LEGISLATIVE COUNCIL

Thursday, November 13, 1969.

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Justices Act Amendment (General),
Legal Practitioners Act Amendment,
Oaths Act Amendment,
Prices Act Amendment.

QUESTIONS

WHEAT DELIVERIES

The Hon. A. M. WHYTE: I ask leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: There seems to be some confusion among people, who are ready to deliver wheat, in connection with apportioning the quota allotted to a share-farmer. There seems to be no clear direction whether all the wheat belonging to a certain quota should be sold in the name of the quota-holder and then after payment by the Wheat Board distributed according to the terms of the share-farming agreement or whether the wheat should be sold in the name of both the share-farmer and the quota-holder. This matter should be clarified, because it would be advantageous to continue the practice usually adopted whereby wheat is delivered in the joint names of the share-farmer and the landholder. Then, when the claim is finalized, it is divided into the separate accounts. Can the Minister clarify this position? Can he say whether, in fact, all the wheat must be sold in the name of the quota-holder or whether it can be apportioned between the share-farmer and the quota-holder at the time of the disposal?

The Hon. C. R. STORY: The honourable member was good enough to ask me this question privately and I have obtained the following information:

I am advised by South Australian Co-operative Bulk Handling Limited that arrangements for the receipt of claims for payment for wheat delivered to the company under the delivery quota scheme by growers operating under share-farming agreements will be the same as have applied in the past: that is, the property owner and the share-farmer may submit individual claims, but they must be lodged together and be clearly identified by reference to the quota applicable to the property.

PORT PIRIE RAILWAY STATION

The Hon. G. J. GILFILLAN: I ask leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. G. J. GILFILLAN: Early next year it is expected that the standard gauge railway line between Broken Hill and Port Pirie will be in operation and the new Indian-Pacific Express (as I understand it will be called) will go into service. That train will travel through the northern part of South Australia, so the junction at Port Pirie will become more important as that is where the express will meet the train from Adelaide. As this will be the main stopping point for this train in South Australia and the only place in South Australia where the passengers will leave the train, will the Minister investigate the question of providing the most attractive surroundings possible for this railway junction within the limited rainfall conditions that apply in that area?

The Hon. C. M. HILL: I assume the honourable member is referring to some form of beautification by way of garden treatment?

The Hon. G. J. Gilfillan: And a general tidying up of works within the city.

The Hon. C. M. HILL: Garden treatment and a general tidying up. We have, of course, built a long platform there. It is functional but I do not suppose that platforms, generally speaking, are attractive buildings. The station building itself is relatively modern. However, I will take up the whole matter with the South Australian Railways Commissioner and see whether we can improve the surroundings and, indeed, add some form of beautification so that tourists from other States will gain the best possible impression of Port Pirie.

CONSTITUTION ACT AMENDMENT BILL

The Hon. R. A. GEDDES: I ask leave to make a short statement before directing a question to the Chief Secretary.

Leave granted.

The Hon. R. A. GEDDES: In yesterday's *News* the Premier was reported as expressing "confidence that the Constitution Bill increasing the size of the House of Assembly would be passed by the Legislative Council". The Leader of the Opposition (Mr. Dunstan) said "he believed the Government would have ensured it had the necessary majority in the Upper House for the measure" to be passed.

Can the Chief Secretary therefore say whether to his knowledge this Council has intimated to the Premier how the members of this Council will vote on the Constitution Bill?

The Hon. R. C. DeGARIS: I think the honourable member knows the answer to this question as well as I do. All members know that the Leader of the Australian Labor Party in another place constantly tries to imply that the members of this Council are tied to Party decisions of another place. As a member of this Chamber who has spent some time on the back benches, I categorically deny that. Also, as a Government Minister I know that any Bill the Government introduces is dealt with by each member, who debates it as he alone assesses the legislation.

As the Leader of the Government in this Council, I know only too well the attitude of the members of the back benches of this Chamber, and I know I can assess the outcome of a Bill only by listening to the views put forward by each member. The A.L.P. Leader in another place may speak for his own Party, but I completely refute the implication that the Government in any way knows how the back-benchers of this Council intend to vote on particular legislation until its merits have been debated, and I would not take any action to interfere with this policy which, I believe, is fundamental to the operation of a House acting as a House of Review.

LOCAL GOVERNMENT ACT AMENDMENT BILL (WHYALLA)

The Hon. C. M. HILL (Minister of Local Government) moved:

That a message be sent to the House of Assembly requesting that the Hon. R. R. Loveday, the member for Whyalla, be permitted to attend and give evidence before the Select Committee of the Council on the Local Government Act Amendment Bill (Whyalla).

Motion carried.

Later, the House of Assembly intimated that it had authorized the Hon. R. R. Loveday to appear to give evidence before the Select Committee of the Legislative Council on the Bill.

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

In Committee.

(Continued from November 12. Page 2907.)

Clause 6—"Enactment of new Part IIIA of principal Act."

The Hon. C. M. HILL (Minister of Local Government): The Hon. Mr. Potter pointed out yesterday that in my reply to the second reading debate I had referred to the office of registrar. What was intended was exactly what the honourable member thought would be the case, namely, that the Master of the court could act as a registrar provided that the rules of court, which have yet to be made, permit such a name to be used.

Although I think the matter could have been left as it was, in order to make it perfectly clear I have a further amendment on the file to deal with the question. I am not moving the amendment at this stage lest I am leapfrogging over a point that I understand the Hon. Mr. Bevan wishes to raise; I will wait until his matter has been further discussed.

The Hon. S. C. BEVAN: I direct the attention of honourable members to new section 62d, which enumerates the Acts under which the court is to have jurisdiction conferred on it. I have given a good deal of thought to this matter, and I am rather dubious regarding its possible effects, because some of these Acts under which the court is to have jurisdiction deal with disputes in relation to various forms of taxes and not with compensation for acquisition of land at all.

The Acts about which I am particularly concerned are the Land Tax Act, the Local Government Act, the Renmark Irrigation Trust Act, and the South-Eastern Drainage Act. If this Bill is passed in its present form, and jurisdiction under the Acts I have mentioned is placed in the court that is to be established, it will probably be necessary, as a result of the consequential legislation, to further consider the Bill.

From time to time disputes arise over land tax assessments. I appreciate that there is machinery under the Act at present that would be followed, and that if there was no settlement or agreement between the parties the matter would be referred back to this court. This brings me to the question of local government assessments. Local government authorities can adopt land tax or waterworks assessments or they can make their own. It suits some councils to adopt the land tax valuation as their basis of assessment, whereas other councils prefer to adopt the waterworks valuation, perhaps because it is a little higher than the other valuation. A council could levy its own assessment, and I think that would be preferable to adopting any other assessment. An example

is the Renmark Irrigation Trust Act, which is purely a taxation measure and in reality this is an assessment levied by the trust.

There can be, and have been, disputes relating to those assessments, and previously that type of dispute would be heard by a local court. However, under the terms of this Bill, it would not be heard by a local court but by a special court with a Supreme Court judge presiding. I believe that a local court sitting in the area concerned would deal more adequately with this situation than would the proposed court.

The South-Eastern Drainage Act is another that I believe will be affected. It provides for a betterment tax to be levied upon land owners who benefit from a particular drainage scheme. In the past when disputes have arisen I believe that a local court had a good idea of property values and/or betterment benefits. A local court would be more effective than the proposed court, because I visualize that the latter would be convened in Adelaide with a Supreme Court judge hearing matters in dispute.

I appreciate that a judge's experience will be valuable and that eventually the court will become an established authority after hearing many of these matters. However, I am concerned that these are matters of taxation that will be in dispute, and I believe that once this Bill is passed little can be done about it unless each Act is amended. I have no intention of attempting to delete from the clause any of the Acts mentioned, but I merely draw honourable member's attention to these points.

The Hon. C. M. HILL: I thank the honourable member for his observations, but the Acts set down will not be affected in any way until such time as the amending Bills in connection with them have been passed. The Bills are still to be considered, and they are before this Chamber at present.

Because certain Acts are enumerated in this Bill it does not mean that establishing a new court will affect them. Each Act must be amended, and a court would not have any jurisdiction under any Act until that jurisdiction was conferred upon it by amendments to the relevant Act. In fact, there may not be any real need to mention them in this Bill, because new subsection (3) reads:

> The court shall have such additional jurisdiction as may be conferred upon it by any Act or any regulation under an Act.

That could cover the situation, but in endeavouring to be fair, because the Bills are all moving through together at this stage, we have in this instance—

The Hon. S. C. Bevan: I do not want to be bobbing up and down like a cork in the water when each separate Bill is being considered.

The Hon. C. M. HILL: I hope the honourable member will not have any objection to dealing with the Bills as they arise.

The Hon. Sir ARTHUR RYMILL: As I see it, this Bill is primarily brought forward for the purpose of assessing compensation on land acquisition. I should like the Minister to tell me how it will impact on other types of appeals from rates in relation to the cost of proceedings. Under the Local Government Act Amendment Bill this new division of the Supreme Court is substituted for the full jurisdiction of the Local Court. In my experience the Supreme Court procedure is very much more costly than that of the full jurisdiction of the Local Court. If a person does not get satisfaction from the Assessment Revision Committee he may involve himself in very expensive proceedings if this new division of the Supreme Court is substituted for the full jurisdiction of the Local Court.

The Hon. C. M. HILL: Whilst I can appreciate the honourable member's opinion that this court is being introduced primarily for acquisition cases, this is in some respects getting the position out of perspective, because we hope to channel all matters relative to property valuations through this new court. It is not correct to say that its purpose is primarily connected with the question of acquisition. If we accept that point we can get a broader picture of the purpose of this new court.

Much of what the honourable member has said refers to the Local Government Act Amendment Bill, with which we have yet to deal. It may well be that honourable members may not wish the court to act as the court to which a ratepayer can appeal if he is not satisfied with the review of the Assessment Revision Committee. So, I think we are tending to confuse what we are doing in this Bill with what we shall be doing in the various other Bills that are to follow.

When we come to the relevant Bill no doubt there will be debate along similar lines to that being developed by the Hon. Sir Arthur Rymill. His argument dealing with costs to the ratepayer in taking an appeal to the Local Court as compared with taking an appeal to this new Land and Valuation Court should be dealt with when we consider the Local Government Act Amendment Bill in Committee.

The Hon. Sir ARTHUR RYMILL: I was referring to the Local Government Act Amendment Bill as an example. There are other Bills in a similar category. New section 62d (1) provides:

The court has the jurisdiction conferred upon it under the following Acts:

Then are listed all the Acts that we have not yet dealt with. Having reached this stage, should this Bill not be delayed while we deal with the other subsidiary Bills? If we decide later that the present Bill should not apply to the Local Government Act at all, we will at that stage already have inserted in this Bill the fact that it does apply. Before this Bill is finally passed, the other Bills, all of which affect and are affected by it, should be considered. Does the Minister not think that this would be a wise procedure?

The Hon. C. M. HILL: I disagree with the honourable member. When he quoted new section 62d (1) he laid emphasis on the word "has". The Acts listed in that new section will not be affected in any way by this legislation unless the jurisdiction is, in fact, conferred under the Bills that are to follow. If we do not pass the Local Government Act Amendment Bill, the fact that the Local Government Act is listed in the schedule in the present Bill will not have any effect at all, but there is no harm done, surely.

The Hon. Sir ARTHUR RYMILL: I disagree strongly. I think it will be making a fool of this place if we get ourselves into a procedural tangle whereby we pass a Bill that says a court has jurisdiction conferred upon it by a certain Act, whereas that Act does not, in reality, confer that jurisdiction on the court. It would be just silly.

The Hon. R. A. Geddes: You would have to amend this Bill then.

The Hon. Sir Arthur Rymill: It would be out of our hands by then.

The Hon. C. M. HILL: No; that would not be necessary, and we are not being silly. We have simply added this schedule to this Bill to make perfectly clear the manner in which we will be marrying up this group of Acts with the parent Act. Honourable members will be given, and are being given, every opportunity to decide whether jurisdiction will be conferred in connection with these Acts. I do not think this procedure is foolish at all. In effect, we are being almost theoretical in including this schedule here. However, it makes the position abundantly clear.

The Hon. Sir ARTHUR RYMILL: I think it would be a very silly Act of Parliament that said that a court had jurisdiction conferred on it by a certain other Act when, in reality, it had not.

The Hon. C. M. Hill: You cannot say whether it will or it won't.

The Hon. Sir ARTHUR RYMILL: The Minister is prejudging it.

The Hon. C. M. HILL: If this Bill passes through the Committee stage, there is no objection whatever to the third reading being delayed while we deal with the other Bills. The closer I can keep them married together the happier I am. They should all go to the other place as a group. However, sometimes this is difficult to achieve.

For example, I notice that the Local Courts Act Amendment Bill has been transmitted to this Council, but the Bills associated with that Bill are still being dealt with in the other place. So, it is not always possible to keep a group of Bills together. However, if honourable members want the third reading stage of this Bill delayed until we have duly considered the Bills listed in this new section, I will be quite happy with that arrangement.

The Hon. Sir ARTHUR RYMILL: This is the sort of thing I was suggesting. Assuming that honourable members decide not to confer the jurisdiction under one or more of the subsidiary Acts, is it possible to recommit the Bill at the third reading stage?

The Hon. C. M. HILL: Yes. I move:

To strike out new section 62f and insert the following new section:

> 62f. The provisions of sections 49 and 50 of this Act shall extend and apply to and in relation to the Land and Valuation Court and any judgment, order or direction thereof.

I explained this amendment a few moments ago.

The Hon. Sir ARTHUR RYMILL: This new section does what I hoped it would do: it provides that sections 49 and 50 of the Supreme Court Act shall extend and apply to and in relation to the Land and Valuation Court, which is a branch of the Supreme Court. Why is it necessary to provide that these sections shall apply to this Land and Valuation Court when I should have thought they would apply without the insertion of this new section? Also, would the passage of new section 62f mean that other sections of the Supreme Court Act did not apply?

The Hon. C. M. HILL: My explanation is tied to the amendment we passed yesterday, which deleted clause 5. We had to do that, and now we are saying that sections 49 and 50 of the Supreme Court Act shall apply; these are the two sections relating to the usual form of appeal.

The Hon. Sir ARTHUR RYMILL: Yes, I understand that, but, as this establishes a new branch of the Supreme Court under the same Act, why do not those sections already apply to it without having to mention that fact in this Bill?

The Hon. C. M. HILL: I refer the honourable member back to clause 5, which was deleted yesterday and which stated:

Section 49 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) This section shall be construed subject to the provisions of Part IIIA of this Act.

Part IIIA is the new Part inserted by clause 6. It was necessary to strike out clause 5 as we wanted to reintroduce the fact that the appeal sections should apply.

The Hon. Sir ARTHUR RYMILL: The fact that clause 5 was struck out can be disregarded because it was proposed to be inserted and then taken out. That means nothing. I am not so worried about whether there is any need to pass this clause, because it can do no harm in that sense but, if we pass it, does it mean that other sections of the Supreme Court Act do not apply?

The Hon. R. C. DeGARIS (Chief Secretary): As I understand it, the fears of Sir Arthur are not borne out. This new section only makes it abundantly clear that the other provisions of the Supreme Court Act in relation to these matters apply to this amending Bill.

The Hon. Sir ARTHUR RYMILL: I hope my fears are not justified, but I still cannot see any need for this amendment.

The Hon. R. C. DeGARIS: If the honourable member wants to strike it out I do not think the Minister will be at all concerned.

The Hon. Sir ARTHUR RYMILL: I am happy for the new section to go in as long as it does not affect the application of other sections.

The Hon. C. M. HILL: I agree that there is no real need for it. It was inserted in an endeavour to satisfy honourable members who wanted to be assured that an appeal section was being inserted in the Act.

Amendment carried.

The Hon. C. M. HILL: I move:

In new section 62h to insert the following new subsection:

(2a) The rules may provide that the master shall be registrar of the Court and shall have and may exercise and discharge such powers, authorities, functions and duties in relation to the administration of the business of the Court as may be specified in the rules and the master may be invested with such jurisdiction by the rules as may be necessary or expedient for the purposes of this Part.

This matter, which I have already explained, arose as a result of a query by the Hon. Mr. Potter yesterday.

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

In new section 62h (5) to strike out "one month" and insert "fourteen sitting days (whether or not those sitting days occur in the same session of Parliament as that in which the rules were laid before that House)".

In his reply to the second reading debate the Minister referred extensively to the rules of court and the part they played in the setting up of this court and the defining of the manner of its administration and function in the various fields of assessment and valuation. As the provision now stands, the procedure for making rules of court is similar to that now applying to the Supreme Court Act, but again it is different from that set out in the Acts Interpretation Act, which allows the usual 14 sitting days of Parliament for a disallowance motion to be moved.

I moved this amendment because on checking over the normal procedure I found that the rules of the Supreme Court made under the Supreme Court Act were rules for the Full Court, whereas these proposed rules of court within the limitations of this amending Bill apply to a one-judge court, and a very different set of circumstances applies. It is a new court set up for a special purpose. As the rules of court will play a large part in the setting up of this court, I have moved the amendment so that Parliament will have the opportunity of fully considering the rules. I can easily visualize the situation where these rules may have to be amended later. As the Bill stands at present, the rules of court could be introduced into Parliament shortly before it was prorogued, and they would automatically pass after one month.

The Hon. C. M. HILL: I do not oppose the amendment.

Amendment carried.

The Hon. R. C. DeGARIS: I appreciate the point raised by the Hon. Sir Arthur Rymill earlier. The third reading will not be moved until all other legislation associated with this Bill is passed. If any member wishes the Bill to be recommitted to enable any alterations to be made, the Government will not object.

Clause as amended passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from November 12. Page 2936.)

Clause 23—"Points demerit scheme."

The Hon. C. M. HILL (Minister of Roads and Transport): I move:

In new section 98b (1) after "shall" to insert "subject to this section".

This is a drafting amendment.

The Hon. Sir ARTHUR RYMILL: I see no objection to this amendment, which amends the amendment I moved yesterday. I thought that the Parliamentary Draftsman was satisfied with my amendment, but apparently he was not.

Amendment carried.

The Hon. C. M. HILL moved:

In new section 98b (2) after "shall" first occurring to insert ", subject to this section,".

Amendment carried.

The Hon. C. M. HILL moved:

In new section 98b (2) to strike out "prescribed period not exceeding" and insert "period of".

The Hon. Sir ARTHUR RYMILL: When drafting my amendment I adopted the words that the Minister had included in the Bill. If honourable members refer to new section 98b (1) (*b*) they will see that a person shall be disqualified from holding or obtaining a driver's licence for a prescribed period not exceeding three months when his demerit points reach the prescribed aggregate. I drafted my amendment using those words. The Minister should therefore explain why the Government has altered its approach.

The Hon. C. M. HILL: Because of the trend that the debate has taken, it appears that honourable members favour a definite period being fixed and, indeed, I originally intended that a period of three months be fixed without any discretion being given to the Registrar. The Government has tried to include the principle of dispensing with discretionary power.

Honourable members apparently also favour the schedule showing the fixed number of points for certain offences being included in the Act. The aggregate number of points is included in the honourable member's amendment, and when a motorist has reached the total of 12 points his licence will be taken by the Registrar. It is therefore proper that a certain period be fixed without giving the Registrar a discretionary power.

The Hon. Sir ARTHUR RYMILL: The provision says that a person shall be disqualified from holding or obtaining a driver's licence for a prescribed period, not exceeding three months. Therefore, it is not a discretion in favour of the Registrar: it is a discretion in favour of the Government. We are now being asked to fix an absolute time for disqualification of three months, and this is new to me; in fact, I think the amendment came on the file only a little while ago. I should like the Minister to tell me what the position is in the other States. Is it a fixed period of three months or some other period, or what is it?

The Hon. C. M. HILL: It is very difficult to look at the schemes in the other States because they all vary in some respect. I do not know exactly the periods that apply in each of the other States. One of the problems we have encountered in drawing up this whole legislation is that each demerit scheme in every part of the world where one exists seems to differ: it seems to be fashioned on local conditions. The local traffic experts who prepare the schedule of offences and those who prescribe the particular points that go with those schedules relate them to the traffic conditions applying in those places. Therefore, it is difficult to pick out one system or some facet from any one system and say that it would be better.

The Government has always had in mind that the period of three months would be the best choice for a period of disqualification, having all these particular matters in mind. I do not know how far the honourable member wants me to pursue the point of endeavouring to obtain statistics from the other States on this matter. If it is necessary I can obtain that information, but I can assure him that a great deal of consideration was given to this matter by the committee (which comprised the Registrar of Motor Vehicles and representatives of the Police Department and the Royal

Automobile Association), and the period of three months was the time this committee thought would be the best time to choose for our system.

The Hon. Sir ARTHUR RYMILL: I thank the Minister for that explanation, which I am happy to accept. However, I wanted to point out to the Committee that this was an alteration in that previously it was a period prescribed, not exceeding three months, whereas now it is to be a fixed term. I had understood previously that it was the Government's intention to prescribe three months, and I thought I should raise the point that it is a definite alteration on what was previously suggested.

Amendment carried.

The Hon. C. M. HILL: I move:

In new subsection (7) to strike out "and the regulations".

As we are now dispensing with regulations, these words are unnecessary.

Amendment carried.

The Hon. Sir NORMAN JUDE: I move:

In new subsection (11) to strike out all words after "trifling" and insert "or that any other proper cause exists, it may order that no demerit points, or a reduced number of demerit points, be recorded against the convicted person in respect of that offence".

I have discussed this amendment with the Minister, and I realize that in some sense it slightly defeats the objective of demerit points. At the same time, I am quite prepared to debate the basic point that these points constitute an additional mark or smirch pending a possible penalty. In my opinion, we must have regard to an offence such as slightly exceeding speed limits. I think I said previously that the schedule that we have put in the Bill is very lengthy and far too complicated.

I have taken the trouble to make myself properly informed on this matter, and I realize that this schedule is spelt out fully in the Bill because it is taken directly from the Road Traffic Act. I think I said previously that this should really be an amendment not to the Motor Vehicles Act but to the Road Traffic Act, because with the exception of two things all these other offences are dealt with in the Road Traffic Act. The exceptions are the first two items in the schedule, namely, causing death by negligent driving and causing injury by culpable negligence. Personally, I think that a person who caused death by negligent driving would not be worried about the points demerit system. It seems to me that this is redundant in this schedule.

I accept the technical explanation as to why this schedule has to be so complicated, and in those circumstances I am prepared to withdraw much of my opposition in this matter. However, I point out that because of the Road Traffic Act we are unable to spell out the specific penalty for exceeding the statutory speed limit of 35 miles an hour by, say, 5 or 10 miles an hour. In the schedules of other States some are separate and not spelt out in the Road Traffic Act; penalties are varied for these offences. I think the Minister is aware of that, and there are separate penalties imposed involving varying speeds.

The Hon. C. M. Hill: In some of the schemes.

The Hon. Sir NORMAN JUDE: Yes, they are not spelt out. Experience in this State has shown that in many instances a court decides that an offence is trivial, but the objectionable part, in my opinion, is to leave it to a magistrate to decide whether an offence should attract the full scale of three demerit points or whether it should attract none at all. That must surely lead to bad judgments, and there must be occasions when a magistrate would think he should not issue a certificate of triviality, but at the same time also consider that the offence did not warrant imposition of three demerit points for, say, a speed of 41 miles an hour along Anzac Highway, whereas a speed of 41 miles an hour on the Unley Road would.

That is the reason for my amendment, and I hope that the Minister will consider a system of demerit points in connection with speed limit offences. I am certain that where there is a will, there is a way, regardless of the provisions of the Road Traffic Act. I do not agree with statements that "that is the only way it can be done".

The Hon. C. M. HILL: I am pleased to hear the Hon. Sir Norman Jude express doubts about the principle of allowing a court a discretionary power to vary the number of demerit points imposed for a specific offence because, of course, that is not the function of a court. Its function is a punitive one, whereas the whole purpose of the points demerit scheme is to deter motorists who have offended from committing further offences. It is absolutely essential for the successful operation of a points

demerit scheme that the two functions be kept separate: that of the court, and that of the authority imposing demerit points.

I am told by my officers that they do not know of any points demerit scheme in the world where a court is given power to vary the number of points imposed for a particular offence, and I assume, from tne honourable member's comments, that he is not now going to proceed with that line of argument. The Hon. Sir Norman said that he would like some demerit points inserted in the schedule in such a manner, I take it, that there would not be a set number of demerit points for speeding offences but that there would be special subsections under a main heading.

For instance, if a motorist offended by travelling at 45 miles an hour in a 35 miles an hour zoned area, because he exceeded the speed limit by 10 miles an hour he would be allotted one point. On the other hand, a motorist travelling behind that person at a speed of 65 miles an hour in the same zoned area would have a greater number of points awarded against him because of that higher speed.

I am forced to fall back on one of the fundamental principles of the scheme. I appreciate the honourable member's reasoning, and I know of his intimate knowledge of road traffic matters and of the Road Traffic Act. The problem still remains that experts in this State who drew up the schedule looked at the accident-producing offences, and they are the offences listed to form the schedule. Those officers would have considered the matter raised by the Hon. Sir Norman, that of the motorist travelling at 45 miles an hour in an area zoned at 35 miles an hour, and would also have considered the possibility of an accident in that case as against a motorist travelling at 65 miles an hour in that area. However, here we are entering an area of debate in which practically every motorist deems himself an expert, and this matter could be argued for some time.

The Hon. A. M. Whyte: The scaling of points works well in Queensland, where there is a separate allotment of points for various speed offences.

The Hon. C. M. HILL: That may well be the case in Queensland, but it does not mean it would work well here. The problem is: where are we to stop? This is the first point of debate encountered in Committee on this schedule, and I do not think it will be the last, so how are we to vary the schedule? I agree that honourable members have the right to thrash these matters out and that later, if they wish, certain things may be varied, but I ask all honourable members to bear in mind that in every State where a points demerit scheme operates the system is different. If one angle of approach works in another State, it does not necessarily follow that it will work here.

South Australian motorists have some habits peculiar to this State, as has been shown by statistics, and with that in mind the schedule and the points demerit scheme have been drawn up. I think we should consider these local habits, or failings, of motorists as evidenced by accident statistics, and surely that should be the basis of our approach.

I therefore say to the Hon. Sir Norman Jude that I leave it to this Committee to decide the matter. If it should decide to change the schedule, then the honourable member may well have a strong argument. Additional headings or subheadings under the title "Speeding Offences" must make for a longer list, and arguments have been submitted that a shorter list would be more satisfactory. If the list is extended or varied, it may well be a wise move, but I can only say that the schedule was drawn up by our South Australian experts, and I would prefer to see it remain as it is.

The Hon. Sir NORMAN JUDE: Having said what I did about the various sections incorporated in the third schedule taken from the Road Traffic Act, I also said there was no reason, if the Minister so wished, why he could not add additional items to the points demerit scheme. I realize that that comment somewhat contradicted my earlier argument regarding a shorter list. However, with regard to speed limits, I could give an example in a few words.

The Victorian scheme has a certain number of demerit points for an offence exceeding the speed limit by 15 miles an hour, which attracts three demerit points, and exceeding a speed limit by 10 miles an hour, which results in the award of two demerit points. There is no reason why that could not be inserted without having anything about the Road Traffic Act mentioned in the first column. If I am incorrect I should like to be advised on that. If the Minister opposes my amendment in connection with giving the court discretion, I think he should at least agree to putting those two points in.

The Committee divided on the question that the words proposed to be struck out stand part of the clause:

Ayes (8)—The Hons. R. C. DeGaris, L. R. Hart, C. M. Hill (teller), H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (10)—The Hons. D. H. L. Banfield, S. C. Bevan, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, Sir Norman Jude (teller), A. F. Kneebone, A. J. Shard, V. G. Springett, and A. M. Whyte.

Majority of 2 for the Noes.

The CHAIRMAN: The question therefore passes in the negative.

The Hon. R. C. DeGARIS (Chief Secretary): The next amendment is in two parts: the first part is "or that any other proper cause exists, it may order that no demerit points," and the second part is "or a reduced number of demerit points be recorded against the convicted person in respect of that offence". I can support the first part but not the second part. I believe the second part enables the court to decide the number of points that can be recorded in respect of any offence, and I am totally opposed to this philosophy. I ask that progress be reported to allow me to consider this matter further.

Progress reported; Committee to sit again.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL (QUOTAS)

Adjourned debate on second reading.

(Continued from November 12. Page 2909.)

The Hon. L. R. HART (Midland): When the Commonwealth Government, at the request of the Australian Wheatgrowers Federation, agreed to pay a first advance of $1.10 on the 1969 crop, it placed a limit (357,000,000 bushels) on the quantity of wheat on which it was prepared to pay the first advance. The inevitable result was that, if all wheatgrowers were to share equitably in this money, it was necessary to establish a quota system. The Australian Wheatgrowers Federation asked the Commonwealth Government and the State Governments to pass the necessary legislation to enable quotas to become operative

South Australian Co-operative Bulk Handling Limited acts in this State as the receiving agent for the Australian Wheat Board; under the co-operative's charter it is required to accept wheat delivered to it. In order that the co-operative may refuse to accept any wheat over and above the quotas allocated to individual wheatgrowers, it is necessary that this Bill be passed. If we do not amend the principal Act wheatgrowers in the early districts will have the whole of their grain delivered before growers in the later districts have commenced harvesting. I think it is fair to say that South Australia has been treated fairly generously; its share of the Australian quota is 45,000,000 bushels. It must be remembered that this quantity of grain has been exceeded previously only in five seasons. There has recently been considerable criticism of the amount of grain allocated under the quota system to individual farmers, some of this criticism having been made even by people who have been treated fairly generously by the quota committee.

Wheatgrowers should not lose sight of the fact that the quota committee consists of 11 people, eight of whom represent and were nominated by the industry itself and were chosen to represent various districts of the State. If criticisms are to be made of the quotas allocated, they should be directed to the appropriate representatives on the quota committee rather than to members of Parliament, as suggested by some people. The Government is acting only as an agent for the industry, and if members of the industry, on second thoughts, consider that the legislation recommended is unsatisfactory then it is up to the industry as a whole to come forward and say so. Members of Parliament individually are in no position to interfere with the quota system.

It seems that in certain areas, and pockets in areas, where there has been one year of drought and perhaps two years of adverse seasonal conditions, the quota allocated is so small that many of the traditional wheatgrowers concerned will have difficulty in meeting their financial commitments. We trust that the review committee to be set up under another Bill recently introduced by the Minister will be able to make some concessions to these people, thus enabling them to carry on in the industry.

The Hon. A. F. Kneebone: That is if there is sufficient in the contingency pool.

The Hon. L. R. HART: I was about to say that this is entirely dependent on the amount of free wheat available in the contingency pool. I think it is fair to say that it is not the quota system alone that is creating the problems in the industry: in addition, we have had a year of near-record production following a year of record production. Meetings of wheatgrowers are to be held in country areas in the next few days in order to have the quota system explained by committee members and by industry representatives. Wheatgrowers at these meetings will be given the opportunity to

express their thoughts on the system, and it is to be hoped that common sense will prevail. It must be borne in mind that this is not a Government scheme. I refer honourable members to the statement made by Mr. Price (Senior Vice-President of the Australian Wheatgrowers Federation) that was published in the *Queensland Graingrower* on July 2, 1969, as follows:

My organization accepts full responsibility in originally assessing the need for wheat quotas; and it was at our request that the Commonwealth and State Governments recognized the correctness of our attitude in endeavouring to come to grips with the current situation involving a surplus to sales potential of at least 250,000,000 bushels.

Although there may be some anomalies to be removed, I believe that this legislation is in the best interests of the wheatgrowing industry, and I support the second reading.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2909.)

The Hon. L. R. HART (Midland): The wheat industry stabilization plan operates on a five-year basis, and in each five-year period amending legislation is introduced by both the Commonwealth and the State Governments. This Bill, which has nothing to do with the five-year plan, is necessary mainly because of the introduction of the quota system and because of the need for adjustments to be made in the home consumption price of wheat other than that used for human consumption. When a quota system for wheat marketing is introduced, certain factors that emerge have to be dealt with by amending legislation. The purpose of this Bill is mainly to provide for these factors.

The cost of administering the system is dealt with in clause 4, thereby allowing the Australian Wheat Board to absorb the costs as part of marketing costs. This no doubt will slightly reduce the moneys available for distribution in the appropriate pools. The Bill also contains provisions in order to cope with the problem of handling over-quota wheat. The receiving into the bulk handling system and the marketing of over-quota wheat poses a problem because of the enormous quantity involved. Some people have suggested that over-quota wheat will be traded outside the statutory channels provided for the sale of wheat; that is, it will be sold on the black market. In the interests of the industry, it is to be hoped that this form of trading does not eventuate, as it would spell ruin to the whole system of orderly marketing, which has been so outstandingly successful during the period of the wheat industry stabilization plan.

As the Minister has said, this is only one of three Bills dealing with the industry, and I am pleased to note that in one of the other Bills safeguards are provided against over-quota wheat trading. The present stabilization plan is a two-price plan providing a guaranteed price of $1.45 a bushel on all wheat exported up to 200,000,000 bushels and $1.71 a bushel for wheat sold on the domestic market. It can be seen that producers in other exporting industries, using wheat as a stock fodder or for processing purposes, are at a price disadvantage compared with their oversea competitors, who are able to buy our wheat at a price less than that paid by the users on the local market.

Clause 6 provides for wheat sold on the local market for domestic purposes, other than for human consumption, to be sold at a price below the normal domestic price but not below the export price. Although it has been suggested in some quarters that the lowering of the local price will bring about greater local consumption, I do not necessarily accept this contention. If this did occur, it would be at the expense of other grain now used. It may provide some relief as stock fodder in the drought areas, if other fodders are not available. The industry must be extremely careful in handling its grain prices, although what happens on the domestic front has no bearing on the international scene.

The International Grains Arrangement, however, has a great bearing on the Australian taxpayer, because, for every 1c that the minimum world price set under this arrangement falls, the cost to the Australian Government is $10,000,000. The maintenance of the International Grains Arrangement is as vital to the industry as is the wheat industry stabilization plan. I have much pleasure in supporting the second reading.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

WHEAT DELIVERY QUOTAS BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2912.)

The Hon. G. J. GILFILLAN (Northern): I support this Bill, which is, I believe, the key Bill of the three similar Bills at present before

this Council. In the last two days we have heard much about the wheat problems of this State. One has only to go into the streets anywhere in the rural areas to hear these problems raised at every opportunity. This Bill explains the purpose of this whole legislation.

It is interesting to note that the great industry of wheatgrowing in Australia has been the most successful of the primary industries since the Second World War and has been held up as an illustration of how successful the orderly marketing of a product can be. Since that time, and particularly in the last few years, we have seen orderly marketing schemes started in other branches of primary industry. It is sad that the wheat industry is now in such a serious position, despite the fact that the orderly marketing of wheat has been held up as an ideal. This is probably the first real test it has had to face in competing on a buyers' market. Almost any scheme of marketing will work in a sellers' market. We need a complete reappraisal of the present situation of primary industry. Here, we are dealing with a crash programme designed to overcome the crisis facing the wheat industry in the current production year.

I come now to the Bill itself. Clause 4, which is one of the most important clauses in the Bill, provides:

(1) This Act shall apply and have effect to and in relation to any quota season.

(2) The Governor may by proclamation declare any season to be a quota season for the purposes of this Act and may by proclamation revoke any such declaration.

This clause is important because it governs not only the administration of this Act and the two similar Acts at present before Parliament but also the future use of this legislation. When speaking to the Bulk Handling of Grain Act Amendment Bill yesterday, I said I would prefer to see any renewal of the Wheat Delivery Quotas Bill done by Parliament. Although it is a complex Bill, it would not take long to reintroduce it in Parliament, if necessary, from year to year, as is done in the case of the Prices Act. I realize that problems would arise, because Parliament would not normally be sitting in March, April or May, or even June, when the farmers were preparing the ground and sowing their seed. There is no doubt that with this legislation, if a year was proclaimed a quota year, it would make it a simpler process and would also enable this to be done as an urgent and expedient measure. Parliament would be well aware of the situation developing before that time because of the wheat deliveries in the preceding harvest.

The Hon. L. R. Hart: Do you think that Parliament would be a better judge than the wheat industry itself?

The Hon. G. J. GILFILLAN: I am not suggesting that but I am questioning the point whether or not this should be in the hands of the Executive, because it could happen that at some time in the future we could have an Executive or a Minister who believed it knew or he knew more about it than either Parliament or the wheatgrower. That is not beyond the realms of possibility.

The Hon. L. R. Hart: What about the other States?

The Hon. G. J. GILFILLAN: This quota Bill relates only to South Australia and the setting up of the organization here. It could be used, I imagine, to restrict wheat production for other reasons than this year's production. For instance, it could be used to regulate storage only, rather than marketing. However, whatever we may face in the future, I believe that this legislation is safer in the hands of Parliament than by delegating powers in such a permanent form.

I do not mean this as a criticism of the present Minister or of Ministers who have held this portfolio, but Parliament should retain some control, because I fear the position where there could be solid lobbying to curtail production to meet problems that could be overcome by other means. This quota system is being accepted by growers at present only because they realize there is an emergency.

The Hon. A. F. Kneebone: There is no alternative.

The Hon. G. J. GILFILLAN: No, not in this current year. At the same time, the growers are expressing concern that this may lead to a diminution of selling effort and other means of meeting the problems that will arise in years of high production. The quota system is accepted as a desirable system only in a crisis.

The Hon. A. F. Kneebone: A necessary evil.

The Hon. G. J. GILFILLAN: Yes. I hope it works in such a way that it does not lead to any restricted thinking about the future of this industry. The wheatgrower must feel that the industry is well represented on the committee that has been referred to, because the Minister who was responsible for its setting up has now seen to it that it is written into this legislation. Of the 11 members of the advisory committee, eight are nominated by the United

Farmers and Graziers, which gives it an overwhelming representation on the committee. Of course, it then remains with the individual grower representatives to do the best they can.

Knowing the people concerned, I believe the committee will do an honest job and I commend the Minister for the move he has made in setting it up. In the future a problem may arise in that the members of the initial committee, which had to be formed at short notice, had to be nominated members. From my experience of other committees in other industries, I wonder whether it might be wise in the future to look at some form of election for these members within the organization concerned. This could be purely a domestic matter within a particular organization. One finds that the Directors of Co-operative Bulk Handling Limited, which is grower-owned, are elected for zones, and I could name other boards associated with primary production where this is the case.

I do not mean to criticize those already appointed, but the position could arise where those members with a strong personality could bring considerable influence to bear on other members. A member of any committee will tend to understand the conditions and appreciate the problems of his own district more than those of another district. If this committee is to be fully effective, it would be worth while looking at a system of election by zones within the United Farmers and Graziers, as is the case already with the Co-operative Bulk Handling Limited directors.

I have carefully read the Bill, which appears to cover almost every contingency. It provides for a Wheat Delivery Quota Review Committee which, I believe, could be an important committee.

The Hon. M. B. Dawkins: And it could be a busy one, too.

The Hon. G. J. GILFILLAN: Yes, it could very well be. Within the framework of the principle put forward by the industry, the legislation before us meets the requirements as far as the quota system is concerned. Details will have to be sorted out by the committee set up for the purpose.

It concerns me to find that in established wheatgrowing areas some quotas of about 200 bags (or 600 bushels) are laid down. I heard of a complaint over the weekend of a person who owns a part grazing and part arable property comprising 500 acres of arable land in a high rainfall area and on whom a quota of 620 bushels has been placed. In these days of modern transport, the wheat from that property would amount to only one truck-and-trailer load. This case is perhaps a little unusual, but I have heard of similar instances within the same district.

I have always considered it a pity that quotas must be imposed so as to fix a figure that is below what is only a minimum living standard. A person must produce a certain quantity of wheat to enable him just to survive, and I am not referring to his making a profit.

The Hon. A. F. Kneebone: You are referring to the traditional wheatgrower, are you?

The Hon. G. J. GILFILLAN: Yes. I believe there should be a lower limit up to which a person can grow, because a person's profit margin is a different thing from a survival figure. Many problems are associated with the administration of the Act. I believe the machinery has been set up for many of these problems to be overcome, and it is now up to the industry and those appointed by it to get down to business and do what is necessary within the provisions of the measure we are now considering. I support the Bill.

The Hon. L. R. HART secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2900.)

The Hon. L. R. HART (Midland): It seems a strange coincidence that the Leader of the Opposition in another place and the Leader in this place made virtually the same speeches on this Bill.

The Hon. A. J. Shard: You would not expect them to be different, would you?

The Hon. L. R. HART: The only difference is that the Leader in another place said that the Labor Party was unequivocally wedded to the principle of one vote one value, but the Leader in this place did not use the word "unequivocally"; perhaps he was afraid that he could not pronounce it—

The Hon. A. J. Shard: You are stumbling; you aren't going too well.

The Hon. L. R. HART: —or perhaps he is not as definite as the Leader in another place on this point. The attitude of the Labor Party in this debate is identical with the stand it has taken in similar debates over the years.

Perhaps this indicates that the Labor Party is unequivocally opposed to any form of compromise. In all legislation the purpose of the two Houses of Parliament is to try to arrive at some compromise and to produce legislation that is acceptable to the people. On October 24, 1856, there came into effect an Act to establish the Constitution of South Australia. There were several outstanding points in that Act, the principal provisions of which were that Parliament was to consist of two Houses, the Legislative Council and the House of Assembly. The Legislative Council was to have 18 members, to be elected by adult males possessing a certain property qualification; the House of Assembly was to have 36 members, to be elected on the basis of manhood suffrage. We have come a long way since that day.

The Hon. A. J. Shard: We haven't altered much.

The Hon. L. R. HART: We are now asking this Parliament to accept a House of Assembly of 47 districts. I accept that perhaps there needed to be an increase in the size of the Assembly, but I am not convinced that we needed to increase it to 47 seats: I believe that 45 seats would have been sufficient. Perhaps the increase to 47 seats represents a compromise with the Labor Party, whose policy is to have an Assembly of 56 seats.

The Hon. R. C. DeGaris: With 34 in the metropolitan area.

The Hon. L. R. HART: I was coming to that. If we are going to increase the Assembly to 47 seats, when in 1856 we had an Assembly of 36 seats and 18 members in the Legislative Council, there is a case for also increasing the size of the Legislative Council, and there are reasons for this. We accept that the Legislative Council districts cover a very wide area. It is physically possible for members to represent only a certain area and a certain number of people, and the elector is entitled to have adequate representation.

A number of factors come into the question of adequate representation, and other factors must be taken into consideration in relation to every electoral district, whether it be for the House of Assembly or the Legislative Council. Perhaps some of those factors are considered more so for the House of Assembly than for the Legislative Council. There is the question of community of interest, and I am yet to be convinced that this question was fully considered by the commission when it set up new boundaries for the Legislative Council.

I realize that the commission had a difficult task and that it was tied to certain terms of reference. I also hold the view that it did not adhere strictly to some of its terms of reference. I believe that area is more difficult to serve than are people, and any member who has represented a vast area, as country members of this Chamber do, knows that it is virtually impossible to represent such an area adequately. Therefore, I suggest that there is a good case for increasing the size of the Legislative Council. If we do this, we provide for people to be adequately represented; we give the elector the opportunity to contact his Parliamentary representative, and we take into consideration this question of community of interest.

The country districts that control the voting trend in at least four and possibly five of the new districts in the House of Assembly, even though they are regarded as country districts, are dominated by country cities. These seats are possibly Stuart, Port Pirie, Whyalla and Mount Gambier and even Millicent. It is said that under one vote one value we will have 13 country seats in the House of Assembly in the new redistribution, but if we take away the five seats I have mentioned there are only eight seats that are true country seats. It is definite that the new metropolitan area was considered in relation to the House of Assembly, but it certainly was not fully considered in relation to the Legislative Council boundaries. We know that the Labor Party is wedded to adult franchise and one vote one value.

The Hon. M. B. Dawkins: What do they mean by "adult franchise"?

The Hon. A. J. Shard: Everyone over 21 years of age is recognized as an adult.

The Hon. L. R. HART: Labor Party members have their own interpretation of this. In voting rights, South Australia has led the way over the years. It was the first State to give women the vote, and now in this State we are wanting to give the spouse a vote. However, the people who now stand in the way of giving the spouse a vote are the members of the Labor Party.

The Hon. A. F. Kneebone: No, we will give a vote to the spouse and to children over 21 years of age, too; we will go all the way.

The Hon. L. R. HART: I thank the honourable member for that interesting comment; perhaps later on he will have the opportunity to support this suggestion.

The Hon. D. H. L. Banfield: You had the opportunity last year and you wouldn't take it.

The Hon. A. J. Shard: You put it up in Annie's room.

The Hon. L. R. HART: That is open to debate.

The Hon. D. H. L. Banfield: It wasn't open to debate at all; you wouldn't take it.

The Hon. A. F. Kneebone: You could have given the spouse a vote then.

The Hon. L. R. HART: The honourable member says that we could have given the spouse a vote. However, there were many strings tied to it. We can give the spouse a vote in this State only at the price attached to it by the Labor Party, and that is why I say there is room for compromise on this Bill. The only way to get a true expression of opinion of the people in this State is to have a voluntary voting system not only for the Legislative Council but also for the House of Assembly. We have seen in recent days the number of informal votes and the methods used by people who voted informally in the Commonwealth elections. If a person has no wish to record his vote, why do we force him to attend at the polling booth? Many people attend at the polling booth simply because if they did not attend and have their names crossed off the roll they would be subjected to a fine.

Therefore, I say that there is a case for voluntary voting, just as there is a case for voluntary enrolment for the Legislative Council. I admit that at present we have voluntary enrolment and voluntary voting of a kind for the Legislative Council. However, the only way that we can get a true expression of opinion by voluntary voting is to hold the election for the Legislative Council at a different time from the election for the House of Assembly. I consider that this is very important. If South Australia wants to lead the way in relation to electoral matters, this is a matter at which we can have a very close look.

I understand that in Tasmania the election for the Legislative Council is held at a different time from that of the Lower House, and I believe that this is the only way in which we can get a true House of Review, one that is removed from the Party allegiance that ties members to the views expressed by certain Parties. I believe that there is definitely a case for providing to a spouse a vote for the Legislative Council. This has been canvassed for many years by the Liberal and Country Party: it is not a new thought. It ought to have been passed many years ago.

The Hon. M. B. Dawkins: I don't think there was a division on it here last year; the Labor Party supported it.

The Hon. L. R. HART: Yes, its members said they supported the principle. South Australia's greatest years of development were in the years when the family unit was the bastion against a permissive society. I believe we should do something to recapture and rekindle that state of affairs. Therefore, I suggest that the spouse vote is virtually—

The Hon. D. H. L. Banfield: You want to cut out the kids. It is not the family vote at all—you cut the kids out in your Bill.

The Hon. L. R. HART: The honourable member is now being childish, but it is typical of his attitude in some of these matters. In recent days there has been much conjecture by the press and much Labor Party concern about what will happen to this Bill. An article appearing in a newspaper last Friday expressed certain views.

It has been stated that Midland members will attempt to save something from the wreckage. It has always been the policy of the Legislative Council to improve legislation, and the wreckage in this instance is not of our making. We, as members of this Council affected by the proposed new distribution, do not object to our seats becoming marginal, but we do object to the loss of community of interest. This is the factor that must be considered in relation to the true representation in this Council of the electors of this State.

South Australia's growth in recent years has been remarkable. It has often been said that this is the driest State in the Commonwealth, with little or no natural resources. However, let us look at what has happened in this State in recent years. Development has not been confined to small pockets of the State, but has taken place all over the State; I will name some of the projects.

We have seen the development of pine forests in the South-East and, in recent times, in the Adelaide Hills. We have seen water reticulation schemes, resulting in well over 90 per cent of the people of this State being able to obtain water under pressure. We have seen the construction of the Morgan-Whyalla main, as well as the development of the Leigh Creek coalfield, and now the natural gas field at Gidgealpa. We have also seen the development of steelworks at Whyalla, the construction of the Port Augusta power house, and the development and growth of Elizabeth. In latter times,

south of Adelaide at Hallett Cove, we have seen the construction and development of the oil refinery and the construction of a large motor body building plant in the same area. In addition, bulk handling facilities have been built throughout the State, and we have seen the development of the Port Pirie smelters. All these developments have taken place during the term of office of the Liberal and Country Party Government.

The Hon. A. J. Shard: That is not true; the honourable member knows it is not true. Come clean!

The Hon. D. H. L. Banfield: You would not expect the honourable member to do that!

The Hon. A. J. Shard: That is not true. Gidgealpa was developed in our time, and the Labor Government played a bigger part in that development than did the Liberal and Country Party. I challenge you to disprove my statement!

The Hon. L. R. HART: I accept the Leader's interjections, but Gidgealpa was started—

The Hon. A. J. Shard: Keep it clean if you don't want a brawl!

The Hon. L. R. HART: Gidgealpa was started before the Labor Party came to power, and its development was a natural process.

The Hon. A. J. Shard: Our Government had problems put in front of it by your people.

The PRESIDENT: Order!

The Hon. L. R. HART: ' No doubt the Labor Party played its part; I will give it full marks for that.

The Hon. A. J. Shard: You give us credit for nothing; you are too miserable even for that!

The Hon. L. R. HART: I give the Leader credit where it is due. No doubt the Labor Government received some assistance from financial institutions.

The Hon. A. J. Shard: And we got it through no help from you!

The Hon. L. R. HART: In the development of the Gidgealpa field, assistance was given by certain financial institutions, some of which no doubt the Labor Party would probably have wanted to nationalize. South Australia has advanced because emphasis has been placed on development, yet we have a Labor Party that wants to alter the whole system.

The Hon. R. C. DeGaris: Did we give away Chowilla?

The Hon. L. R. HART: Chowilla is a different story.

The Hon. A. J. Shard: You had better keep off that subject!

The Hon. L. R. HART: Unfortunately, I have not my references to Chowilla with me. We have not heard the last on Chowilla.

The Hon. A. J. Shard: No, and I know who will be right.

The Hon. L. R. HART: It will be interesting to see what happens if the Labor Party is returned to office in this State, which it is often suggesting it will do.

The Hon. A. J. Shard: We will not give Chowilla away!

The Hon. L. R. HART: That will be the time when there will be some interest in what will happen about Chowilla. During the term of office of the Labor Government there was a down-turn in the economy of this State.

The Hon. D. H. L. Banfield: It did not reach the 1961 level!

The Hon. L. R. HART: It was worse.

The Hon. D. H. L. Banfield: No, it was not worse; not on unemployment figures.

The Hon. L. R. HART: I did not suggest it reached the 1961 level, because the situation in 1961—

The Hon. A. J. Shard: There wasn't a drought all over Australia in 1961. Your Government has been very lucky.

The Hon. L. R. HART: The situation in South Australia in 1961 was not of the South Australian Government's making.

The Hon. A. J. Shard: Neither was it in 1967; we did not order the drought.

The Hon. L. R. HART: In 1967 there was a down-turn in the economy and the Labor Party was in power, but since then there has been a change of Government and we have seen a considerable lift in the economy.

The Hon. A. J. Shard: You have had two beneficial seasons.

The Hon. C. M. Hill: Some good management, too.

The Hon. L. R. HART: We have had beneficial seasons, but we have also had an up-turn in the economy that has attracted more people to the State; more people to be serviced.

The Hon. A. J. Shard: In spite of your Government.

The Hon. L. R. HART: With the dry season we know we had to keep the Mannum pipeline pumping.

The Hon. A. F. Kneebone: You are pumping, but we had a dry season.

The Hon. L. R. HART: But even at the present time, with the beneficial seasons referred to by the Leader, we still have to pump water from Mannum.

The Hon. A. J. Shard: And you will have to pmup it in the best of seasons!

The Hon. L. R. HART: We will have to continue pumping it for all times; I accept that.

The Hon. A. J. Shard: And we were overburdened with it, and your Party had no sympathy for us; you were praying that that situation would continue.

The PRESIDENT: Order!

The Hon. L. R. HART: The only criticism I made during the term of office of the Labor Government about pumping water from Mannum (and I think this appears in *Hansard*) was that the Labor Party left it too late to start pumping.

The Hon. A. J. Shard: The facts proved that we did not. No restrictions were imposed; you had all the water you wanted. I think your Party was hoping there would be restrictions; I believe some of your members went home and prayed for that!

The Hon. L. R. HART: If the Labor Party Government had imposed restrictions, possibly it would have gained more support from other States on Chowilla.

The Hon. A. J. Shard: Rubbish!

The Hon. L. R. HART: I have other criticisms to make of the Bill.

The Hon. M. B. Dawkins: What about the metropolitan area as between the Council and the Assembly?

The Hon. L. R. HART: As far as the metropolitan area is concerned, it was recognized by the commission for another place, but large areas of the metropolitan area are to be contained in country Legislative Council districts.

The Hon. M. B. Dawkins: That is inconsistent.

The Hon. L. R. HART: As my honourable friend has reminded me, that is inconsistent. The commission made certain recommendations about the names of electoral districts, but they were not necessarily firm recommendations. It is rather saddening to think that the names of some prominent people who played an important part in the development of this State will no longer be used in connection with electoral districts. One such name has been referred to by some other honourable members—the name "Ridley". The electoral district that has borne this name is situated in a most appropriate part of the State.

The name "Goyder", to be used for one of the proposed electoral districts, is the name of one of our early citizens; he very accurately pinpointed areas that could be regarded as safe areas. Whilst we have the opportunity, we should make amendments in regard to the names of certain districts. I take exception to the Premier's giving an assurance in another place that any amendments carried in this Council will require a constitutional majority before they will be agreed to in the House of Assembly. This requirement is not in accord with the Constitution and is not a procedural requirement.

The Hon. D. H. L. Banfield: Can the Premier's word be taken as gospel?

The Hon. A. J. Shard: Yes, on this matter it can be.

The Hon. D. H. L. Banfield: The Premier has let us down on a couple of other occasions.

The Hon. L. R. HART: No matter how justified an amendment by this Council may be, it will not be agreed to in another place if an Opposition member merely refrains from exercising his vote.

The Hon. A. J. Shard: How do you work that out?

The Hon. L. R. HART: Surely the honourable member does not want me to explain that. In the other place a constitutional majority cannot be obtained if one Opposition member refrains from voting.

The Hon. A. J. Shard: You can have a constitutional majority if a Labor Party member votes with your Party.

The Hon. L. R. HART: If a constitutional majority is required and if the Labor Party adopts the attitude I have described, any amendment carried in this Council will not be agreed to in the House of Assembly. This Bill needs amending, and thinking people in the community want it to be amended. I hope there are sufficient people in this Parliament who are not bound by Party allegiance and are big enough to accept amendments.

The Hon. Sir NORMAN JUDE (Southern) moved:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (14)—The Hons. M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman

Jude (teller), H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Motion thus carried; debate adjourned.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (COURTS)

Received from the House of Assembly and read a first time.

JURIES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

JUSTICES ACT AMENDMENT BILL (COURTS)

Received from the House of Assembly and read a first time.

JUVENILE COURTS ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

POOR PERSONS LEGAL ASSISTANCE ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

OFFENDERS PROBATION ACT AMENDMENT BILL (COURTS)

Received from the House of Assembly and read a first time.

PRISONS ACT AMENDMENT BILL (COURTS)

Received from the House of Assembly and read a first time.

EVIDENCE ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

FISHERIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CRIMINAL INJURIES COMPENSATION BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2914.)

The Hon. F. J. POTTER (Central No. 2): I have pleasure in supporting the second reading of this Bill, which is the first enactment in this State providing for compensation for persons who are criminally assaulted in one way or another by people who are either convicted or cannot be apprehended and convicted. This Bill provides for compensation by the State for such victims. In effect, the State is recognizing that it has a duty towards citizens who may be innocent victims of criminal attacks. This type of legislation is not new either in Australia or in other parts of the world. Similar legislation is in force in the United Kingdom. New Zealand was a pioneer in this field, and Victoria and New South Wales, too, have legislation for this kind of compensation.

The Hon. D. H. L. Banfield: Victoria does not give it to everybody, though.

The Hon. F. J. POTTER: No; and in all cases the amount of money payable is limited. In New South Wales it is limited to $2,000, and reference is made to a limit in this Bill. I appreciate what the Minister said in introducing the Bill, that the Government would have liked to go beyond the amount stated in the Bill as a maximum; however, this is a start and it is hoped that in the future reviews will be made from time to time of the money available for this type of compensation.

Under the present Criminal Law Consolidation Act and the Police Offences Act there is provision for the court to award compensation, which is limited to out-of-pocket expenses under both Acts. The award of such compensation may be enforced by some order or by imprisonment in the event of non-payment. Although this sometimes provides a salutary way of enforcing the payment of money, it does not get money from the person with no assets; nor does it help if the person convicted decides he will serve a term of imprisonment and so escape paying monetary compensation.

Most people who are injured as a result of an assault have a civil right to take an action for damages. Provided they obtain a judgment, they can use all the facilities available in civil law against the property and income of the person against whom a judgment is ordered. Indeed, it has been my experience, albeit a limited one, in this field that 95 per cent of people anyway would much prefer to take a civil action for damages as a result of an assault upon them than try to get the rather meagre compensation order available through the criminal courts. There are two reasons for this: first, they can get much higher damages

under civil law, and, secondly, they have the full facilities for recovery against the offender. However, we cannot get over the fact that in many cases a person who is guilty of a crime has no money.

The real purpose of this Bill is to cater for that eventuality, because even here, where the court is empowered to award up to $1,000 damages against a convicted person, it is in the event of that person being unable to pay that recourse is allowed to the victim against the State Treasury. In that event the Treasury will pay up to the amount awarded by the court, and the Treasurer will stand in the shoes of the victim and will be able, if it is possible within the limits allowed by the law, to recover the moneys paid out. I do not know how successful the Treasurer is likely to be in this respect; I doubt whether very much will be recovered and ultimately paid back to the Treasury.

Nevertheless, the principle has been recognized in the Bill that this money should be paid. This idea was originally initiated by the present Attorney-General some time ago when he successfully moved in another place a motion to the effect that a provision such as this should be made. Now he has had the opportunity of seeing it come to fruition. The Government is to be congratulated on taking this step, even though the sum involved is limited.

I have on file an amendment concerning the investigation to be made before the Treasurer pays out the money. It is not a very important amendment, but I consider that the Master of the Supreme Court and not the Solicitor-General (as provided in the Bill) is the appropriate person to make the necessary inquiries and to give the necessary authority. The Master deals with this kind of matter every day in the course of his duties and, therefore, he would be the most appropriate person to exercise the responsibility provided for in clause 8. However, that matter can be dealt with in Committee. I have much pleasure in supporting the Bill.

The Hon. H. K. KEMP secured the adjournment of the debate.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2918.)

The Hon. V. G. SPRINGETT (Southern): Oil is the product of marine life that has changed and developed over millions of years. It is somewhat ironical that legislation is now needed to protect the natural inhabitants of the sea and coasts from its effect. The vast and ever-increasing quantities of oil now required to maintain an ever-growing and developing civilization is staggering.

The need to bring refineries as near as possible to our settled areas adds to the complexity of control. Larger and more sophisticated refineries, and much larger (almost frighteningly large) tankers carry the crude oil from the oilfields to the refineries. A certain amount of cleaning and clearing of tanks is vital, and much of this can be done at sea. Many people are not aware what crude oil is like. Certain types of oil can be thick and dense, and almost black, like bitumen. Stringent control of its release is vital.

The washing out of tanks may be done at sea, but the resulting product is discharged on the shore. Heated water is used, and a rather revolting mixture is pumped into the tanks, passed through skimmers, and then through settling tanks. The resultant product is then tested before being returned to the sea to ensure that it contains not more than a specified number of parts per million of oil. It is checked to ensure that it is of the correct gravity, that it has an appointed and correct bacteria count and an approved oxygen content. In other words, regulations are laid down that the return of this product to the sea should be within certain standards and accepted measures.

I am surprised to learn that we in South Australia have no detailed specifications to control the standard of water returned to the sea. The refinery in this State uses American standards and the Victorian legislation. I wonder, therefore, whether in the not too distant future this State will have to go further with such legislation.

Another point regarding water being carried in the tanks of oil tankers is that very often large ships have to travel in ballast, as a result of which water is carried; that water is then emptied at the refinery. All valves under the water in tankers must be kept shut and lined up and duplicated, and when the tankers are alongside the wharves a 24-hour watch must be kept. Scuppers are plugged and trays placed under manifolds to catch any spillage of oil. Yet against all this precaution and protective measures, the problem arises of the careless release of oil near the shore. Perhaps even the deliberate release (although one would not think this is possible) of oil can occur, and this Bill is meant to cover these matters.

I pay my respects to the oil companies all over the world, who accept their responsibilities and recognize their duties. Equally, a tribute must be paid to those people, individual persons and groups, whose objective is the conservation of the flora and fauna of the land and sea. The latter is a virtually untapped source of food, and it cannot be allowed to be destroyed or damaged heavily.

The effect of a major disaster by reason of a serious accident was all too vividly exposed when the *Torrey Canyon* was wrecked and broken up off the coast of Land's End, on the south-western tip of England. The effect of that disaster was felt not only on the British coast but also on the Continent. Massive damage was done to wildlife, some of which can never be replaced.

A serious event, fortunately not so serious, much nearer home was the recent accident in New South Wales. All the efforts of legislation go for nothing when such events occur, and on such occasions the importance of bodies concerned with conservation is highlighted. The voluntary work done around the coast after the *Torrey Canyon* disaster will live for many a day as many breeds of birds and other living creatures survived only because of the work done by conservationists. However, we do not look upon them just as a group of people who go into action when there is a crisis: they are a group of people dedicated to do all they can to ensure that our future generations have some of the glories that we enjoy.

I support this Bill because of the effect it will have in trying to help preserve the natural life of the sea and of the land, and not just the land along the coast. If we go into this question of conservation more fully, we only have to look at the hills around Adelaide to see how they have been despoiled in some places. However, that is another matter altogether. A Bill such as this, having as its purpose the protection of the sea and all that lives in and around it, deserves support. Therefore, I support the measure.

The Hon. H. K. KEMP secured the adjournment of the debate.

CHILDREN'S PROTECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2899.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill, which was introduced as a result of a report submitted by the Law Reform Committee and the Social Welfare Advisory Committee. Its purpose is to try to protect children who have been battered or otherwise ill-treated by their parents. In his second reading explanation, the Minister of Local Government said:

From time to time, medical observers have drawn the attention of their colleagues and the public generally to a somewhat distressing situation known as the "battered baby syndrome".

Why it is necessary to use a word such as "syndrome" is beyond me. Although we all know what it means, it seems that professional men always try to use a word which they understand but which no-one else does, and this is unfortunate. If professional men would talk in the language of laymen, we would all understand them and know where we were going. I might add that I took the trouble to find out what the word meant.

The Bill provides that a spouse can be compelled to give evidence against the person accused of ill-treating a child. According to the report and the second reading explanation, medical practitioners, dentists and other persons whose duties bring them fairly frequently in contact with young people are often by nature disinclined, because of their professional status, to report suspected offences. As I understand the Bill, it sets out to impose a duty on those people to report suspected offences, and I agree to that provision. I point out to my professional friends, people such as doctors and dentists, that a clause in the Bill gives them every protection against actions for defamation, for malicious prosecution, and the like.

I hope that in the interests of the community the people concerned will go along with this. I know I get horribly hurt and upset when I read in the newspapers about how some children have been ill-treated, and I wonder how any human being can so ill-treat young children. I do not know how this sort of thing can be prevented. In the concluding part of his explanation, the Minister said:

I would emphasize that the main purpose of this measure is not to punish people who inflict harm on children since their very acts may well give rise to questions of their criminal responsibility; it is rather to protect the children from further violence by isolating circumstances in which the violence occurred.

I know we cannot prevent the first act of violence, but surely any person, irrespective of his personal standing in the community, should do everything possible to assist such

people as social welfare officers and members of the Police Force to prevent subsequent acts of violence occurring. I cannot understand how people can just shrug their shoulders and say, "Well, this has happened, and it is a nasty business; I know the facts of the case but I just cannot give them." I hope this Bill achieves what it sets out to do. My only regret is that there is no way in which we can prevent the first acts of violence against young children.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

Adjourned debate on second reading.

(Continued from November 12. Page 2923.)

The Hon. A. M. WHYTE (Northern): In speaking to the measure, I am mindful of the significance of the occasion, because I have been assured that never before in this country has such a social decision rested with so few. I do not intend to sidestep what I believe is my responsibility in this matter as a Parliamentary representative. Most of the people who have approached me on this subject of abortion have clearly indicated their opposition to any attempt to liberalize the present law.

When this Bill was revived in the other House one of its advocates, having lost some ground in a discussion with me over the matter, said, "Of course, I would not expect you to vote for this measure because of your religion." I was delighted with that, because no-one else had ever written me up very high for religion before. I assure honourable members that any decision I make on this legislation will have nothing to do with the fact that I follow the teachings of the Catholic Church. I hope that the decision, momentous as I consider it to be, will not rest on those lines with other members of this Chamber.

Since the passing of this Bill could well affect legislation right throughout the Commonwealth, it is a serious matter, and I am sure honourable members will give their own personal views. The clause that is of great consequence is the one that introduces new section 82a, in which it is intended to liberalize (or I suppose one could say "legalize") the present law. It is said that the present legislation is not clear enough and that in some way it involves medical practitioners to a point where they do not fulfil their obligation to society because of fear of prosecution. This is something that I do not believe.

I do not know of many medical men who would hesitate to attempt to save a life wherever possible, even though they knew that they might be infringing the present law. I do not consider that new section 82a will achieve what is intended by those who designed the Bill. There have been many attempts at implementing similar legislation. In Russia and Yugoslavia liberalization measures permitted abortion, but abortion has since been outlawed. It is all very well to say that people can do what they like, but eventually it catches up with us. Those countries found that they had to return to more stringent laws.

This Bill is based largely on the United Kingdom Act. I understand that in the United Kingdom people who supported the legislation are already seeking an investigation into the present practice. They realize that the Act there has not achieved what they thought it would achieve. It was thought that it would give greater freedom to doctors to perform their duties and that it would prevent backyard abortions. There is no evidence that doctors have experienced any greater freedom, but there is a fair amount of evidence that the number of abortions has increased, whether those abortions are backyard or otherwise (no-one can estimate what percentage of abortions are backyard abortions).

One could read facts and figures until one's head rang like a bell, so I will not attempt to quote figures. However, I do not blindly accept or refute what gynaecologists and legal practitioners have told me. I have studied the various comments made and have found them a valuable guide toward making a decision on this matter. I was most interested to hear the speech of the Hon. Mr. Springett yesterday; he gave instances of his practical association with this matter. I am not a medical or legal man, and the decision I have made is based on what I know about people.

I am very ready to say that our social structure could do with an overhaul in many ways. Many honourable members would agree that something should be done to assist unfortunate women, but I do not believe that we will achieve this aim by liberalizing abortion laws. I have always thought that if ever there was a creature that was given a burden to carry it was the female of the human race. If I could legislate in any way to assist her in carrying this burden I would not hesitate to do so. If I were to come back on this earth, the last thing I would want would be to be a woman. Women seem to have the heavy end of the chain to carry all the time.

It is thought that in some cases an authorized termination of pregnancy will assist some unfortunate woman who, for social or psychiatric reasons, needs assisting. I believe that such women could be assisted much better and, indeed, the whole of our society could be assisted better if we did not cast the stigma that we cast on women who become illegitimately pregnant. This is where society falls down: we are the ones who cast the stone and say, "This woman is not what she ought to be. She is morally wrong and has infringed our moral code." At least we should say that she has not gone so far that she cannot be redeemed. This would lessen the necessity for this Bill. These are my views, as a layman.

What creates the need for abortion is fear—fear of one's fellow creatures. During my life I have seen how animals will abort under the pressure of fear—horses, cattle, a dingo caught in a trap. Anything that is cornered and really frightened can induce an abortion. This applies, too, to the human race—it is the fear of stigma that encourages and, in some cases, forces people into an unfortunate situation.

The Hon. D. H. L. Banfield: That is not the only reason though, is it?

The Hon. A. M. WHYTE: I agree; there are legitimate reasons. Over the years medical practitioners have coped with this matter satisfactorily. Some have said that they do not want the present situation to continue, because there is a fear of legal prosecution. However, there is no evidence of this. Legislation is generally altered to assist people in the community whose rights are being prejudiced. When a Bill such as this comes before Parliament such members of the community make every effort to have their case heard. They lobby, write letters, telephone, and approach every honourable member they can in an attempt to have their case justly presented in Parliament. Of all the people who have approached me—and there have been many—only one has been a doctor. It is hard for me to believe that the legal fraternity has asked for this Bill. As a matter of fact, it would be hard for the gentleman who introduced the matter to give any real solid reason why he did. Clause 3 authorizes two legally qualified medical practitioners to terminate a pregnancy. It states:

If the pregnancy of a woman is terminated by a legally qualified medical practitioner in a case where two legally qualified medical practitioners are of the opinion, formed in good faith—(i) that the continuance of the pregnancy would involve greater risk to the life of the pregnant woman . . .

That seems to throw the whole thing wide open. Dr. B. Goodhart, writing in the *British Medical Journal,* said this:

Since the almost non-existent risk to the life of a healthy woman in an abortion properly performed early on in pregnancy is indeed likely to be less than the present very low, but not wholly negligible, risk in childbirth, it is hard to see how any doctor could justify a refusal to give such a certificate.

That is from a doctor writing in the *British Medical Journal.* Bearing that in mind, I agree entirely that the words "greater risk" throw the whole law open, because it is not hard to prove that there was a greater risk for a woman to continue pregnancy than there was in having an abortion performed by a specialist. As regards the conscience clause, it may be harder for a doctor to prove that he acted from a sense of conscience than that he aborted because of the greater risk. New section 82a (3) 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 shall be taken of the pregnant woman's actual or reasonably foreseeable environment.

That is a direction to the medical practitioner that he shall take into consideration the woman's actual or reasonably foreseeable environment. Having been directed to do this, there is very little else that the medical practitioner can do but go along with the demands of the woman. Possibly because it is thought the hospitals are overcrowded, it is stipulated that a woman who desires an abortion must have resided in South Australia for at least four months. I do not think we can approach this matter halfway and say that abortion is good but it is good only for South Australian women. If it is so desirable and if it is necessary as a step forward in our society (which I say it is not), then surely any Australian woman qualifies under this formula. She should be entitled to an abortion whether she has been in South Australia for four months or four days. One of the dangers is that, if South Australia does become the abortion State of the Commonwealth (as it will do if this Bill is passed) and if a woman living in another State finds she is pregnant and then has to reside in South Australia for another four months to qualify with the requirements of this Bill it makes the whole affair a disgusting business.

The Hon. D. H. L. Banfield: How would this affect incoming migrants? They would miss out.

The Hon. A. M. WHYTE: We cannot guarantee that everyone will observe the law as it is written. We have no proof that every doctor is a "goodie", that he would not capitalize on some of this legislation to make a fairly good business out of it. It was revealed before the Select Committee that doctors were doing this. In fact, a very good trade has been set up in some other States and it could be made reciprocal with South Australia. Perhaps section 92 will have to be invoked. To suggest we restrict this to a four months' period is wrong and one wonders whether these people have really considered what they are talking about. I shall have considerably more to say about this Bill if it ever reaches the Committee stage.

I oppose it in its entirety. I believe the present law is satisfactory. If a woman was to approach me and say, "I want an abortion", I would say, "It is none of my business, but I do not think you ought to"; but, if she came to me and said, "I want you as a politician to legalize facilities for me to have an abortion", I would say, "No thanks." I would not want to be involved in that. If this Bill is passed, the great responsibility of which I have spoken will rest on every honourable member. If honourable members vote for this Bill, they will have some responsibility for every legally terminated pregnancy in South Australia. I ask all honourable members to consider seriously what I have said. I oppose the Bill.

The Hon. C. D. ROWE secured the adjournment of the debate.

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendment.

The Hon. R. C. DeGARIS (Minister of Mines): As honourable members appreciate, this Act is complementary legislation and this amendment brings it into line with the Commonwealth Act.

The Hon. A. J. Shard: We have not seen the amendment yet.

The CHAIRMAN: It is as follows:

Section 92 of the principal Act is amended by striking out from subsection (2) the passage "five dollars" wherever it occurs and inserting in lieu thereof, in each case, the passage "one hundred dollars".

The Hon. R. C. DeGARIS: Section 92 of the Act deals with the imposition of registration fees. It provides that there is payable to the designated authority in respect of a memorandum of transfer or a memorandum of approval of an instrument a fee at the rate of 1½ per cent. Subsection (2) provides as follows:

Where, but for this subsection, the amount of the fee imposed by the last preceding subsection in respect of any memorandum would be less than $5, the amount of the fee imposed in respect of that memorandum is $5.

The amendment takes the fee to $100, which is in line with the Commonwealth legislation.

Amendment agreed to.

UNDERGROUND WATERS PRESERVATION BILL

Returned from the House of Assembly with the following amendment:

Page 10, after line 10 (clause 20)—insert the following subclause:

(6) The Minister may by notice in writing served upon the owner or occupier of any land grant an exemption from the provisions of this section in relation to a well situated upon the land and while such an exemption (which may be limited in duration or revoked by a subsequent notice served upon the owner or occupier of the land) is in force, the provisions of this section shall not apply to or in relation to the well.

Consideration in Committee.

The Hon. R. C. DeGARIS (Minister of Mines): It has been disclosed that in certain springs an owner of land has sunk a well to a depth of, say, 4ft. to 10ft. to increase the flow. It has been mentioned that to cap or fit such a well with valves would be difficult. This is a further amendment to ensure that, in these circumstances, the Minister may, by notice in writing, exempt the owner from that provision. It is acceptable to the Government.

The Hon. H. K. KEMP: I am pleased about this amendment, because in some sections of artesian water-bearing country waste is occurring. We must control it, but as yet we do not know how to do it. I refer to the section below Kingston, in the South-East, where serious waste is occurring. Doubtless, these wells must be capped in future, but I do not think the Mines Department at present can say what should be done. Although the circumstances that have given rise to the amendment, namely, the small springs and the small wastage occurring in parts of the Adelaide Hills, may not warrant the amendment, the situation in the South-East certainly does warrant it.

Amendment agreed to.

ADJOURNMENT

At 5.38 p.m. the Council adjourned until Tuesday, November 18, at 2.15 p.m.