HOUSE OF ASSEMBLY

Wednesday, February 19, 1969

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

PETITIONS: TRANSPORTATION STUDY

The Hon. D. A. DUNSTAN presented a petition signed by 101 residents. It expressed concern at the proposals contained in the Metropolitan Adelaide Transportation Study Report to construct the Hills Freeway through College Park and stated that that freeway would entail the acquisition of the property owned by the Regnum Marianum Catholic Hungarian Welfare Association Incorporated at 43 and 45 Torrens Street, College Park. It also stated that that site had been carefully chosen several years previously and that the organization concerned could never be adequately compensated for the loss of the property.

Received and read.

The Hon. D. A. DUNSTAN presented a petition signed by 51 residents who were opposed to proposals contained in the M.A.T.S. Report for the Modbury Freeway to pass along the eastern side of and close to the Torrens River in the municipality of St. Peters. It stated that such a proposal would spoil the section of the river concerned and would prevent or severely curtail planned improvements to the river and its environs. The petition stated further that under the proposal many comparatively new dwellings would have to be acquired while others would be detrimentally affected because the freeway would be elevated along its entire length within the St. Peters area.

Received and read.

The Hon. D. A. DUNSTAN presented a petition signed by 51 residents stating that proposals in the M.A.T.S. Report, although involving a tremendous commitment of funds and other resources, would not meet Adelaide's expected transport needs, and that human values and rights appeared to have been ignored in a bid to serve the motor vehicle by the building of freeways. It urged the House to seek the withdrawal of the M.A.T.S. plan and to call for a complete re-examination of the whole position by an organization fully representative of all disciplines and sections of the community.

Received and read.

PETITION: ABORTION LEGISLATION

Mr. CASEY presented a petition signed by 102 persons respectfully praying that the House would not pass the Bill presently before it relating to abortion.

Received and read.

DISTINGUISHED VISITOR

The SPEAKER: I notice in the gallery His Excellency the Ambassador of Indonesia in Australia, Lieutenant-General R. Hidajat. I know it is the unanimous wish of honourable members that His Excellency be accommodated with a seat on the floor of the House, and I invite the Premier and the Leader of the Opposition to introduce our distinguished visitor.

Lieutenant-General Hidajat was escorted by the Hon. R. S. Hall and the Hon. D. A. Dunstan to a seat on the floor of the House.

QUESTIONS

TRANSPORTATION STUDY

The Hon. D. A. DUNSTAN: In view of the widespread dismay and concern caused by the publication of the Metropolitan Adelaide Transportation Study Report and in view of a recent decision by members in another place, can the Premier say what time will be given to Parliament to debate the present proposals and the Government's proposals relating to the M.A.T.S. Report before action is initiated by the Government to put them into effect?

The Hon. R. S. HALL: As I want to make a complete report on the Government's policy regarding the M.A.T.S. Report, I ask leave to make a statement.

Leave granted.

The Hon. R. S. HALL: The statement deals with the M.A.T.S. proposals. To understand the necessity of providing for future metropolitan transport needs we must understand the extent of growth in our community over the next 20 or 30 years. During this time our population will almost double and, with continuous economic prosperity, use of all types of vehicle will far more than double. It will, therefore, not be possible to put this enormous number of vehicles, both cars and trucks, into the metropolitan area without providing a greatly improved road system for them. The alternative (that is, not to provide such a system) is simply to say to industrialists, "You cannot rely on congestion-free roads in Adelaide," and to say to the coming generation, "You cannot own or at least you cannot use motor cars in our community."

Whilst some changes in population density will take place under the pressures and inconveniences of modern living, I am certain that the community is not ready to tolerate a substantial restriction of its motor vehicle use within the next 15-year to 20-year period. It is, therefore, the Government's obligation to bridge our transport needs to the next generation by providing a traffic and public transport system; the best that can be devised on the basis of experience and lessons from similar cities throughout the world. We propose something less than a planner's dream—in fact, a practical minimum based on the Metropolitan Development Plan adopted by State Parliament in 1963 and reaffirmed in the 1967 town planning legislation. It will lay a basis for a fully co-ordinated public and private system with necessary inbuilt flexibility of emphasis between private and public which may be needed as the city develops.

Some of the greatest resentment to this plan has been caused by proposed land and property acquisition, and on this point we must fairly face the alternatives. Recognizing that provision for transport will be necessary in the future, it is essential that plans be announced in order that the land can be reserved from further development. Not to do this will lead South Australia into the position of Sydney and Melbourne, where exorbitant sums are having to be spent on land acquisition for new highways because of the lack of earlier planning. One substitute for acquisition of routes for new highways is to plan for extensive underground transportation. The cost of this across metropolitan Adelaide would dwarf the expenditures planned in the M.A.T.S. proposals. These proposals do not light-heartedly set out freeway construction. The priorities within this plan are as follows: (1) public transport and arterial road improvements; (2) expressways; and (3) freeways.

The Government has made the following decisions in regard to the M.A.T.S. proposals. The Government adopts the Metropolitan Development Plan as a basis for its transportation planning. The Government adopts a planning period of about 20 years in respect of metropolitan planning. The Government accepts the estimates of future travel demands as determined in the transportation study. The Government endorses the general principles adopted in the design of the transportation plan. These include the following: co-ordinated development of both public and private forms of transportation; a public transport plan to involve integration of bus and rail passenger services; and increasing use of public transport, and a road plan to involve the maximum practical utilization of existing roads, together with special purpose roads in the form of expressways and freeways.

The Government acknowledges the need for full consideration of social and aesthetic considerations in transportation planning. The Government approves as a master plan the proposals put forward in the M.A.T.S. plan for the development of public transport, excepting that some proposals have been deferred for further consideration. The Government approves as a master plan the proposals to develop an arterial road network, but here again a total of 16 deferments has been made for further consideration.

The Government approves as a master plan the freeways and expressways, and here again some deferments have been made. These include: the Hills Freeway in its entirety; portion of the Modbury Freeway in the vicinity of Hope Valley reservoir and Salisbury Heights; the Foothills Expressway; the Noarlunga Freeway in the vicinity of Field Creek; and the Dry Creek Expressway in the North Arm Road-St. Vincent Street area. These approvals under public transport, arterial roads and freeways are given subject to the proposals being consistent with any variations to the authorized development plan applying to metropolitan Adelaide.

The Government intends to make a close study of the existing legislation in regard to acquisition and compensation to ensure that persons adversely affected by the transportation proposals will receive fair compensation. A committee will be set up for this purpose. A special finance committee will be set up by the joint steering committee to deal with all financial matters relating to the implementation and co-ordination of the transport proposals. All proposals contained in the M.A.T.S. Report for revenue for roadworks have been deferred for further consideration. The Government will investigate immediately the question of council boundaries as they relate to the Hindmarsh, Thebarton and Walkerville councils.

The joint steering committee will continue in its present form, excepting that a new member representing local government interests in the suburbs will be appointed to it. The Government has requested that decisions in regard to all deferred matters be brought forward by the joint steering committee within the next six months. A committee

known as a Community Values Advisory Committee will be set up to advise the Minister of Local Government on community values and social aspects relating to the proposals.

The King William Street underground railway approval is given subject to further feasibility studies being completed for both financial and engineering aspects. I have complete schedules of the deferred items that will be under review and for which a request has been made for a final recommendation within six months, and I ask permission to have the schedules incorporated in *Hansard* without my reading them.

Leave granted.

SCHEDULE A

The proposed diversion of the southern railway line from its existing path between Goodwood and Edwardstown; closure of Womma railway station; and closure of Grange railway line.

SCHEDULE B

1. Arterial road system in the Salisbury area.
2. Church Place extension: Port Adelaide.
3. Grand Junction Road extension: Port Adelaide.
4. Young Street extension: Port Road-Dry Creek Expressway.
5. Torrens Road extension: Cheltenham Parade-Young Street extension.
6. Findon Road extension: Pitman Avenue-Cheltenham Parade.
7. Estcourt Road extension: Military Road-Frederick Road.
8. Kilkenny Road-Hanson Road realignment.
9. Proposed new road: Clark Terrace-Port River, Hendon.
10. Proposed development, Holbrooks Road-Main Street-Kilkenny Road.
11. Military Road extension at Patawalonga Lake.
12. Brighton Road extension at Glenelg North.
13. Church Road: crossing of Modbury Freeway, Campbelltown.
14. Cove Road, Brighton-Hallet Cove.
15. Proposed development: Lander Road.
16. George Street relocation, Thebarton.
17. Goodwood Road: widening, Greenhill Road-Grange Road.
18. LeFevre Terrace extension: Adelaide.

SCHEDULE C

1. Modbury Freeway: vicinity Hope Valley reservoir and Salisbury Heights.
2. Hills Freeway.
3. Dry Creek Expressway: North Arm Road-St. Vincent Street.
4. Foothills Expressway.
5. Noarlunga Freeway: vicinity of Field Creek.

The Hon. R. S. HALL: I refer to one further matter. Certain important deferments have been made, and the Government would like the re-examination completed within six months. Because of the public interest in this matter and because it is an aggregation of much forward planning that will significantly involve a large part of South Australia's population, the Government will initiate a debate on this issue early in the new session later this year. The matter will be put to this Parliament in a positive form by the Government so that a full debate by this House can be conducted by the elected representatives of the people of this State.

Mr. VIRGO: As I do not know whether members are aware of what seems to me to be the rather involved detail presently involved in the acquisition of property under the M.A.T.S. Report, I will retail information that has been given to me on the procedure. After negotiations take place with a person for the acquisition of his house and final agreement is reached between the assessor of the Highways Department and the person, one would naturally assume that the deal then merely requires formality, but I have learned to my horror that this is not the case. I know that there are many regulations, but I draw attention to this in the hope that something can be done about it. If the property exceeds $2,000 in value the deal must first be approved by Cabinet. After this, the matter must go to the Crown Solicitor who requires someone in his department to search the title. After that is done, the certificate of title must be produced irrespective of whether a bank or some other organization is holding it. This must then go back to the Crown Solicitor and, after having satisfied himself on all things, he then has to apply to the Highways Department for the funds to complete the deal. After he has received them, he is able to complete the deal which probably was originally arranged six months before. In the instance I am referring to it took from February 6 until last Friday (February 14) for the case to go from the Highways Department to the Minister. I noted with keen interest what the Premier said about compensation for acquisition being looked at. Will he refer this matter specifically to the committee so that settlements may be expedited for those poor unfortunate people who will lose their properties because of the adoption of the M.A.T.S. Report?

The Hon. R. S. HALL: Of course, my Ministerial statement dealt with this problem, and I remind the honourable member of my words:

The Government intends to make a close study of the existing legislation in regard to acquisition and compensation to ensure that

persons adversely affected by the transportation proposals will receive fair compensation. A committee will be set up for this purpose.

Later:

Mr. VIRGO: I do not think the Attorney-General was in his seat (but I hope he was in the House) when I asked my previous question about compensation for properties. Unfortunately, the Premier, in his haste to give me a reply, obviously misconstrued my question. I was asking not that the committee consider providing adequate compensation but that it consider ways and means by which payment of compensation could be expedited. Will the Attorney-General peruse the galley proof containing my earlier question and consider this aspect?

The Hon. ROBIN MILLHOUSE: Yes, I will. This is an administrative matter as much as it is anything else, and in the past a problem that I inherited from my predecessor was a shortage of staff in the conveyancing section of the Crown Law Department. Naturally, because of the increased volume of work that is expected from now on we will make every effort to deal with each matter as quickly as possible.

NURIOOTPA HIGH SCHOOL

The Hon. B. H. TEUSNER: Late last year both the Minister of Education and the Minister of Works told me that it was intended some time this year, I understood, to erect a boys' and girls' craft block at the Nuriootpa High School to comprise woodwork and metalwork rooms, planning room, girls' craft room, kitchen and staff accommodation. Can the Minister of Works say whether tenders have been called for this work? If they have been called, has a tender been accepted and, if it has, will the proposed building be of solid construction and when is the work likely to commence?

The Hon. J. W. H. COUMBE: A tender has been let for this work. If I recall correctly, a local contractor was the successful tenderer. Regarding the Government's desire that this work proceed without delay, a start will be made as quickly as possibly this financial year. The building will be of solid construction.

SOUTH-EASTERN DRAINAGE

Mr. CORCORAN: The Minister of Lands will recall attending a public meeting at Greenways late last year to discuss with people affected the drainage rates in the Western Division of the South-Eastern Drainage Board area. He then said he would appoint an informal committee to inquire into the whole question of drainage rates. Will the Minister say what progress, if any, the committee has made, and has he anything to report on its deliberations?

The Hon. D. N. BROOKMAN: As I forecast at the meeting, the committee was to examine the financial aspect of drainage rating (not the hydrological aspects of drainage in general and other matters that are being examined by other organizations), as the Government recognized that the incidence of drainage rating was becoming heavier and that the financial position needed to be examined. This applied particularly to the system of depreciation of the assets of the drainage board, a relevant aspect being that the people paying rates are not the only people who benefit from drainage in the South-East. This examination has brought forward a complex series of financial problems and, as I undertook at the meeting, I have, with Cabinet approval, appointed a small committee to examine the whole question. The committee cannot give an early report, but it has not been inactive in the matter. I cannot really report much progress; a certain period was required for preparation, etc., before the committee first met, and it will be a few months before much progress can be made. I hope later in the year to be able to give a constructive report and to provide a satisfactory solution to the problem, which I think everyone realizes is a difficult one.

ROAD GRANTS

Mr. VENNING: Can the Premier say whether the Commonwealth roads agreement with the States comes up for renewal this year and, if it does, whether the Government intends to apply for an increased sum for the current term?

The Hon. R. S. HALL: The honourable member may rest assured that the Government will ask for more money, and it will do so on what I believe to be a sound basis, namely, that we deserve to have the increase and to share in the funds available for road construction.

ENFIELD PRIMARY SCHOOL

Mr. JENNINGS: When I previously asked the Minister of Works a question about extensions and renovations at the Enfield Primary School, I read out a letter, dated last year, from the department which stated that the work to be undertaken at the school would be completed last November. Has the

Minister a reply to the question I asked last week about the work to be undertaken at this school?

The Hon. J. W. H. COUMBE: The work is expected to commence this week on modifications at the Enfield Primary School to provide a general purpose room, library, staff room, sick bay, office and storeroom. The installation of waste water drainage in connection with the modifications was completed late last year. It was expected that the building modifications would proceed at that time. However, because of other urgent commitments at that time it was not possible to proceed with the work as was intended. I regret the delay that has occurred in respect of this school in the honourable member's district. However, steps have been taken to see that the work is put in hand immediately.

MURRAY BRIDGE ROAD BRIDGE

Mr. WARDLE: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to a question I recently asked about the construction of a road bridge near Murray Bridge?

The Hon. ROBIN MILLHOUSE: Preliminary foundation investigations for a new bridge near Murray Bridge have been completed. A report for submission to the Public Works Committee is in the final stages of preparation and will be completed within two or three weeks.

RECEIPTS TAX

The Hon. C. D. HUTCHENS: It would be obvious to the Treasurer that, from questions asked in the House yesterday, there is some confusion about people's obligations to pay receipts tax. As some law-abiding citizens are not clear about the matter and wish to have it made clear, will the Treasurer say where these people may telephone or write in order to obtain an early reply to their requests for further information? In asking the Treasurer this question, I am sure it will be your pleasure, Mr. Speaker, to grant me permission to wish my good friend the Treasurer many happy returns of the day and to express the hope that he will have many more happy birthdays.

The Hon. G. G. PEARSON: I sincerely thank my honourable friend for his good wishes. Indeed, I have some expectation of being able to fulfil his wish concerning future birthdays because my mother yesterday celebrated her 85th birthday, so I have reason to expect to spend some more time in this world. I should like to reciprocate here, because it is the honourable member's birthday today as well as mine, although he is perhaps a year or two more mature than I. The honourable member, by virtue of the decision of the electors in 1965, succeeded me in Ministerial office, and this, as I said at the time, gave me much pleasure; indeed, I am still of that opinion. I ask the honourable member to accept my good wishes.

Replying to his question, I am aware, from the questions that have been asked in this House and also from inquiries that have been addressed to me and to the department, that, in spite of extensive advertising about the requirements under the Act, misconceptions are still arising and that certain matters require clarifying. I am doing the best I can through the press, and the department has initiated extensive advertisements in the press, so that point by point I think the issues are being clarified. For the most part, I believe that the public is reasonably well informed. However, other steps are being taken in the matter throughout the State, and, if people desire further clarification on certain points, I suggest that they contact the office of the Commissioner of Stamps. By doing this, I know that people will obtain as much information as can be given. In the meantime, I am always willing to answer inquiries personally.

The SPEAKER: May I also personally offer my congratulations to both honourable members. I do not know whether it would be the wish of honourable members to have a real birthday celebration and to adjourn the House now. However, perhaps the Treasurer could see his way clear, in further response to the honourable member's question, not to impose this tax on his birthday, and then everyone would be happy.

Mrs. BYRNE: I received correspondence from the Paracombe Progress Association stating that its application for exemption from stamp duty had been refused. The secretary of the association enclosed correspondence from the State Taxes Department dated February 13, 1969, part of which states:

With reference to application for exemption from stamp duty on your receipts, I regret that there do not appear to be sufficient grounds on which an exemption can be granted.

Assuming that what the State Taxes Department says is correct, nothing can be done to assist this association. When this legislation was introduced by the Government, was the Treasurer aware that it was as all-embracing and far-reaching as it is? If he was not, can

he say whether the Government is considering introducing amending legislation to exempt organizations such as the one to which I have referred?

The Hon. G. G. PEARSON: No general answer can be given about any specific cases. The constitution and rules of many associations of this type vary and whenever I have received representations about such an association I have asked it to send either to me or to the Commissioner of Stamps a copy of the constitution or articles of association. That is the only basis on which the Commissioner can adjudicate whether the organization is taxable, either wholly or in part, in respect of its receipts. I did not hear all that the honourable member said in asking her question and I do not know whether the articles of association and the rules of the progress association have been sighted by the Commissioner. If they have not been, I should be pleased if the honourable member would advise the association to send these documents, in whatever form they are drafted, to the Commissioner so that he may find out the legal basis of the association and then give an opinion. When the legislation was introduced, the Government was aware that it was of the dragnet type: indeed, I said so in my second reading explanation. All money received was to be taxable, except the stated list of exemptions. Much as I disliked that approach, it was the only one available to me and to the Government. If the honourable member does as I suggest, I think the problem will be solved.

RENMARK HIGH SCHOOL

Mr. ARNOLD: In correspondence that I received from the Minister of Education, I was informed that a Matriculation course would possibly be considered for the Renmark High School this year. Can the Minister say whether such a course has been further considered for this school?

The Hon. JOYCE STEELE: I think that the information I gave the honourable member previously was the last word on the matter. However, because this is so important, I will obtain a further report for the honourable member.

BRIGHTON PRIMARY SCHOOL

Mr. HUDSON: Has the Minister of Works a reply to my recent question about the provision of a blackboard, desks and chairs for the art room at the Brighton Primary School?

The Hon. J. W. H. COUMBE: The necessary items of furniture to equip the additional classrooms at Brighton Primary School were delivered last Friday (February 14, 1969).

Mr. HUDSON: I now recall more clearly the details regarding the Brighton Primary School where, until the art room is effectively furnished and a blackboard provided, the class has to be accommodated in what used to be the woodwork room. The woodwork room has a blackboard, and some of the tables in it are permanent fixtures but are so placed that some of the students have their backs to the board. It is difficult to conduct lessons in these circumstances. In his previous reply the Minister of Works indicated that the necessary furniture for equipping the additional room was delivered to the school on Friday and that the provision of a blackboard was being treated as urgent. In view of the unsatisfactory nature of the conditions in the woodwork room at the school regarding its use as an ordinary classroom, will the Minister of Education examine the possibility of borrowing a portable blackboard from another school and sending it down immediately to the Brighton Primary School for use until the new board arrives?

The Hon. JOYCE STEELE: I believe the difficulty is that the unit has not been received from the manufacturer. However, the Minister of Works and I will get together on the subject to see whether we can do something to alleviate the position.

SCHOOL OVALS

Mr. BROOMHILL: During recent weeks I have asked the Minister of Education about the establishment and reticulation of school ovals at new primary schools in accordance with the present policy in this regard. In particular, I have referred to the Kidman Park Primary School and to the new West Beach Primary School, both of which are in my district. The Minister has been good enough to inform me recently by letter that the formation and grassing of the oval area at Kidman Park school is programmed for the autumn of 1970. As the school was opened in February, 1967, it has taken a considerable time to reach the stage of grassing. As I understood that the new policy was to permit the early establishment of ovals at primary schools, will the Minister consider seriously whether these ovals can be provided more quickly than was the case at Kidman Park school?

The Hon. JOYCE STEELE: I will get a report for the honourable member.

UNIVERSITY COURSES

Mr. HURST: Can the Minister of Education say whether some students at the University of Adelaide are being denied the opportunity to enrol for classes in Latin and Greek, which attract few students, simply because it is necessary to limit the number of students that may enrol in the more popular subjects in the faculty of arts? If that is so, can it be said that the university is using the resources made available by the Government to the maximum extent possible?

The Hon. JOYCE STEELE: I will get a report.

NORTHERN ROADS

Mr. CASEY: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my question about northern roads?

The Hon. ROBIN MILLHOUSE: Planning for the reconstruction and sealing of the Wilmington-Quorn Main Road 156 is progressing according to the original schedule, and construction is expected to commence during 1970-71. Highways Department records do not reveal that any promise has been given that this work would be commenced prior to work on the Wilmington-Orroroo Main Road 29.

PORT PIRIE UNEMPLOYMENT

Mr. McKEE: My question follows that asked by the member for Gawler (Mr. Clark) yesterday when he referred to the increased unemployment in his district. I am concerned about the Port Pirie unemployment figures which, I understand, have increased alarmingly, possibly because of children leaving school. Because of the distance between Port Pirie and Adelaide, those unemployed at Port Pirie find it difficult to seek employment elsewhere. Will the Premier bear in mind this unemployment problem at Port Pirie when he negotiates for industrial expansion in the State?

The Hon. R. S. HALL: I shall be pleased to do that. For many years Governments have been conscious of the need to stimulate employment at Port Pirie, which is a large country city. If the honourable member casts his mind back, he will realize that past Governments have had much to do with increased employment and industrialization there. I can immediately think of two examples: first, the factory for extracting zinc from the stockpile and for dealing with other ores from Broken Hill; and secondly, the most recent industry, which is a rare earth processing factory at the old uranium treatment plant. The Government will continue to do what it can in this regard to help employment in that district.

GRAIN STORAGE

Mr. HUGHES: On Monday evening last I attended a meeting at which farmers from my district discussed some of the problems involved in taking their grain to silos. One farmer said that roads constructed from the main road into the bulk silos at Ardrossan accommodated six lanes of vehicles and were used as a marshalling area for vehicles, particularly those parked over night. As I am seeking information that concerns the District of Yorke Peninsula, I have discussed the matter with the member for that district and I know that he has no objection to my asking the question. Will the Attorney-General ask the Minister of Roads and Transport who made available the finance for the construction of these roads?

The Hon. ROBIN MILLHOUSE: I will seek the information.

FOOTBALL POOLS

Mr. LANGLEY: Last week I asked the Premier when the Government expected to make a decision on any applications that it had received for permission to conduct football pools in this State. Naturally, the reply was not readily available. However, since the question was asked, a press report has stated that at least one application was received and that the Government would receive 31 per cent of the takings of the pools. Although my question was asked at short notice, the football season commences soon, many people are interested in the Government's attitude to the conducting of these pools, and work would have to be done to establish them. Therefore, can the Premier say when a decision will be made on the matter?

The Hon. R. S. HALL: On perusing the file, I saw that representations of some kind have been made to Governments over the years about the conduct of football pools and there seems to be a doubt whether the conduct of these pools would be legal under existing laws, quite apart from this Government's intention in the matter. Therefore, before the Government states a view on the desirability or otherwise of these pools, Cabinet has asked the Attorney-General for a legal opinion on the interpretation of the Act in connection with the matter. This has not been done to try

to sidestep the issue. As we intend to prorogue Parliament tomorrow evening if we can, I will let the honourable member know the Government's view on this matter by letter as soon as possible. I do not expect submission of the report to take a long time: I hope to have it some time next week, if possible.

SOUTH ROAD SPEEDS

Mr. EVANS: The speed zone on the Main South Road at O'Halloran Hill is 55 m.p.h. Will the Attorney-General ask the Minister of Roads and Transport whether this speed limit applies also to the service road which runs parallel to the Main South Road in the O'Halloran Hill shopping area and which, I understand, is part of that road although not the main carriageway?

The Hon. ROBIN MILLHOUSE: I know the locality and would be surprised if, in fact, they were the same roads. I think the verge or margin between them is sufficient to differentiate one road from the other. However, as the matter is one of fact as well as law, I will seek the information for the honourable member.

PROPERTY ACQUISITION

The Hon. C. D. HUTCHENS: Has the Attorney-General a reply from the Minister of Roads and Transport to my question about the acquisition of premises and land at the corner of Henley Beach Road and Marion Road?

The Hon. ROBIN MILLHOUSE: Mr. and Mrs. Hill hold a lease of a shop at No. 1 Marion Road, Torrensville, that will expire on April 24, 1969. The lessees made an offer to the Highways Department of their lease on June 2, 1966 for the lump sum of $3,000. However, it was considered that no further action in this regard should be taken until negotiations had been completed with the owner. These negotiations were unsuccessful and a notice to treat was served on both parties. Mr. and Mrs. Hill again claimed the sum of $3,000 in compensation for loss of their lease. Settlement was not made until November 22, 1968.

As the lease expires on April 24, 1969, and bearing in mind that roadworks were not scheduled to commence until approximately that date, it was decided to allow the lessees occupation until that time (April 24, 1969). Upon expiry the lessees will no longer have any legal interest in the property for which compensation could be paid. It was for this reason that the letters of January 20, 1969 were forwarded to Mr. and Mrs. Hill and their solicitors. The opinion that no compensation is payable is not due to a change of the Highways Departmental policy but to the change of circumstances of the lessees' interest in the property.

MEAT DEPOT

Mr. CASEY: On October 1 last, I received a reply to a question I had asked during the previous month about the future of the Gilbert Street meat depot, the Minister of Agriculture stating that this matter was being considered and that amending legislation was involved. Will the Minister of Lands ask his colleague whether the Government will introduce legislation to close this depot? I pointed out in my previous question that the depot had outlived its usefulness, as only two outside people had been bringing meat into the metropolitan area for inspection.

The Hon. D. N. BROOKMAN: I will refer the question to my colleague, and I may have a reply tomorrow.

HAPPY VALLEY SCHOOL

Mr. EVANS: At present the only water supply at the Happy Valley Primary School is a bore from which the water is extremely poor in both quality and quantity. The only property between the present school and the reticulated supply to a neighbouring property is land that the Education Department has bought as a site for a new school. Will the Minister of Education find out whether work can be carried out so that water can be provided through the Education Department property to the old school, because of the present poor water supply?

The Hon. JOYCE STEELE: I am extremely interested in the suggestion and I will find out whether action has been taken.

SEMAPHORE ROAD

Mr. HURST: Has the Attorney-General received from the Minister of Roads and Transport a reply to my question regarding Semaphore Road?

The Hon. ROBIN MILLHOUSE: An ultimate requirement of four traffic lanes for the Semaphore Road extension is expected. This will require acquisition from all properties along the western side. The actual need for this widening is still a long way off and the Highways Department does not intend to initiate further acquisition at this stage. The acquisition carried out to date has been for the particular requirements for the Jervois bridge

and intersections. The Highways Department is prepared to negotiate with owners not yet approached where hardships or other particular problems are apparent. The Port Adelaide council is aware of proposals for this road.

SCHOOL COMMITTEES

The Hon. C. D. HUTCHENS: I know that the Minister of Education and all other members appreciate the magnificent work done by members of school councils and school committees, but I have been asking for several years whether something cannot be done by the department to recognize those who have served on these organizations for a certain period, such as by the award of a certificate. Will the Minister consider whether an award, showing appreciation for services rendered, could be made to these people?

The Hon. JOYCE STEELE: I thank the honourable member for the suggestion, because this has never been put to me in the short time that I have been Minister of Education. However, as he and other members do, I very much appreciate the tremendous service that members of school councils, committees and welfare clubs have given for many years in the cause of education. These people have submitted to the department many worthwhile suggestions and proposals, some of which have been put into effect. I will certainly discuss this matter with the Director-General, who would share with us our sense of appreciation of the efforts of these people, to see whether a tangible award cannot be given them in recognition of their services.

CLOVERCREST SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my recent question about the site for the Clovercrest Primary School?

The Hon. JOYCE STEELE: As the honourable member pointed out, the proposal to erect a new school at Modbury West (Clovercrest) was rejected by the Public Works Standing Committee. The matter has now been referred back to the committee and further evidence was presented yesterday.

ANZAC HIGHWAY

Mr. HUDSON: Has the Minister of Works a reply to my recent question about the sewerage work being undertaken on Anzac Highway and the problem involving access to shops on the southern side of that road?

The Hon. J. W. H. COUMBE: The work being done on the Anzac Highway is the laying of a 42in. trunk sewer as part of the south-western drainage scheme reorganization, which will eliminate flooding and surcharging of sewers in Glenelg and other suburbs. Construction of such a large trunk sewer must, of necessity, involve a considerable dislocation of traffic and inconvenience to adjacent landowners. The traffic arrangement and provision for access are in accordance with the requirements of the Road Traffic Board, and every effort is being made to cause as little inconvenience as possible. The construction in the area involves well-pointing because of the high water table, and heavy timbering of the trench, and although the work will be done as expeditiously as possible, it is expected that it will take about four weeks from the time work commences until it is completed at any point. Unfortunately, in this area, it is not possible to provide any alternative parking facilities. This is always a problem with this type of construction, especially with major trunk mains along main roads. I assure the honourable member that the department explores every possibility of providing access for adjacent landowners and of minimizing the inconvenience caused to them, particularly, as in this case, where trading can be affected.

DERNANCOURT SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my recent question about Dernancourt Primary School?

The Hon. JOYCE STEELE: I am informed that in a letter dated October 24, 1968, the Chairman of the Dernancourt School Canteen Committee stated that his committee could not meet its half of the cost of the standard canteen prepared by the Public Buildings Department that was estimated to cost $7,000. He claimed that a local builder could erect a canteen for $4,500, which price was within the committee's financial resources. In the same letter the Chairman requested information concerning the procedure to be followed with regard to the calling of tenders.

On December 2, the Chairman had a discussion with an architect of the Public Buildings Department, who suggested that his committee consider constructing a canteen of a type recently erected at another metropolitan primary school and costing about $4,700. The Chairman of the committee considered that this would probably be within the committee's financial limits. He was also given a sketch of the suggested canteen for consideration by his committee and the answers to specific questions raised in his letter of October 24. So far, no further communication has been received from the Dernancourt school.

GERANIUM AREA SCHOOL

Mr. NANKIVELL: Has the Minister of Works details of the work his department has done and intends to do to solve the drainage problem at Geranium Area School?

The Hon. J. W. H. COUMBE: Because of the unusual rainfall, it was not possible to re-open the Geranium Area School on time as the grounds were flooded, and it was also thought that possible contamination could have occurred to the drinking water. I am pleased to say that urgent departmental action, together with the assistance of others and in particular the Headmaster, resulted in the school re-opening last Friday. Action was necessary to pump floodwaters from the site, under difficult conditions. In addition, action was taken to treat the drinking water, and Engineering and Water Supply Department tests showed that this water was satisfactory to drink. The Headmaster was informed immediately the results of the water tests were known. Steps are being taken to prevent a recurrence in the future. I express my department's appreciation of all the help and assistance given it, particularly by the local residents and the school committee.

Mr. NANKIVELL: The Minister has given me a reply on the action taken by his department to deal with the situation that arose at the Geranium school because of a set of circumstances resulting from a fall of 5in. of rain in 24 hours. This is not an uncommon occurrence, as the meteorological figures will show: about once every 15 years or 20 years rain of this quantity falls in that area. It is obvious, therefore, that a similar set of circumstances could arise and that the provision made for disposing of surplus water at the school would be inadequate. Will the Minister say whether his department intends to look more critically into the provisions made at the school for the disposal not only of surplus floodwater but also of effluent water so that something can be done to provide a remedy that will be an improvement on what has already been done to meet this contingency at the school?

The Hon. J. W. H. COUMBE: I know the honourable member would be the first to appreciate that 5in. of rain in such a short period is a large volume of water that would create disposal problems. I will at once initiate an inquiry into the whole question of the protection from this type of sudden downpour and I will call for a report to see what can be done to solve this problem in the future.

INSURANCE

Mr. LANGLEY: Recently, it was brought to my notice that sick and accident policy cover given by certain insurance companies ceases at the age of 60 years. As a general rule, the male head of a household retires at 65 years of age and at that time he may receive social service benefits, but for the five years between the ages of 60 years and 65 years he is unable to obtain cover in the case of sickness or accident, even though he has paid premiums for years. It seems an anomaly that these policy holders cannot have this cover for five years. Will the Treasurer take up this matter with the insurance companies and ask whether they would increase the age limit of policy holders to 65 years, which is considered the normal retiring age from business?

The Hon. G. G. PEARSON: The short answer is that I shall be happy to make any representations to the appropriate people on this matter as the honourable member requests, although I point out that the premiums and benefits provided under any policy, whatever its nature, relate to the risks incurred. If, therefore, a proponent asks the insurer to take a risk for a longer period than he normally would under the type of policy referred to by the honourable member, the premium on an actuarial computation would have to be varied according to the additional risk. This is largely a matter of a contract between the person desiring the cover and the company proposing to accept the risk. I do not dispute the honourable member's statement that it is the usual practice in respect of sickness and accident policies to terminate them, as a normal procedure, at the age of 60 years, although I am not aware of it. In my experience with insurance companies I have found them willing and anxious from a competitive point of view to accommodate the insured in every way possible and to give him whatever he asks for at the appropriate premium. The honourable member's remarks will be noted and I will direct them to the people concerned for their consideration.

ELIZABETH INDUSTRY

Mr. CLARK: Last week, I addressed a question to the Premier regarding the recent dismissals at Austral Bronze Crane Copper Proprietary Limited. I take it that the Premier has not yet replied to my question but, as this matter is causing grave disquiet to a large section of my constituents at Elizabeth, and as all sorts of rumour (which I hope are

incorrect) are circulating in the area regarding the future of this company, will the Premier try to give me a reply before the end of this session?

The Hon. R. S. HALL: The information I have requested on behalf of the honourable member is not yet available, but I will try to get it for him tomorrow. If that is not possible, I will see that it is sent to him.

BRIGHTON HIGH SCHOOL

Mr. HUDSON: My question concerns the arrangements currently being made for the planning of the assembly hall at the Brighton High School. As things are at present the school committee considers that it could be some months before it knows how much additional money it will have to raise to finance the hall's construction. I point out to the Minister that the school committee has almost all the funds necessary, but it may be short by a few thousand dollars if the estimates turn out to be greater than anticipated. As the annual meeting of the committee is to be held in a few weeks' time, and as it is essential at that stage that the committee have a clear idea of how much money it needs to raise during the next few months, it is essential that the committee find out quickly what the cost of the proposed assembly hall will be. Will the Minister of Works take up this matter with the Public Buildings Department and expedite the planning of the hall as much as possible? If the department is overloaded with work at present and cannot do the necessary planning, will the Minister consider letting this work out for private design? If the Minister's reply is not available before the House rises, will he let me have it by letter as soon as possible?

The Hon. J. W. H. COUMBE: True, the Public Buildings Department is at present handling a great deal of work much of which I am not completely conversant with, but I will have this matter examined immediately and try to let the honourable member have the information, if not tomorrow then as soon as possible, and certainly before the meeting to which he has referred, if he tells me the date of the meeting.

MODBURY HEIGHTS SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my recent question regarding land acquired by her department on which to erect the Modbury Heights High School and which has been affected by the M.A.T.S. Report?

The Hon. JOYCE STEELE: The Director-General of Education wrote to the Commissioner of Highways in October asking if he would be prepared to negotiate for the purchase of an alternative site in section 1587 hundred of Yatala for the Modbury Heights High School and to exchange it for the site held by the Education Department in section 1586. The matter has been followed up from time to time, but no reply has yet been received.

PARAMEDICAL SERVICES

Mr. NANKIVELL: As a member of the Council of the Institute of Technology, I am interested to know what progress has been made by the committee set up by the Minister of Education to inquire into paramedical studies and to make recommendations regarding courses in this State. Has the Minister any information on this matter?

The Hon. JOYCE STEELE: Some time last year (I forget the exact date) I, with the concurrence of the Minister of Health, appointed a committee to investigate and report on paramedical services in South Australia. This committee was given certain terms of reference and asked to report by December 15. Unfortunately, because of the indisposition for a time of the Chairman of the committee, the Director-General of Medical Services (Dr. Shea), extra time was requested. This has proved to be a time-absorbing exercise for the committee, but I have now received from Dr. Shea an interim report on the committee's work. The committee comprises about 12 or 14 people associated with various disciplines within the paramedical field, and each of the organizations concerned has made submissions which the committee has considered.

However, much work still has to be done, and the committee intends to ask for submissions from interested people following the return of Dr. Shea from overseas, where he is to investigate various medical activities in the countries he will visit. Dr. Shea has asked me whether I am prepared to let the committee go into recess while he is away, and he has undertaken to let me have a final report as soon as possible after his return. In any case, I will have a report before the end of the financial year. In the meantime, certain investigations are to be undertaken by various members of the committee, and this will enable valuable decisions to be made when the committee reconvenes on Dr. Shea's return. I reiterate that so far I have received only an interim report.

MODBURY SEWERAGE

Mrs. BYRNE: On March 1 last year I received a letter from the former Minister of Works which, in part, stated:

The sewering of Victoria Drive, Clyde Street and adjacent streets is included in a sewerage scheme for Modbury which has been recently approved by the Government. Provision for the scheme is being made in the 1968-69 Loan Estimates, and it is anticipated that the construction of sewers will commence in November, 1968.

I was contacted yesterday by a constituent who lives in Reservoir Road, which is in the area concerned, and who told me that there had been no activity in his street by the Engineering and Water Supply Department. Although I realize that this does not necessarily mean that preliminary work for the scheme has not commenced, will the Minister say what progress has been made on this scheme?

The Hon. J. W. H. COUMBE: I shall be happy to obtain a report for the honourable member.

MONEY-LENDERS ACT

Mr. BURDON: The Attorney-General will recall that last week I raised with him the matter of what I and others regard as an excessive interest rate (about 60 per cent) charged on a loan. Will the Attorney-General explain whether any specific rate is mentioned in the Money-lenders Act and whether the Act contains any safeguards for borrowers?

The Hon. ROBIN MILLHOUSE: Under the Money-lenders Act no specific ceiling rate of interest is laid down; it is at large. However, in Part III of the Act there is a number of safeguards to the position of the borrower. For example, the rate of interest in a transaction must be expressed in certain specific ways to make it plain just how much is being paid. There are other safeguards, but I am afraid I do not have them all in my head, and it is really not possible to say any more about the specific transaction to which the honourable member has referred without knowing all the details. Parliament in this State has never deemed it necessary or even desirable to legislate for an upper limit of interest, because circumstances vary so much in different transactions. However, it seems to me that the intending borrower in the transaction to which the honourable member referred was well advised not to go on with it in the circumstances outlined, and this, of course, is the protection to the citizen: he enters into a transaction voluntarily, and he should always check all the details of the transaction into which he has entered. If necessary (and I say this advisedly) he should pay a few dollars for legal advice to make certain that he is not being trapped into a transaction which he will later regret.

SCIENTOLOGY

Mr. CORCORAN: The Attorney-General has just referred to the protection of citizens, and I am seriously concerned about this matter. Someone has told me that a programme appeared on channel 9 last evening relating to the raid by the police on scientology headquarters. Yesterday I received from Mr. Minchin, who, I believe, is the public relations officer of this group that has now been banned, a list of things that the police took from the headquarters and from the room in which he lives. Among these are such things as a camera, tape recorder, loudspeaker, cheque book, and taxation records. I do not know who is to decide what is a scientological record but it does not seem reasonable to me that a raid can be made on a private home or on the headquarters of such an organization and that everything in sight, whether or not it looks like a scientological record, can be taken by the police. Has the Attorney-General examined any of the records taken? If he has not, will he do so, and will he obtain for me a list of the things which were not connected with the teaching of scientology but which were taken? Also, will he take steps to see that if this sort of raid is conducted in future people will not be embarrassed, as people were embarrassed at their homes as well as at the headquarters by this raid?

The Hon. ROBIN MILLHOUSE: I do not believe the people involved were embarrassed by the actions of the police. When I was invited to take part in the programme last evening—

Mr. Corcoran: I did not see it.

The Hon. ROBIN MILLHOUSE: —to which the honourable member refers, I had a look in the *News* to see the preview of what they were going to say, and I then communicated with the officer in charge of the police involved to see whether or not the allegations they made were accurate. When I got to channel 9 I saw the film of the interviews with the various people, and I was able to say when I was interviewed (and I can repeat it now) that I believed that the allegations made by those who were searched and whose premises were searched were exaggerated. I am assured by the police that nothing untoward occurred, consistent with the

fact that there was a search. I have looked at the tremendous mass of documents, books and equipment (E-meters and so on) taken from the various premises visited. I have studied only one of those documents, and that is a very revealing one. It is really a plan of action which was dated February, 1966, and which was laid down by L. Ron Hubbard in case of attacks on scientology, and (the honourable member would appreciate this from his military background) the gist of this is that the best means of defence is offence. The methods suggested by Mr. Hubbard in his plan are of the most unscrupulous nature: anyone who dares to criticize scientology should immediately himself be attacked and the filth and slander laid on thick, so no quarter is given to anyone who attacks scientology.

Mr. Corcoran: I don't know what was taken.

The Hon. ROBIN MILLHOUSE: No, but I am referring to the programme. My general impression of the programme was that this plan of action was being followed and that those who took part in the actions on Friday were maligned as much as they could be in an effort to get public sympathy on the side of scientologists. As I have said, a tremendous mass of material was collected, and it would take some days, if not weeks, to go through it all. The police started immediately the material was delivered, and they are continuing on the job until it is finished. It is quite impossible when one visits premises to decide there and then what is, within the definitions of the Act that Parliament passed last week, a scientological record; this is something which must be evaluated and every document must be checked. That is the process going on now.

The Hon. R. R. Loveday: Hubbard's cupboard is quite bare.

The Hon. ROBIN MILLHOUSE: The honourable member has taken much pleasure in the last week in trying to ridicule this legislation and the attitudes of the police. I do not accept his ridicule.

The SPEAKER: Order! I cannot allow debate on the matter.

The Hon. ROBIN MILLHOUSE: No, but I could not resist that in view of the honourable member's comment. These documents, books and so on which have been taken, which do not fall within the definition of scientological records, and which were not otherwise properly seized will in due course be returned but, as I say, it is a big job to go through all this material, and I believe that the police acted perfectly properly in their actions on Friday.

ALDGATE SCHOOL

Mr. EVANS: Last year the Minister of Education reported that the Education Department was investigating sites for a new primary school at Aldgate. Can she say whether a site has been found? If it has, when will the site be purchased and, if it is has not been found, when will an investigation be carried out?

The Hon. JOYCE STEELE: As I have not had a recommendation placed before me, I suppose investigations to obtain a necessary and suitable site for a new primary school at Aldgate are still taking place. I will refer the matter to officers of the department and see whether I can get a report.

REFRIGERATED MILK

Mr. BROOMHILL: Has the Minister of Education a reply to the question I asked last week about what the Government intended regarding the provision of refrigerated storage for school milk?

The Hon. JOYCE STEELE: The Wholesale Milk Buyers and Distributors Association has a proposal that refrigerated milk storage be provided at its expense to all schools where 200 or more children drink milk. However, an increase in the cost of milk would be involved. As the Commonwealth Government is responsible for all costs of the free milk scheme, this matter was referred by the Education Department to the Director-General of Health in Canberra. Negotiations are now proceeding, and it is expected that the result will be known shortly.

BUS SERVICE SUBSIDY

Mr. VIRGO: Has the Attorney-General a reply to my recent question about the subsidizing of bus services?

The Hon. ROBIN MILLHOUSE: No subsidy is being made to Wadmore's Coach Lines for operating the road passenger and parcel service between Adelaide and the Barossa Valley.

CHOWILLA DAM

Mr. HUDSON: Has the Minister of Works further information in reply to the series of questions I asked last week about the technical committee's report on the Dartmouth and Chowilla dam proposals?

The Hon. J. W. H. COUMBE: The further report on the technical committee's findings states:

The recent studies indicated that Chowilla could supply South Australia's entitlement of 1,254,000 acre feet in all years and that this was not dependent on the base flow at Mildura. Higher entitlements could only be supplied out of Chowilla with reduced benefits to the upper States and in this connection it should be noted that the new studies all fail to show benefits to the upper States to the degree promised in the 1961 studies. As has been explained, this is in large part due to the provision of minimum flow conditions past Mildura and applies to flow levels down to 300 cusecs. A precise answer cannot be given to the question of yield to South Australia at a 1,500,000 acre feet entitlement with minimum flow at Mildura of either 300 cusecs or zero, as this particular condition was not the subject of a study run. As the honourable member will appreciate, several hundred study runs were carried out, but information is not available on those low figures.

INFECTIOUS DISEASES

Mr. BROOMHILL: Has the Minister of Education further information on the provision of paper towelling at schools?

The Hon. JOYCE STEELE: I do not know that the information that I give will throw much light on the honourable member's question about paper towels and the incidence of infectious diseases, but in my letter to the honourable member to which he has referred in his earlier question I stated that an appreciation of the cost of providing paper towelling in departmental schools had been made and was about $138,000 per annum. I, therefore, said that in the present state of our finances, it was not intended to introduce paper towelling in all our schools. I also said that it was at present supplied outright to teachers colleges, technical colleges and demonstration schools (for use of trainee teachers). It was also supplied by school committees and parents and friends associations in a number of schools on a subsidized basis.

TEA TREE GULLY SEWERAGE

Mrs. BYRNE: The Minister of Works told me on July 30 last, in reply to a question, that a sewerage scheme had been approved for the area adjacent to the Tea Tree Gully council chambers, including Jenkins Street and Raymond Road, that provision had been made in the Loan Estimates for the scheme to be constructed in the 1968-69 financial year, and that work was expected to commence in February, 1969. Can the Minister say whether the project will commence this month, as stated, and will he obtain a report on the work?

The Hon. J. W. H. COUMBE: I do not know of any delay having occurred since I gave that reply. However, I will find out the position and let the honourable member know tomorrow, if possible; if not, certainly in the following week.

EUDUNDA AREA SCHOOL

Mr. FREEBAIRN: On December 12 I asked the Minister of Education a question about the progress of work being done at the Eudunda Area School to provide a turn-round for school buses and a grassed area that would serve as a dust control measure. Will the Minister let me have a progress report later on this work?

The Hon. JOYCE STEELE: I shall be pleased to do that. I have not the report with me today, but I will bring it down tomorrow if it is ready.

WHYALLA HOSPITAL (VESTING) BILL

In Committee.

(Continued from February 18. Page 3657.)

Clause 9—"Rights of certain employees."

The Hon. R. R. LOVEDAY (Whyalla): I move:

After "9" to insert "(1)"; and to insert the following new subclauses:

(2) Notwithstanding anything in any Act, where—

(*a*) any appointment is to be made, to take effect on the vesting day, to an office or employment under the Government of the State in consequence of the vesting of the hospital in Her Majesty the Queen;

(*b*) any former employee applies for that appointment; and

(*c*) the qualifications of that former employee for that appointment are in the opinion of the appointing authority not inferior to the qualifications of any other applicant for that appointment,

the appointing authority shall appoint or, as the case may be, recommend or decide on, that former employee unless, in the opinion of the appointing authority, reasonable and substantial cause exists for not so appointing, recommending or deciding on that former employee.

(3) In this section—

"appointing authority" means any board or person having power to recommend or decide on the person to be appointed to any office or employment under the Government of the State or if there is no such board or person then the Governor, Minister, board or person having power to make an appointment to any such office or employment:

"former employee" means a person who was, immediately before the vesting day, employed by the association.

This amendment is in lieu of the amendment I intended to move yesterday, and the overnight adjournment has given the Parliamentary Draftsman the opportunity to examine my suggestion and to make minor alterations. Also, the Premier has been able to discuss this matter with his colleague and to examine my proposal more closely. This amendment gives a measure of protection to people now employed at the hospital, and assures them that, if their qualifications are equal, they will receive the preference they so richly deserve. At the same time, it does not bind the Government in any unusual situation. I hope that the appointing authority will bear in mind, when it is considering appointments, that this is an expression of this Parliament's opinion.

The Hon. R. S. HALL (Premier): After consulting the Chief Secretary I am happy to accept this amendment, as the department would desire to employ these people if all things were equal. However, the Government cannot be bound, in the circumstances of assuming control, to take into the Public Service and place under departmental administration people who are at present not under that control. The amendment seems to provide a protection that the Government would like to have given in any case, but allows the appointing authority a discretion. The appointing authority must have a good reason for not appointing these people, and I think this principle is desired by the member for Whyalla, because I understand that he would not want to restrict the discretion of that authority. On behalf of the Government I accept the amendment.

Amendment carried; clause as amended passed.

Clause 10 and title passed.

Bill read a third time and passed.

DA COSTA SAMARITAN FUND (INCORPORATION OF TRUSTEES) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. R. S. HALL (Premier): I move:

That this Bill be now read a second time.

It is designed to extend the powers of the Da Costa Samaritan Fund Trust beyond that of providing benefits to convalescent patients of the Royal Adelaide Hospital. Section 19 of the Act provides:

The trust shall stand possessed of the trust property upon trust—

(*a*) to pay out of the income thereof or out of any money being part of the trust property and representing income, the expense of management and other expenditure lawfully incurred by the trust on or in connection with the trust property;

(*b*) to apply the balance of the income and such money as the trust thinks fit for the benefit of the convalescent patients of the Royal Adelaide Hospital.

Over a number of years the trust has assisted a great number of convalescent patients of the Royal Adelaide Hospital mainly through the provision of surgical appliances, spectacles, wheel chairs, etc. About three years ago the Government of the day decided that convalescent pensioner patients would be provided with such aids by the hospital itself and this decision has resulted in a considerable reduction in the demands made upon the income of the trust. Accordingly, during the year 1967 the trustees provided assistance to the extent of $479 to St. Margaret's Convalescent Hospital Incorporated at Semaphore where the majority of the patients are convalescent patients of the Royal Adelaide Hospital and the Queen Elizabeth Hospital but mostly from the former hospital. The trust also, after obtaining the concurrence of the Board of Management of the Royal Adelaide Hospital, made a donation of $3,000 to Bedford Industries Building Fund on the basis that many convalescent patients of the Royal Adelaide Hospital are rehabilitated through that organization.

The accounts of the trust are submitted annually to the Deputy Master of the Supreme Court, who questioned the validity of the assistance given to St. Margaret's Convalescent Hospital and to Bedford Industries Building Fund on the ground that there was the gravest doubt as to whether, as a question of law, it could be said that the donations in issue constituted the application of funds "for the benefit of the convalescent patients of the Royal Adelaide Hospital" strictly speaking within the terms of the trust, the suggestion being that some few persons who might not have been convalescent patients of the Royal Adelaide Hospital could also have benefited from those donations. The Royal Adelaide Hospital was originally the only general public hospital in the metropolitan area. In 1958, the Queen Elizabeth Hospital was established at Woodville, and there are proposals to build other general public hospitals elsewhere in the metropolitan area. The position now is that only

a proportion of the convalescent patients originally intended to be assisted by the trust will be related to the Royal Adelaide Hospital. In view of the decision of the Government earlier referred to, the trustees are of the opinion that it is now appropriate to extend the benefits of the trust to convalescent patients of other hospitals besides the Royal Adelaide Hospital. The trustees also have sought legislation validating payments made by them whose validity has been questioned by the Deputy Master. The Government agrees to the submissions of the trustees.

Clause 2 of the Bill brings an obsolete provision of section 14 up to date. Clause 3 repeals section 19 which deals with the obligations of the trust and enacts a new section in its place which widens the scope of the trust to require the trustees to apply the balance income of the trust for the benefit of the convalescent patients of the Royal Adelaide Hospital, the Queen Elizabeth Hospital and any other hospital which for the time being is declared by proclamation to be a hospital to which section 19 applies. Clause 4 enacts a new section 19a which validates any past or future application of moneys by the trust which in the opinion of the trustees was or is substantially for the benefit of convalescent patients of the Royal Adelaide Hospital or of any of the other prescribed hospitals, notwithstanding that a benefit might also have been or might also be thereby conferred on patients who were or are not necessarily convalescent patients of the Royal Adelaide Hospital or of any of the prescribed hospitals, as the case may be. Clause 5 makes a consequential amendment to section 26 of the principal Act. This Bill, being a hybrid Bill, is required to be referred to a Select Committee.

Mr. BROOMHILL (West Torrens): As the Opposition is aware that the Bill was referred to a Select Committee in another place and has been carefully examined by that committee, it supports the Bill.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the Bill.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Medical termination of pregnancy."

The Hon. ROBIN MILLHOUSE: We have now reached the clause vital to the Bill. What I intend to do is to speak now to the Select Committee report I tabled yesterday. I hope it will help the Committee if I speak to the report. The Government intends that we should not proceed with the Bill during the present session but that we should proceed with it during the next session. The Bill has now happily reached the stage, having passed the second reading, where it can be revived. I hope very much (and I think this is the hope of each of the members of the Select Committee) that, during the period between now and the resumption of the debate, members will have a chance to study the report brought in by the Select Committee and to go through the lengthy evidence given in the last few weeks. It is really to give a guide, perhaps, as best I can to the evidence that I should like to speak now.

First, perhaps I should say that the Government considers that it has a duty to bring before the Chamber and this Parliament matters of importance and controversy in the community, because we believe that these matters should be thrashed out and decisions reached in Parliament. If Parliament does not perform this duty, before long Parliament itself will cease to be relevant in the minds of the community. It will cease to have significance because it will not be performing what we believe is one of its major roles. It was for this reason that the Government introduced the amendment to the Criminal Law Consolidation Act that we are now considering. Abortion is a matter of controversy and importance in the public mind at this time. It is here in Parliament that we believe it should be thrashed out and the law on it should be settled, at least for the foreseeable future. I said that I hoped members would study the report and particularly the evidence.

Mr. Broomhill: When do we get a copy of the evidence?

The Hon. ROBIN MILLHOUSE: Copies of the evidence will probably take some weeks to prepare because it runs to almost exactly 300 foolscap pages and about 1,000 questions and answers. The House has ordered that that evidence be printed but, with the rush of work that the Government Printer has, it will be some weeks, I think, before the evidence is generally available to honourable members.

For that reason, in going through the evidence now I propose not to refer to page numbers because they would be the numbers of the foolscap pages of the evidence; I shall refer to the numbers of the questions and answers, because these will be common to the printed copies of the evidence as well. I shall not canvass every question that arose during the course of the evidence; I shall canvass only those (I think I have a few more than half a dozen) that I consider to be of particular significance.

I suppose it is not possible for any of us to divorce our own convictions and beliefs from this matter. I hope, though, that in choosing the matters that I shall to discuss I shall not be allowing my own bias to intrude into them. However, in any case it will be open to every member to read the whole of the evidence if he or she wishes and to form his or her own conclusions. In fact, that is what we hope will happen. I suggest that the whole core of this matter, the starting point, occurs in paragraphs 22, 23 and 24 of the report. These paragraphs deal with the question of when a new life begins. We say in paragraph 22 that it is not possible to fix the point of time at which the life of a human being begins, because life is a continuous process from the time of conception or even, if we like, we can push it logically to beyond or before the time of conception. Life is a continuing process from then until the death of the human being.

This means that whenever there is an abortion we are either bringing to an end a human life or at least (and this depends on one's point of view) the potentiality of a human life, and such an action should not, in my view, be taken without the gravest reason. That is the background to my own thinking on the matter. I do not believe, however, that we can possibly enforce a blanket prohibition against abortion in all cases. I believe there are occasions on which abortion is justified, and indeed desirable, but of course to say that is to beg the question. The real controversy in this matter is when those occasions and circumstances arise. That is the standpoint from which I personally have approached the matter.

I should now like to deal with the question of the incidence of illegal abortion. This is a matter on which the Select Committee received much evidence. In the nature of things, it just is not possible to know precisely how many abortions there are in South Australia or in any other community in any year, because this is a matter in which both the operator and the subject have an interest in concealment. Before us we had a number of witnesses—medical, police and lay—who gave various estimates of the number. They ranged from 250 (I think that was the lowest estimate given) to over 8,000. It seemed to me that those who were against abortion tended to minimize the number being performed in our community, while those in favour of abortion tended to believe that the incidence of abortion was high. However, whatever the figure may be—whether it is 250 (as Dr. Rice said), over 8,000 (as Mrs. Faust said), over 4,000 (as Professor Cox put it), or 700 to 1,300 (as Dr. Texler put it)—whatever it is, there is no doubt that the majority of these abortions are being carried out unlawfully, according to whatever the law may be or however the law may be interpreted at present in South Australia.

I have been through the evidence closely, and I have here a number of references to this matter. Without canvassing them, I think it might be convenient if I were simply to refer to the various question and answer numbers that I have here on the various topics; and that is what I shall do. Inspector Turner, who gave evidence at our request for the Commissioner of Police, deals with the matter in question and answer No. 60. Dr. Shea refers to it at questions 106 and 113. Professor Cox (and may I say here, without reflecting on the evidence of any particular witness, that Professor Cox's evidence was, to me, extremely valuable and lucid; it is evidence that should be closely examined by all members of this House) deals with the matter in the submission that he made to the committee. That submission, which is quite a long one, appears at question 146. He deals with the matter there. He also deals with it in oral evidence later at questions 370, 393 and 394.

Mrs. Faust, who was one of the witnesses on behalf of the Abortion Law Reform Association of South Australia, deals with it at question 169, where she canvasses the cost of an illegal operation; also at questions 173, 175, 176, 202 and 208. Mrs. Faust is a Victorian. Her post-graduate studies on abortion have been carried out in Melbourne, Sydney and Perth, but principally in Melbourne and Sydney. The evidence she gives of the practices in those cities is quite startling. She does not have any evidence at first hand of South Australia or Adelaide, but she does say in her evidence that there is no real

reason (except, perhaps, the size of the metropolis and the fact that it is not too difficult to go from Adelaide to Melbourne, or Sydney if necessary) to suppose that the practices would be significantly different here from those in Melbourne and Sydney. Her evidence is to the effect that in those cities there are legally qualified medical practitioners who are carrying out abortions and who make it, in fact, their speciality. They fall into two classes—those whom she regarded as having high standards of ethics and who view this as a matter in which they practise an art and help the patient, and those who are there merely to make money and whose standards of ethics are low indeed.

However, I shall not canvass that. It is in the evidence for members to read. I may say that we asked every medical practitioner who gave evidence before us whether he or she was aware of the performance of abortions illegally by other medical practitioners in this State and I think that, without exception, all the medical practitioners who came before us said they were not aware (they had no evidence at first hand, anyway) of the operations being performed in South Australia. That is Mrs. Faust's evidence.

Dr. Bockner, who is a practising gynaecologist and obstetrician and who also gave evidence on behalf of the Abortion Law Reform Association of South Australia, gave evidence at questions 195, 197 and 199. Dr. Steele, who is the President of the State Branch of the Australian Medical Association, gave evidence on that at question 501. Dr. Texler gave evidence at the request of His Grace the Archbishop of Adelaide (Dr. Beovich). We refer in the report to the viewpoint which he expressed. It was not, frankly, the same viewpoint as that expressed by His Grace in the letter that His Grace wrote to the committee. Dr. Texler takes a position which is far less extreme, if I may use that term with respect to His Grace, than that of the Archbishop. He does think that, if a person considers that it is normally right to have an abortion, an abortion is permissible, but I will leave it to honourable members to read his evidence. He refers to this in questions 569, 572, 584, 591, 592, 597, and 647.

The final witness to deal specifically with this matter, as far as I can see from going through the evidence, is Dr. Dilys Craven, who is an honorary at the Queen Elizabeth Hospital. She gave evidence on her own account, but her viewpoint on this matter is, shall we say, quite a liberal one. She deals with the matter at questions 663 and 666. What she does say is that until 12 months or so ago she and a number of her colleagues had no idea that the so-called therapeutic abortions which are being performed openly in the public hospitals of this State may not conform to the law, however it is interpreted, in South Australia at present. That is the first matter to which I suggest that members should direct their attention.

The next one I mention is one which, in my view, is perhaps as significant as any other, and that is the retention in the Bill of the so-called social clause. This clause is one phrase in proposed new section 82a (1) (*a*) (i), stating ". . . or any existing children of her family . . ." It is this clause which would allow the two medical practitioners who must decide whether or not an abortion is justified to consider not only the mental or physical health and condition of the woman or the unborn child, but also the effect the birth of the child would have on the existing children of the woman. In other words, if there are already six children in the family, would the arrival of a seventh prejudice the prospects in life of the six already born?

Mr. Casey: Who determines this?

The Hon. ROBIN MILLHOUSE: Under the Bill as it stands, two medical practitioners would determine it. One of the arguments against this, put forward by witnesses who were medical practitioners, is that it puts on the medical profession a responsibility which is not strictly a medical responsibility, and I have no doubt that there are many members of the profession in this State who would not relish having this responsibility on them.

Mr. Casey: Did you ask two medical practitioners for advice in your case, seeing that you have a large family?

The Hon. ROBIN MILLHOUSE: I do not intend to canvass the matter with the honourable member now. I have said that I am here now to expound the evidence. I think we will have the debate on the matter later, although I suppose I cannot help obtruding my views as I go along.

Mr. Casey: Why do you mention six children?

The Hon. ROBIN MILLHOUSE: The number does not matter. Let me give another example that was given by one witness. This, I think, was an extreme example of, perhaps, the woman in society who says to the doctor, "I am pregnant; I have two sons at Saints; I want to go abroad next year, and we cannot afford to have a third child." The doctor, under this, would have the responsibility of deciding whether that justified an abortion.

This was an example given by one of the witnesses, and the honourable member will see it in the transcript.

Mr. Casey: You don't mind my asking these questions, do you?

The Hon. ROBIN MILLHOUSE: No, that is what I am here for, but I do not want to argue them now. We can go to the other extreme and take the case of a woman with 10 children whose husband is an invalid pensioner, the whole family living more or less on the breadline. That is the other extreme where the surrounding circumstances of the family could be taken into account. The references on the social clause appear in the evidence of Dr. Shea at questions 130 and 131, and also, I think, at 144; in the evidence of Professor Cox or in his submission; and in the evidence of Dr. Gibson, a Fellow of the Royal College of Obstetricians and Gynaecologists, who gave evidence on behalf of the college at questions 222, 224 and 226. Professor Cox gave evidence at questions 338, 383 and 408. The evidence of Dr. Edhouse is at question 430 and succeeeding questions. Dr. Steele's evidence is at question 488 and succeeding questions and at 521. Dr. Cleary's evidence is at 874 and 875. Father Duffy, who was the last witness, gave evidence at 951, 975 and 983.

The weight of evidence (and this is in accordance with the report) is that the social clause will lead to a significant increase in the number of abortions performed within the law in South Australia. This provision is in the British Act, and there has been a great increase in the numbers in the last few months in England. The evidence before the committee was an increase of about 400 per cent. Whether or not the result would be the same here remains to be seen, but, certainly, evidence to this effect was given, and I personally can readily accept the fact that the inclusion of the social clause, thus widening the grounds for abortion, would lead to a significant increase in the number of abortions being carried out.

The Hon. C. D. Hutchens: Do you mean legal ones?

The Hon. ROBIN MILLHOUSE: Yes.

The Hon. C. D. Hutchens: What about illegal ones?

The Hon. ROBIN MILLHOUSE: The experience in oversea countries is that, unless abortion on request is allowed, backyard abortions will not be stamped out. This is, I think, the weight of the evidence that has been given to us. That is the second matter to which I desire to draw the attention of members.

The next one is the question of an emergency operation. We propose, in proposed section 82a (1) (*b*) to allow a medical practitioner, without consultation with colleagues, to carry out the operation. We had some evidence to the effect that this particular clause was not necessary, as such circumstances would not arise. However, the committee has made no recommendation for alteration of this particular clause, on two grounds. First, in remote areas of this State it may just not be physically possible for two medical practitioners to consult together, certainly not in time if an emergency arises.

Secondly, the evidence is that in very rare cases it may be necessary to take action immediately; in that case there will in fact be no time for consultation. The references appear in Dr. Gibson's evidence at question 274 of the minutes of evidence, in Dr. Woodruff's evidence at question 283, in Professor Cox's evidence at questions 356, 358 and 364, in Dr. Steele's evidence at questions 468, 505 and 506, in Dr. Texler's evidence at questions 658 and 659, in Dr. Mary Walker's evidence at questions 743 to 746, and in Dr. Cleary's evidence at question 881. We have recommended the insertion in the Bill of what is called a conscience clause.

There are obviously—and this will be common knowledge to all members—medical practitioners and others (nurses, and so on) who have a conscientious objection to carrying out or assisting in the operation of abortion. The committee considered that no-one should be obliged as a matter of law to carry out or assist at this operation if he or she had a conscientious objection to it. Consequently, we have recommended—and members will see this in paragraph 35 of the report—that two additional subclauses be inserted to protect medical practitioners and others with a conscientious objection against either criminal or civil liability in the case of a refusal to take part in the operation or to perform it. This matter is referred to by Dr. Gibson at questions 222, 244 and 268 of the minutes of evidence, by Dr. Craven at question 664, and by Dr. Cleary at questions 877 to 879.

We have recommended, too, the inclusion of two subclauses relating to child destruction, and it was considered necessary to include these particular subclauses because in South Australia we do not have the equivalent of

the Imperial Infant Life (Preservation) Act, 1929. This Act, to which reference is made in the United Kingdom Statute on abortion, provides broadly that it is an offence to destroy a child capable of being born alive. Unless some reference is made in our Bill to this matter we would, in fact, legalize an abortion right up to the time of birth, and this would be something that I think no member of the House would intend.

We therefore recommend the insertion in the Bill of two subclauses to cover the same ground as is covered in England by virtue of the Infant Life (Preservation) Act. We are indebted for this recommendation to a submission, not in the oral evidence, made by two members of the Law School of the Adelaide University, Miss Mary Daunton-Fear and Mr. David St. Ledger Kelly. There is actually no reference in the evidence to this matter.

One other very important matter is the question of putting the law into statutory form. At present, the law in South Australia on this matter is broadly the common law. The Criminal Law Consolidation Act merely says it is an offence unlawfully to bring about the miscarriage of a woman. The question of what is lawful and unlawful is left to the common law.

It has been assumed in this State for the last 30 years that the decision in *R. v. Bourne*, an English case, is good law in South Australia. It may well be good law in South Australia but, as we say in the report, Bourne's case is of persuasive authority only in this State. This authority has been doubted in other Australian States, and there is a very good case, even if we go no further, for translating the common law, as expounded in Bourne's case, into statutory form.

The present Bill, with the exception of the social clause with which I have dealt, does in fact broadly translate into statutory form the common law as expounded by Mr. Justice Macnaghten, in the charge to the jury in Bourne's case. However, it is not precisely the same, and I should perhaps refer to it to show the difference there is between the common law as expounded there and the Statute that we propose in this instance. I shall quote briefly from the judgment. The judge in his charge to the jury canvassed the common law position and, quite properly, if I may say so with respect, went back into history. At page 690 he says:

> But long before then—

that is, before the reign of King George III—before even Parliament came into existence, the killing of an unborn child was by the common law of England a grave crime: see Bracton, Book III. (De Corona), fol. 121. The protection which the common law afforded to human life extended to the unborn child in the womb of its mother. But, as in the case of homicide, so also in the case where an unborn child is killed, there may be justification for the act.

He then goes on to canvass the justification. One of those justifications is that it is necessary to operate to preserve the life of the mother. At page 692 he says:

> What then is the meaning to be given to the words "for the purpose of preserving the life of the mother" . . . It is not contended that those words mean merely for the purpose of saving the mother from instant death. There are cases, we are told, where it is reasonably certain that a pregnant woman will not be able to deliver the child which is in her womb and survive. In such a case where the doctor anticipates, basing his opinion upon the experience of the profession, that the child cannot be delivered without the death of the mother, it is obvious that the sooner the operation is performed the better. The law does not require the doctor to wait until the unfortunate woman is in peril of immediate death. In such a case, he is not only entitled, but it is his duty to perform the operation with a view to saving her life.

Then, finally, at page 693, he says:

> I think those words ought to be construed in a reasonable sense, and if the doctor is of opinion, on reasonable grounds and with adequate knowledge, that the probable consequence of the continuance of the pregnancy will be to make the woman a physical or mental wreck, the jury are quite entitled to take the view that the doctor who, under those circumstances and in that honest belief, operates, is operating for the purpose of preserving the life of the mother.

And, in fact, for the record, Bourne was acquitted. Whether he was acquitted or not, that was the exposition of the law by the learned judge. If members look at proposed section 82a(1) they will find it is not in exactly the same terms as the law was expounded in Bourne's case, and it is, in my opinion, marginally broader than the tests laid down there. The Bill is substantially an enactment in statutory form of the common law apart, as I say, from the conscience clause. There are a number of references to this question of the desirability of putting the law into statutory form. Professor Cox deals with it in his submission; Mrs. Faust deals with it at 201; Dr. Gibson at 222, 224 and 264; Dr. Woodruff at 305 to 314; Dr. Steele at 445 to 448; Dr. Texler at 549, 562, 577 and 578; Mr. Haese, a legal practitioner, another witness nominated by

His Grace the Archbishop, deals with it at 612 and 613; Dr. Craven at 688; Dr. Walker at 751; Dr. Cleary at 872 and 883; and Father Duffy at 947 to 948.

Honourable members will realize from Dr. Woodruff's evidence (and there is another reference at 279) that this matter had been considered by the National Health and Medical Research Council and certain recommendations were made, one being that if there was to be any change in the law it should be uniform throughout Australia, and rather blithely the council suggested that this was a matter for the Attorneys-General to thrash out and come to a conclusion as to uniformity. All I can say is that the members of that council have not attended an Attorneys-General conference, otherwise they would realize that it is extremely difficult to obtain unanimity. My view was (and I think that was the view of other members of the committee) that if we should try to get unanimity throughout Australia there would never be a change in the law.

The Hon. R. R. Loveday: You would never get a start.

The Hon. ROBIN MILLHOUSE: Of course. We feel justified for that reason, if for no other, in going ahead in South Australia on our own. I have referred to the evidence of Professor Cox. He made certain proposals concerning three matters, apart from his submissions on abortion: first, on the question of sterilization, both male and female; secondly, on the question of family planning; and thirdly, on the question of sex education. Those matters are dealt with in his initial submission, and the committee recommends that they should be carefully studied with a view to their implementation. I need say no more about them than to direct the attention of members to those three matters, which are also referred to by other witnesses—Dr. Craven at 664 and 686, Dr. Walker at 769, and Dr. Cleary at 885. Incidentally, on the question of family planning, Dr. Craven illustrated graphically the difficulty of getting through to some women in certain parts of our society for whom it would be not unfair to emphasize the need or the desirability of family planning and the need to follow the techniques described. It would not be inappropriate if I quoted the example she gave of the difficulty that occurs, and I quote portion of her answer to question 664, as follows:

There is a group of people who are difficult to deal with, and it is the inadequate people in the community. Even if we offered these people termination of pregnancy and contraceptive techniques I do not believe they are adequate or intelligent enough to report the pregnancy until it is too late to perform an abortion. You cannot teach them contraceptive techniques. I have seen a woman who has had six children, five of whom we adopted. I said, "I gave you the pills; why did you not use them?" She said, "I gave them to the canary." These will be extremely difficult people to help.

I am afraid that the Welsh lilt of her voice cannot be reproduced by *Hansard* in the dull written word, but it was a graphic illustration to members of the committee of the difficulties that face us in getting through to some people in the community.

Mr. Broomhill: What happened to the canary?

The Hon. ROBIN MILLHOUSE: I forgot to ask what happened to it, and I have been wondering about it ever since.

Mr. Broomhill: That is not like you.

The Hon. ROBIN MILLHOUSE: I, too, sometimes drop the ball. Three other matters to which I shall refer are not dealt with in the report. The first is the reference to a poll conducted by members of the National Council of Women. Its representatives, Mrs. Stirling, Mrs. Hutchin, and Mrs. Crosby, gave evidence to the committee concerning the result of a poll they had conducted amongst their members and constituent bodies, and this is referred to at 773 to 776. They sent out about 300 questionnaires and received 600 replies, no doubt because a number of organizations duplicated the questionnaires and sent them to their own members. Of these, only 33 people of the 600 favoured the retention of the law that makes any form of abortion illegal; 491 favoured abortion on the recommendation of a panel of doctors; and I assume that the remainder were in favour of abortion on demand. Significantly, the overwhelming majority of the women polled, and who took the trouble to reply, favoured some alteration in the law and the allowance of abortion in some circumstances.

The next matter to which I refer is the question of abortion in the case of rape. The Bill makes no mention of this, although it has been widely suggested that rape should be one of the grounds for abortion. The committee considered (and I think this was the feeling expressed in the debate in the House of Commons to which I have referred) that it was not practicable to make rape of itself a ground for the performance of an operation for abortion. On the face of it, it seems attractive,

but when examined there are two grave practical difficulties. First, it is impossible to check the veracity of a little girl who comes along and says, "Doctor, I have been raped, I want an abortion." Medical evidence suggests that sometimes it is impossible to tell whether a girl has been ravished. At other times it is only possible to tell immediately after the act has taken place, and certainly not a matter of days, weeks or months after. Also, the medical practitioner would be asked to make a judgment on something which is not a medical matter and on which there is probably no medical evidence; it is a legal matter, and a most difficult one in many circumstances. That is one reason why we have not made any specific recommendations about rape.

The other question is that, if it is left to the due process of law, it nearly always takes a considerable time for a man to be charged with the offence and be convicted, and it would be impracticable to wait until the hearing and conviction have taken place before deciding whether it was appropriate to perform an abortion operation. The weight of evidence suggests that it is only up to about the twelfth week of pregnancy that an abortion operation should be undertaken or may be undertaken with comparative safety. After that, it is impossible to perform it safely and the operation becomes much riskier. A hysterotomy, an abdominal operation, has to be performed. In those circumstances it is, in our view, impossible to provide that rape should be a ground for abortion. On the other hand, the mental distress that the girl undergoes as a result of her experience and, in the case of a mother-to-be, of carrying the foetus, would obviously be a matter to be taken into account under new section 82a (1) (*a*) (i), and in our view that is a sufficient safeguard in those circumstances.

The last matter to which I refer is one that appears in proposed new section 82a (1) (*a*) (ii), which provides:

> . . . that there is a substantial risk that, if the pregnancy were not terminated and the child were born to the pregnant woman, the child would suffer from such physical or mental abnormalities as to be seriously handicapped.

We do not refer to that in the report and, therefore, the implication is that we support that clause. It is not only an implication. We do support it. It is in my mind a very difficult matter. I have lost for the moment my notes setting out the references to the evidence. However, it is mainly in the evidence of Dr. John Rice and of Mr. and Mrs. Atherton. Professor Cox also dealt with it in his submission, as did Dr. Gibson at question 259 of the evidence, Dr. Woodruff at 278, 296 and 300, Dr. Cleary at 884, Dr. Rice at 906 and Mr. and Mrs. Atherton at 910.

Of all the evidence tendered on this matter, that of Mr. and Mrs. Atherton was to me the most compelling. They were both what is known as rubella children; they are both in their twenties and each of their mothers contracted German measles in the early weeks of pregnancy. Both these people have defects of hearing and of speech, but both of them have been trained and have overcome their physical handicaps. She was a permanent officer (I think a typiste) in the Commonwealth Public Service here, and her husband is a tradesman. They are married and have a perfectly normal little boy who came along to the committee with them. We saw him, and he was as normal a little lad as one would see anywhere. They said, "All right, if this law had been in operation when our mothers caught German measles and when we were on the way, we might never have been born at all. Yet look at us. We have overcome our handicaps and we have a perfectly normal child." I do not know what is the answer to that. Indeed, I do not know that there is any answer, although the committee has not recommended the excision of this subclause.

I think that it is a very grave decision in every case in which there is a substantial risk that the child will be born with some defect; one cannot take it further than that. A decision must be made in every individual case. Undoubtedly, it would be wrong in some cases for the pregnancy to continue and yet, as I say, I have in the back of my mind all the time the living evidence presented to us by Mr. and Mrs. Atherton.

Mr. Corcoran: And you also have the evidence of the medical people who said they could not tell.

The Hon. ROBIN MILLHOUSE: Yes, but we also have medical evidence that there are cases in which the probability of there being some defect is extremely high, and that is why I say that this provision should be left in. However, it is a very heavy responsibility in each case. Those are the only matters to which I desire to draw the Committee's attention. I hope, even though I have taken much time, that the references I have given to honourable members will be helpful in the next few months. They are not exhaustive, and I have not canvassed other matters. Although I may not have covered other matters, I think I

have covered the most significant ones. All members of the committee found this to be a fascinating inquiry, one of great difficulty and one that imposed on the committee a grave responsibility. The committee members were not unanimous in the report, as appears from the minutes of the meetings which have been tabled and which will be printed in due course, and it is not difficult to see from a study of those minutes which members thought what; yet we have brought in a report by a majority. It is now for each member of the Committee to examine these matters and, in due course, for us all to make a decision on them.

Progress reported; Committee to sit again.

POULTRY PROCESSING BILL

Adjourned debate on second reading.

(Continued from February 18. Page 3674.)

Mr. CASEY (Frome): For reasons which I will give, the Opposition supports the Bill. Chicken processing first came to our notice in this State about three years ago when the Minister of Agriculture in the Labor Government, as a result of complaints received regarding the moisture content in the birds, instructed that tests be carried out on frozen chickens being sold in supermarkets and other places. The Agriculture Department and the Chemistry Department conducted exhaustive tests over a period of time on batches of 20 chickens and concluded that there were many irregularities in moisture content of these batches. Some batches from other States were shown, when tested, to have a moisture content of well over 10 per cent, whereas, strangely enough, the South Australian processed birds, when tested, showed in the main to have a moisture content of less than 5 per cent.

It is most unfortunate that when a Bill of this nature is being introduced the moisture content of 8 per cent is the accepted thing, whereas if the Bill had been introduced last year (although there is a certain amount of supposition in my statement, I have conveyed my feeling on the matter to the poultry industry in this State) a 6 per cent moisture content might have been specified. On the result of tests carried out on South Australian birds by the Chemistry and Agriculture Departments, I believe that a protection could previously have been given to the poultry industry in this State. One can well imagine that if the industry had agreed to a moisture content of 6 per cent in birds in this State, we could have kept out competitors from other States and perhaps shaken them up a little by cashing in on their own markets. However, so much time has now elapsed that all the chicken processors in South Australia have gone to the considerable expense of installing the same type of equipment as that used in other States, and this equipment is designed to give a moisture content of about 8 per cent. Although the figure may vary slightly, this is the general percentage of moisture content and has been accepted by the poultry industry throughout Australia.

Although uniformity has been achieved throughout the mainland, Tasmania differs to the extent that the moisture content in birds processed in that State does not, I believe, exceed 5 per cent. Having previously said that I would always support legislation seeking uniformity with that applying in other States, I point out that we on this side have no queries about this Bill, which seeks to achieve uniformity throughout Australia. Corresponding legislation has been passed by the Victorian Parliament, and I understand the relevant measure is at present before the New South Wales Parliament. When the Bill is passed, it will, of course, become law in this State, and no doubt Queensland and Western Australia will follow suit. I think the consuming public should know exactly the meaning of an 8 per cent moisture content in frozen birds. If, on the figures supplied to me by certain processing firms within the State, the poultry industry processes about 9,000 birds a day, the 8 per cent moisture content allowed is equivalent to an overall increase of 1,440 lb., or 720 2 lb. chickens.

With chickens selling at about 43c a pound, which is in accordance with the details in the latest edition of the *News* relating to chicken selling in the supermarkets today, the profit margin on the allowable moisture content of 8 per cent over 9,000 birds a day would be about $620. I do not think this means that processing firms will actually make an enormous profit each year; I believe there will be an incentive for them to reduce the price of their product, and I sincerely hope that this point will be considered. I understand that in the Eastern States, particularly New South Wales, some of the firms process about 45,000 birds a day, so members will have an idea of what the moisture content will mean. Members on this side are in agreement with what I have said about the measure, and I have much pleasure in supporting the Bill.

Mr. WARDLE (Murray): I am pleased to support the Bill and to know that the previous speaker has also seen fit to support it, although

I do not know that I agree with all that he said. He said that discussions on this matter began three years ago, and that is correct, but this problem was first referred to the Agriculture Department by the industry, and the problem began within the industry. As unfair competition was taking place, members of the industry began inquiring into ways and means of legislating in South Australia for the control of the moisture content. We readily accept that it is necessary to maintain a moisture content in commodities such as fish, peas, corned beef and crayfish in order to make them more palatable, and this applies also to chicken. The 8 per cent moisture content provided for in the Bill is a good compromise. Within the industry there is a process known as spin chilling, which gives an average moisture content of about 12½ per cent to 15 per cent. On the other hand, if a process known as rocker chilling is used, the moisture content can be brought down to between 5 per cent and 7 per cent. The moisture content has been different in various States because the process has been different. Now, however, most processing plants in South Australia have been equipped with the type of machinery that can reduce the moisture content to about 8 per cent. I disagree to the suggestion that the price of chicken may be lower when the moisture is reduced to 8 per cent. I do not believe that, over the last 12 months or two years, the average housewife has realized that she has bought chicken at a cheaper rate because of the moisture content. I believe that, when the moisture content diminishes, the price of chicken will rise. However, as I have said, I am certain that the average housewife has not known that she has paid less a pound for her chicken as a result of 12 per cent or more moisture content in chicken.

Clause 12 provides that regulations may be made, and it will be necessary later to bring down regulations to effect uniformity on what may be placed inside, such as heart, giblets, liver and so on. The price of chicken has been reduced because of two things, the first of which is the moisture content. The other reason is that the industry has become more scientific in its approach, especially in the field of genetics. There has also been a more scientific approach to the preparation of the food mixtures used for chickens in the eight to 10 growing weeks. Uniformity is the most desirable aspect of the Bill. Because of interstate competition, it is important that the moisture content be uniform.

Mr. GILES (Gumeracha): I support the Bill. Because the frozen chicken market has expanded so quickly in the last few years (I believe that from 1965-66 to 1967-68 the quantity of meat produced has nearly doubled to 12,000,000 lb. a year) and because much of the meat is sold to the public, we must see that people are given a good deal in the poultry meat they buy. I understand that in the United States of America the poultry and pig industries have grown to a tremendous size. The fact that poultry and pig meat prices are far lower than lamb and beef prices illustrates the growth of these industries. The housewife must be protected in the purchase of frozen chicken. I do not agree that the whole weight of the moisture content in a frozen chicken results in clear profit to the processor. A certain quantity of moisture could be introduced that would result in a profit to the processor but, as a result of processing, it would be impossible to keep the water content down below, perhaps, 5 per cent. I do not think it would be desirable to reduce it below that level, because some of the value in the meat would be lost. It was interesting to see that in tests taken of chickens from other States some birds had a moisture content of over 10 per cent and some over 20 per cent.

Mr. Corcoran: It was 22 per cent in one case.

Mr. GILES: A moisture content of that level must have been induced by the processor, and that is a means of extorting money from the public and is most undesirable. I commend the Minister for introducing the Bill to protect the buyer. I sincerely hope all States will have uniform legislation so that there is not more than an 8 per cent moisture content in frozen chickens.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Definitions."

Mr. GILES: I am interested in how the base weight of the bird is determined. It is obvious that, with the base weight as described here, the bird could not have come into contact with any water. I understand that the testing method used was to defrost the bird for several hours and then weigh the water taken away after the bird had defrosted, calculating the weight in that way. However, I cannot see the connection between the base weight and the weight after the bird has been defrosted and after its weight has been retaken. Can the Minister help me?

The Hon. D. N. BROOKMAN (Minister of Lands): To be frank, I cannot. In the second reading explanation I explained the thaw test. I understood that and could answer a simple question on it, but the further test made to arrive at the weight is too technical. The honourable member is welcome to look through the large file I have on this matter to follow up his query. However, this Bill has had a tremendous amount of scrutiny. As the member for Frome has said, work on it started many years ago, and it is now accepted as model legislation. Therefore, I do not think the honourable member need worry about there being any mistake.

Mr. WARDLE: The base weight of the bird is the weight at the stage where the bird, for several hours before slaughtering, has not had any moisture. This is a different position from that of the slaughtering of red meats, where often the stock has access to water within minutes of being slaughtered. If the bird has not had water for, say, three to four hours before being caught and another similar period elapses before the bird is slaughtered, the bird becomes somewhat dehydrated and there is natural absorption by the bird immediately it comes in contact with water. Not all of this water is lost when the frozen bird is thawed out or when the bird is hung to drain. I referred earlier to the necessity of having a moisture content. I understand that the base weight of the carcass is the weight at the time of slaughtering, before it comes in contact with any water.

Clause passed.

Clause 5 passed.

Clause 6—"Appointment of inspectors."

Mr. FREEBAIRN: Can the Minister say how many inspectors will be appointed and whether the cost of maintaining inspectors will be borne wholly by the industry, or whether the taxpayer will bear a share?

The Hon. D. N. BROOKMAN: I cannot say, but I will see whether the file gives this information and let the honourable member know. I doubt that the number of inspectors has been decided upon. I think it would depend on the size of the units rather than on the number.

Clause passed.

Remaining clauses (7 to 20) and title passed.

Bill read a third time and passed.

MONEY-LENDERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 18. Page 3649.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I oppose the Bill. I consider the reasons given for the Bill when it was explained on second reading are inadequate to justify the wide exceptions to the Money-lenders Act that have been proposed. When I held the office of Attorney-General representations were made to me that there were a wide number of small lenders in South Australia who did not make a legal business of money-lending and who ought not to have to go to the expense of obtaining a money-lender's licence. There may have been something in this, although I confess I did not think the case had any great strength, but it is difficult simply to except people in this category. Where do you draw the line? Has the line been drawn sufficiently closely in this Bill? The Bill provides that a money-lender will be exempted from obtaining a licence as a money-lender only if he does not earn his living as a money-lender, is not legally a company, is lending on the security of land, and provides certain prescribed particulars, and if the rate of interest does not exceed 9 per cent of the balance outstanding from time to time. However, these are not the only matters about which the Act gives protection: it gives protection in relation to people who are making a business of money-lending and gives protection in relation to borrowers and the general conduct of money-lenders. This is the virtue of having a licensing system. It is not merely that one may in certain circumstances go to the court and seek protection because of excessive interest or, because of an unconscionable contract, to set the contract aside (a remedy seldom availed of because of its difficulty of operation). In addition, by having a licensing system we ensure that people who want to make a business of money-lending must be careful about the way their transactions are devised. It is the same sort of thing as providing a licensing system for land agents or land brokers. It is possible to have small-scale money-lending on land with the documents concerned setting forth the prescribed particulars, yet with the contract relating to the sale of land incorporating a number of features which are decidedly unsatisfactory and which the court should look at, if there was a question before the court about the licensing of the money-lender concerned. This is something that controls the behaviour of money-lenders. Where

does the lending of money of this kind occur mostly outside the normal lending institutions? It occurs mostly through the offices of land agents. This is the most regular place where one goes to find mortgage money of this kind.

Of course, the particular case cited to me was fairly obviously just such a case. In these circumstances, I do not believe, given the difficulties that we have faced with contracts in relation to the lending of moneys on mortgage by people who are not qualified to make contracts and who are prepared to make the vaguest of statements and representations to get people to enter into contracts (as is the case with many land agents today), that we ought to give up the security of a licensing system. When this case was put to us in office, I was not willing to recommend action. I discussed the case with my Cabinet colleagues, and they were unanimous that we ought not to weaken the money-lenders' licensing system in South Australia by making an exception as broad as this. Indeed, these exceptions certainly go far beyond what was suggested in the case which was put to the Government and which the Attorney-General has kindly shown me.

I do not for a moment suggest that in any way I would support the activities of these people who have brought a certain action that gave rise to the submissions to the Government. I have said some rude (and justifiably rude) things about them in this House, because I think that they are thoroughly unsavoury people and at the moment they are just trying to pull a fast one. But at the same time, if a business of money lending has been engaged in, the person concerned ought to have obtained a money-lenders' licence, which is not difficult to obtain but which certainly provides us with protection in relation to the activities of money-lenders. I do not believe that that protection would obtain if these exceptions were written in, because I think the loopholes remaining would be far too wide. In consequence, I do not believe the House should support this Bill.

The Hon. ROBIN MILLHOUSE (Attorney-General): I am disappointed that the Leader is not prepared to allow this Bill to go through. As he said, representations on this matter were made to him (I think by me) during his term in office, and it may well be, if no remedy is effected by Parliament, that people who are innocent of any intended breach of the law will be seriously affected (people who are not really in a position to defend themselves and who have not in any sense of the term, except perhaps because of the terms of this Act, engaged in the business of money lending). As the Leader said, I showed him details of the matter that has arisen since we have been in office: namely, a letter which I think was dated January and which described one of the instances in which this might happen.

I believe there is a case for an amendment to the Act. It may well be that the Bill which has been drawn and which, I may say, was one proposal in a much larger Bill which the Government has not been able, because of the press of legislation, to introduce this session, is too wide, but I should have thought it would be possible to allow the measure to go into Committee to see whether some action could be taken to reduce its scope and to close the loopholes to which the honourable gentleman referred. However, at this particular stage of the session it is no good doing that, and unless the Opposition is prepared to co-operate with the Government we cannot get the measure through. I do not think at the moment there is anything more that I desire to say, but I ask leave to continue my remarks.

Leave granted; debate adjourned.

PACKAGES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SUPREME COURT ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

This Bill arises from certain interim recommendations of the Local Government Act Revision Committee, from representations by certain local government bodies and finally from a departmental examination of the principal Act. Since it deals, of necessity, with a number of different matters the better course appears to be to deal with each of these matters as they arise in the body of the Bill. Clause 1 is quite formal. Clause 2 amends the section of the Act dealing with its arrangement; this amendment is in consequence of amendments made to the body of the Act. Clause 3 amends the definitions of "chairman" and "mayor" and inserts a definition of "councillor". All these are intended to facilitate the provision of "mayors of district councils", a new

provision which is inserted by clause 4. The distinctive title of Lord Mayor of the City of Adelaide is now recognized in the Statute.

Clause 4 is a somewhat novel provision and has been included at the request of some municipal councils and district councils which are contemplating amalgamation. In brief it provides for the election of a "mayor" for a district council. It is thought by some local government bodies that where a municipal council and a district council amalgamate to form a district council some loss of status occurs by reason of the fact that a district council has a chairman and not a mayor. The Government is aware that the creation of this third form of local government organization may give rise to difficulties but considers that the approach adopted in this Bill is the best that can be done in the circumstances. This new type of mayor will, under the principal Act, retain basically the powers and functions of a chairman of a district council but will be elected in the same manner as a mayor of a municipal council. Clause 5 extends the time for which the returning officer must retain voting papers from three months to six months. This slightly longer retention period will facilitate any investigations that may be necessary as to the conduct of persons in the course of the elections and was recommended by the Local Government Act Revision Committee.

Clause 6 provides that a mayor of a district council will have the same voting rights as a mayor of a municipal council has. In this instance his rights will not be the same as those of a chairman of a district council who has a deliberative as well as a casting vote. Clause 7 inserts a new Part IXaa in the principal Act, being new sections 163ja to 163jh and in effect provides for a system of appeals against, and compensation for, unjust dismissals of council officers. The provisions proposed to be inserted are generally self-explanatory and have been based on recommendations of the Municipal Officers Association. Clause 8 extends the principle of section 172a of the principal Act which enfranchised the male spouse of a residential property owner by deeming that male spouse to be the occupier of the property. This principle has now been extended to provide that when a person is the owner of any ratable property the spouse of that person will be deemed to be the occupier of that property and hence will be enfranchised as a voter.

Clause 9 removes the limitation on amounts which councils can spend on local government organizations and organizations for the development of the part of the State in which the council is situated. Clause 10 gives non-metropolitan municipal councils the same power to subsidize the employment of medical practitioners and dentists as is possessed by district councils. Clause 11 enables councils, with the approval of the Minister of Local Government, to set up reserve funds for purposes approved by the Minister; this amendment arises from a request from a metropolitan council that it be authorized to create a reserve fund for the purchase of land for recreation areas. Such land often becomes available at short notice and normal loan raising may not provide funds sufficiently speedily. Clause 12 gives the council power to construct and maintain median strips and at the same time makes it an offence to park on such a median strip. This provision should resolve some doubt in relation to the council's powers in this matter. Clause 13 resolves a doubt in relation to the powers of a council to grant permission to any person to dig up a public street for the purpose of laying electric lines underground from the electricity mains to houses. The powers of the Electricity Trust of South Australia and other electricity suppliers are specifically expressed to be unaffected by this provision.

Clause 14 is proposed following requests from some local government bodies and gives them a limited power to undertake development schemes subject to the overriding approval of the State Planning Authority. Clauses 15, 16 and 17 make necessary amendments to councils' borrowing powers and debenture issuing powers to enable councils to borrow money under the same conditions as money is offered to local government bodies in other States. In summary, it will give the council access to funds where the rate of interest may be varied during the currency of the loan and where outstanding balances may be refloated as new loans. The necessity of publicizing the conditions of this type of borrowing is still preserved. Clause 18 makes an amendment to the principal Act consequent on the abolition of the Harbors Board and the assumption of its functions by the Minister of Marine. Clause 19 extends the time within which prosecutions may be commenced for certain electoral type offences from three months to six months since it is felt that the three-month period does not allow sufficient time for investigation of such electoral offences.

Clause 20 will resolve a doubt which has been raised in connection with the provisions of the Act relating to postal voting by making it clear that company nominees and attorneys for absent ratepayers can vote by post. Clause 21 and the succeeding clauses which deal with amendments to the postal voting system have all been recommended by the Local Government Act Revision Committee and are intended to deal with areas of postal voting procedures which in the opinion of that committee need attention. Clause 21 modifies the provision dealing with applications for a postal voting certificate by making it clear that at the time the applicant makes a declaration he must have a "genuine belief" in its truth. It also provides that a postal voting certificate can be obtained by a person who will not be within five miles of a polling booth on polling day; previously this distance was 10 miles. A further ground for such an application has also been inserted, namely that the applicant is caring for someone who cannot be left unattended.

Clause 22 is designed to prevent the unauthorized printing of application forms or the unauthorized distribution of those forms. Clause 23 makes a consequential amendment to section 834 and also two increases of penalty for offences against that section. Clause 24 provides for postal voting certificates to be posted in plain envelopes to remove the danger that they may be tampered with in the course of post and also permits delivery by the returning officer or deputy returning officer only if he is satisfied as to the identity of the ratepayer. Clause 25 makes two minor drafting amendments and provides for the preservation of postal voting certificates for six months after the declaration of poll. Clause 26 slightly extends the classes of person who may act as authorized witnesses and prohibits a candidate witnessing an application for a postal voting certificate. Clause 27 disqualifies a candidate who has committed certain electoral offences from seeking election for two years after the commission of such an offence and also voids any election of candidates where that candidate suffered or permitted such an offence.

Clause 28 inserts two new sections in the Part of the Act dealing with the council of the city of Adelaide and by proposed new section 855b empowers that council to undertake development schemes approved by the Minister. Proposed new section 855c deals with constructions over public streets, and since there may be a doubt about the previous powers of the council this amendment has been given retrospective effect from January 1, 1968, to cover two such constructions which were authorized. Clause 29 extends the borrowing powers of the council to cover the two items specified in the clause. Clause 30 strikes out the mandatory provision to the effect that payment coupons shall be annexed to every debenture and leaves the matter open to accord with modern borrowing practices. Clause 31 reenacts the Nineteenth Schedule to the principal Act in the interests of clarity since this schedule had in the course of the years become overladen with a considerable amount of extraneous matter.

Mr. CORCORAN secured the adjournment of the debate.

WEEDS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. D. N. BROOKMAN (Minister of Lands): I move:

That this Bill be now read a second time.

Its purpose is to give effect to various suggestions of the Weeds Advisory Committee that are designed to render the provisions of the Weeds Act more effective. The provisions of the Act, which deals with the destruction and control of dangerous and noxious weeds, are, of course, of vital importance to agriculture in this State. Since the Act was last amended, it has been found inadequate in certain aspects of its operation, and the present Bill is designed to repair that inadequacy.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 amends the definition of "area" to include the areas under the jurisdiction of such authorities as the Whyalla City Commission and the Garden Suburb Commissioner, which have not hitherto fallen within the definition. A corresponding alteration is made to the definition of "council". Clause 4 amends section 11a of the principal Act, which provides for the Government to subsidize the employment of the local authorized officers who carry out weed control. As a large annual expenditure is now involved in subsidizing the salaries of authorized officers, the Weeds Advisory Committee has recommended a greater measure of control over this expenditure.

Subsection (4) is amended to provide that the employment of an authorized officer may be subsidized if he is employed for at least 50 days in the year instead of 60 days as at present. New subsections (4a), (4b) and (4c) are inserted in the section. New subsection

(4a) provides that, where two or more authorized officers are employed at the same time, the council must obtain Ministerial approval for the employment of the additional officers in excess of one, if a subsidy is to be paid in respect of their salaries. New subsection (4b) requires the council to keep records of the time spent by authorized officers in their employment and of the nature of the duties performed by them. New subsection (4c) provides that a subsidy to a council may be withheld if it is not exercising proper diligence in the destruction and control of proclaimed weeds.

Clause 5 makes formal amendments to section 17 of the principal Act. Clause 6 amends section 19 of the principal Act. The section is expanded to include all councils, instead of being confined to district councils as at present. This should encourage better weed control in municipalities surrounded by agricultural land. These areas are currently presenting some of the most difficult weed control problems in the State. The provision that the cost of weed control along public roads is to be borne by the landholders whose property abuts the road ratably, according to the frontage of the property, has been found impracticable. The only fair and practical method of charging landowners for the destruction of weeds along the frontage of their property is to measure the amount of weed poison used in destroying the weeds. Thus, the old provisions for assessing the liability of a landowner are struck out and a new provision is inserted, making the owners and occupiers of land abutting a public road liable for the actual expense of destroying the weeds along the frontage of their property.

The present subsection (5), which is no longer necessary in view of the expanded definition of "council", is struck out and a new subsection (5) inserted empowering a council where it is just to do so, with the approval of the Minister, to exempt a landowner wholly or partially from his liability under the section. The Weeds Advisory Committee has found that in some areas (for example, areas near silos) the roadsides are subjected to severe weed invasion, which has become discouraging and costly to adjoining landowners. In such cases it is considered that there should be a discretion to remit the charges under the section. Clause 7 makes a decimal currency amendment to section 24 of the principal Act. Clause 8 enacts new section 36a of the principal Act. This section makes the charges that are recoverable from the owner or occupier of land under the Act a charge on the land. This provision corresponds with provisions in Weeds Acts in other States and with provisions in our own Land Tax Act, Waterworks and Sewerage Acts and Local Government Act in relation to rates and charges imposed under those Acts.

Mr. CASEY (Frome): I do not want to delay the passage of the Bill. I had a good look at it over the last weekend and early this week, and I discussed this matter with members of the Opposition, who are satisfied that its provisions are satisfactory in every way. I therefore have much pleasure in supporting the Bill.

The definition of "council" will now include corporations as well as district councils which, I think, is a move in the right direction, because many municipalities in the past have been over-infested with weeds and there has been no adequate control to safeguard the owners of adjoining agricultural land from seeds blowing in from the infested areas. Weeds have become a major problem to the agricultural land in this State, and anything we can do to minimize their effects will be of definite benefit to the agricultural industry. Bringing municipalities under the definition of "council" is a step in the right direction.

Another amendment with which I agree is that the landholder will now be charged for the cost of poison used to combat weeds. It was difficult in the past to assess what the rate should be, but it will be fair to everyone that the charge to the landowner abutting the road will be the cost of the weed poison used. Another good provision is that which gives councils power to remit charges made against landowners in cases where they are not responsible for the infestation of weeds along a particular section of the property, particularly when it is near a silo. Much of our countryside near silos is subject to heavy weed infestation, which is often caused by the trucks used to cart grain.

When a charge for weed control is made by a council on the owner of a property and the property is sold, the charge automatically transfers to the new owner. Under the provisions of various Statutes, certain costs become a liability to the new owner, but I consider that the council should automatically notify the new owner that a charge has been made against him. I ask the Minister of Lands to ensure that the Minister of Agriculture will direct councils to notify the new owners of

any liability under this legislation, because purchasers should be protected as much as possible. I support this Bill, which is essential to protect our agricultural country. We do not have a large area of fertile land so we must make as much use as we can of what we have, and the best way to do this is to clean up weeds as quickly as possible with the least liability to the owners of properties.

Mr. FERGUSON (Yorke Peninsula): I, too, support the Bill. I would support any measure that would assist in eradicating weeds. I disagree with the suggestion made by the member for Frome that the council should notify the purchaser of a property of any money owing for the cost of weed eradication. Acts dealing with water rates and council rates make it incumbent on the purchaser to inform himself whether any rates are owing on the property. I cannot see why the council should have to notify an intending buyer in this instance.

The Hon. B. H. Teusner: They would not know who he was.

Mr. FERGUSON: Of course not. As the intending buyer must inquire whether any water or council rates are owing he should also inquire about what is owing for weed eradication.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

Mr. RYAN: Mr. Speaker—

The SPEAKER: The honourable member cannot ask a question now.

Mr. RYAN: I do not know whether it is correct to raise a point of order or how I can get around the problem—

The SPEAKER: The honourable member will have to wait. The member for Yorke Peninsula.

Mr. FERGUSON: Requiring a council to notify an intending purchaser of land in regard to moneys that may be owing on that land could put the council in a difficult position. In some cases, half a dozen local people may intend to purchase a certain piece of land and, in others, 20 people living a long distance away may be intending purchasers. How would a council know who was the intending buyer in these circumstances? I hope that we shall have a provision similar to those provisions in respect of council and water rates and that the onus will be on the purchaser to ascertain whether any encumbrances exist. Although I agree totally with the member for Frome that weeds around silos must be eradicated, I suggest that it is more important first to eradicate weeds in the paddocks. This would be to primary producers' benefit, because in some cases they would be able to deliver to the Wheat Board grain that might otherwise not be saleable. I would then suggest that the operation, having started in the paddock, be continued in the areas around silos and in railway yards.

Mr. EVANS (Onkaparinga): In supporting the Bill, I should like to refer to some of the problems existing in the Adelaide Hills, particularly now that we have the Planning and Development Act, which restricts the subdivision of certain areas and prohibits it in respect of the hills face zone. The areas to which I refer contain a poor type of soil that is not profitable for agriculture. Many of the areas concerned are heavily infested with noxious weeds and are inaccessible, especially just over the range, so it is practically impossible for landholders and councils to try to eradicate the weeds. I include in this area the Cleland Wild Life Reserve and the reserves of the Engineering and Water Supply Department at Mount Bold and Happy Valley. Although the Happy Valley area is easy to control, the Mount Bold area is practically impossible, and the problem will increase when a new reservoir is constructed on the Onkaparinga River. It is easy to say to the landholder, "You must pay for the clearing of weeds," but is this a fair thing when Government land adjoining his property may be covered with noxious weeds? I would say that it is impossible to take all noxious weeds off the land. The prevailing winds cart seed over a wide area on to adjoining farm land. We must consider owners of properties adjoining Government reserves, and at least give them fair consideration when it comes to Government action. The State must do everything it can to control noxious weeds. As the years go by the position will be more difficult in the Adelaide Hills where large building allotments are becoming the order of the day. Within the next 10 years I believe we will have to alter the legislation to deal with this problem.

Mr. McANANEY (Stirling): The Bill is a step in the right direction by providing powers so that charges need not be enforced. Councils are often responsible for taking rubble and other metal to roads; seeds of noxious weeds are put there. Then they come along and spray and the farmer has to pay. I hope that in future landholders will not have to pay for the destruction of noxious weeds. Provided a farmer's own place is cleared, he should

not be responsible for destroying noxious weeds on the roads that emanate from other sources. As I believe the Bill is in the interests of justice, I support it wholeheartedly.

Mr. GILES (Gumeracha): I, too, support the Bill. We have many problems in South Australia now because noxious weeds were not effectively controlled earlier. Recently, when travelling between Cummins and Edillilie, I noticed on the side of the road a few African daisies. I thought then that if these were controlled at once they would not spread into valuable farming land. I reported what I had seen to the Clerk of the council at Tumby Bay and he assured me that the council was constantly aware of the situation and hoped to be able to do something about it. In the Adelaide Hills green belt people are not allowed to divide areas into blocks of less than 10 acres. Many blocks of land have a small section that is arable and the rest is too steep to walk on let alone try to cultivate.

In these inaccessible stretches of land there is infestation of blackberries, furze, African daisies and other noxious weeds, and it is difficult to control such areas. I believe there is merit in the suggestion that a buffer zone be declared around the more accessible areas of the Adelaide foothills. In this zone every effort could be made to control noxious weeds so that they would not spread into valuable agricultural and horiticultural areas outside the buffer zone. I believe the Minister should examine this suggestion because, if African daisy is not controlled more closely, we will soon find much of our good agricultural and horticultural land infested with these undesirable noxious weeds and it will become useless.

Many of the weeds found on the road are not the responsibility of the adjacent landholders. Often trucks carting hay and so on cart noxious weed seeds also. These seeds are also carried on the bumper bars of cars and on other similar places, and these vehicles are responsible for noxious weeds being found in these places. We are placing the responsibility on the landholder, and I stress the necessity of getting rid of all noxious weeds.

Mr. ALLEN (Burra): I support the Bill. Amendments to legislation become necessary from time to time, because anomalies are found. This is particularly so in the case of the Weeds Act, which has operated since 1956, and these amendments will improve the Act. I understand that provision will be made for a minimum charge and that the suggestion about that came from my district, where we have the noxious weed St. John's wort, which originated in the Penwortham area. This plant, when in flower, is conspicuous by its orange colour, and it is about 2ft. high. It is spreading as far north as Gladstone and as far south as Rhynie. The Clare District Council is having trouble controlling the weed, although a weeds officer checks on small outbreaks. The Clerk of the council has made the following statement on the matter:

It is, however, too common for people to bother to report small infestations and the only successful way of controlling is to inspect all roads at flowering time and to spray as and when found. As part of this campaign, on December 3, 1968, the weeds officer inspected a number of roads and travelled 62 miles. He sprayed three plants adjacent to one property, taking about five minutes. At the next stop he sprayed about 20 plants over some several hundreds of yards. These were adjacent to a council property, so costs were not recoverable. He then sprayed two patches adjacent to another property taking five minutes (approximately) each. The last for the day was a small patch adjacent to another property; again five minutes. Cost of LV 57 used was about 18c. How should these be dealt with? Should each stand same travelling costs?

The time spent by the Clerk in working out the cost of this spraying would be considerable, and the council thinks that a minimum charge of $1 will overcome the difficulty. This charge would encourage a landholder to attend to small infestations, because otherwise he might be called on to pay $1 for the eradication of three plants. He will be encouraged to keep an eye out in future and try to eradicate an outbreak. Regarding remarks that have been made about land for which the Government is responsible, in my district the Railways Department and Engineering and Water Supply Department have co-operated admirably with the councils, and we have no complaints about Government undertakings.

Mr. HUGHES (Wallaroo): I would not have spoken but for the misunderstanding by members opposite of statements made by the member for Frome (Mr. Casey) this afternoon. After the dinner adjournment the member for Yorke Peninsula (Mr. Ferguson) added to that misunderstanding by saying that he did not think that councils should tell a prospective buyer of land that money was owing for work done by councils to eradicate noxious weeds. What the honourable member for Frome meant (and I understood him well, but apparently members opposite were not listening) was that, when a prospective purchaser of land inquired at the council office as to what rates (including water rates) were owing on the land, the clerk or the

official in the office at the time could also advise him that money was also owing to the council for work it had carried out.

Mr. Ferguson: It's a good job the member for Frome has a good interpreter.

Mr. HUGHES: It is a pity the honourable member for Yorke Peninsula was not listening carefully, as I understood what my colleague meant. There was no need for the member for Yorke Peninsula to say twice that it was unnecessary for the council to inform anyone of this, because when the member for Angas interjected he said, "How would they know?" They would not know unless they made inquiries. A prospective buyer would not know, but it is the normal thing that, when a person in a certain district is interested in the purchase of certain land, he would inquire. The only thing the member for Frome meant was that the person should be given this additional information. The member for Frome, as a former Minister of Agriculture, would know that it would not entail very much more work for the council official to pass on this information.

Mr. Burdon: It would be only a matter of common courtesy.

Mr. HUGHES: Of course it would, and that is what the member for Frome was trying to convey to the Government members.

Mr. McKee: The land agent might know this.

Mr. HUGHES: Yes, but he is not obliged to tell the prospective purchaser.

The SPEAKER: Order! The honourable member cannot have a conversation with the honourable member for Port Pirie.

Mr. HUGHES: I bow to your ruling, Mr. Speaker, but I do refer to my friend for legal advice, which he gives me free of charge. However, on this occasion I do not need any advice because it is clear what the member for Frome (Mr. Casey) meant. I sincerely hope that that matter has been cleared up in the minds of the member for Yorke Peninsula (Mr. Ferguson) and the member for Angas (Hon. B. H. Teusner). Clause 6 is a good provision; I live in a corporation district, and I know that noxious weeds grow on land fronting the various sides of Wallaroo as vigorously as they grow on other land. Consequently, this amendment, which brings in corporations as well as district councils, is good, because certain money is made available by grant or subsidy to the various councils to enable weeds inspectors to police this matter.

This provision will give a greater opportunity for noxious weeds to be controlled, and it will give the departmental officers more authority in carrying out their work. Undoubtedly corporations will give the same assistance that the various councils have given for a long time. The Bill provides that a council may receive a subsidy if an authorized officer is employed for at least 50 days in the year, instead of 60 days as at present. This, too, is a good provision. Any Government, irrespective of its political affiliations, should have quite a say in how this money is spent in controlling noxious weeds. By reducing the period to 50 days, there will be an improvement in weed control in this State.

I agree with the member for Yorke Peninsula that the right place to control weeds is in the paddock, and that we should not wait until they are around the silos. I know from practical experience that in carting grain various weeds are dropped along the roads leading to the silos. If there was more effective control in the paddock this would not happen. I support the Bill.

Mr. HUDSON (Glenelg): Some protest should be registered about the way in which the Opposition is being treated. I asked the Minister for a copy of the Bill and was told that it was not available. He also said that he did not have a copy of the second reading explanation. I have just been provided with a copy of the Bill.

The Hon. D. N. Brookman: I was informed that your Party wanted to go on with the debate.

Mr. HUDSON: We want to discuss certain features, and the Minister should be able to organize the affairs of his department so that printed copies of a Bill introduced on the second last day of the session were available. That would be common courtesy.

The Hon. Robin Millhouse: But your people wanted to go on with it.

Mr. HUDSON: Surely the business of the House could be arranged in such a way that a minor Bill such as this—

The Hon. Robin Millhouse: Who does lead your Party?

Mr. HUDSON: —could be introduced and a printed copy made available to members when it was introduced.

The SPEAKER: Order! The honourable member cannot pursue that line of argument: it is not in the Bill.

Mr. HUDSON: It is a matter of courtesy. The substantive matter that I wish to discuss concerns the change made by clause 8, which enacts new section 36a and which now effectively means that it is possible for any council to proceed against subsequent owners of land for moneys owing, whereas under the existing Act this was not possible. I am not altogether satisfied with the assurances given about intending buyers of the land always being informed. I ask leave to continue my remarks.

Leave granted; debate adjourned.

Later:

Mr. HUDSON: When the House adjourned for the conference, I was referring to the provision in clause 8 that enacts new section 36a and enables a council to obtain from the subsequent owner any sums owing as a result of moneys expended by the council for the eradication of weeds before the property changed hands. The only substantial reason offered for the change is that it may induce councils to spend more money on eradicating weeds. Personally, I doubt that it would have this effect. It seems to me that the only change introduced is that the loser, should there be any moneys owing, will no longer be the council but the new owner of the land, and this change is being introduced in a way that is unlikely to produce the desired effect.

I agree that it may be worth while to give this a try, but I think members should be clear that, if this does not work and does not result in councils being much more active than they have been in the past, some other method of trying to achieve the result should be considered. I do not believe that the assurance that councils will be informed that they should notify any intending buyer of land that certain debts are owing on that land on account of the provisions of this legislation is a guarantee that all intending buyers will be informed.

Mr. Riches: How can a council notify them if it does not know who they are?

Mr. HUDSON: Quite. No guarantee can be given by the Minister or any member of this House that where an intending buyer approaches the council and inquires about the rates the council officers will necessarily remember to inform him of other debts against this land. We will be relying purely on the efficiency of the council officers. No clause in the Bill requires the council to inform intending buyers.

I believe the Minister said that councils would be written to and requested to make sure that intending buyers were informed, should they approach the council, about any debts owing to the council on the land. We are relying for this protection to the intending buyer not on the Minister writing his letter, but on the efficiency with which council officers carry out their job. In many cases intending buyers may not be informed of moneys owing.

Anyone who travels around South Australia is aware of the problems that exist with weeds and the fact that insufficient eradication measures are taken, but I do not consider that this measure will give to councils the necessary interest to ensure that adequate eradication measures are taken. I think all that is likely to result is that, whereas in the past some loss was borne by a council because it was unable to collect moneys owing by a previous owner of land, this loss will in future be borne by a subsequent owner, not by the council. It is possible that, under this Bill, a council will have to wait a long time for repayment of money spent, and that may well be why councils will not be stimulated to meet additional sums in any one year under this heading, because they will have no real expectation of recovering the money quickly enough. I hope that, if what I have said eventuates, further consideration will be given this matter and a more appropriate method of dealing with the problem evolved.

Mr. EDWARDS (Eyre): I support the Bill. The growth of noxious weeds along our roads and highways is increasing. When one travels from the city, one sees such weeds as Bathurst burr, horehound and saffron thistle, as well as many other types. There is more saffron thistle on roadsides this year than there has been in any year that I can remember. Further, onion weed abounds on roadsides, to say nothing of Ward's weed and false caper. Much of this weed growth spreads from roads to neighbouring paddocks and neglect of land by the persons responsible results in the further spreading of the pest. I suggest that councils, farmers or joint owners of property band together to eradicate weeds. The problem is not always one for the councils. Although it is a council problem on extremely wide roads, many landholders are to blame for allowing the weeds to spread. We can eradicate weeds if we try.

The Hon. D. N. BROOKMAN (Minister of Lands): I thank members for their consideration of the Bill. Before dealing with details, I wish to refute the unjust criticism made by

the member for Glenelg (Mr. Hudson) before the House adjourned, when he suggested that I was trying to push this Bill through against the wishes of the Opposition and without having copies of the measure available. The honourable member knows that, towards the end of a session, there is always an accumulation of Bills, many of which are important but do not call for lengthy debate. In the last two days the Minister of Agriculture has sent to me four Bills for which I have had to be responsible here.

I have never tried to push Bills through against the wishes of the House. I have always approached the Opposition to find out its reaction to my taking a Bill through its various stages without delay. This request has not been refused in any instance. I approached more than one member of the Opposition about this Bill and was given to understand that, although there was a problem, there was not an objection that would prevent our going ahead with the debate. The debate proceeded, with members from both sides participating, and it was constructive until the member for Glenelg threw everything into doubt by saying that I was trying to push the measure through.

Mr. Hudson: You might have made some effort to—

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: All I was trying to do was to get the agreement of members of the Opposition who might be interested in the Bill, who were men of their word, and who would carry out what they told me. I do not blame those members because what they told me turned out to be wrong information! I blame the member for Glenelg, who is always the first member to throw abuse at the Government. When looking for a few words to describe his action tonight, I turned up his comment on the occasion when he had the nerve to describe the front bench of the Government as members who were putting over a dirty, rotten, crooked deal. That statement was most unjust, as was proved by subsequent actions of the Government. The honourable member said that he had been double dealt. Now he says that I am trying to do some manoeuvring that is against the democratic practices of the House.

Mr. Hudson: I never used that phrase. I—

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: The honourable member knows well that interjections are out of order and he has to listen to this. We have listened to this talking machine—

The Hon. D. A. Dunstan: All you can do is winge.

The SPEAKER: Order! Interjections are out of order. The Minister is replying. These allegations have been made and I consider that the Minister has the right to reply to them.

The Hon. D. N. BROOKMAN: I have appreciated the co-operation that I have received in my dealings with the Opposition and this is the first time that someone has complained about what I have been trying to do. Each of the Bills that I have mentioned to the Opposition is justified, and none has been opposed by the Opposition, although points have been raised and doubts about certain aspects have been mentioned. That is fair enough, but I do not like being accused of trying to push legislation through unfairly. If members of this House want to insist that Standing Orders be observed and that the stages of a Bill be carried through as set out, I will need an extreme emergency before I urge that any other action be taken. However, when common sense is required, I do not expect a complaint, and I do not like such a complaint coming from a person who is calling the kettle black, while being a very black kettle himself.

The main debate on the Bill has been about the charge being made on the land for work done by the council instead of being made against the landowner. The member for Frome (Mr. Casey) was the first to raise that matter, and several other members have discussed it since. This matter was also mentioned in the other place and I will read what the Minister of Agriculture said in satisfying the other place that this legislation was sound. My colleague said:

I will give an undertaking that, through the Minister of Local Government, we will notify all district councils of amendments made here, and also ask district councils that, when information is sought, it be freely given. I think this should be a recurring thing every 12 months or so and that a reminder notice should be sent out to councils about it.

That is what the Minister said. There is no undertaking that councils will definitely inform intending buyers of land about a charge on that land. In fact, in most cases they would not know until the transaction had been completed that the land was changing hands. So, the Minister has done the best he can do in this respect. This provision was satisfactory to another place, and I believe it is satisfactory to most members here. It is quite legitimate

for members to raise doubts about its effectiveness. If it later turns out not to be effective, I agree that the legislation should then be reconsidered.

This has been asked for by the Weeds Advisory Committee and, in doing so, it has discussed this matter with the Local Government Association. The committee is a very responsible organization which has been in operation since the enactment of the Weeds Act in 1956. In general, the situation and the committee's operations have been improved as a result of that Act. Therefore, I think we might check its features in this respect and accept the matter as it stands. If there is any obvious failure in the legislation, it should be reconsidered later.

The other matters raised by members were, I think, of a more general nature. One or two members referred to the occurrence of weeds on Government land. This matter is frequently and, I think, justly raised. No-one would pretend that Government land is free from weeds, and no-one would be rash enough to forecast that it will be free from weeds in the future. I do, however, maintain that weed control is the responsibility of everyone who owns or occupies land, and I agree in that respect with the member for Eyre (Mr. Edwards). It is the responsibility of everyone, not simply of one group or another. If we are, in effect, to expect the Government to clean up every weed on its land before it can tell anyone else to clean up his weeds, then obviously we will not make any progress at all. If every weed problem in this State was tackled at the same time with complete effectiveness, there would not be enough money in the State to deal with it. No landowner could do it and no organization could do it.

Weeds such as African daisy in national parks and in rocky scrub country just cannot be effectively eradicated quickly. The best that can be done is to tackle them methodically and, in the first place, to check their spread. There are many other weeds which vary in different climates and have different effects. All these pose problems. In general the State is showing an awareness of the weed problem, and in many areas the position has been vastly improved. Certainly the Lower South-East has improved tremendously in this respect over the last few years. This Bill, small though it is in some respects, will nevertheless be a useful weapon in furthering the campaign against weeds.

Mr. HUDSON (Glenelg): Mr. Speaker, I ask leave to make a personal explanation.

The SPEAKER: Not at this stage.

Mr. HUDSON: Mr. Speaker, I draw your attention to Standing Orders 137 and 141.

The SPEAKER: Are you raising a point of order?

Mr. HUDSON: Yes, the point being that Standing Order 141 provides:

A member who has spoken to a question may again be heard, to explain himself in regard to some material part of his speech, but shall not introduce any new matter, or interrupt any member in possession of the Chair.

Standing Order 137 provides:

By leave of the House, a member may explain matters of a personal nature . . .

Under these Standing Orders I put to you, Mr. Speaker, that it is in order for me at this point to seek leave to make a personal explanation.

The SPEAKER: I will give the honourable member an opportunity of seeking leave of the House to make a personal explanation, but I say it is most unusual at this stage of the debate.

Leave granted.

Mr. HUDSON: I have an interest in certain matters in this Bill. I went to see the member for Wallaroo (Mr. Hughes) because I heard he was next to speak, and I wanted to see whether he could make available to me a copy of the Bill or a copy of the Minister's second reading explanation. Because the honourable member wanted to use that material, he was not able to make those things available to me. I then approached the Minister and asked him to make a copy of the Bill available to me and he said he did not have one. It is an extraordinary situation indeed when the Minister is seeking the Opposition's co-operation yet copies of a Bill cannot be made available to it. My complaint was that no copy of the Bill was made available to me when I requested it. The Minister implied that other members of the Opposition were men of their word but that I was not, and I just throw that completely back in his face.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. HURST: What is the number of the Bill?

The CHAIRMAN: Order! I think a copy will be provided for the honourable member.

The Hon. D. N. BROOKMAN (Minister of Lands): I understood members of the Opposition were happy about putting this Bill through. If they are not happy about it, I am willing to report progress and suspend consideration of the Bill. I should like to get it through this session. If I do not do so, I shall make quite certain that everyone interested in it knows why it did not go through.

Mr. HUDSON: On a point of order, Mr. Chairman, what clause is the Minister speaking to?

The CHAIRMAN: I am about to put clause 3. The Minister will have to refer to clause 3.

The Hon. D. N. BROOKMAN: Clause 3 is included in a Bill which I understood everyone in this Committee wanted passed.

Clause passed.

Clauses 4 to 7 passed.

Clause 8—"Statutory charge."

Mr. HUDSON: Although the Minister intends to tell councils that at least they have a moral obligation to inform intending buyers of any charges that may lie against the land as a result of the operation of this Act, some buyers may not be informed. Can the Minister assure me that, if this provision becomes a problem and complaints are received from intending buyers who subsequently purchase and discover debts against the land but had not been told of the charges owed for the destruction of weeds, an amendment will be introduced to protect the position of the intending buyer more fully than it is protected now? This clause shifts from the council to the subsequent owner of the land the problem of getting back money owed by a previous owner of the land.

The Hon. D. N. BROOKMAN: The Minister of Agriculture is responsible for this legislation, and I repeat what he said concerning this matter:

I will give an undertaking that, through the Minister of Local Government, we will notify all district councils of amendments made here and also ask district councils that, when information is sought, it be freely given. I think this should be a recurring thing every 12 months or so and that a reminder notice should be sent out to councils about it.

In these circumstances I am sure that councils will act upon this, because the advice will probably go on rate notices, and the information would be freely available if anyone asked for it. However, it is possible that someone will not receive this information and that land transactions will take place without the knowledge of the council and without the buyer inquiring. Obviously, someone will buy land and find later that there is a charge upon it, and I cannot give any guarantee that we can avoid that situation. This same provision applies in other Acts here and in the Weeds Act of other States, but there is always the possibility that someone will overlook this matter. Knowing the Minister of Agriculture and officers of his department and knowing the practice of previous Ministers of Agriculture, I am sure that if this provision proves unsatisfactory they will not hesitate to reconsider this legislation and amend it.

Mr. HUDSON: I thank the Minister for his reply. However, it is more likely that difficulties will arise in relation to weeds than in relation to rates or other charges. Everyone is aware that an adjustment must be made when a house is sold, but everyone will not automatically be aware that an adjustment may be necessary for charges for the eradication of weeds. Although land agents should make the appropriate inquiries, it is possible that a slip-up may occur, because many contracts are put through which have unsatisfactory features for the buyer but which do not result in the land agent losing his job. We are relying not on the Minister and his officers but on council officers to provide the necessary information, and they are under no statutory obligation to do so. They will be requested to provide it, but if they are not efficient there may be a series of complaints. In these circumstances, I hope more satisfactory arrangements will be considered.

Mr. RICHES: I understand that co-operation of councils will be sought to ensure that when inquiries are made advice will be given about any charge that is owed for weed destruction. However, as land agents and those dealing in the selling of land must be known to the Government, these people could just as easily be circularized as could councils, and it would be more satisfactory if the Minister also directed his appeal for co-operation to those people. I do not believe that any council would refuse to give information when it was asked for. However, I know that many transactions take place before a council ever hears of them, and in those cases the prospective purchaser would have no hope of knowing about any charge unless either he or somebody acting on his behalf made the inquiries suggested.

I think a far better approach would be for the Government to circularize land agents so that the information required would be available at the point of sale. Councils are notified in many cases only after a transaction has been completed. I offer that suggestion to the Minister and, at the same time, point out that, in my experience, if information is sought from the council and it is available, no doubt it will be supplied.

Mr. VENNING: I cannot see the necessity for this provision. All purchasers of land know that rates are considered and that an adjustment is made in the normal way. The councils have power to collect from the landholder any indebtedness that is incurred regarding the eradication of weeds, and I consider that it is only complicating the situation by allowing the debt to be carried on to the degree that when a land transaction takes place the council is then able to recoup the sum involved. I cannot see at this stage that it is necessary to have the provision in the Bill.

Clause passed.

Title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendment to which it had disagreed.

The House of Assembly granted a conference, to be held in the House of Assembly committee room at 8 p.m., at which it would be represented by Messrs. Broomhill, Coumbe, Hall, McAnaney and Virgo.

At 7.59 p.m. the managers proceeded to the conference, the sitting of the House being suspended. They returned at 10.18 p.m.

The Hon. R. S. HALL (Premier): I have to report that the managers attended the conference but that no agreement was reached. Having discharged my duty as a manager on behalf of this House, and having expressed the opinions of this House at the conference, I move:

That the House of Assembly do not further insist on its amendment.

For about an hour the argument at the conference revolved around the reasons for the House of Assembly's insistence on its amendment. The right of this Chamber to add a provision to a Bill by contingent notice of motion was maintained by the Assembly managers, who also maintained that statutory provision for arbitration was necessary for stability in the racing industry. The Legislative Council managers insisted that this provision had not been requested by the racing industry and was, in fact, extraneous to the Bill.

After a break, another hour in conference ensued, during which we considered the Legislative Council's offer to separate the provisions in the Bill if the Government would agree to the measure's being introduced in the Legislative Council tomorrow in separate form, so that the Assembly amendment could be considered on its own. The Assembly managers rejected this and the suggestion to amend the wording of the Assembly's amendment to make it necessary that representations by bookmakers for arbitration be made by a substantial body of bookmakers (possibly 12) and that clubs as well as bookmakers be given an equal right to approach the Auditor-General. None of these suggestions was acceptable to either the Legislative Council or Assembly managers.

The matter has been pursued at great length and, although the conference was not lengthy by comparison with other conferences that have been held between the Houses, I believe that the position has been studied fully. The Bill has been before honourable members for some time, having been amended originally before Christmas, and the matter has been pursued tonight to a great extent. I believe the Assembly has gone a long way in insisting on its amendment. Without arguing the rights or wrongs of the amendment, and not wishing to prejudice consideration of this Bill which, in its original form, both Houses agreed could provide additional days on which the trotting fraternity in South Australia could hold meetings at the Globe Derby Park at Bolivar, I think it would be a great pity if trotting were to be inconvenienced because of the Assembly's insistence on its amendment. I think it would be foolish to prejudice the industry because of a provision added to the Bill which, whatever its merits may be, is not urgent at present: arbitration has been accepted, both the clubs and the bookmakers having accepted the Auditor-General's participation in helping solve the recent dispute.

Having the interests of the trotting industry at heart, and knowing that this provision is not an urgent matter, I believe the House would be well advised to see to it that it does not prejudice trotting interests in any way.

Mr. VIRGO (Edwardstown): First, I concur in the report—

The SPEAKER: Order! Is the honourable member seconding the motion?

Mr. VIRGO: Yes, Mr. Speaker.

The SPEAKER: The honourable member may proceed.

Mr. VIRGO: First, I concur in the Premier's report regarding the conference. I do not wish to labour the arguments that took place at the conference other than to amplify what the Premier said about fully canvassing every possible point that could be raised. Assembly managers, on the one hand, raised certain points that had been discussed and the Legislative Council managers, on the other hand, suggested out of the blue, one might say, a compromise in the form of a separate Bill. We were not prepared to accept the Legislative Council's suggestion and the Legislative Council was not prepared to accept ours. As a result, the conference collapsed. I think it would be remiss of me if I did not also report to the House that the Premier, the Minister of Works, and the member for Stirling, all of whom were, shall I say, on the losing side when the vote was taken last evening, approached the task of presenting the majority view of the Assembly as the matter was voted on last evening.

I think all members should appreciate that neither the member for West Torrens (Mr. Broomhill) nor I, both of whom were on the winning side last evening, presented any stronger case than that presented by the three Government members to whom I have referred. I express my personal appreciation not only of the way in which those members presented the case but also of the support they gave both the member for West Torrens and me in attempting to resolve what I believe is an unfortunate position. It is with much reluctance that I say that I believe that no course is open now other than not to insist on our amendment. In saying that, I do not for one moment mean (and I hope my remarks will not be construed to mean) that I do not believe that what we did was 100 per cent correct. It was correct then and I think it is still correct. I hope that a Bill will soon be introduced so that the matter can again be canvassed and the views of members sought.

I agree with the Premier that we would not be doing a service to the sporting public if we were to insist on our amendment. Indeed, my only interest throughout has been for the general public. I have no axe to grind for the racing clubs or for the bookmakers, but I have much time and concern for the people who make the sport what it is, namely, the general public who support it. To deprive the public of 10 extra meetings, which they apparently desire, would not be serving the cause that we are seeking to serve. For these reasons, I must reluctantly take this course. I only hope that my colleagues will support the view I am expressing, despite the fact that on previous occasions they have expressed their strong support for the amendment. However, having taken the matter to the stage it has now reached, I believe no other course is available to us than to accept the Premier's motion.

Mr. HUDSON (Glenelg): I want to comment briefly on the unfortunate position that has arisen. I agree that we should not further insist on our amendment because, if we did insist on it, we would damage the interests of the trotting public. I do not think anyone needs to amplify the remarks made about this by the member for Edwardstown and the Premier. If we do not back down at this stage, the interests of those involved in the trotting industry will be damaged. The effect of the Bolivar meetings will be to extend the trotting season over a period during which trotting normally does not take place, and this is likely to have a substantial effect on the ability of trainers and others to gain employment from this activity. By insisting on our amendment and causing the Bill to be laid aside we would be damaging their interests as well as those of the trotting public.

The unfortunate position that has arisen as a result of the completely uncompromising attitude of the Legislative Council brings to the notice of members of this place and, I hope, to members of the Government that the Legislative Council is not a House of Review. After all, the Bill was initiated in the Council and we have been effectively told that we have no right to review legislation initiated in the Legislative Council.

The SPEAKER: I do not think I can allow the honourable member to follow this line of argument.

Mr. HUDSON: Very well, Mr. Speaker. The point was made that the House of Assembly had no right to pursue the amendment, even though the amendment arose out of a situation that resulted in those people interested in racing being partly held to ransom on one Saturday, and in the Treasury of the State losing about $10,000. The result was that arbitration was required, not at the request of the clubs or of the racing industry but at the insistence of the Government. The result of

the current arbitration, which was conducted at the behest of the Government, has not yet been announced. However, we are told that we cannot provide for arbitration in the Lottery and Gaming Act to avoid such disputes; we are told we should not provide for this because it has not been requested by the racing industry. That is ridiculous.

The SPEAKER: I cannot allow the honourable member to debate this. The question before the Chair is whether honourable members agree to the motion moved by the Premier.

Mr. HUDSON: I bow to your ruling, Sir. I want to comment on the results of the conference, because I think it is clear that the unfortunate position that has arisen arises from a childish attitude taken in another place, an attitude that cannot be sustained on grounds of consistency. The Bill was initiated in another place and members in this place exercised their right to amend it. Apparently it is all right for another place to review legislation passed by this House but completely and utterly inappropriate for the reverse process to occur. As I agree in substance with the points made by the Premier and member for Edwardstown, and in view of the other matters I have put, I support the motion.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

As honourable members may be aware, the present Commissioner of Highways (Mr. J. N. Yeates) carries the additional title of Director of Local Government and his department is known as the Highways and Local Government Department. On the accession to office of his successor (Mr. A. K. Johinke) on March 3, 1969, it is intended to discontinue the use of the title which is confusing to local government authorities and to the public since it does not reflect the true functions of his department. Accordingly, this short Bill which desirably should be in operation before March 3, 1969, merely replaces references to the Director of the Local Government Department with references to the Commissioner of Highways.

Mr. CORCORAN (Millicent): I support the Bill.

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

PUBLIC PARKS ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It arises out of a decision of the Government to abolish the title of Director of Local Government which was previously borne by the Commissioner of Highways. Under section 3 of the principal Act as it stands at present, the Director of Local Government is *ex officio* head of the advisory committee constituted by that section, the function of this committee being to recommend the acquisition of land for public parks. This Bill abolishes the advisory committee as constituted and establishes a new committee consisting of three members appointed by the Minister, and at the same time sets out in some little detail certain matters relating to the committee.

Mr. CORCORAN (Millicent): I support the Bill.

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

WILLS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

This amendment is a simple one and reflects the law in all the States of Australia except Western Australia. It is also the law in the United Kingdom and, although this measure was introduced as a private member's measure in another place, its enactment is desirable. Honourable members may know that any will is generally revoked by a marriage subsequent to the making thereof. Consequently, at the present time, in order to have valid wills, a married couple must arrange to execute their wills after the marriage ceremony takes place. I recall that I have made only two wills in my lifetime. The first was on the day before my twenty-first birthday, the first day on which I could make a will; and the second was after I had signed the register in the church.

It may be said the matter can be left until a later time, but in these days of affluence many young people have acquired money or other assets prior to their marriage. Often, a considerable part of these assets has been

acquired with the help of parents. If a young couple were to marry and suffer the misfortune of being killed in a motor accident after the marriage, an unusual and possibly unfair situation might arise if they had not made their wills. I am referring to the fact that, if the wife survived the husband for only a brief period of time, she would then inherit his property by virtue of the laws of intestacy and then her late husband's assets would pass on to the wife's relatives by virtue of these same intestacy laws. The situation in reverse would apply if the husband were to survive the wife for a brief period of time. These possibilities may be simply provided against in a will and of themselves would justify the provisions of this Bill.

This Bill inserts in the Wills Act a provision similar to one which has been in force under the law of England since 1925. It provides, in effect, that a will made after the Bill becomes law and which is expressed to be made in contemplation of a marriage is not revoked by that marriage. This modifies section 20 of the Wills Act, which provides that a will made by a man or a woman (except a will made in certain circumstances in exercise of a power of appointment) is revoked by his or her marrigae.

The Hon. D. A. DUNSTAN (Leader of the Opposition): I have examined this Bill and think the proposal it contains is thoroughly satisfactory. I see no reason for objecting to the Bill in any way.

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

ADJOURNMENT

At 11.25 p.m. the House adjourned until Thursday, February 20, at 2 p.m.