to further the aims and objects of the league" in accordance with its constitution. The application was considered by the Advisory Committee in terms of section 11 of the Collections for Charitable Purposes Act. The league, in support of its application, submitted a list of children receiving no education and not receiving any service except through the Friends of the Blind League. The Advisory Committee recommended a licence with the specific condition that the activities of the league did not overlap the work being done by existing licence holders, these being the Royal Institution for the Blind, the Blind Welfare Organization, and Townsend House.

On 10/3/55, representatives of the Royal Institution for the Blind, the Blind Welfare Organization, and Townsend House interviewed the Hon. the Chief Secretary, and stated that the Friends of the Blind League was undertaking work already covered by their organizations, viz., assisting the adult blind, and the wording of its public appeals was causing confusion in the minds of the public. Subsequently, representatives of the Friends of the Blind League stated their case to the Minister, as a result of which the matter was referred to the Advisory Committee for inquiry pursuant to section 13 of the Collections for Charitable Purposes Act. The committee met the representatives of the organizations concerned. It was found that the Friends of the Blind League had overlapped the work of other organizations, and in respect to the proposal by the Friends of the Blind League to establish a pre-school kindergarten for which purpose funds were being raised, it was not established by the league's representatives that the need for this existed, and the orginal claim that blind children were not receiving attention was not substantiated. As a result the Committee recommended to the Hon. the Chief Secretary that the licence of the league be not renewed on its expiry on 30/6/55. The league was subsequently informed that moneys raised were to be vested in the Minister in accordance with the Act, but instead returned the money to contributors. The Advisory Committee did endeavour to bring about some measure of co-ordination between the organizations concerned, but was unable to do so, and consequently had no alternative but to make the recommendation not to renew the league's licence.

Mr. GEOFFREY CLARKE—Can the Premier give an assurance that his reply does not in any way suggest that the members of this league are other than most reputable persons anxious to perform some laudable charitable work?

The Hon. T. PLAYFORD—When this matter was originally raised by the Leader of the Opposition I indicated that I had an assurance from the Chief Secretary that there was no suggestion of any improper practices or motives behind the collections. It was merely a matter of not duplicating the purposes for which the licence had been issued. I can give an assurance that this matter was not referred to the advisory committee because of any suggestion of improper practices, but rather the opposite. The only point at issue was whether it was a good thing to duplicate services already provided for under the Act.

BUILDING FOUNDATIONS.

Mr. FRANK WALSH—Has the Premier a reply to the question I asked on October 4, concerning the possible amendment of the Building Act to provide that a reasonable time must elapse after foundations are poured before a building is constructed?

The Hon. T. PLAYFORD—I referred the question to the chairman of the Building Act Advisory Committee, who has furnished the following report:—

The question of whether it should be prescribed by regulations under the Building Act that a period of time should elapse between the pouring of concrete footings and the erection of walls on the footings will be considered at the next meeting of the Building Act Advisory Committee.

WOODVILLE PRIMARY SCHOOL.

Mr. TAPPING—About 18 months ago, in company with the Minister of Education, I visited the Woodville Primary School in connection with complaints by the school committee. One complaint related to the shocking state of the playing arena within the school's precincts. The Minister suggested that estimates be taken out and forwarded to him for his consideration and approval. I have been informed that the necessary information is still in the hands of the Architect-in-Chief's Depart-

ment. As the House will be proroguing next week and the school committee is bringing pressure to bear on me will the Minister expedite the information in order to consider this matter?

The Hon. B. PATTINSON—I shall be pleased to do so. It may well be that the Architect-in-Chief's Department is so overwhelmed with requests from the Education Department and other departments that he will ask me where I desire this one on the list of priorities. However, I will get a considered reply for Tuesday next.

SPEED LIMIT THROUGH NEW TOWNSHIP.

Mr. HAWKER—Earlier in the session I asked the Premier whether the speed limit of 35 miles an hour applied to the new town being built near Salisbury and he told me it applied to all township areas, but that no township had been declared at that site. Since then the town has been named, and in addition there are two notices on the main road indicating the northern and southern limits of the town. Can the Premier say if that means the speed limit of 35 miles an hour now applies there? If not, what will be the indication to the travelling public when the limit comes into force?

The Hon. T. PLAYFORD—Although the new town was opened this morning and given an official name it has not yet been proclaimed. A proclamation regarding the area of the town will have to be made by Executive Council. As soon as one is made the town will have a legal entity and be subject to the provisions of the Road Traffic Act. When the town is proclaimed it will be an offence for any person to drive through it at a greater speed than 35 miles an hour. For the convenience of the motoring public, if any section of the Main North Road comes within the definition of the town it would be advisable for a speed notice to be placed on the roadside, as has been done at many other places. It has been done on all the approaches to the metropolitan area. In the case of a motorist coming from, say, the South-East, and not conscious that he is entering the metropolitan area, a notice has been placed on the Mount Barker road adjacent to the Eagle on the Hill, indicating that he is in a local government area and must abide by the speed limit. I will ask the Minister of Roads to see that when the proclamation is made, and it is necessary for the speed limit to be observed in the new town, a notice is placed on the roadside to that effect. Until the town is proclaimed there is no obligation on the motorist to reduce his speed. As soon as a definition can be drawn up the town will undoubtedly be proclaimed.

SALISBURY CONSOLIDATED SCHOOL.

Mr. JOHN CLARK—This morning I had the honour, with other members, to attend the opening of the new town, Elizabeth. I was approached by several people who are interested in the Salisbury Consolidated School, where I understand a new privy block is being built. At present plans are for the male teachers to use the same urinals as the boys, with one closet to which they have keys. I understand also that the male teachers are not happy about this and suggest that a separate block with closet and urinal be made available for them. The Minister of Education will agree that this is of the utmost importance to the teachers, who do not want to share the block with the boys under their charge. Will the Minister have the matter investigated to see whether anything can be done, although possibly it may be too late?

The Hon. B. PATTINSON—Yes.

BANKS AND HIRE-PURCHASE.

Mr. MACGILLIVRAY—My question relates to the action of the banks in hurriedly going into hire-purchase business. Recently I dealt with this subject at some length and quoted the extortionate profits made by certain companies in which some banks have large shareholdings. Up to the present, so far as I know, a bank has used a company as a cover, but today's press reveals a new approach. The E.S. & A. Bank Limited is floating a new company, Esanda Limited, a wholly owned hire-purchase finance subsidiary of the bank, with the rates of interest for debenture holders set out. Will the Premier take up the matter with the Commonwealth authorities to see whether the charter, which is necessary in the setting up of a bank, permits the bank to enter the business of money-lending, because, call it what we like, hire-purchase is that? If it does, will the Premier inquire into the advisability of bringing that section of the bank's activities under the money-lending legislation in this State? A function of that Act is to see that fair rates of interest and fair terms are given to people who deal with moneylenders. Evidently at present the banks are not under that control

and they are extracting extortionate rates of interest from that section of the community least able to pay them.

The Hon. T. PLAYFORD—The Commonwealth has prescribed banking legislation and the operations of a bank are under the constant regard of the Commonwealth Bank, which in turn is responsible to the Commonwealth Treasurer. Under banking legislation the Commonwealth Bank, and consequently the Treasury, can give instructions regarding major matters of policy. I do not think any legislation passed by this Parliament to control banks would be valid because banking is specifically a Commonwealth constitutional obligation. Regarding the first part of the question, I know that both the Commonwealth Treasurer and the Commonwealth Bank are having regard to this matter, and there is no need for us to take it up.

BUSES IN KING WILLIAM STREET.

Mr. LAWN—This week the Tramways Trust has inaugurated bus services through King William Street and the loading and unloading places are different from those for trams. I understand that one of the loading and unloading areas is in front of the Commonwealth Bank, but this area was previously reserved for vehicles used by people who call at the bank for huge pay rolls. Those people now have to park elsewhere in King William Street farther from the bank, and this means that parking has become even more congested, and those calling for pay rolls find it even more difficult to park their cars. Will the Premier see whether any steps can be taken in this matter?

The Hon. T. PLAYFORD—As one who travels frequently up and down King William Street, I have long strongly held the view that the Adelaide City Council should take much more drastic action to stop parking and ranking—and in some instances double ranking—in King William Street, which is our main thoroughfare. It was undoubtedly surveyed for the purpose of providing transport for the public generally and not for a parking area. The fact that so many vehicles are allowed to park for a long time seems to me something that requires urgent action by the city fathers. I believe that tramway buses hold a special place because, after all, they provide public transport for many people. They are not by any means exclusive vehicles, so I believe that facilities should be made available for them.

ELECTRICAL ARTICLES AND MATERIALS ACT.

Mr. DUNNAGE—Is it a fact that certain electrical appliances are being offered for sale in South Australia without being approved by the Electricity Trust which, I understand, is required under regulations recently gazetted?

The Hon. T. PLAYFORD—The Assistant Manager of the Electricity Trust reports:—

The Electrical Articles and Materials Act, 1940, which covers this matter, permitted stocks of equipment in hand when the regulations were gazetted to be disposed of without being marked for approval. Not all appliances have been prescribed under the regulations but those which are prescribed must now carry a proper approval mark. The general public in its own interests should make sure when purchasing electrical appliances that if they are prescribed appliances they carry a proper approval mark of Electricity Trust of South Australia or of a corresponding electricity authority of another Australian State. The regulations provide for uniformity of approvals between the various States.

I hope that the report will be given considerable publicity in the interests of the public generally. The regulations were gazetted in September, 1954, so any stocks of electrical equipment now being marketed should, if they are of the prescribed quality, have the approval mark upon them and all consumers, in their own interests, should see that the equipment is approved before they buy.

APPRENTICES WEEK.

Mr. FLETCHER—Can the Minister of Education say whether any arrangements have been made for members of Parliament to visit the Frome Road schools?

The Hon. B. PATTINSON—This morning I discussed the matter with the Director of Education and the Superintendent of Technical Education, who is chairman of the Apprentices Board, and we have arranged to invite members of both Houses to visit two of our trade schools on Wednesday next between 9 and 11 a.m. We may visit the engineering trades school at Kintore Avenue and the automotive trades school at Frome Road, and if members who are free next Wednesday morning will meet outside the House at about 9.15 a.m. we shall arrange transport and have them back in time for Party meetings or other engagements by 11 o'clock. Later today, or tomorrow morning, the Director of Education will have written invitations for members.

PRIVATE BUS ROUTES.

Mr. FRED WALSH—A few weeks ago I asked the Premier a question about the Tramways Trust's policy on taking over certain private bus routes. Has he a reply to my question?

The Hon. T. PLAYFORD—The general manager of the Tramways Trust reports:—

The general policy of the trust is not to take over licensed bus services in the near future, although it intends to absorb several privately operated "feeders" to tram routes when the routes concerned are converted to bus operation in order to establish through running to the city. The trust granted a five year licence to most private operators, during which period the trust will be heavily engaged in converting its tram system to bus operation. In any case, the trust would not have the facilities to take over licensed services over the next few years, even if it were economic to do so.

AMALGAMATION OF BANKS.

Mr. QUIRKE—Recently we have been notified through the press of the intention of certain banks to institute savings bank branches in association with their trading activities. The obvious purpose is to increase the liquidity of their resources, and although I do not blame them for their action—it is a good bank principle—I can see that the State Bank of South Australia could be at a disadvantage. At various times I have brought up the matter of the amalgamation of the Savings Bank of South Australia, which is an instrumentality guaranteed by the State Government, with the State Bank of South Australia with a view to making the State Bank a bank of issue that could act in the same way as other trading banks and issue its own credit. In view of the competition that is now quite obvious from the private banks, can the Premier say whether any such action is likely in regard to the State Bank, for I am certain this could be an extremely valuable force for the people?

The Hon. T. PLAYFORD—The only new application I know concerning Savings Bank activity is from a New South Wales bank which, I understand, has applied to the Commonwealth Government for a licence to establish savings bank activities. That bank does not operate a large number of branches in South Australia, and consequently I do not believe it will have a big influence upon Savings Bank accounts in this State. The Savings Bank of South Australia has proved over many years that it has the complete confidence of the South Australian public, and notwithstanding the establishment by the Commonwealth Bank of Savings Bank branches in this State, I believe the ratio of savings deposits by South Australians in their own Savings Bank to those in the Commonwealth Savings Bank is still in favour of the South Australian bank by about five to one. In other words, the South Australian depositor has found the South Australian Savings Bank has given him a good reliable service, and he has not seen fit to change his account to another bank, although I am not saying that other banks do not give a good service. The public has supported the South Australian Savings Bank, and incidentally, the level of the average deposit there is the highest of any Australian Savings Bank.

The State Bank of South Australia is, of course, a different type of bank: it conducts not savings bank activities, but general bank activities and a number of functions for the State Government, which have been handed over to it in accordance with Acts of Parliament. Its money is usually provided from the Loan funds of the State or from a portion of the deposit accounts that the bank has attracted to it in the course of its operations. That bank, too, is carrying on very successfully: its business has grown; it has made profits; it is conducting a sound banking business; and as far as I know, no alteration is needed in either its character, composition or the class of work it does. Some time ago the Credit Foncier Department and the General Banking Department were amalgamated, which enabled some savings in administrative costs and also greater convenience to the public. The South Australian Savings Bank and the State Bank are carrying on successfully; neither has been adversely affected by competition; and as far as I know, both enjoy the confidence of South Australians.

Mr. Quirke—Nobody denies that, but I want to strengthen the State Bank to the utmost.

The Hon. T. PLAYFORD—If carried out to its ultimate conclusion, the honourable member's suggestion would mean an amalgamation of the Savings Bank and the State Bank.

Mr. Quirke—Like that of the Commonwealth General Bank and the Commonwealth Savings Bank.

The Hon. T. PLAYFORD—I doubt very much whether that would strengthen the institutions concerned because people depositing money in a savings bank do so for a specific

purpose and I doubt whether they would operate so freely if the money were being deposited in a trading bank. Both the institutions have an admirable working arrangement and assist each other in many ways.

Mr. Stephens—Can they extend their operations?

The Hon. T. PLAYFORD—The operations of the two banks cover the complete field and, as far as I know, no action is needed.

HOSPITAL SUBSIDIES.

Mr. O'HALLORAN—Has the Premier any information concerning a question I raised in the debate on the Estimates, regarding subsidies to non-subsidized hospitals for the treatment of indigent patients?

The Hon. T. PLAYFORD—The Leader asked his question particularly in relation to the Terowie Hospital, and I have received the following report from the Deputy Director-General of Medical Services:—

The arrangement for treatment of indigent patients in "district" hospitals other than Government subsidized hospitals, is considered to be adequate. Under that arrangement a small subsidy is provided by the Government in the form of payment by the Hospitals Department to the respective hospitals of an amount of 12s. per day for any "pensioner" or "indigent" patient accommodated in such hospital who cannot without danger to his or her condition be sent to, or later transferred to, the nearest Government or Government subsidized hospital. Payment is subject to the submission by the hospital of the following information:—

1. Evidence that the patient concerned is a "pensioner," or is otherwise indigent.
2. Submission of a certificate by the medical officer, stating—
   (*a*) The disease or injury from which the patient is suffering;
   (*b*) That the patient could not without danger to his condition be sent to, or later transferred to, the nearest Government or Government subsidized hospital.

The hospital also receives 8s. per patient per day under the Commonwealth hospital benefits scheme. A sum of £70 4s. was recently paid to the Terowie hospital on behalf of pensioner and indigent patients accommodated in that hospital. A large proportion of this amount would have been made available to the hospital much earlier had the hospital submitted its claims regularly each month, as should have been done.

FORESHORE IMPROVEMENTS.

Mr. TAPPING—I understand that the Port Adelaide City Council contemplates building additional shelter sheds on the Largs Bay and Semaphore foreshore. As these places attract many visitors and tourists, particularly in summer, will the Treasurer consider the subsidizing by the Tourist Bureau of the construction costs involved?

The Hon. T. PLAYFORD—Through the Tourist Bureau the Government subsidizes district councils to enable the establishment of facilities for tourists and the travelling public generally. If the honourable member or the council will apply, setting out details of the proposed work, I will see that the application is considered.

OVERLOADING OF VEHICLES.

Mr. FRED WALSH—Has the Premier a further reply to my recent question concerning the overloading of commercial vehicles?

The Hon. T. PLAYFORD—The Minister of Local Government and Roads has furnished the following report:—

As previously pointed out, considerable damage is being caused to many of our roads by breaches of Part IV of the Road Traffic Act, and in order to deter vehicle owners from the practice of overloading, fines must be substantial to be effective. The penalty which may be imposed for overloading of vehicles is fixed by section 91 of the Act at the rate of not less than 5s. and not more than £2 for each hundredweight or part of a hundredweight carried in excess of the weight allowed. This increased rate has been applicable only since assent was given to the Road Traffic Act Amendment Act (No. 2) of 1953.

Prosecutions for overloading are generally heard before Justices of the Peace, and unfortunately in many instances, only a nominal fine is imposed. Under these circumstances it pays the vehicle owner to overload and run the risk of detection. Recently one driver apprehended with an overloaded vehicle refused to immobilize it and drove on to Sydney. He was duly fined £25 for not complying with the Act. The police, of course, have power to detain an offender until such time as he complies, and steps are now being taken to deal very rigorously with such cases in the future.

SAVINGS BANK AND HOUSING.

Mr. QUIRKE—We have recently been informed that the funds available to the Housing Trust will not be sufficient to enable it to carry out its housing programme to meet the needs of the people. Can the Premier say whether it is not a fact that by far the greatest investment the South Australian Savings Bank has is in Commonwealth loans and that annually he has to wrangle with the Loan Council to receive back some of the money invested by South Australians? Would it not be possible for the trust, which is sadly

in need of funds, to use to the maximum the resources of the Savings Bank in order to meet the needs of South Australian people?

The Hon. T. PLAYFORD—The Savings Bank has been extremely obliging in assisting the State in its housing activities and on many occasions has provided money for that specific purpose. On one occasion it made loans available at low interest rates. This year it is making available to the Housing Trust a substantial sum to assist the housing programme. It is not possible for the Savings Bank to apply all its funds for that purpose because it must retain certain securities which are readily converted into cash and also substantial sums to meet withdrawals by depositors. The Government has received the utmost co-operation from the bank and I have the fullest appreciation of the assistance the governors of the bank have rendered.

Mr. Quirke—I am not criticizing the bank. My question is related to the investment of its funds.

The Hon. T. PLAYFORD—The first obligation of the bank is to the depositors and it must be able at all times to meet depositors' withdrawals. I have no doubt that the National Debt Commission would at any time subscribe the necessary money to take its Commonwealth Loan bonds.

Mr. Quirke—At their full value or their market value?

The Hon. T. PLAYFORD—At an appropriate value which, in some instances, may exceed the full value, depending upon the nature of the scrip, the date of maturity and the interest that has accrued. I assure the member that from the point of view of housing we have received the utmost co-operation from the bank.

ST. JOHN AMBULANCE BRIGADE.

Mr. O'HALLORAN—During the Estimates debate I queried the reduction of the subsidy to the St. John Ambulance Brigade from £32,500 last year to £20,000 this year. Has the Premier a report on this matter?

The Hon. T. PLAYFORD—The £32,500 last year was made up of £20,000 provided on the ordinary Estimates and £12,500 on the Supplementary Estimates as a special grant to assist ambulance activities. The amount of £20,000 provided this year is the normal annual grant and is the same as last year.

PERSONAL EXPLANATION: FROZEN FISH.

The Hon. A. W. CHRISTIAN—I ask leave to make a personal explanation.

Leave granted.

The Hon. A. W. CHRISTIAN—In reply to a question asked by the member for Onkaparinga (Mr. Shannon) on November 8 relating to the marketing of frozen fish, I said:—

In order to foster this trade, the South Australian Fishermen's Co-operative Limited has supplied approximately 200 deep freeze cabinets to grocers, butchers and fish shops throughout the metropolitan area.

That is not correct. The information was transcribed from a letter from the South Australian Fishermen's Co-operative Limited in such a way as to convey wrong information. The letter stated:—

This society sells the fish wholesale and we supply approximately 200 deep freeze cabinets throughout Adelaide and the suburbs.

That is entirely different. It means that the society supplies fish to these deep frozen units —not the actual units.

WEEDS BILL.

The Hon. A. W. CHRISTIAN (Minister of Agriculture)—I move—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to make provision for the destruction of certain weeds, and for other purposes.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

THE NATIONAL TRUST OF SOUTH AUSTRALIA BILL.

Second reading.

The Hon. B. PATTINSON (Minister of Education)—I move—

That this Bill be now read a second time.

In recent years a number of citizens have been interested in the formation of a National Trust, and representatives of different groups have approached the Government with proposals for legislation to establish a body of this kind. The precedent for such legislation is to be found in England. The first National Trust Act there was passed in 1907 and there were further Acts in 1919, 1937 and 1939. Even before the Act of 1907 there was a National Trust in existence. It had been formed as a non-profit association in 1894

under the name of the National Trust for Places of Historic Interest or Natural Beauty. Its powers and functions were extended by the subsequent legislation. Its basic purpose, as defined in the Act of 1907, is to promote the permanent preservation for the benefit of the nation of lands and tenements including buildings of beauty or historic interest, and as regards land the preservation of its natural features and animal and plant life.

The various groups of people in this State who have been interested in the formation of a National Trust have all been influenced by the English legislation, but there has been some diversity of outlook. Some people have been interested rather in places of historic interest; others in the preservation of areas of natural beauty or scientific interest. Until recently there has been some lack of unanimity and the various Bills which the Government has drafted have not received a sufficient consensus of support to justify the Government in proceeding with them. However, as a result of conferences between the interested parties and the Government proposals have been worked out with reasonable clarity and the Government has promised that it will introduce legislation. To carry out the suggested schemes two Bills will be necessary. One will extend the functions of the Commissioners of the National Park and will take the form of a Bill to amend the National Park Act. The present Bill deals with the formation of a National Trust. The Bill consists of nine clauses and a schedule containing the rules setting out the principles governing the membership and management of the trust. The rules will be subject to alteration by the trust. In preparing the Bill the Government had the benefit of a draft submitted by persons who may be regarded as the sponsors of the Bill, and who were sufficiently enthusiastic about the formation of a National Trust to employ solicitors to assist them in setting out their ideas. The Bill incorporates most of the ideas submitted by the sponsors.

The effect of the enacting clauses is as follows—Clause 3 provides for the constitution and incorporation of a body to be called the National Trust of South Australia. Clause 4 sets out that the National Trust is to consist of the persons and bodies corporate who are members or councillors of the trust in accordance with its rules for the time being. This is a clause of some importance and with a significance which might be overlooked. In some of the previous proposals for a National Trust there was no provision for public membership of the trust. In other words, the governing body of the trust was the whole trust. Under this Bill it is contemplated that the trust will enrol members of the public as members and will, in addition, have a council to manage its affairs. Clause 5 sets out the objects of the trust. These, shortly stated, are to preserve lands and buildings of beauty or historic, architectural, artistic, national or scientific interest for the benefit of the citizens of this State, and to preserve chattels of national, historic, artistic or scientific interest, and to make arrangements for the access to and enjoyment of such lands, buildings and chattels by the public.

Clause 6 provides that the affairs of the trust shall be administered and managed by a council which will be constituted in the manner set out in the rules of the trust. It can be seen from a perusal of rule 7 in the schedule of rules at the end of the Bill that the council will consist of a president and 24 members. Twelve of the members will be representatives of various bodies in South Australia such as the Royal Society, Royal Geographical Society, University of Adelaide, and other organizations mentioned in rule 7, including the Trades and Labor Council. The other 12 members will be elected from among the members of the trust at a general meeting. Clause 7 exempts the property of the trust from State rates and taxes, and also exempts gifts to the trust from succession duty. Agreements for transferring or vesting property in the trust are exempted from stamp duty. Clause 8 enables the council of the trust to make regulations for safeguarding and managing the trust's property. These regulations will be binding on the general public but will not come into operation until they have been confirmed by the Governor and gazetted in the same way as ordinary Government regulations. They will be subject to the usual Parliamentary control.

Clause 9 provides that the rules set out in the schedule to the Bill will be rules for regulating the membership, affairs, business and management of the trust, but the rules may be altered or repealed by other rules made by the council of the trust. These other rules will be subject to veto by members of the trust at an annual general meeting. They will also have to be gazetted and will be subject to disallowance by Parliament. It will be seen that this Bill is an instrument for facilitating a work which certain public spirited citizens are anxious to do in the

interests of present and future generations of South Australian citizens. It does not impose any charges on the revenue of the State.

Mr. FRANK WALSH secured the adjournment of the debate.

LAND AGENTS BILL.

Second reading.

The Hon. B. PATTINSON (Minister of Education)—I move—

That this Bill be now read a second time.

It repeals and re-enacts the Land Agents Act, making a large number of alterations to the provisions of that Act. Its principal objects are to transfer the responsibility for the licensing of land agents from the local courts to the Land Agents Board, and to require an applicant for a licence to have some experience of the work of a land agent or some knowledge of a land agent's duties and liabilities before he is granted a licence. In addition, the Bill makes many other alterations to the provisions of the Land Agents Act. A variety of topics, including so-called "nom-de-plume" advertisements and the preparation of Real Property Act and other documents, are dealt with. The licensing provisions have also been re-framed.

In recent years, the Government has received many complaints concerning the conduct of land agents. Most of the complaints indicated either sharp dealing or incompetence or both. Many suggestions have been made for amendments to the Land Agents Act designed to prevent sharp practices and to prevent incompetent persons from practising as land agents. Most of these suggestions have been made by the Land Agents Board and the Real Estate Institute. It is not practicable or desirable to deal by legislation with all the issues which have been raised. A strong case, however, has been made out for imposing a stricter control over the licensing and activities generally of land agents. After giving the matter careful consideration, the Government has come to the conclusion that it would be of great assistance to transfer the granting of licences from the local court to the Land Agents Board. A single authority would be in a better position to deal with the problems which arise, and an administrative board would be a more suitable authority than a court to deal with the licensing of land agents, which is an administrative rather than a judicial function. At the same time local courts would be freed of a task for which courts are not well adapted.

The Government has also decided that for the purpose of exercising a stricter control over the licensing and activities of land agents it is desirable to re-organize the system of granting licences, and that for the purpose of ensuring that incompetent persons are not licensed it is desirable to require an applicant for a licence to have some experience of the work of a land agent or knowledge of the duties and liabilities of a land agent before he is granted a licence. In introducing this measure, the Government wishes to emphasize that it does not criticize land agents as a whole. Many of them render excellent and honourable service to the community and enjoy reputations beyond reproach. The Government has reason to believe that the Bill will be welcomed by these land agents as a protection to their good name and to the public.

The details of the Bill are as follows:—Part I, which contains clauses 1 to 6, deals with introductory matters, and does not require comment. Part II, which contains clauses 7 to 22, deals with the Land Agents Board. It provides for the continuation of the present board of three members, one appointed on the nomination of the Real Estate Institute and two on the recommendation of the Attorney-General. The provisions of Part II, except for additional provisions of an ancillary nature, are the same as the provisions of the Land Agents Act dealing with the constitution of the board. Part III deals with the licensing of land agents. Under the Land Agents Act, a licence may be held in three different ways, namely, by an individual on his own behalf, by an individual on behalf of himself and his partners, and by an individual on behalf of a company. This arrangement has a number of disadvantages.

First, after a partnership licence is obtained, there is no direct control over the persons who are subsequently admitted to the partnership. Once an applicant has obtained a partnership licence he is at liberty to take in anyone as his partner. If the holder of the licence takes in an undesirable partner, the only remedy is to apply for the cancellation of the licence. Secondly, only one fidelity bond is taken out in respect of all the partners, so that in a large partnership the security is not very great. Thirdly, the death of the partner holding the partnership licence leaves his partners unlicensed, and similarly the death of the person holding a licence for a company leaves the company unlicensed. In both cases

unnecessary inconvenience is caused. Fourthly, the scheme whereby a licence is held by an individual on behalf of a company has unsatisfactory features. It requires a person other than the person actually carrying on business as a land agent to hold the licence, and this leads to uncertainty whether obligations placed on a licensed land agent by the Land Agents Act fall on the company or the person who holds the licence on behalf of the company.

In order to overcome these difficulties, the Bill provides for every individual land agent, every member of a partnership carrying on business as a land agent, and every corporation carrying on business as a land agent to hold a land agent's licence. At the same time, in order to secure that a corporation's business is properly supervised, the Bill requires a corporation carrying on business as a land agent to employ a person registered as a manager under the Bill. Part V of the Bill provides for the registration of persons as managers for this purpose. The qualification for registration is substantially the same as the qualification required under the Bill for the issue of a land agent's licence.

Part III provides as follows:—Clause 23 requires every person whether an individual, partner or corporation carrying on business as a land agent to hold a land agent's licence. Clauses 24 to 26 provide for applications for licences to be made to the Land Agents Board and deal with matters relating to applications. Clause 27 sets out the qualifications required of an individual applicant for a licence. First, he is required to be over 21 years of age. This provision has been suggested by the Land Agents Board and the Real Estate Institute. The present practice of local courts is not to grant licences to applicants who are under 21, and this provision gives legal effect to the practice.

Secondly, the applicant is required to satisfy the board that he is of good character. The Land Agents Act requires an applicant to satisfy the court that his character is such that he is a fit and proper person to carry on business as a land agent, having regard to the interests of the public. The Bill thus places a more definite onus of proof of character on an applicant. Thirdly, the applicant is required to satisfy the board that he is solvent. The Land Agents Act prohibits the issue of a licence to an insolvent, so that this provision does not substantially alter the law. Fourthly, the applicant must show that he has been employed in the business of a land agent for two years, unless he has previously held a licence under the Bill or the Land Agents Act, or is or has been a licensed land broker, or in the opinion of the board has sufficient knowledge of the duties and liabilities of a land agent or sufficient commercial experience to carry on business as a land agent.

The board is not obliged to grant a licence to an applicant by reason of two years' employment in the business of a land agent unless the board is satisfied that the employment was such as to give the applicant a sufficient knowledge of the duties and liabilities of a land agent to carry on business as a land agent. Clause 28 provides that, subject to the provisions of the clause, a corporation shall be entitled to a licence on making due application. The board is empowered to refuse to grant a licence to a corporation if it is satisfied that the general manager or other principal officer, or any director, or any person who in the opinion of the board substantially controls the affairs of the company, is not of good character. Clauses 29 to 33 deal with various machinery matters. Among other things, the clauses provide for the payment of fees and the annual renewal of licences. The clauses are based on the provisions of the Land Agents Act.

Clause 34 provides that on the death of a licensed land agent, the person carrying on his business shall be deemed to hold a licence for six months after the death unless the business is sold. This provision is new. The Land Agents Act does not contain any provision enabling a business to be carried on without a licence after the death of a licensed land agent. The Real Estate Institute has drawn the attention of the Government to the desirability of such a provision. Clause 35 is new and provides for the surrender of a licence to the board. This provision has been recommended by the Land Agents Board. Clause 36 provides for the cancellation of a licence and the disqualification of the holder. Clause 36 is substantially similar to the provisions of the Land Agents Act dealing with these matters.

Part IV, which contains clauses 37 to 51, deals with the registration of land salesmen. The registration of land salesmen is at present provided for by regulations made under the Land Agents Act. The opportunity has been taken to include these provisions in the Bill. A number of alterations have been made to these provisions, the most important of which

is that the board has been made the authority responsible for the registration of land salesmen, in place of local courts.

The provisions of clause 39 are new. This clause provides that if the manager of a branch office of a stock and station agent approved by the Attorney-General is a registered land salesman or a registered manager, no other person working in the office need be registered under the Bill. At any time in such an office, it may be necessary for any member of the staff to negotiate the sale of a property, and, but for this provision, in order to ensure that the law would not be broken, it would be necessary for several members of the staff to be registered. It is regarded as unnecessarily burdensome that more than one employee at each branch office should be required to be registered, and the clause accordingly provides that it shall be sufficient compliance if the manager is registered. The clause gives legal effect to the practice which has been followed for several years in the administration of the present legislation.

Clause 51 is also new. This section provides that while a registered land salesman is not in the service of a land agent, his registration shall be deemed to be suspended. This provision has been included in the Bill following representations made by the Real Estate Institute and the Land Agents Board. These bodies are both of opinion that it is undesirable that persons registered as land salesmen who are not under the control and supervision of a land agent should be able to represent themselves to the public as registered land salesmen. This provision accordingly suspends the registration of a land salesman while he is not in the service of a land agent.

Part V requires a corporation carrying on business as a land agent to employ a person nominated under the Bill as manager of the corporation's business as a land agent in the State who is a registered manager and whose usual place of residence is within the State. Part V also requires an individual carrying on business as a land agent who is resident outside the State, if he has no partner who is resident in the State, to employ a person nominated under the Bill as manager of his business in the State who is a registered manager and has his usual place of residence within the State. The qualifications for registration of a manager are, as has been mentioned, substantially the same as the qualifications required for a licence. The object of Part V is to ensure that where a corporation carries on business as a land agent in the State or where a person resident outside the State carries on business as a land agent in the State, the business will be properly supervised.

Part V will not very greatly alter the position of corporations. As has been mentioned, the Land Agents Act requires that where a company carries on business as a land agent, a licence must be held by a nominee of the company on behalf of the company. Under the Bill, the registered manager will in effect replace the nominee holding the licence under the Land Agents Act. The restriction imposed by the Bill on land agents resident outside the State is entirely new. This provision has been included in the Bill as the result of representations made by the Land Agents Board and the Real Estate Institute. Both these bodies suggested that licences should not be granted except to persons resident in the State. The reasons given were to ensure the proper control of land agents and the proper supervision by land agents of their businesses.

The Government was not prepared to impose such a restriction on the granting of licences, but at the same time decided that steps should be taken to ensure that where a licensed land agent was resident outside the State, his business in the State should be properly supervised. It will be noted that the Bill by requiring a registered manager employed by a corporation to be resident in the State will similarly ensure the proper supervision of businesses carried on in this State by foreign corporations. Clause 52 requires registered managers to be nominated by corporations and by land agents resident outside the State, as has been described. Clause 53 deals with the making of nominations. Clause 54 provides that, if a registered manager dies, or ceases to be employed by the person who nominated him or to be registered or to be resident in the State, it shall not be necessary for a new manager to be appointed for a month.

Clause 55 provides for the same rules to apply in general with respect to the registration of managers as to the registration of land salesmen. Clause 56 sets out the qualifications required for registration of a manager. The qualifications are the same as those required of an applicant for a land agent's licence except for necessary modification. Part VI, containing clauses 57 to 64, deals with the duties of land agents. For the most

part, Part VI reproduces, with alterations, existing provisions of the Land Agents Act. One of the alterations deserves special mention.

An alteration has been made at the suggestion of the Land Agents Board to the provisions of the Land Agents Act requiring a land agent to pay money received by him in his capacity as a land agent into a trust account. At present, a land agent can pay such money into a trust account also used by him for other trust moneys. This renders it very much easier for the money to be misapplied, and also makes the auditor's task difficult. There has been one case where the misapplication of moneys paid into such an account was successfully concealed from an auditor by reason of the mixing of the trust moneys. There have also been a number of cases where auditors have complained of the difficulty of auditing such accounts, and have insisted on the keeping of a separate account. Clause 60 accordingly prohibits a land agent from paying into a trust account kept under the Bill money which he has not received in his capacity as a land agent.

Clauses 63 and 64 create two new offences. Clause 63 makes it an offence for a land agent who is not a land broker to prepare any Real Property Act document or any deed relating to any estate or interest in land, and also makes it an offence for a land agent to cause or permit any such instrument to be prepared by any person other than a land broker or legal practitioner. The object of this provision is to prevent the preparation in land agents' offices by unqualified persons of instruments relating to land. The Real Property Act does not prohibit the preparation of documents under the Act by unqualified persons. It merely provides that fees charged by unqualified persons for the preparation of such documents shall not be recoverable, and prohibits the certification of a document as correct by anyone except a party to the transaction, or a land broker or solicitor.

The Legal Practitioners Act makes it an offence for anyone except a legal practitioner to prepare a conveyance, lease or other deed relating to land for fee or reward. There is some doubt whether this prohibition includes Real Property Act documents. The position is thus that anyone can prepare without charge Real Property Act documents, and conveyances, leases or other deeds relating to land. In addition, the law probably is that anyone preparing a Real Property Act document can receive a fee for the work, although he cannot sue for it. Land agents who are not land brokers frequently prepare instruments relating to land. There are two objections to this practice. The first is that by preparing instruments themselves land agents have succeeded in perpetrating frauds which they could hardly have perpetrated had the instruments been prepared by a land broker or legal practitioner. The second is that many land agents who attempt to prepare instruments have little or no knowledge of the law, with the result that they may place the parties to the transaction in jeopardy, or cause delay and difficulties in the Lands Titles Office.

It should perhaps be pointed out that some land agents in addition charge for these services. It should also be mentioned that the present law places the land agent who is a licensed land broker at a disadvantage. Under the Land Agents Act, a land agent who is a licensed land broker is prevented from acting as land broker for either party in a transaction except with the consent in writing of the purchaser. Yet there is nothing to prevent a land agent who is not a licensed land broker from preparing documents relating to the transaction without such consent.

Both the Land Agents Board and the Real Estate Institute have approached the Government concerning the question of the preparation of instruments by unqualified land agents. After giving the matter careful consideration the Government has decided to take the course proposed in clause 63 of prohibiting the preparation of instruments relating to land by land agents who are not land brokers.

Clause 64 makes it an offence for a land agent to publish *nom-de-plume* advertisements. There have been frequent complaints in recent years of the practice indulged in by some land agents of publishing *nom-de-plume* advertisements in order to get in touch with prospective customers. The Government regards the practice as a bad one, and considers it desirable that it should be stopped. Accordingly the Bill requires a land agent on publishing an advertisement relating to land other than an advertisement for the letting of land to include his name and other particulars in the advertisement. Letting advertisements have been exempted from the operation of this clause at the suggestion of the Real Estate Institute. It is often desirable for a land agent to refrain from disclosing his identity in a letting advertisement, in order to avoid openly having to refuse a person answering the advertisement who would not

be a suitable tenant but would be difficult to refuse. In these circumstances it has been decided that the clause should not apply to such advertisements.

Part VII, which contains clauses 65 to 71, deals with the subdivision of land and reproduces provisions of the Land Agents Act with several alterations. The provisions are extended to apply to the sale in subdivisions of land which is not under the Real Property Act. Penalties have also been increased. At the suggestion of the Real Estate Institute, a provision requiring a contract for the sale of subdivided land for which the consideration is more than £500 to be attested by two independent witnesses has been omitted, on the ground that there is no longer any need for the provision. Other minor alterations have also been made at the suggestion of the Real Estate Institute with respect to the particulars required to be stated in contracts for the sale of subdivided land.

Part VIII, which contains clauses 72 to 93, deals mainly with machinery matters. Provision is made in clause 85 for an appeal to the Supreme Court against any decision of the Board made under the Bill. An alteration to the present law is made in clause 87. The Land Agents Act provides at present that a person required to hold a licence under that Act cannot recover commission unless he holds a licence and his appointment to act as agent is in writing. At the suggestion of the Land Agents Board, these provisions have been altered to prevent not merely the recovery but also the payment of commission in these circumstances. Clause 87 provides that a person required to hold a licence shall not be entitled to receive commission unless he holds a licence and his appointment to act is in writing, and provides for the summary recovery of money paid in contravention of the section.

By clause 93 provision is made for regulating charges, other than commission, made by land agents in respect of their services. The Land Agents Act makes provision for prescribing rates of commission by regulation, but does not enable other charges to be regulated. No rates of commission have been prescribed, and if they were, the regulations would almost certainly not be effective while other charges were not controlled. Numerous complaints have been received of excessive charges by land agents and the Land Agents Board has represented to the Government that it is desirable that rates of commission should be prescribed by regulation. The Government has agreed to the suggestion. The Bill enables such regulations to be effective by providing for the control of other charges.

Part IX, containing clauses 94 to 105, deals with transitional matters. So far as possible, Part IX has been drawn up to cause the minimum inconvenience in the transition from the present Act to the Bill. The effect of Part IX is to enable persons entitled to carry on business as land agents and to act as land salesmen at the commencement of the Bill to continue to do so without requiring them to apply for a licence or registration under the Bill. It has not been possible to deal in this speech with all the alterations to the existing law made by this Bill. I shall be pleased to supply members with such further information concerning the provisions of the Bill as they may require.

Mr. O'HALLORAN secured the adjournment of the debate.

SEWERAGE ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ELECTORAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 9. Page 1497.)

Mr. FRANK WALSH (Goodwood)—I support the Bill, which simplifies the terminology and will be beneficial in other ways. As I mentioned in a recent debate, I am concerned with certain aspects of the new electoral district of Frome and the work entailed in arranging postal and absent votes over such a huge area. Clauses 3 to 9 provide that the Minister may appoint assistant returning officers to act at places outside the State, and it is anticipated by the Government that opportunity will be taken under these clauses to appoint an assistant returning officer in England. On the day of a Federal election an elector who is absent from his home State may vote either by postal or absent vote, and I believe that this practice could be extended to State elections.

Clause 10 provides that where the number of candidates does not exceed the number for whom the voter has to indicate preferences and the voter indicates his preference for all the candidates but one and leaves blank the square opposite the name of that one candidate, it is to be assumed that his preference for that candidate is his last preference. This conforms to Federal practice and will clear up a doubt that has existed in the minds of

many returning officers for years about the validity of ballot-papers on which one square has been left blank. Before I became a member of Parliament I often acted as a scrutineer at State elections, and my experience in more recent years as a scrutineer at Federal elections has enabled me to observe the Federal legislation in practice. I have always held that if an elector filled in his ballot-paper with the exception of one square it should be accepted.

Mr. John Clark—Returning officers generally accept it.

Mr. FRANK WALSH—Such papers are always accepted in Federal elections and I am pleased that it is proposed to make them valid in State elections. Candidates will be in a position to advise their scrutineers of the new provision and no doubt the Electoral Office will instruct its officers of the change. Clause 11 increases the amount that may be expended by a candidate on his electoral campaign. Most metropolitan districts comprise about 22,000 electors and under the new provision an amount of £1,150 could be expended. Few candidates would be in a position to spend even £500 on a campaign. I doubt whether any Opposition member would be able to.

Clause 14 limits the size of any poster or publication. This could result in a reduction of electioneering expenses. In my district, Government candidates have advertised extensively on the hoardings and I have done likewise with considerable success. I have a soft spot for this means of silent advertising and I would be the last to criticize those who undertake it. They make the posters as attractive as possible and do the utmost for those who engage their services. A person does not have to read the posters if he does not desire, but in respect of radio advertisements, unless a person turns off his wireless, he is compelled to listen. People pay listener's licence fees, yet at times are subjected to announcers dinning things into their ears.

Whilst the size of posters is to be limited, I do not know whether there will be a limitation on the size of press advertisements. In respect of Federal elections, it sometimes happens that picture theatre proprietors screen advertisements on behalf of candidates. A person who pays for entertainment should not be compelled to view electioneering advertisements and I think it would be wise if theatre proprietors refrained from this practice. When I entered this House in 1941 I raised the question of uniformity of polling hours. At that time booths opened at 8 a.m. and closed at 7 p.m. for State elections, whereas for Federal elections they remained open until 8 p.m. The hours are now uniform—from 8 a.m. to 8 p.m.—but in view of the 40-hour week I suggest a reduction of the polling time by at least two hours. Prior to the 40-hour week not so many people voted in the morning, but nowadays, I maintain, more people vote before 1 p.m. than after. I would like to know whether the Government would accept an amendment to section 101 to provide for the polls being held between the hours of 8 a.m. and 6 p.m. I support the second reading.

Mr. TAPPING (Semaphore)—I welcome clause 14 because it eliminates a practice that has been adopted in three elections in the last seven years when State elections have coincided with local option polls in my district. It means that we will get away from a farcical position. In 1947 a Mr. Talbot submitted himself as a candidate for the Semaphore district. I was the other candidate. Mr. Talbot, who said he represented Independent Labor, nominated only because he thought it would help the cause of local options. The people whom he represented wanted to increase the number of liquor bars in the district. It occurred again in 1950 and 1953. When the voters arrived at the polling booths they were met by people on my behalf who handed them How-to-Vote cards showing No. 1 for Tapping and No. 2 for Talbot. Then they were aproached by people representing Mr. Talbot and his How-to-Vote cards showed also No. 1 for Tapping and No. 2 for Talbot. That was farcical and did not assist the election in any way. It is only by compulsion that we get the true reflection of the views of the electors. Unless there is compulsion only about 40 to 45 per cent of the electors exercise their franchise. As I have said, both organizations issued How-to-Vote cards with No. 1 for Tapping. My campaign director told me about it at 9 a.m. and I asked the authorities if it could be discontinued, but I could get no redress. I then approached the Premier and he pointed out in his second reading explanation of the Bill that the principal Act was being amended because of the occurrence I had reported to him.

Clause 14 also makes it clear that no person can write or draw an electoral matter on any roadway, footpath, building, vehicle, vessel, fence, hoarding or structure of any kind. Under local government administration offences in connection with markings on roadways and

footpaths can be dealt with. However, this clause involves the person who has on his dwelling house an advertisement or hoarding more than 60 inches square. People who have taken part in elections have from time to time used fences or residences for electoral purposes. Under the Bill, although this electoral matter may be within the dimensions set out, it cannot be placed on a fence. For years candidates have adopted the practice of having a streamer containing electoral matter on the side of a dray, utility or motor car. This also seems to be forbidden. I hope when the Minister replies that he will satisfy me that my fears are unfounded, because I feel that the liberty of the subject is being restricted.

Clause 10 has for its purpose a reduction in the number of informal votes, but I do not think it will have much effect on the existing position. As a scrutineer at Commonwealth and State elections I have found that when there have been three candidates and the elector has voted for only two, leaving the other space unmarked, the returning officer has accepted it as a formal vote. We should do all we can to reduce the number of informal votes. I think the Premier wants to make it clear that in the circumstances I have set out the vote shall be regarded as formal. In the Address in Reply debate I said that one reason for the number of informal votes was the poor lighting at polling booths. I know it is not always possible to have good lighting because many of the halls are owned by churches and other organizations. I have been advised by the Attorney-General that he has noted my remarks and that he will instruct his officers to wherever possible improve the lighting conditions in booths at the next elections. Improper lighting does make it difficult for people whose eyesight is not so good, and it is particularly so when there are a large number of candidates. I support the second reading.

Mr. DUNSTAN (Norwood)—I support the second reading because the Bill brings about certain necessary reforms. It provides satisfactorily for eliminating the number of informal votes and provides also for more satisfactory electoral expenditure. No-one can say that the present provision about expenditure is satisfactory. The Bill carries out minor reforms to the principal Act, which I think are necessary. I was amazed at new section 155b until I realized its purpose. The section provides that electoral posters for an election in South Australia shall not be larger in area than 60 square inches. The Premier said that the amendment would bring our Electoral Act in that regard into line with the Commonwealth Act.

Mr. Lawn—They do not believe in uniformity.

Mr. DUNSTAN—Uniformity has not exercised their minds on other occasions, except for particular purposes.

Mr. Lawn—What about one vote one value?

Mr. DUNSTAN—I shall refer to that later, because that is the purpose behind all this. When was the reference to 60 square inches placed in the Commonwealth Act? It was introduced in war-time to restrict the use of materials. It was a national security measure, and was inserted for no other purpose. What will be the result of restricting our electoral posters to 60 square inches? It must mean a quieter election, because when there are large hoardings and streamers on fences and windows of houses drawing attention to vital issues people interest themselves in the election, and much more than they will if hoardings cannot exceed 60 square inches in area. Why does the Government want a quiet election? Subsection (1) of new section 155b says:—

> A person shall not write, draw or depict any electoral matter directly on any roadway, footpath, building, vehicle, vessel, fence, hoarding or structure of any kind. Penalty, £100.

There is no necessity for this provision because in 1953 Parliament inserted the following section in the Police Offences Act:—

> 48. (1) Any person who without lawful authority—
>
> (*a*) affixes any bill, poster, or placard to or against any building, wall, fence, structure, road or footpath; or
>
> (*b*) writes upon, soils, defaces or marks any building, wall, fence, structure, road, or footpath with paint, chalk, or by any other means,
>
> shall be guilty of an offence. Penalty, £25.

Mr Lawn—The penalty there is £25, but under the Bill it is £100.

Mr. DUNSTAN—We have been given only some general excuse for this provision. Obviously, the Premier thought we had forgotten about the provision in the Police Offences Act. There is no necessity for proposed new section 155c. I believe it was included so as to make proposed new section 155b appear innocuous, but the purpose of the latter provision is to take the people's minds from the electoral issues before them, particularly the composition of this House, which should be widely publicized by posters and in other ways. It is obvious that the Government wants this provision. Several reasons have led to the Liberal and Country League

becoming and remaining the largest group in the House of Assembly, but particularly the present electoral system. It is unjust that one Party should always win elections and always form the Government, especially when another Party gains the majority of votes, but that is what is happening in South Australia. At the last State elections the Labor Party gained an overall majority of votes, yet the Liberal and Country League gained 21 seats and the Labor Party only 14. This has reacted against the Premier himself, for he finds himself more and more powerful in his Party and the Government, and his position has become, in effect, that of a dictator, with all the disadvantages that dictatorship brings. The notice that a Government takes of the electors as a whole is in direct proportion to its chances of electoral defeat; therefore, the notice that the Government takes of any person or body or persons is virtually nil. The Government has become more and more out of touch with the people. As the Prime Minister, Mr. Menzies, said in *Forgotten People*, "Government of the people by my Party for me is not democracy. It is just a system of crooked bargaining. It cannot support any decent new order, and it is not worth fighting for."

Mr. Lawn—They are fine sentiments.

Mr. DUNSTAN—Very. They are taken verbatim from a booklet issued within the Liberal Party by three prominent young Liberals, who were very concerned about Liberal principles in South Australia. Certainly, the document was not intended for publication, for it was published only for circulation within the Liberal Party itself.

Mr. Fred Walsh—Is one of those three young Liberals a member of this House?

Mr. DUNSTAN—I do not know whether the gentleman to whom the honourable member refers was associated with the publication of that document, and I do not know what his views are on this subject. However, those young Liberals were trying to point out the error of the Government's ways, and they said:—

We are all convinced Liberals and have been members of the Liberal and Country League for many years. Indeed, it is precisely because we are Liberals that we urge reform. We are not ashamed of our ideals, and are prepared to stand by them. We do not believe that our Party, or any other group of people, is worthy of governing unless it is prepared to let its ideals be known, and then stick to them. So we find it too much to stand by idly and see many of the tried and tested principles of Liberalism deliberately flouted in South Australia for the selfish and cynical advantage of the very Party which claims to uphold them.

The Premier does not want the vital electoral issues to come prominently before the people. He does not want the people to know what are the real issues. He wants quiet elections so that he may maintain his position of dictator, to which the young Liberal group is opposed. I cannot see any point in the provision to which I object, except to restrict the size of election posters, but that is a restriction on the liberties of the people. Why should we have such small posters? Why should we not be able to emblazon the real issues in large letters?

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Publication of matter."

Mr. DUNSTAN—I move—

To strike out proposed new sections 155b and 155c.

I cannot see any point in restricting the size of electoral posters. Electoral expenditure is restricted; therefore, no-one may spend more on electoral publications than is allowed under the Act. If a person chooses to spend the amount allowed on large hoardings instead of pamphlets he should be allowed to do so.

Mr. LAWN—I support the amendment, for there is no justification for restricting the size of posters. The Commonwealth Government may have had a valid reason for restricting the size in war-time, but there is no justification for it now. Every avenue should be made available for informing the public of the issues before them, but that cannot be done by restricting the size of posters to 6in. by 10in. Hoardings could not be big enough to condemn our electoral system. The Party with the most money frequently broadcasts its propaganda over the air, but the Labor Party cannot afford that and has to resort to printed matter or streamers. We cannot do that on a piece of paper 10in. by 6in.

The Hon. T. PLAYFORD (Premier and Treasurer)—This provision follows the lines of Commonwealth legislation which was introduced by the Labor Party during the war and has not been repealed either by the Labor Party or the present Liberal Government since then. Further, it has not been amended, although major alterations have been made in the Commonwealth electoral laws. Therefore, the provision was not devised by me; the purpose of its introduction is to produce uniformity in our electoral laws. Mr. Lawn made out a particularly bad case when he said that broadcasting was not to be prohibited

merely because the Liberal Party was able to make more extensive use of that channel than the Labor Party, for the Liberal Party, unlike another Party in this Chamber, holds no shares in a broadcasting station, nor does it enjoy free broadcasting time weekly. The number of hoardings in Adelaide is limited, and it would be possible for an unscrupulous party in power to book up all the hoardings before announcing the election date, which would leave the Opposition party without this advertising medium.

Mr. O'HALLORAN (Leader of the Opposition)—I handed this Bill to the Deputy Leader of the Opposition to manage, and as he has been called away on other important business, I suggest that progress be reported.

Progress reported; Committee to sit again.

NATIONAL PARK ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 15. Page 1601.)

Mr. PEARSON (Flinders)—The general purport of the Bill must meet with widespread commendation. All members are indebted to the member for Alexandra (Mr. Brookman) who last evening gave the House the benefit of his special knowledge of and research into the rarer animal species indigenous to this State. The Bill will assist in their preservation and give more definite purpose and province to those people to whom its administration will be entrusted. I commend it for that, but I wish to comment on one aspect. There has been perhaps an over-zealous tendency on the part of some people to retain, and even to enlarge, the areas allocated as reserves for wild life and natural flora. That is understandable because those people are enthusiasts in that sphere, but it is necessary to keep in proper perspective the real usage of land. This State contains large tracts which could, with advantage, be surveyed and allotted for agriculture or grazing, but which are still retained as reserves. In my district considerable tracts have been held out of use for that purpose and also, perhaps, because it was physically impossible for the Lands Department to examine the soil and determine whether, in its opinion, the land would be useful and safe for development from the point of view of erosion and other factors. I was moved to comment on this matter by the following remark made by the Minister in his second reading explanation:—

It also provides that, in addition to the Minister of Lands, an Officer of the Department of Lands nominated by the Minister will be one of the Commissioners. It is not always possible for the Minister to attend meetings and for this reason and because of the possibility that further Crown lands may be placed under the control of the Commissioners it is desirable that the department should have another representative.

I do not infer from that statement that additional land will be alienated for this purpose, but I presume that certain lands now under the control of the Crown may be vested in the Commissioners for the purpose of their work. The Minister and his department should view this question of reserves from the point of view that an increase in population requires an increased production and that whereas those people who have useful land and do not fully utilize it are criticized at the present time, the department should be free from similar criticism. It should sort out those lands controlled by the Crown and decide which should be developed and proceed with that development and transfer to the commissioners only such land as they have the capacity and resources to maintain fully as reserves.

Because of their size and inaccessibility certain areas belonging to the Crown are not properly fenced and have become breeding grounds for Australia's indigenous animals and an annoyance to adjoining landholders. I have been frequently asked by adjoining landholders to request that some action be taken by the Crown to remove the menace. Apart from that criticism I believe the Bill has an appeal to authoritative persons and the House and I support the second reading.

Bill read a second time and taken through its remaining stages without amendment.

BUSH FIRES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1538.)

Mr. O'HALLORAN (Leader of the Opposition)—I regret that I have not had time to examine this Bill completely, but a printed copy only came to hand late yesterday afternoon and this morning I was attending the ceremony for the inspection of the new town and its official naming in honour of Her Majesty the Queen. One or two clauses of the Bill require further explanation and another should either be modified or eliminated. The provisions embody suggestions made by those intimately associated with the problems of bush fires and are, on the whole, acceptable. If there is any general criticism that can be

levelled at the Bill it is that it achieves too little too late. Even the Minister confessed that something should have been done to make the Bush Fires Act more comprehensive, and the present Bill was introduced in the hope that it would at least contribute something towards the solution of our bush fire problems.

However, in view of our long experience with these problems—and especially in view of the disastrous bush fires that occurred on January 2 last—one would have thought that a Government which professes to be so concerned about these matters would have ensured that a comprehensive measure was prepared and submitted to Parliament long before this. As a matter of fact, the Bill has all the marks of hasty preparation, and I am not prepared to accept all its provisions unreservedly. One provision in particular, contained in clause 8, I think should be deleted.

The provisions of the Bill fall naturally into four categories. Some of them are designed to relax or render more flexible the existing requirements relating to burning off; some tighten up other requirements; some will have the effect of setting up a fund and committee of management for the purpose of rendering fire fighting organizations more efficient and effective and some impose higher penalties for offences against the Act. As for the proposed relaxations of the conditions prescribed for burning off in prohibited periods, etc., it would seem that the Government has reluctantly come to the conclusion that some degree of decentralization in administration and function should be expressed in the legislation. In fact, it would appear to have gone too far in this direction.

It is a good thing to allow on-the-spot authorities greater discretion than they have hitherto enjoyed in dealing with the control of bush fires. I agree with the Minister that it is not always necessary for the conditions laid down in the Act to be observed. For example, it may not be necessary for four men to be present at burning off if the men are experienced and if they have the appropriate fire fighting equipment. But, in providing—as in clause 2—that a council may issue a permit subject to such coditions as it thinks fit, exempting the holder from the observation of any or all of the requirements prescribed in the Act, the Bill may create confusion. I would not question the good sense of those who, from their knowledge and experience, have agreed that relaxation may, under certain circumstances, be permitted, but I feel that it is not sufficient for the Minister to say merely that it is "the intention that a council may be prepared" to modify the conditions as to width of fire-breaks or the number of men to be present at burning off without specifying in the Act the minimum fire fighting equipment and water supply that should be available under such circumstances.

If the Act specifically sets out the requirements for burning off during the prohibited period, any conditions warranting their relaxation should also be set out in the Act. The explicit and clear statement of those conditions in the Act would do much to guide local authorities. Conditions I have in mind are those obtaining in various parts of South Australia during most seasons in the fringe country, which extends for a great distance outside and contiguous to the country referred to as the inside country. The conditions of burning off which may be considered adequate just outside Goyder's line of rainfall—and which may be adequate in perhaps eight years out of 10—become inadequate as a result of a good season or a series of good seasons such as we have experienced in recent years. The relaxation of conditions under those circumstances, while not normally constituting a danger, could become a menace not only to the people in the area involved, but to those in contiguous areas. I suggest that we set out some broad conditions to guide local councils in their relaxation of these specified provisions in the Act which they have power to relax.

I point out that clause 9, dealing with the landing of aircraft, prescribes the minimum fire-fighting equipment that must be available—at least one hand or power pump, with adequate water supply and two knapsack sprays—and it seems that a similar provision should be included in clause 2. However, I may not have interpreted this particular clause correctly, and perhaps the Minister will be able to enlighten me in Committee.

Clause 8, containing the proposed new section 13a, is perhaps the most unacceptable clause in the Bill. The existing section provides that the Minister may render a service to landowners by broadcasting information relating to weather conditions, etc., that are calculated to raise the risk of fire; but it is a purely gratuitous service and was probably intended to be just that when enacted. Now, however, it is proposed to make the non-observance of any instruction included in such warning an offence against the Act and subject to a penalty of £100. But there is no guarantee that any person will have knowledge of the warning, and

for that reason alone I oppose the clause. I suggest that it is going too far. Under clause 8 a *prima facie* case is established that the person lighting the fire is guilty of an offence. According to my understanding of legal terms, this substantially puts the onus of proof on the defendant. In other words, if a broadcast has been made and a man has lighted a fire on the day of the broadcast it is for him to prove his innocence, and that is a difficult thing to do because the lighting of a fire is very obvious. This legislation applies in the main to country people, and my experience of country landholders is that they do not sit all day listening to the wireless but are out doing essential work on their properties. It is conceivable that there would be hundreds of people who could become involved in an action like this because they had not heard the broadcast.

Mr. Pearson—The landholders would know about the risk of lighting fires and perhaps other people would be the culprits.

Mr. O'HALLORAN—Yes. It may be an itinerant drover of sheep or an itinerant tramp, although the sundowner has become more or less a museum exhibit in these days. However, there are still people who travel in an itinerant way and in order to cook must light a fire, and they may not be in a position to know that there has been a broadcast. It would not impose hardship if we prohibited the lighting of fires for a specific period unless written permission has been given by someone in authority, perhaps the clerk of a local council or local fire control officers.

Mr. Riches—Is there any need for the proviso?

Mr. O'HALLORAN—One of the worst fires I have been associated with was caused by men who did all they could under the circumstances to conform to the then law. It happened about 30 years ago in the north of South Australia. At that time it was considered sufficient protection when lighting a fire in the open to have a clear space about six feet each side of the fire. These men complied with the provision. They had picked a bare patch and the fire was in a space about 20 yards in diameter. Whilst boiling the billy a whirlwind scattered the fire and almost immediately there were five or six fires on the edge of the bare patch. Soon there was a major fire on the hands of the men and it took the best part of a day to put it out.

I am also not quite clear as to the meaning of clause 6. I would like to be assured that it is intended only to enable the local authorities to vary the dates of commencement and termination of the prohibited period each year. As it stands now, I think it could have a wider interpretation. That is another matter which the Minister might be able to explain. The granting to a council of the right to vary the prescribed times in which burning off may be prohibited may lead to difficulties with adjoining councils. I am happy that the council should have the power, but, in order to ensure no overlapping or lack of uniformity, in addition to advising the Minister of the decision it should await the consent of the Minister before allowing the changed position to operate.

The Hon. A. W. Christian—Then we would be as we were.

Mr. O'HALLORAN—I can see no difficulty in being as we were. Clause 11, dealing with appeals to a local court against a council notice, is another clause on which I shall seek clarification. I am entirely in agreement with the serious view, expressed in this and other clauses, that must be taken of carelessness and negligence, but I would like to know more about the appeal machinery that this clause proposes to set up. I understand the appeal machinery provides that if people directed to take precautionary measures disagree they can appeal to the local court. I do not know how the appeal machinery will work and I think the Minister might give some more information about it.

The Bill contains provision for the establishment of a Bush Fires Fund and a committee of management. This is a step in the right direction and the principle expressed in the provision has my complete approbation. Local fire fighting organizations have done a grand job under extreme difficulties, and the assistance proposed, in making equipment available to these organizations, is long overdue. My only criticism of this particular part of the Bill is in reference to the proposed basis on which the insurance companies are to co-operate with the Government. I do not know of any good reason why the companies should not co-operate on a firm fifty-fifty basis instead of the varying basis proposed in new section 44. I understand that there is to be a start on a firm fifty-fifty basis, but that later the position may be varied by the Minister, and, of course, there would have to be good reasons for it. However, if the insurance companies have agreed that it is a proper basis on which to begin it ought to remain on that basis, unless it is shown that there is a need for a change. If the fund grows and justifies reduced contri-

butions it would be a simple matter for the Government and the companies to arrange for them for a period.

The schedule contains amendments increasing penalties for offences against the Act. It is impossible to exaggerate the seriousness of the threat that bush fires represent to life and property, and I am therefore in general agreement with these amendments, and the Bill.

Mr. HAWKER (Burra)—Like Mr. O'Halloran I am in general agreement with the Bill. I realize that it must have run the gauntlet of the fire fighting organizations, the Bush Fires Advisory Committee and Cabinet before being introduced, and consequently its provisions must have been carefully considered. Commonsense and equipment are really the things needed to reduce bush fires. Many people through carelessness, or perhaps ignorance, start bush fires, and it is necessary to have legislation dealing with the matter. Clauses 2 and 3 give certain discretionary powers to councils to ease the safety precautions, especially with regard to the width of the break, the number of men to be present when a fire is being burned, and the time of lighting a fire. However, they do not include discretionary power over the giving of notice or the fact that a fire must be lighted on the leeward side of a break, and they do not give the councils discretionary power about lighting fire breaks before noon under section 4 of the Act. In his second reading speech the Minister said that in some places it is not practicable to burn stubble if the fire is not lit before noon. I think he mentioned some coastal areas, but all my experience has been in the northern areas, and I think that every year bush fires are started because a legitimate fire for burning stubble, breaks, or scrub gets away, consequently I am dubious about this clause that gives the councils the right to ease the safety precautions laid down. I know that many bush fires that have resulted from burning stubble have started from fires lit in the morning. The day may then seem favourable for burning stubble, but later in the morning the wind blows up and there is a howling gale in the early afternoon.

At noon it is usually possible to forecast what the weather will be like in the afternoon, and if it seems that bad weather will prevail no-one in his right senses would light a fire. It took a long time to get the noon provision incorporated in legislation and I hope, if this clause is passed, that councils will exercise restraint in their discretionary powers. Councils will have no power to make precautions more stringent, but if they are given discretionary power to ease safety precautions they should be given power to make stiffer regulations if they consider circumstances warrant it. Because this clause does not give councils this power I am not very enamoured of it.

Councils can stipulate that an additional three men must be employed for burning scrub, and I think that is their only discretionary power to increase safety precautions. Four men must be employed in blasting trees and a knapsack must be provided, and a break must be cut if smoking machines are to be used on bees, but councils have been given no discretionary powers in this regard. Why they should be given discretionary powers about the burning of breaks and stubble and not about those two features I do not understand.

Clause 6 gives the councils discretionary power to alter the burning periods without reference to the Minister, but there is a danger here. We have two periods laid down in the Act; between October 15 and February 1 a fire can be lit only for the purpose of burning breaks under certain conditions, and from January 31 to May 15 a fire can be lit only for the purpose of burning stubble or scrub under certain conditions. If a council put back the finishing date for the burning of breaks and did not bring back the starting date of the other period accordingly I think there would be a period during which the Act would not operate. For instance, if the first period was altered to end on January 21 the next period would not begin until January 31 unless a council took steps to rectify the position.

In the past representations were made to the Northern Fire Fighters Association by a district council in that area that the Government alter the Act to prohibit burning on Saturdays or public holidays, but they were turned down. The Minister pointed out in explaining the Bill that it is impossible in some areas to burn stubble unless the fire is lit before 12, but if a man leaves burning his stubble until late in the season he may be forced to burn on a Saturday or public holiday or not at all because of rain.

Mr. Riches—Is there any virtue in burning stubble?

Mr. HAWKER—I do not think so, but many people still burn stubble. The point is that the council may prohibit burning on Saturdays and then rain may be forecast and a landholder may want to burn on a Saturday, so I am not

altogether in favour of this provision. Much has been said about broadcasting a total prohibition of lighting fires in the open. I agree with this suggestion if it can be carried out but, as the Leader of the Opposition pointed out, many people lighting fires in the open would not hear the broadcast. During the week-end I spoke to some councillors in my area and they seemed keen on the total prohibition of lighting fires in the open. One objection in the past has been that people who travel must have the opportunity to light fires to boil a billy but, as the Leader of the Opposition pointed out, one man took all possible precautions and a willy-willy came along and a big bush fire was started. I do not know whether it is possible to prohibit the lighting of fires in the open; but many city dwellers travel into the country on picnics and light fires. A letter in today's *News*, signed "Hills resident" states:—

> Fires were deliberately started in 3ft. of grass within 30ft. of houses last Sunday in the hills.

I believe that under the Act councils have the power to prohibit the lighting of fires in the open, unless they are lit in specified places, for section 13 (1*a*) states:—

> The council may by resolution published in the Government *Gazette*, declare that within the part of the area defined in the resolution, the lighting of fires in the open during the period between the 31st day of October and the first day of the following May or during any other period specified in the resolution shall be prohibited except in a place or places to be specified in the resolution.

I should like the Minister to give us more information about broadcasting because I think he said in his second reading speech that this practice had been adopted successfully in Victoria, and I think there would be much merit in it if it were practicable. I agree with the provision about aircraft because right alongside my property at Booborowie an aeroplane that was dusting caused a bushfire. Only the fact that there was a good road on the edge of the paddock enabled the fire to be stopped before it spread.

Mr. Pearson—What about aircraft landing at Parafield? I think there is equal risk there.

Mr. HAWKER—There is a good road all around the aerodrome and it is equipped with good fire fighting equipment. The aeroplane to which I referred started a fire, and I am pleased that this provision has been included. Another commendable prohibition is that on throwing cigarette butts from a car anywhere in the State. Probably the danger is caused not deliberately, but through negligence and because of a habit that has grown up in an area where there is no fire risk. The Bill also gives a fire controller the right to direct a man to extinguish a fire, and that is an excellent provision. There has always been agitation in some quarters to protect fire controllers who light breaks, but that should not be allowed because I have put out more fires caused by lighting breaks in the wrong places than actual bush fires.

Under the Bill insurance companies are to subscribe to a fund to be used for the purchase of fire fighting equipment. That is a commendable provision because for years insurance companies have subscribed to the upkeep of the equipment of city fire brigades, and it is only right that they should contribute towards the upkeep of country emergency fire-fighting equipment owned by organizations that have saved the companies thousands of pounds. My only criticism is directed against the way in which the money will be spent: the fund will be used to subsidize a maximum of two-thirds of the cost of fire fighting equipment bought by fire fighting organizations. About four years ago a serious fire east of the Burra burnt for over three weeks, and many volunteers, including professional carriers, fought that fire. Those carriers left their business, lost their livelihood, and had their trucks damaged during that time. The fire was finally extinguished by the good offices of the Department of Agriculture, which sent bulldozers to bulldoze breaks through the scrub. In order to recompense the volunteers who had done so much to extinguish the fires the land owners struck a rating of so much per thousand sheep and collected a considerable amount to compensate the carriers who had helped.

The Hon. A. W. Christian—You wouldn't like to discourage such admirable self-help, would you?

Mr. HAWKER—No, but I would prefer a subsidy on a different basis, such as pound for pound or even 10s. to the pound. At any rate, the land owners appreciated the trouble and expense to which the Government went in sending the bulldozers. The Government should take the view that those people who are willing to help themselves should be helped the most. The people in my district now have an excellent organization and equipment and enough funds in hand to enable the interest to meet the cost of maintaining the organization.

The Hon. A. W. Christian—The Government doesn't want to discourage that.

Mr. HAWKER—From what I know of those people I do not think it will, but I believe

they should be helped as much as possible and then, if such a fire broke out again, they would be able to call upon this fund. All the equipment is supplied by local people, even an aeroplane that belongs to a local grazier and is available for bush fire spotting. The penalties in the existing Act are completely unrealistic having in mind today's money values, and I commend the Government for raising those amounts. One district council chairman to whom I spoke thought that the discretionary power to be given to local councils was satisfactory, but the other two chairmen with whom I discussed the matter thought the existing legislation satisfactory and were not keen on those amendments. One chairman said that, if a council had the right to relax safety measures, strong pressure might be applied to have them eased. He expressed the same fears as those expressed by the Minister concerning the discretionary powers in another measure that was recently before the House. I support the Bill.

Mr. PEARSON (Flinders)—To say this Bill is important is to make an understatement. Our experience over the years, particularly last summer, has only served to emphasize vividly the importance of any steps that may be taken in any direction to minimize, if not entirely eliminate, the incidence and effect of bush fires, which have, unfortunately, with rather serious regularity whipped across parts of the State each summer. Two aspects are involved—prevention and control. I rather think that the best form of control is prevention. Although the Bush Fires Act has been previously amended to help prevent bush fires, I think this Bill rather stresses control. For instance, a fund is to be set up to help provide equipment for that purpose; but the real emphasis is on prevention, and the Act has always tried to emphasize that aspect. The necessity in agricultural practice of burning off stubble, grasses and scrub has been steadily declining over the years. Every agriculturist knows that what was once an essential practice in the clearing of mallee lands has now become less necessary and practically outmoded.

Mr. Hawker—Landholders still have to burn.

Mr. PEARSON—Under certain conditions, but the necessity for widespread burning off is continually diminishing.

The Hon. A. W. Christian—It is a bad practice.

Mr. PEARSON—It is becoming old-fashioned to burn off surplus dry growth and, more important, bare fallow has gone out of practice to a large extent over a wide area of the State. Indeed, it has gone out of practice in those districts that produce the greatest volume of inflammable matter, namely, the wettest districts where fallowing has proved unnecessary in order to subsequently grow satisfactory cereal crops. Throughout the State one sees mile after mile of dense, waving matter that constitutes a potential fire hazard. The sides of the road are banked up with grass to the height of the fences, and the feed has got away from the stock. This may be a pretty picture, but one must remember that a fire may occur in some of this inflammable material. South Australia is obviously becoming more and more susceptible to bigger and more serious fires; therefore, we cannot do too much to prevent their outbreak, because once they have broken out there is no knowing where they may stop.

Mr. Stephens—What about reducing the size of big holdings? Wouldn't that help?

Mr. PEARSON—No, that would probably only add more buildings, fences, and inflammable materials to be destroyed in the event of a fire.

Mr. Hawker—In the northern areas the big holdings are practically the only places with adequate fire breaks and fire fighting equipment.

Mr. PEARSON—I agree to some extent.

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

Mr. PEARSON—I think it proper that this Bill should aim at improving the provisions relating to the prevention of fires. Those which relate to persons who throw lighted matches or cigarettes from motor vehicles are commendable. It is necessary for those who use agricultural machinery and trucks during harvest time in inflammable areas to exercise continued vigilance. The intention to extend to the metropolitan area the prohibition on discarding lighted matches and cigarettes from motor cars is wise. Last summer relatives of mine fortunately arrived on the spot when a fire broke out near the Waite Research Institute. It was a hot day with a northerly wind and on their arrival the fire was about 2ft. in diameter. It was easily extinguished, but was quite obviously caused by someone throwing a lighted match or cigarette from a car a few minutes earlier. Although facilities exist in the metropolitan area for extinguishing fires and brigades are on call, it is essential to apply the prohibition to the metropolitan area because there is a risk that people may

get into the habit of discarding matches and cigarettes from cars and it is necessary to break that habit.

I have no objection to the provision enabling councils to take more responsibility in determining the dates between which fires may be lit for certain purposes and the time of day prior to which it is not permissible to light fires. The Eyre Peninsula Local Government Association has frequently discussed this matter at its conferences. Strong representations have been made to me by constituents who desire that the embargo on lighting fires before noon should be removed. In areas west of Spencer's Gulf it frequently happens that the safest time to burn is between 10.30 a.m. and 1.30 p.m. because frequently wind changes occur suddenly about 2.30 or 3 o'clock. It was suggested at one conference that areas west of Spencer's Gulf should be exempt from this particular restriction on lighting fires before midday. Under the amendment it will be competent for the councils or the association to determine the time of burning. There is one aspect of the Bill which does not go far enough and I agree with the Leader of the Opposition that there is good reason to prohibit the lighting of fires in the open between the period from November 1 to April 30.

Mr. Riches—Don't you think the period is too long?

Mr. PEARSON—The Act mentions the period from October 31 to May 1. I agree that that period may be too long. When one considers the possibilities of fires and examines the damage that does result, one is justified in considering whether it is wise to permit people who are caravaning or camping in the country to light fires by the roadside during the summer. If there were a prohibition, inconvenience may result to these people but it would not be commensurate with the terrific damage that a fire can cause. There was a time when an open wood fire was the only means of boiling a billy or cooking food, but nowadays petrol stoves and primus stoves are available and most caravans have cooking facilities installed. Campers should be compelled to make provision for cooking other than by means of an open fire.

Mr. Hawker—Would a petrol stove used in the open represent a fire hazard?

Mr. PEARSON—I doubt it. Of course, an accident could occur with a petrol stove but such an occurrence would be rare and their use would minimize the fire risk. The trouble is that many people who light fires in the open have not sufficient knowledge of them. They build a fire of wood in the cool of the morning or evening and tend to think there is no great risk. They may attempt to extinguish it before they leave the area, but even the smallest ember left in a heap of charcoal can remain alive for many hours and a subsequent northerly wind can fan it into life. Members have all had experience of persons lighting fires in the open for cooking purposes in weather conditions under which no knowledgeable person would do so. Last year the curator of the National Park found it necessary to broadcast an appeal to people camping in the park not to light fires in hollow trees because the trees acted as splendid draught funnels and the flames were drawn up through the tops of the trees and travelled for chains before falling to the ground still sufficiently alive to cause fires. People offend mainly in ignorance. I appeal to the Minister to consider this matter and, if he cannot agree to insert a provision in this Bill, to re-examine this legislation next session to include it. We do not want a repetition of what happened last summer and conditions this summer will be as favourable for fires as ever.

I am pleased that the Bill contains provisions for the financing of a fund to aid the procuring of fire fighting equipment, which is extremely valuable if a fire gets out of control. One type of equipment being employed more widely on private property consists of a small fire pump with a 200 gallon tank of water. With this equipment an owner is able to extinguish fires on his own property and to render prompt assistance to any neighbour on whose property a fire may start. This type of self-protection is commendable and persons engaged in cereal growing, who have to use mechanical machinery in crops at harvest time, are procuring this type of equipment. In many cases a number of small units is more effective in fighting a fire than a larger unit which can be in only one place at the one time. I do not suggest there is no need to assist in the procuring of larger appliances. It is the duty of every landholder to provide himself with equipment of this kind, because it is a valuable form of insurance. The best time to fight a fire is when it is small, and it is small only in the first few minutes.

The Bill provides for the establishment of a fund, and to a degree it follows the Victorian Act, which I perused three or four years ago and suggested that we might include some of the provisions in our legislation. I do know

that the administration in Victoria is vastly different from ours. It may be more grandiose in its conception, but I do not know that it works better in practice. Reports I had last summer from people I know in Victoria showed that the control was unwieldy and not so effective as it was across the border in South Australia. We can be proud of the organization we have at present, and the valuable work it is doing in fighting fires. Young men devote their time to become fully trained in the use of equipment which has been purchased by funds contributed in various ways. In several cases the emergency brigade in my district has been able to turn out in full strength within 1½ minutes of the commencement of the siren. The men take pride in their quick turn out and they do a good job. These people should be encouraged and I am pleased that there is to be a fund to assist them with their equipment. The Bill places in the hands of Mr. Kerr additional means to assist the members of his organization, and himself to improve his efficiency in the capacity in which he operates. I wonder whether the insurance companies recoup themselves in any way for the contributions they are called upon to make to a fund like this. I have not been able to make a comparison, and I am not sure that one is possible on straight out lines, between the rates paid for crop insurance against fire in both South Australia and Victoria, where for some years past the insurance companies have been called upon to contribute to the fund.

The Hon. A. W. Christian—We know that their premiums have not gone up since they have been called on to contribute.

Mr. PEARSON—I am glad to hear that. It is logical that they should not be increased because if the money is to serve the purpose for which it is provided, and if the equipment is reducing the number of fires, the companies must be benefiting from the reduction in the number of claims. In view of what the Minister has said on this matter, there is no need for me to worry further. The clause dealing with penalties is necessary. The penalty for a first offence is £2 or not more than £20, and for a subsequent offence £5 or not more than £50. A penalty of £2 for a person who offends in this respect is ludicrous, and one of £50 for a second offence is completely out of keeping with the nature of the offence. We provide more stringent penalties for much lesser offences against society and property. The provisions of the Bill give adequate protection to any person brought before the court on such a charge and if he is found guilty the penalty should be a severe one. I am in doubt about the clause relating to the broadcast on days of extreme fire hazard. Under the clause a person can be convicted even if he has not heard the broadcast. I would have preferred a total prohibition on fires. I do not as yet intend to move to amend this matter but I would like to hear the Minister's comments, and to have an assurance from him that if it is not intended to carry out my suggestions this year they will be included in next year's measure. I support the Bill.

Mr. WILLIAM JENKINS (Stirling)—I too, support the Bill. Councils, fire brigades and other fire fighting organizations in my district will appreciate it. I am pleased that councils will have greater discretionary powers and I am sure they will use them to the best advantage. Clause 6 provides for an alteration in the burning-off periods. It is a good provision because in my electoral district two adjoining councils have different burning-off periods. The boundary of the two councils runs along the line of the foothills and because of the difference between the foothills and the plains the burning-off periods do not agree. If the councils have a close liaison no harm can result from this provision. Clause 8 deals with a broadcast warning on a day of extreme fire hazard. That is a good idea, but, like Mr. Pearson, I think there should be total prohibition on the lighting of fires in the open from Christmas to the end of February, during which time there is much movement of traffic on the roads. I do not agree with Mr. O'Halloran that there will be a hardship on stock drovers who want to boil billies. People who travel in caravans usually have a spirit stove and do not need to light fires in the open, and any person along the road on which a drover is travelling would be only too pleased to give him water to make his tea.

Mr. Quirke—He may be a long way from anybody.

Mr WILLIAM JENKINS—My remarks apply only to the hills, where it would not be possible to travel far without coming to a house. Clause 14 provides for the establishment of a Bush Fire Fund. In my district a number of fire fighting organizations have been equipped as the result of public contributions. The men spend much time in their training and do good work. Reverting to clause 8, I point out that on Black Sunday there was a fire at Macclesfield when telegraph wires and posts were burned down. There was no communication

between Strathalbyn and Macclesfield, Strathalbyn and Victor Harbour, and Macclesfield and Adelaide. There was no news at Victor Harbour about the fire and no help came from the town. It would have been readily forthcoming if there had been news of the fire at Macclesfield. I suggest that when the fire control officers find there is no direct communication by telegraph or telephone, news of a fire should be sent by messenger or by means of a walkie-talkie. I hope the Minister will consider adopting that method of communication with the city in order to put the necessary news over the air. The provision to set up a committee to assist in providing fire fighting equipment is a good one, and I am also pleased that the insurance companies will be contributing.

It is a great pity that all primary producers do not insure fully against fire. One man I know had started farming only 18 months or two years on a leasehold property. He had invested all his money in stock, equipment and fences, but only insured a truck and a few small implements, but he was completely burnt out. That was a lesson to many people, though I am afraid some insure for only a year or two and then forget all about the danger of bush fires and do not renew their insurance. I hope the money to be made available for fire fighting equipment will greatly assist in the future. I compliment the Minister for promptly setting up a fire fighting committee after the disastrous bush fires that occurred early this year. I also compliment him on the manner in which he, and the committee, distributed bush fire relief. The public supported the fund generously.

Mr. WHITE (Murray)—I support the Bill. I agree with the member for Flinders (Mr. Pearson) that bush fires are becoming more prevalent because we now have improved agricultural methods, less fallow land, and are growing much more grass than previously. The member for Stirling (Mr. William Jenkins) stressed the importance of insuring against bush fires. Primary producers should not regard such insurance as unnecessary expenditure, but as a good business investment. If a farmer grows a crop worth £3,000 and it is almost ready for reaping he would be wise to insure it because he would then be sure of getting the benefit of his labours. This can be done by paying a nominal fee to an insurance company. Likewise, improvements made to properties should be insured. After the disastrous fires that occurred early this year we found that many primary producers had not insured their properties. An insurance agent who had to assess some of the losses told me that some landholders were not keen on insuring even after they had suffered badly. Many people should try to do more to protect themselves by insurance.

There are four important features of this Bill. The first is the wider discretionary powers to be given councils in regard to fire control. This is necessary because councillors have a better conception of the conditions of their areas than perhaps someone living in the city. It is not practicable to lay down hard and fast rules on bush fire control to cover the whole State. Men in local government are fully qualified to use these discretionary powers in the best interests of the district they represent.

When the bush fire hazard is high the fact is broadcast over the air, but it seems that the Minister has no power to issue instructions to broadcasting stations to broadcast that fires on any particular day are prohibited. It may not be possible to contact everyone over the air because everyone is not listening to a wireless, but many people could be contacted in this way, and broadcasts may prevent many fires. Another important provision is that which sets up a bush fire fund, which is a progressive move. Some years ago I had a grass fire on my property and we were able to put out the edges of the fire at the rate of eight miles an hour, and that shows the great value of proper fire fighting equipment. Of course, in thick scrub country it is not possible to use this machinery, but many people are becoming more conscious of the importance of equipping themselves to fight fires. Another speaker said that fire fighting organizations consist chiefly of young men anxious to do their bit, and I believe the fund to be established is a recognition of the part these people are playing in protecting life and property.

The Bill increases the penalties for offences against the Act, and this is desirable. The fines that may be imposed may seem to be severe, but we must realize the great damage that bush fires can do. We must impose penalties that will compel people to realize the great danger of fires in an agricultural State like South Australia.

Mr. BROOKMAN (Alexandra)—The increasing horrors caused by bush fires demand that we pay more attention to this legislation, though it has not been neglected by Parliament. The Act has been amended frequently, and this shows that bush fires cannot be controlled entirely by legislation. We may be able to

pass measures to assist fire fighting and help prevent fires, but we cannot do much more. I live in a district that is subject to bush fires, so it is incumbent on me to say something about the legislation. The Minister, in his second reading speech, explained that this is a modest measure without any far-reaching changes. Since the Act was last amended we had disastrous bush fires on January 2, and a series of inquests have been conducted on the causes. The detective who conducted the investigations has given his evidence, which would be of great interest. January 2 was an exceptional day when there were many big fires, but they did not all start on that day. One in my district started two days before. It was considered to be under control, but because of the exceptional weather conditions on January 2 it flared up again and caused great damage. We must realize that bush fires that have been brought under control may flare up again unless they have been completely extinguished. Sometimes we hear over the air that fires have been brought under control, but that really means that they are under control if the existing weather conditions continue. With a change in the weather or the wind they are likely to get out of hand again.

I should like more information about broadcasting news of fire hazards. I think such a practice would do much good, and I do not think the provision that the making of a broadcast is to be regarded as *prima facie* evidence that everyone heard it will be abused. The news of bush fire hazards spreads quickly because everyone expects it on a hot day. Primary producers know at daybreak whether the bush fire hazard will be high, and I know many farmers who immediately put fire tanks on their trucks and get ready for trouble. Many drive around their properties with fire fighting equipment as a precaution and also see whether there is any person in the neighbourhood who may cause trouble. The Bill also provides more latitude for district councils. This aspect of the legislation has been tightened from time to time, and after the serious bush fires we have had, district councils are literally full of people who are experienced in fire fighting and fire prevention and capable of using their discretion. Therefore, this provision is a good move. I am not so sure however, about the restricted burning period. During that period councils may waive some of the conditions imposed on burning. I do not object to that, but I question the value of burning during restricted periods. For instance, one restriction was that from the time the fire was alight until it was extinguished at least four men should be in attendance, but that has been altered so that the councils may waive the necessity for the attendance of four men all the time. In very few cases have four men watched a fire during the whole of its burning, and I know of very few places where four men could be mustered to look after the fire during the day time and another four during the night, and relays kept up in that way. True, stubble fires may burn out rapidly after lighting, but heavier material will burn for a long time.

I am pleased to see that this law has been altered because the existing provision is unrealistic. At the same time I think the restricted period should be used as little as possible. It is possible to burn in the winter quite well nowadays, particularly with the aid of bulldozers and heavy equipment. I am talking particularly of the heavily timbered Adelaide hills country, which is the most dangerous from the bush fire point of view; I know little about conditions in northern districts. The widespread opinion in my district is that no fires should be allowed in the open during the closed burning period, but I think that might be unacceptable from a State wide point of view, because in many districts it is clearly not practicable to prohibit fires from December until April.

Mr. Pearson—What about camp fires?

Mr. BROOKMAN—I favour their prohibition in the Adelaide hills, but I do not express an opinion about the north-eastern areas where drovers may want to light a fire in places where it will not get away. There are few drivers in the hills districts, however, and it is usually campers who want to light fires during the summer. That difficulty could be overcome by insisting on the use of a kerosene stove or other appliance, thus obviating the necessity for a wood fire. It is easy enough for people to observe these laws on hot days, but after a summer rain it is not so easy to convince people of the necessity to obey the law. I shall be interested to listen to the debate in Committee. I do not think South Australians fully realize how much they owe to the emergency fire fighting services carried on voluntarily throughout the State. Many are conducted by people living within a minute or two of the place where the fire truck is stationed, and the time and energy they devote to the cause of fire fighting is not always appreciated. It is not hard to find people willing to fight a fire in an emergency, but it is a different

thing to induce a person to sacrifice an hour or two at the week-end to help maintain the fire truck and practise fire drill. There is a certain compulsion in the matter nowadays because competitions have been arranged for organizations throughout the State and these have provided a wonderful incentive and introduced interest into what was formerly almost all drudgery. After the bad fires early this year all South Australians expressed appreciation of the efforts of fire fighters, but we do not always remember the sacrifices made by volunteers who spend hours practising fire fighting.

Mr. GOLDNEY (Gouger)—In general I support the Bill. Fire is something which under control may be useful, but which out of control may be very dangerous. During a wet winter and a wet spring that we have experienced this year the grass grows high along our roads and railway lines and around our homes, and it seems to me that burning-off should be carried out earlier than it is, or else the inflammable material will constitute a great danger. I have noticed railway workmen burning off during certain hours of the day, even though those hours may not have been the most suitable time. A railway line runs through my property, and I have seen the men burning off inflammable materials along that line at hours when such burning-off constituted a grave risk because it was a hot day and a strong wind was blowing. Most landholders, however, make their own fire breaks because they realize the importance of a good fire break. Indeed, they mostly make a double fire break, comprising a break just inside the fence and another 30 or 40 yards out so that if a fire starts inside the paddock it will be checked by the break further out.

Mr. Stephens—What is the regulation width of those breaks?

Mr. GOLDNEY—A certain width is provided for by regulation before a claim may be made for damages, and I remember a case a few years ago in which certain people in my district and near Gawler took action for damages but were unsuccessful.

Mr. O'Halloran—They were successful in the lower court, but their action was defeated in a higher court.

Mr. GOLDNEY—Eventually their action was unsuccessful. Some fires are caused by man and others by natural causes, such as lightning. I have known of several cases in the last few years where a fire was started by lightning, but fortunately a shower of rain extinguished the fire soon after it started. Prevention is better than cure and we should concentrate on prevention, because once out of hand, a fire may become very dangerous and take a tremendous amount of fire fighting equipment and personnel to stop it.

In the lower north there is sometimes occasion to burn off a small amount of stubble and generally speaking during the burning period the best time to do this work is late in the afternoon of a moderately warm day when a steady wind is blowing from the south; in those circumstances there is little danger of whirlwinds. I do not find myself in complete agreement with clause 7 which provides that councils may make bylaws prohibiting the lighting of fires at any time on any Saturday or public holiday. I oppose the provision. In agricultural work time is important. There is a time for preparing the land, sowing and reaping, and there should be a special time for burning. If producers think that a Saturday afternoon or a public holiday is a suitable time they should be allowed to burn then. I am sure that with their knowledge, there would be litte danger of a fire getting out of control.

Mr. FLETCHER (Mount Gambier)—Producers have become far more fire-minded than they were 15 to 20 years ago. Modern equipment has been of great assistance. A man using a knapsack spray can do much more good than a man with a green bough or a wet bag. Clause 2 deals with the burning of stubble. I wonder whether this clause gives councils power to grant permits willy-nilly and whether the conditions set out in the permits will be standard. Will the conditions be agreed to by all councils? If not, there must be much controversy on the matter. In my district some years ago objection was raised to the month fixed for burning. Because of the dry year one council considered it should have been allowed to burn earlier. Our South-Eastern forests are a valuable asset and we should not run the risk of suffering a great loss through fire. To avoid any possibility of fires occurring in our forests the councils should have power to control the burning time.

Clause 4 deals with the burning of stubble in township allotments. I was pleased to hear previous speakers refer to the work done by members of fire fighting organizations. In the burning of stubble in township allotments there is an opportunity for young people to learn something about fire fighting. Even now with the modern equipment available there is

always a time when the wet bag or green bough is handy. Twenty years ago it was unheard of for a council to burn off at a given time. Usually a council waited until it thought there was enough dead growth to cause a good blaze. Because of this, on one occasion a serious fire occurred in the area between Glencoe and Mount Burr. Since then a system of patch burning has been adopted. Patches of 100 acres or so are burnt off every year. They will be of great help in putting out any serious fire that might occur. We should have only one burning off period. Councils should not be able to adopt different periods. Every precaution should be taken to prevent fires from occurring in our South-eastern forests. Clause 7 deals with the prohibition of fires on certain days. The matter has been mentioned a good deal in this debate. In these days travellers have small stoves and thermos flasks and there is no need to light fires in the open in order to boil the billy or to grill chops. A fire that occurred between Kingston and Millicent last year was caused by someone lighting a fire in a cleared area to boil a billy. He went away, leaving the fire alight, and later in the afternoon the wind carried the coals into the bush and burnt hundreds of acres on a returned soldier's property. There is no need today, on a journey between Adelaide and Mount Gambier to light a fire on a day when the hazard is high, just to boil a billy or grill a chop. This practice should be prohibited, and the fine for an offence should be severe. The average countryman realizes the danger that lies in carelessness through not properly extinguishing the coals or in lighting fires on a day when the hazard is high.

Clause 11 deals with the power of councils to require fire protection at sawmills. There are many small sawmills in my district, but there are two sides to this question. Most small sawmills are conducted by working men who have enough initiative to start up in business. Equipping these mills with all the necessary plant to fight fires is expensive. I agree that this equipment is necessary because there is nothing worse than sawdust if it gets alight, for it will burn for a long time, but most of the small men are on an annual licence. They are not encouraged to obtain all the necessary firefighting equipment if they are only on a 12 months' licence. Most mills are adjacent to forests, and most of the small men are contracting for the bigger mills. I do not say that the small mills should not have all the necessary equipment to fight fires, but they should be given longer licences.

Clause 13 deals with the power of fire control officers. I was a fire control officer for many years, and I have said repeatedly that an officer should have the power to go on any man's property in his area and order him to clear or burn rubbish that would be a danger in the event of a bush fire.

Mr. Stephens—Yes, provided the right man is appointed fire control officer. I do not know whether that should be left to the local council.

Mr. FLETCHER—I was appointed by a council. On one occasion a fire got into thistles about 6ft. high. Some of the fire fighters rushed in to put it out, but I ordered them out because they were endangering their own lives. I thought they should not endanger their lives if the landholder had not burnt firebreaks.

Mr. Stephens—Shouldn't a fire control officer have to pass a test to show he knows his job?

Mr. FLETCHER—Most men who have had to fight bush fires have been thoroughly tested after about two years' experience, and we must remember that no two fires are alike. Bush fires have to be fought according to circumstances. The provision about the Underwriters' Association making contributions towards the firefighting fund is a progressive step. I have often wondered what the insurance companies have been saved by firefighting associations. It must have amounted to hundreds of thousands of pounds because the moment there is a cloud of smoke the telephones are buzzing and I have seen a dozen fire units arrive at a fire within an hour. As a result disastrous bush fires have been averted. Contributions by the Underwriter's Association will protect insurance companies, but primary producers should continue to insure their properties, for they do not know when they will require this protection. I carried insurance for over 20 years and I thought one day that I would not continue it, but the next year all my neighbours were burnt out, though I was lucky enough not to suffer. I still believe insurance is a good thing, and I hope the Minister will consider what I have said about the powers of fire control officers.

Mr. MILLHOUSE (Mitcham)—I, too, support the Bill. Much of my electorate is within the so-called metropolitan area, but Blackwood, Belair, Eden Hills and Upper Sturt are in the hills. I am proud that my electorate is not an entirely metropolitan one and that I have something in common with

country members. In the hills areas that I represent there is an acute bush fire problem. In some ways it is more serious than anywhere in the State because the areas around Blackwood are closely settled, which makes it harder to fight fires. Because this district is near the metropolis it has much road traffic, especially at week-ends. National Park is within my electorate, and many picnickers go there, and the chances of thoughtless motorists starting a fire by throwing out cigarette butts are great. Certainly the residents of the hills areas of my electorate are conscious of the fire hazard, especially since the disastrous happenings of the first few days of this year. Some parts of my district suffered badly, and residents have taken steps to meet the menace. The fire units are well equipped and the personnel are keen and efficient, but because of the nature of the terrain it is difficult to comply with the conditions laid down under the Act. Furthermore, the provisions are cumbersome if the Minister's sanction is required for dispensation from the conditions laid down. In some cases they are not only cumbersome, but unnecessary and undesirable. Therefore, I consider the early clauses of the Bill will allow district councils some discretion in various directions. That is most desirable, and I am confident the Bill will be welcomed in my district.

The *Coromandel*, a local newspaper circulating in the hills districts, has on many occasions (indeed, as recently as last Friday) drawn attention to the present difficulty of getting the Minister's permission so that effective steps may be taken by local residents to fight the fire menace before it is too late. I am sure that residents in these areas will welcome the clauses to which I have referred. That is only one of several points embodied in the Bill, but it is the only one to which I intend to address myself, although I have considered the others and have listened with a great deal of interest to the debate so far. The Bill may not be exactly what all members would wish for, but it is a step in the right direction, and I shall be interested to hear in Committee whether the various suggestions thrown out by members are carried any further. If they are I shall give them my earnest attention.

Mr. CORCORAN (Victoria)—I represent a district that has often had devastating bush fires, some of which have originated through carelessness and lack of discretion. Some of the most disastrous fires in the South-East have occurred during that period of the year when it is permissible to burn off, and although at times such a fire has been lit during favourable weather when no great danger appeared imminent, hot weather has developed and it has got out of control. The fire on Black Sunday (January 2) did much damage to the little village of Rendelsham near Millicent, and we do not want to see that sort of thing occur again. The Government is encouraging the formation of fire fighting units, and I am pleased to know that district councils throughout the State are to be granted added discretionary powers. After all, they are in closest touch with the people and know what is required to be done under local conditions.

The member for Mount Gambier (Mr. Fletcher) said it would be interesting to calculate the damage averted by the use of fire fighting units. In by-gone days when primitive methods such as the wet bag and bough were used, a fire would sweep over the countryside for miles, but today when time is the essence of the contract the fire fighting system operates as soon as the alarm is sounded. One of the chief causes of anxiety in the Tantanoola and Millicent districts and in those districts between Mount Gambier and Wolseley has been the steam train, which has been responsible for a number of fires, although it is sometimes impossible to prove the responsibility of the Railways Department. I have always thought that on bad days when the fire hazard was great the Railways Department should have arranged for a man with a fire fighting spray to follow the train so that, if a lump of burning coal had dropped from the engine, any possible damage could have been averted.

Members of the travelling public sometimes carelessly throw cigarette butts on to the roadside and thus cause bush fires, but I would be merciless in punishing those people and deal with them with the utmost rigour of the law. I would totally prohibit the boiling of the billy by campers because, as necessity is the mother of invention, campers would soon find other ways of catering for their needs. After all, a careless person may still forget to extinguish a fire before leaving a camp site. The Leader of the Opposition pointed out that a whirlwind might spread a fire, and even if a camp site were surrounded by a wide fire break, the fire might jump that break and spread. I know of fires at Glencoe and Compton (near Mount Gambier) which were started by sparks thrown out of dirty chimneys, and it is believed that the fire at Rendelsham on January 2 may have been

caused in that way. The legislation should provide for a penalty so that people would prevent such a menace. I have instructed the people occupying my home at Tantanoola not to light a fire on a bad day, because a spark could easily leave the chimney, even though it is clean, and cause a fire. Surely people could use a gas stove or perhaps fill up a thermos flask early on the morning of a bad day. Every possible step should be taken to avoid danger.

Acts of God have been responsible for many fires in the South-East, and I have seen a fire caused by a thunderstorm during dry conditions. In the summer when the grass is inflammable a fire can easily get out of control, but I have been impressed by the excellent work of fire fighting organizations in my district, and I commend the Government on the appointment of the Fire Superintendent (Mr. Kerr) who is the right man in the right place, very enthusiastic and doing much to stimulate the establishment of additional fire fighting units.

One has only to travel through the hills today to see the prolific growth that will constitute a menace this summer. People who are not subject to bush fires often become careless but when a fire occurs they are appalled by the damage. Although I do not generally favour compulsion, I believe the time may come when the Government will have to compel householders and landowners to insure against fire damage to their homes, fences, and stock. After all, only a small premium is involved, and if a man is unfortunate enough to be burnt out, surely he will rather collect from an insurance company than rely on Government assistance or the generous response of the community to an appeal. A number of people who suffered loss as a result of the fire I referred to earlier were not insured. Everyone should insure his home as well as his stock and fences. After that fire some insurance companies in Mount Gambier and Millicent were working overtime writing policies for people who witnessed the devastation which occurred around them but which they escaped.

At a meeting of the South-Eastern Fire Fighting Association attention was drawn to regulation 12 of the Act and it was suggested that it be amended to prohibit the Conservator of Forests or his authorized representatives from authorizing the burning of waste on any land other than such land as is controlled by the Conservator. It was argued that the Conservator of Forests had power to override the decisions of the district council. If that is so, it is an absurd situation. Can the Minister indicate whether he knows anything about this matter and if the contention is correct will he introduce a provision to cover the position?

I agree with all members that there should be a total prohibition on open fires during the summer. Councils and fire fighting organizations have knowledge of local conditions and would be in the best position to decide the burning periods. They would be able to take advantage of suitable weather conditions in burning fire breaks to retard the progress of any bush fire that may occur. Members of fire fighting organizations are enthusiastic and devote considerable time to their valuable work. Unfortunately, some people are not so conscious of their responsibilities. There are some people who do not comply with the request to burn firebreaks on their properties and they cause a dislocation of the whole fire fighting system. It should be possible for district councils to deal with that type of person.

There is nothing worse than a bush fire. In the morning an area may be beautiful, but in the evening it is a scene of desolation. The Government and fire fighting organizations should take every opportunity to impress upon people the necessity for exercising care to obviate the possible dangers of fire. The Bill extends the discretionary powers of councils, provides financial assistance for equipping them with better fire fighting units and increases the penalties for those who have no respect for the requirements of the Act. If people have not sufficient sense to realize their responsibilities they should be punished. I doubt if the State has enjoyed a better season than this. Growth is prolific, but there is the possible danger of fire later in the season. Grasshoppers are a great menace but they cannot be compared with bush fires, which burn down fences and destroy homes. The State and Federal Governments and the general public responded generously in assisting those who suffered damage in the last fires, but if people were insured they would not have to depend on the generosity of others. I support the second reading.

Mr. MICHAEL (Light)—I support the Bill but there are two or three provisions which require comment. The provision to extend the discretion of district councils may appear, at first sight, to ease fire precautions, but that is not so. Conditions vary in districts and councils should be empowered to exercise discretion over burning. The Bill provides that

certain days, to be broadcast, shall be prohibited burning days. I do not think that provision is satisfactory and it would be better to prohibit the lighting of fires in the open during the two worst months of the year. After crops have been taken off and sheep have been grazed on the paddocks there is not so much danger of fire. Those most likely to light fires on prohibited days would probably be the persons who do not hear the broadcast. I do not know whether it would be an excuse to plead that the broadcast had not been heard, but the fire would have been lit and any damage that may result therefrom could not be averted.

I commend the work of emergency fire services throughout the State. In most small country towns they are staffed by young men who devote much time to the maintenance of their units and to answering calls for assistance. At Freeling and Greenock, in my district, the young men take pride in their units and are readily available to combat any fires that occur in the district. They are not the only towns with enthusiastic young people, but they spring readily to mind. These organizations render a great service to the State. There are some people who are not fire conscious or who are inclined to be careless and it behoves us to advertise and publicise the dangers of fires as much as possible, particularly as this season has been so good and the danger of fires has been accentuated by the prolific growth.

Mr. GEOFFREY CLARKE (Burnside)—Some members have expressed concern about the inadequacy of clause 13(a) to prevent fires. This provision has been copied from the Victorian Act and the words are almost identical. I have the Minister's assurance that the provision works satisfactorily in Victoria. I have no objection to it in principle, but in the interests of constitutionality I would prefer some alteration of the wording. Among other things the clause states that the "Minister or person authorized as aforesaid may cause to be broadcast from a broadcasting station in the State—". I desire to make it clear that I speak for all commercial broadcasting stations in this State to which not less than, and probably more than, 60 per cent of the public listen. I am sure the Minister would have the complete co-operation of the commercial broadcasting stations and, I believe, of the national station in broadcasting fire warnings. To say that the Minister may cause something to be broadcast is an assumption of a constitutional power that does not rest in the State. Broadcasting is purely a Federal function and no body other than the Broadcasting Control Board, or some other Federal authority like the Postmaster-General, can cause a station to broadcast anything. A provision in the Broadcasting Act requires a station to provide a certain amount of time in broadcasting matter which may be ordered by the national authority, but no State authority can cause any matter to be broadcast. I suggest that there can be no practical consequence in this rather careless use of words, as all commercial broadcasting stations would do what they were asked to do as one of the many public services which they are continually doing for good causes in this State. The words "may cause" are incorrect constitutionally and technically, and when the Bill is in Committee I hope we will be able to find other words to do what the Minister desires, and what the broadcasting stations are prepared to do.

The Hon. A. W. Christian—It is only a matter of arranging.

Mr. GEOFFREY CLARKE—The Minister may request something to be done, not cause. "Cause" has a legal significance involving compulsion and a direction which the Minister cannot give. I would be satisfied if "request" were used. I am sure that what the Minister wants will be done, but he cannot cause it to be done. If the warning to be broadcast is to be effective it must go through all stations. Not less, and probably considerably more, than 60 per cent of listeners listen to commercial stations, and if the warning is not given through all stations a listener may be condemned to listening to a station which does not normally suit his taste, or precluded from listening to a programme he wants to hear. I suggest that the Minister should seek the co-operation of all broadcasting stations. I speak on behalf of all commercial stations and I can assure the Minister of their co-operation. He should work out with them a means for fire warning information to be channelled to all stations in the event of an emergency. It would be dangerous to allow the warning to go over only one station.

The Hon. A. W. Christian—Who said it would be only one station?

Mr. GEOFFREY CLARKE—The Bill refers to "a broadcasting station."

The Hon. A. W. Christian—That does not limit it to one.

Mr. GEOFFREY CLARKE—I want it to go through all stations. If the Minister is

not gravely concerned with this small constitutional point I hope he will nevertheless call the broadcasting stations into conference. In a letter sent to the Minister today all the commercial broadcasting stations in this State expressed their willingness to broadcast an address by His Excellency the Governor during Bush Fire Week, and this co-operation warrants the Minister giving consideration to my suggestion. The generous offer of the Wireless Institute of Australia, which is composed of highly competent and enthusiastic radio operators, should be accepted by the Minister. He should integrate into the radio network in this State the services of these men who are competent to assist in a national emergency.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Burning of stubble in township allotments."

Mr. MACGILLIVRAY—I am concerned about the pleas put forward by householders in our hills districts. I have read letters in the *Advertiser* complaining that they have cleared inflammable material from their holdings whilst owners of adjoining properties have not done so. I hoped that one of the additional powers that councils would have would be to give a householder with uncleared land notice that if he did not clear it within 14 days the council would do the work and charge him with the cost. This would be nothing new because we recently included it in legislation dealing with grasshoppers. Will the Minister consider the matter?

The Hon. A. W. CHRISTIAN (Minister of Agriculture)—This clause contains a new provision related to machinery for clearing up rubbish and debris in township allotments. There is no compulsion in the clause. The Government desires that the machinery should be tried to see if voluntary co-operation in the matter can be successful. If we have compulsion here we cannot do other than have compulsion in connection with broad acres. I have already given consideration to the matter and a comprehensive scheme was prepared, on a compulsory basis in some instances, but it became too late for it to be introduced this session. Much debate could take place on it. The provision in the clause takes us some way towards getting township allotments clear of debris before the fire danger period arrives. Let us have a trial of this matter on a voluntary basis and then next year we may be able to consider wider measures.

Mr. QUIRKE—It is evident that there is a weakness in the clause. Recently I had a new clause drafted, but following the Minister's assurance I shall not submit it. It gave councils power to give notice to a landholder, whose land was not cleared, that if he did not clear it within 14 days the council would do the work and charge the owner with the cost. Section 27a gives such a power to councils in relation to the removal of furze. It states:—

If the council is of opinion that the presence of the plant known as furze on any land within its area is or may be a source of danger from bush fires the council may by notice in writing given to the occupier or the owner of the land, require him to destroy and remove all furze plants from the land specified in the notice within the time specified in the notice. If any such occupier or owner fails to comply with any such notice . . . any person authorized by the council may enter upon the land and remove all furze plants . . .

The Hon. A. W. Christian—There is a limitation which the honourable member did not read:—

No such notice shall apply to any land distant more than one chain from any road or building.

Mr. QUIRKE—Yes, but I am referring to the compulsory provisions. The Clare Corporation has a grass cutter, but it is not used to cut grass on privately owned land unless requested. Some people in country towns are negligent, and councils should be empowered to serve notice upon them. The compulsory provisions would not have to be used except in isolated cases. However, on the Minister's assurance that a future Parliament may review the Act I will not pursue my suggested amendment, though I am disappointed that the Bill is not more comprehensive.

Mr. HAWKER—The clause enables a council to give permission to a landowner to burn on a town allotment, but under section 5a if a council wants to burn grass on a street, road or reserve vested in it it has to get the permission of the Minister. Will the Minister investigate this apparent anomaly?

The Hon. A. W. CHRISTIAN—Yes.

Clause passed.

Clause 5 passed.

Clause 6—"Alteration of periods, etc."

Mr. HAWKER—A landowner is not allowed to light a fire to burn breaks between October 15 and February 1 except under certain conditions, and he is not allowed to light a fire between January 31 and May 15 to burn stubble, except under certain conditions. Will the Minister see whether there is any possibility of the Act not operating for a certain

time if a council puts back the finishing time of one burning period without bringing back, by a corresponding period, the starting time of the next period?

The Hon. A. W. CHRISTIAN—I think the position is made clear by paragraphs (*a*) and (*b*) of proposed new subsection (6) of section 11. Under paragraph (*a*) a council may alter the commencing time by a fortnight either way, but under paragraph (*b*) it may only postpone the finishing date by a period of up to 14 days.

Clause passed.

Clause 7—"Prohibition of fires on certain days."

The Hon. A. W. CHRISTIAN—When the member for Gouger (Mr. Goldney) referred to this clause on the second reading I pointed out that it would only become operative if a council made a by-law in respect of this matter. One Yorke Peninsula council attempted to make a by-law, but it was ruled that it was not in accordance with the Act. Some councils desire such a prohibition because many people go to sporting fixtures on Saturdays or public holidays. If a farmer stays at home and a fire he lights gets out of control he may be in serious trouble if his neighbours are away. If many people in a locality are opposed to such a by-law they can make their wishes known to a councillor, so I think we can rightly give this additional power to councils.

Clause passed.

Clause 8—"Warning of day of extreme fire hazard."

Mr. O'HALLORAN—I ask the Committee to reject this clause. I am not opposed to the Minister having the right to have fire warnings broadcast, and this is conferred on him by section 13a, which states:—

Whenever the Minister is of opinion that it is desirable so to do, the Minister may cause to broadcast from a broadcasting station in the State a warning of the likelihood of occurrence of weather conditions conducive to the spread of bush fires in the whole of the State or any part or parts of the State and warning all persons against the fire hazard which would be created by the lighting of fires in the open.

It would have been better if the Minister had amended that section so as to give him the power to authorize persons to issue a broadcast warning. I do not like the provision:—

Any person who on the day any such warning and prohibition is broadcast, lights any fire in the open contrary to the prohibition shall be guilty of an offence and liable to a penalty not exceeding £100.

Another provision states:—

In any proceedings for an offence against this section a certificate purporting to be signed by the Minister to the effect that a warning and prohibition were broadcast pursuant to this section from a broadcasting station in the State in respect of any specified day and in respect of the whole of the State or any specified part thereof shall be *prima facie* evidence of the facts set out therein.

The warning need not necessarily be broadcast from all stations and, although a person may not have heard the warning, he would be liable to a penalty of £100 for lighting a fire. That is going too far. I favour the suggestion that it would be better to tidy up the position by prohibiting the lighting of fires in the open, except under a permit.

The Hon. A. W. CHRISTIAN—There are difficulties in this matter, but a similar provision is operating (I believe satisfactorily) in Victoria. Indeed, I have not heard of anybody suffering any grave injustice because of it, and I know of no other method to implement this type of warning. It is not to be taken for granted that any broadcast will be limited to any one station. The member for Burnside (Mr. Geoffrey Clarke) wants to include a provision that all broadcasting stations shall broadcast a warning, but we cannot tie ourselves up like that because one station may hold out for extortionate terms.

Mr. Geoffrey Clarke—They would do it for nothing as a public service.

The Hon. A. W. CHRISTIAN—I expect that these warnings will be broadcast the same as are frost warnings, and I suggest that the early morning news service would be the most suitable time. The clause is more or less experimental and should be given a trial because it is working satisfactorily in another State. A complete prohibition on the lighting of fires in the open throughout the State has been suggested, but that is not practicable because conditions vary and there may be no risk in certain districts. Further, even during a totally prohibited period there may be occasions when a fire is desirable to clear up a hazardous area. A total prohibition all over the State is not warranted, although a partial prohibition may be desirable; but councils already have power to prohibit the lighting of fires under section 13. The Crown Law ruling on this question is to the effect that a council may prohibit the lighting of fires throughout its district for a specified period, and that ruling has been confirmed this evening by the Parliamentary Draftsman. Generally speaking, the Bill gives district councils greater authority,

and that principle has been commended by speakers. Why then should we refuse to allow district councils to exercise their power in this regard? The clause should be given a trial.

Mr. STOTT—What is meant by "lighting a fire in the open"?

The Hon. A. W. Christian—The court has ruled on that.

Mr. STOTT—Would the lighting of a kerosene stove in a caravan constitute a fire in the open? I move—

In new section 13a (1) after "from" to delete "a" and to insert "any".

I have sometimes left Adelaide where it has been raining and on arrival in my district have found a hazardous fire risk. If "any" were inserted the Minister could make arrangements for the station in the area to broadcast the warning.

The Hon A. W. CHRISTIAN—The amendment would not help in any way because "any" could still mean only one. The words used in the clause do not limit us to only one station. We hope to use all stations because we want the warning to reach everybody. The question of what constitutes a fire in the open was dealt with in a case heard from May 7 to May 15 in 1942 before Mr. Justice Angas Parsons, and it concerned the lighting of a fire in a tank that had one side open and a hole in the top. The judgment given was clear that the fire, notwithstanding that it was lit in the tank, was a fire in the open.

Mr. GEOFFREY CLARKE—I agree with the Minister that the insertion of "any" literally does not make any difference; "all" should be inserted. The Minister has assured us that he hopes to make use of all stations. As the singular includes the plural in this case I will not press for an amendment.

Amendment negatived; clause passed.

Clause 9—"Use of aircraft for spraying."

The Hon. A. W. CHRISTIAN—I move—

To delete "twenty" from new section 17b and insert "fifty."

This brings the offence and penalty into line with those contained in the schedule to the Bill.

Mr. STOTT—I think the provision in the new section will be difficult to administer. I cannot see how water sprays, etc. can be available just where the dusting aeroplane lands, or inflammable material cleared.

The Hon. A. W. CHRISTIAN—I do not think there will be any difficulty. There are similar provisions in other portions of the Act. For instance, if a man uses a gas producer on his tractor or truck during harvest time he must cause a break to be cleared in his paddock. There must be a paddock for the aeroplane to land in, and in it there must be a break. I think it is quite simple.

Mr. HAWKER—This practice was carried out in the Booborowie area. My manager was asked whether a dusting aeroplane could land in one of the paddocks and he said it could be done provided a water tank was available should a fire occur. Later the plane went farther north and landed in a paddock where there were no facilities and a fire started. It is not necessary to have a water tank just where the wheels of the aeroplane touch down. I do not think there should be any difficulty.

Amendment carried; clause as amended passed.

Clause 10—"Power to require fire protection at sawmill, etc."

The Hon. A. W. CHRISTIAN—Mr. O'Halloran raised a query on this clause. If anyone is not satisfied with what is required of him he can appeal to a court of summary jurisdiction, which would be presided over by a magistrate with two justices assisting. I think such a court would ensure that injustice would not be done to the sawmiller.

Mr. FLETCHER—Under paragraph III of subsection (1) of new section 21a would each sawmill need to install a telephone?

The Hon. A. W. Christian—Yes.

Mr. FLETCHER—How could that be done? All the telephones needed in country towns cannot be supplied now.

The Hon. A. W. Christian—In that case there would be grounds for appeal, but the sawmiller would not be asked to do something that was not possible.

Clause passed.

Clause 12 passed.

Clause 13—"Power of fire control officers as to certain fires."

Mr. FLETCHER—This clause leaves the fire control officer out on a limb because he has power to enter a property to make inquiries only after a fire has been lit. He should have power to order the owner to destroy rubbish or grass which could be a danger to fire fighters in the event of a fire. It is wrong that he should have to order men in to fight a fire when the owner has neglected to take the necessary precautionary steps to destroy rubbish.

The Hon. A. W. CHRISTIAN—The required authority is provided in section 29b of the present Act which says that any fire control

officer shall, subject to any directions given by the council and subject to anything prescribed by the regulations, take any measures which appear to him to be necessary, expedient or practicable to prevent the outbreak of fire. I suggest that the power is already there to do what the honourable member wants. I do not think we can enlarge the clause to include the honourable member's suggestion.

Mr. STOTT—If the occupier is not home he cannot be given notice. In that event has the control officer power to enter the land and take steps to extinguish the fire?

The Hon. A. W. CHRISTIAN—That is already in the Act. The control officer may at any reasonable time enter any land, whether private property or not, for the purpose of examining any measures taken or proposed to be taken on the land for protection from fire.

Clause passed.

Clause 14—''Interpretation.''

Mr. STOTT—I move—

After ''Treasurer'' in new section 40 to insert ''on behalf of the committee.''

The fund is subscribed to by insurance companies and I do not think it is right that the Treasurer should completely control it.

The Hon. A. W. CHRISTIAN—The insurance companies are quite agreeable. The Treasurer has to be custodian of all public moneys and it would be superfluous to include the amendment.

Amendment negatived.

The Hon. A. W. CHRISTIAN—I move—

To delete ''Part'' in subsection 2 of new section 40 and to insert ''Act''.

This is only a drafting amendment.

Amendment carried; clause as amended passed.

The Hon. A. W. CHRISTIAN—I move—

In new section 46 (1) after ''fire'' to insert ''or other fires in parts of the State to which the Fire Brigades Act, 1936-1944, does not apply.''

The object is for the organizations formed to fight bush fires to also fight fires that may occur in a town. Voluntary fire fighting organizations frequently act as the local town fire brigade and deal with fires in buildings as well as those on broad acres. This provision was omitted from the Bill when drafted and it is desirable that it should be included.

Mr. HAWKER—Is this provision limited to fire fighting equipment only? I can imagine the Government may be asked to supply funds for some other purposes. Will the Minister look into the question of widening the scope of payments? The money would still be under the control of the Treasurer. There would be times when it may not be advisable for this fund to be used for purposes other than for actual equipment.

The Hon. A. W. CHRISTIAN—I suggest that we limit the fund at the outset for the purpose of providing equipment. It is essential to get the emergency services equipped. If in future we have surplus funds we can consider the honourable member's suggestion.

Amendment carried; clause as amended passed.

Clause 15 passed.

New clause 4a—''Burning of scrub.''

The Hon. A. W. CHRISTIAN—I move to insert the following new clause:—

4a. Section 7 of the principal Act is amended by striking out the words ''for the purpose of providing a firebreak'' in the second and third lines of subsection (2) thereof.

Section 7 of the principal Act provides for the burning of scrub for the making of fire breaks, and by eliminating the words ''fire break'' it would enable scrub to be burned on a wider scale. The purpose is to provide for eliminating any fire hazards, and it will particularly apply in the hills districts. This provision is in line with others that we agreed to earlier that provide for stubble to be burnt under similar conditions.

New clause inserted.

Schedule.

The Hon. A. W. CHRISTIAN—I move to strike out ''29a'' in the first column and insert ''29d'' in lieu thereof. This is only a drafting amendment.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

ADJOURNMENT.

At 10.50 p.m. the House adjourned until Thursday, November 17, at 2 p.m.