# LEGISLATIVE COUNCIL

Thursday, March 18, 1971

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

## ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Aircraft Offences,

Electricity Trust of South Australia Act Amendment,

River Murray Waters Act Amendment.

## QUESTIONS

### LAND TAX

The Hon. R. C. DeGARIS: On Tuesday last I asked the Chief Secretary a question concerning land tax. Has he a reply?

The Hon. A. J. SHARD: The present land tax revenue from rural land is about $1,100,000 a year. It is expected that the return to the Government under the new arrangement next year may be about $1,000,000 or possibly a little less.

The Hon. R. C. DeGARIS: Does this mean there will be possibly a reduction in the rate for rural properties?

The Hon. A. J. SHARD: I am unable to answer at the moment. However, I shall make inquiries and bring down a reply as soon as possible.

### AFRICAN DAISY

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to the question I asked recently about African daisy?

The Hon. T. M. CASEY: Under section 36 (*a*) of the Weeds Act, 1956-1969, prescribed costs for noxious weed control can become a charge on the infested land. I am advised that the costs incurred by the Burnside council in this instance conform to the requirements of the Act. Whilst it is true that the control treatments have not resulted in complete eradication of the African daisy in this locality, it has stopped flowering and achieved control in accordance with the requirements of the Act. Therefore, the honourable member's claim that the work has been "totally ineffective" is incorrect. I am assured that the action taken by the Burnside council in attempting to rid the 58-acre property of the weed is justified.

The Hon. H. K. KEMP: I seek leave to make a short statement prior to asking a further question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: The Minister stated that control had been achieved in that the tops had been burnt off and the African daisy had stopped flowering. On my own observation on inspection, this is incorrect, because the tops were burnt off and the African daisy flowered later. This property of 58 acres has been loaded with costs of about $1,200 over a two-year period, and this year it has been loaded with about $860 as the minimal figure. Obviously, under the treatment that has been prescribed by the Agriculture Department this is going to become an annual charge. Is it the policy of this Government that a 58-acre property in the Glen Osmond gully has to be loaded with charges of this nature every year? This is the implication in the reply that was given and it is terribly important to the landowner in question to know whether this is to be the position, because very shortly the property will have no equity left in it to this landowner at all.

The Hon. T. M. CASEY: I know that the honourable member appreciates the position under the Weeds Act and that he would realize that there is no way over this problem at present. If there are noxious weeds on a property, under the Weeds Act they have to be eliminated as far as practicable to the satisfaction of the Weeds Officer of the district council carrying out the requirements under the Act. The honourable member has raised many times the problem of the control of African daisy in the Adelaide Hills. The department is endeavouring, through the weedicides that it recommends and the treatment of weeds generally, to eradicate weeds of this nature. As it probably has not got a control measure that is 100 per cent effective at the moment, no doubt it will experiment with some other form of control. The honourable member knows as well as I do that under the Weeds Act as it stands the situation is that weeds are to be eradicated, and if the landowner does not do it himself he has to meet the charge of any eradication work carried out by someone else.

### DOCTORS

The Hon. V. G. SPRINGETT: On March 3, I asked a question of the Chief Secretary regarding the services of doctors in Robe, in the South-East. Has he a reply?

The Hon. A. J. SHARD: The needs of Robe for the services of a resident doctor will be taken into consideration as soon as doctors become available under the medical studentship scheme. At present, as pointed out in the reply to the honourable member on March 3, it is expected that, subject to only one year's internship being required in each case, one doctor will become available under the medical studentship scheme from the beginning of 1972 and four more from the beginning of 1973.

## OVERLOADING

The Hon. Sir NORMAN JUDE: I ask leave of the Council to make a short statement prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. Sir NORMAN JUDE: The Minister, in reply to a question, gave an answer yesterday regarding overloading of vehicles. As I understand it, some 20 per cent of vehicles, particularly on the North Road at Cavan, have been found to be overloaded, and 25 per cent of those were subject to prosecution. This seems somewhat out of step with statutory law. If 20 per cent were overloaded, why were only 25 per cent of them prosecuted for this very serious breach of our laws; what fines have been imposed for this breach during the past 12 months; and, of that amount, how much has been collected?

The Hon. A. F. KNEEBONE: I will be pleased to get the information for the honourable member.

## DOLOMITE

The Hon. L. R. HART: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: Over recent times there has been a good deal of controversy about the value of dolomite as a fertilizer. Mr. Peter Bennett, a one-time television personality, has made rather extravagant claims about the value of this commodity as a fertilizer in certain areas, whereas other people equally as prominent in agricultural fields have been quite sure that dolomite is of little value as a fertilizer for crops and pastures. Is the Minister, as head of the Agriculture Department in South Australia, in a position to make any official announcement as to the value of dolomite as a fertilizer?

The Hon. T. M. CASEY: I am sure the honourable member could have found that answer if he had asked the previous Minister of Agriculture, as he would have had as many calls from Mr. Peter Bennett on the subject of dolomite while he was in that office as I have had. I understand that the department is now conducting tests to see whether dolomite lives up to the reputation that Mr. Peter Bennett claims for it. I have not yet been told the results of those tests, but they will be forthcoming in the near future. I should like to say at this stage that not only is Mr. Peter Bennett, as the honourable member has just said, an authority on fertilizers but also I understand he represented Australian primary industry at a recent conference with the former Prime Minister of Australia, Mr. Gorton. So the powers of Mr. Bennett by this time appear to be unlimited.

## *HANSARD*

The Hon. Sir ARTHUR RYMILL: I seek leave to make a brief statement before asking a question of you, Mr. President.

Leave granted.

The Hon. Sir ARTHUR RYMILL: We are now nearing, I hope, the end of a fairly lengthy session and, if I am not exhibiting anything contrary to Standing Orders, I observe that *Hansard* is almost out of control: I refer not to the contents but to the physical size of the *Hansard* reports. Would it be possible to detach the *Hansard* for this part of the session from the *Hansard* for the previous part of the session? I am constantly referring to it and find it hard to handle.

The PRESIDENT: I appreciate the problem to which the honourable member is referring. I have the same problem. I propose to take steps to see that the *Hansard* reports are divided into part 1 and part 2 as they are proving to be somewhat voluminous. While I am on my feet replying to a question, I refer to questions generally that are asked in this Chamber. I would appreciate it if honourable members would examine Standing Orders and be more careful in the framing of their questions, as Ministers should be in giving their replies. Questions and replies are becoming discussions and debates; they are often political propaganda rather than straightout questions and replies.

## EFFLUENT

The Hon. L. R. HART: I understand the Minister of Agriculture has a reply to my recent question about treated effluent.

The Hon. T. M. CASEY: My colleague, the Minister of Works, has advised me that the statement attributed to the Director and Engineer-in-Chief that any effluent discharged to streams would be rendered absolutely safe is correct and refers to a need recognized in the department to treat any effluent from the major settlement area of Stirling-Bridgewater to a degree beyond that at present obtaining in the department's treatment processes. If effluent from this large community is to be allowed to reach the streams, chlorination will certainly be used, but tertiary treatment will also be applied to remove nutrient materials that could contribute to problems of eutrophication in the storages. There can be no direct parallel between treatments that may be proposed for the Stirling area and Bolivar effluent. Effluent at Bolivar cannot be fully protected simply by chlorination, owing to the masking effect of organic fibres contained in effluent.

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## CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

Read a third time and passed.

## LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Read a third time and passed.

## RIVER MURRAY WATERS (DARTMOUTH RESERVOIR) BILL

Adjourned debate on second reading.

(Continued from March 16. Page 4020.)

The Hon. C. R. STORY (Midland): I rise to speak briefly to this Bill, which is at least 10 months behind its time. I should like to see the Bill put back into the hands of another place to get on with the job of getting South Australia more water. As I said last week, at present we are in a very delicate position in negotiating a deal for more water for the State. I also said that it would be necessary for a financial measure to be introduced, and this has now been done. Once again the two measures, namely, the one introduced in another place by the Hall Government and the other one introduced by the present Government, contain only three differences: one alters the figure from 1970 to 1971; there is a slight change in the styling of the Parliamentary Draftsman (now called the Parliamentary Counsellor); and the date is different. Otherwise, the Bill is identical to the Bill which, had the Hall Government been able to get it passed by the House of Assembly 10 months ago, would have meant that Dartmouth would probably be well on the way to construction, whereas at present we are still not sure what the situation is.

The Bill now before us provides that the Commonwealth Government is prepared to contribute a sizeable sum of money necessary to relieve the States of some of their financial burden. One interesting point is the provision (which I mentioned the last time I spoke on this matter) of the 10 per cent increase in cost. If it reaches a figure in excess of $62,700,000, the whole matter must go back for renegotiation. With the present inflationary trend, every month is vital if we are to have about 39 per cent additional water for the State.

I regret that another place did not see fit to pass this legislation 10 months ago. However, it did not, and the best thing this Parliament can do at present is to give the Government the chance to go to the other States and the Commonwealth Government and say, "We have passed this legislation." It cannot say that we have passed legislation in the form that we believe will get South Australia what it is entitled to, because under this legislation I do not think the other States will be able to do what we had hoped to do 10 months ago, that is, come to complete agreement. However, the Government will not be able to say that it has been obstructed in any way by the Parliament of this State.

The Premier and Cabinet will have to do what they promised to do—to renegotiate this whole matter so that we can have what I believe is the absolute life blood of this State —water. We are blessing the financial arrangements, which I believe are generous, particularly on the part of the Commonwealth Government, as that Government has made it easy for the States to join in this scheme. I bless the Bill and hope that the Government will get on with the job of getting us what we are entitled to, that is, a fair share of Murray River waters.

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

## MOTOR VEHICLES ACT AMENDMENT BILL (REVENUE)

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

*That this Bill be now read a second time.*

This Bill, together with a Bill to amend the Highways Act, is intended to give effect to one of the series of revenue-raising measures announced at the resumption of this session.

Honourable members will be aware that registration fees for motor vehicles under the Motor Vehicles Act have been kept at their present level for almost 17 years. The general level of increase of fees now proposed has been set so as to increase the revenue yield by 20 per cent overall. However, the fees for the various classes of motor vehicle have not been increased uniformly. Thus the increase for what might be called private or light motor vehicles, with the exception of motor cycles and trucks, has been held to about 17 per cent, while the increase for what may generally be described as commercial motor vehicles has been fixed at up to 30 per cent.

The new fees payable will generally conform to the relationship between private and commercial registration fees existing in other States of the Commonwealth. In addition, since in this State net revenue from registration fees flows into the Highways Fund and commercial vehicles account for relatively high road usage as well as, in the case of heavier vehicles, relatively higher road wear, it seems proper that these factors should be reflected in the comparative scale of charges. Motor cycle and trailer fees have been increased by 33⅓ per cent for the reason that the low unit cost of these fees showed a relatively small net return to revenue when the departmental costs involved in registration were considered.

To consider the Bill in some detail, clause 1 is formal. Clause 2 amends section 27 of the principal Act, which sets out the method of calculating the power weight of a piston-engine motor vehicle. The scheme of registration fees for motor vehicles is based on the power weight of such vehicles. The amendments proposed set out the method of calculating the power weight of a vehicle having a non-piston engine. An obvious example of this sort of engine is that which is known as a rotary engine.

Clause 3 sets out the new scale of registration fees which are expressed to operate on and after July 1 next. The level of increase is generally as I have described. It may be of some assistance to honourable members, however, if I give a few examples of how the increased fees will affect particular motor vehicles:

| | Old fee $ | New fee $ |
|---|---|---|
| Morris 1100 | 16.00 | 18.40 |
| Holden Kingswood (186) | 34.00 | 39.40 |
| Dodge Phoenix | 51.00 | 59.30 |
| Ford Falcon utility | 42.00 | 50.00 |
| Typical 5-ton truck | 84.00 | 108.60 |

In each case the $2 stamp duty on insurance policy has been included.

Clause 4 recasts subsections (2) and (3) of section 38 of the principal Act, which provides for concession registration for certain incapacitated exservicemen. The rate of concession remains at one-third of the normal fee. The effect of the amendment is to ensure that (*a*) one vehicle owned by an owner will attract the concession; (*b*) the concession will not be additional to any other concession granted under the Act; and (*c*) the concession will cease one month after the owner has died or disposed of the vehicle.

Clause 5 provides concessions for two additional classes of person—certain civilian incapacitated persons and pensioners who are entitled to concessions on public transport. In each case the concession is a fee equal to 85 per cent of the ordinary fee. The effective result of this provision is that fees payable by persons of these classes will, for practical purposes, not be increased. Clause 6 increases the fee for the issue of (*a*) general trader's plates from $36 to $50; and (*b*) limited trader's plates from $6 to $10, and retains the half registration fee where the period of currency is six months or less. As I said earlier, this Bill must be considered with the Bill to amend the Highways Act, since the additional revenue generated by this measure will, by virtue of that Act, flow to the Highways Fund.

The Hon. C. R. STORY secured the adjournment of the debate.

## HIGHWAYS ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

*That this Bill be now read a second time.*

This short Bill is intended to give effect to certain revenue raising measures proposed by the Government. It may be of assistance to honourable members if the two operative clauses of the Bill are considered in the reverse order. Clause 3 deals with payments that may be made from the Highways Fund. New paragraph (*m*) proposes that an amount, not exceeding in any one year 6 per cent of the registration fees payable under the Motor Vehicles Act, shall be available for appropriation by Parliament for the purposes of traffic and road safety services operated by the Police Department. Honourable members will be aware that the net revenue derived from registration fees under the Motor Vehicles Act flows into the Highways Fund

by virtue of section 31 (3) of the Highways Act. The day fixed for the commencement of these proposed disbursements, which I emphasize must be the subject of an appropriation, corresponds with the day fixed by an amendment to the Motor Vehicles Act on which certain increases in fees shall come into effect. New paragraph (*n*) will make available from the Highways Fund such moneys as are appropriated by Parliament for the provision and operation of a ferry service to Kangaroo Island. Clause 2, on the other hand, provides an additional source of payments into the Highways Fund, and this is, in effect, the revenue that may be expected to be derived from the operation of the proposed ferry service. I commend the Bill to honourable members.

The Hon. C. M. HILL secured the adjournment of the debate.

## AGE OF MAJORITY (REDUCTION) BILL

In Committee.

(Continued from March 17. Page 4095.)

The Schedule—Part VII.

The Hon. A. F. KNEEBONE (Minister of Lands): The Hon. Mr. Story asked why it should be possible for a person to be licensed at 18 years of age under the Builders Licensing Act when an apprentice could not become a tradesman until he was 21 years of age. Section 16 of the 1966 Statute provides that it is not permissible to employ a person in a trade proclaimed under that Act while he is a minor unless he is bound by the indentures of apprenticeship. Prior to 1966, indentures of apprenticeship were null and void when the apprentice reached the age of 21 years. This was before the introduction of concessional apprenticeship resulting from pre-apprenticeship education or experience. The Act was subsequently amended to provide that apprenticeship papers did not become null and void until the apprentice reached 23 years of age. That position still applies, and it is not amended by this measure, which refers only to the minor, working in a proclaimed apprenticeship trade, who is not an indentured apprentice.

The Hon. C. R. STORY: The Minister must be thanked for a very lucid explanation. However, I did not ask the question.

The Hon. F. J. POTTER: I am under the impression the Hon. Mr. Story asked a question, but not the one the Minister thought he asked. I thought he asked whether it was possible for a person to complete his apprenticeship before reaching the age of 21 years and so obtain a builder's licence. I do not think the Minister has answered that question.

The Hon. A. F. KNEEBONE: It is possible for an apprentice to complete his time before reaching 21 years of age, because under the present provisions in most awards there is recognition of educational experience before the commencement of an apprenticeship. This qualifies an apprentice for a reduction in the number of years to be served.

The Hon. F. J. Potter: But it is not very common.

The Hon. A. F. KNEEBONE: No.

Part passed.

Parts VIII to XI passed.

Part XII.

The Hon. C. R. STORY: This amendment will inflict even further hardship on family units engaged in the fishing industry. At present, a member of a fisherman's family comes under that fisherman's licence, whereas the effect of this provision will be that a person on reaching the age of 18 years will have to obtain his own licence. Under the present policy of the Government this would not be very practicable in relation to abalone fishing, crayfishing and prawning, for the son or daughter of a licensee could not obtain a licence in his or her own right, because their parents are restricted fishermen. I raise this matter because a new Fisheries Bill is being introduced and also because this provision will be a further imposition on those engaged in the industry.

The Hon. A. F. KNEEBONE: I am told that a person over the age of 18 years can be employed by his parent as a member of the crew; he himself does not have to take out a licence as a fisherman. Therefore, as I see it, this is not a great hardship.

Part passed.

Part XIII.

The Hon. C. R. STORY: This provision would have a far-reaching effect on some organizations which are formed within the Statute and which do not belong to the State, to the Government or to Parliament. The same can be said of other Parts of this schedule. Can the Minister say what action the Government has taken to discuss with the friendly societies of South Australia the impact of this amendment on them?

The Hon. A. F. KNEEBONE: Without checking back through the docket to see what the position is, I am afraid that I cannot answer that question.

The Hon. C. R. STORY: I do not think any contact has been made with friendly societies, just as I believe that no contact has been made with many of the other groups affected by the 34 Acts that we are amending. In terms of the Act under which they operate, friendly societies can admit to their organizations people below the age of 21 years, and those persons can hold certain offices within the lodges. However, they are specifically precluded from holding an office such as trustee, treasurer, financial secretary or auditor.

The Hon. A. F. Kneebone: Is this in the Act?

The Hon. C. R. STORY: Yes. The various friendly societies have rules under which they work, but if we pass this amendment those rules will be *ultra vires* the Act. These societies do not wish to give younger people full control of the finances of their organizations. This is a very important point on which I consider that the Government should have contacted the friendly societies.

The Hon. R. C. DeGARIS: I strongly support the Hon. Mr. Story. These societies have been established under Statute, and they are independent. I believe that we have about as much right to interfere with the rules governing a football club or the Australian Labor Party or the Liberal and Country League as we have to interfere with the rules governing friendly societies. I am told that not one society has been approached. In fact, when contact was made with one society it was completely unaware of the situation. It seems as though the Government has made a sample grab at a number of Acts and said, "We are going to reduce the age of majority, and anywhere where '21 years' appears we will knock it back to 18 years." I ask the Minister to ascertain from the societies what they require or what argument they have before we proceed with this amendment.

The Hon. A. F. KNEEBONE: I will see whether I can get some information. Young people are at present members of friendly societies.

The Hon. R. C. DeGaris: They are, but that is not the point.

The Hon. A. F. KNEEBONE: The point is that the Friendly Societies Act provides for certain people who cannot hold certain offices. The honourable member says that the rules could be *ultra vires* but, if we amend this measure and not the Friendly Societies Act, we are not being consistent. This provision does not force the societies to elect people of 18 years to certain offices: it provides only that they may elect them. In line with the principle of the legislation that a person reaches the age of majority at 18, we think he is responsible enough then to undertake all sorts of other responsibilities, many of them related to finance. If a person is fit enough at 18 to do these things, I am of opinion that he is fit enough to be elected to certain offices. If the friendly societies in their opinion think that people of 18 should not be elected to office, they will not elect them at that age. This measure merely clears the way for it to be done if the friendly societies themselves want to do it.

The Hon. C. R. STORY: It is not quite as easy as the Minister intimates. For a long time I have been closely associated with friendly societies. The Public Actuary has always been their bugbear. He is restrictive, to make sure that the public is properly protected over the years. Various friendly societies spend most of their time trying to get the Public Actuary to loosen the control a little to enable them to do things not specified in the Act. One of the things that the friendly societies never publicize is that they will allow junior members of their organization to assume responsible positions. I think the Minister will appreciate the fact that in friendly societies there are many people between the ages of 16 and 21. A junior can take a minor office, so far as the ceremonial side of the office is concerned, but the society would not want him to have full rights. At present, the Friendly Societies Act provides that a person shall not take a certain kind of office until he is 21 years of age. The effect of this measure, if passed, will be that the Act will provide that 18 will be the age at which a person can do any of these things.

If the lodges have certain rules of their own, it would be competent for any member of a lodge to work hard to see that the rules of his lodge were brought into line with the Act in respect of age. The lodges' rules would certainly specify the age of 21. If they wanted to and there was enough pressure on them, they could go to court and dispute it. I do not think we should proceed further on this point without consulting the societies, which are strong bodies representing many people. I am happy to leave this matter as it is and proceed with other clauses, because this clause will have to be recommitted to enable the Minister to look at it and let the Committee know about it.

The Hon. A. F. KNEEBONE: If the honourable member is so strongly in favour of that course of action, he should oppose the clause.

The Hon. R. C. DeGARIS: What the honourable member is asking is that the friendly societies themselves be consulted to see what they want for themselves. They have not been approached. At this stage we should at least have their views on this matter.

The Hon. A. F. KNEEBONE: The only answer I can give is the same one that I gave previously. The Act provides:

Any person under the age of 18 years may be elected or admitted as a member of any society, and any such person so elected or admitted may, and is hereby empowered to, execute all necessary instruments and to give all necessary acquittances: Provided that during his nonage he shall not be competent to hold any office as trustee, financial secretary, or treasurer of any society or branch.

The Hon. C. R. STORY: The Minister is reducing it to 18 years of age, so that anyone over 18 shall be able to assume responsibility that a 21-year-old can assume today.

The Hon. A. F. KNEEBONE: The honourable member says that, if the rules do not agree with the Act, the younger members will get together with some of the older members of the lodge and say, "We are members of a friendly society and, as such, we have our rights." Some young people are responsible enough to take any office in a friendly society. I do not appreciate the honourable member's fear in this matter. This is not forcing a friendly society to agree to its members being appointed to certain offices if they do not want that to happen. The honourable member seems to fear that the young people will gang up, take a case to court and force a friendly society to allow them to be elected to some office. There is no great danger of that happening. I have been in all sorts of organizations in which young people have been concerned, and they have taken responsible offices as treasurers, secretaries and even presidents, and the organizations have been well run. There is no fear in regard to financial matters.

The Hon. R. C. DeGaris: That is not our point at all.

The Hon. C. R. STORY: I do not think the Minister has got me right. I have held offices in benefit lodges. The trustees are responsible for the sick pay and for ensuring that the books and funds of each branch are in order. Section 21 of the Act states:

Provided that during his nonage he shall not be competent to hold any office as trustee, financial secretary or treasurer of any society or branch.

That is an important point. The societies and the Governments have had that written in to ensure that juniors do not take over the financial affairs. We are now reducing this age to 18 years, but this step should not be taken without consulting the friendly societies.

The Hon. C. M. HILL: Friendly societies have their own rules. It is only right and proper that, if the rules stipulate that certain people of certain age shall hold certain offices, the societies should be consulted.

The Hon. F. J. POTTER: I, too, would be happier if the Minister could assure us that he had consulted with the friendly societies. However, I have little doubt that ultimately they will have no objection to reducing the age. This problem could be overcome by introducing amending legislation in the future.

The Hon. A. F. KNEEBONE: I cannot give an assurance that the societies have been consulted. This is a uniform measure to reduce the age of majority to 18 years.

The Hon. R. C. DeGaris: It's not uniform.

The Hon. A. F. KNEEBONE: It is uniform, except that we said it would not affect industrial matters.

The Hon. C. M. Hill: It's not uniform regarding trusts.

The Hon. A. F. KNEEBONE: I do not think there would be much dispute on the societies' part if this change were made. There is no compulsion that they must alter their rules to provide that persons of the age of 18 years may become trustees and financial secretaries. The societies are not being forced to amend their rules.

The Hon. R. C. DeGaris: They could be.

The Hon. A. F. KNEEBONE: No; it would be up to the societies to agree whether a person of 18 years of age could occupy these offices. The whole matter is in the hands of honourable members if they think it is necessary to defeat this Part of the Bill.

Part passed.

Parts XIV to XVII passed.

Part XVIII.

The Hon. C. R. STORY: Co-operatives and building societies have tied their shareholding and voting to certain rules. Does the Government agree with the effect that this amendment will have on these existing arrangements?

The Hon. A. F. KNEEBONE: This is the same situation as we have just discussed.

The Hon. C. R. STORY: Young people will be able to sit as board members and on management committees.

The Hon. A. F. Kneebone: If they are elected and the rules of the society provide for it, yes.

The Hon. T. M. Casey: The rules override the Act.

The Hon. C. R. STORY: That is a silly statement: the rules do not override the Act. The rules have to be framed within the provisions of the Act, and these rules have operated for three or four generations. It seems that the Government in one afternoon wants to amend them, although it is possible that members of these societies may oppose the alterations.

The Hon. A. F. KNEEBONE: I have faith in members of these societies that they will do the right thing if a person of 18 years is suitably responsible to be elected to office. If they do not wish to amend their rules to comply with the Act they need not do so.

The Hon. L. R. Hart: Why have rules in the first place?

The Hon. A. F. KNEEBONE: The societies produce rules to cover their activities, not because they are forced by law to have rules. They have to be administered in accordance with what is allowed under the law. Why not give them the chance to change their rules if they wish to do so?

The Hon. C. R. STORY: When we discuss another matter I hope the Minister will be just as magnanimous in allowing this Chamber's amendments to remain in the Constitution Act Amendment Bill, which gives people of 18 years the right to choose whether they will vote.

Part passed.

Part XVIIIA passed.

Part XIX.

The Hon. A. M. WHYTE: I am opposed to jurors being appointed who are under the age of 25 years. This is quite young enough for a person to be delegated to the very serious position of juror. I do not suggest that some people under this age might not be qualified to act as jurors, but I think that 25 years of age is young enough for a person to have to make the decisions thrust upon him in this capacity.

On present population figures about 10 per cent of all people eligible for jury service, if the age is reduced to 18 years, would be under the age of 21. In these circumstances there is a good possibility of at least one or two 18-year-olds serving on every jury. I do not think this is what the community desires or what the youngsters themselves desire. Unlike the amendments to the legislation relating to friendly societies and to industrial and provident societies, where a certain amount of authority is vested in these societies to appoint the youngsters or not, the juror has no option. If he is selected for jury service he will serve on the jury unless he has some very valid excuse to exempt him.

This is quite different from the two Acts the Hon. Mr. Story dealt with so thoroughly a few moments ago. The present Act exempts from jury service all persons over the age of 65 years. The Premier is quoted, in the *Advertiser* of March 17, as saying that if 18-year-olds were denied the right to sit on juries they were being denied the right of trial by their peers. What happens to the person of 65 years of age or over who is facing trial? Will there be some provision for him to be tried by someone of his own age? I do not think the Premier's argument is of great consequence. The duties of a jury are to sum up the evidence presented, and if they want to have someone voicing their case, someone of their own age, it is necessary to have a solicitor. The Premier would know very well that it is not possible for a lawyer to be qualified at the age of 18, 19 or 20 years. This is one of the many points in this Bill which I feel has not been given due consideration by the Government, and I oppose this Part.

The Hon. R. C. DeGARIS: I support the view of the Hon. Mr. Whyte. We have had numerous instances where this matter has been the subject of study by committees in various parts of the world. Parliaments often seem to be bluffed by committees appointed by Governments to inquire into various matters and to make a report, and suddenly the report becomes almost absolute in the eyes of the Parliaments. In Great Britain the Latey report recommended jury service at the age of 18 years, and yet the Parliament stayed with 25 years for jury service. Many people are unaware of the total impact of the 18-year-old age of majority, and most are opposed to the enforcement of jury service by 18-year-olds. I would not like my daughter to be called for service on a jury.

The Hon. A. F. Kneebone: What about 21 years?

The Hon. R. C. DeGARIS: Parliament has considered this and decided on 25 years of age, and other Parliaments around the world have done likewise. Therefore, there must be a strong reason for it.

The Hon. A. F. Kneebone: Can you mention them?

The Hon. R. C. DeGARIS: I mentioned Great Britain, and I think in some States in America the age is higher than 25 years. Where the age of majority is 18 years there is a separate age set for jury service. I see no reason to alter the present situation, which has been debated on previous occasions.

The Hon. M. B. DAWKINS: Experience is a school through which we all have to pass and, with great respect to 18-year-olds, I do not believe they have had sufficient time to gain either experience or a great deal of maturity at that age. For that reason, I support the views of my colleague, the Hon. Mr. Whyte. I endorse one or two of the remarks of the Hon. Mr. DeGaris, particularly regarding young people serving on juries. Certainly in some cases, to say the least, it would not be wise for people of relatively tender age to serve in this capacity. I believe that the present age of 25 years is highly suitable. Young people at that age have at least had a chance to gain some maturity, some breadth of outlook and some experience, certainly more so than have those aged 18 years.

The Hon. A. F. KNEEBONE: Some honourable members seem to be horrified at the prospect of 18-year-olds serving on juries. I remind honourable members that prior to 1965 it was possible for 18-year-olds to be selected as jurors.

The Hon. R. C. DeGaris: No, it was 21 years.

The Hon. A. F. KNEEBONE: That is not correct, for a returned soldier of a younger age than that could have been on the Legislative Council roll from which jurors were selected.

The Hon. R. C. DeGaris: It would be pretty difficult for a person to be a returned soldier at 18 years.

The Hon. A. F. KNEEBONE: I know people who went away to the First World War at the age of 14 years. Such a person could have been wounded and been a returned soldier at 15 years, and he could have served on a jury.

The Hon. A. M. Whyte: He would have gained a bit more experience as a soldier than he would under a chap like Medlin.

The Hon. A. F. KNEEBONE: That has nothing to do with the subject. In 1965, the amendment was passed, and there was a prescription at that time that we did not want any of the opposite sex acting as jurors. In 1965 we made a move in regard to this, but to balance things up we said, "These women might be able to affect some of these 18-year-olds or 20-year-olds if they were locked up together as jurors, so to afford men a bit of protection we will have to make the age 25 years so that younger men will not be influenced." Now honourable members are saying that it would not be advisable to have 18-year-olds locked up together as jurors, and they want to retain the age of 25 years. I maintain that 18 years of age is not too young to serve on a jury. After all, we are making the age of majority 18 years.

The Hon. R. C. DeGaris: In some cases.

The Hon. A. F. KNEEBONE: Yes. It has been said that there could be two 18-year-olds on the same jury. What is wrong with that?

The Hon. D. H. L. Banfield: They can be challenged.

The Hon. A. F. KNEEBONE: Some people today at 18 years of age have greater experience than we have. Some people at that age are more sensible than many older people and can argue a good case. In times gone by, people of that age were afraid to speak up for themselves. However, with greater advances in education these days, those young people have much more sense than did people of 21 years of age 30 years ago.

The Hon. R. C. DeGARIS: I think the Minister's argument has finally reduced the situation to the point of being quite ridiculous. He referred to the possibility of a returned soldier of 15 years of age serving on a jury.

The Hon. A. F. Kneebone: That is not impossible.

The Hon. R. C. DeGARIS: No, but I would say there would be only one or two people in that category in the whole of South Australia, and such a person would have had to put his age back in order to join the services and thus break the law. This is an isolated case that the Minister brings forward to support an argument for 18-year-olds to serve on juries. As I said earlier, the Parliament of Great Britain, after discussing this whole question, has still retained the age of 25 years.

We have the complete anomaly of the Government saying that in respect of all industrial matters it must not alter the age of majority: it must be 21 years. However, when it comes to jury service it puts forward the opposite argument and says that people of 18 years of age are capable of serving on a jury. This Bill will not reduce the age of majority over the whole range, for the Government is saying that 18 years is all right in some cases but in other cases it is beyond the pale. If it wants to

be consistent, it should prescribe 18 years for everything. We have decided previously on the age of 25 years for jury service, and the Parliament of Great Britain has decided the same way, while other countries have decided on ages higher than 18 years or 21 years. I do not think the South Australian public wants 18-year-old jurors.

The Hon. V. G. SPRINGETT: The Minister said that in 1965 the age for jury service was altered to 25 years, and obviously it was necessary then. In other words, what was existing before was not good enough. Why, then, do we want to go back to the bad old days before 1965?

The Hon. Sir ARTHUR RYMILL: This is one of the provisions that I have had some qualms about. I have been hastily trying to find out where the provision for the age of 25 came in, and so far as I can ascertain it was introduced by the Labor Government in 1965. The Labor Party seems to have changed its mind since then. On reading *Hansard*, I see that on July 1, 1965, the Hon. D. A. Dunstan, then Attorney-General, introduced a Bill to amend the Juries Act. The Attorney-General must then have thought that 25 was the proper minimum age for a juror.

The Hon. A. F. Kneebone: Anyone can change his mind.

The Hon. Sir ARTHUR RYMILL: The Labor Party seems to have changed its mind more than once, but changing one's mind is an indication of greatness rather than of weakness. The minimum age was changed from 21 to 25; then six years later the Party opposite thought it should be reduced to 21 again, and now 18 is favoured. So this is rather a strange change. Personally, I would not agree to be tried by a youth or a jury containing people of 18 years of age. The whole jury could comprise 18-year-olds.

The Hon. D. H. L. Banfield: Or *vice versa*: there may not be anybody aged 18 on a jury.

The Hon. Sir ARTHUR RYMILL: Precisely; that is my exact point—that a jury may contain all 18-year-olds or none at all. However, we are here as legislators to try to protect the public's interest. There is nothing to say that the whole jury shall not be 18-year-olds, or that they shall be: it says they can be. That is my point. We must provide for every possible contingency. Whatever these hair-splitting arguments may be about, whether the age should be 21, 25 or some other age, the fact remains that we are asked to approve of people of the age of 18 serving on juries.

The Hon. F. J. Potter: There would be fewer people of between 18 and 20 years in the exempted categories.

The Hon. Sir ARTHUR RYMILL: Yes. When I refer to these hair-splitting arguments, I refer to the arguments about one or two people under the Legislative Council franchise being entitled to serve on a jury under the age of 18, and possibly between 18 and 21. They are a complete minority and, the way juries are selected at this stage, I doubt whether any of them would be entitled to sit on a jury. At the age of 18, many people are still at school, as has been mentioned recently in the debate on another Bill. Is the boy or girl still at school sufficiently experienced to sit on a jury and try men or women on charges that he or she may not even have heard of? I do not know. It is not proper to have this provision in this legislation.

The Hon. F. J. Potter: An 18-year-old would be liable to be called: he would not be in the exempted categories as a schoolboy.

The Hon. Sir ARTHUR RYMILL: No. He would have to get his headmaster's permission to go. If he did not get it, he would be faced with the alternatives of either being fined for non-attendance as a juror or being caned for not being at school. He could take his choice.

The Hon. Sir Norman Jude: As the Minister of Agriculture would say, "You can't have it both ways."

The Hon. Sir ARTHUR RYMILL: The Hon. Mr. Whyte desires to restore the present position, where a juror would have to be 25. Personally, I should be happy to make it 21, but I think it is asking too much to expect 18-year-olds to accept this responsibility. I do not know what the Government feels about this: it wants to be consistent and reduce the age in all cases to 18. I suppose I am revealing, by what I am saying, my real feelings about people between 18 and 20, to some extent. In many cases 18 should be regarded as the age of majority; I have thought that for years, just as I have maintained in this Chamber that we should continue to allow a 16-year-old to hold a driver's licence, despite the position in other States, because that gives him two years' experience of driving before he really starts to go mad about it. This Bill contains many good features in reducing the age of majority to 18, but 18-year-olds should be obliged to stand by their contracts. When we come to trying people faced with a penalty of, for instance, hanging (or, as the Labor Party

suggests, life imprisonment), I do not know that I would care to be tried by anyone other than an experienced person. Reducing the age to 18 for jury service is taking things a bit too far. I would vote for an amendment restoring the minimum age of 21.

The Committee divided on Part XIX:

Ayes (5)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill, A. F. Kneebone (teller), and A. J. Shard.

Noes (14)—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, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte (teller).

Majority of 9 for the Noes.

Part XIX thus negatived.

Part XX.

The Hon. R. C. DeGARIS: Will the Minister say why the age of 21 years will remain in new section 62b of the Law of Property Act, whereas the age of 18 years will apply to the remainder of the Act?

The Hon. A. F. KNEEBONE: It is to preserve the operation of perpetuities, by which the property provisions are tested. There is no ulterior motive in this move.

The Hon. R. C. DeGARIS: Will it mean that this will continue at 21 years in perpetuity and become 18 years for new ones, or will it cover only those already done?

The Hon. A. F. KNEEBONE: I think they would run for another 21 years.

The Hon. R. C. DeGaris: What happens after that?

The Hon. A. F. KNEEBONE: They will have to be looked at again in 21 years.

Part passed.

Part XXI.

The Hon. M. B. DAWKINS: I move to strike out this Part. I do not think anyone at present believes that only people 20 years drink liquor. Nowadays, many 18 and 19-year-olds pass for 20-year-olds. If the drinking age is reduced to 18 years, 16 and 17-year-olds will pass for 18-year-olds. A serious road toll involves people between the ages of 20 and 25 years. Should we add liquor to the dangerous driving in which some young inexperienced people indulge? If the drinking age is reduced to 18 years it will make the road toll involving people between 18 and 25 years higher than it is already. I oppose this Part not for personal reasons, but because I think it would be a bad thing for the State if the permitted drinking age was reduced to 18 years.

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

To strike out clause 4.

I oppose two provisions of this Part: first, clause 4 which enables a person of 18 years to obtain a licence or a permit, and clause 7 (*c*) which provides a defence for the licensee if he believes the person was over 18 years and was, in fact, over the age of 17 years. If the permitted drinking age is lowered to 18 years, the defence against a prosecution concerning the age of 17 years should not be included. I consider that the penalties that will be applied to young people are severe indeed if imposed by the court, but I do not think that they should be altered. When the Act was amended to provide a permitted drinking age of 20 years the age in section 83 was left at 21 years.

The Hon. A. F. KNEEBONE: Honourable members are saying that persons of 18 can be regarded as adults in certain instances and that while they are sufficiently mature to do all the other things provided for in this Part, they are not sufficiently mature to be granted a licence or to be a licensee.

The Hon. R. C. DeGaris: Have we regarded them as adults right through the Bill?

The Hon. A. F. KNEEBONE: In certain areas, and for a reason. We are looking at the costs of effecting various amendments. This is why we have left the age of 21 years in industrial matters. I can imagine a situation where a family runs a hotel, the licence is in the name of the father, he dies, and the mother is left with a son of 19 years of age. She feels she is not capable of handling the job, but her son is, because he has been brought up in the hotel. I know the difficulties of running a hotel, and I know young people who are capable of doing this. What is the magic in the figure of 21?

The Hon. R. C. DeGaris: What is the magic of 18?

The Hon. A. F. KNEEBONE: There is no magic in either figure.

The Hon. R. C. DeGaris: Why not make it 16?

The Hon. A. F. KNEEBONE: Why make it 21? If a person is considered sufficiently mature to cope with certain other responsibilities, I think he is sufficiently mature to have a licence.

The Hon. G. J. GILFILLAN: The question has been raised as to why this section could be considered more important than the one

on the drinking age. There is a very big difference, and this must have been obvious when the amendment was made which brought the drinking age to 20. I believe it was sponsored by a member of the honourable member's Government, although I am not sure of this.

The Hon. A. J. Shard: The Licensing Act was a Government measure.

The Hon. G. J. GILFILLAN: It was thought unnecessary to alter the age at that time. There is a big difference in the responsibilities. The Act places great responsibility on a licensee, with very heavy penalties, and because of this there is a great responsibility not only in administering his premises in accordance with the provisions of the Act, but in maintaining proper order within the premises.

The Hon. F. J. Potter: Isn't the more important matter the permit, not the licence?

The Hon. G. J. GILFILLAN: In either case I believe very grave responsibility is placed upon a person, holding a licence, who has to answer to the courts for any breach thereof.

The Hon. F. J. POTTER: It seems to me that the important aspect of this is the granting of a permit, or being eligible to hold a permit. The Minister's reply was based on the question of a licence, and he had some rather unusual circumstances which he cited as being possible. However, to me the important aspect is the granting of the permit. I am not against the reduction of the drinking age to 18 years, but I do not think any honourable member wants to encourage drinking by people 18 years of age. Being granted a permit will leave it open for teenagers to organize functions exclusively for teenagers. I do not object to that, but it could lead to abuses and to the encouragement of more drinking than is necessary in the lower age group. I am not sure that that is desirable. The emphasis on the permit aspect has been somewhat neglected, and I am inclined to support the amendment of the Hon. Mr. Gilfillan.

The Hon. M. B. DAWKINS: In temporarily withdrawing my previous amendment, I am supporting the amendment of the Hon. Mr. Gilfillan. which I think covers a most important point. However, I take issue with the honourable member to some extent when he infers that it is far more important than some of the other sections of this Part. Whereas section 83 of the principal Act affects a relatively small number of people, the whole of Part XXI affects a very large number of people, and the drinking age itself will have a far wider effect than clause 4 of this Part. However, I support the amendment.

The Hon. C. M. HILL: I, too, support the amendment and I am impressed by the Hon. Mr. Gilfillan's arguments concerning the different degrees of responsibility between a permit holder or a licensee, on the one hand, and a person simply going into a hotel for a drink, on the other. I do not object to the measure to allow drinking in hotels at 18 years of age.

I support the principle in this Part of the Bill. However, the point raised by the Hon. Mr. Gilfillan is extremely sound. There is a tremendous difference in responsibility in each of these cases. A licensee has to control and administer a business operation of some significance; a permit holder has most important responsibilities, as also has a licensee, in regard to control of customers, and this is an area where control of customers can become an important matter.

The Hon. F. J. Potter: If he is doing his job properly, he has to be very vigilant and very firm.

The Hon. C. M. HILL: Yes, and he has to be able to manage his affairs in other ways, too. When we consider the licensee and the permit holder on the one hand, and simply the people who go into the front bar for a drink, on the other hand, we realize that the responsibilities are almost as different as day is from night. Whilst I do not disagree with the principle of 18-year-olds being permitted to drink in hotels, I think it is going a little too far when we pass legislation allowing a permit holder or a licensee to be of the age of 18 years. I support the amendment.

Amendment carried.

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

To strike out clause 7(*c*).

This amends section 153 of the Licensing Act. Section 153(2) states that it shall be a defence in any proceedings to prove that the person to whom liquor was sold or supplied appeared to be 20 years of age and was actually of or above the age of 18 years. Therefore, a tolerance of two years is now given. I believe that if the drinking age is now to be reduced to 18 years, that must be the end of it, and no provision should be made that it shall be a defence to prove that the person charged had reasonable cause to believe that the person to whom liquor was supplied was actually of or above the age of 17 years. We are getting on to very dangerous ground here. I think most members will

agree that for all practical purposes the drinking age at present, because of section 153, is in practice 18 years. Many young people of that age are drinking openly in our hotels. The penalty that can be imposed is still there, but the licensee is relieved of a good deal of responsibility. I consider that it is the responsibility of young people to provide some proof of age if a licensee requires it. I think this could be policed within the liquor trade itself by reasonable agreement through its own association.

The Hon. A. F. KNEEBONE: At present, the drinking age is 20, but a tolerance of two years is given. Now we are being asked to provide no tolerance at all. Apparently, anyone who serves liquor must have a crystal ball. The Bill proposes a tolerance of one year. It is hard enough today even to tell the sex of some people who go into a hotel, without having to tell how old they are. It is especially difficult to tell the age of young girls, for they look young when they are in school uniform but when they dress up at night and wear high heels it is almost impossible to tell their age. I oppose the amendment. I think a person supplying liquor must be given some tolerance. This Bill is already cutting down that tolerance from two years to one year.

The Hon. V. G. SPRINGETT: I understand what the Minister means when he says that licensees should have a tolerance. Even if they do have a tolerance in guessing the age of a youngster, the youngster who breaks that law deliberately and knows he is breaking it is considered old enough to know what he is doing, and the penalty should be severe enough to make him think twice before he breaks the law again.

The Hon. C. M. HILL: The amendment is in some ways putting the cart before the horse. The Committee should know what the majority thinking is on this issue; it should know where it is going before we deal with this matter because, if the whole Part goes out, the law remains as it is, 18 years, for the tolerance, as the Minister has said. However, if the Part is agreed to, the debate on this point simply concentrates on the one matter of tolerance—either to reduce the age from 18 years to 17 years, or to have no tolerance at all.

I cannot help favouring the principle that, at least until such time as the Licensing Act is amended and it becomes an absolute offence for a young person under the legal age to drink, a licensee must be given some protection and assistance in the great problem he faces. This is the real crux of the matter. I would not object to 18-year-olds being allowed to drink in hotels, but I am the first to admit that it presents this problem of physical maturity.

I have weighed up the two sides and have come down in favour of the age of 18, but I say that knowing that this tolerance exists. I am sure the publican would welcome it and most people would agree that we must have this protection for him. It is a pity we do not know where we stand on the major issue before we come to this one. If we take a vote on the amendment now, I shall vote against it, so that the age of 17 for tolerance will remain, in anticipation of the vote to follow on the amendment of the Hon. Mr. Dawkins.

The Hon. G. J. GILFILLAN: Any person under the age of 18 is still committing an offence and is liable to a minimum fine of $50 or a maximum fine of $200 for a first offence. There is a protection for the young people and for the licensee. But, as the Act has been administered, to the best of my knowledge, because of this defence provision in section 153, it is an exception that young people of 18 years do not present a very big problem to the licensee when they drink on his premises. I know of one instance where a licensee was prosecuted because a young person who seemed to be in his 20's had purchased liquor from his hotel, and he turned out to be only 17 years of age. I know, too, of other instances where this defence provision has made it difficult for the police to launch a prosecution when the person concerned was actually 18. I think now that the amendment I have moved is the wrong one. Section 153 (2) provides:

> It shall be a defence in any proceedings for an offence under subsection (1) of this section to prove (*a*) that the person charged had reasonable cause to believe that the person to whom the liquor was sold or supplied or by whom it was consumed was of or above the age of—

and here I substitute the new age of "eighteen years"—

> and (*b*) that the person to whom the liquor was sold or supplied was actually of or above the age of—

and here I substitute "seventeen years" for "eighteen years". This "seventeen" is an added protection in that without paragraph (*b*), which I have moved to strike out, the publican only has to use as a defence that he has reason to believe that a young person is 18. If

paragraph (*b*) is left in, it will mean, in addition, that this person must be at least 17. The right approach to overcome my problem would be the deletion of both paragraph (*a*) and paragraph (*b*) from section 153 (2). The onus would then be fully on the licensee to assure himself of a person's age, if he had a doubt about it.

The Hon. T. M. Casey: Then a young person would have to carry an identity card.

The Hon. F. J. POTTER: This is a difficult problem. As the Hon. Mr. Hill has said, it is the real crux of the matter, because section 153 states that a publican who supplies liquor, either across the bar or in the liquor sales department at the back of his premises, to a person under the age of 20 shall be guilty of an offence. The real problem that has constantly been referred to by the magistrate in the Juvenile Court as being the one thing that causes him more trouble than anything else is the supply to people under the age of 18 (because the magistrate is dealing with that type of person in the Juvenile Court) of liquor in hotels. Indeed, he once said that he would go as far as trying to persuade the Licensing Court to deregister people who persistently committed that offence. Everybody knows that the publican, if he quizzes a person going to the back of his premises for a bottle, must virtually ask him, "Are you over 18?" If the reply is "Yes", he must weigh up in his mind whether or not he is telling the truth.

If he thinks he is telling the truth and he has a good look at the person and decides, on inspection, that he is over the age of 18, he has the beginnings of a defence under section 153. That defence is strengthened if the person concerned is actually above the age of 18 (as it is at the moment) or the age of 17 if this Bill is passed in its present form. It is a social problem to which I do not know the solution. The only way to solve it is by putting a heavy, though not a complete, onus on the licensee. I do not know whether or not honourable members would think this desirable. I realize that difficulties are involved. However, certain licensees do not even make a cursory inspection of some young people who buy a bottle or a drink at their premises. If they have the money, the licensee will give them the bottle or the drink.

The Hon. R. C. DeGaris: Especially in drive-in bottle departments.

The Hon. F. J. POTTER: Yes, which are not open to public surveillance at night. This problem could be solved if everyone possessed an identity card, but I do not think many people would advocate that system. The practice of people under 18 years purchasing liquor can be minimized only if heavy penalties are imposed or, alternatively, if a greater onus is placed on the licensee. If the amendment is passed, the little extra protection the licensee now has will be taken away, but he will still have some protection if he satisfies the court that he geniunely believed the young person supplied with liquor was of the legal age.

The Hon. C. R. Story: He also risks a black mark on his licence.

The Hon. F. J. POTTER: Yes. I should be happier if the Government would consider moving an amendment to this provision of the Licensing Act to tighten up the penalties, on the supplier in particular and on the underage obtainer of liquor.

The Hon. R. C. DeGARIS: We are dealing with the situation piecemeal, and I believe we are overlooking many of the fundamentals involved in the Licensing Act. The whole matter must be examined, not only the reduction of the drinking age to 18 years. The Government should introduce amendments to the Licensing Act.

The Hon. G. J. GILFILLAN: As I am not sure whether the amendment I have moved is the right one to overcome the problem I have mentioned, I ask the Minister to report progress.

The Hon. A. F. KNEEBONE: Because of the questions that have been asked and because the mover of the amendment is not sure whether he has moved the right amendment, I ask that progress be reported.

Progress reported; Committee to sit again.

## BUILDING BILL

Read a third time and passed.

## LOTTERY AND GAMING ACT AMENDMENT BILL (TAX)

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

## ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

*That this Bill be now read a second time.*

It proposes to increase from 28 days to 60 days the time in which the Parliamentary Standing Committee on Public Works must review and report on a proposal made by the Transport Control Board for the closure of a

railway line or part of a line. As the principal Act now stands, the committee has only 28 days in which it must decide whether an order for closure should be made. In view of the amount of work carried out by the committee under a variety of Acts, the specified period of 28 days imposes a severe strain on the resources of the committee and disrupts its schedule of work. Moreover, four weeks is in itself an inadequate period of time for the detailed and thorough investigation needed in connection with the closure of some railway lines. The Government believes, as indeed did the previous Government, that a period of 60 days would be a fair and reasonable time for the committee to furnish its reports. The Bill also seeks to increase from 25c to $1 the maximum fee chargeable for a duplicate licence when the original has been lost or destroyed. It is self-evident that such an increase is necessary and long overdue. The Bill also contains various Statute law revision amendments.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clauses 2 and 3 amend sections 5 and 9 respectively of the principal Act by up-dating all references to the Public Service Act. Clause 4 amends section 10 of the principal Act which deals with the Transport Control Board's power to close and reopen railways. The passage "sixty days" is substituted for the passage "twenty-eight days". Clause 5 amends section 14 of the principal Act by changing the references to old currency to decimal currency. Clause 6 amends section 20 of the principal Act which deals with the supplying of duplicate licences by changing the maximum fee chargeable to $1. Clauses 7 to 18 inclusive amend sections 22, 22a, 24, 27b, 28a, 28b, 35a, 35b, 35c, 35d, 36 and 40 respectively of the principal Act, by changing to decimal currency all references to old currency contained therein.

The Hon. C. M. HILL secured the adjournment of the debate.

## MARKETABLE SECURITIES BILL

Adjourned debate on second reading.

(Continued from March 17. Page 4089.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I have had the opportunity to consider this Bill overnight, and I think in the main it is exactly what the Minister said in his second reading explanation. The 1967 Act, which this measure will supersede, was warmly welcomed in commercial circles. This Bill seeks to deal rather more comprehensively with certain aspects of transfers of securities. There is no doubt that the 1967 Act saved a tremendous amount of paper work, particularly in sharebrokers' offices, and I know it was extremely popular with that section of the community.

Since it was passed trustee companies have asked that their operations be facilitated by similar procedures, and I think this would be an advantage. The Bill also provides a method of splitting up share parcels when the whole of a holding or the shares in a scrip certificate are not sold as one lot, and it provides that certain undertakings must be accepted by a broker who is utilizing the system, not only under local South Australian law but under the laws of other States or foreign countries.

The signature of the transferee is, as in the previous Act, dispensed with unless there is an uncalled liability. This is a very proper thing to happen. The broker is deemed to have warranted the accuracy of certain statements contained in the transfer. The only query one might have is that, unlike the broker's insistence in regard to companies, one does not have a published statement of the broker's own affairs, and consequently one has no knowledge of whether or not the broker can carry out these undertakings. This is something that might be looked at.

In this afternoon's paper is a report that a certain broker has been hammered, as it is called on the London Stock Exchange, and that the Chairman of the Stock Exchange has said that the Stock Exchange fiduciary fund will bear all losses. I do not know how far that applies in South Australia. There has been talk of a similar fund, but I would not be certain how far it has gone.

Apart from that, the one thing that gives me some cause for concern is that, under clause 5 (*b*), according to the second reading explanation, the Stock Exchange marks the broker's forms with a stamp indicating that the transactions disclosed in the forms are covered by a scrip certificate which will be forwarded to the company, which is received by the Stock Exchange and not the company. I know there is no obligation on companies to check the actual signature of the transferor, unlike banks in the case of clearing cheques, but this seems to take it one step further away from the company inasmuch as, if a transfer plus scrip is forwarded to the Stock Exchange, the Stock Exchange rather than the company itself then acts in relation to that, and apparently it has to accept the scrip at its face value. I think

that the Stock Exchange would be less likely to know whether or not the scrip certificate was forged than would the company itself.

I should like to have a further look at this matter, because the Stock Exchange marks the broker's transfer forms with a stamp indicating that the transactions disclosed in the forms are covered by the scrip that has been supplied to the Stock Exchange. How the Stock Exchange can assure that that scrip is genuine scrip or not, in the case of the multitudinous companies that it has to deal with, I am not quite clear at this stage.

The Hon. A. J. Shard: I thought I was the only one that way.

The Hon. Sir ARTHUR RYMILL: I do know (and I have said this often enough) that sometimes we go too far in attempting to protect people against themselves. I thank the Chief Secretary for his interjection, for it reminds me that there is nothing to oblige anybody to adopt this procedure. A person can handle the matter himself if he wants to do so. A person purchasing shares can assure himself with the company that the share transfer is valid and that the scrip certificate is valid, and so on, before he settles, just the same as when he is buying shares he is entitled to ask for his own requirements. There is nothing in this Bill that supersedes that; a person is still in charge of his own affairs and, as I understand the Bill, can still insist on the mode of settlement that he considers best protects his own interests. I think that is a very important feature of this Bill. When the Bill gets into Committee, it might be desirable for honourable members to have a detailed look at some of the clauses. However, I am satisfied that this is a good Bill designed to assist the business community, and I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Sufficient instrument of transfer."

The Hon. Sir ARTHUR RYMILL: If the Chief Secretary is agreeable, I think this might be a suitable stage for the Committee to report progress so that honourable members may have an opportunity over the weekend to look further into the detail of the Bill.

The Hon. A. J. SHARD (Chief Secretary): I am happy to ask that progress be reported.

Progress reported; Committee to sit again.

## ADJOURNMENT

The Hon. A. J. SHARD (Chief Secretary): I move:

That the Council do adjourn until Tuesday, March 23, at 2.15 p.m.

I point out to honourable members that I think it will be necessary to sit on Tuesday and Wednesday nights (with the exception of next Tuesday) for the remainder of this session, although there may be occasions when it will not be necessary to do this.

Motion carried.

At 5.26 p.m. the Council adjourned until Tuesday, March 23, at 2.15 p.m.