# HOUSE OF ASSEMBLY

Wednesday, November 5, 1969.

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

## QUESTIONS

### WATER SUPPLIES

Mr. RODDA: I understand that the committee examining the extent of, and other factors relating to, underground waters in the South-East is holding a series of meetings in south-eastern centres but that the town of Penola is not listed as a place at which a meeting will be held. The omission of Penola is a grave oversight, because there has been much discussion about both surface and subterranean water supplies in and around Penola, and people in the area have told me, as late as last weekend, that they want to give evidence. Can the Minister of Lands, representing the Minister of Works, say why Penola has been left off the list and whether he will have it placed on it?

The Hon. D. N. BROOKMAN: As the honourable member knows, the committee is not under instructions: it has a term of reference to follow, and the method by which it goes about its work is left to it to decide. However, doubtless the committee would want to get all the relevant information available. I will pass on to the committee the suggestion that it should visit Penola: the committee can consider it and, if there is a reply, I will give it to the honourable member.

Mr. ARNOLD: Can the Minister of Irrigation say whether, in the forward planning of the distribution systems in departmental irrigation areas, consideration has been given to providing a separate domestic supply through the Engineering and Water Supply Department main in preference to trying to design a complete distribution system that provides both irrigation and domestic supplies, a system that I believe creates some problems?

The Hon. D. N. BROOKMAN: Although there are problems whichever way it is done, I will get a considered reply as soon as possible.

Mr. GILES: Yesterday, I received a letter from the Minister of Lands in connection with the 4in. pipeline to be laid to the Piccadilly area to supply reticulated water. As it would be a strange set of circumstances to lay a 4in. pipeline now and perhaps find in another two years that it was too small to cater for the district, can the Minister of Lands, representing the Minister of Works, say whether consideration has been given to laying a pipeline of larger diameter to cater for future expansion, because it will not be very long before the Murray-Palmer main will pass close to Crafers?

The Hon. D. N. BROOKMAN: Although I am sure that this suggestion has been considered, I will establish whether further consideration is justified and obtain a reply as soon as possible.

Mr. VENNING: Will the Minister of Lands, representing the Minister of Works, find out whether water is being pumped as yet from the Murray River to the metropolitan reservoirs and, if it is not, when pumping is expected to commence?

The Hon. D. N. BROOKMAN: I will get a report from the department.

Mr. VENNING: People in the north of the State, particularly in the Orroroo and Melrose areas, are facing several problems regarding water supply. Summer is approaching, and there are problems with the bores at Orroroo and Melrose. Will the Minister of Lands, representing the Minister of Works, ascertain what is the present position and what are the possibilities of an adequate water supply being made available in these areas for this summer?

The Hon. D. N. BROOKMAN: Yes.

### BLANCHETOWN POLICE STATION

The Hon. B. H. TEUSNER: In September of last year I asked the Minister of Works a question in which I referred to a provision in the Loan Estimates for building a police station and courthouse at Blanchetown. Can the Minister of Lands, representing the Minister of Works, say whether tenders have been called for this work and what progress has been made?

The Hon. D. N. BROOKMAN: A tender has been accepted for building a police station and residence at Blanchetown. This will be an elaborate project costing more than $100,000: funds are available, and the project is to proceed forthwith.

### SCHOOL BUSES

Mr. WARDLE: The Minister of Education will be pleased to know that three new school buses have been provided to transport Tailem Bend children to the Murray Bridge High School, instead of their travelling by train, as has been done for 40 or 50 years. Having travelled on these buses, I believe that they will be successful and that the Tailem Bend children will now arrive home at about 4.20

p.m. instead of at 5 p.m. or later. Will the Minister say whether these departmental buses will remain at the high school during the day and be available to take schoolchildren during school hours on trips, such as geological excursions, or visits to nearby primary schools, where some students have to be taken for woodwork classes?

The Hon. JOYCE STEELE: As I am not sure of the situation regarding school buses, I will obtain a report.

## GOOLWA BARRAGES

Mr. McANANEY: At this time of the year there is always concern whether the barrages will be closed before the flow of water ends and the maximum quantity of water is retained. Will the Minister of Lands, representing the Minister of Works, ascertain what quantity of water is at present flowing in the river and what flow is expected in the next month or so, so that my constituents may be satisfied that the barrages will be closed in time?

The Hon. D. N. BROOKMAN: I have some experience of the way the barrages are operated, and I do not think a mistake will be made in leaving them open for too long. However, I will obtain as much detailed information as I can for the honourable member.

## NORTON SUMMIT SCHOOL

Mr. GILES: The Minister of Education will recall that the Norton Summit school has not been provided with sufficient playing area, and the school committee has requested that a road passing through part of the schoolgrounds be closed and fenced so that the children can use the full area available, small as it is. As I recently asked the Minister whether this road could be closed and fenced, has she further information about what progress is being made with this work?

The Hon. JOYCE STEELE: Although I have nothing further to report at this stage, I understand that a report is being prepared.

## BURRA POLICE STATION

Mr. ALLEN: Members may recall that Budget provision was recently made for a new police building, courthouse and residence in Burra. As the Burra mines will be opening shortly, with the result that there will be considerably increased activity in Burra, will the Minister of Lands, representing the Minister of Works, find out when work on these new buildings will commence?

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

## KIMBA MAIN

Mr. EDWARDS: Having spoken to certain people over the weekend about the wheat quota system, I understand that this system is here to stay. That being so, people living in the area to be served by the Polda-Kimba main desire to see this project completed as soon as possible so that their properties will be able to carry more stock than is being carried at present, thus enabling them to make ends meet. Will the Minister of Lands, representing the Minister of Works, see whether this main cannot be completed earlier, in view of the quota system, which will affect some farmers more severely than it will affect others?

The Hon. D. N. BROOKMAN: I will examine the question.

## GAUGE STANDARDIZATION

Mr. VENNING: As it is some time now since there has been a progress report on the standardization of the Port Pirie to Broken Hill railway line, can the Premier say when this line is intended to be opened?

The Hon. R. S. HALL: I will bring down the information.

## MEAT SALES

Mr. McANANEY: Has the Minister of Lands obtained from the Minister of Agriculture a reply to my recent question about selling meat over the hooks?

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

The introduction of a system of carcase selling through meat halls at Gepps Cross abattoirs similar to that operating at the Homebush works would entail considerable capital outlay, estimated at $1,000,000. Having regard to the availability of funds, I am doubtful whether the investigation suggested by the honourable member is justified at present. The opportunity for producers and butchers to transact business on an "over-the-hooks" basis is provided by a private organization, and I understand that the operations of this firm have by no means reached capacity to date. I would suggest that the honourable member put his views to the Meat Industry Advisory Committee, which is investigating all aspects of the meat industry in South Australia, if he has not already done so.

## GRAPES

Mr. ALLEN: Over the past several years there has been a big increase in the planting of grapes in South Australia. Will the Minister of Lands ascertain what are the

approximate acreages of plantings in the Clare-Watervale area?

The Hon. D. N. BROOKMAN: I will obtain the information from my colleague.

## EYRE PENINSULA ROADS

Mr. EDWARDS: Last Friday week, when I was at Yalata for the opening of the canteen, a constituent of mine from farther along the Eyre Highway spoke to me regarding the road from the highway to Cook, on the east-west line. I have since received a letter from him, stating that the road was to be graded last year (and I think I remember asking a question on it), but that up to now no work has been done on it. As there are graders on the Eyre Highway at present, can the Attorney-General, representing the Minister of Roads and Transport, inquire whether it would be possible to have the road graded soon, because it is now in a poor condition?

The Hon. ROBIN MILLHOUSE: I am glad that the honourable member was at Yalata for the ceremony when I opened the wet canteen there and I was delighted that he was able to accompany me, although I do not think he had a drink of beer with me. However, as people there also spoke to me about roads on Eyre Peninsula, and as the honourable member has now reminded me of this matter, I shall be happy to take it up with my colleague.

## CONSTRUCTION SAFETY

Mr. RODDA: Yesterday, I received a letter from a man on Eyre Peninsula who made a general complaint about the safety of people working on the construction of wheat silos. Late last week an unfortunate accident occurred at Port Lincoln, and my correspondent raised the issue of the grave risk attached to working on the upper levels of wheat silos and pointed out that there had been a series of similar accidents. Will the Attorney-General, representing the Minister of Labour and Industry, comment on the safety measures that apply in respect of this type of construction work?

The Hon. ROBIN MILLHOUSE: I am afraid I cannot make an off-the-cuff statement on this matter.

Mr. Hudson: Can't you answer the question?

The Hon. ROBIN MILLHOUSE: I should like to be able to answer it straight away.

Mr. Hudson: And make a long speech on it, too.

The SPEAKER: Order! There cannot be two questions at the one time.

The Hon. ROBIN MILLHOUSE: In the interests of accuracy it would be better if I sought a report, which I will do. I can tell the honourable member that an inspector of the department went to Whyalla and Port Lincoln last week to investigate the most unfortunate accident that occurred when one of the men working on the new silos at Port Lincoln was killed. I have not yet seen a report, but when it is available I will let the honourable member know about it.

## ANGASTON SCHOOL

The Hon. B. H. TEUSNER: Has the Minister of Education a reply to my recent question about the ablution and toilet facilities at the Angaston Primary School?

The Hon. JOYCE STEELE: An investigation has previously been undertaken by the Public Buildings Department into the condition of the toilets at this school and they were found to be generally in good condition, with the exception that several toilet seats were broken, the boys' urinal required attention, and there was a need to provide sanitary incinerators in the girls' toilet block and the female staff toilet. Action is currently being taken under local delegated authority to carry out improvements to the broken toilet seats and the boys' urinal, and funds are urgently being sought for the installation of a sanitary incinerator in the girls' toilet block. Unfortunately, space is not available in the female staff toilet to immediately install a sanitary incinerator and design investigation will be required. However, this matter will also receive prompt attention. In addition, an investigation is being undertaken into the improvements required to the ablution facilities, and any required action will also receive urgent attention.

## WHEAT POOLS

Mr. McANANEY: As I understand that two wheat pools conducted before the 1968-69 season have not yet been finalized, will the Minister of Lands ask the Minister of Agriculture when they will be finalized and what is the possible dividend to be paid?

The Hon. D. N. BROOKMAN: I will ask my colleague.

## HILLS BORES

Mr. GILES: As many residents consider that the overflowing bores in the Adelaide Hills are depleting the underground water supplies unnecessarily, can the Premier say whether,

during the recent investigations into underground water supplies in South Australia, action was considered to stop these bores from overflowing?

The Hon. R. S. HALL: No, I have no recollection of dealing with this subject, but I will bring it to the attention of the Minister of Mines and his departmental officers.

---

## MURRAY RIVER STORAGE

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

(For wording of motion, see page 1560.)

(Continued from October 29. Page 2589.)

Mr. WARDLE (Murray): When speaking a week ago I was referring to the addition of the salinity to the Murray River in South Australia. Having been taken aback and somewhat disappointed at the conduct of the Leader when I rose to speak, I remind him that, as my district is vitally concerned about the provision of additional storage on the Murray River, I should be surprised if he considered that a member for that area was not entitled to have his say. I do not think I exceeded what could normally be regarded as a reasonable time, and I have no intention of speaking for more than a few minutes today to complete my remarks.

I hope that, when the Leader replies in this debate, he will clear up the following issues that arise from discussion in my district following his visit earlier this year: first, the statement that the Dartmouth water is six weeks away; and secondly, the misapprehension many people are under that the dam must be in our State so that we can use this water at will. I notice in reading last Wednesday's *Hansard* that I did not say that the surface area of the Dartmouth dam would be 15,590 acres compared to 339,000 acres for Chowilla. I reiterate that South Australia adds to the Murray River more than double the quantity in parts per million of the salt that comes from New South Wales and Victoria. This fact seems to be contrary to the beliefs of many people that all the saline water in the Murray River in South Australia comes from New South Wales and Victoria. I do not support the motion.

The Hon. D. A. DUNSTAN (Leader of the Opposition): I have listened with interest to the account given by the Treasurer and the Minister of Lands of how this matter has proceeded. I intend to refer to their speeches soon, because I fear that their memories are considerably defective on the question of how politics has been played on this issue, and I intend to reply specifically to the charges they have tried to lay at the door of the Opposition. The Chowilla dam was a dam to which all sections of the community in South Australia were committed as a means of protecting the quantity and quality of water that we were to get in our section of the Murray River system and, in addition, it was required as a major engineering project for South Australia, being the largest civil engineering project in the State's history and involving a major infusion of money and investment in South Australia in an area in which we vitally needed that money to be spent.

While the Labor Government was in office, difficulties arose in relation to the River Murray Waters Agreement, and the specific matters that had been provided under that agreement by all Parliaments in Australia subscribing to it. The amount that the agreement had provided should be spent on the Chowilla dam was shown to be less than the dam would cost. Therefore, it was clear that we had no means of enforcing the agreement under the one protection that all of us had subscribed to unless we could show to an arbitrator that the aspect of cost was irrelevant.

It was not true, of course, that the arbitration section was of no use to us: the only legal remedy that we had was the arbitration section and we had to show that the River Murray Commission intended to proceed with a major storage on the Murray River and that the agreeing Governments were willing to spend on the next major storage on the river the amount that it would cost them to fulfil their agreement in relation to Chowilla. If we could have shown that, then we would have been able to enforce the agreement, because an arbitrator would have been able to make whatever decision could have been made by the River Murray Commission, and the commission would have been able to decide in favour of letting a contract for the dam at a cost greater than the amount agreed upon in the agreement. In fact, in calling tenders, the commission had already agreed to an amount in excess of that specified in the agreement, but it was essential that we get the evidence.

At that time it was contended in South Australia that everyone favoured Chowilla. We were assailed by the Premier, the Treasurer and the Minister of Lands for not being strong enough in our favouring of Chowilla because we wanted to get the evidence on which

we could ensure its construction on the basis of a legal agreement. The two Ministers to whom I have referred, in their excuses given to this House last Wednesday, suggested that they had made such bitter political criticisms of the Labor Party, when we agreed to the necessary studies being made to get the evidence under the River Murray Waters Agreement, because they did not have the information that we had and they were therefore limited by a lack of information.

Mr. Clark: But you gave them the information.

The Hon. D. A. DUNSTAN: Of course I did, but they said that, limited by lack of information, they were driven to the position they took in criticism of the stand that our Government had taken. This is an extremely lame and empty excuse for the politics members opposite played at that time, because our Government gave to the House the information it had. All the information available to us was available to this House. We have not concealed anything and we pointed out that, in order to enforce this agreement, we had to have the evidence with which to do so.

What did these Ministers and the Leader of the Opposition at that time suggest should be done by a South Australian Government to get the Chowilla dam? Sir, there was never any answer on that matter. All that members of the present Government said was that we should have built it. There was never any suggestion of how we were to enforce the agreement without having evidence. All members opposite were prepared to do was to play the rottenest of politics ever played in South Australia, instead of getting together with the Government, which was determined to get the Chowilla dam for this State.

As I will read to the House from answers that the Treasurer saw fit to paraphrase but not quote in full last Wednesday, that was the clear position of the Labor Government, and it has not changed. Instead of getting behind the Government, members opposite told the people, "They have sold us down the drain." They did not say how, because they would not specify to us how we would get Chowilla without having the evidence to enforce the agreement. At no stage did the Labor Party accept that we should not have the Chowilla dam as an essential facility for this State, whatever other facilities were provided. I shall now refer specifically to some of the things that the Ministers have said. The Minister of Lands, in his apologia for the position of the present Government on the matter, said:



During the 1967-68 drought it was found necessary to maintain a flow of 900 cusecs at Mildura, and salinity was a greater problem than it had been previously.

True, salinity was a greater problem than it had been previously, but why was it necessary to maintain a flow of 900 cusecs at Mildura, a flow to which Mildura settlers and other Victorian settlers were not entitled under the River Murray Waters Agreement? According to the technical committee's report, it was to obtain at Mildura a level in salinity about half of that which we could normally expect at Waikerie. Settlers outside South Australia were not entitled to that under the River Murray Waters Agreement. Why did we have to give away the agreement that we had and proceed with a facility that we could not provide for our own settlers? That question has not been answered. It had been accepted by Victoria, and by every member of that State Parliament, that those settlers were not entitled to such a flow. That was the implicit assumption of the existing provisions of the River Murray Waters Agreement and the construction of Chowilla. No reply has been given as to why we should succumb to Sir Henry Bolte's demand that settlers in Victoria be given levels of salinity that are far less than irrigators in South Australia have constantly to put up with. Then the Minister said:

I do not know whether Opposition members realize that South Australia's entitlement is guaranteed: the other States do not work under guarantees. Obviously, they get more water at most times, but we have been offered a guarantee of 1,500,000 acre feet or a three-way equal sharing of the available water in a drought year.

Sure we were, but if the Minister's officers would table the documents in this case they would be forced to admit that the reports of the South Australian commissioner were that we could get a three-way share in a drought year with Chowilla and that the other States were willing to negotiate it with us. This business of getting an increase in our entitlement and a greater sharing in a drought year was something which was discussed and on which the commissioner reported to the Government of South Australia that the other States were willing to agree, long before there was talk of Dartmouth. They were willing to negotiate the change with us from 5:5:3 to 5:5:5 in a drought year without Dartmouth: they were willing to provide this for us. That is in the docket, and Government members know that. The Minister continued:

We have now arrived at the situation that South Australia is being virtually offered the Dartmouth dam with an added 250,000 acre feet of water, which is important to us.

If we get an extra 250,000 acre feet, that is fine, but the studies of the technical committee do not guarantee to us in a drought year an extra 250,000 acre feet of water. The committee expected that it could be provided but it was not guaranteed. What is guaranteed in a drought year is a change in the sharing of the available water, and many questions still remain to be answered (as has been pointed out time and time again in this House) about the assumptions on which the technical committee operated as a result of the decision of the River Murray Commission in April of last year and the directions given to the technical committee as to the nature of its studies. The Minister said:

We are saying that we changed our minds and our attitude, not for our benefit (because we have received nothing but criticism from it) but for the good of the people of the State, and for good reasons, and we did it for reasons of which the Opposition cannot fail to take notice later.

I am interested to know that this is the basis on which the Government has proceeded, but, if that is so, its apology for its action when in Opposition is inadequate. What the present Government said in Opposition was that Chowilla was necessary for us, and it said it on the basis of as much information as we had.

Mr. McKee: And they said they would even build it, too.

The Hon. D. A. DUNSTAN: Yes: there was no question at all that when they were returned to office they would build Chowilla dam. Advertisement after advertisement and pamphlet after pamphlet put this out to the public; there were no qualifications. It was not a question of whether they could get agreement with the other States: they were going to do it, and that is what they told the people of the Murray districts. What is the attitude of the Government toward this? It says that it did that on the basis of inadequate information, but the information Government members had when in Opposition was the same as the information the Labor Government had, because we held nothing back from this House. We stated clearly throughout what our position was, and we have not changed our position, because we are not satisfied with the benefits to be given South Australia under the agreement that was obtained by a previous Liberal Government in exchange for trading the rights of this State in the Snowy Mountains Hydro-Electric Authority project, and we are not satisfied that those benefits would be maintained for South Australia regardless of other storages to be provided on the Murray River. The Minister continued:

It is a matter of what the system will yield, and in this case it is 250,000 acre feet. Mr. Beaney is not saying that Chowilla is therefore no good; as a matter of fact, the Chowilla project is good, and in due course it may well be built, but it involves some mighty difficulties.

There have been various strangely differing statements on this aspect: some Government members have suggested that the Chowilla project is dead, whereas others have suggested that it is to be the next major storage constructed on the Murray River. We have had the same thing from Sir Henry Bolte, who at one moment says he is the greatest protagonist of Chowilla but in the next says that Chowilla is a useless little project. The Government does not know where it is on Chowilla: it is forced to admit, on examining the technical committee's report, that Chowilla is a viable project, and it cannot deny that we have a legal and an enforceable agreement for its provision, but the Government says that it will give it away and that it may be constructed at some time in the indefinite future. South Australia has a right to Chowilla and we should ensure that it is provided for South Australia. If additional storages are to be provided on the Murray River for the better regulating of the flow in the upper river, well and good; but let Chowilla be provided in addition and not in substitution. The Treasurer said:

This is a political game and we do not complain, but I am entitled to draw attention to these facts. I changed my mind because I came to the conclusion that, although up to that time I had been a champion of Chowilla because I thought there was nothing better that I knew or could conceive of, the new proposal placed before us in detail and properly documented must be accepted. There was no other action that could be taken by a responsible person who had the interests of this State at heart. Long before the acceptance of the Dartmouth proposal the present Leader of the Opposition, who was then Premier, had an inkling of the way things were going.

No I did not: that is not true. At no stage did the Labor Government ever accept the position that Chowilla would not be the next major storage on the Murray River system. True, in my discussions with Mr. Beaney in April, 1967, he suggested to me and to Cabinet that there might be a possibility of getting a better flow of the Murray River by

other than the Chowilla project. However, we said we would not accept a proposal that did not include the building of Chowilla as the next major storage. Mr. Beaney was specifically instructed that that was the position that he was to maintain before the River Murray Commission. The Minister of Works was in my room when we discussed this with Mr. Beaney; that specific instruction was given to him, and the first question that I asked the Premier when he took office was whether he would maintain that instruction.

But the instruction was not maintained, even though for months thereafter the Government was telling the public that it was fighting for the Chowilla dam and that this dam would be obtained not by using our rights under the River Murray Waters Agreement but by exerting political pressure on Canberra. We have had an extraordinarily sorry story about political pressure on Canberra from South Australia in the last 18 months. It has been most ineffective. I do not blame the Premier for this; he has been unable to move Canberra in our favour, and at the moment we have three unhappy alternatives presented to us in the present stakes in Canberra: Mr. Gorton, who promised much to South Australia and gave us nothing; Mr. McMahon, who has constantly starved the States of money for their services and refused adamantly to listen to the cases put to him by Premiers of the States of every political persuasion; and Mr. Fairbairn, who has been in the forefront from the start in depriving us of the dam.

Mr. Virgo: He has had a change of heart now. He is trying to win votes in order to become Prime Minister.

The Hon. D. A. DUNSTAN: It was not a change of heart that I observed in this morning's paper. If that is a change of heart, we cannot get very good comfort out of it. The Treasurer said last week:

A few days later he—

referring to me—

was asked whether he intended to raise this matter at the Premiers' Conference (the project was at that time obviously slipping from our grasp).

It was not slipping from our grasp. We had, because of increasing costs, to get the evidence to proceed to arbitration, and we were going about getting it, despite the bitter criticism of the Opposition. In the debate about which the Minister of Lands talked so feelingly here, in which he said the Premier had won hands down, the Premier got up at that time and said I had sold South Australia down the drain—that I had given away Chowilla by agreeing to the studies. That is what he said.

Mr. Rodda: It's true.

The Hon. D. A. DUNSTAN: I am glad to hear the honourable member say that, because he gives the lie completely to what the Treasurer said in his speech, but apparently he did not listen to it. Consistency is obviously not a virtue of the Government in this matter, and it never has been. The Treasurer said last week:

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

At the time, I was asked whether I intended to raise the matter at the Premiers' Conference, and this was my reply:

No. It is completely the other way around. The point is that, at the moment, the States represented on the River Murray Commission are committed to the proposal. No other State has listed the Chowilla dam proposal for discussion at the Premiers' Conference. I expect that there may be further discussions after a report by the commission has been compiled, but the report is not to hand at present. I do not know whether any other States will raise objections to a proposal to which they, along with us, have previously been committed. At present, the position stands as it has been. We are committed to the Chowilla dam proposal and I do not intend to invite objections from someone else. As matters stand, we have heard some off-stage rumblings from another State because of the increased cost of the proposal compared with the original estimate, but I repeat that no other Premier has listed this matter for discussion at the Premiers' Conference and I do not think I should encourage objections from other States if those objections are not to be raised otherwise. As things stand, we are going ahead with the proposal. I have not had any formal communication saying that any other State is objecting to the proposal being proceeded with.

The Treasurer immediately got up and said:

I agree with the Government's attitude . . .

There it is at page 135 of *Hansard*! The Treasurer continued in his speech last week as follows:

I am sure that the then Premier knew the trend that things were taking. He declined to be specific about legal action, and I think I understand why: until there was a breach of the agreement there was no legal action that the State could properly take to enforce the contract.

True, until we could get the evidence concerning costs of an alternative proposal we could not go to arbitration, because we did not have a case before an arbitrator until then. It was no good trying to enforce an agreement unless we could dispose of the matter of costs. As the thing stood, the agreement was for a cost far less than that which Chowilla would involve. However, all the time we were getting that evidence to go to an arbitrator, we were assailed by members of the Government who said that we were selling the State down the drain through not fighting for Chowilla. Every time we asked them what we should do there was never an answer other than to imply that we should have taken off up there and built the dam ourselves.

At some stage last week the Treasurer suggested that we could build it ourselves, but he knows that is not correct. We could not. The major area to be inundated by the Chowilla dam is not in South Australia; it is in New South Wales and Victoria, and we could not build the dam and inundate these areas. The States concerned had to use their compulsory acquisition powers to get that land, and we have no compulsory acquisition powers in this State to acquire land in Victoria and New South Wales. We could not have put up the dam ourselves unless we had the agreement of the other States, and that meant that we had to proceed under the River Murray Waters Agreement, which was a legal and binding agreement. It was suggested that we had postponed this issue and had not bothered to put it up for debate and that now we were trying to get rid of it quickly.

The Opposition has had this measure on the Notice Paper, and it has debated it. Until last Wednesday the Government showed little enthusiasm for debating this motion. Last Wednesday was the first time we had all our members available in this House who could be available to ensure a vote on both sides that was at least even, so that we could get an effective vote in this House, because prior to that the member for Whyalla (Hon. R. R. Loveday) had been overseas as a delegate from this Parliament, and members know that. The moment we got our numbers in this House, we put up this measure for debate in order to get a vote to ensure that an effective vote could be given in this House because you, Mr. Speaker, had an opportunity to cast yours as well.

The Treasurer said that we could not exert pressure on New South Wales and Victoria and make them accept something they did not want. New South Wales wants extra water, and Victoria wants it much more; but they cannot get extra water from the Murray River system without our agreement. I recall being told by members of the present Government that, in negotiations with the other States when I had no case at all, I had all the aces up my sleeve and could force them into something. Today this Government has all the aces. It can say to the other Governments, "We have a legal and enforceable agreement. You do not have anything for a storage at Dartmouth, and you will need our agreement to get it. We are entitled to this protection in South Australia from the Chowilla dam—the one we have always been entitled to. It is admitted to be a viable project, and we are entitled to it. If, in addition, you believe there should be an additional storage to regulate the flow of the river from an up-river storage, you come to the party and provide it."

This Government has said that it would be absurd for us to suggest to the Commonwealth Government that it provide the money for this undertaking, but the Commonwealth Government can provide it. It has shown that it can provide money for everyone except us, and when will there be a better time than the present for this State to say to the Commonwealth Government, "Look, you had better come to the party here. You can see what the people of South Australia think about the way you have treated us." Let us look at the history of the Commonwealth Government's granting money to the States for dam projects. We were told at the 1967 Premiers' Conference that there was no Commonwealth Government money available and that it was useless for the Premiers to go back to the Commonwealth Government with proposals for specific projects, because there was nothing in the coffers. One of the present contenders for the Prime Ministership came out with his favourite phrase that the economy was finely balanced and that it would lead to inflationary pressures in the community if the Commonwealth Government gave us extra money for construction works. We were told that there was nothing there.

Then came the Capricornia by-election, and the Commonwealth Government suddenly discovered the need for northern development. On the eve of the Senate election about a month later, there was a sudden announcement of a discovery somewhere of $68,000,000—$40,000,000 for the Ord River scheme in northern Western Australia and $28,000,000 for the Emerald irrigation project in Queensland.

Mr. Clark: What was there for South Australia?

The Hon. D. A. DUNSTAN: There was nothing for us, but this is not new. After the Premier had returned from this year's Premiers' Conference he said that we had been disgracefully dealt with—and he was correct in saying that the Commonwealth Government paid no attention to the needs of the States. We were told that no more money was available, whereas the Commonwealth Government later produced a Budget that gave large handouts in the area of Commonwealth expenditure but nothing for the States. In addition, the Commonwealth Government provided $124,000,000 for dam and irrigation projects in Queensland, $80,000,000 for an electricity scheme in central Queensland and a grant of $20,000,000 to the New South Wales Government for the Copeton dam as an inducement to the New South Wales Government to agree to the Dartmouth scheme. Yet the Commonwealth Government says that it cannot find its contribution to finance $120,000,000 for the entire Dartmouth and Chowilla schemes without modification—that is, to build them to full capacity.

This is extraordinary. It is just not the case that the Commonwealth Government is unable to use the moneys available to it. Indeed, vast sums are now coming into the Commonwealth Government in net gain from the Snowy Mountains Authority alone every year. Why cannot the Commonwealth Government use this money for conservation of the Murray River system as a whole and provide us with the benefit which this State, Victoria, New South Wales and the Commonwealth had previously guaranteed that we would get, as a major engineering undertaking, to provide us with protection and investment? I do not consider that it is proper for this State to give away its rights under the existing River Murray Waters Agreement or that it is not possible to provide a combination of the projects at present under construction so that we get those rights. I believe that this State is in a position to insist on its rights and that we should do so. South Australia gained rights under the River Murray Waters Agreement for which it traded real rights under the old agreement. We should maintain those rights, and any change in the proposals for additional projects on the Murray River should be additional projects, not substitutes for Chowilla.

South Australia should insist on Chowilla, which is vital to us. During my political life I have had many differences with Sir Thomas Playford, and I continue to have them; but I believe that on this matter Sir Thomas was right and remains right: South Australia can get this essential project if we fight for it. If the Government is prepared to fight for it, then I pledge that the Opposition will play no politics in this matter but will be behind the Government. When the Government has come up with proposals and claims on behalf of the State, the Opposition has come out in support of them. I have not gone out to criticize the Premier as always knocking this State and as being inadequate in not representing it. When he has said things on behalf of the State that we believed were fairly and properly said, we have said, "Good on you; we are with you on it."

Mr. McKee: Not very often, though.

The Hon. D. A. DUNSTAN: I could point to a good many times during the last year. I have given him quite a few credits when he has spoken up on behalf of the State in a way which I approve. There are occasions when the Government has properly spoken up on behalf of the State when (unlike the occasions when we were in office) it has had the support of the Opposition in doing so. We will be behind the Government if it fights for Chowilla. The Government need not worry whether it has the support of the people of South Australia for Chowilla, and the Opposition will urge the Government along as hard as it is urging itself. If the Premier and his Ministers continue to say, "All right, we have an agreement, although we think that, by changing the entitlement provision as a result of a changed flow from the proposed Dartmouth dam, we will get a better deal for South Australia," we must say, "We think you are wrong and ill advised." We would not have accepted that advice because we think it is wrong and, because we think it is wrong, we must fight for the point of view in which you, Mr. Speaker, and most South Australians believe.

The House divided on the motion:

Ayes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Virgo.

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

Pair—Aye—Mr. Riches. No—Mr. Coumbe.

The SPEAKER: There being an equality of votes, it is necessary for me to give a casting vote. I give my casting vote for the Ayes.

Motion thus carried.

## GOVERNMENT RENTALS

Adjourned debate on the motion of Mr. Corcoran:

(For wording of motion, see page 2392.)

(Continued from October 29. Page 2570.)

The Hon. R. S. HALL (Premier): Before I continue my remarks, I want to say that the Deputy Leader made a mistake in addressing himself to the subject, as I have made in following his earlier remarks, because he said that the third step in raising rentals for Government houses was not adopted by the incoming Labor Government. This step, however, was eventually implemented by the Labor Government, perhaps not to the fullest extent but substantially, and I apologize for following the lead of the Deputy Leader and misleading the House to that extent.

Mr. Corcoran: What I said was true.

The Hon. R. S. HALL: It was incorrect because the third step was applied in 1966 and my information is that it was applied to the extent of 50c for daily-paid workers and 80c for officers, except in a few categories. I apologize for misleading members to that extent, but it has no real bearing on the situation which has been raised by the honourable member and the situation in which the Government found itself in relation to rentals when it came into office.

The following numbers of houses are occupied by employees of the Government: 1,665 under the control of the Public Service Board; 913 under the control of the Minister of Education; 2,224 under the control of the Minister of Roads and Transport; and 451 under the control of the Police Department. This gives a total of 5,253. The following numbers have been subject to rental increases: 1,400 under the control of the Public Service Board; 905 under the control of the Minister of Education; and 312 under the control of the Railways Department. No houses under the control of the Police Department have been affected because it is that department's policy to provide free quarters or, in lieu of quarters, $150 for married officers and $100 for single officers. Of 5,253 houses, therefore, 2,617 have been subject to rental increases. The maximum rental increase a week in respect of Public Service houses is $5, the minimum 15c, and the average $1.26. The average increase in Education Department rents is $1.58, and the average for the Railways Department is $1.19. It is interesting to note that the following numbers of Government employees do not occupy departmental houses: under the Public Service Board, 22,404 in the city, and 4,350 in the country, making a total of 26,754; under the Railways Department, 6,900 (which includes special works staff of 1,000 for standardization projects and the like). It is easy to see from these figures that most public servants do not occupy Government houses.

Mr. Virgo: So what?

The Hon. R. S. HALL: Therefore, what I said earlier about striking a fair rental that does not place those few who occupy houses at an unfair advantage over those many who do not is most important when considered in relation to the figures I have given. This is a responsible Government and, as such, it must be fair in the rents it strikes. It has adopted an attitude, which it believes to be entirely fair, of having the rentals fixed at 80 per cent of the economic rental that would be fixed by the Housing Trust, of having a system of review for those people who believe, for one reason or another, that the rents are unjust, and of fixing a system that will allow rentals to increase yearly on a component that is outside Government control. Nothing could be fairer than that. The alternative is deliberately to set out to subsidize a few Government employees.

No doubt many Opposition members will speak on the motion, and I urge them not to be emotional, not to treat the matter on the basis of the Government versus the rest, and not to refer to matters such as when these houses were built (I think we dealt with that last week), but rather to deal with the fairness of the matter. One cannot take the erection cost of a building as a guide to what the rental should be.

So many Government facilities today are possible as a result of the increase in the value of facilities put up years ago. If all of the capital involved in sewerage was based on present-day values, the cost to the community would be absolutely prohibitive. One knows there is an evening-out because of the different costs of building. If the Housing Trust were to charge full rentals for houses financed from moneys borrowed this year, the rentals would be much higher than they actually are. One knows one must strike a medium. In striking this we charge only

80 per cent of the economic rent, and the Government believes this to be fair to all concerned.

There is little to be gained by adding to the argument of last week. I have corrected something which the Deputy Leader believed was correct but which was not correct. Also, I have now given statistics of the total number of Government houses involved. Although I do not want to deal with personalities or introduce politics, I urge the House to reject the motion, which is so basically unfair to a broad section of the South Australian community and to the majority of South Australian public servants.

Mr. VIRGO (Edwardstown): When the Premier commenced his remarks last week with a tirade of abuse levelled at the Deputy Leader, I suspected that he had no case and would resort to abuse instead of facts.

Mr. McAnaney: You're 100 per cent abuse.

Mr. VIRGO: That is exactly what has happened, as the member for Stirling well knows. The motion being one of the gravest importance, it is not to be just lightly thrust aside, which the Premier has sought to do by claiming that it is unfair that the rest of the people should subsidize those in Government houses and by making similar statements, including his saying that the age of the house had nothing to do with the matter and that, if houses were to be written off, so should water pipes, and so on. When the Premier has to resort to such hollow grounds as these to substantiate his case, it must surely prove its very weakness.

Mr. Wardle: You haven't answered the argument: you're only rubbishing it.

Mr. VIRGO: The honourable member will have an opportunity to speak; I shall be interested to see whether he will be honest or his usual hypocritical self. If, for once, the honourable member is honest, he will support the tenants of the houses dealt with in the motion. One thing that people seem to lose sight of completely is that mainly residents of these houses have no alternative and are forced to live in the houses: it is usually part and parcel of the contract of employment that the person concerned must occupy the departmental cottage. It is gross stupidity to try to compare a Government servant living on the West Coast, in the Far North or the Lower South-East with one who works in the State Government office block, who leaves home at 8.15 a.m. and returns at 5.30 p.m., who owns his own house or is acquiring an asset for himself and his family, and who is not pouring money into the coffers of the Government, with nothing tangible at the end. How stupid to try to compare those two types of public servant!

The Premier put all public servants in the one category just as though the 26,000 people (I think that was the figure he used) working in Government departments were all working under the same conditions, although some had the disadvantage of living in Government rental houses, whereas others had their own houses or paid rent to private individuals or the Housing Trust. Such a comparison is pointless, and no-one knows that better than the Premier does. He also knows that it is to the everlasting disgrace of this Government and former Governments (I do not lay all the blame on the shoulders of the present Ministry, although it has done little to relieve the situation that has built up over the years) that most of these houses in country areas are substandard and should be condemned as unfit for human habitation. Last week, the Premier said:

> Members know that the rentals of these houses are fixed at four-fifths of the economic rental charged by the Housing Trust, so the Government admits and supports an undervaluation of rental by one-fifth compared to the Housing Trust rentals that would be charged for the same houses.

The Premier has also referred to this matter today, but I think he has lost sight of the all-important point that the persons occupying these houses are compelled to do so. When he gave us the statistics, the Premier said that there had been and would be no increase in the rents of houses occupied by the members of the Police Force. The reason for this is that members of the Police Force must occupy these houses, but police officers are no different from anyone else. In most cases it is a condition of employment that the employee occupy the house.

Mr. Ryan: He can't shift, even if he wants to.

Mr. VIRGO: No. Most of these employees would shift if they could, because their present houses are substandard, many having no facilities. I invite members to refer to *Hansard* of June 18 and read what was said on the motion to go into Committee of Supply. Much was then said about house rents, and many instances were given of people living in houses that did not even have running water. I sincerely suggest that, if a health inspector inspected the houses owned by the South Australian Government and was able to do what he should do, he would attach a notice on most of them stating that they were unfit for human habitation. I am

referring, of course, to houses in the country areas.

Mr. Ryan: That may be why they are not under the Act.

Mr. VIRGO: Yes. I may not have taken down accurately what the Premier has said today, but I have the *Hansard* report of what he said last week. He has told us that the average rent increase for the 1,400 houses is $1.26 a week. My quick arithmetic shows that for those 1,400 houses the Government will get $1,750 a week, or $910,000 a year, from the pockets of the workers. Today the Premier has admitted that the rents of 905 Education Department houses have been increased, and I think he has said that the rents of 312 Railways Department houses will be increased. The plain fact is that this Government is filching about $2,000,000 a year from the pockets of the workers, yet Government members say that they support fair play! The Premier says, "Do not let us get upset about this. Think of the fair side of it and do not make a political football of it." Is it fair to take $2,000,000 a year from the people who serve this Government far more faithfully than it deserves to be served?

Mr. McAnaney: You'd better check your arithmetic.

Mr. VIRGO: I do not mind if the member for Stirling checks it. If I am wrong, I hope he will tell me the correct amount that the Government is stealing from the pockets of the workers: that is exactly what it is doing.

Mr. McAnaney: I'd object to that if you were worth objecting to.

Mr. VIRGO: The honourable member can object as much as he likes and, when I have finished speaking, he can have his say. When the Government announced the rent increases it was naturally subjected to representations from those organizations that protect the interests of Government employees. However, the Premier told us last week (page 2570 of *Hansard*) that the representations had been rejected. It was extremely unfortunate that the representations were not successful. The Premier told us that the Government had come up with some sort of formula that was claimed to be fair continually to adjust or increase the rents. The Government seems to have overlooked one thing. Apparently, it thinks that quarterly adjustments still apply to the wages of employees. In other words, this Government wants to say that, merely because the consumer price index increases, the rents will be increased.

The Government has not spent money on the houses. It has recovered the capital investment 100 times over, yet it still wants to increase rents. The Government does not realize that it would get far better service from its officers and other employees if it provided them with houses of decent standard at rents that gave the people an incentive to occupy them. This may be foreign to this Government, but I wonder whether Government members would be surprised to know that their backward colleagues in the Commonwealth sphere have been doing this for years.

Mr. Langley: They're in trouble.

Mr. VIRGO: They have not even a leader now. They polled the lowest vote they have ever polled for years. They are on the skids, in a hopeless position. They are bringing Australia to the same position as we were in in 1941, when Sir Robert Menzies sold the country down the drain.

The DEPUTY SPEAKER: Order! The honourable member is out of order.

Mr. VIRGO: I apologize for being sidetracked. Government members, certainly the Premier, have overlooked the fact that these houses have been provided not as a source of revenue to the Government but as a necessity to maintain the industry concerned, and the rents ought to be regarded accordingly. I think we must start to look at the matter of rents for Government property as being in two categories. The provision of housing in the metropolitan area is completely different from the provision of housing in country districts. Where would a person live in many country districts if he did not occupy a Government-owned house, because often nothing else is available?

Mr. Clark: It is usually a condition of his employment that he live there.

Mr. VIRGO: It is, and the increases of rent that the Government has inflicted on these people is extremely unjust. Not content with that, however, the Government has now announced a formula whereby an assessment will be made by the Housing Trust, with an annual adjustment of rent. The Premier said that he hoped that this would take it out of the political arena, but he has much to learn if he thinks that such action will take this matter out of the political arena. On the contrary, I believe the Premier has placed it right in the political arena, and I assure him and other Government members that the next time they go to the people (and I hope it will

not be too long) those employed in Government departments will give them the answer that they are too blind to see at present.

The Hon. G. G. PEARSON (Treasurer): Most of the arguments supporting the motion take into account only a small part of the total matter to be considered concerning the rents of Government-owned houses. Invariably, when an issue of this sort comes into the area of public debate, either in or outside Parliament, the comparatively few bad cases are used as an example of the general average of the whole. This happened during the speech of the member for Edwardstown. The honourable member spoke about some houses, to which reference was made in an earlier debate concerning a lack of amenities, and pointed to them as justifying the Opposition's attitude. In rebuttal of the honourable member's comment, I point out that the Housing Trust has been the authority that is presumed (and I think rightly so) to know more about the rental of houses than does any other authority, and it has assessed the rents of houses on the basis of details discovered during the assessment. The trust has not assessed a house without amenities as having a rental value equal to that of a house with all amenities: an examination of the schedule of proposed rents demonstrates that clearly.

To quote (as has been done) the poorer type houses as being examples of the whole is misleading, and to suggest that the rent increase on these houses has been the same as the increase on other houses is also misleading, because each house has been assessed on its value as a rental proposition. When the Government took office it was aware that action had been taken by the Playford Government to bring rents up to date. I was a member of Cabinet at that time, and I know that this matter was seriously considered before action was taken. It was taken because, of the many people employed by the Government in various categories, most were providing their own housing. They were not offered, nor were they able to use, a Government-owned house, and this situation applied throughout all departments of the Public Service. Generally, with few exceptions, every officer or employee of the Government in the metropolitan area finds his own house, and he pays, if he buys it, the full cost of its purchase or its building cost. If he rents it, he pays the full rent applicable to that house on the open market: he pays what is considered to be the full economic rent. By contrast, that small percentage of people employed by the Government who enjoy the use of a Government-owned house were, when the Playford Government took action, paying only a fraction of the rent or the cost that people had to pay who were not so favourably placed and who had to find their own house.

In the Government's opinion, this situation constituted a grave inequity between one Government servant and another, and that position actuated the Government at that time. That position still exists and, even with the increase in rents, a Government employee occupying a departmental house is paying (under the revised rentals to which the Opposition has taken exception) only 80 per cent of what people who provide their own house are paying. It is nonsense to say that this increase is unjust. Not only as between metropolitan area and country districts but also in country towns, some officers and employees of Government departments occupy departmental houses, and they are paying now since the rent was increased only 80 per cent of the economic rental value of that house. Their fellow employee who occupies a house on the block next door that is not owned by the Government is paying 20 per cent more for his house accommodation than his neighbour pays for a Government-owned house, although they probably work together every day in the same department. Is this just? Is this the kind of differential treatment between officers of Government departments that the Opposition advocates?

I always understood that the Opposition believed that all people should be on an equal footing, but here, even though a disparity exists, the Opposition wants to go further, and it maintains that we should not have increased rents. The motion states that the Government should take steps immediately to reduce the rentals to the levels that applied prior to June 2, 1969, on all departmentally-owned houses throughout the State and refund the money collected as a result of the rent increases. I cannot see any justice in that (and I have some doubts whether the Government is justified in charging only 80 per cent of the economic rent), but it is a concession which this wicked Government (according to the Opposition) has agreed to and which the Government does not intend to change. That is a substantial concession. It is given because the department desires to help those Government employees who have to move around the State in the course of their employment, who are therefore not favourably placed to enter into contracts to buy houses or take long-term rental accommodation, and whose employment requires them to be perhaps at Port

Lincoln this year and at Crystal Brook next year, as is the case with some Engineering and Water Supply Department people. Obviously, they cannot expect to settle down in a town indefinitely because to do that would rob them of the opportunity of promotion.

So the Government says, "All right, these people have a real difficulty and we recognize it." So far as the Government is able, it provides houses for these people who serve the Government, and it gives them houses at reduced rentals but to say it should go far beyond this, and that, while the costs of rental and purchase houses to every other person and every Government employee in the State are increasing a little all the time, it should peg the rents of those people who are fortunate enough to live in a Government-owned house in the country at a rent that applied as far back as 1966, would be to multiply an injustice. This is something that cannot be fairly and squarely advocated by any member. The taxpayers of the State have to contribute to the losses that are incurred by governmental activities in the State, and one thing that contributes to the losses is the cost of running departments, which includes the costs of concessions given to various sections of the community.

Here again, we are perpetuating something of an inequity, although that is not a matter of great moment in itself. The Playford Government proposed that the third of the three steps in the raising of rents should come into operation on July 1, 1965, but the Government was changed in March of that year and the incoming Government, after considering this matter in May, 1965, decided that it would defer the third stage of the increase. In March, 1966, Cabinet decided to apply the increase in part, but the net result of the total increase, when fully applied by the Walsh Government, left the rentals at only 65 per cent of the ordinary Housing Trust rentals and 15 per cent below what the trust had recommended should be applied. In March, 1966, Cabinet decided to ask the trust to review all such rentals by the end of 1968 and to indicate the increases involved in bringing them up to four-fifths of the rents then being charged by the trust.

When this Government came into office it found that the trust had been working for some time on the revision of rentals. It was a colossal job, as about 4,500 houses were involved. When asked to inquire, I found that the trust had carried out a large part of the task but had been unable to complete it. I make that definite statement because the origin of this matter resulted from the action taken by the Walsh Government under instructions from Cabinet in March, 1966, but I am not suggesting that the present Government would not have taken similar action. As I have already said, I consider that, in all equity, it had to be done, but this Government did not initiate the action in this case: the job of reviewing rentals had been more than half done when we took office.

The member for Edwardstown also said that many of these old houses had been built some years ago and had been paid for time and time again: that may be so. He also said (and this rocked me) that nothing had been spent on them. That is untrue, because the cost of maintaining houses is substantial, even when maintained on modest standards. I do not suggest that all these houses contain all the necessary amenities. I know some do not, because I have been in some. In some of the older houses it is virtually impossible and uneconomic to install modern plumbing and such amenities. This would require major reconstruction, and many of the houses do not warrant such outlay. Many occupants do not want it done because they prefer to occupy a lower standard of house at a much lower rental. The member for Edwardstown, as usual, also made his typically extravagant charges against the Government by saying that it was dealing harshly with the workers. He mentioned a figure of $2,000,000, which was immediately disputed by the member for Stirling (Mr. McAnaney), who is not bad at figures.

Mr. McAnaney: It was 10 times too much.

The Hon. G. G. PEARSON: If he speaks in this debate, the member for Stirling will no doubt set out why he has interjected with that comment. The member for Edwardstown said that the Government was "filching" something like $2,000,000 out of the pockets of the workers, and he went on, under provocation, to say "stealing out of the pockets of the workers". Surely this is not the comment of a responsible member of this House. The honourable member makes no complaint, I know, when a properly qualified tribunal makes an award that costs the taxpayers $5,000,000. Nor do I, but let us be reasonable about this. If the taxpayers are to face up to the cost of properly constituted awards made by statutory tribunals and contribute the necessary taxation to the Treasurer to provide for the payment of these

awards, should the taxpayer also be required to contribute the $2,000,000 (if that is the correct figure) needed to subsidize the rents of people who are drawing the salaries which the tribunal has determined? Is that a fair proposition? In all equity we cannot have it both ways; the Government has not been filching or stealing out of the pockets of the workers. What does the Government get out of it? What do I get out of it? Does the Government get any marks for increasing taxation? But we have to try to reach some sort of a balance.

I do not put this up as a reason for increasing rents: my basic argument is simply that a gross inequity existed between one Government employee and another and it was not fair to either the other employees or the general taxpayers that this inequity should continue. I know that many Government employees agree entirely with what I am saying: they have told me so. The rise is not severe, there being only one or two cases where the rent went up to the maximum $5, and in these cases there must have been a good reason for the increase. The revision of rentals, ordered by the previous Government in March, 1966, was not completed until the end of 1968. Many of the rents fixed are probably out of date already, but we have not taken that into account; we have simply accepted the figures the trust provided, discounted them by 20 per cent and said, generally speaking, that the resultant figure is the new rent.

In addition, we have invited the people who feel that they have been dealt with too severely to apply to have their case reconsidered. The Public Service Board sent a memorandum to all heads of departments saying that it desired to know which of their employees, if any, were occupying houses which they had to occupy in order to carry out their employment in the more remote parts of the State, so that they could be specially considered. In addition, in this House several members (particularly the members for Millicent and Victoria) raised the matter of the rents of houses occupied by employees of the Woods and Forests Department and we had those rents reassessed.

I think that it cannot be fairly claimed that the Government has been either hasty or harsh in this matter: certainly not hasty, because we did not commence the operation; and certainly not harsh, because we have applied not today's rentals but rentals that were determined between 1966 and the end of 1968. We have given special consideration where the applicants felt it was justified and we have applied only 80 per cent of the economic rent in any case. Surely this is fair justification for the action we have taken. I have not heard anything in this debate that leads me to believe that a case has been made out for the remedy of an injustice: I have not heard a case made out for the existence of injustice. For these reasons and a few others I have chosen not to mention, I believe this motion should be defeated.

Mr. BURDON secured the adjournment of the debate.

## AUDIT REGULATIONS

Adjourned debate on the motion of Mr. Broomhill:

(For wording of motion, see page 2217.)

(Continued from October 22. Page 2396.)

Mr. CORCORAN (Millicent): Regarding the purchase of land where the price does not exceed $20,000, I do not think there can be much argument about the proposed change in the regulation, for I believe that the normal house today is worth at least $15,000. As a result, I think it is perfectly fair and reasonable that Cabinet should not have to review every purchase likely to be made, particularly those that will be made soon. I expect that the volume of purchases will increase rapidly if the Metropolitan Adelaide Transportation Study is put into effect. The volume of such purchases will continue at a fairly high rate for some time. For that reason, I think that the increase indicated in this part of the regulation is reasonable. The sum we are concerned about is in relation to contracts that can be signed by a Minister of the Crown, and here the regulations stipulate, in paragraphs (*b*) and (*c*), the sum of $10,000, the proposal being to increase that sum to $50,000.

The argument advanced by the Government in this case is that Cabinet's time is so valuable that other work should not be delayed while contracts under $50,000 are looked at. Cabinet will still be required to approve contracts of more than $50,000. I think the move for this amendment to the regulations emanated from the Chief Secretary's office, which is fairly logical for, as the Under Secretary deals with Cabinet business, he probably saw the need to trim the functions of Cabinet in this way. The matter was referred to the Auditor-General for report, and he went along with the idea as he said in his evidence to the Subordinate Legislation Committee. He said that it was considered that there would be adequate safeguards if Ministers were

empowered to enter into contracts not exceeding $50,000. He was asked:

The committee would like to know what are the adequate safeguards to which you refer?

He replied:

I think I should say that these amendments to the regulations emanated not from my list but from that of the Chief Secretary . . . Although, to be fair, if I had not gone along with them they would not have been proceeded with. The main basis for this was that so many dockets were going to Cabinet that Cabinet was getting snowed under with many not necessarily very important matters. As far as the acquisition of land is concerned, I point out that "land" covers not only vacant land but all real property, so these purchases include house properties, buildings or anything along those lines. Because of that, it will be realized that one cannot buy much in the way of land or property today for $2,000.

With that point I agree. He went on to say that every care was taken by his office to see that the contracts were in order. I have no doubt about that because I am certain that the Auditor-General and his staff and, indeed, the departmental officers thoroughly check to see not only that the contract is properly drawn up and that there are no loopholes in it through which the Government could suffer but also that the successful tenderer is a person who can manage the contract. All those matters of necessity are looked at and checked; that is not the work of the Minister who finally approves the sum, which was $10,000 and is proposed to be $50,000. Having had some experience of this in Cabinet, I point out that at times it is possible to be called on to act for another Minister, who is absent through illness or is making a trip either overseas or to another part of this country to perform some other duty. It is therefore possible that a Minister with little exprience of a certain department can be required to authorize a number of contracts.

As Minister of Lands, for instance, if I took over in the temporary absence of the Minister of Works, I could be required to sign a number of contracts with which I would not be familiar. If they were contracts amounting to just under $50,000 and there was a series of them to be signed, I think I would take the precaution of presenting them to Cabinet. As the Treasurer said, there is nothing in the regulations to prevent my doing that. However, my point is that the pressure of business on Ministers is such (and this applies particularly in the cases of the Minister of Works and the Minister of Lands, who is involved in a tremendous amount of paper work and is required to sign all sorts of document) that it is possible for a Minister to sign a contract (and I say this with the greatest respect to present and past Ministers) without giving much thought to it.

As an example, during my term in Cabinet a contract involving the substantial reconstruction of a property owned by the Government had to be brought before Cabinet because its value exceeded $10,000 (I think the sum involved in this case was about $15,000). Although such cases were normally treated formally, in this case the Minister explained what the money was being spent on and why the work needed to be done. Other members of Cabinet seldom questioned a Minister's explanation, but in this case a question was asked why the substantial improvement was necessary. The Minister said it had been recommended to him that this work take place. I for one disagreed with the recommendation. As a result, the matter was taken back to the department and the work was not proceeded with, because it was not necessary. This was a case where a second or third opinion was valuable and the Government was saved about $15,000. Although that is only a small example, if we go to $50,000 in the one fell swoop I am afraid that Ministers may not examine documents as closely as they should and consider whether the expenditure is absolutely necessary.

This applies particularly towards the end of the financial year when departments are eager to spend money on all sorts of things to use up their allotment. If a Minister does not have to take such matters to Cabinet, he may not examine them closely enough. However, when a Minister is required to take matters to Cabinet he examines them fully because he may be required to give a full explanation of what work is required and why it is necessary. A Minister is thus forced to examine contracts closely, as he must take them to Cabinet. On the other hand, under pressure of business he might say, "I will accept the Auditor-General's recommendations; he has checked this; the departmental head said it was necessary; I will not check it." I have already given an example where Government expenditure of $15,000 was saved. That sum was not spent uselessly, whereas it would have been. I also think that many contracts for Government work would involve amounts of $50,000 or less.

The member for West Torrens has given particulars of the number of dockets submitted to Cabinet for authorization of expenditure. If these matters go to Cabinet,

Ministers find out where money is being spent and what is being done in the departments. Admittedly, the Government lets some major contracts for more than $50,000, and works involving expenditure of more than $200,000 must be referred to the Public Works Committee. However, many contracts are for amounts less than $50,000, and when these matters go to Cabinet in terms of the present arrangement, Ministers get an idea of what is going on in other departments.

When I was a Minister I was interested to know of the expenditure of, say, $30,000 in my district. I would not have known of that expenditure unless I had otherwise raised the matter. We know that Ministers cannot always ask questions in the House, although they can write to their colleagues. The submission of these matters to Cabinet gives the Treasurer, in particular, an idea of the progress being made in the department concerned and what the money is being spent on, and he can satisfy himself whether the money is being spent properly.

The Hon. G. G. Pearson: He has many ways of finding that out.

Mr. CORCORAN: Yes, but this is another way. I realize that, as some time has elapsed since the present amount was fixed, one could say, "Let us put it up to $50,000, because that is close enough to present money values." On the other hand, I could say, "Why not increase it to $200,000?" I consider that Cabinet should see as many of these matters as possible. I do not go to the extreme by saying that all expenditure, say, for amounts as small as $100, should be approved by Cabinet. However, if there is to be any change, we should not make a substantial increase: I suggest that the amount be fixed at $20,000 or $30,000. That is all the authority that I, as a Minister, would want. It would be no trouble for me to prepare for Cabinet a document authorizing expenditure. I must see the docket and know what the expenditure is for, but the docket is at Cabinet when I arrive and, when the relevant item number comes up, I am called on and I must know what the matter is about. If a Minister knows that the matter must go to Cabinet and that he must explain the expenditure, this is a protection, as well as being a source of information to other Ministers, particularly to the Premier and the Treasurer, who lead the Government. I think it would be a mistake to increase the amount from $10,000 to $50,000.

Mr. Broomhill: They altered it only a few years ago.

Mr. CORCORAN: Yes. I know the arguments that have gone on in the past about whether land acquisitions by various departments should be dealt with by the Land Board or by Cabinet, and all Governments have tried to be certain that every precaution is taken. I would not say that every contract for less than $50,000 would not go to Cabinet: some would. For instance, if I were a Minister and knew a person involved in a contract, to protect myself I would make sure that the matter went to Cabinet, whether the expenditure was $2,000 or $50,000. This is not only a protection to Cabinet but something that gives Ministers a knowledge of what is being done. In one day a Minister may authorize eight separate expenditures for $50,000, and that adds up to a large sum. Ministers, particularly the Minister of Works, know that in a week they may authorize a series of contracts involving $360,000. I hope to be back in Cabinet one day, and I should like the opportunity to know what is being done in departments other than the one I controlled.

For this reason, I ask members to reconsider the matter. Fairly probing questions were asked of the Auditor-General by a former Minister in the Playford Government (Sir Norman Jude), who had in mind many of the things I have mentioned today. I support the motion. If the Government submits the regulation providing for a figure of $20,000, I will not oppose it and I do not think it will be opposed by other members on this side.

The Hon. B. H. TEUSNER secured the adjournment of the debate.

## ELIZABETH TRANSPORT

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

(For wording of motion, see page 1415.)

(Continued from October 1. Page 1896.)

Mr. GILES (Gumeracha): I oppose the motion. For some years the need for a direct bus service between Adelaide and Elizabeth has been obvious. The people of Elizabeth have not had good public transport. Before October 27, when the bus service between Adelaide and Elizabeth commenced, a feeder bus service operated to the railway station but, because of the times at which the buses and trains ran, it was not satisfactory. Between 1965 and 1968 the need for a suitable service existed, but little or nothing was done about it. On March 24,

1965, the Salisbury sub-branch of the Australian Labor Party wrote to the member for Gawler, asking that something be done about a bus service to Adelaide, but this brought no results. On June 7, 1965, a resident of Madison Park wrote to the then Premier (Hon. Frank Walsh) asking that the position be again considered. The letter also states:

I should think South Australia must be the only State in the world having two major cities only 15 miles apart and no bus service between them.

This still brought no results. On May 5, 1966, the Elizabeth sub-branch of the Australian Labor Party broached the subject in a letter to the present member for Edwardstown (Mr. Virgo), who was the State Secretary of the Australian Labor Party, but there was still no response. The next move was made on June 9, 1966, when Brian Taylor asked several questions of the then Minister of Transport (Hon. Mr. Kneebone) in an interview on channel 7. One important question was as follows:

Does the internal running of Transway buses at Elizabeth come under your jurisdiction? If so, is there any truth that this is an inadequate service and does not service all of Elizabeth?

The reply was as follows:

Transway Bus Service operates under licence from the Municipal Tramways Trust. There have been a number of investigations in the last 12 months into the services provided by this company, and adjustments to the company's time tables have been made from time to time to provide a better service in the district. In the main, Transway does provide a reasonable service.

This is an admission by the then Minister that Transway was capable of supplying a reasonable service. In October, 1966, the member for Gawler again asked the Minister whether a service could be established, but this request was refused on November 11, 1966.

On February 26, 1968, the member for Gawler, persistent with his requests, again asked the Minister of Transport whether a service could be inaugurated, but was told, first, that the Minister was not happy with the situation and would like some easy means to help local residents by better transport facilities and, secondly, that he realized that the situation could not be altered at present. During this period of three years constant representations had been made to the Minister of Transport to inaugurate a service to Elizabeth, but nothing was done: the Minister said, "The situation cannot be altered at present."

I believe that no genuine attempt had been made by the previous Minister to establish a bus service. Now that we are in Government we are happy to see that a bus service has started, and last Monday week the present Minister of Roads and Transport was the first passenger on the bus that commenced the service from Elizabeth to Adelaide. I am pleased that this service has come about, because it is unfortunate that every passenger carried on the railway service costs the South Australian public 25c. Last year the Railways Department made a loss of about $12,316,000, and I see no reason why we should support a venture that is costing the taxpayers money.

I am convinced that, by encouraging private enterprise to operate a bus service on this route, we will save money, and that the service will not have to be subsidized. Many bus services, operating in the inner metropolitan and nearer country districts, have given excellent service for many years. The service operating to the Gumeracha district has given an adequate service, and no subsidy has been required, because the service has been run efficiently and profitably. This will be the case with the Elizabeth service.

I support the Attorney-General and the members for Light and Stirling, and I am sure that this bus service will cater adequately for the needs of the people of Elizabeth, so that it will be unnecessary for the M.T.T. to take over the service from Transway. It was admitted by the previous Minister of Transport that Transway was doing a good job. The member for Edwardstown said that taxpayers paid for the roads that were being used by private operators. What a lot of bunkum! The taxpayer does not pay for the roads; obviously, the honourable member has not thought about the situation. The roads are paid for by people who use them and who pay licence and registration fees. This sort of statement is misleading the public. The different attitude on this question is emphasized by the basic fundamental difference between the two opposing political Parties in this State. We, as the Government, encourage enterprise and initiative, because by doing that we build up a State that is active and alive.

I turn now to the railway transport system in America. In 1795 the first type of railway, an inclined plane, was used at Boston. The carriage stood on an inclined line and was allowed to move downhill and was then drawn back. In the process of its moving up and down passengers could travel from one end of the line to the other. Thousands of small companies started in America as independent railway companies, and competed with one

another to give a service to the public. The less efficient soon went out of business, and today about 100 independent railway companies operate there. Some wellknown names are the Union, Central and Northern Pacific, the Great Northern, and the Chicago, and we all know about the Atchison, Topeka and Santa Fe Railway Company, which started in 1869. These railways are giving the public of America a satisfactory service, because of the competition that exists.

The Hon. D. A. Dunstan: What service did they get to Santa Fe?

Mr. GILES: The Atchison, Topeka and Santa Fe Company did not get its trains to Santa Fe, but that is the name of the company, whether they arrived there or not. I have illustrated what private enterprise will do for a country. It builds up the services to the community, because of the solid competition between the companies that are operating.

The Hon. D. A. Dunstan: What competition is there on the run to Elizabeth? What was ever offered?

Mr. GILES: We should encourage private enterprise, because companies realize that if they do not give good service someone else will step in and give it.

Mr. Clark: They would not let anyone else step in here.

Mr. GILES: If we control this route and allow the M.T.T. to operate, no doubt the people will receive the same service as the trust gives elsewhere, and this is adequate in most circumstances. However, we should not "disencourage" people from using their initiative and setting up private enterprise. We should reward merit, and, by encouraging the use of initiative, we will make Australia grow.

It is interesting to note what private enterprise has achieved since this Government came into office. In the three-month period February-April, 1969, approvals for business undertakings amounted to $14,800,000, whereas in the same three-month period last year they amounted to $6,800,000 and in this three-month period over the last four years to an average of $8,000,000. As a result of our principle of encouraging private enterprise, we see that there has been a vast growth in industries in South Australia. If we apply this principle to everything that we do, South Australia will become alive, grow, and, in fact, become a new State. I think the leading article in the *Advertiser* of October 7 illustrates the beneficial effects of the principles adopted by this Government. The article states:

The Premier's announcement of the plans of two South Australian companies to expand their operations here coincides very happily with the publication today of a survey of the general setting for this advance. It is a scene with many stimulating facets. We would be faint-hearted indeed not to be encouraged by it. When the State's progress slackened a few years ago, there was a tendency to take a cautious, rather doubting, view of the signs of recovery. That mood of restraint may have been justified. But in recent months—

and this is most significant—

the proofs of fresh growth have been too numerous and persistent to be ignored. True, there have been setbacks. These, however, have been overshadowed by the expansive tendencies. New enterprises launched make an impressive array. Fresh orders have been won at home and overseas. More jobs have been created and output raised.

In the same edition there is also an article dealing with the boost in output that has taken place, thereby providing more jobs. We are encouraging the use of initiative by encouraging private enterprise and this, as I have said, will make South Australia grow and put it back on its feet again. There is a list as long as one's arm of the number of companies that have grown since this Government has been in power, and this indicates that our method of encouraging private enterprise is accepted by business people throughout Australia.

The SPEAKER: Order! The honourable member must connect up his remarks. This is not a motion for a general economic discussion.

Mr. GILES: I am most certainly going to connect up my remarks with the Elizabeth transport service. The companies listed agree that the principle of encouraging initiative in this State is most desirable. For this reason, we should encourage private bus operators to provide services throughout the metropolitan area. I am saying not that the Municipal Tramways Trust is not capable of supplying a good service but that the principle of encouraging private services is most desirable. I know that the people of Elizabeth welcome the private bus service; in fact, on its first day of operation, between 600 and 700 people were estimated to have patronized the service.

There has been criticism of the type of bus used by Transway, the Leader of the Opposition having said that these buses purchased from the trust are old and antiquated. That statement is obviously untrue. As two new buses are still being constructed, they can hardly be old; they are not yet even in use. The company operates two 1967-model buses that each seat 45 people, and three 1965-model Bedford buses. Obviously, Transway is not

going to use old, antiquated and unsafe buses; indeed, people would not ride in such buses. We should encourage Transway to provide for the people of Elizabeth the best bus service possible. I believe that it will do this and that its past record shows that it is capable of doing it. As I do not agree that the Tramways Trust should run all bus services in the metropolitan area, I oppose the motion. I have much pleasure in supporting Transway in providing this bus service.

The Hon. D. A. DUNSTAN (Leader of the Opposition): There is little to reply to in this debate. The member for Gawler (Mr. Clark) has already pointed out the enthusiastic irrelevancy of the speech made by the Attorney-General on this subject.

The Hon. Robin Millhouse: Oh, now!

The Hon. D. A. DUNSTAN: Well, it was irrelevant and it was enthusiastic.

The Hon. Robin Millhouse: I thought it was a good speech.

The Hon. D. A. DUNSTAN: It was a good speech from some points of view. The Attorney-General was obviously entertaining himself.

The Hon. Robin Millhouse: And all other members of the House!

The Hon. D. A. DUNSTAN: I would not say that. From his point of view, I have no doubt that his speech was satisfactory. He traced the history of suggestions emanating from Elizabeth that there should be a direct bus service to Adelaide, and cited some minutes of mine in which I said in definite terms that I thought there should be such a service. However, at that stage it was not possible to devise the system that it is now possible for us to devise. It is desirable that, if we are to have a bus service between Adelaide and Elizabeth, it should be in the hands of an authority that can use the system as a necessary experiment in urban transportation and provide the kind of service which is necessary for Elizabeth but which it is not possible to provide with the proposed Transway service. The Transway service will not give a satisfactory service and it will severely damage the other services available from the area, at a considerable cost to Government and with no ultimate benefit to many people in the area. In fact, many people in Elizabeth will not be served but will have a worse service from other transport services.

No competition is involved in the Transway service; in fact, the other bus service proprietors interested in the service supplied me with much material protesting that Tramways Trust buses had been sold to Transway and that it had been given a service without having been required to compete for it. According to honourable members opposite, anything that the Government hands out to privately-owned services is necessarily rugged individualism and free enterprise; in fact, it is a policy similar to that through which the Commonwealth Government has assisted the business of Ansett Transport Industries in Australia, not by providing it with competition but by ensuring that it would not have any.

The Hon. Robin Millhouse: Oh, now!

The Hon. D. A. DUNSTAN: That is right. What the Commonwealth Government did on this score was to ensure that Trans-Australia Airlines would not be able to compete with Ansett Airlines of Australia by seeing that it could not improve its services or reduce its fares or freight charges except by agreement with Ansett. The ideas of the Attorney-General and the Opposition about competition are obviously different, because the Attorney-General thinks that to eliminate the possibility of commercial competition and confine services to one privileged service is competition, whereas to the Opposition it is not. The Government obviously does not believe in competition in a number of services. In particular, it is carefully encouraging the elimination of competition in the provision of retail petrol services, and I could cite other examples.

Mr. Clark: The Government prefers to inhibit competition.

The Hon. D. A. DUNSTAN: It does not believe in competition. What the member for Gumeracha said about competition is all my eye. Competition does not enter into this argument: this service has been handed over to Transway without competition—a service which will inevitably be unsatisfactory, which will damage other services to the area, and which cannot provide the development of a satisfactory transport service to Elizabeth. If the service were under the control of the trust, however, there could be a combined operation between it and the railways for the development of new transport operations.

Mr. Clark: It would help to offset railway losses.

The Hon. D. A. DUNSTAN: It would involve the use of railway lines by the use of the new pallet system being developed in the United States of America. This is a means of providing a fast service (far faster than can be provided under the present circumstances), but it is too

much to expect the Government to look ahead; it is constantly looking backward, and we can expect it to continue to provide absolutely unsatisfactory services to the area. The Government will do that for the next few months while it is in office, then my Party will have an opportunity to do something about the service.

The House divided on the motion:

Ayes (18)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Virgo.

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

Pair—Aye—Mr. Riches. No—Mr. Coumbe.

The SPEAKER: There are 18 Ayes and 18 Noes. There being an equality of votes, I give my vote in favour of the Noes.

Motion thus negatived.

## UNFAIR ADVERTISING BILL

Adjourned debate on second reading.

(Continued from September 17. Page 1569.)

Mr. JENNINGS (Enfield): I support the Bill. To use a term used by the member for Gumeracha, I believe in "disencouraging" unfair advertising because I think that most advertising is unfair. There has been some anaemic general support from the Attorney-General on this matter. To me, however, it is the kiss of death if he supports the Bill. If he produces amendments, he will have to do better than he did on the Right of Privacy Bill introduced by the Leader of the Opposition. The Leader admitted that the Bill was not nearly as comprehensive as he would like it to be, but said it was a worthwhile attempt to stop the worst features of a growing economic evil. Unfair advertising involves many things we notice every day. I will read the following extract from the annual report of the Australian Broadcasting Control Board that I think most members will agree is a pertinent argument regarding advertising in children's programmes:

Schools attempt to instil in the young student a sense of values, particularly fundamentals such as respect for honesty and condemnation of falsehood. Although it may seem naive to link the understanding of those values with a child's reactions to advertising licence, it is not really so. For children to be able to equate with the concepts of truth and accuracy a statement that something is whiter than white is by no means universal; nor can they bear with equanimity the growing disappointment following the discovery that eating a particular breakfast food does not, after all, produce athletic prowess. Later in adolescence it may be found that possession of a sleek new car does not, after all, guarantee success in romance. There is difficulty for literal-minded children in these conflicts between fact and fantasy-claim, and parents find difficulty in explaining away the odd forms of distortion that abound in adult life. The virtues of thrift, self-denial, self-control, critical analysis and discrimination which children are taught, become confronted with televised extolling of self-indulgence, vanity, instant gratification and short cuts to success. To the committee this double set of values does not seem to be in anyone's best interests, but particularly it is misleading to children and young adolescents whose sense of values may not yet have crystallized . . . That television programme research in the field which concerns us is inadequate (or at least unsatisfactory) has been pointed up by the inescapable fact that indefinite answers are generally given to the important questions; indeed, research workers have often come up with a plethora of seemingly contradictory findings. The group which claims that watching tension programmes relieves aggression in the viewer is countered by another which argues just as strongly that such programmes tend to build up aggression. Similar contradictions have emerged for the possible relationship between television and crime, delinquency, morality, standards of taste, mental health and social values; and where no direct causal relationship is found, researchers are apt to add a safe rider that perhaps there might be a triggering effect. Much of this work has tended to discredit rather than to enhance the value of television programme research.

There appeared in the *Australian* of October 29 the following article headed, "'Insidious' Selling Gimmick Attack":

The system of referral selling was one of the most insidious gimmicks used by retailers in Australia, the New South Wales Commissioner of Consumer Affairs and Trade Practices, Mr. G. Bartels, said last night. Salesmen used fraud and deceit by using the pretext of market surveys to sell goods to housewives, he told the Australian Grocery Industry Association in Sydney. These salesmen used offers of commissions for further sales made by the consumer as an incentive to sell their products. But, he said, it was impossible for any firm to live up to these promises of commissions on sales. Salesmen using this practice of referral selling were brainwashing the consumer.

Most referral sales were made late at night and people who wished to withdraw from such sales were told even the following morning that the goods had been ordered and the hire purchase contracts made out. "The number of people who are persuaded to go far beyond their means in this way is incredible." Mr. Bartels referred to unscrupulous appliance service companies as probably the greatest racket propounded in the modern

world. These companies often used completely untrained personnel, who acted as trained servicemen. "Their only aim is to get the appliance out of the house and into their own workshops," he said.

I think complaints have been made about this matter in the House recently. The article continues:

Many people were unable to retrieve T.V. sets until they paid these companies exorbitant repair bills. The bureau had been told by T.V. appliance manufacturers that 95 per cent of all repairs could be carried out in the home. Anyone requiring repairs on household appliances should contact the manufacturer, who would be able to refer the owner to a reputable servicing company.

I believe those two articles are worth serious consideration by members; particularly worthy is the extract from the report of the Australian Broadcasting Control Board. Every day we see the ridiculous kind of advertising which, although it does get people in, is mostly an insult to a person's intelligence. There is the suggestion that there are 43 beans (not 42 or 44) in every cup. I do not know what is the size of the cup. What the likes of Cobb and Company have to do with Marlboro cigarettes, I do not know, nor do I know what a fluffy little kitten has to do with toilet paper. I would hope that the Bill would curtail that kind of advertising, which is not so much unfair as ridiculous, although it is unfair that the cost of advertising is increasing the price of the article.

Mr. Lawn: What about advertisements about restoring hair?

Mr. JENNINGS: Yes, I think we know that these could not possibly work, otherwise an egotistical man like the Minister of Lands would now have a flourishing head of hair.

Mr. Lawn: That would certainly be misleading advertising, wouldn't it?

Mr. JENNINGS: Certainly. A couple of days ago, when I ordered a couple of toilet rolls in a grocery shop, the lady in the shop said, "What colour?" I said, "What's that go to do with it?" She said, "You have to get the colour to match . . .", and I was horrified at what she might say next, but she said, ". . . the colour of your toilet." I said that I was not in the least concerned about that. We know that petrol is advertised tremendously, and it is significant to mention the increasing cost of petrol when we know that all the brands are exactly the same petrol.

Mr. Broomhill: What about cigarettes?

Mr. JENNINGS: I do not smoke cigarettes, so I do not know about that. False advertising does take place to the disadvantage of the public. For example, I refer to the advertising used by secondhand car dealers. A man telephoned me recently, stating that he had bought a car that fell to pieces as soon as he got it on the road. I said, "Well, you should never buy a car from a secondhand car dealer unless you have the car properly inspected, preferably by the Royal Automobile Association, or an organization like that." The man said, "I did that after I had signed the contract." Of course, this was a back-to-front way of doing things, but he was amazed at the R.A.A. report on the condition of the car. I said, "From whom did you buy it?" He said, "Ellers." I said, "Good heavens, they are worse than the Liberal Party."

Mr. Ryan: You couldn't get anybody worse.

Mr. JENNINGS: I think we bluffed them into coming to the party somewhat, but the man was a stranger to this country, having been here only a few months, and he decided to buy a secondhand car for transport to work. He considered seriously that a company that advertised on television to the extent that Ellers does about production-line reconditioning and that sort of thing must be a reputable company, when it is just the opposite. They get their sales and reputation through this advertising. I do not think they make many second sales, but they do not have to, because many people in South Australia buy secondhand cars.

The Hon. C. D. Hutchens: A lot of them are only subterfuge moneylenders.

Mr. JENNINGS: That is right. I could give many examples but I do not think that that is necessary, because the matter that we are discussing is well known to members. At one time we could get redress by exposing firms like this in the House and getting press publicity. However, in these days that is almost impossible, because the firms advertise so tremendously in the press and, obviously, the press will not criticize secondhand car dealers, land salesmen, or any of these gangsters, if they spend money in advertising. We ought to realize that most advertising is completely unnecessary. I may be cutting it fine, but probably the only advertising really necessary is that about bush fire danger, gale warnings, and matters like that. That benefits the community, whereas the other form of advertising does not and merely increases the price of every article we purchase.

Mr. Clark: A good reputation is the best form of advertising.

Mr. JENNINGS: Yes, and we never notice any great amount of advertising by land agents such as Shuttleworth and Letchford Proprietary

Limited and other companies that have been operating for many years and have a reputation of which they are proud.

Mr. Clark: The recent Commonwealth election proved this, didn't it?

Mr. JENNINGS: Yes, certainly. I think the Liberal and Country League candidate for Hawker spent many thousands of dollars more than he was supposed to spend on advertising his campaign, and he was soundly thrashed as a result. That is all I intend to say regarding this legislation, which I support sincerely.

The Hon. D. N. BROOKMAN (Minister of Lands): I support the Bill and will be supporting some of the amendments on the file. However, when I was listening to the member for Enfield, I felt a need to look at the Bill again to see whether it meant something more than I had thought. As far as I can see, it is a good Bill, and I am satisfied with its terms but, obviously, it will not overcome the sort of things that the member for Enfield is complaining about. It will not make it illegal to advertise rolls of lavatory paper with kittens; it will not make illegal the advertising of petrol; and it will not make it illegal to advertise secondhand cars. However, it will make illegal the advertising of inaccurate and misleading statements, and that will be a good thing.

I think the picture has been seriously distorted by the speech of the member for Enfield. Although the honourable member may have some strong dislikes (apart from political dislikes, which we expect to be expressed and to which I do not object), he seems to have a strong dislike of people in ordinary commerce and industry. When he uses their names in debate in this House, I think he is doing the wrong thing. Parliamentary privilege is a cherished right, and every member would naturally defend the right of anyone to say things under privilege. Although he knows that something he says may mean exposure (and that is difficult to say elsewhere), as a member he has the right to say it here, but I do not think that morally that right is extended to enable him to bandy about names of private people and to name companies as it suits his argument. If he wanted to use Parliamentary privilege, I think he could have done it more deliberately, and I do not like to hear the things that he said. Other than that, I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. D. A. DUNSTAN (Leader of the Opposition): I move:

In the interpretation of "disposal" to strike out "disposal" and insert "dispose"; to strike out ", land"; in paragraph (*a*) to strike out "the disposal" and insert "dispose"; and in paragraph (*b*) to strike out "the disposal" and insert "dispose".

These are drafting amendments and will better express the aim of the Bill.

Amendments carried; clause as amended passed.

Clause 3—"Prohibition of misleading advertising."

The Hon. ROBIN MILLHOUSE (Attorney-General): I move to insert the following new subclause:

(3) It shall be a defence to a prosecution for an offence under subsection (1) of this section for the defendant to prove that the advertisement in question was not intended to deceive or mislead or was of such a trivial nature that no reasonable person would rely upon it.

This amendment provides a defence to a prosecution. The line between an advertisement meant to be taken seriously and what is known as puffiness is difficult to draw *in vacuo*. Perhaps it is easier to draw in a specific case, but I think a defence should be provided for.

The Hon. D. A. DUNSTAN: I am happy to accept the amendment, which I think is reasonable.

Amendment carried; clause as amended passed.

Clause 4—"Offences punishable summarily."

The Hon. ROBIN MILLHOUSE: I move:

After "4" to insert "(1)"; and to insert the following new subclauses:

(2) No proceedings in respect of any offence against this Act shall be commenced in any court except with the consent in writing of the Minister.

(3) Before giving his consent to the commencement of any proceedings under this Act the Minister may have regard to any report or recommendation made by the authorized officer.

(4) For the purposes of subsection (3) of this section—

"the authorized officer" means a person for the time being appointed by the Minister by notice published in the *Gazette* as the authorized officer for the purposes of this Act.

These amendments provide that no proceedings for an offence shall be commenced except with the consent in writing of the Minister who controls this Act. The Minister may also refer to any report or recommendation made by an authorized officer. I have in mind that the Prices Commissioner may be asked for

reports on matters that could lead to prosecutions, and new subclause (4) merely defines "authorized officer". This is a new type of legislation and, during the experimental stage, it would be wise to have a brake on prosecutions. That brake is effectively provided by making Ministerial approval necessary.

The Hon. D. A. DUNSTAN: I cannot accept the amendments, because I see no reason for putting such a brake on prosecutions. There is, of course, a real brake on prosecutions other than by Government; any prosecution taken is one in which the prosecutor must run the risk of having the case dismissed and costs awarded against him, and these can be substantial. Therefore, it is highly unlikely that any trivial prosecutions will be taken privately. I think it is wrong to deprive the ordinary citizen of the right to take action where he believes he has suffered through what he considers to be misleading advertising. This matter was debated in this place previously. It has been investigated by a committee that reported to the Standing Committee of Attorneys-General, and it was recommended that this was urgent legislation to remedy an outstanding evil.

Mr. Clark: If we put this in, it will not just last during the experimental stage.

The Hon. D. A. DUNSTAN: No, it will be permanent in the law. The Attorney-General cites the Prohibition of Discrimination Act as an example of the advisability of having Ministerial discretion. My researches into that Act in the last day or so disclose cases that even more strongly confirm the opinion I had that the Attorney-General's refusal to grant a private prosecutor a certificate was completely wrong and based entirely on a false premise. I am not happy that this should be a matter of Ministerial decision. Ministerial decisions can sometimes be influenced by pressures. I believe that the remedy should be left open to the citizen as well as to the Government and that the court is the proper protector of anyone who is likely to suffer from a private prosecution.

The Hon. ROBIN MILLHOUSE: I am surprised that the Leader has taken the attitude he has, because I remember that in 1967, when he was in office, he introduced a Bill "for an Act relating to certain trade and business practices, to repeal the Book Purchasers Protection Act . . . and for other purposes". That measure contained provisions substantially the same as those in this Bill.

The Hon. D. A. Dunstan: It refers to many other matters.

The Hon. ROBIN MILLHOUSE: Yes, but in clause 4 of that Bill the honourable gentleman proposed that the administration of the measure be committed to a commissioner, and in a subsequent clause that "proceedings for offences against that legislation may be instituted by and in the name of the commissioner or a person authorized by him in writing on that behalf".

The Hon. D. A. Dunstan: Yes, because we wanted some positive public duty to administer an Act that went to a whole series of things beyond this.

The Hon. ROBIN MILLHOUSE: It included this matter. In 1967, the Leader introduced a Bill providing that prosecutions should be instituted by a commissioner who was, in turn, responsible to the Minister; but now, when I suggest doing the same thing, he objects.

The Hon. D. A. Dunstan: It isn't the same thing.

The Hon. ROBIN MILLHOUSE: It is the same thing, with great respect, because some of the provisions in the previous Bill that are relevant to this Bill are almost the same. If that Bill had been carried, offences created under it could have been prosecuted only by the commissioner. Why is there a difference now? Why should the same offences, simply because they are in a separate measure, not have this provision for prosecution attached to them? I agree with the stand the Leader took on this matter when he was in office in 1967, and that is why I have so moved.

The Hon. D. A. DUNSTAN: The unfair trade practices proposals in 1967 related to a whole series of matters concerning unfair trade practices in which the Government considered that it should be the positive public duty of an officer to make the necessary investigations and to pursue as a public duty the remedies that were available under the legislation. That is not possible in respect to this measure. We are simply providing here a prohibition in a limited area without anyone's having a positive public duty in the area; the Attorney-General's amendment does not provide for that officer and that duty. If the Attorney-General wants to see the distinctions, I suggest that he might refer to the lecture I gave in Tasmania, a copy of which he received and which deals with the necessity of a public officer in these and many other areas and with the sort of things that need to be done by him. We are moving in an extremely limited area of recommendations of the Adelaide Law School report, and I do not believe that, in

the absence of the officer dealing with a whole range of unfair practices and public duty, it is proper simply to put what the Attorney-General has said is the effect of his amendment, that is, a brake by a Minister on prosecutions.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Arnold, Brookman, Edwards, Evans, Ferguson, Freebairn, Giles, Hall, McAnaney, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, and Messrs. Venning and Wardle.

Noes (19)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, Stott, and Virgo.

Pair—Aye—Mr. Coumbe. No—Mr. Riches.

Majority of 2 for the Noes.

Amendment thus negatived.

Clause passed.

Title passed.

Bill read a third time and passed.

## PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

(Continued from October 22. Page 2403.)

The Hon. D. A. DUNSTAN moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to binding the Crown and a definition of "service".

Motion carried.

In Committee.

New clause 1b—"Interpretation."

The Hon. D. A. DUNSTAN (Leader of the Opposition): I move to insert the following new clause:

1b. Section 2 of the principal Act is amended by inserting after the definition of "public place" the following definition:

"service" includes, without limiting the generality of the expression, any right, privilege or service, whether supplied alone or together with or in connection with or as an incident of the supply of any goods or services:

Its purpose is to see that "service" is not left without definition, because, in my view, the word in the Act can be read down by judicial interpretation to a limited view of service, and we want the widest possible definition of that term.

The Hon. ROBIN MILLHOUSE (Attorney-General): I support the new clause, which arises out of our striking out of the original Act the definition of "service" which had been inserted in it when the Bill for the Act was before Parliament in 1966. In my view that was an entirely inappropriate definition of "service" that could limit the ambit of the Act most severely. Despite the opposition of the Leader, the Committee agreed with me and the definition was struck out. Frankly, I would have been content to leave the Act without a definition of "service", my fear being that any definition, because it would be interpreted strictly (this being a penal Statute), would cut down the ambit of the legislation. However, this new clause is in very wide and, I think, general terms. Therefore, I think it will do little harm, and he thinks it will do good. So, we meet on that common ground.

New clause inserted.

New clause 1c—"Crown bound."

The Hon. D. A. DUNSTAN: I move to insert the following new clause:

1c. The following section is enacted and inserted in the principal Act immediately after section 2 thereof:

2a. This Act binds the Crown.

The Crown is not bound by any Statute unless it is expressly so bound, and it is desirable to have in the Act such an expression. In the old definition of "service" there was a binding of the Crown. However, this is a broader binding on the Crown that I think is advantageous.

The Hon. ROBIN MILLHOUSE: I accept this new clause, too. I doubt that it is necessary (certainly not at present with the policy espoused by the present Government). It can certainly do no harm, because we are fully in accord with it.

New clause inserted.

New clause 2a—"Refusal, etc., to supply goods or services."

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

2a. Section 4 of the principal Act is repealed and the following section is enacted and inserted in its place:—

4. (1) A person whose business includes that of supplying goods or services for reward shall not, on a demand being made for any such goods or services, refuse or fail to supply such goods or services to a person only by reason of—

(*a*) the race;

(*b*) the country of origin;

or

(*c*) the colour of the skin,

of the person who made the demand or on whose behalf the demand was made.

Penalty: Not exceeding two hundred dollars.

(2) For the purposes of proceedings for an offence that is a contravention of subsection (1) of this section a refusal or failure by a person to supply the goods or services

demanded pursuant to that subsection on the same terms and under the same conditions as those goods or services are usually supplied by him to any other person shall be deemed to be a refusal to supply those goods or services.

This is a redrafting of the clause as the Leader introduced it. With deference to him, I think it expresses his intention more clearly than did the original clause.

New clause inserted.

Title passed.

Bill read a third time and passed.

## LEGAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

## OATHS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## LOTTERY AND GAMING ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## PUBLIC ACCOUNTS COMMITTEE BILL

Returned from the Legislative Council with amendments.

[*Sitting suspended from* 5.56 *to* 7.30 *p.m.*]

## LAND SETTLEMENT ACT AMENDMENT BILL

Read a third time and passed.

## DOG FENCE ACT AMENDMENT BILL

Read a third time and passed.

## CRIMINAL INJURIES COMPENSATION BILL

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such moneys as might be required for the further amendment to proposed new clause 6a of the Bill.

In Committee.

(Continued from November 4. Page 2704.)

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

The Hon. ROBIN MILLHOUSE (Attorney-General): Last evening the member for Edwardstown (Mr. Virgo) raised a point that I considered had substance, and we reported progress, hoping to be able to clean the matter up last evening. However, we could not do that, first, because of the drafting required and, secondly, because the honourable member's suggested amendment entailed the expenditure of money for a purpose not authorized, it was necessary to get a message recommending an appropriation, and we got that earlier today. The amendment means that when a person who is injured applies to a court for compensation and the wrongdoer is not identified and is not before the court, the applicant will be entitled not only to an assessment of damages but also to an assessment of a proper amount for costs. That is because, as the member for Edwardstown has suggested, in many cases the person concerned will require the services of a solicitor and, perhaps, counsel. This goes beyond the Government's original intention.

As I have said many times, we regret that we have to put a ceiling of $1,000 on the amount of compensation that can be paid. My amendment will make it possible in certain cases for the compensation awarded to be $1,000, plus something on account of costs. Purely for financial reasons, I do not feel able to go further and make a general provision for payment of costs in addition to the assessment of damages. We do not know how much that would cost and, until we have some idea of how the legislation works, we cannot afford to go further. I say deliberately that within a short time we shall be able to reopen the measure, if it becomes law, and increase the present ceiling and make some general provision for the payment of costs. I appreciate the honourable member's action in pointing this matter out, and he is responsible for this amendment. I ask leave to amend my amendment as follows:

In subclause (4) after "under that section" to insert "and stating, if the court thinks fit, a further sum in respect of costs."; and in subclause (5) to strike out "referred to" and insert "first mentioned".

Leave granted.

Mr. VIRGO: I am in the unusual position of being unable to oppose the amendment, because it does something. However, it does not do what I desire, although I thought I had captured the imagination of the Attorney last evening. Fewer than 24 hours ago the Attorney-General said:

I am impressed by what the honourable member says. I think there is much merit in his suggestion.

Unfortunately, the Attorney was not very impressed, because he has dealt with only one

of the three categories of people covered by the Bill. These categories are, first, a person who is aggrieved by someone who is convicted, secondly, a person who is aggrieved by someone who is discharged and, thirdly, a person who is aggrieved in circumstances in which no-one knows who is the cause. The amendment deals only with the latter category, so persons in the other categories would still have to pay their own legal costs of trying to get the maximum of $1,000.

I should have liked to move an amendment to provide that the court may award costs of legal representation in all cases against the State but my advisers have told me that that amendment would be unconstitutional, because it would involve the Government in added finance. I am not impressed with the statement that the Government cannot afford to meet payments to persons in all categories. This afternoon it has been shown clearly that the State Government would receive much money from increased rents of Government houses, and some of that money ought to be available for persons who have been attacked and who would not otherwise receive proper compensation.

I appreciate the Government's financial difficulties and I know what financial difficulties were experienced by the former Labor Government, but it seems to me that money could be put to a better use by providing for the cost of legal representation of people involved in claims under the provisions of this Bill. It should not be spent on the salary of a member of the Premier's staff who listens to the radio in order to tell the Premier what someone is saying about him. Although money will be used to pay for the cost of legal representation that will apply to only one category of person. I regret the narrowing of my interpretation of what the Attorney-General said last evening, because I think all people should receive compensation. The meagre sum of $1,000 should not be whittled down by having to pay the cost of legal representation, particularly as counsel fees may be involved. Reluctantly, I support the amendment.

Mr. LAWN: The Committee should be indebted to the Deputy Leader for his interjection last evening that caused the Attorney-General to adjourn this matter to enable him to move this amendment, so that it would not have to be introduced in another place. I support what the member for Edwardstown said, although I understand that it is normal for a Minister to try to conserve public moneys. However, the Government has been asked to provide additional secretarial staff here but has refused, although it can engage a girl from Andrew Jones's office, sit her in the Premier's office, and have her listen to the radio to report what she hears about the Premier. That is a ridiculous waste of money, which could be put to better use by using it to meet the costs involved in this Bill, or in any other situation where additional staff is needed. I do not know whether the young lady in the Premier's office would be competent to take a secretarial job here, but she would be better occupied in assisting our secretarial staff.

The CHAIRMAN: Order! These remarks are not relevant to the Bill.

Mr. LAWN: Mr. Chairman, you are a barrister. If the Attorney-General cannot help me now when replying to my question I trust that you may help me, as you just did. I am sincere in saying that I understand that it is the normal practice that, when a person appears before the court and where costs are allowed, the court decides that the costs shall be taxed. I see that the Attorney-General agrees with me. It is also common practice and common knowledge that the actual cost to the person is about four times as great as the actual taxed costs. As this amendment means that the court may award taxed costs (although it is possible it could award the full costs, but it does not do so), can the Attorney-General say (if it is not confidential club business, although I think we are entitled to have an approximate idea) what a person would be charged by counsel if he took a case of this description to the Supreme Court, and what would be the taxed costs awarded by the court?

The Hon. ROBIN MILLHOUSE: I appreciate what has been said by the members for Adelaide and Edwardstown on the general point of costs. Only financial considerations have prevented the Government from going as far as it would like to go. However, I hope that, in due course, we will be able to give a general entitlement of costs in these circumstances. I cannot, and I think no-one can, safely reply to the question asked by the member for Adelaide about the amount.

Mr. Lawn: Can you give me an approximate amount?

The Hon. ROBIN MILLHOUSE: I think that it may cost about $50, but it depends entirely on what work is done. I suppose nearly every client who visits a solicitor or

barrister (and certainly a solicitor) asks what the case will cost. It is almost impossible to tell him, because one never knows what work is involved until it has been done.

Mr. Jennings: Doesn't it depend on how much money the client has?

The Hon. ROBIN MILLHOUSE: One does not know what work will be required, and it is dangerous to give an estimate of costs to a client. I have given an estimate, and I suppose, whenever I have done it, foolishly enough I have been caught; something has crept up, and the sum has been more. It depends entirely on the individual case, but there is no suggestion here that the costs need to be taxed. The court will say, "We assess the appropriate compensation at $750; we think that in addition, as the applicant had legal representation, it would be fair to add $50 for his costs."

The court would allow a lump sum on account of costs in addition to the sum fixed as compensation. The applicant goes to the court and asks for a sum to be fixed as an assessment, and it is not a contest between two parties. Costs are normally taxed when they have to be paid by the other party, and the other party can then go up, as we say in respect of taxation, and argue about each individual item if he wishes, because he knows his client will pay. But that is not the position here. There is no-one who would be in that position and who would want to or could argue. I am confident the court would take the course that is often taken now of fixing a lump sum for costs there and then.

Mr. Lawn: Is it likely that the Government would appear in these cases?

The Hon. ROBIN MILLHOUSE: Yes, we have provided for the Government to appear.

The Hon. R. R. LOVEDAY: I am intrigued by the Attorney-General's ability to be a quick-change artist in the space of a few months. I recall that when he was in Opposition he donned the mantle of Marshal Foch and it was always a case of "Attack, attack," urging the then Government to spend thousands of dollars with the utmost abandon. But now that he is in a position of responsibility he has donned the mantle of Lord Asquith, and his motto is, "Wait and see." I urge him this evening once again to don the mantle of Marshal Foch, to open his heart, and to let us have a few thousand more dollars.

New clause inserted.

Title passed.

Bill read a third time and passed.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

Third reading.

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

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

First, I desire to thank all members who have taken part in this debate (and that is the overwhelming majority of members of this House). Obviously, everyone who spoke (and most members spoke more than once) had put much thought into his speech, and I believe the standard of debate was very high indeed. I would say that the debate on this matter has been one of the best debates (and I leave aside altogether the subject matter) that we have had in this House since I have been a member of it. It was a debate on a subject that stirs the very deepest of emotions. I believe Parliament has accepted its responsibility in this debate to be a forum for the discussion of topics of controversy and of significance and, therefore, whatever the outcome of the debate may have been and whatever the fate of this Bill may be, I do not regret what has taken place here.

The Bill comes out of Committee without the social clause with which it went in. It is in my view (and I want to make this point, because I think there may be some misunderstanding of this outside) substantially a codification of the common law as we believe it to apply in South Australia at present. It is a codification of the common law with certain safeguards added that are not in the law at present, these being safeguards of consultation before the operation is performed, of supervision of the hospitals in which the operation may be performed, and of notification. None of those things is at present obligatory by law. We know that as a rule there is consultation, but there is at present no supervision of hospitals in which this operation may be carried out. We know from the evidence of the Select Committee that no adequate records are kept of the number of operations carried out. If this Bill passes through Parliament, as I believe and hope it will, South Australia will have the advantage of knowing with greater certainty what the law on this topic really is. Finally, I emphasize that in my view this Bill, on which we are now to take a final vote, is substantially a codification of the common law as we believe it to be in South Australia at present.

Mr. CORCORAN (Millicent): The Attorney-General has spoken briefly to the third reading,

but he has the right of reply. We know, too, that we cannot speak at length at this stage, because of the new Standing Order introduced yesterday, with which I agree, but which limits speakers on the third reading to 30 minutes. I hope I do not take the full 30 minutes, but I believe that it is incumbent on me to speak on the third reading because most members who have spoken have said that this is one of the most important issues to come before the House. Therefore, because I have opposed the Bill in its entirety and because I have sought to amend it, I feel that I should, in the final stage of the Bill, justify my actions to the House again. The Attorney-General said he felt that much thought had been given to this measure, but I believe that if it had been given more thought I would have gained more support than I did during the debate.

I am grateful to those people who stuck by me throught thick and thin during the debate and to those people who, while this Bill has been before the House, have taken the trouble to write to me and give me great encouragement. I have said that I beiieve that this is a matter of life and death. The Attorney-General said that he thought the Bill did nothing more than codify or clarify the present practice (there is no law), but I remind the House that, in effect, the Bill has come out little different from its form when it was introduced. I did not believe then, nor do I believe now, that the Bill is merely a codification or clarification of the existing practice. While the Attorney-General has pointed out that there needs to be a consultation between two doctors (and that is not necessarily the case at the moment), he has also admitted that that is usually the case; but regarding the extensions to the existing practice, to my knowledge Bourne's case does not involve the eugenic clause, for instance. As members know, that is the clause I did my best to defeat, and I advanced my reasons for so doing; the clause remains as it was, and it is an extension to the present practice.

While the Attorney-General has recognized the fact that with the passing of this Bill South Australia may become the centre of abortion for Australia because it will be the only State with such a law, I do not think that the residential clause that has been placed in the Bill will be effective; the Attorney-General has not convinced me on this aspect, although I sincerely hope that the clause will be effective. If my opinion is correct, more people will be coming to South Australia from other States seeking to take advantage of a law which has been passed here and which, if it were necessary to be passed, should be passed in every State of Australia—a point made by representatives of the Australian Medical Association when giving evidence before the Select Committee.

In my view, the so-called conscience clause is not a true conscience clause. It may be argued that under common practice a doctor is still faced with this difficulty, but I believe that he could, despite the code of ethics laid down by the A.M.A., opt out on the grounds of conscience; we certainly could make other arrangements. I am not satisfied that the conscience clause serves the purpose the House wants it to serve and that everyone involved in an operation of this kind can be exonerated on conscience grounds or will not have to perform some function at the operation.

We should also consider the likely outcome of the liberalization of what the law will mean in this State. Surely this is something that should have been considered during the course of the debate. Inevitably, it will lead to an increased number of abortions; if I am proved wrong, I shall be glad. We have seen the results of the British Act, which has led to an increased number of abortions being performed in the United Kingdom. We know that in the first 14 months of its operation about 41,000 abortions were performed legally and, as far as I am aware (although it is difficult to prove), there has been no decrease in the number of illegal abortions.

That is the first likely outcome in this State if this Bill is passed. Insufficient thought has been given to the situation that might arise in our hospitals if there is a large increase in the number of people who elect to be aborted, not only from the point of view of abortion but from the point of view of the things that may result from an abortion because, although doctors who elect to abort a woman may be convinced and acting in good faith, an abortion may affect the mental health of the woman, and we do not know very much about the effects of an abortion on a woman's mental attitude. I am led to believe that abortion has serious effects on a woman, and I have been told by a doctor friend that he has had personal experience of that in this Stae. Hospital facilities and staff may be over-taxed, and we must consider the long-term effects on the State's population. Romania, where a similar law was instituted in 1957, discontinued it in 1966, not only because of the effects it was

having on women's health but also because of the effects on its population; this has been the experience in other countries as well.

When I hear the Premier tell the House proudly about his efforts to increase the number of migrants coming to this State and the effects this immigration will have on the State, I cannot help but be reminded of what the member for Frome (Mr. Casey) said: the best migrants are those who are born here. When he said it, he made it clear that was no reflection on the good people who come here and help develop the country. This is an important matter. In 1968-69 the Commonwealth Government allocated $32,000,000 towards attracting migrants to this country, and that money was wisely spent. However, will this law not cause that Government to have to spend more money in this way? I have detailed only some of the likely outcomes if this Bill becomes law. I do not want to be able to stand up in this House in two or three years and say, "I told you so," but I assure members that, if the Bill is passed, I will watch the outcome closely. I do not want to be a prophet of doom, but I am not happy about the things that I see this Bill will bring about, despite all the difficulties, emergencies and so on that have been referred to during the course of this debate.

I believe the central question in this matter has been avoided in the debate and that is that, in the opinion of the law, of doctors, of ethical philosophers and of physiologists the foetus is a human being. Because it is a human being it deserves the respect given to and rights of a normal human being. People who subscribe to abortion have said that they believe the foetus not to be a human being. From that I take it they do not consider it has any rights. The Bill provides that it is a human being at 28 weeks. If we say it is a human being at a certain number of weeks why do we not go to days, hours, minutes or seconds? Can we draw an arbitrary line? I believe it is up to those who want this law to prove beyond reasonable doubt that the foetus is not a human being because, after all, people who believe it is have expert opinion backing them. I do not believe those who have supported the Bill have proved that the foetus is not a human being.

The Leader of the Opposition said there were two extremes in this matter and that either one did not believe in it or believed in it all the way. Others have taken an intermediate view that I consider to be a dangerous view, for it is difficult to keep on the rails. The Attorney-General has found himself in this position. He has been clever and cunning in the way he has conducted himself (he has had a difficult position to maintain), and for this I admire him, but I do not respect him, because I think he knows what he is doing. He is getting neither one thing nor the other but is creating a situation that can develop. I have tried to tell members that this measure needs to be approached with caution because, if we find that the law is not working, it is easier to give than to take away. That is why I chose to move the amendments I moved in an effort to tighten the measure and to make it more restrictive than is current practice. If I had been able to strike out the eugenic and environmental provisions, I admit that the new provision would have been more restrictive than is current practice. That was my aim. Let us approach this matter cautiously and see how it works.

The SPEAKER: Order! I do not think the honourable member can refer to amendments already passed by the Chamber.

Mr. CORCORAN: These provisions are in the Bill as it stands. Members who supported my amendments stated mainly that they supported the Bill but preferred to have it include the amendments that I moved. I ask those members to consider their position now and to support me in trying to defeat the third reading of the Bill. I do not think the reasons the Attorney-General gave for introducing the Bill warranted its introduction at this time. No situation exists in this State that demands the examination of this matter by the House. I still believe that the people of the State are not well enough informed on the matter really to make a decision, certainly not a "Yes" or "No" decision, because members will admit how involved is this question. We have seen people change their minds on certain things mainly because they were not certain of the facts of a provision or of how far it would go. I do not believe it is necessary for the Bill to become law at this stage.

I suggest that the Government set out to look at the long-term effects involved. A committee should be set up to consider all the possibilities about which I have spoken and the effect this type of thing will have on the State. Such an inquiry should be made before we actually pass the law; that is surely a cautious and sensible approach to the matter. However, I have no doubt the Government will proceed with the measure as best it can. I honestly believe that, when he chose to become

the author of the Bill, the Attorney-General thought that he was instituting a reform that was needed in this State. However, I think that, having looked at the question, having heard what has been said about it, having listened to the approaches made to him outside the House, and having read the letters written to him, the Attorney-General now realizes that he picked a very bad reform. I do not believe this is a reform: I believe it is a tragedy.

Mr. CASEY (Frome): Very briefly I want to take this opportunity to oppose the Bill, as it is the privilege of members to do at any time up to the passing of the third reading. I have opposed the Bill throughout for many reasons. First, I think that the Abortion Law Reform Association has in fact been made up mostly of migrants who have been in this country only a few years (some only a few months). Why these people have attempted to bring this matter to the ear of the Attorney-General I will never know. I do not say that all of them are migrants. I do not know what percentage are newly-arrived migrants, but I know quite a few of them and, in their numerous conversations with me, I have told them plainly where I stand on the matter. To me the legalizing of abortion is an insoluble problem and has been since time began. However, that does not make right the introduction of a measure such as this.

We know that the Attorney-General has the reputation of being a reformist, and perhaps he has introduced this Bill because he wants to be the first Attorney-General in Australia to introduce such a measure. Perhaps he can give the reason. However, I refer to the overwhelming evidence from experts in this field, the Fellows of the Royal College of Obstetricians and Gynaecologists who gave evidence before the Select Committee, and I will never know why their evidence was not given more consideration. Only yesterday, when the Attorney-General explained certain Bills, he said that they had the blessing of the Law Society of South Australia and, therefore, everything in the garden was rosy, fair and above board. In this case, however, when the Royal College of Obstetricians and Gynaecologists has told us not to legislate as we are doing in this Bill, we completely ignore the college.

As I have said, if the Attorney had agreed, when he introduced the Bill last year, that one of the two medical practitioners required to examine a patient and sign the document, should be an obstetrician or a gynaecologist, we would have been on the road to some sanity. However, I think that the provision for two medical practitioners to authorize the abortion will open the way to absolute graft, and do not let any member kid himself that the medical profession today is not after money.

Mr. McAnaney: Who isn't?

Mr. CASEY: If members ask anyone in the medical profession confidentially and get down to tin tacks, they will find that money rules the roost. In Victoria a person can be aborted for anything from $200 to $600. One doctor there was eventually brought before the court. That was because, when he could not get the money for the operation that he had performed, he decided to send an account, and thus left himself wide open. Now, it is cash before anything takes place. If we had all this under Government hospitals scrutiny we would know exactly where we were going. However, this Bill does not do that.

I suggest to the Attorney-General that, if a private hospital has all the facilities and equipment and has two doctors in consultation. there is no reason why a regulation cannot be introduced giving that hospital a permit to carry out this work. The Bill provides for that, and we have no jurisdiction over what goes on behind the four walls after that. We may ask for records, but there are ways and means of evading that sort of thing. That is how I feel about the measure.

Another point is that we know that the illegitimacy rate is increasing in South Australia and in Australia generally. What will happen about minors? Will they have to get the permission of their parents? This point has not been covered in the debate, and I should be pleased to hear what the Attorney-General had to say about the matter. It is well known that about 60 per cent of the abortions being carried out at present are being performed on unmarried women. We also know that every year about 1,500 illegitimate children are born to teenage girls, and the number is increasing. The ages of these girls range from about 14 years to 19 years.

This is a sorry state of affairs but, unfortunately, we cannot do anything about it now, except by way of social welfare. This Bill does not touch on social welfare. All we are concerned about doing is destroying something that I and other members claim to be a human life, and in the Bill we provide for carrying out an abortion at any time until a pregnancy

has reached 28 weeks. When I telephoned a gynaecologist friend last evening, he told me that recently he had performed an operation on a woman who had been pregnant for 26 weeks, because she suddenly developed high blood pressure, and other contingencies occurred during the latter stages of pregnancy. The doctor decided that the child should be taken by caesarean operation at that stage. That child is happy and normal now.

This is not the first case. The doctor told me that several operations of this kind have been carried out by other medical men over the years when a woman has been pregnant for 26 weeks, yet under this Bill we can destroy at 26 weeks what otherwise could become a normal human citizen like any of us. The big question is where to draw the line. No society can claim to be civilized if it tries to solve its social and economic problems by deliberately destroying innocent human beings, even if those human beings are only a few weeks old, innocent, and unable to plead for themselves. They cannot claim that they want to be born, because they have no voice in our society. We ignore them completely and utterly, and this attitude is a slur on our society. I think this is the basis that we must get back to.

We hear much about the mental and physical state of women. I ask members to sift the evidence of eminent obstetricians and gynaecologists who have made this matter their life study and who claim that modern obstetrics is catching up rapidly with all the known diseases of pregnancy. We must realize this. Those doctors claim that what we are doing is not the answer. We hear about the mental state. Recently, I read the following article by an eminent gentleman:

Psychiatry is the least precise of all medical specialities and, therefore, one cannot, with any certainly, give a prognosis for the future. Many studies have emphasized that these are unsatisfactory patients to abort, because they are as likely to suffer post-abortal guilt complexes and depressions as to benefit from being rid of the pregnancy.

We, as members of Parliament, should not and cannot honestly judge the ramifications of this Bill in medical terms: I defy any member to do so. We can only be guided by what we read, and that is the evidence that has been compiled by eminent gentlemen who are specialists in these fields, in the same way as the Attorney-General said, when introducing various Bills yesterday, that they were products of the Law Society of South Australia and, therefore, above reproach. Let us think about this Bill: and I hope that all honourable members do this before voting on the third reading.

Mr. HUDSON (Glenelg): I do not want to let this occasion pass without considering carefully the contents of the Bill as it has come out of Committee. I think that the two previous speakers have over-stated their case with respect to the nature of this Bill. First, it is simply not correct to say that there is no law at present about abortion and that there is only an existing practice carried out by doctors. The present law is uncertain, because it has not been tested before a court, but what is certain is that, should a case come before a court, it would determine it according to the general principles of common law, basing its argument on precedents established elsewhere on what the law was; in other words, on what constituted an unlawful abortion.

All that the current standard provides is that unlawful abortion is a crime, but it does not tell us what constitutes an unlawful abortion. Most people have considered that the law in South Australia would be about the same as the principles of Bourne's case. If that is so, in certain respects this Bill is more restrictive, because Bourne's case and the Victorian case do not require the opinion of two doctors. That is a condition that we have inserted in this Bill, following the normal practice of the medical profession in South Australia.

So far as anyone could guess at the law in this State, the necessity for an opinion by another doctor would not be necessary, but as a normal practice the medical profession in South Australia has suggested that the opinion of a second doctor, outside the existing partnership of the first doctor, should be obtained, and that is the principle that has been inserted in this Bill. At least, in that respect the Bill is more restrictive than is the current law, so far as we can judge the law on Bourne's or the Victorian case.

Secondly, the Bill now requires that any abortions, to be lawful, must be carried out in a prescribed hospital that has been set out in a regulation gazetted by the Government. Such regulation is subject to possible disallowance by either this House or the Legislative Council. Further, we have a requirement that the hospital must notify a prescribed authority of any termination of pregnancy and of any circumstances in which a pregnancy is terminated. In this case, there will be no excuse if the Attorney-General does not have available to him the name of every doctor

who has performed an abortion in a prescribed hospital, the name of the patient, and the circumstances in which the abortion was performed.

Mr. Clark: And how many abortions have been performed by a particular doctor?

Mr. HUDSON: Yes. The provision in the Bill would enable all of that information to be given to the Attorney-General, to an officer of his department, or to some prescribed authority (say, the Director-General of Public Health). Can anyone suggest that hospitals of which Parliament will approve will, as a matter of medical practice, allow abortions to be performed within their walls on grounds that the hospitals' administration knows do not fit in with the circumstances set out in the Bill? I believe the prescribed hospital, a place where an abortion can be performed, will err on the side of caution, because it will not want its good name or reputation to be brought into possible disrepute should it go outside the confines of the law. The Attorney-General, if he suspects that the law is being breached at any hospital, can, if necessary, bring pressure to bear on that hospital before any need arises for a prosecution.

The present law, so far as we can judge it in relation to Bourne's case, would not require an abortion to be terminated in a hospital, because that is not a test that is part of the law. However, it is normally part of the present practice in South Australia, as suggested by the medical association: it is suggested to doctors that, when they carry out an abortion, it should be done in a hospital.

So the Bill includes a provision, which is more restrictive than the present law, which follows the present practice, and which will enable full information to be made available to the Attorney-General of the day. It will mean that the Attorney-General can have no possible excuse should he fail to administer the law as it stands.

The member for Frome has said that we should pay attention to what gynaecologists and obstetricians have to say. However, he has failed to point out that the Australian Council of the Royal College of Obstetricians and Gynaecologists has a policy which, so far as I can judge, in almost every respect is identical to the form of the Bill as it has come out of Committee. I think this is sufficiently important for me to remind honourable members of that policy. The Australian Council of the Royal College of Obstetricians and Gynaecologists says that it is opposed to induced abortion except when:

1. There is documented medical evidence that the continuation of the pregnancy may threaten the health or life of the mother.
2. There is documented medical evidence that the infant may be born with incapacitating physical deformity or mental deficiency.
3. At least two independent registered medical practitioners, one of whom is the medical practitioner performing the operation, have examined the parent and have concurred in writing.

There is no mention of one of these being a specialist.

Mr. Corcoran: And there is no mention in the Bill of their being independent.

Mr. HUDSON: True, and that is a point that goes against the Bill, although I think it would be difficult to cover that situation appropriately in the Bill. While the present law would not require two independent medical practitioners, the present practice is for two independent medical practitioners to give the opinion. The college's statement on policy continues:

4. The procedure is performed by or under the supervision of a registered medical practitioner of required skill and experience in a public hospital or other approved institution.

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

5. In any alteration of the law on abortion, it should be specifically stated that refusal by a medical practitioner to terminate a particular pregnancy is never a culpable offence.

Here again, I agree with the member for Millicent that the Bill does not go far enough in providing a clear and concise conscience clause, and I believe this is a weakness. The statement of policy continues:

6. Some suitable form of notification of termination of pregnancy which preserves anonymity for the patient should be implemented.
7. Rape and incest should not *per se* be indications for termination of the pregnancy but should be considered in relation to the mental and physical health of the mother.
8. Socio-economic factors *per se* cannot be regarded as an indication for the termination of pregnancy, but these factors, as with all medical decisions, may be considered when the health or life of the mother is assessed.
9. Illegitimacy is not an indication for termination of pregnancy.
10. Termination on demand, the sole reason being that the pregnancy is unwanted, is not an indication for termination of pregnancy.

In almost every respect, except the two small instances to which I have referred, this Bill is

in line with the policy enunciated by the Australian Council of the Royal College of Obstetricians and Gynaecologists, and it is simply not true that, as the member for Frome (Mr. Casey) tried to suggest, gynaecologists and obstetricians in general have a contrary view. The statement to which I have referred is certainly in line with the present practice in South Australia and, as we know, no prosecution of a doctor would take place in South Australia at present, without this Bill ever being considered, if he had terminated a pregnancy following the policy I have just quoted.

I make all these points because I believe that certain proponents of the Bill have tried to suggest that it goes further in the way of liberalization than it does, in fact, go, and that certain opponents of the Bill, because they want to have the law made more restrictive than it is at present, have also suggested that the Bill as it stands involves considerable liberalization. I do not believe that to be the case. Although it is possible that my judgment may be wrong and that rackets could develop, I believe that under this Bill as it stands rackets could develop only if Parliament or the Attorney-General were not doing the job, so that we had the present situation, without this Bill, in which rackets could develop.

It therefore seems to me that it is wrong to suggest other than that this Bill basically consists of a codification of present practice and that in certain respects it is more restrictive than the current law. In new subsection (3a) (1) it may be a little more liberal than is the present law: I refer to the passage "that the continuation of the pregnancy would involve greater risk to the life of the pregnant woman or greater risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated". If I have to make a judgment, therefore, it is that substantially the Bill involves a codification of the present law and that therefore it is not a significant liberalization of the law.

I know members of the Abortion Law Reform Association who are disappointed about that fact, and I know former university associates who are critical of it; but I am not, because I believe that even at this stage a codification or clarification of the law, because it will make it known more generally what the law is and because it will make the position of doctors more certain, is likely to lead to more legal abortions being carried out.

Whether there will be a substantial rise in the total number of abortions cannot be judged. I would certainly have to dispute the point made by the member for Millicent that we have no evidence from the United Kingdom that there has been a decline in the number of illegal abortions since the law was changed, that change going considerably further than is the case here. I understand the evidence in the United Kingdom is that the number of admissions into hospitals, involving some interference or attempt to interfere with or actual termination of the pregnancy undertaken obviously by someone not qualified, has declined. That evidence is known to people who have examined the matter with respect to the United Kingdom. The very fact that people are more certain about what the law is will bring some people who might previously have contemplated back-yard abortions (illegal abortions undertaken at considerable risk) into the hands of the medical profession. That can only be a gain, even for those who are opposed to abortion: even for those who are completely opposed to abortion, it is an offsetting factor that some people who would previously have gone to a back-yard abortionist and be in very great danger of their lives will now be in the hands of a medical practitioner. Those who are completely opposed to abortion can only be tremendously alarmed at the Bill if they believe that it will cause not only an increase in the number of lawful abortions because of the change from back-yard abortions to lawful abortions but also to an increase in the total number of abortions carried out.

It may lead to a substantial increase; one cannot make a firm judgment on that aspect. However, in making the best judgment I can, I believe that there will not be a substantial rise in the total number of abortions, lawful and unlawful. My view is that, fundamentally, the Bill is a codification of the present practice; that in one respect I have mentioned, it is more liberal than the present law; but that in other important respects it is more restrictive than the present law. Proponents of abortion law reform to the limit can take little comfort from the Bill's provisions if it represents only a substantial codification of the existing law, and even those who say, "If you do anything in Parliament" (and this view has been put in many petitions) "do not go beyond codifying the existing law," should be prepared to recognize that what Parliament will do if the Bill passes the third reading is substantially in line with what they have requested us to do by petition.

It has been put by several speakers that there are only two fully logical positions: that of a person who is completely opposed to abortion, who says that we must pay the greatest attention to the position of the foetus, and who argues that it is a human life from implantation and that, therefore, any attempt to interfere with it is morally wrong; and that of those who effectively say that, until the foetus is viable, our attention should concentrate purely on the life and health of the mother and her family, and who are, therefore, prepared to contemplate what has been called abortion on demand. Because each of these positions makes one simple assumption that does not require any balancing of opposing interests, it is only in that sense that they appear more logical; but I do not believe that either of the initial assumptions that the people who advocate these two extreme positions make is correct.

It seems to me (and this is a moral position with which I do not necessarily expect other members to agree, as everyone is entitled to his own point of view) that, first, both the foetus and the mental and physical health of the mother must be considered and that the law has to balance one against the other. If there is to be any balancing of the potential for life and the protection of the potential of the foetus, as against a serious risk to the mental or physical health of the mother, how one comes down to what the law should ultimately be is a matter of personal judgment: it cannot be unequivocally stated and held up for everyone in the community to see; but, just because that is the case, it does not mean that, if one holds that moral viewpoint, one should be balancing the potential for life of the foetus as against any serious risk of injury to the mental or physical health of the mother.

That does not mean that doing that is wrong or illogical; it is completely logical in terms of the basic approach one makes, if one starts with the assumption I have specified. I believe that, legally, it leads to a more difficult position, because it requires the kind of Bill we have before us, which sets out conditions and which will be the subject of interpretation and judgment later by the courts; but even that does not mean that the position is illogical or cannot be held.

It has been suggested that there is no rush for this legislation and, as what we are doing is substantially a codification of the existing practice, I, too, believe that there is no rush. However, the Government of the day, having brought this matter to our attention and required Parliament to debate it, cannot absolve the individual member from making up his own mind. For that reason, I have made my own mind up independently of whether it is necessary at this point of time for the Government to introduce such legislation. For the reasons I have given, I support the third reading.

Mr. GILES (Gumeracha): After giving this matter much thought, I oppose the third reading of the Bill. There is little point in going over the arguments that have been clearly put by members who have taken part in the debate, but I want to mention one of the most important aspects of this whole issue: if any member has any element of doubt in his mind that the Bill will carry the practice beyond what he considers it should be, he should vote against the third reading. The member for Glenelg introduced an element of doubt when he said, "This Bill may be a little more liberal than the present law."

Mr. Hudson: Be fair! Continue the quote and do not take it out of context.

The SPEAKER: Order! The member for Glenelg has made his speech.

Mr. GILES: He said that the Bill might be a little more liberal, and went on to say that in other provisions it could be a little tighter than what is recognized as the present law. His reference to a liberalization of current practice introduces an element of doubt. I exhort members to consider seriously what could happen if the Bill is passed. There may be a reason for abortion in the eugenic provision that is not necessary. Members should also seriously consider the conscience and environment provisions as well as the provision that states that two legally qualified medical practitioners, if they concur in an opinion formed in good faith in the circumstances stated in new section 82a (1), can carry out an abortion.

If members have an element of doubt that any of these provisions will allow a practice wider than they expect then I urge them to vote against the third reading. I believe that most South Australians consider the life of the mother to be vitally important, and that they consider that this is what should be covered in the Bill. If we consider that what is now in the Bill goes further than what is necessary then we should vote against it. As this is a moral issue in our society, we should consider what effect it will have on our moral

standards. I do not believe it will help our society in any way, and the reasons for this have been clearly stated by the Deputy Leader. I exhort all members to consider deeply the implications in the Bill. When they vote I hope they do so wisely, and I hope they vote against the third reading.

Mr. EVANS (Onkaparinga): I am a little disappointed that the Bill has not come out of Committee in its original form. I believe the social clause, which has been deleted and which provided that abortion could be performed bearing in mind other children in the family, should have remained. I am also disappointed that a four-month residential provision has been included, but otherwise I support the Bill. I do not agree with those members who say the Bill goes too far.

With four other members, I was fortunate to be a member of the Select Committee that considered this matter. I am sure I deeply considered the matter while on the Select Committee and in this Chamber. I read as much of the evidence as was put before me, and I am disappointed that the Bill is not in the form originally recommended. I disagree entirely with those who say it goes too far. It has been alleged that some of those who gave evidence in favour of the Bill and who favoured wider provisions than the Bill includes were foreigners. I must say that some of those against the Bill, particularly those who spoke to me, were of the same origin.

The Hon. C. D. Hutchens: Were they citizens?

Mr. EVANS: Yes. I believe it is wrong to make that type of statement in a debate such as this. I, too, am grateful to those who have contacted me in relation to the Bill. I have received just as many letters in favour of the Bill as against it. Evidence has been given that 82 per cent of those who were asked whether abortion should be a crime believed it should not be a crime. I think this proves to those who think about this seriously that the Bill is desired by a large proportion of the community. I said originally that I did not believe abortion should ever be a legal decision. I believe it is first a moral decision and then a medical decision. As is now provided, we still have a legal decision, but, as the woman must make up her own mind, in the first place it is a moral decision.

I do not support the view that the Bill goes any further than current practice. I agree mainly with the argument put forward by the member for Glenelg. As I have said, I am disappointed that the provisions to which I have referred have been left out of the Bill. I only hope that in the future, when we find that this works in practice satisfactorily, the House will have the opportunity to reinstate the provisions that have been deleted from the original Bill. As I believe all members have given the matter much thought, I accept their decisions as just and sound, even though it is against my own personal belief in some respects. I am sure that, with the control Parliament has over regulations providing for the hospitals to be prescribed and with the Attorney-General's being able to watch over the other facets and operations of the Bill, this law will be an asset to the State. The other States will introduce similar legislation and this will be the way in which it will come to operate throughout the Commonwealth: it needed one State to move first. I congratulate the Attorney-General, Cabinet, the Government and the House on passing the Bill to this stage and I hope it will pass the third reading.

Mr. McANANEY (Stirling): The member for Onkaparinga said that a poll had shown that 82 per cent of people interviewed said that abortion should not be a crime. I do not know where he got that figure but it was certainly not from a Gallup poll, which is the only reliable poll taken and is based on proper statistics involving a cross-section of the community. The Gallup poll showed that people favoured a codification of the present practice. Perhaps the poll to which the honourable member referred was similar to the one referred to in this debate that was taken in two suburbs and was a completely unreliable guide. I think that, after great consideration, the House has come up with a fairly good Bill. I disagree with new section 82a (2) which provides:

> In determining whether the continuance of a pregnancy would involve such risk of injury to the physical or mental health of a pregnant woman as is mentioned in subparagraph (i) of paragraph (*a*) of subsection (1) of this section, account should be taken of the pregnant woman's actual or reasonably foreseeable environment.

I do not think Parliament should bring in something as vague as that: we should be more definite. That provision can be interpreted many different ways by various people. Although I think this provision is bad, it is not sufficient to compel me to vote against the Bill, because any misuse can be corrected. The protection given regarding the registration of hospitals, which will be dealt with by regulation, will enable control to be exercised,

and I think we can support the Bill. I shall vote for the third reading, but I am entirely against any lowering of standards by extending abortion beyond what is already taking place at present under the common law.

Mr. HUGHES (Wallaroo): Since this legislation was first mentioned, I have considered all aspects of abortion, such as the health of the woman concerned, the unborn child, those responsible for making the decision, and those who would carry out the operation. I have decided, but not lightly, to vote against the third reading because I cannot conscientiously subscribe to the taking of the life of an unborn child, and no-one has convinced me that abortion is not an act of taking life. Representations have been made to me by many people but this evening I shall refer to a letter, written in a few lines by a 19-year-old girl who would be living the life of an every-day person, which states:

I am writing in appreciation of your effort to protect the unborn human life by opposing the proposed abortion law reform Bill now before Parliament.

The girl who wrote that would be representative of many people about her age. The member for Glenelg quoted extensively from evidence submitted by Doctor George Taylor Gibson, gynaecologist, of 188 North Terrace, Adelaide. He said that the Bill met the requirements of the fellowship of the Royal College of Obstetricians and Gynaecologists, but the honourable member did not read some of the remarks that the gynaecologist made after he had given the evidence as the representative of the college itself. This evidence by the doctor struck me forcibly:

This all comes down to the basic fact that abortion is the termination of human life. I do not care what anyone says: when terminating a pregnancy, you are terminating a human life, killing a human being, and, of course, it cannot be done lightly.

Mr. Casey: Sir John Peel made a similar statement.

Mr. HUGHES: Yes, several members of the profession would subscribe to that opinion, but I have referred to this doctor because he gave extensive evidence to the Select Committee after having gone to much trouble to prepare the evidence and, doubtless, after having seriously considered his own opinion as expressed in those words. Despite my study of what has been said by those for abortion and by those against it, I must be guided by the evidence submitted to the Select Committee, and this evidence from Doctor Gibson has helped me make up my mind. Perhaps other people would give evidence to the contrary, but the fact that Doctor Gibson went to much trouble to make that statement to the committee, apart from giving the opinion of his colleagues, shows that he firmly believed in what he said. I subscribe to the doctor's comments and I do not think the Attorney-General would be able to have me change my mind on the issue.

During Question Time yesterday I raised a matter about which I am extremely concerned. However, you, Mr. Speaker, in an understanding way, did not call on the Attorney-General to reply but told me that, as the matter had already been decided in a previous debate, you thought that I should raise the matter in the Committee stages. The only way that I could have done that would have been by asking that clause 3 be recommitted, and I knew that I would not have succeeded in that, because of the way in which the clause had been debated last week. However, I refer to the matter now in the hope that the Attorney-General will be able to set my mind at ease. We have read the opinion of the Attorney and his officers on this matter, but I want the Attorney to make a statement in this Chamber. I refer to the remarks of Doctor Wainer, of Melbourne, who is reported to have made a statement in Adelaide last weekend. A newspaper report 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.

This doctor, coming from another State, has already challenged the validity of this legislation, and this leads me to believe that he must have justification for doing so. I will accept the word of the Attorney-General if he can say that there is no justification for this statement and that the four-month residential clause that has been inserted in the Bill will stand up if tested in court. I hope the Attorney-General can put my mind at ease about this matter.

Mr. BURDON (Mount Gambier): During the second reading debate I made my position clear, and now I thank the 800 people who submitted to me a petition opposing this measure and asking for a codification of the present law, and the young women and

mothers who have written to me about the stand that has been taken in opposing this measure. Also, I pay a tribute to my colleague the member for Millicent for the way in which he has handled the opposition to this Bill. It was apparent to me and to many others that he had taken on a formidable task, but I believe that he has done an excellent job. Nothing has been said yet to change my views about opposing this legislation. It has been said that an amelioration of the present law with respect to one item could be a weakness that South Australia may eventually regret and I agree with what the member for Gumeracha said when he sounded a warning about it. I appeal to all members to examine their conscience thoroughly as to where they really stand before they vote on the third reading.

Mr. CLARK (Gawler): Since becoming a member, this is only the second time that I can remember having spoken on the third reading, but I reaffirm what I said earlier. I said that I did not like this Bill and would not support it unless it was greatly amended to cover the matters with which I was concerned. Generally, the idea of abortion is repugnant to me, but I might be prepared to admit that at times an abortion was necessary, although I would want to be certain that it was necessary. I, too, congratulate the member for Millicent and pay a tribute to him for his work in doing a difficult job in this debate. Because he has not been as successful as he would have liked to be, he need not be ashamed of the work he has done when speaking with the feeling of his conscience, and his effort was a great credit to him. I had hoped that the Bill would be greatly amended: it has not been so amended. With several aspects I cannot possibly agree and, for those reasons, I oppose the third reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): After the debate that we have had at all stages of this Bill and after the points that have been put, especially by the Deputy Leader of the Opposition this evening, it would be churlish of me if I were not to reply, even if only briefly. First, I should like to deal with the point raised by the member for Wallaroo concerning the constitutional validity of the residential clause. I point out that Dr. Wainer, who made the comment, is known as a campaigner for reform of the law on abortion in Victoria for its liberalization, and I think it is not unfair of me to say that those in favour of a much more liberal law on this topic are not happy about the residential clause: they think it should not have been inserted in the Bill. I think Dr. Wainer, too, probably starts from that point. All I can say is that, in my opinion, the clause is constitutionally valid and that it does not infringe section 117 of the Commonwealth Constitution. I think that the honourable member will allow me to be cautious enough to say, though, that I would not stake my life on it. It is a constitutional matter that could be determined by the High Court of Australia, and no lawyer would be so foolish as to say, without any reservation, that any point arising out of the Constitution that could be argued before the High Court was completely and utterly certain. But my view is that it is constitutionally valid and that it would stand any test to which it might be put.

Mr. Clark: There is no discrimination in it, really.

The Hon. ROBIN MILLHOUSE: No, that is the point. With great respect to everyone else who has spoken tonight in opposition to the Bill, I think the Deputy Leader's speech encompassed all the points that were made. I was disappointed in one of the remarks which the Deputy Leader made tonight about me personally. I know that he and I differ greatly on this subject. He has put his points with sincerity, and I have tried to do the same on my side. However, when he said that I did not have his respect, I felt that he was perhaps saying something that he did not altogether mean. I hope that that was so.

Like the Deputy Leader, I have had much correspondence on this matter, both in favour of the Bill, saying that it does not go far enough, and in opposition to the Bill, abusing me personally for introducing it. Some of the letters I have received have been quite touching, as was one delivered to me personally in the House tonight. However, I have had some that have been offensive. For example, I have had today a telegram which comes from an address in your district, Mr. Speaker, and which states:

Re abortion Bill. Judas was a traitor. He committed suicide. Examine yourself.

Of course, it is the right of any citizen in this country to send whatever sort of missive he likes, so long as it is not defamatory to any person, but I admit that some of the letters and telegrams I have received (and the one I have quoted is one of them) have affected me. However, I hope that they have not deterred me from what I believe to be the right course to take.

I come now to the four points made by the Deputy Leader, although I do not take them necessarily in the order in which he made them. First, he referred to the effect on population and instanced Romania. I take it from this that he is suggesting that this Bill, if it becomes law, will lead to a drastic reduction in our birth rate. I could see no other point that he was making here. I point out that the Romanian law, as I understand it, went much further than this, and amounted to what has been loosely termed "abortion on demand", whereas this Bill does not amount to that.

If we translate the statistical returns in the United Kingdom to this country, I think it is common ground between us that the number of abortions that will be performed will be about 700 a year. I remind the honourable member that in the Select Committee the estimates of the present rate of illegal abortions in South Australia varied from about 500, which was given by Doctor Rice and which I think was the lowest figure, to well over 8,000. Therefore, I cannot believe that the honourable member thinks that this measure will have any significant effect on the population of South Australia.

The second point I take up is the Deputy Leader's assertion that the population of this State is not sufficiently well informed on this measure. We have done everything we can to ensure a full opportunity to everyone in the community to make up his or her mind and particularly, of course, for members of this House to make up their minds on this matter. I do not know what more we could have done within the life of one Parliament than we have done. We introduced the Bill in one session; a Select Committee was appointed to deal with it; the report was published in this House and generally; and the matter was then left for over six months before it was taken up again. In that time surely everyone had an opportunity to consider the arguments that had been advanced in debate, the arguments in the Select Committee's report, and the whole of the evidence; and that takes no account whatever of the debate in the general community both here and throughout the world, the results of which have been available to all of us. So I cannot accept the honourable member's point that people in this State are not sufficiently well informed on the matter for us to be able to come to a decision.

The third point the Deputy Leader made was with regard to the codification of the law or with regard to whether this Bill effects a codification of the existing law. He said (I took this down and I think I have it accurately), "I did not believe then (that is, at the time the Bill was introduced), nor do I now, that this is merely a codification of the law." Well, I do believe that, and I cannot understand the honourable member's saying what he has said when, as a member of the Select Committee, he voted in favour of the paragraph to this very effect. The paragraph, No. 31 in the Select Committee's report, is as follows:

> Apart from the "social clause" the Bill will be substantially an expression in statutory form (with the addition of procedural provisions) of the Common Law as expounded in Bourne's case (*The King v. Bourne*, 1938 1 K.B. 687). The report of this case contains the charge to the jury by Mr. Justice Macnaghten. It is assumed by many to set out the law in South Australia as it did at that time in England. Yet it is only of persuasive authority here. Being the charge to the jury of a single judge and not tested on appeal, it is at least arguable that it does not represent the law in this State.

The honourable member, while the report was before the Select Committee, actually amended that paragraph by inserting the first phrase ("Apart from the social clause") in place of a phrase that I had written into the paragraph, namely, "If the recommendations made above are accepted, then—". Having inserted that amendment, the honourable member voted for the paragraph. He now says, however, that neither at that time did he believe nor now does he believe that the Bill is a codification of the common law. I cannot understand his point of view.

Finally (and this, I think, comes to the core of the matter), he asserted (and I accept his assertion) that a foetus is a human being and therefore deserves respect and the rights of a normal human being. When I gave the second reading explanation of this Bill I quoted from the pamphlet *Abortion: An Ethical Discussion*, published by the Church Assembly Board for Social Responsibility, of the Church of England, in England. This was, as I said then, a pamphlet which had been given to me by my own parish priest and which canvasses the history and the morality of the law of abortion. In view of what has been said by the Deputy Leader and others, I desire to quote again one short paragraph in this pamphlet, because it seems to put the position as I believe it to be. The pamphlet, having been dealing with the absolutist position adopted by Roman Catholic theologians, goes on to state:

Such a determination would be, in fact, a novel departure from the Christian moral tradition. If we are to remain faithful to the tradition, we have to assert, as normative, the general inviolability of the foetus; to defend, as a first principle, its right to live and develop; and then to lay the burden of proof to the contrary firmly on those who, in particular cases, would wish to extinguish that right on the ground that it was in conflict with another or others with a higher claim to recognition. Only so, in fact, can we maintain the intention of the moral tradition, which is to uphold the value and importance of human life. For invariably in this discussion the question must arise, which life? and the absolutist adherence to a refusal of abortion in all circumstances might well result, in some, in a frustration of that intention. This discussion will proceed, therefore, on the supposition that there may be cases in which, granted this general right of the foetus to live and develop, this right may be offset by other conflicting rights; and that the proper function of the criminal law is in a restricted area, to regulate the adjustment of those rights when they cannot be, or are unlikely to be, adjusted by other means.

I believe that to be a true, correct and accurate statement of the Christian moral tradition on abortion, and it is a statement to which I adhere. Of course, it leads to the unhappy situation of having to make a choice. I said in an earlier part of the debate that I wished with all my heart that I could take either the position adopted by the member for Millicent at one end of the scale or the position adopted by the Leader of the Opposition at the other end of the scale because both positions, once arrived at, were logical and easy to defend. However, I cannot: I am in the middle and, therefore, I have to make a decision in this matter, balancing one side with the other. Regarding the report of the committee, the Archbishop of Sydney said:

There is thus joined to the primary "right to life" a further right to the best possible resolution of a situation where a conflict of interests arises. A long Christian and moral tradition both refuses to categorize the killing of the unborn child as being always murder and also demands that Christians do more than accept passively "the way things are" as constituting what God wills to be done.

We have tried to do just that. I do not claim that the Bill is perfect, that it should never be amended, or that it will not be amended, but I believe that we have tried genuinely to balance the interests that must, of necessity, be in conflict in this matter. I commend the Bill to the House.

The House divided on the third reading:

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

Noes (12)—Messrs. Allen, Burdon, Casey, Clark, Corcoran (teller), Edwards, Ferguson, Giles, Hughes, Teusner, Venning, and Wardle.

Majority of 12 for the Ayes.

Third reading thus carried.

Bill passed.

## ADJOURNMENT

At 9.49 p.m. the House adjourned until Thursday, November 6, at 2 p.m.