HOUSE OF ASSEMBLY.

Thursday, October 13, 1960.

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

ADMINISTRATION AND PROBATE ACT AMENDMENT ACT.

His Excellency the Lieutenant-Governor, by message, intimated his assent to the Act.

QUESTIONS.

TROTTING BOYCOTT.

Mr. FRANK WALSH—Has the Premier received a report from the Betting Control Board in reply to my question relating to the South Australian Trotting Club and bookmakers?

The Hon. Sir THOMAS PLAYFORD—I received a report this morning from the Chairman of the Betting Control Board who raised the point that when the legislation was first passed the policy of Parliament was clearly to enable racing clubs to decide if they would have bookmakers on their courses and, if so, how many. He expects that another dispute between bookmakers and racing clubs may arise later this year, as the matter seems to be working up to a dispute. He suggests that it may be advisable to consider amending the Lottery and Gaming Act to enable either the Prices Department or the Chairman of the Betting Control Board to arbitrate in any dispute. As far as I know, there has been no hold-up of bookmaking services at any of the meetings. I received the report only this morning, and therefore it has not yet been discussed by Cabinet.

NORWOOD SECONDARY SCHOOLS.

Mrs. STEELE—Has the Minister of Education a reply to my earlier question regarding work at the Norwood boys technical high school and the Norwood high school?

The Hon. B. PATTINSON—A report from the Director of Public Buildings Department concerning these matters states:—

Norwood boys technical high school.—As previously reported arrangements have been made for the completion of the work by departmental labour and by letting minor contracts for specialist services. The present position is that work is proceeding off-site on the fabrication of steel work and the preparation of slate work which must be completed and delivered to the building site before work can proceed on the school buildings. It is anticipated that the buildings will be completed in time for school opening in February, 1961.

Norwood high school.—The contractor is at present completing the outstanding work which should be completed by October 31, 1960.

POISON CENTRE.

Mr. RICHES—Has the Premier yet received the report from the Minister of Health concerning my request for the establishment of a poison centre?

The Hon. Sir THOMAS PLAYFORD—The honourable member's representation has been referred to the health authorities for a report, but that report has not yet been received. I shall tell the honourable member when it comes to hand.

ABSCONDING DEBTORS.

Mr. COUMBE—My question concerns what are commonly known as absconding debtors. A case has been referred to me of a man who had obtained money under false pretences from his employer: he had been issuing cheques for which no funds were available. The employer lost several hundred pounds, but the offender crossed the border into New South Wales and so cannot be proceeded against unless and until he returns to South Australia. Although action could be taken under the Commonwealth Service and Execution of Process Act, if the employer were prepared to pay the considerable costs of extradition from New South Wales to this State (and even then he might not be able to recoup any of the moneys stolen from him), will the Minister examine the present system under which the victim is called upon to pay the costs of the offender's extradition? This requirement appears to me to be pernicious and could, in some instances, result in an injustice if no action were taken against the offender. Will the Minister of Education ask the Attorney-General to examine the position and advise whether a more equitable system can be devised to overcome this problem?

The Hon. B. PATTINSON—As I remember the position, it is as stated by the honourable member, and has been so for many years, but it does not necessarily follow that it is a good system. I shall be pleased to refer the matter to the Attorney-General for his investigation.

RELIEF PAYMENTS.

Mr. RYAN—In the last few weeks the Children's Welfare Board has apparently devised a policy whereby people with a television set, irrespective of who owns the set, are deprived of any assistance in cases coming before the department. A case I had referred to me last night was one where a deserted

wife with three children and receiving a pension was being financially assisted in her payments of rent, etc., by the department. A far distant relative provided a television set for the benefit of the children only, without any encumbrances, and the department was advised of the circumstances. When the person concerned applied this week for her usual financial assistance, she was advised that, owing to the new policy, irrespective of who owned the set and although she received no direct financial help from the relative concerned, she was automatically outside the ambit of the Children's Welfare Department.

This is not the only case I have had referred to me during the last week or so. I know from conversations with other honourable members that they are being besieged by people in similar circumstances. Will the Treasurer have this case investigated? I can supply him with full particulars. Will he ascertain whether the policy of the department is warranted and whether, in the circumstances, it can be altered?

The Hon. Sir THOMAS PLAYFORD—I have no direct knowledge of this matter, but I was informed a week or 10 days ago that the Children's Welfare Board had recommended to the Government that rather more liberalized welfare be provided in certain cases. The Chief Secretary has approved those scales. I do not know what they amount to but I can get details. If the honourable member will let me have the name of the person concerned, I can then inquire to see why such action was taken by the board and let the honourable member know in due course.

COOBER PEDY WATER SUPPLY.

Mr. LOVEDAY—I have received the following letter from the secretary of the progress association of Coober Pedy:—

When measured last week the reading of the underground tank was 3ft. 6in. There is approximately 1ft. of silt in the bottom, thus making the last foot of water practically unusable. At the present rate of consumption there would be no more than eight weeks' supply of water in the tank.

In view of the reply by the Minister of Works earlier this session, that the Stuart Range bore was available and usable in case of emergency, will he ascertain whether that bore is now usable and whether the road to it is trafficable for the miners on the field?

The Hon. G. G. PEARSON—Yes, I shall be pleased to do that. I assure the honourable member that the Government will take all necessary steps to see that water supplies are provided at Coober Pedy. I will ask the department to assure me on the matter.

BASIC WAGE HEARING.

Mr. FRED WALSH—Mr. Robinson, counsel for the private employers before the Commonwealth Arbitration Commission, last Thursday called as his first witness Mr. Hans Leo Westerman, of Haydon Road, Elizabeth Grove, Chief Planning Assistant at the South Australian Town Planner's office since 1958. I do not wish to refer to the evidence tendered, but ask the Premier whether Mr. Westerman appeared as a witness for the employers at the direction of the Government or, if not, whether he appeared with the full approval of the Government.

The Hon. Sir THOMAS PLAYFORD—A number of persons have given evidence in this matter. I inquired into it because, when a Government states a policy on a certain matter, it expects that policy to be maintained. I was informed by Mr. Wells, representing the Government at the hearing, that the Government called only one witness: Mr. Seaman. Incidentally, I have now available for honourable members copies of the evidence he tendered. The gentleman referred to, whom I do not know, was not giving evidence on behalf of the Government, nor had he the authority of the Government to give any evidence on that matter. As the honourable member knows, witnesses may be subpoenaed, and I am not sure whether this man was a willing witness on his own behalf or whether he had been subpoenaed to give evidence; but I assure the honourable member that he was not giving evidence on behalf of the Government, or with the concurrence of the Government. As far as I know, he was certainly not appearing with the concurrence of any member of the Government.

RAIL STANDARDIZATION.

Mr. McKEE—An article in today's *Advertiser* states that Commonwealth sources consider an early start is likely next year on rail gauge standardization between Port Pirie and Broken Hill. Can the Premier comment on that?

The Hon. Sir THOMAS PLAYFORD—Honourable members know that the Government has been negotiating for some time with the Commonwealth Government to continue rail standardization under the agreement entered into some time ago with the Chifley Government. Negotiations have been proceeding rather haphazardly, but more recently the new

Minister (Mr. Opperman) has taken a personal interest in the matter. He visited the line some three months ago; he also visited Port Augusta and personally investigated the matter. I have been informed that the Railways Commissioner has forwarded to the Commonwealth complete information on this matter. The last communication I had from the Minister (about a month ago) was that he would be able to place the matter before the Commonwealth Cabinet in about a fortnight's time. I believe that, if the Prime Minister had not been abroad, the matter would have been submitted earlier. The Prime Minister, the Commonwealth Treasurer and the Commonwealth Attorney-General have all been abroad and that has probably delayed the matter. When I saw the press report this morning I concluded that it was well founded because it contained a criticism of the Premier of South Australia.

MILLICENT PRIMARY SCHOOL.

Mr. CORCORAN—The Minister of Education is aware that the site originally chosen for a new primary school at Millicent was taken over by hospital authorities, and that negotiations for an alternative site were commenced. Can he report on the progress of those negotiations?

The Hon. B. PATTINSON—Departmental officers and, I think, some officers of the Land Board have been inspecting sites at Millicent. I am not conversant with the present position but will endeavour to obtain a report from the several officers and let the honourable member know the situation by next Tuesday, if possible.

GOVERNOR.

Mr. STOTT—Can the Premier indicate who is likely to be the next Governor of South Australia and, if not, will he be able to make a statement before the House prorogues?

The Hon. Sir THOMAS PLAYFORD—I had hoped to be able to make a statement before now, but for some reason, with which I am not familiar, the matter has been delayed. A statement will be made as soon as possible. The appointment is not entirely in the Government's hands, as the honourable member knows.

FIRE FIGHTERS' FUND.

Mr. HARDING—A voluntary fire fighting fund was, I understand, established as an emergency fund to assist certain fire fighting volunteers if injured whilst combating bush fires. Can the Minister of Forests inform the House of the origin of the fund; the amount of money at present in it; who contributes to it; and who are the trustees administering it?

The Hon. D. N. BROOKMAN—No doubt the honourable member is referring to the committee set up under the Volunteer Fire Fighters Fund Act. Judge Gillespie is the chairman of the trustees, and the members are Mr. Leach, representing the insurance companies and Mr. Dearman, representing the emergency fire services. The secretary is Mr. H. S. Rush. The fund is maintained by contributions from the Government and from insurance companies, and the basis of the fund is determined in the Act, which is about 10 years old.

Mr. HARDING—I thank the Minister for his full report; however, does he know the approximate sum in the fund?

The Hon. D. N. BROOKMAN—I shall get the details for the honourable member.

PUBLIC SERVICE SUPERANNUATION FUND.

Mr. FRANK WALSH—Can the Premier say whether the Government is prepared to increase its contribution to the South Australian Superannuation Fund in order to bring benefits more into line with those provided by other State Governments and the Commonwealth Government?

The Hon. Sir THOMAS PLAYFORD—The Superannuation Fund set-up has been altered from time to time and on each occasion important concessions have been granted to the contributors, particularly on the question of age. When they have been enabled to take up additional units they have been permitted to do so not all at their age at the time of the passing of the Act, but half of the units at a supposititious age usually well below their actual age. The number of units has sometimes been increased. The result has been that the set-up of the fund, which was originally established as a fund into which 50 per cent of the contributions would be made by the Government and 50 per cent by the public servants, has been altered and the percentages became, I think, 60 by the Government and 40 by the public servants, although at no time has it ever been maintained in those proportions. If the Leader looks at the Auditor-General's report he will find what the present percentage is, but the percentages are fairly consistent—80 per cent by the Government and 20 per cent by public servants concerned. That will be the position for a considerable period, but it

will probably gradually come down to the normal rate of 60-40 or 70-30, or whatever it was. Although I will check this, I do not think any Government in Australia is providing such a big percentage of the superannuation as the South Australian Government, which is providing, I think, about 80 per cent.

PORT PIRIE WHARF RECONSTRUCTION.

Mr. McKEE—Has the Minister of Marine anything to report from his meeting yesterday with Mr. Meyer regarding the wharf reconstruction programme at Port Pirie?

The Hon. G. G. PEARSON—I discussed this matter yesterday with the General Manager, who gave me the following report, which, I think, covers all the matters raised:—

Preliminary work in connection with the reconstruction of the Port Pirie wharves is likely to start next January depending upon the delivery of piling material. The requisite heavy plant is now being prepared for dispatch to the site and negotiations for the purchase of certain properties involved in the scheme have been initiated. In addition the South Australian Railways has been requested to undertake certain track alterations which must be completed before work can commence on new wharves. The order of the work will be as follows:—

(*a*) Provision of a temporary dolphin berth just north of the Baltic wharf for white spirit tankers in place of the existing Queens wharf.

(*b*) Provision of a permanent "domestic" wharf at the northern end of the Barrier wharf to accommodate tugs, barges, mooring and pilot launches in place of the Federal dock and part of the Barrier wharf at present used by these craft.

(*c*) The new southern berth for overseas concentrates.

(*d*) The new middle berth for overseas concentrates.

(*e*) The new northern berth for interstate concentrates.

There will be some restriction on shipping during construction, but it will be kept to a minimum by the provision of the temporary oil berth and the completion of one new ore berth at a time before the next one is thrown out of operation. Spokesmen for the Broken Hill Associated Smelters have stated that the interference to the concentrate trade should be small and that it will be accepted in the interests of gaining the new wharves. The proposed bulk handling facilities for wheat are still under consideration by the Public Works Standing Committee. If approved and the finance is available, the construction of these facilities should not delay the commencement or the continuation of the new ore berths.

MANNUM TO MURRAY BRIDGE ROAD.

Mr. BYWATERS—The Premier will recall that there has been some dissension about the route for the Mannum to Murray Bridge sealed bitumen road he promised in his last election policy speech. I understand that the Mannum council has reversed its previous decision and now favours the three-chain road. Previously, the Mobilong council had signified its wish for the three-chain road to be the route. Will the Premier state the present position in view of the Mannum council's changing its previous decision?

The Hon. Sir THOMAS PLAYFORD—This matter has been the subject of a considerable amount of local difference of opinion. In the last policy speech the Government announced that it would bituminize the road between Murray Bridge and Mannum and there was no doubt in the Government's mind that it meant the road then existing. There was no suggestion that any other road would be involved, but, after the work had commenced, many representations were made to have the road taken on another route. Some of those representations were made by people directly interested in the matter as they were close to the road, but many representations were from people who did not live in the district and who thought that, if they could get a road constructed further away from them instead of closer, they would thereby sponsor their claims for an additional road. The matter was complicated by many factors. One council favoured the existing road at that time and the other did not express any view. After considerable pressure had been brought upon the first council (the Murray Bridge council) it altered its views and favoured the new road, and I understand similar pressure has now been brought on the Mannum council to alter its view. I am not sure how far the Government has committed itself to the present road, but I will examine the matter. The honourable member will realize that we were to a fairly definite extent committed to the old road before the argument ever started.

SOLOMONTOWN BEACH WALL.

Mr. RICHES—Is the Minister of Marine now able to take to Cabinet proposals in connection with the Solomontown beach wall.

The Hon. G. G. PEARSON—I regret that I am not yet able to do so. The honourable member will have heard from my reply to the member for Port Pirie a few moments ago that there is as yet no plant at Port Pirie and no work is about to commence, at least for a month or two. The Chief Engineer of the Harbors Board discussed this matter with me and told me that, from the point of view

of construction work, he desired that the work on the causeway project should be tied in between two phases of the wharf construction work when his pile-driving machinery could, after completing one section and while waiting to be transferred to the next, be released. In his opinion that would be the most desirable time to undertake this work. Obviously I must advise the honourable member (and I think he will appreciate) that we cannot have anything done in time for the coming summer's swimming season. I regret that, but it is unavoidable. I thought that the Chief Engineer's suggestion was sound, and I intended to see that the matter was before Cabinet in time for a decision to be made before that point in the construction was reached.

SAWDUST DISPOSAL.

Mr. CORCORAN—The Minister of Agriculture was good enough to grant the clerk of the District Council of Port MacDonnell an interview to discuss the disposal of sawdust from various sawmills, and he promised to discuss this matter with his officers. Does the Minister still consider (as he did earlier) that councils have ample power to deal with this matter under the Local Government Act, and, if so, can he tell me which sections he considers contain these powers?

The Hon. D. N. BROOKMAN—Since my meeting with the clerk of the Port MacDonnell council, who was introduced by the honourable member, I have not had time to prepare a written reply on the subject. True, in conversation I said that the council could deal with the matter under the Local Government Act, because on my own reading of the Act I consider that the council has the power to make the necessary by-laws. I shall endeavour to have that opinion confirmed, by the Crown Solicitor's Department if possible, and shall inform the council and the honourable member in writing.

PORT PIRIE WEST PRIMARY SCHOOL.

Mr. McKEE—Can the Minister of Education say if tenders have been accepted for the erection of the new toilet blocks for the Port Pirie West primary school, and, if they have, who the successful tenderers were?

The Hon. B. PATTINSON—I have no information on this matter, but if information is available I shall let the honourable member have it next week.

BLANCHETOWN BRIDGE

Mr. STOTT—During the holiday week-end, when returning to Adelaide on Monday, I had to cross the River Murray at Blanchetown, and notwithstanding the fact that two punts were working the queue of vehicles caused a delay of one and a half hours. Although I understand that plans of the bridge and the specifications have been completed, I have not noticed where tenders have been called for its erection. The delay at Blanchetown seems to get worse. Will the Treasurer see whether the calling of tenders for the erection of the bridge can be expedited in order to get the work under way?

The Hon. Sir THOMAS PLAYFORD—I know of no reason for the delay in calling tenders for the bridge, except possibly that there is a great shortage of engineers and this is a designing engineer's job of some intricacy. It may be that the time taken to prepare the plans was longer than expected. I shall inquire and advise the honourable member.

PERSONAL EXPLANATION: ASSEMBLY ELECTORATES.

Mr. JENNINGS—I ask leave to make a personal explanation.

Leave granted.

Mr. JENNINGS—It was reported in today's *Advertiser* that when I was speaking to the motion concerning Assembly electorates yesterday I said that there had never been any objections to the Commonwealth electoral system of a two to one ratio between city and country. Of course, *Hansard* reveals an entirely different story. What I said was that Victoria, in its wisdom, had adopted the Commonwealth system. Under section 24 of the Commonwealth Constitution Act the Commonwealth system provides that the House of Representatives shall be composed of members directly chosen by the people and that the numbers chosen in the several States shall be in proportion to the respective numbers of their people. I did not think it necessary to go into all those details yesterday, because surely every member here knows them.

The Hon. Sir Thomas Playford—That was not the complete statement, was it?

Mr. JENNINGS—I asked leave to make an explanation and I am making it.

The Hon. Sir Thomas Playford—What the honourable member was reading is not a complete statement of the Constitution.

Mr. JENNINGS—No, the Constitution contains many pages.

The Hon. Sir Thomas Playford—But dealing with that matter, if the honourable member looks at the representation of Tasmania, for instance, he will see that it is on an entirely different basis from that of the other States.

The SPEAKER—Order! The honourable member has leave to make a personal explanation and I cannot allow the matter to be debated.

Mr. JENNINGS—I should very much like to debate it now, Mr. Speaker. Have I your permission to debate it?

The SPEAKER—The honourable member has made his personal explanation.

Mr. JENNINGS—I was clearly mis-reported and I have cleared it up for the benefit of the House, and for the benefit of the Premier.

PARLIAMENTARY PAPERS.

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

That it be an order of this House that all papers and other documents ordered by the House during the session and not returned prior to the prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, be forwarded to the Speaker in print as soon as completed, and if received within two months after such prorogation, that the Clerk of the House cause such papers and documents to be distributed amongst members and bound with the Votes and Proceedings; and as regards those not received within such time, that they be laid upon the table on the first day of next session.

Motion carried.

PRICES ACT AMENDMENT BILL.

Read a third time and passed.

ART GALLERY ACT AMENDMENT BILL.

Read a third time and passed.

BUSH FIRES BILL.

In Committee.

(Continued from October 12. Page 1331.)

Clause 66 passed.

Clause 67—"Requirements as to stationary engines."

Mr. DUNSTAN—I desire some information on this clause for the member for Mount Gambier (Mr. Ralston) who is unable to be here today. Considerable concern about activities in relation to this clause has been expressed by members of the Timber Workers' Union, who in the course of their duties fell timber in the forests with mobile saws. As I understand the clause, if those men observe the necessary provisions contained in subclauses (3) and (4), and provided there is a person in charge of the engine constantly present and supervising it, it is not necessary for there to be around the saw a width of at least 12ft. clear of inflammable material.

However, the complaint to the Timber Workers' Union is that on days of fire risk men who fell timber and work with these mobile saws have been ordered from the forests because there is not the space around the mobile saw. This causes considerable loss to people engaged upon this work, as they are on contract work. The union has taken out schedules of figures to see whether, in fact, fires have occurred in circumstances of this kind.

It would appear from all reports of fires in the pine forests that most have occurred at week-ends when these men are not in the forests anyway, and there are no reports of fires having started in circumstances such as those I have mentioned. As I read the clause, I think these men are covered, but it appears that certain officers under this Act are taking the attitude that they can, although there is a spray and the engine is equipped with a spark arrester and has a person continually in charge of it, still order those men from the forest because it is impossible while they are working a saw of this kind for there to be a 12ft. wide clearance from all inflammable material. They are working on inflammable material with the portable saw. Perhaps the Minister could clarify the position because, with a statement of this kind, it might be possible for these individuals to make it clear to fire officers that they have been mistaken in their interpretation of the clause, and they can refuse to be ordered from the forest when they are working perfectly properly within the terms of the clause.

Another matter raised by the union is that, while portable water sprays are provided for, in fact it has been advised that the best fire extinguishers are those containing one pint of carbon tetrachloride as the extinguishing agent. These people are all supplying themselves with extinguishers of this kind.

The Hon. D. N. BROOKMAN (Minister of Agriculture)—The complaint just voiced by the member for Norwood has its origin in ban days under the fire ban section of the Act, when the meteorologists under the authority of the Minister of Agriculture announced bans on fires in the open. The complaint relates to cessation of work ordered in the forest at those times. There are, of course, two types of forest—Government and private. The district councils

and most local fire authorities have repeatedly urged the Government to ban all work within a forest on a ban day. I have discussed this with the Conservator of Forests, who has said, "We will do that on condition that our forest officers are not impeded in their work of reconnaissance, but we could stop people working within the forest; we could just order them to stop." Am I correct in understanding that the honourable member for Norwood wants to know whether anybody with a Government contract to fell timber can rightfully be ordered to stop work?

Mr. Dunstan—Yes.

The Hon. D. N. BROOKMAN—I shall have to check that; I could not give the honourable member the legal interpretation of that now. I should not favour agreements with the timber fallers and carters where the Conservator lost the right to stop them from working if he so desired for the safety of the forest on days of great fire risk. Whether or not he has power at the moment I am not sure; he should have it because the danger may be great.

The honourable member said that fires often started at week-ends and did not start from experienced timber fallers. I should think that is correct, that for the most part those men are more reliable to have in a forest than anybody else; and, conversely, that the people least likely to be reliable are unauthorized visitors shooting or picnicking. Nevertheless, there are days when it would not be safe, and when the forest authorities would say, "It is not safe to have anybody authorized in the forest except the forest officers." Those would be the days when such people would be prohibited from entering. The private forests were also asked for their views on this matter. I cannot give the honourable member the answers we got from them all, but I think some of them agreed that timber felling should not proceed on fire ban days. That is as far as I can take it now.

Mr. DUNSTAN—I want to clear up the requirements under this clause. As I understand it, if the stationary engine is not enclosed by non-inflammable material, it is all right if there is a person in charge of the engine constantly present and supervising it, with a shovel, rake and water spray, the engine being equipped with a spark arrester. In those circumstances it is satisfactory for them to work with a mobile saw in the forest. As I understand the objection, although all those things may be present, they are told they cannot work because there is not a 12ft. wide clearance from all inflammable material round the saw, which makes it impossible to work at all. Is my interpretation of the clause correct, that those three requirements simply allow them to use a stationary engine in such circumstances?

The Hon. D. N. BROOKMAN—That is correct. The point is the state of the engine, under the terms of this clause, and I shall have to check on that with the Parliamentary Draftsman. I do not know whether the honourable member has any amendment in mind?

Mr. Dunstan—No, I have not; I just wanted some clear statement.

The Hon. D. N. BROOKMAN—I think that a chain saw or mobile circular saw would still be defined as a stationary engine, but I will check on that in a few minutes. It would be difficult to clear a space 12 feet from the operation of felling trees because, when trees were being felled, men naturally would have to go perhaps 60 feet along the length cutting up a log. To insist on clearing a canopy of pine needles for a distance of 12ft. around would be impracticable. At the moment I do not have the solution to the problem. I shall have to think about it. I move that clause 67 be deferred until after consideration of clause 37.

Consideration of clause 67 deferred.

Clauses 68 to 85 passed.

Clause 86—"Powers of fire control officer for controlling and extinguishing fires."

Mr. BYWATERS—I appreciate the need for the powers contained in this clause, and I do not dispute that fire control officers or police officers may need them, but they are extremely wide. If a fire officer or police officer entered a property and took action which resulted in the destruction of part of that property, would compensation be payable to the owner?

The Hon. D. N. BROOKMAN—If a fire officer considers it necessary to burn a break in a man's paddock and destroys the feed therein, the owner is not entitled to compensation.

Mr. Corcoran—It would probably be burnt in any case if the fire were not checked.

The Hon. D. N. BROOKMAN—That is so. Unfortunately, someone has to suffer. However, fire officers are not permitted to use their powers negligently or maliciously, otherwise they would be subject to attack by the owner at common law. Clause 97 states:—

(1) A fire control officer, or a person acting under the directions of a fire control officer shall not be liable for the consequences of

anything done in good faith and without negligence in the exercise of powers conferred by this Act.

(2) In this section "fire control officer" includes a person lawfully exercising the powers of a fire control officer.

Fire officers are responsible men who must use initiative in combating fires, and while they are performing their duties they are not subject to any attack by the owner of the land.

Mr. LAUCKE—Subclause (3) provides that "a fire control officer may, after consulting with the occupier of the land on which he proposes to take action under this section, if that occupier is present, do all or any" of certain things. Under the existing legislation the fire officer does not need to consult with the occupier or proprietor of the land. Will this provision mean that a fire officer cannot do certain things until he has the sanction of the occupier or proprietor? If it does, it weakens the powers of fire control officers, and that is undesirable.

The Hon. D. N. BROOKMAN—I think the words "if that occupier is present" clarify the position. If the occupier is not present, the officer uses his initiative.

Mr. LOVEDAY—According to this provision a fire officer may take possession of or pull down, wholly or partially, buildings, fences, or other structures, and may use any vehicles. A fire officer is acting in the interests of the community and is trying to protect the community's interests, and at times he must make a snap decision as to whether any of those measures are necessary. His judgment may be right or wrong. If property is destroyed in the community's interest, should not the owner be recompensed, particularly if the property is destroyed unnecessarily?

Mr. HEASLIP—I have had much experience in fighting fires. Landholders should insure against fire. When it comes to taking drastic action, unless a fire officer is completely on his own he would not make a decision without conferring with other fire control officers.

Mr. Corcoran—Sometimes he does not want to be too long about it.

Mr. HEASLIP—He cannot take any longer than is necessary, but the property they deliberately burn would probably be burnt out anyway.

Mr. Loveday—I am referring to the destruction of buildings and vehicles.

Mr. HEASLIP—Fires move quickly and one cannot take too long to make up his mind. Frequently drastic action must be taken to stop fires. This provision is similar to the provision in the old Act.

Clause passed.

Mr. LOVEDAY—Mr. Chairman, may I point out that I did not get a reply from the Minister. Another member rose and spoke, but the Minister did not answer my question.

The CHAIRMAN—I called on the Minister, and he did not see fit to reply, so I called on the other member.

The Hon. D. N. BROOKMAN—I do not mind replying, if the honourable member wants me to.

The CHAIRMAN—We have finished with that clause, and it is too late now.

Clauses 87 to 107 passed.

Clause 36—"Compensation for death and injury of fire control officers and crews."—reconsidered.

Mr. FRANK WALSH (Leader of the Opposition)—I move—

After "resolution" in subclause (3) to insert "or shall be computed on the basis of the average weekly earnings of that person for the previous 12 months whichever amount shall be the greater."

The Bill takes care of persons who will be engaged in this work but I am concerned about people receiving a salary higher than the basic wage plus £1. If the amendment is carried, councils will still have the right to fix rates by resolution; that is provided in subclause (5). I believe the amendment will do what we seek and I do not think it will cause any hardship.

The Hon. D. N. BROOKMAN—I have obtained the following statement prepared by Mr. Rush (Secretary of the Minister of Agriculture):—

Before 1957 the Bush Fires Act made it compulsory for a council to insure its honorary fire control officers and crew members of any firefighting appliance owned or controlled by the council for the following minimum amounts:—

(*a*) Death or total incapacity, £500.
(*b*) Partial incapacity, £2 a week for at least 6 months.
(*c*) For certain injuries mentioned in the Workmen's Compensation Act, a proportion of the sum of £500

In 1957 the Act was amended with the intention of increasing the minimum benefits to the following amounts:—

(*a*) £1,000.
(*b*) £10 a week for at least 6 months.
(*c*) A proportion of the sum of £1,000 (instead of a proportion of £500).

In 1959 both the Crown Solicitor and the Parliamentary Draughtsman expressed the opinion that the relevant section of the Act, 29 (6b), should be amended to correct a weakness. At the same time the opportunity was to be taken to include an amendment giving fire control officers cover for medical and hospital benefits which are not now pro-

vided for. Sir Edgar Bean in re-drafting the Act has corrected the weaknesses, including hospital and medical cover, and provided for a further unsatisfactory feature in the present Act, namely, the big difference in compensation payable for injury to a fire control officer or crew member who is a self-employed person and that payable when the injured officer or crew member is ordinarily employed by an employer. In his report about this section of the Bill Sir Edgar Bean said:—

> The Bill makes some considerable alterations to the existing Act on this subject. The present scheme for compensating fire control officers and crews of fire fighting appliances and their dependants in the event of injury or death has some unsatisfactory features. One is that if the council does not insure against its liability no compensation is payable. Another is the big difference between the amount of compensation payable for injury to a fire control officer or crew member who is a self-employed person, and that payable when the injured officer or crew member is ordinarily employed by an employer. Here is an example: if a fire control officer is an employee earning £1,500 a year in his ordinary work and is injured when fighting bush fires he or his dependants are entitled to compensation based on his earnings of £1,500 a year. In the event of death or permanent incapacity this compensation would be some thousands of pounds. On the other hand, if the injured fire control officer were self-employed the Act gives no definite rights beyond £1,000 for death or total incapacity and £10 a week for partial incapacity. Another anomaly is that £10 a week is payable however slight the degree of incapacity It is obvious that a better scheme is required. The Bill proposes a new scheme on the following lines:—
>
> (*a*) A council must pay compensation under the Workmen's Compensation Act for injuries to fire control officers and members of crews of fire fighting appliances caused by accident arising out of and in the course of their duties. This liability is independent of insurance but the council is required by the Bill to take out an insurance policy.
>
> (*b*) The amount of compensation in the case of every fire control officer or crew member, whether a self-employed person or an employee, is to be the same. It will be computed on the assumption that the injured fire fighter earns a weekly wage equal to the living wage plus a margin of £1 or such other margin as the council may fix by resolution. It may be thought that under this type of scheme some fire control officers and crew members will get too little and others possibly too much, but the scheme at least has the merit that the council, the fire fighters and the insurance companies will know where they stand, and the present serious discrimination against self-employed persons is largely removed.
>
> The minimum amount of weekly compensation is now to be based on the living wage plus a margin of £1. There is, however, nothing to prevent a council from increasing the amount of this cover if it so desires. Claimants for compensation under this section of the Act would, in the event of a dispute, have the same rights of appeal as under the Workman's Compensation Act. There is also the Volunteer Fire Fighters' Fund established under the Volunteer Fire Fighters' Fund Act, 1949-57. Any volunteer fire fighter injured while fire fighting is eligible to apply for compensation from this fund. The fact that he had already received compensation from the council would not necessarily debar him from making a further claim if he considered the amount received inadequate.

This report explains a number of things. Firstly, it explains that the old Act was hard on a self-employed person compared with a person drawing a wage or salary, but that anomaly has now been cleared up. Secondly, the council may now fix by resolution a payment of not less than the basic wage plus £1, although it could fix any other figure it liked. However, it has to be uniform for all its fire control officers or crew members. The amendment would cut out that uniformity and make it obligatory to pay according to a person's income, however high it was. I think that is going too far, and I think the Committee would be most unwise to accept it.

I ask the Leader to study Sir Edgar Bean's statement and I think he will also agree that, in the light of the information he gave, the system under which councils by resolution fix the amount they can pay, and must insure to that effect, is better than making distinctions. An objection could be found that a council would not be wise to appoint certain people as fire officers, however competent, because they earned too much money. I think anyone undertaking the duties of a fire control officer—and, incidentally, most people eligible and worthy to be fire control officers do the work without argument or serious thought about the consequences—will be satisfied with the provisions of this Bill. They will know before they take on this duty what the council has resolved to pay. They will know they cannot be paid less than the living wage plus £1 and that they may be paid more according to the resolution of the council. I think that is the best suggestion. It is the recommendation of Sir Edgar Bean, who not only has had a lot to do with this Act but is chairman of the Workmen's Compensation Committee, and is probably the most experienced officer that could be found on this subject. I think we could do no better than to stick to what he has recommended.

Mr. FRANK WALSH—The Minister has indicated that persons who become members of fire fighting units join them voluntarily. They could be self-employed people or wage-earners, but in the past they have had no guarantee of what they would receive as compensation in the event of accident. Sir Edgar's explanation indicates that they will get at least the living wage plus £1. A person may be engaged in an occupation that is more highly paid than that of a council employee; as mentioned by the Minister, he may even have an income of £1,500 a year. If he is a member of the council he is automatically insured by the council. I think the amendment will assist all concerned. The people who join these fire fighting units may be engaged in remunerative jobs or in primary production, and they should not be put to any loss in this matter. I do not wish it left to the discretion of a council, for I consider that Parliament should provide for this matter. We would not be offending the councils if we took this step, which I consider is necessary.

The Hon. D. N. Brookman—Have you thought of the difficulty of councils trying to insure the 50 or 60 people it would have to insure? It has to first find out the income of every person and then the income at the time of the accident.

Mr. FRANK WALSH—These people take a risk, but I am concerned not only with those people but their dependants. I am sure the Minister would not like to see any injustice to any of these people. These fire fighters volunteer to do something for a recognized body; the council finds the equipment and the personnel to train them, and knows where each of the men lives and is employed. A council could easily insure those people. Opposition members have considered this matter at length this morning, and we hold the view that we should endeavour to provide for these people to the best of our ability. Our first obligation is to these people and their dependants.

Mr. LOVEDAY—People engaged in fighting fires should have the utmost confidence, when they go fighting fires, that their families will not lose should they become injured or are killed. That should be the primary principle in considering this clause. The Minister said that, if the council were obliged to pay varying amounts according to different salaries, the insurance companies would be in somewhat of a predicament. Obviously the insurance companies are often in that sort of predicament, and they find out by experience and actuarial inquiry what the necessary premiums are. The principle is so important that it is a minor matter for the insurance companies to fix a premium for the councils which will cover all cases of disparity between the incomes of those people engaged in fire fighting. The principle of having complete confidence in the minds of the people who go fire fighting is so important that the question of the difference in the insurance premium is a minor one.

The Minister said that the receipt of compensation would not debar the recipient from a further contribution from the Volunteer Fire Fighters Fund, but that again is an uncertainty. He may or may not get it, for it depends upon the will of somebody to make that decision. That still leaves the element of uncertainty in the fire fighter's mind. The Minister said a fire fighter might not give serious thought to possible injury when he went fire fighting, but that he would be satisfied with what he would get under the provisions of this Bill. I question that. Perhaps the first part of the statement is correct, but if he were seriously injured and found himself and his family in a much worse position afterwards he might wonder whether he had done the right thing, all things considered, in view of the reduction in his income afterwards; whereas if he were confident that he would be fully protected no matter what happened, he would not be worrying about it afterwards.

The Minister also said that if the Opposition amendment were introduced it might prevent councils from appointing higher-salaried officers as fire control officers, but that should not enter into the question. The fire control officer appointed should be the man most fitted for the job. If the Opposition amendment is accepted a council will be in the position of not having to give any thought to that matter at all: it will know that it can appoint the best-fitted officer for the job, knowing that he will be competent and that he will be covered. If the matter is approached, keeping that uppermost in our minds, we will get the best results for both the State and the individual.

Mr. DUNSTAN—I listened with much interest to the report of Sir Edgar Bean on the changes provided in this Bill. As I understand them, his remarks mean that up to the present a man who was employed at £1,500 a year and met with an injury would receive compensation equivalent to his loss of income, but if he were self-employed he would get less. The Bill reduces the sum that such an employed person would get and raises the amount a self-employed person would get. In other words,

we reduce the one and increase the other to arrive at a mean figure. If I may be excused the expression, I think that is a mean proposal. I do not think we should level down the employed person. I think the principle should be that the compensation should not be less than the loss incurred by that individual, and that is what the amendment provides for, namely, that the minimum amount payable shall be calculated on the basis of the amount that person would have received in his average weekly earnings for the previous 12 months. That is the only fair basis of comparison.

The other provision is that where someone on slightly less than the basic wage plus £1 (or whatever small margin above that a council might fix) is injured, he would get compensation to an amount slightly more than his earnings over the previous 12 months; but, of course, at a time of illness and injury as a result of a fire fighting accident he would need that small extra amount. It does not take away from the council the discretion of fixing the figures, but it provides that nobody shall suffer loss by reason of injury in the course of fighting a fire. I cannot see any justification for making the reduction that the present Bill provides. There is every reason to make an increase for the self-employed person, but that also is covered by the amendment of the Leader.

Mr. RICHES—I support this amendment. The Minister's objection to it and the necessity for an insurance company and a council providing for the payment of different rates to various officers who might be involved appear to me to present no more difficulty than that obtaining under the provisions of the Workmen's Compensation Act. Every local authority has in its employ officers with varying rates of salary and wages, but one premium covers accident or liability in respect of all its officers, irrespective of salary or grading. A similar provision could be made to apply in this instance.

The Bill was submitted to various organizations, many of whom requested provisions in it. Because it was a rewriting of the Bush Fires Act drawn up by Sir Edgar Bean, I considered that the Committee stage was the appropriate one on which to speak. Although there are some improvements in the Bill, I am disappointed that the compensation provisions are not wider in scope. The person I am concerned about as much as any other is he who hears over the air that a bush fire has broken out somewhere and answers an appeal for help. Under this provision, he has no cover. I had hoped that in this Bill that point would be taken care of. The Volunteer Fire Fighters' Fund does not adequately provide for those people. The provisions of this clause apply only to the fire control officer or member of a crew appointed by a council previously—and to no-one else. Those men have been trained and are, therefore, not so prone to accident as the untrained men. Yet, in the case of the man who answers a call for help and rushes to the assistance of people being burned out, the only provision available to him is the Volunteer Fire Fighters' Fund, which provides for payment to be made at the discretion of the trustees of the fund. Such a man has no rights.

Mr. Heaslip—That has nothing to do with this clause.

Mr. RICHES—I think it has. It sets out a means of providing compensation for death or injury to people fighting fires, and the clause is limited in its application.

Mr. Heaslip—Not to volunteers.

Mr. RICHES—That is what I am trying to point out: it is limited in its application to fire control officers or persons appointed by a council as a crew operating an appliance. I hoped that, when the Government submitted this Bill, it would take care of those people answering calls at short notice, who were more prone to accident than the trained person, but whose lives were just as precious and who ought to be just as adequately covered as the trained man. Nobody can argue that they are adequately covered under the Volunteer Fire Fighters' Fund, which is administered by trustees with a limited sum available to them.

Mr. Heaslip—It has nothing to do with this clause.

Mr. RICHES—It has everything to do with this clause. This clause provides for insuring certain officers; it does not cover the man who answers a call to fight a fire. My criticism is its limited application, that it is limited only to those men who are actually fire control officers or persons appointed by a council as members of a crew; it applies to no-one else. It should apply to all people fighting fires and answering calls and appeals. They should be covered by the same provision. The Volunteer Fire Fighters' Fund is not enough.

Mr. Jenkins—It would require comprehensive insurance.

Mr. RICHES—Yes, it would. Only on Tuesday members on this side suggested that that position might be met by a fire damage insurance fund, similar to the war damage

insurance fund administered by local authorities during the war. It would be difficult for the Minister to redraft this Bill now to provide for what I am asking, but I think a provision along these lines should be made in the hope that soon another Bill will be introduced or the volunteer fire fighting legislation will be reviewed so that this situation may be adequately met. This clause provides nowhere near what we regard as adequate safeguards for those called on to fight fires.

Mr. HEASLIP—What will the effect of the amendment be? Most fire control officers are responsible landholders. The fire control officer has an important job and must of necessity be level-headed. Some of them that the Opposition suggests should receive compensation are earning up to £5,000 a year. One may say that a man earning £100 a week may be criticized for his inability to manage his property, but he has only to employ somebody on the basic wage and he certainly will not be losing £100 a week. The amendment provides:—

that compensation shall be computed on the basis of the average weekly earnings of that person for the previous 12 months, whichever amount should be the greater.

Therefore, it does not help the man on or near the basic wage; it helps the man who does not really need it. He will still get this extra amount by this insurance. I do not think the Leader intended that to happen. I understand that this makes it compulsory; one has to do one thing or the other. The clause as it now stands will satisfy most cases that arise; we do not have them often, but they do happen.

Mr. Loveday—Does the honourable member know how many fire officers are wealthy farmers? Is he saying it is a general rule?

Mr. HEASLIP—Most are farmers.

Mr. Loveday—Do you know how many there are?

Mr. HEASLIP—They must be sane and level-headed to be in such positions.

Mr. Loveday—They do not get a big salary merely because they are level-headed.

Mr. HEASLIP—They have earned good money through being level-headed and having ability. I do not know just what the Opposition wants.

Mr. LAWN—When this is finalized, I understand that the person who is injured will be paid in accordance with the provisions of the Workmen's Compensation Act. The honourable member says that the earnings of the person with his own business will continue. That is not consistent with the Workmen's Compensation Act, which makes no provision for compensation unless the person concerned suffers in his capacity to earn. The honourable member was under a false impression, because he said that we on this side are advocating that the man who already has his income coming in while he is injured will still get some compensation by reason of this amendment.

Mr. Heaslip—The amendment would have that effect.

Mr. LAWN—The payment would be made in accordance with the provisions of the Workmen's Compensation Act.

Mr. Loveday—Would it?

Mr. LAWN—I should like this clarified.

Mr. LOVEDAY—The member for Rocky River does not know how many wealthy farmers are fire control officers while earning £5,000 a year, but he suggests that if one of these men were injured he could employ a basic wage earner to do his work. The Opposition is trying to be fair to all persons, irrespective of their salaries. A man should be able to go fire fighting confident that he would not suffer financial loss if injured.

Mr. Heaslip—These men go readily now.

Mr. LOVEDAY—No doubt some of them have second thoughts about it, knowing they are not covered. We all know the devastating effects of bush fires and the fire control officers have a particularly dangerous task to perform. Why should they not be properly covered? After all, it is only a matter of increasing the insurance premium to secure the additional coverage. It is amazing to hear members opposite suggesting that because a man has a big income he should not be recompensed for any injury he suffers.

Mr. Stott—The compensation would be limited to the Workmen's Compensation Act.

Mr. LOVEDAY—The clause does not say that a man shall be paid in accordance with the Workmen's Compensation Act but that the council shall be deemed to be his employer within the meaning of that Act. Why is it necessary to have a later provision setting out the amount a man shall receive, because the Workmen's Compensation Act lays down what a man shall receive? Our amendment would clarify the position and everyone would be adequately covered.

The Hon. D. N. BROOKMAN—I have had an opportunity to consider the amendment and am satisfied that, with a slight alteration, it would be sound. I ask that the Leader of the Opposition amend his amendment by deleting

the word "previous" and by adding after the word "months" the words "next preceding the date of death or injury as the case may be".

Mr. FRANK WALSH—I am happy to accept the Minister's amendment to my amendment.

The CHAIRMAN—The question before the Chair is that clause 36 be amended by inserting in subclause (3) after "resolution" the words:—

or shall be computed on the basis of the average weekly earnings of that person for the 12 months next preceding the date of death or injury as the case may be, whichever amount shall be the greater.

Amendment carried; clause as amended passed.

Clause 37 passed.

Clause 67—"Requirements as to stationary engines"—reconsidered.

The Hon. D. N. BROOKMAN—The member for Norwood queried whether a person could operate a chain saw or some other petrol driven machine in a pine forest under the provisions of this clause. He can do so. The clause provides that if the chain saw is stationary and is not enclosed by non-inflammable material, there must either be a space around the engine at least 12ft. wide clear of all inflammable material, or there must be a person in charge of the engine constantly present and supervising it, and there must be provided within 50ft. of it a shovel or rake and a portable water spray fully charged with water. The honourable member asked about the use of carbon tetrachloride extinguishers. The Bush Fires Advisory Committee has always insisted on water sprays for open-air fires. Whether carbon tetrachloride is more effective is a matter of opinion. I have not had much experience with it, but on one occasion when it was used inside a house and was played on burning fat it gave off chlorine, which was rather dangerous. The water spray is well understood in the country and the types available are mobile and simple to work. Under this clause there is no reason why a person operating a chain saw or a mobile circular saw need be afraid. He would not have to clear a space 12ft. around it.

Mr. DUNSTAN—The Minister's explanation makes it clear that chain saws and power saws can be operated on days of high fire risk. On the question of extinguishers, most of these power saw operators have provided themselves with carbon tetrachloride extinguishers at the suggestion of the Conservator of Forests. I have a letter from him to the Timber Workers' Union which states:—

Various types of fire extinguishers likely to be suitable for the use of those power saw operators who work in pine plantations have recently been tested. There is a wide variation in the performance of extinguishers and in the interests of the operators themselves, as well as those of the forests, it is strongly recommended that members of your union be advised to use extinguishers having a minimum quantity of one part of carbon tetrachloride as an extinguishing agent.

Following on that suggestion they provided themselves with carbon tetrachloride extinguishers, whereas under this legislation they will have to get knapsack sprays.

The Hon. D. N. BROOKMAN—There is some justice in what the honourable member said, if that was contained in the letter. The Conservator is experienced in matters of bush fires and legislation dealing with them and he was one of four members of a committee that drafted this Bill. It contains his recommendations without any reservation. It may be that carbon tetrachloride extinguishers are good, but any mechanical extinguisher gets rusty and can become faulty in some way, whereas at any time anybody can work a knapsack spray. Under the old Act the words "effective water spray of the knapsack type" were used. The reference to "knapsack" has been dropped because there are now much handier types of spray on the market which can be bolted to a tractor and which are much lighter to carry. Not many women can pick up a five-gallon galvanized iron knapsack spray, put it on her shoulders, and operate it. The new types of water sprays are not of the knapsack variety. I suggest that the position should remain as it is.

Clause passed.

Schedule and title passed.

Bill reported with an amendment.

KIDNAPPING BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 877.)

Mr. MILLHOUSE (Mitcham)—I support the second reading. Kidnapping is a crime of ancient origin, and I am reminded of the story of the kidnapping of Julius Caesar some 2,000 years ago. According to the story, he was kidnapped by pirates and when asked what the ransom was the pirates told him, but he said that it was not nearly enough because he was worth twice as much. The ransom was paid.

Mr. Clark—It would be a costly business for you.

Mr. MILLHOUSE—Yes. My friends and relatives could never raise nearly enough money to pay my ransom.

The Hon. Sir Cecil Hincks—The Opposition might help.

Mr. MILLHOUSE—No doubt the Opposition would come to my aid. I mentioned the ancient origin of the crime merely to emphasize the fact that in Australia it is only comparatively recently that the crime has been perpetrated. For that reason in South Australia we have no enactment aimed specifically at dealing with the matter, and the sooner we have one specifically dealing with the crime of kidnapping the better it will be. Kidnapping is one of the most repellent and morally disgusting crimes that it is possible to commit. I believe that kidnapping is the wickedest form of blackmail, because it strikes at a person who is entirely innocent of wrongdoing himself and at a point where he is most sensitive, that is, by threatening the safety of his dear ones. I think that every member must shudder and recoil inwardly at the thought of such a threat being made to his family or his friends.

With the thought of the foulness of the crime in mind I listened with much attention to the remarks by the members for Norwood and Onkaparinga. I was glad that Mr. Dunstan supported the second reading. He had four objections to the Bill. I do not believe, however, that there was any substance in any of them. I shall deal with each of them. First, I want to deal with the penalty for the crime. I suggest that it is intimately bound up with what I have said about the foulness of the crime. Mr. Dunstan said:—

> Members on this side of the House (the Labor Party) are irrevocably and bitterly opposed to floggings.

It will be recalled that the honourable member was opposing the penalty of whipping provided in the Bill. That may be the opinion of the honourable member, and of all members of the Opposition, but I do not agree with it, and I suggest that I have the vast majority of the people of this State behind me when I express my disagreement with that attitude. I believe that the punishment should fit the crime, and a whipping in addition to imprisonment is a punishment which in its severity matches the foulness of the crime of kidnapping. In other words, I think the crime of kidnapping deserves a whipping. Furthermore, the penalty of whipping will act as an effective deterrent to the commission of the crime. I shall not carry the matter any further except to express my strong opposition to the honourable member's amendment to delete this part of the penalty.

He had three other objections and they are all of a somewhat technical nature, but I shall try to explain them in a few words to show that, in fact, there is nothing in them. He prefaced his remarks by saying that this Bill is extremely wide. With that I do not disagree. It must be wide because the crime of kidnapping is itself wide and extremely difficult to define for the reason that there are so many ways of bringing pressure to bear on a victim.

What is the scheme of the Bill? The operative clauses are clauses 2 and 3. Clause 2 deals with the commission of the crime of kidnapping. Clause 3 (1) deals with the demand for the payment of money or some other material benefit under the threat to the well-being, safety, and so on of either the person of whom the demand is made or some other person. In other words, there are two ingredients in clause 3 (1). There is first the demand for some material benefit, and, secondly, the threat of some hurt to the person of whom the demand is made or to some other person. Clause 3 (2) merely makes a threat without any demand for material reward a crime. That is the scheme of the Bill. First, there is the kidnapping as such, then the demand coupled with a threat, and then the threat. On the question of custody, Mr. Dunstan said:—

> It (the Bill) not only deals with matters of kidnapping but substantially alters the common law in numbers of regards to the considerable detriment of cases relating to custody.

Once again the honourable member is on the wrong track, and it is obvious that he has not given sufficient thought to the wording of clause 2 (1). The offence is only created when the abduction is "to the intent that or whereby such person may be or is held, confined or imprisoned or prevented from returning to his normal place of abode or sent or taken out of the State . . . " Either one or the other ingredient must be proved before the offence is committed. I am afraid that when he made his speech on this matter the member for Norwood omitted to give the proper weight to that particular part of the clause. A person can very well take a child into custody and in so doing have a *bona fide* claim to custody, but such a person can hardly be said to have an intent to hold, confine or imprison the child he has taken into custody. This is the very case

with which the honourable member was dealing and the aim of such person, although it may be misguided, would almost certainly be bound up with the welfare of the child and could not possibly amount to false imprisonment. That, I think, is the answer to the point the honourable member raised.

I was surprised that as a legal man he entirely overlooked the well-established defence in criminal law of the claim of right—that is, any person against whom it is alleged that something is taken unlawfully may plead claim of right. That is an established defence that I suggest would be entirely relevant to any charge under this clause. In the legal profession we have the habit of relying on authorities. That may frighten off some people not in the profession, but to illustrate my point I propose to quote such an authority. The case is not without some human interest and it is entirely on all fours with the example the honourable member mentioned. Although it is an old case, the law is good. The case (the Queen *v.* John Tinkler) is reported at page 832 of Vol. 175 of the English Reports, as follows:—

The prisoner was indicted for unlawfully taking one Sarah Thompson, she being then unmarried and under the age of 16 years, out of the possession and against the will of Jane Barnes, her lawful guardian. It appeared that the prisoner, who was a widower, had married the elder sister of Sarah Thompson, and up to the time of his wife's death, Sarah Thompson, who was an orphan, had lived in the prisoner's house. On that occasion, Mary Johnson, another married sister of Sarah Thompson, caused her to be placed under the care of Jane Barnes. No improper motive was alleged against the prisoner, he having asserted as his reason for taking the child away that he had promised her father, on his deathbed, to take care of her. The Chief Justice told the jury that it was clear the prisoner had no right to act as he had done in taking the child out of Mrs. Barnes' custody. But inasmuch as no improper motive was suggested on the part of the prosecution, it might very well be concluded that the prisoner wished the child to live with him, and that he meant to discharge the promise which he alleged he had made to her father, and that he did not suppose he was breaking the law when he took the child away. This being a criminal prosecution, if the jury should take this view of the case, and be of opinion that the prisoner honestly believed that he had a right to the custody of the child, then, although the prisoner was not legally justified, he would be entitled to an acquittal upon this charge.

The report concludes by stating that the jury found the prisoner not guilty. That is the opposite of the conclusion the member for Norwood drew, and for his benefit and that of other members I suggest that that is good law and shows that the point the honourable member took on this clause was not well founded. That being so, the amendment he mentioned is quite unnecessary, and I do not intend to support it.

I have now disposed of two points he took. His third objection was to the ages set down in clause 2 (2). He said that he could not see why the ages in this Bill should not be the common law ages; that in a civil action for custody the age is 14 for boys and 16 for girls, therefore the age of 18 should be struck out. I think he intends to move for the insertion of the age of 14. My objection to this depends entirely upon the objection with which I have just dealt; in other words, this has no similarity to a case of custody in a civil action. I have already shown that that objection is entirely invalid, and it therefore follows that this objection on the question of age is also entirely irrelevant, as the ages of 14 for a boy and 16 for a girl just do not apply. They are not used in the same sorts of considerations at all; they are used in civil cases over custody, but this is a case of felony, so the objection breaks down under close examination. Therefore, much as I regret that I have to oppose the honourable member three times, I must oppose the third amendment, which is to substitute "fourteen" for "eighteen" in clause 2 (2).

The SPEAKER—Order! The honourable member cannot discuss that now.

Mr. MILLHOUSE—I should not for a moment transgress on the rights of the House by breaking Standing Orders and debating a possible amendment. No doubt the honourable member, after I have explained the difficulties, will appreciate them. I do not intend to debate his proposed amendments in any way, but just wish to point out a few fallacies.

Mr. Clark—Do you think it would be possible for the member for Norwood to quote from your book to instance his point?

Mr. MILLHOUSE—I have no doubt that he would try, but I do not think he would have any luck. Maybe the honourable member will be able to tutor him.

Mr. Clark—I do not know anything about it, but I know that sometimes legal men do that sort of thing.

Mr. MILLHOUSE—Never let it be said that we ever try to find two meanings from any authority. The honourable member is welcome to try.

Mr. Loveday—You do not think there are any contradictory decisions?

Mr. MILLHOUSE—No.

Mr. Loveday—That could be debated.

Mr. MILLHOUSE—The final objection of the member for Norwood was to clause 3. Apparently—and I regret that I have to say this of the honourable member—he was unable to distinguish between the meanings of subclause (1) and subclause (2). I have already endeavoured to explain the differences, stripping them of the technical jargon in which they have been couched. Subclause (1) covers the case of a demand for money or other thing by threatening, and subclause (2) covers the case where there is a threat but no demand for a material reward. May I give brief examples of the offences created under each of these subclauses? An example under subclause (1) is this: A man gets in touch with another and says, "Unless you give me £25,000 tomorrow you will never see your little boy again." Here there is a demand for money coupled with a threat to harm the child —both the ingredients of subclause (1). This is an example of an offence under subclause (2): One man says to another, "Look here, I am in love with your wife. Unless you divorce her I'm afraid your little boy will disappear." Here there is a threat of injury to the little boy, but there is no demand for any pecuniary or material benefit—simply a request for divorce proceedings.

The Hon. G. G. Pearson—What is the benefit?

Mr. MILLHOUSE—It seems incredible that with his experience the Minister should ask what the benefit would be. I used that innocent illustration merely to show what offence is meant to be caught under clause 3 (2). In other words, it is a threat without any demand for material benefit. The member for Norwood gave an example that he said would be wrongly caught under this subclause. Members will probably recall that he spoke about moving one's tank and writing to one's neighbour saying that it could be damaged in the process, but that he would do his best to see that no damage was done. That was a simple example of what is known as abatement of nuisance, but I cannot see how, if such an action were taken for the legitimate purpose of protecting one's own interests, and if the demands were not extortionate, the offence in this subclause would be committed. It seems incredible that it could possibly be committed.

However, I am feeling in a generous mood and I shall certainly admit that it could possibly be arguable that what he said could be put up in a court of law and that it is just possible that it could succeed. I do not agree with his remedy of deleting clause 3 (2) altogether. I do not think that is the right thing to do because there are so many threats, such as those I mentioned, which should be punished, but which are not punishable at present. To make absolutely clear that such an example as the honourable member gave would not be caught under this clause, I intend to move an amendment to meet any possible objection whilst still preserving the effectiveness of the clause. At the appropriate time I intend to move to insert after "who" in clause 3 (1) the words "without reasonable or proper cause" and to make a similar insertion at the beginning of subclause (2) after the words "any person who". I am sure that would take care of any possible complaint that the member for Norwood would have. That is all I have to say about the Bill and I sum up by saying that I believe that kidnapping is one of the foulest possible crimes and it should be met with the severest punishment. I therefore believe that the punishment of imprisonment for life and a whipping is an appropriate punishment in the circumstances. I do not believe, on the other hand, that the objections that have been raised to the wording of this Bill can be substantiated. I was a little surprised at first that the word "kidnapping" or "kidnapped" was not used in the body of the Bill.

Mr. Coumbe—It is not defined.

Mr. MILLHOUSE—The member for Torrens says it is not defined, but if he looks in any reputable dictionary he will find it is included. "Kidnapping" is defined in the Oxford Concise Dictionary that is in the Parliamentary library. It is not what might be called a term of art. If we look at the legislation in the United States of America we find that "kidnapped" is not used and that is why it is necessary to define by the use of a number of words the crime of kidnapping. I heartily support the second reading of the Bill.

Mr. LAUCKE (Barossa)—I shall be brief in my remarks but three pertinent questions arise in a consideration of this Bill. Firstly, is this legislation necessary? That it is has been amply demonstrated by recent events in New South Wales and we must be prepared for a possible similar experience in this State resulting from the actions of some unsocial person having thoughts of committing this heinous crime of kidnapping. The need has

been established and we cannot close our eyes to that need. Secondly, what is the purpose of the proposed legislation and thirdly, do the penalties proposed fit the crime? The purpose of the Bill is twofold. It provides deterrent legislation and that is vitally important. The penalty is of great importance to all as kidnapping is an offence not committed on the spur of the moment. It is coolly premeditated and is not an offence for which there can be any extenuating circumstances. I think a person considering the commission of a crime like this should know well beforehand the penalty he will incur for his misdoing. That is why I place so much importance on the deterrent aspect in the provisions of the Bill applying to penalty.

Mr. Loveday—Which one?

Mr. LAUCKE—I refer to the whipping penalty. In Committee I shall move an amendment that will have the effect of deleting the words "may be whipped" in each case where they appear in clause 3 and adding a third subclause containing the words:—

Where any person is convicted of an offence under this Act the court shall order such person to be whipped unless the court is of the opinion that such an order should not be made.

My whole reason for this is that I regard the offence of kidnapping as one for which there can be no extenuating circumstances. It is not committed in the heat of the moment: it is coldly and callously premeditated.

Mr. Jennings—Do you think there is any crime in the world in which there may not be extenuating circumstances?

Mr. LAUCKE—There could be extenuating circumstances in some crimes but not in the crime of kidnapping. It is coldly calculated and premeditated to inflict hurt and harm on some person, thereby reflecting harm and hurt on somebody else. It is a horrible crime and whipping is not sufficient deterrent in the first instance.

Mr. Jennings—Why are you supporting it then?

Mr. LAUCKE—I am supporting the second reading, but not the clause with the words "may be whipped." I say the person convicted should be whipped unless the Court deems that certain conditions apply for not ordering a whipping.

Mr. Ralston—Do you think a woman should be whipped if she kidnaps her own child?

Mr. LAUCKE—There is, in my proposed amendment, a discretionary power for the judge to determine what shall happen and that would meet the conditions referred to by the member. I refer to my intention because I believe it to be essential in the interests of society that any person who is so unsocial as to premeditate such a crime as this should know he shall be whipped if he commits that offence. I support the Bill and shall move the amendment I have stated.

Mr. JENNINGS secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 877.)

Mr. FRANK WALSH (Leader of the Opposition)—The Minister when introducing this Bill said it was to bring the Act up-to-date. He also said it was necessary to dispose of certain old documents that were beyond recognition and that is reasonable. However, clause 3 (*b*) provides that the Registrar-General may only destroy such documents subject to the approval of the Attorney-General in each case. We often save articles for too long a period and this provision may provide an opportunity to clean up some records.

Clause 3 (*a*) also refers to the measurement of boundaries and as the Surveyor-General agrees with the proposals members have nothing to worry about in that clause. Clause 4 amends a section which on the face of it has been in operation at least since 1936 and the amendment is necessary because of changing money values. Section 271 of the Act provides that the Registrar-General may license land brokers but a bond must be lodged for the sum of £500 with two sureties of £250 each. This amendment increases the amounts to £1,000 and £500 respectively thus increasing the total amount of the bonds to £2,000. This is a machinery Bill to modernize certain provisions and bring them up-to-date and I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act—section 220".

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

After "Attorney-General" in new paragraph 10 to insert "and subject to section 31 of the Libraries and Institutes Act, 1939-1950".

The amendment is designed to make it clear that the power being granted to the Registrar-General to destroy documents is to be subject to the provisions of section 31 of the Libraries and Institutes Act that public documents can-

not be destroyed unless the custodian gives to the Libraries Board one month's notice in writing of the intention to destroy.

Amendment carried; clause as amended passed.

Remaining clause (clause 4) passed.

New clause 2a—''Amendment of principal Act, section 51''.

The Hon. B. PATTINSON—I move to insert the following new clause:—

2a. Section 51 of the principal Act is amended by striking out the words ''the names of the parties thereto'' and inserting in lieu thereof the words ''such other particulars as the Registrar-General directs''.

The object of the new clause is to remove the absolute requirement of section 51 of the principal Act that every memorial entered on the register book shall state the names of the parties to the instrument to which it relates. The requirement means that in every case the name or names of the registered proprietor who is transferring or mortgaging or otherwise dealing with his land must be set out in the memorial of registration on the title, even when it is quite obvious that the registered proprietor is one of the parties. Where there is a large number of registered proprietors, for example, the memorial of registration of a transfer or a mortgage must set out all of the names, whereas all that is really required is the name of the transferee. To set out the names of all the parties means encumbering the title with a lot of unnecessary information which already appears. The amendment will give the Registrar-General a discretion and permit him to enter only the necessary information in each case. It is based upon the corresponding provision in the Victorian Act.

New clause inserted.

Title passed.

Bill reported with amendments.

DOG FENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 12. Page 1324.)

Mr. LOVEDAY (Whyalla)—This Bill does the following things:—Raises the maximum penalty for wilful damage to any part of a dog fence from £50 to £100 and adds an alternative of imprisonment for a term not exceeding six months; increases the penalty for removing any part of a fence by the addition of the alternative of imprisonment for a term not exceeding six months; introduces a new penalty by empowering the court to order a convicted person to compensate the person responsible for maintaining the damaged fence for the damage. It further introduces a new provision making an employer responsible where an employee damages or removes any part of a dog fence in the course of his employment. The onus of proof is also placed upon the owner of a vehicle to prove that the employee was not acting in the ordinary course of his employment. The introduction of these two subclauses should prevent the employer unfairly placing the blame on the shoulders of the employee, thereby making it more difficult for the owner of the fence or the person responsible for it to recover damage. A further new subclause provides for the recovery, in any court of competent jurisdiction, of expenses incurred in restoring damage. An increase in penalties would in any case be justified owing to the change in value of money since the Act was first introduced, I think in 1946. It is very important that the employer or the owner of a vehicle should not be able to escape responsibility. I stress the importance of having adequate penalties for these offences. It is very difficult for people to police many miles of fences in outback areas under very arduous climatic conditions and difficult terrain. The great expense involved in hunting down dogs, which may have got through a broken fence, and the widespread damage such dogs can cause to a flock of sheep pastured in outback areas, which are not subject to such close supervision as in the more closely settled country, are very important matters. I feel that in these circumstances the penalties suggested are very moderate and that the provisions are justified and essential for the maintenance of respect for the dog fences and for the adequate protection of pastoralists' flocks. I support the second reading.

Bill read a second time and taken through its remaining stages.

VERMIN ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 12. Page 1325.)

Mr. LOVEDAY (Whyalla)—Members of my party also support this Bill, which is similar to the Dog Fence Act Amendment Bill. In fact, these two Bills are really interwoven in as much as the Vermin Act defines a dog-proof fence as well as a vermin fence; the differences are that in one case the dog-proof fence is a heavier fence, slightly higher and more strongly constructed. The definition of ''vermin'' includes rabbits, wild dogs and

foxes and any other animals which the Government declares by proclamation to be vermin for the purposes of this legislation. The objects of the amendments in this Bill are to bring the penalties into line with those for the offences previously referred to in the Dog Fence Act Amendment Bill. There is every reason why the penalties for offences under these two Bills should be brought into line. They are offences with only a slight degree of difference and there is no reason why there should be any difference in the penalties. The same arguments I submitted on the previous Bill apply to this Bill, and once again there is every reason why, because of the difference in value of money, the penalties should be increased. In addition, there is every reason why, with the increased number of motor vehicles and the difficulties of policing, these fences in outback areas (and other areas, too) should receive more respect, and I feel certain that that respect will be obtained by increasing the penalties in accordance with the provisions of this Bill. I feel it is unnecessary to elaborate on what I said in reference to the Dog Fence Act Amendment Bill. I have much pleasure in supporting the second reading.

Bill read a second time and taken through its remaining stages.

PASTORAL ACT AMENDMENT BILL.

The Hon. Sir CECIL HINCKS (Minister of Lands) obtained leave to introduce a Bill for an Act to amend the Pastoral Act, 1936-1959.

ADJOURNMENT.

At 5.14 p.m. the House adjourned until Tuesday, October 18, at 2 p.m.