HOUSE OF ASSEMBLY

Thursday, October 30, 1969.

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

LOCAL COURTS ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

JUSTICES ACT AMENDMENT BILL (COURTS)

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (COURTS)

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

ASSENT TO BILLS

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

Dairy Industry Act Amendment,

Goods (Trade Descriptions) Act Amendment.

PETITION: ABORTION LEGISLATION

Mr. CORCORAN presented a petition signed by 68 persons, stating that the signatories, being 16 years of age or older, 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.

Petition received.

QUESTIONS

HILLS LAND

The Hon. D. A. DUNSTAN: I have had many representations concerning proposed subdivisions in areas in the southern hills and hills face zone. I understand that the Attorney-General has had representations concerning these areas, the particular areas of concern being about 202 acres in the hills face zone near Windy Point, about 20 acres owned by the Boy Scouts Association, and some adjoining areas in the upper reaches of the old railway viaduct gully and Sturt Gorge at its upper reaches off the southern side of Shepherd Hill Road near Colebrook Home. Considerable disquiet has been expressed about the subdivision of land in this area, and there are widespread rumours that the land in the area adjoining Colebrook Home, if not including some of the Colebrook Home land, is to be subdivided and part of it used for a motel. Can the Attorney-General say whether an investigation has been made into the representations that I know he has received, and what precisely is the position relating to proposed subdivisions in these areas?

The Hon. ROBIN MILLHOUSE: All the areas of land to which the Leader has referred are in my own district. If the land at Eden Hills is the land about which I have had discussions with local residents (Northcote Road runs north and south, and this land is on the western side adjoining the Colebrook property), about three weeks ago a public announcement that there would be no subdivision appeared in the local newspapers, and I am surprised that this information was not conveyed to the Leader by those who spoke to him. A piece of land there (eight acres, I think) was purchased in 1951 for education purposes but is now no longer required for those purposes, as a high school and primary school have been built in the last 10 years just a little farther west. There was a suggestion that the block with the land fronting Northcote Road (not the whole of the property, but the land fronting Northcote Road) should be divided into, I think, eight blocks, and some preliminary surveys

were made to this end. As soon as this was noticed, the local residents approached me. I discussed the matter with the Minister of Lands, and it was decided not to proceed with the subdivision. That land will now remain in its natural state and, as I say, this was announced about three weeks ago. Therefore, I can assure the Leader that there is no problem regarding this piece of land, and I know of no other land in Eden Hills that it is intended to subdivide. I have never heard the suggestion about a motel but, if the Leader gives further details, I will follow up the matter. From what he has said, I am sure the land to which he has referred is the piece of land about which I have been speaking.

The Boy Scouts Association property is, I think, the Uralla property at Hannaford Road, Blackwood. I think my recollection is right that there is no present intention to sell and subdivide that property. Some parts of it have, I think, already been sold in years gone by. As my son is a member of the scout troop that meets there (the First Uralla Scout Troop), I think I would have heard if there had been any intention of abandoning the property. I think there is not such an intention, but I will check. The 202 acres of land referred to is land immediately to the south and west, but mainly to the south, of Windy Point. It is old quarry land that belongs to Quarry Industries Limited; at least, it belongs to the predominant quarry interest in the State. The quarry has been worked out: I think a form A was issued on October 24, 1968. As the Leader knows, that means that 12 months may elapse before a plan of subdivision is lodged. I do not know whether a plan has been lodged: it had not been lodged by the beginning of this month, and I have not heard whether it was lodged before the expiration of the term on October 24 this month. Regarding this land, about two or three weeks ago the Minister of Lands met a deputation from those who had promoted the petition that had been sent to me (and I think I see a copy of that petition now). I understand from the Minister that those who saw him were quite satisfied, after their discussion with him. I know most of those people personally, and I have not heard from them for some time since they saw the Minister, but I will check regarding that piece of land also and let the Leader know the precise position.

POTATOES

Mr. McANANEY: Has the Minister of Lands obtained from the Minister of Agriculture a reply to my recent question about imports of potatoes into South Australia in September, 1969?

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

Inspection records maintained by the Agriculture Department show that a total of 779 tons of potatoes was imported into South Australia from other States during the month of September, 1969. This figure includes the tonnage imported under the authority of the South Australian Potato Board.

MILLICENT RAILWAY YARD

Mr. CORCORAN: On November 26 last year the Attorney-General, replying to several questions I had asked about the condition of the Millicent railway yard, stated—

The Hon. Robin Millhouse: Potholes?

Mr. CORCORAN: Yes. Apparently, the Attorney-General is not worried about it: he is making a joke of the matter. The Attorney stated:

My colleague informs me that a personal inspection made by the Railways Commissioner of the Millicent railway yard indicates that, while there is some degree of unevenness, the situation is little different from any other yard which must, of necessity, be located on a flat grade. However, it is intended to make provision for the grading of the yard to existing drain outlets on the departmental budget for 1969-70.

Will the Attorney-General ask the Minister of Roads and Transport when this work, which his colleague promised would be carried out, will commence?

The Hon. ROBIN MILLHOUSE: I must correct one thing the Deputy Leader said during his explanation, after my interjection. I do not know why he concludes that I am not worried about this matter. I simply recollected giving the reply. I regret that the work has not been done. I will take up the matter with the Minister as a matter of urgency, because I share the honourable member's desire that the work be carried out as soon as possible.

WORKMEN'S COMPENSATION ACT

The Hon. B. H. TEUSNER: As some years have passed since the Workmen's Compensation Act has been amended, can the Treasurer say whether the Government intends to introduce an amending Bill during the present session to bring certain provisions up to date?

The Hon. G. G. PEARSON: This matter has been raised with me several times earlier in this session. When the member for Edwardstown raised it, I assured him that a Bill would be introduced during this session. The preliminary work and, I think, the drafting have virtually been completed. Last time I

asked, I thought the Bill was almost ready to be introduced. I asked the Minister of Labour and Industry to take over from me the discussing and examining of the Bill's provisions, because he is more expert in these matters than I. Prior to his illness, he did much work on it and discussed its operation with all parties concerned. He did a good job in reaching agreement with the parties. The undertaking that has been given will be honoured: the Bill will be introduced. I think it is now almost ready to be introduced.

GARDEN SUBURB

Mr. VIRGO: I direct my question to the Attorney-General, both as the Minister representing the Minister of Local Government and in his other capacity as member for Mitcham and co-representative with me of the Garden Suburb. In his report the Garden Suburb Commissioner states that February 19, 1970, will mark the 50th anniversary of the establishment of the Garden Suburb. The Commissioner's words are worth reading to the House:

The objective of the legislation—

that is, to establish the Garden Suburb—

—appears to have been to provide a practical example of town planning practice of the times, under Government control.

I consider that it is just that, and I think it is significant that this was the first housing scheme undertaken in South Australia. Although I do not believe that such an occasion as the 50th anniversary should be allowed to pass unnoticed, I am conscious, as a result of reading the report, of the difficulty the Commissioner would have in doing anything other than perhaps hoisting a flag outside the hall in West Parkway. Will the Attorney-General use his best endeavours to persuade the Government to give the Commissioner the necessary finance so that this occasion can be celebrated properly, and perhaps suggest to Mr. Sellars that a committee of appropriate people be formed immediately, because there is no time to waste? I am thinking of people such as Mr. Cyril Harris and Mr. Stephens, who could act as members of this committee.

The Hon. ROBIN MILLHOUSE: I very much appreciate the honourable member's question, because I think that it would be an appropriate occasion to mark, and I will certainly discuss with my colleague and with Mr. Sellars the question of the appropriate way to celebrate it. I am sure that the honourable member would agree with me that we cannot obtain unlimited funds for this. However, it may not be necessary to spend much money, so long as the occasion is appropriately marked, and I hope that this can be done. I think the honourable member did not mean to convey this impression, but the Garden Suburb as a model of town planning (as the honourable member said, it was the first model of town planning) was originally a different concept from the Thousand Homes Scheme, which was subsequently superimposed on it when the two things were brought together. The Thousand Homes Scheme was not necessarily part of the town planning.

Mr. Virgo: It became part of it.

The Hon. ROBIN MILLHOUSE: Yes, and it still is. I will discuss the matter with the Minister and also with Mr. T. J. Sellars, the Garden Suburb Commissioner.

CLARENDON RESERVOIR

Mr. EVANS: When replying to my question of September 17 about the Clarendon reservoir and the department's intention to close roads so that this reservoir could be built on the Onkaparinga River at Clarendon, the Minister of Works said that, when replies from the District Councils of Stirling and Meadows had been received, the road-closing proposal would be further considered. Can the Minister of Lands, on behalf of the Minister of Works, say whether he has taken further action on this matter and, also, what stage planning of the new reservoir has reached?

The Hon. D. N. BROOKMAN: I will obtain a considered reply for the honourable member next week.

JERVOIS BRIDGE

Mr. RYAN: I have asked the Attorney-General, representing the Minister of Roads and Transport, several questions about the completion date of work on the new Jervois bridge. My latest information is that it will be completed by the end of this year, which is only eight weeks away. I have driven over the new bridge frequently but I have not seen much activity and it seems its completion will be delayed, and I cannot see why. Will the Attorney ask his colleague when the new bridge is expected to be completed?

The Hon. D. N. BROOKMAN: I will certainly take the matter up and let the honourable member know as soon as possible.

FLUORIDATION

The Hon. C. D. HUTCHENS: Will the Minister of Lands, representing the Minister of Works, ascertain the truth of reports that the Yass, Forbes and Canberra fluoridation

plants have broken down and, if the reports are correct, the cause of such breakdown and the cost of repairs?

The Hon. ROBIN MILLHOUSE: I will inquire.

BLUFF ROAD

Mr. VENNING: Has the Minister of Immigration and Tourism a reply to my recent question on the opening of the road to The Bluff for the purposes of tourism?

The Hon. D. N. BROOKMAN: I have now received a reply to my letter to the Commonwealth Minister in charge of tourist activities (Senator Wright) on the question of opening the access road for public use. The Minister has informed me that he raised this matter again with his colleague the Postmaster-General (Hon. A. S. Hulme, M.H.R.) and the Minister for the Interior (Hon. P. J. Nixon, M.H.R.) and has provided me with copies of the replies he received. Both replies are along similar lines and state that action is now being taken to seal this road over the existing 12ft. wide pavement. However, the road is not otherwise being upgraded or widened in any way to make it suitable for use by the general public. The letters confirm that there has been no change in the Commonwealth's attitude and express regret that it is not possible to meet my request other than on the terms previously mentioned, namely, that it be dedicated as a public road with the State assuming full responsibility for future control and maintenance and for further upgrading as well as provision of facilities deemed necessary to make it suitable for use by the public as a scenic road.

Mr. VENNING: Can the Minister say whether this road could be taken over as a tourist road, as has been suggested in the past?

The Hon. D. N. BROOKMAN: Funds are provided for expenditure on tourist roads by arrangement with the Minister of Roads and Transport, and that is the only way in which I believe that the State Government could undertake this work. These funds, which are limited, are heavily committed, and to take over this road for tourist work would be a major step that would need close consideration. As I am interested in getting tourists to the top of The Bluff, I intend to speak to my colleague on this matter. When I have done that, I shall be able to tell the honourable member whether there is a possibility of taking the road over from the Commonwealth Government, as has been suggested by the Commonwealth Minister.

SCHOOL MILK

Mr. BROOMHILL: With the summer approaching I believe this is an appropriate time for me to raise again the subject of refrigerated milk for schools. I refer to an article in the *South Australian School Post*, part of which states:

> The big milk lorries are not permitted to go on to the school grounds to deliver the milk so the milk is sometimes deposited on the public footpath, or sometimes just inside the school gate. There it is left unprotected from the weather and from dogs who haunt the school grounds and urinate all over the milk containers; from the flies and wogs, etc., that deposit their bacteria on the containers. We all know only too well of the means used today for sealing the milk; these caps are far from satisfactory and are just a breeding ground for bacteria.

After talking of the approaches that have been made to the Minister, the report continues:

> Our association then made approaches to the Hon. J. A. Forbes, M.H.R., Federal Minister for Health, and asked to meet him in deputation to discuss the whole matter of hygiene and conditions in respect of the free milk scheme. We received a reply from the Minister but we did not get the right to meet him in deputation. His reply was that as far as the administration of the free milk scheme was concerned it was the responsibility of the Education Department.

As the association has since tried to meet the Minister on this matter, can the Minister of Education say who is responsible for the refrigeration of the milk distributed to schools and, if it is the Commonwealth Government, will she use her good offices to see that the matter is taken up with the appropriate Commonwealth department?

The Hon. JOYCE STEELE: This matter is becoming a hardy annual. I am frequently receiving letters regarding the supply of free milk, although this is, as the honourable member knows, the responsibility of the Commonwealth Government. As recently as a couple of months ago, I wrote to the Commonwealth Minister for Health, referring to him the queries received on this subject and asking him what was the Commonwealth Government's attitude to the supply of free milk in schools. I believe this matter is to come up some time next year for discussion between the States, and the matter rests there at present. The Commonwealth Minister has reiterated that, for the time being, the present arrangement stands. As the honourable member also knows, many schools have arranged for the receival of milk and for storing it in refrigerators. I expected someone to comment on this report, having read it at home

last evening. Having this morning initiated a report on the delivery of free milk to schools, I will let the honourable member have more detail on the matter as soon as possible.

NORTHERN MAGISTRATE

The Hon. R. R. LOVEDAY: The Attorney-General will recall my asking several questions about the appointment of a magistrate for the northern areas, to be resident at Whyalla. On the last occasion, he said that we must do something drastic in regard to our judicial system in South Australia, lest it break down altogether, and he went on to say that the northern district, as a group of districts, would have a resident judicial officer. Can the Attorney-General say whether progress has been made on this appointment?

The Hon. ROBIN MILLHOUSE: Of course, the honourable member, having been away, has come back only this week, and perhaps he is not aware that there are on the Notice Paper almost a dozen Bills dealing with the institution of an intermediate jurisdiction for local courts, this jurisdiction to be both civil and criminal. I hope it will lead to the appointment of a number of judges who will have a status between that of Supreme Court judges and that of magistrates and who will be sitting not only in Adelaide but throughout the State. That is only one aspect of reorganization that these Bills effect, but I hope the scheme will meet the requirements of the northern district and will be satisfactory to the honourable member. I therefore hope that this scheme will have his support when it is debated.

LOCHIEL ROAD

Mr. ALLEN: The only unsealed portion of the Burra-Lochiel Main Road No. 46 is that stretch extending for about seven miles between Hanson and the boundary of the District Council of Clare. Substantial grants have been made to the District Council of Burra Burra over the last two years in connection with this road, another substantial grant having been made this financial year. However, I understand that work is being held up because the Highways Department cannot at present find any suitable base metal. As I understand that the District Council of Burra Burra is anxious to proceed with the work, will the Attorney-General ask the Minister of Roads and Transport whether a decision has yet been made regarding a suitable base metal for this road and, if it has been made, when work on the section to which I have referred will re-commence?

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

OAKLANDS RAILWAY CROSSING

Mr. HUDSON: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to the question I asked recently about the Oaklands railway crossing?

The Hon. ROBIN MILLHOUSE: A scheme to replace the level crossing at the Diagonal and Morphett Roads intersection is currently under investigation by the Highways Department. It is expected that work will commence in the financial year 1972-73. At the request of the Corporation of the City of Marion, a temporary scheme has been prepared involving kerb realignments, a small traffic island, safety-bar layouts and the banning of certain minor right-hand movements. It is expected that the council will seek Road Traffic Board approval soon and that work should commence shortly thereafter.

LOBETHAL SCHOOL

Mr. GILES: Has the Minister of Education a reply to my recent question about paving of the Lobethal Primary School yard?

The Hon. JOYCE STEELE: Funds have been approved for the removal of the existing paving, regrading and repaving, provision of all-weather access to toilets, and associated drainage work. A survey is to be undertaken shortly to obtain details for the preparation of design documents for tender call. As soon as the survey details are available, the Public Buildings Department proposes to engage a private consultant to prepare the design documents to expedite the work.

WALLAROO HOSPITAL

Mr. HUGHES: Has the Minister of Lands, representing the Minister of Works, a reply to my recent question about air-conditioning at the Wallaroo Hospital?

The Hon. D. N. BROOKMAN: The provision of air-conditioning at the Wallaroo Hospital has involved two main contracts. One contract is for the installation of the air-conditioning equipment and the other for the up-grading of the existing electrical installations to cater for the increased requirements. The air-conditioning equipment has been installed and the main contract for electrical services has been completed. There are certain electrical requirements included in the air-conditioning contract that are still to be completed before the equipment will be operative. However, it is expected that the whole scheme will be operative from next week.

Mr. HUGHES: Has the Minister of Lands, representing the Minister of Works, a reply

to my question about the operation of the auxiliary power plant at the Wallaroo Hospital?

The Hon. D. N. BROOKMAN: The requirements for connecting the auxiliary power plant at the Wallaroo Hospital to the electricity mains have been investigated and design details are now completed. Urgent arrangements are being made to undertake the work, which is expected to be completed next week.

PENSIONERS' SPECTACLES

Mr. McKEE: The Premier will recall that several times I have asked whether the Government will consider supplying in country areas spectacles to pensioners. The question has remained unanswered for a long time. As I believe the Government appears to be reluctant to supply this service to the people, can the Premier say when he will be able to give a definite answer to this question?

The Hon. R. S. HALL: Although I do not have a reply on the matter for the honourable member, I recall giving him some information previously. I will again study the matter and see whether there is anything further I can give to the honourable member.

INSURANCE

Mr. CLARK: Has the Attorney-General a reply to the question I asked recently about a constituent of mine who believed he had been dealt with rather unfairly regarding motor car insurance?

The Hon. ROBIN MILLHOUSE: The facts, as outlined by the member for Gawler, were that a constituent of his, who had for many years been placing his motor car insurance through a broker, had difficulty in getting third party cover when he applied to renew it. I suggested to the honourable member that he give me the name and address of his constituent so that I could follow up the matter. At that time I said that the law was that insurers were under an obligation, as a rule, to give a third party cover if it were requested. I find that in this case what happened was that an attempt was made by an insurance company to persuade the constituent to place all his business with a certain company.

Mr. Casey: This is done frequently.

The Hon. ROBIN MILLHOUSE: Yes, and there is nothing illegal about this; it is a request by insurance companies that amounts to bluff in some cases because it goes too far. There is the obligation, as I said before, to accept third party insurance and, in this case, after a bit of bickering the third party insurance was accepted. The person involved was propositioned by the broker in an effort to get all of the business. As I say, this is not unlawful. It may be that in many cases (in some cases anyway) the persuasive powers of the agent or company are rather too strong, but this is a matter of degree. The explanation I give (and I hope this will get publicity) is that there is an obligation on a third party insurer to give insurance.

PENOLA COURTHOUSE

Mr. RODDA: I refer again to the Penola courthouse and police station and the lack of facilities there. Much court work is done at Penola, where witnesses and other people associated with cases being heard must wait in the street or in their motor cars. I realize that similar circumstances apply in other places, but Penola has a fairly formidable climate in some months of the year. When the sun shines it is a delightful place but, on average, the sun does not shine for much of the year. Can the Attorney-General say whether the construction of a new police station and courthouse at Penola is being considered?

The Hon. ROBIN MILLHOUSE: I cannot recall offhand whether there are any moves to do anything about the position, but I will discuss the matter with the Temporary Local Court Judge (His Honor Judge Williams), who is the head of the department, and get his views. If they are that some action should be taken, we will make every effort to take it.

WHEAT QUOTAS

Mr. CASEY: As the Premier knows, time for the introduction in this session of legislation regarding the quota system for the wheat industry is running out. However, I should think that the first deliveries of wheat to silos in this State would be made within a few weeks, and the legislation is important to our wheatgrowers. As Cabinet has probably discussed the matter, can the Premier say whether it has, whether legislation has been prepared, and when any such measure is likely to be introduced?

The Hon. R. S. HALL: As I think the honourable member knows, the Minister of Agriculture has been working urgently on this matter, which involves agreement with other States and also discussions. I think the honourable member appreciates that these aspects have a big bearing on the overall Australian industry. The legislation is being drafted and I expect it to be introduced as soon as possible, probably next week or the week after.

FIRE-FIGHTING EQUIPMENT

Mr. BURDON: Within the last few days I have received a letter from the Minister of Agriculture about the commissioning of fire-fighting equipment in, as the letter states, the South-East. As the South-East is a large (as well as important) area, will the Minister of Lands ask his colleague, for the information of my Parliamentary colleagues as well as my information, where the commissioning will take place, whether in Millicent, Mount Gambier, Penola or Naracoorte?

The Hon. D. N. BROOKMAN: I will inquire about the specific location. Am I to take it that the honourable member wants it in Mount Gambier?

Mr. Burdon: Yes.

The Hon. D. N. BROOKMAN: I will get the necessary information.

GOODWOOD BOYS TECHNICAL SCHOOL

Mr. LANGLEY: Will the Minister of Lands, on behalf of the Minister of Works, find out whether tenders have been called for the new buildings, additions and repairs at the Goodwood Boys Technical High School, for which provision has been made in the Loan Estimates and, if they have been, when work will commence?

The Hon. D. N. BROOKMAN: I will get the information for the honourable member as soon as possible.

RED SCALE

Mr. VENNING: Has the Minister of Lands a reply from the Minister of Agriculture to my question about the control of red scale?

The Hon. D. N. BROOKMAN: My colleague states that the Agriculture Department has a continuous programme advising, through the press and radio, home gardeners as well as commercial fruitgrowers on the control of red scale of citrus and other serious pests and diseases. Every reasonable endeavour will be made to promote the programme this season. There are precautions against the entry of secondhand containers, infested citrus trees, and fruits into the Murray Valley to minimize the introduction of red scale. However, through natural spread the scale is now existent on most citrus orchards in these areas.

BREMER RIVER

Mr. McANANEY: I have noticed with great interest the report about the development of copper mining at Kanmantoo, and I hope that further valuable deposits of ore will be found. However, my grapegrowers at Langhorne Creek, who grow some of the best red wine grapes in the State, are concerned about pollution in the Bremer River. They have already experienced difficulty from the Nairne pyrites mining operations. Will the Treasurer ask the Minister of Mines to make every effort to see that pollution of the Bremer River does not result from the copper mining operations?

The Hon. G. G. PEARSON: I am sure that my colleague will examine this matter and provide a report.

WHYALLA HOSPITAL

The Hon. R. R. LOVEDAY: The Premier will remember that, when the matter of taking over by the Government of the Whyalla Hospital arose, I was concerned to ensure that the senior members of the hospital staff who had given such good and efficient service to the hospital should have that service considered when new staff appointments were being made. I understand that many of these senior officers are still in a state of considerable uncertainty, although it is now four months since the changeover took place. These people know nothing of their prospects of retaining their appointments. I have been told (although I am not sure whether the information is accurate) that a further period of months will elapse before these staff members know what their future will be. Obviously, staff members are being held on a string, as it were, as they are holding their positions and doing their work efficiently until official appointments are made. Will the Premier take up this matter with the Chief Secretary to ensure that these officers are considered for future appointments?

The Hon. R. S. HALL: I will ask my colleague where the matter stands and see what I can do to assist.

ANZAC HIGHWAY INTERSECTION

Mr. HUDSON: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of October 21 about the traffic lights at the intersection of Marion Road and Anzac Highway?

The Hon. ROBIN MILLHOUSE: My recollection is that the reason for the malfunctioning of the lights arose from a dispute between the two Labor Parties. My colleague says the Highways Department is aware that the traffic lights at the intersection of Marion Road and Anzac Highway have malfunctioned. The maintenance contractors have made every effort to detect the fault in the electronic controller system. However, the fault is an intermittent and inconsistent one and, as such, is

difficult to trace. All efforts are being made to rectify the situation. Unfortunately, a spare controller is not available at present, as it is in service at another site where the controller had been damaged by a car.

LAND AGENTS

Mr. JENNINGS: I understand that the Attorney-General still has no reply to a question I asked about six weeks ago regarding a questionnaire that had been sent out to land agents and land salesmen. When I asked the question originally, the Attorney-General said that I had not given much information in my explanation. However, I did not have much information to give, but, although I since have asked a similar question and I have seen the Attorney-General about this matter several times in the House, I still have not received a reply, and I do not look like getting one. Will the Attorney-General now say whether he prefers not to go on with this matter but to let me make my own inquiries, or will he put himself out slightly to get the information if he can?

The Hon. ROBIN MILLHOUSE: The honourable member has embarrassed me.

Mr. Hudson: Impossible!

The Hon. ROBIN MILLHOUSE: No, I am easily embarrassed because I am so sensitive.

Mr. Hudson: You're a sensitive soul like Susie was.

The Hon. ROBIN MILLHOUSE: Like Susie was and Molly is. The member for Enfield is at liberty to make whatever inquiries he wants to make but, after his mild reproof of me today, I will make every endeavour to give him a reply next Tuesday.

Mr. VIRGO: I understand that the Attorney-General has a reply to my question about what appeared to be rather shady practices of land agents. As I asked this question as recently as October 16, only 14 days ago, I am apparently getting far better treatment than my colleague from Enfield. Will the Attorney-General now give me the reply?

The Hon. ROBIN MILLHOUSE: The matter is within my own department and I discussed it immediately with my Secretary (Mr. W. C. Langcake), who is also Secretary of the Land Agents Board. I think that, when the honourable member asked the question, he said that his constituent had complained to the board, but there is no record of this matter having been discussed by the board. It may be that the honourable member's constituent went into the general office and discussed it with one of my officers.

Mr. Virgo: That is exactly what he said he did and they wouldn't have anything to do with him.

The Hon. ROBIN MILLHOUSE: I regret that it was not taken as a formal complaint or put before the Land Agents Board. The board has no record of any formal complaint having been received. The board investigates every complaint received in writing, and, if justified, takes action against the agent concerned. It is pointed out that the board has no power to afford any relief to any person who considers he has a claim against the land agent or salesman or any other person and this is a matter for action in the civil court. The complaint to which the honourable member has referred is presently the subject of a local court action. It would be difficult, if not impossible, for the board to take action while this local court action is proceeding. If the honourable member will invite the person concerned to make a complaint in writing, or if the honourable member will do it on his behalf, giving the appropriate details, I will see that it is placed before the board.

KAPUNDA PRIMARY SCHOOL

Mr. FREEBAIRN: Has the Minister of Education a reply to my question of October 21 about the Kapunda Primary School?

The Hon. JOYCE STEELE: Following an inspection by the Education Department's Supervisor of School Libraries of the room which the Kapunda School Committee intends to convert into a library, the Public Buildings Department has been asked to carry out painting, floor surfacing and covering of the floor with linoleum to enable the library to be established. Furniture has been ordered and will be delivered to the school as soon as the room is ready for it. At present, the school has a staff consisting of a Headmaster and six assistants for an enrolment of 254. As this is the normal staff for such an enrolment, the school is not "one staff member short". No replacement was made for a teacher who resigned in May, as the Headmaster was not a full-time class teacher at that time. In accordance with the staffing policy applicable to such schools, the Headmaster would have been expected to undertake full-time teaching duties when a resignation occurred during the year. A circular setting out this policy was sent to the Headmaster on January 31, as it was known that resignations during the year would reduce the number of teachers available for appointment.

BEACHPORT ROAD

Mr. CORCORAN: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of October 7 about the road between Robe and Beachport?

The Hon. ROBIN MILLHOUSE: The Minister of Roads and Transport states that it is realized there are substandard curves on the Robe-Beachport Road, but accident statistics indicate no great degree of hazard. As previously advised, it is planned to commence reconstruction in the 1971-72 financial year. This reconstruction will include improved alignments at corners considered sub-standard by present-day standards. It is not considered that sufficient justification exists for spending additional funds now in reconstructing lengths on improved alignments before the overall reconstruction is commenced in 1971.

MARGARINE

Mr. CASEY: Recently, the Premier of Queensland withdrew a Bill on the production of margarine, even though a similar Bill had been passed earlier this year in Victoria. I understand that legislation has been drawn up in South Australia on certain aspects of this vexed subject: the prohibition of additives for colouring and flavouring. Recently, I heard a Tasmanian radio talk-back involving Mr. Dawson, the publicity officer for certain margarine companies that have launched a comprehensive campaign. Can the Premier say whether the legislation that has been drafted in this State is likely to be introduced this session?

The Hon. R. S. HALL: This matter, like the other matter the honourable member has raised, has received much attention from the Minister of Agriculture and has been discussed at the interstate level. I understand the Queensland Premier intended to proceed with the Bill, but because of the situation in the House, it has not been proceeded with.

Mr. Virgo: It is fairly important, isn't it?

The Hon. R. S. HALL: Yes, as the honourable member knows; that is why he is sitting on that side of the House. The draft Bill has not been approved finally by Cabinet for introduction. It has yet to be considered in its final form and I have not discussed this matter with the Minister since the problem has developed in the Queensland Parliament. I will discuss it with him and let the honourable member know as soon as possible what is the present position.

MANOORA SCHOOL

Mr. FREEBAIRN: Has the Minister of Lands, representing the Minister of Works, a reply to my recent question about the painting of the Manoora Primary School?

The Hon. D. N. BROOKMAN: An estimate of cost is currently being prepared for renovations and painting at the Manoora school. The work is programmed for completion prior to the centenary celebrations.

CIVIL MARRIAGES

The Hon. R. R. LOVEDAY: As I understand, with pleasure, that the Attorney-General has seen fit to agree that a person authorized to perform civil marriage ceremonies should be appointed to Whyalla, can the Attorney-General say when such an appointment will be made?

The Hon. ROBIN MILLHOUSE: No, I cannot, but I will find out and let the honourable member know.

INSECTICIDES

Mr. BURDON: I have read an article in the press in relation to the banning of D.D.T. from all household and agricultural uses in California. Recently, doubts were cast on the safety of artificial sweeteners; there is also a campaign against the addition of fluoride to drinking waters; and there is concern in the community about the safety of insecticides. Will the Minister of Lands ask the Minister of Agriculture what is the attitude of the Agriculture Department to the use of D.D.T.?

The Hon. D. N. BROOKMAN: Yes.

FISHING VESSELS

Mr. CORCORAN: Has the Treasurer, representing the Minister of Marine, a reply to my recent question on the survey of fishing vessels?

The Hon. G. G. PEARSON: I am sure the honourable member will agree that it is virtually impossible to draft regulations that correctly specify the right type and quantity of safety equipment appropriate to nearly 2,000 fishing boats varying in length from 10ft. to 60ft. and covering such varied fishing as tuna, cray, prawn, abalone, line, net, etc. What has been done is to divide the vessels into various lengths and specify minimum equipment scales for each length range. There will undoubtedly be borderline cases and even cases where the conditions specified cannot be met for purely physical reasons. The surveyors are given discretionary powers which they will use with commonsense in any

exceptional cases. My advice to any fisherman who fears that he will be unable to carry all the safety equipment specified is to apply for survey in the normal way and ascertain the true facts from the surveyor when the survey is conducted. I understand that many fishermen are using the printed regulations to assess the survey without the expert knowledge of the surveyors, without experience in the application of regulations, and possibly without realizing that surveyors have discretionary powers.

SCENIC HIGHWAYS

Mrs. BYRNE: In the Budget debate on September 24 (page 1762 of *Hansard*) I referred to roads that had been declared scenic highways under the Planning and Development Act, and said that, because much publicity had been given to them, a marked increase in the volume of traffic had resulted, causing a dust hazard and nuisance to people whose properties adjoined the roads. I also said that one unsealed road (Range Road, Houghton) in my district was under the control of the Tea Tree Gully council and that the Minister of Roads and Transport would be aware that the finances of this council were stretched to the limit because of the considerable development that had taken place in its area. I further suggested that these roads should be placed in a special category by the Highways Department and the Minister, and that special financial assistance should be given to enable them to be sealed. Will the Attorney-General draw the attention of his colleague to what I have said, and ask him to consider this matter?

The Hon. ROBIN MILLHOUSE: Yes.

MINISTERIAL STATEMENT: RECEIPTS TAX

The Hon. R. S. HALL (Premier): I ask leave to make a statement.

Leave granted.

The Hon. R. S. HALL: As I believe that statements can be easily misinterpreted or may not cover fully some of the aspects of the receipts tax, and because of the difficulties being experienced at present, there has as yet been no determination that the State stamp duties levies are constitutionally invalid, though there is a possibility that a challenge might succeed where the receipts have been given for payments for goods produced in Australia. Accordingly, the duties remain at present lawfully payable and must continue to be paid. However, some persons and companies are already making their payments under protest and, in order to simplify procedures and so that all taxpayers might be treated similarly, all persons paying duties due from October 28 and relating to payments for goods will be regarded as paying under protest. The result is that to the extent that the State receipts tax might be found to be invalid as a result of proceedings in train or shortly to be commenced, those payments would be refunded subsequently. There is no suggestion that the receipts tax may be invalid so far as it relates to payments for services, commissions, fees, interests, dividends, or settlements of any kind, except those relating to the sale of goods.

PERSONAL EXPLANATION: MEMBERS' TYPISTES

Mr. JENNINGS (Enfield): I ask leave to make a personal explanation.

Leave granted.

Mr. JENNINGS: This morning on the front page of the *Advertiser* is an article about a speech I made yesterday in this House on the motion to appoint an ombudsman. Although the article was not bad according to *Advertiser* standards, I believe it was badly headlined, namely, "Parliamentary Secretarial Supply Fifth Rate". As a result of this, and as I have been told by some of my colleagues who have been in touch with the girls this morning (I have not been, because I have been at a Public Works Committee meeting), the members' typistes consider that they have been regarded as fifth-grade employees of this place, whereas this was never implied.

Mr. Clark: You made it very clear yesterday.

Mr. JENNINGS; Yes, and to be fair to the *Advertiser* I point out that in the report of my speech it states, "This was no reflection on the girls, who did an excellent job." I wish to amplify this slightly by saying that these girls not only do an excellent job: they are very charming, efficient, impartial and hardworking. But this does not overcome the fact that there is a limited number of girls to do a tremendous amount of work for members and, as a consequence, many of us get only essential things done here and have to get other things done in other places. I do not know whether the Treasury thinks that it is saving money as a consequence of this, but I point out that, if it checked, it would probably find that telegrams are sent sometimes just because it is easier to do this in the circumstances than to get a letter typed. I do not wish to

take the matter any further than this. I have no real objection to the article in the *Advertiser,* except for the headline and for the fact that some people in the community read only the headlines of articles. My main interest in making this personal explanation is to ensure that the girls referred to do not consider that they have been unduly slighted.

The SPEAKER: I am glad that the member for Enfield has made this personal explanation. Having been contacted by the press about the matter, I believe that the statement as it appeared in the *Advertiser* is capable of being misinterpreted, although I am sure the member for Enfield would have no intention whatsoever of having his remarks misinterpreted in this way. Indeed, he qualified his remarks in this matter by saying that there was no reflection on the staff here. Naturally, I come into contact with many members and hear many comments on the work these girls are doing, and I can only say that they are doing an excellent job. They are very efficient stenographers who are anxious to please and to do all the work they can do. However, I admit that these girls are often overloaded with work, because of the increasing work being done by members. The member for Enfield and other members will know that I have made representations to the Public Service Board for increased staff, not only to try to relieve the pressure on members and to enable them to clear up their work but also to relieve the pressure on the staff. I think that such an increase is becoming essential now.

I endorse the remarks of the honourable member. The staff here is excellent. The honourable member referred to the supply of secretarial staff when he used the term "fifth-rate": he was not referring to the quality of the present staff. In my many years of public life, I have had an opportunity to observe the work of many stenographers, including those employed by the Commonwealth Parliament in Canberra, and from this experience I am able to say that the stenographers here are first-class.

Mr. NANKIVELL (Albert): I seek leave to make a personal explanation.

Leave granted.

Mr. NANKIVELL: I join with the member for Enfield and with you, Mr. Speaker, in the comments made about the statement in this morning's *Advertiser.* As I am also referred to in this article, I do not wish it to be construed that I, any more than any other member, consider that the secretarial staff in this House is fifth-rate. We do not have what I consider to be secretarial staff, and I think that is the point the member for Enfield was making. We have excellent stenographers. At times they are capable editors who can make a pretty good letter out of the poor effort on the part of members. What I actually said about this is as follows:

> The time is fast approaching when members of Parliament will need much more secretarial assistance than is presently provided.

The member for Gawler (Mr. Clark) then interjected as follows:

> That time is here now.

I continued:

> In this respect, most of us envy our Commonwealth colleagues, who have no secretarial problems.

I have no complaint about the service provided here, but I repeat that the time is fast approaching when we will need assistance in a different form from first-class stenographers. We will need someone to keep our records straight and to take and relay telephone messages from our constituents, and this is a service we do not have at present.

TEXTILE PRODUCTS DESCRIPTION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

UNDERGROUND WATERS PRESERVATION BILL

Received from the Legislative Council and read a first time.

WEST LAKES DEVELOPMENT BILL

In Committee.

(Continued from October 28. Page 2506.)

Clause 2—"Interpretation".

Mr. HUDSON: Because of the delay in obtaining certain changes to the indenture that the Government considered necessary, this matter must be considered urgently in order to ensure that the work will commence as soon as possible.

The Hon. D. A. DUNSTAN (Leader of the Opposition): As a member of the Select Committee I agree with its report. It is important that this work proceed immediately. I have slight qualms about administrative control because I consider that, in a development

of this kind, the Minister should be supplied with day-to-day information rather than receive submissions from time to time for his consent. However, I appreciate that the Government has been convinced that this project is desirable and has obtained what it thought would be the best possible deal and one that would ensure development under control. It is important that the corporation should be able to approach the necessary sources of finance immediately, so it is advisable that this Bill be supported and passed as quickly as possible. Despite minor differences, we are united in our desire to get something that will assist to develop this State.

Clause passed.

Remaining clauses (3 to 19) and title passed.

Bill read a third time and passed.

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 15. Page 2241.)

Mr. CASEY (Frome): As I think this measure is highly desirable, I see no reason why it should be held up in this Chamber. Therefore, I support the second reading.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

In Committee.

(Continued from October 29. Page 2605.)

Clause 3—"Medical termination of pregnancy."

Mr. CORCORAN: I move:

In new section 82a (1) (*a*) to strike out "proclamation" and insert "regulation".

I have considered this matter fully, because we have often discussed taking action by regulation as opposed to proclamation. Because it will be necessary for the Government to exercise tight control if this Bill is passed, Parliament should have the opportunity to move for disallowance of a regulation prescribing a hospital in terms of the measure, as all members are concerned about what type of hospital will be prescribed.

The Hon. ROBIN MILLHOUSE (Attorney-General): I oppose the amendment. The honourable member has said that it is necessary for the Government to have tight control over the hospitals prescribed, and this is an administrative matter.

Mr. Corcoran: I want Parliament to have control.

The Hon. ROBIN MILLHOUSE: That is not what the honourable member said. Perhaps the honourable member gave himself away, but I agree with him that the Government should have a tight control over hospitals proclaimed under the Bill. That is not to say that Parliament has not a strong say in the matter ultimately. Proclamations are published in the *Government Gazette* and become public knowledge immediately. Secondly, there are Ministers in each House of the Parliament and Ministers can be questioned and must justify the Government's action in any matter. This is sufficient Parliamentary oversight.

Another point is that a regulation may be made between sessions, some months elapsing before Parliament scrutinizes it. In those circumstances, the Government, the hospital authorities, and the people would not know whether Parliament would agree to the regulation, and this position would make administration difficult. I am sure the honourable member accepts that the Government and the department responsible will be extremely careful to ensure that the hospitals proclaimed are suitable in every way for the purpose. I repeat my statement last evening that there would be a continuing scrutiny to ensure that everything was all right. I ask the honourable member not to proceed with the amendment.

Mr. CASEY: If only a certain number of hospitals can cater for this operation, how does the Attorney-General justify requiring people to travel to these hospitals, incurring greater expense than they would if they called in a gynaecologist? On one hand, we are told that it is not practicable to bring these people to the remote areas, yet on the other we expect people to travel from places where hospitals and doctors are available. I doubt that the small hospital at Oodnadatta could carry out abortions, and people in that area would have to travel by aerial ambulance. The Leigh Creek Hospital would be able to carry out the operation, but a doctor would have to be taken there to perform it.

Major operations could be carried out at the Hawker Hospital, but there is no doctor there, and the Orroroo doctor, who visits Hawker, has told me that, because of the strain of travelling, he may stop visiting Hawker. What steps are necessary to cover all those areas? As these operations have to be performed immediately, how will the difficulty be alleviated? Will doctors be brought into the areas or will the patients be taken out?

The Hon. ROBIN MILLHOUSE: I think the honourable member's question and comments are irrelevant. Whether we act by regulation or by proclamation, the problem is the same: we cannot provide hospitals where they do not exist now. I suggest that this is a similar problem to any other medical problem. I cannot judge the standard of hospitals and say which ones will be approved. This will be a matter for the department's officers. There is no answer to the questions the honourable member has asked other than to say that these are medical matters that will obviously be treated by medical men in the country the same as other medical matters are.

Mr. HUGHES: I am not satisfied with the Attorney-General's explanation, as I thought that this matter would have been considered and that it would not be necessary to wait. The Attorney should be able to say what types of hospital are to be proclaimed. Has he consulted members of the committee?

Mr. CASEY: What is the Attorney-General's intention as to location of the hospitals? Parliament should have some say in this matter and, therefore, this should be done by regulation.

Mr. CORCORAN: The Attorney-General said that I had given myself away, but I hope the Government will exercise strict control in this matter. I also said that Parliament was passing this legislation and that it should have the opportunity to disallow, prior to hospitals being declared, if it disagreed to the hospitals prescribed. I cannot foresee a situation where the urgency would be such that we could not wait for the regulation, or for the necessary 14 sitting days to expire; we would be foolish if we did otherwise.

I am mainly concerned with what might be termed abortion clinics which, presumably, would handle no other type of medical case. If these are likely to be established, Parliament should have an opportunity to discuss the matter and to move for disallowance. We have the right to criticize a Minister's actions and to question him, and he has the right to explain his actions. Under the provision as it stands we might disagree vehemently with the Attorney-General's reasons but, by then, the clinics would have been proclaimed and it would be difficult to get the decision changed.

The Committee divided on the amendment:

Ayes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran (teller), Dunstan, Edwards, Giles, Hudson, Hughes, Langley, Lawn, McKee, Ryan, Stott, Venning, and Virgo.

Noes (16)—Messrs. Allen, Arnold, Brookman, Evans, Ferguson, Freebairn, Hall, Hutchens, Loveday, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, and Mr. Wardle.

Majority of 2 for the Ayes.

Amendment thus carried.

Mr. CORCORAN: I move:

In new section 82a (1) (*b*) to strike out "he is" and insert "two legally qualified medical practitioners are".

My amendment provides that two legally qualified medical practitioners shall decide on the termination of a pregnancy that is necessary to save life or prevent grave injury to the physical or mental health of a pregnant woman. We have been told that the original provision for only one doctor to decide this was made to obviate the necessity of getting a further opinion on cases in remote areas. I refer to the evidence of Dr. Steele (then President of the Australian Medical Association) before the Select Committee. I asked Dr. Steele under what circumstances an emergency was likely to occur, and he replied:

I think there could be psychiatric reasons—for instance, suicide . . . It is always difficult to decide whether or not they really mean it, but one would perhaps have to make that decision. Again, it could happen in an acute kidney condition, but these cases would be rare. Therapeutic abortion is not common.

If psychiatric reasons were evident (for instance, a threat to commit suicide), I do not consider that to be an emergency. Surely the doctor could consult a colleague and have the woman pacified for the time necessary for the consultation. I do not see why only one doctor need act in that case. At page 58, Dr. Texler, when replying to my question about the provision of new section 82a (1) (*b*), said:

It is an uncommon situation. An example would be a fulminating toxaemia of pregnancy. This happens late—after foetal viability. It is rare early in pregnancy. It comes even into a borderline situation. At 26 weeks I have done this because the chances of the baby surviving—small as they were—were equal to the chances of the baby's surviving still attached to the mother. Perhaps in rare cases this can be pushed back to 24 weeks. Cases in early pregnancy—8 to 12 weeks—would be impossible. If a woman is bleeding, she is miscarrying anyhow. In cases of blood pressure and kidney failure there is time for consultation. The only time when urgency is a matter of hours is a case of fulminating toxaemia. This is very rare in early pregnancy and practically unknown in the first few weeks of pregnancy.

We are not saying that the medical profession is unethical, but some people will act of their own volition and then claim that it was a matter of emergency. This is the danger I see in these cases. I do not think that a situation can arise, even in an isolated area, where the emergency is such that a consultation could not be carried out.

The Hon. ROBIN MILLHOUSE: If this amendment is passed it will negative almost entirely the effect of the emergency clause. The only difference would be that the operation would not have to be carried out in a hospital, but there would be the requirement of a consultation, as there is now. This amendment is not desirable. Because the Select Committee was in two minds whether to recommend the retention of the provision, it questioned the medical practitioners closely. The honourable member said that the medical witnesses had found it difficult to enumerate cases, but I think most of them favoured the retention of the provision. Dr. Steele said there would be few cases in which it would be used, but he thought that it was desirable to have it. At page 45 of the report, when I was questioning Dr. Steele, the evidence is as follows:

In your view, both as a practitioner and as President of the State Branch, is a provision such as that necessary or desirable? Can you envisage such an emergency arising?—It is desirable if we are going to alter it. It is completely accepted as it is now. I do not think we would have second thoughts.

Assuming that the Bill becomes law, is it in your view desirable that there should be some such provision as this in it?—Yes.

Dr. Walker one of the women doctors, when pressed by the member for Millicent for examples, said, at page 69:

There are mighty few examples . . . The only thing that might happen is that the patient might be in Alice Springs or outback somewhere.

Finally, I quote Dr. Cleary's evidence: he was a strong opponent of the social clause, although he favoured the remainder of the Bill. However, since then he has been much in the public eye on this matter and perhaps he has said in public rather more against the Bill than he said before the Select Committee. At page 77 of the report the evidence is recorded as follows, when Dr. Cleary was replying to my questions:

Have you any comment about new section 82 (1) (*b*)—an abortion being performed in an emergency without consultation?—No, I think that is reasonable. The number of times in which this comes up is almost negligible.

But it can happen?—It can.

These are fairly significant statements from a medical practitioner who was not enamoured of the Bill as it stood. We know that such cases can happen, because we have figures from the United Kingdom, but they do not happen often. The figures I have show that under the heading "Emergency to save the life of the woman" there were 16 abortions in the 12-month period, and under the heading "Emergency to prevent permanent injury" there were 42, a total of 58 under these headings in the United Kingdom. Translated into South Australian conditions, that would be about one a year.

I suggest that, because of the distribution of population in South Australia, there are likely to be more cases than the statistics from England would indicate, because in the U.K. there are not the vast distances there are here, and the occasions on which it would be impossible to get another medical practitioner for consultation in the U.K. would of necessity be few. Here, we are considering an occasion that would arise probably once a year on average, or maybe a little more frequently than that. As we provide to the effect that it is immediately necessary to save the life or to prevent grave injury to the physical or mental health, this is a fairly severe test to apply, and it is a more severe test than we agreed to in the normal case.

The Hon. R. R. Loveday: It is much tighter than Bourne's case.

The Hon. ROBIN MILLHOUSE: Yes. I do not think there can be any abuse of this particular provision, and presumably that is apart from the fact that the Deputy Leader tries to tighten up the Bill for that purpose wherever he can.

The Hon. R. R. LOVEDAY: I hope this amendment will not be carried. It has been pointed out that the conditions of this clause are even tighter than those surrounding Bourne's case, and the Deputy Leader has admitted that he is mainly concerned that there could be some unethical practice because of what he sees as a loophole in the situation. But he admitted that it is not likely to occur often and that it would be of a minor nature. I remind members that my district comprises 160,000 square miles of arid country, that there are enormous distances between many of the centres, and that when there is heavy rain it is almost impossible to gain access to certain parts. Surely the facility in question should be available to the few people who might need it in an emergency.

I think this should be far more important to us than the remote possibility of a minor abuse taking place.

Mr. CASEY: Although I concur in what the member for Whyalla has said about the vastness of certain areas, I remind members that my district, although it comprises remote areas, is catered for by the Flying Doctor Service. Indeed, I have not heard of any fatalities occurring merely because the person concerned could not be attended to by a member of this efficient service. I remind the Attorney-General that, as only slightly more than 30 per cent of this State's population lives in the country, South Australia, in particular, cannot be compared with England. I do not think the remoteness factor means much at all. There would be more than one doctor in consultation as part of the Flying Doctor Service, and a patient could be transported to the required destination in perhaps a couple of hours at the most.

Mr. CORCORAN: I believe that the clause should remain because an operation could be carried out in premises other than a prescribed hospital. The woman concerned may be in such a condition that it is not safe to move her. I do not see what difficulty in gaining access has to do with obtaining a consultation, which I imagine can be conducted through the flying doctor radio service if necessary. If a doctor told his colleague that the case was one of extreme urgency and described it, I do not think that would present many problems. If a situation occurred in which a doctor had to act immediately and he did not have time to consult, I do not think he would be obliged to do so in any case. Doctors said that they thought it was all right for this provision to be included, but they could not come up with a specific example of the need for it, and that does not seem to me to be reasonable. I ask the Committee to support the amendment, because the present position could lead to an undesirable practice. I do not think the amendment will create the types of difficulty that opponents of it think it will. I do not think it will create a situation whereby an emergency will arise that cannot be handled.

Mr. Giles: If the emergency did arise, do you think two doctors would be needed?

Mr. CORCORAN: I do not suggest that. I have left the provision there so that the woman can be operated on outside a prescribed hospital. I think a consultation should still take place between the two doctors.

Amendment negatived.

The Hon. ROBIN MILLHOUSE: I move:

In new section 82a to insert the following subsection:

(1a) Paragraph (*a*) of subsection (1) of this section does not refer or apply to any woman who has not resided in South Australia for a period of at least four months immediately before the termination of her pregnancy.

This is a residence provision. In discussing the suggested residence provision of the member for Millicent the other evening, we canvassed generally the desirability of having some residence qualification in this legislation to prevent what has been termed border-hopping, because it will not be possible for some time to get uniformity between the States that will probably avoid border-hopping. I do not wish to canvass those points again or the constitutional matter that has been referred to. The real point is to decide what residential qualification we should have. In this amendment, I have provided for four months. I have taken this provision directly from the North Carolina Statute, which provides:

Only when the mother shall have been a resident of the State of North Carolina for a period of at least four months immediately preceding the operation being performed.

Then there is an exception in the case of an emergency. I think this is a reasonable period, but I am not wedded to it. I am wedded to the principle of having a sufficiently long period of residence to deter border-hopping and the abuses that would follow therefrom.

Mr. CORCORAN: I support the amendment. As I said previously, I wanted a longer period of time, because that would have covered the matter completely, but I was defeated on that. I think four months will prevent most cases of border-hopping, but I point out that some danger could be involved in the case of a woman who came to South Australia after finding out she was pregnant and who could be five and a half months pregnant when she sought an abortion. I think it is highly desirable to have a residential provision. If we are to make this at all effective, apart from the constitutional issue, which I think is still involved, the period should be at least four months.

The Hon. JOYCE STEELE (Minister of Education): I move:

In proposed subsection (1a) to strike out "four months" and insert "one month".

This amendment is designed to deter border-hopping, as was the previous amendment moved by the Deputy Leader. In view of his previous amendment, it is natural that the Deputy

Leader would support this amendment. The Deputy Leader's amendment provided for seven months and this amendment provides for four months, but I think both go too far. Some doubt was expressed earlier whether any need at all existed for a residence requirement. I believe there is a need for some period of residence before a woman can seek an abortion. However, a period of four months places a woman, who seeks an abortion for reasons provided in the Bill, at grave risk. A woman migrant taking up residence in South Australia may not realize she is in the early stages of pregnancy. For her, even a four-month residence requirement could be disastrous.

Mr. Nankivell: It would make it therapeutic.

The Hon. JOYCE STEELE: Most therapeutic abortions are performed six to 10 weeks from the date of the last menstrual period. If a newly-arrived woman migrant realized she was pregnant two weeks after she missed a period, the termination of her pregnancy even for the gravest of reasons would not be possible, under the Attorney-General's amendment, until she was about five months pregnant; therefore, she would be put at very grave risk. That would be the position if the Committee accepted the Attorney-General's amendment providing for a four-month residential qualification; this is dangerous and undesirable.

The member for Millicent (Mr. Corcoran) said, in another connection, that it would put abortion completely out of court for her. I believe that a one-month residential qualification would be enough to deter many women from border-hopping. The expense of coming to South Australia and residing here for the requisite period, even for only one month, would be a serious deterrent for many women seeking an abortion. A woman seeking an abortion would be taken too far into her pregnancy to make its termination desirable except for very grave reasons of health.

Mr. HUGHES: I strongly object to the amendment of the Minister of Education, whereas I strongly supported the amendment of the member for Millicent (Mr. Corcoran) for a seven-month residential qualification. A one-month residential qualification would be most ineffective. The period must be at least four months, because a one-month period would certainly leave it wide open for border-hopping, which is the very thing that the member for Millicent and the Attorney-General have been trying to prevent. We should try to protect people who are not prepared to protect themselves. If people know that they must reside in this State for four months before they can have this type of operation, they will think twice about it.

Mr. HUDSON: We are faced with the fact that the Victorian law is likely, in the way it is administered at least, to be as open as the law in South Australia. In these circumstances a one-month residential qualification in South Australia would lead someone from another State to choose Victoria rather than South Australia, because it would be more costly here. She would have to find somewhere to stay for four weeks. I am judging it in terms of the recent decision—an extension of Bourne's case. I do not think there is any plan at present to introduce legislation in Victoria.

The Hon. Robin Millhouse: It is stricter than Bourne's case or this Bill.

Mr. HUDSON: The one-month residential qualification proposed by the Minister of Education imposes an additional cost on someone coming specially to South Australia, and it avoids the additional risk involved for those who do become desperate. I point out to the member for Wallaroo (Mr. Hughes) that, if someone becomes desperate and has to wait for four months, she may be pregnant for five, six or more months before she can get an abortion. I do not think the honourable member's argument really applies. If someone is desperate, one way or another she will find a way to get an abortion. I am thinking of the case where a woman genuinely comes to South Australia from overseas or another State. She can find herself under the provisions of paragraph (*a*) of new section 82a (1), where two doctors are in agreement that the pregnancy should be terminated. If we make the residential qualification four months, the result may be that an abortion will take place when a woman is five or six months pregnant and, under this provision, it will still be legal for a doctor to carry it out. Considering the stage we have now reached, I suggest that a period of one month might well be sufficient to prevent border-hopping, because it would make South Australia relatively unattractive compared with other States.

Mr. Clark: We do not know this for sure.

Mr. HUDSON: But we do know that, if people are going to border-hop, they will think of the cost involved. After all, it will be costly for someone to come from another State unless that person has someone to stay with in South Australia.

Mr. Jennings: Do we have to make it easier for them?

Mr. HUDSON: I am saying that we have to make it sufficiently difficult to prevent

border-hopping and at the same time not so difficult that the genuine case is put at risk. The Western Australian Government has made an announcement about not prosecuting. In those circumstances, someone in Western Australia would find that if she came to South Australia she would have to wait at least one month, which would involve her in additional costs of $100 or more in the way of hotel bills, and that would deter her from coming. A similar situation applies in respect of Victoria, and no-one has yet suggested that people will come from New South Wales; nor is that likely. Whilst the period of one month proposed by the Minister of Education would add substantially to the cost involved, it would also cater for the case of a pregnant woman who was so distant that she would get an abortion anyway. With four months, she would run the greater risk of having her pregnancy terminated in five, six or seven months. Women come from overseas or other States because they are genuinely accompanying their husbands. They discover they are pregnant shortly after they arrive in South Australia or when they are on the verge of leaving to come here. They do not even know what the law is.

Mr. Burdon: It would not take them long to find out when they got here.

Mr. HUDSON: They could easily be at least five months pregnant before they came under the law if we imposed a four months' residential qualification.

Mr. Hughes: You want to legislate not only for the whole of Australia but world-wide now.

Mr. HUDSON: I object to that interjection from the member for Wallaroo. He is trying to put words into my mouth and is suggesting that, with a one month's residential provision, women would come from all over the world in order to have an abortion in South Australia. That is utter nonsense, and the honourable member knows it.

Mr. Hughes: I did not say that.

Mr. HUDSON: The honourable member said "world-wide". We need to put up the cost sufficiently to prevent border-hopping but at the same time to avoid a situation where a pregnant woman is pushed into having an abortion after five or six months, thereby running a greater risk.

Mr. Clark: There is a further amendment to cover this.

Mr. HUDSON: That may be, but at this point of time I am disposed to support the Minister of Education's amendment, which would be effective, in view of the situation in other States.

Mr. CORCORAN: The danger the member for Glenelg has pointed out is the point I was trying to make when I moved for seven months. The amendment referred to by the Attorney-General dealt with a period of 28 weeks or over. True, a woman could seek an abortion when five and a half months pregnant if a doctor, after consultation with a colleague, was prepared to operate. I have made that point, and that is one of the dangers. If we want to prevent border-hopping, one month will not be sufficient. A woman coming from another State would have to reside here for one month; the operation could be proceeded with and she would still be reasonably within the 12-week period.

If we accept less than four months, we shall be defeating the purpose of an amendment of this type; and even more so if we reduce the period to one month. Where is the greatest likelihood of traffic in this area? Would it be as the Minister of Education has mentioned or would it be in women coming from other States to this State when they discovered they were pregnant? For many reasons, far more people would be coming from another State for an abortion under the one month provision than would be in the category referred to by the Minister. I do not deny that that category exists, but the difficulty with which we are faced here is either to have a residential qualification that is reasonably effective or to have one that is not effective at all. We may as well not proceed with the Bill if the period is to be one month: it must stay at four months.

The Committee divided on the Hon. Joyce Steele's amendment:

Ayes (13)—Messrs. Arnold, Evans, Freebairn, Hall, Hudson, Hutchens, Lawn, Loveday, McKee, Nankivell, Pearson, Ryan, and Mrs. Steele (teller).

Noes (20)—Messrs. Allen, Brookman, Broomhill, and Burdon, Mrs. Byrne, Messrs. Casey, Corcoran (teller), Edwards, Ferguson, Giles, Hughes, Jennings, Langley, McAnaney, Millhouse, Rodda, Stott, Venning, Virgo, and Wardle.

Pair—Aye—Mr. Dunstan. No—Mr. Clark.

Majority of 7 for the Noes.

Amendment thus negatived.

The Hon. Robin Millhouse's amendment carried.

Mr. CORCORAN: I move:

In new section 82a to strike out subsection (2).

This subsection is as much a social provision as were the provisions which affected other members of the family and which have been struck out. I repeat the great alarm with which I view the United Kingdom figures. Of the 41,000 abortions performed in the first 14 months of the operation of the Act there, 29,906 were performed because the mental or physical health of the mother was in danger. I do not consider it the function of a medical practitioner to make a decision about the reasonably foreseeable environment of a woman. The usual meaning given to environment is the surroundings, circumstances, and such things. Doctors should confine their judgment to the physical and mental condition of the woman, because the environment is outside their scope and they are not qualified to judge it.

The Hon. ROBIN MILLHOUSE: I hope that the amendment is not passed. I cannot agree that this is a social clause. In line with accepted medical practice when a doctor is treating a patient, for whatever condition, he must have regard for her total well-being, and he treats her in the situation in which he knows she finds herself. At page 77 of the report, Dr. Cleary, who did not favour this clause, for a rather quaint reason, said:

> You are probably aware of the history of where this came from in the English Bill. It seems it was taken up from an English council of churches submission in relation to abortion in the first instance and was put in first as an amendment by Mr. Steel on December 21, 1966 . . .
>
> One gets the impression that Mr. Steel put this in on the advice of the medical profession, who asked that this be put in for some reason that has been raised in law as a difficulty in the Act as it stood. The emphasis of our teaching in medical schools at present is that in determining the correct treatment for a patient a doctor must take into account the total environment of the patient; that is, the patient must be seen as a person and the emphasis to the student is that he should try and look at the patient in that patient's own particular setting, and within the doctor's competence this may or may not extend into the future. But any doctor who uses this as a basis for performing an abortion and who was subsequently called upon to defend that action in law would have no difficulty in justifying his action in those terms. I believe that all expert medical witnesses would be in agreement with this. To put this in the Act creates difficulty because, as was pointed out by Dr. Addison, Secretary of the Medical Defence Union in England, at a meeting of gynaecologists . . . it was this clause that seemed to create in the public mind the idea that abortion was more freely available than was originally intended or than it really was.

I do not agree with his reason, but he gave the best explanation that had been given of the reason for having an environmental clause in the Bill, because it is in line with modern medical practice. I visited Dr. Addison (Secretary of the Medical Defence Union) when I was in the United Kingdom and discussed the whole matter with him, and a pamphlet written by him states:

> In determining whether the continuance of a pregnancy would involve risk of injury to the physical or mental health of the pregnant woman or to the physical or mental health of any existing children of her family greater than the termination of the pregnancy, the practitioner may take into account the pregnant woman's actual or reasonably foreseeable environment. It is this provision which may have given rise to the belief that the Act makes abortion lawful "on social grounds". This is a misconception. It is the risk to the physical or mental health of the woman or of her existing children which is the determining factor. Certainly the practitioner may take environmental factors into account, and his general duty in law to the patient will often require him to do so. He may have regard to those factors which exist and those which may be reasonably anticipated, but the test is whether there is risk to health. Among the social factors that may be taken into account are the patient's living conditions and the fact that her husband may be unable to support her. For example, he may be disabled or serving a prison sentence. The opinions on the lawfulness of a proposed abortion have to be formed "in good faith" and this makes it necessary for the practitioner to take reasonable steps to satisfy himself that factors reported to him, both existing and anticipated, are correct. In doing so he may well wish to obtain assistance from the medical social worker or from the health visitor. The steps he should take will vary from patient to patient, but the obligation exists whichever ground for abortion is being considered.

I think that answers directly the point made by the member for Millicent that this is, in effect, a social clause. As it is in line with current medical practice in all fields, I hope the Committee retains it.

Mr. CORCORAN: I understand that Dr. Addison stated, in the pamphlet quoted by the Attorney-General, that a doctor was obliged to take into account whether the wife had a drunken husband. Is that a social or a medical reason?

The Hon. Robin Millhouse: The test is whether there is risk to the health of the woman.

Mr. CORCORAN: If doctors are allowed to consider the environment surely they will consider the children also, because this factor can be construed as relating to the environment. What is the cure if the situation

involves an unhealthy region, a drunken husband or perhaps the welfare of other children in the family? Abort the child? That is not the cure. I do not think the Government can say that these are medical reasons.

Mr. Casey: They're not; they're social.

Mr. CORCORAN: Yes. This is as much a social clause as the one we struck out last evening.

The Committee divided on the amendment:

Ayes (14)—Messrs. Allen and Burdon, Mrs. Byrne, Messrs. Casey, Corcoran (teller), Edwards, Ferguson, Giles, Hughes, Langley, Stott, Venning, Virgo, and Wardle.

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

Pair—Aye—Mr. Clark. No—Mr. Dunstan.

Majority of 5 for the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.27 p.m. the House adjourned until Tuesday, November 4, at 2 p.m.