## HOUSE OF ASSEMBLY

Tuesday, November 4, 1969.

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

### PETITIONS: ABORTION LEGISLATION

The Hon. D. N. BROOKMAN, on behalf of the Hon. J. W. H. Coumbe, presented a petition signed by 13 persons stating that the signatories were deeply convinced that the human baby began its life no later than the time of implantation of the fertilized ovum in its mother's womb (that is, six to eight days after conception), that any direct intervention to take away its life was a violation of its right to live, and that honourable members, having the responsibility to govern this State, should protect the rights of innocent individuals, particularly the helpless. The petition also stated that the unborn child was the most innocent and most in need of the protection of our laws whenever its life was in danger. The signatories realized that abortions were performed in public hospitals in this State, in circumstances claimed to necessitate it on account of the life of the pregnant woman. The petitioners prayed that the House of Assembly would not amend the law to extend the grounds on which a woman might seek an abortion but that, if honourable members considered that the law should be amended, such amendment should not extend beyond a codification that might permit current practice.

Mr. CORCORAN presented a similar petition signed by 267 persons.

The Hon. JOYCE STEELE presented a similar petition signed by 147 persons.

Petitions received.

### PETITION: COLEBROOK HOME

Mr. EVANS presented a petition signed by 115 persons who strongly objected to the decision not to grant a licence to Colebrook Home to enable it to care for more than four children under the age of 12 years and to deny it the renewal of the lease of the premises and grounds. The petitioners prayed that the South Australian Government would be guided by the recommendation of the Parliamentary Select Committee on the Welfare of Aboriginal Children that the home should be encouraged to expand its activities.

Petition received.

### STANDING ORDERS

His Excellency the Governor, by memorandum, returned a copy of a new Standing Order of the House of Assembly, adopted by the House of Assembly on October 16, 1969, and approved by His Excellency in Executive Council on October 30, 1969.

The SPEAKER: New Standing Order 143A, imposing time limits on speeches in the House, is now effective. The new Standing Order has been added to members' volumes of Standing Orders at page 46.

## QUESTIONS

### RAFFLES

The Hon. D. A. DUNSTAN: This morning's newspaper contains a report that certain members of the South Adelaide Ramblers Football Club were convicted in connection with a raffle. As the Lottery and Gaming Act, as it applies to raffles, is very widely ignored in the community, can the Premier—

The Hon. Robin Millhouse: This is the question I used to ask you when you were in office.

The Hon. D. A. DUNSTAN: Well, since the Attorney-General raises this matter, I mention that I have many tickets here. One, from the Norwood-North Football Association, offers various prizes, including 10 free visits to and massages at the American Health Studios, and I can thoroughly recommend those treatments. Another is from the Greek Orthodox Community of South Australia quiz. I think I drew a similar quiz; as a matter of fact, it was last year.

Mr. Rodda: Shame!

The Hon. D. A. DUNSTAN: I am not ashamed of it. Another is from the R.A.F.A. 1200 Club Incorporated. Although this is stated to be a quiz, the ticket also states that it will be drawn on September 17. Another is from the Lylette Marching Girls' Social Club, whilst others are from the Plympton High School, the Home for Incurables, the Noarlunga District Lions Club quiz competition, and the Hayhurst Returned Services League. There was also a Melbourne Cup "X" Appeal quiz. I do not know quite what that was for.

Mr. Rodda: I think you should have a salary raise.

The Hon. D. A. DUNSTAN: I did not buy all these tickets, but I must confess I have bought many tickets, as have other members,

and some of them have been sold to me by members of the Police Force. Obviously, the community does not support the law as it stands, and people are being brought before the court when a complaint is made to the Police Force, but not otherwise. As, obviously, this law cries out for reform, can the Premier say what action the Government intends to take?

The Hon. Robin Millhouse: I used to ask you that question.

The SPEAKER: Order!

The Hon. R. S. HALL: As the Leader knows, this is a vexed matter and, doubtless, he considered it frequently during his term of office: if he did not, I am sure the matter was brought to his attention. Different opinions on the matter are held in the community and it has been difficult to reconcile the law with the recognition of the practice in the community. This has concerned the Government since it has been in office, and the Chief Secretary has consulted his Cabinet colleagues on and given much consideration to the matter. As the Leader knows, it is not easy to bring together the various interests, which comprise the people who conduct the quiz contests and the causes for which money is donated. The acceptance by the community of this type of quiz is shown by the number of tickets that the Leader has mentioned. Running parallel with this is the public interest, and we must ensure that quiz contests are conducted in a practical manner and that the interests of ticketholders are safeguarded. In the case mentioned by the Leader, an additional factor was that the promoters of the quiz or raffle in question (whatever one likes to call it) advertised, I understand, in a newspaper circulating publicly for, I think, children (certainly for persons) to sell the tickets. This seemed to the police to be an aggravating factor. I understand that the action was taken on a complaint from the public, without any intervention by the Minister and in the natural course of the law as it stands. The Minister has considered the matter, and I understand he has instructed the Draftsman to draw up a Bill giving effect to Cabinet's opinion and including as much as possible of the official attitude to raffles and the various competitions that are conducted in the community at present. The Government intends to introduce this Bill, which will recognize the attitude of the public on these matters, as soon as possible. However, because of the pressure of business and as time is running short this year, it is doubtful whether it can be introduced this session. Although this will not be an easy Bill to draft, the decision has been taken on three main lines. It will go as far as can be gone to recognize the public demand for this type of competition, but it will also safeguard the interests of those who participate. I can only say that the position is recognized and is being dealt with.

## DRIVING LICENCES

Mr. RODDA: I understand that, some time ago, drivers who held a restricted driving licence could be prevented from entering the square mile of the city of Adelaide, but now, even if he is a driver of the calibre of Stirling Moss, he is not permitted to drive within a 15-mile radius of Adelaide. Constituents of mine who want to come to Adelaide reach this 15-mile limit which is near Hahndorf and which is a place that is not within easy access of Adelaide by public transport, and then they have to leave their vehicle there or be driven into the city. Will the Attorney-General ask the Minister of Roads and Transport whether something flexible cannot be arranged for special cases?

The Hon. ROBIN MILLHOUSE: I shall be happy to do that.

## ASCOT PARK SCHOOL

Mr. VIRGO: The Minister of Education will recall that I have asked many questions about the rather substandard accommodation at the Ascot Park Primary School, although she had agreed to transfer the Headmaster's office from its existing site to the now disused woodwork centre, which is being organized, and to shift the portable rooms that are now close to Marion Road. On June 24, I asked a question about this and pointed out that nothing had been done, although I had been told by the Minister 12 months previously that she would obtain a report. I cannot find whether that report has been given (perhaps I have not searched correctly), but, as I am to attend a meeting of the school committee at the beginning of next week, will the Minister ascertain whether the reply was given and ascertain what progress has been made in this rather drawn-out affair?

The Hon. JOYCE STEELE: I am surprised that the honourable member has not received a letter, particularly as the question was asked in June, but I will call for a report and try to expedite this matter so that some conclusion can be reached.

## RAILWAY ECONOMIES

Mr. McANANEY: Has the Attorney-General a reply from the Minister of Roads and Transport to my recent question about the use of a computer in the Railways Department?

The Hon. ROBIN MILLHOUSE: A computer was installed by the South Australian Railways prior to the change to decimal currency in 1966. It displaced other data-processing equipment which was working near the limit of its capacity and which was unsuitable for conversion because of obsolescence. Operations undertaken by the computer, immediately following its installation, included the following:

(1) Labour costing—Islington works.

(2) Freight accounting and statistics.

(3) Earnings and taxation accumulations.

(4) Labour and material costing—rail standardization.

(5) Train operating statistics.

Subsequently, the following operations have been added progressively:

(1) Summarizing stores debits.

(2) Critical path analysis.

(3) Rail standardization—extensions to cover preparation of progress claims.

(4) Accounting for payroll deductions.

During the decade ended on June 30, 1969, the total manpower employed in operating and maintenance fell by about 17 per cent. During the same period the total ton-mile quantum increased by about 33 per cent.

Mr. EVANS: I believe the Minister's reply has proved a point that has been exercising my mind for some time. The computer, which is programmed solely for accountancy work, is no use at present to railway engineers. Will the Attorney-General ask the Minister of Roads and Transport whether the computer can be programmed so that it may also be used by the engineers?

The Hon. ROBIN MILLHOUSE: Looking at the reply I gave, I am not certain that the honourable member is correct. If he heard me, I said that one of the five operations undertaken by the computer immediately following its installation was in regard to train operating statistics. I should not think that this related purely to accounting.

Mr. Virgo: It isn't engineering, either.

The Hon. ROBIN MILLHOUSE: The point of the honourable member's question was that the computer was used only for accounting purposes.

Mr. Virgo: And that it couldn't be used by the engineers.

The SPEAKER: Order! There can be only one question at a time.

The Hon. ROBIN MILLHOUSE: Another operation relates to critical path analysis, although I do not know whether that is accounting or not. I will certainly discuss with the Minister of Roads and Transport the point made by the honourable member, but I think he is perhaps proceeding, to some extent anyway, on a false premise.

## HOSPITAL FEES

Mr. CORCORAN: Has the Premier a reply to my question of October 23 regarding the recent increase in hospital fees?

The Hon. R. S. HALL: The estimated expenditure by the Hospitals Department for 1969-70 is about $28,000,000, whereas revenue is estimated at about $13,000,000, leaving a deficiency of $15,000,000 to be financed from general revenue. (The above expenditure does not include that by the Public Buildings Department on maintenance of public hospitals and provision of certain items of hospital equipment, nor does it include the very considerable amount involved in interest and sinking fund charges.) The cost of an outpatient attendance now varies from about $2.50 to $3.50 in country Government hospitals, whereas in the main teaching hospitals the figure is much higher at about $8.00.

Fees charged in Government hospitals in relation to outpatient and casualty attendances have generally been held unaltered since about 1960, despite the fact that there have in the meantime been considerable increases in the living wage and, consequently, in all costs and generally in other fees. The new fees now determined to apply as from November 1, 1969, have been based largely on those already applying in public hospitals in other States. For example, the fee for an ordinary outpatient attendance has been increased from 50c to $1.00, and this compares with the following charges in other States: Victoria, $2.50; New South Wales, $1.25; and Western Australia, $1.00. Pensioners with medical entitlement cards will continue to be provided with ordinary outpatient and casualty services without charge, and provision has now been made for indigent patients to be assessed in connection with outpatient and casualty charges, and lower amounts to be determined where appropriate.

## MARRABEL RODEO

Mr. GILES: Has the Premier a reply to my question of October 14 regarding an incident at the recent Marrabel rodeo?

The Hon. R. S. HALL: To prevent further such incidents, the Rehder Centenary Park Committee Incorporated will extend the whole arena boundary fence to 6ft. high before the next rodeo at Marrabel in 1970. The present fence is a rail of substantial water pipe mounted on 6in. x 3in. hardwood posts 10ft. apart, 3ft. 9in. high, supporting heavy-gauge cyclone netting, all painted white and in good condition, with an 80yd. section 6ft. high, strengthened by intermediate posts. The oval is used for local cricket and football matches. After an incident in 1966, when a horse jumped the fence and injured two people, the committee complied fully with instructions from its insurance company to improve the fence.

The recent incident on October 13 occurred when a horse inadvertently slid into the fence near a pedestrian gateway, knocking a section down. Sixty-four-year-old Bertram John Mannix, 138 South Road, Torrensville, who suffered concussion, lacerated ear and bruising, is improving in hospital. Injuries to four others were so minor that first aid on the spot was the only treatment needed. The 14-year-old Son of Curio, sired by the famed buckjumper Curio, has appeared for 10 years at Marrabel rodeo without previous incident. It is a superb buckjumper, but not dangerous. The committee disburses its annual profit of about $2,000 in district improvements and charities. It has a public risk policy of $100,000 with Eagle Star Insurance Company Limited, whose solicitors, Thomson, Muirhead, Ross and McCarthy, 47 Waymouth Street, are currently advising on whether the committee is liable for the damages in the present incident.

## TIME LIMITS

Mr. BROOMHILL: As the new Standing Order will operate forthwith, I believe that members will have difficulty in knowing exactly when their time has expired. In certain other Parliaments a special clock has been installed, and attached to this clock is a warning light that indicates when a member has only five minutes left in which to conclude his remarks. I am wondering whether, in applying the new Standing Order, you, Mr. Speaker, will be warning the member concerned that his time is about to expire or whether you will just call him to order and tell him his time has, in fact, expired. I should think there was a need in this Chamber for an installation similar to that to which I have referred so that members would know where they stood and would be able to speak according to the length of time left. Has any arrangement been made in this regard?

The SPEAKER: Anticipating the outcome of the motion that was carried in this Chamber regarding the new Standing Order, I have consulted with officers of the Public Buildings Department and have arranged for a clock to be placed on the Clerks' table. It will stand in front of the Clerk Assistant, who will be able to adjust the clock to whatever time is to apply, that is, one hour, 45 minutes, or 30 minutes. Just one minute before the time is to expire, an amber warning light will show. An amber light will also show beneath the clock that is above the Speaker's Chair, and members looking towards the Chair will see this light one minute before their time expires. Until the clock is installed, I suggest that the honourable member on his feet watches the clock, and I will raise my finger one minute before his time expires. I ask for the co-operation of members in this regard.

## PORT GILES JETTY

The Hon. C. D. HUTCHENS: Recently there appeared in the press a statement, attributed to a trade union official, that there were no safety precautions at the Port Giles works. As this report is somewhat disturbing, I ask the Treasurer, representing the Minister of Marine, whether he can ascertain the findings resulting from any investigation made by the Labour and Industry Department and what action is being taken to provide safe working conditions for the workmen.

The Hon. G. G. PEARSON: I appreciate the honourable member's asking this question. Indeed, I was on the point of seeking leave to make a statement on this matter. When an accident has occurred in a department under my jurisdiction, it has been my custom to inform the House of the circumstances at the earliest opportunity. It appears that the recent accident occurred when the cable that was attached to a winch suddenly tautened, for some reason still unexplained, with the result that three men were swept into the sea from the decking of the jetty. I have a detailed report from the General Manager of the Marine and Harbors Department, which I shall be pleased to show to the honourable member, but I do not intend to read it to the House.

The Minister of Marine this morning asked me to express his regret that the tragedy occurred, and I am sure all other members join me when I, too, express regret. The matter is being investigated by the Marine and Harbors Department and also by an independent inquiry that has been requested to be undertaken by officers of the Crown Law Department. There is no attempt to hide any of the facts associated with the accident.

As to the specific question about the statement made by a trade union official, I would like to make the following comment. When the Marine and Harbors Department began construction of the jetty at Port Giles, action was taken to declare this a construction site under the Construction Safety Act, and it has therefore been subject to the provisions of that Act and to regular inspection by the safety officers of the Labour and Industry Department to ensure that proper safety precautions are taken. The General Manager of the Marine and Harbors Department informs me that such inspections have been made and that officers of the Labour and Industry Department have expressed their entire satisfaction. That, I think, is only what one would have expected of a responsible department. Nevertheless, I am pleased to have that assurance. I will make further information available to the House, should members desire it, when it becomes available.

## MENGLERS HILL ROAD

The Hon. B. H. TEUSNER: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my recent question on the sealing of the Menglers Hill road?

The Hon. ROBIN MILLHOUSE: Consideration is currently being given to including the sealing of the Menglers Hill road in the Highways Department's advance construction programme. This project must be ranked in priority with the many other projects being considered, and at this stage it is not possible to state accurately when work can commence. However, it appears likely that some funds will be available to enable a commencement to be made during 1970-71.

## PREMIER'S STAFF

Mr. JENNINGS: Can the Premier say whether an addition has been made to his press staff since the last question on this subject was answered in the House? Has there been added a woman employee whose principal duty is to monitor radio programmes and, if there has been, can the Premier say whether formerly she was employed by Mr. Andrew T. Jones, ex-member of the House of Representatives?

The Hon. R. S. HALL: The honourable member seems very keen to use the term "ex-M.H.R.", which has nothing to do with any addition to the staff of the Premier's Department. In fact, the lady concerned has not recently been employed by the Commonwealth department that provides stenographic and other services for Commonwealth members. Although I understand that she has previously been so employed, there has been a significant break in her employment by that department and that has no relationship to her employment by my department. This addition to my department is to help the officers already employed to disseminate information regarding Government policy and to help Ministers generally with publicity relating to Government projects. This is in line with the developing responsibilty of the Premier's Department, and follows the increased work that is accruing to that department as a result of the increased and favourable activities in South Australia.

## BURNING-OFF

Mr. VENNING: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about the burning-off of areas along railway lines in which I pointed out that, although in the past it had been the policy of the Railways Department to burn the entire area along the railway line, it had come to my notice that the future policy might be to burn off only at railway crossings?

The Hon. ROBIN MILLHOUSE: After thorough investigation, the Railways Commissioner can find no record of fires having been started recently by diesel locomotive activities in the northern part of the State. Advice has been received from the Commonwealth Railways at Port Augusta that only one fire has been reported recently on that system. It occurred near Kalgoorlie and was not caused by a locomotive. A few small fires have been reported on the northern system, but these are believed to have been attributable to causes other than diesel locomotives. Previously it has been the policy of the Railways Department to burn off on the railway right-of-way fairly generally. The practice ceased several years ago, and burning-off is now restricted to level crossings where vegetation appears likely to obstruct the view of approaching trains, or

to sections of the railway where adjoining landholders and local government authorities desire to establish a district fire-break and actively co-operate with the maintenance gangs by burning-off outside the railway boundaries. Trials have commenced, aimed at controlling growth in the vicinity of level crossings by chemical means so as to permit further reduction of burning-off operations.

While few districts are as yet involved in the provision of continuous fire-breaks, departmental staff will be glad to co-operate in this connection. Requests by local government authorities to arrange joint activity should be made to the divisional superintendent for the lines concerned. The diesel locomotives operated by the South Australian Railways have an excellent record, and the Railways Commissioner has requested that, if further information can be made available concerning the fires which have been attributed to the locomotives, he will further investigate the circumstances.

## TERTIARY QUOTAS

The Hon. R. R. LOVEDAY: On October 25 there appeared in the local press an article stating that university courses were now all on ration and that quotas would be applied to every first degree and diploma of technology course next year. Can the Minister of Education say to what extent these quotas will be applied, if possible giving the exact magnitude and stating whether they will apply to every course and faculty?

The Hon. JOYCE STEELE: As the question calls for a report from the universities and the Institute of Technology, I will try to obtain such a report for the honourable member so that I can give him the information he requests.

## EDUCATION ACT

Mr. CLARK: Has the Premier a reply to my recent question about the Education Act, consolidated copies of which I understand are not available?

The Hon. R. S. HALL: When the Education Act and its amendments were examined by the Commissioner of Statute Revision with a view to preparing them for consolidation, a number of errors and inaccuracies in the legislation were discovered and these can be rectified only by amending legislation in the form of a Statute Law Revision Bill. Until such a Bill is prepared and passed it would not be possible to consolidate the Acts without repeating the errors and inaccuracies. When this information was communicated to the Education Department, the department informed the Commissioner of Statute Revision that further amendments to the principal Act were then being considered by the department. The preparation of the amending legislation was therefore deferred until the necessary changes in Government policy had been formulated and Ministerial instructions received for the preparation of the further amendments. This would enable the consolidation to incorporate all the amendments. However, as the Government does not intend to bring down legislation this session to amend the Education Act to give effect to proposed changes in Government policy, the Parliamentary Draftsman has been instructed to prepare a Statute Law Revision Bill to enable the consolidation to be proceeded with and, if he is able to prepare this Bill for introduction during the present session, the Government will introduce the Bill, and on the passing of the Bill the consolidation will be completed without delay.

## DENTAL CLINICS

Mr. CASEY: Although I address my question about dental clinics in country areas to the Premier, I am sure the Minister of Education will be interested in it, because it concerns her department as well. When legislation to set up these dental clinics was first introduced by the previous Labor Government, that Government intended that all schoolchildren should receive attention at the clinics. Many children in remote areas take correspondence courses and, although they do not attend school, they are schoolchildren. While it is unfortunate that they must be taught by correspondence, that is the only way in which they can do their lessons. I understand such children have been refused treatment at dental clinics. Will the Premier ask the Minister of Health to see whether, in cases such as these, appointments might be made with the staff of dental clinics so that the children could receive treatment in areas where the clinics are located? As there are no local dentists, the children have to travel to Port Pirie or Adelaide—

The SPEAKER: Order! The honourable member cannot debate the matter.

Mr. CASEY: I am only giving the full facts.

The SPEAKER: The honourable member cannot do that, either.

Mr. CASEY: Will the Premier ask his colleague to see whether children in these areas can be treated by appointment at clinics established in country areas?

The SPEAKER: Order! The honourable member for Frome cannot answer his own question.

The Hon. R. S. HALL: He would not be capable of answering his own question. I am keen to look at the matter raised by the honourable member, for the Government has taken a real interest in the dental health of children in South Australia, having made the moves to which the honourable member has referred of setting up these clinics and taking a full part in obtaining staff for them. The honourable member will know that, during the last 18 months, this Government has initiated the addition of fluoride to the State's water supply with the express purpose of improving significantly the dental health of South Australian children. We know that this cannot apply to all children (although it will apply to most), because of the geographical situation, and the honourable member has referred to this aspect. For that reason, I shall be pleased to get the facts for the honourable member and find out what action is possible regarding treatment.

## PORT PIRIE ABATTOIRS

Mr. McKEE: Has the Minister of Lands a reply from the Minister of Agriculture to my question about the issue of permits for slaughtering sheep at Port Pirie and selling the carcasses in Adelaide?

The Hon. D. N. BROOKMAN: No, but I will inquire this afternoon and find out whether I can get a reply by tomorrow.

## BRIGHTON HIGH SCHOOL

Mr. HUDSON: On October 7 the Minister of Works told me that the estimated cost of the Brighton High School assembly hall project was likely to be about $95,000. The Minister also said:

> The council was informed earlier that its contribution would be $42,000 and it is now proposed that, despite the overall increase in the cost of this project, its apportionment will be $42,000 and the Government's contribution will be $53,000.

I understand that, as a result of a fete held a few days ago, the school council can provide nearly $42,000. It may be able to provide $41,000, or a little more. I have been told that, by early next year, any small discrepancy between the sum held and $42,000 will have been made up. I ask the Minister of Lands, representing the Minister of Works, first whether, if the school council deposits with the Public Buildings Department the total sum that it now has available (a little more than $41,000), the department can immediately call tenders for the project, knowing that the remaining part of the school contribution will be made available early next year, or whether the department requires the full sum of $42,000 to be deposited before tenders are called. Secondly, if the Minister or the department is willing to go ahead with this project on the school council's providing immediately almost the whole sum required, will the Minister ensure that tenders are called for this project as soon as possible? I ask this question because there has been a delay of about two years since the Government announced its approval of this project and, the parents having saved for this project for a long time, any extensive delay will dampen the drive and enthusiasm behind the project.

The Hon. D. N. BROOKMAN: I will consider this matter as sympathetically as possible.

## CRAFT ROOMS

Mr. NANKIVELL: Will the Minister of Lands, on behalf of the Minister of Works, find out when work is expected to commence on the construction of new craft rooms at the Geranium Area School and the Bordertown High School?

The Hon. D. N. BROOKMAN: Yes.

## RAILWAYS INSTITUTE

Mr. VIRGO: I refer the Treasurer to a question I asked on October 14 in which I said that certain statements had been conveyed to me that the Government had made available to the Railways Commissioner $500,000 in lieu of honouring the Government's obligation to provide alternative accommodation for the South Australian Railways Institute. The Treasurer replied that the Government had not proposed any monetary advance to the Railways Commissioner in this form. I am worried about the import of the term "in this form" because, since asking that question and getting the reply, I have learned on undeniably accurate authority that an official statement has been made that the Railways Department allocation, which has been increased this year, is to cover the cost of the replacement of the institute. Does the Treasurer desire to withdraw his categorical

denial of October 14? If not, has he any other comment on the matter?

The Hon. G. G. PEARSON: No, I have nothing to withdraw or deny. To the best of my knowledge and belief, my statement was correct, and I still believe it to be so. However, after the honourable member had asked the question, I looked up the matter and, as a result of my research, considered that there was no need for me to add to what I had said. The honourable member now having raised the matter again, I will outline the exact position on the matter tomorrow.

Mr. CASEY: In the temporary absence of the Premier, I ask this question of the Treasurer because, as a senior member of Cabinet, he would know the position regarding the statement made this morning about the initial stages of the construction of the festival hall. Can the Treasurer say what action has been taken to compensate the South Australian Railways Institute, which will be a victim of the construction of the festival hall; whether the institute will be provided with an alternative site; and what arrangements have been made with the institute committee to cover early construction of the hall?

The Hon. G. G. PEARSON: The replacement of the South Australian Railways Institute is a part of the total festival hall programme, and the Government has given an undertaking. The rate of expenditure required to make good this undertaking depends on many factors, some of which are not yet resolved. All I can tell the honourable member is that an undertaking has been given that the institute will be replaced in proper form and, probably, the Railways Department and its employees will have a much better facility than the present one. I think that is to be expected. I cannot give the honourable member any precise and detailed information off the cuff. In replying to the member for Edwardstown (Mr. Virgo) regarding the provision of finance through the Railways Commissioner, I promised to consider the matter again, obtain a report, and reply tomorrow. As the question now asked relates to the same matter, I will also get the details requested by the honourable member.

## WHEAT QUOTAS

Mr. McANANEY: During the weekend I heard several reports of wheat quotas being granted to farmers who had grown wheat for the first time this year. As these reports have caused considerable alarm amongst certain people, will the Minister of Lands ask the Minister of Agriculture how many new licences are to be issued to growers who have commenced growing wheat this year, what is the largest quantity for which a licence has been issued under these conditions, and what is the average quantity of the quotas?

The Hon. D. N. BROOKMAN: I expect that to get this information will take some time, because much of the matter involved has not been resolved. However, I will ask the Minister to provide a reply as soon as possible. I may add that the matter of individual quotas is being handled not by the Government itself but by a committee which I understand is working on systematic lines. Basically, it allots quotas based on wheatgrowers' past performances. However, some provision is necessary for people who have not grown wheat for the whole of the last six years and it is natural to expect that quotas may be allotted for wheatgrowers who have come into the industry only recently. That is a matter that my colleague will deal with in more detail but, if the honourable member has an instance of a quota that may seem to be unfair or unjustifiable, he should communicate with the Minister of Agriculture, who will refer the matter to the committee.

## ABORTION LEGISLATION

Mr. HUGHES: I quote a statement made at the weekend by a doctor who, while visiting Adelaide, referred to the Criminal Law Consolidation Act Amendment Bill, which is now being discussed by the House. The visiting doctor spoke about the residential clause that the Attorney-General had inserted in the Bill last week, and the report of his comment states:

Dr. B. B. Wainer, of Melbourne, who has campaigned for abortion law reform in Victoria, had said in Adelaide at the weekend that South Australia's proposals for legalizing abortion in certain circumstances were extraordinarily valuable, but that the residential qualification was unconstitutional under section 117 of the Commonwealth Constitution, which said that people should be able to move from one State to another without disability or discrimination.

I also read a statement made by the Attorney-General in connection with this matter but, as from time to time I am not prepared to accept what I see in the newspaper, can the Attorney-General say whether the amendment that he was successful in having inserted in the Bill will stand up to the test in a court of law?

The SPEAKER: This question refers to a previous debate in Committee in which a decision has been made on a certain matter. However, a final conclusion has not been reached on this matter, and it is possible that this clause could be recommitted, although I do not know what the Committee will do with it. I think that it would be better if the honourable member introduced this matter in the Committee discussion of the Bill.

## RABBIT FLEA

Mr. EVANS: Recently, I asked the Minister of Lands a question about the European rabbit flea. I agreed with his comments in reply to that question and I understand that he has further information on the matter. Will he now give it to the House?

The Hon. D. N. BROOKMAN: The Commonwealth Scientific and Industrial Research Organization is the only one that has carried out any experiments with fleas infected with myxomatosis virus. However, South Australia, in common with other States, is experimenting with uninfected fleas, and field trials which are being carried out are extremely useful and necessary. The field work which is at present being carried out in the pastoral country is designed to determine whether the flea can be established in the more arid areas; determine whether the flea can be bred and harvested under natural conditions; determine the rate of spread of the flea through a rabbit population; and provide experience for the field staff of the department in handling these fleas.

No definite findings have yet come from the research work being carried out by the C.S.I.R.O., and it is still not known whether the flea will be of any great use. However, the work being done will enable the Lands Department to take advantage of any research findings that show promise. I must point out that the flea is only a carrier of the disease, and it will not solve the problem of immunity that has developed between the rabbit and myxomatosis. Myxomatosis, although still making a very useful contribution to rabbit control, will not replace the more conventional methods, such as poisoning, and landholders are urged to continue with all such methods at their disposal.

## PUBLIC SERVICE SALARIES

The Hon. D. A. DUNSTAN: Has the Premier a reply to my recent question about salaries in the Public Service and the number of recent resignations?

The Hon. R. S. HALL: The number of resignations from the Public Service this year is slightly in excess of the number of resignations in recent years. The board considers that this situation is a reflection of the present position of full employment and the shortage of qualified and experienced personnel, and is not necessarily related to the salaries applying in the Public Service. The experience of staff turnover is not confined to the Public Service of South Australia. The salaries quoted by the Leader of the Opposition are salaries applying to clerical officers. These salaries were prescribed by consent in a determination of the Public Service Arbitrator made last year. The Public Service Association has lodged a claim with the Arbitrator for increases in these salaries, and they are at present the subject of negotiations between the board and the association. It is not correct to say that "emoluments in South Australia are significantly lower than those for comparable occupations elsewhere". Salaries applying in the Public Service are fixed on an occupational group basis. At any one time the salaries of some groups are being reviewed, others have been recently determined, and others have been operating longer. Certainly, recently determined salaries are considered by the board to be on a par with those applying to comparable occupations elsewhere.

## PICCADILLY WATER SUPPLY

Mr. GILES: For some time the residents of Piccadilly have sought a reticulated water supply for that area, because the water supply position is serious. Last evening the progress association had a meeting, mainly concerned with supplying water to this district, and I was told by representatives of two families that last summer the situation was so bad that they had to visit relatives in Adelaide regularly in order to have a bath. The Minister has forwarded me a letter stating that $30,000 has been allocated toward the costs of laying a main to this area, and this news will give local residents much pleasure. However, can the Minister of Lands, representing the Minister of Works, say when the work of laying the main will commence, as the residents would be pleased if it could be laid before the coming summer?

The Hon. D. N. BROOKMAN: I will examine the programme of works and give the honourable member a considered reply soon.

## TRINIDAD BAND

The Hon. R. R. LOVEDAY: Has the Minister of Immigration and Tourism further information about my suggestion concerning the possible visit of a steel band from Trinidad to a future Festival of Arts?

The Hon. D. N. BROOKMAN: I had a reply for the honourable member but I am not sure whether I gave it last week. At any rate, I do not have it with me now. However, I understand that the programme for the next Festival of Arts has now been completed, and there is no possibility of considering this suggestion in time for it. The Director of the Tourist Bureau discussed with the Director of the festival the possibility of a steel band being invited in the future, and I think that the matter will be further considered. I hope that I am stating the position correctly, although I do not have the actual report with me, but the Director of the Festival of Arts considered that this band would not be as much of an attraction as the honourable member thought it would be. Apparently, the steel band, although it has been extraordinarily successful in its home country, has not been such an attraction in other countries. I believe that, for a short time, there was a demand for this type of band in London, but the demand faded quickly. I have explained to the Director of the Tourist Bureau that the honourable member told me that he had much information, including films, about these bands, and that this could be made available. Obviously, the matter is not closed. There is still time for consideration for the festival after next and the matter can be examined thoroughly before the programme for that festival is completed.

## SOLOMONTOWN BEACH

Mr. McKEE: I understand that Mr. B. I. Moyses (Engineer for Planning and Development in the Marine and Harbors Department) was to visit Solomontown on October 24 in connection with the installation of sluice gates there. Can the Premier, in the temporary absence of the Treasurer, say whether this inspection has been carried out and an estimate prepared, and whether this work will commence before the start of summer?

The Hon. R. S. HALL: I will refer the honourable member's question to the Treasurer, representing the Minister of Marine, and ensure that a reply is forthcoming.

## LAND AGENTS

Mr. JENNINGS: Last Thursday, the Attorney-General was happy to promise me a reply to a question I asked about six weeks ago. Although I now forget the question (which does not matter as long as the Attorney-General has a reply), I think it dealt with land agents.

The Hon. ROBIN MILLHOUSE: I am surprised that the honourable member has forgotten the subject matter, because he has been so diligent in following up this matter.

Mr. Jennings: You promised me a reply: I knew I would get it.

The Hon. ROBIN MILLHOUSE: All right; I am mollified now. I have prepared a reply which, I am sure, will be of interest to the honourable member. The questionnaire referred to is sent out by a branch of the Police Department known as the Business Agents Squad, whose principal function is the checking of the suitability of thousands of persons for the granting or renewal of a variety of licences on behalf of a number of licensing authorities. In the past, persons with the same or similar names have on occasion been confused. It is felt that, if detailed particulars of each person are recorded, confusion is less likely to arise. The squad is keeping a central index showing these particulars and also the type of licence or licences held. The honourable member will appreciate that some persons have various licences.

Mr. Jennings: Some even have gun licences!

The Hon. ROBIN MILLHOUSE: Yes. The questionnaire has been sent out to obtain the necessary information, as it has not previously been kept permanently. I think the original question was to the effect that, as this information had been given before, why was it required again. The information had not been kept, certainly not by the Business Agents Squad. The index has been set up to bring the whole of the information together. The index will operate to the advantage of the applicant, the squad and the licensing authorities, as the application or renewal can be lodged, checked, and granted with a minimum of delay and error. I have set out the information sought so that members will see that, apart from the slight inconvenience of having to return the questionnaire, there is nothing in the information sought that could embarrass anyone. It calls for the name in full, private address, occupation, date of birth, town and country of birth, height, build, weight, hair, eyes, and colour of complexion.

## HILLS LAND

The Hon. D. A. DUNSTAN: Has the Attorney-General a reply to my question of October 30 about the subdivision of certain hills land?

The Hon. ROBIN MILLHOUSE: Last Thursday, the Leader asked about three parcels of land in my district, and I gave him, from my knowledge as the local member, as much information as I could give.

Mr. Jennings: That wouldn't be much.

The Hon. ROBIN MILLHOUSE: Members will find that it was fairly accurate. I promised to follow the matter up with the Minister of Local Government, who is particularly concerned because the question involves town planning matters. Incidentally, as there is a letter in this morning's *Advertiser* about this matter, I am anxious to give this information to the Leader today, to show how quickly I follow up questions as a rule. I think that *Hansard* may show that I suggested that the Minister of Lands had received a deputation from people in my district. If I said that, I did not mean it: I meant to say the Minister of Local Government, as I knew that Mr. Hill had received the deputation. This deputation met the Minister on October 8, and the three areas canvassed in the House last Thursday were discussed. Regarding section 566, adjacent to Northcote Road, the Minister of Lands has decided that the land should be retained in its natural state, which is as I and residents nearby and many other people want it retained.

Concerning the 20 acres owned by the Boy Scouts Association, one of the men at the deputation (Mr. Hal Crouch) undertook to follow up this matter with the association because he said that any proposals that the association had were not at that time complete. With regard to the other area at present owned by Quarry Industries Limited, tenders were called by the company offering the land for sale, closing on September 30. I do not know the extent of the tenders but I have been informed that the Mitcham council has tendered for the land, which has been valued by the Land Board. The council has also made an application to the Minister of Local Government under the provisions of the Public Parks Act, which means that if it does purchase the land at Land Board valuation half the cost will be met by the Government from the Public Parks Fund. I understand that the council is hopeful that its tender will be accepted. I further understand that not all of the 202 acres referred to is sought by the council, as it is interested only in about 150 acres. The balance (about 50 acres) is that approved by the State Planning Authority for subdivision, subject to the conditions set out in letter form A referred to in my reply.

Regarding the largest of the three parcels of land (that at Windy Point), I hope, as we all hope, that the Mitcham council will be successful in purchasing about three-quarters of it and that it will thereby be preserved in its present state (not its natural state, because much of it is old quarry land) without being subdivided. Regarding the other 50 acres, the letter form A has been issued, and it may be that that land will be subdivided.

## PETROL PRICES

Mr. BURDON: I have received a petition signed by 17 service station operators and petroleum resellers requesting me to bring to the Government's attention the impossible situation these people find themselves in because of the action of oil company-operated depots in Mount Gambier selling gasoline at a 5c discount below the petrol resellers' margin. It is estimated that 25,000 gallons of petrol a month of both grades is being sold from depots in Mount Gambier. These operators consider this action by depots to be a blatant infringement on the rights of service station proprietors. Will the Premier say what action or control the Government contemplates taking to protect the rights of these petrol resellers against the action of oil company wholesale distributors who sell petrol in this way and who, at the same time, are seeking an increase in petrol prices?

The Hon. R. S. HALL: The honourable member does not say to whom the discount is available and what is the proportion of petrol sold at a discount to the total sales in Mount Gambier. If the honourable member can give me information that indicates the significance of these sales I shall be pleased to give him a reply. In the meantime I can only state the general policy that the Government does not intend to get into the business of regulating the number of service stations, nor will it bring down restrictive legislation to tie up the petroleum industry any more than it will bring down legislation to tie up any other forms of commerce in the community.

Mr. Virgo: How about the consumer? Doesn't he get any protection?

The SPEAKER: Order! There cannot be half a dozen questions at a time. The honourable Premier.

Mr. Virgo: What about unfair trade practices?

The SPEAKER: I will have to ask the Premier to desist. I cannot allow more than one question at a time.

## MYLOR ROAD

Mr. McANANEY: Last year the road between Mylor and Flaxley was given a coating of hot-mix which greatly improved its condition. Will the Attorney-General ask the Minister of Roads and Transport whether the road from Flaxley to Strathalbyn, which is in a rather rough state, could be given a new surface?

The Hon. ROBIN MILLHOUSE: I will take up that matter.

## SCHOOL BUS ACCIDENT

Mr. VIRGO: Has the Minister of Education a reply to my recent question on a school bus accident?

The Hon. JOYCE STEELE: The accident referred to by the honourable member was caused by the breaking of a front-spring leaf and not by the failure of the brakes. The vehicle has in the past been one approved by the Transport Countrol Board for use by Mr. L. A. Johnson under licence and special permit to carry passengers for hire. Such approval has been contingent on Mr. Johnson submitting the vehicle for periodical mechanical examination in accordance with the board's requirements. On September 29, 1969, the board withdrew authority for Mr. Johnson's use of such vehicle as it had not passed a required mechanical test. On the date of the accident, namely, October 2, Mr. Johnson had no authority from the board to use the vehicle in question. A copy of the police report on the accident has just been received at the board's office. At its next meeting, the board will determine whether an offence under the Road and Railway Transport Act has been committed and, if so, take appropriate action.

## POTATO DISEASE

Mr. GILES: Phoma is a fungal disease that attacks the tubers of the potato and causes dry rot spots in the potato after it has been in storage for two or three weeks. It is spread by the potatoes being planted in phoma-infected soil and also by the infected soil being placed in the bags with the dug potatoes and tipped out in another area. Once land has been infected with phoma the disease stays in that ground and will reinfect crops for 15 years. Growers throughout the Adelaide Hills are extremely worried about the situation. They normally buy from Victoria certified seed which, under regulations, has to be dipped with mercurial spray within three days of being dug so that the disease is restricted: the spray will not get rid of it completely but will reduce the chance of its being transmitted to another block of land. Potatoes are at present being imported from Victoria as table potatoes but once they arrive in South Australia they are classed as satisfactory for seed potatoes, and it is known that there are quantities of phoma-infected potatoes in storage in South Australia.

The SPEAKER: I think the honourable member had better ask his question.

Mr. GILES: The Agriculture Department, well aware of the situation, is doing its best to stop the planting of phoma-infected potatoes, but there is no legislation to allow the department to prosecute offenders.

The SPEAKER: The honourable member will have to ask his question.

Mr. GILES: Will the Minister of Lands ask the Minister of Agriculture whether legislation can be introduced quickly so that this undesirable disease can be controlled in South Australia?

The Hon. D. N. BROOKMAN: I will discuss this matter with my colleague and let the honourable member have a reply as soon as possible.

## CYCLAMATES

Mr. BROOMHILL: Has the Premier a reply to my recent questions about the use of cyclamates in South Australia in the light of publicity given to this matter in the United States of America?

The Hon. R. S. HALL: The South Australian Food and Drugs Regulations permit the use of the cyclamates as artificial sweeteners in low calorie dietetic foods and foods for use by diabetics. Limits are prescribed for the amount of cyclamates that may be added to such foods. The popular low calorie foods are soft drinks and preserved fruit, and a wide range of foods for diabetics is marketed including jams, sauces, cordials and beverages. In addition, cyclamates may be purchased for use by the individual.

The South Australian standards are based on the uniform standard recommended by the National Health and Medical Research Council for adoption by all States. Full information on the present oversea reports is being sought by the National Health and Medical Research

Council for consideration by the council early in November. In the U.S.A. until the recent prohibition it was permissible for manufacturers to add cyclamates to any food without limit on the quantity. If the council recommends that the use of cyclamates should be further restricted, the recommendation will be considered immediately by the South Australian Food and Drugs Advisory Committee with the view to recommending an amendment to the food and drugs regulations withdrawing the present permission for the use of cyclamates.

## FIRE-FIGHTING EQUIPMENT

Mr. BURDON: Has the Minister of Lands a reply to my recent question on the commissioning of fire-fighting equipment in the South-East?

The Hon. D. N. BROOKMAN: The commissioning ceremony of the equipment of the Woods and Forests Department will take place at "The Triangle", Mount Gambier Forest, on Friday, November 21. It is suggested that guests assemble at about 9.40 a.m.

## TEACHERS' HOUSES

The Hon. D. A. DUNSTAN: I have a copy of a petition that was sent to Mr. Calder, M.H.R. for the Northern Territory, by departmental teachers in the Northern Territory. It relates to the rule for the purchase of homes by them: they must have a guarantee that they will not be transferred for at least four years. They ask that this ruling be modified because it is different from the ruling that obtains elsewhere under Commonwealth service. In New South Wales, teachers who are seconded for service in the Australian Capital Territory are permitted to purchase their homes after the normal waiting period. This is not so, however, in respect of our teachers in the Northern Territory, although different provisions apply to other public servants in the Northern Territory. The teachers have informed me that their representatives sent the letter to Mr. Calder; that one of their representatives interviewed the previous Commonwealth Director of Education and Science in the Northern Territory and presented a case; that teachers themselves interviewed Mr. Calder; that representatives of the teachers had an interview in June last with the Administrator of the Northern Territory, who promised to discuss this matter with our Minister; and that representations had also been made to the South Australian Institute of Teachers here and to Mr. Dodd, the institute and Mr. Dodd both having promised to make representations. The Commonwealth Minister, who undertook on several occasions to consider the matter, said that it was continuing to be considered but, so far, teachers in the Northern Territory seem to have obtained no result from their many representations on this score. As it is evident from the correspondence sent to me that there is much dissatisfaction, can the Minister of Education say what action has been taken and whether she has been able to obtain any conclusion on it from the Commonwealth Government?

The Hon. JOYCE STEELE: I am conversant with this matter and, in fact, had discussions on it with the Administrator when I was in Darwin earlier this year. Only last week I received a letter from the Commonwealth Minister for Education and Science in which he said that he had discussed with Mr. Calder the representations made to him in regard to schoolteachers attached to Northern Territory schools purchasing residences in the territory. As the Leader knows, we provide staff for schools in the Northern Territory, and these people teach according to our curricula, the Commonwealth Government providing the schools and reimbursing us the salaries. The Commonwealth provides all the facilities, equipment and everything else that goes into a school.

The matter is somewhat complicated, because, whereas it does not apply to primary schoolteachers, it applies to secondary schoolteachers. I understand the situation applies mainly to people stationed in Darwin, where there is only one secondary school. This adds to the problem, because naturally teachers are transferred, and the only place to which they can be transferred is somewhere outside the territory, as there is no other school there to which they can be sent. These are the basic factors inherent in this problem. In addition to having discussed this matter with the Administrator, I have discussed it and had correspondence on it with the Commonwealth Minister for Education and Science. However, I will bring down for the Leader a complete report.

## PENSIONER COTTAGES

Mr. HUDSON: The Minister of Housing will be aware that in the recent Commonwealth Budget additional money was provided for the first time to help organizations such as the South Australian Housing Trust erect pensioner cottages for rental only. The sum proposed to

be provided over, I think, five years would enable the trust to expand significantly its rate of building of these pensioner cottages. The Minister will no doubt also be aware of the long wait currently experienced by anyone who applies for this sort of accommodation. Can he therefore say what plans the trust has developed to speed up its rate of building of pensioner cottages for rental only, and how much money will be made available to South Australia for this purpose? Can he say whether this sum will be in addition to the sum normally spent by the trust on this sort of building and indicate when the trust will be able to improve its rate of building in this respect?

The Hon. G. G. PEARSON: Immediately on receiving advice from the Commonwealth Government that it intended to make grants available, I took up with the General Manager and with the Chairman of the trust the necessity to develop plans to provide for the use of the Commonwealth funds. I think the Commonwealth funds will amount to $2,000,000 over five years ($400,000 a year). These funds will be in addition to any sums that the trust has been able to allocate for this purpose out of its own funds. Indeed, it is a condition of the Commonwealth grant that it be in addition to any sums so allocated by the trust and that the State should maintain its average rate of expenditure and, indeed, try to lift it to match the Commonwealth grant. This matter has been discussed with the appropriate Commonwealth officers. However, because of certain difficulties, which I think the honourable member will at once appreciate, it was necessary to have some flexibility in the arrangement with the Commonwealth concerning the provisions it laid down. I think this has been clarified; at any rate, it has been clarified sufficiently to enable us to proceed with the proposal and to accept the Commonwealth offer, which obviously in any circumstances we would have been reluctant not to do.

The matter has been actively pursued right from the point where it looked as though the money might become available. The Commonwealth Government has been somewhat restrictive regarding the type of pensioner eligible for housing under this scheme, in that the pensioner must be qualified for additional benefits. Although that somewhat narrows the field, there is nevertheless a way to handle this matter. If we apply the Commonwealth funds to a specific field and our funds to the more general field, there is a way to overcome this restriction at least to some extent. I assure the honourable member that as a result of this proposal the trust is actively planning to lift substantially its building programme relating to pensioner flats. I have not conferred within the last week or 10 days with the management of the trust on this matter, but I will do so and, if a further report is available, I will bring it down for the honourable member.

## GOOLWA BARRAGES

Mr. McANANEY: Last year, after much effort, I finally got the Engineering and Water Supply Department to agree to provide through television details of times when the barrages at Goolwa would be opened. This information, which was provided for some time, proved to be a considerable advantage for the fishermen concerned, who listened in at 12.10 p.m. every day to find out whether the barrages would be opened. However, over the last month or two the barrages have been opened and closed fairly frequently, and fishermen's nets have been damaged considerably as a result. Will the Minister of Lands, representing the Minister of Works, find out whether the relevant broadcasts may be given more frequently or possibly each time the barrages are opened or closed?

The Hon. D. N. BROOKMAN: I will examine the matter and see what can be done.

## TRANSPORTATION COMMITTEE

Mr. VIRGO: Has the Treasurer, in the absence of the Premier, a reply to the question I asked on October 21 about the specific terms of reference of the Metropolitan Transportation Committee and the date by which material should be submitted to it?

The Hon. G. G. PEARSON: The Metropolitan Transportation Committee will reconsider the route of the Noarlunga Freeway through and in the vicinity of the city of Marion. This is in addition to the reconsideration being given to the route near Field Creek, in the District Council of Noarlunga area. All possibilities will be investigated, but particular attention will be given to the following: (*a*) the routes previously investigated in the 1968 transportation study; (*b*) the route shown on the Metropolitan Development Plan of 1962; (*c*) the route along Sturt River suggested by the member for Edwardstown; and (*d*) any other route suggested in any representation submitted

on the transportation study. The committee was directed to make its recommendation to the Government in about March next year, and every effort will be made by the committee to meet this requirement. Inquiries will not be circumscribed or limited by any Government direction, because, as the Premier has said earlier, all inquiries and submissions will be dealt with exhaustively. November 14, 1969, was selected by the committee as a date for the submission of representations in order to allow ample time for a detailed and searching investigation into each submission received by the committee. Submissions received after that date will receive proper consideration. However, it may not be possible for submissions received after the end of December, 1969, to form part of this investigation. One committee has been given an extension of time to the end of December, 1969. Members are reminded that they and the public may make inquiries or submissions at any time with the assurance that they will receive proper attention.

## WATERLOO WATER SUPPLY

Mr. FREEBAIRN: Has the Minister of Lands, representing the Minister of Works, a reply to my question of October 15 about a water supply for farm lands between Allendale North and Waterloo?

The Hon. D. N. BROOKMAN: The Engineering and Water Supply Department has long-term objectives to provide water supplies in many rural areas, where practicable, and included in those schemes under consideration is one between Allendale North and Waterloo. However, it is unlikely that any construction of such a scheme could be considered for several years.

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## PRICES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## GAS ACT AMENDMENT BILL

In Committee.

(Continued from October 29. Page 2589.)

Clauses 2 to 5 passed.

Clause 6—"Power of entry to render gas supply safe."

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

In new section 26a to strike out "the Company, at any time before the thirty-first day of March, 1971" and insert "a gas supplier".

This amendment has been recommended by the Select Committee. The Bill, as introduced, gave power only to the South Australian Gas Company to enter premises for the purposes of conversion. However, we have been informed by the undertaking at Mount Gambier that it intends to convert its supply to natural gas at some time in the future, and we have been asked by the supplier to allow power to it to enter premises in appropriate circumstances and with appropriate safeguards, when the time for conversion comes. The committee decided (I think unanimously) that this amendment was desirable. The same safeguards are written in as were in the Bill originally. The amendment means that, when the Mount Gambier supply is converted to natural gas, the re-opening of the Act to give this power will not be necessary.

Mr. CORCORAN: I support the amendment, and agree with the reasons the Attorney-General has given. This clause was closely examined by Opposition members, because not only in the mind of the Opposition but in that of the public generally concern is always felt when power of entry is given to certain persons. The Opposition is satisfied that this provision is essential, because it involves safety and the prevention of damage to appliances. These provisions will protect adequately the individual householder's rights if entry has to be made.

Mr. BROOMHILL: I believe that it is necessary to explain these provisions more clearly, because people are under the impression that the Gas Company will be permitted official entry to premises for conversion purposes. However, this provision is to enable employees to enter premises to interrupt the supply of gas or to render it safe, and conversion of appliances is not involved. If the gas supply was not turned off when natural gas came into the pipe a dangerous situation would be created and the Attorney-General should make it clear that this provision permits the company's employees to enter premises not to convert appliances but only in relation to the supply of natural gas.

The Hon. ROBIN MILLHOUSE: The purposes for which entry is being authorized is to turn off the meter so that there will not be a danger from the higher flame produced by natural gas: conversion of appliances will be done subsequently. This provision does not deal with the conversion of appliances but only with turning off the gas supply

on the day of conversion, because if this were not done and if premises were left unconverted a dangerous situation might be created. This power has been inserted so that, when every other avenue of approach to the householder has been exhausted without success, entry can be made so that the householder or property cannot be put at risk because natural gas is coming through the pipes, although appliances have not been converted.

Amendment carried.

The Hon. ROBIN MILLHOUSE: I move:

In new section 26a (*c*) to strike out "Company" where occurring and insert "gas supplier".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 7—"Standard rate of dividend."

Mr. CORCORAN: I move:

To strike out paragraphs (*a*), (*b*), and (*c*), and "and".

The Opposition opposes the part of this clause dealing with the increase in the standard rate of dividend from 7 per cent to 8 per cent, but agrees to leaving the remainder of the clause intact. Although the Treasurer has discretionary powers, it seems to the Opposition that, if this provision is passed, the rate will be increased from 7 per cent to 8 per cent. When giving evidence to the Select Committee, representatives of the company expressed anxiety that the Commonwealth Government might make a move that would affect the company's borrowing policy, so that the company would have to make a new share issue, and that the shares were not attractive at the ruling rate. But at this point of time there has been no increased activity by the Commonwealth Government. If that situation occurs, the Gas Company could approach the Government and ask for appropriate amendments to be made to the Act, and the Government would see that that facility was granted. I see no reason for increasing the dividend rate by 1 per cent. It has been pointed out that this would mean only $9,700 a year, but it would also increase the current price of the shares by about 10c which would be a gain to the shareholders. The company's shares are a gilt-edge investment.

If anything is to be gained from conversion to natural gas, the consumer should be the one to benefit. The company has seen an opportunity, while the Act is open, to increase the dividend rate by 1 per cent, but it should not take this opportunity now. If the company experiences difficulty in the future, and if it can be proved that it is necessary to make a new share issue, I am sure that the Opposition would not object to such a move being made. It has been pointed out that the company is at a slight disadvantage compared to similar companies in other States, because it is tied to the bond rate, which varies as the interest rate varies. I hope the Committee will support my amendment.

The Hon. ROBIN MILLHOUSE: I oppose the amendment and I hope that the Committee will not accept it. The Deputy Leader has said that we are arguing about only $9,700 a year. Only about 2 per cent of the total capital employed in the undertaking is share capital, but what is of great importance (and what the Deputy Leader did not say) is that, if an increase were made, it would be at the Treasurer's discretion and would mean an additional ½c on the cost of gas. The member for Stirling (Mr. McAnaney), who was a member of the Select Committee, asked:

What is the ½c in the price of gas based on?

Mr. Wagstaff replied:

The average price of gas is 30c a therm, and this additional dividend would represent ½c. Our present dividend is 2c in the price of gas.

So, we are talking about something which, in total, is less than $10,000 and which, in the price of gas, is a small component indeed. The Deputy Leader has canvassed one of the reasons given by the witnesses on behalf of the Gas Company for asking that the amendment be retained in the Bill, that is, that the shares are at present an unattractive investment because the dividend is at the ceiling of 7 per cent. The company's witnesses told the committee (and the Deputy Leader referred to this) that it was considered that, if at any future time the company desired to make an issue, it would be difficult to get rid of it because of the comparatively low return. But at no time in the immediate future is that likely to happen.

The Deputy Leader said the company could come to the Government to ask that the Act be opened up, but this is not always convenient when the session is in its closing stages. How could it be done if Parliament were out of session? No doubt, he would agree that there could be considerable, significant and, perhaps, damaging delays in the processes of Parliament if the course he has suggested were to be followed. He used that argument when dealing with only one of the points put by the company's representatives when asking

for the increase. This would be done at the Treasurer's discretion; it would not be automatic, although it might well happen. What if it did happen? In my view, it is abundantly justified, because what the Deputy Leader did not say when moving his amendment was what the position might be in other Australian gas undertakings.

In Queensland, the corresponding Statute allows on paid-up ordinary shares 3 per cent a year above the effective annual rate of interest (which at present is 6.4 per cent). The Western Australian Act allows 2½ per cent above the bond rate, which is the same. The New South Wales Act allows 2 per cent above the bond rate. In Queensland, Western Australia and New South Wales, the payment of the various rates above the bond rate is without any limitation with regard to Government approval, whereas in South Australia it is subject to the Treasurer's approval. That is the position in those three States, so that the current dividend being paid by gas utilities in other States is as follows: South Brisbane Gas Company, 8 per cent; Colonial Gas Holdings of Melbourne, 8 per cent; Geelong Gas Company, 8 per cent; Launceston Gas Company, 8 per cent; Fremantle Gas Company, 7.9 per cent (but with the new bond rate it could rise to 8¼ per cent); Brisbane Gas Company to 7½ per cent (although it could go as high as 9 per cent); and Australian Gas Light Company, 7.4 per cent, which could increase to 8 per cent.

In every other case, therefore, the maximum rate which can be paid is higher than that which can be paid by the South Australian Gas Company. Why should the South Australian Gas Company be in a position different from that of any other gas utility in Australia? I can see no reason, and no reason has been advanced by the Opposition. Indeed, the Deputy Leader deliberately ignored this fact when he moved this amendment, even though he knew the figures as well as I, because they were given in evidence to the Select Committee. I believe that it would be inequitable to say to the South Australian Gas Company, which is a thoroughly competent and efficient undertaking and is in competition with other types of power supply, "No. We think that 7 per cent is enough for you even though every other gas utility in Australia can pay more." That is the second reason why this provision has been introduced.

There are two reasons why the Government thinks this provision should remain in the Bill: first, because every other undertaking has it; and secondly, because of the unfairness to the present shareholders in the South Australian Gas Company. I do not believe that the course of action the Deputy Leader suggested is a practical one. I therefore hope that the amendment will not be carried.

Mr. HUDSON: I support the amendment. It is recognized both by the Gas Company and by the members of the Select Committee that the Gas Company has not, and does not, intend to make a share issue for some time: in fact, the representatives of the board indicated clearly to the Select Committee that no share issue was intended.

The question of the Commonwealth not allowing full deductibility of interest for the purposes of taxation has been canvassed for some time. It first came up at the time of the 1960 credit squeeze and, if there is a case for amending the Gas Act now on the grounds on which the Attorney-General wants to amend it, there was a case then, as there has been a case in every year since 1960. In fact, one of the two reasons given by the Attorney-General (namely, that there was a danger that the Commonwealth Government would disallow portion of interest paid on debentures issued as a cost and consequently the Gas Company might have to pay a large increase in taxation) has been canvassed for some time. There is no serious likelihood of the Commonwealth doing it at present. The Commonwealth people, to our knowledge, have not discussed this as a possibility, yet we are told that this is one of two reasons why this amendment is necessary. If such a change did occur, however, much more might be necessary for the Gas Company than raising the dividend rate by 1 per cent because the cost of such a change to the Gas Company would be much more than $9,700 a year.

We are being asked to prescribe a palliative that would not be a useful palliative against something the Commonwealth might do at some stage in the future. We know the Attorney-General might not have the highest opinion of some of his Commonwealth colleagues but that is no reason for altering the dividend rate until the Commonwealth Government takes this kind of action.

The argument that we might have to wait a few months before Parliament could amend it is not a satisfactory argument, because this, as a palliative for that reason, would not nearly cover the situation. The problem of finding the necessary finance for further investment in the Gas Company would be a great deal more serious than could be catered for by that sort

of proposal. The Gas Company, although it is privately owned at present, is in fact a public utility. It is given by this State a monopoly of the supply of gas in certain areas and, having that monopoly and providing something that is necessary as a public service to the community, its activities with respect to its rate of dividends for the shareholders are controlled, and rightly so. What in effect is being put up by the Government is that there should be a rise in the Gas Company's rate of dividend as a bonus to the shareholders of the company not because it must have extra share capital but just because (or so the Attorney-General tells us) we must follow what is the position in other States. This is strange because in so many other matters on the question of what is done in other States the Attorney-General ducks for cover and says circumstances are different in South Australia. He applies, it seems to me, a double standard of what we in South Australia should follow and what occurs in other States.

I find this argument difficult to accept because a fixed rate of dividend such as the Gas Company shares have is equivalent to the return on an irredeemable Government bond. That means that, if there is a general rise in market interest rates, the price of these shares, as does the price of irredeemable Government bonds, falls; however, if there is a fall in the general level of interest rates the market price of these shares, as of other Government bonds, rises and the people who hold them enjoy a capital gain. This is something that one would know whenever one buys shares in an organization such as the Gas Company, long-term Government bonds, or irredeemable Government bonds. I suggest that, since the dividend rate has been fixed at 7 per cent, there has been a considerable change of ownership in the shares of the Gas Company and that every new purchaser of shares would have been aware of the fact that, with the rise in general interest rates, the price of these shares would fall, and *vice versa*. The point in purchasing such shares, of course, is not for capital gain or for capital loss, and they are not shares in which the average investor speculates.

For those who are concerned to gain an income, shares in the Gas Company are a good investment, and they are equivalent to the purchase of Government bonds. For many people who have not a high rate of tax, they offer a more attractive rate of return than do Government bonds, and there is no greater risk than that which would apply to Government bonds. Looking at it from that point of view, we have to consider the fact that the Gas Company has said, "We don't intend a new share issue. We don't intend to use this as a source of raising additional capital; we can raise capital funds more cheaply by issuing debentures," and the increase in the dividend, in these circumstances, means simply an unexpected capital gain for every shareholder and an unexpected rise in the yield of the shares. What case is there for saying that every shareholder in the Gas Company is entitled at present to an unexpected and unrequested capital gain? This matter is not referred to in the Chairman's report for the last financial year.

The Hon. Robin Millhouse: There were two very good reasons given for that.

Mr. HUDSON: Whether or not they were good is not necessarily for the Attorney-General to judge. The plain fact of the matter is that this was seen as an opportunity for the company management and the Government to raise the dividend rate while other amendments were being made to the Act. Are the shareholders contributing anything additional in regard to the provision of natural gas in South Australia? The answer is "No"; the funds for that purpose are not being provided by the shareholders. In so far as the Gas Company makes a bigger margin of profit as a result of the introduction of natural gas, the shareholders of the company are to be given this bonus, which amounts to 13 per cent or 14 per cent on the capital value of the Gas Company's shares. In the current circumstances, I believe there is no case for a rise in the dividend rate, no matter what other States may or may not do in the matter.

Mr. McANANEY: The long-term interest rate has increased by 1 per cent over a relatively short period. The market value of these shares, if the same rate were to be returned, would have dropped during this period. Although there has been no gain to the company, at the same time there has been no loss. It must be borne in mind that shareholders had much of their share capital transferred some time ago into interest-bearing debentures. As a fixed rate has applied, there has been an advantage for consumers, as a saving in taxation results in cheaper gas. This matter is under the control of the Treasurer, and there is no doubt that, if the long-term bond rate were reduced, the rate of dividend allowed could or would be reduced, and I think that it is only fair and just. As has been pointed out, any increase

in the cost of gas as a result of variation of dividend would be insignificant. If shares were to be issued, Parliament would take the appropriate action, but we know how long it takes to have legislation drafted and introduced.

Mr. Casey: It could be done within a few days.

Mr. McANANEY: If Parliament were in recess, would we call it together to deal with this? It is hardly worth taking any notice of a remark as silly as that. I support what is provided, for I think it is fair and just. A bonus is not being provided; rather, shareholders are receiving a margin above the long-term bond interest rate. We are here to do justice, not to force our political viewpoint on the other side.

The Hon. G. G. PEARSON (Treasurer): I hesitate to speak in this debate because, obviously, if I oppose the amendment it will be alleged that as Treasurer I have in mind immediately to raise the rate if Parliament approves this legislation. I assure the Committee, however, that I have not considered the matter of exercising a discretion upwards in this regard. As Treasurer, I should think that I would be required to act responsibly and to consider all the evidence I could find to justify any action I might take. Because I am supporting the Bill, I hope it is not presumed that I intend immediately to raise the rate if this provision is carried as it stands.

It is alleged that we are giving a bonus to the present holders of shares, but I do not accept that view. I think the member for Stirling was fairly accurate when he said that we were dispensing justice. The member for Glenelg had much to say about the fact that these shares could not be redeemed. They can be sold in the market place from time to time, but the money cannot be taken out of the company. Therefore, unless these shareholders receive some appreciation from time to time their return will fall behind that received by other investors. I have never been one who seeks to promote the highest interest rate or return on investments. I believe that much of the return earned from money in many investments is far too high for the economic good.

However, I believe justice must be done and that we should not adopt the attitude the Opposition seems to be adopting that, because these are captive funds, we should retain them in captivity and pay these people a much smaller return than they would receive on their money if they could get it out of captivity. At page 10, this morning's *Advertiser* shows that two reputable organizations offer 8 per cent for first charge debenture stock. As the member for Glenelg agrees, the Gas Company does not intend to raise more money by share capital issue. Indeed, if it went on the market at today's rate of 7 per cent it would not get it.

Mr. Corcoran: The company knows that and it has said it has no intention of doing it.

The Hon. G. G. PEARSON: During last week, the honourable member was testy in debate, and he appears to be testy again today. Of course the company has no intention of going on the share market, for that would not be worth its while. Because of certain advantages, many public companies today prefer to operate on debentures rather than go on the share market. If, in order to finance its additional operations, the Gas Company requires money, it will go on the debenture market and pay at least 7½ per cent to get it, yet honourable members are refusing shareholders of the company an increase above 7 per cent. If the price of money affects the price of gas (and obviously it does), the Gas Company will have to raise its debenture rate above 7 per cent if it is to succeed in any further issues of debenture stock. There will be a charge on the price of gas based on the debenture issue of 7 per cent, about which Parliament can do nothing, yet honourable members would deny to present shareholders, whose money is tied up, any move in the interest rate.

The other argument raised is that this will put up the price of gas. I agree that the price of money affects the price of gas, but only 2 per cent of the company's funds employed are shareholders' funds. I think the calculation made, with the increase in the price of gas to be applied evenly over the production of the company, would be infinitesimal. I have heard the Opposition, when in Government, advocate various measures (including the Building Act Amendment Act) that put up the price of houses. When we objected, we were told that, if there was an increase as a result, it would be purely marginal. If it is fair to put a marginal increase on to the price of a house in order to satisfy the requirement of a union organization, it is equally fair to do justice to shareholders in this case.

Mr. CORCORAN: I am surprised at the Treasurer's saying that I have been testy in recent debates; I am surprised that he is so testy. I do not know whether he is a shareholder of the Gas Company. He has tried

to distort the situation, saying that, if the company wanted to issue shares, 7 per cent would not be a high enough rate to offer. As the member for Glenelg said, if the Commonwealth legislated in other directions and this affected the current borrowing policy of the Gas Company and it had to do something about a new issue of shares, it is apparent, even to a man of my limited knowledge of these financial matters, that there would have to be amending legislation. The Attorney-General knows that. Obviously members opposite are taking this opportunity to give a little handout to the shareholders of the company, who, according to the Treasurer, have been so good as to leave the money in the company and deserve a pat on the back as a reward. But these shares are being and can be sold as necessary. No reason has been advanced for giving an increase of 14 per cent in the yield except that it is a reward for being good boys for a number of years. I hope the Committee will support the amendment.

The Committee divided on the amendment:

Ayes (17)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran (teller), Dunstan, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, and Ryan.

Noes (18)—Messrs. Allen, Arnold, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Stott, Venning, and Wardle.

Pair—Aye—Mr. Riches. No—Mr. Coumbe.

Majority of 1 for the Noes.

Amendment thus negatived.

Clause passed.

Remaining clauses (8 to 14) and title passed.

Bill read a third time and passed.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

In Committee.

(Continued from October 30. Page 2639.)

Clause 3—"Medical termination of pregnancy."

Mr. CORCORAN: I move:

In new section 82a (3) to insert the following new paragraph:

(c1) declaring a particular hospital or a class of hospital to be a prescribed hospital or a prescribed class of hospital for the purposes of this section;.

This is consequential on the amendment I moved in new section 82a (1) (*a*), where I was successful in having "proclamation" struck out and "regulation" inserted. The present amendment is necessary to phase in the rest of the clause. I think this affords an opportunity to question the Attorney-General on the action likely to be taken on these regulations. I trust that the Committee will support this amendment, in view of the fact that my earlier amendment has been carried. By this provision, the Governor may make regulations for the following:

(*a*) for requiring any such opinion as is referred to in subsection (1) of this section to be certified by the legally qualified medical practitioners or practitioner concerned in such form and at or within such time as may be prescribed, and for requiring the preservation and disposal of any such certificate made for the purposes of this Act;

(*b*) for requiring any legally qualified medical practitioner who terminates a pregnancy to give notice of the termination and such other information relating to the termination as may be prescribed to such persons or authorities as are prescribed;

(*c*) for prohibiting the disclosure, except to such persons or for such purposes as may be prescribed, of notices or information given pursuant to the regulations . . .

I ask the Attorney what is likely to be required regarding notification, what information will be required, and who are the authorities to whom this information may be given? This is an extremely important part of the Bill, because I consider that by these regulations, provided they are properly drawn, an extremely strict control can be kept on the activities of unscrupulous medical practitioners. If the forms are drawn properly and if the information is available to, for instance, the Attorney-General, on request, he will be able to see what activity is taking place at the various prescribed hospitals and by whom, and thus he will be able to get an accurate knowledge of the activities of certain hospitals and medical practitioners. Therefore, I take it that he will be able to give appropriate warnings if he thinks that the trust placed in them is being abused. I ask the Attorney to describe as well as he is able what information will be contained on the forms of notification and to say to whom the completed forms will be made available.

The Hon. ROBIN MILLHOUSE (Attorney-General): I do not oppose the amendment, which is consequential on the amendment the honourable member successfully moved last

week. In fact, that amendment would not work unless this one were carried. Therefore, I hope the Committee supports the honourable member on this amendment. Regarding the regulations that will be made, I confess frankly that I certainly have not given any detailed thought to that matter. I have been concentrating more on the debate in this place, and the time for drafting the regulations will come when the Bill has been passed by Parliament and we know its final form.

I suggest to the honourable member that the regulations that we make under our measure, which so far is quite similar to the United Kingdom Act, will be similar to the regulations under the U.K. legislation. The honourable member is welcome to look at my copy of the U.K. regulations. I discussed the regulations with officers of the Ministry of Health when I was in England and also with Sir John Peel, the President of the Royal College of Obstetricians and Gynaecologists. Indeed, on the day I went to see him he intended to call on the Ministry to find out whether some amendment could be made to the regulations. That was because, regarding regulation 5, the medical profession considered that the information required was more than a medical practitioner should be asked to give.

Mr. Corcoran: Could you explain why the information was more than a medical practitioner should be expected to give?

The Hon. ROBIN MILLHOUSE: Because the medical profession considered that, pursuant to the ethics of the profession, it was information that should not be disclosed. The medical practitioners are disclosing it: I do not want any misunderstanding about that. The profession is disclosing the information required, but Sir John Peel and his colleagues considered that it was more than should be required.

Mr. Corcoran: Did he mention on which aspects?

The Hon. ROBIN MILLHOUSE: Regulation 5, the one to which there was some objection, states:

A notice given or any information furnished to the Chief Medical Officer in pursuance of these regulations shall not be disclosed except that disclosure may be made—(*a*) for the purposes of carrying out their duties . . . (*b*) for the purposes of carrying out his duties in relation to offences against the Act or the law relating to abortion, to the Director of Public Prosecutions or a member of his staff authorized by him; or (*c*) for the purposes of investigating whether an offence has been committed against the Act or the law relating to abortion, to a police officer not below the rank of superintendent or a person authorized by him; or (*d*) for the purposes of criminal proceedings which have begun; or (*e*) for the purposes of bona fide scientific research; or (*f*) to the practitioner who terminated the pregnancy; or (*g*) to a practitioner, with the consent in writing of the woman whose pregnancy was terminated.

My recollection is that it was paragraph (*c*) that the medical profession did not like, because its members considered that they were obliged to give information on matters that were matters between themselves and their patients. I mention this only to show that the regulations in the United Kingdom are extremely stringent, so stringent as to call for some protest from the medical profession, and I assure the Deputy Leader that the regulations made here will be sufficiently stringent to provide for an adequate and continuing supervision of hospitals in which operations are carried out and for the manner in which they are performed.

Mr. CORCORAN: The Attorney has missed the point I made when I said that these regulations and the way they are drawn will be extremely important to the control in this State of the practice of abortion. I know the Attorney realizes (and this information will be available to him, I understand) that he will be able to exercise control, and this is extremely important. I want to ask a further question of the Attorney, and it refers to the prescribing of hospitals. If it is intended to prescribe a hospital, I suppose that the Government will confer with the authorities who control the hospital before any move to prescribe it is made, and that the board of any hospital, or the people who operate it, will have a perfect right to object to the hospital being prescribed for the purposes of this Act. I presume that pressure would not be brought to bear in any regulation concerning the prescribing of hospitals so that a hospital was included. Will that be the case?

The Hon. ROBIN MILLHOUSE: Yes. No hospital will be named in the regulations unless it wants to be named. I point out to the honourable member that, because of his amendment that this must all be done by regulation, Parliament will have the opportunity to scrutinize the regulations. The regulations will be in operation, because they will apply from the time they are made by His Excellency the Governor in Executive Council, but Parliament will be able to scrutinize all regulations and, of course, this includes the hospitals named in them.

Mr. CORCORAN: If a prescribed hospital subsequently decides not to remain a prescribed hospital, what avenues are open to it

to have that status cancelled? Would a further regulation be necessary?

The Hon. ROBIN MILLHOUSE: The only way, at law, that the name could be taken out of the regulations would be by an amending regulation. That is a disadvantage of its being done by regulation. I point out that this is permissive and not mandatory, and if the controlling body of a hospital changes its mind it would be entitled to cease carrying out the operation at that hospital. The Government of the day would thereupon make a regulation taking the name out.

Mr. CORCORAN: If something happened as a result of a patient's being turned away from such a hospital, would that hospital be liable?

The Hon. ROBIN MILLHOUSE: If the honourable member wishes, I will give a considered reply later. However, I would not like to give an opinion on such a hypothetical set of circumstances.

Amendment carried.

The Hon. ROBIN MILLHOUSE: I move to insert the following new subsections:

(3a) Subject to subsection (3b) of this section, no person is under a duty, whether by contract or by any statutory or other legal requirement, to participate in any treatment authorized by virtue of the provisions of this section to which he has a conscientious objection: But in any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it.

(3b) Nothing in subsection (3a) of this section affects any duty to participate in treatment which is necessary to save the life or to prevent grave injury to the physical or mental health of a pregnant woman.

(3c) The provisions of subsection (1) of this section do not apply to or in relation to a person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes such a child to die before it has an existence independent of its mother where it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

(3d) For the purposes of subsection (3c) of this section, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be *prima facie* proof that she was at that time pregnant of a child capable of being born alive.

These amendments are recommended by the Select Committee. The first two insert what has been called a conscience clause, which absolves from any obligation to carry out or participate in the operation those with a conscientious objection to it. The other two deal with the question of infanticide and are necessary because we do not have the Imperial Infant Life (Preservation) Act, 1929. In effect, they provide that the operation of abortion is prohibited where the child is viable. The first two amendments are in precisely the same form as the corresponding provisions in the English Act and, so far as I know, they have worked satisfactorily and have not been open to any objection in the United Kingdom.

Concerning the second two amendments, after 28 weeks there is a *prima facie* provision, but if it can be proved that the period of viability is less than 28 weeks the prohibition would also apply. The onus of proof only applies when the woman is at least 28 weeks pregnant. My recollection is that these amendments were unanimously agreed to by the Select Commmittee.

Mr. CORCORAN: I move:

In proposed new subsection (3a) to strike out "Subject to subsection (3b) of this section,"; and to strike out proposed new subsection (3b).

The Attorney-General was correct when he said that the Select Committee was unanimous on this issue but, since then, after examining this amendment, I believe that new subsection (3b) does not do all that I should like it to do. It seems to me to be a direct contradiction to new subsection (3a). The earlier part of this clause deals with circumstances in which people seek abortion in order to save a life or where serious risk to the physical or mental health of a patient is involved. If a doctor, after consultation, judged that a woman's life was in danger if she continued with the pregnancy he would decide to operate. If he then found that there was a sister in the theatre who was not aware of the type of operation, he could possibly say to her, "You will perform your duty in connection with this operation, because I am doing it to save this woman's life." If we are to have a conscience clause it should be a genuine conscience clause.

The situation in Australia is different from that in the United Kingdom, where the National Health Service applies. Under that scheme a doctor does not necessarily have to pass a patient on. The fear has been expressed that, if a patient went to a doctor who was so opposed to abortion in any form that he did not want her to seek an abortion, that doctor could prevent her from having an abortion and thereby endanger her life. However, this situation does not exist in Australia: if a woman seeks an abortion through her family doctor and he does not want her to have it, she can go to another doctor.

The situation I have described involves not only the doctor performing the abortion but anyone who has been requested to assist him. Such a person may have a conscientious objection to assisting at an abortion operation. I could give examples of nurses in the United Kingdom who have not known that an abortion operation has been scheduled and have been told that they must assist at the operation, without being given an opportunity of opting out of it. This is the danger that I see in the Attorney-General's amendment. Incidentally, I am rather amused that at this stage we are recognizing the life of a child at 28 weeks. Apart from that, my real objection is that I want this to be a genuine conscience clause. Where a person has a conscientious objection to participating in this repugnant operation, that person should have a chance of getting out of it. If the Attorney-General can explain to me that that situation is catered for, I will have no other objection, but, as I see it, it certainly weakens the first part of his amendment. In this connection I wish to quote an article from the *Southern Cross* (I think it appeared the other day in the *Advertiser*, too); headed "Abortions: Nurses in revolt", it is as follows:

Nurses are in revolt against the Abortion Act. Many are refusing to take part in abortion operations on conscience grounds. Others, particularly young girls, are shocked at the distasteful tasks they have to undertake in disposing of the embryos.

These complaints were made at the annual congress of the National Association of Theatre Nurses. Delegates said one hospital had stopped carrying out abortions.

A consultant gynaecologist, who did not wish either himself or his hospital to be identified, said numerous abortions carried out by a liberal-minded gynaecologist had caused considerable unhappiness there. Because of the attitude and the stand taken by the nurses, this man had decided not to undertake such work at the hospital in the future.

He said he had come across cases where the constant strain of refusing to take any part in such operations had caused nurses to offer to resign because they felt they were placing too big a burden on their more liberally-minded colleagues. "I have advised them to continue to take a stand, but not to resign, because their nursing services are badly needed due to the shortage of nurses," he said.

Their protest would be more effective if they took a stand instead of leaving. At the congress Sister Betty Marks alleged that at Crumpsall Hospital, Manchester, Catholic nurses were being told that if there were no other nurses to do the work they must do it.

Mr. James Dunn, M.P., who is Catholic, said individual nurses faced with such problems should seek advice from their professional association, regional hospital board, or M.P., so that investigations could be made.

This is the situation that has developed in the United Kingdom, where the sort of provision sought by the Attorney-General has been in operation. I want to be thoroughly convinced that any person who has an objection to this operation and does not want to assist in it need not do so. If my objection is not removed, the effect of the conscience clause is weakened, if not defeated.

The Hon. ROBIN MILLHOUSE: First, I think it was quite wrong of the honourable member to make the references he did to new subsections (3c) and (3d) in relation to infanticide. The honourable member knows, even though some of those who may be listening do not know, that this provision was agreed to by the Select Committee immediately and without any argument whatever. It comes last in the Bill and we are considering it at this stage only because it is best to do so from a drafting viewpoint. So, the honourable member's jibe was entirely uncalled for.

Regarding the conscience clause, the purpose of new subsection (3b) is to ensure that a medical practitioner's duty is no less after this Bill is passed than it is now. In other words, it saves the present position. Whatever duty a medical practitioner or any other person may have, the provision does not say he has it, because it uses the indefinite—"Any duty". The purpose of that is to ensure that, by inserting new subsection (3a), we do not take away altogether whatever duty the medical practitioner or other person may have at present.

I have not heard of the problems to which the honourable member has referred. I wish to quote from the Memoranda on the Abortion Act, 1967, and the abortion regulations, published by the Medical Defence Union. Certainly, the points made by the honourable member are not even mentioned under the heading "Conscientious objection". To show that the honourable member is off the track, I shall read the following paragraphs:

The Act lays down that no person shall be under any legal duty to participate in any treatment authorized by the Act to which he has a conscientious objection unless the treatment is necessary to save the life or prevent grave permanent injury to the physical or mental health of a pregnant woman. The section does not absolve—

this is the important part—

a practitioner from his general duty to his patient. If a doctor-patient relationship has been established the practitioner should refer the patient to another doctor if (*a*) he thinks that, were it not for his conscientious objection, it might be lawful to recommend or perform an

abortion or (*b*) he feels that his conscientious objection makes it impossible for him to form an opinion on the question in good faith.

The honourable member will recall that Dr. Texler, one of the medical practitioners who gave evidence and the representative of His Grace the Archbishop of Adelaide, said that he already does just this.

Mr. Corcoran: Why?

The Hon. ROBIN MILLHOUSE: Because he thinks that people who do not share his religious beliefs should not be robbed of their opportunity to have an abortion in appropriate circumstances. In other words, he is doing what is proposed in this set of amendments. Under the ethics of the medical profession there are duties with regard to treatment. Knowing that the honourable member had his amendment on file, I got in touch with Dr. Magarey, who is the President now of the Australian Medical Association. A relevant paragraph from the association's code of ethics, under the heading "Emergency attention", is as follows:

The duty of a medical practitioner to render care to a patient in need is paramount and, unless for some very good reason, must transcend other considerations. In an emergency or in the absence of any other available practitioner, refusal to attend would be hard to justify on ethical grounds. Once a practitioner has commenced to treat a patient, he must continue until he can do no more, or the patient requests him not to attend, or he himself decides to refuse to attend further. If the practitioner decides to withdraw, his withdrawal should be carried out in such a manner as to protect any ill consequence to the patient.

That is a very proper paragraph.

Mr. Corcoran: I can't see that that has anything to do with it, really.

The Hon. ROBIN MILLHOUSE: Yes, it has. The Deputy Leader has moved an amendment. He asked me to give my reasons for opposing it, and now he interrupts me when I am giving those reasons. I think the honourable member should be a little more reasonable and tolerant of the attitude of others than he has shown himself to be during this debate. We do not want to take away from the medical profession by accident, as we well might if we do not include new subsection (3b), the obligation which is imposed on members of the profession by their own code of ethics. That is why the amendment is drawn in this particular form: "Nothing in subsection (3a) of this section affects any duty". It does not say there is a duty but, if there is, then nothing in the preceding part, which is the core of the conscience clause, will affect any duty that there may be.

It may be argued that no duty is imposed by that new subsection and that it is merely part of the code of ethics, but I have no doubt that medical practitioners would regard that as a duty, because it is part of the ethics of the profession. The sole purpose of this amendment, to which the Deputy Leader has taken exception, is to preserve the *status quo* and to ensure that by putting in the conscience clause we do not make the position of the medical practitioner in any other way any different from the position that now exists. Coming to the situation, which the honourable member suggested could occur, of nurses being forced to undertake the operation, I do not for one moment believe that that would happen. Their duty to participate in treatment that is necessary to save the life or to prevent grave injury to the physical and mental health of the pregnant woman would not, in my view, extend to participation in an operation because they suddenly found themselves in the operating theatre not knowing what sort of operation it was to be. I cannot conceive of that happening, incidentally, but I suppose it might occur. However, in my view, these nurses would not have a duty, because their duty to participate in the operation would not be necessary to save the life or to prevent grave injury.

I cannot believe that a court would interpret that clause so widely as to catch a nurse who found herself in that unusual and extraordinary set of circumstances. Therefore, I suggest to the honourable member that the fears he has expressed are groundless and that, if we were to leave out this provision, the conscience clause would go much further than any of us would wish, because it would absolve the medical profession from whatever obligation it now has under the general law. The medical profession certainly does not want us to do this, nor does anyone else. I can only add that I have not had or heard any objection from the medical profession, or from others in Great Britain, concerning the way in which this has worked in the last 15 months during which it has been in operation. I therefore ask the Committee not to accept the amendment.

Mr. CASEY: I am not at all satisfied with the Attorney-General's explanation, first, because I am not concerned at this stage with the medical practitioner, who I think is quite capable of making up his own mind and who is guided by his own code of ethics, to which

the Attorney-General has referred. I am concerned with the hospital staff. It was strange to hear the Attorney-General say what was taking place in Great Britain, because, basically, this is not taking place. I think abortion is a distasteful operation and I think that, when it is occurring as frequently as it is in London, the people involved will eventually revolt against this type of operation. Indeed, that is basically what is occurring in the United Kingdom today. I think new subsection (3b) does exactly what the Deputy Leader says it will do, namely, cancel out what is contained in new subsection (3a), so that a person who does not wish to carry out the operation may well be forced to do so. That is a bad state of affairs.

I should think that many members of a hospital staff would be in the position of having to report to an operating theatre at a certain time to take part in a certain operation, not knowing what the operation will involve. I consulted with the Draftsman last week with a view to providing protection for hospital staff in this regard, because I think this protection is most important. No-one involved in this matter should be compelled to do something he does not want to do. Although a doctor does not have to take part if he does not wish to, this does not apply generally to the hospital staff. If members of the staff do not carry out their duties, they are likely to be dismissed, and we do not want that to happen. I would sooner see new subsection (3b) deleted, because I do not think it will affect the medical profession one way or another.

Mr. CORCORAN: The Attorney-General concentrated his case on the legally qualified medical practitioner, but the amendment does not refer specifically to such a person: it refers to anyone who may be involved in the operation, whether it be the anaesthetist, the surgeon, the theatre sister or other attendants. My wife, having had experience in the operating theatre, was not always aware of the type of operation being performed. Consequently, unwittingly she could have been involved in something of this nature. I do not know what the Attorney-General meant when he referred to the current position. Where else in law is this type of provision made? What do we defeat by taking out this provision and leaving in the new subsection dealing with conscientious objection? The Attorney-General said that we had to preserve the present position, but is new subsection (3b) preserving it?

The Hon. Robin Millhouse: The phrase "any duty" is to preserve any duty that may be in any other Act. It does not matter if there is no other Act.

Mr. CORCORAN: Does this appear in any other Act? What are we preserving? I suggest we should find out whether this does appear in any other Act. I believe that, to a certain extent, new subsection (3b) defeats new subsection (3a). My amendments are not designed to destroy what the Attorney-General proposes: we need a provision for conscientious objection. However, if we are to preserve the present situation, I want to know where that is laid down. If only the code of ethics of doctors is involved, I point out that we are not interfering with that code, which still exists. If the Attorney-General cannot show me clearly and specifically where this situation applies in another Statute, I do not think there is any need to retain new subsection (3b). Let us have a provision for conscientious objection that will work.

The Hon. R. R. LOVEDAY: As a member of the Select Committee that reached unanimous agreement on the question of enabling a doctor or any person to be able to register conscientious objection and all that flowed from that, I would say that the new subsections provide what the committee wanted provided at that time. I agree entirely with the Attorney-General that new subsection (3b) is necessary to preserve what already exists. In order to make this point clear, perhaps we should exercise our imagination a little and look at the situation before the Select Committee came into being and before there was any thought of this Bill. At that time, in emergency, the doctor and nurse had to act in a certain way, and they thought nothing of it because it was an emergency.

In other words, that was an accepted situation, and I never heard any member suggest that we should introduce a Bill in order to alter the situation that existed at that time. If we look at the matter from that point of view, recognizing that everyone accepted that where an emergency had to be met it was the duty of doctors and nurses to meet that emergency, what is wrong with preserving that situation to meet an emergency? That is what new section (3b) provides. As I am satisfied that this new subsection simply preserves the situation which existed before the Bill was ever thought of and which everyone thought was perfectly natural and desirable, I cannot see the point behind the amendments.

The Committee divided on Mr. Corcoran's amendments:

Ayes (14)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran (teller), Edwards, Hudson, Hughes, Hurst, Langley, Ryan, Stott, and Virgo.

Noes (22)—Messrs. Allen, Arnold, Brookman, Dunstan, Evans, Ferguson, Freebairn, Giles, Hall, Hutchens, Jennings, Lawn, Loveday, McAnaney, McKee, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Venning and Wardle.

Majority of 8 for the Noes.

Amendments thus negatived.

The Hon. Robin Millhouse's amendment carried.

The Committee divided on clause 3 as amended:

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

Noes (9)—Messrs. Burdon, Casey, Clark, Corcoran (teller), Edwards, Hughes, Hurst, Ryan, and Stott.

Majority of 18 for the Ayes.

Clause as amended thus passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

## LOCAL COURTS ACT AMENDMENT BILL

Second reading.

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

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

This is the first of a number of Bills which together form a scheme for the establishment of an intermediate jurisdiction in the local courts of this State, not only on the civil side but also on the criminal side. Before I give the formal second reading speech, I may say that the objects of this scheme are threefold: first, to speed up the administration of justice in South Australia; secondly, to keep down the costs to litigants so far as that is possible; and, thirdly, to attract to judicial office men more senior and therefore more experienced in the profession of the law than has been possible in recent years. Whatever merits members may find in the scheme, I am sure they will agree that the three objects the Government has in mind in introducing the various Bills are worthy of support.

This Bill forms an important part of a closely integrated legislative scheme, the broad aim of which is to overhaul the entire system of subordinate courts (that is, all courts below the Supreme Court). Over the last decade there has been a considerable increase in the work of all courts and the strain imposed on the State's judicial system has shown clearly that certain reforms have become imperative. So far as the Supreme Court is concerned, the lists have become unduly swollen both on the criminal side and on the civil side.

In the immediate post Second World War years, the Criminal Court lists required the services of one judge as a general rule and in the 1950's on very rare occasions a second judge was asked to assist, perhaps, if an unusually long case reached the list. Over the last two or three years, however, two judges have been sitting regularly and, not infrequently, three. The Government feels that, apart from a general increase in criminal cases, what swells the criminal lists unduly is the large proportion of cases involving comparatively minor and routine indictable offences triable only by judge and jury. If the Supreme Court lists could be relieved of this class of case, the demands on the Supreme Court would be brought within acceptable limits, and the work load would be more evenly distributed.

The same sort of situation exists on the civil side. In recent years, civil lists in the Supreme Court have from time to time become almost unmanageable and, despite every effort by the judges, there have been long delays before cases in the lists could come on for hearing. This increase in litigation has been brought about by an overall increase in all types of cases, especially those arising from motor vehicle accidents. Local courts have a civil jurisdiction of moderate limits but, if those limits were extended subject to appropriate conditions, cases could be disposed of more expeditiously and, again, the work load would be more evenly distributed.

So far as the courts of summary jurisdiction are concerned, special magistrates have striven valiantly to handle lists that have recently become enlarged to an alarming degree. Their task has been rendered more difficult by the large number of minor cases—mainly traffic prosecutions—that they are called upon to hear. By way of example, I can mention that the number of cases heard in the Adelaide Magistrates Court (including the Juvenile Court) rose from 10,601 in 1954 to 28,816 in 1964, and to 40,687 in 1968. In the same courts, revenue received rose from $62,180 in the financal year 1953-54 to $407,266 in the

financial year 1967-68. These figures reflect the magnitude of the problem. I may say that, in the last week or so, I have received a report from the Chief Summary Magistrate about the position in the Adelaide Magistrates Court. I think the report brings the matter up to date, and I intend to quote from it. Mr. Wilson states:

At present, by using all available part-time magistrates to the full extent of their availability, I am running 10 courts on most days (including the Juvenile Court), eight constituted by magistrates and two by justices. I am sometimes obliged to send to the justices cases for which I do not consider them suited, and this has resulted in several complaints from counsel. Even so, this number of courts is inadequate to cope with the volume of work in the Adelaide Magistrates Court—which has increased three-fold in the past 10 years; and in spite of the fact that all magistrates are working under great pressure and I personally am taking work home nightly, the hearing of contested cases is getting further and further behind. Defendants are now being remanded until well into January, 1970, which, as one counsel put it when protesting on behalf of his client, makes a mockery of the term "summary jurisdiction". At least 10 magistrates are now required to deal with the business of the court (without dispensing with courts constituted by justices) and this minimal requirement will continue unless the proposed legislation reduces the court's jurisdiction, which I am led to believe is not the case.

In fact, it is not the case. That is the position in the Adelaide Magistrates Court and, in my view, the position in some suburban courts is worse, although I have not the figures. Since I have become Attorney-General it has been necessary to notify defendants when they are served with summonses that the cases will not come on on the dates set down, which is usually some weeks or months ahead, unless the persons concerned plead guilty, and that, if they intend to contest the case and plead not guilty, there will be a further delay. This is, at the least, a most unfortunate situation and it is even more unfortunate when one remembers that the most contact that citizens have with the court is in this jurisdiction, at this level. That this should be the impression that the average citizen gets of the courts of our State is an extremely unfortunate situation.

We in South Australia are proud of our professionally qualified magistrates, but their talents and training are wasted if they are burdened with many cases that do not call for such a high degree of professional skill as they offer. At the same time, it is felt that it is neither desirable nor fair to make on lay justices of the peace the extensive demands that would have to be made if substantial relief were to be afforded to the professional magistrates. The Government feels that, except in those limited spheres in which it is proper to call on the lay justice of the peace, the subordinate judiciary of this State, sitting in both civil and criminal matters, should comprise professional persons of high calibre who can provide a judicial service to the community of comparable worth and reliability. However, the subordinate judiciary will never attract persons of the right kind unless they can be satisfied that the work they will be called on to perform, and their standing in the legal world when appointed, will justify their relinquishing busy practices in which the extent and value of their services to the community are unquestionably great. Only few can reach the Supreme Court bench, but many more can perform work of great importance, not confined to the exclusive jurisdiction of the Supreme Court. Having regard to these general considerations, an integrated legislative scheme has been formulated, the main features of which are as follows:

(*a*) Legal practitioners of standing are to be appointed to judicial office with the rank and style of "judge". One of the judges will be appointed Senior Judge. The judges will be outside the Public Service, will hold office during Her Majesty's pleasure and will retire at the age of 70 years, with appropriate pension rights;

(*b*) Judges will be empowered to constitute two classes of court—local courts with a considerably enlarged civil jurisdiction (both in law and in equity) and district criminal courts capable of trying, with a jury, all but the more serious indictable offences (which are being reserved for the Supreme Court);

(*c*) No change is being made in the jurisdiction vested in magistrates to try minor indictable offences, and magistrates will continue to exercise their usual civil jurisdiction in local courts;

(*d*) The Governor is being empowered (on the recommendation of the Attorney-General) to create senior special magistrates from the ranks of special magistrates. Particular regard is to be paid to such titles by those concerned, when magistrates' salaries are being determined and when cases are being assigned for hearing and determination;

(*e*) The jurisdiction of lay justices of the peace on the criminal side is to remain unchanged, but they are to be relieved of all

civil jurisdiction except when sitting as local courts of special jurisdiction to hear unsatisfied judgment summonses;

(*f*) The Governor is being given the power, on the recommendation of the Attorney-General, to appoint as "special justices" persons who are already on the roll of justices and who, by reason of experience and knowledge, are fit and proper persons to be so appointed. A special justice will differ from an ordinary lay justice of the peace in that when sitting alone and constituting a court of summary jurisdiction he will, subject to suitable safeguards, have the powers and authorities of two justices when constituting such a court. He will also be able, when sitting alone, to constitute a local court of special jurisdiction;

(*g*) Consequential changes will need to be made to several Acts already in force governing various aspects of the administration of justice and all amending Bills will become law on the same day, which will be fixed by proclamation; and

(*h*) The whole legislative scheme has been devised with the aim of causing as little disruption as possible to the existing structure of the courts and the jurisdictions of courts and, in particular, of keeping administrative costs and re-organization to a minimum.

I should here express the Government's gratitude to the Council of the Law Society for its study of the Bill when in draft form, and for a report submitted by it containing a number of practical and useful suggestions. All suggestions, except for one minor one of a formal nature, have been adopted and the resulting scheme should, I believe, prove satisfactory to the community, in general, and the profession, in particular. The scheme will be implemented in part by extensive amendment to the Local Courts Act, and in part by consequential amendments to other Acts. The Local Courts Act will be amended to become the Local and District Criminal Courts Act.

Appointments to judicial office will be made under the Act of persons who will have the rank and style of judge. A judge will exercise jurisdiction in three ways: first, he will preside over local courts where he will exercise considerably greater jurisdiction in civil matters than is presently exercised by local courts; secondly, in the capacity of "recorder", he will exercise a criminal jurisdiction in district criminal courts by virtue of which he will sit with a jury to try many indictable offences that are at present tried in the Supreme Court; and, thirdly, as a judge, either in a local court or otherwise, he will hear and determine all other matters in respect of which jurisdiction is, by special enactment, conferred on him.

At this point, a few words of explanation of the judicial title of recorder are appropriate. The title of recorder as a judge in criminal matters goes back many centuries in England, and is particularly fitting to be adapted for use in the context of this Bill. Today, a recorder must be a barrister of at least five years' standing (he is usually of many more years' standing and a Queen's Counsel). He is appointed by the Crown and holds office during good behaviour. He presides over a separate Court of Quarter Sessions in municipal boroughs, and has an important jurisdiction in criminal matters. The Recorder of London, in particular, has always had an extensive criminal jurisdiction.

Turning now to the Bill in more detail, clause 2 provides for its commencement on a day to be fixed by proclamation, thus making it possible for this Bill and its associated Bills to be brought into operation at the same time. Clause 3 extends the long title of the principal Act to include the matters that are dealt with by the Bill. Clause 4 is formal. Clause 5 repeals section 4, which contains the definitions, and enacts a new section containing more appropriate definitions for the principal Act as amended by this Bill. I should like to draw particular attention to the fact that the expression "the local court provisions" is defined as Parts I to XVII, inclusive, of the Act, while "the district criminal court provisions" is defined as Parts XVIII to XX, inclusive, of the Act.

Clause 6 is formal. Clause 7 enacts new section 5a of the principal Act. The provisions of this section are, in effect, transitional provisions. Clause 8 introduces a new Part B1 of the principal Act dealing with appointment to judicial office. Judges will be appointed by the Governor, during Her Majesty's pleasure, from those who are qualified for appointment under subsection (3) of new section 5b. A judge would not be subject to the Public Service Act, and would be removable only on an address from both Houses of Parliament. New section 5b also provides for the appointment of a senior judge, and new section 5c makes provision for the appointment of acting judges where the Governor is of the opinion that it is in the interests of justice to do so. An acting judge would hold office for three months initially, but his appointment could be extended for further successive periods of three months as thought necessary.

Similarly, by new section 5d, an acting senior judge may be appointed when the senior judge is absent on leave or unable to perform his duties. In default of an acting appointment, the next judge in order of seniority (determined by reference to their respective commissions) would perform the functions of acting senior judge. Amongst other functions, the senior judge is also given power and authority in all matters relating to what may be described as judicial administration in local courts and district criminal courts. A judge would, like a Supreme Court judge, retire at the age of 70 years, although he could continue in office after reaching that age in order to complete unfinished work (new section 5f).

New section 5e provides that the salaries of the senior judge and each judge would be $16,500 and $14,000 a year respectively. New sections 5g and 5j, inclusive, deal with pension rights and, with respect to the salary paid, the rates of contribution to pension and the rights to pension are similar to the rates of contribution paid by and rights to pension payable to Supreme Court judges. New section 5k empowers the Governor to grant a judge leave of absence as if he were a judge of the Supreme Court. New section 5l provides that a judge, when exercising jurisdiction or performing any duty or function under the local court provisions, will do so as a local court judge and, when exercising jurisdiction or performing any duty or function under the district criminal court provisions, will do so as a recorder.

Clause 9 specifically confers on all existing local courts the jurisdiction of a local court of special jurisdiction. Clause 10 is consequential on the new concept of local courts of special jurisdiction, which are provided for in order to deal with unsatisfied judgment summonses. Clause 11 repeals section 8 of the principal Act and enacts new sections 8 and 8a. New section 8 abolishes local court districts, which have been obsolete for some time, and new section 8a restates the formal machinery for the setting up of local courts in the State and for their staffing. Clause 12 brings the references to the Local Courts Act and the Public Service Act up to date. Clause 13 repeals section 13 of the principal Act, which deals with the present procedure for appointing the Local Court Judge. Clause 14 amends section 15 so as to bring its terminology up to date, and clause 15 brings the reference to the Public Service Act, 1936, up to date.

Clause 16 repeals and re-enacts section 21 so as to provide, *inter alia*, that: (*a*) all actions cognizable under the local court provisions by a local court of full jurisdiction shall be heard before a judge; (*b*) all actions cognizable under the local court provisions by a local court of limited jurisdiction shall be heard before a judge or a special magistrate; (*c*) all matters cognizable under the local court provisions by a local court of special jurisdiction shall be heard before a judge, a special magistrate, two justices or a special justice.

Clause 17 repeals section 22 of the principal Act which becomes obsolete, and clause 18 re-enacts section 23 so as to provide that, when a special magistrate or special justice is available and willing to act, a local court of special jurisdiction shall be constituted of the special magistrate or special justice, and not of two justices. Clause 19 re-enacts section 24 so as to provide that if the parties to the action consent in writing, any special magistrate may hear and determine an action that a judge has power to hear and determine. Clause 20 makes a number of consequential amendments to section 25, and clause 21 makes consequential amendments to section 26 and brings a reference to the Audit Act up to date. Clause 22 makes a consequential amendment to section 27.

Clause 23 amends section 28 so as to confer on the senior judge or any other judge (in place of the local court judge or any special magistrate) the power to make rules of court for carrying into effect the local court provisions or any other Act conferring jurisdiction upon local courts. Clause 24 makes a consequential amendment to section 30 of the principal Act. Clause 25 (which has the support of the Law Society) amends section 31 of the principal Act by raising the general upper limit of a local court of full jurisdiction from $2,500 to $8,000. Clause 26 (which also has the support of the Law Society) amends section 32 of the principal Act by raising the general upper limit of a local court of limited jurisdiction to $2,500.

Clause 27 enacts new sections 32a and 32b. New section 32a provides, in effect, that where a claim arises from a vehicular accident, the upper limit if a judge is sitting, would be a claim for $10,000. New section 32b provides that a local court of special jurisdiction shall have jurisdiction to hear and determine any unsatisfied judgment summons, whatever the amount of the judgment might be. Clause 28 amends section 33 to make it clear that a local court of full or limited jurisdiction has, by consent of the parties, jurisdiction up to any amount.

Clauses 27 and 28 have the support of the Law Society.

Clause 29 introduces new sections 35a to 35f of the principal Act. New sections 35a to 35e, inclusive, are designed to resolve a difficulty relating to local court jurisdiction that has troubled the bench and the legal profession for many years. Under the present law, unless proceedings are being taken under Part XII of the principal Act (which relates to the special equitable jurisdiction of the local court), the local court is, in essence, a court of common law and, if, in ordinary proceedings before it, a point of equity arises incidentally, the court is not able to do complete justice between the parties by taking cognizance of that point of equity and adjudicating upon it. New sections 35a to 35e would overcome this difficulty and, in the language of new section 35e, would enable all matters in controversy between the parties to be completely and finally determined and all multiplicity of legal proceedings concerning any of such matters to be avoided. New section 35f extends to local courts the judicial power, at present confined to the Supreme Court, to make interim awards of damages.

Clause 30 strikes out subsection (1) of section 39 of the principal Act which contains a limitation on the jurisdiction of a local court of limited jurisdiction. Clauses 31 and 32 make consequential amendments to sections 40 and 41 of the principal Act. Clause 33 re-enacts subsection (1) of section 42 with consequential amendments.

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

The Hon. ROBIN MILLHOUSE: Clause 34 makes a consequential amendment to section 50 of the principal Act. Clauses 35 to 40 provide generally for appeals and reservations of questions to go from a local court to the Full Court of the Supreme Court, and not to a single judge of the Supreme Court. It raises the level of claims from $60 to $200 (a figure supported by the Law Society) below which an appeal will not lie, but provides a safeguard against rigidity by giving the Full Court power to grant leave in special cases even when the sum involved does not exceed $200. Clause 41 introduces an important new section 71a, sought by the Law Society. Where a defendant has been vexatiously or oppressively sued, or has been wrongly sued through, for example, failure to ascertain his true identity, new section 71a gives the court the power, in proper cases, to compensate him for the trouble, expense and distress caused by his having been so sued.

Clause 42 brings up to date a reference to the Commonwealth Service and Execution of Process Act; clause 43 repeals two sections which have become obsolete; and clauses 44 and 45 bring up to date references to the Mental Health Act. Clause 46 brings up to date a reference to the Commonwealth Service and Execution of Process Act. Clause 47 (a clause sought by the Law Society) adds a new subsection (6) to section 98 of the principal Act giving power to require greater precision of pleading than has hitherto been required, where the amount of the claim brings it before a local court of full jurisdiction. Clause 48 clarifies a provision of section 105 of the principal Act. Clause 49 makes a consequential amendment to section 106 of the principal Act.

Clause 50 is an amendment that has been sought by the Law Society. Section 108 of the principal Act provides that "if the defendant does not enter an appearance in any other action, the clerk of the court shall, at the request of the plaintiff, set the claim down for assessment of damages, and afterwards the defendant shall not be at liberty to enter an appearance in the action except as provided by this Act". The section thus requires an assessment of damages in every case. In many cases the claim for damages for injury to property is a small account for repairs to a motor vehicle, the defendant has no desire to dispute the amount, and there is no reason to think that it will be reduced on an assessment. In such cases it is regrettable that an assessment of damages is necessary. The plaintiff is in difficulty in inducing repairers to leave their business to give evidence. I can vouch for that from my experience as a junior practitioner, as you, Mr. Deputy Speaker, may well be able to do. It is jolly difficult and inconvenient for the repairer.

The repairers are put to considerable and unnecessary inconvenience; the witness fees become disproportionate to the amount involved; costs are inflated not only by witness fees but also by counsel's fees; and the plaintiff incurs the substantial expense of witness and counsel fees, which he may not recover from the defendant. Conversely, the defendant is saddled with these unnecessary costs although he may have had no desire to dispute the amount of the claim. The Law Society has considered that it should be possible to devise a procedure that would render assessment unnecessary in the straightforward cases but would preserve some supervision of these claims to guard against the possibility of

excessive claims. It is proposed, therefore, that the plaintiff should be given the right to apply in chambers for leave to sign judgment for damages for injury to property without assessment. The judge could then examine the affidavits and decide whether the claim was straightforward and an assessment would serve no useful purpose, or whether the whole or some part of the claim should be left to assessment. The amendment to section 108 made by this clause gives effect to this proposal. Clauses 51 to 53 make consequential amendments to the principal Act.

Clause 54 repeals and re-enacts section 135 of the principal Act so as to provide that a party to an action or proceeding or a practitioner of the Supreme Court may appear and conduct the action or proceeding. Clause 55 brings up to date the reference to the Commonwealth Bankruptcy Act; clause 56 brings up to date a reference to the Real Property Act; and clauses 57 to 60 make consequential amendments to various sections of the principal Act. Clause 61 raises the jurisdictional limit for claims for recovery of premises in section 216 from an annual rental of $1,060 to an annual rental of $2,120. Clause 62 raises the jurisdictional limit for claims for recovery of possession of premises in section 228 from an annual rental of $1,060 to an annual rental of $2,120.

Clause 63 raises the jurisdictional limit for claims for recovery of possession of land under the Real Property Act from land whose value does not exceed $8,000 to land whose value does not exceed $10,000. Clauses 64 to 77 make appropriate consequential amendments to various sections of the principal Act. In particular, clause 65 raises the various limits to the special equitable jurisdiction exercisable by a judge to figures that match the jurisdictional limits created elsewhere in the principal Act. Clauses 78 and 79 re-enact sections 295 and 296 in a manner sought by the Law Society to provide more flexible provisions for fixing and taxing costs, having regard to the increased jurisdictional limits created by this Bill.

Clause 80 makes a consequential amendment to section 297 of the principal Act. Clause 81 repeals section 298 of the principal Act, which is obsolete. Clauses 82 to 89 make appropriate drafting and consequential amendments to various sections of the principal Act. Clause 90 enacts new Parts XVIII, XIX and XX of the principal Act. Part XVIII deals with the establishment and administration of district criminal courts and may be summarized as follows: The Part sets up district criminal courts, which will be courts of record whose jurisdiction would be exercisable by a recorder sitting in open court, with or without a jury, or in chambers. District criminal court districts would be established by proclamation (on the recommendation of the senior judge) by means of which the Governor divides the State into districts, specifies their boundaries, names them and appoints places within the districts where district criminal courts will be held.

New section 320 confers on the senior judge the functions of assigning recorders to districts, the publication of lists, the appointing of times and places for the dispatch of business, the making of arrangements for the hearing and determination of cases by recorders and the doing of other things necessary for the disposal of district criminal court business. New section 321 confers a rule-making power on the senior judge and two other judges with respect to the pleading, practice, procedure and business generally of district criminal courts. This power is in terms similar to the rule-making power in the Supreme Court Act. New section 322 is designed to enable the assistance of the police to be obtained for the purpose of executing processes and orders of a presiding recorder. New section 323 makes provision for a seal of court and its use. New sections 324 to 326 contain detailed provisions for appointing a principal registrar, assistant registrars and other officers and for prescribing and regulating their functions, duties and responsibilities.

New section 327 makes provision for representation of the parties in a district criminal court. Only actual parties, the Attorney-General and legally qualified practitioners would be entitled to appear. New Part XIX deals with matters of jurisdiction, powers, practice and procedure of district criminal courts. Generally speaking, new section 328 places the district criminal court in the same position as the Supreme Court with respect to powers and jurisdiction to try and sentence persons for indictable offences, except that a district criminal court cannot try or sentence a person charged with a group I offence (which is either a capital offence or an indictable offence carrying a maximum term of imprisonment exceeding 10 years). It will be convenient here to refer to the grouping of indictable offences as defined in new section 4 to be enacted by clause 5. That grouping determines the limits of a recorder's jurisdiction and has important consequences at the stage where a person is committed for trial.

I have already referred to a group I offence. A group II offence is an indictable offence carrying a maximum term of imprisonment not exceeding 10 years. A group III offence is an indictable offence carrying a maximum term of imprisonment not exceeding four years. Group I offences can be tried only by a Supreme Court judge and jury. Group III offences, generally speaking, can be tried only by a recorder and a district criminal court jury. Group II offences may be tried either in the Supreme Court or in a district criminal court: which of the two it will be would depend on the discretion of the committing magistrate or justice, subject to certain overriding powers vested in the Attorney-General and in the Supreme Court that I will refer to later. Certain principles will be laid down in proposed amendments to the Justices Act for the guidance of the committing magistrate or justice when exercising his discretion. By new section 328 (3) the summary trials of children and the summary hearing of minor indictable offences are not affected by this Bill. New section 329 contains important provisions with respect to habitual criminals. In effect, where the Attorney-General seeks to have a person convicted in a district criminal court declared an habitual criminal, the case is removed, by operation of this section, into the Supreme Court, and the proceedings with respect to the declaration continue in the Supreme Court.

New section 330 is a comprehensive section the object of which is to place district criminal courts on the same footing, with respect to pleading, practice and procedure, as the Supreme Court. The provisions of the Criminal Law Consolidation Act referred to in this section concern such matters as accessories, bench warrants, the form of informations, pleas and proceedings on trial, the defence of insanity, verdicts, costs, witness fees, compensation, fines and forfeited recognizances. New section 331 provides generally for trial by jury. Specific provisions to implement this provision will be contained in a proposed Bill to amend the Juries Act. New section 332 provides for the appointment of clerks of arraigns, the issue by them of subpoenas, and sanctions for disobedience of such subpoenas.

New section 333 contains powers for the effective protection of district criminal courts from contempt of court in all its aspects, whether in the face of the court or otherwise. New section 334 confers all necessary powers for the enforcement of judgments, orders, etc., of a district criminal court or a recorder. They are the same as those already conferred on the Supreme Court, with necessary modifications and adaptations.

New Part XX deals with presentation for trial, which is the special concern of the Attorney-General. The powers and machinery in relation to presentation for trial in district criminal courts are along much the same lines as those in relation to trials in the Supreme Court, with a few modifications and adaptations. As hitherto, depositions of those committed for trial will be forwarded to the Attorney-General and it will be for him to decide whether to present a person for trial and, if so, on what charges.

By new section 335 (1), the Attorney-General is empowered, where a person has been directed to be put on trial in a district criminal court, to present that person for trial accordingly on offences other than group I offences. By subsection (2) he may present him for trial in the Supreme Court, notwithstanding that he may have been committed for trial in the district criminal court. Subsection (3) enables a Supreme Court judge, on his own motion or upon an application by the Attorney-General or the defence, to order that a person directed to be put on trial in the Supreme Court shall be tried, in due course, in a district criminal court. Subsection (4) provides for the converse case, so that a person directed to be tried in a district criminal court may, by order of the appropriate Supreme Court judge, be tried in the Supreme Court. Subsection (5) provides that an order may be made under subsection (4) notwithstanding that the person could not have been presented for trial upon an information charging him with a group I offence. Where a person on trial in the Supreme Court for a group II and a group III offence successfully applies for separate trials of the group II and the group III counts, those trials, unless the judge for special reasons otherwise orders, will be held in the Supreme Court (subsection (6)). A Supreme Court judge who orders a separate trial of one or more of the counts to be held in a district criminal court is empowered, by subsection (7), to give all consequential orders and directions for the trial. Subsection (8) ensures continuation of bail and witnesses' obligations to attend a trial, notwithstanding a change in the court in which the trial is to be held.

New section 336 empowers the Attorney-General to have the case of a person due to appear for sentence in a district criminal court

removed into the Supreme Court for sentence there. New section 337 gives the senior judge power to order a change of venue, for the purpose of trial or sentence, where he is of the opinion that it is in the interests of justice to do so, and makes provision for consequential variations to the recognizances of witnesses and to the terms of bail. New section 338 constitutes, in effect, an explicit instruction to courts to construe all the legislation forming part of the integrated system in such a way as will be most conducive to the fair and expeditious administration of criminal justice in the district criminal courts. New sections 339 and 340 deal with important functions of the Attorney-General.

New section 339 preserves his power to enter a *nolle prosequi* at any time up to judgment. New section 340 preserves his present sole executive responsibility for preparing trial lists and for determining the order in which persons are presented for trial or appear for sentence, but this responsibility is regulated by the important duties laid on him by subsection (3), which provides that he must do his best to ensure that the cases of persons in custody shall be brought on before those on bail, and that all lists are disposed of with as little delay as is reasonably practicable. New sections 341 and 342 are financial provisions and simply require payment into general revenue of fines, fees and penalties received under Parts XVIII, XIX and XX.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (COURTS)

Second reading.

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

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

It makes a number of independent changes in the principal Act, the main changes being (*a*) amendments necessary to bring the Act into conformity with the legislative scheme for the establishment of district criminal courts; (*b*) the provision for the decision by the Full Court of questions of law reserved by the trial judge on an acquittal, without disturbing the finality of the acquittal; and (*c*) amendments necessary to clear up certain irregularities and errors in the principal Act as now in force.

Clause 2 brings the Bill into operation on a day to be fixed by proclamation. This is necessary to ensure that all legislation dealing with district criminal courts will come into operation on the same day. Clause 3 amends the long title of the principal Act so as to enable the amendments proposed by this Bill to come within the scope of the long title. Clause 4 makes certain formal amendments to section 3 of the principal Act. Clauses 5 and 6 update references to section 38a of the Road Traffic Act, 1934, in sections 14a and 38a of the principal Act.

Clauses 7 and 8 include in the definitions of "court" in sections 77 and 77a the passage "a district criminal court". This amendment is consequential on the proposed legislation for the provision of district criminal courts. Clause 9 makes a consequential amendment to section 198 of the principal Act. Clause 10 brings the provisions of subsection (2) of section 200 up to date. Clauses 11 and 12 bring the provisions of sections 266 and 283 up to date. Clause 13 provides for payment by an accused of such fee as the court or a judge may direct for a copy of the depositions taken against him.

Clause 14 makes a drafting amendment to section 300d. Clause 15 corrects an error in section 319 of the principal Act. Clause 16 makes certain amendments to section 348 that are consequential on the proposed legislation for the provision of district criminal courts. Clauses 17 and 18 are also consequential on the proposed legislation for the provision of district criminal courts. Clause 19 introduces a new section 351a under the heading "Reservation of Question of Law on Acquittal". The new section is designed to bring uniformity and certainty to those areas of the criminal law in which there is uncertainty because of differences of opinion between Supreme Court judges on important principles. From time to time the situation arises where one judge does not accept the views of another or others when directing juries as to the law. Such attitudes lead to many doubts in the branch of criminal law, where, as much as in any other branch of the law, there should be an absence of doubt.

Under new section 351a, if an important question of law arises in a case where a verdict of not guilty is returned, the Attorney-General is given authority within 10 days to require the trial judge or recorder concerned to reserve a question of law for the court of criminal appeal (that is, the Full Court). The 10-day period may be extended by the trial judge or recorder or by the Full Court. For the purpose of the hearing, the Full Court (in order to protect the reputation of the person acquitted) may clear the court and limit the extent of the details of the hearing that may

be published and, in any event, the prohibition of the publication of the name of the person acquitted and of circumstances tending to identify him is mandatory if requested by that person. (The latter part of that provision was sought by the Law Society.) To ensure that the defence side is properly presented, the Attorney-General is given the power to brief counsel to appear for the defence, and the Treasury is given authority to pay counsel a just fee. The operation of new section 351a is not retrospective.

Clause 20 makes a consequential amendment to section 352. Clause 21 updates the reference to the Supreme Court Act, 1878, in section 356 of the principal Act. Clauses 22, 23 and 24 make consequential amendments to sections 358, 360 and 366. Clause 25 amends section 368 of the principal Act so as to extend the scope of that section to cover the principles contained in this Bill. Clause 26 repeals a provision of the 1956 amendment to the Criminal Law Consolidation Act. That provision is now exhausted.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## JURIES ACT AMENDMENT BILL

Second reading.

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

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

Although the amendments sought to be made by this Bill are fairly substantial, they involve no departure, in principal or policy, from the principal Act and have been made necessary by the legislative scheme for district criminal courts. Part II of the principal Act bases the present jury system on jury districts. A new Part IIA proposed to be inserted by clause 7 would place the jury system connected with district criminal courts on the basis of jury regions. The distinctive expressions are chosen to avoid confusion in administration, in correspondence, and in conversation. This parallel system is then carried through all relevant provisions of the Act so as to render it, in its amended form, applicable to district criminal courts in substantially the same manner as it is at present applicable to criminal courts presided over by judges of the Supreme Court. The clauses of the Bill give effect to the principles I have outlined.

Clause 2 provides for it to commence on a day to be fixed by proclamation. This will enable all related Bills to be brought into operation on the same day. Clause 3 amends section 3 of the principal Act by adding new definitions to the section. These amendments are consequential on proposed amendments to the Local Courts Act. Clause 4 is formal. Clause 5 amends section 7 of the principal Act by providing for trials in district criminal courts by juries of 12, as in the Supreme Court. Clause 6 makes a drafting amendment. Clause 7 inserts a new Part IIA in the principal Act under which there is to be a jury region for each district criminal court district. Each jury region is to consist of one or more subdivisions and will be constituted by proclamation. Clause 8 replaces section 14 of the principal Act. The new section re-enacts the present provisions and also provides that, as in the case of jury districts, a person is not qualified or liable to serve as a juror in a district criminal court unless he resides within the jury region constituted for the district criminal court district within which, or in connection with which, that court is sitting.

Clause 9 amends section 19 of the principal Act so as to extend the sheriff's power of exemption with respect to Supreme Court jurors to cover district criminal court jurors. Clause 10 extends the duty of the sheriff to prepare annual jury lists for each jury district to include a duty to prepare those lists for each jury region. It also gives him more time to perform those duties by removing the requirement that they be prepared during the month of December in each year and by authorizing and requiring their preparation before December 31 in each year.

Clause 11 repeals and re-enacts section 21 of the principal Act so as to fix the number of names in the annual jury lists for the jury districts for the Supreme Court Adelaide criminal sessions at not less than 1,000, for the Supreme Court circuit sessions at not less than 300, and for each jury region at not less than 200. Clause 12 extends to jury regions the application of the provisions of section 22 of the principal Act. Clauses 13 to 15 make consequential amendments to sections 23, 25 and 27 of the principal Act.

Clause 16 repeals section 29 and inserts in its place a new section which provides for the issue of precepts for the summoning of juries. The Supreme Court will (as hitherto) issue them for Adelaide Supreme Court sessions and the circuit sessions while the senior judge or the recorder concerned will issue them for a district criminal court. The power to discharge jurors previously given only to Supreme Court judges is extended to the recorder in question, and a consequential power is given

to summon further jurors, if necessary, to complete the sessions being held at the time of the discharge.

Clause 17 extends to the recorder or senior judge the power given by section 30 to the Supreme Court to summon jurors in two sets. Clause 18 provides for the usual form of precept prescribed by section 31 to be adapted or modified when used by a recorder or the senior judge, and clause 19 provides for service of jury summonses by post. Clause 20 makes a decimal currency amendment to section 40, and clauses 21 to 28 make either consequential or decimal currency amendments to various sections. Clause 29 re-enacts section 83 of the principal Act so as to extend the protection given to Supreme Court jurors against persons who unlawfully try to influence them to jurors who will be summoned to attend district criminal courts. Clause 30 makes a consequential amendment to section 88 of the principal Act.

Clause 31 makes a consequential amendment and adds to section 89 a new subsection (2) by virtue of which section 321 of the Local and District Criminal Courts Act, 1926-1969, empowering the senior judge and two other judges to make rules of court, is deemed to confer a power similarly exercised to make rules of court to carry into effect the objects and provisions of the principal Act with respect to district criminal courts. Clause 32 makes a consequential amendment to section 90 of the principal Act. Clause 33 re-enacts section 91 of the principal Act so as to extend to district criminal courts the power that was formerly confined to Supreme Court judges to make oral orders for the return of a jury and for amending or enlarging a panel of jurors returned for the trial of any issue.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## JUSTICES ACT AMENDMENT BILL (COURTS)

Second reading.

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

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

*Inter alia,* it provides for three important changes in the law, namely, (1) it provides for the appointment and functions of special justices of the peace; (2) it provides for the conferring on certain special magistrates of the title of senior special magistrate and prescribes the consequences of doing so; and (3) it provides rules in pursuance of which a justice of the peace or special magistrate would commit persons for trial, or direct them to appear for sentence either in the Supreme Court or in a district criminal court. It is thus integrated with the legislative scheme for subordinate courts generally.

Clause 4 inserts into section 4 of the principal Act the definitions of "senior judge", "district", "district criminal court", "group I offence", "group II offence", "group III offence", "recorder" and "special justice". These definitions are made consistent with the scheme of legislation proposed for reorganizing the subordinate courts. Clause 5 amends section 5 of the principal Act by adding a new subsection, which provides that a special justice, when sitting alone and constituting a court of summary jurisdiction, shall, subject to appropriate safeguards contained in subsections (3), (4), and (5), have all the powers and jurisdiction of two or more justices when constituting such a court.

Clause 6 adds a new subsection to section 10 of the principal Act requiring the Attorney-General to keep, as part of the roll of justices, a roll of special justices. Clause 7 introduces a new section 10a headed "Special Justices". Under that section the Governor is empowered, on the recommendation of the Attorney-General, to appoint as special justices persons who have their names on the roll of justices and who, in the opinion of the Attorney-General, have experience and knowledge of the law rendering them fit and proper persons to be so appointed. Special justices would receive a remuneration to be fixed by the Governor.

The Government considers that these provisions should enable persons with special experience of the workings of courts of summary jurisdiction to take a fair proportion of the load of the comparatively minor cases from the magistrates, giving them more time to devote their professional skills to the hearing and determination of the more important cases, of which there are now many in the courts of summary jurisdiction. It is hoped that appointees will be found among the ranks of experienced and senior justices of the peace, senior clerks of court, retired legal practitioners and other persons who, though not legal practitioners, have had a close association with the law and its operations and who could be safely entrusted with the responsibility ordinarily left in the hands of two justices.

Clause 8 re-enacts section 11 (2) of the principal Act by bringing its contents and the drafting of the subsection up to date. Clause

9 enacts a new section 13a, which introduces an important new policy with respect to magisterial appointments. It has seemed to the Government to be fitting that a special magistrate, whose value to the community has been significantly enhanced by administering the law in courts of summary jurisdiction over a period of years, ought, generally speaking, to receive recognition in the form of being assigned the title of senior special magistrate, and that those concerned with the determination of magistrates' salaries and with the assignment of cases for hearing and determination should be required to pay regard to the standing of senior special magistrates. New section 13a makes provision for these matters.

Clauses 10 to 14, by means of new sections and consequential amendments, seek to introduce changes in the process and machinery by which persons are committed for trial or sentence, so that the principal Act, as so amended, would accommodate itself to the establishment of trials and hearings in the district criminal court as well as in the Supreme Court. The system as proposed to be varied by these clauses may be summarized as follows:

(*a*) Committal proceedings remain unchanged up to the point where the justice or magistrate reaches the conclusion that the accused should be committed for trial or for sentence.

(*b*) At that point the justice or magistrate must decide whether to commit to the Supreme Court or to the appropriate district criminal court.

(*c*) If the justice or magistrate commits to a district criminal court, he commits to the district criminal court established in the district in which he is sitting to be next held not less than 14 days after the committal record is made.

(*d*) If the committal is for a group I offence, he must commit to the Supreme Court; if the committal is for a group III offence, he must commit to the appropriate district criminal court; if the committal is for a group II offence, the justice or magistrate has a discretion whether to commit to the Supreme Court or the district criminal court.

(*e*) In the exercise of his discretion, the justice or magistrate is required to have regard to the gravity of the offence or offences involved, the complexity or otherwise of the evidence tendered, the difficulty or uncertainty of the law involved or likely to be involved, the respective requests (if any) of the defendant and the informant, and the circumstances of the case generally.

(*f*) In all cases of committal, the justice or magistrate is required to make a record of the offence or offences in respect of which he orders a committal and of the court to which the defendant is committed.

I should like to make special mention of new subsection (6) inserted into section 112 by clause 10. This provision contains a helpful machinery provision designed to overcome a practical difficulty that has caused trouble to courts, defendants and the Crown alike. Because of the lateness of some committals and delays in forwarding depositions, the first day of a session is sometimes reached before all informations have been prepared and filed. The absence of an information has been treated as justifying the release of the person committed for trial. The new subsection bridges that gap without in any way derogating from the Attorney-General's power to enter a *nolle prosequi* or to present the person concerned for trial in the ordinary way. Clauses 15 and 16 make consequential amendments to sections 141 and 142, respectively, of the principal Act.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## JUVENILE COURTS ACT AMENDMENT BILL

Second reading.

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

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

It makes some amendments to the Juvenile Courts Act which are consequential upon the establishment of district criminal courts and is to be read as part and parcel of the legislative scheme concerning those courts. The main purpose of this Bill is to ensure the retention of the policy requiring children under the age of 18 years, except in the case of very serious offences, to be dealt with in specially constituted juvenile courts, with special powers to deal with juvenile offenders.

The principal Act was drafted and passed against a background of two levels of courts —the Supreme Court and courts of summary jurisdiction—that had jurisdiction in criminal

matters. Under the legislative scheme for the establishment of district criminal courts, a third level of courts is provided for and, accordingly, the principal Act must be brought into conformity. There are no changes in the principles or policies of the Act.

Clause 2 brings the Bill into operation on a day to be fixed by proclamation. This will enable all related legislation to come into force on the same day. Clause 3 amends section 5 of the principal Act by including a district criminal court in the definition of "court" and by adding definitions of "district criminal court" and "recorder", The other amendments sought to be made by the Bill are consequential on the proposed legislation providing for the establishment of district criminal courts and the appointment of recorders.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## POOR PERSONS LEGAL ASSISTANCE ACT AMENDMENT BILL

Second reading.

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

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

This short Bill extends to recorders the powers of a judge in appropriate cases to assign a counsel or solicitor or both for the defence of a person committed for trial for an indictable offence. The Bill is consequential on the proposed legislation dealing with the establishment of district criminal courts and the appointment of recorders for those courts.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## OFFENDERS PROBATION ACT AMENDMENT BILL (COURTS)

Second reading.

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

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

Its object is to confer on district criminal courts sought to be established under another Bill before this House the extensive and useful powers, given by the principal Act to the Supreme Court and courts of summary jurisdiction, of releasing offenders on probation in appropriate cases. The Bill is consequential on the proposed establishment of district criminal courts. Clause 2 provides for the Bill to be brought into operation on a day to be fixed by proclamation, thus ensuring that all related Bills will become law on the same day. Clause 3 extends the definition of "court' in section 2 of the principal Act to include a district criminal court. Clauses (4) (*a*) and 5 make consequential amendments to section 4 and section 9 of the principal Act. Clause 4 (*b*) makes a formal decimal currency amendment to section 4 of the principal Act.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## PRISONS ACT AMENDMENT BILL (COURTS)

Second reading.

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

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

It makes amendments to the Prisons Act which are consequential upon the establishment of district criminal courts and is to be read as part of the legislative scheme dealing with those courts and providing for the appointment of recorders to preside in those courts. The amendments involve no change in principle or policy but merely extend the provisions of the principal Act to embrace the concepts contained in the legislative scheme of which this Bill is a part.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## EVIDENCE ACT AMENDMENT BILL

Second reading.

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

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

It makes a few amendments to the Evidence Act which are consequential upon the establishment of district criminal courts and is to be read as part and parcel of the legislative scheme concerning those courts. Clause 2 brings the Bill into operation on a day to be fixed by proclamation. This will enable all related legislation to come into operation on the same day. Clause 3 amends the definition of "court" in section 4 of the principal Act by including a recorder within its meaning. Clause 4 amends the definition of "judge" in section 52 of the principal Act to include a recorder in relation to proceedings pending before a district criminal court. The definition relates to Part V of the Act which deals with bankers' books and to applications to a "judge" in relation to bankers' books and inspectors thereof. Clause 5 amends section 56 of the principal Act by extending to a recorder the power given by that section to certain named officials of effecting transmissions of certain court documents by electric telegraph.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## CHILDREN'S PROTECTION ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Minister of Social Welfare): I move:

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

From time to time medical observers have drawn the attention of their colleagues and the public generally to a somewhat distressing situation known as the "battered baby syndrome". In this situation a child, often a baby or very young child, is found bearing signs which can only be attributed to physical violence offered to the child and in some cases violence of an extreme kind. In many instances the explanation offered for the injuries apparent on the child is transparently false, and it is not uncommon for the injuries to have been inflicted by persons having charge of the child. The Government has received a recommendation on this matter from the Law Reform Committee and this Bill gives effect to that recommendation.

The persons most likely to be aware of this situation are, of course, medical practitioners, dentists and other persons whose duties bring them into fairly frequent contact with young children. However, such persons are often by nature disinclined to report such suspected offences and indeed are often enjoined by their professional associations not to disclose information gained as a result of the professional relationship with their child patients and their guardians. While the Government is not unsympathetic to this view it must balance this against its clear responsibilities to the innocent child victims. Accordingly at clause 3, which inserts proposed new section 5a in the principal Act, a duty to report suspected offences of this nature is cast upon doctors, dentists and other persons. As a corollary, subsection (2) gives the greatest possible protection to persons who do report their suspicions. They are protected from actions in their domestic tribunals, from actions for defamation, from actions for malicious prosecution and their reports are privileged.

New subsection (3) together with new section 5b sets up machinery to bring in other classes of person who will be enjoined to report their suspicions that offences against children have been committed. Clauses 4 to 9 merely make certain decimal currency amendments. Clause 10 provides, in effect, that the wife or husband of an accused person shall be competent and compellable to give evidence against the accused. Usually the only direct evidence of the offence will be the evidence of the spouse of the accused person and, as the law at present stands, the spouse cannot be compelled to give evidence in such a matter although curiously a wife can be compelled to give evidence against her husband of an assault against herself.

The law relating to the inadmissibility of the evidence of one spouse against another is, amongst other things, intended to preserve the sanctity of the marriage relationship but its application in this case would in many instances have the effect of withdrawing the protection of the law from the child of the marriage or a child in the custody of either or both spouses. I would emphasize that the main purpose of this measure is not to punish people who inflict harm on children since their very acts may well give rise to questions of their criminal responsibility; it is rather to protect the children from further violence by isolating circumstances in which the violence occurred.

This matter was taken up in the recent past by one of my predecessors as Minister of Social Welfare (the late Hon. Frank Walsh). At the beginning of last year he was most disturbed by reports of cases, I think principally from Victoria, in which children had obviously been maltreated. He commissioned the Social Welfare Advisory Council to report to him on the matter. As the honourable gentleman was out of office before the report was made, in fact it was made to me as Minister. I referred the matter to Cabinet, which agreed that we shou'd seek the advice of the Law Reform Committee, and the present Bill is based on the recommendations to the Government of that committee. I think all members will agree that the object we have in mind is above any Party and indeed beyond question. I hope the Bill will be supported by the House.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

Second reading.

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

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

Its purpose is to make certain amendments to the Petroleum (Submerged Lands) Act, 1967, dealing principally with those provisions of that Act that relate to the application of the laws

of the State in the offshore area. As honourable members are no doubt aware, a Select Committee of the Commonwealth Parliament has been set up to consider the terms of this uniform legislation. Certain difficulties of interpretation have arisen in relation to section 14 of the Act, which purports to extend the application of some of the relevant laws of the State (such as those dealing with workmen's compensation and criminal offences) to the adjacent area. This proposed uniform amendment is thought to be in a more satisfactory form. The opportunity is taken to remove the restrictions upon the classes of person to whom the designated authority may give directions under section 101 of the Act relating to petroleum exploration and production.

Clause 1 is formal. Clause 2 repeals section 14 of the principal Act and substitutes for it a new provision. This new provision provides that the laws of the State shall apply in the adjacent area as though it was part of the State. New subsections (3), (4) and (5) define and delimit the applicability of those laws within the adjacent area. New subsection (6) provides that the provisions of the new section do not limit the operation that any law or instrument has apart from the new section. New subsections (7), (8) and (9) provide that regulations may be made modifying the laws of the State, applied to the adjacent area under this section, in so far as they relate to the adjacent area.

New section 14a provides that Parts III and IV of the principal Act are to be given their full effect, notwithstanding anything in Part II of the Act or any other law of the State. Clause 3 makes a consequential amendment to section 15 of the principal Act. Clause 4 removes the restrictions upon the categories of person to whom directions may be given under section 101.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

## UNDERGROUND WATERS PRESERVATION BILL

Second reading.

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

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

Its purpose is to repeal the Underground Waters Preservation Act, 1959-1966, and to enact new provisions relating to the preservation and protection of underground waters in its place. In most countries of the world it has been found necessary to introduce legislation to control the use of underground water. This has been the case also in most States in Australia, but the need in South Australia to conserve and preserve water, of any kind, is recognized by all in this State. Most of South Australia has, unfortunately, a low annual rainfall, and in many areas we are almost completely dependent on the supply of underground water.

In some countries legislation to control the use of underground water has been delayed to the critical stage, and remedial measures, although very expensive to the State and often drastic in their impact on the rights of citizens, have not always been successful. A very serious situation exists in this State in respect of the northern Adelaide Plains groundwaters and this area is receiving close attention by the Government. It is extremely important, therefore, to ensure that a similar situation is not permitted to develop in other areas.

Over two years' extensive experience with the present legislation has clearly shown the need for considerable amendment. It is necessary to provide for more positive control in some spheres, to simplify administrative procedures to the benefit of landholders and drillers and to provide more acceptable provisions for the examination and licensing of drillers. The advisory committee constituted under the existing Act has functioned most satisfactorily. Any question referred to it has resulted in very pertinent advice being tendered to the Minister and, in particular, every application for a permit has been carefully and most thoroughly investigated and considered. Under the Bill before the House, it is made mandatory for the Minister to refer all matters that specifically affect an individual in his use of underground water to this committee while retaining the power to review any recommendation made to him on such matters. The Government considers that this provision in conjunction with a reconstituted Appeal Board will adequately protect the rights of the individual. I will deal more fully with the proposed new Appeal Board, and the reasons for it, at a later stage.

I now turn to a brief explanation of the Bill as presented. Part I (clauses 1 to 6) is the preliminary part containing the short title, date of commencement, repeal of the previous Acts, transitional provisions and the definitions. Part II (clauses 7 to 23) is concerned with wells and includes the permit system for the drilling, repairing and backfilling of wells, the last-mentioned being an important omission from the present Act, especially in relation to the prevention of the contamination of good quality underground water from saline waters.

Other clauses in this Part require the forwarding of information to the Minister regarding existing wells.

Clause 10 sets out the limits of the discretion of the Minister in refusing a permit. A permit may only be refused if, in the opinion of the Minister, the work carried out under the permit would be likely to cause contamination or deterioration, inequitable distribution, undue loss or wastage, or undue depletion of underground water. Clause 11 enables the Minister to review a permit after 12 months. If the permitted work has not been carried out in that time, it is considered advisable for this review to allow the circumstances to be subject to scrutiny.

Clause 16 re-enacts the basic provisions of section 17 of the present Act but sets them out more precisely. The previous wording proved in practice to be vague and impossible to enforce. One of the most important clauses of the Bill is clause 17, under which the Minister may issue certain directions in the form of a notice requiring the owner or occupier of land on which there is a well to take or refrain from certain action for the prevention of contamination, deterioration, inequitable distribution, loss, wastage or undue depletion of underground water. The addition to these directions of the requirement to repair or modify a well is very important, as previously, if the owner was not prepared voluntarily to rehabilitate a repairable well which came within any of the categories which I have listed, the only alternative was to order him to backfill the well. The clauses dealing with artesian wells contain essentially the same provisions as are in the present Act and are included in this Part.

In addition to these points, there has been a number of small, but quite important, alterations to the machinery of a number of the provisions contained in the present Act. Part III (clauses 24 to 27) deals with the advisory committee. The first thing that honourable members will notice is that the title has been abbreviated by removing the words relating to contamination which gave a restrictive overtone when, in fact, the duties of the committee were and will be related to almost all facets of the administration of the Act. The membership of the committee is essentially the same as previously, and although the requirement for the appointment of an officer of the Agriculture Department is now mandatory, such an officer was, in fact, appointed under section 21 (2) (*f*) of the Act. The quorum has been increased from three to five, and as mentioned previously, provision is made for it to be obligatory for the Minister to refer any question relating to wells, permits and notices to the committee for investigation and report.

Part IV (clauses 28 to 39) deals with the examination and licensing of water well drillers. In general, the types of licence provided for under the present Act have not been considered by either the Mines Department, or the well drillers themselves, as satisfactory. The classes ("A" and "B") have proved controversial and been shown to be too broad in their scope, and therefore inclined to be restrictive on individuals. It is proposed, in clause 29, therefore, to provide for the regulations to set out the details of licence types which can then be varied more readily in the light of further experience in this matter. What is envisaged is simply a well driller's licence which will contain conditions which in the main will set out the type of plant which may be used by the licensee and the area or areas in which he may operate and, if necessary, the types of well which he is qualified to drill in those areas. Thus, a man experienced with only cable tool type drilling and who has gained his experience only in the Adelaide Plains (within which there is a defined area), and is considered competent, will be licensed to operate in this area only, using a cable tool rig only. If there exists a driller who has had many years experience in all parts of the State with all types of drilling rigs on all types of wells he could qualify for an unrestricted licence.

In the present Act, the Director of Mines has to be satisfied that a driller was qualified for the licence required. This Bill sets up an examination committee to investigate all applications and to advise the Minister. It is considered that the composition of this committee will ensure a highly qualified group of men representative of all those connected with well drilling in this State and remove the main objections to the provisions of the present Act. I must mention, however, that from the very beginning a smaller but similar type committee has been advising the Director on those matters, and I know he is very grateful for the time, thought and effort applied to those problems by the members of that committee.

Part V—Appeals (clauses 40 to 51 in the Bill) differs significantly from the provisions in the present Act in that the constitution and powers of the appeal board have been reviewed. This has been done after very careful consideration of legal and scientific advice. The composition of the proposed

board varies according to the matter under appeal. A serious defect in the composition of the present board is that there is no member who is a scientist with geological background. The board proposed in this Bill will provide three members of professional standing who will sit on the hearing of all types of appeals. Additionally, there will be members who will sit only when their particular qualifications are applicable to the appeal being heard.

An important variation arises in respect of well drillers' appeals in that the description of the well drilling member is changed from "a member of the Licensed Well Drillers Association" to "a person widely experienced in well drilling". It is considered extremely desirable that the choice of this member of the board should not be restricted to one particular organization within the well drilling industry, or that only one organization should be invited to nominate persons to be considered for appointment to the board. The main concern should be to obtain the services of the most suitable person to make available his knowledge during the deliberations of the board and not to create the impression that the member is representing certain interests. All members of the board are appointed to apply their knowledge in a judicial capacity and not to act as representatives of any section of the community.

Under the existing Act such wide powers were vested in the appeal board that it could, in effect, dictate policy if it so desired, and place the whole purpose of the Act in jeopardy. The powers permitted in this Bill are a curtailment of the present powers of the board, but still allow ample latitude in the hearing and determination of an appeal. Part VI (clauses 52 to 61) contains the general provisions, and differs from that part of the present Act in that those portions dealing with permits that were previously included in this Part have, in this Bill, been included in Part II—Wells. The power to prescribe defined areas and depths has been included in the regulation clause, some clauses have been redrafted, and the "powers of entry" clause (52) has been extended. The last-mentioned provision has been found necessary, as experience has shown that the previous provisions did not give the Minister or authorized person power to enter the land to obtain information, as opposed to a straight out inspection. Clause 52 also gives the Minister power to carry out such operations on a well as may be necessary to investigate the condition of the well. This provision is designed to enable headworks of wells to be modified to allow the insertion of instruments, such as electric probes, to determine the condition and position of casing and the site and extent of subsurface loss of flow in artesian wells. The latter has particular application at present in artesian wells in the South-East defined areas.

An additional provision is also made in the regulation clause (61) to allow the proclamation of areas in which it is not considered necessary or practicable at that stage to be subject to all the provisions of the Act but which warrant a measure of preliminary control to ensure that only competent drillers operate therein. In such areas only licensed drillers would be permitted to engage in work on wells deeper than the prescribed depth for the particular area. It is not at present intended to prescribe such areas, but the provision is included in case it should become necessary in the future to do so.

The Bill, as with the present legislation, is not designed to be essentially restrictive, but to provide the means whereby the State's groundwater resources can be used to best advantage, both now and in the future. It intends merely to provide for control and remedial action when sufficient evidence is available that a particular resource is being or could be over-exploited or contaminated.

I think all members are aware of the problems generated, particularly in areas north of Adelaide, and of the social and economic consequences that will flow to people whose livelihood depends on that water if some essential control is not applied in the interests of those people. I commend the Bill as a minimum of what is required to achieve the objectives of the preservation of basins in South Australia and of the economic livelihood of those who depend on them.

Mr. CASEY secured the adjournment of the debate.

## CRIMINAL INJURIES COMPENSATION BILL

Adjourned debate on second reading.

(Continued from October 16. Page 2278.)

Mr. WARDLE (Murray): Three weeks ago when it seemed obvious that I would be required to speak on this Bill, I had been doing some homework, but I am afraid that since then some of my preparation has escaped me. It seems that one of the hazards of this place is that one is never sure when that critical

moment for speaking will come. There are four things particularly that I want to say about this Bill. Before doing so, however, I commend the Attorney-General for introducing this legislation. I have noticed over a period of years that the Attorney-General has been keenly interested in this subject and that he has made a number of pleas to this House to pass legislation of this kind. I believe the House is also pleased to support this Bill, knowing that there is a real need for compensation of this nature. I also believe that in a recent Australia-wide Gallup poll tremendous interest was shown in this measure. In fact, about 90 per cent of the people questioned favoured legislation of this kind. I believe, also, that several other States in Australia have legislation providing for this type of compensation.

The first point I want to make about the Bill concerns the aspect, canvassed by the Attorney-General in his second reading explanation, with regard to the increase of crime. With the increase in population in this country crime is increasing in all its aspects. With the increasing intensity of crime and with the rising cost of living, many perfectly innocent people are committed for more and more finance because of injuries. The Bill at this stage provides that the maximum amount payable shall be $1,000. Although I, like other speakers, would like to see the amount increased considerably, I believe it is necessary for the Government to have experience of this legislation before raising this maximum.

My second point is that so often the person who causes this type of injury cannot pay compensation. The law is largely designed to protect society and to bring criminals to justice. It is designed to restrict offenders, but to those who are injured as a result of the actions of offenders there is often no compensation whatever. Of course, compensation is payable to those who, under certain aspects of the law, are involved in motor vehicle accidents and so on, but in the case of assault, for instance, there is no compensation for the injured person. This Bill will add to the coverage of the law by compensating those who are not covered by the law at present.

The third point I make is that the injured person is not adequately provided for. Although the Bill does not claim to make adequate provision for all innocent people, at least it is a beginning, and it will be interesting to see how many cases justifying the payment of compensation will come before the Treasurer under this Act. Fourthly, the person who causes the criminal injury is often destitute and unable to pay compensation. I think the provision of compensation is adequately covered in the measure whereby the Treasurer, after receiving a report from the Solicitor-General, may pay to the injured person the difference between the full amount of compensation to which the injured person is entitled and the amount which he has a reasonable prospect of recovering under the general law. I support the Bill, which I hope other members will support.

Mr. VIRGO (Edwardstown): I join with other members in supporting this Bill and compliment the Attorney-General on introducing it. While I find it difficult to accept the rather limited compensation it affords, as my Deputy Leader said the principle of compensating aggrieved persons is at least being established. One of the first things that came to mind when I read the Bill was a rather pathetic case in my district, and I am sure the Attorney-General and other members have had similar correspondence. This person was the victim of a hit-and-run accident. I agree that the Bill does not specifically provide in this direction. However, because of factors beyond his control, my constituent, who is a man of about 40 years, has never been and never will be able to live a normal life. Having received nothing as a result of the accident in which he was involved, he has had to suffer for the whole of his life. Perhaps his answer was that he did not have good legal representation.

Mr. Jennings: Who represented him?

Mr. VIRGO: I do not know, but I am sure the Attorney-General did not; otherwise, this person would have received a far better deal. Because of the important principle contained in this Bill, we are happy to support it. However, I join with others who have expressed disappointment that only a maximum of $1,000 compensation is provided. Where does this sum go?

The Hon. Robin Millhouse: It is a beginning.

Mr. VIRGO: That is the best one can say for it. The Bill establishes the principle, but that is all it does.

Mr. Hurst: It may not even pay the hospital bill.

Mr. VIRGO: Quite so. I do not believe that the society in which we live should expect people to exist on a pittance, but this is what certain people are obliged to do if, having been injured, they are thrown on the mercy of the

State. What can they get? They will get up to $1,000 from the State Government.

Mr. Venning: Wouldn't they have a sickness and accident policy?

Mr. VIRGO: Unfortunately, the member for Rocky River has not really lived. How many people carry a sickness and accident policy? Over the last 15 to 18 years people have been forced to take out sickness benefits with the highway robbers called the hospital funds, which take one-quarter of a person's subscriptions.

Mr. McAnaney: That's not correct.

Mr. VIRGO: I do not know how the honourable member can deny a statement of fact, particularly when he is not in his seat. Plainly, a large proportion of the population of Australia cannot afford the luxury of these hospital schemes.

Mr. Venning: A lot more could.

Mr. VIRGO: They are not all prosperous farmers, as is the member for Rocky River. Many thousands of good honest Australian citizens, who, together with their forefathers, have made Australia what it is and have created the prosperity enjoyed today by the member for Rocky River, cannot afford the luxury of these health schemes. When a person is injured he is thrown back on the charity of the Commonwealth Government, and we have learnt that that Government does not have much charity.

Mr. Jennings: Are you a Gorton or a McMahon man?

Mr. VIRGO: I am an Australian Labor Party man and proud that ours is the only united Party in Australia. Although the Attorney-General is to be commended on establishing the principle contained in the Bill, it is a tragedy that he has not been able to take it to the point where it will be effective. People who will be unfortunate enough to require the assistance provided in the Bill (if it is carried by the august members of another Chamber) will really need that assistance. I can only hope that the passing of the Bill will fortify Government members to go to their colleagues in Canberra and demand that people in necessitous circumstances be provided with the wherewithal to live, for those people now exist on a pittance. I support the Bill.

Mr. GILES (Gumeracha): I support the Bill, about which not much more can be said. We have heard how the crime rate, particularly amongst people in the 18 years to 25 years age group, is increasing. People in that age group can do much damage because they are so active and strong. Legislation at present provides for compensation where a person suffers a property loss through a criminal act, but injury to the individual is not provided for. In many cases the person injured is an innocent party and is often left either to fend for himself on a combination of social welfare, for a start, and social services afterwards, or to be looked after by his family.

The present social structure does not compensate people who have suffered serious injuries, particularly permanent injuries. I, too, believe that the proposed $1,000 is too small an amount, but we have now established a principle. I believe that we should increase this sum as and when finance becomes available, and we should make sure that it becomes available soon. I speak in favour of this Bill not only because it is a good move by the Attorney-General but also because of a situation that has arisen in the district of Gumeracha. A young chap, who was interested in sport and various activities throughout our district, attended a dance at Echunga at which there was also present a man who, while under the influence of alcohol, caused a disturbance. He was with a group of four or five other men, and they had picked on one person.

The young man who was injured was standing close by. Being a true Australian, he believed in fair play and said to the group picking on that person, "Fair go—one at a time!", whereupon one of these fellows set upon him and knocked him down. When he was on the floor of the dance hall the man under the influence of alcohol kicked him in the neck and broke it, completely paralysing him. This young chap, now 19 years of age, has spent the last nine months in hospital. He can now move his right hand and right leg a little, but the doctors have told him he has no chance of ever walking again or taking part in the normal activities of life.

The tragic part about this is that the person who caused this injury has no money. He was gaoled for a period, but he has no assets and my young friend cannot get any compensation from him. Thus, this active young fellow, interested in life in general and sport in particular, is condemned to a life of inactivity. This is one case where a person badly needs a large sum to compensate him. The $1,000 provided in the Bill would not even start to take care of his hospital account but it would make him feel that the Government was willing to help him a little.

I hope that in the future we will ensure that this sum is increased to be commensurate with the type of injury caused, in most cases, to an innocent party. I sincerely congratulate the Attorney-General on introducing this Bill. I know his motives are sound and that he has introduced it because he believes it will help innocent victims of this type of action. I have much pleasure in supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. ROBIN MILLHOUSE (Attorney-General) moved to insert the following new definition:

"the Solicitor-General" means the person for the time being holding, or acting in, the office of Solicitor-General, or the person for the time being holding, or acting in, the office of permanent head of the Crown Law Department under the Public Service Act, 1967-1968.

Amendment carried; clause as amended passed.

Clause 4—"Court may order compensation for injury."

The Hon. ROBIN MILLHOUSE: I move:

In subclause (1) after "offence" first occurring to insert "or adjudged guilty of an offence and released without conviction pursuant to the provisions of the Offenders Probation Act, 1913-1963, as amended".

I have just had circulated some amendments that are not much more than drafting amendments. I can explain them briefly. They seem longer than they are.

Mr. Lawn: This is the sort of thing you've complained about, isn't it?

The Hon. ROBIN MILLHOUSE: Yes, I cannot help taking that remark. As we drafted the Bill, we provided that the application for compensation should be made by the informant or the complainant. They are the persons who actually lay the charge, shall we put it, against the wrongdoer. This may be, in the case of an action before the Supreme Court, the Attorney-General, and, in the case of an action before a court of summary jurisdiction, the police officer. It seems that the person who makes the application for compensation should be the person who has been injured. The amendment simply provides that, rather than the informant or complainant (who may be a person whose name is used in the proceedings but who has no other interest in the case), the person who should make the application is the person who has been injured by the wrongdoer.



Mr. BROOMHILL: As I cannot see provision for payment of compensation in cases where the injured person dies, I ask the Attorney-General whether, in those circumstances, compensation is payable, and whether he considered that matter when drafting the clause.

The Hon. ROBIN MILLHOUSE: When the honourable member mentioned this to me a few minutes ago, my recollection was that we had not covered it. However, I now think we have. The definition of "injury" in clause 3 is as follows:

"injury" means physical or mental injury sustained by any person, and includes pregnancy, mental shock and nervous shock:

That could be injury caused to a person as a result of the death of someone else. For example, a widow may receive mental shock sufficient to bring her within the definition. Subclause (1) provides:

Where a person is convicted of an offence, the court by which he was tried may, at the time of his conviction, or at any time thereafter, on the application of the informant or complainant, order that a sum, not exceeding one thousand dollars, be paid by that person out of his property to any other person by way of compensation for injury sustained by that other person by reason of the commission of the offence.

In certain cases it would be possible to claim compensation if a spouse had been killed, but the prime purpose of the legislation is to provide for a person who is left maimed or suffers some injury so that he should not be without compensation. I think it is wide enough, in certain cases, to cover the circumstances referred to by the honourable member. If the legislation works as we think it will (and as it has in New South Wales), as the money referred to by the member for Edwardstown becomes available we may be able to extend it and make compensation more explicitly available for persons in those circumstances.

Amendment carried.

The Hon. ROBIN MILLHOUSE: I move:

In subclause (1) to strike out "the time of his conviction, or at any time thereafter" and insert "any time after his conviction or release".

This merely provides that, if a person is either convicted or released under the terms of the Offenders Probation Act, the remedy will be available.

Amendment carried.

The Hon. ROBIN MILLHOUSE: I move:

In subclause (1) to strike out "the informant or complainant" and insert "a person who has

suffered injury in consequence of the commission of the offence".

I have explained this amendment.

Amendment carried.

The Hon. ROBIN MILLHOUSE: I move:

In subclause (1) to strike out "that person" and insert "the person convicted, or adjudged guilty, of the offence".

This amendment takes care of the case where there has been a release under the Offenders Probation Act.

Amendment carried.

The Hon. ROBIN MILLHOUSE: I move:

In subclause (1) to strike out "any" second occurring and insert "the".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7—"Enquiry by Solicitor-General."

The Hon. ROBIN MILLHOUSE: I move:

In subclause (1) to strike out "or section 6" and insert "6, or 6a".

Amendment carried; clause as amended passed.

Remaining clauses (8 to 10) passed.

New clause 6a—"Claim where offence has not been tried."

The Hon. ROBIN MILLHOUSE: I move to insert the following new clause:

6a. (1) A person claiming to be aggrieved by reason of the commission of an offence may, subject to the appropriate rules of court, apply to a court before which the alleged offence could have been tried for a certificate under this section.

(2) An application shall not be made under this section if a person has been brought to trial charged with the commission of the alleged offence.

(3) The applicant and the Crown shall be entitled to be heard upon the application.

(4) If the court is satisfied that the applicant has sustained injury by reason of the commission of an offence (being the alleged offence, or an offence arising from the circumstances alleged to constitute that offence), it may, in its discretion, grant a certificate to the applicant under this section stating the sum to which he would have been entitled pursuant to an order under section 4 of this Act if the person who committed the offence had been tried and convicted of the offence and an order had been made under that section.

(5) A certificate shall not be granted under subsection (4) of this section if the sum referred to in that subsection would amount to less than one hundred dollars.

(6) An application under this section must be made within twelve months of the alleged date of the commission of the offence.

(7) A person to whom a certificate has been granted under this section may make application, in writing, to the Treasurer for payment to him of the sum specified in the certificate out of the General Revenue of the State.

This takes care of the situation where the identity of the wrongdoer is not known and he is never brought to trial. He may have knocked down a person in the street in a motor car or assaulted him and then cleared off. Obviously, the injured person should not be in a worse position than if the wrongdoer was found and brought to trial. This new clause takes care of that by providing that if a wrongdoer is not found the person aggrieved can apply to any court in which the wrongdoer could have been tried for a certificate that the injuries had been suffered and for assessment of the amount so that it could then be paid, as the other clauses provide, by the Government.

Mr. LAWN: I understand that at present if a person is hit by an unknown hit-run driver action can be taken upon notification to the Treasurer. Do I understand the Attorney to say that this Bill will supersede the present legislation?

The Hon. Robin Millhouse: No.

Mr. LAWN: Then I am satisfied on that point.

Mr. VIRGO: Although the amendment is commendable, I fear that the benefit the Attorney-General suggests is available may be lost. An injured or aggrieved person usually has to approach the court through legal representation and, with all due respect to the Attorney-General and to the legal profession generally, I suggest that this maximum sum of $1,000 could have a very solid hole made in it once the legal fraternity became involved. The Attorney-General has admitted that this sum is far less that he would like to provide. Can he say whether there is an avenue whereby this aggrieved person can be assured of getting $1,000 without its being bitten into as a result of legal representation?

I know that the Law Society does a commendable job, but if there is 20c to be got the society will get it. We hear much about what is being done for the poor, but in my opinion people really have to be paupers before the Law Society will do something for them for nothing. In an instance that came to my notice only a few weeks ago a solicitor, through the Law Society, required a woman to sign a document stating that if her divorce was successful she would sell a house that would become hers to pay the solicitor's account, otherwise the solicitor would not proceed with

the action. We know these things happen and I am raising this matter merely as an illustration. Can we be assured that the aggrieved person will get the maximum sum, not the maximum sum after the lawyers have had their bite?

The Hon. ROBIN MILLHOUSE: If the honourable member will give me details of the matter to which he has referred, I shall be happy to investigate, because it sounds wrong to me that this should have been done. Replying to the member for Adelaide (Mr. Lawn), I point out that when I used what had been said by the member for Edwardstown as an example, I said "something of that nature"; in fact, it does not take away the provisions of the Motor Vehicles Act which allow for the appointment of a nominal defendant and for the payment of compensation. It is not limited to any figure, but it would be more appropriate to a case involving an assault that took place in the street, where the person made off. I cannot give the member for Edwardstown any definite assurance for which he has asked. It would be possible for the applicant to go to the court unrepresented and, although we have provided for the Crown to be heard on the application, it would not be a proceeding of the same nature as that of a contested proceeding between parties. There will probably be more cases where the applicant can go to the court unrepresented than there are where it is a straightout civil suit or a prosecution. But, of course, that is not the complete answer that the honourable member seeks. With regard to the rest, I cannot see any way around the matter at the moment; we have a ceiling of $1,000 in all, simply for economic reasons, as we consider we cannot afford to go any higher at the moment. We have not made any provision here for payment of costs in addition to the $1,000; it is simply straightout compensation. The sum that the court might certify could be $1,000; it could be $300 or $400.

But I should be surprised if, in a proceeding of this kind, the legal costs involved were a significant part of the amount of compensation. Although they could be, I point out that it will be, in effect, a proceeding with only two points in it: first, establishing the fact of, say, assault, which in the absence of some element of doubt (and one cannot think that in a genuine case there would be any element of doubt) would not be hard to establish. The applicant himself would simply have to give evidence of it and perhaps call any corroborative evidence that was required, but it would hardly be contested. The second point that would have to be established would be the assessment of the damage or injury suffered. This would not usually be a complicated proceeding, and I would not expect the costs to be unduly high in a case of this nature.

But I cannot give the honourable member an undertaking that nothing will come out of the amount awarded for compensation by way of legal costs; something would, but I hope and believe it would not be much. In many cases I think it would probably not be necessary for legal representation at all, because of the comparatively simple nature of the proceedings.

Mr. BROOMHILL: Although I support the new clause, I query subclause (6), under which an application must be made within 12 months of the alleged date of the commission of the offence. In normal circumstances, I would agree that this would be sufficient time for action to be taken, but I have some doubts in this case. Until people are aware that this law operates, they may not realize that they have a right to claim. Also, a person could be in hospital for some time recovering from injuries received. For these reasons, I think a longer period than 12 months should have been provided.

The Hon. ROBIN MILLHOUSE: As this legislation will not be retrospective, the compensation will be available only in the case of injury sustained after the passing of the Bill. We are in the dilemma that the longer period we allow the more difficult it will be to check the veracity of the person making the application. If the period is three years, it gets progressively harder to find witnesses and so on to corroborate what has happened; therefore, the possibility of a dishonest person claiming arises, in which case it would be hard to gainsay his claim. That is why 12 months has been included, and this is not an unusually short period. My recollection is that, under the Workmen's Compensation Act, 12 months is provided in many cases as the time for making a claim. I think this is a reasonable period, balancing the difficulty of proving or disproving the longer the time that elapses with the possibility that the person may be incapacitated for a long time. I point out that only an application need be made: the hearing need not have taken place. If a person is incapacitated for a long time, I should think the application would be simple:

probably something in writing would be sufficient to keep the thing alive, anyway. I prefer to leave this at 12 months to see how it works.

Mr. VIRGO: I am still not satisfied on the question of costs. I am not impressed by the Attorney-General's statement that one need not necessarily have legal representation. I think that the mere fact of going into a court is frightening enough for the average person to dismiss the suggestion that a person can represent himself. I doubt that on receiving representations from a constituent, any member of Parliament would not advise the constituent to get a lawyer quickly. I want to prevent the meagre allowance that will be applied from being made even more meagre. The Attorney-General has assured us that the solicitor's costs involved would not be great, but I take him up on that. If they are not to be great, I suggest he should seriously consider a further amendment to permit the court to make the costs of the solicitor representing the aggrieved person payable by the Crown. If the Attorney-General agrees to this, perhaps he can report progress so that an amendment can be drafted along these lines.

The Hon. ROBIN MILLHOUSE: I should like to get the Bill through this evening. However, I am impressed by what the honourable member says; I think there is much merit in his suggestion. I suggest we put this through tonight and we take action (jointly, if the honourable member likes) with our colleagues in another place. I will have the amendment looked at; I do not anticipate any trouble in having an amendment inserted in another place.

Mr. VIRGO: I am happy to accept the Attorney-General's suggestion.

Mr. CORCORAN: With great respect to the Attorney-General, if he agrees with what the member for Edwardstown has said and he thinks there is merit in it, he cannot, by any stretch of imagination, give an undertaking in this place that a joint effort on the part of himself and the member for Edwardstown will succeed in another place. If the member for Edwardstown and the Attorney-General want this done, I suggest, with great respect to the Attorney-General, that, unless there is great urgency about the measure, we should try to do it in this Chamber.

The Hon. ROBIN MILLHOUSE: We have done this sort of thing before. I am surprised that the honourable member is so alarmed at my suggestion.

Mr. Corcoran: You cannot guarantee it.

The Hon. ROBIN MILLHOUSE: Of course I cannot.

Mr. Casey: I do not think you can do it.

The Hon. ROBIN MILLHOUSE: I hope the member for Frome is not doubting my intention and my sincerity.

Mr. Casey: I am. Name a Bill in which it's been done.

The Hon. ROBIN MILLHOUSE: I am sorry the honourable member is doubting my word; but the member for Millicent is not doubting it.

Mr. Corcoran: I am not.

The Hon. ROBIN MILLHOUSE: But his colleague is, and I do not like it at all; it is uncalled for. I have been here now for 13 years and, naturally, cannot remember the name of a specific Bill, but I am confident that this has been done in the past. I must say I resent the attitude of the member for Frome, implying that I was trying to take advantage of the situation and that I did not mean what I said. I do not think that what he said, his smirk, and his attitude were called for in this case. However, I will try to have an amendment drawn up. I may be able to do it in the course of the next few minutes, in which case we can report progress while I see what can be done.

Progress reported; Committee to sit again.

## THE AUSTRALIAN BOY SCOUTS ASSOCIATION, SOUTH AUSTRALIAN BRANCH, BILL

Adjourned debate on second reading.

(Continued from October 16. Page 2270.)

Mr. CLARK (Gawler): When this Bill was explained by the Attorney-General, I was interested to hear that in his youth he had been a boy scout and that he paid a tribute to the Leader of the Opposition, who had also been a boy scout. I understand that the member for Albert, who has just vacated the Chair, was a distinguished boy scout, too, and I have heard rumours that the member for Port Pirie (although this is not confirmed) was also a boy scout. I understand, too, that the Parliamentary Draftsman was once a boy scout. It is hard to believe, looking at these gentlemen as they are now, that they were ever boy scouts, but I understand they were all good scouts. At least they usually seem to be well prepared in this place.

Although I have spoken facetiously, I have nothing but praise for the boy scouts movement. Appreciating that the ideals of the boy

scouts have been extremely beneficial and helpful to the community, I fully support the Bill. I understand that the measure is necessary because for many years since 1912, when the South Australian Branch of the boy scouts movement was established as an oversea branch, the control or direction of the movement has come from the United Kingdom. I also understand that since the South Australian branch was constituted in 1912, the movement has had a considerable influence in this State, so much so that there are now 17,000 members in 265 scout groups in South Australia.

However, the need for the Bill arises because in 1967 a Royal Charter was granted by Her Majesty the Queen incorporating the Australian Boy Scouts Association. This means that the boy scouts in Australia will now be an autonomous group instead of being directed from the United Kingdom and that the South Australian branch will become a branch of the Australian association. I need not enumerate the alterations made by the Bill because, as a hybrid Bill, it must be referred to a Select Committee. I am pleased to support the Bill warmly. I apologize to any members who were boy scouts and whom I have not mentioned because I did not know that they were scouts. I regret that I have not mentioned the member for Glenelg (Mr. Hudson), who, I understand, was a boy scout for a short period. I do not know why the period was short, but usually he is well prepared. I am sure that all members would agree with me that the boy scouts movement is a worthy one, and we should do all that we can to assist the movement legally.

Bill read a second time and referred to a Select Committee consisting of the Hon. Robin Millhouse and Messrs. Arnold, Clark, McKee and Wardle; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on November 20.

## LAND SETTLEMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 16. Page 2271.)

Mr. BURDON (Mount Gambier): I support this Bill, which is an extension of the legislation that was introduced in this Parliament in 1944, the second reading explanation being given by the Minister of Agriculture (Hon. G. F. Jenkins) on September 7 of that year. That Act enabled the Government to acquire land and to settle soldier settlers in various parts of the State. In his explanation of the Bill, the Hon. Mr. Jenkins said:

This is one of the most important measures we have had for a long time and deserves the earnest consideration of all members.

Those words were prophetic. The Act has since been amended and, without the legislation before us, this committee will cease to operate from December 31, 1969, so that several members of the committee (one of whom is in another place and six of whom are in this Chamber) will cease to be members from that date. This amendment extends the operation of the Act until December 31, 1973, and has the same provisions as those that existed before 1965, when the Government of the day was unable to appoint a member from another place and appointed six members from this Chamber. I do not think the same situation will arise, because another Parliament will be elected and my Party may have one or two more members in another place. Therefore, I do not think it will be necessary to amend the Act as it was amended in 1965 to create the present situation.

When this Act began operating in 1944 it provided for the acquisition of land on Kangaroo Island and on lower Eyre Peninsula. It was amended in 1948 to allow for the compulsory acquisition of land in the Western Division of the South-East. By various amendments the duties of the committee have been changed, although initially they were almost the same as those of the Public Works Committee, because the Land Settlement Committee was modelled on that committee. Indeed, the Government of the day was empowered to refer a project to either the Land Settlement Committee or the Public Works Committee. The duties of the Land Settlement Committee have developed, and in 1964 it was empowered to approve advances under the Rural Advances Guarantee Act, which was introduced to provide for an advance of 85 per cent of the valuation of a rural property up to $30,000, a provision that has enabled the committee to make a valuable contribution to people who, although having only limited funds, wanted to take up a property.

Because of the operation of this Act there has been some dramatic advancement in relation to the number of stock carried, especially in the South-East, comprising the five counties of Buckingham, Cardwell, Macdonnell, Robe and Grey. In 1944 the number of sheep carried was 1,817,000, but in 1965-66 (the latest figures

I have, although the numbers have increased since then) the total was 5,508,000. In 1944 there were 5,800 pigs in those counties, and this number had increased to 21,000 in 1966. Over the same period, the number of cattle increased from 84,000 to about 300,000, and there would be considerably more now. As we on this side consider the Bill straightforward, we have much pleasure in supporting it.

The life of the Land Settlement Committee is extended for another four years. When the Act first came into operation in 1944, it was never intended that the committee should be permanent, and subsequent Parliaments will have the responsibility of either continuing the Act or repealing it. During the time I have had the pleasure to serve on the committee, its functions have altered. In fact, the committee has dealt with the matter of South-Eastern drainage and with applications under the Rural Advances Guarantee Act. The South-Eastern drainage, which this committee had to consider, has reached the situation where virtually no further drainage will take place. Although there may be some minor drainage works, I believe that very soon the functions of the South-Eastern Drainage Board will be changed and something like a water conservation board will have to be set up.

Substantial strides have already been made with irrigation, and I believe that the use of irrigation will increase considerably in the years to come. Probably it will still be necessary for the board to function to take care of such things as maintenance. However, I believe that this Parliament will have to consider seriously the establishment of a water conservation board for the South-East. I know that certain activities are being considered at present. In fact, only today the Premier gave the second reading explanation of the Underground Waters Preservation Bill. There may be some integration of the various organizations with regard to the conservation of water in the South-East and this may be an essential feature of future legislation. We cannot afford to see any more water going out to sea as has been happening in the South-East for many years. The South-East has a great potential for irrigation and, if further development is to take place and progress is to be made, water will have to be conserved in that area. It is a crime for this good water to go to waste, as has happened in the past. I have much pleasure in supporting the Bill.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

## DOG FENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 16. Page 2270.)

Mr. CASEY (Frome): I support the Bill, which I think is desirable. It is gratifying to note that the Government has indicated that it is prepared to increase the subsidy, as this increase is, according to the Auditor-General's Report, desirable. The dog fence is an important asset to the State. Most of the area outside the fence is cattle country and, although it is populated by many sheep, it is most undesirable to run sheep there. As the greatest sheep population in the State is to be found in the area inside the dog fence, it is most important that the fence be maintained at all times in a reasonable state of repair. Over the years, the Government has paid to the fund a $1 for $1 subsidy for all rates levied by the Dog Fence Board up to 20c a square mile of ratable land.

Mr. McKee: Do you think this has been enough?

The SPEAKER: Order! The member for Port Pirie is out of order.

Mr. CASEY: Under this Bill the Government may increase the subsidy, and this increase will be desirable. At page 239 of the Auditor-General's Report, we find that the subsidy from the State Government in 1969 was $19,781, whereas the rates declared under the Dog Fence Act totalled $34,617. Unfortunately, the deficit for the year amounted to $1,315. Members can realize that, if deficits such as this continued for many years, it would not be long before the board got into difficulties. The Government is increasing the subsidy to keep the fund buoyant and to meet any contingencies that may arise. I support the Bill.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

## ADJOURNMENT

At 9.39 p.m. the House adjourned until Wednesday, November 5, at 2 p.m.