

J. SHARD: No, it is a point

AN: Order! I have already not a point of order. If the make an explanation, he can ate.

J. SHARD: I am sorry. I Sir Norman Jude withdraw received instructions. I take I have not received any

AN: Did the honourable word?

Shard: Yes.

NORMAN JUDE: If the ble to my remarks to that the point that he received that he is aware of them, the delay being produced both this afternoon and this a certain person does not appear in another place, sooner we press on with of the Select Committee's r.

WHYTE: This debate and the Select Committee handling of the Bill than About 12 weeks ago it the Government of this tion to ban Scientology.

that, I knew that sooner r of this Chamber would ntous decision, as we are honourable member here thought did not enter his not do any research into ng dishonest either with electors. This is a big ights, about which we tonight. Everyone has es the point where he y else's freedom; then by someone to prevent

This matter has been d honourable members d not been a Select honourable members s morning how they lot of gibberish has e same time, I must ourable members on There has also been e we soon reach a

Clause passed.

Remaining clauses (4 to 9) and title passed.

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

### PRISONS ACT AMENDMENT BILL

Second reading.

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

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

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

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

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

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 amends section 42 of the principal Act to provide that a

prisoner may, after he has completed not less than one-third of his sentence, apply to the Comptroller for a recommendation to be released pursuant to the provisions of that section.

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

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

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

### BUSH FIRES ACT AMENDMENT BILL

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

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

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

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

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

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

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

Clause 1 is formal. Clause 2 makes a drafting amendment to the principal Act. Clause 3 makes a formal amendment to the principal Act. Clause 4 amends the interpretation section of the principal Act by striking

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

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

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

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

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

Clause 37 makes a decimal currency amendment.

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

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

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

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

#### TATIARA DRAINAGE TRUST ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.