

HOUSE OF ASSEMBLY

Thursday, October 23, 1969.

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

APPROPRIATION BILL (No. 2)

His Excellency the Governor, by message, intimated his assent to the Bill.

PETITIONS: ABORTION LEGISLATION

Mr. LAWN presented a petition signed by 42 persons stating that the signatories were deeply convinced that the human baby began its life no later than the time of implantation of the fertilized ovum in its mother's womb (that is, six to eight days after conception), that any direct intervention to take away its life was a violation of its right to live, and that honourable members, having the responsibility to govern this State, should protect the rights of innocent individuals, particularly the helpless. The petition also stated that the unborn child was the most innocent and most in need of the protection of our laws whenever its life was in danger. The signatories realized that abortions were performed in public hospitals in this State, in circumstances claimed to necessitate it on account of the life of the pregnant woman. The petitioners prayed that the House of Assembly would not amend the law to extend the grounds on which a woman might seek an abortion but that, if honourable members considered that the law should be amended, such amendment should not extend beyond a codification that might permit current practice.

Mr. CORCORAN presented a similar petition signed by 47 persons.

The Hon. B. H. TEUSNER, at the request of the member for Ridley (Hon. T. C. Stott), presented a similar petition signed by 35 persons.

Mr. VIRGO presented a petition signed by four persons stating that the signatories, being 21 years of age or older, were deeply convinced that, from the moment of conception, when the baby began to live in its mother's womb, any direct intervention to take away its life was a violation of its right to live, and that members of Parliament should protect the rights of innocent individuals, particularly the helpless. The petition also stated that the unborn child was the most innocent and most in need of the protection of our laws whenever its life was in danger. The signatories realized that abortions were performed in public hos-

pitals in this State in circumstances claimed to necessitate it on account of the life and health of the pregnant woman. The petitioners prayed that, if the law was to be amended, such amendment should definitely not extend beyond a codification that might permit current practice.

Petitions received.

QUESTIONS

MOUNT GAMBIER INDUSTRY

Mr. BURDON: A letter that I have just received from the Town Clerk, Corporation of the City of Mount Gambier, states:

My council has requested that you place the following matter regarding decentralization before the Government at the earliest opportunity. The members of the Corporation of the City of Mount Gambier and the residents of this city are concerned that the Government is not doing anything to assist decentralization in this area. It is the opinion of all members that, when the Government knows of an industry that is considering establishing a factory in South Australia, this council should be acquainted of the facts, so that this area could present a case for the establishment of such industry in this area. By the time the facts are published in the press, all final arrangements are normally made, so that an opportunity of persuading that industry to decentralize in this area has been lost. The council has prepared in booklet form the basic information, and if given the opportunity could prepare a detailed case for submission to any prospective new industrialist. There have been many reports in the press lately regarding oversea capital coming to South Australia and interstate capital coming into this State. Surely the Government has had prior knowledge of such information, and yet the council has not been advised accordingly. In order to foster decentralization, the country areas must be given an opportunity to meet the organizations concerned, and the officers of the Government's Industrial Development Branch should be instructed to make this information available to selected areas which are able to provide the amenities required. Without such a policy we will continue to see all industry established in Adelaide or the favoured Elizabeth area.

The SPEAKER: Order! The honourable member is not going to read the whole letter, is he?

Mr. BURDON: I trust that you, Mr. Speaker, will bear with me while I read the remaining paragraph, which states:

Would you please present the above to Parliament and urge that the Government pronounce a policy to acquaint local government, and this council in particular, of any information available regarding the possibility of any new industry that could be developed in this State?

Will the Premier, as Minister of Industrial Development, as well as his branch, consider the suggestions made in the letter and forward to the council any information that may be available?

The Hon. R. S. HALL: I shall be pleased to consider all the material and implications in the letter, but I ask for time to do this, because the information is given in some detail. I am somewhat disheartened, though, by the implied criticism in the letter. Mount Gambier has benefited directly from the operations of the branch under my administration, and I am most disheartened (and I say that with some feeling) that the letter should come from that quarter when so much effort has been put into decentralization in the Mount Gambier district. I remind the honourable member of two firms in that area (Softwood Holdings Limited and Panelboard Proprietary Limited) which are expanding through constant liaison with my branch. In fact, the last major announcement of the expansion of Panelboard was a direct result of my personal intervention and negotiation, and would not have occurred without it. I say with some feeling that I am surprised that the letter should contain such implied criticism that this Government is doing nothing for Mount Gambier when, in fact, that district has received the benefit of much work through the branch I administer. However, although my feelings will not prevent me from examining in detail the matters that the honourable member put forward, I hope he will realize the district he represents is continuing to receive much attention from this branch. Recently, I have dealt with correspondence emanating from this council concerning Government interest in the district. This year, with other members interested in government and development, I made a detailed tour through the Mount Gambier area, and we expressed our interest in it. I believe there is no lack of liaison, and certainly no responsibility for lack of liaison, by my department. The member for Millicent, representing an adjoining district, is aware of the attention being given to the South-East by the Industrial Development Branch. Responsibility for liaison rests on two sides, not only on one. However, I will have these submissions examined and obtain a detailed reply for the honourable member.

WRATTONBULLY LAND

Mr. RODDA: My question relates to a commonage at the township of Wrattobully. I understand the tennis club recently com-

municated with the office of the Minister of Lands requesting that some of this land be made available to extend the tennis club. The people in this town wish to have extra land to use for community facilities and, as many young people are growing up in this area and the progress association wishes to use this commonage for the citizens of the district, will the Minister consider the request?

The Hon. D. N. BROOKMAN: Yes.

WALLAROO HOSPITAL

Mr. HUGHES: Has the Minister of Lands, representing the Minister of Works, a reply to my recent question about tenders for the proposed heating system at the nurses' quarters at the Wallaroo Hospital?

The Hon. D. N. BROOKMAN: Tenders were received on September 30, 1969, and a technical appraisal of the tenders is being carried out by the consulting engineers who carried out the design work for this project. Negotiations for clarification of several technical points are proceeding with the lowest acceptable tenderer, and it is expected that a recommendation will be made to the Government for an acceptance in the next 10 days.

PRINCESS ROYAL MINE

Mr. ALLEN: Has the Premier a reply to my recent question about whether any drilling operations have been carried out in the old Princess Royal copper mine area?

The Hon. R. S. HALL: The Princess Royal mine has been investigated by the Mines Department and by exploration companies in recent years, but neither the department nor any of the companies has been encouraged to proceed further.

ENFIELD PRIMARY SCHOOL

Mr. JENNINGS: Having asked several questions about the Enfield Primary School during the last 12 months, yesterday I asked the Minister of Lands, representing the Minister of Works, a further question about this school. As I have been told that he now has a reply, I should be pleased if he would give it to the House.

The Hon. D. N. BROOKMAN: For some time officers of the Public Buildings Department have tried to overcome movement of the roofing of the Enfield Primary School, and the consequent leaking which occurs when it rains. The school is one of the Bristol-type aluminium schools and the cost of replacement not only of the roof but also of the supporting structures has been estimated at

about \$100,000. It has been considered, therefore, that it would be far more economical to apply this expenditure to the complete replacement of the school in solid construction. In view thereof, it has been decided that only minimal repairs and maintenance will be carried out to the existing buildings. However, alterations proposed to the existing library will proceed, as the joinery for this work is currently being manufactured in the departmental workshop.

LOTTERY

Mr. EVANS: Has the Premier a reply to my question of October 2 regarding the position of Parliamentarians participating in a State lottery?

The Hon. R. S. HALL: The Attorney-General has furnished an opinion that the seat of a member of Parliament who accepted a prize in a State lottery would probably be declared void by virtue of the Constitution Act, although the matter is not free from doubt. Mere participation in a State lottery by a member is probably sufficient to render his seat liable to be declared void and the acceptance of a prize would increase the risk of his seat being declared void.

GLENELG SCHOOL

Mr. HUDSON: Has the Minister of Education a reply to my question of October 9 about the Glenelg Primary School?

The Hon. JOYCE STEELE: The demolition of old buildings at the Glenelg Primary School should be completed by the end of this month or early in November. The whole area at present occupied by these buildings will then be cleared and grassed. The grassed area will be about 6,400 sq. yds. With regard to the other part of the question, I have ascertained that the area of school land required by the Highways Department for road widening is 34 perches extending along the Brighton and Diagonal Roads frontages.

RED SCALE

Mr. ARNOLD: Has the Minister of Lands obtained from the Minister of Agriculture a reply to the question I asked on October 7 about extending from three months to nine or 12 months the period in which the purchaser of a chemical to control red scale has the right to protest or appeal if the chemical proves to be substandard?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states that it is doubtful whether an extension from three to 12

months would help greatly in the particular problem concerned with red scale. When a grower finds after 12 months that his red scale control sprays have not given results as good as expected, it would be difficult to prove that this has been because of faulty materials. The Agriculture Department is providing assistance to the red scale control committees in this dilemma by carrying out bio-assays of samples of pesticides, and this enables the effectiveness of a material to be checked in a matter of 10 to 14 days. It is believed this is aiding the committees more than could be achieved by an amendment to the Agricultural Chemicals Act. Before buying large quantities of materials which are suspected of being below standard, the committee can now have it checked by this laboratory technique in the Agriculture Department's insectary at Loxton. While lists of registered products are not at present published in South Australia, lists are supplied to all district horticultural advisers and are available for perusal when required.

The Hon. C. D. HUTCHENS: We are all conscious of the magnificent work done in preventing fruit fly outbreaks in this State. I do not believe anyone has begrudged one penny spent in this direction. However, I notice that there is a risk of disease affecting oranges as a result of many metropolitan gardeners not taking precautions to try to eradicate red scale. If one affected orange found its way into a case for a short time and that case was returned to an area where oranges were grown, the whole area could be infected. In view of this, will the Minister of Lands ask the Minister of Agriculture to take some action to encourage people (if not force them) to treat their orange trees, so that the spread of red scale may be prevented?

The Hon. D. N. BROOKMAN: I will take up the matter with my colleague. Although he may have the legislative power to take action in this matter, he faces an enormous task in trying to clean up backyard problems of this type, because people with fruit trees in their backyards do not take the trouble taken by commercial growers. I think one distinction between fruit fly and red scale should be stressed: fruit fly does not occur in fruitgrowing districts whereas red scale, however much it is suppressed by eradication methods, could not be said to be completely absent from fruitgrowing districts. It may be correct to say that it is endemic in some areas, although strenuous efforts have been made in the past few years to deal with it.

I will refer the whole matter to the Minister of Agriculture to see whether this problem can be dealt with; I know that he will acknowledge that this is a problem.

FIRE PREVENTION

The Hon. C. D. HUTCHENS: I noticed last evening in the local newspaper distributed in the western suburbs that much publicity had been given to the fact that the Minister of Education is to visit the Woodville Primary School next Tuesday to witness fire drill. Fire drill is most important, particularly in a school such as this, because of the vast spread of its buildings and because of the fact that there is a large hard-of-hearing centre at the school. In expressing to the Minister my appreciation of her intention to visit the school to see (and thereby encourage) the work being done in this regard, I ask whether she will try to give this matter as much publicity as possible in order to show parents what is being done in this area for the protection of their children.

The Hon. JOYCE STEELE: Prior to my accepting the invitation to visit the Woodville Primary School in connection with Fire Prevention Week (I think it is called), I had accepted an invitation from the honourable member himself to visit this school. I have previously seen demonstrations, where children are evacuated from the wooden building by means of a collapsible frame. I have been to the Woodville speech and hard-of-hearing centre on many occasions as a member of the advisory panel for deaf and hard-of-hearing children. Indeed, I had in mind that the Woodville Primary School was a particularly appropriate school in which a demonstration of this kind could be carried out, because of the centre there, as well as the number of timber frame buildings. I will examine the suggestion that the matter to which the honourable member has referred should be given maximum publicity in order to let more people know what is taking place as part of Fire Prevention Week and also to publicize the fact that we have a fine speech and hard-of-hearing centre at the Woodville Primary School.

WHEAT QUOTAS

Mr. McKEE: I understand that some farmers in the Port Germein area and along that part of the coast have already commenced reaping wheat and are concerned to know whether they will be able to deliver that wheat. As I believe that the quota committee will not be meeting until some time in

November, and as this matter is urgent, will the Minister of Lands ask the Minister of Agriculture whether the farmers concerned will be able to deliver their wheat?

The Hon. D. N. BROOKMAN: A question about this matter was asked yesterday and I asked the Minister of Agriculture for a reply. I am not sure whether I have it here, but when I look through my papers I may find it.

FIRE RISK

Mr. LANGLEY: Yesterday I asked a question about the large amount of foliage in this State and the consequent fire risk. Much Government land comes into this category. The Education Department owns two sizeable portions of such land in the Unley District: in Forest Avenue, Black Forest, and in Jaffrey Street, Parkside. This land is covered with a heavy growth, and there is also heavy growth along the Glenelg tramline. Will the Minister of Education ensure that early action is taken on these sections of land in order to set an example to the people of South Australia in the hope that there will be no disastrous fires this year?

The Hon. JOYCE STEELE: I shall be pleased to call for a report on the matter.

HOSPITAL FEES

Mr. CORCORAN: When I read the Stop Press in today's *News* I was stunned to see that the Government had raised hospital fees.

Mr. Broomhill: Not again!

Mr. CORCORAN: Yes, and fairly substantially. The fees for outpatient treatment in South Australian Government hospitals will rise from 50c to \$1, and the charge for treatment of vehicle and workmen's compensation accidents from \$2 to \$3; the ordinary casualty department fee will rise from \$1.50 to \$2, and the charge for treatment of vehicle and workmen's compensation accidents in casualty departments from \$2 to \$3. Can the Premier say whether these increases have resulted from the announcement made by the Prime Minister that the new Commonwealth Government health scheme will involve an increase in health insurance contributions, and can he justify these increases?

The Hon. R. S. HALL: The honourable member knows very well that the rise has nothing to do with the election promises of one Party or another in the election campaign. He will also know, if he studies the accounts of the Government hospitals in South Australia, that such a rise is one of sheer necessity if

services are to be maintained. All members know that hospital costs have to be met in one way or another, such as by taxation collections from the community, by income to the Government from lotteries, racing and other gambling collections, and by charges which are levied. I will bring down a detailed report on hospital finance so that the honourable member can judge for himself whether or not the increases are justified.

TINTINARA BRIDGE

Mr. NANKIVELL: This is the third time I have asked this question about the overway crossing at Tintinara. I am still awaiting a reply, but since I last raised the matter two interstate transport vehicles have turned over on this bridge and I believe other accidents have also occurred at the crossing. I again ask the Attorney-General whether the Minister of Roads and Transport could arrange for this bridge to be adequately sign-posted so that people will know that the corner is dangerous and so be better warned than they are at present?

The Hon. ROBIN MILLHOUSE: Noting the honourable member's acerbity, I will take up this matter with the Minister of Roads and Transport immediately.

FAMILY PLANNING CLINICS

Mrs. BYRNE: Last evening, when speaking on the Abortion Bill, I said that free family planning clinics should be established in this State so that married and single women could attend to receive suitable advice according to their conscience. Such clinics are not a new idea, as they have been established elsewhere, particularly in other countries, but not all of them are conducted identically. Will the Premier ask the Minister of Health to have a full examination made of the way these clinics are conducted with a view to the Government's establishing similar free clinics in this State?

The Hon. R. S. HALL: I can have a report brought down by my colleague. However, I remind the honourable member that she is asking for a free clinic, whereas this afternoon her colleagues have already objected to the imposition of higher fees in the category announced. There is a conflict here because these services cannot be provided for nothing, someone in this community somewhere having to pay for them. In this regard, I should be interested to hear from the honourable member how she suggests such services be paid for when they are provided in South Australia. I will get a report and bring it down for the honourable member.

PETROL PRICE

Mr. LAWN: Can the Premier say whether the Government has agreed to a steep increase in the price of petrol and is withholding an announcement on it until after next Saturday's Commonwealth election?

The Hon. R. S. HALL: This is the type of question I have expected to be asked by the honourable member. I have wondered why he waited until today to get in some election campaigning.

Mr. Hudson: Are you denying what he has said?

The SPEAKER: Order! I do not think the Premier can debate the answer.

The Hon. R. S. HALL: I could do so, Mr. Speaker, but I know that I should not. I have been waiting for the election fever of members opposite to subside a little so that I could get a word in.

Mr. Virgo: No wonder you wouldn't shut up the House this week: you wanted to keep right out of Gorton's way.

The Hon. R. S. HALL: I assure the honourable member it would give me great pleasure to shut up the House if some members were shut up with it.

Mr. Virgo: Why didn't you close the House?

The Hon. R. S. HALL: I assure the member for Adelaide that what he is saying is not factual.

TORRENS RIVER OUTLET

Mr. BROOMHILL: Has the Minister of Lands, representing the Minister of Works, a reply to a question I asked recently about the Torrens River outlet, when I drew attention to the situation existing at the beach and to the representations made by the Henley and Grange council on the acquisition of land near the Torrens outlet?

The Hon. D. N. BROOKMAN: If at any time in the future alterations to the Torrens River outlet at Henley Beach are necessary, there is already sufficient land held on either side of the concrete structure to increase the present outflow capacity by at least 50 per cent. The piece of land directly north of and adjacent to the outlet that is at present for sale would not be required for any future modifications to the outlet. Ever since the outlet works were completed in 1937, during high river flows the beach has scoured between the outlet and high-water mark and with the littoral drift up the coast and prevailing south-westerly winds generally this channel has angled to the north towards Henley Beach.

With the cessation of flow in the Torrens, the first few stormy seas have generally almost eliminated the channel. This year probably owing to unusual weather patterns the scour channel over the last few weeks has veered a further distance northward than is normal and has created the situation referred to by the honourable member. Arrangements are in hand to cut a direct channel from the outlet across the beach.

BOLIVAR EFFLUENT

Mr. EVANS: Has the Minister of Lands obtained from the Minister of Agriculture a reply to my recent question about the use of Bolivar effluent?

The Hon. D. N. BROOKMAN: My colleague reports that the Victorian State Rivers and Water Supply Commission and the Melbourne and Metropolitan Board of Works are jointly carrying out experimental work on the irrigation of pastures and a variety of vegetables with effluent from a treatment works servicing about 60,000 people in Melbourne suburbs. The experiments are still in a comparatively early stage and no details of results have yet been reported. The produce is not being sold. The effluent water is being chlorinated and has a salt content of about 600 parts a million, that is, less than half that of the effluent from Bolivar treatment works. It is understood that an officer from the State Rivers and Water Supply Commission may visit Adelaide soon for discussions with officers of departments in this State concerned with the use of effluent.

USED CARS

Mr. McKEE: Has the Attorney-General a reply to the question I asked some time ago about excessive charges by certain secondhand car dealers?

The Hon. ROBIN MILLHOUSE: No.

PASTORAL ROAD

Mr. ALLEN: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about the purpose behind the construction of a road in the pastoral country east of Burra?

The Hon. ROBIN MILLHOUSE: The road referred to by the honourable member serves the needs of a number of station properties in South Australia, together with about three or four station properties east of Oakvale and in New South Wales. It provides outlets to the Terowie to Broken Hill Main Road, via

Yunta, to southern centres and to Adelaide via Burra, and also provides a link to the Broken Hill to Wentworth State Highway in New South Wales, via Locklily. At this stage, it is not intended to extend the upgrading further into the pastoral country.

NORTHFIELD SCHOOL

Mr. JENNINGS: Has the Minister of Education a reply to the question I asked on October 7 about the Northfield Infants School?

The Hon. JOYCE STEELE: Although the replacement of the Northfield Infants School in solid construction is not included on the current Loan works programme approved by Parliament, investigation and design is at present being carried out. Further consideration will be given to the project when the Loan programme for 1970-71 is being prepared.

WEST LAKES DEVELOPMENT BILL

The Hon. R. S. HALL (Premier) moved: That the time for bringing up the report of the Select Committee be extended to Thursday, October 30.

Motion carried.

ELECTORAL ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments Nos. 1 to 9 to which the House of Assembly had disagreed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

In Committee.

(Continued from October 22. Page 2423.)

Clause 3—"Medical termination of pregnancy."

Mr. VENNING: I do not intend to cast a silent vote on the Bill. As has been stated, the interest in the legislation is probably unprecedented. This interest is shown by the many petitions that have been presented. I, like other members, have received much correspondence from churches, medical men, and many individual constituents. However, I do not intend to deal with all that correspondence: much of it can be read in *Hansard*, in the speech made by the member for Wallaroo (Mr. Hughes). I am amazed at the attitude to this legislation that has been taken by some Opposition members. The Deputy Leader (Mr. Corcoran) expressed strongly his thoughts in opposition to the Bill, but I should have thought that, if members opposite were consistent, this legislation would have been amongst the social measures that they introduced when in Government.

Mr. Corcoran: Do you think gambling is comparable to this matter?

Mr. VENNING: It is not correct that we must legislate for what the people are demanding. Some people may think that this is good legislation, but I do not agree. I consider that we must legislate for the welfare of the people of the State. I am against the measure. I will support the amendments to be moved by the Deputy Leader, and I intend to vote against the third reading.

Some comments that have been made on the Bill have pleased me. The member for Barossa (Mrs. Byrne) adopted a sympathetic attitude. In this matter I sympathize with the woman, and I draw attention once again to the Treasurer's speech last evening when he spoke about the position in which a woman finds herself, particularly a woman living in an industrial area. He cited the occurrence that often takes place where the husband comes home half-tanked and the wife, who has kept the home fires burning and probably has half a dozen children, finishes up in the family way once again. I have received a letter, which impressed me, from a young married couple in my district who are having trouble in starting a family. They asked me to speak against this legislation. We have a large country much of which is undeveloped, and we look for people to populate it. We obtain migrants, but what healthier migrants could we have than our own children?

This young couple suggested that something should be done about home planning and about assisting those who are probably not so financially well off to bring a child into the world. A committee set up to help with the problems of family planning would help solve this social problem. The member for Frome, when talking last evening about the oversea situation, spoke of the position in Sweden where committees were set up for this purpose. If we are to help our society as much as we should, and not necessarily to let the rank and file go willy-nilly into the future, we should do something in this way to help society.

The Hon. C. D. Hutchens: In other words, suppress it.

Mr. VENNING: No, because if abortion is legalized many women will not be able to afford the cost of abortion, whether legal or illegal. A committee must be set up to help these people and, as a Government with our record, we should do something tangible to aid these unfortunate people. At this stage,

I am against the Bill as it is, I intend to support the amendments of the Deputy Leader, but I will vote against the third reading.

Mr. CLARK: It seems that there is little more to be said about this Bill: some fine speeches have been made and it seems to me that this is one of the finest debates to which I have listened for many years. I shall not be a party to any recriminations concerning the things said by other members, because on this matter members are completely entitled to their own opinion. This is certainly not a political measure, and no-one should try to make political capital out of it. With such a measure as this everyone has the right to his own opinion, and each member has the right (and, indeed, the duty) to express his opinion on it. Some of my constituents will not be happy about my views, but others will be pleased with them. However, I hope that all of them would prefer me to express my views rather than to sit, merely voting when necessary.

I compliment the member for Barossa on her contribution last evening, because I believe it was a valuable speech and one that was obviously given from the heart by someone who had seriously considered the problems of young people and others who find themselves in the position where an abortion seems to be the only way out of the difficulty. There was much merit in her suggestion that clinics should be set up to advise and help young people by educating them so that at least there would be less chance of the need for abortions. Prevention is better than cure: I do not believe that an abortion is in any way a cure, and I do not like the Bill as it is at present.

One reason for my strongly opposing capital punishment is that I believe in the sanctity of human life, and I am too old to change my view now. In early days, particularly in the Greek and Italian communities, abortion was not practised at all. They had a different system if the child was not wanted: after it was born it was exposed on a hillside or in some other unpleasant place and left to die. To most of us that idea seems completely abhorrent and obnoxious.

On abortion, the *Encyclopaedia Britannica* states that among primitive savage races, abortion is practised far less than infanticide, which offers a simpler way of getting rid of inconvenient progeny. But abortion is common among the American Indians, as well as in China, Cambodia, and India, although throughout Asia it is generally contrary both to law

and religion. A few words in that quotation may describe this Bill—"a way of getting rid of inconvenient progeny".

I ask members to think of their own families. I do not believe any member would like his wife, his daughter, or any other member of his family to be committed to having an abortion. He would view this with some distaste and certainly with much feeling. We have had the argument (nonsensical to me, and academic, surely) about when a foetus becomes a live entity. To me, this argument does not mean a thing. It is certain that, if the foetus is left alone and if the mother is left alone, it will grow into a baby to be born. There is no argument about that. If it is tampered with or injured in any way, it will not be born. I detest the idea of this foetus or entity, which will in time become a baby, being prevented from becoming a child. That is my strongest feeling on this matter. If we think back, who knows what would have happened centuries ago if babies had been prevented from being born. If this had been the custom down through the ages, we do not know what might have happened to some of the greatest people who ever lived, such as Shakespeare, Milton, and Beethoven, although as a result of this legislation we might stop some Hitler from being born.

I was pleased to hear the member for Rocky River (Mr. Venning) refer to migrants, and I agree with him 100 per cent. Many fine migrants have come to Australia (particularly to my district) and we are glad to have them. Many young Australians are now bred from parents who were not born in Australia, and we are pleased to have them. Nothing should be done to reduce the number of migrants brought to Australia, but our best migrants are those who are born and bred here.

If society is to become legally more and more permissive, what are we to expect in the future? After all, members should stop to think what the fate of a Bill such as this would have been 20 years ago, or even 10 years ago. I think that no member would have been prepared to introduce such a Bill then, and I am not casting a slur on the Attorney-General when I say that. I do not condemn him for introducing the Bill. We must realize (and whether or not it is a good thing is doubtful) that of recent years our society has become more and more permissive as to practices that at one time would have been regarded with contempt, but who can say where this trend will take us?

Are we to find that in the next few years there will be a Bill introduced to provide for euthanasia? Frankly, I should be much happier in certain circumstances to support such a Bill rather than this one in the form in which it has been introduced. Some sort of case may be made out for euthanasia when an old person is dying of an incurable disease, when he has led possibly a good life which has passed, and when there is nothing left but discomfort and pain. Surely that could be a case for euthanasia, but the Bill provides for life to be taken (and I am not arguing whether it is a viable life, but it is a potential life) before it is even allowed to begin.

I admit that sometimes an abortion must be carried out, but I want tangible proof of the necessity for this, and I do not think that the Bill's provisions make certain of it. I agree with the member for Millicent on this matter and I prefer the Bill to be not carried as it stands. If necessary, I will support the amendments to be moved by the member for Millicent which, although they may not make the Bill completely satisfactory to me, will at least help to pull some of the teeth from what is at present obnoxious legislation. I cannot support the Bill.

Mr. GILES: The problem we face is a serious one and the first thing we must do is ascertain what the man in the street considers to be the law on abortion. If the average person is asked, he will say that an abortion is allowed, provided that there are reasonable grounds for the operation, such as the certainty that a woman will lose her life if the pregnancy is not terminated. I believe that in such circumstances the public generally accepts this as a desirable practice, but I do not believe that the general public believes that abortion should be allowed on demand or that it is aware of the present law on abortion.

Sections 81 and 82 of the Criminal Law Consolidation Act do not provide for legal abortion at all: if a doctor performs an abortion, he is guilty of a felony under those sections. What will happen if we pass the Bill as it stands? I believe that it will just about provide for abortion on demand. What will happen if we pass the Bill with amendments? I believe that that will enable an abortion to be performed in certain circumstances, which is what the average person in the street believes is possible now. The member for Adelaide (Mr. Lawn) said that matters of conscience and morals should not be the concern of the law, but I disagree strongly with

him when he says that. We are here not only to look after the people's material well-being but also to try to maintain a high moral standard in the community.

Many visitors to this place hear the Speaker read prayers, and I have not seen anyone sitting down during the reading of prayers or being disrespectful in the galleries; everyone listens in silence while the Speaker reads prayers, the first part of which states:

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory

If this does not involve moral issues I do not know what does. The very fact that all of us stand in silence with our heads bowed shows that we acknowledge that we are here to protect the morals of the people of this State.

The proponents of abortion on demand are people who believe that if a woman desires to rid herself of the foetus she should be allowed to do so on demand. When I have asked such people whether they are Christian or not, some have said they are atheists; some have said, "We belong to a church but we do not go"; and some of them have said that they are Christians. It is their right to have these varied beliefs and I respect them, but I believe that the strongest proponents of abortion on demand are often people who have no allegiance to a church or who admit that they are atheists. This leads me to believe that they do not take into account the moral issues involved. All they are concerned with is a stack of statistics, and it has been said that if we do not allow this there will be thousands of babies in Australia that cannot possibly be cared for. This is utter rubbish. When we go into capital cities now we do not see many babies uncared for. I do not believe that this situation would arise if abortion on demand was ruled out.

The Hon. C. D. Hutchens: You just said that the people who are in favour of abortion on demand are not Christians.

Mr. GILES: I said some were.

The Hon. C. D. Hutchens: How do you reconcile that statement with the fact that three members who have declared themselves in favour are prominent members of a Christian church?

Mr. GILES: I said that some have told me they are atheists. I did not say that all proponents of abortion on demand were atheists or do not owe allegiance to any church. I believe that this is a moral issue and that it is

our job to protect the morals of the people of this State. We have been asked at what stage does the foetus become a human being, an entity with rights, but I do not believe that that comes into the argument at all.

We in South Australia know that abortions have been performed and in such cases the abortion was absolutely necessary. I believe that we have divided ourselves into three groups on this subject. First, there are the people who believe that there should be no abortion at all, and I believe this is a fairly small minority comprising Roman Catholics and Lutherans. Members of the second group believe in the codification of the present practice, and members of the third group believe that abortion should be available on demand.

Mr. Freebairn: What evidence have you got that Roman Catholics and Lutherans have different views from those of members of other Christian denominations?

Mr. GILES: We have had 102 petitions presented mostly signed by thousands of Roman Catholics and Lutherans who have stated their position clearly and who, in doing so, have segregated themselves from the rest of the community. A public opinion poll has been taken, but I find it difficult to believe that 82 per cent of the public supports the Bill, 7.9 per cent opposes it, and 6.5 per cent is undecided.

Mr. Corcoran: How do they know what is in the Bill?

Mr. GILES: That is the point I was going to make. Most South Australian believe that the law already allows abortion under certain circumstances. I believe the question put to the public was either framed badly or it was answered incorrectly because the persons interviewed did not know exactly what was proposed. The original statement by the Attorney-General seemed to indicate that this Bill would provide for abortion on demand. Since then there have been slight amendments, but even as it stands now I believe that it provides for abortion on demand. The very fact that these figures are placed before us shows that someone has done much work, but I do not know whether we can accept the results of the poll as reliable evidence of public opinion. From my own district I have had petitions from two groups of people, two telephone calls, and one personal approach. I have had 19 submissions sent to me, eight supporting the Bill and 11 supporting an extension to the Bill.

The situation in England gives cause for concern. We all know that England has had an abortion on demand law for about two years. Supposedly authentic figures show that in the first year 39,000 cases were recorded and, in the second year, 67,000. I have some notes on abortion that state that it is not considered that this large increase is due to people coming from outside England to have abortions, but the fact remains that there has been a great increase in the number of abortions in England in the second year, compared with the number in the first year. Another article that has been presented to us states that if a country has abortion on demand, as England has, this means of controlling the population is used as a form of contraception. I believe that is the wrong way to deal with the problem.

The Deputy Leader presented some figures showing that 41,496 abortions were carried out in England from April, 1968, to June, 1969. The actual numbers and reasons given were interesting. They are as follows: risk to life, 1,827; social clause, 1,629; eugenic, 1,232; and risk to mental and physical health, 29,906. Under the English law, I believe that people use the provision relating to risk to mental or physical health as a means of obtaining abortion on demand, because a comparison with another law is made in the section dealing with this matter. The notes on abortion state:

The continuance of the pregnancy would involve risk of injury to the physical or mental health of the woman greater than if the pregnancy were terminated.

In present circumstances, to terminate the pregnancy of a healthy woman involves practically no risk whatever. Therefore, the provision relating to risk of injury to the physical or mental health of a woman greater than the risk involved in termination of pregnancy means that there would not need to be very much risk to the physical or mental health of a woman, because this is being compared with the risk involved in the actual termination of a pregnancy. This means that practically no risk is required under this section.

Mr. Broomhill: Isn't that close to the current position?

Mr. GILES: I should like to deal with that in a moment. C. B. Goodhart states:

Since the almost non-existent risk to the life of a healthy woman in an abortion properly performed early on in pregnancy is indeed likely to be less than the present day very low, but not wholly negligible, risk in

child birth, it is hard to see how any doctor could justify a refusal to give such a certificate. Whatever Parliament may have intended, this is in effect abortion on demand subject only to the doctor's right to refuse to participate if he can prove a genuine conscientious objection.

New section 82a (1) (a) states:

If the pregnancy of a woman is terminated by a legally qualified medical practitioner in a case where two legally qualified medical practitioners are of the opinion, formed in good faith—

- (i) that the continuance of the pregnancy would involve greater risk to the life of the pregnant woman—

This gets back exactly to what I was saying. We have here a comparison with the position if the pregnancy were terminated. As I have said, and as what I have quoted states, in terminating a pregnancy in a healthy woman practically no risk is involved. Therefore, when we compare this with greater risk to the life of a pregnant woman, it means that, even if the risk to the pregnant woman is extremely small, she can still demand an abortion under the present provision in the Bill. New section 82a (1) (a) (i) continues:

—or greater risk of injury to the physical or mental health of the pregnant woman—

If we compare this low risk from termination of pregnancy with the risk of injury to the physical or mental health of the pregnant woman, it again means that there does not have to be much risk to the physical or mental health of the woman for her to be able to demand an abortion. New section 82a (1) (a) (i) continues:

—or any existing children of her family than if the pregnancy were terminated.

Therefore, there are three categories in which the risk can be compared to the risk involved in terminating a pregnancy, and that involves small risk indeed. If this provision is included in the Act it will mean practically abortion on demand, though I most certainly do not agree to that provision. I believe that if this provision were included people would come to South Australia from other States to be aborted, and I should not like to see that situation develop.

In places such as Japan and Yugoslavia more abortions are carried out than there are normal births, and I do not believe that the best interests of humanity are served in those circumstances. I support the Deputy Leader's proposed amendments. I believe most people in South Australia do not want abortion on demand.

Mr. Virgo: How do you know that?

Mr. GILES: Perhaps a small vocal section does. The number of petitions lodged against the Bill indicate that most people do not want abortion on demand, and we have not received one petition in favour of the Bill.

The Hon. C. D. Hutchens: Yes, one or two, involving about 2,000 signatures.

Mr. GILES: I cannot recall one petition that stated that we should have abortion on demand, but we have received about 100 petitions against the Bill. I have received only one letter supporting abortion on demand, and that was from a lady in Crafers, whereas I have received many letters and telephone calls stating that the present law should not be extended beyond a codification of current practice.

The Deputy Leader's foreshadowed amendments are sound. It is our moral obligation to ensure that we do not extend the law to provide for abortion on demand. I am sure that the South Australian people would appreciate our standing behind the present Act, and I do not support the Bill in its present form. If the amendments are carried and we codify all present practices, I will support the legislation. However, if most of the amendments are not carried, I will vote against the third reading.

Mr. JENNINGS: We are discussing the principal clause, although the member for Gumeracha thought we were discussing the whole Bill. I consider that this has been an extremely good debate, not because of any flights of oratory but (and this is more effective) because of the great sincerity of members on both sides. We all have our views and in most cases we have appreciated the point of view of the person who disagrees with us. As almost all members who have spoken have said, we do not want to cast a silent vote on such an important social matter. We usually adopt the practice of not casting silent votes unless we have made our position on the matter clear previously, and this matter has not been before us previously.

I will not make odious comparisons between the speeches. However, I thought the member for Barossa (Mrs. Byrne) excelled herself last evening. I also consider that our other lady member, the Minister of Education (Hon. Joyce Steele) spoke very well, but I did not agree with some of her concluding remarks. As far as I remember, she said young girls who got in the family way, as I think she put it, would not have the stigma of having had an illegitimate child, and that the Bill would

provide an easy way out, or words to that effect. Irrespective of whether that is so, most of us are old-fashioned enough to believe that young girls should be counselled to live moral lives rather than to believe that, if they get into trouble, there is an easy way out. I hope I have not misunderstood or misinterpreted what the Minister of Education said, but it seemed to be very much like that.

The Attorney-General said that the number of petitions presented to the Chamber on the issue was a record, and more petitions have been presented since he spoke. The number is now past the century. I think I am duty bound to say that I received two large petitions against the Bill that I could not present, because they did not comply with Standing Orders. One was from the Kilburn parish of the Catholic Church and the other was from St. Monica's Catholic Church at Walkerville. I think a similar petition from the Walkerville Catholic Church was also sent to the Minister of Works, probably because the church is on the boundary of the Torrens and Enfield Districts. I think it is only fair to mention these petitions.

When this matter was first discussed, I was inclined to oppose the Bill. All my life, because of my education and family background, the very thought of abortion has been abhorrent to me. However, since I have been a member (which is a long time now), I have realized that many people in the community have views different from mine and that I cannot ram my religious convictions down their throats. One thing that attracted me most to the Bill was the social clause, which the Attorney-General now intends to vote against.

In my 17 years as a member of Parliament, in parts of my district I have come in contact with people who have had a shotgun marriage at the age of 15 years or 16 years and have had about six or seven children, without there being much real affection in the marriage. The husband has cleared out to the Northern Territory or somewhere, and has never been seen again. The woman has almost been forced by economic circumstances to take in a *de facto*: she has had a couple of children by him and then he, sick to death of squalling kids around that are not his own, has cleared out, and someone else has come in. This has happened often: the classic example is a woman who lived in my district who had nine children. Apart from the first, she admitted to me that she did not have the faintest idea who the fathers of the others were.

Mr. Corcoran: Has the State no responsibility in this regard? The whole problem should be solved by abortion! Is that what you mean?

Mr. JENNINGS: I am not suggesting that. Of course the State has a tremendous responsibility. If we could do more than we are doing to educate people in this category, we should do it, because I think that abortion should be the last resort. We have received much expert evidence on this matter and we would be confused if we were guided by it. We would have to be twins to vote on this matter, because we have received as much evidence in support of the legislation as we have received against it. We cannot be guided by this kind of expert advice. Recently, when speaking to a doctor who strongly opposes the Bill, I told him that a few days before I had spoken to a psychiatrist who favoured the Bill. The doctor said, "Oh yes, a psychiatrist would be in favour because he would not have to do any of the dirty work."

A few days after that another psychiatrist came to see me (not about this Bill, and not to get me on a couch, either), and eventually we discussed the Bill: he was much opposed to it. If we continued testing one expert's opinion against another we would finish up with 50 on one side and 50 on the other. We must do what is our responsibility in a case of this nature: that is, take the step ourselves and hope that it will work, and, if it does not, amend the legislation.

We were told about a lady from Victoria who gave evidence to the Select Committee. She had several children, and to protect her a doctor gave her the pill. He could not ensure that she took it, but he gave it to her. She became pregnant soon after, and when the doctor asked her what had happened to the pill she said, "I gave that to the canary."

Mr. Hughes: What happened to the canary?

Mr. JENNINGS: That is another story. I mentioned this instance to the psychiatrist who had opposed the Bill, and I told him that I thought this type of person, who would not bother about using contraceptives, would probably not bother about an abortion. He said, "Oh, yes, you can be certain that a person like that would avail herself of an abortion if she could get a doctor to perform it, because this would be an answer that she could see to her problems, whereas taking one pill for five days" (or whatever it is; I do not know because I have not had anything to do with that) "is something that she cannot understand." Obviously, this woman

was not mentally well equipped. These cases incline me to support the clause. We all know that backyard abortions occur and that there are doctors in Adelaide who will perform an abortion at any time, provided the person has sufficient money.

Mr. Hurst: Now you are saying something: this is the real problem.

Mr. JENNINGS: An abortion requires much money. Other doctors can be inveigled into performing an abortion, although it is against the law of the land, if they are satisfied that it will help the girl or the woman. We should take this step by supporting this clause, and I give notice that later I will support the social clause.

Mr. ARNOLD: During this debate and since the introduction of this Bill I have tried, above all else, to keep an open mind, to absorb as much as possible of the literature presented to us, and to listen with much interest to previous speakers. I think two of the best speeches were made by the Deputy Leader of the Opposition and the member for Hindmarsh because of their sincerity in presenting their arguments and of the enormous difference between their points of view. All members have said that many petitions have been presented asking that the law be not amended but that only two have been presented favouring the Bill. I believe this is probably in keeping with normal reactions. Had a Bill been introduced to stop the current practice that is now accepted, I think the number of petitions for and against would have been reversed.

The crux of the argument revolves around when a life actually starts. At what point of time does it start? Is it from the moment of conception or is it 12 weeks or 28 weeks later? How do we determine this? I think that this has become a somewhat emotional problem, but I have tried to consider this matter in a more simple form. Does the Committee consider that a fertilized hen's egg is a chicken? It has potential life the same as the fertilized ovum, but just when is the fertilized egg a living thing or a chicken? I think that most women know fairly accurately when they are about to ovulate and, taken a step further, we could say that an offence had been committed if a woman, knowing that she is at the time when she is due to ovulate, does not do something about trying to conceive. This has virtually the same effect. I know it is a fine difference, but, by not doing something about trying to conceive, the woman is denying a potential life.

The Hon. Robin Millhouse: You're taking the potentiality of life back beyond actual conception?

Mr. ARNOLD: Yes. I think it was the member for Frome who said that, if abortions had been legal 50 years ago, few of our present members would be here today. From my limited knowledge of this subject, I estimate that the average woman has a potential of 300 conceptions over a 25-year period. Bearing in mind what the member for Frome said, if an average family had three children there would be only one chance in 100 that the members here today would have been born in any case.

Mr. Hurst: I think that you're getting a little involved there.

Mr. ARNOLD: It is a very involved subject. Having taken careful account of every comment made during the debate, I was extremely interested in the comments made by the Deputy Leader. The Bill is not trying to force anyone into doing anything: it remains basically a medical matter and a matter of conscience and morals. I do not think that laws can change these three aspects. Laws cannot change a person's conscience: it is something with which a person is born and by which he lives accordingly. Some people do not have much of a conscience, whereas others have a very strong conscience that determines to a large degree what they do in their every-day life.

Mr. McAnaney: Do you condone stealing?

Mr. ARNOLD: People that steal think it is all right.

Mr. Corcoran: Yes, but there's a law against it.

Mr. ARNOLD: Yes, because stealing interferes with another person, whereas I am discussing a moral decision that the woman herself must make, and that is totally different from stealing. One cannot steal from oneself. That invalidates the analogy. I support the clause as it stands with the amendments the Attorney-General has indicated.

Mr. HURST: I had not intended to speak at great length, but some members tried to get on to their usual narrow track and make this Bill a political matter. After a vote had been taken to restore the Bill to the Notice Paper, certain members voting against the move, the Attorney-General was reported in the press as saying, in effect, that that opposition had been organized to try to prevent the restoration of the Bill. Criticizing the

Deputy Leader for certain of his remarks, the Attorney-General said that certain things should not have been done.

The Bill was introduced hastily (I do not know at whose request) in December, 1968. Having kept in close touch with my constituents, I cannot recall any request being made to me for such legislation. The Attorney-General thought the Bill would not be too popular. He wanted to establish himself as the mover of some reform measure in South Australia during the short term he held the position of Attorney-General, for he knew that he would not be Attorney-General for long. Petitions started to flow in and members were lobbied. Then it was decided that the matter should be referred to a Select Committee, which took evidence from a wide variety of interests. I have read all that evidence carefully. Many conflicting professional and religious views were given. The Attorney-General was the Chairman of the Select Committee, which made recommendations that have been documented and are available to members to read.

From reading the evidence it is apparent that many people are not aware of the law on this matter in South Australia. The Attorney-General looked at the situation in other countries on his overseas tour. When this debate resumed he referred to the United Kingdom, where legislation has been introduced to legalize abortion. I was appalled to hear the Attorney-General, who is a man with legal training and academic qualifications, try to substantiate his case in this place by quoting newspaper clippings that he had picked up in the United Kingdom. One would have thought that a man with his background and training, particularly in the legal field, would produce something more tangible and would try to supply legal proof of what he asserted. Instead, he rambled on. The evidence given to the Select Committee contained many assumptions, and the Attorney-General is normally the first to criticize such assumptions that are not backed up by legal proof. I challenge the figures he has quoted in this place and condemn the loose way he has gone about presenting his case.

Mr. Broomhill: What should he have done?

Mr. HURST: He should have asked the witnesses to provide legal proof. The Attorney-General, with his academic training, should not have accepted without legal proof the loose statements made by witnesses. Professional people, having experienced the abortion legislation in the United Kingdom, have

carefully prepared statistics on the matter. The provisions of the U.K. Act require certain things to be done. I think the Attorney-General could have easily obtained information from the official journal of the British Medical Association in the United Kingdom. While he was overseas, I was fortunate enough to have much of this information forwarded to me, because members of the medical profession here were naturally interested in this matter and keen to see that their representative was apprised on all aspects so that he could make an accurate assessment of the situation. Some valuable and enlightening statistics and information have been supplied to me. I consider that this subject has created more public interest than any other subject (possibly with the exception of electoral reform) debated in this Parliament for some time.

I believe that every member has received petitions from his constituents, and most of those petitions oppose the Bill. By and large the petitioners do not want to see any change in the law but, if change is necessary, they believe that it should be made only to codify the present law. A record number of petitions has been presented on this subject. I have not presented petitions to this Chamber on behalf of my constituents, because the petitions I received, signed by about 900 constituents who opposed the Bill, did not conform to the Standing Orders. Prior to this week, during which there has been a campaign over the radio and television in support of this measure, only two of my constituents had written to me indicating that they favour a relaxation of the law to permit abortion.

Realizing my obligation to my constituents on social questions, I do not consider that my constituents are all nit-wits, as some members do. Indeed, I respect their intelligence and consider that they should have the same opportunity to express their views as is given to their representative in this Chamber. Believing in democratic principles, I have advocated repeatedly in this place that, if the majority wants to have a measure introduced, those wishes should be considered. Indeed, members of our Party have advocated this principle for years on electoral reform, and there are many social matters in respect of which the views of the majority should be considered more than they are at present.

It is not too late for the Attorney-General to see the light, to recognize the rights of individuals to express their opinions, and to refer this question to a referendum, so that public opinion can be properly assessed. I

have read the results of Gallup polls, but often the result of a referendum is somewhat different from that of such a poll. Two or three years ago I believed that South Australians should have the right to decide by referendum, whether they should have a State lottery. A referendum assesses public opinion fairly and accurately. Apparently, however, the Government has not got the backbone to put this question to the people.

This week I have received duplicated petition forms on which people have been asked to indicate by a tick whether they consider the Bill goes far enough. Is that an intelligent question and is it proper to use the replies to such a question as the basis of a fair assessment? I venture to say that those people have not even seen the Bill they are commenting on.

Mr. Hudson: If that was not an intelligent question, what question would you suggest should be put to a referendum?

Mr. HURST: Members should do as I intend to do: tell constituents what is in the Bill, so that they will be able to form a considered judgment. We had a similar experience regarding fluoride, a subject on which we received organized petitions. I believe that this sort of question should be put fairly and squarely to the people so that they may be informed and decide for themselves.

I thank the theological and other organizations that have given us much material so that we could be properly briefed on all aspects. It is not possible with the limited facilities at our disposal to acknowledge properly all the correspondence, petitions and documents that we have received from these organizations. I now express my appreciation to those people for giving us the material to enable us to determine our attitude. Obviously, one would be foolish to deny that abortions were being performed.

Mr. Lawn: There are 500 to 1,000 a year.

Mr. HURST: I have not made an assessment and, in my opinion, there has not been sufficient proof of the number.

Mr. Lawn: This is police evidence.

Mr. HURST: The police evidence is only a personal assessment, with no authoritative basis. Figures of the number of legal abortions performed in other countries can be cited and a percentage of those figures can be taken but, before such figures can be used as a fair measuring stick, one has to consider the position in the United Kingdom, where abortion has been legalized. Much statistical

material has been supplied, and most members will recall that this month the Faculty of Law at the University of Adelaide has sent

us further statistics on abortions performed in the United Kingdom. The following table sets out the position:

Period.	Cumulative total at end of period.	Notifications.	Average daily rate.	Equivalent annual rate.
April 27 to June 24, 1968	3,863	3,863	65	24,000
June 24 to October 8, 1968	13,042	9,179	87	32,000
October 8 to December 31, 1968	22,256	9,214	110	40,000
December 31, 1968 to February 25, 1969	28,849	6,593	118	43,000
February 25 to May 27, 1969	41,496	12,647	139	51,000
May 27 to July 1, 1969	46,714	5,218	149	54,000

I consider those figures reliable because, under the United Kingdom legislation, abortions are notifiable, and fairly accurate statistics could be prepared from information on the forms prescribed. The graph illustrating the figures I have given shows an ascending and rather strikingly straight line. If the trend of the figures were to continue, the average daily rate in April, 1970, would be about 220 (about 80,000 a year) and the number of abortions performed in the second year would be 67,000, compared with 39,000 in the first year. The figures from the University of Adelaide correspond to the figures in the British Medical Association journal to which I have referred. These two sources are authentic, and I have no reason to doubt their accuracy. They would be much more accurate than the hearsay evidence that the Attorney-General accepted without having any legal proof to back it up. One would need an extremely vivid imagination to compare those figures with the position in Australia, because in the United Kingdom most medical services are free, whereas in Australia medical services are extremely expensive. No-one will convince me that cost would not have a bearing on the matter.

The Attorney-General has not considered the whole matter sufficiently. I agree with the member for Millicent (Mr. Corcoran) and make no apology for voting to defer the Bill, because I consider that the Government ought to be doing far more important things and ought to get evidence that is much more reliable before amending the law relating to abortion. The increasing number of abortions in the United Kingdom is being recorded. If the present rate continues, it could reveal an error of judgment in the United Kingdom in legalizing abortion. Time alone will decide that issue. The figures I have quoted will convince a broad-minded logical person that, if this measure becomes

law and South Australia is the only State to legalize abortion, the percentage increase in the number of abortions in South Australia will be greater than that officially recorded in the United Kingdom. South Australia will become the abortion State of the Commonwealth, and people will rush to this State, irrespective of their moral principles, to establish abortion clinics in order to fleece unfortunate people of the maximum sum they can get, whereas these people need sound guidance. An article in the British Medical Association's journal of January 25, 1969, states:

The number of unwanted pregnancies indicated by the latest figures underlines the need for all members working in the National Health Services to provide adequate and accurate advice on contraception.

This report was made by men who were not dealing with this as a political matter, but from factual information they had received after experiencing legalized abortion in the United Kingdom. I believe that this Bill has been introduced too soon, and that its full ramifications have not been properly assessed. Much could have been learned from other countries, particularly the United Kingdom, where this law has been operating.

This Bill is an abdication of the responsibility of responsible Government. We should be ensuring that people are given a proper education so that they can acquire an adequate standard of living: people should be receiving a fair share of this country's wealth, because physical and mental strain is one of the greatest problems in our society today, and spiralling costs have prevented many of our citizens from enjoying a decent standard of living.

Mr. Broomhill: This is a matter for price control.

Mr. HURST: Of course it is, but the present Government has closed its eyes to these things. It should be investigating prices rather

than taking up the time of members by discussing this measure. If the Attorney-General had spent his time educating people and advising them on contraception he would be doing a better service than he is doing in making facilities available for abortion. This is the easy way out.

Mr. Corcoran: And a nasty and dirty one, too.

Mr. HURST: Yes, and most unpleasant for the people involved. This Bill reflects on the system of education that the people of South Australia have had to endure for 30 years under a Liberal Government, and is an expedient to cover the Government's mistakes and its refusal to face the situation of providing teaching and training facilities. From representations made to me, I believe that my statements will be substantiated by the people next Saturday, because they are sick to the teeth of the expedient methods of the Liberal Government.

The CHAIRMAN: Order! We are dealing with clause 3.

Mr. HURST: I am, Mr. Chairman, and I have not departed one iota from it except to prove a point. The Liberal Government has introduced this measure, which is not wanted by society, to cover up its misdoings over many years. We have been told that this legislation will stop back-yard abortions, but I do not believe that it will. Opportunist members of the medical profession should not be given the opportunity to exploit people in unfortunate circumstances. Any legislation should give all people an equal opportunity regardless of their means, but this Bill does not do so.

The Attorney-General's reputation is at stake: perhaps he gets a thrill from being the first to enter this field. On other major reforms debated in this Chamber the Government denies the people's choice; it does not like to see the people given the opportunity to express their points of view. Regarding the franchise for another place, the Government says this must be restricted; regarding the lowering of the voting age, the Government says it is most inopportune.

If ever there was a need in Australia for uniform legislation (if this legislation is necessary), it is in this matter. Why did the Attorney-General not take this matter up with the Attorneys-General of other States? He had the audacity to criticize the Deputy Leader because he put a point of view with which the Attorney did not agree and said that some members were trying to stifle the

debate. If this legislation were uniform, South Australia would not become known as the abortion State. This is not the type of industry that South Australia wants.

Mr. Hughes: That's evident from the petitions.

Mr. HURST: The Government is not prepared to let the people say whether or not they want this legislation. I was surprised to hear the Minister of Education say that she supported the legislation. By doing so, I believe that she was acknowledging the truth of what the Opposition has been saying about education for a long time, and that this was an easy way out for her. Women should be taught by properly qualified counsellors and social workers, and social services, such as those in Sweden and certain other countries, should be provided. This is what the Government should do if it is to contribute towards the advancement of society.

This clause is wide and ambiguous: it virtually provides for abortion on demand. I cannot at this stage, with my knowledge of the subject, agree that that is the right thing to do. However, I am not saying that I am correct here; every person has the right to form his own opinion, and what I am saying represents my opinion on the matter. I believe that the Select Committee's report refers to circumstances in which certain provision is necessary for the preservation of life, because there are cases when a woman's life is jeopardized. Indeed, before the expected child is born, two lives may be jeopardized in certain cases, and we would not be honouring our obligation if we blindly allowed that situation to continue.

I do not believe that medical men should have to rely in this regard on precedent; if it is possible to tidy up the law regarding this matter and to prescribe something in reasonable terms, then that should be done. However, safeguards must be provided, and the Deputy Leader has amendments on the file that I will support, because I think they are wise. As it seems to me that most members will vote for this measure, I think that some form of control must be provided. If the member for Enfield (Mr. Jennings) claims to represent the working class, it is up to him to see that the people he represents are not exploited, and I remind him that there is not a single clause in this Bill that will protect people from being exploited.

The honourable member said this afternoon that women could obtain an abortion if they were prepared to pay for it. Even if abortion

is legalized, people will still be paying through the nose for it. If the honourable member is consistent, he should support my plea to have amendments inserted so as to provide that people are not exploited. I make no apology for my attitude to this measure, which I believe is premature and far too wide as it is at present drafted.

Members opposite have tried, unsuccessfully, to make this a political issue. I believe there are certain circumstances in which a codification is required so that doctors are not put in the position whereby, in attempting to save a woman's life, they may subsequently be prosecuted. We should not have to rely merely on judgments in this regard. I wish to see the clause restricted but, if it is not possible at law to restrict it in accordance with my point of view, I will vote against it. As I believe that some provisions should be so restricted, I will support certain amendments to be moved by the Deputy Leader.

Mr. HUDSON: This is a matter of some consequence and a matter of considerable difficulty, I believe, for almost every member who has to consider it and reach a decision. The Criminal Law Consolidation Act at present provides only that a certain penalty shall apply in respect of an unlawful abortion, but it does not define an unlawful abortion. Consequently, the present legal position is that an unlawful abortion is determined by common law, that is, by the decisions of the courts. In South Australia there is no leading case and no way of determining what the law on abortion is. I believe we can say that South Australian courts would tend to be guided by Bourne's case and that probably the law, if it were tested, would turn out to be similar to certain of the provisions in clause 3, not including the social provision. Certainly I believe that at present if two doctors were of the opinion, formed in good faith, that an abortion was necessary in order to protect the physical and mental health of the mother, our courts in all probability would hold that to be a lawful abortion.

Mr. Corcoran: Bourne's judgment was that the mother must become a physical and mental wreck.

Mr. HUDSON: Yes, and this clause may go a little beyond Bourne's case, although it depends very much on the interpretation of words. If there is a serious risk to the physical or mental health of the pregnant woman and if the pregnancy is not terminated, one should assume that the woman, if that

risk turned out to be a serious risk and she did suffer as a consequence, would become a physical or mental wreck.

Mr. Corcoran: The clause doesn't say that as it is at present: it is a comparison.

Mr. HUDSON: It is a comparison. The clause states at present that if the two doctors are of the opinion, formed in good faith, that there is a serious risk if the pregnancy is not terminated that the woman concerned will suffer damage to her physical or mental health—

Mr. Corcoran: There is a comparison.

Mr. HUDSON: Yes, formed in good faith.

Mr. Corcoran: Define "good faith".

Mr. HUDSON: A court would have to determine that after a prosecution had come before it. The Deputy Leader is trying to push the matter too hard and is testing the good faith of members, because it seems to me it is simply not possible to say that the clause, as it stands (particularly if the amendment foreshadowed by the Attorney-General is accepted and the so-called social clause is removed), provides for abortion on demand.

Mr. Corcoran: Not much! I will prove it to you.

Mr. HUDSON: Well, I have not yet been convinced on that matter. I believe that to get two doctors to form an opinion in good faith that there would be a greater risk of injury to the physical or mental health of a woman if she continued with pregnancy and that therefore an abortion was necessary does not amount to abortion on demand. In circumstances where someone wishes to get rid of the foetus, where there is no likely risk to the physical or mental health of the mother and a successful approach is made to a doctor (and that would be abortion on demand), it is not possible for the Deputy Leader to say that getting an abortion in those circumstances would fit in with the terms in the clause. All the Deputy Leader is saying in this context is that a proportion of doctors are rogues.

Mr. Corcoran: Some.

Mr. HUDSON: Therefore, what the Deputy Leader is saying is that doctors in South Australia at present are already performing illegal abortions and that it is possible in South Australia to get an abortion on demand at present. However, if that is the case, it is news to me.

Mr. Corcoran: Although I cannot prove it, it is reasonable to assume that it might be going on.

Mr. HUDSON: All I can say is that the evidence that has been presented to me is that anyone who wants an abortion on demand at present and does not come within the ambit of Bourne's case, whereby an abortion would currently be carried out at the Queen Elizabeth Hospital or the Queen Victoria Hospital, goes to Melbourne or Sydney, and that point has been made to me time and time again.

Mr. Corcoran: Who is performing abortions over there?

Mr. HUDSON: Doctors.

The ACTING CHAIRMAN (Mr. McAnaney): Order! The honourable member will address the Chair.

Mr. HUDSON: I have taken time to reply to the Deputy Leader's interjections on this matter because there is a difference of opinion here that has been canvassed already and will be canvassed further. I believe this difference is the nub of the determination of many members' attitudes to this Bill. I do not believe that this clause, if the social provision is removed, really involves a significant extension of what is probably the existing law, but it clarifies the position for the medical profession.

Mr. Corcoran: That is fairly hypothetical.

Mr. HUDSON: Yes, but I am entitled to my opinion just as the Deputy Leader is entitled to his. Certainly it is true that abortions on grounds similar to those included in the clause are carried out in our public hospitals now. Even abortions on the so-called eugenic grounds are currently carried out at the Queen Victoria and the Queen Elizabeth Hospitals.

Mr. Clark: You can get the figures.

Mr. HUDSON: Yes. The position at present is that the Crown is not prepared to test the matter by prosecuting and determining what the courts would say the law would be. The only way we can determine what is the actual law in South Australia is for the Attorney-General to prosecute a case where a doctor has performed an abortion because, in good faith, he was convinced that if he did not perform the abortion there would have been serious risk of injury to the mental or physical health of the mother. I do not know whether a private prosecution can be brought.

The Hon. Robin Millhouse: There is no certificate in that case.

Mr. HUDSON: Would that be possible at present?

The Hon. Robin Millhouse: I have to lay the information.

Mr. HUDSON: The alternative to the Bill is for the Attorney-General to prosecute a doctor currently carrying out abortions on general therapeutic grounds at one of our hospitals. Then we could see what the courts have to say. I suggest that for years, in this State and in other States, Governments have not been prepared to prosecute in that sort of situation.

Mr. Casey: They do in Victoria.

Mr. Broomhill: The courts are legislating.

Mr. HUDSON: It is not unusual to say that courts are legislating. Much of our law is handed down through the courts, and the process of judicial interpretation changes the law. If cases similar to Bourne's case came before the courts, the process of interpreting the law would change, in line with the social conditions in the community. The more I think of this matter the more I am convinced that the proper way to proceed is to bring before the State Parliament a proposal to establish what the law on abortion should be, rather than to take some doctor, who, according to his own lights, is acting with complete legitimacy, before the courts and get the courts to determine the law. I may have doubts about the Attorney-General's timing in bringing this matter before Parliament, but I have no argument about his right to ask Parliament to determine the matter.

Mr. Corcoran: We can still criticize the way he has done it. I'm not saying he didn't have the right, and have never said that.

Mr. HUDSON: I would have to take issue with the member for Semaphore (Mr. Hurst) and the Deputy Leader about whether it is right to criticize the way the Attorney has done it, because this is a very bad situation to have in the community: an area in which the law is not clear and in which it is possible that doctors break the law every day, yet no Attorney-General has prosecuted!

Mr. Corcoran: Why haven't we done something about it many years ago? Why is there a need to do something about it now?

Mr. HUDSON: On this question, in some objective sense there has been a need for clarification, because at present it is clear that the law is uncertain and all that has happened has been that no-one has been prepared to raise the issue in public and have it discussed. Whilst I have certain objections to the Bill as it stands, I do not criticize the Attorney-General for having introduced it. I think sufficient time for public discussion has been allowed. There has been much discussion

and interest shown in the matter and I have no legitimate objection to the way in which it has been dealt with.

I approach the matter with considerable personal prejudice. In any normal circumstances, I find the idea of abortion abhorrent and I do not hold with those who rubbish that portion of our community that is opposed to abortion in any circumstances. I think the views that have been expressed by those who are opposed to the Bill are expressed genuinely and with sincerity and must be respected, and I certainly respect them. In some respects, I sympathize with them, because I share their abhorrence of abortion.

It seems to me that it is not possible to determine the question of how best we can conserve life, but the main purpose of legislation of this kind seems to be based on that. Two lives are involved in any argument on this matter, namely, the life of the mother and the life of the foetus. When does the foetus become alive? This is a philosophical question on which there are differing opinions. Some say that it is alive at the moment of implantation, while others say that it can be regarded as being alive only when it is capable of being viable. I do not intend to canvass the arguments on that matter. I do not think it can be determined by a rational argument. I think that one's opinion on this is a product of one's background, philosophical views, and religion. All that one can say to anyone who holds views on this question is that the views are entitled to respect as long as they have been arrived at genuinely and are held with sincerity.

However, my own personal views come into the determination of my attitude. I believe that the foetus can be regarded as having life on a par with that of the mother when the foetus becomes viable. In other words, if we are to set in balance the life of the foetus as against the life of the mother, the point at which the balance has to be determined is, from my own point of view, the point at which the foetus can become viable. That is a personal view and I do not hold it against the views of others whose opinions I respect.

My view leads me to the conclusion that it is legitimate to permit an abortion in circumstances in which the physical or mental health of the mother is in jeopardy. I could not say whether my wife and I would agree to such a thing occurring, even if my wife's physical or mental health were in jeopardy, and I could not answer that hypothetical question, because I have indicated earlier that I approach the

whole matter with considerable prejudice and abhorrence. However, I consider that it is not appropriate at this time to use a law on abortion to tackle problems that can be, and should be, tackled in other ways. I refer here to the social clause. It has always seemed to me that there is a moral obligation on us to provide for those who cannot properly provide for themselves and their children according to the general standards of the community, and I do not consider that one can argue a case for abortion in circumstances in which the birth of a child may interfere with the economic position of a family.

It seems to me that the community is duck-shoving its responsibility for the welfare of others by allowing an abortion in those circumstances. The community is saying, "Let us get rid of the problem by aborting the foetus, not by tackling the problem effectively by providing adequate social welfare conditions." Our laws regarding the welfare of unmarried mothers and their children have grave deficiencies. The Commonwealth Government widows' pension provisions, which are extended to deserted wives in certain cases only, exclude unmarried mothers, and people in this category are left to the tender mercies of the State welfare services, which have not done an adequate job in this area.

I submit that the Commonwealth Parliament has adopted what I regard as an immoral attitude by excluding certain categories of deserted wife and unmarried mother from the provision of social service benefits. For example, where a woman has been married to a drug addict or to an alcoholic and has left that man and taken her children with her, she has to go through the greatest rigmarole with the Commonwealth Social Services Department before she becomes entitled to the equivalent of a widow's pension. For a long time the widow's pension applicable to a widow, to a deserted wife, or to the State level of social welfare payment to an unmarried mother with children, has helped perpetuate the main area of poverty in Australia. One of these main areas is in the general category of women who have to support children without the help of a breadwinner, where the woman has to live on a pension or get a job. Some improvements have been made by expanding the payments made for dependent children, but as this is one of the main areas of hardship in the community we should speak up about the inadequacies of our social welfare provisions and demand that the Commonwealth

Government cease to adopt its Victorian and immoral attitude in respect of the way it has determined its law on the payment of social service benefits.

If these things were done and proper provision was made, the case, if there were any case for a social clause in this Bill, would disappear. On the question whether it is sufficient to have two legally qualified medical practitioners give an opinion in good faith about the likely condition of the mother should pregnancy not be terminated, it has been suggested that one of these practitioners should be an obstetrician or a gynaecologist. I understand that the Attorney-General is to move that one of these two practitioners shall be a gynaecologist, an obstetrician, or a psychiatrist. If this condition is attached (and I am open to conviction on the point) there will be discrimination between the country and city. I do not believe there are resident specialists in country areas except perhaps at Mount Gambier and Whyalla, although I am not sure about Mount Gambier. If the Bill in this form becomes law, what is the position of a mother in poor circumstances in a country town whose doctor knows that, according to his judgment, an abortion is necessary in order to guard against a grave risk to the mental and physical health of the mother but who has to obtain the opinion of a gynaecologist, an obstetrician, or a psychiatrist? How can that second opinion be obtained?

Mr. Corcoran: How does she do that now when she is trying desperately to save her baby?

Mr. HUDSON: She has that difficulty, but that is not an argument against my point.

The CHAIRMAN: Order! I think the honourable member is referring to an amendment on file that has not been moved.

Mr. HUDSON: I am referring to the question whether we should have two legally qualified medical practitioners, and that reference is in the present clause.

The CHAIRMAN: The honourable member can make a passing reference to it, but I suggest that debate on that matter be left until the amendment is moved.

Mr. HUDSON: I am canvassing the validity of the requirement that there should be two legally qualified medical practitioners and whether or not there should be a further restriction.

The CHAIRMAN: That is referred to in clause 3, and I will allow it.

Mr. HUDSON: Later in the clause there is the provision that, in certain circumstances, where one doctor is convinced that a termination of the pregnancy is immediately necessary to save life, he may carry out the abortion without a second opinion. My point is that we do not want the situation where a doctor in a country area, because his patient has not got the means available to get to the city in order to obtain a second opinion from a specialist, has to wait before a second opinion is given that the termination is necessary in order to avoid immediate danger to the life of the mother.

The Hon. Robin Millhouse: The present practice is for a second opinion—

Mr. HUDSON: Of whom?

The Hon. Robin Millhouse:—before abortion is carried out: this is the evidence before the Select Committee of the present practice.

Mr. HUDSON: I am not objecting, but that is a second doctor. If the second doctor has to be a specialist and if the patient does not have the money to get to the city, the doctor concerned, if he does not have a specialist available, has no alternative but to wait until he can use the provision that there is immediate danger to save the life of the mother.

The Hon. Robin Millhouse: That is what happens.

Mr. HUDSON: I bring up this point because I believe that if there is to be a law it should apply equally to all citizens, and we should not be including a provision in the law that may lead to some sort of discrimination. To sum up my position: I believe that it is necessary to proceed slowly in relation to this matter; I do not want to see a dramatic change in South Australia; I do not support abortion on demand; and I do not believe that careful wording of these provisions will lead to abortion on demand. I do not want to see South Australia become the abortion centre for the whole of Australia, and I think some residential provision is appropriate, otherwise we shall be faced with a situation where all sorts of accommodation in hospitals will be taken up in Adelaide because the law is clarified here but not in other States.

I consider that it would be far more appropriate for the Commonwealth Parliament to legislate on this matter, for I believe that this is something on which the law throughout Australia should be uniform. It is a most unsavoury situation to have variations

in the law on abortion from State to State or doubts about the clarity of the law in one State compared with a clear law stated in another part of Australia and, therefore, encouragement given to people to travel from one State to another to have an abortion performed. We should avoid such a situation if it is at all possible, and ultimately it can be avoided only if the Commonwealth Parliament legislates on the matter. However, in the meantime I believe that we should not make a law in South Australia which leads to any significant border-hopping to take advantage of a local law or of the possible clarity here compared with the lack of clarity elsewhere in Australia.

Mr. Corcoran: This is bound to happen even if we have a residential clause.

Mr. HUDSON: I point out to the Deputy Leader (and this is something that has not been clarified) that if there is a borderline case the difference between being guilty and not guilty is, for the person who is being prosecuted, a maximum penalty of up to life imprisonment. The Deputy Leader believes that there will be doctors who will not give an opinion formed in good faith and who will, on their own account, extend the law and, in effect, break it. However, they would be taking the risk, in circumstances where a Bill of this description had been passed and the likelihood of prosecution had therefore increased enormously, of not only placing their professional name in jeopardy but also of being sentenced to up to life imprisonment.

Mr. Corcoran: You have made something out of nothing. I said that a residential clause will not stop people.

Mr. HUDSON: The Deputy Leader is canvassing possibilities in relation to people coming from another State and in relation to doctors not giving an opinion in good faith.

Mr. Corcoran: I didn't say that. They could still come here and conform to the clause even if there was a residential clause.

Mr. HUDSON: I do not accept that.

Mr. Corcoran: They will.

Mr. HUDSON: There will be further discussion on that.

Mr. Corcoran: How is it possible to check it?

Mr. HUDSON: I think the Deputy Leader would find that the courts would hold that a doctor could not form his opinion in good faith unless he had reasonable grounds or that, being a reasonable man, he had come to the conclusion that the person concerned had been here for the required time. All I put to the Deputy Leader is that a successful prosecution by the Attorney-General against someone who is believed to have evaded the residential clause or evaded the other provisions of this Act would result in a prison sentence of up to life imprisonment. With a borderline case, it is unlikely that a court would imprison for life, but nevertheless that is the risk a person concerned is taking if he tries to break the law or if he tries to extend the law in the way the Deputy Leader has in mind.

Mr. Corcoran: What do you think of the likelihood of a certificate being issued?

Mr. HUDSON: I do not think the Attorney-General has spoken on that question. Certainly, I think that while there is little chance now of the certificate being issued—

Mr. Corcoran: There is none.

Mr. HUDSON: —there is a law to determine that matter. The Attorney-General is fully entitled to prosecute anyone at present to test what the law is, but he is much more likely to want to administer the law once this Bill is passed.

Mr. Corcoran: How many prosecutions have taken place in the U.K. with 60,000 abortions?

Mr. HUDSON: I don't know.

Mr. Corcoran: None. So, they must all have been all right?

Mr. HUDSON: They may have been. The vast majority of doctors act in good faith. Any change must be carefully circumscribed and considered at present. I do not support abortion on demand. I do not support the social clause, and I will support any action taken to remove it. It was proper for the Government to bring this Bill forward for consideration and, now that it is before us, we cannot escape from our responsibility to determine the matter.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.37 p.m. the House adjourned until Tuesday, October 28, at 2 p.m.