LEGISLATIVE COUNCIL

Wednesday, December 4, 1968

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

BUSH FIRES

The Hon. R. A. GEDDES: Will the Minister of Agriculture consider sending a responsible officer of the Emergency Fire Services to New South Wales to gain first-hand knowledge of the cause and effects of the recent disastrous bush fires in that State, and to see whether any practical lessons can be learned and thus applied in the prevention of fires in this State?

The Hon. C. R. STORY: I thank the honourable member for his question. I have no doubt that useful lessons could be learned from the bush fires in New South Wales. One of them would be, I think, the lesson that one could also learn when one travels in this State, where there is heavy undergrowth and where not much effort is being made at present to clear it. Regarding sending someone to New South Wales to find out whether we can profit from the experience in that State, Mr. Kerr, the Director of the E.F.S., is the person who comes readily to mind. I point out that representatives of both the Bush Fires Advisory Committee and the Bush Fires Research Committee have gone to other States on various occasions following fires; for instance, they went to Tasmania and to the Dandenongs after fires in those places. I will certainly examine the question to see whether the honourable member's suggestion is a practical proposition.

WHEAT

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: It is thought throughout many of the farming areas that there will be a need to store a considerable amount of grain which will not be acceptable at present through the normal grids of Co-operative Bulk Handling Limited. I have mentioned this matter to the Minister, but because of the legislation dealing with the application of the Commonwealth agreement and the Wheat Industry Stabilization Act, I have refrained from touching on the subject before. There is a growing opinion that it would be a better economic proposition and a greater advantage to the industry generally if wheat could be dumped in communal dumps on correctly-prepared sites close to railway sidings, for wheat especially suffers very little harm from being stored in the open provided it is correctly dumped on well-prepared sites. This system has been suggested by various rural organizations. Since 75 per cent of Co-operative Bulk Handling's estimate can be received, if the Agriculture Department's estimate of 80,000,000 bushels is achieved, considerably more wheat will be left out of the silos than at present estimated. In view of this, will the Minister with his officers investigate the feasibility of the scheme I have outlined?

The Hon. C. R. STORY: I am not quite clear what the honourable member actually wants me to do. This is a matter entirely for the bulk handling company, not for my officers. I only get into the business at all because I have to approve and check certain materials for silos, but I do not instruct the bulk handling company what to do: that is a matter of policy for the directors of that company. I am not sure whether the honourable member wants me and my departmental officers to conduct an inquiry into the feasibility of his scheme or whether he wants the directors of the company to do that.

The Hon. A. M. WHYTE: My desire is that officers of the Agriculture Department investigate the feasibility of storing grain in large heaps in the manner I have outlined.

The Hon. C. R. STORY: I will take this matter up with the Acting Director. I do not know at the moment what officers would be available to conduct such an inquiry, but I will certainly see what can be done.

PADDOCK BINS

The Hon. L. R. HART: Has the Minister of Roads and Transport an answer to my question of November 13 about the registration of paddock bins?

The Hon. C. M. HILL: A bulk grain field bin under existing legislation cannot be classified as a "farm implement" for the purposes set out in section 12 (5) of the Motor Vehicles Act. Therefore, it must be registered or covered by a permit when used on a road. Because a field bin does not come within the general definition of "field implement", it would have to be included specially if it was to be exempt from registration. This

was the case when it was decided to exempt trailer bins and grain elevators. Cabinet has given this matter careful consideration and has directed that a Bill be introduced in the near future to amend the Motor Vehicles Act to exempt bulk grain bins from registration.

BUS STOPS

The Hon. SIR NORMAN JUDE: I desire the indulgence and concurrence of the Council to make a short statement prior to asking a question of the Minister of Local Government.

Leave granted.

The Hon. SIR NORMAN JUDE: I have noticed with satisfaction that the Minister intends taking up with certain councils the desirability of making clearways on some bus routes at peak periods. There is another angle to this matter—the need for buses to draw in as close as practicable to the kerb in accordance with instructions to the drivers. Many photographs are available showing breaches of the bus regulations in this respect. While I sympathize with bus drivers when motor cars are parked close to their bus zones, it is obvious that there are many occasions when failure to draw in close to the kerb when stopping is not because of other vehicles being parked close to the kerb. I therefore ask the Minister to take up that matter with the General Manager of the Municipal Tramways Trust.

The Hon. C. M. HILL: Yes, I will take up that point with the General Manager.

RADIO SERVICE

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to the question I asked late in November regarding the conversion of all Emergency Fire Services radios to V.H.F.?

The Hon. C. R. STORY: When I replied in part to the honourable member's question I promised that I would obtain further information for him. Before undertaking any commitment to change to V.H.F., councils and E.F.S. organizations should contact E.F.S. heaquarters as, unless the concurrence of the Director of the E.F.S. is obtained, subsidy payment may not be recommended. The Bush Fires Equipment Subsidies Fund Committee is prepared to consider payment of subsidy on V.H.F. base radios jointly used by local government authorities and E.F.S. organizations subject to the following conditions:

1. Providing proposed installations and equipment are approved by the Director of the Emergency Fire Services and the P.M.G. Radio Department.
2. Agreement of the local E.F.S. organizations concerned.
3. Council to operate on separate frequency and not to use E.F.S. frequencies for council work.
4. Council to give assurance that the E.F.S. will be given absolute emergency priority use of radio installations and reasonable access for testing and training purposes.
5. Subject to the usual conditions applicable to subsidy applications, that is, expenditure being incurred within the current period, application lodged at the appropriate time, etc.
6. Councils would be expected to pay at least 50 per cent of the costs involved as being a council responsibility. The remainder, whether paid by council or E.F.S., could be considered for subsidy at the current rate.

Mobiles used solely for E.F.S. purposes would be eligible for subsidy, subject to the usual conditions.

Items eligible for subsidy from the maintenance grant, that is, aerials, towers, buildings and fittings, landlines, licences and rentals, do not concern the committee but Mr. Monck has discussed this matter with my secretary and he understands that, subject to the usual conditions applicable to maintenance subsidies, consideration would be given to payment of subsidy. An exception would be control lines used in connection with a shared transmitter, in which case council would not incur any additional expenditure because of the shared use of the control line and in fact shared use would be cheaper than separate control lines. Should any council or E.F.S. organization require information, or desire to discuss its own particular radio communication problem, from any aspect, the services of the officers of the Emergency Fire Services headquarters or of the Radio Branch, P.M.G. Department, are available to them. If further advice is desired on any aspect, regarding subsidies in particular, persons should contact Mr. S. T. F. Monck, the Secretary of the Bush Fires Equipment Subsidies Fund Committee, who is in my office.

TRANSPORTATION STUDY

The Hon. C. D. ROWE: Some time ago it was stated that a period of six months would be allowed in which objections to the

Metropolitan Adelaide Transportation Study plan could be lodged. Can the Minister of Roads and Transport say when this six-month period will expire? I believe that many people have not yet carefully studied this plan and, consequently, they are not aware whether their properties will be adversely affected by it. Can the Minister say whether they will be in any way prejudiced from the legal viewpoint if, in point of fact, they do not lodge an objection by the end of the six-month period? Thirdly, can the Minister say whether a firm policy has been worked out on the method of determining compensation payable in the case of commercial and industrial properties?

The Hon. C. M. HILL: The answer to the first question is that the six-month period will expire on February 9, 1969. The answer to the second question is "No". The answer to the third question is that the determination is fixed under the terms and conditions of the relevant Act, the Compulsory Acquisition of Land Act.

YORKETOWN AREA SCHOOL

The Hon. M. B. DAWKINS: I ask leave to make a short statement prior to asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. M. B. DAWKINS: I have previously spoken in this Council about the Yorketown Area School and I am pleased that some improvements that may be called temporary will be made to the school this financial year. Whilst these improvements will ease the situation they are, in my opinion, only a very temporary measure. In view of the inadequacy of the school at is it as present, will the Minister ascertain from his colleague when it will be entirely replaced, because it urgently needs replacing?

The Hon. C. M. HILL: I shall obtain a full report on the Yorketown Area School from my colleague.

DERAILMENTS

The Hon. D. H. L. BANFIELD: I ask leave to make a brief statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. D. H. L. BANFIELD: Yesterday it was announced that a committee had been set up to inquire into the reasons for the numerous derailments on South Australian railways. In view of the interest shown by the Australian Railways Union in this matter and in view of the possibility that some blame may be laid at the door of the employees (I do not know about this), will the Minister consider putting a representative of the union on this committee?

The Hon. C. M. HILL: I did consider this approach, because I have a great respect for both the unions concerned, and also for their respective secretaries. However, after considering the question I decided not to do so. The honourable member will appreciate that the department is not represented on the committee, either. It is what might be called an independent committee; it has been set up by the Government and it will report to the Government.

The committee will have the right to ask union representatives to tender evidence and to discuss problems with it. It will also be able to obtain a great deal of information at present held by the department, because after each derailment a board of inquiry has been appointed and has made findings. At the same time the department has been continually under investigation, not as yet finalized, into the general problems raised as a result of these developments.

The investigations have involved a great deal of testing at the Weapons Research Establishment where, I understand, electronic equipment is available. As well as those tests, and as a result of the experiments conducted at the W.R.E., certain practical tests in the field at speed are being conducted. All such information will be made available to the committee.

The principal reason for not appointing a union representative to the committee was the need for a highly-skilled engineering and technical investigation. That is why the Government turned to the University of Adelaide for help. I am pleased to say that both members of the committee from the university readily agreed to give their time to this inquiry, the members concerned being Prof. F. B. Bull, Professor of Civil Engineering, and Prof. H. H. Davis, Professor of Mechanical Engineering. I believe the latter has had some experience in assisting at inquiries into derailments that have occurred both in Australia and in England. In addition, a former President of the Chamber of Manufactures, Mr. E. M. Schroder, agreed to become the third member of this committee and to act as chairman.

I think the combined technical skills of these three men, their academic and engineering ability, and all their qualifications will combine to make an ideal team. For those reasons, and although I considered the appointment of a union representative, I think the best composition of this group consists of the three people who so willingly agreed to become members to conduct this inquiry.

The Hon. S. C. BEVAN: When the committee has completed its investigations and has made a report available to the Minister, will he table that report in this Council?

The Hon. C. M. HILL: The report will be made available to me; it is then my first duty to take the report to Cabinet, where it will be considered by the Government. As a result of consideration of that report, the Government will make a statement that will be read in this Council.

ABORIGINAL CHILDREN

Adjourned debate on the motion of the Hon. H. K. Kemp.

(For wording of motion see page 1733.)

(Continued from November 20. Page 2587.)

The Hon. H. K. KEMP (Southern): In closing the debate on this motion I wish to thank honourable members for their contributions. They have, I think, more than justified the motion I have put before this Council. These matters are far-ranging, and they indicate that this very present problem reaches every corner of the State.

I do not think it is necessary for me to comment individually on the valuable contributions members have made. I must, however, take the opportunity to correct an unfortunate misquotation in my original speech on the motion. Mrs. Hathaway, of the Nepabunna Mission, wishes to dissociate herself and her husband from the statement I attributed to them, and if I have in any way embarrassed these dedicated people I humbly apologize, for the work they are doing so ably is difficult enough without interference of any kind. Instead, I wish to put forward their views in the following considered statement, which I will read as I took it down:

The present situation is leaving a trail of broken homes, broken bodies and broken hearts. If we are to save our Aboriginal children and young people, the demand is for intelligent and immediate action.

I do not thhink I could better underline the need for an urgent independent inquiry into the fate of young Aboriginal people. Therefore, I restate my motion, which is that a Select Committee be appointed to inquire into and report upon the welfare of the Aboriginal children of this State.

Motion carried and referred to a Select Committee consisting of the Hons. S. C. Bevan, L. R. Hart, H. K. Kemp, A. F. Kneebone and A. M. Whyte; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday, February 11, 1969.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from November 27. Page 2763.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This is a Bill which is aimed at altering the franchise of this House. In considering this Bill, I think one should first dwell a little upon its origin. It is a private member's Bill, initiated in the House of Assembly by the Leader of the Labor Party. The Leader was apparently triggered to move this Bill by another Bill which the Hon. Mr. Rowe moved in this Chamber, because apparently the Leader had been keeping the Bill in cold storage, as certain members here suspected, and as soon as the Hon. Mr. Rowe moved his Bill in this House the Leader moved this Bill in the other place on the following day.

The Hon. D. H. L. Banfield: On private member's day.

The Hon. Sir ARTHUR RYMILL: On the following day. It was more than coincidence that this Bill was moved on the following day, and I challenge members of the Labor Party to deny that.

The Hon. D. H. L. Banfield: They could not bring it in on the Tuesday, because it was not private members' day.

The Hon. Sir ARTHUR RYMILL: And they would not have moved it—

The Hon. D. H. L. Banfield: A private member's Bill could be moved in here on the Tuesday.

The Hon. Sir ARTHUR RYMILL: I think the honourable member, as usual, is missing the point. It would not have been moved at that particular time in the House of Assembly had it not been for the fact that the Hon. Mr. Rowe had moved his Bill here the day before. I notice that honourable members of

the Opposition are not attempting to deny what I am saying; they are merely trying to sidetrack the issue.

The Hon. D. H. L. Banfield: I am trying to say that private members' day in the Assembly is only on a Wednesday.

The Hon. S. C. Bevan: I deny what Sir Arthur Rymill is saying. The Bill was introduced in another place because of a statement from the Premier himself.

The Hon. Sir ARTHUR RYMILL: The Bill was moved in another place because the Hon. Mr. Rowe moved his Bill here.

The Hon. D. H. L. Banfield: Nothing of the sort.

The Hon. Sir ARTHUR RYMILL: One knows these things.

The Hon. D. H. L. Banfield: You don't run the Labor Party.

The Hon. Sir ARTHUR RYMILL: I have not that privilege, and if it were offered to me I would decline the honour.

The Hon. S. C. Bevan: Where do you get the idea that the opportunity would be offered to you?

The Hon. Sir ARTHUR RYMILL: This Bill has come before us while our Bill, which was introduced in this place previously to the Bill being introduced in the other place, has not received any consideration in the other place. The Hon. Mr. Rowe's Bill goes a good long way towards what this Bill does. It purports to grant the vote in this House to the spouse of any person who is qualified to vote; that is, if a wife is qualified then the husband would have a vote, and if the husband was qualified, the wife would have a vote. It also brings in certain categories of returned servicemen who are not already covered by the enfranchisement granted by the Constitution Act.

This Bill is aimed not just at giving adult franchise to vote in the Legislative Council: it is undoubtedly and clearly aimed as a first step in the abolition of this Chamber, which is Labor policy. This has been Labor policy for a long time, and the Labor Party does not deny this. In fact, if I remember rightly, the Hon. Mr. Shard and the Hon. Mr. Bevan both interjected during this debate that they would abolish this House if they had the opportunity to do so. The *Advertiser* of Thursday, October 24, referred to certain statements made by the Premier and by the Leader of the Opposition in the House of Assembly, in a report which states:

Mr. Hall said that the L.C.P. have not voted for a full adult franchise in the past because it had been frightened that it would lead to the abolition of the Chamber by the A.L.P.

According to the report, Mr. Hall went on to say:

I wish to challenge the A.L.P. I will vote for their adult franchise on one condition, that is, if they include in their Bill a provision that the Legislative Council cannot be abolished without a referendum.

Then apparently the Premier got all palsy walsy, as the saying goes, with the Hon. Mr. Dunstan, and Mr. Dunstan said, "We will accept that". Mr. Hall said, "All right then, no abolition without referendum". Mr. Dunstan then said, "All right then, let's get on with it". That was the friendly little conversation on this vastly far-reaching matter.

I would like to go back a few years and refer to what happened in Queensland in 1917 when a referendum was taken for the abolition of the Legislative Council there. It was taken on May 5, 1917, and the result of the polling was: for abolition, 116,196 votes; against abolition, 179,105. So it was beaten by a one and a half to one majority.

The Labor Party is pious about this question of referendums. It talks in bated breath about some of these things, about democracy, how the people must have their say and so on, but, from the moment its referendum in Queensland for the abolition of the Upper House was defeated, it set about trying to abolish the Upper House despite the verdict of the people. It got some new members nominated for the Upper House and tried again to abolish it, in the face of that recent referendum result, but it failed.

Then it managed to get enough members nominated for the Upper House to give it a majority and in 1921, only four years after this referendum had been taken, without holding a further referendum it abolished the Upper House in the face of the will of the people. That is a solemn historical fact. It having got rid of the Upper House there, everyone knows what it did about fixing electorates so that it looked as though the Liberal Party would never regain power in Queensland —and it would not have but for the split in the Labor Party when it broke into two pieces. It used the method of trying to keep in power by retaining the cross in the square vote instead of a preferential vote, because the Liberal Party and the Country Party were separate Parties, and thus they were split as two

Parties. With that cross in the square vote the Labor Party further entrenched itself and it is doubtful whether it would have been beaten, even in the electoral set-up as it then was in Queensland, if it had not been for its greed in doing this, because this is what beat them when they became split themselves.

Is not this a lesson of which we must take the greatest heed in this State? I ask this solemnly. I will now pass on to some other topics because this Bill raises a wide range of them. I ask, first (although I know I will probably get a response from some of the members of the Opposition here) "What is wrong with the Legislative Council?" The Legislative Council has made tremendous contributions to the welfare of the State for well over 100 years; it has done wonderful things for South Australia. Members of the Opposition try to say that we frustrate forward movements, and so on. I should like to see the evidence of this. I instance the last Parliament to see exactly what happened. The Labor Party was in power for three years. During the whole of that period, this Council rejected only a handful of Bills. It passed—

The Hon. R. C. DeGaris: 238 Bills.

The Hon. Sir ARTHUR RYMILL: I was going to say, from guesswork, about 240. The Councils passed 238 Bills and, as I say, only a handful were rejected. Let us look at the important ones that were rejected. One was the Bill proposing a 56-member House of Assembly, which even the Labor Party has since abandoned. Mr. Dunstan came out on the hustings seeking a 56-seat House, but he soon piped down on that and, as I understand it, he has now agreed to a 47-seat House. But for the Legislative Council we would have had a 56-member House of Assembly, which even the Labor Party now recognizes would not have been in the best interests of South Australia.

The Hon. D. H. L. Banfield: We did not say that. We said we were prepared to accept a compromise, and that is what we have done.

The Hon. Sir ARTHUR RYMILL: We also rejected the controversial transport legislation, in respect of which a Royal Commission was subsequently set up but in respect of which again the Government went back on its own Bill and would have nothing more to do with it. Even though certain findings were made by the Royal Commission, the Government would have nothing more to do with that Bill. So the Legislative Council was proved to be right in respect of the few Bills it threw out.

The Hon. R. C. DeGaris: There is not a Bill that was rejected by the Council that had any real bearing upon the election.

The Hon. Sir ARTHUR RYMILL: I agree entirely. We made some valuable amendments to several Bills that were accepted in another place by the Government. We made many corrections to hastily considered legislation which would have had to be altered by Parliament after it had been in force for, possibly, six months or so. That again is one of the virtues of this place. We rejected the Succession Duties Act Amendment Bill. The members of the Labor Party still do not like this but, as the present Chief Secretary said during the debate on this Bill, we did not object to succession duties being increased to give whatever the Government considered to be a reasonable revenue from them; we objected to the whole pattern of the levying of succession duties being altered. If honourable members are in any doubt about this, they can look at at least one speech I made on this Bill (because I know that it is in *Hansard*) where I said this precise thing, that, if it was merely a question of increasing succession duties, I would certainly give full attention to the matter, but, as it was an attempt to alter the whole impact of succession duties in what I considered would have been a most unjust way, the Bill should be thrown out. I am sure the people of South Australia are grateful to this Council for doing so.

The next question I ask is: what is wrong with the present franchise for this Council, particularly the franchise as we are trying to make it now or as this Council has agreed to make it by passing the Hon. Mr. Rowe's Bill? It is estimated that about 85 per cent of the people as a whole would have a vote under the franchise as altered by that Bill. The cry immediately goes up, "Why not the other 15 per cent?" I would reply to that, "Why the other 15 per cent?" Let this be completely clear: no-one is barred from having a vote for this Council under the franchise; no-one is refused a vote. Let me put it in another way: any person in South Australia over the age of 21 who has been here for six months can qualify himself for a vote for this Council by owning or renting a piece of land or a house.

The Hon. S. C. Bevan: One has to be here for five years before one can be naturalized.

The Hon. Sir ARTHUR RYMILL: I have not heard of the Labor Party wanting to alter that. No doubt we live and learn. I know

that the Leader of the Opposition wants to try to contribute towards our getting a colour problem in his country, but I have not heard a suggestion that the five-year period be limited.

The Hon. S. C. Bevan: You said anyone who had been here for six months could qualify, but he cannot.

The Hon. Sir ARTHUR RYMILL: Anyone who is a British subject.

The Hon. D. H. L. Banfield: You didn't say that.

The Hon. Sir ARTHUR RYMILL: If the honourable member wants to get into precise terms, I will read the Constitution Act. Section 21 provides:

No person shall be entitled to vote at an election for a member or members of the Legislative Council unless—

(*a*) he is at least twenty-one years of age:
(*b*) he is a British subject:
(*c*) he is an inhabitant of the State:
(*d*) he has resided in the State for at least six months prior to the registration of his electoral claim:
(*e*) he is at the time of the election registered on the electoral roll for the Council district in which the election is held.

Under the Commonwealth Act, a migrant must be here for five years before he can become a naturalized British subject. We hear the advanced views of the Labor Party (or what it thinks are advanced views), *avant garde* stuff. One of the cries at the moment is that 18-year-olds should be given the right to vote. This Council is more advanced than is another place on that matter, because some 18-year-olds already have a vote for the Legislative Council, which is more than one can say for the House of Assembly. If Labor members want proof on that, I will refer to section 20a of the Constitution Act—

The Hon. D. H. L. Banfield: Will you extend the voting age to 18 years for the House of Assembly?

The Hon. Sir ARTHUR RYMILL:—which gives certain members of the armed forces a right to vote. The proviso to section 21 is as follows:

Provided that the requirements as to age and six months' residence in the State shall not apply to any person entitled to vote by reason of war service or service in a ship as provided in the preceeding section.

Therefore, some 18-year-old people have already been qualified to vote for this Council in certain circumstances. Throughout the world there are many forms of franchise and literally dozens of different voting methods. By very astute and repeated propaganda over many years, the Labor Party has been persuading people who ought to know better that one vote one value is the only fair method of voting that exists. In Germany during the 1930's, Hitler captured the minds of the nation by repetitive propaganda; that is how he gained control over Germany. I warn South Australians to think for themselves and not just listen to the repetitive propaganda that has been going on here for many years that one vote one value is the only fair method of voting.

I now deal with the question of one vote one value. In fact, no such thing exists: no electoral system gives every vote the same value. That is a mathematical impossibility. True, some systems get closer to it than others do. The closest one can get to one value is proportional representation with a State-wide electorate, but even then certain votes are given greater value than others are given.

The Hon. R. C. DeGaris: You get a bigger donkey vote, too, which complicates matters.

The Hon. Sir ARTHUR RYMILL: Yes. The Labor Party has been holding on to the electorate system (the single electorate system for the House of Assembly) which is quite an anomaly, it having preached the one vote one value system for many years. Under the single electorate system, the idea of votes having the same value becomes more and more remote. I will now take a hypothetical case. One of the waterfront electorates might comprise 10,000 Labor voters and 2,000 Liberal voters. Where is one vote one value in that, either to the Labor Party or to the Liberal Party? In those circumstances, 10,000 people have only one member representing them, and 2,000 people have no member at all. In a swinging electorate in the foothills where the voting is 5,001 to 4,999, half the votes have no value at all. There is no such thing as one vote one value in an electorate system. As another example, one could take the Commonwealth Senate, in which there are 10 members from each State. Tasmania, with its small population, has the same number of members in the Senate as New South Wales, which has many times as many people.

The Hon. R. C. DeGaris: It has 16 times as many.

The Hon. Sir ARTHUR RYMILL: I thank the honourable member. I have heard the Labor Party say it wants to abolish the Senate,

but I have not heard it say that the method of voting for it is unfair.

The Hon. M. B. Dawkins: You have not heard it lately.

The Hon. Sir ARTHUR RYMILL: No, because it is a question of what suits them. The Tasmanian vote in the Senate is worth 16 times the vote of New South Wales, so there is not much one vote one value there.

The Hon. C. M. Hill: People who live in Canberra do not get a vote at all for the Senate.

The Hon. D. H. L. Banfield: Whose fault is that: surely not the Labor Party's?

The Hon. Sir ARTHUR RYMILL: I spoke on this matter a few years ago, and, referring to a book entitled "Parliaments and Electoral Systems", I mentioned the countries beginning with the letter "A" (and this is in *Hansard* if anyone is interested). It is significant that practically all of the countries in which 18-year-olds were permitted to vote were Communist countries behind the Iron Curtain, many of which had only one Party for whose representatives the people could vote. The Constitution of those countries provided that there would be only one Party. This is one form of electoral system.

The Hon. R. C. DeGaris: They call that a guided democracy.

The Hon. Sir ARTHUR RYMILL: Yes, guided down the line. When browsing through the same book this morning I came to the countries beginning with the letter "S". I came to three well-known countries not behind the Iron Curtain: Spain, Sweden and Switzerland, all of which have different electoral systems. I do not intend to dwell on this at length; I will merely illustrate that what I say is correct. In Spain, for referenda on fundamental laws, all citizens over the age of 21 are enfranchised; in municipal elections the franchise is restricted to heads of families. Voting is normally compulsory, except for citizens over the age of 70, and for the clergy, judges and public notaries. Then the book gives the set-up of the House. The 291 indirectly elected members of the *Cortes* are elected from the municipal councils, national syndicates, academies, and other cultural, commercial and technical bodies. A third of the members of the municipal councils are elected directly by the people by a simple recurring majority vote. Two-thirds are appointed by the national syndicates from the local branches and from local bodies of a cultural, economic or professional nature. So, an entirely different system operates in that country.

In Sweden legislative power is vested in the king and Parliament. In the Lower House members are elected by proportional representation with Party lists. In the Upper House members are elected indirectly by the directly elected members of local and provincial councils on the above system. An entirely different method of voting is used in Switzerland. All Swiss males over the age of 20 are qualified to vote, but women do not get a vote at all—they still do not get a vote. Recently, I was surprised to hear this. The voting system is set out in this book, which any honourable member will find in the Parliamentary Library.

Some honourable members have made the undoubted point that to have this Council elected on a similar roll to that used for the other place would be merely making a repetitive house of this Council. Some honourable members have touched on the point of so-called voluntary voting. I think the Hon. Mr. Dunstan showed us very clearly by the conjoint roll that he created for the last election that at a general election, where both Houses are elected on the same day, voluntary voting just does not mean a thing. A person receives an enrolment form for the Commonwealth Parliament which is conjoint with the enrolment form for the State Parliament.

Incidentally, I do not think many people realize that enrolment for the House of Assembly in this State is not compulsory. I realize that members of this Council are aware of this point, but I do not think many members of the general public know it. However, it is made virtually compulsory in much the same way that the Hon. Mr. Dunstan made voting for this Council virtually compulsory—a qualified person receives the voluntary forms along with the form that is compulsory. There is now talk of a conjoint roll for all four Houses—the Senate, the House of Representatives, the South Australian House of Assembly and this Council. So much for voluntary voting—it has been clearly proved that it does not mean a thing. Even if we enact that voluntary voting is entrenched, it can be got round.

It has been claimed by both the Liberal Party and the Labor Party in another place that the Council cannot be abolished without a referendum if this Bill is passed. I have had considerable experience, I am happy to say, in past years in constitutional law. It

has been one of my chief interests. Consequently, I have been examining this position ever since I became a member of Parliament, because I am very conscious of the fact that the Labor Party wants to abolish this Council and I am equally conscious of my view that this Council should never be abolished. Therefore, long before this Bill was introduced I began investigating how, in the nature of things in Australia's federal system, the continuance of this Council (under whatever franchise might operate) could be assured. I have been able to find no way of doing this. I have examined the possibility of an amendment to the Commonwealth Constitution which, as honourable members know, is a written Constitution, unlike the State Constitution, which is an Act of this State's own Parliament. I do not think it is possible to do it: certainly, I do not think it is practicable to do it in the Commonwealth Constitution.

I have examined the question of providing in our Constitution Act that the Council cannot be abolished without a referendum and I have come to the inevitable conclusion that this is no good, either. I examined this point long before the matter became a live issue. I have discussed it threadbare over the years with members of the legal profession and also with academics. True, there is a case of New South Wales origin which suggests that an entrenchment of this nature can be binding. That decision is an exception—an exception to the general principle of the sovereignty of Parliament, namely, that a sovereign Parliament cannot bind its successors.

The *ratio decidendi* of the case was that a sovereign Parliament can bind its successors as to manner and form of proceedings (that is, as to procedures to be adopted) but it cannot bind its successors as to the content of Acts of Parliament. There is a very slender thread between these two concepts, because we then come to this point: when do manner and form of proceedings cease to be considered by the courts to be procedural and when do they become a matter of content? I give an example: if we provided that a referendum had to be passed by 90 per cent of the people before this Council could be abolished, the courts would immediately hold that this was striking at the content of a Bill, that it was trying to bind the successors of a Parliament as to content by making it virtually impossible to get such a referendum through. The courts might come to a similar finding if the referendum had to be passed by a 75 per cent majority, or even a 60 per cent majority.

The weakness of the whole Bill is that what the people who are saying that this provision is watertight are relying on is not a law but a decision of the courts—an interpretation of what is the law. The courts that have decided this are not bound by their own decisions and can alter them at any time.

The Hon. R. C. DeGaris: Could a court alter its opinion if the Privy Council had upheld it?

The Hon. Sir ARTHUR RYMILL: The Privy Council can alter its own decision.

The Hon. R. C. DeGaris: But the High Court could not alter a decision once it had been upheld by the Privy Council?

The Hon. Sir ARTHUR RYMILL: I think this is probably correct. I do not know what the new position is, because Privy Council appeals in Commonweath matters have been, or are being, abolished. Whether the High Court would consider itself as remaining bound by Privy Council decisions in these circumstances I do not know, but I know that the Privy Council, which is the ultimate authority at the moment, is not bound by its own decision.

Also, there is a right of appeal to the Privy Council on a matter of this nature, and thus there is absolutely no certainty that this decision would not be upset by a different Privy Council from that which made it, particularly, as one could say in a sense it offends against the fundamental principle of the sovereignty of Parliament. Therefore, if anyone cares to rest on the watertightness of this clause, I suggest that that person would be looking for trouble because the clause is not watertight. I say dogmatically that no-one on earth can say that this attempted entrenchment is watertight. In fact, my view is that one of these days the courts will alter their decision on this matter and say that a sovereign Parliament is a sovereign Parliament after all, that it cannot bind its successors in any form, and that those successors are entitled to take command of their own procedures. It is only common sense that that should be the case.

I have touched on the question of voting ages. At present, although members of this Council have to be 30 years of age before they may be elected as members, the minimum voting age is 21 years, except in the case of members of the armed forces, for whom there

is no minimum age limit. Therefore I assume, if we did as the Russians are doing at present and trained 10-year-olds (provided they qualified as members of the forces) then they would be entitled to vote for elections of this Council because there is no lower age limit for members of the forces who are enfranchised.

The Labor Party, as I see it, has a move on foot to reduce the voting age to 18 years, and I find its grounds for doing so rather ridiculous. That Party says that young people are more mature at the age of 18 years than they used to be. Any anatomist or anthropologist will agree that it takes centuries to alter biological features in people. I think that when people say that young persons at the age of 18 are more mature they really mean they think they are better educated at that age. I think that, as a generality, that may be so, but where would the line be drawn below what used to be the legal one of 21 years as the age of majority, which was established for very good reasons indeed?

Once the age of majority is reduced below that level, where will it finish? First, it may be reduced to 18-year-olds, then it could be said, "Eighteen years, yes; but what about a boy or girl of 17 years? Why should 17-year-olds not be included?" To carry this further, why should not 16-year-olds have the right to vote, and so on? It might even reach the stage of my Russian soldier example of 10 years of age if the principle being advocated by some people is followed: that is, if people fight for their country they should have full voting rights. From there it would not be illogical to move still further down to children of tender years, because they are human beings and, on the principle expounded, as I understand it, every human should have a vote. Why should we not get right down to infants of tender years? If that occurred, then of course there would have to be a proxy vote, but who would exercise that proxy?—the parents, who are the very people entitled under this franchise to vote at present on behalf of the whole household. It would be the senior members of any household in the State. I stress that there is no household not qualified to a vote: at least one member of every household in this State can have a vote at present for the Legislative Council.

Under the Hon. Mr. Rowe's Bill in the case of a married couple, at least two members of a household would have the right to vote. They, in effect, would be voting for the whole family in relation to the House of Review. What is wrong with this? I think most thinking members are agreed that there should be a different franchise for this Council from that for another place. What is wrong with each household having its voting representative for the whole household? Why should not this remain the case: is it not a very good franchise? I think it is; I believe in it, and I repeat, in conclusion, that the franchise of the Legislative Council debars no-one in the State. Every person in South Australia, subject to the general provisions applying to all, can qualify for a vote, and indeed I go further and say will qualify sooner or later if the Hon. Mr. Rowe's Bill is passed. They will qualify if they are the sort of persons that people should want to make the decision as to who shall be elected to run the country. I do not propose to vote for the Bill in its present form.

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

INDUSTRIAL CODE AMENDMENT BILL (No. 1)

Adjourned debate on second reading.

(Continued from November 27. Page 2765.)

The Hon. C. R. STORY (Minister of Agriculture): The Bill introduced by the Hon. Mr. Kneebone is the subject matter of discussions we had in this Council when a similar Bill was before us previously. I oppose this Bill on the ground that the present jurisdiction of the Industrial Commission to make awards for employees in any industry as applying to the Code should not be extended to persons who are not employees. In his second reading explanation the Hon. Mr. Kneebone pointed out to honourable members the need for this amendment. Just what the honourable member is setting out to do is fairly obscure. I do not know whether he has made it obscure, or whether that is the way it has to be, but what this is actually designed to do is obscure.

All that was said when the explanation was given was that its purpose was to enable the Industrial Commission to protect standards prescribed by awards from being undermined by the direct or indirect use of persons who were not subject to an award. If its intent is to control or restrict independent contractorship (and it appears that this is the real objective), then it fails to achieve that objective.

According to the wording, the new paragraph would enable the commission to include in an award a provision to prevent the term (not

terms) and conditions of employment, in the industry embraced by the award, from being adversely affected by the use of labour not subject to that award.

The Hon. A. F. Kneebone: I think that word should be "terms".

The Hon. C. R. STORY: Well, of course, probably a good deal of the argument would be clarified if the honourable member could make sure about this.

The Hon. A. F. Kneebone: It should be "terms".

The Hon. C. R. STORY: Otherwise, the provision would be even more objectionable to some people than it is. The *modus operandi* is not clear. Section 30 of the Code provides that an award is only binding on the parties before the Industrial Commission, and section 28 further provides that a common rule order is limited to an industry. The word "industry" is defined in section 5 of the principal Act and, in general, the whole of the industrial arbitration system established by the Industrial Code is limited by the meaning of that word "industry".

It appears that the word "industry" as used in the proposed paragraph is intended to have a wider meaning. The Industrial Court has decided that an independent contractor with no employees is not in "industry", so he cannot be bound by an award or common rule. In cottage building, it is not uncommon for the bricklaying to be performed by subcontractors. However, I doubt whether this subcontracting can be said to adversely affect the terms and conditions of employment in the industry of the occupations of bricklayers covered by the award. The terms and conditions of employment are fixed by the award and are not affected by subcontracting, although subcontracting may make it more difficult to obtain employment in terms of the award.

For a number of years disagreements have arisen as to whether cementing work should be performed by plasterers or builders' labourers. It appears that the proposed clause will enable the plasterers to apply for a provision in their award preventing builders' labourers from performing such work. If this happened, undoubtedly the builders' labourers would seek a provision in their award preventing plasterers from doing such work. Therefore, it appears that, although the proposed clause would not be effective as regards controlling subcontractors, it would create more problems of the kind to which I have just referred.

Honourable members will recall that last year an attempt was made, in a more limited form, to bring subcontractors within the jurisdiction of the Industrial Commission, but this Council did not accept the proposal, The Hon. Mr. Potter pointed out on that occasion that the attempt to make subcontractors subject to an award of the Industrial Commission was an infringement of the liberty of a subcontractor who wished to continue as such. In explaining the Bill, the Hon. Mr. Kneebone referred to persons who do work in their own homes for someone else. The Industrial Code, in sections 168 and 169, already requires any person who, outside a factory, prepares or manufactures articles for an occupier of a factory for trade or sale, to register with the Secretary for Labour and Industry.

The Hon. A. F. Kneebone: They only register; there is no control over their rates of pay or piece-work.

The Hon. C. R. STORY: The factory occupiers concerned are also required to register and to keep records, including the prices paid for such work, which records are subject to inspection.

The Hon. A. F. Kneebone: The court has no control over the rates they charge.

The Hon. C. R. STORY: The honourable member's amendment is far wider than anything that was even discussed last year. I have raised these points because I think this information will be of some benefit to other honourable members who wish to contribute to this debate, and in order to give members some idea of the feeling of the Government on the matter and also the feeling of the Government's advisers who, after all, were the advisers to the Hon. Mr. Kneebone only a short time ago. I do not support the Bill.

The Hon. F. J. POTTER secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL (No. 1)

In Committee.

(Continued from November 27. Page 2764.)

Clause 4—"Letting of permitted club premises."

The Hon. G. J. GILFILLAN: I move:

To strike out "subsection" and insert "subsections".

Amendments to insert further subsections dealing with permit licences of clubs are on honourable members' files. I move this amendment because many difficulties are associated with obtaining a permit for clubs

when the premises are shared by two or more bodies or clubs. I appreciate the gesture of the Leader of the Opposition in this place in agreeing to progress being reported last week so that these proposed amendments could be considered, because it had only just come to my knowledge that they were not included in the Bill that is now in another place.

The dual use of premises is important in the country, as it is for some clubs in the metropolitan area. A common instance is where a bowling club and a Returned Services League club share the same premises, and under the present Act it is impossible for either of them to obtain a licence. I believe it is an anomaly because, before the present Licensing Act came into force, if two bodies shared the same club premises, in many cases, as we all know, they had liquor on the premises although this did not comply with the Act. There was no problem in sharing the premises and pursuing their respective activities.

The proposed amendments refer not only to the sharing of premises but also to fees. I believe Parliament intended that the scale of fees for clubs should be between $5 and $50, based on the size of the club and its ability to pay. An amendment I now have on file covers this point. Another amendment directs the court, in determining whether the condition of premises in respect of which a permit is sought is adequate for the granting of a permit, to have regard to the number of members of the club, the frequency of its use of the premises, and its capacity (financial or otherwise) to make improvements to the premises. I do not intend to encourage drinking in substandard conditions but there are many clubs with a small membership which are not dealing with the public but which get a series of conditions laid down by the court—in many instances more restrictive than those laid down for the local hotel, which is dealing with the public.

Also, it is sometimes physically impossible for clubs to meet these conditions. For instance, on Eyre Peninsula there are centres with no reticulated water supply, and it is hard to meet the conditions laid down for a permit or a licence because a septic tank system and hot and cold running water cannot be provided. In those cases, the conditions should be altered so that, provided the premises are hygienic and not substandard, discretion can be used. Again, in certain clubs (and particularly in some R.S.L. clubs) the members, because of age, are unable to help physically in improving the club, and such work must be paid for out of their pockets. All these things should be considered. My first amendment will be a test whether the following amendments are acceptable or not.

The CHAIRMAN: This first amendment is consequential upon later amendments being moved, so I will allow some latitude in this matter to all members of the Committee in debating the amendments.

The Hon. A. J. SHARD (Leader of the Opposition): I raise no objection to this amendment. I said last year that we had experienced some difficulties in the licensing of clubs and that, if helpful suggestions could be made to improve the legislation without causing hardship, we would raise no objection to them and would be happy to consider them.

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

In new subsection (7) to strike out "may not be" and insert "is not being".

In moving this amendment and subsequent amendments, I do not intend to encourage the consumption of large quantities of liquor nor do I believe they will interfere unduly with the business of hotels. I want to make that point plain, because any liquor consumed in a club must be bought from the local hotel. My reason for this amendment is that I believe that clause 4, as drawn, does not fully comply with the intentions of the Leader of the Opposition.

From experience, I have found that, when clubs apply for a permit or a licence, they cannot visualize their future programme for the whole period of the permit or licence, so they apply for a blanket permit or licence to cover the hours during which they may need to use the club premises—perhaps from 10 a.m. to 10.30 p.m., thus covering afternoon and evening functions. Under the clause as originally drawn, club premises could not be let at any time within those hours. My amendment will enable the premises to be let, provided liquor is not being sold under the conditions of the permit or licence while some other body is occupying the premises.

The Hon. A. J. SHARD: I raise no objection to this because it clarifies the position. I hope it will have the effect that we intended.

Amendment carried.

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

In new subsection (7) to strike out "a person or association not a member of or associated with the club" and to insert "persons or an association of persons, whether or not those persons are members of or that association is associated with the club".

The purpose of the amendment is to provide that where, say, football, bowling or cricket clubs let their premises to associations, such as the Mothers and Babies Health Association and Red Cross, their members will not be prohibited from using the premises for functions such as a wedding or a birthday party. This matter has been discussed with the Parliamentary Draftsman who said that the amendment will ensure that a member of such a club will not be barred from holding that sort of function.

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

To insert the following new subsections:

(8) An association, society or other body shall, for the purposes of this section, be deemed to be a club, and may be granted a permit under this section, notwithstanding that it does not have the exclusive use, occupation or control of the premises in respect of which the permit is sought or that its use, occupation or control of the premises is intermittent, periodical or occasional.

(9) The fee prescribed for a permit under subsection (1) of this section shall vary in proportion to the number of members of the club.

(10) In determining whether the condition of premises in respect of which a permit is sought is adequate for the grant of a permit, the court shall have regard to the number of members of the club, the frequency of its use of the premises, and its capacity (financial or otherwise) to make improvements to the premises.

I have already explained the reasons for these amendments and it is, therefore, unnecessary for me to repeat them.

Amendments carried; clause as amended passed.

Clause 5—"Letting of Licensed Club Premises."

The Hon. A. J. SHARD moved:

In new section 88 to strike out "or association not a member of or associated with the club" and insert "persons or association of persons, whether or not those persons are members of or that association is associated with the club".

Amendment carried; clause as amended passed.

Clause 6 and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 2—"Wine licence in gallery or museum"—reconsidered.

The Hon. M. B. DAWKINS: I move:

At the end of paragraph (*a*) to insert "or any other premises so situated that are in the opinion of the court by reason of their nature or character likely to attract tourists".

My purpose in seeking further consideration of this clause is to widen slightly the definition contained therein regarding a museum or art gallery. This is because representations were recently made to Senator Laucke regarding certain premises in the Barossa Valley that were considered to be of superior quality and of attraction to tourists. This matter was then referred to me, and I asked my colleague, the Hon. Mr. Teusner, to examine the situation. He has now done so and believes that this amendment is worth while. He has suggested to me that even at this late stage we might consider widening the definition slightly. The purpose of the amendment is to enable the court to use its discretion in respect of any premises which may not strictly come within the definition of a *bona fide* museum or art gallery but which may commend themselves to the court as suitable premises for the sale of wine.

Honourable members know me well enough to realize that I would not be anxious to widen this clause unduly. However, I believe there are instances in the Barossa Valley where it may be necessary for an amendment of this type to be passed so that the court may use its discretion in this way. I believe the premises Mr. Teusner has examined are highly desirable and that it would be good from the point of view of tourists if this amendment were passed.

The Hon. C. R. STORY (Minister of Agriculture): I support the amendment. As the honourable member has said, the amendment will enable the court more fully to use its discretion which is, after all, what we have the court for. I am confident that the court will examine all possibilities and that all persons interested and who have the opportunity to do so will put their case either for or against any applications that are made. Experience over the last few years has shown that people are not backward in coming forward to put their case to the court. I know the predicament that some Barossa Valley people are in, and I support the amendment.

The Hon. F. J. POTTER: Having recently spent a fortnight in the Bahamas, I am a great believer in the tourist industry, because that part of the world has no other industry. I am prepared to support this amendment because the premises must be close to an area where wine is produced. Because I do not like to vote for something that I do not clearly understand, I should like to be given more details of the kinds of premises intended to be covered by the amendment.

The Hon. A. J. SHARD: This is a necessary amendment. The Minister of Agriculture is not the only one who has complete faith in the courts. The principal Act has been policed very effectively: indeed, sometimes I think the court has been a little too strict. In my second reading explanation I said:

Clause 2 amends the wine licence provisions of the principal Act. The Royal Commissioner recommended that no further wine licences be granted and that after a five-year period all wine licences be converted either to restaurant licences or to retail outlets for bottles. That proposal was modified before Parliament when the Bill for the 1967 Act was before the House of Assembly, making an exception to the continuance of wine licences for wine saloons where substantial food was served with wines and the premises were of adequate standard. The development of the Chesser Cellar in Adelaide had shown the public demand for reasonable facilities of this kind, and it was the intention of the Government to encourage the development of such facilities, but the provision was retained in the Act that no new wine licences were to be provided.

This Bill provides an exception to that latter provision. It is proposed that if the court is satisfied that by doing so it would promote the sale of wines of good quality produced in the State it may grant a wine licence in respect of the premises of a *bona fide* museum or art gallery situated in or close to a wine-producing area. The exception will, of course, only have a very limited effect but may well provide a facility for tourists and for the encouragement of sales of good quality wines if such licences are granted. The amendment provides that the premises are to be suitable and that the wine licence may be renewed after the five-year period provided it conforms with the other provisions in the Act for the continuance of the licences. I do not think the provision will open the door too wide.

The Hon. L. R. HART: I support the Bill, but I have been concerned with the wording of clause 2. I should be grateful if someone would clarify what is meant by the words "close to an area of the State in which wine is produced". I am particularly concerned about the words "close" and "produced". In one area grapes may be grown but wine may not be produced and in another area wine may be produced but grapes may not be grown. The amendment brings in a wider category of premises for which a licence can be granted. I know of areas which are visited by tourists and which are only an hour's drive from an area where wine is produced. These areas could well become important tourist attractions if these facilities were available. This could apply to the whole length of the Murray River and to areas on the coast of Spencer Gulf. Wine is not produced in the immediate vicinity of these areas but they are close to areas where wine is produced.

The Hon. A. J. SHARD: I would not like to be the person who had to define the word "close". However, what is meant is an area where there is a winery in production or where grapes are grown, such as Renmark, Berri, Loxton and Barmera. We can stretch this to any length in our minds, but we have a court that has done a very good job in trying to unravel the principal Act, and I have complete confidence that it will not open the door too wide.

The Hon. R. A. GEDDES: I support much of what was said by the Hon. Mr. Hart. Whilst I, too, have faith in the court, it must look at the words "close to an area" and interpret them fairly strictly. The amendment is fairly restrictive. An area close to an area where wine is produced may be an area close to the Murray River and the Barossa Valley. There are museums at Quorn, Port Lincoln and Port Augusta, but wine is not produced in those towns. There is a growing tourist industry at Coober Pedy: I do not know whether people want to drink wine there, but is there any reason why they should not be allowed to do so?

The Hon. S. C. Bevan: Under this clause they would not be allowed to do so.

The Hon. R. A. GEDDES: I agree. There is a popular museum at Quorn. A small motel has been established nearby and it is hoped to increase accommodation by about 200 beds because of the fantastic popularity of this museum. Should those people be denied the right to have a wine licence enabling them to sell a product of the State? If people in Angaston are permitted to sell that product, a similar right should be given the people of Quorn. Chesser Cellars have been mentioned several times and it has been said that they sell wine exclusively. Before this amendment was proposed, Chesser Cellars could have been considered to be close only to the Barossa Valley or the wine-growing areas south of Adelaide. I presume it will be close enough to comply with this provision because grapes are grown south of Adelaide. I do not think we should cater exclusively for areas close to Adelaide. Let us remember that the court must finally interpret this provision as it is written.

The Hon. M. B. DAWKINS: I believe we can rely on the discretion of the court and that it will interpret the clause with a sense of responsibility, as it has done over the years.

If the Hon. Mr. Hart wishes to query the word "close" (and the Hon. Mr. Geddes has given instances of what it might mean to some people), then I believe that any member really concerned need merely move an amendment to delete the words "or close to". However, I do not think that is necessary.

The Hon. L. R. Hart: I do not wish to restrict the area.

The Hon. M. B. DAWKINS: Then I think the honourable member need not concern himself with the words "close to". The Hon. Mr. Potter asked for an instance that led me to move the amendment. One I can mention is a wine garden area overlooking Seppeltsfield. There one can be served with afternoon tea from premises adjacent to this magnificent garden. I believe premises of that nature are not covered by the words "museum or art gallery". That is why I moved my amendment.

The Hon. R. A. GEDDES: May I have a ruling, Sir? If I wish to move that the words "or close to an area of" be deleted, do I foreshadow an amendment to be moved after a vote is taken on the Hon. Mr. Dawkins's amendment?

The CHAIRMAN: That will be an amendment that comes earlier than the amendment under discussion. If the honourable member desires to move his amendment, it will be necessary for the Hon. Mr. Dawkins to withdraw his amendment temporarily until the Hon. Mr. Geddes's amendment has been considered.

The Hon. R. A. GEDDES: Because of my conviction that this should be a State-wide approach, I ask the Hon. Mr. Dawkins if he would allow one to move this amendment.

The Hon. M. B. DAWKINS: I would prefer to proceed with my amendment, and I cannot see the point of the honourable member's suggestion.

The CHAIRMAN: It is not before the Committee at this stage. What the Hon. Mr. Geddes is asking is that the honourable member's amendment be withdrawn temporarily in order that he might move his amendment, which could then be debated.

The Hon. M. B. DAWKINS: I ask leave to withdraw my amendment temporarily so that the Hon. Mr. Geddes's amendment can be considered.

Leave granted; amendment withdrawn temporarily.

The Hon. R. A. GEDDES: I move:

In paragraph (*a*) to strike out "or close to".

I believe a State-wide approach should be made to this matter

The Hon. M. B. DAWKINS: If the honourable member removes those words, wine sales will be restricted to areas of the State in which wine is produced. Is that the honourable member's intention?

The Hon. R. A. GEDDES: I will have to seek further advice from you, Mr. Chairman, because the amendment I intended to move was to strike out "or close to an area of". As I seem to be getting into difficulty, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. M. B. DAWKINS: I move:

At the end of paragraph (*a*) to insert "or any other premises so situated that are in the opinion of the court by reason of their nature or character likely to attract tourists."

This is the amendment which I moved previously but withdrew temporarily.

Amendment carried; clause as amended passed.

Bill reported with a further amendment. Committee's report adopted.

FRUIT AND PLANT PROTECTION BILL

Read a third time and passed.

EXPLOSIVES ACT AMENDMENT BILL

Read a third time and passed.

POOR PERSONS LEGAL ASSISTANCE ACT AMENDMENT BILL

Read a third time and passed.

SCIENTOLOGY (PROHIBITION) BILL

(Adjourned from December 3. Page 2883.)

In Committee.

Clause 1—"Short title."

The Hon. C. M. HILL (Minister of Local Government): The Bill, which has been reprinted and is now on honourable members' files, includes the amendments the Select Committee recommended in its report. That report was circulated to members yesterday and was laid on the table and ordered to be printed. Also, there have been some minor drafting amendments to clause 3. Those amendments, circulated a few moments ago, are also now on members' files.

Clause passed.

Clause 2—"Definitions."

The Hon A. J. SHARD (Leader of the Opposition): I do not intend to delay this Bill unnecessarily, but I want to make quite clear my position and that of one of my colleagues. We received the report and the amendments only yesterday, and I have not had time to study them or to discuss them with my colleagues. In view of the nature of the Bill, I would not want to cast a vote without having some knowledge of the evidence that I have not already heard and without studying the effect of the amendments. Therefore, would the Minister be good enough to report progress so that we could have an opportunity to look at the matter overnight and tomorrow morning?

The Hon. C. M. HILL: I do not doubt the Leader's sincerity. The report that the committee brought down yesterday was concise. We made it as short as we possibly could because we did not want to involve members in a good deal of reading or to confuse the issues included in the report. Indeed, the proposed amendments which are part of the report—

The Hon. A. J. Shard: I read those through yesterday.

The Hon. C. M. HILL: They are not very lengthy, nor do they make a great deal of change to the measure previously before this Chamber. I will just dwell briefly on the proposed changes. The point that concerned the committee greatly was one that was raised by some of the witnesses—that there was a fear in their minds that as the Bill was originally drafted some books or literature that dealt with scientology could have been confiscated by order of the Attorney-General.

Members of the Select Committee considered that it would be contrary to the concepts of civil liberty in this State if a person was not permitted to hold and retain a book which simply was, for instance, a novel dealing in some respects with scientology. So our amendments have covered this point beyond doubt; or, putting it in another way, any person who wishes to obtain a book or general literature that deals with scientology may do so, and he may keep that book and place it on his bookshelves with no fear that the State can, in effect, unexpectedly move in and confiscate it. That is the principal change recommended by the Select Committee.

The amendments bringing about that change are not particularly complicated. It is brought about simply by changing the definition of "scientological records" so that it does not include the literature and the books to which I have referred. The second important change that we have suggested is that the E-meter or galvanometer or an instrument of that nature used in scientology should be banned. We noticed that in the Western Australian legislation recently passed the same policy had been adopted by the Western Australian Government.

The Hon. D. H. L. Banfield: What is happening in New South Wales?

The Hon. C. M. HILL: I understand the position there is that the New South Wales Government has been looking at this whole question of scientology, as have most Governments in Australia, and that at the moment it does not propose introducing any legislation for the banning of scientology there. As I was saying, the Select Committee believes that the E-meter should be banned; but, by the same token, we heard evidence that instruments of this kind are used by legally qualified medical practitioners who specialize in psychiatry and by those qualified to practise psychology. Of course, similar instruments are used in ordinary experimental work in the teaching of physics and science in the schools, colleges of technology and universities.

The Select Committee has proposed exempting those categories from the ban that it has recommended. These are the two major changes in this measure. In considering the sincere request of the Leader of the Opposition, I do not think that those two changes are such that they need much further consideration. They were mentioned concisely in the report that came down yesterday, and the suggested amendments do bring about those changes to which I have referred.

Generally, we have introduced a definition for a galvanometer and we have clarified the definition of "scientological records" by culling from it the heading of general literature; and scientological records now are simply all personal records, records of a confessional nature made by people who are introduced to scientology or who are taking part in the process of teaching scientology.

Then in clause 3 we have simply banned the use of the galvanometer and made certain exemptions where necessary. The worry to some people caused by this clause seemed to be narrowed to that one point, that it was not proper that people who wanted simply to buy a book on the subject and read it at home should be in any fear that the book might be confiscated. We have deleted

that from the definition of "scientological records", so that power is not now granted to the Attorney-General as it may have been before.

Also, we have limited the wide regulatory power that was in the final clause of the Bill. We think that, if a future Government wishes to make any amendment on this general point and tackle the matter of scientology again or make the powers any wider, it should come back to Parliament to do that. So, to prevent the possibility of unfair regulations being brought down, we have recommended that the real teeth in the regulatory clause (clause 9 in the new Bill) be deleted from that clause.

I want to be as co-operative as possible with the Leader of the Opposition on this measure. The changes to which I have referred are not extensive or complicated. The report came down and has been available since yesterday to honourable members. Taking all these things into consideration, I think I am not being unfair when I say I cannot agree to the request of the Leader of the Opposition for further time to consider the matter.

The Hon. A. J. SHARD: I have not read the report (I merely glanced through it yesterday) but, when we go through the measure, I shall oppose each clause. I will divide the Committee on each clause, simply because I do not understand the Bill, which is set down as 17a. It is all very well for the Minister to say that he has done this and that. I am not concerned one iota with scientology but I am concerned with the civil rights of the people of this State, and anything affecting those that is attempted to be rushed through this Chamber in this fashion will not receive my support. Perhaps after I have studied the Bill and got advice and assistance I can support it, but a Bill that I have not read and which is No. 17a I will divide the Committee on, as we come to each clause.

I will take the stigma that has been unfairly applied to me, my children and my daughters-in-law that I believe in scientology. I want to make the statement (and I hope the press notes this) that I do not believe in scientology; nor do I support it or have any sympathy for it. On the other hand, the people of this State have certain civil liberties, and this Bill is taking away from some persons something that they believe in. If the Government wants to continue in this way, then let it.

The Hon. R. C. DeGARIS (Minister of Health): Perhaps one could examine the history of this matter so far. I point out to the Leader that this session is rapidly drawing to a close and that Bill No. 17 has been on members' files for over two months (indeed, I think it is 10 weeks). The Bill passed the second reading stage after having been debated, and the matter was referred to a Select Committee, the report and evidence of which were tabled yesterday.

Every member has had ample opportunity to become fully aware of the provisions of Bill No. 17, and should be fully aware of the rather minor changes that are being made by the recommendations of the Select Committee. I admit that modifications have been made to the original Bill, but those modifications are of small moment. Indeed, they ensure that the civil liberties of any person who may be involved are preserved, and I cannot understand the Leader's outburst in relation to this matter. If he has any questions regarding the recommendations of the Select Committee he can ask them now.

The changes that are being made to clause 2 of the Bill are underlined and are in italics. Therefore, in a matter of seconds, any member can see the alterations being made. Definitions of "galvanometer", "E-meter", "school" and "scientological records" are included. Indeed, the words "which relate to the teaching, practice or application of scientology or any stage thereof by or in relation to any particular person" are deleted, and new words are inserted. Members should be fully able at this stage to consider the alterations that have been suggested by the Select Committee, especially as the original Bill has been on members' files for 10 weeks and that Bill passed the second reading by a unanimous vote.

The Hon. S. C. BEVAN: I am afraid I cannot agree with the Minister's contentions in relation to this matter. I am well aware, as are all other members, that the second reading of Bill No. 17 was passed by this Council and that during the second reading debate the appointment of a Select Committee to inquire into the matter was suggested. That committee has sat, taken evidence and reported back to this Chamber, and its report and records of evidence have been tabled. I am also aware that every member has received the report and recommendations of the committee, and that the amendments in relation to the report were distributed yesterday afternoon.

I agree with what the Hon. Mr. Shard said regarding the practice of scientology, and I make it clear that I am not interested in it.

When I felt it necessary to withdraw from the Select Committee a member of this Chamber said that I supported scientology in this State. However, I am not concerned with such statements. I merely desire an opportunity to examine the minutes tabled in this Chamber so that I will have some idea of the evidence placed before the Select Committee. I can then consider whether or not the Bill should be passed. I therefore ask that progress be reported so that members may have an opportunity of doing that. If the Minister adopts the attitude that he cannot accede to that request, I will have no alternative but to vote against the Bill.

The Hon. C. M. HILL: Bearing in mind the representations that have been made since I last spoke on this matter I am prepared to move that progress be reported, but that further consideration be taken on motion.

Progress reported; Committee to sit again.

Later:

The Hon. A. J. SHARD: I still protest at the undue haste with which this Bill is being pushed through today. We have had some discussions during the tea adjournment, but I point out that the Committee's report was submitted yesterday and I did not have an opportunity of reading it until lunch time today. I did not work last night, and I do not believe members should be expected to do that. The Bill has been on file for some weeks, but the report of the Select Committee was received only yesterday. I did not know that Bill No. 17A was on the file until this afternoon and we have not had time to consider amendments.

I know we cannot stop the Bill from going through if it is the wish of the Government to put it through, but other Bills have been on file for a number of weeks, many of them dealing with constitutional matters affecting all citizens, and no serious attempt has been made to deal with the list. Many Bills have been discussed with only one speaker a day, and with adjournments from week to week.

The Hon. R. C. DeGaris: This Bill has been on file longer than some others.

The Hon. A. J. SHARD: I doubt whether it has. I said it was on file for 10 weeks, but the real kernel of the Bill was placed on file yesterday. A fortnight ago the Council rose at 3.20 p.m., yet we are now asked to rush through a Bill that will affect only a few people in the State. On a percentage basis, these people would represent a most minute portion, and I protest against the procedure being adopted. I have not made up my mind on the Bill, nor do I think anyone else could do so in three or four hours.

The Hon. Sir Arthur Rymill: How long did the other place take to pass the Constitution Act Amendment Bill?

The Hon. A. J. SHARD: That Bill was in the other place for a specific purpose on that day.

The Hon. Sir Arthur Rymill: It took one day!

The Hon. A. J. SHARD: Let us be honest and straightforward about this—

The Hon. R. C. DeGaris: That is what we want you to be!

The Hon. A. J. SHARD: That Bill was passed on one day because if it had not been passed it would have lapsed. From that day Government business took precedence over all other business.

The Hon. Sir Arthur Rymill: That matter is in the hands of the House.

The Hon. A. J. SHARD: No, it is not. The Government has the numbers and when it wishes to stop private business it takes precedence itself over all other business. That has been the practice for more than 25 years, to my knowledge.

The Hon. D. H. L. Banfield: Government members are only trying to mislead the public.

The Hon. A. J. SHARD: They cannot mislead me because I know Parliamentary procedure. I have been here too long not to know—

The Hon. Sir Arthur Rymill: You may repeat that: you have been here too long.

The Hon. A. J. SHARD: I was saying I have been here too long to be misled in Parliamentary procedure. Honourable members may be as smart as they wish on this matter, but I cannot be tricked when it comes to Parliamentary debate. If honourable members are fair, they will agree with my comments on procedure in the other place. That is how the Bill mentioned was dealt with in one day in that place. We have tomorrow to deal with this matter. We have submitted this Bill to a few of our people, and make no apologies for doing so; we want to know where we are going.

The Hon. C. R. Story: And so do we want to know where you are going!

The Hon. A. J. SHARD: I repeat: we want to know where we are going, and we cannot make up our minds during the dinner hour. That may have been done in another place, but in that instance they had a week's notice.

The Hon. R. C. DeGaris: You have to consult with others.

The Hon. A. J. SHARD: We did not attempt to do what is being done with something that will affect the people of this State. When civil rights are in question, great care must be taken. Before I support anything that debars a person from doing anything within reasonable bounds I want to be 100 per cent sure in my own mind that I am right.

The Hon. Sir Arthur Rymill: If you are so worried about civil liberties why did you go off the committee?

The Hon. A. J. SHARD: Honourable members may hear more from me on that matter in the future, but civil liberties are too important to be dealt with hastily, and it is no good honourable members getting cross over my remarks.

The Hon. R. C. DeGaris: We are not getting cross; it seems the Leader is, though.

The Hon. A. J. SHARD: This Bill has been put through more hastily than any, with the exception of one other this session: the one introduced by the Hon. Mr. Rowe when members opposite had the audacity to put off Government business in order to deal with a private member's Bill and now—

The Hon. D. H. L. Banfield: And they then denied us the right to do likewise.

The Hon. A. J. SHARD: Yes. I want to say that I am in the same frame of mind as I was this afternoon. I take a long time to make up my mind what I am going to do when it comes to taking away civil liberties. It is important that a proper decision be made, and I am not sure that the present proposal is a proper decision. It seems that one section of the community has been picked out, but I could name possibly four others just as bad (if not as bad, then nearly so), but they will be permitted to continue their activities. I do not want to name the organizations because honourable members are aware of them. There was a newspaper report on another sect last week, but I did not hear of any proposed action against that body.

The Hon. C. M. Hill: Then perhaps the honourable member had better bring in a private member's Bill in order to take action against it.

The Hon. A. J. SHARD: I do not want to take action on that. I think this matter could be handled in a better way. Surely a law could be made that would prohibit anybody from doing some of the things alleged without the necessity of using a bar in this way. Paragraph 10 of the committee's report states:

Your committee believes that consideration should be given to the registration of trained professional psychologists in South Australia.

I think we could make laws regarding the E-meters and other things, and if people transgressed such laws we could deal with them. No matter how wrong we may think people are, if they want to meet together, if they think they are attending something that is a church, if they get some satisfaction out of this and they do no harm to anyone else, they should be able to do these things. That is my view and, whether or not my colleagues would express themselves exactly as I have done, I am sure they would agree with me. I oppose the clause, and I also oppose the Bill, although I would have liked more time to consider this matter. In the circumstances, I will vote against the clause.

The Committee divided on the clause:

Ayes (13)—The Hons. M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Clause thus passed.

Clause 3—"Prohibition on the practice, etc., of scientology."

The Hon. C. M .HILL: I move:

In subclause (3) (*c*) after "subsection (4)" to insert "of this section"; to strike out "section" and insert "subsection"; in subclause (4) after "that" to insert "subsection (3) of"; and to strike out "like".

These are simply drafting amendments that have been found necessary since the Bill was reprinted.

Amendments carried.

The Hon. D. H. L. BANFIELD: I oppose this clause. I wholeheartedly agree with everything the Leader said tonight. This provision denies any person the right to practise scientology, and in so doing it denies the rights of anyone who feels that he is getting some good from it. I see no reason why something should be banned just because we in this Chamber may not believe in it. Not one bit of evidence has been brought to us as to why this organization more than certain other organizations should be banned. I know that hardships are experienced by people connected

with other organizations. As was said earlier, in one case that has been mentioned the Coroner said that in his opinion such a hardship was the cause of a suicide being committed. However, no action was taken by this Government to ban that organization.

The Hon. R. A. Geddes: That did not happen in this State.

The Hon. D. H. L. BANFIELD: I did not say that it did. Nothing has come forward out of the committee's report which gives sufficient ground on which to take away the civil rights of people in this State. We saw what took place when a man was called before the Bar of this Chamber: he was condemned without any reason being given by the mover of the motion.

The CHAIRMAN: Order! The honourable member cannot reflect on decisions of this House.

The Hon. D. H. L. BANFIELD: I am not reflecting—

The CHAIRMAN: Order! The honourable member is reflecting.

The Hon. D. H. L. BANFIELD: I apologize if I reflected on this House. I am saying that the committee furnished no proof that made it necessary for this Bill to come forward. Many people are caused hardship as a result of being connected with other church organizations, and this body claims to be a church. I do not know whether or not scientology is a religion, but I am not interested in that part of it: all I am interested in are the civil rights of a citizen, and if a person wants to practise scientology or if he wants to practise Methodism I maintain that he should have that right.

Hardships are sometimes caused as a result of mixed marriages which break up families. Are we going to ban either of the organizations (in this case the churches) that applies pressure? Why are we attacking this particular cult? We have followed other States in this matter and with other legislation, but we find that New South Wales, which is the largest State, has decided not to ban scientology because it believes in the civil rights of the individual. That State is not taking away the civil rights of its people as the Government in this State intends to do, yet this State has no more evidence before it than has New South Wales.

The Hon. M. B. Dawkins: You supported the second reading; you are playing politics.

The Hon. D. H. L. BANFIELD: The honourable member says I am playing politics but the fact remains that this report appeared only yesterday. The passage of the Bill was held up so that we could study the report of the Select Committee. Because I have studied it and am commenting on it, the Hon. Mr. Dawkins says I am playing politics. The fact remains that I was against the principle of the banning of civil rights, and I said so when Mr. Klaebe was at the Bar of this Council. I say it again and do not retract a word of what I said. I oppose this clause.

The Hon. R. C. DeGARIS: In reply to the Hon. Mr. Banfield, let me remind him, first, that this Bill passed the second reading stage in this Council unanimously. Secondly, I followed the present Leader of the Opposition as Minister of Health and found myself confronted, after my first attendance at a meeting of Ministers of Health, in Darwin, with a unanimous resolution of those previous Ministers in regard to the cult of scientology. The Ministers of Health at the Perth conference agreed that, if there was any growth of the cult of scientology in any State of Australia, they would take action along the lines of the Victorian legislation, which was under discussion at that conference, to see that the cult did not grow. I think the Leader of the Opposition would agree with me fully that what I am saying is the truth.

At that conference in Darwin the unanimous decision of Ministers at previous conferences was reaffirmed. This is what the Leader of the Opposition said about this: "If it rears its ugly head, we will have a look at it and see what can be done." This is the situation in which I, as Minister of Health, find myself. No-one can deny that the cult of scientology has grown in South Australia in the last few months. One has only to see the literature presented to the Select Committee, where special people were brought from overseas, special drives were made on young people and special children's sessions were being organized, to appreciate that I was only carrying out my duty as Minister of Health in supporting the decision to which the Leader in this Chamber agreed, when the vote was unanimous.

The Hon. D. H. L. Banfield: He said he would have a look at it; he did not say he would ban it.

The Hon. R. C. DeGARIS: At both those health conferences the matter under discussion was the Victorian legislation.

The Hon. D. H. L. Banfield: And the Leader said he would have a look at it.

The Hon. R. C. DeGARIS: Very well, but it was the unanimous decision of that conference in Darwin that, if scientology showed any growth (and the discussion was upon the Victorian legislation), the Ministers would take action along the lines of the Victorian legislation. Victoria faced this problem and appointed a Royal Commission to investigate it. Certain recommendations were made and when it came to the actual drafting of the legislation, it was found that legislation along the lines of our Bill was necessary, as I believe similar legislation is necessary, too, in respect of the registration of psychologists. It was found (and all our advisers told us this) that the only way to handle this matter was along the lines we have followed. This has been done in Western Australia and in Victoria, and inquiries are taking place in this regard all over the world.

The Hon. D. H. L. Banfield: The United Kingdom is not going to do it.

The Hon. R. C. DeGARIS: Great Britain has taken certain action.

The Hon. D. H. L. Banfield: It has made an announcement that it is not going to do it.

The Hon. R. C. DeGARIS: If the honourable member studies the situation in Great Britain, he will find that very shortly similar action will be taken there. I will wait and see the position in New South Wales in a year or two's time.

The Hon. D. H. L. Banfield: But you are not waiting at all.

The Hon. R. C. DeGARIS: The Hon. Mr. Banfield is making straight politics out of this matter. I believe I have followed tradition in adopting the recommendations and the decisions of a conference of Health Ministers from all over Australia in this matter.

The Hon. C. R. STORY (Minister of Agriculture): I did not intend to rise on this matter, but I have had what one may call an armchair ride as a Minister. I agreed with the action of Cabinet in the first place—

The Hon. D. H. L. Banfield: Were the members of Cabinet united?

The Hon. C. R. STORY: Yes, they were.

The Hon. D. H. L. Banfield: For once; that is not bad.

The Hon. C. R. STORY: The Chief Secretary has pointed out clearly that he took the course I think he should have taken. The question whether the Hon. Mr. Hill should have been Chairman of the Select Committee fell to the Chief Secretary's lot to determine. I am amazed tonight to think that the Hon. Mr. Banfield would go to the lengths he has in embarrassing his Leader. I cannot think there is anything in it other than self-seeking for his own personal gratification, because his Leader was embroiled in every possible way in this matter, as he was at the second reading stage. I believe it came as as great a shock to the Hon. Mr. Banfield as it did to the members of his Party in this place when the Leader of the Opposition in another place announced that the Labor Party no longer went along with this action on scientology. If I am right in my thinking, this matter has suddenly become a religion, because in the extensive reading I have done I have found no mention of scientology being a religion until the last nine or 10 months.

The Hon. A. J. Shard: Not as long as that.

The Hon. C. R. STORY: In my reading of what is happening in other countries, I have found practically nothing about scientology being a religion.

The Hon. S. C. Bevan: In California it was.

The Hon. C. R. STORY: But that is quite a different situation there. The Hon. Mr. Banfield says that, if we do not want to believe in it as a religion, we should get out of it. If I was confident that I could get out of it if I wanted to, I would say "Good-o!" because, as a practising Anglican, I can withdraw at any time I want to. I can go to the Salvation Army and nobody will hurt me. I am not sure that the honourable member is on firm ground when he wants to get out of scientology. If I wanted to wish upon the honourable member a curse, I would say, "Let him get one of the members of his family into the centre of this", and then see his reaction.

The Hon. C. M. HILL: The Hon. Mr. Banfield said tonight that he had studied the report but, frankly, I find that hard to believe.

The Hon. R. C. DeGaris: At least he had time to do it.

The Hon. C. M. HILL: Apparently one has and the other has not.

The Hon. A. J. Shard: We had to rush it through and do it in our tea break.

The Hon. C. M. HILL: The Hon. Mr. Banfield said that he had studied the report and also said that there was not one bit of evidence to support clause 3, and he then said that nothing whatsoever had come forward. How can he reconcile those statements? His statement that there is not one bit of evidence to justify this clause is absolutely

unbelievable. Because of the host of evidence and because of what people had said regarding their fears of what would be contained in the report, we condensed the report that is in front of members now and made it as brief as possible. There is example after example in the evidence to justify paragraph 7 of the report, which says:

Your committee finds that scientology is being practised in South Australia with some very undesirable results. These include, that scientology has been, and could continue to be, a serious threat to mental health. Scientology has been harmful to family life in this State and has caused financial hardship to some citizens. People who have severed their connection with scientology have been subjected to unjust and unreasonable pressures by scientologists.

That, Sir, is an extremely brief summary of what is contained in the report of the evidence, and for anyone to get up in this Chamber tonight and say that he has read the report and that it contains not one bit of evidence, and that nothing has come forward out of the report is, as I have said before, an unbelievable contention.

The Hon. V. G. SPRINGETT: As one of those who sat on the Select Committee, I was struck by the fact that the practice of scientology started as a system of advertisements seeking to obtain followers who wished to improve their mental condition. It then developed a little further and it would seem to me (and I am very careful of the word I use here) it ensnared more and more people. When things began to get a little hotter it began to take the name of a church. I will not say that a church must be a Christian church; there are many other types of church and religion in the world. But when it can be said that the church is completely willing to reform any and all abuses if they exist and to abolish disconnecting letters (as they are called), and has ceased to keep records of confessions, one wonders just what has gone on beforehand and what will go on in the future if such a request is adhered to.

We are not here saying that people should observe the same pattern of life and the same following as everyone else, but surely we are here to protect those who need protection and to ensure that society is not attacked or damaged by practices of a minority as well as of a majority. I believe in the rights of the individual and I believe in my own rights. Indeed, my own rights are not more important than anybody else's, but I cannot believe in licence and unbridled liberty. I feel very strongly about that.

The Hon. D. H. L. BANFIELD: I am surprised at what the Minister who has just spoken said about my having read the report. I said this afternoon that nothing has come before us which would justify the banning of this cult.

The Hon. R. C. DeGaris: Did you read the report?

The Hon. D. H. L. BANFIELD: The Minister referred to paragraph 7, but perhaps I could substitute the following for that:

Your committee finds that the drinking of alcohol is being practised in South Australia with some very undesirable results. These include, that the drinking of alcohol has been, and could continue to be, a serious threat to mental health. The drinking of alcohol has been harmful to family life in this State and has caused financial hardship to some citizens.

Nothing more than the drinking of alcohol could apply to this, yet every member of this place this afternoon supported the chance for the people, if they so desired, to have extended rights to drink alcohol. We are extending these things which are harmful to life and which cause financial hardship to some citizens. Members are not prepared to condemn the drinking of alcohol, but they are prepared to do so regarding scientology. There is absolutely no difference in the procedure, so I ask the Committee to at least be consistent in its actions.

The Hon. C. D. ROWE: Some matters we are called upon to deal with in this Chamber are so serious and so fundamental that they ought to be completely beyond Party politics. Indeed, they ought to be matters for serious thought and deliberation, and this Bill with which we are now dealing is one of those matters, because it relates to a philosophy that some people hold and to the practices that they want to carry on. I rise to emphasize this point and to say that as a member of this Select Committee I regarded my responsibility very heavily indeed. I thought we were dealing with a matter that could have serious repercussions in this State if we made the wrong decision.

The Select Committee sat for long periods and, indeed, on occasions at inconvenience to its members. It also sat in the evening, and members listened to everyone who wanted to tender evidence. During sittings of the committee we made extensive inspections of documents submitted to us, and we looked at the Bill as it was presented. We have made amendments which are not merely drafting amendments but which are designed

to ensure that the rights of citizens are protected. Having done that, and having spent considerable time (I think 15 sittings altogether) on this matter, it is not pleasing to be told in so many words that we might not have reached the right conclusions and that we were doing something that might not be justified in the circumstances. However, I am completely aware of the responsibility that rested on my shoulders, and I believe that applies to each member of the committee.

I am satisfied, too, that the decisions I reached on that matter can be justified on all the evidence. I am satisfied that the report that was submitted to this Council can stand up to any examination. For the present, we are dealing with scientology, but I am not suggesting that there are not other matters in the community where abuses exist. I am not saying that there are not other matters that we may have to deal with from time to time. Indeed, this is the object of Parliament—where something adversely affects the community, to move in and do what is necessary.

We do this in connection with the Prices Act, and we are more or less continually amending our Criminal Law Consolidation Act to catch up with people who cannot live according to ordinarily accepted principles of justice. However, for the time being we are dealing with this one matter and we must deal with it in a way that will not prevent those who want to read literature on the subject from doing so. The Bill as amended stops that portion of scientology that we think, on the evidence submitted to us, is deleterious to the best interests of the community. I hope this Committee will realize the responsibility attached to it and will confine its consideration to matters of real importance and not be involved in irrelevancies.

The Hon. A. F. KNEEBONE: Too much heat has been engendered in this debate already, and I do not intend to get over-heated myself. I do, however, object to the fact that, when honourable members are involved in a division on a clause, they insult others who are honestly casting their votes—they insult them by saying things about scientology and by connecting them with supporters of scientology. This is not the first time it has happened. I am not a supporter of scientology and I do not agree with its teachings.

I do not agree with what other similar types of sect do. I have been pestered on occasions by such sects, whose representatives have come to my door. The complaints I have in regard to other sects are just as serious as those we have heard in regard to scientology. In fact, in connection with the disappearance of some children some years ago, there were rumours that these people were connected with some kind of sect. We read in the newspaper the other day of another sect which was blamed for a tragedy. The Hon. Mr. Rowe spoke about Acts of Parliament; certainly some very good legislation has been enacted but I do not think this Bill falls into that category. The same object could have been achieved through a Bill for an Act to provide that anyone who harassed anyone else could be brought to order and prosecuted. This would apply to any type of sect or religion.

The Hon. R. C. DeGaris: The question of harassment is not the question at present.

The Hon. A. F. KNEEBONE: It starts with harassment and develops into something more serious. Then we were shown a thick report and, because an Opposition member referred to a report, we heard a play on words: "This means another report, which is a thick report." If the Minister wants us to read the report he should give us time to do so. The object of this Bill could have been achieved in another way—an acceptable way. It would then have been adopted unanimously.

The Hon. R. A. GEDDES: The Leader of the Opposition and the Hon. Mr. Banfield both used the words "civil liberties" tonight, and this was one of the matters that the Select Committee considered at great depth. I have always been proud that this place is a House of Review, but the Opposition is doing everything to prevent a review of the Bill now before us.

The Hon. D. H. L. Banfield: You have not given us time to review it.

The Hon. R. A. GEDDES: How many honourable members read the Prisons Act Amendment Bill, which was dealt with earlier today?

Members interjecting:

The CHAIRMAN: Order! Order!

The Hon. R. A. GEDDES: Some honourable members take a certain attitude only because it is convenient to them.

The Hon. D. H. L. Banfield: If we already know something about a subject, it can be called on straight away.

The Hon. R. A. GEDDES: This Bill has been on the Notice Paper for 10 weeks, so every honourable member has had a chance to study it. Indeed, he has been presented with a *precis* of the report of the Select Committee.

So, honourable members should be in a position to speak constructively on this measure. It is Opposition members who are at present denying liberties to other honourable members. The Hon. Mr. Kneebone referred to alternative ways of combating the problem of scientology and, possibly, other cults. This was considered by the Select Committee: it heard evidence on this point from responsible citizens.

The Hon. A. F. Kneebone: This is the first we have heard of it.

The Hon. R. A. GEDDES: It was said that the report was read.

The Hon. A. J. Shard: You are not being fair dinkum. This is the only report we have had. Let us be a little honest.

The CHAIRMAN: Order! The Hon. Mr. Geddes.

The Hon. R. A. GEDDES: The point remains that alternative methods of combating the problem were discussed by the Select Committee and it heard evidence on such methods. However, the committee found that that evidence did not have the necessary weight to justify alternative methods. If we want to breach civil liberties or any other liberties, then we must have freedom of debate, which must have an opposition and a positive side. However, if we are to rant and rave then it merely becomes silly and does not help the cause of Parliament, the cause of scientology, or any other sect that may be a problem to the community. So let us look at this in a constructive light. This is my plea: if something is constructively wrong with the amendment or the legislation, let us say so instead of wasting time.

The Hon. L. R. HART: As a member of the Select Committee appointed by the Council to inquire into the activities of scientology, I believe I have the responsibility to defend the recommendations made. The Hon. Mr. Banfield by his outburst tonight has reflected upon the integrity of members of that committee. What members have before them is the report of the committee. In addition, there is the evidence presented to it. If honourable members read the evidence they will not be ready even tomorrow to debate the question because of the vast amount of evidence presented.

The Hon. S. C. Bevan: Do you want to deny them that right?

The Hon. L. R. HART: The Hon. Mr. Banfield said there was not one skerrick of evidence to suggest that scientology was harmful. I refer him to a portion of paragraph 3 in the report that states that advertisements inviting evidence from interested parties were placed in three issues each of the *Advertiser,* the *News* and the *Sunday Mail* over a period of approximately three weeks. The report continues:

> Several prospective witnesses contacted the secretary, but as no complete assurance could be given that their identity could be kept from the records of the committee, they declined the press invitation to appear because they feared repercussions from scientologists and others, including the members of their own families.

Do we believe, if that is the situation, that not one skerrick of evidence exists in the report suggesting that scientology is harmful? If so, I ask: what evidence has to be presented to convince members of the Opposition in this Chamber that we are dealing with a dangerous and harmful cult? We realize that the Bill as presented may have impinged upon people's civil liberties and rights; that is why we have the amendments before us. We are trying to protect civil liberties, not trying to deny them. I believe that the Labor Party had an opportunity to defend civil liberties by accepting membership on the Select Committee, but its members preferred not to sit on the committee. I believe those members are not being fair to the committee when they criticize it and reflect upon the decisions brought forward by it.

The Hon. A. J. SHARD: I have entered my protest, but I have been perturbed by three matters that have been mentioned during the debate. The last speaker has forced me to get to my feet again. It is perfectly true that the Bill, when introduced, was passed unanimously on the second reading, but what honourable members opposite have not stated is that it was done for one purpose; that is, to get it before a Select Committee. It is all very well to play on words, but if the full truth is not told then a half truth should not be told either. Can any honourable member deny that the second reading of the Bill was passed unanimously for that one reason: to get the Bill before a Select Committee? Of course that is why it was done! Honourable members have now had their inquiry, but I do not want to be told, and I do not want the community to think, that my colleagues and I voted on the second reading of a Bill without being aware of the specific reason for so doing.

The Hon. R. C. DeGaris: But members of the Opposition must have accepted the principles of the Bill.

The Hon. A. J. SHARD: We supported the second reading for the specific reason mentioned, and I do not want people outside to be told anything different from that, that we did it for such and such a reason. It should be made known that any Bill to be referred to a Select Committee is invariably passed unanimously on the second reading for the purpose of getting it to the committee. Therefore, members opposite cannot win on that one.

The Hon. L. R. Hart: I point out that I did not refer to that.

The Hon. A. J. SHARD: The honourable member's turn is coming now.

The Hon. R. C. DeGaris: The Leader was on the committee at one stage.

The Hon. A. J. SHARD: I was on it but I have not mentioned it. I have not been rude or criticized the committee's decision; nor have I criticized any member of the committee. On the contrary, my sympathies have been with the members of the committee. I sat on it for a while, and know of the difficulties confronting members. My only complaint is that I have not been able to make up my mind whether the committee's decisions are correct or whether they affect the civil rights of the people. Let me repeat: I have no sympathy for the scientology sect, nor for a lot of other sects, but when the Hon. Mr. Hart says we have been unfair to the committee I do not think his comment is correct.

The Hon. A. F. Kneebone: The honourable member said we reflected on members of the committee because we criticized the committee's decision.

The Hon. A. J. SHARD: And we did no such thing; I have not criticized its decision. All honourable members would admit that at no stage have I offered criticism of the committee, because my objection has been to the undue haste with which the Bill is being pushed through. I do not make up my mind quickly on such matters; I have read the report hurriedly twice and at this stage I cannot decide whether I should support it or not.

The Hon. Sir Arthur Rymill: The Leader is waiting for someone else to make up his mind.

The Hon. A. J. SHARD: No, I make up my own mind. At the time I was a member of the committee and at the time of the upset in this Chamber over that membership, I did not take the matter lightly. In fact, the worry of it affected my health and wellbeing. I do not make snap decisions, nor do I turn to my colleagues and ask them to make a decision for me. However, the matter has been discussed with others, and I can state that there was not unanimity between us.

The Hon. Sir Arthur Rymill: It is your job to stand up to these things.

The Hon. A. J. SHARD: I am aware of that, but I should not be expected to stand up to it and make a decision in four hours. Previously I have made many decisions affecting people's livelihood, but in all those cases I have given the matter ample thought. I have not had something brought to me at lunch time and been expected to make a decision within three or four hours. Such a thing is ridiculous. This Bill will affect the whole community because it will be quoted in future and used as a precedent. Because of that, I am not prepared to support it now.

In conclusion, I repeat that I have not at any time reflected on the committee's decision nor do I believe my colleagues have done so. All I have said is that I do not know whether the decision is correct and that I have not made up my mind whether I can support the Bill. If that is regarded as a criticism of the committee, I am sorry.

The Hon. C. R. Story: Can the Leader give us any indication when he is likely to make up his mind on this matter? Will it be this year or next, or within a week?

The Hon. A. J. SHARD: The Minister can be smart.

The Hon. C. R. Story: I am not.

The Hon. A. J. SHARD: He can be as smart and as nasty as the next one, and he has been pretty nasty. I do not know how long I will take to make up my mind, but it is no good the Minister getting hostile. I told him last week that he was a pretty smooth potato. If members opposite throw things, they will get something back.

The Hon. R. A. Geddes: How long do you want?

The Hon. A. J. SHARD: I think a fair thing would be for us to have over the week-end to study the matter.

The Hon. Sir Norman Jude: You won't be here.

The CHAIRMAN: Order! Conversations are out of order. The honourable member will address the Chair.

The Hon. A. J. SHARD: On previous occasions we have had Bills in this place which have been just as important as this one, and when we have asked for the opportunity for our people to get together on them over the week-end the requests have been granted. I say that we are proceeding with this matter with undue haste, because if what the Government is doing in this matter proves not to be correct it will have a lot of worries in front of it.

The Hon. R. C. DeGARIS: It is beyond my comprehension how the Leader can say that he has not had time to consider this matter. The original Bill has been on the file for 10 weeks, and the changes that have now been made as a result of the recommendations of the Select Committee have made very little difference to it. The only alterations that have been made are made to ensure that the civil liberties of people who may be ensnared in this matter are protected. The Leader's statement that this has suddenly been loaded on the Opposition at a moment's notice just does not hold water.

The Hon. Mr. Kneebone, in a very restrained speech, said he wanted legislation preventing anyone from harassing anyone else, but I think every honourable member would agree that it would be impossible to give effect to that suggestion. The Government considered very closely every other possible approach to this problem, but it came to the same conclusion as that reached by Victoria and by Western Australia, namely, that the only way to handle the matter was the way we are now going about it. If any honourable member could sit down for a couple of months and take expert evidence, he would see that this was the only way that the matter could be handled.

As the Select Committee reports, there will be a necessity to register psychological practices in South Australia. I agree that that is so. I think 30 copies altogether of the Anderson report on scientology in Victoria were made available to members of Parliament, and in fact I think there was one copy for every two members of this Chamber. Therefore, full information was given to members on this question. If we are going to control a cult like scientology—

The Hon. H. K. Kemp: It is not a cult: it is a racket.

The Hon. R. C. DeGARIS: The problem that was found in Western Australia and in Victoria was that to try to control scientology in the way that has been suggested would involve laborious legislation, as so many people would be involved and there would be so many exemptions that it would become completely impossible. The Hon. Mr. Kneebone made the point that some other way could be found to handle this. The Government considered this question, and I am certain the Select Committee would have considered it. The other question is that the cult of scientology relies on what I might call moral domination. It was found in Victoria and Western Australia that grave difficulties and impossibilities would occur in trying to control the question in any other way than the method being adopted.

The Hon. D. H. L. BANFIELD: I resent the statement made by the Hon. Mr. Hart that I cast a reflection on the committee, for I did not cast any reflection at all on the committee as a committee. However, just because the committee's integrity is at a high level it does not necessarily mean that its report is correct and above reproach. The committee could have come down with a wrong report. We hear much about this place being a House of Review. However, this House appointed this committee, and the committee did its best with the limited amount of evidence available to it. To say that the committee came down with the wrong report is not casting any reflection: it is merely disagreeing with its report. Although, as I say, this is supposed to be a House of Review, this Bill was introduced here, so it is not a question of a Bill from another place being under review.

We find that two of the Ministers are speaking in different voices. The Chief Secretary told us that we had had sufficient time to study the report and that we should know all about it. However, the fact is, as the Hon. Mr. Hill said, that we received a concise report only yesterday afternoon. The Hon. Mr. Hill then went on to say that we would not have had sufficient time to study the matter because of the terrific amount of evidence that he had in the matter. Which is correct? Although we have studied the concise report, I suggest that we did not have time to study the full report.

The Hon. C. R. Story: How much time would you like?

The Hon. D. H. L. BANFIELD: The Select Committee took over a month to consider the position, but it wanted to give us less than 24 hours to consider it. Are we expected to be in any better position to study this matter than was the committee, which took over a month to bring in its report? Give us reasonable time to consider the extra evidence the Minister has at his elbow—

The Hon. C. M. Hill: It is on the table.

The Hon. D. H. L. BANFIELD: —but which he brings up in a concise report and then complains because I said that although I have read the concise report I have not studied the whole matter. I can reflect on the committee if what the Hon. Mr. Hart said was right. The honourable member referred to paragraph 3 of the report, in which we find the following:

Several prospective witnesses contacted the Secretary but, as no complete assurance could be given that their identity could be kept from the records of the committee, they declined the press invitation to appear because they feared repercussions from scientologists and others including members of their families.

Did the committee accept that sort of thing as evidence when those people were not prepared to come before it? It could have been the Attorney-General who rang the Secretary and said he was not prepared to come before the committee unless his name could be kept out of it. If this is what the committee acted upon, then I think it is time we started to reflect on the committee. I hope the committee did not act on that sort of evidence; I hope it considered proper evidence and not merely the fact that someone rang the Secretary and said he was not prepared to come because he feared repercussions. It could have been the Hon. Mr. Gilfillan or any one of us not interested in scientology who rang the Secretary. If the committee treated that as evidence, it is no wonder that it came down with a report like this. I make no apology for saying that.

The Hon. Sir NORMAN JUDE: I am somewhat sick of listening to this debate. The Leader has frankly declared himself this afternoon as being opposed to scientology. The trouble with this debate, which is becoming prolonged, is that the Leader (he can deny it if he wishes) has been given his instructions to delay this matter as long as possible in this Chamber because the Leader in another place—

The Hon. A. J. SHARD: That is not correct. I do not like to ask it but I rise on a point of order. Let me point this out to the Committee. I have not received instructions from our Party to oppose the measure; we can vote on it as we desire as it is a social measure.

The CHAIRMAN: That is not a point of order; that is a personal explanation, which the Leader can ask to make in debate.

The Hon. A. J. SHARD: No, it is a point of order.

The CHAIRMAN: Order! I have already ruled that it is not a point of order. If the Leader wants to make an explanation, he can ask for it in debate.

The Hon. A. J. SHARD: I am sorry. I ask that the Hon. Sir Norman Jude withdraw his remark that I received instructions. I take exception to it. I have not received any instructions.

The CHAIRMAN: Did the honourable member use that word?

The Hon. A. J. Shard: Yes.

The Hon. Sir NORMAN JUDE: If the Leader is susceptible to my remarks to that extent, I withdraw the point that he received instructions, but not that he is aware of them. The answer is that the delay being produced in this Chamber, both this afternoon and this evening, is because a certain person does not wish this matter to appear in another place. On that point, the sooner we press on with the actual facts of the Select Committee's resolution, the better.

The Hon. A. M. WHYTE: This debate revolves more around the Select Committee and the Minister's handling of the Bill than around scientology. About 12 weeks ago it was indicated that the Government of this State would take action to ban scientology. When I first heard that, I knew that sooner or later every member of this Chamber would be faced with a momentous decision, as we are tonight. If any honourable member here says that the same thought did not enter his mind or that he did not do any research into this matter, he is being dishonest either with himself or with his electors. This is a big issue involving civil rights, about which we have heard so much tonight. Everyone has freedom until he reaches the point where he impinges on somebody else's freedom; then action must be taken by someone to prevent him from doing that. This matter has been fully considered by all honourable members and, even if there had not been a Select Committee, I think all honourable members would have known this morning how they would vote tonight. A lot of gibberish has been uttered but, at the same time, I must congratulate some honourable members on what they have said. There has also been much hypocrisy. I hope we soon reach a decision.

Clause passed.

Remaining clauses (4 to 9) and title passed.

Bill reported with the amendments of the Select Committee. Committee's report adopted.

PRISONS ACT AMENDMENT BILL

Second reading.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

Its purpose is to remove a difficulty that has arisen in the interpretation of a provision of the Prisons Act. Section 42 (1) of that Act provides that a prisoner may, "after he has completed not less than one-half of his sentence, including any remission of his sentence granted pursuant to this Act or any regulation made thereunder", apply to the Comptroller of Prisons for a recommendation that he be released on probation. The regulations provide that a prisoner shall be discharged when he has served two-thirds of his sentence, and the prison authorities have always treated this provision as a remission of one-third of his sentence granted pursuant to a regulation made under the Act. Accordingly, when prisoners have served one-third of their sentences (that is to say, half of two-thirds of their sentences after having deducted the one-third to be deducted pursuant to the regulations) the prison authorities have entertained applications from them for release on probation.

The Crown Solicitor has expressed the view, however, that the remission of one-third of the sentence pursuant to the regulations cannot be earned or granted until a prisoner has served two-thirds of his actual sentence and therefore cannot be taken into account in calculating the time when the prisoner has completed "not less than one-half of his sentence, including any remission of his sentence granted pursuant to this Act or any regulation made thereunder". This means that applications by prisoners for release on probation cannot be entertained until they have served at least half of their actual sentences.

This Bill amends section 42 of the Prisons Act so that the provision will have the same effect as that erroneously attributed to it by the prison authorities. Their practice of entertaining applications from prisoners for release on probation after they have served one-third of their sentences will thus be able to continue.

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 amends section 42 of the principal Act to provide that a prisoner may, after he has completed not less than one-third of his sentence, apply to the Comptroller for a recommendation to be released pursuant to the provisions of that section.

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill. A problem arose when the opinion was given that a prisoner had to serve half of his actual sentence before he could apply for release on probation. I understand that, when judges have sentenced prisoners to gaol terms, they have done so in accordance with the previous interpretation. So, the judges gave the prisoners a certain sentence but, had they known that the prisoners would have to serve half of their actual sentences before they could apply for release on probation, the sentences might not have been so long. This Bill will make the provision straightforward for judges, the Crown Law Office and the prisoners themselves. Consequently, I support it.

The Hon. V. G. SPRINGETT (Southern): I support the Bill. It is traditional practice in the United Kingdom that prisoners must serve at least half of their sentences before they can apply for parole. Modern thought is along the lines that prisoners should be encouraged to get out and be helped back into society. It is no good, however, making the sentences so short that the prisoners do not benefit from them. This Bill brings South Australian practice into line with the practice elsewhere and I support it.

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

BUSH FIRES ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Bush Fires Act, 1960. Read a first time.

The Hon. C. R. STORY: I move:

That this Bill be now read a second time.

Its purpose is to amend the Bush Fires Act in order to render its operation more effective in the prevention and control of bush fires. The amendments are made on the recommendation of the Bush Fires Advisory Council. A major alteration made by the Bill is the increase in the number of fire control officers who may be appointed by district councils to carry out the obligations of the Act. This number is increased from 15 to 30. In addition, the limitation upon the powers of the Minister to authorize the appointment of additional fire control officers is removed. Further provisions

are inserted in the Act to enable the Minister or a council to appoint a new class of officer, to be entitled a "fire party leader". These officers are authorized to carry out basic fire fighting duties and it is intended that they should take charge of parties of volunteers in fighting fires.

A major fire in the Stirling district of the Adelaide Hills could give a typical illustration of the need for "fire party leaders". Under the Act the maximum number of fire controllers which can be appointed for the Stirling district is 30. A further 15 could be appointed from neighbouring districts but there is little to be gained by councils exercising this power, because neigbouring controllers can operate in any district *ex officio*, and would, in any case, most likely be fully occupied handling their own units. Because of the toll taken by sickness, private avocations, holidays and domestic commitments, any council district is fortunate to have more than 60 per cent of its appointed fire controllers in the field at any one time. When a fire or fires continue longer than 24 hours the numbers of available fire controllers are further drastically reduced. Whilst one supervisor can direct a force of several hundred fire fighters from a properly organized control centre, there is a need for a leader for every 10 men in the field in addition to the fire controllers responsible for the tactical direction of operations, if all available manpower is to be usefully and economically employed. All men in excess of those who can be directly controlled become a liability, rather than an asset.

On the occasion of the Black Sunday fires on January 2, 1955, E.F.S. Headquarters dispatched more than 2,000 volunteer fire fighters into the Adelaide Hills. Such a force alone would need 200 party leaders if best use were to be made of them. The Bill also makes alterations to the provisions dealing with the notice to be given where stubble or scrub is to be burned during the conditional burning period. It enables the Minister to prohibit the lighting of fires in the open air during the conditional or prohibited burning period in an area outside a district council area. Several drafting anomalies in the Act are also rectified. The provisions of the Bill are as follows:

Clause 1 is formal. Clause 2 makes a drafting amendment to the principal Act. Clause 3 makes a formal amendment to the principal Act. Clause 4 amends the interpretation section of the principal Act by striking out definitions of expressions that do not occur in the body of the Act. Clauses 5 and 6 make drafting amendments to the principal Act. Clause 7 amends section 28 of the principal Act by increasing the number of fire control officers who may be appointed in the first instance by a council from 15 to 30. It is felt that this is a much more realistic figure. Clause 8 strikes out section 29 (2) of the principal Act. This amendment thus removes the limitation upon the power of the Minister to authorize the appointment of additional fire control officers. Clause 9 makes a decimal currency amendment to section 36 of the principal Act. Clause 10 inserts new section 37a in the principal Act. This new section empowers the Minister, or a council, or any person acting under the written authority of the Minister or a council to appoint such persons as he or it thinks fit to be fire party leaders. A fire party leader may be appointed for any period that does not extend beyond the thirtieth day of June next following the date of his appointment. New subsection (3) provides that a fire party leader is to be deemed to be a volunteer fire fighter within the meaning of the Volunteer Fire Fighters Fund Act, 1949-1957.

Clause 11 amends section 41 of the principal Act. Where a council has, by resolution, altered the conditional burning period or the prohibited burning period, the council is required to give notice of the commencing day and the last day of the period as altered. The notice must also be in a form approved by the Minister. This amendment is inserted because a number of notices that have in fact been published under the Act have been in an obscure and ambiguous form. Clause 12 makes a decimal currency amendment to section 43 of the principal Act. Clause 13 amends section 49 of the principal Act. This section sets out the rules for burning stubble. At present a maximum of 48 hours' and a minimum of six hours' notice is to be given of the burning off of stubble. The amendment requires that a maximum of seven days' and a minimum of four hours' notice should be given. This amendment was suggested by the Eyre Peninsula Local Government Association. Difficulties in communication have been experienced in that area and the amendments are thought to provide a more realistic time table for the giving of notice. The amendment also provides that notice may be given to the clerk of the council or a member of the office staff of the council.

Clause 14 makes a corresponding amendment to section 50 of the principal Act, which deals with the burning of stubble in township allotments during the prohibited or conditional burning period. Clause 15 makes a decimal currency amendment. Clause 16 makes an amendment to section 54 of the principal Act. This section sets out the rules for burning scrub and the amendments correspond with the amendments made to section 49. Clause 17 makes a drafting amendment to section 55 of the principal Act to bring the wording of subsection (2) into conformity with the wording of subsection (1). Clause 18 expands the powers of a council to delegate its powers by providing that a council may delegate to a committee its powers to grant permits under section 50, as well as its power to grant an exemption under section 56, which it may delegate as the Act stands at present. Clauses 19 and 20 make decimal currency amendments.

Clause 21 amends section 61 of the principal Act. This section at present empowers a council to prohibit the lighting of fires in the open air in the area of the council during the prohibited or conditional burning period. The amendment gives the Minister a corresponding power in relation to any portion of the State outside the area of a council. Clauses 22 to 26 make decimal currency amendments. Clause 27 amends section 68 of the principal Act. This section at present provides that a person shall not, during the prohibited or conditional burning period, use an internal combustion engine for the purpose of harvesting an inflammable crop unless the engine is fitted with a spark arrestor. The provision is extended to engines used for transporting an inflammable crop or for spreading lime or fertilizer. Clauses 28 and 29 make decimal currency amendments.

Clause 30 makes a drafting amendment to section 71 of the principal Act by inserting a penalty for infringement of its provisions. Clauses 31 and 32 make decimal currency amendments. Clause 33 makes drafting amendments to section 77 of the principal Act by inserting a penalty for failure to comply with a notice under the section or infringement of its provisions. Clauses 34 and 35 make decimal currency amendments. Clause 36 amends section 86, which sets out the powers of a fire control officer in fighting a fire. The amendment confers these powers upon a fire party leader, with the exception of the power to light fire breaks and the power to remove persons from the area of the fire. Clause 37 makes a decimal currency amendment.

Clause 38 amends section 90 of the principal Act. This section at present empowers a fire control officer, acting under the authorization of a council, or a forester to prohibit the lighting of fires during the prohibited and conditional burning period, if the weather conditions are such that the fire might become out of control. This provision is amended to enable the fire control officer or forester to exercise this power at any time during the year. The section is also amended to enable a prohibition extending over a period of not more than one week to be imposed. At present the prohibition is valid only for the day specified in the notice. Clause 39 extends the provisions creating an offence for hindering a fire control officer to a fire party leader. Clause 40 makes a decimal currency amendment.

Clause 41 empowers a fire party leader to require a person whom he believes to have committed an offence under this Act to disclose his name and address. Clauses 42 and 43 make decimal currency amendments. Clause 44 amends section 97 of the principal Act by investing a fire party leader with an immunity from liability for acts done in good faith and without negligence in the course of his duties under the Act. This immunity corresponds with that given to fire control officers. Clause 45 amends the regulation-making power by providing for regulations to be made in relation to fire party leaders.

I commend the Bill to honourable members. It is my desire that it have a speedy passage through this Council so that it can then go to another place and so that I can have powers under the Act before the hot, dry summer that might be around the corner. With the terrific amount of flammable fuel in the State this year, most of these provisions are quite important. In fact, many of them have been waiting for several years to be included in this Act. I therefore ask honourable members to co-operate in giving a speedy passage to the Bill.

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

TATIARA DRAINAGE TRUST ACT AMENDMENT BILL

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

The purpose of this short Bill is to expand the powers of the Tatiara Drainage Trust. The trust at present has certain powers over drainage works relating to the Tatiara Creek. It does not have power over drainage works within the Tatiara drainage district constituted under the Act that do not relate to that creek. It is thought that, if the trust is to act effectively within the district, it should have power over all drainage works constructed or erected in the district, whether relating to the Tatiara Creek or not. This Bill therefore makes the necessary alterations to the Tatiara Drainage Trust Act, 1949, to enable it to exercise these powers.

The provisions of the Bill are as follows: Clause 1 is merely formal. Clauses 2 and 3 make formal amendments to the principal Act. Clause 4 amends section 44 of the principal Act. In its amended form the section will provide that a person shall not construct or remove drainage works affecting the flow of water in the Tatiara Creek or the drainage of other waters within the district. Clause 5 amends section 50 of the principal Act. The amendment corresponds with that made to section 44 and provides that, where the trust is of opinion that drainage work constructed before the commencement of the amending Act will cause injury to any land, the trust may require the occupier of the land to remove the drainage works. I commend the Bill to honourable members.

The Hon. D. H. L. BANFIELD (Central No. 1): The Tatiara Drainage Trust has sought these amendments to give it additional power to control drainage within the boundaries of its defined area. This matter was considered by a Select Committee in another place, and that committee, after an extensive inquiry, unanimously recommended that the Bill be passed. I therefore support it.

The Hon. Sir NORMAN JUDE (Southern): I find myself in agreement, for once, with the honourable member who has just spoken. This matter, of course, concerns a district that is very close to my heart, as my property is near it. The principal amendment allows the trust to control not only the waters of the Tatiara Creek but all the water generally that is being drained around the district. A Select Committee of the other House heard evidence and made certain recommendations, and as the findings of that committee are in agreement with the wishes of the people of the Tatiara district I have no hesitation in supporting the Bill.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

INDUSTRIAL CODE AMENDMENT BILL (No. 2)

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

The main purpose of this short Bill is to increase substantially the penalties that may be imposed by the courts on bakers in the metropolitan area of Adelaide who bake bread at weekends and on public holidays in contravention of section 194 of the principal Act. This provision for restriction on the hours of the baking of bread in the metropolitan area was last year removed from the Bakehouses Registration Act and inserted in the Industrial Code. Unfortunately, a few bakers in the metropolitan area are deliberately disregarding this law, and the relatively low penalties provided in the principal Act that have been virtually unchanged since 1945 seem to have little deterrent effect on these people. At the same time, the opportunity has been taken to effect some other minor amendments to the principal Act.

Clause 1 is formal. Clause 2 amends the definition of "industrial matters" and arises from a clerical error in the last paragraph of that definition. This paragraph, which commences with the passage "In order to remove any doubt . . .", has a reference in it to paragraph (*f*) in the body of the definition, and in this context the reference to that paragraph appears meaningless and a reference to paragraph (*i*) has been substituted. That this was the intention can be seen from the remarks made by the Minister in charge of the Bill last year when he moved an amendment in another place to include this provision in the definition of "industrial matters", and referred to the fact that there should be no doubt that the Industrial Commission has jurisdiction to determine allowances for members of the Police Force, and said that the amendment was designed to put beyond doubt the commission's jurisdiction in respect of that and other matters.

Some matters included in the Industrial Code Bill last year were the subject of a conference of managers of both Houses. One such matter was the maximum period in respect of which underpayment of wages might be recovered or ordered to be paid. In reporting on the recommendations of the conference, the then Minister of Labour and Industry indicated, at page 3335

of *Hansard*, that one of the effects of the recommendations was that wages might be recovered for a period of up to three years.

The necessary amendments were made in sections 36 and 89 of the principal Act, but it was overlooked that section 123 also dealt with the same matter. This was not altered and the period remained as six years. Accordingly, the amendment proposed by clause 3 (*a*) seeks to alter that period to three years to bring it into line with sections 36 and 89. The amendment effected by paragraph (*b*) is of a drafting nature. Clause 4 increases the almost nominal penalty of $50 for an offence against the weekend baking prohibition to the following amounts:

(*a*) first offence—a maximum of $100;

(*b*) second offence—a minimum of $50 and a maximum of $200;

and

(*c*) third or subsequent offence—a minimum of $100 and a maximum of $500.

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading of this Bill. I well remember the conference of managers that made this recommendation to the two Houses that the period in which wages might be recovered be reduced from six years to three. Also I am aware, as is the Minister of Labour and Industry, of the way in which the provisions of the Act relating to the baking of bread in the metropolitan area are being flouted. For that reason I support that part of the Bill. As regards industrial matters, I also agree that the reference in section 5 of the Industrial Code to the Police Force and "the employment of children or juvenile workers or of any person or class of persons in any industry" is meaningless. That does not apply to the Police Force. I support the unconscious humour on the part of someone (maybe the Minister) in his reference to this matter and the way it appears in the present clause—"to the removal of any doubt". The wrong reference appears in the Act, which throws doubt immediately into everybody's mind! That seems to me to be unconscious humour on somebody's part. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Regulation of the hours of baking of bread in the metropolitan area."

The Hon. L. R. HART: I am not too sure whether this clause has the full approval of the baking industry. At present that industry is in a chaotic condition in respect of the weekend baking of bread. The metropolitan bakers have infiltrated into country areas against an agreement they have within their own association. In an endeavour to get some return, the country baker has sought to bake bread on Sundays and have it delivered in the metropolitan area. I wonder whether we should do something here about the Early Closing Act in relation to the baking of bread. I fear we shall not overcome the problem of the sale of bread in the metropolitan area under the present Act.

Metropolitan bakers may be able to buy out bakeries in the country areas and bring bread to the metropolitan area. This would be against the interests of the industry in this day and age when there should be no need for fresh bread over the weekend, because there are methods of keeping bread. It is only a practice that has grown up because of the actions of the baking industry itself rather than because of a demand from consumers. Although I do not intend to oppose this clause, I question whether we shall overcome this problem of the weekend baking of bread merely by this Bill. It is a step in the right direction but whether it is a complete cure I am not sure.

The Hon. C. R. STORY (Minister of Agriculture): I admire my honourable colleague for the thoughtfulness he has displayed in regard to country bakers, but this clause deals only with metropolitan and not with country bakers. It cannot affect the issue.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

PUBLIC EXAMINATIONS BOARD BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments for the following reason:

Because the amendments would not be in the best interests of education.

FRIENDLY SOCIETIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

HARBORS ACT AMENDMENT BILL

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

POLICE PENSIONS ACT AMENDMENT BILL

Second reading.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That this Bill be now read a second time.

Under the Police Pensions Act, 1954-1967, a member who is incapacitated from further service as a result of injury arising from the actual execution of his duty receives somewhat greater benefits than a member whose incapacity arises otherwise than from such an injury. Since these arrangements are rather less favourable than those contained in comparable legislation, the purpose of this Bill is to provide for the benefit at present appropriate to incapacity due to injury on duty to apply to all incapacity, other than incapacity caused by misconduct, however arising.

Clause 1 of the Bill is quite formal and clause 2 repeals section 21, which dealt with incapacity arising from an injury received in the actual execution of a member's duties, and enacts a provision similar in form to this provision but relating to all incapacity. Clause 3 repeals section 22 which dealt with incapacity arising otherwise from an injury directly resulting from duty and which is no longer required since this provision is now incorporated in new section 21. Clause 4 is consequential on the amendments made by clauses 2 and 3. Clause 5 guards against the possibility of a double payment in the case of re-employment of pensioners.

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill. Most members know my opinion of our Police Force, and when an officer becomes incapacitated because of his duties he should not be placed at a financial disadvantage. This amending Bill will tighten up the Act and will cover any incapacity, other than incapacity caused by misconduct, however arising. Clause 5 guards against the possibility of a double payment in the case of re-employment of pensioners. This legislation is a step in the right direction and I have much pleasure in supporting it.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

STAMP DUTIES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from November 27. Page 2777.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which is the third Bill introduced this session to amend the Stamp Duties Act. It is designed to give effect to the policy enunciated by the Treasurer in his Budget speech. Like Bill No. 28 which we previously considered and which has not yet passed through Committee, this is a complex piece of legislation. It is designed to extend the stamp duties now payable on hire-purchase agreements and money-lending contracts to other kinds of financing contracts. As a result of this, the legislation now before us is primarily designed to close what might be described as loopholes that at present exist. It is a fact of life, of course, that when a tax of a certain type is imposed on financial dealings but not imposed on other types of dealing (and the ingenuity of man being what it is), those other types of transaction become more prolific because they escape the duty imposed. In other words, where a taxing law applies to a set of circumstances, other means will be found to deal with similar transactions in order to avoid payment of that taxation.

It has been apparent over the years since the hire-purchase tax was introduced and later extended to money-lending transactions that other forms of financing have crept in and become popular. Of course, that does not mean that one views with equanimity the State having to extend its tentacles further into all the fields of business activity including that of financing which, after all, provides the oil, as it were, that runs the wheels of industry. This does not mean we should agree that these things are desirable. However, every State needs revenue and for that reason it becomes important for Governments to look around and discover other ways in which taxation can be imposed and also, having created certain situations that are taxable, to close loopholes that have arisen.

In many ways this is a more complex Bill than that which dealt with the stamp duty on receipts. Certain representations have been made to me and to other honourable members that have caused me a certain degree of anxiety. I want to deal with the provisions concerning which representations have been made. The first such provision is the definition of "interest" in new section 31b. This definition is very similar to the definition of interest in the Victorian Stamps Act which, in turn, was taken from the Victorian Moneylenders Act. In that State a money-lender is only permitted to charge legal costs if they are incurred in relation to a loan in connection with an interest in land. In South

Australia a lender is permitted to charge legal costs in relation to the preparation of any documents relating to any loans.

If the definition of "interest" as it now stands is accepted, we will have the anomalous position of having two different interpretations of the word "interest" in two Statutes that relate to lending money. Consequently, a money-lender could lend to a company an amount on security of a floating debenture or bill of sale and charge 9 per cent per annum, but the legal costs of preparing the documents (which costs could be lawfully imposed on a borrower under the Money-lenders Act) would, under this Bill, be added to the 9 per cent interest and form part of the interest charged. This would have the effect of raising the interest to a rate greater than 9 per cent, thereby causing the lender to pay 1½ per cent duty on the loan.

It has been submitted to me that this is the effect of the Bill, and I do not see how any other interpretation can be put on it. This is quite a ridiculous position and I think it calls for amendment. I realize that the Chief Secretary has foreshadowed certain amendments but I do not see anything that will solve this problem. Consequently, this matter will need further attention in the Committee stage. I ask leave to continue my remarks.

Leave granted; debate adjourned.

GIFT DUTY BILL

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

ADJOURNMENT

At 9.2 p.m. the Council adjourned until Thursday, December 5, at 2.15 p.m.