HOUSE OF ASSEMBLY

Wednesday, October 29, 1969.

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

PETITIONS: ABORTION LEGISLATION

Mr. CLARK presented a petition signed by 49 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.

Mrs. BYRNE presented a similar petition signed by 22 persons.

Petitions received.

PETITION: SICK LEAVE

The Hon. D. A. DUNSTAN presented a petition signed by 5,976 State Government employees stating that the existing provision of five days' paid sick leave annually for State Government employees on weekly hire was insufficient to prevent hardship, was discriminatory, and, as it had remained almost unchanged for 25 years, it had fallen behind provisions made for employees of the Commonwealth Government and elsewhere. The petitioners prayed that the House of Assembly would take the necessary action to provide 10 days' sick leave a year on full pay and 10 days' sick leave a year on half pay with paid sick leave to be fully accumulative.

Petition received and read.

PETITION: RENTS

The Hon. D. A. DUNSTAN presented a petition signed by 2,267 tenants of houses owned and controlled by the State Government and the South Australian Housing Trust, stating that the rents of these houses had been substantially increased from June 2, 1969, and April 19, 1967, respectively, and that the increase was unwarranted and would cause them hardship. The petitioners prayed that the House would take action to prevent this unjustifiable imposition, which would place an added financial burden on them.

Petition received and read.

QUESTIONS

ANGLE PARK TECHNICAL HIGH SCHOOL

Mr. JENNINGS: On July 26, the Chairman of the Angle Park Boys Technical High School Committee wrote to the Director-General of Education, drawing attention to the condition of paving at that school. I believe that the Headmaster had written about this matter twice previously, but his letters were not even acknowledged. However, the Chairman had his letter acknowledged on August 1, 1969, the letter he received merely stating:

I acknowledge receipt of your letter dated July 26, 1969, concerning the replacement of bitumen paving in Angle Park Boys Technical High School grounds, and advise that the matter has been referred to the Director, Public Buildings Department, for attention.

As a long time has now elapsed since the negotiations began, I think both the teaching staff and the parents are getting frustrated at the procrastination that has taken place. Will the Minister of Education be good enough to take up this matter?

The Hon. JOYCE STEELE: Yes.

EDUCATION SURVEY

Mr. BROOMHILL: In reply to a question asked yesterday by the Leader of the Opposition about the Western Teachers College, the Minister of Education said:

At present, in conjunction with the other States and under the same terms of reference, South Australia is preparing a survey that will be presented to the Commonwealth Government; one of the terms of reference will embrace the subject of the teachers college. Therefore, when this survey material is ready and the States can go to the Commonwealth, the need for a new Western Teachers College will be brought forcibly to the Commonwealth's attention.

Will the Minister provide some details of this survey? It may well be that the survey work

has just started, and it may be some considerable time before these representations are made to the Commonwealth. In her reply, I should like the Minister to be as specific as she can be, saying when she expects the survey to be completed and when it will be presented to the Commonwealth Government.

The Hon. JOYCE STEELE: I gave all the particulars regarding the survey and its terms of reference in reply to a question asked by an Opposition member and also during a recent debate. However, the position regarding progress made on the survey is this: I am currently the Chairman of the Australian Education Council, which comprises Ministers of Education of all the Australian States. The decision to undertake this survey was made at a meeting held in Adelaide in March this year. I have recently received from all Ministers of Education confirmatory letters assuring me that the results of surveys in their States will be in my hands by the end of this year.

KANMANTOO MINING

Mr. WARDLE: Has the Premier, representing the Minister of Mines, any additional information in reply to the question I asked several weeks ago about copper mining at Kanmantoo?

The Hon. R. S. HALL: I have most important information concerning the proposed mining operation at Kanmantoo. An announcement that has already been made this afternoon (I think at 1 p.m.) by Mr. Howell on behalf of Broken Hill South Limited is as follows:

Broken Hill South Limited, North Broken Hill Limited and E. Z. Industries Limited announced that drilling and other investigations undertaken at Kanmantoo in South Australia have disclosed a copper ore body upon which it is intended to begin mining by open-cut. It is intended to mine at a rate of 750,000 tons of ore a year over seven years, and the feed to the concentrator is expected to average 1 per cent copper content. Design of the mine, the concentrating plant and other services will be commenced immediately. The project will be managed by Broken Hill South Limited, and the interests of the parties are as follows:

	per cent
Broken Hill South Limited	51
North Broken Hill Limited	19½
Electrolytic Zinc Company of Australasia Limited	19½
McPhar Geophysics Limited . . .	10

Drilling indicates that the mineralization continues below the bottom of the proposed open-cut, and the feasibility of mining this ore will be investigated during the period of open-cut mining. Today's is the first announcement made by this company. I am extremely pleased to know that the development will be based on a viable proposition and that mining will receive another important addition to the overall impact it is making on this State's economy. During mining operations, probably about 120 people will be directly employed in this venture, and other aspects are also involved. Services, such as transport, power and other items, will have to be supplied by the South Australian community. Extensive capital investment in the plant will also mean employment for local industry. So it is a matter of great satisfaction to the Government to know that the company has been able to prove the reserves needed for this venture. I congratulate the companies concerned and hope that this undertaking will be one more pointer to South Australia's increased success in finding minerals.

BORES

Mr. CASEY: Has the Premier a reply to my question of October 22 as to how many bores in the Great Artesian Basin have been repaired?

The Hon. R. S. HALL: In the past 12 months only one bore has been rehabilitated in the basin, and no further requests have been received.

VOCATIONAL GUIDANCE

Mr. ARNOLD: Has the Premier a reply to my question of October 22 on vocational guidance for country girls?

The Hon. R. S. HALL: The honourable member asked whether arrangements could be made for girl students in country secondary schools to visit institutions of tertiary education, training hospitals, law courts, teachers colleges and business colleges to gain insight into professional studies that might be available to them. Country secondary schools arrange educational excursions to many of the institutions mentioned. In addition, studies in the fields of employment offering in South Australia, including the professions, are included in social studies syllabuses at second and third-year levels. Booklets containing information on available vocations are sent to schools by the Commonwealth Department of Labour and National Service and are usually included in a special section of school libraries. Students are encouraged to consult these publications, and are offered counsel by competent staff members.

Departmental officers visit schools to address assemblies on teachers college entrance requirements and give individual counsel where necessary. Officers of the South Australian Public Service and the various defence services make similar visits. Officers of the Psychology Branch are always willing and ready to advise and guide in matters of vocation as well as in other fields and, where necessary, these officers suggest to interested students and parents that an approach be made to the Department of Labour and National Service to obtain answers on specific questions. Also, where practicable and where requested, they take part as lecturers or consultants at career nights that are organized by such groups as Rotary and Apex.

BUSH FIRES

Mr. LANGLEY: Has the Minister of Lands a reply to my question of October 22 as to what action the Government intends to take to minimize the danger of outbreaks of bush and grass fires?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states:

I am grateful to the honourable member for raising this important matter. I am gravely concerned at the serious potential bush fire hazard that exists again this season, and I take this opportunity to issue a warning to everyone to observe the strictest precautions to prevent outbreaks of fire. I trust that the good fortune that we experienced last year, when, despite the extraordinary seasonal conditions, we managed to survive the season with relative freedom from major fires, will not lull us into a sense of false security. The danger this year is just as serious as, if not more serious than, it was last season.

Accordingly, I have again written to my Ministerial colleagues, urging them to make every effort to ensure that departments and instrumentalities under their control take early action to render as safe as possible all Government-owned or occupied land, and I have brought to their notice the availability, through the Bushfire Research Committee, of the now wellknown vehicle stickers. Supplies of these stickers have also been made available to the Clerks of both Houses of Parliament for distribution to members, and I earnestly commend their use by all members. I assure the honourable member that, following the opening last week of Fire Prevention Week, a concentrated publicity campaign is being mounted, with the willing co-operation of the press and television media, to keep before the public the potential fire hazard, and I pay a tribute to the help that these media are again giving this year.

PINE PLANTINGS

Mr. RODDA: Has the Minister of Lands a reply to my recent question about pine plantings in the South-East?

The Hon. D. N. BROOKMAN: The Conservator of Forests states that, subject to surveys in progress, about 5,700 acres of new areas was established in the South-East this year. Although some private plantings were done by landowners, no applications for assistance were received in time for the planting season. The Woods and Forests Department has no record of the area planted privately this year.

FAIRVIEW PARK INTERSECTION

Mrs. BYRNE: Has the Attorney-General a reply from the Minister of Roads and Transport to my question of October 16 about work on a dangerous intersection at Fairview Park?

The Hon. ROBIN MILLHOUSE: The roads concerned at the intersection of Hancock Road and Yatala Vale Road are under the care, control and management of the Tea Tree Gully council. As such, the Highways Department does not have any responsibility for this intersection. There has been some correspondence between the Road Traffic Board and the council concerning safety measures at this site. In April, 1969, the board approved of the relocation of a 35 m.p.h. speed limit sign. Since that time there has been no further approach from the council with regard to safety measures at this site.

RECEIPTS TAX

Mr. McANANEY: Can the Premier comment on the High Court decision to deny the Western Australian Government the right of appeal to the Privy Council in the Hamersley receipts duty case?

The Hon. R. S. HALL: The rejection by the High Court of the Western Australian application for leave to appeal to the Privy Council in itself simply confirms that the Western Australian levy upon the Hamersley company is not valid. The original judgment appeared to give an indication that the court would uphold any objection which might be raised to the payment of any *ad valorem* receipts duty which was levied by any State consequent upon the payment for goods produced in Australia. There would appear, however, to be a suggestion by some judges in the latest statement that the original decision made on a casting vote in an equally divided court may not be regarded as applying any more widely than in the one special case then decided, and this may mean that further testing before the court will be necessary. There is no question of the validity of the duty when the payment is for services, fees, interest,

dividends, commissions, and the like, or for secondhand goods. The situation may be less clear with payments for imported goods or for payments concerning both goods and other matters. Apart from any further legal testing which may be necessary, the next step, and an urgent one, is for the Premiers to meet and to take up with the Commonwealth Government the practicability of Commonwealth action to restore and validate, by its own action, the duty where payment for goods is concerned, as this may be held to be solely a Commonwealth function. The Prime Minister indicated before the election that he was prepared to consider ways and means to do this. In the meantime, a complete record will be kept of any payments received by the State from October 28 in respect of duties on receipts for payments concerning goods, which duties may be held to be an excise, so that any appropriate repayments can be made if the Hamersley judgment is found to be effective generally and if the Commonwealth Government does not take action to validate and continue the duty. I think it can be taken for granted that the Commonwealth Government will take action in this matter consequent on the Prime Minister's statement in which he has shown real concern about the position in which the States now find themselves. I consider that action will be taken to assist. Of course, it may place further emphasis on the general question of Commonwealth-State financial relationships, and I hope that the Commonwealth Government, now that the Commonwealth election has been concluded, will try seriously to solve the problems at present besetting the States in the Australian Federation. I consider that this is Mr. Gorton's one great opportunity, as well as responsibility, to solve the matter that I think was responsible for so much of last Saturday's adverse vote against the Commonwealth Government in this State.

Members interjecting:

The Hon. R. S. HALL: Apparently, this is of some concern to members opposite. I have been a strident critic of some of the Commonwealth Government's actions in respect of its financial relations with this State.

Members interjecting:

The Hon. R. S. HALL: If my friends opposite cease their raucous interjections, I will continue. I have been a strident critic of the Commonwealth Government and it has not been easy to criticize one's own Party. However, it has been necessary, and I think the Commonwealth Government realizes that there is real feeling in the community about the financial plight of the States. This is the Prime Minister's great opportunity to deal with this matter, which has again been brought to our attention by the problem in respect of the receipts duty, and to remedy it. I think he will do this.

MOUNT GAMBIER OFFICES

Mr. BURDON: Has the Minister of Lands, representing the Minister of Works, a reply to my recent question on the building of Government offices at Mount Gambier?

The Hon. D. N. BROOKMAN: The Director, Public Buildings Department has arranged for architectural staff to inspect possible development sites for proposals to erect a Government office building and provide adequate court accommodation at Mount Gambier and to report on suitability. The Director is now considering recommending purchase of a building and its site, formerly occupied by the Savings Bank of South Australia, for the erection of a Government Office Building. This building at present houses officers of the Labour and Industry Department and the Agricultural Department. To provide adequate court accommodation, officers are currently examining the feasibility of use of the existing building supplemented by an additional court and ancillary accommodation.

SICK LEAVE

Mr. FREEBAIRN: Following the presentation by the Leader this afternoon of the petition concerning sick leave for Government weekly-paid workers, I ask the Attorney-General, representing the Minister of Labour and Industry, whether he has considered this matter.

The Hon. ROBIN MILLHOUSE: The Government and, in particular, the Minister of Labour and Industry are very sympathetic on this matter. My colleague met a deputation last November to discuss it. Unfortunately, the whole problem is one of money. It has been estimated that the increase in benefits sought would cost the Government about $400,000 a year. That is a very large sum for the Government to have to find in addition to everything else, and this is the only reason for the Government's hesitation to accede to the requests made. This handicap, however, is not unique to this Government. During its term in office the previous Government was asked four times to grant similar

benefits (I have seen the file of correspondence), and each time (October, 1965; July, 1966; May, 1967; and as recently as February, 1968) the then Minister of Labour and Industry (Hon. Mr. Kneebone) and the Minister of Works (Hon. C. D. Hutchens), who also had written a letter, refused the request that had been made in much the same terms as it has been made to the present Government and as it is contained in the petition. I am sure that the Leader, in presenting the petition and as the head of the former Government which itself turned down the same request, will appreciate the difficulties of granting it.

GERIATRIC PATIENTS

Mr. McKEE: Has the Premier a reply from the Chief Secretary to my recent question about the procedure in respect of cheques of geriatric patients who are unable to endorse them?

The Hon. R. S. HALL: I do not have that reply: at present, it is with the Hospitals Department being prepared.

CORNSACKS

Mr. VENNING: This morning, Mr. Lander (Assistant Manager and Secretary of the Australian Barley Board) was reported on the radio as saying that bagged barley would be received at all centres where it was taken last season. As the estimated crop this year is 35,000,000 bushels and the bulk storage capacity is only about 15,500,000 bushels, it seems that some cornsacks will have to be used for the receival of barley. Also, several samples of wheat now being reaped in certain parts of the State are weighing far below f.a.q. standards, and it may be necessary to deliver some of this light-weight wheat in cornsacks. Will the Minister of Lands ask the Minister of Agriculture to obtain details of the availability of cornsacks in South Australia at present, and to ascertain their price and the immediate prospects in respect of future supplies?

The Hon. D. N. BROOKMAN: I will obtain that information.

WALLAROO HOSPITAL

Mr. HUGHES: My question concerns a bad oversight by some person responsible for inspecting work carried out at the Wallaroo Hospital. During the weekend my attention was drawn to the fact that new electricity mains had been installed at the hospital and that it was already taking power through them, but that the auxiliary plant had not been connected to the main. Therefore, if an operation is in progress and a power failure occurs it is not possible to change over to the auxiliary plant. Will the Minister of Lands, on behalf of the Minister of Works, take immediate action to rectify this fault?

The Hon. D. N. BROOKMAN: I will give a considered reply tomorrow.

EUROPEAN FLEA

Mr. EVANS: In Victoria and Tasmania experimental areas have been set aside to test the effectiveness of the European rabbit flea in controlling rabbits by the use of myxomatosis. Will the Minister of Lands ascertain whether a similar procedure is intended to be followed in South Australia?

The Hon. D. N. BROOKMAN: I know that it is not intended to do this at present, although I have not discussed the use of the European flea with the Chief Vermin Officer. I work through the Vermin Advisory Committee, of which the Chief Vermin Officer is a member, and I do not have any specific project in mind. I will ask him what are the committee's views on this matter, because I know the committee is showing interest in the use of this flea, and I will ascertain whether it has any plans for undertaking such research. I point out that, although it may seem that South Australia is not doing anything (or that may be the impression created), the work of the Vermin Advisory Committee in South Australia has been astonishingly successful in most areas. However, some areas, particularly the arid areas, are so far outside the main range of the committee's activities that it has not penetrated these areas at all. Where the committee has worked with district councils it has been extraordinarily successful, using every modern method of destroying vermin. I do not know whether the committee's activities have extended to research into the operation of the flea in this State but, even if the committee has no plans to undertake such research, it will note the research which is being done in another State and which may be applicable to this State.

RETURNING OFFICER

Mr. VIRGO: During the Estimates debate I asked the Attorney-General a question about the meagre salary payable to the Returning Officer for the State. As I understand that he has now obtained information about the appropriate rates payable in other spheres, will he give it to me?

The Hon. ROBIN MILLHOUSE: The question the honourable member asked of me and the information that I undertook to obtain

for him concerned salaries of comparable officers in other States. In New South Wales the salary is $12,075, plus $125 allowance; in Victoria the salary is $9,163; but the position in Queensland is not comparable, because no officer carries out comparable duties. I think that those duties are divided between other officers who have other duties as well. In Western Australia the salary is $10,590, and in Tasmania it is $7,906. The Commonwealth Electoral Officer for South Australia (Mr. Walsh) receives a salary of $7,447, and the rate for Mr. Douglass (Returning Officer for the State) is $7,620.

Mr. Virgo: It needs to be increased a great deal, doesn't it?

The Hon. ROBIN MILLHOUSE: Yes, I agree, and I am happy to tell the honourable member, as well as all other members, that the salaries of senior Public Service officers in South Australia are at present under review, the salary of the Returning Officer for the State being among such salaries.

OYSTERS

Mr. FERGUSON: I believe that over the past year or two experiments have been carried out at Coobowie Bay (near Edithburgh), at American River (Kangaroo Island) and at Coffin Bay in order to see whether Japanese oysters can be satisfactorily farmed here. However, as it has come to my notice that vandals have deliberately and maliciously destroyed the experiments that have been carried out at American River in this regard, will the Minister of Lands ask the Minister of Agriculture to find out what damage has actually been done?

The Hon. D. N. BROOKMAN: Yes.

SEACOMBE ROAD

Mr. HUDSON: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to the question I asked on October 16 about commencing work on the reconstruction of Seacombe Road?

The Hon. ROBIN MILLHOUSE: Although construction and maintenance of Seacombe Road is the responsibility of the councils concerned, namely, the cities of Brighton and Marion, the Highways Department has agreed to make funds available to both councils for reconstruction purposes. Progress of work will be determined largely by the ability of the councils to prepare designs. At this stage, designs are not complete and a firm programme has not been formulated. However, it appears that work will commence in both council areas during the current financial year, and should be completed within three years.

MOUNT GAMBIER WALKWAY

Mr. BURDON: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about a walkway over the railway line at Mount Gambier?

The Hon. ROBIN MILLHOUSE: At the date of construction of the Mount Gambier railway, the land on either side, in the locality referred to by the honourable member, comprised broad acres. Wilson Street was defined only when subdivision took place, and at no time traversed the land occupied by the railway. When the conversion of the narrow gauge line to broad gauge took place about 20 years ago, it became necessary to close a short section of Wilson Street on the south side of the line in connection with the construction of the present locomotive depot, and seven tracks cross the alignment of the street. It would be possible to construct an overhead walkway at this site and a preliminary estimate of cost is $120,000. No plans are in hand for such a walkway at present.

TRUCK SPEEDS

Mr. VENNING: Trials were recently carried out by the Highways Department just outside the metropolitan area, involving testing of vehicles, their weights and speeds. As a result of those trials I think everyone concerned concluded that the speeds of trucks could be safely increased considerably. In view of the coming harvest and the consequent increased use of these vehicles throughout the State to carry farm produce, I believe it would be a great advantage if the increased speeds could be implemented prior to harvest time. Will the Attorney-General ask the Minister of Roads and Transport what may be decided in this regard?

The Hon. ROBIN MILLHOUSE: My recollection is that no decision has been made but, as the honourable member has implied, this is a matter primarily for the Minister concerned. I will convey the honourable member's question and comments to my colleague.

Mr. GILES: Has the Attorney-General a reply to the question I recently asked about identifying, by affixing a large letter to the front and back of the vehicle, trucks whose drivers are permitted to drive at the greater speed proposed to be implemented by the Minister of Roads and Transport?

The Hon. ROBIN MILLHOUSE: The provision of an identifying plate or letter was considered by the Joint Advisory Committee

on Motor Transport when recommending the revised speed limits for commercial motor vehicles. The committee considered that to administer and enforce such a system would involve the testing and identifying of all vehicles purported to comply with the new braking requirements. It was considered that this would make an identifying plate or number unsatisfactory. Consequently, it was decided that the only practical solution was for the revised speed limits and braking requirements to operate concurrently after a suitable lead time.

OAKBANK SCHOOL

Mr. GILES: Has the Minister of Education a reply to the question I recently asked about erecting change-rooms adjacent to the swimming pool at the Oakbank Area School? It was stated in June last that this work would commence within three months, and the committee is most anxious to have these rooms completed for the learn-to-swim campaign at the end of the year.

The Hon. JOYCE STEELE: The Public Buildings Department reports that sketch plans and an estimate of cost have been prepared, and funds are now being sought for the erection of new change-rooms and a filtration plant for the pool. Tenders are expected to be called early in 1970 for these facilities, and the work should be completed in about June or July, 1970.

MAIN NORTH-EAST ROAD

Mrs. BYRNE: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to the question I asked on October 16 about continuing the work on widening the Main North-East Road from the intersection of Smart and Wright Roads, Modbury?

The Hon. ROBIN MILLHOUSE: Work on reconstruction and widening of the Main North-East Road beyond Smart Road has been delayed pending the completion of design and land acquisition. At this stage, it appears that work on the section between Smart Road and Haines Road will commence early next calendar year. The designs and land acquisition for the full length of the section are not completed, and the date of completion of the work cannot be forecast accurately. However, it is likely to take at least two years.

GOVERNMENT RENTALS

Adjourned debate on the motion of Mr. Corcoran:

(For wording of motion, see page 2392.)

(Continued from October 22. Page 2393.)

Mr. CORCORAN (Millicent): Last week I gave the House instances of anomalies that have been created throughout this State in regard to the increased rents of departmental houses, and I also referred to instances in which the Public Service Board had seen fit subsequently to reduce certain rents by as much as $1.80 a week. That action in itself indicates that this was a hasty and ill-considered move by the Government and an admission that it was wrong in the first place. On that basis I believe the Government should revoke its decision in this matter and that the rents should revert to those that applied prior to June 2. I referred last week also to the 5,000-odd trust houses that had been affected by rental increases. The statements made by the Public Service Association in this matter are particularly relevant, even though the association was not contacted at all but was kept completely in the dark, not knowing what factors had been considered in assessing the rentals or what might have actually led to the increase.

It is all very well for the Attorney-General this afternoon to refer to another matter that is the subject of a petition presented to the House today and to talk about actions of the previous Labor Government. The last rental increase applying to departmental houses in this State took place under the Playford Government in 1963. It was as a result of pressure from our side (we were in Opposition at the time) that it was decided to spread these increases over three years. I remind the House that, when Labor came into office in 1965, we saw fit not to implement the third stage of those increased rentals and cancelled them. That is what we thought about the matter at the time, and our views have not changed since. We still believe it is not the Government's function to make money or to collect additional revenue through increasing the rentals paid by its employees.

The points made by Mr. Inns, the industrial officer, who was acting General Secretary of the Public Service Association at the time, bear repeating. First, he wanted to know whether these increases were the result of reassessment after a recent visual inspection of each individual property. That is a fair question, seeing that each property was affected.

I know that in the case of Mount Burr, Nangwarry and other Woods and Forests Department houses in the South-East this was not done. In fact, it was not done until I requested the Minister of Housing in this place to make a reassessment. I challenged him to accompany me on an inspection of these houses so that he would see that what I was saying about the conditions under which these people were living was absolutely true. I was convinced that if the Minister had time to visit the South-East to view the conditions under which these people lived he would cancel the increase entirely, for there was no justification for it. Individual inspections were not made when the reassessment took place. Following complaints made in this House shortly after increased rents were announced for houses at Mount Burr and Nangwarry, every effort was made to look at these houses individually. The second question put by Mr. Inns was as follows:

Is it a reassessment based on general property appreciation since 1963?

As far as I know, the answer to that question has not been given. The board said that the assessment had been made by the Housing Trust, based on general increases in rents on its own properties since 1962. In many cases, there is no comparison between trust rental houses and houses throughout the State in which departmental officers live. If anyone can point to a Housing Trust house that compares with a Woods and Forests Department house at Mount Burr, in my view he is a freak. In most cases no comparison can be made between such houses, yet we are told that the increase is based on an increase in the rents of Housing Trust properties since 1962, less a 20 per cent concession for the employer-employee relationship of occupancy. How can we have a situation where the rent for a four-room timber frame house at Mount Burr is almost the same as that for a double-unit trust house in Millicent, for there is no comparison between the two houses? Where does this 20 per cent that is talked about come into it?

The association went on to say that it should not be the province of the Government to make a profit on rents charged to public servants, having regard to the special relationship of landlord and tenant. I have dealt with that point. The association also said:

The purpose of the Government's providing a Government house is obviously two-fold:

(*a*) as a condition of employment for a particular job; or

(*b*) to provide attraction for country-based positions.

In many cases public servants are required to live in these houses whether or not they want to. They have no choice.

Mr. Virgo: It's a condition of employment.

Mr. CORCORAN: Yes, in many cases. This means that these people are placed at a distinct disadvantage. They cannot purchase their own houses, and the weekly payments they make go towards paying off the house they rent. In many cases, until they retire from the service they cannot purchase their own house. Therefore, during the whole of their working life, in addition to paying rent, they must try to set something aside from which to purchase their own houses late in their lives. They are at a distinct disadvantage, which should be considered by the Government.

Another aspect of the rental charge involves the attraction necessary to apply to country-based positions. Once upon a time, in the South-East in particular, houses were provided at low rentals. Virtually no charge was made for water and electricity, and these concessions were taken as an incentive to people to go in for this type of employment. We know that many people with certain qualifications are required to fill positions in various departments in country areas. Possibly such people would be better off in the city but, because they choose to give a service to the State, they go to the country. Although they are unselfish in their attitude, they are being victimized. This situation needs special attention.

The Public Service Association has made strong points that the Government should not ignore. In the article in the *Public Service Review* the association also points out that there is a need in this State for the Public Service Board to set up a rent tribunal. The board is charged, under section 37 of the Public Service Act, with the responsibility of assessing rents, but I believe that the board is fully committed with other duties. Therefore, if rents are to be looked at fairly and handled properly, surely there is nothing wrong with setting up a rent tribunal with which people can lodge objections before increased rents take effect.

After June 2, people were notified of a rent increase and shortly afterwards the rents were applied before an appeal on the rent increase could be dealt with. This situation should not apply to public servants. The matter needs looking at. The Opposition has been consistent in this respect, because it

appreciates the value of these people to the State. As they are of value to the State, some concession should be given them.

As I pointed out last week, many houses occupied by these people have been paid for over and over again. I gave the example of a house at Mount Burr, in which a person has been living for the past 13 years, that was built 30 years ago for £38, and the person who lives in it has estimated that over the time he has occupied it he has paid $5,000 in rent. I hope there are no worse examples than that, although undoubtedly other examples not quite so bad could be found. This is indicative of the sort of thing that can be found in this connection. Regarding the condition of some of these houses, some letters were written to the Public Service Association, one of which states:

On behalf of my assistant and myself I object strongly to the ridiculous rent increases. To be able to get houses at low rents was a good inducement to take these positions but the increased rents and still the same salaries make the position very unattractive.

In many cases, it has been pointed out that the increase in the rent has been greater than salary increases during the same period: the salary increases have gone in paying increased rents. This letter continues:

We have to travel 26 miles to shop or visit a doctor or hospital. A trip to the dentist is 38 miles. I certainly cannot afford to lose an extra $9.50 a pay.

I presume that refers to $9.50 a fortnight. In some cases rent increases were up to $4.50 a week—100 per cent.

Mr. Hudson: That is savage.

Mr. CORCORAN: Extremely savage and unjust. People living between Robe and Kingston (12 miles from Kingston and 14 miles from Robe) rely on a 10 K.V.A. diesel supply, which is a 240-volt system. The women iron the clothes at 3.30 on Wednesday afternoons. These people must go to bed at 11.30 p.m., because the light goes out at that time, yet their rents have been increased by up to $2.20 a week, whereas they should be paid to live there. These are some examples that I can give from my own knowledge.

Possibly the situation in the district of the member for Frome and in other areas is even worse. It is on this basis that I move this motion. I appeal to members to heed what I have said and what other Opposition speakers will say about the matter. I want members to tell the Government that the rent increases imposed on June 2 this year were not justified and that the rents should revert to the level that applied before that date. The Government should see to it that the Public Service Board sets up a rent tribunal which can properly examine the position and assess the need for any increases in rent and which can provide an opportunity for tenants to appeal before the rent increases are put into effect. I seek the support of the House on this matter.

The Hon. R. S. HALL (Premier): At one stage I thought perhaps the Deputy Leader of the Opposition (Mr. Corcoran) might bring some new material into the debate and I thought I might adjourn it and obtain a report that would deal with his new material. However, he has dealt only with the material he has previously presented to the House, and it was a sorry manner in which he spoke to us. The Government is a responsible body, and intends to remain so, whereas the Deputy Leader demonstrated in his argument the irresponsibility of his attitudes and of that of the previous Government. This irresponsibility is the reason why the rent increases are now being resisted because, by not increasing the rentals for Government houses as they should have been increased in small instalments in accordance with the economic picture, the previous Government refused to act responsibly.

The previous Government, in which the Deputy Leader was a Minister, refused to apply the last increase that was due, and he now advocates returning to the 1963 level of rents. He asks a responsible Government to refuse to face its responsibilities in this matter and to continue to perpetrate, and even to increase, a gross inequity in the burden of the provision of Government houses in South Australia, and to load those who do not have what he wants with the burden of subsidizing something enjoyed not by the majority but only by a few Government employees. This is the sort of inequity he is asking the House to approve today. The Government knows that it has this responsibility and that it is responsible to the general public and to the general body of people who work in State Government services. The increases have been justified on a proper examination of the situation, but they would not have been nearly as great had the previous Government kept pace with economic events.

This is the real reason why the impact is greater than it should have been. All members know that if a stay is put on increases and if the increases are pegged, someone has to face the music, and the rise will

inevitably be greater if it is made in one move. Members know that the rentals of these houses are fixed at four-fifths of the economic rental charged by the Housing Trust, so the Government admits and supports an undervaluation of rental by one-fifth compared to the Housing Trust rentals that would be charged for the same houses. Therefore, a subsidy of one-fifth is inherent in the whole scheme. Regarding the situation in a broad section of the houses to which the Deputy Leader referred, I will obtain more information during the coming week. With the exception of police, railway, and teachers' houses, the number of Government-occupied houses is 1,665, of which 1,400 have been the subject of rent increases.

The latter figure would probably have been doubled if police, railway and teachers' houses had been included. That gives some idea of the number of people in the Government service who are involved in occupying and therefore paying less than the economic rent for Government houses. The rents of other Government-owned houses are under review. The average rent increase for the 1,400 houses is $1.26 a week. Apart from the tenants of police, railway and teachers' houses, those employees of the Government who do not occupy Government houses covered by the motion total 22,404 in the metropolitan area and 4,350 in the country. There are 1,665 houses involved in the categories I am discussing and the Deputy Leader is asking for just under 27,000 Government employees to subsidize back to the 1963 rentals of the 1,400 houses involved. Why should this distinction be drawn when 27,000 people who do not enjoy a subsidy such as the Deputy Leader is promoting and such as is enjoyed by only 1,400 people?

The Deputy Leader said that some of these houses were built in 1926 and that this factor of age should be taken into account when the rentals are fixed. Would he also say that, because the Engineering and Water Supply Department's mains were laid 50 years ago, the rates should be charged accordingly? What kind of economist is he? Should we go through all Government amenities and say that, because the wharves at Port Lincoln and Port Pirie were built 28 or 30 years ago, the wharfage rates should be fixed accordingly? That is nonsense, but why should he pick this category? Because it is politically expedient. However, to any responsible Government that is nonsense. The Government has done something to remove this subject from the political scene, and it should never become a political football. I do not like taking the political responsibility, in addition to the financial responsibility, for having to increase rents that should have been increased gradually over the years. That is something that no-one wants to be associated with, but someone must do it. The Deputy Leader knows that this is the answer I gave those members of the Public Service and associated bodies who came to see me to express regret at the rent increases. I have since told them by letter:

Following consideration of the representations from the deputation, Cabinet has decided that in future automatic adjustments of rent of Government-owned dwellings occupied by employees will be effected by—

(1) Adopting the current assessments, as adjusted on appeal, as the base rent.
(2) Adjusting the base rent on July 1 of each financial year in proportion to the movement in the housing component of the consumer price index for Adelaide for the previous March quarter, as published by the Commonwealth Bureau of Census and Statistics. The first adjustment in 1970 will be based on the change between 1969 and 1970.
(3) Rents of individual dwellings will be reviewed on the basis of current charges when significant alterations are made to a dwelling.
(4) The South Australian Housing Trust will make a general review of the rents of all dwellings at five-yearly intervals (the first review to be made as at July 1, 1974) on the basis of the present standard of four-fifths of rents currently charged by the trust.

That responsible attitude will remove the possibility of larger increases occurring through delayed action caused by political irresponsibility. That is the very intention of that move, and those persons paying these rents can expect a movement that is directly tied to the economic movement in the community or to the consumer price index. Obviously, the adjustment, whether up or down, will be minor and fair. I consider this to be a real breakthrough regarding rentals charged for Government houses, and the economic consequences will not create the hardship alleged. I should like to have this list complete and fully representative. At present it does not include such categories as teachers, railway employees, and police officers, and I hope to bring down complete information next week. Therefore, I ask leave to continue my remarks.

Leave granted; debate adjourned.

OMBUDSMAN

Adjourned debate on the motion of Mr. Evans:

(For wording of motion, see page 2056.)

(Continued from October 22. Page 2399.)

Mr. JENNINGS (Enfield): I do not intend to take the debate much further. As the Leader has said, we accept the motion as it stands. However, whether the Government will regard the motion, if carried, as an instruction or invitation to introduce legislation is a matter for the Government and, if a Bill is introduced, we will decide whether to support it. Most members of Parliament have considered the matter of the appointment of ombudsmen. Even if a member had not taken the initiative in the matter, he would have discussed the pros and cons of the proposal with his Parliamentary colleagues. I think the motion can be supported as it stands. Indeed, we would be well advised to support it. I congratulate the mover, the member for Onkaparinga (Mr. Evans), on his speech. It is the only speech that I have heard him make on which I feel obliged to congratulate him.

Mr. Hurst: And you don't congratulate people if it's not merited.

Mr. JENNINGS: Certainly not. Undoubtedly, it was the most sensible speech that the honourable member has made. Apart from this departure from his normal, if he reverts to what we have had from him during the time he has been in this House, this probably will be the last time I will congratulate him on a speech.

Mr. Hurst: You don't see eye to eye on everything, do you?

Mr. JENNINGS: No, but great minds think alike occasionally, and my great mind thinks more than that of the member for Onkaparinga. If I get too many interjections that are designed to take me away from my well prepared speech, perhaps I will say something about the interjectors, if you permit me to do so, Mr. Speaker, as interjections are out of order.

The SPEAKER: Order! I draw the honourable member's attention to the fact that an ombudsman has not yet been appointed and I ask him to deal with the motion.

Mr. JENNINGS: I was merely doing some groundwork on the motion that had been moved so adequately by the member for Onkaparinga. An ombudsman takes the form of a Parliamentary commissioner, a servant of Parliament to whom members can refer matters on which they think an injustice has been inflicted on an individual or a group. I think this is the type of legislation that my Party would support. However, there are different kinds of ombudsman in various parts of the world and, if we want to maintain the closeness of our Parliamentarians to the people (which I consider fundamental in a democracy), we must ensure that matters referred to an ombudsman go through the elected representatives in Parliament.

Mr. Broomhill: It's important who is appointed, too.

Mr. JENNINGS: This is vital. He must be completely impartial and acceptable to both sides of politics. This will certainly restrict the person who is appointed.

Mr. Virgo: What about Mr. Brebner, from the football league?

Mr. JENNINGS: I would not appoint Mr. Brebner. I think that would get many people against him straightaway.

Mr. Hurst: What about Mr. Jones, the former politician?

Mr. JENNINGS: In the unlikely event of my Party losing Enfield District, I think perhaps I would make an excellent ombudsman.

Mr. Clark: This is a matter of opinion.

Mr. JENNINGS: Yes, but it seems that I have one supporter. I do not know whether the supporter behind me wants me to get the job or because he wants me out of this job.

Mr. Edwards: That would be easy.

Mr. JENNINGS: Then let the honourable member get his Party's endorsement to contest the seat that I now occupy. He would have just as much chance as the man I read about in the *Australian* yesterday, who said he was likely to get L.C.L. endorsement for the Commonwealth seat of Adelaide.. I am not in the confidence of the L.C.L., but I think that it would certainly see that he did not get the endorsement. I should be surprised and astonished if the Party gave him its endorsement. It let the electors do the dirty work, although in this case it was scarcely dirty work. I think it was an excellent piece of work by the electors.

I believe that many of the problems that members have in representing their electors adequately could be solved by the appointment not of an ombudsman and his staff but of another 12 typistes and secretaries at Parliament House.

Mr. Clark: What about more Under Secretaries?

Mr. JENNINGS: I do not want to get involved in a discussion on the merits or demerits of having Under Secretaries. I think

the *Teachers Journal* stated recently that it was disappointed with the two Under Secretaries of the Government and also a person who was described as "a Mr. Evans" (this might be the member for Onkaparinga, who moved this motion). Let us hope he does not degenerate any further and become more closely associated with the Under Secretaries.

I think that most of the matters we take up for our constituents are taken up adequately, faithfully and sincerely, and in 95 per cent of the cases justice prevails merely because we know the right person to approach and we may be more capable of putting a case dispassionately than is the person involved, who may be restricted in his ability to write an effective letter. This, however, does not completely satisfy the proponents of an ombudsman, who would have certain powers to investigate Government files.

I cannot imagine any Government making personal files available to members of Parliament. We know that this is done on a confidential basis but this does not get a member any further advanced, although he can explain the Government's point of view on why this person is not getting what he thinks is a fair deal. A member cannot say to the person, "I have seen in a file that you were convicted of such and such." I think in this instance the power of a member of Parliament to act as an agent for his constituents is severely curtailed and inhibited. If a member of Parliament referred a matter to the ombudsman (or commissioner, as he is described in some places) he could refer to Government files. This is one of the principal advantages of an ombudsman, but I do not think his advantage would be much greater than the ability of a member to take up things with a Minister on behalf of constituents. In my experience, this can be done better by a yarn with a Minister over a cup of tea. Many people have the idea that all they have to do is write a petition and get many people to sign it, but we know very well that if the same people went to another group of people who were not affected they would also sign it. These people would probably also sign a counter-petition. These things are not necessary.

We also know that deputations are mostly a waste of time. If a member knows the story and is prepared to take it up, as most members are, it can be done by a quiet talk with the Minister, and if necessary by a little pressure in the House. This is something I do not want to break down, because the ability of a member of Parliament to legislate properly depends to a large extent on his knowledge of what people need.

Mr. Clark: He won't stay there long if he hasn't that ability.

Mr. JENNINGS: This is the point. I know of one member who had the idea that his only job was to assist in making laws of the land. If a constituent went to him about a housing problem, he would say, "It has nothing to do with me. You go to the Housing Trust." If someone went to him with a problem about an alleged overcharge by the Engineering and Water Supply Department, he would say, "What's that got to do with me? Go and see the department." He thought his job was merely to sit here and vote as he saw fit or as his Party dictated. He was an extremely efficient legislator, according to his lights, but he lost preselection after the first Parliament in which he served. People expect much more from a member than merely helping to make the laws of the land: he is properly regarded as an agent and as someone who represents people in this House.

We have to do this in a thousand different ways: by taking up matters not only with Government departments but also with private firms (the crooked ones, particularly); by writing letters for people; by inquiring on their behalf and by doing so many other things; and, in some cases, by acting as a go-between between neighbour and neighbour. These things make our job onerous: it is not sitting here and participating in the formulating of the law of the land that does that. I believe that it is necessary for a member to have this basis; otherwise, how does he know whether he is faithfully representing the people or not? When he voted for or against a Bill he would not know whether he was voting in accord with the wishes of the people he represented.

I believe that this attitude is essential in the proper conduct of the job of a member and that we must keep this close liaison between the constituent and his member. If we could have more secretarial assistance than we have now, which, as everyone knows, is equal to that of a fifth grade clerk in a 15th grade office—

Mrs. Byrne: It is not even that.

Mr. JENNINGS: I am not reflecting on the efficient girls who work here: there are not enough of them to file letters or do such things. We cannot conduct our office in the proper way, and additional assistance would overcome much of the difficulty. Another job of

the ombudsman would be to investigate complaints from a member of Parliament where the private affairs of a person could be investigated in a Government docket, and things of this nature. On that basis I do not object to this motion, but I assure members that that does not mean that I do not reserve my right to vote any way I like if, and when, a Bill to set up the office of ombudsman is introduced.

Mr. NANKIVELL (Albert): One thing that we must consider carefully is the part that an ombudsman would play in a Parliament like this. As the Leader said last week, we must realize that the function of Government in Australia, and particularly in South Australia, is different from that in the Scandinavian countries in which this office originated. From 1766, in Sweden people have had free access to Government papers, but it was not until 1809 that that country established this office. Also, we should remember that where this office was established there were Governments in which the Public Service was independent of Parliament. The Public Service administered the country and all the Government did was legislate. If all we did as members was legislate and we did not look after the interests of our constituents as their agents, many of our constituents would be dealing directly with bureaucracy and not through the agency of a member, and the attitude of bureaucracy would probably harden towards the individual.

At present, we do not have that situation here. In this State we have one of the free-est forums of expression of opinion and representation of the problems of our electors that could be found in any Parliament. Each day two hours are allocated to questions without notice; we can freely approach any Minister; it is a small Parliament; and we know most of the senior Public Service officers intimately and can deal with them directly. All these matters make up a relationship of the member of Parliament and of Parliament to the Public Service that is different from the relationship in those countries in which the office of ombudsman was first created.

Situations could develop where there was a conflict between people and those administering the laws and regulations of the country in the Public Service; this has proved to be the case in other countries. France found an answer to this situation by setting up a *cour d'assise*, an administrative court or a court of justice, where people with grievances who had disputes with the Public Service or with the administrative service could present their case to the judge and have a ruling given whether or not they had been fairly and honestly treated. This practice has been adopted in many countries, mostly European, but it has not been a feature of the British system of Government. Even now, we have not seen this type of court set up in the British Commonwealth, but now some countries have an ombudsman acting as an intermediary in the British system, and in the last 10 years or so the office of ombudsman has been created in New Zealand, in the United Kingdom, and in some of the African democracies that have gained their independence.

Mr. Ryan: In England people have to make an appointment a fortnight ahead to see their local member.

Mr. NANKIVELL: The honourable member has made the point that I made at the beginning of my speech; that the association that we in this Parliament have with our electors and with the Public Service is intimate. This is not so in other countries. I understand that, in England, sometimes a court is held by a Minister on one day in the week, when he deals with people who wish to present a case to him. As the member for Port Adelaide said, in that country people have to make an appointment in advance to see their member of Parliament. Much work is done by an agent, who acts on behalf of the member for the district. This approach is quite different from the one we enjoy here.

Things can change to the point where, with an expanding Parliament and a greater demand made on members of Parliament, it may be increasingly difficult for individual members to maintain the close association between their electors and the Government and the Public Service, which administers the rules and regulations of the country. If that happens, members will need much more assistance than they have now. As the member for Enfield has said, not only do members have to deal with matters at Government level but they are now also confronted with other types of problem raised by their constituents at a private level concerning matters of grievance between constituents and private companies. The way in which a member now has to represent his district is far different from and the implications are far wider than the original conception of a legislator. I agree with the member for Enfield that we have now also become agents of the people we represent. In this respect, I think the time is fast approaching when members of Parliament will need

much more secretarial assistance than is presently provided.

Mr. Clark: That time is here now.

Mr. NANKIVELL: In this respect, most of us envy our Commonwealth colleagues, who have no secretarial problems. Even with the happy association we have in this Parliament, for reasons of policy a Minister may rightly withhold information from a member, in which case it is terribly difficult for the member, even in the free and easy system we have here, to obtain all the information necessary to determine whether or not justice has been done in some particular case.

This is the only ground on which I can see that a Parliamentary commissioner should be set up in conjunction with a Parliament of this type. I cannot see what other functions he would need to perform. Until we destroy the present contact we have with our electors, no reason exists for a constituent to go directly to an ombudsman or a Parliamentary commissioner. In fact, I think that, as applies in New Zealand, the system would be that a Parliamentary commissioner would be invited to look into a matter only after the person concerned had been to the department in question and then taken up the matter through his elected member of Parliament. Only when there is some need for access to information that has been withheld can I see the need for an independent person such as a Parliamentary commissioner, and he would need to be independent and unbiased in order to make these inquiries and his own assessment whether or not justice was being done. He would have to present a case to the Minister for some reconsideration, having had full access to all the facts, or he would have to report to Parliament if he considered that some injustice had been done. Therefore, such an officer would operate in only a minor capacity at present.

Unless we forgo our present system of representation, I cannot see a wider purpose to be filled by such an officer. To some degree I accept that there might be room for a type of Parliamentary servant who, on behalf of members of Parliament, could deal with matters of policy in respect of which it was not expedient for members to have direct access to certain information, but generally I cannot see any desperate need for such an officer to be appointed. Although I support this proposal, whether or not I will support it ultimately depends on the way in which legislation dealing with the matter is framed. It would need to be framed most carefully and at present should be restricted in application to those areas wherein it might have some useful function. I support the motion.

Mr. HUDSON secured the adjournment of the debate.

MURRAY RIVER STORAGE

Adjourned debate on the motion of the Hon. D. A. Dunstan:

(For wording of motion, see page 1560.)

(Continued from October 22. Page 2407.)

Mr. HUDSON (Glenelg): Last week I had almost concluded my remarks. However, I wish to draw the attention of Government members to certain events that took place, in South Australia in particular, last Saturday. Before last Saturday one would have said that, should an electoral movement of 5 per cent or 6 per cent take place, that would be large and that the movement of about 10 per cent that occurred in 1966 against the Labor Party was huge. In those circumstances, the movement that took place last Saturday could be described only as a fantastic electoral landslide. I think the people of South Australia generally have clearly voted not just against the policies of the Gorton Government and not just in favour of the policies enunciated by the Commonwealth Leader of the Opposition, but they have also expressed their disapproval of this Government. After all, last Saturday was the first opportunity that most people of this State had to say that Don Dunstan should still be the Premier of South Australia—and I think that many of them said it in no uncertain terms.

Mr. Venning: How do you make that out?

Mr. HUDSON: The member for Rocky River is renowned for his inability to understand what is happening in the community and, if he could not see that there was a large change of opinion last Saturday and that there were very large changes in the percentage support for the Labor Party and the Liberal and Country League—

The DEPUTY SPEAKER: Order! The House is not dealing with last Saturday's election results.

Mr. HUDSON: I think it is, because Sir Thomas Playford said—

The DEPUTY SPEAKER: Order! The honourable member has not connected up his remarks with the motion now before the House.

Mr. HUDSON: I was just about to, Mr. Deputy Speaker.

The DEPUTY SPEAKER: The honourable member has been meandering in his remarks for a long time.

Mr. HUDSON: Sir Thomas Playford said (and I referred to this last week and if you were here, Mr. Deputy Speaker, I think you would recall it) that if the people of South Australia wanted Chowilla they had to make it clear that they wanted it. He did not spell out what he meant entirely by that remark, but I think that every member of the Opposition knows what he meant: that in order to get Chowilla the people had to vote against the Commonwealth Government and express their disapproval through the ballot box. I consider that a large part of the swing that occurred in last Saturday's election is tied up with what has happened to Chowilla. The motion seeks the construction of two dams and says, "All right, if Victoria and New South Wales insist on Dartmouth, we, in turn, should insist that, before any contract is let for a major storage on the Murray River at some site other than Chowilla, no such letting of a contract should take place until the contract for Chowilla has been let."

I consider that a two-dam proposition is feasible, but it will involve some modification of the design of Chowilla and of Dartmouth. It would require further analysis to get some idea of what the appropriate size of the dams should be in order to get the maximum yield from the system. I hope that such studies, when undertaken, will proceed on slightly different assumptions from the previous ones and that they will consider what proposal will give the maximum yield not just to New South Wales and Victoria but to the whole system. I believe that the necessary modifications would make both dams smaller in total storage capacity and would therefore involve some saving in cost. Further, if we had been successful in getting a Commonwealth Labor Government, there would have been a proposition from that Government that New South Wales, Victoria and South Australia would be subsidized on a $1 for $1 basis in the building of the two dams, and this would have enabled the dams to be built without New South Wales, Victoria and South Australia having to increase their contributions above the current level; but we do not have that possibility now.

It is clear that the Gorton Government has been returned, no matter how narrowly and to what extent, through the order of certain candidates on the ballot paper and that for some months we will be faced with the prospect of a continuing Liberal and Country Party Government in Canberra. The Prime Minister made certain statements on water conservation and said that $100,000,000 would be available for it. I know that, after the vote on Saturday in South Australia when the Commonwealth L.C.P. Government received one of the biggest drubbings it has ever received in any State, the Commonwealth Government might be willing to consider the two-dam proposition and the provision of additional funds for South Australia so that Chowilla and Dartmouth could be constructed, on a modified basis, without New South Wales or Victoria being required to increase their financial contribution.

The House should say to the South Australian Government, no matter how incompetent or weak-kneed it may be, that in its opinion the Government must make a further effort on this matter; take advantage of the electoral situation that has now developed in South Australia; put additional pressure on Mr. Gorton and his colleagues to do a better job for South Australia and to make additional funds available; and to approach the subject of dams on the Murray River system in the same way as the Commonwealth Government approaches the subject of the construction of dams in New South Wales, Western Australia and Queensland, which, in the main, is on a $1 for $1 basis. It is a golden opportunity for the House to say to the State Government, "We want you to negotiate further with the Commonwealth Government to press home to it the point of last Saturday's election; demand that it contribute more towards the cost of storages along the Murray River; and demand on behalf of South Australia that both Dartmouth and Chowilla be constructed with the appropriate modifications in the design of each dam, and that the Commonwealth Government use part of the $100,000,000 that Mr. Gorton has promised in order to provide additional financial assistance for the project." This is a golden opportunity for this Government to strike a blow on behalf of South Australia, and I hope that every member of the Government will support the motion and make it clear to the Commonwealth Government that we in South Australia (the Opposition sticking firmly to the points made in the past, and the Government rapidly learning the lesson of last Staturday) are once again united on the matter of the Chowilla dam.

The Hon. D. N. BROOKMAN (Minister of Lands): This motion is pure politics and,

when I say "pure politics," I mean politics without the slightest adulteration of any interest of the State or of the people: it is completely and utterly Party-political, and the speech made by the member for Glenelg only reinforces what I have said. It was a recapitulation of his interpretation of events after last Saturday's election but, like many other people, he claims to read into the election results the reinforcement of any point of view he wants to put. No doubt, he would say that the Commonwealth Government received a reverse and, therefore, that every point put forward by the Labor Party was endorsed by the people. He could not say that with authority, however. One can express one point of view, but one cannot say that all points of view are justified or endorsed. The Labor Party criticizes this Government for its statement made during the last State election campaign about building Chowilla and then changing its mind later.

Mr. Ryan: Weren't you being political then?

The SPEAKER: Order! The honourable Minister of Lands.

The Hon. D. N. BROOKMAN: I will discuss that later. The literature distributed by the Australian Labor Party candidates was delightfully vague. A pamphlet issued by Mr. Hurford states:

These are some of the issues: water, Chowilla.

He does not say anything definite. I would say he used the words in the emotive sense.

Mr. Lawn: You were very definite!

Mr. Ryan: You were going to build it!

The SPEAKER: Order! The honourable Minister of Lands.

The Hon. D. N. BROOKMAN: That candidate had no authority to say anything definite. We all know that the Murray River is controlled by the River Murray Waters Agreement.

Mr. Ryan: You didn't say that before the 1968 election, did you?

The SPEAKER: Order! There are too many speeches being made at once.

The Hon. D. N. BROOKMAN: Mr. Hurford could not say anything definite, so he made the best use of what he had. Previously the Opposition has moved a motion different from the one now before us. The present Leader of the Opposition, when he was Premier, moved a motion providing that whatever action was taken by the River Murray Commission on Chowilla or any alternative proposal, South Australia would be provided with water in dry years to the extent intended to have been assured by the Chowilla project. That motion, with a few modifications, was agreed to basically and carried. At that time, as the motion shows, the Leader had not decided anything other than that he wanted the assurance of something at least as good as Chowilla. However, in the motion now being debated he provides that any contract for the building of a major storage on the Murray River system should not precede the letting of a contract for the building of a storage at Chowilla. There has been a vast and basic change of attitude, a change for the worse. It is a senseless change designed for no advantage other than political advantage.

The Hon. R. S. Hall: It means that, if we can't get Chowilla, we can't get anything.

The Hon. D. N. BROOKMAN: Yes. The Opposition is trying to get back into office, not to help the State.

Mr. Langley: We'll have no trouble about that.

The Hon. D. N. BROOKMAN: I am not sure whether the member for Unley endorses what I have said, but he does not deny it.

Mr. Langley: We'll be back, no worries.

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: The interests of the people are being disregarded. In 1967 the present Leader of the Opposition, when speaking on his motion, stated:

The important thing is to assure South Australia that we are going to have the results to us from the River Murray Commission to which we originally got the River Murray Commission to commit itself by the building of the Chowilla dam.

At that time, it was important to ensure that we did not become worse off and did not put a block in the face of progress by an arbitrary motion to prevent any better scheme from being provided. The Leader, who was Premier at that time, wrote to the then Prime Minister (the late Mr. Holt) seeking an assurance in terms similar to the motion. I have listened to many statements about this controversy. On one side, we have the professional engineers, whose duty it is to give us the correct advice, urging that Dartmouth, with certain important matters still unresolved, is a better proposition than Chowilla. On the other hand, we have engineers who have been in the Government service but are now out of touch with recent events, and other persons who have been interested in the proposal in the past, but they do not have access to the information that the current team of engineers holds.

I do not accept for one minute that there is a lack of integrity on the part of those engineers. Personalities have not been mentioned but suggestions of lack of integrity have been made and we have heard statements implying faking of figures and cooking of books. However, the integrity of the engineers is beyond question and, in my opinion, should not be raised by either side. Their reasoning may be questioned, but not their integrity. There was a time when the Leader of the Opposition respected the opinion of Mr. Beaney (the present Director and Engineer-in-Chief). The Leader, when Premier, stated:

Our commissioner can see no alternative to accepting this situation within the River Murray Commission at the moment . . .

The then Premier was referring to the deferment in 1967, and he continued:

However, he is confident that a storage at Chowilla offers the greatest security to South Australia's share of Murray River waters, and he expects that this view will, in fact, be vindicated by the studies which the River Murray Commission has now ordered to be undertaken.

At that time the present Leader of the Opposition was pleased to accept Mr. Beaney's judgment, and Mr. Beaney was confident then that the answer would be for Chowilla. Mr. Beaney's integrity is impeccable and he is at the top of his profession in judgment. He has changed his view as a result of that investigation and the Government has changed its view. Mr. Beaney is perfectly satisfied that the Dartmouth proposal, with a few reservations to which I have referred but have not spcified (they deal mainly with Lake Victoria), is a better one for South Australia than is Chowilla. Further, he is satisfied that the Dartmouth dam on its own is a better proposal for South Australia than would be the two dams built at the same time.

Before we argue about such details as flows in the river, evaporation factors, and other technicalities, we should recognize that none of us is a professional engineer. Even if we were professional engineers, we would have to be in close touch with those involved in this complicated question to be able to assess their advice fully. There is a time when one takes advice and a time when one establishes as best one can that the advice is good, but in my opinion there is no time, when one enters the field of the technician, that one can take up a few figures and say, "Here the engineers have made an elementary mistake or perhaps they are misleading us." We should avoid doing this sort of thing. Before flying in the face of the opinions of engineers, the men who are supposed to be doing this job, we want to be very careful that we are not acting against the interests of the people of this State.

In 1963 Chowilla was accepted and one of its features was the sharing on a 5:5:5 basis in a drought year whereas, under the old system, South Australia was entitled to three-thirteenths of the water under those conditions. Under the Dartmouth scheme there is to be the same proportionate sharing as under the Chowilla scheme, even though more water will be available from Dartmouth. In 1966 the estimated cost of the Chowilla project was about $28,000,000 but it later rose to $43,000,000. Then, when tenders were received they showed that the project would cost at least $68,000,000. In the light of these figures, the commission became doubtful about the proposal and it was deferred. As a result of investigations the commission firmly believes that Dartmouth is the better proposition and there were reasons for the change of view. The commission frankly admitted that, although it had not completely changed its views, it had not had the advantage of studying the Chowilla project in the detail necessary to be as sure of it as it was of Dartmouth later. It has had a computer working on Dartmouth and hundreds of combinations and possibilities have been examined. But what changes have taken place since the beginning of the Chowilla-Dartmouth controversy?

First, the matter of salinity was far more prominent than it has been before. During the 1967-68 drought it was found necessary to maintain a flow of 900 cusecs at Mildura and salinity was a greater problem than it had been previously. Secondly, the commission under-estimated the evaporation at Chowilla. In the 1961 investigation it had only a map to study and, as small variations in levels cannot be seen when studying a map, the results were misleading. The later results have been arrived at following surveys and that has made a difference to the investigations as regards evaporation. In addition, the commission has studied other factors of evaporation which were not available previously and which involve meteorological aspects that cannot be resolved merely by putting out a dish of water in a calm atmosphere and measuring the amount of evaporation from it, there being wind currents and other factors that come into it. A further point requiring reconsideration was the effect of tributary inflows below the River

Murray Commission catchment area and, as we know, tributary inflows are considerable and extremely variable. So, the technical committee unearthed matters that had not been given much weight when Chowilla was decided on. The committee had the inestimable advantage of a computer programme, many variations were taken into account, and hypothetical conditions were considered.

Incidentally, the member for Glenelg (Mr. Hudson) made quite a point when he said that a precise answer could not be given on the question of yield to South Australia at an entitlement of 1,500,000 acre feet with minimum flow at Mildura of either 300 cusecs or zero as this condition was not the subject of a study run, although a study run should have been carried out. Mr. Beaney's report says that the statement is only correct in parts, and studies showing a yield for South Australia of 1,350,000 acre feet with zero flow at Mildura indicate an undesirable increase in restriction level in all States. Had all studies covering every combination of conditions considered by the commission been developed the study programme would have involved 3,000,000 separate runs. This was obviously impracticable and the group referred to was deleted as it was obvious that the system could not carry the benefits required.

This, I think, is a reply to the statement made by the member for Glenelg accusing the commission of ignoring the lower flow at Mildura. In 1968 the report of the technical committee became available and the River Murray Commission agreed that a 3,000,000 acre feet storage at Dartmouth provided the greatest overall benefits in terms of cost and yield and that Dartmouth should be the next development of the resources of the Murray River. The question of sharing the benefits that would arise was referred to the respective Governments. Subsequently the Ministers of the four Governments concerned met in March this year and they agreed on conditions for the construction of the Dartmouth dam although one or two matters were still outstanding.

South Australia's entitlement was increased from 1,250,000 acre feet to 1,500,000 acre feet, but that is astonishingly ignored by the Opposition in its attempt to block the construction of the Dartmouth dam. Opposition members know as well as we know that the committal of water in the Murray River system in South Australia requires the Dartmouth dam to be built to meet requirements in all circumstances, and they know that the Chowilla dam does not meet requirements in all circumstances. The extra 250,000 acre feet will make a big difference to South Australia, and will represent a guarantee by other States to ensure that South Australia obtains 1,500,000 acre feet.

I do not know whether Opposition members realize that South Australia's entitlement is guaranteed: the other States do not work under guarantees. Obviously, they get more water at most times, but we have been offered a guarantee of 1,500,000 acre feet or a three-way equal sharing of the available water in a drought year. Recently, in a river town, Mr. K. E. Johnson (Executive Engineer for the River Murray Commission) read a paper that I think everyone should obtain, because it sets out the whole matter in an admirably concise and clear form, and it is hard to challenge. He concludes his report by saying:

> The decision of the River Murray Commission to recommend the construction of the Dartmouth dam as the next stage of development of the resources of the Murray River is, on economical and engineering grounds, clearly straightforward in the light of changed circumstances since 1961 when Chowilla was recommended.

I have already spoken about the circumstances that have changed. Mr. Johnson's statement continues:

> The fact that some of the original basic assumptions proved to be untenable emphasizes the need to take advantage of the time available between initial investigations and commencement in construction to continuously review the initial assumptions and upgrade these studies in the light of any change in conditions.

How does the statement "to continuously review the initial assumptions and upgrade these studies in the light of any change in conditions" match the attempt by the Opposition to ensure that we get either Chowilla, two dams together, or no dam at all? This attempt does not make sense. We have now arrived at the situation that South Australia is being virtually offered the Dartmouth dam with an added 250,000 acre feet of water, which is important to us. If we reject this offer and in an obstinate and unthinking way insist that we must have Chowilla, we may get nothing. We will not receive more than 1,500,000 acre feet of water: that is all that has been agreed by the other States, through the River Murray Commission, to be allowed to us.

If it were possible to build six dams we could not be sure of another gallon of water more than the 1,500,000 acre feet guaranteed to us, so why should we, except for political reasons, insist on the two-dam proposal, which, as I will show, will be a further disadvantage?

I stress that insistence on this motion will greatly damage South Australia's interests. I am sure that no member of Cabinet would forget the Cabinet meetings held earlier in the year at which Mr. Beaney was present and at which we discussed the situation. We had an adviser of unquestioned ability and integrity, a man who has done much research on the Chowilla dam, and who has been a working engineer all his life. To those who know him, he has unquestionable logic. Cabinet came to the conclusion that, with the conditions still to be met concerning Lake Victoria, the Dartmouth dam was the better proposition.

We have been accused of all sorts of things about it, but no-one has denied that it was a courageous decision. It was a decision that went counter to our election statement, as everyone knows. We knew what we were doing when we changed our minds, and that there were no prizes for doing this: we have received none. In fact, we have received much political criticism, but the Opposition will change its mind in time. It will be much harder for its members to do that, because of what they are trying to do today. I have no doubt that they will change their minds. I do not blame the Opposition for making a fuss at the time: this was only to be expected of a political Party when its opponent changed a statement that it had made at an election campaign.

Mr. Clark: It was pretty powerful in the election campaign.

The Hon. D. N. BROOKMAN: We changed our mind in a most deliberate manner: we knew we would get nothing but criticism at the start, but we knew that, as the facts became clear, the remainder of the people in the State would finally be convinced. Many people are already convinced, even if people who are not convinced and who are picking out one small fact or another to suit their case are still marching around. While not blaming the Opposition for making a fuss at the time, I blame it for continuing in the face of the present evidence, and I blame it for this attempt to risk the future development of South Australia, because of the possibility of no dam being built. I have heard the phrase "both dams or none" many times: what if it is none? This alternative will be pinned right back to the Opposition camp if no dam is built. I will say later why the building of both dams would be a positive disadvantage to the Dartmouth proposal, which we hope will be finally agreed to.

Of our change in attitude, we have expiated the matter as thoroughly as possible. I remember reading about a meeting attended by the late Billy Hughes at which a person shouted, "That's all right, but what did you say in 1917?" Billy said, "What the blithering blazes does it matter what I said in 1917: it is what I think and what I say now that counts."

We are saying that we changed our minds and our attitude, not for our benefit (because we have received nothing but criticism from it) but for the good of the people of the State, and for good reason, and we did it for reasons of which the Opposition cannot fail to take notice later. I recall that one evening at 11 or 11.30 p.m. I received telephone calls in quick succession from two women living apparently in the metropolitan area, who said, "Please help us save the State's water supply with the Chowilla dam," or something to that effect. To the second caller, I said, "What programme have you been viewing?" and discovered that apparently the Leader of the Opposition had appealed to viewers to ask us to save the State's water supply. This must have got under the Premier's skin (I do not know whether he received any telephone calls), because the next day he challenged the Leader of the Opposition to a public debate, which took place a few days later. The Premier was much the under-dog, and one could imagine his position, having adopted an attitude different from the one he had held not being long previously, at the time of the last election. What sort of a handicap did he have in that debate? Yet he won the debate.

The Hon. G. G. Pearson: Absolutely!

The Hon. D. N. BROOKMAN: The Premier received a fan mail the size of which he had never received previously, and no Labor man has ever mentioned that debate to me since. I have not heard a Labor man discuss it since. If that is not answering criticism concerning a change of mind, I do not know what one can call it. The Premier went to the districts whose residents were most worried about a water supply; he attended seven meetings in towns along the Murray River and addressed meetings in areas where one would obviously expect the most hostility. Although the Premier met with hostility, at the same time he met with astonishing success. In fact at one meeting, if not at more, he received an overwhelming vote in his favour. At other meetings, although the vote may have been much less favourable for him, the result was extraordinarily satisfying. He was

labouring under the tremendous handicap of explaining to people who were genuinely worried about a water supply why he had changed his mind. These were people who up to that time believed that the Premier may have made an error, but the Premier convinced those who were able to think about the matter quietly that he had not made an error and, indeed, that an error would have been made if we had gone on stridently insisting that Chowilla be built.

I am unable to deal with the full technicalities of this matter, and I doubt whether many other members could absorb them if I could. I take advice from the best person I can find, that is, the person who is being paid to do a job and to look after the interests of the State. I am informed by Mr. Beaney that, after the Dartmouth dam was constructed, the Chowilla dam, if built, could add only another 250,000 acre feet to the system. It is not a matter of how many dams are built after Dartmouth: it is a matter of what the system will yield, and in this case it is 250,000 acre feet. Mr. Beaney is not saying that Chowilla is therefore no good; as a matter of fact, the Chowilla project is good, and in due course it may well be built, but it involves some mighty difficulties. As the member for Stirling (Mr. McAnaney) said, as it is a flat down-river dam of a type not usually found elsewhere, it involves certain problems, but it is not a bad project, for all that.

However, at present it would provide much less than what we required and what we would get from Dartmouth. Chowilla would not provide sufficient water to guarantee our present commitments in all circumstances. I said earlier that if we asked for two dams to be built there would be a positive disadvantage as a result. In fact, if Chowilla is built along with the Dartmouth dam, there will be a positive disadvantage, because the Murray River catchment is not all owned by the River Murray Commission; only a certain part of it is controlled by the commission, the tributaries downstream being controlled by the States in which they are situated. Other dams will be built quite legitimately by the various Governments; Buffalo may be built in Victoria, and others may be built in New South Wales; and there is no possibility of our stopping that. We have no control, by agreement or anything else, to stop that. These additional schemes will inevitably degrade the system. If Dartmouth comes into operation in, say, the late 1970's, a process of degradation will ensue through the building of other storages by the various States.

The present tributary system is useful in maintaining the flow in the river, but, if the tributaries are affected, so will the River Murray Commission's work be affected. If this degradation takes place, the commission will be faced with meeting the guarantee to South Australia (what we know at present will be 1,500,000 acre feet), and it will have to set about supplying that quantity by providing further storages. The commission may well decide on Chowilla as a further storage. If, on the other hand, we insisted on the two dams being built at once, and if they were so built, the other States and the commission would say, "You have had your build-up; you cannot get any more water than the 1,500,000 acre feet, and you cannot expect us to build further dams when the system is degraded later on." It is better for South Australia that Chowilla be delayed for some years behind Dartmouth, so that it can become the means by which the system is maintained (not giving South Australia more water but maintaining the guaranteed quantity). I said that Chowilla would provide an extra 250,000 acre feet from the whole system over and above what Dartmouth would provide. It is possible that out of that 250,000 acre feet there will be an allocation for South Australia, but it will be a small quantity compared with the overall yield.

This represents the only possibility of our receiving any water over and above the 1,500,000 acre feet referred to, and it is better for us to obtain this 1,500,000 acre feet through Dartmouth and to know that Chowilla is a viable project awaiting construction and that we have the right to demand it after the system has been degraded by other projects undertaken along the river. We are not helping ourselves by asking for two dams to be constructed at the same time. In all good sense we should realize our obligation to look forward to the year 2000, which is what the River Murray Commission is doing. When considering conditions in this regard it has two years in mind—1970 and 2000. The commission forecasts what will happen to the system by that time and, in its thinking, it is trying to provide that the system will maintain for South Australia its entitlement.

Members should not forget that we are not in the same position as the other States, and are not able to say that we will have an equal share with those States of all the additional

water. We have a guarantee of 1,500,000 acre feet if the Dartmouth dam is built. Who can dispute this and say that we must have the Chowilla dam instead of Dartmouth or that we must have them constructed together? People who say this say it in the face of the engineering advice that we have. Should we take professional advice or amateur advice from someone down the street? I am on the side of the engineers, and that is where I will stay. One of these days the Opposition will also accept this position, because it will have to do so.

I have heard a fetching argument on television many times to the effect that Dartmouth dam is six water weeks away but that Chowilla is just at our door, and therefore we can always get some water from there if we want it. The implication behind this statement is not that the engineers have misjudged the quantity of water that will flow down the river but that the other States will deliberately interfere with our entitlement. If the other States ever want to interfere with our entitlement either in regard to quantity or quality they will have not the slightest difficulty in doing so; they never would have had any difficulty in doing this in the 50 years that the River Murray Commission has operated. Occasionally we have complained about a so-called salinity slug (that is the expression used and, although it is misleading, I will use it because people know what it means), and complaints are still made occasionally about the practices of States above us on the river. I am assured that those States are taking better and better steps to ensure that we are not embarrassed by salinity.

The Hon. G. G. Pearson: The Commonwealth put up a lot of money to help them.

The Hon. D. N. BROOKMAN: Yes, and they are making a genuine effort. However, if they want to embarrass us they would not have the slightest difficulty in doing so. We must face the fact that we live downstream on a big river and that the people upstream, as in the case with all rivers, have the water first. If the people upstream misuse the water, the river can become just a drain. Although we do not say that we are completely satisfied with every practice adopted at present, we do say that the other States are making genuine and effective attempts to reduce the salinity danger. Furthermore, we cannot say that we are perfect in this regard. All State and engineering departments have these problems. Do not let us believe that, just because Dartmouth water is six water weeks away, in some new way we can suddenly be held to ransom by some wicked politician in the other States. The other States could take such a course at any time, and would have been able to do so in the past. However, no-one has been so anti-social as to take such a course.

I have already referred briefly to the slogan I have heard—two dams or nothing. I pose the question: what if it is nothing? There is absolutely no sign that it will be anything other than nothing, and who is responsible? At least the Government has made a courageous decision and made it clear that it will not risk the interests of the people of the State. Time is on the side of the Government's decision. I have said this before, and it is correct. More and more people will recognize the wisdom of this decision and, as those people come to understand that Dartmouth is the proposal we should foster (always with some provision regarding Lake Victoria), so will their contempt grow for the people who have had access to the information available and yet have steadfastly refused to use that information in the interests of the people. It could be claimed that such people have hidden this information so that they can achieve a political objective. All members who vote for the motion are doing the State a disservice. I oppose the motion.

Mr. GILES (Gumeracha): In opposing the motion, I support what the Minister of Lands has said. As he covered the subject so capably, I feel most inadequate in having to follow such a well prepared speech. In covering the subject from A to Z, the Minister set out the position as it is: that if we do not support the Dartmouth scheme we will finish up with no extra water in South Australia. The first reference to extra storage on the Murray River was made in the Lieutenant-Governor's Speech on March 31, 1960. One sentence of that speech that is most relevant is as follows:

> The most determined efforts will be continued to safeguard the interests of the State and press its claims.

That statement was made in relation to further storages on the Murray River and to the water to be made available to the people of this State. At present 85 per cent of the people in South Australia rely largely on the Murray River for water. Obviously, we must preserve a sufficient quantity of water of high quality in the Murray system to provide for the needs of the people of this State.

Of course, Chowilla dam was the first proposal put forward after a study had been made

in 1961. That study was not as complete as the 1967 computer study, and initially it seemed that it would be to the best advantage of South Australia. Of the many arguments presented, the one used most often was that, under this scheme, we had the water in South Australia, and Victoria and New South Wales could not run it uphill away from us. That is true, but it is also true that the people of South Australia did not have the ability or right to turn the tap on and off from Chowilla, nor would they be able to take the water out of Chowilla if they so desired: the River Murray Commission is the body able to say whether or not water could come out of Chowilla. The motion moved by the Premier (now Leader of the Opposition) in 1967 stated, in part:

That, in the opinion of this House, assurances should be given by the Governments, the parties to the River Murray Waters Agreement, that whatever action is taken by the River Murray Commission concerning the Chowilla dam or any alternative proposal, South Australia will be provided with water in dry years to the extent intended to have been assured by the Chowilla dam project.

It is obvious from the motion that, at that time, the present Opposition considered that there could be an alternative proposal that would supply the State with more water than Chowilla would have supplied, and that after the investigation by the Snowy Mountains Authority, using computers, had been carried out, there was an alternative proposal that would have put more water into the Murray system than would have the Chowilla dam. The then Premier quoted Mr. Beaney's statement as follows:

To reject the tenders and close down our present activities, apart from considerable disruption of the department's general activities, will also require:

(1) The cancellation of the contract with Soletanche and negotiations with them of compensation for costs involved to date.

(2) Closing down site works. This should not be absolute, as certain investigations in association with our consultants are in progress and should continue.

This could lead to the suggestion that the Chowilla dam would be a feasible project. Mr. Beaney's statement continues:

(3) Formally advising the Victorian and New South Wales authorities to suspend further land acquisition, but to hold, under best terms available, all land purchased.

(4) Advise our consultants, Soil Mechanics Limited that the extension of the agreement beyond January 31, 1968, will not be made unless work is approved to resume on the project.

(5) The department to negotiate with the South Australian railways *re* steel skips made for Chowilla traffic.

That shows that the commission's decisions must be unanimous. The commission comprises a commissioner from each of South Australia, Victoria and New South Wales, and a representative of the Commonwealth Government. It is no good for anyone to say that he will build Chowilla unless he obtains agreement from the other three commissioners, or for the Commonwealth Opposition to say that it will build Chowilla: this would not be feasible unless the commissioners' agreement was obtained. As the motion now stands, we have agreed to support the Dartmouth scheme, which is vital to this State. If we had not agreed to do this, we would not have obtained the extra 250,000 acre feet of water. At present, the river system needs 600,000 acre feet of water for flushing purposes; any water above that volume is used for irrigation. Now, we have over-committed the amount of water above 600,000 acre feet to the 1,250,000 acre feet to which we are entitled.

Any extra water over and above the 1,250,000 acre feet would be of advantage to South Australia; it would be useful water, and it is essential that we obtain as much water as possible. If we had insisted on Chowilla we would not have obtained the extra 250,000 acre feet of water. This matter has developed into a purely political issue. In 1967, the Premier (now Leader of the Opposition) acknowledged that there was an alternative to the Chowilla site and that the alternative might give South Australia a great advantage, so why should the Opposition now say that we will have two dams or nothing when it knows very well that we cannot dictate what we are and are not going to do: it is the commission that decides these issues, not the Opposition.

We must insist on the Dartmouth scheme and get on with it and with further storages on the Murray River. By doing this, we will have the extra 250,000 acre feet of water and, by having additional storages later on, we will be able to assure the State of 1,500,000 acre feet of water. It is essential for the well-being of South Australia that we obtain as much water as possible, and what the Government has done is to assure the people of the State that they will get extra water. This is a commendable move that should not be frowned on or abused by the Opposition, because the people of South Australia realize what the position is. The results from the

river areas in the recent Commonwealth election show that there has not been a big swing away from the Government in those areas. This indicates that the people there realize the value of the Dartmouth scheme.

I noticed with interest that the election figures for Murray Bridge showed many more people favoured the sitting Liberal and Country League member than was the case when the present member for Murray stood in the last State election and that the Commonwealth member for Angas, who stood in the last election, did not lose much ground in the Renmark area. This indicates that Chowilla is not an issue with the people on the Murray River.

Mr. Langley: They're not the only ones who want it.

Mr. GILES: That remark shows how little the honourable member has thought about the issue. The people on the river are those who will be most affected by a water shortage, because some irrigation licences are issued on a temporary basis. These people realize that Dartmouth will provide more water for them. On April 17 last a lively meeting was held in Murray Bridge. It was attended by 450 people from the district, and the Premier and the member for Murray addressed the meeting. There were many interjections at the meeting but the most important feature was the vote of three to one in favour of Dartmouth against Chowilla. The people who are most likely to be affected by what happens on the river have supported the Dartmouth scheme.

The people of South Australia realize that this controversy is no more than a political issue. They know that the Government has acted in the interests of the people, after studying the commission's report. They also know that our officers and the officers of the Snowy Mountains Hydro-Electric Authority are reputable people who have no axe to grind and who present the position as they find it. The investigations by these officers show that Dartmouth will yield far more water than will Chowilla. I hope that the motion is defeated. I know that the people of the State are interested only in their welfare, which includes having adequate water. I am sure that they will show that they consider this Government's decision to be correct.

Mr. EVANS (Onkaparinga): I do not support the motion. In one sense, it means that if we cannot have Chowilla, we cannot have Dartmouth. All that needs to be said has been said, except that some remarks made by the member for Glenelg should be answered. That honourable member more or less admitted that he was making a political issue of the matter and he accused the Commonwealth Government and the State Government of getting together to send Sir Thomas Playford away during the Commonwealth election campaign. I term this a dirty tactic that brings no respect on the House or on the members who make the suggestion. I do not consider that there was a better person to send overseas to represent us at a trade conference than Sir Thomas. Further, he had made known his opinion long before he left South Australia. Although I respect his point of view, it is not the first time he has been wrong and it will probably not be the last.

The member for Glenelg asked whether Government members could deny his suggestion about the Commonwealth Government and the State Government getting together to suggest that Sir Thomas be sent overseas. When I said that, to my knowledge, that had not been done, the honourable member said that that meant nothing. However, it meant something to me. I deny the suggestion, as would every other member on this side, because it was unfounded and unjust.

The Hon. G. G. Pearson: I didn't even know that Sir Thomas was going on this mission until I read about it in the newspaper.

Mr. EVANS: The honourable member also admitted that the present Opposition Party had acted irresponsibly, when in Government, by issuing some water licences that should not have been issued. We all know that one licence that was issued for 8,000 acres in the lower reaches of the Murray River should not have been issued, and I was pleased to hear the honourable member's admission. The honourable member also said that the Commonwealth Minister for National Development (Mr. Fairbairn) had said that the irrigators in New South Wales and Victoria wanted more water. However, the Commonwealth Minister did not mention New South Wales and Victoria: he referred to irrigators, which meant our irrigators as well as those in other States. Again, the member for Glenelg tended to put his own interpretation on the statement to make an unfair and untrue implication.

We know that the present Government decided on Dartmouth in preference to Chowilla. No-one in South Australia would think that that decision could be made without attracting criticism. Government members are not clots, although the member for Glenelg has suggested that they are. We

realized that there would be objections, but were we to fight for Chowilla so as to make good fellows of ourselves and waste time, or were we to be responsible by doing what was best for South Australia and making sure that we got the extra water entitlement? Were we to give a false impression about the 250,000 acre feet less that Chowilla would give us? We were responsible enough to do what we thought best in the interests of the people on the river and the other people of the State.

I assume that the member for Glenelg delayed his speech until he got the result of last Saturday's Commonwealth election so that he could refer to the voting figures. However, my answer to his statement is that last Saturday our Party did better than it had done at the last State election. In this, my first speech about the Chowilla and Dartmouth dams, I support the Government's action wholeheartedly. The decision is correct and just, and the motion before us, designed to gain political support, should not have been moved. It will not benefit South Australia or this Parliament.

The Hon. G. G. PEARSON (Treasurer): Obviously, the motion by the Leader of the Opposition, placed on the Notice Paper some time ago, has served its purpose and run its course in this House. Today, there seems to be no Opposition interest in this matter. We have had a brief conclusion by the member for Glenelg to a speech that was commenced some time ago, but since then there has been no suggestion that any other Opposition member would speak. What we assumed to be the reason for this motion in the first place has proved to be a correct assumption as to its purpose. It was placed on the Notice Paper to be used as a means of furthering the cause of the Australian Labor Party at last week's Commonwealth election and to use this House as a sounding board for electoral propaganda. Possibly the second purpose was to get some political capital out of it for the A.L.P. in the State and to put the member for Ridley, the Speaker in this House, in the hot seat with regard to his attitude to this matter.

Whatever political capital the Opposition hoped to get out of it in South Australia or for their colleagues in Canberra, its optimism has been misplaced. So far as one can analyse the figures for last Saturday's election in those areas where this matter has been most keenly considered because livelihoods are at stake, there is no evidence that it is any longer an issue. Indeed, evidence points to the fact that people in those areas, being realists, have come to the conclusion (albeit reluctantly, grudgingly, and against their instincts) that what the present Government intends to do is the best thing for them.

One of the earliest sets of figures that I looked at last Saturday was the figures for the Commonwealth District of Angas. I see no reason to change my opinion that people on the Murray River know on which side their bread is buttered, and I pay them the compliment of saying that they usually do: they are good analysts of a political situation and I give them credit for that. I believe they have come to the conclusion that an additional 250,000 acre feet of usable water is what they really need and what they want, and is the best insurance they could have that they will not only be able to continue their present level of production but also possibly increase it in the future. That is the conclusion they have reached after comparing the probabilities and, indeed, the guarantees offered by the two proposals that face them.

I admit, as did the Minister of Lands, that the Government changed its mind on this matter, and I confirm that I was one of the strongest protagonists for Chowilla. I had reason to be: I was Minister of Works when the project was first proposed; I arranged and organized the administration of the preliminary investigations into the project; I arranged for consultants; and I generally piloted the project through Cabinet and through Parliament up to the time when the Government changed in 1965. If there is any such thing as a sentimental attachment to a project (and I believe there is and that it was evident in the early days of the arrangements about Chowilla and Dartmouth), then if anyone is entitled to have such an attachment, I believe that I am. I make it clear that any change of mind about this matter by me was arrived at after overcoming my natural reluctance to change my mind, the natural scepticism about any other project than the one we had long believed was the ideal, and the fact that I had personally played a part in planning the programme for Chowilla. However, when one is faced by incontrovertible evidence, one must change one's mind.

In a telling speech to the House today which, in spite of the challenges he threw out to the Opposition, drew no response (as the Opposition now realizes that this is a dead issue), the Minister of Lands gave reasons for the Government's changing its mind, and I will not

repeat them. The evidence placed before us, sceptics though we were, was so conclusive that no sensible man with the interest of the State at heart could do other than come to the conclusion that we came to. Having done that, we met the displeasure of many people. I do not criticize them for criticizing us, but they did not have the chance to see the evidence that we saw or to sit at a table for two four-hour sessions with the Director and Engineer-in-Chief. People in the streets and in their homes did not have the chance to examine the evidence as we did, and to ask questions and receive replies. No-one could blame them for the degree of disappointment which they expressed and which was so ably whipped up and abetted by the Government's opponents, who took full value from whatever they could extract from the people's attitude in this matter.

This is a political game and we do not complain, but I am entitled to draw attention to these facts. I changed my mind because I came to the conclusion that, although up to that time I had been a champion of Chowilla because I thought there was nothing better that I knew or could conceive of, the new proposal placed before us in detail and properly documented must be accepted. There was no other action that could be taken by a responsible person who had the interests of this State at heart. Long before the acceptance of the Dartmouth proposal the present Leader of the Opposition, who was then Premier, had an inkling of the way things were going. I have closely studied 1967 *Hansard* to find the statements he made on this matter. On June 20, 1967, when he was asked by the then Leader of the Opposition what action he intended to take in regard to pressing this State's claims for the Chowilla dam, he said that he would press as hard as possible for the dam. He said one or two other things, too, but I do not think he will accuse me of misquoting him.

A few days later he was asked whether he intended to raise this matter at the Premiers' Conference (the project was at that time obviously slipping from our grasp). He said that he did not intend to raise the matter at the Premiers' Conference; he thought that we had legal rights, that the matter had not been raised at the official level between the Premiers, and that there was no official dispute or disagreement.

The Hon. D. A. Dunstan: At what Premiers' Conference did I raise it?

The Hon. G. G. PEARSON: This was the Premiers' Conference the Leader was about to attend.

The Hon. D. A. Dunstan: No; the Premiers' Conference was held before June 20. In that year it was on June 15.

The Hon. G. G. PEARSON: You were asked whether you intended to raise it at a Premiers' Conference, and you said "No".

The Hon. D. A. Dunstan: Because I could not get one.

The Hon. G. G. PEARSON: I am quoting from the then Premier's reply to a question. He said that, as things stood, the Government was going ahead with the proposal. He said he did not intend to raise it because it had not been raised officially. I ask the Leader to consult 1967 *Hansard*. On July 4, 1967, he quoted the report of the Director and Engineer-in-Chief (Mr. Beaney). The report concerned many matters, but it finally brought to light for the first time the tender price for the Chowilla proposal—$68,000,000. On August 31 (at page 1766 of *Hansard*) the then Premier was asked about the future studies that had been suggested in the report and about the legal position. He said:

It will take some time for further studies to be completed—

that is, studies referred to in the question and in the report—

(time that would go beyond the possibility of our obtaining a continuance of the tenders that had previously been given to the South Australian Government, the constructing authority). As far as the general policy on deferment of the Chowilla dam is concerned, we are awaiting a reply from the Prime Minister whom I telephoned immediately after the decision of the River Murray Commission had been made known.

I could go on at some length quoting replies that the then Premier gave to questions on this matter. However, I am sure the then Premier knew the trend that things were taking. He declined to be specific about legal action, and I think I understand why: until there was a breach of the agreement there was no legal action that the State could properly take to enforce the contract. On September 13 (at page 1897 of *Hansard*), dealing with the then current investigations by the River Murray Commission, he said:

I expect it will be a few months, . . . I intend neither to pull nor to telegraph my punches.

In the meantime, however, we had had a debate in this House on August 15. The debate was on a matter raised by the then Premier himself. He said that the

important thing was to ensure that South Australia received an adequate water supply. The text of his motion clearly shows that the Leader knew at that time that there were proposals for a site for another dam. His motion was as follows:

That, in the opinion of this House, assurances should be given by the Governments, the parties to the River Murray Waters Agreement, that whatever action is taken by the River Murray Commission concerning the Chowilla dam or any alternative proposal, South Australia will be provided with water in dry years to the extent intended to have been assured by the Chowilla dam project.

As I see it now (but as we did not see it at the time, because we did not have knowledge of likely developments, of which the then Premier did have some inkling) that was a reasonable motion, but at that time the then Opposition took the Premier to task because of the inclusion of the term "alternative proposal". The then Leader of the Opposition moved an amendment intended to bring the motion on to the rails and keep it strictly in line with what we believed to be South Australia's rights. The amendment was as follows:

To strike out all words after "House" and to insert "any assurances given by the Governments of New South Wales, Victoria and the Commonwealth, the parties to the River Murray Waters Agreement, provide no adequate safeguard to South Australia, and early action is imperative to proceed with the Chowilla dam project as provided in the River Murray Waters Act.

The amendment was moved because we knew nothing of the proposed alternative, nor were we prepared to countenance the idea of it. After a long debate the member for West Torrens (Mr. Broomhill) moved a further amendment, and the then Opposition withdrew its amendment. The amendment of the member for West Torrens was as follows:

To strike out all words after "House" and to insert "the State of South Australia has a fundamental and legal right to the construction of the Chowilla dam without further delay, and that assurances must be given by the Governments, the parties to the River Murray Waters Agreement, that pending construction of the dam South Australia will be supplied in dry years with the volume of flow of water which the dam was designed to ensure.

We accepted that, and it was carried unanimously. Here again, however, the wording suggests that an alternative was contemplated. The fact is (and I believe the then Premier will not now deny it) that an alternative was proposed and that he believed there was no alternative for the Government of the day but to allow the investigation to go ahead. His representative on the commission, if he were to keep the project alive, could do little else but accept what the other commissioners had proposed. This he did, and he took action that was criticized in this House. I was one who criticized it, but I criticized it not necessarily for the decision he took but for the fact that he was left to make up his own mind without referring to his Minister. However, that is history, and I do not wish to make any more of the issue. Eventually, we had a recommendation for a dam to be built at Dartmouth. By this time, the Government had changed and we on this side were in the hot seat, having to decide whether or not to accept the findings of the commission that had been agreed to albeit reluctantly by the previous Government, which I admit had hardly any other course open to it.

We accepted the commission's findings because, as I have said, there was in our judgment no valid, proper and responsible alternative. Ever since, we have been subjected to all the political forces that could be used against us, and the sentiment of the public has been used for political purposes in this place and outside it. It was used without any significant effect against the Commonwealth Government prior to the recent election. These kinds of thing have been heaped on us because we took a responsible decision, based on facts produced from a study to which the previous Government committed us (although I do not blame members opposite on that score). It seems to us the Opposition now has little interest in this matter.

The Hon. D. A. Dunstan: Why do you think we put it up for debate?

The Hon. G. G. PEARSON: That was done when the Commonwealth election was coming up.

The Hon. D. A. Dunstan: Why did we put it up for debate today?

The Hon. G. G. PEARSON: It is on the Notice Paper.

The Hon. D. A. Dunstan: Good heavens, other things are ahead of it.

The Hon. G. G. PEARSON: The Leader wants to dispose of this motion, because it is no longer any good to him. We have been making some good mileage out of it today, and he does not want us to make any more. The Minister of Lands today made, I believe, the most telling speech on this matter that has yet been made in the House. However, there was no response by the Opposition, no interjections and no attempt to contradict anything that my colleague said. I think the Opposition realizes that the tide has turned regarding

this matter. I think it has seen confirmed in the last week or so what probably some of its members have been thinking for some time. I think the Opposition realizes that not much political advantage is to be gained through persisting in the attitude it adopted previously; further, that there are grave risks attached to persisting in this motion; and that the sooner it gets off the Notice Paper the better it will be for the Opposition.

Furthermore, I believe that if the motion is carried in this House it will not reflect the honest views of Opposition members. If forced, I could suggest the names of certain members who were not in sympathy with this motion, but for me to do that publicly would be like accusing someone in a crowded lift of having smallpox, and I do not intend to do that. We cannot exercise pressure on New South Wales and Victoria and make them accept something they do not want. We could tear up the agreement and build the dam ourselves, but how would that profit us? The States to which I have referred own the water, and we merely get what comes down the river. If it had not been for the River Murray Waters Agreement, which has existed for many years, South Australia would not have a single acre of fruit trees on the river, for the other States would by now have taken and used the water that this State must have in drought years in order to assure a water supply to our irrigation system.

We have the guarantee of an extra 250,000 acre feet of usable water, this being written into the agreement as part of the deal. This is over and above what Chowilla is estimated to have been able to supply to us. The addition of Chowilla to this programme, as my colleague has pointed out clearly today, is so infinitesimal as to be of no significance at this stage, although it could be of significance in the years to come. However, at this state it is not sufficient to justify our demanding that it be built in conjunction with the Dartmouth proposal.

The House should not contemplate prejudicing the situation, and preventing us from getting what we know we can get and from having a start made on it now, by fiddling about with political arguments which have no advantage for South Australia but which may be deemed to have an advantage for one Party. For these reasons, the House should not support the motion.

Mr. WARDLE (Murray): I do not intend to trace the history of the matter as many members have done. In the first place, it is not known to me as it is to many other members. I was not here to experience the preliminaries before the 1968 election. Like other candidates at that time, I said that one of my objectives was to assist my Party, if it became the Government, to build Chowilla. I am correctly reported as having said in the Murray Bridge Town Hall on April 17, 1969, that I made no apology for my stand behind the Government on the Chowilla issue.

I do not deny having said in my pre-election literature that I would support the building of Chowilla. However, I believe that at some stage all members have changed their minds and have not felt that they can continue to hold a position they have held, because additional information has come to them and their position has changed. I do not believe that to change one's mind is a sign of weakness. However, all members would agree that, if a situation was pointed out to a member which appealed to him and which he believed to be logical and sound, and he refused to accept it, that would be a sign of weakness. I make no apology for having decided to support the Government on Dartmouth.

I want to relate a couple of minor matters concerning this issue. When I talk to the fellow in my district who turns on a tap he says, calling me by my Christian name, "We must have Chowilla" I say, "Why must we have Chowilla?", and he says, "Because we must have the water in South Australia so that we can use it when we want it." On the other hand, when I talk to the fellow who irrigates and is a large user of water, to a man who has developed a property, or to the man who has sons and plans to plant additional acres of vines, trees or citrus, the position is entirely different. Such people realize they cannot possibly expand, because they know there is no water to spare.

This is why many people showed great interest in a meeting held a few weeks ago in the Albert District, because these people depend on getting more fresh water. Therefore, I believe people whose livelihood depends on water have done their homework and have thought deeply about the situation. They now realize that, without additional water, it will not necessarily be people in the metropolitan area and the new subdivisions but those whose living comes from irrigation who will be affected. It will be those along the river whose plantings will be restricted. These will be the people first affected when South Australia has to restrict irrigation because of insufficient water.

It is pathetic to find that some people have no other reason for wanting Chowilla than a dedication to a system, scheme or philosophy that somewhere along the line they have been told they must have it. That is the tragic part of the argument advanced by so many people. Three months ago I travelled with a bus-load of 25 or 30 men to Renmark. Having a few hours free on the Sunday afternoon, we asked the caretaker of the Chowilla site whether we could view Chowilla, and he agreed. Some of the people in the bus thought that we must have Chowilla because we must have the water so that it can be used when we want it. However, certain things became clear to these men while we were at the site. Standing on the cliff overlooking Chowilla, these men realized that the deepest part of the water in the dam would be at the river bed, and that would be 55ft. The average depth over the whole dam would be only 15ft., and the water would be dammed back at least 90 miles up the river.

When the dam was full, there would be more than 339,000 acres of surface water. The water on thousands and thousands of acres of this surface area would not be more than 1ft. deep and on many thousands of acres not more than 3ft. deep. This would be only half a summer's evaporation. This area of water is about 23 miles square, which is equal to the area from the General Post Office to Nairne, then to Strathalbyn, across to Mount Compass and back to the G.P.O. By comparison, Dartmouth would be five miles square, which is roughly equal to the area from the G.P.O. to the Glen Osmond quarries, across to Windy Point, then to somewhere near Edwardstown, and back to the G.P.O. The deepest part of the water at Dartmouth would be 550ft. and the average depth would be 190ft. to 200ft. This information was taken in by these men, and it was not given with a political bias, because I was not the guide. That information was available; the facts were there, and it was interesting, amazing and astounding to witness the change of heart, the change of mind and the change of attitude of the men in that bus.

I believe those are telling facts that the average layman is capable of understanding, and I believe that they are some of the facts that have to be presented to him to enable him to see the situation. This does not mean that I do not believe ever in Chowilla: it only means that in my opinion the Government made a wise decision in choosing the Dartmouth site, which is in the cooler temperatures, which has the deeper water and which can supply fresher water to the Murray River system.

I want to touch briefly on this cry to which the Treasurer referred with regard to the water being six weeks away. This is an argument that many people believe is unanswerable. However, in a drought it is not so essential that water be received in a matter of days or a matter of weeks. In fact, a drought takes time to develop, and I believe that as it unfolds there is ample time to obtain water if the water is in storage and available. As the water supply to South Australia comes from the Lake Victoria storage, it seems to me quite ridiculous to say that the water is six weeks away. Paragraph 49 of the agreement under the River Murray Waters Act, 1935, deals with the allowance of water to South Australia as follows:

The minimum quantity to be allowed to pass for supply to South Australia in each year shall be sufficient to fill Lake Victoria storage once and in addition to maintain, with the aid of the water returned from Lake Victoria, a regulated supply at Lake Victoria outlet of 134,000 acre feet a month during the months of January, February, November and December; 114,000 acre feet a month during the months of March, September and October; 94,000 acre feet a month during the months of April, May and August; and 47,000 acre feet a month during the months of June and July; such quantities being the provisions for irrigation equivalent to a regulated supply of 67,000 acre feet a month during nine months and for domestic and stock supply, losses by evaporation and percolation in Lake Victoria and like losses and lockage in the river from Lake Victoria to the river mouth (but not including Lakes Alexandrina and Albert).

As South Australia receives its monthly quota by arrangement, surely if a drought is worsening and water is available to South Australia it is easy for the River Murray Commission, in its management of the river, to make the appropriate increase in the water allowance to South Australia monthly, and we know perfectly well that that water allowance from Lake Victoria is not six weeks or even three weeks away but is probably 15 days to 18 days away.

I consider that many people in South Australia completely misunderstand the matter of the regular supply of water to this State under the agreement set out in the River Murray Waters Act. I believe there is no argument in the fact that Dartmouth water is six weeks away. Surely, the Lake Victoria storage is there for the very purpose of ensuring the allowance of water to this State and, as is so obvious from the agreement, South Australia receives this water regularly.

The saline content of the water has been mentioned. I find it disturbing that many people say we receive all the rubbish and the salt from New South Wales and Victoria. I admit that we receive many things in the river that we do not desire because, after all, it is accepted that the river is a form of drainage. However, it is obvious from our continuous testing of the river that South Australia places twice as much salt in the Murray River system as do Victoria and New South Wales. I cannot place my finger on the statistics in this matter, but I believe that at Lock 6 the highest salinity figure is about 450 p.p.m. We know only too well that by the time this water has reached Lake Albert it has increased to between 1,000 and 1,200 parts per million. I believe that during the dry season of 1967 a little stream entering the Murray just above Mannum had a salinity reading of over 1,000 p.p.m. I ask leave to continue my remarks.

Leave granted; debate adjourned.

[*Sitting suspended from* 5.59 *to* 7.30 *p.m.*]

GAS ACT AMENDMENT BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received. Ordered that report be printed.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

In Committee.

(Continued from October 28. Page 2539.)

Clause 3—"Medical termination of pregnancy"—to which Mr. Corcoran had moved the following amendment:

In new section 82a (1) (*a*) after "practitioners" to insert "(one of whom is registered by the Medical Board of South Australia as a specialist in obstetrics and gynaecology)".

The Hon. R. R. LOVEDAY: The amendment provides that, in the case of the termination of the pregnancy of a woman by a legally qualified medical practitioner when two such practitioners are of the opinion that the pregnancy should be terminated, one of those medical practitioners shall be a specialist in obstetrics and gynaecology. I strongly oppose the amendment. There are 28 specialist obstetricians and gynaecologists registered in South Australia. Of these, 24 live in Adelaide, two in Mount Gambier, one in Whyalla, and one in New Guinea. Obviously, if this amendment is carried it will inflict great hardship on people who live a considerable distance from any of these specialists. It will cause great delay, and it will discriminate against those people less able to pay the high cost of travelling long distances and to obtain the more expensive services of a specialist. If the general practitioner requires a gynaecologist's services he will obtain them in the normal way.

Further, the general practitioner has a far better knowledge of his patient's circumstances, particularly the circumstances surrounding the need or otherwise for an abortion, than has a specialist. Consequently, the general practitioner is better able to make a decision on the need for an abortion. Yesterday the member for Millicent (Mr. Corcoran) acknowledged that he was not suggesting that the gynaecologist would be required for the operation, but for purposes of consultation. For such purposes I consider the general practitioner is far more qualified than the gynaecologist, who in most cases would have little knowledge of the patient's circumstances.

Mr. Corcoran: He participates. There are two, not one.

The Hon. R. R. LOVEDAY: The emphasis was on the consultation. I have received a letter from a highly qualified doctor, who points out that if abortions were performed by gynaecologists only, the few metropolitan hospitals in which they could work would be overloaded. The letter states:

Some opponents of abortion law reform may wish to see overloading so that they could attack the Bill later on this ground. Compulsory referrals to gynaecologists would increase the costs of an abortion two to four times, even if the general practitioner finally did the work. Delays would lead to a higher mortality rate, and greater expense would make an abortion less possible for the poor who often need it most and, as in Sweden, this would again lead to further illegal abortions.

The situation could become worse than at present because the Bill would allow certain women the right to an abortion but they would be prevented from having one because of administrative delays. I am sure that specification other than that of legally qualified medical practitioner will lead to difficulties in several areas and do disservice to the women in this State.

Earlier in the letter the doctor points out that there have been many instances in Sweden where a delay has caused great danger to the patient. This is shown by the high mortality rate there of 64 in every 100,000. I see no value in this amendment. At this stage we

should be trying to make the Bill better for the people concerned, not to make it more difficult for them—and that is what this amendment does. It makes it far more difficult for many of the people concerned, and the reaction would be heaviest on those least able to afford the services required. On those grounds, I do not think the amendment should be supported.

Mr. McKEE: I oppose the amendment for reasons similar to those advanced by the member for Whyalla. I understand the point of view of those who support the amendment, as it more or less represents the last chance they have to try to make the Bill unworkable. Indeed, if this amendment were carried it would restrict the Bill to such an extent that it would be almost completely useless because it would benefit only those members of the community living in the metropolitan area. To insist on all cases having to be referred to a specialist would be most unreasonable, for it would not be in the interests of many patients and, as the member for Whyalla pointed out, it would be beyond the financial resources of many people. This measure would be completely out of bounds to those country people who have to come to the metropolitan area and possibly spend a week or more here, incurring, among other expenses, the expense of consulting a specialist. For this reason I am afraid that as a country member I am duty bound to oppose the amendment, and I hope the Committee votes against it.

Mr. EDWARDS: Although I am also from the country, I cannot see why other country members are so opposed to the amendment. As many country towns, particularly on Eyre Peninsula, are 100 miles apart, a person who requires the opinion of a second doctor has to come to Adelaide in any case. If any female member of my family had to have an abortion, I would want the best advice that one could get, and I therefore cannot see any objection to the clause. I am sure that country women would gladly come to town to see a gynaecologist for the purposes referred to in the provision.

The Hon. R. R. Loveday: This makes it compulsory.

Mr. EDWARDS: If abortion increases to the extent that it is likely to increase under this measure, more gynaecologists will be going into the country, anyway. Indeed, Port Lincoln and, say, Port Pirie are sufficiently large to warrant a resident gynaecologist. Therefore, I cannot see any justification for opposing the amendment. A lady to whom I spoke this morning said that many young girls are deliberately becoming pregnant so that they can obtain their parents' consent to get married. If that is so, our society is getting into a bad state. Some young women will do all they can, because of their make-up, to become pregnant. If the Bill is too permissive, more problems like this will arise. South Australia has been kept a good State, so let us keep it that way. Let us not let the matter get out of hand, as has happened in other countries. The Deputy Leader's amendment is indeed worth while.

Mr. GILES: I do not believe a woman would have to see a gynaecologist to comply with this new section, as amended, as an opinion is often formed as a result of consultations between the medical practitioner and the specialist without the woman visiting the latter. The argument that a woman in a remote area will not be able to see a gynaecologist does not hold water. A woman in Port Pirie, for instance, could see her medical practitioner in that town, and he could consult a gynaecologist over the telephone to obtain a consultation, so the woman would not have to visit Adelaide. Therefore, I cannot see that any major problems will arise.

Mr. HUGHES: The member for Gumeracha has made the point I intended to make. I think that the letters we have received in the last few days from various medical practitioners and others have tended to mislead members. These letters have emphasized the expense involved for country women if a specialist has to be consulted. I am pleased the member for Gumeracha has seen through that representation. However, other members may have been swayed by the pressure that has been brought to bear during the last few days by those who want the Bill passed. There is nothing in the amendment that requires country women to travel to Adelaide. All the amendment provides is that a medical practitioner should consult a specialist, and that is all that is intended.

Mr. McKee: It makes it harder.

Mr. HUGHES: I should think the honourable member would want women in this predicament to receive the best advice available, and the amendment seeks to provide for that. I believe that, generally speaking, general practitioners would welcome the opportunity to discuss possible abortions with a specialist.

Mr. Lawn: By telephone?

Mr. HUGHES: I am not saying that it should be by telephone. I make no comment on whether or not a consultation could take

place over the telephone. However, I believe that many doctors would welcome the opportunity of being able to consult what they considered to be specialist brains in this field. A woman may have great confidence in her own medical practitioner in the town in which she lives, but I am sure that any woman in the country who genuinely requires an abortion will welcome this amendment, and I think the Committee should accept it.

Mr. McANANEY: The remarks of the member for Wallaroo are contradictory. First, he makes an accusation against all doctors who have written to us and says we cannot trust what they have told us.

Mr. Hughes: I didn't say that.

Mr. McANANEY: Then he is prepared to accept a provision for a consultation over the telephone, and he says that a certificate to say that an abortion should take place will be honoured. I hope that we are going to come up with an intelligent Bill that does not go too far, and I cannot see any merit in the amendment. We would not get a doctor to give an opinion over the telephone that an abortion should take place. I do not support the amendment.

The Hon. R. R. LOVEDAY: I take strong exception to the suggestion that as a member I have been under pressure from anyone in this matter. I have been under no pressure: I have made up my own mind on every point. What is more, I was a member of the Select Committee that listened to the evidence of 34 witnesses, and perhaps I had a better opportunity of making a careful examination of this matter than did the honourable member who suggested that I had been subjected to pressure. No-one has pressured me. However, I am prepared to listen to the experience and advice of qualified doctors.

I also think it is particularly poor that the ethical attitude of doctors should be questioned in this way. I think that they treat this as a serious matter and that they are giving us what they consider to be the best and most objective advice. In fact, my experience as a member of the Select Committee leads me to think that of all the witnesses who came before us, however much they differed in their opinions. It may be interesting to the honourable member to know that a gynaecologist who appeared before the Select Committee said:

The Australian Council of the Royal College of Obstetricians and Gynaecologists is opposed to induced abortion except when—

and he quoted four qualifications, one of which states:

. . . . at least two independent registered medical practitioners, one of whom is the medical practitioner performing the abortion, have examined the patient and have concurred in writing.

There is no mention of a gynaecologist being necessary, and this is the evidence of a gynaecologist. Furthermore, regarding the honourable member's suggestion that in most cases there would be no need to go to a gynaecologist, this gynaecologist, in his evidence, stated:

In the usual course of events such a patient is under the care of a general practitioner, who sends the patient to the gynaecologist with a letter setting out the history of the case and perhaps saying, "In my opinion this patient is unfit to carry on with this pregnancy, and would you consider terminating it?"

If we leave the Bill as it is, nothing will stop the general practitioner from sending his patient to the obstetrician or gynaecologist if the general practitioner thinks that is necessary, but there is no compulsion. However, the amendment makes it compulsory. There is nothing in the Bill to prevent a woman on Eyre Peninsula from consulting a specialist, but the amendment wants to make that compulsory. I adhere firmly to the opinion that, if we provide for compulsion, we put an added financial burden on those who can least afford it. This amendment would do the opposite to what those opposing the measure want, because people who could not afford to have an abortion in terms of the Act would try to find some other way of having it.

Let us cease casting reflections on the medical profession, who have given advice on the subject. I repeat that the Select Committee received medical opinion from many people, including the head of the Australian Medical Association. These people had different opinions, but the opinions were given honestly and we had to ascertain what was best in the circumstances. Even the gynaecologists said that the Royal College of Obstetricians and Gynaecologists did not regard it as necessary to have a gynaecologist.

Mr. CORCORAN: There seems to be much heat in the debate.

The Hon. R. R. Loveday: Well, I object to those insinuations.

Mr. CORCORAN: If the honourable member objects, he can do so in a quiet and rational way. I do not want to become heated about this. At page 34 of the Select Committee's report, Dr. Gibson said:

The Royal College of Obstetricians and Gynaecologists is opposed to induced abortion . . .

I think the point made by the member for Gumeracha is important. Possibly, it was overlooked last evening. I have given my reasons for moving the amendment and have said that it is necessary to have the best advice available. Irrespective of what my friend and colleague has said, I consider that there will be some unscrupulous operators and that we should have the opinion of a specialist, who has something to protect and will not give an opinion lightly. True, the Bill provides that consultation should take place between two legally qualified medical people, and if the amendment is carried, it will be provided that one of those shall be a gynaecologist. We do not lay down the form of consultation but leave it to the judgment of the doctors involved. The member for Whyalla (Hon. R. R. Loveday) suggested that we were taking away the right of the family doctor to decide this issue, but the honourable member is incorrect in saying this. I would expect a person seeking an abortion to go to her family doctor, and it would be that doctor who would, in one way or another, consult with the gynaecologist. We will leave the form of consultation to the medical profession itself.

Consequently, I do not see what objection can validly be taken to this amendment. It ensures that the grounds laid down in the Bill are properly adhered to. I am trying to prevent unscrupulous operators from getting together and, as a matter of business, deciding that they can make something out of it. Can the Attorney-General say what the Government's plans are, if this Bill is passed, with regard to prescribing the hospitals where this operation can be performed? Will it be possible for them to be performed in every hospital in the State? If that will not be possible, in what hospitals will such operations be performed? These questions have an important bearing on the matter. If only hospitals controlled by the Government are prescribed, where will they be? Where will women have to go to have the operation? If the Government intends to prescribe only Government hospitals, we have the discrimination that some members have implied will apply if my amendment is carried. I do not think that such discrimination will apply because, as the member for Gumeracha (Mr. Giles) has pointed out, a woman will not necessarily have to come to Adelaide to consult a gynaecologist.

The Hon. ROBIN MILLHOUSE (Attorney-General): I am happy to answer the honourable member's question, although I cannot reply specifically. The Government's policy has not been worked out in detail, because the Government does not wish to anticipate the results of the debates in this place and in another place. My view is that any hospital properly run and properly equipped will be considered for the purposes of these provisions, and I would emphasize that thereafter it will not be a once-and-for-all decision, either. It is a matter of how hospitals that are approved are run thereafter. As a matter of administration, there will be a continuing process of scrutiny, for any other policy would be a most foolish one. I cannot say that we have worked out the policy in detail but, obviously, hospitals all over the State will be considered in this respect. I begin to fear that we are starting to rehash all the argument that we went over last evening.

Mr. Corcoran: It doesn't matter, really.

The Hon. ROBIN MILLHOUSE: I think, with great respect, that we are dealing with a specific amendment, and once every member who wishes to speak has made his point I think that is sufficient. But this is a matter for the Committee itself, and I do not want to offend any member. On the other hand, I think we can spend too long going over and over the same ground. The Deputy Leader referred to the evidence given at page 34 of the Select Committee's report by Dr. Gibson, of the Royal College of Obstetricians and Gynaecologists. The impression I got from what he said was that the college was opposed to any change. Question No. 266, which I asked of the doctor, and the reply are as follows:

Is the college opposed to any changes? . . . No, it would be quite agreeably in favour of change along the lines mentioned earlier; namely, legalizing it but not specifying.

Mr. CASEY: At page 34, Doctor Gibson was asked the following question by the Deputy Leader concerning the health or life of the mother:

I take it by "health" you mean mental health rather than physical health?—

to which the doctor replied, "No, both." The Chairman then asked:

What about the life of the mother? I have heard of instances where the mother has been told that if she continues with the pregnancy she will die but, in fact, she has insisted on doing this and both have lived?

The doctor replied:

I do not think in actual cases that she would have been told she would die. I think she would have been told she was running a severe risk.

The following question and answer then appear in the evidence:

I accept that as a qualification; that would have been so. This indicates that there can be no certainty? . . . There cannot be certainty in medicine. It is a most inexact science.

Of course, this is most important. Later in the evidence, Dr. Woodruff cited a case in which a kidney complaint was diagnosed in the woman concerned, an abortion was carried out, and the woman died. However, he was not prepared to say that the woman would have died if she had not been aborted, and this only emphasizes the fact that medicine is an inexact science. At page 35 of the report there is evidence relating to people living in remote areas, and this relates to my district. With one doctor practising in, say, Leigh Creek, his nearest colleague would be the doctor practising at Port Augusta, nearly 200 miles away. Dr. Gibson was asked (on page 35 of the report):

Do you think a circumstance could ever arise where an abortion should be carried out in a country centre where a gynaecologist could not be reached? Is this something that is likely to happen?

He replied as follows:

I cannot think of a circumstance where it would happen other than where the surgical conditions existing in a patient would force an immediate operation. In other words, a patient threatening to miscarry and bleeding furiously might mean a necessity to operate to control the bleeding. Other than that, no. I suppose it could happen but I cannot think of a likely instance.

I agree with that. We are saying that there shall be two medical practitioners, but in a remote area like Leigh Creek, where there is only one doctor, the other doctor would have to come from Port Augusta. I could mention many other areas in the State where there is no doctor within 200 miles and where the people rely on the Flying Doctor Service.

If this condition is so serious (as I think it is), expert opinion is advisable. I can see no reason why we should not extend the provision a little further and stipulate that one doctor shall be an obstetrician or a gynaecologist. Women who are afraid that a pregnancy may interfere with their mental or physical health are entitled to such an opinion, which can be obtained anywhere in the State without difficulty, particularly in remote areas, in relation to which the contrary has been suggested. I support the amendment.

Mr. HUDSON: It would be necessary for the pregnant woman to see a gynaecologist if this amendment is carried. In my view there is no conceivable way in which a gynaecologist or any other medical practitioner could form an opinion in good faith without seeing the patient, and no court would regard good faith as being fulfilled if a doctor or a gynaecologist had given an opinion without seeing the patient.

Apart from the merits of the amendment, the argument that consultation could occur over the telephone is not appropriate. For the sake of the record, I shall now read out, so that it is in *Hansard*, the full statement of the Australian Council of the Royal College of Obstetricians and Gynaecologists, which can be found at page 30 of the report.

The CHAIRMAN: Does this relate to the proposed amendment?

Mr. HUDSON: Yes. There is no mention of the need for consultation with a gynaecologist. That statement is as follows:

The Australian Council of the Royal College of Obstetricians and Gynaecologists is opposed to induced abortion, except when:

1. There is documented medical evidence that the continuation of the pregnancy may threaten the health or life of the mother.
2. There is documented medical evidence that the infant may be born with incapacitating physical deformity or mental deficiency.
3. At least two independent registered medical practitioners, one of whom is the medical practitioner performing the operation, have examined the parent and have concurred in writing.
4. The procedure is performed by or under the supervision of a registered medical practitioner of required skill and experience in a public hospital or other approved institution.

It is the opinion of the Australian Council of the Royal College of Obstetricians and Gynaecologists, that—

5. In any alteration of the law on abortion, it should be specifically stated that refusal by a medical practitioner to terminate a particular pregnancy is never a culpable offence.
6. Some suitable form of notification of termination of pregnancy which preserves anonymity for the patient should be implemented.
7. Rape and incest should not *per se* be indications for termination of pregnancy but should be considered in relation to the mental and physical health of the mother.
8. Socio-economic factors *per se* cannot be regarded as an indication for the termination of pregnancy but these factors, as with all medical decisions, may be considered when the health or life of the mother is assessed.
9. Illegitimacy is not an indication for termination of pregnancy.
10. Termination on demand, the sole reason being that the pregnancy is unwanted, is not an indication for termination of pregnancy.

I think we can accept that statement. Except for the social clause and the conscience provision, it is in line with this part of the Bill, but at no stage does it suggest that one of the medical practitioners should be a gynaecologist.

Mr. CORCORAN: The honourable member pointed out that one point made by Dr. Gibson was that at least two independent registered medical practitioners, one of whom is the medical practitioner performing the operation, should have examined the parent and have concurred in writing. The amendment does not lay down the form of consultation. I asked Dr. Gibson about this as follows:

When you say "properly documented" I take it you mean that the doctor would have the responsibility of doing these things of his own volition to satisfy himself?

He replied:

What has happened, and what will continue to happen, is that a patient comes along with a disease that renders pregnancy a grave risk; chronic nephritis, a bad heart condition, or a dozen other things. In the usual course of events such a patient is under the care of a general practitioner, who sends the patient to the gynaecologists with a letter setting out the history of the case and perhaps saying, "In my opinion this patient is unfit to carry on with this pregnancy, and would you consider terminating it?"

The gynaecologist would perhaps think and believe that the suggestion was reasonable but would then request that the patient should see a specialist physician or a psychiatrist. Anyway, a specialist in the particular complication that was complicating the pregnancy, because after all that would be the real indication. What I am saying is that the indication is that she is pregnant but also has some other disease.

The importance these people place on the termination of pregnancy can be seen. I am afraid that, if we do not make it compulsory for people to see a gynaecologist, two medical practitioners will get together. Honourable members cannot deny that this may happen. In that case, if we agree that is should not happen, we should try to stop it. A specialist would take every care to see that the proper thing was done. If in the end a specialist believes that a pregnancy should be terminated, then it will be terminated, but only after due and proper attention has been given to the matter.

People have said that I am only trying to tighten up the whole thing. However, it is more than that: I have a real concern to see that the right thing is done. Numerous doctors would confirm that many women who had wanted abortions were convinced that their pregnancy should not be terminated and they were happy ever afterwards that it was not terminated. Surely we in this place should do everything possible to see that this happens. I am afraid that if the amendment is not carried these steps will not be taken with the care and attention with which they should be taken. Surely it is important that we try to see that every case is paid due care and attention.

The Hon. R. R. LOVEDAY: Although I respect the Deputy Leader's sincerity in this matter, I must point out the weakness of his argument. He has boiled it down virtually to the question of his fear that two medical practitioners will get together, and that we will not get the proper decision from them and the proper attention for the woman. His argument rests entirely on the supposition that medical practitioners as medical practitioners are liable to be unethical, whereas specialists are Simon Pure and as white as snow. We know that this is not the case: we know that they are human beings, the same as doctors, and that specialists can err in the same way as doctors.

Furthermore, there are cases on record which show that specialists have not always been ethical, so to say that specialists in effect are Simon Pure and that they would never go wrong, whereas doctors may not be trusted, is simply an invalid argument. It is just not true to say that by referring the matter to a specialist we guarantee perfection in this regard.

Mr. GILES: I think everyone here realizes that most medical practitioners are ethical people. I do not believe anyone has said that the general practitioners are unethical, and I think this statement from the honourable member is entirely wrong. The honourable member himself is the only one who has made any such suggestion. All of us realize that in the Eastern States (in Sydney, particularly) there are clinics where pregnant women can be aborted. As it is likely that there are such places in Melbourne, too, there is every possibility that we would have a few unethical doctors here in South Australia who might well set up a clinic to perform abortions on women practically on demand, after rigging excuses between themselves.

I am convinced that if we allowed the Bill to pass in its present form this could happen in South Australia. We could even see some of the doctors who now perform these operations in Sydney coming to South Australia and setting up a clinic here for this very purpose. I believe this is a danger that exists. Along with the Deputy Leader of the Opposition, I

believe that the specialists are more likely to be ethical than possibly a few general practitioners. I do not say that they are all Simon Pure, as has been said, but I believe that most of the doctors are completely ethical. I believe that most specialists are ethical and sound: I know that this applies to the man who has been mentioned. However, a few could be unethical and, if we do not accept the amendment, unethical doctors from other States could establish clinics here. We must safeguard against that.

I do not consider it necessary for a specialist gynaecologist to see the pregnant woman before he determines whether an operation is necessary. When a general practitioner sees a patient who has suffered a bad head injury, he knows whether the treatment necessary is outside his ability and, if it is, he consults a specialist. The specialist does not necessarily have to see the patient, but the general practitioner sends the patient to hospital to be operated on by the specialist. The same applies to a pregnant woman whose life is in danger and upon whom it is necessary to perform an abortion. The amendment will remove any possibility of malpractice, and I do not believe it will increase costs.

Mr. CORCORAN: I think most members accept that unethical doctors could establish clinics here. The decision we make is not the be all and end all: all I am asking for is caution. If we find that the provision with my amendment is not working, any member can amend it. If we do not accept the amendment now and the situation I have described occurs, it will be more difficult to tighten up the legislation than it will be to ease it.

The Hon. R. R. LOVEDAY: The honourable member said that we should accept his amendment as a safeguard and, if we find that there are difficulties, we can later move an amendment. He said that, if his amendment is not carried, later it will be more difficult to alter the situation. This is not so, for the very reason that the honourable member himself has given. He fears there will be unethical practices if the amendment is not carried. It was suggested that a couple of doctors might come from another State and set up a clinic in Adelaide. I would add that two specialists could set up a clinic here. If what the honourable member fears comes about and creates a scandal it will be much easier to get the legislation amended in that respect than to enable women in poor circumstances to get an abortion without going to a specialist.

Mr. HUGHES: The member for Stirling (Mr. McAnaney) said that I said that doctors could have a consultation over the telephone, but I did not say that. When I referred to a consultation between a general practitioner and a specialist, the member for Adelaide (Mr. Lawn) interjected and asked, "Over the telephone?" I replied, "I did not say how the consultation could be carried out."

Mr. McAnaney: How could it be carried out?

Mr. HUGHES: I will leave that to the medical profession, which is much more qualified than I. Another member said that I had cast a reflection on the medical profession by saying that it was unethical. I want it perfectly understood that never at any time have I said that any doctors are unethical. Apparently there is some misunderstanding even within the medical profession about this amendment, as only yesterday I received from a doctor the following letter:

> Dear Sir, Re any possible amendment to the abortion reform Bill proposing that all terminations of pregnancy be performed only by gynaecologists or obstetricians, or that one of the two doctors recommending termination should be a gynaecologist or an obstetrician—

Even this doctor is under the impression that the operation has to be carried out by either one of these people, but the amendment does not mean that at all. The letter continues:

> As a general practitioner with extensive country and city experience in obstetrics and gynaecology, I must strongly protest at such amendments, as they would grossly infringe my right to practise, using this experience if the need and legality arose.

The doctor then refers to an analogous situation whereby it would be illegal to take out a person's appendix, and says that this would be a ludicrous situation which would obviously be impossible in country areas. I fail to understand this doctor's reasoning. The letter continues:

> It must be left to the discretion of the general practitioner to decide whether he would operate himself or refer the patient to a gynaecologist.

The amendment does not provide that the operation must be carried out by a gynaecologist. The letter then states:

> The termination of pregnancy after three months is a hazardous procedure and would not be attempted by any experienced general practitioner. These cases would naturally be referred to a specialist, anyway, as with any difficult case.

This doctor admits that grave danger is attached to performing an abortion after three months and that it would not be attempted

by even an experienced general practitioner. Despite the apparent misapprehension contained in the first part of this doctor's letter, I agree with the doctor's later statement.

Mr. McAnaney: You were being critical just now.

Mr. HUGHES: I thought I made it perfectly clear that I was not criticizing this doctor. I was just drawing attention to the fact that she was under a misapprehension, and I do not think that is being critical. She has admitted that there is reason for this amendment to be inserted. This section has caused every member great concern. I must accept what the Committee decides, but I ask that all honourable members seriously consider the amendment, which I hope will be accepted.

The Committee divided on the amendment:

Ayes (9)—Messrs. Burdon, Casey, Clark, Corcoran (teller), Edwards, Giles, Hughes, Stott, and Venning.

Noes (27)—Messrs. Allen, Arnold, Brookman, and Broomhill, Mrs. Byrne, Messrs. Dunstan, Evans, Ferguson, Freebairn, Hall, Hudson, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McAnaney, McKee, Millhouse (teller), Nankivell, Pearson, Rodda, and Ryan, Mrs. Steele, Messrs. Virgo and Wardle.

Majority of 18 for the Noes.

Amendment thus negatived.

Mr. CORCORAN: I move:

In new section 82a (1) (*a*) (i) to strike out "greater risk" and insert "serious danger".

I have two other amendments to the same effect. As this provision is now worded, we are considering whether there is a greater risk in a woman's continuing a pregnancy than there would be if the pregnancy were terminated, and I take it that the termination would be performed in the safe period before 12 weeks. I do not think anyone in the medical profession would deny that, even for a healthy woman, possibly greater risk is involved in continuing with a pregnancy for the full term than in having the pregnancy terminated before 12 weeks. I think that members generally intend that, where there is serious danger to the life or the mental or physical health of a woman, pregnancy should be terminated. However, I do not believe honourable members desire this comparison.

The Hon. ROBIN MILLHOUSE: I hope the Committee will not accept this amendment, because it makes the onus very much heavier. The wording the Deputy Leader has adopted is the wording of Mr. Justice Menhennitt in Davidson's case, decided in Victoria a few months ago. In my respectful view, the decision in that case goes much further than the decision in Bourne's case; it does what the Deputy Leader wants it to do, and that is to tighten up the law.

The decision in Davidson's case, which is now the law in Victoria, does in my view tighten up very considerably on the law in Bourne's case. One of the points that has been made many times (we do not know, of course, because it has never been decided) is that we have regarded this case as enunciating the common law position applicable to South Australia. In the decision of the law in Davidson's case, His Honour said:

For the use of an instrument with intent to procure a miscarriage to be lawful the court must have honestly believed on reasonable grounds that the act done by him was (*a*) necessary to preserve the woman from a serious danger to her life or her physical or mental health, not being merely the normal dangers of pregnancy in child birth which a continuance of the pregnancy would involve and (*b*) in the circumstances not out of proportion to the danger to be averted.

The Deputy Leader wants to put into this Bill the first of those elements. In fact, he deliberately takes out of it any comparison with anything else. He does not put in the element of proportion which His Honour has imported into the law in Victoria. In my view, this would substantially tighten up the provisions of the Bill and the common law as we believe it to be in South Australia at present. It is also going further than the model provision in the United States of America, where no comparison is made. I remind the Committee of the wording in that model Statute. It states:

The licensed physician is justified in terminating a pregnancy if he believes there is substantial risk that the continuance of the pregnancy would gravely impair the physical or mental health of the mother.

That is the test in the United States of America and I may be prepared to go as far as that, but I will not go as far as this amendment does. If the amendment were accepted, we would be restricting more than at present the grounds upon which an abortion can be carried out in South Australia. I do not consider that any member has said explicitly (although, perhaps, the member for Millicent believes this) that he or she wants to go that far. For those reasons, I hope that Committee rejects the amendment.

Mr. CASEY: I never cease to wonder at the Attorney-General, because when it suits him he talks of legal matters and at other

times says that the matter is not a legal one and should not be treated as one. Even Anglo-American law protects the foetus at all times. The amendment tries to give some sanity to the Bill to protect the foetus as much as possible. We must come back to the basis of the common law, where we started, because the common law applies today in many more ways than it has applied in the past. We want to provide that, if the woman is in serious danger, she can be aborted. If members want to protect the woman in every way, they should consider the foetus, but they are not concerned with that at all. The amendment gives added protection, and I think doctors would readily accept that this is so. I hope the Committee supports the amendment.

Mr. CORCORAN: I am disappointed that no other member has spoken on this amendment. I have said that there is a comparison here. If the mother's life is in serious danger, the child can be aborted. If there is a serious risk of damage to her physical or mental health, the child can be aborted

Any doctor would tell us that a healthy woman takes a greater risk if she continues her pregnancy for the full term than if her pregnancy is terminated prior to the twelfth week. On this basis alone an unborn child could be aborted. I do not think my amendment is as restrictive as the Attorney-General has said it is. The mother does not have to become a physical or mental wreck, as is stated in the Bourne case. I cannot see anything in the amendment that is contrary to the views expressed by most members.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, (teller), Edwards, Ferguson, Giles, Hughes, Hurst, Langley, McAnaney, Stott, Venning, Virgo, and Wardle.

Noes (19)—Messrs. Arnold, Brookman, Broomhill, Dunstan, Evans, Freebairn, Hall, Hudson, Hutchens, Jennings, Lawn, Loveday, McKee, Millhouse (teller), Nankivell, Pearson, Rodda, and Ryan, and Mrs. Steele.

Majority of 2 for the Noes.

Amendment thus negatived.

Mr. CORCORAN: As the previous amendment has been rejected, I intend not to proceed further at this particular stage but to give way to the Attorney-General, so that he may move the amendment standing in his name.

The Hon. ROBIN MILLHOUSE: I move:

In new section 82a (1) (*a*) (i) after "woman" second occurring to strike out "or any existing children of her family".

This is what has generally been called the social clause. After much thought during the time of the Select Committee and since, I personally have come to the conclusion that this provision should not stay in the Bill. The Deputy Leader had a similar amendment on the file but, as it was bound up with other amendments that were unacceptable to me, I had this amendment put on the file. I point out to the Committee that I do so in my own personal capacity and not as Chairman of the Select Committee, because the committee decided, when this matter came up for decision, by three votes to one vote to retain the clause. One of my most substantial reasons for feeling that the provision should be omitted is that we are asking medical men to make a judgment on what is essentially a non-medical matter: that is, the health or well-being not of the woman but of her existing children, and this is something that we are not entitled to ask them to do.

I believe that in relation to abortion we should concentrate on the well-being of the woman herself; we should be able to look at her environment as new subsection (2) does, but I do not think we should go further than that. Apart from that reason, if we were to retain this provision, we would, in effect, be saying (and I know that I am getting into controversial ground here), "All right, we will prefer the lives of existing children, children who have parents, to the life of the foetus." I think that is going further than my conscience would allow me to go.

Finally, I point out that the medical profession (and I think we can accept that Dr. Steele, the President of the Australian Medical Association, can be taken as speaking for the profession) does not like this clause because of the responsibility that is put upon its members. I know that in the last nine or 12 months much debate on this social clause has taken place in the community, as happened in the United Kingdom before the provision was finally included in the Bill that is now law in that country.

I do not need to go over the figures again, but I remind the Committee that 12 months' experience in the United Kingdom has shown that the clause has been relied upon as a ground much less than everyone expected. Indeed, it has not had the significance that the amount of controversy it aroused would lead one to think it would have had. It has been relied upon as the sole ground in only 4 per cent of the cases, and it has been relied on as one of the grounds

in a rather higher percentage, which I mentioned recently. On the whole, I think the provision ought to come out for the reasons I have given. There is no reason for me to elaborate on the argument, as I have stated my views and all the arguments have been amply stated.

The Hon. R. R. LOVEDAY: I was one of the members of the Select Committee who voted for the inclusion of the so-called social clause. I am still of the same opinion and I still support its inclusion. It is necessary to do so because the whole family situation, especially in relation to the children, must be considered in these circumstances. In this respect the children should not be forgotten. The following report appeared in the *Advertiser*:

Doctors at the Royal Adelaide Hospital yesterday supported the proposed legislation on abortion but favoured keeping the Bill's social clause intact. A petition signed by 77 of 93 full-time doctors approached at the hospital was sent to the Attorney-General (Mr. Millhouse).

A survey of South Australian general practitioners by the Royal Australian College of General Practitioners had revealed that 80 per cent of doctors who answered the question were in favour of the Bill, including the social clause, the South Australian faculty's provost (Dr. David Craven) said yesterday.

This was only an interim figure because the poll was continuing for two weeks. So far a third of 700 G.Ps. who received the circular had replied. He reported on the survey to a meeting of the South Australian faculty's board at the weekend.

After careful consideration and after hearing evidence from 34 witnesses, I formed my opinion on this matter, and I have seen no reason to change my mind.

Mr. CASEY: I support the amendment. I am pleased that the Attorney-General has seen fit to remove this provision. An eminent doctor in the United Kingdom submitted the following article to the *Lancet* in January this year:

This sequence of events has occurred in every country in which abortion law "reforms" have been effected. Even as early as the close of the first year of the English experience, it is obvious that the legal indications have been interpreted well beyond the limits intended by the legislators. We did not approve of the clause permitting terminating of pregnancy for the sake of the existing children of her family, but, all in all, we did not expect a very great change in practice from that obtaining before the Act. We thought that there would be a slightly more liberal attitude to the problem, for that, after all, was the purpose of the new law. How wrong we were. I am afraid that we did not allow for the attitude of, firstly, the general public, and secondly, the general practitioners.

The lesson is clear. If any law is introduced to clarify the doctors' right to perform an abortion on psychiatric grounds, any attempt to incorporate an explicit "social clause" must be vigorously opposed. It is a well accepted dictum of modern medicine that a doctor must consider the whole patient. This includes an evaluation of his social and economic environment. There is, therefore, no need to make this feature of a doctor's evaluation explicit. It can be confidently predicted that, if explicit reference is made to social and economic factors, this will be used as a cloak for what is virtually abortion on demand. The "social clause" is the method used by the advocates of abortion on demand to obtain in a concealed fashion a state of affairs which would be rejected strongly by society if presented in an open form.

Even now strong moves are being made in the United Kingdom to do something about the state of affairs existing there. I sincerely hope the Committee supports the amendment.

The Hon. JOYCE STEELE (Minister of Education): As a member of the Select Committee, I favoured the insertion of this provision in the Bill. I am concerned with this matter from the point of view of a woman who is afflicted with German measles in the first two months of pregnancy when, as most medical people would agree, damage can be done to the foetus. I have had a fair amount of experience with the education of handicapped children, and I have seen the tremendous aids that can be provided to those children who are born with a deformity as a result of the mother's having had German measles in the first two months of pregnancy.

My own personal opinion is that the continuation of a pregnancy in such cases can present the kind of situation that was foreseen in this clause. As a good deal of my life has been spent in this particular interest, I know that it was not until the early 1950's that it began to be accepted that a handicapped child should be kept in the home as a member of the family. Although this theory has gained a good deal of ground, I believe that it still imposes a very great handicap on the remaining children of the family. It is for that reason that I supported this clause, and it is for that reason that I am still in favour of keeping it as it is.

Mr. GILES: As I believe that this provision was one of the main bones of contention, I am very happy that the Attorney-General has moved that this part be deleted. I support the amendment.

Mr. HUDSON: I support the amendment. As far as social and economic factors are concerned, I believe that the community must seek an alternative. I also believe that, even with the somewhat restrictive attitude on social services of the present Government in Canberra, the alternative has been improved in recent years. There is a tendency now to recognize that those who are in difficult economic circumstances because of the unemployment or the death of the breadwinner, or because a wife and family have been deserted, are entitled to extra assistance, and the payments that are made for each child are now very much greater than they were a few years ago, although they are still not good enough.

However, I think that this is a progressive tendency and that we are getting gradually an awareness that the community overall has a responsibility to see that, in any family where there are difficult economic circumstances because of the number of children or the absence or unemployment or sickness of the breadwinner, adequate provision is made. This is a community responsibility and must be faced. We still have a long way to go in seeing that these arrangements are extended to unmarried mothers and to other cases of desertion where the woman concerned looking after children does not as yet qualify for the Commonwealth widow's pension and, indeed, in seeing that some of the waiting period at present involved in qualifying for that pension is eliminated.

Nevertheless, I believe that is the way to tackle the problem. We should not tackle it by providing that this is a matter that the doctor can take into account in deciding whether or not an abortion should be carried out. I do not consider it appropriate, even if the words were left in the Bill, for a doctor to make this type of decision. I do not consider him competent to decide whether another child in the family would affect the well-being of the remainder of the family. This decision would require reference to a social worker, or similar person.

The Committee divided on the amendment:

Ayes (25)—Messrs. Allen, Arnold, Brookman, Broomhill, and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Edwards, Ferguson, Giles, Hudson, Hughes, Hurst, Langley, McAnaney, Millhouse (teller), Nankivell, Rodda, Ryan, Stott, Venning, Virgo, and Wardle.

Noes (11)—Messrs. Dunstan, Evans, Freebairn, Hall, Hutchens, Jennings, Lawn, Loveday (teller), McKee, and Pearson, and Mrs. Steele.

Majority of 14 for the Ayes.

Amendment thus carried.

Mr. CORCORAN: I move:

In new section 82a (1) (*a*) to strike out:

or

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

This is commonly known as the eugenic clause. I suppose the most common case connected with this paragraph is rubella, although other conditions can lead to a handicapped child being born. Members of the Select Committee will recall that Dr. Rice brought to a committee meeting two people whose mothers had contracted rubella during pregnancy. I think both were deaf. Prior to her marriage the woman was a comptometriste in the Commonwealth Public Service and the husband was a carpenter. Both wore hearing aids and had received special training.

They brought with them their small child, who was a perfectly normal, delightful child. They said that, had this provision been in force, they would not have had the opportunity to enjoy the perfectly happy life they were enjoying. They were obviously quite bright; this is not unusual in people handicapped in this way. Such people seem to do extremely well in their chosen occupations, which they pursue with great vigour and enthusiasm. As I said, the child was perfectly normal, as would be any future children of that marriage. I ask the Committee to consider cases of this nature and to provide that in the future people be given the opportunity that these two people had. Dr. David Pitt, Australia's foremost authority on defects resulting from rubella, writing on this topic in a specially-requested article for the *Medical Journal of Australia*, dated October 4, 1969, noted that the United Kingdom abortion Act gave no direction concerning what constituted "serious risk" and "seriously handicapped". About one in every 30 babies in Australia is born with a major congenital defect, that is, one requiring medical or surgical treatment for its correction. In virtually all cases one cannot be certain that an individual child will be born with a defect, nor can one predict to what extent the child will be handicapped.

During the Select Committee inquiry, members of the committee will recall that on several occasions I asked doctors to what

degree of certainty they could tell during pregnancy whether or not a child was likely to be born handicapped. I think the answer generally was that this could not be ascertained with any degree of certainty and that doctors could rely only on the fact that a certain ailment might lead to a child's being born handicapped.

The Hon. Joyce Steele: This related particularly to the early stage of pregnancy.

Mr. CORCORAN: Yes, and doctors could not tell at that stage; they could be guided only by statistics. In the case of women contracting rubella early in pregnancy, 10 out of every 100 children born are likely to be handicapped in some way, that is, involving deafness, blindness, or some other defect. Dr. Pitt says that most conditions may be suspected as a matter of odds. He classifies high risk as being about one chance in two, and states that the only common one here is rubella occurring in the first month of pregnancy. This has a risk in general of 50 per cent to 60 per cent that the child will have a defect requiring medical or surgical treatment.

In regard to the classification of medium risk, again the only common condition listed is rubella during the second or third month of pregnancy. Here, there is a 25 per cent to 33 per cent risk that the child will need medical or surgical treatment. But with advances in medical and surgical treatment, most of these children classified as having major defects can be either cured (correction of heart defects by surgery) or considerably helped (hearing aids for the deaf or eye surgery for those with cataracts). Mental deficiency does not occur in association with German measles infection of the mother in a higher proportion than in the general community. Long-term follow-up studies of these children have shown that even with the state of medical treatment a decade ago, they are able to make a surprisingly good adaptation to their disability and the majority are able to live happy and useful lives. With better education and corrective treatment today they should do even better. Surely we should dwell on this aspect, because one of the matters raised by other members, not only those who have opposed abortion but also those who have supported it, is that there is a great need for the State to do more for children who are born handicapped and to help those people who have a large number of children and who find themselves in difficulty.

The vast majority of abortions are done and should continue to be done on women who have had German measles or rubella during pregnancy because their health is likely to be affected knowing that their child is likely to suffer a handicap. The Select Committee heard evidence that an international conference was held in Europe in December, 1968, of parties interested in the production and development of vaccines against rubella. Australia was represented at this conference by Professor Frank Fenner of the Australian National University, one of Australia's outstanding virologists. On his return, Professor Fenner reported that evidence had been given that at the time three vaccines had been extensively tested and found to be effective in conferring immunity against German measles. These vaccines were being produced in cultures on cells of monkey kidney and of duck eggs, both of which are not regarded as ideal for human vaccines. Even so, the opinion of the conference delegates was that safe and effective vaccines could be produced in commercial quantities at short notice so that they were sure there would be no recurrence of an epidemic of German measles in the United States of the proportions of the 1964 epidemic.

Since then, further vaccines have been tested and proven. These are grown in cell cultures that are suitable for use for human vaccines, and it is envisaged that such a vaccine will be used for vaccination programmes in Australia soon. The Commonwealth Minister for Health indicated in a report in the *Advertiser* about a month ago that some of these vaccines were likely to be used in Australia, and, if honourable members would like me to get a copy of that report for them, I will do so.

This indication will shortly be a thing of the past, and legislation against maternal rubella will soon be unnecessary. As it seems likely that most members intend to support in some form or other legislation that will allow abortion where there is a risk to the physical or mental health of the mother, surely that should be adequate. I do not believe doctors should be able to perform abortions where there is a serious risk that the child will have a serious handicap. These cases will be extremely rare. Furthermore, those that can be diagnosed can and will continue to be diagnosed only after the fifth month of pregnancy, and even then it is usually after the sixth month of pregnancy.

That information is contained in the British medical journal, the *Lancet*. I make a plea to members to delete this subparagraph, because I believe that basically every foetus has the right to be born. I do not believe we should sort out these particular cases for special treatment. There is no guarantee, nor can there be, on the part of any doctor that a foetus will be affected by a disease such as rubella. If we place this provision in the Bill it will lead to perfectly normal and healthy foetuses being destroyed on the basis that the babies may be handicapped if they are born. The Select Committee was told that 90 out of every 100 of these cases would be perfectly normal but that 10 might be handicapped.

In order to prevent the birth of the 10 that may be handicapped (and such people, even with their handicap, can be handled and trained to lead useful lives), 90 healthy foetuses will be destroyed, and that is completely wrong. My attention is drawn to a paper presented to the Brisbane Doctor-Clergy Group in January, 1969, by Mr. R. S. J. Simpson. In this paper he read to the group the following letter from three residents of an institution for the crippled that was published in the *Daily Telegraph* in the U.K. when the abortion Bill was being discussed:

Sir, We were disabled from causes other than from thalidomide, the first of us having two useless arms and hands, the second two useless legs and the third the use of neither arms or legs. We are fortunate only, it may seem, in having been allowed to live and we want to say with strong conviction how thankful we are that no one took it upon themselves to destroy us as useless cripples. Here in the Thomas Delarue School for Spastics we have found worthwhile and happy lives and we face our future with confidence. Despite our disabilities, life still has much to offer and we are more than anxious (if only metaphorically) to reach out towards the future.

I have described the condition of those people and they are grateful, as the two people who appeared before the Select Committee were grateful, that this sort of law was not in force when they were conceived. They were given the opportunity to live. I now refer to *Terrible Choice*: *The Abortion Dilemma*, which is based on the proceedings of the International Conference on Abortion sponsored by the Harvard Divinity School and the Joseph P. Kennedy, Jr. Foundation. The foreword is written by Pearl S. Buck, the Nobel Prize winner, who states:

Far be it from me to weight the decision for or against abortion. I am only a woman among others. And yet as the mother of a child retarded from phenylketonuria, I can ask myself, at this reflective moment, if I had rather she had never been born. No, let me ask the question fully. Could it have been possible for me to have had foreknowledge of her thwarted life, would I have wanted abortion? Now, with full knowledge of anguish and despair, the answer is no, I would not. Even in full knowledge I would have chosen life, and this for two reasons: first, I fear the power of choice over life or death at human hands. I see no human being whom I could ever trust with such power—not myself, not any other. Human wisdom, human integrity are not great enough. Since the foetus is a creature already alive and in the process of development, to kill it is to choose death over life. At what point shall we allow this choice? For me the answer is—at no point, once life has begun. At no point, I repeat, either as life begins or as life ends, for we who are human beings cannot, for our own safety, be allowed to choose death, life being all we know.

This was written by a famous woman who had had experience of rearing a handicapped child. I make a plea to the Committee not to include this paragraph but to look to the things that we can do, if handicapped children are born, to help them and train them to be useful citizens.

The Hon. ROBIN MILLHOUSE: I suggest to the honourable member that the argument he has used with regard to rubella is a self-defeating argument because, as medical science progresses, so will the use of this clause become less because it will not be necessary to use it. I think it is common ground that medical science is advancing in such a way that, although rubella could still lead to dreadful consequences, those consequences are now not so great as they were at one time. The Deputy Leader concentrated much of his argument on rubella, but this is only one of a number of conditions—

Mr. Corcoran: I said there were others.

The Hon. ROBIN MILLHOUSE: Yes, but the Deputy Leader concentrated on rubella, which is only one of a number of conditions that can arise. While this may (and we all hope that it will) disappear as a reason for abortion on this ground (if this ground is accepted in this State), there will be others, unfortunately. Let us think for a moment of the thalidomide tragedy. We know of the costly consequences of the use of that drug.

Mr. Casey: Will it be used again?

The Hon. ROBIN MILLHOUSE: Although that drug will not be used in the future, that sort of thing can happen at any time. Only last week there was a panic about the possibility of some sweetener causing cancer, and it was suggested that it should be taken out of baby

foods. This sort of thing can occur again and can lead to a high probability of malformation or deformation, and that is why I suggest that this paragraph should be left in to cover these cases. I have here a *Guide to the Abortion Act,* a publication of the Abortion Law Reform Association of Great Britain, which any member can have if he wishes to look at it. On pages 12 and 13 there is an extensive list of conditions in respect of which there is a high probability that they would result in a defective child being born. There are many conditions other than rubella and thalidomide. Much evidence was given to the Select Committee on this matter, and I can give the references if members want them. I intend to quote only two witnesses. Professor Cox gave evidence that was of the greatest value to members of the committee, regardless of their personal convictions. In the passage to which I refer (page 40), the member for Millicent was questioning Professor Cox and the evidence is as follows:

How certain can you be and at what stage can you tell that the child will be physically or mentally handicapped?—You cannot always be certain of it, anyway. The child could be at risk and you could not know about it.

In the next paragraph, Professor Cox stated:

Therefore, in most cases one is going entirely on the history: either on the evidence that the mother has suffered from an illness which is known to promote abnormalities in the foetus in a high proportion of cases, or that she has had administered to her some drug in the course of an illness which is known also to promote abnormalities, or that there is an hereditary disease in the family which would have a high incidence of abnormality.

There Professor Cox summed up the three sets of circumstances that this subparagraph seeks to cover. I refer also to the evidence of Dr. Dilys Craven, one of the women doctors who gave evidence, at page 59. As medical science advances, so, certainly in the case of specific conditions, this provision will be used less. Therefore, there is no danger in including it. It covers the conditions to which I have referred and to which the witnesses have referred, the conditions that lead to a high probability of the most ghastly abnormalities and deformations. This is ample justification for retaining the provision. In my opinion it cannot be open to abuse. In every case, the matter is a medical one and must be determined by medical men, on the basis of their experience. I ask the Committee to retain the provision.

Mr. CASEY: I support the amendment. If the Attorney had continued to read the evidence of Professor Cox, he would have read the part that states:

There is no evidence in a particular case from which one could say that a child will be defective or that he will have an abnormality.

Although the Attorney has quoted three cases in which this is likely to happen we must consider the whole of the evidence given by Professor Cox. If the Attorney-General is prepared to accept portion of it, he must accept the whole of it. The witness also said:

This could not be said until mid-pregnancy or as late as two to three years after birth.

This is the whole crux of the matter. I, too, could quote instances of people who have abnormalities that were caused prior to their birth. These people value their lives to the extent that they plead with committees not to introduce legislation of this kind. It happened in the United States of America only recently, when this type of provision was being debated. I wish to quote the following passage from the booklet "Abortion, a Matter of Life or Death":

Recently a Bill to legalize abortion was rejected in the New York Assembly, largely because of a dramatic speech by Martin Ginsberg, who has been severely crippled from an early age by poliomyelitis and walks with great difficulty with use of crutches and leg braces. He pointed out that such people as Toulouse Lautrec, Alec Templeton, Charles Steinmetz, Lord Byron and Helen Keller had all suffered from physical handicaps. During the debate over the "Abortion Bill" in the United Kingdom, the following letter was published in the "Daily Telegraph". It was written by three residents of an institution for the crippled:

That letter was the one referred to by the member for Millicent (Mr. Corcoran). I think we must be guided by these people, who are gaining much from life. I realize that, if a baby is born with abnormalities, the family faces severe difficulties. In my own district there is a family consisting of two boys and two girls. The first child born, a girl, was very severely crippled and is now in the Home for Incurables. The second child, a boy, was perfectly normal. Because the third child, a girl, was severely crippled, the parents sought expert advice about whether they should have more children. The advice was that any more female children would probably be crippled but, if they had a son, everything would be all right. They went ahead and a fourth child, a boy, was born, but it was even more severely handicapped than the two daughters. The parents have now accepted the situation, but I realize it is very difficult for them. We can only be guided by the experience of people whose children have been born with

these abnormalities. I support the amendment, which I think is a desirable one.

Mr. HUDSON: In most cases where children are born with some physical or mental defect one of the great problems is what this does to the life of the parents concerned. I know of instances in my own area where parents, on insisting on doing the best for the child and not putting it in an institution, find almost that they have to divorce themselves from any other aspects of normal home life. A child suffering from muscular dystrophy, for example, will require constant care and attention. It seems to me that, with the provision we are discussing, plus the requirement that account shall be taken of the pregnant woman's actual or reasonably foreseeable environment, the words that the Deputy Leader is proposing to strike out would not be necessary and would therefore be surplusage. Can the Attorney-General explain why these particular words are not surplus words?

The Hon. ROBIN MILLHOUSE: At present the ground that the honourable member has put forward in his question is, in fact, the only ground on which a pregnancy can be terminated in these circumstances (this relates to the worry and upset occurring during pregnancy and to the physical and mental strain of looking after an affected child afterwards). That is the only possible way in which an abortion in these circumstances can be justified.

Mr. Hudson: Would that cover a number of cases?

The Hon. ROBIN MILLHOUSE: Yes. I point out that it then depends very much on the physical make-up of the woman concerned. If she is a strong girl, who is calm and does not get upset greatly about these things, obviously she cannot get an abortion on these grounds, and it seems to me quite unjust and illogical that one can penalize a woman because she happens to be strong and healthy and can put up with these things without undue physical stress.

Mr. Clark: Could doctors be sure of that? Sometimes a person, normally strong physically, breaks down.

The Hon. ROBIN MILLHOUSE: This is a medical problem, and we cannot talk *in vacuo*. We cannot give a satisfactory answer, except in an individual case. The point I am trying to make is that if the make-up of a woman is such that she will be able to carry on because she is strong and robust mentally and physically, she would not be able to have an abortion even though there was a high probability of the child's being born with some ghastly defect, while the woman with not such a strong physical and mental make-up would be able to qualify. It seems to me to be unjust and illogical to make it depend on the make-up of the woman.

If it were not for those considerations, I would agree with the honourable member that one could in some cases get in under the ground we have already agreed to. However, there are many cases in which the woman could not qualify simply because of her robustness, and I think that is wrong, bearing in mind that the child will be just as crippled, handicapped or deformed, whether or not the mother is capable of looking after it.

Mr. CLARK: On reading the provision, it appears that we are putting the doctor in an impossible position. I take it that "seriously handicapped"' does not mean handicapped in a minor way. How can a doctor tell whether it will be a serious or only a minor handicap?

The Hon. ROBIN MILLHOUSE: The phrase "seriously handicapped" cannot be further defined. One cannot define it exactly.

Mr. Clark: I think just "handicapped" would be all right, wouldn't it?

The Hon. ROBIN MILLHOUSE: In my view, "seriously" adds to "handicapped"; it means a serious handicap. This is a matter of judgment in every case, and one cannot define it any more than we can define "substantial risk". It cannot be precisely defined *in vacuo*. It can be done much more easily in a specific case.

Mr. CLARK: Although the Attorney-General has made a valiant attempt to answer my question, I cannot understand how a doctor is going to form what will have to be a firm opinion.

The Hon. ROBIN MILLHOUSE: He has to be satisfied that there is a substantial risk of the child being seriously handicapped. To give an example, I refer to Huntington's chorea, which is a hereditary disease. The handicap in this case is known. A description of the disease given by Dr. Fay Gale in respect to Aborigines at Point McLeay states:

> Huntington's chorea is a progressive degenerative disease of the central nervous system characterized by involuntary jerking movements of body and limbs. It causes the gradual impairment of affected persons, both physically and mentally, and ultimately leads to death, often after an interval of 10 or more years.

To me that is a serious handicap, but again it is a subjective test. Some doctors or lay people may say that is not serious and that a thalidomide case is not serious.

Mr. Clark: It is a dreadful handicap, but can you say it will occur?

The Hon. ROBIN MILLHOUSE: The honourable member asked before whether I could give an example of what I regarded as a serious handicap.

Mr. Virgo: The two doctors have to form an opinion in good faith; it is not lawyers who form the opinion.

Mr. Clark: Doctors before the Select Committee said this was most difficult.

The Hon. ROBIN MILLHOUSE: Yes, but that does not mean it is impossible. As the member for Edwardstown said, this is for two doctors to decide.

Mr. Hudson: What test would the courts require in these circumstances?

The Hon. ROBIN MILLHOUSE: I cannot lay down the tests. The courts would require the doctors to act in good faith and to act reasonably in all the circumstances. I do not think *in vacuo* one can carry it further than that. I have given two examples to the honourable member (and I can multiply them) where there is obviously, to the ordinary reasonable person and I think to the medical practitioners concerned, a serious handicap.

Mr. CORCORAN: At page 34 of the report, I asked Dr. Gibson the following question:

In paragraph 2 of your statement you say that the Australian Council of the Royal College of Obstetricians and Gynaecologists is opposed to induced abortion, except when there is documented medical evidence that the infant may be born with incapacitating physical deformity or mental deficiency. How certain can we be today that, in fact, their investigations are accurate?

He replied as follows:

You cannot. There is a risk in everything and in every pregnancy. A certain amount of foetal abnormality will occur, whatever is done. That provision is included because of German measles. It was felt it would be unrealistic to specify one disease when, in six months' time, there might be a big screed in the paper saying that another disease is doing this. The difficulty is that a large number of these things cannot be forecast. Of course, one cannot forecast whether a mother will produce a mongol or a baby with a cleft palate. It was rubella which we had in mind, really.

I asked Dr. Cox this question:

How certain can you be and at what stage can you tell that the child will be physically or mentally handicapped?

He replied as follows:

You cannot always be certain of it, anyway. The child could be at risk and you could not know about it. Even at the time of birth one could not know about it. One might not know about it until the child grows up and it proves to be mentally defective. An abnormality could be detected in late pregnancy when it could be seen by X-ray. Although the bones of a foetus are visible as early as the 12th week of pregnancy they appear only as a serious of tiny dots, and one could not know whether or not they were normal. It is not until the 28th week that all the bones and the skeleton are developed and a radiologist could say they were normal.

That is the point I am trying to make: the medical profession cannot tell. These are the views of two eminent people who gave evidence before the Select Committee in this State. Dr. Cox went on to say:

Therefore, in most cases one is going entirely on the history: either on the evidence that the mother has suffered from an illness which is known to promote abnormalities in the foetus in a high proportion of cases, or that she has had administered to her some drug in the course of an illness which is known also to promote abnormalities, or that there is an hereditary disease in the family which would have a high incidence of abnormality. In all this it is indirect and statistical evidence that one goes on. There is no evidence in a particular case from which one could say that a child will be defective or that he will have an abnormality. This could not be said until mid-pregnancy or as late as two to three years after birth.

The Attorney-General has admitted this, but he is saying that if a woman contracts rubella or anything else at a certain stage of pregnancy the life of the foetus can be terminated on the chance that it may be handicapped. However, it has been clearly pointed out here that a doctor cannot tell whether the child will be handicapped if the pregnancy is continued to the full period. It is not only a medical question as the Attorney has said. Surely there must be a legal question involved, too. If we introduce legislation which says that the State may legislate against a person's life on the ground that he or she may be physically handicapped in some way, we have introduced a major change in the law and we have established a precedent that will lead to the application of the same argument against other groups in the community.

As the Attorney would know, this really amounts to establishing a precedent in law, and it could well be the thin end of the wedge for the establishment of euthanasia. In other words, if we can make it legal to destroy those who are likely to be handicapped, it can eventually quite logically lead to euthanasia. The Attorney knows that.

The Hon. Robin Millhouse: I certainly do not.

Mr. CORCORAN: Well, if the Attorney does not know that he is putting his head in the sand. The point which I make to the Attorney and which he has not satisfactorily answered is this: no person in the medical profession to my knowledge has said that one can tell with any certainty in the early stage of pregnancy whether a child will be handicapped or what the degree of that handicap will be. The Attorney has admitted that, yet here we are giving the medical profession the opportunity, up to the period of 12 weeks (because we maintain that this is the safe period to do it), to abort on the grounds that a woman may be carrying a foetus that is likely to be born handicapped. I ask the Attorney-General to reconsider and give to a foetus being carried by a woman who has one of these diseases a chance to develop.

Mr. BURDON: The Attorney-General has not satisfactorily answered the questions asked by the member for Gawler. He has not given a satisfactory explanation regarding the terms "substantial risk" and "seriously handicapped". Although the Attorney says that this provision is necessary, who will decide whether it is a legal or a medical responsibility? If it is a medical responsibility, it is placing the responsibility on a doctor to determine something on which there is no clear evidence.

The Hon. R. R. LOVEDAY: The member for Frome has given a good instance of a case that I think provides one of my main reasons for supporting this provision. I want the Bill to provide that a woman, knowing that she has a predisposition towards this type of illness, can voluntarily go to two doctors to discuss the position so that the three of them can decide whether it is desirable for her to be aborted. This matter is being discussed as though the woman should have no choice, that someone else should decide whether she has the right to discuss her position with doctors to decide whether there should be an abortion.

Mr. CASEY: Can the Attorney-General instance diseases other than rubella that could cause deformities? Can he give further details about Huntington's chorea? Members have talked about families confronted with children's deformities, whether hereditary or otherwise. If parents find that their first child is deformed they will naturally seek advice about whether they should have more children. The doctor may say, "I cannot give you any guarantee, but I do not think you should have any more children." If the parents take his advice, they will see that they do not have any more children. They have a responsibility not only to themselves but to the community in general. If, in these circumstances, they have more children, they take the responsibility upon themselves.

The Hon. ROBIN MILLHOUSE: I regret that the honourable member did not do what I suggested a few minutes ago: I gave him the reference to the evidence of Dr. Dilys Craven (at page 59). Several examples are set out there. Furthermore, I am willing to lend him the book I have on the United Kingdom abortion Act; it sets out *in extenso* the various medical conditions. I suggest that he should accept my offer.

The Committee divided on the amendment:

Ayes (12)—Messrs. Allen, Burdon, Casey, Clark, Corcoran (teller), Edwards, Ferguson, Giles, McAnaney, Stott, Venning, and Wardle.

Noes (24)—Messrs. Arnold, Brookman, and Broomhill, Mrs. Byrne, Messrs. Dunstan, Evans, Freebairn, Hall, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Millhouse (teller), Nankivell, Pearson, Rodda, and Ryan, Mrs. Steele, and Mr. Virgo.

Majority of 12 for the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

ADJOURNMENT

At 10.44 p.m. the House adjourned until Thursday, October 30, at 2 p.m.