HOUSE OF ASSEMBLY.

Tuesday, October 22, 1957.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

RAIL CARTAGE OF WATER.

Mr. O'HALLORAN—On September 24, in reply to a question I asked the Minister of Works reported that the unit cost of purchasing water from the Engineering and Water Supply Department at Hanson and the cost of pumping the same to Burra was exactly the same. I thought this a peculiar coincidence and after discussions with him the Minister promised to obtained further information. Has he that information?

The Hon. Sir MALCOLM McINTOSH—Yes. The Railways Commissioner has forwarded a supplementary report from his Comptroller of Accounts which states that the unit cost of water supplied to the railways by the Engineering and Water Supply Department at Hanson is 2s. 4d. per 1,000 gallons. This water is drawn from the Engineering and Water Supply water main and the Railways Department does not incur any additional expense in respect of it. For the period January 15, 1956 to September 14, 1957, the amount paid by the railways to the Engineering and Water Supply Department was £2,616 12s. The unit cost of pumping this water to Burra is 2s. 4d. a 1,000 gallons which includes the wages—ordinary time plus overtime penalty—paid to the pumper at Hanson, the cost of maintenance of pumping plant and the cost of fuel. It is purely a coincidence that the unit cost is 2s. 4d. a 1,000 gallons in each case.

WOODLANDS PARK WATER SUPPLY.

Mr. FRANK WALSH—I received telephone communications on Sunday and yesterday from residents in Adelaide Terrace, Woodlands Park complaining that they could not secure an adequate water supply. As this has occurred following one hot day will the Minister ascertain whether an improved supply can be provided?

The Hon. Sir MALCOLM McINTOSH—I conferred with the Engineer for Water Supply, Mr. Campbell, today. It is inevitable following the first really hot day we have had, that some areas will experience difficulty in securing supplies. In most other States it has been found necessary annually to impose restrictions in order to prevent this occurrence. I am sure the honourable member will bear in mind that so far as this State is concerned, notwithstanding the inordinately dry season, up to the present we have not been faced with restrictions. If the honourable member will advise me of the area concerned I will guarantee that if any remedy can be applied it will be applied.

INDECENT LITERATURE.

Mr. MILLHOUSE—Section 33 of the Police Offences Act relates to the publication of indecent matter. From time to time complaints are made about the type of literature being sold in this State, but so far as I am aware very few, if any, prosecutions have been launched under that section. Can the Premier, as Acting Chief Secretary, say whether it is the specific duty of any member or members of the Police Force to watch out for such publications as are prohibited by that section or whether it is simply part of the general duties of members of the Police Force and, therefore, in many cases overlooked by them all?

The Hon. Sir THOMAS PLAYFORD—In the first place, any complaint lodged by any person immediately receives attention. I know that on some occasions the Minister has actually perused publications to ascertain whether or not a prosecution could be justified. Members will realize that it is extremely difficult to judge whether a book has sufficient literary merit to justify it continuing in circulation or whether it should be forbidden. Complaints are immediately investigated and I believe there are some officers who specialize in this particular work. I will get a report on that aspect.

NAPPERBY AND NELSHABY VEGETABLES.

Mr. RICHES—Has the Minister of Works a reply to the question I asked on October 3 regarding the transport of vegetables from Napperby and Nelshaby on Thursdays for the Adelaide market on Fridays?

The Hon. Sir MALCOLM McINTOSH—On the face of it it would appear that this situation has been adequately met by a train service. The Railways Commissioner has advised that last year on Thursdays, one freight train departed from Port Pirie for Mile End at 5 p.m. This year there are two trains which depart on Thursdays from Port Pirie at 10.30 a.m. and 7 p.m. respectively. The latter train arrives at Mile End in time for Friday's market. There is no evening passenger service from Port Pirie on Thurs-

days. The honourable member's complaint was referred to the Manager of the Growers' Distributors, who had no complaint to make. He said that the only case he was aware of was from a member of his association who had a small consignment of peas and desired to know why passenger transit was not available on Thursdays to meet the market. He was informed that the train departing from Port Pirie at 7.00 p.m. on Thursdays was available for this purpose.

ELIZABETH SOUTH RAILWAY STATION.

Mr. JOHN CLARK—A number of my constituents have drawn my attention to the fact that at the moment at Elizabeth South Station there is only one officer who sells tickets. Although nobody complains about this gentleman, for whom all have the highest regard, the rapid growth in the population of this area means that more than 5,000 people each day catch trains from this station. On Monday, when many travellers desire to purchase weekly tickets, which necessitates a little more writing than the ordinary ticket, the officer on duty cannot cope with the position because of the numbers desiring to do so, and many more travellers have to buy daily tickets. Will the Minister of Works ask his colleague, the Minister of Railways, to consider increasing the staff and accommodation at the Elizabeth South station to bring them more into line with those at other stations serving places of comparable size?

The Hon. Sir MALCOLM McINTOSH—I will take up the question with my colleague, but the question of personnel is not for the Minister to decide: under the Act it is entirely under the direction of the Railways Commissioner, therefore until I can get a report from the Commissioner, through my colleague, I cannot say what the Minister has to say on the matter.

HOSPITAL PATIENTS' SUBSIDIES.

Mr. HAMBOUR—In the Budget debate in the Federal House of Representatives last month the Federal Treasurer said:—

The Government also proposes to increase the assistance given by the Commonwealth to hospital patients to meet their accounts for hospital treatment. At present the Commonwealth pays a general hospital benefit of 8s. per day and where a patient is a member of a hospital insurance organization, an additional benefit of 4s. a day. Legislation will be introduced providing for the payment of an additional benefit of 12s. a day, in lieu of 4s. a day, where a hospital patient is entitled to receive hospital insurance of 16s. per day or more.

For the past three or four years the Commonwealth Government has recognized the contributions to hospitals by South Australian people through district council rating and, through the Minister of Health, 12s. a day has been paid in respect of South Australian patients. Will the Premier, as acting Minister of Health, take up with the Federal Treasurer the question of whether the Commonwealth Government will recognize these council rates as South Australians' contributions and so raise the Commonwealth Government's contribution from 8s. to £1 a day by adding 12s. instead of 4s. as in the past?

The Hon. Sir THOMAS PLAYFORD—I shall be pleased to do that. In South Australia we have a system whereby a contribution is made to hospitals by local government authorities. At the inception of the scheme, on representations made by the State Government that was allowed to be considered as an insurance because the amounts collected were about equivalent to—in fact slightly more than—what would be paid had there been a gross insurance of the area. Under those circumstances we have been able to secure that benefit so far as the South Australian taxpayer is concerned. I will take up with the appropriate Federal authority the question of whether the new arrangement will apply in regard to our rating system.

GLENELG SEWAGE TREATMENT WORKS.

Mr. FRED WALSH—Has the Minister of Works a further reply to my recent question concerning the discharge of effluent from the Glenelg Sewage Treatment Works?

The Hon. Sir MALCOLM McINTOSH—As promised, I took up this matter, through the Engineer-in-Chief, with Mr. Hodgson (Engineer for Sewage Treatment), who is a world recognized authority on the subject. His report states:—

The Glenelg treatment works was designed for a contributing population of 100,000 and the connected population is now 146,500. At times of high flow, the plant is therefore in serious difficulty, and there is a considerable impairment of the effluent. The situation has been met during the bathing season by heavy chlorination of the effluent and during the last bathing season some 75 tons of chlorine was used. During this period, samples were taken daily from the waters of the bathing zone and submitted to bacteriological examination. It is pleasing to be able to report that because of the above action these waters were maintained at all times during the bathing season at equal or better than best bathing pool standard. Similar action will be necessary

during the coming bathing season. However, the first half of the extensions to the plant should be completed before the following summer when we will be able to restore the effluent to its previous high standard of quality. Quite independently of the above, a number of tests are being carried out in connection with the proposal to take digested sludge to sea, and one of these has involved the discharge of a certain amount of sludge to sea. This was done purely for experimental purposes.

The honourable member will find the report quite satisfactory.

STANDARD TIMES.

Mr. JENKINS—Has the Premier a further reply to my recent question concerning the standardization of time between the eastern States and South Australia?

The Hon. Sir THOMAS PLAYFORD—The Attorney-General has examined this question and the answer is that the Government will not introduce any legislation this session to deal with the matter. Many things are involved and already many heated protests have been made against the suggested alteration; therefore, this matter will require some consideration before the Government decides whether it would be appropriate to submit legislation to this House and it is not proposed to rush in with any alteration immediately. Investigations will take place and I will advise the honourable member in due course if any action is to be taken.

WORKING OF WALLAROO PORT.

Mr. HUGHES—Can the Minister of Marine say whether the port at Wallaroo is a daytime port or a 24-hour port for the berthing and discharging of vessels?

The Hon. Sir MALCOLM McINTOSH—I do not know the technical aspect of the question and I will get a reply from the General Manager of the Harbors Board. If the honourable member will give me some further information on what he has in mind I shall be glad, because on the face of it, the question seems rather academic.

MANNUM-MURRAY BRIDGE ROAD.

Mr. BYWATERS—On October 3 I asked the Minister of Works, representing the Minister of Roads, a question concerning the road between Mannum and Murray Bridge and read a statement from the *Murray Valley Standard* complaining about its poor condition. Has the Minister a further reply to my question?

The Hon. Sir MALCOLM McINTOSH—I have received the following report from the Minister of Roads:—

The Commissioner of Highways advises that there are no proposals to reconstruct and seal this road in the near future. The traffic count at present is approximately 100 vehicles per day near Murray Bridge, so that it does not have a very high priority in the State, and reconstruction could not seriously be considered until more urgent works have been carried out. The road is being maintained by the district councils of Mannum and Mobilong to a good open surface standard.

WHIPPING OF JUVENILES.

Mr. HUTCHENS—Is it a fact that Cabinet has made a decision not to permit the whipping of a boy of 12 years of age which was ordered by a magistrate and upheld on an appeal to the Supreme Court? Will the Premier consider bringing down legislation to amend the Police Offences Act, and any other Act necessary, so as to prevent the ordering of a punishment that is distasteful to Cabinet and the general public?

The Hon. Sir THOMAS PLAYFORD—I previously answered a question in this House on this matter, and I outlined that Cabinet desired, if possible, to educate youthful offenders rather than to chastise them in the way proposed. Under the law it is necessary for Cabinet to proclaim a particular method of whipping, if one is ordered, and Cabinet decided in this case that as the child was only 12 years of age it would not make any proclamation about the birch that was to be used, so under those circumstances it seems to me that the court's direction will not be carried out. I personally discussed the conduct of the boy concerned in this case with one of the reformatory officials, who said that in his opinion the boy had some good in him and that if he was given proper treatment he might be reformed. Any alteration of the law is something that is much more serious, and it will be considered in due course.

FISHING LEASES.

Mr. TAPPING—Last Friday I received a deputation from fishermen living in the Semaphore district who complained that there was a move, through the Government, to give a lease of the coastline, or portion of it, from Outer Harbour to Port Gawler for the purpose of catching oysters. The fishermen are concerned because if that was granted it would affect their livelihood, and there are about 100 fishermen involved in fishing off that coastline. Does

the Minister of Agriculture know anything about this complaint?

The Hon. G. G. PEARSON—Yes. The position is that under the Fisheries Act any individual may apply to the Chief Inspector for the granting of a lease of any part of the coastline, and an application has been received in respect of the area from Outer Harbour to Port Gawler. Before giving further consideration to this matter, the Chief Inspector, I think, got in touch with the fishermen who would be likely to be affected by the granting of a lease, and he is considering the pros and cons of the application. In the opinion of the Chief Inspector the area applied for is not a particularly good one for the purpose required by the proposed lessee, who, nevertheless, desires to proceed with his application. If the fishermen object, as apparently they do, I think there is very little likelihood of the lease being granted.

SCHOOL BUSES.

Mr. DUNSTAN—I understand that when buses are required by schools for Education Department purposes the only buses that can be used are those normally hired by the Tourist Bureau. Schools in my district have wished to use other buses, but I understand that they have been told by the Education Department that they may only use Tourist Bureau buses. Will the Minister of Education have this matter investigated to see whether this ruling cannot be altered, as the local buses are usually quite satisfactory?

The Hon. B. PATTINSON—Yes, but I do not think the honourable member has been informed quite correctly. Schools have been requested to make inquiries in the first place to the Tourist Bureau to see whether buses are available from that source or whether the Bureau will recommend certain buses, but I will look into the matter for the honourable member.

DIESEL FUEL TAXATION.

Mr. LAUCKE—Recently I directed a question to the Premier about the 1s. a gallon tax in the original invoice now levied on diesel fuel. I feel that farmers in particular should not have to pay this tax if the fuel is used in farming operations, and I ask the Premier whether he has a reply to my question.

The Hon. Sir THOMAS PLAYFORD—I have received the following reply from the Prime Minister, the relevant portion of which states:—

Separate systems will operate for exemptions and rebates of the diesel fuel tax. For administrative purposes it is necessary to impose the duty on all automotive-type diesel fuel regardless of the purpose for which it will be used. However, large users whose normal minimum usage is in the vicinity of 20,000 gallons per annum, and who satisfy the Minister for Customs and Excise that they require diesel fuel for use other than in propelling road vehicles on public roads, will be issued with a certificate which will enable them to obtain supplies exempt from the 1s. per gallon duty. For other users for whom the certificate system is not appropriate or practicable, claims for rebate of 1s. per gallon tax may be made on forms which will be made available throughout the Commonwealth to diesel fuel suppliers and Customs Houses and Excise Stations before the end of this month. In the first instance, claims should be lodged for the period ending 31st December, 1957, and thereafter quarterly. Also to be released shortly is a circular for information of users of automotive diesel fuel, issued by the Department of Customs and Excise.

MURRAY AREAS SOIL CONSERVATION.

Mr. O'HALLORAN—Has the Premier seen the excellent contribution published in this morning's *Advertiser* from Mr. Dewar W. Goode, chairman of the Federal Land Use Committee of the Australian Primary Producers' Union, who formerly resided in South Australia but who, I understand, is now resident in Victoria? His contentions are supported by a leading article in the *Advertiser*, and they are to the effect that proper consideration is not being given to soil conservation on the highlands in New South Wales from which some of the River Murray waters which are included in the River Murray Waters Agreement are derived. If the misuse of the land continues it is possible that South Australia's interests will be adversely affected in future. Has the Premier seen the articles and if so will he consider whether anything would be achieved by a conference with the Government of New South Wales with a view to instituting protective measures in this area?

The Hon. Sir THOMAS PLAYFORD—When the Snowy River project was first mentioned in conferences in Canberra I raised this matter, pointing out that the future use of the Murray water, as affecting all States, was dependent on the proper management of the catchment areas. The Commonwealth Government did take that matter up at that time and I noticed with some interest that there are some supplementary provisions in the

Snowy Waters Agreement recently signed by Victoria, New South Wales and the Commonwealth dealing with this matter. I saw the leading article the honourable member referred to and I saw and read Mr. Goode's letter but have not had time to decide whether there is any active way in which we can support this project. We have no control, of course, over the type of land leases or land tenure of other States. The article has been marked for consideration and I will give the honourable member a more detailed reply after I have studied what assistance South Australia can give towards the protection of this very important area.

DAWS ROAD REPATRIATION HOSPITAL.

Mr. FRANK WALSH—Has the honourable the Premier received a reply to the question I asked recently on the closing of a ward at the Repatriation General Hospital, Springbank?

The Hon. Sir THOMAS PLAYFORD—I have received a reply from the Prime Minister which reads as follows:—

I refer again to your letter of July 4, 1957, concerning a question asked in the South Australian Parliament about the closing of a ward at the Repatriation General Hospital, Springbank. The Commonwealth at various times has considered making wards in Repatriation hospitals available for the general treatment of ex-servicemen but so far no firm decision has been made to do so. Unless and until such a direction is given the Repatriation Commission has no authority to extend the facilities at its institutions to further categories of patients. I might mention that the whole matter is currently under examination. You will appreciate that the policy question is one which has Australia-wide implications and it is impracticable to make a decision taking into account only the position in Adelaide.

FRUIT FLY ERADICATION.

Mr. STOTT—It has been reported to me that people have been detected bringing fruit fly infested fruit across the border near Renmark. They were ostensibly going through to the Barossa Valley. Will the Minister cause greater publicity to be given to the menace of the fruit fly and consider legislation to increase the penalty imposed on people against whom action is taken? This would provide a greater deterrent and may be the means of saving the State millions of pounds which is what an outbreak at Renmark might cost.

The Hon. G. G. PEARSON—This matter was mentioned to me a few days ago and the facts are substantially as the honourable member has stated them. The question of proceedings against those concerned is being considered.

OIL REFINERY IN SOUTH AUSTRALIA.

Mr. TAPPING—Whilst listening to a radio news item last night I learned that a survey of the coast line between Christies Beach and Outer Harbour by a large vessel and a tug had been taking place, and a suggestion has been made that it might be in connection with the establishment of an oil refinery in South Australia. Will the Premier indicate if that survey has any relation to the establishment of any refinery?

The Hon. Sir THOMAS PLAYFORD—I have already told members that negotiations have been taking place for some time regarding the establishment of a refinery in South Australia if suitable conditions are available and an attractive proposition could be drawn up to induce overseas interests to come here. No decision has been reached on this matter yet, nor do I expect any for probably six weeks. I can give the honourable member no further advice except to say that investigations are taking place to see what facilities we have in South Australia and when all the information available is collated that will be the basis upon which the companies concerned will make a decision.

GLANDORE INDUSTRIAL SCHOOL.

Mr. FRANK WALSH—Has the Premier a reply to the question I asked relating to the new accommodation for the Glandore Industrial School?

The Hon. Sir THOMAS PLAYFORD—The Chairman of the Children's Welfare and Public Relief Board reports that a recommendation was submitted in June for additional accommodation to be provided at the Glandore Industrial School. This need is now receiving the attention of the architects of the Architect-in-Chief's Department.

VALUATION OF LOXTON SOLDIER SETTLEMENT BLOCKS.

Mr. STOTT—Has the Minister of Lands received from the Commonwealth Government a report on the valuation of the Loxton Soldier Settlement blocks?

The Hon. C. S. HINCKS—I have not yet had from the Commonwealth Government the valuations of the Loxton area, but have now received the Loveday valuations. I expect to receive the Loxton valuations in the near future.

SALE OF SHEEP THROUGH DROUGHT.

Mr. STOTT—The continued dry weather has had the effect that lambs are being sold at the abattoirs for one-third of their value and the same conditions apply to the sale of sheep generally. On the other hand, price control works adversely against cattle producers who have choice beef to sell because they do not get the benefit of price control. In view of all these circumstances will the Government consider removing price control on meat?

The Hon. Sir THOMAS PLAYFORD—The question of releasing meat from price control is being considered. After next month's price determination is made the Government may release meat from control to see what effect it has upon marketing conditions and the prices paid by consumers. I point out that releasing meat from control does not add to the number of lambs that can be slaughtered. The Government's general policy is to release from control articles in respect of which it can be shown that there is competitive selling without exploitation to the consumer.

LEAD POISONING FROM TOYS.

Mr. HUTCHENS—Has the Premier a reply to the question I asked on October 8 concerning lead poisoning from toys?

The Hon. Sir THOMAS PLAYFORD—I have received a lengthy reply which the honourable member can peruse if he so desires. Summarized, it is as follows:—

1. Lead poisoning is a notifiable disease in South Australia.
2. Investigations have been made and are being made into the incidence of lead poisoning in South Australia.
3. Regulations to prevent lead poisoning are under consideration.
4. Lead poisoning does not appear to be a serious health problem in South Australia.

MYPOLONGA PUMPING STATION.

Mr. BYWATERS (on notice)—What was the cost of protecting the Mypolonga pumping station during the recent flood?

The Hon. C. S. HINCKS—The cost of protecting the Mypolonga pumping station during the flood was not separately recorded.

BETTING SHOPS.

Mr. TAPPING (on notice)—What amount of revenue has been received from betting shop transactions for each of the financial years from 1954-55 to 1956-57, inclusive?

The Hon. Sir THOMAS PLAYFORD—The Betting Control Board reports as follows:—

	1954-55.	1955-56.	1956-57.
	£	£	£
Commission on bets—			
Local races	7,058	8,009	7,318
Interstate races	5,037	6,012	5,795
	£12,095	£14,021	£13,113
Tax on winning bets—			
Local races	8,592	10,017	9,200
Interstate races	5,488	6,901	6,419
	£14,080	£16,918	£15,619
Stamp Duty on tickets— (based on bets laid)			
Local races	997	977	872
Interstate races	846	853	785
	£1,843	£1,830	£1,657
	£28,018	£32,769	£30,389
Less amount distributed to country racing clubs (section 41 (2) (*b*))	5,000	5,000	5,000
Amount paid to General Revenue	£23,018	£27,769	£25,389

MORGAN-WHYALLA PIPELINE.

Mr. Tapping for Mr. LOVEDAY (on notice)—

1. What has been the consumption in Whyalla of water supplied from the Morgan-Whyalla pipeline during each of the last 10 years?

2. What has been the total amount of water supplied to all users from the Morgan-Whyalla pipeline during each of the last 10 years?

3. What is the total annual amount of water which can be supplied to users with the plant working to full capacity?

4. What has been the total revenue and expenditure for the Morgan-Whyalla pipeline for each of the last 10 years?

5. What capital expenditure was involved in the initial construction of this pipeline?

6. What capital expenditure has been involved in subsequent extensions and connections?

7. What return, if any, has been received from revenue towards amortization and interest on capital cost?

The Hon. Sir MALCOLM McINTOSH—The replies are:—

1 and 2.

Year.	Water supplied to Whyalla. Gallons.	Total water supplied from Morgan-Whyalla pipeline. Gallons.
1947-48	386,310,000	862,842,000
1948-49	323,688,000	1,049,882,000
1949-50	331,358,000	1,160,558,000
1950-51	409,461,000	1,624,658,000
1951-52	366,372,000	1,099,858,000
1952-53	400,647,000	999,695,000
1953-54	362,019,000	1,005,955,000
1954-55	358,338,000	1,172,106,000
1955-56	360,513,000	1,433,511,000
1956-57	417,787,000	1,501,786,000

3. The total annual quantity that can be supplied to all users from the Morgan-Whyalla pipeline with the pumping plants working to full capacity is approximately 2,500,000,000 gallons.

4.

Year.	Total revenue. £	Total expenditure including interest. £
1947-48	119,967	151,189
1948-49	124,818	150,462
1949-50	178,779	171,885
1950-51	228,958	231,396
1951-52	193,886	218,763
1952-53	215,972	259,448
1953-54	204,780	242,395
1954-55	173,880	237,395
1955-56	182,398	261,982
1956-57	195,876	259,502

5. The capital expenditure in the initial construction of the pipeline was £2,514,527.

6. The capital expenditure involved on subsequent extensions and connections is £951,300. In addition to this amount, £809,500 was spent by the department on the branch pipeline from Port Augusta to Woomera, which amount was refunded by the Commonwealth.

7.

	£
Total revenue received	2,168,778
Total expenditure excluding interest and sinking fund ..	1,427,083
	£741,695
Depreciation charged	105,600
Leaving an amount of	£636,095 to meet the interest charges of £1,069,610

ROADS IN OUTSIDE AREAS.

Mr. O'HALLORAN (on notice)—

1. What amount was provided for roads maintained by the Engineering and Water Supply Department during 1956-57?

2. What amount has been provided for the same purpose for 1957-58?

The Hon. Sir MALCOLM McINTOSH—The grant for roads maintained by the Engineering and Water Supply Department for 1956-57 was £181,000, of which £140,000 was from State funds and £41,000 from Federal funds. The grant for 1957-58 is £130,000 from State funds. It is likely that a grant of £50,000 for the Port Augusta-Woomera and Penong-Eucla roads from the Commonwealth authorities will soon be forthcoming. The State grant for the northern portion of the State for 1956-57 was £81,500. The State grant for the same roads for 1957-58 is £91,500. The grant to the southern district was considerably reduced this year because of the formation of a new district council.

STIRLING-QUORN ROAD.

Mr. O'HALLORAN (on notice)—

1. What amount was provided for the District Council of Kanyaka to maintain the road from Stirling to Quorn during 1956-57?

2. What amount has been provided for this district council for the same purpose for 1957-58?

The Hon. Sir MALCOLM McINTOSH—The replies are:—

1. £4,000.

2. £3,000.

POLICE PENSIONS ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved—

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 amend the Police Pensions Act, 1954-1956.

Motion carried.

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

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved—

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 amend the Road and Railway Transport Act, 1930-1956.

Motion carried.

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

The Hon. Sir THOMAS PLAYFORD—I move—

That this Bill be now read a second time.

It has been introduced to enable the Government to deal with claims made by interstate carriers for the refund of licence and permit fees paid to the Transport Control Board. Members are aware that carriers whose vehicles are used exclusively in interstate trade have been held by the courts to be exempt from State Acts so far as they require registration of vehicles, or the payment of fees for permits or licences to operate on controlled routes, or the payment of contributions to road maintenance. The success of the interstate carriers in their attacks on our legislation has invariably been followed by claims for refunds of fees or charges paid to State authorities under the legislation subsequently held to be invalid. A large number of such claims are now being dealt with by the Government. A number of writs have been issued by the claimants and it is probable, in view of the latest decision of the High Court, that there will be a good many more.

There is reason to believe that most of these claims have little merit. The carriers have treated the fees and charges paid to State authorities as items in their costs of operation and have accordingly made allowance for them in fixing the charges made to their customers. If they are now to receive refunds of these charges at the expense of the taxpayer, the effect would be to give them a gratuitous profit to which they have no just claim. The State previously dealt with this type of claim in the Transport Administration (Barring of Claims) Act, 1954. However, a New South Wales Act similar to ours was held to be invalid and it is clear that the State cannot bar these claims unconditionally. But the High Court in its judgment in the New South Wales case indicated some sympathy with the State's attempt to free itself from claims for refunds. In the judgment the following passage appears:—

> The Statute in question (*i.e.*, the New South Wales Barring of Claims and Remedies Act) does not give the plaintiff some other remedy by which he may regain the money or obtain reparation. It does not impose a limitation of time or require affirmative proof of the justice of the claim. It simply extinguishes the liability altogether, not only the liability of the officers of the State, but of the State itself.

This passage implies that a limitation of the right of recovery as opposed to a complete bar might be valid. For example, the judgment may mean that if a State law, instead of barring claims altogether, merely says that a plaintiff cannot recover unless he proves affirmatively the justice of his claim, it might be upheld as being within the power of the State. As there are good reasons for believing that some of these claims are not just, the Government has introduced this Bill.

It provides that when a person makes a claim for the recovery of fees paid to the Transport Control Board he shall not be entitled to recover unless he shows that his claim is just and equitable, having regard to all the circumstances and particularly having regard to the question whether his charges for transport have included an amount to cover the fees paid by him. If this Bill is passed the Government will be in a position to protect the general revenue of the State and the taxpayer, as far as possible, against claims which are without merit.

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

MARINE ACT AMENDMENT BILL.

The Hon. Sir MALCOLM McINTOSH (Minister of Marine), having obtained leave, introduced a Bill for an Act to amend the Marine Act, 1936-47. Read a first time.

ADVANCES FOR HOMES ACT AMENDMENT BILL.

Second reading.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

The principal purpose of this Bill is to extend from £1,750 to £2,250 the amount of the maximum advance which may be made by the State Bank under the Advances for Homes Act. It will be recalled that an amendment of the

Homes Act was recently before this House when the limit on loans under that Act was increased to £2,250. Clause 2 makes the various amendments to the Advances for Homes Act necessary to amend the policy under that Act in line with the policy under the Homes Act. In addition, a number of administrative amendments are made by the Bill to the Advances for Homes Act.

Section 32 of the Act provides that when the bank makes an advance the term of the advance, in the case of a dwelling-house constructed of brick, stone, or concrete, is not to exceed forty-two years, in the case of timber-framed houses, twenty years, and in the case of houses of composite structure, such period as is determined by the bank. The bank is of the opinion that a term of twenty years for a timber-framed house is too short and has the effect of making unduly high the amount of the instalments payable by the borrower. The bank has suggested that there should be one limit applicable to all houses, namely, forty-two years, and this is provided by clause 3.

Subsection (7) of section 32 provides that a borrower may at any time repay over and above what he is required to do by his instalments, any sum being one pound or a multiple of one pound, in which event the instalments payable are to be re-adjusted. The bank has found that in many cases borrowers will, if they are allowed, repay odd amounts other than multiples of one pound, and that they do not wish instalments to be altered. The bank is therefore of opinion that the subsection is too rigid in its present form and clause 3 provides that a borrower may, in addition to his instalments, repay any amount, and that the amounts of the instalments are not to be adjusted unless the borrower so requests.

Clause 4 provides that in any future mortgage or agreement for the sale or purchase of a dwelling-house it may be provided that the interest payable under the mortgage or agreement is to be varied at the expiration of periods specified in the document. It is now the practice of most lending institutions to provide that, after a period, the interest paid under a credit foncier mortgage will be revised by the lending institution, when, of course, the interest rate may be increased or decreased according to the current price of money. The bank is of opinion that power to do this is desirable, and the clause makes provision accordingly.

Section 40 provides that in default of the borrower carrying out necessary maintenance on his property, the bank may carry out the necessary work. The cost of so doing is payable by the borrower, together with interest at the same annual rate which is payable on the purchase price or advance. It is felt that the interest to be paid on such amounts should be that current at the time the work is actually done, and clause 5 therefore provides that interest under those circumstances is to be that payable on advances made by the bank under the Act at the time it is effected.

Clause 6 redrafts section 43 of the Act which provides that the bank is from time to time to obtain reports as to the manner in which advances have been expended. The bank has suggested that this section be redrafted in the form contained in clause 6 which provides that the bank may make such inspections and obtain such reports as the bank deems necessary for the protection of its securities. Thus, instead of the duty of the bank, by the language of the section, being mandatory as is now the case, it will be incumbent on the bank to make these inspections when necessary to protect its securities, but not otherwise.

Mr. FRANK WALSH secured the adjournment of the debate.

MAINTENANCE ACT AMENDMENT BILL.

Second reading.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

Section 150 of the Maintenance Act, 1926-1952, provides that the Children's Welfare and Public Relief Board may pay a sum not exceeding £1 10s. a week to any parent or person in charge of any State child or to the foster parent of any State child. In special cases the Minister may authorize the payment of a greater sum. The amounts paid at present, which have been fixed by regulation, are £1 5s. a week for pre-school children and children attending primary schools, and £1 10s. a week for children attending secondary schools. The purpose of the Bill is to increase the upper limit of payments from £1 10s. to £2 10s. The last amendment to the section was made in 1950 when the limit was increased from £1 to £1 10s.

Mr. JOHN CLARK secured the adjournment of the debate.

BUSH FIRES ACT AMENDMENT BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Agriculture)—I move—

That this Bill be now read a second time.

It makes a number of amendments to the Bush Fires Act. Under various sections of the Act

councils are given power to issue permits to burn under circumstances which differ from the conditions laid down in the particular section. These provisions were enacted in 1955, the purpose being to give some elasticity to the provisions of the Act which was previously lacking. Clause 2 provides that a council may, for the purpose of issuing the permits, appoint a committee consisting of two or more of the council members, and that it may delegate to the committee the power to grant these permits.

Section 13a provides that a Minister may, on a day he is satisfied is one of extreme fire hazard, broadcast a prohibition of the lighting of fires in the open, and at present there is no power to exempt anybody from the prohibition. The prohibition may extend to the whole State or any specified part of the State. Clause 3 provides a method for obtaining exemption from section 13a and a means whereby a person may light a fire on a prohibited day. However, great care has been taken in framing the clause to see that such permit will only be issued by qualified people and subject to an appropriate examination of the particular circumstances.

It is proposed by the clause that the council may, with the approval in writing of the Minister, appoint persons as authorized persons for the purposes of the section. The Minister will not give his approval unless he is satisfied that it is in the public interests so to do and that the councils of all the adjoining areas agree to the appointment of these authorized persons. A permit may be issued jointly by two authorized persons and is to be in writing in the form prescribed by regulation and subject to both the conditions set out in that form and to such other conditions as the authorized person deems necessary. "Such other conditions" refer to conditions additional to the existing provisions of the Act.

Mr. O'Halloran—Determined by the local authority?

The Hon. G. G. PEARSON—Yes. That takes all circumstances into consideration. The permit is not to be issued in respect of any day of any period, during which, pursuant to section 4 or section 7, the lighting of fires is prohibited. The permit is also not to be issued unless the authorized person is satisfied that it will be unlikely that the applicant could satisfactorily burn on any other day. The permit will be issued for the burning of scrub or the burning off of newly cleared land. The permits are to be made out in quadruplicate and one copy is to be supplied to the holder of the permit, one to the clerk of the council, one to the nearest member of the police force, and one to the Minister, and the authorized person issuing the permit is to inform the clerk of the council and the nearest member of the police force by telephone or orally of the issue of the permit as soon as practicable after the issue of the permit.

Section 21a which was enacted in 1955 provides that a council may require certain precautions against fire to be taken by the owners of sawmills. Clause 4 extends the section by providing that, in addition to providing these facilities, the owner must maintain them. It also provides that the council may specify the quantity of water to be continuously available at the sawmill, where tanks are to be placed, and the number, types and positions of the outlets and water mains from the tanks.

Section 29 deals with the appointment of fire control officers and subsection (1a) deals with a case of a council whose boundary abuts that of the council of another State. It provides that each of the two councils may appoint, as fire control officers, officers of the other councils so that if a fire crosses the State boundary a fire control officer from either council can continue in charge of the operations. In some cases the controlling bush fire authority in the other State is not a council but another type of statutory body. Obviously there should be power to make the same reciprocal arrangements with such a body with the council, and clause 5, by paragraphs (*a*) and (*b*) makes provision accordingly.

Subsection (6b) of section 29 imposes on councils the duty of insuring fire control officers who do not receive any payment for acting as such and are therefore not eligible for workmen's compensation in the event of their being injured in the course of their duty. At present the Act provides for insurance up to £500 in the case of death or total incapacity. Clause 5 increases this amount to £1,000. The present section provides that on partial incapacity an amount of not less than £2 per week is to be payable during such partial incapacity for a period of at least six months. This is increased to £10 per week. As regards specific injuries the section follows the table of compensation for specific injuries shown in the first column in Table 26 of the Workmen's Compensation Act, and the amount on which compensation is to be assessed is increased by clause 5 from £500 to £1,000.

Clause 6 provides that all voluntary fire fighting organizations formed for the purpose

of combating bush fires outside the parts of the State to which the Fire Brigades Act, 1936-1944, applies, are to be registered with the Minister. At the present time, there is no register of such organizations, although it is obvious that it is desirable that there should be a central register and that the Minister should be kept supplied with up-to-date information as to various matters such as particulars of members, equipment, and so on. Clause 6 therefore provides accordingly.

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

VOLUNTEER FIRE FIGHTERS FUND ACT AMENDMENT BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Agriculture)—I move—

That this Bill be now read a second time.

The Volunteer Fire Fighters Fund Act, 1949, sets up a fund to which the Government and insurance companies make annual contributions. The fund is administered by trustees and section 13 provides that it may be applied by the trustees in paying compensation to volunteer fire fighters who are injured whilst engaged in combating fires or, in case of death, to their dependants.

The purpose of this Bill is to extend section 13 to authorize the payment of compensation where death or injury occurs when the volunteer fire fighter is engaged in supervised practice or drill or other duties in preparation for combating fires. The necessity for this provision was made apparent by a motor vehicle accident which occurred early this year during the time a volunteer brigade was engaged in training. The Bill also extends section 13 to cover the case where a volunteer fire fighter is called out on a false alarm and incurs injury whilst so engaged.

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

MARRIAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 17. Page 1172.)

Mr. CORCORAN (Millicent)—The main intention of this Bill is to increase the age at which boys and girls can marry—in the case of boys to 18 years and girls to 16 years. Proposed new section 42a contains these provisions:—

(2) Where two persons are incapable of contracting a valid marriage by reason only that one or both of them is or are under the age or ages mentioned in subsection (1) of this section, the Minister may, on the application of those persons, and if he is satisfied that it is desirable that they should marry, order that subsection (1) of this section shall not apply to a marriage contracted between them. Every such order shall be effective as soon as it is made, and a copy shall be forwarded to the Principal Registrar. If the persons to whom the order relates inter-marry the Principal Registrar shall cause a memorandum of the order to be entered on the relevant marriage certificates in the general register of marriages and in the appropriate district register of marriages and in any copy of or extract from any such certificate issued under this Act.

(3) The Minister shall not make an order under subsection (2) of this section if either of the parties to the proposed marriage is—

(*a*) a boy under the age of fourteen years; or

(*b*) a girl under the age of twelve years.

Under present law the age at which persons can marry is 12 for girls and 14 for boys. The question of increasing the age has caused much confusion and members seem unable to decide what is right. This is an important Bill because it is designed to overcome the problem of young marriages, but I cannot see how it will remedy the situation and, therefore, I do not intend to support it. I realize that those responsible for its introduction feel that it may achieve something, but I believe it robs the parent to a degree of his right to decide what is best in the interests of his child. Under existing law the Chief Secretary can act contrary to the desires of parents and consent to a marriage if they oppose it. I have sufficient confidence in parents to believe that they will not do something detrimental to the future happiness of their children. Statistics reveal that a number of marriages of young people are failures, but by the same token many marriages between people over the age of 21 are failures.

It seems absurd to consider a girl of 12 or a boy of 14 marrying, but very few such marriages have taken place. The Attorney-General indicated that in the last seven years 155 girls under 16 years and 133 boys under 18 married. He said that such marriages were generally unsatisfactory, but some marriages between older people are not satisfactory. I believe the remedy to this problem lies in the hands of parents. They, and interested organizations, should take a greater interest in children and try to guide them in such a manner that they overcome the pitfalls that confront them. We all have a conception of the frailties of human nature and we know that children can fall by the wayside. This

pitfall does not confront any particular class, but affects children from every class and standing. The general feeling is that it is a disgrace to succumb to temptation and people try to conceal what happens, but I feel too much emphasis is placed on this problem. We will not overcome the weaknesses of human nature by legislation.

I have seriously considered this matter and whilst I do not want to be responsible for opposing something that may do some good, I believe it will not achieve anything and that we should not interfere with the present legislation. I commend the member for Light (Mr. Hambour) for his splendid contribution to this debate. He spoke at great length and went to much trouble in securing facts to substantiate his contentions. It is not my intention to try to persuade any member that my beliefs are right because each has the right to please himself on this question, which is non-party political. I oppose the second reading.

Mr. KING (Chaffey)—I support the second reading. I am acutely aware of the wide interest this subject has aroused, not only in this House, but in the community generally. This has been amply demonstrated by the debate we have had—one notable contribution coming from the member for Light, who undertook extensive research and expressed his views with great sincerity. It has been revealed that however we resolve this problem we will not please everybody. We are attempting to set a standard by which we, as a nation coming to maturity, can be measured, and in doing so are attempting to do what nature has not done —to fix standards for the age of puberty and maturity. In the absence of such standards we must do what we can to let our young people and the world in general know that we have a set of standards by which we intend to abide. Much has been said about the effect of what used to be termed the "bar sinister" as applied to youngsters born out of wedlock and much has been made of the miseries they have had to put up with sometimes in schoolyards; but that may have been the case a few years ago more than it is today, because my children have been playing in schoolyards and I have not heard them mention any other youngsters in that category at all, let alone mention them in a derogatory way. Indeed, most youngsters born out of wedlock are adopted out and nobody knows their past history, consequently it would not be possible in many cases to give them derogatory names in the way suggested.

Those people who have their children out of wedlock, who do not care to marry, and who do not have the children adopted out would be the few exceptions to the rule, and I do not see what we can do by legislation to help in that case unless we insist that the name of the father be entered on the birth certificate and that the child be called by the father's name. That might be considered by the Minister in charge of the Bill, for it is the only way that such children can be given the name to which they are entitled. There is a long list of people waiting to adopt children whom their parents do not want or cannot afford to keep; therefore I do not think we will have a crop of people forced into illegitimacy by this legislation. Such children, if adopted, will be given the opportunity they should have of taking their place alongside the rest of the community.

I commend the work of the Marriage Guidance Council, which attempts not only to patch up broken marriages, but to prevent marriages from breaking up. It does a tremendous amount to educate people by means of Home and Family Weeks in country centres. We have had them in our district and such functions have been attended by both parents and children who have been old enough to attend. If more of such work were done we would hear fewer complaints about the behaviour of our young people. It is the duty of the State to help educate young people and parents in these matters. Youngsters would then know more about the problems they come up against when they start to mix socially and sometimes a little indiscriminately.

We have not yet been able to legislate successfully to control any of these problems because they are subject to laws that were made a long time before we had any on our Statute Book, but this Bill attempts to provide that no injustice shall be done in the case of a person who may be sufficiently mature to be married but who, by law, would otherwise be denied that right. I was therefore pleased to see that the sponsors of the Bill had provided that the Minister—meaning the Chief Secretary—would have the power to sanction a marriage where he thought conditions justified it. I would go a little further, however, and suggest that the Minister in arriving at his decision should have the advice of an advisory committee appointed by the Governor for a term of, say, five years and consisting of a Magistrate of the Juvenile Court, a minister of religion, an officer of the

Children's Welfare Department, and a person skilled in social welfare work.

If such a committee were appointed, the objections sometimes raised that an over-anxious parent will insist on the marriage of the child or that a strongly objecting parent could have the effect of destroying what might otherwise be a good marriage would be dispelled by bringing in people with sufficient background and experience in this work to act as an advisory committee to the Chief Secretary so that he might be in a better position to decide. Further, although I may be wrong, I imagine the Chief Secretary would call for reports from his officers, perhaps police officers in a town or welfare officers, and they might not be in possession of the full facts or they might be somewhat capricious in their recommendation. If my suggestion were adopted, however, all that information could be filtered through this committee, which would be an advantage, because the future lives of young people involved in such circumstances are sufficiently important for us to provide facilities so that all the facts of each case may be examined and steps taken to ensure that any decision made is a judicial one made only after fairly considering all aspects. I submit that suggestion in the hope that it will be considered by the Minister in charge of the Bill and that members will know his reactions to it in the Committee stages. In the meantime I support the second reading.

Mr. HUGHES (Wallaroo)—I strongly support the second reading, although I do not favour the amendments in their entirety. Firstly, I congratulate the member for Light (Mr. Hambour) on the valuable contribution he made in this debate and the sympathetic way he dealt with the interests of all those concerned. I am afraid I am unable to agree with the member for Millicent (Mr. Corcoran) with regard to this Bill taking away parents' rights, for I do not think it does that at all. No member is really satisfied with the present minimum marriage age. It does not matter what heights of attainment we may reach on this Bill, there will be unscaled heights still above us. We are living in a changing world, but let us thank the Almighty that our views on marriage are not changing: marriage is as sacred today as it ever was. Indeed the moment we begin to treat it otherwise will mark the downfall of our race. Marriage involves a greater understanding, a greater responsibility, and a greater obligation between two people, and we cannot expect young people under the age of 16 years to understand the full meaning of such aspects of marriage.

I have consulted two ministers of religion on this subject. Both men have served a long term in the ministry, one 40 years and the other 28 years. Both welcome the proposed new minimum ages for marriage, for they will be relieved of a great responsibility in consenting, against their better judgment, to marry certain young people. The statistics quoted by the Attorney-General reveal that in the last seven years 155 girls under 16 years of age and 133 boys under 18 have married. Taking the figures over a seven-year period, 288 does not appear to be a great total, but when the figures are reduced to a yearly average they make one sit up and take notice. Social workers have informed me that a number of these child marriages are usually unsatisfactory and I believe that is true from my own experience of young people.

I have in mind a number of cases. One young girl was married in October, but was back living with her parents by the following March. Another young girl was married and had four children before she reached 21 years of age; then she became tired of married life and left home, leaving behind her four children to be cared for by the young father. Indeed, out of a number of such cases that have come to my notice I know of only one that was really successful.

In many cases marriages take place merely because the girl is pregnant and the parents force the couple into marriage because the parents are not big enough to carry the stigma they claim attaches to such cases. That attitude might have been all right in our parents' time, but I do not think it is justified today for there are now places where a girl can await the birth of her child. Certain organizations will not only care for the young expectant mother, but also arrange for the adoption of the new-born child. I know of one case where a young girl found herself in this condition; her parents arranged for her to be taken in; when born, the child was made over for adoption, and today that girl is happily married.

The practice of a young mother giving up her child is often adversely criticized, but considering the age of the mother and the future of the young child, it may be in the best interests of all concerned. Another aspect of this matter is the interests of the illegitimate child. A stigma may have attached to the illegitimate child years ago, but it does not exist today, for people are not so narrow minded as they once were: they look at these things in a proper perspective. In a big percentage of cases the adopted child

goes into a better home and receives a better education than had it been born to a young couple in wedlock. I believe the minimum marriage age for young people in Tasmania and Western Australia is 16 for girls and 18 for boys and that this has operated in Tasmania since 1942. It has therefore withstood trial in that State for many years.

I do not favour a Minister having a right to review child marriages; I believe a magistrate, appointed for this purpose, should have that right. In saying that, I do not mean a man resident in the locality, but a magistrate specially appointed to hear such cases. With all due respect to the Chief Secretary, I believe he is not in a position to give the necessary time to examine each case. I do not for one minute wish to take away the rights of parents, for I believe the parents of any young couple are the best judges to say whether they shall be joined together in holy matrimony.

At times an anomalous position exists and parents cannot always give their consent to a marriage. If children are 16 years old and their parents become divorced they are not given into the custody of either parent. A Minister of religion last night told me of a case where a mother gave her consent for the marriage of her 15 year old daughter but could not consent on behalf of her 17 year old son because she had been divorced after the boy had reached the age of 16.

I very much doubt the accuracy of the statement of the honourable member for Light (Mr. Hambour) that divorces resulting from child marriages are not more than those resulting from people married under normal conditions. However, of all the vices that poison human relationships none is more debasing or devastating than a broken marriage between two young people. Therefore, we should examine this Bill very closely and try to do not what we think would suit ourselves, but what would have the best effect upon those whom it will directly concern. I support the second reading.

Mr. MILLHOUSE (Mitcham)—I have listened with great interest to the debate on this Bill this year, as I did on the 1955 and 1956 measures. This is the third time that this proposal has come before the House and it seems to me that each time we debate it there is a greater divergence of views among individual members on both sides of the House than there was the time before and I feel, in some ways, that it might not be a bad idea if the proposal were allowed to drop altogether for a while so that we can get our views sorted out and think about the whole thing. I say that with very great deference to the Government. That does not mean I shall vote against the second reading because I think that it is a matter for the Government to decide whether it will go on with the Bill. If this Bill is proceeded with I propose to support the second reading. Last year and also in 1955 I devoted most of my remarks to the question of inserting a discretion in the Bill because I thought it a very bad thing that there should be a blanket prohibition under certain ages. I am very glad that my suggestion was in one form or another accepted and I think it is generally agreed that there should be some discretion. We are now arguing about who should have the discretion and under what circumstances it should be exercised. Last year I moved to insert a provision for a discretion, and on that occasion, after the Leader of the Opposition made some rather stringent remarks about me, the last of the three amendments I had on the file was inserted to allow a discretion on the part of the Chief Secretary. In moving it in that form I said:—

> I had originally proposed that a special magistrate should exercise the discretion, but I believe it would be more acceptable to a greater number of members if it rested with the Chief Secretary.

In other others, I made it the Chief Secretary because I thought that would be more acceptable to the greater number of members and I was anxious that there should be a discretion somewhere and that was more important than who should exercise it. I am only rising now to indicate that I do not consider myself necessarily bound to support the discretion being in the Chief Secretary. I still have an open mind on that, but I do not want to let this opportunity go past and then in Committee, perhaps, when I had made up my mind to go the other way from the last time, support a discretion perhaps in a magistrate or a committee. I do not consider myself bound by the amendment which I inserted successfully last year for the discretion to lie in the Chief Secretary. There have been two proposals, apart from the proposal contained in the Bill as to discretion, and the Honourable the Leader of Opposition has an amendment to make the discretion lie in a magistrate and not the Chief Secretary. I respectfully suggest that when he puts it he should not make it a "magistrate" but a "special magistrate." I think he will find that magistrate is a term which has very little meaning in law.

The SPEAKER—The honourable member will have to deal with that in Committee.

Mr. MILLHOUSE—Under the Justices Act the term special magistrate has a definite meaning, whereas magistrate has no meaning at all, or has a very vague meaning, and therefore it would be better if it were to be a special magistrate. That is one suggestion which has been put forward. The other, put forward this afternoon by the honourable member for Chaffey (Mr. King), is that the discretion should be exercised by an advisory committee consisting of a magistrate of the Juvenile Court; which presumably would be the magistrate sitting usually in that court; a Minister of religion, an officer of the Children's Welfare and Public Relief Department and a person skilled in social welfare work, and that the term of appointment of the committee should be for five years. I think that proposal has a good deal of merit. I want to feel, as I do feel, that I am free to consider the three courses now before us—the Chief Secretary, the magistrate or this committee. I consider I am free between now and the time the clause is debated in Committee, to make up my own mind instead of being bound at this stage to support any one or other of those three. I support the second reading.

Mr. RICHES (Stuart)—I have listened with a great deal of interest to the debate not only in this session but on the two previous occasions that a similar measure has been before the House. I intend to support the Bill. I think that anybody who goes into our high schools would agree that it is undesirable that marriages should be contracted by girls under the age of 16 years. As long as I have been in Parliament I have advocated that the school leaving age should be raised to 16 years. As a matter of fact not many years ago a Bill for that purpose was before us, and I believe that Parliament has already approved of the school leaving age being raised to 16. Surely it is not too much to suggest to Parliament that, if perforce of circumstances, marriages have to be contracted at an earlier age at least they will not be contracted with the blessing of the law. There is a provision in the Bill before us to meet such circumstances and that makes it more acceptable and should meet the situation reasonably well, but we should let it be known that we do not approve of child marriages and that we are in step with people who are leading the movement throughout the world to raise the marriage age. This Bill does not go beyond what already obtains in England and in Tasmania, and I have not heard of any complaints from either of those places, nor of any move to amend the present legislation or to go back to the former provision. From the opinions expressed I think all admit the desirability of raising the marriage age, but there is a desire that special circumstances should be met, and I agree with that. Because of that I support the Bill. I acknowledge that everybody who has had practical experience working amongst young people, and every organization which carries on any social activity, from the practical point of view, supports this Bill. I do not know of any organization that works among young people which is not seeking this provision and I am prepared to pay some heed to representations that have been made. The Bill provides for consent to be given in special circumstances, but I am not happy with the actual procedure laid down in the Bill in that regard. I admit that special circumstances might exist and therefore I support the Leader of the Opposition in his amendment that an application should be dealt with by a magistrate rather than the Minister. However, I urge that the magistrate should have an absolute discretion and that he should not be bound as the Bill would bind him. As long as that provision binds him there is little or no value in the Bill.

Mr. John Clark—You are thinking of new section 42a (4)?

Mr. RICHES—Yes. If it has been ascertained that the parents' consent is required then the Minister's hands are tied and I am not prepared to support that, but I am prepared to support a proposal that a magistrate should have discretion, after hearing all the evidence, to determine the matter in the interests of the young people concerned.

Mr. Hambour—You want to read the rest of it.

Mr. RICHES—I have read it many times. It says that unless there are special circumstances justifying his refusing to do so. That is not acceptable to me. I think that in too many cases more concern is shown for the good name of the family than for the future well-being of the young people. Because of that I think that independent thought would be sometimes preferable to the situation in which the decision is left entirely in the hands of the parents. I wish to refer to some of the circumstances leading up to the introduction of this Bill, because I doubt whether they can be paralleled in any other legislation. This measure has had

the approval of both Houses of Parliament, but it has not become law because six men were able to veto its operation in a subsequent vote in another place. This is a situation which ought never be allowed to occur in a democracy, and the time is ripe for us to look at the Constitution of the respective Houses and ask ourselves whether too much power does not rest in the hands of a few people.

Mr. BROOKMAN—On a point of order, Mr. Speaker, is this a matter that can be discussed in this debate?

The SPEAKER—The member for Stuart is out of order if he proposes to debate the Constitution of the respective Houses, and he cannot reflect on another place. I have allowed him to make a passing reference to it, but I do not propose to allow a debate on the Constitution of the respective Chambers.

Mr. RICHES—I recognise that I would not be allowed to do that, and did not set out to do it, but to draw attention to what has transpired in relation to this Bill. I think it is pertinent to the Bill that we should pay attention to the manner of its introduction and the reason why this is the third time it has been before the House. I admit that both Houses had a perfect right under the Constitution to do what they did, and all I want to do is to point out what has been done. This Bill has had the blessing of another place. It was carried by this House, but still it is not law. It was defeated in another place in spite of the fact that a majority of members of both Houses supported the measure. It was defeated on a division, the voting being six to five. That situation should give us much food for thought and concern. I will take every opportunity that presents itself to draw the attention of the people to those facts. Such a situation could arise on other Bills too, and that is not democracy as I understand it. I support the second reading, but I hope that in Committee serious consideration will be given to proposed new section 42a (4).

Mr. HARDING (Victoria)—I support the second reading. Throughout the debate I have been struck by the earnestness of all members in endeavouring to resolve a great social problem. It is superfluous to speak at length on this measure because it has been before the House on three occasions now. We hear much today about automation and other scientific developments which can play a great part in the life of a nation, but the home is the greatest influence of all. Automation and all other scientific developments will not ensure progress if we fall down in our home life. The homes of the people are the cradles of the nation, and affection, respect, understanding and tolerance are essential to happy home life.

Young people of 12 or 14 are not sufficiently mature to establish homes of their own. Many people with means are longing to adopt and take care of unwanted childen. Perhaps they have not been able to have children of their own, and they could offer a happy home to these children who would otherwise be brought up in a bad environment. That is one way of solving the problem of the unwanted child. I realize that many parents, unfortunately, are not prepared to stand up to their responsibilities in bringing up children. Great emphasis has been placed on the stigma attached to children born out of wedlock, and I agree with the member for Wallaroo (Mr. Hughes) that this is not so much the case as it used to be. I hope that in Committee we shall be able to resolve some of the problems that have been mentioned and that this Bill will become law, for the betterment of this country.

Mr. TAPPING (Semaphore)—I oppose the Bill, and I think that in doing so I am consistent with what I did previously. If I thought that this measure was for the benefit of society I would support it, but I do not think it would serve any good purpose, or the purpose that the Government believes it would. As I said on previous occasions, I have always felt that we cannot control human nature by passing legislation. Therefore, it would be wise to withdraw the Bill and adopt the Leader of the Opposition's suggestion to appoint a committee to consider this vexed problem and report back to Parliament. The committee should comprise a representative of the Police Department, one from the churches, and a social welfare worker. They should be able to bring down recommendations that would suit most people.

Some members have received letters from various organizations asking them to support the Bill, but many other organizations, including some churches, have not made any submissions. A meeting that was held at Semaphore asked me to oppose the Bill because the meeting considered that we cannot control human nature. The best way to overcome the problem is to educate young people properly, and the place to start is in the schools. Perhaps once a week some well-informed person could give a talk to the children. There has been a tendency for years for people to refrain from discussing sex and, as a result, ignorance has played a great part in damaging the lives

of many young people. Of course, sex education should be given in the home, but some parents are reluctant to talk on sex to their children.

Mr. Quirke—They want talking to themselves.

Mr. TAPPING—I agree. Youth occupation centres have played a great part in helping young people, but they require finance to carry on their work. Most councils desire to foster these youth centres, and the Government should consider granting financial assistance to them for this purpose. One of the best ways to help young people is to keep them occupied in worthy pursuits. During and since the war many young women went to work, and this has affected home life and the training of young people. Of course, many women had to go to work for economic reasons. During his second reading speech the Premier said:—

> The statistics show that in the last seven years 155 girls under 16 and 133 boys under 18 have married. It has been pointed out by social workers who have taken an interest in such matters that these marriages are usually unsatisfactory.

However, those figures do not prove very much, because quite a number of people may have got married just under the ages of 16 or 18, but over the ages of 14 or 16. I tried to find out what relation those figures had to divorce statistics of young people. The figures I have are illuminating, and they do not justify the introduction of this Bill. In 1952 one girl of 18 obtained a divorce and two youths of 21 obtained divorces. There were no divorces obtained by people under those ages. In 1953 one girl of 17 obtained a divorce, and one youth of 20. In 1954 three girls of 19 obtained a divorce, as did one boy of 20. In 1955 two girls of 18 obtained a divorce, and two boys of 21. In 1956 one girl of 18 obtained a divorce, and one boy of 20. In those five years eight girls under 19 obtained divorces, but they were not under 17; and in the same period seven boys obtained divorces.

Mr. Hambour—Those figures upset all the previous arguments in favour of the Bill.

Mr. TAPPING—Yes. I read the speeches made in another place and some members referred to the position in England and mentioned the number of divorces of young people there. Compared with the position in England the statistics in South Australia are exceptionally good and nothing to be alarmed at. I believe the figures justify my opposition to the Bill. If I felt such legislation would do any good I would support it. However, that is not my belief and I oppose the second reading.

Mr. QUIRKE (Burra)—I do not propose to support the Bill. I commend the members for Light (Mr. Hambour) and Semaphore (Mr. Tapping) on the research they have undertaken. The figures quoted by Mr. Tapping relating to divorces completely damns this as undesirable legislation for which there is no call. This Bill represents a considerable improvement on previous legislation of a similar nature that has been rejected. It has been improved as a result of amendment in another place. If there were any possibility of my accepting it, it would be as a result of those amendments.

Mr. Shannon—Don't they, in effect, provide for no alteration to the present law?

Mr. QUIRKE—Yes, and that is why I might possibly have supported it. However, I oppose the second reading. I agree with other members that this legislation should be referred to an authoritative committee which could consider all aspects of it and report back. Such a committee might advance good and sufficient reasons for such legislation and might render it acceptable to me.

Mr. DAVIS (Port Pirie)—I oppose the Bill. I realize that it attempts to control human passions, but it is impossible to so legislate. Some members have suggested that it is wrong for children of tender ages to marry, but I do not agree, because once a young girl becomes pregnant it is her responsibility and the responsibility of her family to protect the child. It is wrong to suggest that a child born out of wedlock should be handed out for adoption. That is too much like stock breeding. We must appreciate the feelings of a young mother. She has a certain love for her child. I have known instances where young girls have refused to have their children adopted. They have revealed a great love for the children they have given birth to. The member for Wallaroo (Mr. Hughes) has suggested that through adoption a child goes into a better home and receives a better education, but I point out that not only girls from poor families but girls from rich families become pregnant as a result of their passions.

Parents should be responsible for making decisions relating to their children. No individual—whether he be a magistrate or a Minister—is in a better position than parents to decide what should be done. Parents must bear the shame arising from their daughter's

misfortune. Not only young people are concerned in divorces and I suggest that the percentage of divorces in people over the age of 21 would exceed that of divorces under that age. Mr. Hughes referred to a young girl who was married in September but who returned to live with her parents in the following March, but we frequently hear of people over the age of 21 returning to their parents after one month of marriage. We should not try to compare young marriages with broken marriages because there are many broken marriages involving older people. Most people attend the picture theatres and I point out that the stars we see acting are more frequently involved in divorce than other people.

We should realize that the young people in respect of whom we are trying to legislate are frequently drawn closer together if they encounter misfortune. A child born out of wedlock carries that stigma for the rest of its life and I disagree with the suggestion that such a stigma does not exist nowadays. It does, and a stigma attaches to and remains with the unmarried mother of the child. If the child is adopted and taken from the district in which it was born it can escape the stigma, but where it is adopted into a family in the same town it never loses that stigma. I hope the House rejects the Bill.

Mr. FRED WALSH (West Torrens)—I support the second reading, but would not object to this legislation being referred to a competent committee to report on its advisability. However, no member has indicated that he intends to move for that to be done and we must consider the Bill as introduced. I am seldom influenced by outside organizations—particularly pressure groups—but I feel that I can accept outside views on this topic. I have received numerous letters from women's organizations and from constituents regarding this Bill and have been impressed by what I have read. The women's organizations are most competent to express a view on this particular question. They are not busy-bodies but are genuinely concerned in acting in the best interests of the persons this legislation is designed to protect.

What are we trying to do? We know that we cannot prevent that which has been going on for thousands of years—since the beginning of human society. We can, however, attempt by way of education to meet this particular problem. For almost as long as I can remember books and articles have been printed with that end in view and I presume the same advice applies today as when I was a young man in respect of what should be taught in the home, but unfortunately few parents avail themselves of the opportunity to teach children about such things. Indeed, they shy clear of this subject; they do not wish to approach their children on it, and I suggest that few members have done so.

I was interested to read in the *News* of last Thursday the review of a book written by Rev. W. G. Coughlan, Director of the New South Wales Marriage Guidance Council. He referred to the high percentage of marriage failures in Australia and said that the causes of such failures were desertion, adultery, drunkenness and cruelty, insanity, sexual disharmony and incompatibility, lack of shared interests, neglect, quarrels, money, wives working, conflict over training children, interfering relatives and families, religion and mental illnesses. What other cause of failure can be suggested? Rev. Coughlan, however, says that these are only symptoms or effects and that the real causes of marriage breakdown usually lie much deeper in the dark recesses of the human spirit, in the nature of the partners themselves, in their physical health or ill health, nervous stability, or instability, emotional balance or unbalance, social adjustment or maladjustment. In his book Rev. Coughlan states:—

A conspicuous example of the failure of our society to train the young for marriage is its escapist and hypocritical policy in the matter of sex education. Neither at home from qualified parents, nor at school from competent teachers, do our children even yet receive as a matter of course the rudiments of factual knowledge, or the glimmering of a healthy attitude. And while we fail them on this vital point we allow them to be bombarded through every sense with incitements to premature sexual feeling, appetite, and experiment—an inevitable reflection, of course, of the accepted materialism of our acquisitive, competitive economy, from which nothing standing in the way of gain is safe. One inevitable consequence is that a proportion of adolescents, which cannot be computed, but is certainly high, engage in various forms of sexual behaviour detrimental to stable marriage.

This Bill does not aim at prevention. We realize the impossibility of prevention, but we can protect the victims of these circumstances. A Bill that increases the minimum marriage age for girls from 12 to 16 years and for boys from 14 to 18 should be sincerely considered by members. The proposed ages operate in New Zealand and in other countries.

If only because we recognize the irresponsibility of children of lower ages toward their obligations as married people and parents we should raise the minimum ages. Only this afternoon the Premier's reply to a question on the Government's decision not to enforce a magistrate's decision to whip a child of tender years could be taken as an indication that the Government does not believe that such a child is responsible for his actions. I subscribe to that view. Let members recall some of the cheeky things they did when they were young. They would not have dreamed of doing them a few years later, let alone as adults. We find ourselves thinking about the welfare of children of that age and of the difficulties they may get themselves into because of the circumstances I referred to earlier. The very fact that this Parliament has decreed that the minimum school leaving age shall be 15 years is proof that young people under that age are not fully mature and therefore should not marry.

Mr. Harding—It will be 16 years in another year or two.

Mr. FRED WALSH—Possibly, but at present it is 15. We believe that children under that age should be at school, therefore we should not legally authorize them to indulge in matrimony and accept the full responsibilities of married life. According to the existing law they could be married and yet forced to attend school. What a ridiculous position! Everybody expects a married woman to assume her responsibilities in the home, so it is ludicrous to suggest that a married woman attend school. All young people who are married at these very early ages must live with their parents. Indeed, it has been suggested that parents arrange to maintain the children and also take other steps to protect them after marriage.

This House should do everything possible to protect these very young people from themselves. The Bill is not intended as a deterrent, nor is it intended to insist that no marriage shall be contracted under the minimum age. Indeed, the Bill provides that the Minister may consent under certain circumstances, but I do not believe the Minister should be asked to bear that responsibility. I would not care to have it and I do not think the present Minister would want it. Where it is considered vitally necessary that two people who are under the minimum age be married the question should be determined by a competent judge in chambers. He would have the parents of both parties before him and be able to study all the circumstances applicable in the particular case.

Mr. John Clark—Access to him would be easier.

Mr. FRED WALSH—Yes, and the parties would be able to express their views in confidence. The people we seek to protect should be protected by such a provision. The member for Port Pirie (Mr. Davis) tried to compare the number of divorces between people who married over 21 with those who married under 21. His figures may or may not be correct, but the fact remains that those who marry over 21 should have sufficient intelligence to realize their responsibilities and obligations, whereas these very young people cannot be expected to have the capacity to analyse the responsibilities they will be called on to bear after marriage.

Mr. SHANNON (Onkaparinga)—Although I do not intend to cast a silent vote on this Bill, I will not speak at length as most of the ground covered by the Bill has been well debated by members on both sides and I appreciate the fact finding done by certain members on this subject. We should be honest in our approach to the Bill and realize that it does not materially alter the existing law. It does not make one scrap of difference whether we pass the Bill or not. We do not want to put something in the show window for certain people who are trying to use their influence in this Chamber to have passed certain legislation they think is for the social betterment of mankind. I have a great regard for the honesty and purpose of those people, but I have some reservations about the soundness of their judgment on this problem. I doubt whether this Bill will achieve their objectives. Indeed, I do not believe it will make one iota of difference to the social evil with which the Bill is intended to deal or to the lives of those who fall by the wayside. Whether we make the minimum age 18, 20, or any other age, we cannot alter human nature, for a higher authority has decided that no two individuals shall be the same. We are not born the same, nor are we supposed to conform to one set of laws. We were not intended to pursue our private affairs in the same way.

Mr. John Clark—Doesn't that apply to all laws?

Mr. SHANNON—I think so, but we are dealing with gregarious animals for a man likes to be with his fellows and consort with them.

That is only natural and sometimes the things we are worried about in connection with this legislation occur because some men have a different set of talents from others. They are endowed with different attributes from others of their kind and that brings about the circumstances that some deplore. I deplore them and would like to cure them, but I do not think legislation of this kind will deal with the root cause of the trouble; it will have no bearing on it. For those reasons I find myself in the unhappy position of having to oppose the measure. I do not like putting legislation on the Statute Book merely for the pleasure of putting it there, and I know that if this Bill becomes law it will not alter the existing law on the marriage of minors. It will still leave the door open for younger children to be legally married and I think no good can come of it so why should we clutter things up with Bills which cannot do any good and will, in effect, make no difference to the existing state of affairs, for a boy of 14 and a girl of 12 may still be legally married.

Mr. Jennings—Not necessarily.

Mr. SHANNON—Yes. That is a provision inserted here by another place and it is a provision which makes it legal, under certain circumstances, for a boy of 14 and a girl of 12 to be legally married. That is the present law.

Mr. Jennings—You could vote against that.

Mr. SHANNON—If the honourable member is prepared to vote for the Bill that is his right, but I think if I vote for it the law will remain as at present. I therefore vote against it.

Mr. STEPHENS (Port Adelaide)—I am not satisfied with the Act as it stands. Whilst I have been a member of this House I have had the experience of people coming to me to have witnessed declarations made by parents in respect of their children. I have expressed disapproval of the reasons which some parents have given me for wishing to have their children married. If this Bill is passed such practices will not be stopped, but I intend to vote for the Bill, because if it is rejected on the second reading that is an end to it and an indication to the people of this State that we are satisfied with the law as it is today. I am not satisfied with it. There should be alterations to the Bill, and to get them I wish to see it reach the Committee stage, so that amendments suggested by certain honourable members can be discussed. I do not think there should be one marriage law in South Australia, another in Western Australia and another in Victoria. The law should be uniform throughout the Commonwealth. Some years ago when this House was dealing with the marriage law we talked about uniform marriage and divorce laws throughout Australia. In one part of the Commonwealth marriage to a deceased wife's sister is permitted, but in another part not. If, being under the age of 21 years, people wish to marry they cannot do so without first obtaining the consent of the parents on each side, except where they have been previously married. However, even if the parents do consent they cannot marry if the boy is under 14 or the girl is under 12. If this Bill is passed the boy of 18 or the girl of 16 will not have to obtain their parents' consent, but if they are under those ages they are obliged to get the Minister's consent. I think that is wrong. Members have said that they wish to have the marriage age reduced and to give the Minister power to consent to marriages so that any stigma which might otherwise fall upon the child may be avoided. We are asked to give one man the power to deal with all such cases arising in South Australia and I say it is impossible for him to do so. What will happen? He will have inquiries made, possibly by a police officer, and as a result of those inquiries he will give his consent or refuse to do so knowing nothing about the case except as a result of the evidence collected by the police officer. I think that is wrong. I support the Bill on the distinct understanding that if no committee is to be set up, or if it is to be left to a magistrate to do the job I will oppose the third reading.

The House divided on the second reading:—

Ayes (28).—Messrs. Bockelberg, Brookman, Bywaters, John Clark, Geoffrey Clarke, Dunnage, Dunstan, Goldney, Harding, Heaslip, Hughes, Hincks, Hutchens, Jenkins, Jennings, King, Laucke, Lawn, Sir Malcolm McIntosh, Messrs. Millhouse, O'Halloran, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Riches, Stephens, Frank Walsh, and Fred Walsh.

Noes (7).—Messrs. Corcoran, Davis, Hambour (teller), Quirke, Shannon, Stott, and Tapping.

Majority of 21 for the Ayes.

Bill thus read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Age of marriage."

Mr. O'HALLORAN—I move—

In subsection (1) of proposed new section 42a to strike out "sixteen" and insert "fifteen."

The Bill provides that the marriage of a girl under the age of 16 years shall be void, except under certain conditions. That principle has been incorporated as a result of the experience of other States and other countries, but the laws on this matter in those places were passed many years ago, and since then great changes have taken place in the social life of communities. Under common law a girl cannot marry under the age of 12, but to legislate to raise that age to 16 is going too far, in one step at any rate. Girls often leave the security of the home much sooner than they did formerly, and we must have regard to that when considering this legislation. During the second reading debate the school leaving age was mentioned, but that is not closely related to the age at which girls may marry. If we were to admit that principle, what about girls going to the universities who sometimes continue there until they are 21 or more? Would anyone suggest that such girls should be debarred from marrying? The point is that we are trying to protect girls from the possibility of folly, but the Bill in its present form will not afford them any protection.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I hope the Committee will not accept the amendment. The purpose of the Bill is to raise the minimum marriage age so that extremely young people will not have to carry out the obligations of marriage and establish a home. Experience has shown that young marriages usually turn out extremely badly for everyone concerned. Many young people have been forced into marriage because their parents felt that by doing so they could avoid disrepute. I would be hard pressed to say why 16 is a better age than 15 because some people are more developed and more mature at 15 than others are at 16, but, in the main, most girls of 15 are too young to marry. The Bill sets an age that might be regarded as a reasonable standard.

Mr. O'Halloran—And then promptly proceeds to destroy it.

The Hon. Sir THOMAS PLAYFORD—The Government did not seek to destroy it, for it has been trying for three years to get through a Bill providing a minimum age of 16 for girls and 18 for boys.

Mr. Hambour—Without any qualifications!

The Hon. Sir THOMAS PLAYFORD—That is so. I realize that this Bill deals with a social question and that there are many people who have strong views on it. The Government has tried to meet the wishes of Parliament, but if I were asked for my opinion I would say that the first Bill we introduced was the proper one. However, both Houses defeated the original measure. Even the present Bill has been already whittled down in another place.

Mr. John Clark—We can restore it.

The Hon. Sir THOMAS PLAYFORD—I would like to get back to the original measure, but the Government wants to get the best it can. We had a series of deputations from various organizations mainly concerned with the welfare of women. The Government investigated their submissions and concluded that their complaints were well founded. We then introduced a Bill that was hailed by members generally as being a satisfactory measure. It has passed both Houses at one time or another in its original form, but since then many social experts have given various opinions. Most members look upon child marriages as being undesirable, but no-one seems to be able to produce a happy solution that will enable a Bill, even of moderate reform, to get through both Houses. Most marriages of young girls take place when they are 15 years of age, and if we accept the amendment we shall take away 80 per cent of the Bill's effectiveness. I point out that when dealing with difficult social problems Parliament often must come to a compromise, and we must take the best we can get. I think the age provided in the Bill is quite fair. I remind members that in other legislation which, to some extent, may be regarded as synonymous with this, the age of consent is much higher. I hope the Committee rejects the amendment.

Mr. HAMBOUR—I am opposed to the Bill so will support the amendment because it reduces the effect of the legislation. Members generally desire to permit as much latitude as possible in this legislation, but at the same time are attempting to save their faces. The Premier referred to previous occasions when similar legislation was introduced and pointed out that the Government's desires have been watered down by amendments in another place. The Bill has been almost neutralized. The figures quoted by Mr. Tapping this afternoon regarding divorces do not support the contention that young marriages are unhappy. They reveal that of about 7,000 divorces only 17 concerned girls under 21, the youngest of which was 17. I hope the Committee accepts the amendment.

The Committee divided on the Leader of the Opposition's amendment—

Ayes (9).—Messrs. Corcoran, Davis, Hambour, O'Halloran (teller), Quirke, Shannon, Stott, Tapping, and Frank Walsh.

Noes (25).—Messrs. Bockelberg, Brookman, Bywaters, John Clark, Geoffrey Clarke, Dunstan, Goldney, Harding, Heaslip, Hughes, Hincks, Hutchens, Jenkins, Jennings, King, Laucke, Lawn, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Riches, Stephens, and Fred Walsh.

Majority of 16 for the Noes.

Amendment thus negatived.

Mr. O'HALLORAN—I move—

In new section 42a (2) to delete "Minister" and insert "a magistrate" in lieu thereof.

At present the Bill provides that the Minister —in this case the Chief Secretary may consent to marriages between people under the ages stipulated. I do not think it fair to ask the Minister to accept the position of umpire. He would not have the time to make the necessary inquiries into all the circumstances of the case and would have to rely on some other authority to conduct the investigations. I fear that in the case of applications for consent from persons in country areas—and especially in the far flung parts of the State—the person to whom the authority to investigate would be delegated would be the local police officer. I do not know of any other official to whom such authority could be delegated. I do not cast any reflection on the probity of the police but in cases such as I visualize the Minister's consent will hinge on his view of a police report. If the officer recommends it, the Minister will grant the necessary consent, but if the officer refuses to recommend a marriage, consent will be refused. If we are to have this legislation at all and these consents, which, after all, whittle down the principle the Premier said the Government desired to establish in the law, they should be granted only by some qualified, approved person after due inquiry and hearing all the evidence in support of the request. I have therefore moved to insert "magistrate".

Mr. John Clark—Do you mean any magistrate?

Mr. O'HALLORAN—No. I thank the the member for Mitcham (Mr. Millhouse) for his suggestion that I amend my amendment to provide for a special magistrate, but I point out that the original Act provides that the Governor may make regulations prescribing any matters necessary or convenient for carrying the Act into effect. That confers on the Governor the power to make a regulation that a certain type of special magistrate shall be appointed to hear these cases. That is what I have in mind in this case. It may be a magistrate from the Children's Court, but, whether that is so or not, after proper inquiry a special magistrate should be detailed to hear these applications so that we may have uniform procedure and uniform decisions based on the evidence presented to him. I therefore propose to leave my amendment in its present form in the hope that it will be carried and that the Government, in a conscientious effort to give effect to the desire behind the amendment, will see that the magistrate detailed to hear these applications has special qualifications for the task. I do not suggest that all qualified special magistrates with legal training would not be competent to do this task: I merely seek uniformity. Parliament should therefore leave it to the Governor to determine by regulation what magistrate or magistrates should hear these applications.

The Hon. Sir THOMAS PLAYFORD—The Committee should consider one or two matters in connection with this amendment. Under the Marriage Act at present, where the consent of the parents is not available for the marriage of minors, the marriage can only take place if they have the consent of the Chief Secretary. If the Leader's amendment is carried, that position will still exist in most cases where the minor is to be married. A minor is a person under 21 years of age and marriages involving girls over 16 and boys over 18 but under 21 years of age would still be subject to the consent of the Chief Secretary; that has been the law for many years and would still be the law if the Leader's amendment were carried. The amendment brings in another authority who may work on the same rules as the Chief Secretary works on and decide on the same circumstances, or any other circumstances; but uniformity will not be achieved. Rather, confusion will result because under the amendment all children over 16 years of age, where the parents' consent is not available, would still have to go to the Chief Secretary, but under 16 they would go to the special magistrate. That is, any boy over 18 but under 21 would go to the Chief Secretary, and any boy under 18 would go to the magistrate.

Mr. John Clark—That could be amended.

The Hon. Sir THOMAS PLAYFORD—Yes, but that is the effect of the Leader's amendment.

Mr. O'Halloran—The circumstances are entirely different in the cases quoted.

The Hon. Sir THOMAS PLAYFORD—Possibly, but the topic is substantially the same. The present procedure is desirable.

The Leader said the special magistrate could hear evidence and determine cases, but what could be more repugnant to a child than having to get up in court or before a special magistrate. The Leader used the word "evidence." A special magistrate would be appointed for this job.

Mr. O'Halloran—The case would be heard in chambers.

The Hon. Sir THOMAS PLAYFORD—If the marriage is to go on, the present procedure tries to set it off with some hope of success; it does not complicate the position. At present highly trained women police officers investigate each case; they make a close study and discuss the girl's problems with her; they assess accurately her state of maturity and all the circumstances; they discuss the problem with the parents and sympathetically try to sift out the rights and wrongs and determine the best way to deal with the matter.

Mr. John Clark—That would still be done.

The Hon. Sir THOMAS PLAYFORD—When one speaks of a special magistrate, one instinctively talks about a court, because everything that comes before a special magistrate comes before him in an open hearing.

Mr. O'Halloran—Or in chambers.

The Hon. Sir THOMAS PLAYFORD—Judges may deal with matters in chambers, but I know of no case in which magistrates give consent in chambers. You get a hearing from a special magistrate if the hearing is proceeded with on legal grounds. I believe the present procedure is proper in these cases. There is no bonus in it for the Chief Secretary and he gets no glorification for handling these matters.

Mr. Hambour—What will he do in these cases?

The Hon. Sir THOMAS PLAYFORD—As Acting Chief Secretary, I know how carefully the Minister must go into every case personally. I have seen the system set up, not by Sir Lyell McEwin, but by former Chief Secretaries over a long period, and I cannot find any protest raised against any decision made by a Chief Secretary in the past 30 years in connection with such matters. It is not a question of merely taking the recommendation of an officer. The women police work with remarkable tact and elucidate the facts fairly, but the principles that must be applied in the ultimate decision must be decided by the administration. Under new subsection (4), if the parents have consented, the Minister shall consent unless there are special circumstances that would justify him in refusing consent. By a subsequent amendment the Leader proposes to delete the parents' consent.

What are the special circumstances referred to in new subsection (4)? It is not the person, but the special circumstances that are important in this connection; that is the key to the whole subsection. I do not believe that introducing a legal decision is wise; it should be an administrative decision and much good commonsense will have to be applied. If a decision is to be based on purely legal grounds I doubt whether any legal set of circumstances will meet these cases fairly and squarely. The present procedure will still be maintained in cases of minors above 18 and 16 years of age, and in those circumstances I suggest that the clause be not amended.

Mr. DUNSTAN—Although I have no particularly strong feelings on this amendment, I am not very happy about the wording as it now stands. Like the member for Mitcham (Mr. Millhouse), I think that to obtain the Leader's true wishes the amendment should read "A special magistrate in chambers," because "a magistrate" has no particular meaning under our legislation; at common law it means every justice of the peace. We must make it perfectly clear what we mean. I do not think it would be wrong to give this decision to a special magistrate in chambers, because certain decisions are now made in this way.

Normally, when an application is made for a permit under the Licensing Act, the decision is made by a magistrate in chambers. This is arrived at simply as a result of an inquiry by the magistrate, and no evidence is taken. Applications are also heard in the local court in this way. When an objection is taken, matters are usually dealt with in open court, although I have appeared in cases where they have been decided in chambers even after objections have been taken. If the words "a special magistrate in chambers" are written into this clause, it would perhaps be a better provision than at present, because under the clause as it stands the Chief Secretary does not see the parties involved. To see them would be difficult for people who do not live in the metropolitan area but it would be easy to see a magistrate where they are in a special magistrate's district. I do not think the amendment entirely

meets the case, but I would be prepared to support it if it provided that a magistrate in chambers would be the authority.

Mr. MILLHOUSE—I am not prepared to support the amendment as it now stands, but I would be prepared to consider supporting it if it provided for a decision by a special magistrate in chambers, because I think the Premier's arguments about publicity are valid. Hearings are conducted in chambers now in a number of cases. I may have misunderstood the Premier, but it seems to me that on a reading of section 26 it is not necessary in all cases for the Chief Secretary to be involved—it is only necessary for him to become involved to override the lack of consent of parents. I feel that the Premier's argument is not wholly correct, unless I misunderstood him.

The Hon. Sir THOMAS PLAYFORD—This Bill is not the one that the Government would have desired to bring in. Another Bill altogether was brought in, and was passed in both Houses, but not at the same time or in the same session. This Bill provides that all parents must consent. In this morning's case to which I referred, one of the people for whom I had to give consent was the child of divorced parents, neither of whom was available. How would such a case get consideration under the Bill?

This Bill is now trying to meet so many people's objections that it ceases to have a clear line of practicable administration. The position now—and it applies so often—is that young people wanting to marry cannot do so because one of the parents lives, perhaps, in Europe, and the other may be dead and the child has no guardians in South Australia. In other cases one parent might consent and another might object; in others, although the parents are alive, they are divorced, and cannot be traced.

Mr. O'Halloran—How would you know they were alive?

The Hon. Sir THOMAS PLAYFORD—In the case I have mentioned, they were alive as far as was known, but it was not possible to contact them in time for the ceremony. This sort of thing has to be overcome by administration. It is better to have one authority because it is necessary to have consistency of principle. If the authority is to be a special magistrate, to meet the convenience of people in the country it would be necessary to bring in a number of magistrates, and they might have different opinions. The decision of the Chief Secretary about minors has never been questioned, but today a special magistrate's decision relating to minors was questioned.

I do not think it is desirable to have an official inquiry at which the parents must attend, because I do not believe this solves any problem. It is better to have the matter investigated by the women police, who are highly trained and confidential in their inquiries, and who go to endless trouble to interview the parents to ascertain their views and the antecedents of the boy and girl. Also, they have all the records of the department at their disposal. After making a thorough investigation, they then report to the Registrar, setting out the facts and what they believe should happen.

Mr. Stephens—Wouldn't they do that with a magistrate?

The Hon. Sir THOMAS PLAYFORD—He has not the same authority as the Chief Secretary to accumulate this type of evidence. The police are not under his control, nor should they be. He could ask for an inquiry, and no doubt the Government would instruct the police to conduct one, but I believe the present procedure, which is effective, should be followed. No law has been more sympathetically administered. Officers have come to me late at night with an application that, for some reason or other, has been delayed, and arrangements have been made for a wedding. On one occasion, His Excellency the Governor called a special meeting of Executive Council on a Saturday morning to appoint an acting Chief Secretary to deal with a case. I am sure such cases would not have been dealt with by a special magistrate.

Even the opponents of the Bill agree substantially that undesirable marriages should not be allowed. If it is desired to alter the Bill because some problems arise, I promise that the Government will not hesitate to reintroduce legislation to deal with them. Let us try to get this legislation carried this year; then later we can put into effect any necessary improvements. I promise the Leader of the Opposition that if it is found that the Chief Secretary has difficulty in carrying out his duties, a Bill will be introduced next session to clear up the matter.

Mr. O'Halloran—You will be the judge of that?

The Hon. Sir THOMAS PLAYFORD—Let me go further; if any member raises the question next session, I will be prepared to

bring in an amendment to give an opportunity to improve the legislation. I cannot do better than that.

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

The Hon. Sir THOMAS PLAYFORD—At the adjournment I was saying that this matter requires consideration that should not be set in a legal atmosphere.

Mr. O'Halloran—I propose to change that.

The Hon. Sir THOMAS PLAYFORD—I do not know what the change is, but the fact that a person is a magistrate does not necessarily endow him with any special merits to deal with these problems. We should leave the Bill as it is, and I give an unqualified assurance that if any difficulties arise the House will have the opportunity to consider them again next year. I ask members to give the Bill a chance to see whether we cannot get something useful out of this legislation.

Mr. O'HALLORAN—I still feel that the Chief Secretary is not the proper authority to determine these matters. However, I now ask leave to withdraw my amendment with a view to moving another amendment.

Leave granted.

Mr. O'HALLORAN—I move—

To strike out "the Minister" wherever occurring and to insert "a special magistrate in his chambers".

I have given due consideration to the Premier's arguments, but he weakens the case for this clause by his gracious promise to resubmit it again next year if necessary. If we pass this legislation there should be some finality about it. We should not pass something makeshift that may have to be considered again later. I was intrigued by the Premier's arguments about the Chief Secretary being able to depend upon the efficient services rendered by the police, particularly the women police, in conducting inquiries relating to this matter. Police inquiries now being conducted have no relation to the matters dealt with by this Bill, which opens up a wide field in which the Chief Secretary will have to determine the issue.

The Premier said that only today he had been constrained to ignore police reports and determine an issue on his own judgment. Particularly in country districts, cases to be dealt with under this legislation could be better determined by a magistrate, for the Chief Secretary would have to be guided by reports from his police officers. The policeman in a small town is as well-known as the town clock, and if he had to visit a young girl the fact would be known all over the district in a few hours, but people would not know why he had approached her. The policeman, being discreet, will not tell the world why he approached the household so that all kinds of rumours will be abroad, which may do almost as much harm as we are seeking to undo by passing this Bill. If my amendment is passed the parties can appear before a magistrate and he can make a decision based upon the reasons they offer him.

The Hon. Sir THOMAS PLAYFORD—To a certain extent the Leader of the Opposition has changed his ground. He stated some time ago that he did not desire a legal hearing, that this matter would be dealt with in the country by persons who would be unknown and that the policeman would approach the parties in a much more diplomatic way than if acting for the Chief Secretary. However, the fact remains there would be a hearing.

Mr. O'Halloran—Not a legal hearing.

The Hon. Sir THOMAS PLAYFORD—Yes, it would be. As soon as the matter was brought to a magistrate in Chambers there would be a legal hearing and the magistrate would determine the case on a legal basis. He may not have other than his legal qualifications. It is provided in subsection (3) that the magistrate shall not make an order under subsection (2) if the boy is under 14 and the girl under 12. The magistrate shall ascertain whether the parents have consented.

Mr. O'Halloran—That would not be in the Act if I had my way.

The Hon. Sir THOMAS PLAYFORD—It would not be a legal hearing in the sense that barristers will appear. Today if young persons approached a clergyman in the usual way he would send the application to the Registrar, who would then advise him that the persons were under age and that it would be necessary for certain consents to be given. If the guardians were not prepared to consent, or they were not in Australia, a policewoman, who would be unknown in a country town, would be sent to ascertain the facts and report back to the Registrar, who in turn would submit the reports to the Chief Secretary, and the application would then either be granted or refused. Outsiders would not have known that the matter had been subject to investigation.

If these people are to be married, let them be married in the normal way with as little publicity, fuss and bother as possible. It should not be subject to a formal hearing, even before a magistrate in chambers. I am sure

from my knowledge of the administration that the amendment is wrong and that it is better for these matters to be dealt with in a sympathetic, confidential way so that the persons concerned do not have to parade before a magistrate. In this case the girl would be spoken to by one of her own sex. One of the big problems associated with under-age marriages is the fact that the parents frequently bring the utmost pressure to bear upon the unfortunate girl to be married as they believe it will save some disgrace to them and the family.

Mr. Davis—The pressure is put on the boy.

The Hon. Sir THOMAS PLAYFORD—Generally the boy should have known better and frequently only undertakes the marriage to avoid prosecution. If a girl had to appear before a magistrate she would not be so free to say what her feelings were as if she were approached by a trained officer. I hope the amendment is not accepted.

Mr. HAMBOUR—I am all for supporting the amendment, because I think it is a good one, but because I think the whole Bill is bad. Is the Premier prepared to leave clause 4 in? I may be innocent, but I am not dumb. I believe this would be a good amendment if the Leader did not seek the deletion of subsection (4). He, and the Premier, would prefer the Bill in the form in which it was introduced last year.

Mr. John Clark—Why do you want subsection (4) retained?

Mr. HAMBOUR—Because I am opposed to the Bill.

Mr. John Clark—Because you think it negatives the Bill?

Mr. HAMBOUR—Yes. The Premier indicated that any investigation concerning the desirability of consenting to a marriage should apply to the means of applicants. I am totally opposed to any provision that may enable consent to be given to a person of means and refusal of consent to a person without means. If the Premier gave an undertaking in a speech that subsection (4) would be retained I would support this amendment.

Mr. LAWN—As I have not yet participated in the debate, I was inclined to support the proposal that an application for permission to marry should be made to a special magistrate in chambers. However, the Premier has indicated that at present women police officers are delegated to make inquiries and report to the Registrar of Marriages, who in turn reports to the Minister. He has pointed out that an application to a special magistrate could only be made to a special magistrate in a certain locality which could cause inconvenience to applicants who may have to travel some distance. I am inclined to believe that the present provisions of the Bill are best.

The Premier opposed the Leader's amendment on the grounds that it did not provide for uniformity, but the Premier does not believe in uniformity and always opposes the Opposition's attempts at uniformity in respect of electoral, long service and industrial legislation. He is not sincere in suggesting that a boy over 18 would have to apply to the Minister whereas a boy under 18 would have to apply to a magistrate and a girl over 16 to the Minister and under 16 to a special magistrate. I have listened to the debate with the object of supporting what I believe is in the best interests of the community. The Premier has intimated that the present practice has worked smoothly and efficiently and that not one decision of the Chief Secretary has been challenged in the last 30 years. That leads me to wonder why this legislation is necessary. The Bill in its present form is no different from the present practice. It has been pointed out to me that the ages are different. The present age at common law is 12 years and 14 years respectively for girls and boys, and it is proposed to make those ages 16 years and 18 years except with the consent of a Minister. New subsection (4) goes so far as to say that the Minister must give his consent.

It was stated that this matter has been before Parliament for three years. The Premier said that the Bill has been passed by the House of Assembly and by the Legislative Council but on each occasion it did not pass both houses in the same session. He has introduced a Bill which, in effect, will continue the present system. It initially provides that the marriage age for boys and girls shall be 18 years and 16 years respectively, but with the consent of the Minister—in other words, by carrying on the present practice—the marriage can take place at a lower age. There is a proviso that the minimum age must not be below that which exists today.

If subsection 4 were not in the Bill I could have accepted that the Premier desired to raise the ages and still give the safeguard for the Minister to have the right to decide whether the marriage should take place. During the adjournment I have had the opportunity to ascertain some of the things that have happened in the past, and I have discovered that applications have been made and consent has been given in a much shorter time than

would have been the case if the application had been made to the magistrate. I have come to the conclusion that the present practice is the best, and having come to that conclusion I am forced to the further conclusion that there is no need for the Bill.

Mr. John Clark—What would you think of the Bill if we could get subsection 4 deleted?

Mr. LAWN—I cannot reconcile the Premier's statement with regard to that subsection and the fact that he has introduced a Bill which included it. I cannot support a Bill which overall has the effect of carrying on the same practice that exists today. I have listened to the debate on this particular subsection with an open mind, leaning to the views of the Leader of the Opposition because I felt that with the personal knowledge obtained by a magistrate in chambers, having seen and spoken to the applicants and their parents, he would be better able to inform his mind than the Chief Secretary who would have to rely on reports. Then again, the Premier has stated how the present practice works and he cited the case of the country applicants, and that point weights a lot with me. During the adjournment I have been informed of instances of country applicants where the whole procedure was dealt with in a much shorter period than it would have been by a magistrate. I then remembered the Premier's statement to the effect that the present system has worked smoothly and efficiently over the last 30 years, and I became convinced that there was no need for the Bill which will have no effect but to perpetuate the present system.

Mr. DAVIS—I rise to oppose the amendment. I have given this matter serious consideration and I realize the difficulties that would arise if people had to appear before a special magistrate, whereas I do not know of one case that has received any publicity under existing law. I venture to say that if a young couple and their parents had to appear before a magistrate visiting Port Pirie everybody would know that so and so were appearing with their children, and it would be broadcast over the district that these children were in trouble. Under the present system no publicity that I know of is given to any of these cases.

Mr. John Clark—Wouldn't it be the same when women police came to the home?

Mr. DAVIS—No, women police could go to the home for many reasons. We know that they are in the habit of visiting various homes, and people would not realize the purpose of their visit. I think the member for Gawler would realize this. The present system of reporting to the Minister and of his making a decision is the better of the two. I oppose the Bill and suspect any amendment.

Mr. MILLHOUSE—When I spoke previously on this clause I said that I would not consider supporting the Leader's original amendment, but that I would consider it if the discretion were given to a special magistrate in chambers; therefore, as he has altered the wording, I feel that I must state my position. I do not support the amendment even as it is worded now. As a matter of principle, I would always support a judicial decision in these matters rather than an administrative one, therefore I would be willing to support the amendment as a matter of principle; but I was entirely won over by the Premier's remarks when he explained how the system worked. I have no doubt that if a special magistrate were given the job in this case it could not be done nearly as expeditiously and unobtrusively as it could be done if an administrative discretion were given to the Chief Secretary. Speed and unobtrusiveness are essential and I am therefore willing to put aside the general principle on which I act in these matters and to indicate that I do not support the amendment.

The Committee divided on Mr. O'Halloran's amendment to strike out "the Minister" with the object of inserting "special magistrate in his chambers":—

Ayes (11).—Messrs. Bywaters, John Clark, Corcoran, Dunstan, Hughes, Hutchens, Jennings, O'Halloran (teller), Stephens, Tapping, and Fred Walsh.

Noes (19).—Messrs. Bockelberg, Geoffrey Clarke, Davis, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Lawn, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, and Riches.

Majority of 8 for the Noes.

Amendment thus negatived.

Mr. O'HALLORAN—I do not intend to proceed with the amendments that are consequential on that which has just been defeated. The inclusion of proposed new subsection (4) means that, if the Bill passes, there is no valid reason for interfering with the existing law, because where all the parents consent the Minister would have great difficulty in finding special circumstances to warrant his withholding consent in view of the unanimous desire of all the parents of the parties concerned that the marriage should take place. Of course the honourable the Minister in another place

said he might consider the means of the proposed bridegroom. That would probably be thought of by the parents prior to their granting consent; on the one hand they would consider the feelings of the parents of the girl who may think there would be a certain amount of stigma attaching to their family if the consent were withheld, and on the other hand if they did give consent they might acquire an unwanted son-in-law whom they were obliged to keep. That is the position that will have to be faced by the parents, but the point I am concerned with is that this proposed new subsection (4) was not in the Bill when it was introduced by the Government in the Legislative Council. It was the result of an amendment moved in another place and I believe that that amendment was moved by an honourable gentleman who desired to nullify the effect of the Bill, for that is precisely what will happen if we allow proposed new subsection (4) to remain in the Bill. The Premier may have some devious means of knowing what the view of the Chief Secretary will be in this matter and that the view may be that irrespective of whether the the parents give their consent or not he is going to find some special circumstances to withhold consent to the proposed marriage, and if that is what we are to assume why do we not strike out proposed new subsection (4)?

There is another point, too, with which I am concerned and it refers to the provisions of the present Act. The Act provides that the Chief Secretary shall give his consent to the marriage of minors where the parents are not available to give their consent. That is, the Chief Secretary in those cases has to act in loco parentis to the juveniles desiring to marry, and section 26 (5) sets out the various things which the Chief Secretary may do under that section. Paragraph (*d*) of subsection (5) states:—

> If the Minister is satisfied that the consent of any parent or guardian by whom consent is required to be given by this section is being unreasonably withheld.

He may give his consent to the marriage even though one or both of the contracting parties are under 21 years of age. Now we propose to superimpose on that provision another that where all the parents are satisfied, irrespective of the viewpoint of the contracting parties, the unfortunate girl may be forced into matrimony by her parents although she may not desire to marry. The Minister is compelled by new subsection (4) to grant his consent unless there are special circumstances. Special circumstances have not been defined but I think, as we are placing the emphasis on the consent of the parents of both parties, the fact that the girl or boy do not desire to marry would not be considered to be special circumstances. There is another weakness, which may be a drafting weakness, which shows what a slipshod piece of legislation we are discussing. Section 26 refers to guardians and if there are no parents, or one of them is dead, a guardian may give consent, but there is no reference to guardians in proposed new subsection (4); if the parents of both parties are satisfied and give their consent to the marriage then the Minister must give his consent unless there are special circumstances. This paragraph as drafted is a contradiction to paragraph (*d*) of section 26 (5) and is intended, in my opinion, to torpedo the purpose of the Bill. I ask that it be deleted.

The Hon. Sir THOMAS PLAYFORD—The honourable the Leader is quite correct when he says that this proposed new subsection was not in the Bill introduced by the Government, as is the case with some other matters. It had the Bill introduced and carried in this house and had it carried in the other House so that both Houses have carried the Bill, but not in the same session. That was the only problem about it which made it unlawful for marriages to take place under certain ages. Many honourable members have expressed an objection to a complete embargo and many have heard of cases which they thought justified further consideration. There was, therefore, a provision inserted and passed in this House which we have just been dealing with which created a loophole in as much as special permission could be given if the case justified it. That immediately raised an objection in another place that the Minister was being given more authority over the children than was given to the natural parents, that no notice was being taken of the consent of the natural parents and that the Minister's consent could override theirs. It was decided that where the natural parents were not prepared to give their consent the Minister should override them only when there were some special circumstances which would justify his doing so. In other cases, if the natural parents are in favour of a marriage, the Minister will only override their consent if there are special circumstances. Members might say that the meat of this matter is in subsection (4), and ask what are special circumstances. I think they would be the very thing that the Leader said they would

not be. He said that if a girl was not in favour of being married, but her parents were in favour, that would not be a special circumstance, but I would think that any wedding where one party is married under coercion would constitute special circumstances, and that is the sort of thing we are trying to prevent. It is natural for parties entering into a marriage to be consenting parties, and if marriage is not desired, it would obviously be out of the ordinary. Another case where special circumstances exist is where a girl is seduced by a man much older than she, and to avoid prosecution, he is prepared to marry her.

Mr. Riches—If the parents are agreeable, the Minister could not do anything about it.

The Hon. Sir THOMAS PLAYFORD—I think that would be a special case. Such a case came under my notice not very long ago. The man concerned brought another woman into the house on the night of the wedding. The poor girl in that case was coerced into marriage.

Mr. O'Halloran—By whom?

The Hon. Sir THOMAS PLAYFORD—By her parents, who wanted to protect here from ill repute. This is the type of special circumstance that I believe the Chief Secretary would consider. I strongly oppose the deletion of this clause because, unless it is accepted, we will get into the same position as previously—one House wanting a clause and the other not wanting it, and between the two the Bill will be lost.

Mr. DUNSTAN—Although I have listened attentively to the Premier's remarks, I was unconvinced by the cases he made out. When the Bill was introduced, it provided that there should be no marriages under the age limits it set out. The member for Mitcham (Mr. Millhouse) foreshadowed an amendment, which I indicated I would support, providing that a discretion should be given to somebody to grant permission to parties under the age limits in exceptional circumstances. I think that is as far as the House could possibly go and still maintain the aim of the Bill. However, the whole thing is being turned around the other way.

Under the original proposal it was only the exceptional cases for which consent was to be granted, but under this proposal it is only the exceptional cases for which consent is to be refused. As those who opposed the Bill have said quite truthfully, that negates in effect the purpose of the Bill. The member of another place who was responsible for the amendment said that it would negate the Bill, and that, of course, is what it was put there to do. Under the amendment cases could arise in which the parents have put some pressure on the girl involved, and she would decide that she wants to be married even though the marriage would not be satisfactory. In such a case there would be the consent of the parents and of the contracting parties. In such instances could the Minister say special circumstances existed? That is the very type of case that this Bill was introduced to get around.

I urge members not to leave this subclause in the Bill, because it ruins the measure, as the Minister will have to be satisfied that the case is not the ordinary type of case that arises. Also, it is expressed here that the minimum age could be as low as 12. What the Premier appears to hope is that this clause would get the Bill through, and then administratively the Minister would decide that special circumstances existed, although in accordance with the Bill they did not; that is, he would exercise his discretion contrary to the provisions of the Bill. I do not think that is satisfactory legislation.

I think we should say plainly what we mean in legislation. If the Chief Secretary did use his discretion contrary to the Act he might find that an application would be made to the court over the exercise of his discretion, because I do not think the exercise of his discretion would be outside the purview of the court on an application for *mandamus*. I do not think it is safe to leave this subsection in the Bill. We should see that the measure clearly expresses our intention. I believe it is the intention of members that there should be an effective age limit, and that it is only the exceptional cases in which consent should be granted.

Mr. LAWN—I support the amendment. I understand the purpose of the Bill is to raise the marriage ages to 16 for girls and 18 for boys. The two arguments advanced in support of this were that sometimes a boy marries a girl to escape prosecution for a criminal offence and that because of a disparity in the ages of the parties concerned the marriage is doomed to failure. Most members have argued that the Minister's consent to a marriage should not be given if there are special circumstances why he should not give consent, but this provision is not a safety valve, for the Minister will be obliged to give consent. What most members want is that marriages of very young

people should not take place except in special circumstances. This provision is therefore completely opposite to what most members want. I fear that if the parents give their consent to a marriage the wishes of the girl and boy concerned will not be considered to any extent.

On a previous occasion, when explaining what special circumstances were, the Premier said that the Minister would have to consider all the relevant circumstances, such as the means of the parties, their maturity, their character, and the prospects of the marriage being successful. He said that those factors might justify the Minister in refusing permission to marry. If the views of the boy and girl could be obtained when their parents were not present the Minister would be in a better position to decide whether or not to grant consent to the marriage. When the Premier was asked this evening to give an instance of special circumstances he could think only of a point raised by the Leader of the Opposition. I would not place a complete embargo on the marriage of very young people: I agree that there should be a safety valve, but this provision does not give one. It says that permission to marry shall be granted by the Chief Secretary, except in special circumstances, and I hope the Committee will delete the provision.

Mr. DAVIS—This provision is the only redeeming feature of the Bill, so I oppose the amendment. The parents are the only people who should be able to say whether or not their child should marry. There are many special circumstances that would give the Minister a justification for refusing permission to marry. Some members have said that a girl might be forced by her parents to marry, but I do not agree with them. If a girl told the Chief Secretary that she had no desire to marry that would be a special circumstance. I have never heard of a case where the girl who became pregnant refused to marry the man responsible. The Premier mentioned the case of aged men marrying young girls they had got into trouble. It would be a crime to allow this. The clause should be retained.

Mr. FRED WALSH—I feel that the matter is being approached in the wrong way. I am inclined to believe that it should be amended to meet the wishes expressed by many members who desire that in certain circumstances there should be an exemption from the provisions of the Act by giving the person in authority the right to make an order that the people concerned could be married. It would be almost impossible to include in legislation the circumstances when a marriage should not take place. If the clause is retained the Bill will be practically valueless. It would be acceding to the requests of certain people who are interested in this type of legislation, not that I am condemning them for it, because I believe they are competent to express an authoritative view on such matters. The Government sponsored the Bill in acceding to their requests, and in order to revert to the position previously obtaining the subsection was inserted.

Mr. HEASLIP—Until this clause was brought forward, I was prepared to support the Bill. The marriage age of 14 for boys and 12 for girls is too low, and I would favour an increase so that we would have young people being married instead of children. The inclusion of this subsection will put us in the the same position as we were in before. The final word on the marriage of their young children should not rest with the parents, but with someone else more responsible for their actions. A girl of 12 is not old enough to know to what she is consenting. Unless I can get a very good explanation why it should be retained, I will vote for the deletion of the subsection.

Mr. JENNINGS—I support the amendment to delete the subsection. I was impressed by Mr. Heaslip's remarks, and I think he touched on the kernel of the argument. In these cases the parents who give their consent would be parents who are not fit to pass judgment on the future of their children. I think that most young children who got into trouble and faced a forced marriage would have come from homes where the parents had not set a very good example. There has been much talk of maturity in this debate, so let us be mature in our consideration of this matter. Similar legislation has been before us for three years. As the Premier pointed out, it has been accepted in its original form in both Houses, but this particular subsection was inserted in another House by a member who opposed the second reading and who made it quite clear that his whole purpose was to sabotage the Bill. If we are to be honest, let us give effect to the spirit of the Bill and render it effective as it was when introduced on this occasion into the Legislative Council. We can only do that by striking out subsection (4).

Mr. JOHN CLARK—I heartily support the deletion of subsection (4). If it is retained all the thought and effort that has gone into

our consideration of this legislation in the last three years amounts to nothing. When this legislation was accepted in its original form by both Houses apparently all members agreed that something should be done, but this subsection completely negatives the object of the legislation. In opposing the amendment the Premier said that the principal reason for its insertion was that some members believe that natural parents are the best judges in cases this legislation is designed to cover. I am a parent and have a sincere respect for the wishes of parents concerning their children, but I am in complete agreement with Mr. Heaslip when he suggests that if we, as parents, were confronted by such a situation, we would not be able to say what our decisions would be. It is all very well for us to say that we would be sensible and would not force our daughters into a marriage, but we cannot be certain that that would be our attitude. I cannot agree with Mr. Jennings that normally pregnancy occurs in daughters who have not had the best home training and who have not the best parents. This happens in all types of families. I do not think that natural parents, thrown into a state of unnatural turmoil by unexpected and disturbing news, would always be able to make the right decisions. In fact, many may regard marriage as the only solution.

I am not satisfied with the Premier's definition of "special circumstances," and think it would be advisable to have a definition included in the Bill. The Chief Secretary administers this legislation, but he has not given his definition, which may be entirely different from the Premier's. The Premier instanced coercion as a special circumstance, but how could the Chief Secretary be certain that there was no coercion? It has been said that inquiries would be made, but it would still be difficult to be certain. The second reason the Premier evidenced as a special circumstance was the possible case of a girl being married to a much older man who was merely attempting to avoid prosecution. That is the main reason why most members have supported this Bill because that is what we want to prevent. However, any male who has got an under-age girl pregnant—whether he be old or young—is subject to prosecution.

This is one of the most important matters we have had to discuss and although the quality of the debate has been on a high plane I am not certain that it is a compliment to South Australia that we have had to engage in so much debate. Western Australia passed similar legislation last year after only one or two speeches. All were convinced of the rightness and justness of the legislation. Many of us have had to speak for hours, on several separate occasions, in two different Houses, to try to convince each other of the rightness of this legislation. We have inserted a subsection which a member virtually boasted he was putting in to defeat the ends of the Bill, and that is apparently going to be the final result. I ask members to take a good look at this subsection and remember that if we leave it in we might just as well not waste our time voting on the measure at all. The member for Light (Mr. Hambour) boldly made his stand that he does not like this Bill and would never support it, while other members hold completely opposite opinions. All these people have wasted their time if this subsection is retained, because we would be putting on the Statute Book something that is a complete and utter waste of time. I ask honourable members to support the amendment moved by the Leader of the Opposition and to delete this obnoxious subsection from the Bill.

Mr. STEPHENS—When I spoke on the second reading I said that I would vote for the second reading so that the various matters could be more fully discussed, but I claimed the right to vote against the third reading and if subsection (4) is carried I will vote against the Bill altogether. I would prefer to see the Bill withdrawn in the interests of the people of South Australia, because I feel that the public does not want a Bill of this kind.

A few weeks ago I was approached by a man well known to me who had a young man with him. He told me that a young girl who used to go to his place was pregnant and under age, and the young man who was with him was quite prepared to marry her but when he had asked the father to sign a form giving consent he would not sign it. The young man stated that the girl's father was drunk. He said that if I would sign the form he would then take it to the father to get his signature, but I told him that the father would have to be sober and sign in front of me before I could take his declaration. The young man went away and a very short time after that he was taken before the court. Instead of marrying the girl as he wanted to do the young man today is at Yatala Labour Prison. I can give any member the name of the man concerned. I am convinced that the Act requires an alteration, and I think many people both here and outside feel

the same way. The Bill in its present form will not rectify the faults in the Act, and I think it would be a good thing if the Government withdrew the Bill and appointed a committee to go into the matter. The Chief Secretary and the Commissioner of Police and other people dealing with social questions could be members of that committe, which I feel sure could prepare a Bill which would be much more acceptable to everyone than the present Bill.

Mr. LAWN—I take this opportunity of inviting the Premier, or some other Minister on behalf of the Government, to say how they can find that subsection (4) is consistent with the reasons given this House previously as to why this Bill should pass. The reason given previously was to raise the ages at which boys and girls could marry. The Premier said:—

A considerable number of marriages of children take place in this State. The statistics show that in the last seven years 155 girls under 16 and 133 boys under 18 have married. It has been pointed out by social workers who have taken an interest in such matters that these marriages are usually unsatisfactory. In many cases they only take place because the girl is pregnant and because the parents force the children into marriage.

Does this new subsection propose to stop these marriages of children? The Premier referred to statistics over the last seven years, but it is natural to assume that statistics in the next seven years will be similar because the Minister is bound to give his consent where the parents' consent has been obtained.

The Premier said that social workers who have taken an interest in such matters have stated that these marriages are usually unsatisfactory. That is the reason why these social workers approached the Government and asked it to raise the age. Proposed new subsection (4) perpetuates the unsatisfactory state of affairs against which the social workers have protested. The Premier said many of these marriages take place because the parents force the children into marriage. The Government is merely saying to the social workers, "We introduced the Bill, but this is the best that Parliament would pass." The Government is not willing to continue with the Bill that was introduced originally. The proposed new subsection is a complete contradiction of the reasons for the Bill given by the Premier. Look at the members who opposed the Bill: the members for Light, Millicent, Port Pirie, and others. They all want this clause merely because it negates the whole Bill.

Mr. Hambour—You sit down and I'll say it.

Mr. LAWN—There you are. The Government should appoint a Select Committee comprising members from both Houses to investigate this matter and report to Parliament. If a committee comprising representatives of interested bodies were appointed its members would have prejudiced views and the decision of that committee would be determined by the numbers favouring and opposing this legislation, whereas a Select Committee comprising members with open minds could listen to the persons who are prejudiced and could later report to Parliament.

Mr. HAMBOUR—The only reason why I support the proposed new subsection is that it makes the Bill less objectionable. If the member for Adelaide (Mr. Lawn) does not like it he may vote against the third reading.

Mr. Lawn—I will if this is left in.

Mr. HAMBOUR—And I will have much pleasure in supporting the honourable member in that too. I do not want the Bill at all but this clause makes it less objectionable. According to the Premier, it allows the Chief Secretary to forbid undesirable marriages, for he said that in the case of coercion the new subsection would enable the Chief Secretary to step in. That is sound.

Mr. John Clark—How can he be sure there is coercion?

Mr. HAMBOUR—If we could be sure about anything it would never happen.

Mr. John Clark—You must be sure about things like this though.

Mr. HAMBOUR—I accept the new subsection under sufferance. The Chief Secretary will have to ascertain that the principals are willing and then to look at the other circumstances and decide accordingly.

Mr. John Clark—You don't think much of the clause?

Mr. HAMBOUR—No.

The Committee divided on the amendment to strike out new subsection (4):—

Ayes (12).—Messrs. Bywaters, John Clark, Dunstan, Heaslip, Hughes, Hutchens, Jennings, Lawn, O'Halloran, Riches, Stephens, and Fred Walsh.

Noes (19).—Messrs. Bockelberg, Geoffrey Clarke, Corcoran, Davis, Goldney, Hambour, Harding, Hincks, Jenkins, King, Laucke, Sir

Malcolm McIntosh, Messrs. Millhouse, Pattinson, Pearson, Sir Thomas Playford, Quirke, Stott, and Tapping.

Majority of 7 for the Noes.

Amendment thus negatived: clause passed.

Title passed.

Bill reported without amendment, and Committee's report adopted.

The House divided on the third reading:—

Ayes (24).—Messrs. Bockelberg, Bywaters, John Clark, Geoffrey Clarke, Dunnage, Dunstan, Goldney, Harding Heaslip, Hughes, Hincks, Hutchens, Jenkins, Jennings, King, Laucke, Sir Malcolm McIntosh, Messrs. Millhouse, O'Halloran, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs Riches and Fred Walsh.

Noes (8).—Messrs. Corcoran, Davis, Hambour, Lawn (teller), Quirke, Stephens, Stott and Tapping.

Majority of 16 for the ayes.

Bill thus read a third time and passed.

METROPOLITAN TAXICAB ACT AMENDMENT BILL.

Returned from the Legislative Council with amendments.

BRANDS ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

At 9.42 p.m. the House adjourned until Wednesday, October 23, at 2 p.m.