LEGISLATIVE COUNCIL

Tuesday, December 10, 1968

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

PETITION: FLUORIDATION

The Hon. JESSIE COOPER presented a petition signed by 203 electors and residents objecting to the fluoridation of South Australia's water supplies on medical and other grounds.

Received and read.

QUESTIONS

GOVERNMENT OFFICE BUILDING

The Hon. R. A. GEDDES: Has the Chief Secretary a reply to my question of November 21 regarding carpets in the new Government office building?

The Hon. R. C. DeGARIS: The carpet in the Premier's office is Felt and Textiles R3, 100 per cent virgin wool. Trouble with static electricity discharge is frequently experienced with new carpets. Both synthetic and all-wool fibres are believed to cause this trouble. The discharge is thought to be due to friction on deep pile when people are walking on new and good quality carpet, particularly in a dry atmosphere. The trouble is not peculiar to the Premier's office or to the Government office building. It has been found in practice that the problem has disappeared with time and use, usually within two or three months, when the pile has flattened. I should also like to point out that all chairs in the new Cabinet room and in the Premier's office are upholstered in pure-wool fabric.

DUST NUISANCE

The Hon. JESSIE COOPER: I seek leave to make a short statement prior to asking a question of the Minister of Local Government.

Leave granted.

The Hon. JESSIE COOPER: With further reference to my question of last week concerning the spilling of dust and gravel from quarry lorries, I thank the Minister of Local Government for his summary of the requirements of the Act which refers to the gross contamination of the roads by spilt materials. However, I would draw attention to the aspect of the question which covers the present nuisance on our highways of dust, grit and sand blowing over following traffic and, to a slight extent, littering the roadway but causing special discomfort to people suffering from asthmatic trouble and other respiratory weaknesses. Further, in view of the greatly increased distribution of quarry sands and rubble for the filling of excavation work (I notice, for instance, that the Engineering and Water Supply Department is using much of this material for trench filling), will the Minister examine the possibility of making the covering by tarpaulin of vehicles carrying loose sands and gritty materials a legal requirement, as is the case in some other parts of Australia?

The Hon. C. M. HILL: It seems that the answer I gave to the original question did not completely satisfy the honourable member. I must admit that I did refer to the Local Government Act and that I summarized the sections of it dealing with the particular matter. I shall be only too pleased to take this matter further for the honourable member's sake and see whether or not it would be wise to introduce an amendment requiring that loads of this kind be covered by tarpaulins. Also, as basically the problem at the moment must be met at the local government level, if I could obtain some further details of offences or complaints I would be only too pleased to help the honourable member by referring those specific matters on her behalf to the local government body concerned.

DOCTORS

The Hon. V. G. SPRINGETT: Has the Minister of Health a reply to my question of November 21 regarding the population-doctor ratio in South Australia?

The Hon. R. C. DeGARIS: I have some figures which may be of interest to the honourable member. On December 31, 1966, there were 2,175 doctors registered in South Australia and on December 31, 1967, there were 2,282. The approximate number practising in South Australia on the same dates were 1,450 and 1,520 respectively. The ratio of practising medical practitioners to population was 1:762 at the end of 1966 and 1:735 at the end of 1967. It will be seen from these figures that there was a slight improvement in the ratio over that period.

MAIN ROAD No. 410

The Hon. M. B. DAWKINS: Has the Minister of Roads and Transport an answer to my question of November 26 with reference to main road 410 and the intersection therein?

The Hon. C. M. HILL: Proposals by the Corporation of the City of Salisbury for the modification of this intersection and re-opening of the presently closed southern leg of the Angle Vale to Bolivar road have been examined by the Highways Department and will be discussed with council officers within a few days. The council's proposals are not acceptable in their present form, in that they will not provide safety for the high speeds common on the roads concerned, and they cannot be satisfactorily integrated with plans proposed for the future road pattern in the locality. It is expected, however, that discussion with council officers will result in the production of a mutually acceptable plan which can be implemented by the council in the near future.

DEEP SEA PORT

The Hon. A. M. WHYTE: Can the Minister of Agriculture, representing the Minister of Marine, indicate when the report on deep sea ports on Eyre Peninsula will be tabled?

The Hon. C. R. STORY: The report is in the hands of the Minister of Marine, who is studying it. I will inquire from him when he intends to lay it on the table of the House.

HARBOUR REGULATIONS

The Hon. L. R. HART: On Friday night, accompanied by my colleague the Hon. Mr. Rowe, I attended a meeting in the Kadina town hall, at which the local farming community discussed the problems connected with handling the present season's grain harvest. Two criticisms were made in relation to the Wallaroo harbour, the first being that during the term of the previous Government instructions were issued to harbourmasters that vessels were not to be navigated in and out of port during hours of darkness and, secondly, that every vessel had to have 2ft. 6in. of water under its keel. I believe that during the term of the Playford Government the Wallaroo harbour was deepened a further 3ft. but, because of the requirement of having 2ft. 6in. of water under the keel of a vessel, the actual advantage gained was only 6in. As those two points were severely criticized by the people attending the meeting, can the Minister say whether it is correct that vessels cannot be navigated in and out of harbours in darkness, because the point was made that high tide during the summer period usually occurs between midnight and 4 a.m.? Also, is it a requirement that there be 2ft. 6in. of water under the keel of a vessel in the Wallaroo harbour, and is that requirement in force regarding other harbours of South Australia or, indeed, Australia?

The Hon. C. R. STORY: As this is a technical question, I will obtain a reply for the honourable member.

LONDON-SYDNEY RALLY

The Hon. R. A. GEDDES: Has the Minister of Roads and Transport a reply to the question I asked last week regarding the London-Sydney car reliability trial?

The Hon. C. M. HILL: As a result of the honourable member's question and the great public interest which one cannot help noticing in this reliability trial, my departmental officers have closely investigated the whole matter. The honourable member referred to the trial drivers travelling through Brachina Gorge and similar places in the Flinders Ranges at what would appear, from their schedule, to be excessive speeds.

There are four aspects concerning precautions that may be necessary for the trial: damage to roads, spectator safety, normal road user safety and the provisions of the Road Traffc Act. Regarding damage to roads, the allowed times over the various sections of the selected route are dangerously high. For instance, between Quorn and Mingary, 363 miles, 6 hours 57 minutes is allowed. The cars, to meet this time, would need to average 52 miles an hour, whereas a safe average speed should not exceed about 25-30 miles an hour. About 70 cars are involved, leaving control points at two-minute intervals; the time taken for all of them to pass a given point would therefore be in the vicinity of three hours.

It is considered that damage to roads will not be significant. High speeds across the unsealed portion of the Eyre Highway and the roads between Quorn, Blinman and Mingary may cause dislodgement of material on curves and perhaps ravelling on certain sections on straights. However, damage ot this nature can be restored by grading, which can be effected by normal maintenance.

As regards spectator safety, the Tourist Officer, Royal Automobile Association, stated that there had been considerable demand for information about the route to be followed between Quorn and Mingary. The association has supplied plans of such and has also had numerous telephone inquiries. He is of the opinion that there will be a significant number of spectators who may station themselves at

salient danger points in the Quorn-Wilpena-Parachilna-Blinman areas. There will, of course, be local spectators at the towns between Ceduna and Quorn.

The Commissioner of Police will be policing speeds of cars through towns, where they will be expected to observe statutory requirements. He will also have two patrol cars in the Wilpena area but, because of the length of the route, they will have limited opportunity to enforce safety measures. This aspect has been discussed with the Commissioner, who is giving the matter consideration.

A serious dust hazard exists when cars are travelling at high speeds. No doubt, if the leading cars are travelling at a slower speed than the rear cars, overtaking will be attempted with associated danger.

In respect of road user safety, local people or tourists using the roads will be subjected to danger from the 70-odd cars, especially where there is dust, travelling at close intervals and perhaps overtaking. Although there is power under section 33 of the Road Traffic Act to close the roads concerned to normal traffic and to exempt the persons taking part in the trial from prescribed speed limits, I emphasize that it is not proposed to take this action. Trial drivers will be expected to comply with all the rules of the road in South Australia.

This means the onus of proving that they are driving with due care is placed on them in cases where they may be on the open road driving in excess of 60 m.p.h. In addition, the speed limit of 35 m.p.h. through townships must be complied with. Also, drivers will be breaking the law if they are not appropriately covered by registration or a permit, and third party insurance.

PORT WAKEFIELD ROAD

The Hon. C. D. ROWE: Has the Minister of Roads and Transport a reply to my question of November 28 about the construction of the new portion of the road between Port Wakefield and Wild Horse Plains?

The Hon. C. M. HILL: It is expected that the whole length of the 15 mile section of the Yorke Peninsula Main Road No. 6 between Port Wakefield and Wild Horse Plains will be completed by December, 1969. However, at least half of this section will be opened to traffic during the summer of 1968-69.

MINISTERIAL STATEMENT: HIGHWAYS DEPARTMENT

The Hon. C. M. HILL: I seek leave to make a statement.

Leave granted.

The Hon. C. M. HILL: On November 25, 1968, on television station channel 9 Mr. Hudson, M.P., made allegations against the Commissioner of Highways and his officers regarding falsification of time records, and I quote as follows from a recording of his interview:

> Labour normally associated with departmental equipment is also being left idle and the lost hours are being concealed by alterations to time cards.

This is an allegation that I can say has considerably upset the Commissioner of Highways and his senior officers. The Auditor-General's report, which I will table in due course, indicates that early in November the department instituted a special review of lost time at the Northfield depot.

The review was to ascertain whether in fact time shown as lost time should have been charged against direct shop orders. The review, however, indicated that there would have been 177 hours to be charged to other indirect shop orders and 170 hours directly to jobs. The total hours worked during the period under review exceeded 250,000. Some minor corrections were made on timesheets for his sections by the Assistant Workshop Supervisor but, in view of the insignificance of the hours involved, no adjustment to financial records was made by the accountant, and this meant the alterations to this particular batch of timesheets had no effect on financial records or costs.

With regard to hire of plant from private contractors, the Auditor-General in his report points out that recommendations for the approval of the Minister must be submitted through the Auditor-General and in each case the department must certify that it either has no equipment of the type to be hired or that it is in use elsewhere and not available. Internal procedures of the department have resulted in some delays for job approvals and the Auditor-General is taking up with the department ways and means of avoiding these delays. The Auditor-General summarizes his report as follows:

(*a*) I am satisfied that there is no alteration to timesheets as entered by the employees and signed by foremen and Workshop Supervisors except for some legitimate minor corrections.

A special review made by the Department of one section of timesheets and on which no action was finally taken (as set out in the report) which could have given rise to the query on this matter was for the purpose of correction and not falsification of accounts.

(*b*) There is no current instruction that pencil must be used in preparing timesheets. In fact many timesheets are prepared in ink.

(*c*) There is delay to work in many cases through the necessity to obtain prescribed approvals and obtaining of spare parts. These matters should be the subject of review by the department.

(*d*) Plant is not hired from private contractors unless a certificate is given that the department either has no equipment of the type to be hired or that it is in use elsewhere and not available.

This whole inquiry arose out of Mr. Hudson's allegation that "the lost hours are being concealed by alterations to time cards". The Auditor-General's report clearly shows that this is not so and I strongly suggest to Mr. Hudson that he should apologize to the Commissioner of Highways and his officers.

I now table the Auditor-General's report.

LOTTERY AND GAMING ACT AMENDMENT BILL

Read a third time and passed.

EVIDENCE 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.

It is proposed in fulfilment of an undertaking given by the Attorney-General to the Leader of the Opposition in another place when the Leader withdrew an amendment to the Aboriginal Affairs Act Amendment Bill, which was recently before Parliament. The operative provision of the Bill, clause 2, removes from section 14 of the Evidence Act the provision for a public or private whipping, which is utterly inappropriate in this day and age.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

PASTORAL ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is complementary to an amendment effected by the Crown Lands Act Amendment Bill, 1968, which is on the Notice Paper. Honourable members may recall that the amendment makes provision for the direct offer of Crown lands, on perpetual lease or agreement, to persons who (*a*) already occupy the land in question under licence from the Crown; and (*b*) have erected or propose to erect permanent improvements on that land. Honourable members may also be aware that, under section 244 of the Crown Lands Act, licences from the Crown may be granted to persons to occupy land already the subject of a pastoral lease. Hence, to give full effect to the intention of the proposal to allow this direct offering, it is necessary to ensure that there is a method of resuming land, for the purposes envisaged, from a pastoral lease so that in proper cases it can be offered directly under the Crown Lands Act. Clauses 1 and 2 are quite formal. Clause 3 allows for the resumption from pastoral leases of land required for residential or business purposes.

The Hon. A. M. WHYTE secured the adjournment of the debate.

GIFT DUTY BILL

Adjourned debate on second reading.

(Continued from December 5. Page 3039.)

The Hon. S. C. BEVAN (Central No. 1): I support the Bill in its entirety because it will close many loopholes which are being used to avoid payment of succession duties by transferring property and other assets as gifts. These loopholes have clearly needed closing up. This type of legislation has been operating in the other States and in the Commonwealth sphere for some years and, although I have previously criticized the Government for following the other States' taxation measures, I believe that the introduction of this legislation in this State is justified. This Bill is primarily a Committee Bill and it has far-reaching effects.

The Labor Party has always objected to retrospective legislation, and the retrospectivity of this Bill is to September 6 last, the date on which the Treasurer, in his Budget speech, announced the introduction of this form of taxation and that it would operate from that date. Had the Bill become operative on its passing, many gift transactions would have taken place in the interim, thereby avoiding the payment of gift duty. In these circumstances, I support this provision. The far-reaching effects of this Bill result from

clause 4, the interpretation clause. It appears that there is very little chance of finding loopholes; in fact, even a dwellinghouse or any interest in property is included in the interpretation clause.

I was particularly interested in clause 11, which provides that, if any duty payable is less than $5, no duty need be paid. Clause 11 (2) deals with a dwellinghouse, being the principal place of residence of a husband and wife. As I interpret clause 2 (*a*), if the value of the gift does not exceed $6,000 there shall be a concession in respect of any duty that may be payable. Clause 2 (*b*) provides for a concession where the value of the gift exceeds $6,000 but does not exceed $8,000. This provision at first gave me some concern but, after further consideration, I support it.

This Bill is designed to close loopholes. It will result in less gifts being made in this State in future. This, in turn, will result in less revenue in gift duties to the Commonwealth Government and a considerable increase in succession duties payable to this State in the future. At present, under Commonwealth legislation, gift duties are payable on gifts of $4,000 or more. This Commonwealth legislation will still operate in this State but the Bill now before the Council will retard the giving of gifts in this State where duty would be payable, thereby decreasing Commonwealth receipts in this field. This will benefit this State because less gifts will be made and more revenue will be received by this State in the form of increased payments under the Succession Duties Act. In these circumstances I support the Bill in its present form.

The Hon. F. J. POTTER (Central No. 2): I support the second reading. I should like, however, to make a protest to the Government in respect of its introduction of a measure of this kind so late in the session, when our Notice Paper is full of other important matters. The Government expects honourable members to give their close attention to the very intricate clauses in this Bill and to understand what they mean. It is unfortunate that both in this Parliament and in other Parliaments throughout the world there seems to be an increasing tendency for honourable members to be presented with measures that it is most difficult for them to understand. Honourable members cannot quickly see what will be the effect of such measures, yet they are expected to come to a decision and somehow hope that everything will turn out all right. I deplore this tendency, because I do not think it is common only to this State or this Government: I think it is one of the tendencies of our time that legislation is becoming more complex, and honourable members are expected to pass it in some sort of good faith that the Government of the day would not be likely to introduce anything that was against the interests of the community.

This Bill was expressed as being designed to bring us into line with other States and the Commonwealth Government, but from my brief examination I think it goes much further than does the legislation existing in the Commonwealth or in any other State. Clause 4 deals with the operation of controlled companies. The Chief Secretary, in his second reading explanation, implied that these clauses were designed to close certain loopholes. He said:

> Probably the most fruitful method of avoidance has been through arrangements made by, and by way of, private and family companies, and accordingly some rather complex clauses regarding such companies and personal relationships with them have been found desirable.

I think it is an understatement to say that these things have resulted in rather complex clauses. I have found them almost impossible to understand in the sense of really getting to the bottom of what the Government is trying to do in this measure. I refer particularly to clause 4(17), which deals with the question of presumed gifts and payments of interest on those gifts. Subclause (17) provides that, where a person, without losing the right to recover a debt, does not take steps to recover it when due, this is to be taken as being a gift to the extent of interest on the debt calculated at 5 per cent per annum. Presumably, if this state of affairs continued, this situation would arise year by year.

I have referred this Bill to some leading members of the legal profession who, like myself, find it extremely difficult to understand the clauses dealing with controlled companies. I am not prepared in the Committee stage to vote on the complex provisions of clause 4 without having further information from the Chief Secretary about what this clause is really designed to do. We can look in vain through the Minister's second reading explanation to understand what it is all about.

We had a situation in this Council way back in, I think, 1964 (I know it was the last year of the previous Liberal Government) when we were faced with somewhat the same situation concerning an amendment to the Succession Duties Act dealing with powers of appointment.

It was obvious at that time that some further explanation and detail was required before honourable members could give a considered vote. At that time the Minister was asked to obtain a memorandum from the Parliamentary Draftsman who drew that particular provision. That memorandum was eventually obtained and we were given a clearer explanation of the reasons behind the amendment and what specifically it was designed to do.

I suggest to the Chief Secretary that on this occasion he might ask the Parliamentary Draftsman to supply a memorandum giving precise details of what the provisions in clause 4 concerning controlled companies really mean and what they are designed to catch. I suppose it would not be possible to have this explanation in entirely simple language, but at least we should have some clear enunciation of the policy behind this clause. Without it, I am not prepared to vote for the clause.

I am prepared to support, for revenue-raising purposes, the implementation of gift duty in this State. I am prepared to support it along the lines of the Commonwealth duty. Much has been said here about the comparable rates of duty in the Commonwealth and in the other States. I am not quarrelling with that, although I suspect that the rates of duty may be a little higher than they have been stated to be. However, that is another matter. The main thing that concerns me is the complexity of the clauses and the need to have some further explanation in this matter.

I should like to say much more about this Bill but I am not prepared to say it at this moment because I hope that in the interim the Chief Secretary may be able to obtain for honourable members some further explanation on the actual meaning of clause 4. I ask leave to continue my remarks.

Leave granted; debate adjourned.

STAMP DUTIES ACT AMENDMENT BILL (No. 3)

In Committee.

(Continued from December 5. Page 3047.)

Clause 3—"Interpretation."

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

In new section 31b in the definition of "interest" to strike out in paragraph (*b*) "where the repayment of the loan or the amount credited is *bona fide* secured on any interest in land".

This is designed to remove an anomaly in the definition of "interest". The definition as drafted excludes from the context of interest any sum lawfully payable to a legal practitioner or licensed land broker for costs necessarily incurred by the lender or person providing the credit in relation to the loan or credit where the repayment of the loan or the amount credited is *bona fide* secured on any interest in land. It is usual in this State for debentures and other documents of security by which the repayment of a loan is not necessarily secured on any interest in land to be prepared by legal practitioners, and their charges for the preparation of such documents should be excluded from the definition of "interest". This amendment makes this possible.

The Hon. F. J. POTTER: I strongly support the amendment. It removes an obvious anomaly.

The CHAIRMAN: I point out that this is a suggested amendment.

Suggested amendment carried.

The Hon. F. J. POTTER: I have a number of amendments, the first of which is on page 4. Unfortunately, these may not be on members' files, so perhaps the Chief Secretary will report progress.

Progress reported; Committee to sit again.

ELECTORAL DISTRICTS (REDIVISION) BILL

In Committee.

(Continued from December 5. Page 3051.)

Clause 3—"Interpretation."

The Hon. F. J. POTTER: I move:

Before the definition of "proposed Assembly district" to insert the following definition:

"Council elector" means a person whose name appears as an elector on the electoral roll for a Council district:.

When the Committee reported progress I had foreshadowed certain amendments, which had only then been placed on members' files. At that time I made a brief explanation of the effect of these amendments *in toto*. This is the first in a series of amendments I will move on the lines I have outlined.

The Hon. S. C. BEVAN: I oppose all the amendments, the purpose of which is evident. The Bill deals with redistribution in relation to another place and the number of members that will constitute that place. There has been no doubt in my mind during the debate that Government members have shown a fear psychology about what may result from the report to the Government about redistribution. We have heard expressions of opinion that the Labor Party's policy is the abolition of the Council, but nothing could be further from the truth. Statements have been made

by the Premier and various other people, and articles have appeared in the country press. I have here a rather lengthy one headed "Unholy Alliance", which I have no intention of quoting.

The Hon. F. J. Potter: Aren't you speaking on the wrong Bill?

The Hon. S. C. BEVAN: I admit that these statements were made in relation to another Bill, but it all returns to this Bill.

The Hon. R. C. DeGaris: I think you are straining it a bit.

The Hon. S. C. BEVAN: We will see in the final analysis whether I am. This amendment is moved for one purpose: if it is passed here, it will not be accepted in another place. It is hoped that this Bill will be shelved. The Hon. Mr. Potter has set out to perpetuate a system which has been operating in this State ever since I can remember and which would be hard to surpass, even in a country under a dictatorship.

All members know the set-up in those countries: there is only one candidate at an election because there is only one form of Government, and, if any opposition to the Government is shown, we all know what takes place. There is no secret about this. But what is our position here? We call ourselves democratic, but these amendments will perpetuate the conditions we have had for many years. I take honourable members back to 1962 when proposed amendments to the Act regarding a redistribution were moved. It was held out then that we should create another Legislative Council district, taking in the districts of Elizabeth, Holden Hill, Tea Tree Gully, Modbury and such areas. The Liberal Party appreciated that this district, because of its boundaries, would be won by the Labor Party, so that the Labor Party would increase its representation in this place by another four members, but the rest of the districts would be made practically safe for the Liberal Party for all time. In those circumstances, we would have had a 24-member Legislative Council, eight being members of the Labor Party and the rest being members of the Liberal Party. That was the proposition, but this amendment goes much further than that: it provides that, instead of there being five districts for the Legislative Council, each represented by four members, we shall have four districts, each represented by six members, making 24 members altogether, six of whom would be Labor members. The rest of the Council would be guaranteed to the Liberal Party. That is the purpose of this amendment.

Central No. 1 District would extend into Elizabeth, which would then come into the metropolitan area. Under this amendment, we make Midland safe for all time. We extend the other districts; we go south where an area as a result of the last election has caused the Government (and a Minister is concerned there) a great fright, the Government realizing that at the next election that area will probably revert to the Labor Party because of the housing progress there. The metropolitan area is thus extended to Noarlunga. For the Legislative Council that area would come into Central No. 2. Although it might weaken Central No. 2, it would need a considerable amount of new development in that area for Central No. 2 to be won by the Labor Party, and a considerable period of time would elapse before that happened. So we are perpetuating the present system by this amendment. Even if it is carried in this place, it will certainly be rejected in another place.

If this happens, it will come back to this Council, which will insist on its amendment and there will be a conference. No compromise will be reached at the conference, and that will be "Good night" to the Bill. It will then be said that the Labor Party wanted to defeat it—but, on the contrary, we wanted to improve the electoral system. The Liberal members will say, "We wanted reforms but the Labor Party stopped us"—the same old cry that was heard in 1962. It is rather like the three-card trick. We strenuously oppose this amendment and I hope, for the good of the State and because of the advocacy outside Parliament for electoral reform, this amendment is not carried.

The Hon. R. C. DeGARIS (Chief Secretary): When this Bill was first introduced in another place, the Government intended to rectify the grave disparities in our electoral system as far as another place was concerned that had occurred because of population growth in certain parts of the State. That has been done in this Bill: we have been able to get through a redistribution of the House of Assembly seats, which reflects great credit on the Premier. The Government has considered the amendments proposed by the Hon. Mr. Potter. While it desires to correct in this Bill the anomalies existing in House of Assembly electorates, it fully appreciates it would be in the interests of economy and ease of working that, whilst the electoral commission was sitting to deal with the redistribution of House of

Assembly boundaries, Legislative Council boundaries, too, should be examined. It is difficult to understand the Hon. Mr. Bevan's approach to this matter.

The Hon. S. C. Bevan: You do not find it difficult: you understand it.

The Hon. R. C. DeGARIS: I do find it difficult. We have seen previously that, when a Bill dealing with redistribution of seats has been introduced in another place, the Labor Party has refused to let it pass.

The Hon. S. C. Bevan: Here we go again!

The Hon. R. C. DeGARIS: Then it has spoken of a gerrymander. That has occurred, and that is exactly the position we are now in. The honourable member said that these amendments were purposely designed by the Hon. Mr. Potter to defeat the Bill. That is absolute rubbish. If there is any three-card trick in this, it is up the Labor Party's sleeve and nowhere else. In its approach to this matter it is seeking a way to defeat the Bill.

The Hon. D. H. L. Banfield: Why did the Government not introduce this amendment?

The Hon. R. C. DeGARIS: I have already explained that, that the Government wanted to rectify the disparities that had occurred in the House of Assembly electorates.

The Hon. A. F. Kneebone: Why did it not introduce these amendments in another place? It wanted to get the Bill passed in that House first.

The Hon. R. C. DeGARIS: That is not the reason. The Hon. Mr. Potter introduced the amendments here and the Government studied them at a Cabinet meeting on Friday. As a result of that study, we can see no reason why (and the Hon. Mr. Kneebone himself cannot put forward reasons, either) the boundaries of this Council should not undergo a redistribution while the commission is dealing with the House of Assembly seats.

The Hon. D. H. L. Banfield: The Government did not mention it in its policy speech.

The Hon. R. C. DeGARIS: Anything else is absolute rubbish, and the Labor Party knows it. We have in this Bill provided for a redefinition of the metropolitan area, and that is accepted by the Labor Party, in its own Bill.

The Hon. C. R. Story: At last!

The Hon. R. C. DeGARIS: During the election campaign Labor Party members spoke about redefining the metropolitan area, so there can be no argument on that between the Parties. In this Bill we have redefined the metropolitan area, and that is essential. That is what the opposition to this amendment is about because the Opposition is not prepared to leave in its present state a proper definition of the metropolitan area.

The Hon. D. H. L. Banfield: That is why you will not include Gawler in that area.

The Hon. R. C. DeGARIS: That is a different matter altogether, coming under another amendment. I will deal with that, if the honourable member wishes to get up and complain about it, at the appropriate time. That has nothing to do with the amendment moved by the Hon. Mr. Potter. A redefinition of the metropolitan area is included in the Bill and it would have been included in a Labor Party Bill had that Party been in power; yet we are expected to agree that the Legislative Council should exist as it did under a definition of the metropolitan area established in about 1904. It is perfectly obvious that if this Bill should be passed without a redefinition of Legislative Council boundaries the Labor Party would once again raise the cry "gerrymander, gerrymander" and it would say, "You would not touch the Council boundaries while you were on it." We expected this difficulty, and I agree with the Hon. Mr. Potter that in the interests of the commission and the economy of the State, it is reasonable that Legislative Council boundaries should be decided at the same time.

The Hon. A. F. Kneebone: The Liberal Party was quite happy with the existing boundaries until the last election, when it got such a fright in two districts.

The Hon. R. C. DeGARIS: The honourable member is straining at gnats, as he usually is.

The Hon. F. J. Potter: The other Party was quite happy with the boundaries, too.

The Hon. R. C. DeGARIS: It is accepted throughout Australia, and indeed in most parts of the world, that the second Chamber should be as near as possible in numbers to half the size of the Lower House. It does not matter whether a comparison is made with the Senate or any other Upper House in Australia—that is, any elected Upper House—because it will be seen that my comment is true. When the question of a small increase in the House of Assembly was being discussed the size of this Chamber did not matter a great deal, but when in this Bill the House of Assembly is to be increased to 47 districts it is perfectly reasonable and justifiable that a move should be made for this place to maintain its historic situation by comparison with another place; that is, half the size of the House of Assembly. If honourable members require any public expression on this matter I refer them to the

referendum held not long ago concerning the suggested increase in the size of the House of Representatives. That would have meant a House more than double the size of the Senate, and the move was resoundingly defeated in a referendum, when the people clearly expressed their views.

The Hon. Sir Arthur Rymill: Even though both Parties supported the proposed increase in numbers in the House of Representatives.

The Hon. R. C. DeGARIS: Yes. I believe a House of Assembly of 47 districts justifies a Legislative Council of half that size. I turn now to a newspaper report that intrigued me, and I know that the question involved has been answered on many occasions. The report reads:

. . . but an increase of 20 per cent in the non-representative Legislative Council is quite all right despite the fact that on any work value analysis nobody could suggest that an increase in the number of members of the Council was in any way warranted.

How often has this been said? Members in another place say, "We sit for so many hours, but the Council does not sit as long as we do." Yet if a work analysis were made the hours in this place would compare favourably with those of the House of Assembly. I think the Hon. Mr. Hart a few years ago made a comparison with a member of another place who had complained that honourable members in this Council did not work, yet when a work comparison was made it was found that in the session of that Parliament the member complaining had made three speeches while the average in this place was 35 speeches for the session. That is where a work analysis is important, and I am certain that if an accurate analysis were made of the work done in this place then the public would appreciate the consideration given to legislation here.

The Hon. F. J. Potter: We do all the hard work, too.

The Hon. R. C. DeGARIS: I agree with that, because more analysis on legislation is carried out here than in the House of Assembly as far as back-bench members are concerned. The original intention of the Government was to ensure that the great disparity that has grown in the House of Assembly districts was overcome. I believe, and the Government believes, that the Hon. Mr. Potter's amendments are perfectly reasonable, and it is logical that a commission, when sitting to define House of Assembly boundaries, should at the same time consider Legislative Council boundaries.

I point out that in any adjustment it is necessary, with the growth of the metropolitan area, there should be equal representation between country and metropolitan areas in this Chamber. A similar situation exists in the Senate where each State has equal representation in the Upper House. The disparity at present of three country districts compared to two city districts will be removed by the proposed amendment resulting in equal representation for both country and city interests in this place. I do not think anyone could quarrel with the fairness and reasonableness of that situation. It is possible to have three country and three city districts, and the Government examined that, but we believe that two country and two city districts to be reasonable for a House of Review. If we still had three country districts, with the enlarged metropolitan area, one of those country districts would be reduced in size to not much more than that of a House of Assembly district. It is better for a House of Review that its members should cover as wide an area as possible so that the influence of one small district should not weigh too heavily in the considerations of this Chamber. The Government is prepared to accept the amendment put forward by the Hon. Mr. Potter.

The Hon. D. H. L. BANFIELD: It is most significant that such an amendment should come from a back-bencher of the Government, and it would be found that the same thing occurred in another Bill affecting the Constitution. There was no mention made by the Government or the Labor Party at the time of the election of any increase in the number of members in the Legislative Council, so it cannot be said of this amendment that the people sought it. Those interested in the amendment are members of the Liberal Party, which had worked out a scheme whereby the Bill itself should not pass through Parliament. The Government knows that the amendment is not acceptable either to the people of this State or to the Labor Party, but because it found itself in a compromising situation it had to increase the number of House of Assembly seats from 45 (the number mentioned in its election promises) to 47. The Government had to find ways and means of ensuring that this Bill would not proceed, and this is the method used. The Govenment has not introduced the amendment because it does not want to accept the blame, and it is prepared to put all the blame on the Hon. Mr. Potter.

The Hon. Mr. DeGaris said the reason for not indicating this amendment at the time of the election was that the Liberal Party intended increasing the House of Assembly

numbers from 39 to 45; therefore it did not think that was a number sufficient to warrant an increase in the Legislative Council. Now the House of Assembly numbers have risen from 45 to 47 under the Government's proposal, an increase of only two seats, but because of the extra two seats in that place and although an increase was not warranted when the numbers were going from 39 to 45, the Government now intends adding four additional members to this Council, thus doubling the number to which they went in their compromise and which, up to that stage, did not warrant one extra member in this Council. So, the statement that it was purely a result of increasing the number from 45 to 47 just does not hold water. The Chief Secretary is merely trying to pull the wool over the electors' eyes. He went on to say that the people were very pleased with what was done by members of the Council. However, I ask: why can the people not express their views on this Council? The Hon. Mr. DeGaris and the Hon. Mr. Potter express their views, but they prohibit the people of South Australia from expressing theirs.

The people undoubtedly indicated in the last Commonwealth referendum that they did not want a large increase in the numbers of members of the Commonwealth Parliament, and I believe they would express the same kind of view if the question was put to them: "Do you want an increase in the number of members of the Legislative Council?" This amendment was moved by a back-bencher and it is contrary to the statement of the Liberal and Country League in its leaflet that it would not support anything that did not fit in with its election promises, yet no doubt many honourable members will support this amendment. I oppose it.

The Hon. G. J. GILFILLAN: The Bill now before us does contain some reference to the Legislative Council boundaries, which reference is essential, because of the changes made in the Assembly districts. It has been foreshadowed in public by members on both sides of Parliament that the Legislative Council boundaries ultimately will have to be looked at, and I think it is only reasonable that the questions regarding both Houses should be combined and put before the same commission. The problem has been brought to a head because the Bill provides for a very much enlarged metropolitan area and it upsets the relationship between country and metropolitan representation. As has been said, there has been a need for more metropolitan members in the House of Assembly because of the greatly enlarged metropolitan population. Is it intended that the representation of the metropolitan area should outweigh the representation of the rest of the State?

It is only right that in the second House we should not go further than having equal representation for the metropolitan and non-metropolitan areas. If we agree with this principle then, of course, the number of members in this Council must be looked at. To allow for equal representation of the enlarged metropolitan area and of the rest of the State under practically any formula that can be suggested, the number of members in the Council will have to be increased or decreased by four. Because half the number of members in each electoral district retire every three years, there is little alternative.

The Hon. S. C. Bevan: Couldn't you provide an additional metropolitan district?

The Hon. G. J. GILFILLAN: However it is looked at, we finish up with either 16 members or 24 members and it is hardly reasonable, in view of the increase in the number of Assembly members, that the Legislative Council membership should be reduced. If we are to have equal representation for the metropolitan and non-metropolitan areas, we must realize that an alteration in the number of members in this Council will be involved.

The Hon. A. F. KNEEBONE: For a long time we have been hearing that some sort of amendment would be made to this Bill to make it unacceptable to the Labor Party. It has been on the grapevine around the House for some time. However, this amendment is even worse than the proposal we heard of in 1962. We used to think that Sir Thomas Playford was a fairly tough man in regard to gerrymanders, or unfair electoral practices.

The Hon. F. J. Potter: Where is the gerrymander in this proposal?

The Hon. A. F. KNEEBONE: I changed the word "gerrymander" to "unfair electoral practices". It is clear that there will be six Labor Party members to 18 Liberal and Country League members.

The Hon. R. C. DeGaris: How do you know?

The Hon. A. F. KNEEBONE: The metropolitan area will provide two electoral districts, which will be represented by 12 members. The non-metropolitan area will be divided into two electoral districts, which will provide 12 members.

The Hon. G. J. Gilfillan: The boundaries are left to the commission.

The Hon. A. F. KNEEBONE: The restrictions are there. When I saw that a proposal for 47 seats was on the way, I knew there would be a catch in it somewhere. I thought that 47 seats was a reasonable proposition, but I also thought there must be a catch somewhere. We have found out today what the catch is. Members of the Liberal Party thought that if they could not retain 26 Assembly seats in the country to 13 in the metropolitan area they would see that they retained a ratio similar to that in this place. They think that if they can get 18 seats in this Chamber, as they expect to get, they will be able to crack the whip for ever after.

Just prior to the last election people were invited to enrol for the Legislative Council, and the people in the Midland and Southern Districts got a tremendous surprise and fright because the Labor Party received many more votes. The possibility of adult franchise in the future has caused the Government to adopt its present attitude. Members of the Liberal Party think that as a result of the pressure of public opinion they might have to give way on adult franchise. Therefore, they are now endeavouring to get a grip on this place for all time.

The Hon. L. R. HART: It is a long time since we have had to sit in this place and listen to such a weak and pathetic argument as that put forward today by members of the Labor Party. That Party's problem is that it is so wedded to the policy of the abolition of the Legislative Council that it opposes any legislation brought forward to strengthen and retain the Legislative Council. It wants to tie the electoral districts of the Legislative Council to the parish pump, and this is the very thing we are trying to avoid.

We are trying to give the Legislative Council a broad outlook and place it in a position where it can represent both the majority and the minority point of view. The Senate does this, and no-one objects to the Senate.

The Hon. M. B. Dawkins: We haven't heard the Labor Party objecting to the Senate lately.

The Hon. L. R. HART: The Labor Party's policy, of course, is the abolition of the Senate as well.

The Hon. M. B. Dawkins: They haven't said that lately.

The Hon. L. R. HART: No. The Labor Party's policy is not only the abolition of the Legislative Council and the Senate but also the abolition of State Parliaments. Let its members deny that. They have said that under this Bill they will get six members in this place and we will get 18. How do they know this? It will be the job of the commission to decide the boundaries. The Labor Party is putting forward a weak and spurious argument. Its members are out to try to build into this legislation a means by which they can abolish the Legislative Council.

The Hon. S. C. Bevan: I think it's time you donned your life jacket.

The Hon. L. R. HART: If I am going to go overboard many more will go with me.

The Hon. D. H. L. Banfield: You were heading that way last time, and your mate nearly went, too.

The Hon. L. R. HART: The Labor Party wants the whole of this Council to go overboard. That may not be the policy of its individual members in this place but, of course, they have their masters and they have to abide by the decisions of their supreme body. I will not go into the question of one vote one value, because this has been stated many times. If A.L.P. members would come out and say, "We believe in the retention of the Legislative Council and we will do all in our power to see that it is retained", we could get down to some sound legislation. As it is, one of the reasons why this State is floundering is that we are being humbugged by legislation and resolutions brought forward by the Labor Party for no other than political reasons.

The Hon. A. F. Kneebone: Your Government is in control of the legislation.

The Hon. L. R. HART: The private member is permitted to have a say, because this is still a democratic country. The sooner we get on and pass some sound legislation the better off this State will be.

The Hon. F. J. POTTER: I have listened with a good deal of interest to the remarks that have been made today by my friends in the Labor Party, and I have heard many emotional speeches from them. Also, some red herrings have been drawn across the trail. However, nothing at all has been said about the merits or otherwise of these amendments. We have heard nothing from members of the Labor Party today about what they would propose for the Legislative Council. We have heard nothing about whether they agree that it is appropriate or inappropriate for the

Council boundaries to be dealt with by the commission at the same time as it defines the boundaries of House of Assembly districts. They have dodged that completely.

The Hon. D. H. L. Banfield: We have completely opposed it.

The Hon. F. J. POTTER: The Labor Party's attitude is, "We will deal with the Council later on." How? I challenge members of the Labor Party in this place to tell us what they would propose as a new formula to give to a commission for a redistribution of the Legislative Council districts. We have heard not one word from them about what their proposal would be. They will not deal with this amendment now on its merits.

The Hon. D. H. L. Banfield: It hasn't got any.

The Hon. F. J. POTTER: They try to draw red herrings across the trail and make emotional speeches saying that this amendment is designed to wreck the Bill. It does not wreck the Bill at all: it merely says that the commission, at the same time as it is considering the redistribution for the Assembly, will consider a redistribution for the Legislative Council. I agree with the Chief Secretary that there can be only one motive behind all this: they want to leave the Council boundaries where they are.

The Hon. R. C. DeGaris: Or defeat the Bill.

The Hon. F. J. POTTER: They should give us some constructive criticism of these amendments and not go on with all this rubbish about our trying to defeat the Bill.

The Hon. S. C. Bevan: You give us some justification for this. You haven't done that yet.

The Committee divided on the amendment:

Ayes (14)—The Hons. Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (3)—The Hons. D. H. L. Banfield, S. C. Bevan (teller), and A. F. Kneebone.

Pair—Aye—The Hon. M. B. Dawkins.

No—The Hon. A. J. Shard.

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER moved:

Before the definition of "the chairman" to insert the following definition: "proposed Council district" means proposed electoral district for the return of members of the Legislative Council.

Amendment carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7—"The Metropolitan area."

The Hon. S. C. BEVAN: I move:

After "1966-1967," to insert "and the municipality of Gawler"

Under the Commonwealth redistribution proposals, the authorities are not required to define metropolitan and non-metropolitan areas. However, in the Commonwealth proposals, much of the new Division of Angas would include areas that are in the metropolitan area as defined by this Bill. The Commonwealth proposal allows all of the areas of Stirling, Crafers, Bridgewater and Aldgate, which would come into the metropolitan area as defined by the 1963 State Electoral Commission, to be included in the rural district of Angas. Noarlunga, Port Noarlunga South, and Seaford are included in the Division of Barker, basically a rural area, but they were included in the metropolitan area in the 1963 State redistribution, are included in the metropolitan area in this Bill, and are likely to be included in the metropolitan area in any proposal advanced by the commission set up under this Bill. The Commonwealth redistribution does not pay close attention to what is metropolitan and non-metropolitan in determining boundary lines between what are predominantly rural and what are predominantly metropolitan seats, and the authorities have never been required to define a precise boundary.

Over the years Gawler has moved back and forward between Wakefield and Bonython. If the Commonwealth authorities were so concerned, why did they leave Gawler as part of the Commonwealth Division of Bonython for 12 months? Since last year the Adelaide statistical division, for the purpose of calculating population and other statistical information by the Bureau of Census and Statistics, has included Gawler. Gawler is part of the Adelaide statistical division. In fact, the State Planning Office, despite what is contained in the Town Planning Committee's report, in the submissions it made to the Metropolitan Adelaide Transportation Study on population forecasts for metropolitan Adelaide, says that metropolitan Adelaide embraces an area from Gawler to Sellick Beach, comprising the statistical metropolitan area and various local government areas, one of which is the municipality of Gawler. As the bureau includes Gawler as part of the Adelaide statistical division, surely it expects Gawler to be in close economic

and social contact with the principal urban centre of Adelaide.

The Government wants Gawler excluded from the metropolitan area to protect the members for Light, Burra, Rocky River, Gouger and Gumeracha. If this amendment is accepted it is still up to the commission to make the final determination. The Government wants to tie the hands of the commission, by saying it cannot include Gawler in the metropolitan area, whether or not it thinks it should be included. It was for this reason that the honourable member said, when his amendment was moved and passed in this Chamber, that there was nothing in the amendment or the Bill to say where the boundaries of the metropolitan area or anything else were or would be. We are saying that the metropolitan area should take in more people. One finds at the moment that Gawler is regarded as a country seat, but I visualize with the expansion taking place in the district that in a few years there will be a completely built-up area from Adelaide to Gawler. For this reason I can see no reason why Gawler should be regarded as a country district and be excluded from the metropolitan area when the commission is considering the metropolitan area boundaries. I am fully justified in asking that the metropolitan area be extended to Gawler.

The Hon. R. C. DeGARIS: I am somewhat nonplussed at the moment. We have heard many claims of there being a gerrymander, but when it comes to the metropolitan area the Labor Party wants to say what is the metropolitan area over and above that which has been accepted and drawn by the Town Planner. When the Government examined this question both Parties agreed that for the purpose of drawing electoral boundaries there was a need to redefine the metropolitan area. There is no argument on that. The Labor Party mentioned it in its election speech.

The Hon. A. F. Kneebone: Why didn't you leave it wide open for the commission?

The Hon. R. C. DeGARIS: Because there is a defined metropolitan area. In this Bill we have, to the best of our ability, sought to include a definition of the metropolitan area that would be beyond any accusation of "gerrymander". The amendment is, on the face of it, an attempt to gerrymander the metropolitan area. Members opposite may laugh at that, but that is so. The Government has been completely consistent, because for the purposes of this Bill it has accepted the definition of the Adelaide metropolitan area made by the Town Planner (as he then was). The Hon. Mr. Bevan waffled a lot about Commonwealth redistribution.

The Hon. S. C. Bevan: You had done a fair amount of waffling on the previous amendment, so I followed suit.

The Hon. R. C. DeGARIS: Perhaps I should say the honourable member did a lot of talking about Commonwealth redistribution. As he pointed out, there is no definition of the metropolitan area in respect of Commonwealth redistribution but in this Bill we have such a definition, and there has been no argument about it. The definition we have accepted is that of the Town Planner.

The Hon. D. H. L. Banfield: Why did you accept that definition and not the latest one in the Metropolitan Adelaide Transportation Study Report?

The Hon. R. C. DeGARIS: There is no definition of the metropolitan area there. The only definition of the metropolitan area is that of the Town Planner, and any variation from that in the general context of this Bill would of itself be a form of gerrymander. I suggest that the amendment be rejected.

The Hon. D. H. L. BANFIELD: Community of interests is supposed to be taken into account, yet the Bill excludes Gawler from the metropolitan area. The Chief Secretary said that the Government had accepted a definition of the metropolitan area, but various Acts give different definitions. For instance, the metropolitan area mentioned in the Industrial Code is different from this one, as is the definition in the M.A.T.S. Report, which is the latest definition. For all practical purposes, Gawler is in the metropolitan area. The Government pays no attention to community of interests and the part that Gawler plays in the metropolitan area. The Gawler High School is in the metropolitan area under the Planning and Development Act, yet under the Bill the municipality of Gawler is excluded from that area. I see no reason why Gawler should be excluded. It is logical that we take the latest definition of the metropolitan area, and that is to be found in the M.A.T.S. Report. If we do that, we include Gawler. I support the amendment.

The Hon. M. B. DAWKINS: I am almost overcome by this sudden touching concern about Gawler by the members of the Australian Labor Party. The Hon. Mr. Shard said he always believed that Gawler should be in the metropolitan area, yet we know perfectly well that the A.L.P. has always led us

to believe, at least until recently, that the metropolitan area should comprise an inside area from Gepps Cross to Brighton. It was keen to have 30 members within that area. There was also to be something like a wheel of fortune in relation to adjacent country seats, with so-called country seats jutting through Elizabeth and Tea Tree Gully. The Hon. Mr. Bevan had something to say about the town of Gawler in respect of Commonwealth boundaries. I do not know what this has to do with it, because any time we quote Commonwealth figures to the Labor Party and mention such things as November, 1966, it immediately says we should be talking about State matters.

The Hon. D. H. L. Banfield: What about the Senate?

The Hon. M. B. DAWKINS: The figures there were three Liberal members to two Labor; the House of Representatives figures only two years ago were eight Liberal seats to three Labor seats. Although the Hon. Mr. Bevan mentioned the town of Gawler in relation to Commonwealth boundaries, he did not dwell on where Gawler is at present. All honourable members know that the recent Commonwealth redistribution, which could not be said exactly to favour the Liberal Party, put Gawler in Wakefield which is a country seat, and took it from Bonython, which is a city seat. Even that argument does not help the Hon. Mr. Bevan in his submissions. The Government is wise in sticking to the 1962 town planning report in respect of the definition of the enlarged metropolitan area. Also, that report said that the metropolitan area would extend from the southern outskirts of Gawler to Sellick Beach—"from" but not including Gawler. I support the Government in this matter.

The Committee divided on the amendment:

Ayes (3)—The Hons. D. H. L. Banfield, S. C. Bevan (teller), and A. F. Kneebone.

Noes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Pair—Aye—The Hon. A. J. Shard. No—The Hon. C. D. Rowe.

Majority of 11 for the Noes.

Amendment thus negatived.

The Hon. S. C. BEVAN: In view of the vote on the last amendment, I will not persist with my other proposed amendments.

Clause passed.

Clause 8—"Other functions and duties of the Commission."

The Hon. F. J. POTTER: I move:

In subclause (1) (*a*) (i) after "equal" to insert "and into two proposed Council districts (each to return six members of the Legislative Council) that are approximately equal".

I do not think it is necessary to explain this amendment because it will be clear to all honourable members.

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (1) (*a*) (ii) after "equal" to insert "and into two proposed Council districts (each to return six members of the Legislative Council) that are approximately equal".

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (1) (*b*) to strike out "subject to subsection (8) of this section, adjust and re-define" and insert "define"; and to strike out "five existing" and insert "four".

Amendments carried.

The Hon. F. J. POTTER moved:

In subclause (1) (*c*) (iii) to strike out "re-defining" and insert "defining"; and after "each" to insert "proposed".

Amendments carried.

The Hon. F. J. POTTER moved:

In subclause (1) (*c*) (v) to strike out "the re-definition of the areas of the existing" and insert "four proposed"; after "report" to insert "and as would be necessary or desirable for making provision for the increase in the number of members of the Legislative Council"; and to strike out "thereon" and insert "on any such recommendation".

Amendments carried.

The Hon. S. C. BEVAN: I move:

In subclause (3) (*b*) to strike out "fifteen" and insert "ten".

In normal electoral proposals, the State is divided up by the number of seats. This resultant number is taken as the quota, and we try to get as close as possible to that quota, only departing from it by what is considered to be a reasonable tolerance to be able to draw boundaries given geographical and transport difficulties. That is the general system, and this is what happened under the Commonwealth Electoral Act. The State quota is arrived at and can be departed from by a maximum of 20 per cent either way. In fact, of course, the Commonwealth Electoral Commission has not departed from it in South Australia by as much as 10 per cent either way in any of the boundaries it has drawn. However, the L.C.L. Government says that one takes the State quota (a purely notional thing)

and adds 15 per cent to it for all the metropolitan seats in order to get the metropolitan quota. The number aimed at is the approximately equal figure of 14,957. There can be a tolerance up or down from that of 10 per cent. In these circumstances, the districts could vary from 13,461 as a minimum to 16,453.

There are 19 country seats for 18,289 electors. This would make the country quota 9,646. On an average, districts in the metropolitan area would have 15,286 voters to elect one member to Parliament. Those are to be the only two real quotas. The State quota originally calculated is simply a figure from which one starts and then two quotas are arrived at—the metropolitan quota and the country quota. We can then depart from either of those, and 15 per cent tolerance is allowed up or down in a country area so that country districts can vary from 8,199 to 11,093. This would mean, of course, that the smallest country seat could be of 8,199 electors and the largest metropolitan seat would be of 16,453, taking into account the initial tolerance of 10 per cent, as is the case under the Government's proposal. These are the variations of the kind that the Premier tends to talk about when mentioning numbers in other States. He talks not about the quotas or the averages but about the variations between the extremes, and variations between the extremes under these proposals equal 100 per cent which, in our opinion, is far too great.

The Hon. R. C. DeGARIS: I oppose the amendment. Whilst the case put forward by the Hon. Mr. Bevan is based on figures, he is taking the extreme case, which will not occur, and he is comparing it with the extreme case at the other end of the line, which also will not occur. In this Bill there is a figure above the quota for the metropolitan area of 15 per cent, and the remaining number of seats is divided into the number of country electors to give a quota. In drawing the boundaries a further tolerance of 15 per cent is allowed. In the metropolitan area this tolerance is only 10 per cent.

The reason for the variation is clearly understood. In the metropolitan area the commission will not have the same difficulty in assessing community of interest, but in a country area with a smaller quota it is necessary to give the commission this extra tolerance so that we do not have a case like that of the city of Mount Gambier, which extends into the electoral district of Millicent. No-one wants this situation, where part of a country city of 10,000 or 11,000 people is included in an adjacent electoral district. This is not practicable, and, if the situation arises, the commissioners must have this extra tolerance to avoid it. There is no intention to give the commission the power to produce the two extremes that the Hon. Mr. Bevan has instanced.

I point out, in connection with Commonwealth districts, that it is much easier to draw boundaries in large districts with a 10 per cent tolerance, but it becomes quite impracticable in the case of smaller seats. Honourable members will see the grave difficulty in which the commission will be placed if it is not given an increased tolerance for country areas. The case for maintaining this 15 per cent tolerance is completely reasonable, because it gives the commission the power to draw the boundaries with due consideration for the provisions of this Bill, which aim, wherever possible, to preserve community of interest.

Amendment negatived.

The Hon. S. C. BEVAN: I move:

In subclause (4) to strike out "disregarding any fraction" and insert "calculated to the nearest integral number".

It is unfair that a fraction, which may be just short of the next number, should be disregarded altogether.

The Hon. R. C. DeGARIS: The Government opposes this amendment. The Bill has been drawn to give a fair redistribution of seats covering the whole of the State and it has been drawn so that, in the first division, any fraction left over will be disregarded and the preceding number taken. This is perfectly fair, particularly when we remember that the number of the seats in the metropolitan area will be 28 or 29 out of a total number of 47 seats.

Amendment negatived.

The Hon. F. J. POTTER moved:

In subclause (7) after paragraph (*a*) to strike out "and"; and to insert the following new paragraphs:

(*c*) the two proposed Council districts into which the metropolitan area is divided by the commission shall be regarded as approximately equal if no such proposed Council district contains a number of Council electors that is more than ten per centum above or below one-half of the number of Council electors within the metropolitan area; and

(*d*) the two proposed Council districts into which the country area is divided by the commission shall be regarded as approximately equal if no such proposed Council district contains a number of Council electors that is more

than fifteen per centum above or below one-half of the number of Council electors within the country area."

Amendments carried.

The Hon. F. J. POTTER moved:

In subclause (8) after paragraph (*a*) to strike out "and"; and to strike out paragraph (*b*).

Amendments carried; clause as amended passed.

Clause 9—"Matters for consideration by the commission."

The Hon. F. J. POTTER: I move:

To insert the following new subclause:

(3) For the purpose of determining the boundaries of a proposed Council district, the commission may have regard to:

(*a*) any physical features within the proposed Council district; and

(*b*) the existing boundaries of existing Council districts, subdivisions of existing Council districts and local governing or other defined areas.

The proposed new subclause as it appears on members' files has been amended. As it appears on the files it includes a paragraph (*c*) relating to the likely increase or decrease in population within the proposed Council districts within the next seven years after the commencement of this Act. When I drew this subclause originally I took it exactly as it was in respect of the House of Assembly districts; I did not realize at the time that there are some aspects that are inappropriate regarding Council districts. It is not really sensible to talk about the likely increase or decrease in population in the Council districts, which will be large.

Amendment carried; clause as amended passed.

Remaining clauses (10 to 12) and title passed.

Bill reported with amendments. Committee's report adopted.

The Council divided on the third reading:

Ayes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (3)—The Hons. D. H. L. Banfield, S. C. Bevan (teller), and A. F. Kneebone.

Pair—Aye—The Hon. L. R. Hart. No—The Hon. A. J. Shard.

Majority of 11 for the Ayes.

Third reading thus carried.

Bill passed.

HARBORS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 5. Page 3040.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading. The Minister of Agriculture, in his second reading explanation, pointed out that the Bill made a number of miscellaneous amendments to the Harbors Act, 1936-1967. As we know, there were substantial amendments in 1966 to provide for the abolition of the Harbors Board, which had administered the principal Act and the Marine Act. Those amendments provided for the establishment of a department directly answerable to the Minister and always available to the Minister for counsel and advice. That amending Bill had several schedules, the first being in regard to consequential and formal amendments to the principal Act. As many such amendments were involved, it is reasonable to suppose that some important points may have escaped notice. The Second and Third Schedules provided for similar consequential and formal amendments to the Marine Act and the Local Government Act.

As has already been brought to our notice in another Bill before the Council recently, a number of such amendments were missed in the Marine Act also. The correction of these omissions is necessary to put the principal Act in order. When those amending Bills were being drafted, the draftsmen were very much overloaded because of the number of Bills going through and also because of shortage of staff. In such circumstances some consequential amendments could easily be overlooked. I am not at all critical of the Parliamentary Draftsman's staff. Indeed, I have a great regard for their efforts in the circumstances at that time, when such heavy demands on them were made by Parliament.

One of the main provisions within the Bill is that contained in clause 6(*c*), which inserts new section 45(3). Until now, the section has expressly prevented local government from taking control of harbour or coastal facilities for shipping, and this subsection will enable the Minister, if he believes it to be advisable, to pass over to the control of a local government authority any water or other reserve, jetty, pier, wharf or breakwater. When one realizes that recently some of the jetties, wharves and other facilities, which were at one time profitable for the Government through the use of shipping, have become a liability, the provision may result in saving some of these facilities from complete destruction.

I know that a number of jetties from which I used to do a bit of angling have now disappeared or have been shortened.

The Hon. R. A. Geddes: Will local government get any financial assistance for these wharves or jetties?

The Hon. A. F. KNEEBONE: I am afraid the honourable member will have to ask the Minister that, because I cannot read his mind regarding what assistance will be given.

The Hon. C. M. Hill: Perhaps I could ask him.

The Hon. A. F. KNEEBONE: Yes, perhaps the Minister could. If it were possible to maintain these in some sort of repair, it could mean an added tourist attraction and, therefore, the suggestion could achieve a good result. Indeed, in some areas it will give a real fillip to tourist activities. As the Minister said in his second reading explanation, the amendment will have particular application to the Glenelg jetty, which is now being built, and which, it is proposed, should be vested in the council. Without the proposed amendment this could not be done.

The other main amendment repeals section 166 of the principal Act, which was enacted many years ago at a time when no work was done on the waterfront on Sundays or on Good Friday. However, over the years there has been a great change in attitude towards Sunday participation, not only in this industry but also in all spheres of activity. Because of the provision that a permit could be given for such work, the changed attitude resulted in each application being granted. Under these conditions, the section is redundant, and I agree that it should be repealed. I therefore support the Bill.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

ABORIGINAL LANDS TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 5. Page 3051.)

The Hon. S. C. BEVAN (Central No. 1): I support this short Bill, and I do not feel inclined to waste the time of the Council in trying to debate a problem that does not really exist. The Bill's intention is to clarify the position that has arisen in relation to the transfer of Crown land in fee simple to the Aboriginal Lands Trust. It has been doubted whether the Act gives the power it intends to give. This matter was referred previously to the Crown Solicitor for opinion, and had the Labor Government remained in office it would have brought down this amendment to the Aboriginal Lands Trust Act so that the position would be clarified. The amendments before us leave no-one in doubt as to the power of His Excellency the Governor in transferring land either in fee simple or in a lesser state, whatever the circumstances may be. I support the Bill.

The Hon. H. K. KEMP (Southern): I, too, support the Bill. However, I should mention some of its origin and history. If one referred to the debate that took place in another place, one would find that this Bill was prepared by the previous Attorney-General, who found it necessary to introduce an amendment while it was going through that place.

The Bill is merely a means of correcting an oversight when the original Act was drafted. However, it should be brought to the attention of the Government that we are at present being asked to rush through so much legislation.

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

MARINE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 3. Page 2887.)

The Hon. H. K. KEMP (Southern): In speaking to this Bill I am really reporting what has been an interesting study, because it is a subject which, naturally, is not of day-to-day familiarity: the study of the whole of the law governing the safety of ships at sea. I have spent some time studying the Bill and I can find no fault with it. There is no sense in my detailing the individual sections, but one or two points should be raised in passing.

The first point I raise is interesting. By clause 20 it becomes illegal to have a safety-valve on a steamship unduly weighted. One thinks of this in connection with the days of safety-valves on the Murray steamers when they were racing, all of which is now history. There is a simple provision in clause 21, which inserts the following new section in the principal Act:

67h. The provisions of Part V of this Act shall apply *mutatis mutandis* to, and in relation to, fishing vessels.

By those few words, every vessel used for fishing that is not pulled by oars comes under the aegis of this legislation. That is a sweeping change when one realizes that many fishing boats operating today are of the light, runabout type.

I asked the fishermens' co-operative whether this might affect its operations because, strictly

speaking, if an accident occurs to a dinghy with an outboard motor going out to a fishing boat, it comes under the aegis of this legislation in respect of all safety precautions. This seems to go too far, but it is thought necessary; it merely enables an inquiry to be made in the case of a serious accident to any vessel. Apparently, the firshermen are quite happy with that.

The really important part of the Bill is clause 42, which amends the Second Schedule of the principal Act by making a long and detailed reorganization of the precise safety rules for ships and traffic at sea. This is set out in too great detail for a landsman to criticize, so it is more in the nature of an interesting study to see the changes that have been made than it is something that a member of this Council can criticize or evaluate.

The changes are chiefly in connection with the introduction of radar and modern equipment, which are certainly necessary. I strongly support the Bill and commend it to the members of this Council for their favourable consideration.

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

BOILERS AND PRESSURE VESSELS BILL

(Second reading debate adjourned on December 3. Page 2896.)

Bill read a second time.

In Committee.

Clauses 1 to 29 passed.

Clause 30—"Suspension of inspection certificates."

The CHAIRMAN: In paragraph (*b*) the words "or alterations" have been wrongly included. I propose to make the correction, which has been pointed out by the House of Assembly.

Clause passed.

Remaining clauses (31 to 52), schedule and title passed.

Bill read a third time and passed.

LICENSING ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from December 3. Page 2899.)

The Hon. G. J. GILFILLAN (Northern): This Bill is a simple measure. It deals first with the minimum age at which a person may consume alcoholic liquor and, secondly, with the minimum age of people employed in the industry. I have distributed some amendments to honourable members, which I will deal with in Committee. The main purpose of the Bill is to reduce the minimum age for the consumption of liquor from 21 to 20 years. It is well known that in its original form in another place the Bill set out to reduce that minimum age to 18 years. However, an amendment was introduced in another place altering the minimum age to 20 years.

I believe that the proposed age of 20 years is a concession to those who believe that young people are now maturing at an earlier age. At the same time, it will meet many of the objections of those who believe the reduction to 18 years would have been too drastic. This is sensible. I support the Bill, but I am rather surprised to read clause 7, which refers to the minimum age of people who may be employed by a licensee. Section 154 (1) of the principal Act provides:

A licensee shall not employ any person under the age of 21 years to sell, supply or serve liquor in any bar-room excepting a child of the licensee.

Clause 7 provides:

Subsection (1) of section 154 of the principal Act is amended by striking out the passage "person under the age of twenty-one years" and inserting in lieu thereof the passage "male person under the age of twenty years, or any female person under the age of twenty-one years".

We seem to have had a spate of so-called reforms in the last few years—we have seen many moves to stop so-called discrimination and heard many arguments about equal pay and equality of the sexes. Consequently, it surprises me to find that, in a Bill in which it was at first proposed to reduce drastically the minimum drinking age, there is discrimination between a male person and a female person under the age of 21 years. I have no objection to the clause as it stands, because I believe there is some merit in protecting a young woman in connection with the problems she may experience in such employment. At the same time, I find this actual discrimination somewhat unusual in a Bill of this kind.

The Hon. A. M. Whyte: She can be one year younger on the other side of the bar.

The Hon. G. J. GILFILLAN: Yes. Any young lady of 20 in this day and age can compete quite successfully with a young man of the same age. I support the Bill.

The Hon. M. B. DAWKINS (Midland): The principal object of this Bill is to lower the minimum drinking age from 21 years to 20 years. I have no particular enthusiasm for the Bill. The Royal Commission set up

two years ago favoured retaining the age of 21 years as the legal minimum drinking age. In Queensland and Western Australia the minimum drinking age is 21 years, as it is in South Australia at present, whilst in Tasmania it is 20 years. Only in New South Wales and Victoria is it 18 years. I am not opposing the Bill in its present form, but I would have opposed it very strongly if it had come to this Council in the form in which it was originally presented in another place.

We have recently heard much about 18-year-olds being more mature, more responsible and more sophisticated than they were a generation ago. However, in many cases I believe this is rubbish. It would be foolish to suggest that young people today are not better educated, in the formal sense, because they are staying at school longer and attending tertiary institutions. I do suggest, however, that they are not necessarily more mature or more responsible. Thirty years ago many young people had to leave school at the age of 14 years. If they wanted to improve their chances in life they had the opportunity to study at technical colleges. By the time they reached the age of 18 years they had been working for three or four years. Although they might not have been better educated, it might well be that they were far more responsible at that age, because they had been out in the world and they had had to earn their own living and deal with money. On the other hand, the young people of today accept complete support from their parents while studying at a college or university.

I do not believe that a minimum drinking age of 18 years would lead to moderation or restraint. I recently noticed in the press a statement of a man who is respected in this State and connected with the liquor industry; he said that he believed in temperance, which did not mean prohibition, and that he believed in moderation in all things. I do not believe that this legislation, if it is amended as has been foreshadowed, will lead to the moderation or the restraint about which this gentleman talked. We would be wise to retain the present minimum drinking age of 21 years. I will not oppose the second reading, because a minimum drinking age of 20 years is far preferable to the suggested age of 18 years, but I reserve the right to see what eventuates in Committee and I will, if necessary, oppose the third reading.

The Hon. L. R. HART (Midland): For frequency of amendments, I always thought the Local Government Act held pride of place, but over recent weeks the Licensing Act seems to be winning the title. I believe that one of the reasons why there are many amendments to the Licensing Act is that we departed so far from the recommendations of the Royal Commission that inquired into the whole question of the licensing laws. Many sections of the community are finding that they are being harshly treated and that there are anomalies in the principal Act. Therefore, we have these amendments to the principal Act to rectify this position.

I was most impressed by what Sir Norman Jude said on this matter. He said, in effect, that he was concerned not so much about the age at which people drank as about what they drank and how and when they drank it. I have some similar thoughts about this. There is possibly a popular belief that most of the excessive drinking takes place in licensed premises. Of course, this is not entirely true, for much excessive drinking takes place at private parties.

Indeed, I have no doubt that many of the prosecutions for excessive drinking or driving under the influence of liquor are the result of excessive drinking at private parties, and I believe that in these instances the hosts at these parties are the people mostly responsible. Indeed, I believe that when a host is a non-drinker there is some danger that excessive drinking or uncivilized drinking may take place. We have heard much in recent months about civilized drinking. Honourable members often receive invitations to evening parties or to dinners, and there is the further invitation to come early for sherries.

Sherry is a drink that is supposed to be taken at a certain time: it is an appetizer that one takes before a meal. However, in many cases, particularly on a Saturday, people who turn up at a party are both thirsty and empty; they are looking for a thirst-quencher, and the first thing they do is drink down two or three sherries fairly quickly. Of course, sherry tends to dehydrate a person further still. Therefore, the situation is reached early in the evening where a person can be well on the way to becoming intoxicated, because at a later stage in the evening he will be drinking other drinks.

There is nothing worse than mixing drinks. Certain drinks can be mixed, but it is only the experienced drinker who knows which drinks can be mixed. There is the old saying, "Beer then whisky is always risky." There is also the saying, "Whisky then beer, never fear." However, I am not too sure whether

that is good advice. I suggest that probably there should be a requirement that before partaking of any drink at a party a person shall have an orange drink. If, when first arriving at a party, people would have an orange drink first of all to quench their thirst, they would tend from then on to drink in moderation. We are not trying to deny people drink, but we are hoping to bring about what we term civilized drinking or drinking in moderation.

This Bill in its original form set out to provide for the youthful or teenage drinkers. Admittedly, some people are caused certain inconvenience in relation to the Licensing Act. Some parents who go to a party at a hotel, cabaret or club take their families with them, and the families are often under the lawful drinking age. I was interested in what the Royal Commissioner said in his report, as follows:

I see much point in the suggestion that a parent, or other person *in loco parentis*, should be able to supply a glass of table wine to a near-adult son or daughter with a meal, but I am unable to suggest an exemption which would not open the way to unintended consequences; it seems better to me to say that where a parent desires to supply wine to his under-aged son or daughter, let him do so at home.

This legislation is not denying people under 20 years of age (this is the age now provided in the Bill) the opportunity to enjoy table wine or other beverages at a meal or at any time: it is merely saying that these people cannot purchase drink for consumption on licensed premises.

When this legislation was before this Council last year it was evident that there would at some stage be pressure from the university to have the drinking age lowered, and no doubt the Bill before us is a result of certain pressures coming from the university. It was evident at that time that the university would apply for a reduction in the drinking age from 21 years, because many of the students at the university would be aged between 18 and 21 years.

From some years of experience in patronizing public houses, I think the problem is that with the youthful drinker there is this air of bravado, this air that "I can take my liquor." While this is probably true with some young people, many are not able to take it. Also, there is the habit amongst the younger drinkers of forcing (I use that word advisedly) drinks on to their female friends. It seems manly to them, possibly, to buy drinks for their female friends. These drinks they buy are not always wisely chosen; consequently, we see not only male teenagers under the influence of liquor but also females.

Also, when we start tampering with the drinking age we must remember that we are in an age when there is no discrimination between the white and the Aboriginal, so what we provide today for the white in the relaxation of drinking laws we also provide for the Aboriginal. Much has been said in this Chamber and in other places about the dangers of relaxing the drinking laws for Aborigines.

I have noted in Victoria, where the lawful drinking age is 18 years, that many of the young people who drive up to the drive-in bottle departments (many of them in sports cars) to obtain their requirements would be under the age of 18 years. This is perhaps a greater danger, because these young people take their drinks away to some secluded spot and invite their friends, so they are not drinking under any sort of parental or other control.

Some speakers have said that the 18-year-old today is more responsible than people of that age were years ago. Admittedly, many of them are responsible, and many of them could be trusted with a lower drinking age; but we all know, if we are honest with ourselves, that many of the people today under 20 years of age are not responsible.

The Hon. S. C. Bevan: Don't you get irresponsible people over that age, too?

The Hon. L. R. HART: The honourable member can make his own speech presently; I am making mine now. Many people today under the age of 20 years are not responsible, and we as responsible members of Parliament have an obligation to see that those people are protected. Therefore, I am prepared to support the second reading of this Bill.

The Hon. V. G. SPRINGETT (Southern): Several members have spoken to this Bill and I would make three points in connection with the foreshadowed amendment to bring the minimum age for drinking alcohol down to 18 years. As the Bill now stands the minimum age is 20 years, and that has my support. One of the reasons put forward for reducing the minimum age to 18 years is that it brings our legislation in line with current thought and action. I understand that in a certain part of the world a good many miles from here moves are on foot in a country where 18 is the present permissible drinking age to lower that further because, as they say, it will be in

keeping with the character, tradition, and behaviour of people in that country.

This could be followed almost *ad nauseam* and *ad absurdum*, because if the age is reduced to 18, many people below that age want permission to drink, and so the age goes down and down until we would see "mother's ruin" drunk in childhood, almost. Therefore, the argument of reducing the minimum age to 18 years just to be in keeping with the custom of the time holds no water at all.

Some three weeks ago I was in the Royal Adelaide Hospital one evening talking to a young nurse who was under 20 years of age. I said to her, "What do you think of the idea of being allowed to drink at the age of 18 years?" She said, "I think it is a terrible idea." She was not a "blue stocking"—she was an alert, attractive and intelligent young lady. She said, "I have seen too many accident cases admitted at night that were caused through drinking."

Yesterday I was talking to a colleague of mine who is a doctor and he told me that over the weekend he had been called professionally to a certain place where there were 13 people sleeping off or working off the after-effects of excessive alcohol. Of these 13 people, several were youngsters, to use his term. Therefore, I am very happy and willing to support a minimum drinking age of 20, but there must be a limit somewhere and that seems to be a reasonable limit.

The Hon. H. K. KEMP (Southern): I want to register a protest. The whole manner in which this subject has been publicized has been completely dishonest. In all the references to this measure, the lowering of the minimum drinking age is mentioned, and it has resulted in a completely incorrect picture being put before the people of South Australia, because there is no legal lower limit in respect to the drinking age in South Australia.

Any person, no matter how young, who can legitimately get hold of liquor is entitled to consume it. "Legitimately" is the word in question. There is no legal limit to drinking in this respect. The age limit set is purely and simply an age below which minors are protected from organized exploitation: this is really what is involved in the present age limit of 21 years. Does the public realize that, rather than conferring any advantage on young people, this measure will deprive them of the protection that they have been traditionally given in this community? If this is realized, this legislation will not be passed so easily.

As the law stands, no youngster can be exploited by the liquor trade until he reaches the age of 21 years, but this measure exposes one-twentyfirst of our minors to the liquor trade. It is very lucky that we are not exposing three-twentyfirsts of our minors to this exploitation. Is it clearly realized that the clause that protects barmen in connection with serving people between the ages of 18 and 21 years will have to be amended to change the age of 18 to 17?

A barman has a defence against a charge of serving a minor with liquor if he honestly believes that the youngster is 18 years old, or older than 18. This has been interpreted by the liquor trade as a more or less open privilege to trade with youngsters as young as 18 years in bars, lounges and dining-rooms. However, this age will now be reduced to 17 years.

We are very lucky that the House of Assembly amended a proposal that the minimum drinking age be 18 years because, if that proposal had been accepted, the age in the provision relating to the protection of barmen would have had to be reduced to 15 years. Even if the age stands at 17 years, a very real danger exists for youngsters. It is absolutely impossible today to tell the difference visually and anatomically between 13-year-olds and 17-year-olds. Hotels can trade with teenagers and there is no possibility of this trading being effectively policed. This is the first measure of so-called progressive people to break down the protection we have given to young people whilst they are growing up and getting used to taking their place in the world. I shall certainly bitterly oppose any further measures of this kind, because the exploitation of 20-year-olds and 21-year-olds by the liquor trade is scandalous.

The Hon. C. M. HILL (Minister of Local Government): This Bill was introduced in another place as a Government Bill, but it was treated as a social measure. It came to this Council in its present form after having been amended during its passage through the House of Assembly. Most honourable members have strongly opposed the original suggestion that the minimum drinking age be 18 years. Personally, whilst I respect the views of the honourable members who have spoken along these lines, my own view is that I approve of youths from 18 years upwards drinking in hotels.

The Hon. Mr. Shard first raised a query about clause 7. Under the old Act, which was repealed in 1967, boys could be employed as

barmen from the age of 18 years and girls from the age of 21 years. When the 1967 Act was brought in the age was raised to 21 years for boys. When this Bill was originally brought in, the age was reduced to 18 for boys but it was left at 21 for girls. There was a debate on another clause in the Bill the object of which was to lower the age at which persons could drink on licensed or permitted premises from 21 years to 18 years. The clause was amended by striking out "18" and inserting "20".

When the House of Assembly Committeee reached the clause dealing with the employment of barmen, "18" was struck out and "20" was inserted, and it is in that condition that the Bill has reached this Chamber. The Australian Hotels Association is anxious that the age for boys should be 18, as it stood before the 1967 Act.

I want to support my contention that I consider it would be quite appropriate in this State for young people of 18 years of age to be able to drink in hotels. I realize that honourable members in this Chamber always look at questions in great depth, whilst applying very wide vision to their approach. In their review of measures generally since I have been here, I have been greatly impressed by the unprejudiced and very open-minded approach that honourable members have adopted. It has been one of freedom from narrow views, and taken all round I think the majority of honourable members adopt a very liberal (I use that word with a small "l") approach to all questions that come before this Council.

One point that is mentioned from time to time is the fact that we take particular interest in and particular heed of minority groups within the community and within the State, and this group of young people can be considered as a minority group.

The Hon. H. K. Kemp: Worth safeguarding, in other words.

The Hon. C. M. HILL: The honourable member may think he is holding himself out as being able to safeguard the interests of these people, However, I wonder whether full consideration has been given to the whole question from their point of view.

The Hon. M. B. Dawkins: What about the Royal Commissioner's point of view?

The Hon. C. M. HILL: To satisfy the honourable member, I can say that the Royal Commissioner in South Australia recommended the retention of 21 years. However, there are some other very interesting statistics. In Western Australia and Queensland the age remains at 21; in Tasmania it is 20; and in Victoria and New South Wales it is 18.

The Hon. M. B. Dawkins: Would the Minister indicate what he is quoting from?

The Hon. C. M. HILL: It is a book that I know the honourable member is very interested in; it is the journal of the Temperance Alliance of South Australia Incorporated.

The Hon. M. B. Dawkins: It is very interesting to hear you quoting from it.

The Hon. C. M. HILL: I read all kinds of literature because I want to get a very broad view of this question. In the United States of America, the majority of States maintain 21 years of age; two States have 20 years; one State has 19 years; and about 16 States have variations on the age of 18 years. Most of these latter States permit youths of 18 to purchase light beer but prohibit the purchase of what can be called hard liquor until the age of 21. Therefore, there is a great variation in the approach of various States to this question. I am particularly interested in the question from a personal interest point of view. I drank liquor in bars myself at 18 years of age.

The Hon. D. H. L. Banfield: What State?

The Hon. C. M. HILL: I did that in every State in Australia. In doing that I was within the law, because during wartime we were permitted by law to drink in hotels. I did not find that it did great harm to me or to those who drank with me, and I could not see that it was bringing us down along the road to ruin at all.

The Hon. A. F. Kneebone: I did that long before you did.

The Hon. C. M. HILL: Then the honourable member was definitely outside the law.

The Hon. A. F. Kneebone: The difference was that I was not supplied by a licensee.

The Hon. C. M. HILL: I have three sons of 18 years of age or older, and I have a very strong suspicion that at some time or another each of those boys between the ages of 18 and 21 has consumed liquor in a hotel, and I have a very strong suspicion that some of their friends have done so, too. I cannot see that any great harm has come to them or to their friends as a result of what they have done, and I have observed the friends of my sons in my home. I have had very close personal contact with a great number of youths in this age group, and I am quite convinced in my own mind that no great harm would come to them at all if this measure went through as it was originally proposed.

Therefore, when I hear of these stories of woe I ask myself whether or not the question is as serious as some people think it is. A few young people commit pranks and crimes as a result of liquor; they have done this in every age and, of course, adults do it, too. However, we do not have any proof that the position would change for the worse if an 18-years age limit was fixed. Before 10 o'clock closing came in, there was almost a feeling that the world was coming to an end, but as far as I can observe all of the fears that were expressed then have been groundless.

The Hon. S. C. Bevan: That has been the attitude with almost every reform.

The Hon. C. M. HILL: Yes. When the liquor question is involved, there is a fear that great harm will come with change. However, that was not so with 10 o'clock closing, and I do not think it would be so if we changed the law so that our law was the same as that of Victoria and New South Wales. In fact, if we did that I would look upon it as a gesture of confidence in today's youth, the vast majority of which are capable, mature and responsible.

The challenges and pressures that those young people face up to, in my view, are far more serious and far more varied than the changes that youth had to face up to years ago. It is in their interests and ours that at about 18 years of age those young people mature quickly and that they be given and accept responsibility.

The question of university students was mentioned in this place today. If we are to be realistic and honest with ourselves, we must admit that student pranks have been going on in universities for as long as universities have existed. Today, of course, more publicity is given to them through television and other media, so a great deal of what goes on down there that many people frown upon reaches the public eye. This degree of publicity did not exist years ago.

I do not deny that some people within the universities are immature. However, their behaviour in Australia and in South Australia is excellent compared with that of their counterparts in other parts of the world. One need only refer to the behaviour of students in countries such as England, France, Japan and Italy.

The Hon. A. M. Whyte: What is their drinking age?

The Hon. C. M. HILL: I have not got that information. I think I heard someone say that it is 18 years in England, and that may be so. In other places students resort to violence; they tear down universities, and complete riot takes place. We do not have that in South Australia. I submit that we have responsible youth in our universities. It is not only in the universities elsewhere in the world that these problems occur.

People think that in America the young people involved in the riots are involved because of racial differences, but that is not so in every instance. Indeed, many riots in America are caused for reasons other than race, and experts are still trying to ascertain why these riots occur. Youths literally go mad: they turn over cars, break shop windows and set alight blocks of buildings and, when apprehended and asked why they have done these things, they simply reply that they wanted to riot. Fortunately, the youth of South Australia does not resort to that.

The Hon. M. B. Dawkins: Isn't that a good argument for retaining the present drinking age?

The Hon. C. M. HILL: It may be, but many of the speakers have deprecated our youth, but we have much with which to credit South Australian youth. In fact, this is rapidly becoming a young man's world. A friend of mine who has just returned from Europe has told me (and I accept what he has told me because he is a reliable man) that business executives from the age of 28 to 35 are taking great responsibility in commercial circles in Europe and are taking decisions and committing their companies for millions and millions of dollars with each decision.

That state of affairs will come here, and if we are to bring our youths to a stage to enable them to take such decisions and to accept responsibility of that kind in their late 20's and early 30's, are we justified in restricting them in this field of drinking? Speaking in support of the young people of South Australia who are 18 to 20 years of age, we should have every confidence in them to conduct themselves as adults if they are given the right to drink in hotels. Their record as young South Australians shows that they deserve the right to drink in hotels if they so desire. For those reasons I favour a minimum drinking age of 18 years.

Bill read a second time.

The Hon. G. J. GILFILLAN (Northern) moved:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause relating to the licensing of clubs.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—"Certificate."

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

To strike out "Subsection (5) of" and after "amended" to insert "(*a*) by striking out paragraph (*b*) of subsection (4); (*b*)" and after "out" to insert "from subsection (5)".

As it now stands, subclause (4) (*b*) provides that a person under the legal drinking age cannot attend a function held under this section; this applies particularly to cabarets. This has had the effect of stopping cabarets in some areas, particularly smaller country areas. My amendments will not in any way enable liquor to be sold to young people attending such functions any more than it would in a hotel. Of course, if liquor is sold at any of these functions it is sold by a person with a full publican's licence who is under the same obligation not to supply persons under age. As the Act at present stands, many older teenagers are prevented from attending such functions with their parents. Also, the wife of a young man of 22 or 23 years is often prohibited.

It seems anomalous that these persons can enter a hotel with their parent for a meal, yet they cannot attend this type of function because they are prohibited from being on the premises. Of course, this applies to more than cabarets: it also applies to premises where special permits have been obtained. Because these functions, particularly cabarets, are rather restrictive in nature (in that they are not functions open to any member of the public), fairly strict control is kept on them, as certain limitations must be adhered to. Otherwise, persons could lay themselves open to prosecution and, of course, these people have the good name of the organization to keep in mind when further permits are required.

Amendment carried.

The Hon. S. C. BEVAN: I move:

To strike out "twenty" and insert "eighteen".

I move this amendment for specific reasons; it will be a test in relation to the age, because a number of other clauses in the Bill refer to 20 years of age and, of course, these too will have to be amended if this amendment is passed. I do not agree with much of what has been said in relation to the irresponsibility of young people under 21 years of age. I have often wondered where this 21 years of age came from as being the age of maturity or adulthood. How was it arrived at? It certainly was not decided upon because it was the age of puberty. I cannot discover how it was arrived at. I do not see that a person under the age of 21 is irresponsible. Of course, there are some but that happens in all age groups—21, 22 and even 52: there are always some irresponsible people in any age group.

Let us not forget that in wartime there was conscription for all men between the ages of 18 and 45. Young men in the Army are allowed to drink in hotels. How often do we see it advertised on television, "Join the Regular Army at 17 and get full adult pay"? There are wet canteens in the camps, but I have yet to learn that these young soldiers are barred from them. They are not exploited. A lad of 17 is accepted into the Army today; he is treated as an adult, gets adult pay and can drink in the Service canteens; but, if he leaves the Services, he cannot legally obtain a drink or go into a hotel and drink. It has been said that, if the age of majority was reduced to 18, 16-year-olds would drink in hotels and we would not be able to tell the difference between a 16-year-old and an 18-year-old. In some cases that might be so.

The Hon. A. F. Kneebone: Sometimes one cannot tell the difference between the sexes!

The Hon. S. C. BEVAN: In some cases we can! Today, a publican or a barman has a responsibility. Some 18-year-olds may attend a floor show in a hotel; they make up a party of their own, they book a table and see a good floor show. They are under 21 and are asked, "Are you 21?" They reply "Yes", and that is the end of the barman's responsibility. We all know this goes on although it is illegal under the present law.

How often do we read of these 18-year-olds being arrested for drunkenness after a hotel has closed? I do not notice too many prosecutions in that regard.

The Hon. V. G. Springett: There are a few such people in the hospitals.

The Hon. S. C. BEVAN: The honourable member is probably referring there to road accidents, but are these road accidents attributable to drink? It has never been proved that they are; there may be one or two cases.

The Hon. V. G. Springett: Not one or two—very many. There is a strong link between increased alcohol consumption and increased road accidents.

The Hon. S. C. BEVAN: In what age group? It is not borne out by the number of prosecutions. If there have been many road accidents in this age group because of drink, why have not more drivers' licences been taken away from these lads? I cannot remember

actions in the police court justifying our saying our youth is irresponsible. If this amendment is carried, it will mean consequential amendments to other clauses.

The Hon. M. B. DAWKINS: I oppose this amendment. Honourable members know me well enough to appreciate that I am not a "square" (I will agree to differ with them in my ideas and theirs) but my concern is whether this is a beneficial move for our young people. I am sure it is not. It is not a good idea to extend something that will not help the cause of moderation or restraint. I heard the Minister a few minutes ago give some excellent reasons why we should retain a sensible drinking age. Admittedly, he tried to turn them around to the benefit of the minority, but the reasons he gave for our young people being responsible were good arguments for retaining something that we now have.

Although this Bill does not retain the present drinking age, at least it is much better than the amendment for 18 years. Four States in Australia at present have a minimum drinking age of 20 years or over. Further, the majority of the States of the United States of America have a drinking age of 21 or 20 years. I believe numbers of young people of 18 years are not fully responsible, although admittedly some may be. However, I do not think that, of necessity, young people of today are more mature than they were 20 or 30 years ago. While that comment may not always apply, it does in many cases. Years ago, perhaps by reason of some adversity, many young people were more responsible at 18 years than some young people are today. I do not think the amendment is in the best interests of the young people of South Australia, not because of my own convictions but because I believe this Council should look after the interests of young people. I oppose the amendment.

The Hon. A. M. WHYTE: With the Hon. Mr. Dawkins I, too, oppose the amendment. I have heard a great deal tonight about young people of 18 years being more mature than you, Sir, and others were at 18, and going even further back. I do not believe that, but I do believe that young people have more opportunities to express themselves because of their education, and they certainly do express themselves more. However, in considering the advantages of reducing the minimum drinking age the question should be asked, "In what way are we helping the young people?" That should be asked regardless of whether they are becoming more mature or not. With the Minister, I, too, drank before I was 18—

The Hon. C. M. Hill: Not before; I drank at 18.

The Hon. A. M. WHYTE: I drank before I was 18, but I do not take any credit for that. Regardless of what is done about a minimum drinking age, I do not believe we shall be able to stop youngsters from drinking, but we can control them. With a minimum age of 21 years, many young people of 18 can be seen drinking in hotels; if the age should be reduced to 18 years, it will not be an uncommon sight to see children of 16 drinking there. I cannot see what advantage it will be to young people if we advocate that they be allowed liquor at all.

In New South Wales, when the minimum drinking age was reduced to 18, the Legislature also stepped up the minimum age at which a driving licence could be obtained. Youngsters in South Australia able to obtain a licence at 16 would have to wait until they reached 18 before becoming eligible for a licence in New South Wales. Further, police have been given the power to enter hotel premises and question anybody suspected of drinking under the minimum age of 18, whereas in South Australia tolerance is shown in many such instances. I see nothing wrong with the Act as it stands, and I believe I have satisfied my conscience by agreeing to a minimum drinking age of 20 years. In spite of that, I think it would have been better if it had remained at 21. I cannot believe we are doing anything to help youngsters even though they are accepting more responsibility than ever before.

The Hon. S. C. Bevan: There are a lot of young people who marry at 18 years of age, and yet they are not allowed to have a drink.

The Hon. A. M. WHYTE: It would be nice to think they could be married while they were sober. I cannot see that allowing people to be "full" on their wedding day would be of any assistance to them. I contend that we shall not be helping youngsters by giving them an incentive to drink before being of a mature age. If they did not drink at all I believe they would be a good deal better off than those who do. It has nothing to do with becoming more manly because a person is not judged on his manliness by his merits as a drinker. I know many men who are teetotallers, some having been excellent soldiers who went through rough times, but nobody discredited them because they did not drink. I strongly oppose the amendment to make the minimum age 18 years.

The Committee divided on the amendment:

Ayes (5)—The Hons. D. H. L. Banfield, S. C. Bevan (teller), C. M. Hill, A. F. Kneebone, and Sir Arthur Rymill.

Noes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 6 for the Noes.

Amendment thus negatived; clause as amended passed.

New clause 3a—"Licensing of clubs."

The Hon. G. J. GILFILLAN: I move to insert the following new clause:

3a. Section 87 of the principal Act is amended by inserting after subsection (7) the following subsection:

(8) The Royal South Australian Bowling Association Incorporated shall, for the purposes of this Act, be deemed to be a club, and the members of any club that is a member of, or affiliated with, the Association, shall, for the purposes of this Act, be deemed to be members thereof.

The Royal South Australian Bowling Association Incorporated is the governing body of bowling in South Australia. It holds a responsible position in the community and frequently entertains visitors from within the State and from other States. Earlier this year it entertained representatives from the various Parliaments. Because the association's headquarters cannot be classed as a club under the Act at present, it cannot apply for a permit. My amendment will enable the association to be deemed a club.

The Hon. Sir ARTHUR RYMILL: I do not oppose the amendment, because it is justifiable in the peculiar circumstances of the case, but I do want to oppose the principle of selecting certain bodies and specially nominating them for various classes of licence. If this became widespread Parliament would get into a very invidious position. Therefore, whilst I do not oppose the amendment, I will certainly consider opposing future amendments of this type if this idea becomes prevalent. I want to make this quite clear in case the occasion arises.

The Hon. G. J. GILFILLAN: I did take this point into consideration before moving my amendment. I had a rather different provision drafted originally but I thought, on consultation with the people concerned, that it was possibly better to limit it to the problem we had before us because, to my knowledge, there had not been any approach from other organizations. In fact, this principle already exists within the principal Act. Special provision is made for the Returned Services League, which has a particular problem. I cannot see any other way of covering this position.

New clause inserted.

Clauses 4 and 5 passed.

Clause 6—"Prohibition of supply of liquor to persons under 18 years of age."

The Hon. Sir ARTHUR RYMILL: As one of those few, apparently, in the Parliament who read the marginal notes to clauses, I draw attention to the fact that this marginal note is incorrect.

The CHAIRMAN: The honourable member is correct in that statement. The word "eighteen" should be "twenty". The alteration will be attended to.

Clause passed.

Clause 7—"Persons not to be employed in bar-room."

The Hon. D. H. L. BANFIELD: Perhaps the Minister has already given the reason for the provision that females shall be 21 years of age whilst males need be only 20 years of age. If he did not give the reason, will he give it now?

The Hon. C. M. HILL: I did give the reason, but I shall be happy to oblige the honourable member by repeating it. Under the old Act, which was repealed in 1967, boys could be employed as barmen from the age of 18 years and girls from 21 years. When the 1967 Act was brought in the age was raised to 21 years for boys. When this Bill was originally brought in the age was reduced again for boys to 18 but it was left at 21 years for girls. There was a debate on another clause of the Bill, the object of which was to lower the age at which persons could drink on licensed or permitted premises from 21 to to 18 years.

The clause was amended by leaving out the age of 18 and inserting the age of 20. When the House of Assembly Committee reached the clause dealing with the employment of barmen, "18" was struck out and "20" inserted, and it is in that condition that the Bill has reached the Upper House. The Australian Hotels Association is anxious that the age for boys should be 18 years as it stood before the 1967 Act.

Clause passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

STAMP DUTIES ACT AMENDMENT BILL (No. 1)

Read a third time and passed.

SWINE COMPENSATION ACT AMENDMENT BILL

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

BUSH FIRES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 4. Page 2985.)

The Hon. Sir NORMAN JUDE (Southern): Although containing a considerable number of clauses, this Bill is a very simple one, and I congratulate the Minister on introducing it. It contains two most important provisions, and I congratulate the Minister also on the lucid explanation of the clauses, which will be very easy to follow.

The most important amendment to the Act, which was virtually consolidated in 1960, deals with the appointment of additional fire control officers in districts that need them. At one time we thought that 15 were not enough and that the number could be increased to 30, but the danger of fire and the development of country, together with the building that has taken place in many areas adjacent to the city, has warranted much smaller areas being brought under control of a capable person. This Bill therefore provides for the appointment of additional fire control officers to double the number previously included in the Act. It also provides in certain circumstances, and having regard to the requirements of a specific area, that the Minister can add even further to that number. This is a highly desirable improvement to the Act and I certainly commend it to honourable members.

Following upon that, the departure from normal in the Bill is that dealing with the provision for a council to appoint what is to be called an acting party leader. This is highly desirable when a fire control officer is working with a radio and must in many cases remain in a certain position so that the people working under him, particularly those who have not got a radio, can contact him with ease. It is likely that, in the hills, parties would have to be split up into small groups and be given detailed instructions. One knows that someone must be in charge of such parties and that one cannot allow persons to do what they like at random, or they could get into difficulty. We have seen cases such as this in the past.

It is essential that each group be under the charge of a leader, and this Bill provides for that. I have only one query in that connection: while I understand that such party leaders fall within the provisions of the Volunteer Fire Fighters Fund Act, it does not mean that they will be insured by district councils. At present the Bush Fires Act provides that district councils shall insure all their fire control officers and Emergency Fire Services officers attached to a specific machine. I wonder whether the provisions of the Volunteer Fire Fighters Fund Act are adequate as it is necessary in the other instances that these persons shall be named. In the case of bad fires in the hills (let us hope we do not have them) many groups of volunteers, the members of which it is impossible to name, go up and split into small groups. I know that the Fire Fighters Compensation Fund Committee has experienced trouble from time to time in assessing, for example, whether a person who is proceeding to a fire, who is a *bona fide* volunteer and who perhaps turns his car over on the Devils Elbow, is entitled to compensation. I therefore suggest to the Minister that he examine that aspect.

I do not want to delay the passage of the Bill, but I suggest that he look at the extent to which a party leader is covered. In other words, must such a person be at the fire, or on his way to the fire, or will he have authority to take over the full powers of a fire control officer concerning, say, the holding-up of traffic or the directing of empty commercial trucks to load water in district council areas, which is arranged in many of our country councils these days? Also, would the officer have power above that of a police officer to order (they do not order but ask) the driver of an unladen semi-trailer to go to a certain spot to pick up water? That is the only point I wish to make in respect of a fire-fighting party leader: to ensure that compensation will cover him in all circumstances.

Many of the remaining clauses are either to correct drafting errors made in the 1960 Act or to alter to decimal currency the many fines (some of them low fines) that are provided for breaches of the Act. The Bill is essentially a Committee one and I commend it to honourable members. I understand that some amendments may be moved in Committee, and so that I may have a chance of looking at them I ask leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. R. A. GEDDES (Northern): It is interesting to note that this is the first time the Bush Fires Act, 1960, has been amended since its introduction in spite of the many determined efforts made by fire fighting organizations throughout the State who have annually made suggestions for amendments. Up until this stage all suggested amendments have been vigorously resisted. Now, as the Hon. Sir Norman Jude has said, some minor amendments are to be made to decimal currency provisions as well as some interesting alterations designed to assist the Emergency Fire Services in their efforts to combat a fire once it has started.

The first of several interesting points in the Bill is the appointment of additional fire control officers by local government, power being given to increase the number from 15 to 30. This is a welcome change, particularly as it will affect E.F.S. areas near the metropolitan area. I believe the most important aspect of this amendment is the need for councils to be wise in their appointment of fire control officers; they should appoint men with the capacity to take control of fire fighters. The next most important matter is the amendment to the Act that allows fire party leaders to be appointed. Proposed new section 37a (1) reads:

The Minister or a council, or any person acting under the written authority of the Minister or a council, may, by instrument in writing, appoint such persons as he or it thinks fit to be fire party leaders. A fire party leader may be appointed for such period, not exceeding the period expiring on the thirtieth day of June next ensuing after the date of his appointment . . .

This means that a fire leader may be appointed for a minimum time, possibly for the duration of a fire (or for a week or 10 days) or, at the most, for 12 months until June 30 of the succeeding year. Dealing with proposed new subsection (1) as quoted above, I question the wisdom of giving such wide powers to local government as it applies to "any person". I foreshadow that I will move some amendments that supervisors or their deputies shall be given that right or privilege. As the Minister has said in his second reading explanation, the supervisor is the most responsible person at any major fire because it is his responsibility to establish fire control headquarters and an ordered system of fire control. Again, as the Minister said, particularly in relation to the metropolitan area and to the Adelaide hills areas, when 2,000 men are sent up from the city, keen and conscientious, but possibly with little knowledge of fire fighting, they will need efficient leaders.

I see the necessity for the Minister having the right to appoint fire party leaders because I envisage that cadets from the police training college will be used as leaders with teams of 10 or 12 men under their control. They will be there to give guidance and help to those not so experienced in the work.

Clause 13 contains the next important amendment and seeks to amend section 49 of the principal Act. It is intended to allow a landowner seven days or not less than four hours in which to advise his neighbours and his local district council of his intention to burn stubble or scrub. When I first read the suggested amendment I was violently against it, particularly its likely effect on the burning of stubble. I considered it wrong to grant such wide powers to primary producers and that they should be restricted in the time of warning neighbours to as long as seven days in advance. However, during the weekend I sought the views of many people and I have been assured that this amendment will be approved by about 95 per cent of the State's responsible fire fighting organizations controlled by local government authorities. They are content to have the amendment as it stands and have requested its inclusion. My first violent reaction to the amendment has changed and I am now in favour of it. My thinking at the time was that it was all right to give seven days' notice for the burning of scrub but not for the burning of stubble.

Section 57 of the Act gives the right to councils to appoint two or more of their members to be a committee with powers to grant exemptions under this section dealing with provisions applying to both stubble and scrub burning. The section is used extensively in the country for the burning of township blocks so that towns will in future have some added protection during the hot summer months. Naturally enough, often town block owners are unable to burn off grass until it is dry, and that may be after the restricted period or it may be after the prohibited burning period. With the proposed amendments a council may appoint two or more of its members as a committee. There have been instances where members of local government or councillors, sincere as they may be in their intent, are not always well acquainted with the problems of fire, and are either lackadaisical in their thinking, giving permission haphazardly, or they are severe, thus making it difficult to obtain

permission to burn off grass in restricted areas such as on township blocks where the need for that burning off is great.

I suggest that supervisors or their deputies should be given some consideration for inclusion on this committee, but not taking away the powers of local government in this regard; they may be appointed under local government if it will be of help to the E.F.S. That organization has, over the years, become increasingly more conscious of its responsibilities and it has been able to make itself heard in the community because of its sincerity of thinking. In addition, I do not believe a supervisor or deputy supervisor would be appointed who had not a sincere desire to control fire. I believe they would be understanding in their approach to the practice of burning off township blocks and other blocks and would do all in their power to see that a fire did not spread.

Clause 38, which amends section 90 of the principal Act, gives greater control to members of the E.F.S. so that, when people light fires indiscriminately, an E.F.S. officer or a fire control officer will have the power under the Act to order that person to extinguish the fire. At present the fire control officer has this right only during the conditional burning period. The clause enables a fire control officer to have the widest powers in respect of people who burn indiscriminately and in circumstances where some measure of control should be exercised. I support the second reading and I hope that every effort will be made to expedite the passing of this legislation and to implement it.

The Hon. L. R. HART (Midland): If this Bill had been introduced earlier this session, no doubt honourable members would have made long and interesting speeches on it. However, as it is late in the session and as the fire danger is very great, it is in the interests of everyone to get the Bill through as quickly as possible. I should like to commend the E.F.S. in this State for the very valuable work it is doing. Members of this service are some of the unsung heroes of this State. Many of them do not have any direct interest in land or property, but they believe they have an obligation to provide this service to the State. The Government, in subsidizing the E.F.S., is making a valuable investment in the interests of this State. I trust that the subsidies to the organization will be not only maintained but increased.

The Hon. M. B. Dawkins: Local government has done a good job, too.

The Hon. L. R. HART: Yes. Unfortunately some councils are not taking as direct an interest in this service as perhaps they should. However, local government, generally speaking, is doing an extremely good job. Some councils are spending huge sums of money on the E.F.S. in their areas. E.F.S. members are extremely keen and travel many miles at their own expense to engage in competitions with other units, and this is all to the good of the organization in general.

Some councils have introduced a by-law making it compulsory for people to provide fire breaks where internal combustion engines are used during the fire season. A council with which I am associated, the Mallala District Council, was the first council in South Australia to introduce this by-law. It is extremely difficult to police effectively but it has been very valuable indeed, and other councils have adopted it. Problems are experienced in some areas where it is perhaps not advisable to provide a fire break, for example, areas suffering from drift or rocky areas. In general, people are becoming more and more fire-conscious. This is very necessary, because the fire danger is very great indeed this year. I forshadow an amendment to clause 19, which amends section 59 of the principal Act, which provides:

> Notwithstanding any other provisions of this Act a person shall not burn scrub or standing stubble on any Sunday during the prohibited burning period or the conditional burning period.

The purpose of this section was not that of religious considerations, but simply that many people who would normally fight fires would be away from their properties on a Sunday or would be dressed in their best clothes and not equipped to fight a fire. My amendment includes Christmas Day and Good Friday, in addition to Sunday. Both these days, which are dates on the church calendar, are observed in a similar manner to the way Sunday is observed. I support the second reading.

The Hon. H. K. KEMP (Southern): I am surprised to see that this Bill has come before the Council without some reinforcement of the power to induce landholders to take prior precautions. This worries me considerably. In the Adelaide Hills there are some areas that will inevitably be burnt out with loss of life if extreme conditions occur and fires start. Portions of Bridgewater, portions down-wind of some of the ignition areas, are very worrying. I am sorry to see that this Bill has come forward without some reinforcement of

the powers already in the hands of councils to ensure that these areas, which are so terribly dangerous from the viewpoint of bush fires, are not cleaned up.

A typical area, which other honourable members must have seen as they have journeyed through the Adelaide Hills, is the area near the Vimy Ridge service station and Bridgewater. This whole gully is crowded with small houses, many of them occupied by women and children who are without assistance during the day while the men are away working. If a fire starts in a gully like that on a hot day when there is a north-west wind blowing, Lord only knows what will happen.

We saw examples of the disasters that can overtake people in similar circumstances in New South Wales and, last year, in Hobart. Our conditions and our topography in parts of the Adelaide Hills are similar to those of the areas burnt out in the Eastern States and Tasmania. It is not a matter of whether it is going to happen, for without doubt it is only a matter of time before we have a disaster of this nature on our own hands.

I do not in any way criticize the Bill that has been brought forward. However, it is my regret that stronger powers are not provided. Although I question the need for some of the amendments that have been put forward, I certainly strongly support the Bill and hope that it has a speedy passage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

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

After "amended" to insert "(*a*)"; and after "equipment" to insert the following words:

"and

(*b*) by inserting after the definition of 'the Subsidies Fund' the following definitions:

'supervisor' means a person appointed pursuant to the regulations to be a supervisor of fire control officers, and

'deputy supervisor' means a person so appointed to be a deputy supervisor of fire control officers."

Up to now the interpretation of "supervisor" and "deputy supervisor" has been outlined in the regulations but has not appeared in the Act. I move this amendment in order to spell out further amendments to which I referred earlier.

Amendment carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—"Power of Minister to authorize additional fire control officers."

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

After paragraph (*a*) to strike out "and"; and to strike out paragraph (*b*).

Amendments carried; clause as amended passed.

Clause 9 passed.

Clause 10—"Fire party leaders."

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

In new section 37a (1) after "person" to insert "(being a supervisor or a deputy supervisor)".

I consider that perhaps this new subsection is possibly not quite practical enough. Certain local government authorities may wish to appoint a person as a grace and favour type of appointment. I consider that my amendment would add some strength to the Act and would be of assistance to those who have the responsibility of appointing people to this type of leadership in the field, for they could then see that the best men were appointed to the job.

The Hon. H. K. KEMP: I question the need for this amendment, for it perhaps unnecessarily restricts the appointment. This subsection gives a fairly wide opportunity for appointment. I consider that this amendment unnecessarily restricts the appointment of fire party leaders.

In many instances the aim is to be able quickly to appoint people with full authority when emergency conditions arise, and in the circumstances of emergency conditions it is a matter of getting hundreds of people working. These emergency conditions may easily occur this year. Therefore, I would hate to see a restriction of this nature. I should like to hear the Minister's comment on this before deciding how I will vote.

The Hon. Sir NORMAN JUDE: I, too, express some doubt about this amendment. On Black Sunday the Emergency Fire Services headquarters dispatched more than 2,000 volunteer fire fighters to the hills. It seems to me that persons of the calibre of the officers under Mr. Kerr, when they get to the scene of the fire, would, in their discretion, possibly appoint a man out of a group of men detailed. I wonder about the need for authority in writing. It seems to me that this is a limitation. These people are only temporary at the best, and at the same time they are vested with a tremendous amount of authority. Does a fire supervisor have to write out a ticket and give it to this man so that he has authority in writing over these other people?

The Hon. R. A. Geddes: Won't that be needed for some form of insurance?

The Hon. Sir NORMAN JUDE: If an officer of the E.F.S. deputes somebody to lead a gang of men, surely the word of the fire control officer or E.F.S. officer would be taken as enough without its being in writing. If the Minister feels that it should be in writing, I would like to hear his comments.

The Hon. R. A. GEDDES: First let us consider the problem of the fire party leaders. In the case of a major fire in the metropolitan area or in any other area near a large town or city in the State where there is a sufficient work force of men able and willing to go, as well as a sufficient force of police, the latter would be given the authority by the Minister and, in turn, by Mr. Kerr, and such a person would then have authority to appoint cadets from the Police Force to become fire party leaders. I still maintain that the deputy supervisor, the man in whom I am most interested in this discussion, should have some say in the matter in the initial stages, because he is the person involved. The council may appoint a fire supervisor in a specific part of the council area, and the good men in the ward whom the deputy supervisor knows would soon be used up in a major fire. As it was stated in the second reading explanation, 2,000 men from the city could go to a fire, and they must come with fire party leaders from the city. I venture to say that such people would come from police headquarters, the police training school or other such sources.

I see the point that the Hon. Mr. Kemp is trying to make: that this will make it restrictive, but let us not be unwise in choosing the type of person who should appoint fire party leaders. All of us who have had anything to do with the problem of fires realize that we have good fire control officers and, on the other hand, officers who are not quite so conscientious, and if everyone is given this right some indiscriminate appointments could be made. I am also worried that the Bill will not spell out to local government the need for appointing responsible people.

The Hon. S. C. Bevan: What if you have a multiplicity of people in this State, such as we have had before? These leaders may not be available.

The Hon. R. A. GEDDES: If people are to be appointed, we must ensure that they are insured, that all things are covered under all powers and that we should appoint responsible people only.

The Hon. S. C. Bevan: That is all right if they are appointed before the outbreak of a fire, but what would happen if there was a multiplicity of people about the place?

The Hon. R. A. GEDDES: With a multiplicity of fire fighters on numerous fronts there must be some control, and the first control comes from the fire control officer. The deputy supervisor has to look after many men, and the supervisor is concerned with the overall problems of the fire. Therefore, we should leave him out of our discussion because at that stage he already has a major job. Then the deputy supervisor must use his responsibility, and if one comes down to "any other persons", then local government could get itself into much trouble regarding insurance. This is how I view the matter, and I leave it to honourable members to vote accordingly.

The Hon. A. M. WHYTE: As one who has been lighting and putting out fires for most of his life I cannot understand fully what is intended by the amendment. When a fire occurs people do not take long to sort themselves out, regardless of whether Mr. Kerr appoints someone or not. In a group of men fighting fires someone will always take the initiative, and notice must always be taken of such a person. It would be well if we had two months' notice of a fire, but, of course, that is not the case. The last person on whom I would cast a reflection would be the city boy who, because he is training to be a policeman, might be called out and placed in charge of a group fighting a fire. The Act gives certain discretionary powers to appoint, prior to a fire, persons with authority, such persons no doubt being selected men in the district who would do their best in an emergency. However, to make it binding that a person must have written authority to lead a band of fire fighters is a different matter, and I cannot see that we would achieve anything in providing for that. Although the honourable member's intentions are good I cannot see that his amendment will achieve anything really.

The Hon. Sir NORMAN JUDE: I agree entirely with the amendment moved by the Hon. Mr. Geddes, although I still make the point the Hon. Mr. Whyte mentioned that it seems unnecessary to have this authority in writing because, whether a person is a fire party leader or not, but is at a fire as a *bona fide* fire fighter, he comes under the volunteer fire fighters' compensation fund. I think the Committee should consider the position where such a person became a fire fighting leader, subject to a council appointment, whether

under the Act a council should also insure fire party leaders as well as fire control officers.

The only point on which I differ with the Hon. Mr. Geddes is in relation to the necessity for this authority to be in writing. As the Hon. Mr. Whyte has said, the leader is chosen on the spot and is not necessarily sent up from the city. However, I do not think the Hon. Mr. Whyte thought sufficiently about the situation in centres close to the city where such persons might not be known as well.

The Hon. H. K. KEMP: I ask the Committee to reject this amendment. As honourable members are aware, Mr. Kerr has been in the gallery and has considered this point.

The CHAIRMAN: The honourable member must not refer to the gallery.

The Hon. H. K. KEMP: I am sorry, Sir. I understand that Mr. Kerr has been consulted and would have no objection if the words proposed to be inserted by the Hon. Mr. Geddes were put in a different place in the clause where they would convey the meaning better. This unnecessarily restricts these good people who go out to fight fires in an emergency.

The Hon. M. B. DAWKINS: The Committee is indebted to the Hon. Mr. Geddes for bringing forward these amendments, and, while I agree with some of them, I believe (as the Hon, Mr. Kemp has said) that this one tends to be too restrictive. As the Hon. Mr. Whyte has said, when people get to a bush fire they have to sort themselves out, and normally this is done fairly quickly on the spot. This amendment providing for a supervisor or a deputy supervisor is too restricted. We need some flexibility in these matters. Bush fires occur at more or less a moment's notice, and something has to be done. People cannot afford to wait until they get written instructions. Usually, common sense prevails in these matters.

The Hon. L. R. HART: I appreciate what the Hon. Mr. Geddes is trying to do but I, too, think he is making the clause more restrictive by these amendments. Under this clause, the Minister or a council may, under written authority, appoint any person to act as a fire party leader. It is now proposed to introduce this extra requirement that that person must be either a supervisor or a deputy supervisor, which makes the clause very restrictive. As the Minister or a council can appoint a person only under written authority, it means that mature consideration would be given before a person is appointed a fire party leader. To have it superimposed that he must be a supervisor or a deputy supervisor will make it unduly restrictive. The clause as it stands is sufficient. We shall not effect any good purpose by amending it as the Hon. Mr. Geddes suggests.

The Hon. C. R. STORY (Minister of Agriculture): I have had a good look at this amendment. I can see what the honourable member is trying to do. His object is good but I think that his amendment would make this clause difficult to operate. If the words were inserted in another place, they might clarify the position but I cannot accept this amendment, because it would unduly hamper the working of the clause. The Hon. Sir Norman Jude asked me about the written authority. It would not be given on the day of a fire. The point is that I would already have given the written authority to councils to do all sorts of things. Before they can act in certain directions, they must send into their Minister the terms and conditions under which they will act, and he then gives them that written authority before the bush fire season starts. They then have the written authority to act. However, if this amendment is accepted, there will be some complications about supervisors. It would supersede the powers given to the council which, after all, is the local autonomous authority.

The Hon. Sir NORMAN JUDE: This is the crux of the matter, that the fire-fighting organization is virtually a subcommittee of the council and, if the council has any sense, it will not interfere with it. The fire-fighting authority goes to the council for financial reasons but, basically, it is a group of local men which handles fire-fighting, and it is appointed by the council. The Minister has missed the point. Surely the man to appoint a fire party leader is the man at the fire on the day. He will appoint, say, Jones, who is a good handler of men. He will say to him, "You are a fire party leader; go up the road and do so and so." He does not want that authority in writing. He may be an employee. It is being suggested that the authority be given in writing.

The Hon. C. R. STORY: Probably, I did not explain it very well, but this drill that has been worked out by Mr. Kerr over a long period to take care of new section 37a simply means that this additional group of people will be trained during the off bush fire season. When this comes into operation, "the Minister or a council, or any person acting under the written authority of the Minister or a council, may, by instrument in writing, appoint such persons as he or it thinks fit." He does not

do it on the day of the fire. These people are appointed long before the day of the fire.

The Hon. Sir Norman Jude: What if one man is not there; you would need to appoint somebody else?

The Hon. C. R. STORY: There are always some backstops available. I shall give members the benefit of a report on this matter that I have received from Mr. Kerr. It states:

The present system of the appointment of fire controllers under the Bush Fires Act imposes strict limits on the numbers of persons who can be appointed. The relevant provisions of the Act generally enable sufficient persons to be authorized to control the volunteers and Emergency Fire Service organizations from their own districts. These numbers of fire controllers are sufficient to command the forces at minor to moderate fires within their own districts. However when a major fire occurs and some hundreds of reinforcing fire-fighters and "casual" volunteers respond, the number of persons with authority is inadequate to cope with the situation. This position prevails notwithstanding that among the reinforcements would be neighbouring fire controllers who could exercise their authority at the fire. Fire control officers may be likened to the commissioned officers of the Services. There is a positive need in the South Australian scheme for "N.C.O.'s" or "foremen" authorized to carry out basic firefighting duties and to take charge of parties of volunteers.

Of the various powers vested in fire control officers under the Act, the power to light "firebreaks" is the one significant power, which should be entrusted only to experienced firefighters who have an intimate knowledge of their districts and/or are well versed in fire behaviour and rates of spread. The other powers under the Act relating to firefighting could be exercised by less qualified persons to inhibit fire spread and mitigate losses, without the hazard of the fire being extended by the lighting of indiscriminate "fire breaks". 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 that 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 the latter power as a measure to control major fires, because neighbouring controllers can operate in any district *ex officio*, and would 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 indeed 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 firefighters 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 who would be responsible for the tactical direction of operations, if all available manpower is to be gainfully employed. All men in excess of those who can be directly controlled become a liability, not an asset.

On the occasion of the Black Sunday fires on January 2, 1955, Emergency Fire Service Headquarters despatched more than 2,000 volunteer firefighters into the Adelaide Hills. Such a force alone would need 200 party leaders if best use were to be made of them. At the Kongorong fire, 1959, it was reported that at one time there were approximately 500 firefighters in the field, mostly assembled along the Bay Road. It was reported, further, that there was a dearth of fire controllers on that occasion. I am confident that statutory provision to appoint "Fire Party Leaders" (or Deputy Fire Control Officers) is necessary to enable the best use to be made of private fire fighting plant and casual firefighters at major fires. I have in fact been using the proposed system in principle over the past 10 years most effectively with groups of Emergency Fire Service Headquarters members and casual volunteers. I cannot conceive any better method or practical alternative to the problem of handling large numbers of volunteers in the field under emergency conditions.

Amendment negatived; clause passed.

Clauses 10 to 15 passed.

Clause 16—"Rules for burning scrub."

The Hon. A. M. WHYTE: I believe the Hon. Mr. Hart said that had this amending legislation been introduced earlier in the session a good deal more would have been said about it here. I know that the Minister wants to get this provision through and it is my desire to assist rather than hinder him. However, section 54 (2) of the Act reads in part:

A fire shall not be lighted before 12 o'clock noon . . .

Section 56 (*c*), however, reads:

The duty to refrain from lighting a fire before 12 o'clock noon can be exempt.

I want the Minister to know that at some future date when this Act comes before the Council again and he is not in such a hurry to have a Bill passed, I will pursue this subject because I consider it most inappropriate that a fire should not be lighted before 12 noon. I have had a great deal of experience in both the lighting and the fighting of fires, and people with similar experience would realize that the main intention is not to cause harm to other properties.

From experience I know that round about 12 noon the wind has usually dropped. Pilots could confirm that this is a most unpredictable part of a hot day as far as wind currents are concerned. The importance of making a good job of burning scrub or stubble can be appreciated when it is realized that it could

involve a saving of thousands of dollars if a good burn is obtained. It is also important to make full use of a northerly wind blowing on that day. At times a northerly wind will blow on one day but will not spring up on the second day. However, when it does blow on the second day it is usually ideal for burning off because it does not vary. If the fire is going well at about 10 o'clock one is almost certain to get a good burning off. For some person to tell me I cannot light a fire before 12 o'clock is merely inviting me to break the law.

The Hon. C. R. STORY: I know the honourable member is speaking for his district because I have heard this type of discussion before. I do not want to start a bun struggle at this time of the night because I know various honourable members from other districts will not agree with the Hon. Mr. Whyte. However, I am anxious to have this measure dealt with as quickly as possible and I will do all in my power to expedite its passage through this Committee. Many of the suggested amendments in the Bill have been waiting for about seven years for attention. I assure the honourable member that if any new amendments are suggested in the next session of Parliament I will give them due consideration.

Clause passed.

Clause 17 passed.

Clause 18—"Exemption and permit committee."

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

To insert the following new paragraph:

(*a*1) by striking out from subsection (1) "of its members" and inserting "persons, each of whom is a member of the council, a supervisor or a deputy supervisor".

The amendment is suggested because section 57 of the principal Act gives councils the right to appoint two or more of their members as a committee and that committee has the power to grant permission to light fires for the burning of scrub or stubble during the prohibited period, with the Minister's authority. I suggest it would be wise if a council had power to appoint a supervisor or deputy supervisor to the committee. I see no problem in doing so. I believe the E.F.S. is a responsible organization, held in high regard by the public, and it consists of men who have a modern, intelligent outlook in dealing with fires. We often have evidence of councils appointing people who possibly have not enough knowledge of fires and who have been either very generous or very restrictive in granting permits.

The Hon. C. R. STORY: I accept the amendment.

The Hon. Sir NORMAN JUDE: I support the amendment.

The Hon. L. R. HART: I support the amendment, which will probably overcome the problem raised by the Hon. Mr. Whyte, because section 57 of the principal Act is related to section 56. The honourable member was not quite correct in saying that fires could not be lit before 12 noon, because there is provision for exemptions.

Amendment carried.

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

In paragraph (*b*) to strike out "subsection" second occurring and insert "subsections"; and to insert the following new subsection:

(3) A decision to grant a permit or exemption made by any two members of a committee to which a council has delegated the powers referred to in subsection (1) of this section shall be a decision of the committee.

We have cases on record of councils having six or more of their members who are members of this committee. Nothing in the principal Act spells out what constitutes a quorum. Because of distance, it is not easy for councillors to come together to see whether a fire break is suitable, so they make a tacit decision: "If it is all right by you, it is all right by me."

The Hon. L. R. HART: I do not know whether the honourable member realizes that any exemption that is granted must be in writing. I take it that this clause refers to section 56.

The Hon. C. R. STORY: This is the whole purpose: it combines sections 50 and 56.

Amendments carried; clause as amended passed.

Clause 19—"Burning scrub or stubble on Sundays."

The Hon. L. R. HART: I move:

To amend section 59 by inserting after "stubble" the words "on Good Friday, Christmas Day or".

In addition to Sunday being a prohibited day for burning scrub or standing stubble during the prohibited burning period and the conditional burning period, Good Friday and Christmas Day should also be days when the prohibition should take effect. Honourable members will realize that Good Friday and Christmas Day are similar types of day to Sundays. There may be periods when Good Friday is outside the prohibited burning period or the conditional burning period, but that does not matter.

Amendment carried; clause as amended passed.

Clause 20 passed.

Clause 21—"Power to restrict fires in open air."

The Hon. M. B. DAWKINS: The Hon. Mr. Hart said earlier that, had the Bill been introduced earlier this session, many honourable members would have spoken on it. The Bill is a very good one. The increase in the number of fire control officers allows room to manoeuvre. I was connected with a district council for a number of years which, owing to a Government instrumentality within its area, found that the limit of 15 fire control officers was a problem. In view of the tremendously dangerous bush fire season that we see ahead of us (to which the Hon. Mr. Kemp has referred), I should like to refer to the radio announcements on days when there is not a complete fire ban. I have no complaint about the announcements on days when there is a complete fire ban.

I imagine that there will be a number of days when two-thirds of the State should be under a fire ban, and in that area there will be people who have not been in this country for long or who are careless. Because another third of the State is not subject to a ban, an announcement will be made: "No fire ban has been issued by the Minister of Agriculture today. Before any fire is lit, however, inquiries should be made to ensure that there is no breach of any district council by-law." Although I understand that it is not supposed to happen, it still frequently happens that the words "No fire ban has been issued by the Minister of Agriculture today" are repeated after the announcement is made, and I think the emphasis on these words in a season such as we are facing is a very dangerous practice.

I have asked the Minister whether this could be varied. I made some suggestions to him which he thought were not satisfactory. I have now had another go at it, and I have written out a suggested announcement along these lines:

Whilst there has been no complete fire ban issued by the Minister of Agriculture today, no fire should be lit unless and until it has been established that there is no breach of any district council by-law.

I would say that the emphasis should be on the words "no fire should be lit" rather than on the words "No fire ban has been issued by the Minister of Agriculture today". People should be told that no fire should be lit unless and until inquiries had been made about whether there was any breach of any council by-law. I have brought this matter forward on this clause because of the very dangerous period that we face. The present announcement will be made on days when the position in some parts of the State will be very dangerous indeed, and I believe that this announcement should be altered, particularly in view of the dangerous situation with which we are faced. I ask the Minister whether further consideration can be given to this matter.

The Hon. L. R. HART: I do not know whether honourable members appreciate this, but in this clause we are breaking completely new ground in that we are granting to the Minister the power to declare certain areas that are now outside district council areas. In a season such as this, much country outside the district council areas contains a considerable amount of flammable material. As the Act now stands, a fire could be lit or could otherwise start in this area and it could get out of control and enter district council areas. Therefore, I believe it is necessary that the Minister have this power. I am sure he will exercise that power with discretion.

The Hon. M. B. DAWKINS: I omitted to say that I support this clause. I am aware of what the Hon. Mr. Hart has just said, and I believe that this is a move in the right direction. However, I thought that the query I raised with the Minister should be brought forward now, because I am concerned that emphasis is continuing to be placed on the words "No fire ban has been issued today" in a year of flammable conditions such as we have this year. I support the clause.

The Hon. C. R. STORY: I do not think there is any opposition to the clause. I am aware of the interest of the Hon. Mr. Dawkins in the matter which he has raised and on which he has asked questions in this Chamber. Although I have referred this matter to my advisers, this is one of the few things on which they have not advised me. The only suggestion was to leave the matter as it was unless I could find something better. I am prepared to look into the honourable member's latest submission, which has something in its favour because it points out that the fact that no fire ban has been issued does not mean that it is an open go.

In this matter of radio announcements there is a definite legal obligation on the Minister, and if an announcement was badly or loosely worded the obligation would fall right back

on him. The Minister would not have the money to meet any large claim. I will certainly have a look into the matter.

Clause passed.

Remaining clauses (22 to 45) and title passed.

Bill read a third time and passed.

CROWN LANDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 3. Page 2901.)

The Hon. A. M. WHYTE (Northern): When the Minister of Agriculture introduced this Bill, he said it had five main objects: (*a*) to remove the limitations on the allotment and granting of Crown perpetual leaseholds; (*b*) to provide a more secure form of tenure for relatively isolated business and residential developments in outback areas; (*c*) to increase penalty interest rates in the Act from 5 per cent to 10 per cent per annum; (*d*) to make certain amendments of a machinery nature; and (*e*) to make certain amendments arising from an examination of the Act. To take them in reverse order, objects (*e*), (*d*) and (*c*) are purely consequential and of no real significance, but object (*b*) is important. I have often raised this matter during the last two years. In many areas of the State, buildings, businesses and dwellings have been erected on land held purely on an annual licence. Today, with the advent of tourism and the increase in some of our mineral industries, substantial sums of money are being spent in those areas to erect better types of facility.

In some instances, motels costing several hundred thousand dollars are expected to be built and it is not fair that the people concerned should be expected to erect them on only an annual lease. Of course, applications have been made through the years and difficulty was encountered in such mining areas as Coober Pedy where no survey had been made originally. Coober Pedy presented difficulty because many of the roads ran over mine shafts. The Mines Department has worked sensibly on this and has reached the stage where it believes it can solve these problems. Without being able to survey the town, at least it can grant a better type of tenure to these investors. There is no opposition to that. Every member of this Council knows what I am talking about, because I have spoken of it on a number of occasions. A question arises on object (*a*), the removal of the limitations on the granting of the Crown perpetual leaseholds. The Hon. Mr. Bevan made several pertinent points during his speech on this Bill. I have had much to do with the matters contained in this clause having, during the terms of office of the present Minister and the previous Minister, led deputations to them and to the Premier about the limitations on leasehold land. I ask leave to continue my remarks.

Leave granted; debate adjourned.

COMPANIES ACT AMENDMENT BILL

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

PUBLIC SERVICE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill is intended to remedy what has appeared as an omission in the principal Act. Section 126 of that Act purported to apply the long service leave provision of the principal Act to employees of the State who are not members of the Public Service within the meaning of the Act. However, the Government has been advised that this section is not adequate to extend to such employees the provisions of the principal Act relating to payments to certain persons who do not qualify for long service leave. Payments of this nature are often referred to as *pro rata* long service leave payments.

Since it was clearly the intention of the Government that provision for such payments should extend to employees of this class, this Bill at clause 2 repeals and re-enacts section 126 of the principal Act and applies the long service leave provision and the *pro rata* long service leave provisions to those employees. The amendment is expressed to have retrospective effect to the day on which the principal Act came into operation. This matter has been raised by the Leader of the Opposition in this Council with me. I commend the Bill to honourable members.

The Hon. S. C. BEVAN secured the adjournment of the debate.

PUBLIC EXAMINATIONS BOARD BILL

Consideration in Committee of the House of Assembly's message.

(Continued from December 4. Page 2987.)

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

That the Legislative Council do not insist on its amendments.

Honourable members will recall that the Bill, which came to us from another place, was a Government measure and, acting for the Minister of Education, I introduced it here and made a long speech opposing amendments moved in this Chamber. I will not repeat all the points I made. However, I trust that honourable members who supported the amendments have fully considered the points they made strongly then.

I now refer briefly to only two matters, which, as I assessed the position then, were the two most important matters. First, there was an insistence by this Council that there be equal representation on the proposed new board, from the public schools on the one hand and from the private schools on the other. Of course, the Minister of Education did not submit equality of numbers like this, but suggested having 10 members from the public school sector and six from the private schools. To support the Minister's submission, I repeat that in 1967 there were 65,200 pupils at public schools and 13,470 pupils in private schools, which is, of course, a long way from equality of numbers.

The other main point was the insistence by this Council that there be a certain number of women teachers on the board. The attitude of the Minister was that the question of membership should be left entirely in the hands of the Director-General, and it was the latter's view (I assume that was his view because, of course, the submissions came to me from my colleague) that its representation should consist of the best persons available, whether they be men or women.

There is no intention to deprecate the work of women teachers, and the opinion may have resulted from the Government's view that there should not be an insistence on a minimum number. The Government wants the best possible 10 persons, whether they be men or women, to be on this board, and when it comes to a choice of the best possible 10, three women (the number suggested) may not be in that group.

The Hon. Sir Arthur Rymill: And three men may not.

The Hon. C. M. HILL: That is so. However, only four of the 110 applicants for the 1968 release time scholarships among public schoolteachers were women. That is a rather startling set of figures. A total of 172 applications (only eight of which were from women) were made for release time scholarships for 1969, so when one talks of there being seven men and three women on this board one needs to be sure that that proportion is reasonable.

The Hon. V. G. SPRINGETT: I oppose the motion, for the following reasons: I have the greatest respect for the public education system in this State (indeed, as much respect as I have for the independent system). This State could not thrive or survive educationally without both working harmoniously. The standards of the public system and the degree to which it has expanded in the past few years have been tremendous. It was suggested in another place that our amendments were perhaps the result of sensitive thought for the fair sex. I am sure, however, that none of us would subscribe to that. It was suggested that merit should be the yardstick used, and I think that is the yardstick we want to use. We would take much convincing that the best possible 10 members to represent the State section on this board could not include at least three women. It seems amazing, in a State which has pioneered so much women's legislation and in which we are so forward compared with other parts of the world, that we automatically assume in this day and age that there will not be three women out of 10 persons eligible to represent their sex and department on this board.

It has also been suggested that no such rule is laid down in universities. Obviously, in these institutions equality and parity have already been achieved, and it is not necessary to spell out what the membership shall be. It is unquestionable that in schools 50 per cent of the services are directed towards the training of females up to the age of 15 years. Some of the courses are specialized for females. Representation on this board for women has been a minority of one until now, and that one has been at the Director's ruling. With the greatest respect to the holder of that office, if merit is the ruling yardstick it would seem amazing that in all the years never more than one woman has been considered meritorious enough to hold that position. One wonders what is wrong in a society such as ours and in a department so large as the Education Department of this State that only one woman at a time has been regarded as suitable for such a post.

Without the amendments, the Bill provides that the appointment of 10 out of 32 members of this board shall be in the hands of the Director-General of Education. Again, without meaning any disrespect to him as holder

of the office, it seems unfortunate that the appointment of one-third of that number should be in the hands of one person. The Public Examination Board affects the whole and not just part of the State education system: the Education Department, the two universities, the Institute of Technology and the independent schools. I prefer the term "independent schools" to "private schools", because it emphasizes their character and personality. They have independence of action, thought and tradition, and it is important that we should emphasize "independent" because that is what they have to offer on this board: their independence.

So, first, the appointment of one-third of the board is in the hands of the Director. Secondly, the Bill as drafted completely ignores women in their own right. Sir Arthur Rymill would agree with me that this was a time to support the cause of women. The status of women in society, legally and politically, has been raised to that of equality with men. Without married women, our teaching system would not be able to carry on, yet they have no place on this board in their own right.

Thirdly, the Bill as drafted ignores the South Australian Institute of Teachers. This body, which has as its aim the advancement of education, has in its membership 90 per cent of the teachers. If one used the standards of industry, one would realize that no board like this could be set up without union representation in its membership without there being almost chaos, if not a strike. Yet the Institute of Teachers has this strong representation without the women having any voice in the workings of this board. If parity of numbers is the yardstick there is no answer, but it is not the yardstick: surely quality should be. Flinders University with its small numbers has the same representation as the University of Adelaide has. We are not quibbling about that—it is all right. In the Education Department, which by its very nature is a Government organization and a Government machine, certain wheels have to turn and certain channels have to be followed, and everything proceeds slowly. Even the experiments it talks about (of which it is rightly proud) in our educational system must go through and under the control of the people who direct the department, whereas the independent schools are independent, as their name implies, and free to act as they think best. I suggest independence of thought, not merely parity of numbers, is the yardstick that should be used.

About a year ago a similar Bill was dealt with. We are told that since then more information has come to light and, because of that, certain people in another place have changed their views; but one thing that has not changed is the statuts of women and of women teachers. Surely their rights are just the same today as they were then. We have been saying much in this Chamber in the last few days about our purpose and our duty to review and recommend for the overall good of Parliament and of the State, irrespective of the Government of the day. If half of our educational system for children under the age of 15 is for females in their own right, as laid down by Parliament, at least a certain percentage of the membership of this board should be women from the Education Department.

The Hon. M. B. DAWKINS: I agree that we should insist on our amendments. I have no desire to reiterate what the Hon. Mr. Springett had said so fully and well but I want to add to his observations. First, the Minister said there was no wish to deprecate the work of women or women teachers, but in the long speech that he read he appeared to deprecate the work of honourable members in this Chamber. He also said that this was a Government Bill. It may be, but I suggest that rather it is an Education Department Bill, because last year a similar Bill was introduced in almost the same way; it was a Government Bill introduced by the Government of that time. Most members of the present Government then supported amendments similar to those which the Hon. Mr. Springett, the Hon. Mr. Giffillan and I have moved to this Bill. Therefore, it is far more a departmental than a Government Bill. Even if these amendments, which I believe are reasonable, remain in the legislation, the independent schools will still have only 25 per cent of the personnel of the reconstituted Public Examinations Board. In view of the contributions made by these schools over the years, this is not an unreasonable proportion.

If we pass this Bill in the terms of the Bill presented to us last year by the then Government and those presented to us in this Bill as drafted, we set a precedent for increasing the representation of the Education Department and decreasing the representation of the independent schools on this board, and who knows but that in a few years we shall have another Bill providing that there shall be 14 members from the Education Department and

only four from the private or independent schools? The amendments are reasonable, and we should insist upon them.

The Hon. G. J. GILFILLAN: We have heard the merits of the different education systems discussed and we now have this message from another place suggesting that we defer to it and do not insist on these amendments, the reason given being "because they are not in the best interests of education". I disagree strongly with this part of the message. I do not think the merits of the different education systems are the real point at issue. This is a Bill to set up a Public Examinations Board, the purpose of which is to conduct and supervise public examinations. This board should be as independent as possible from control by any one section of the State's educational system. That is why I strongly support the amendments, which give the board independence. I said in the second reading debate that we should have a board as "unbiased as possible"; perhaps that was an unfortunate choice of words and "independent" would have been more suitable. I strongly support our amendments, because I believe that above all we must keep it an entirely independent board free from domination by any one section of our educational system.

The Committee divided on the motion:

Ayes (5)—The Hons. D. H. L. Banfield, S. C. Bevan, C. M. Hill (teller), A. F. Kneebone, and C. R. Story.

Noes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett (teller), and A. M. Whyte.

Pair—Aye—The Hon. A. J. Shard. No—The Hon. C. D. Rowe.

Majority of 6 for the Noes.

Motion thus negatived.

FRUIT AND PLANT PROTECTION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

TEXTILE PRODUCTS DESCRIPTION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

BUILDING SOCIETIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STOCK DISEASES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PETROLEUM ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

VETERINARY SURGEONS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

HEALTH ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STAMP DUTIES ACT AMENDMENT BILL (No. 1)

The House of Assembly intimated that it had agreed to the Legislative Council's suggested amendments.

LICENSING ACT AMENDMENT BILL (No. 1)

Read a third time and passed.

ADJOURNMENT

At 10.36 p.m. the Council adjourned until Wednesday, December 11, at 2.15 p.m.