LEGISLATIVE COUNCIL

Thursday, November 20, 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's Deputy, by message, intimated his assent to the following Bills:

Dog Fence Act Amendment,
Fisheries Act Amendment,
Gas Act Amendment,
West Lakes Development.

QUESTIONS

QUARRYING

The Hon. H. K. KEMP: Has the Minister of Local Government a reply to my question of October 30 about quarrying?

The Hon. C. M. HILL: Regarding the first part of the question asked on October 30, the original application on behalf of White Rock Quarries Pty. Ltd. was for the use of certain land for stockpiling as a first stage, and for the erection of plant for ancillary crushed stone products as a second stage. The State Planning Authority has approved only the first stage proposal for stockpiling, subject to conditions as detailed in my reply of October 23, 1969. Taking account of all the circumstances, it seems to me that the authority's decision was reasonable.

Regarding the second part of the question, land owned by White Rock Quarries Pty. Ltd. extends about a mile along Norton Summit Road from the Horsnell Gully Road junction. The question whether the State Planning Authority can exercise control over the extension of a quarry excavation on land already held by a quarry operator such as White Rock Quarries Pty. Ltd. is currently a matter of dispute before the Supreme Court in connection with another quarry. Declaratory orders have been sought as to the rights of the parties. Until a decision has been made by the Supreme Court, it is not possible to state whether or not there is power under the Planning and Development Act to prevent the working of any particular part of the White Rock Quarries Pty. Ltd. holding

NURIOOTPA PRIMARY SCHOOL

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Local Government, representing the Minister of Education.

Leave granted.

The Hon. L. R. HART: Over a long period of time many questions have been asked in the Council about the building of a new primary school at Nuriootpa. On August 13, in answer to a question, the Minister replied:

A schedule of requirements for the replacement of the Nuriootpa Primary School on a new site has been prepared and submitted to the Public Buildings Department. However, because of the need for the erection of new schools in rapidly developing areas or the urgency for the replacement of schools which are in a worse condition, it has not been possible yet to have Nuriootpa placed on a definite programme.

This morning I received the following letter from the Secretary of the Nuriootpa Primary School Committee:

At a recent meeting of the Nuriootpa Primary School Committee it was decided that we should once again bring to your attention the need for a new school at Nuriootpa. From being quoted as being one of the 10 worst schools in South Australia five years ago, we would expect to have moved considerably nearer to the day when we can see our new school constructed. We fully appreciate the problems of State finance but we also realize that our children deserve the same atmosphere and opportunity that the majority of Australian children enjoy.

That is signed by the Hon. Secretary of the school committee. In view of the unsatisfactory conditions at the Nuriootpa Primary School, can the Minister say whether consideration can be given to advancing the construction date of the new school?

The Hon. C. M. HILL: I shall refer the matter to the Minister of Education. I thank the honourable member for supporting and bringing forward the representations made to him by the people of Nuriootpa. The Minister of Education may be able to add something further to the report she brought down that has been read; I shall get the very latest information for the honourable member.

FLUORIDATION

The Hon. A. J. SHARD: On Tuesday last I asked the Minister of Agriculture, representing the Minister of Works, whether fluoride had been added to the water, and, if not, when it would be. I understand he has an answer for me.

The Hon. C. R. STORY: My colleague, the Acting Minister of Works, has furnished me with the following report:

No water has been fluoridated, but fluoride will be added comparatively soon. I cannot say yet whether it will be added this calendar year or early in the new year, but I imagine that probably it will be added first at Happy Valley

reservoir or one of the other southern reservoirs. However, I will obtain the necessary information and, when the time comes, I will announce it; but it will not be done without a public announcement being made by me.

KIMBA ROAD

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. A. M. WHYTE: As most members would realize, water carting has once more commenced for the Kimba township. The Engineering and Water Supply Department is carting by heavy tankers 50,000 gallons a day from a local supply about 14 miles from the town. Can the Minister say whether, considering the amount of damage that will be caused to the road over which these tankers will travel, his department will make a special allocation towards the upkeep of the road?

The Hon. C. M. HILL: If this road is damaged as a result of the necessary carting of water, I am sure the Highways Department will look at the matter sympathetically. Applications for allocations are usually initiated by the local government body concerned and, whether a direct request is made or whether it comes through the local government body, I assure the honourable member that the department will sympathetically examine the question at the appropriate time.

TRAFFIC OFFENCES

The Hon. H. K. KEMP: Can the Minister of Roads and Transport say how many of the 600 motorists reported as having had their licences cancelled in October were convicted for repeated speeding offences, and what were the other principal reasons for cancellation? Also, when does the Government propose to enforce the recently introduced legislation requiring long vehicles to travel wider distances apart?

The Hon. C. M. HILL: I shall obtain the information in relation to the honourable member's first question. In relation to the second matter, I understand that the provision that long vehicles must travel at least 200ft. apart is now being policed, although I have not heard of any cases in which action has been taken. Honourable members must appreciate that it is not an easy regulation to police because the rear driver is not offending if he is about to overtake the vehicle in front of him. Nevertheless, I will take the matter a little further and ensure that the police give special attention to this offence.

I point out that long vehicles have been seen to travel shorter distances apart than 200ft., especially through the Adelaide Hills on the route to Melbourne. Indeed, associates of mine have noticed trucks driving a much shorter distance apart than that. This is a dangerous practice that does not allow motorists travelling behind such trucks to pass without taking considerable risks. If it is found by the policing authority that the regulation is not being obeyed, drastic action will be taken against offenders.

SWIMMING CENTRE

The Hon. C. D. ROWE: Some time ago I asked the Minister of Local Government if he would secure for me a plan showing the area to be brought under garden development near the North Adelaide swimming pool. Has he a reply?

The Hon. C. M. HILL: The following information has been supplied to me by the Town Clerk of the City of Adelaide, who has also supplied me with a plan showing the Adelaide swimming centre in the north park lands. The surrounds of the swimming centre will be reticulated, grassed and planted with suitable trees and shrubs to relieve the bareness of the slopes and to blend with existing plantings. The area, which is bounded by Fitzroy Terrace and Jeffcott Street, will also contain a picnic barbecue area.

A section of the park has been made available to the Lions Clubs of Adelaide for the development of a novel children's playground, and equipment will be progressively installed by that organization. Money and materials for this project are being donated by business houses and other organizations, and I understand that the value of guarantees received to date is very pleasing.

I have with me the plan of the area, and this can be made available to the honourable member for his perusal. If any other honourable members would like to see it I shall be only too pleased to show it to them.

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

Read a third time and passed.

LAW OF PROPERTY ACT AMENDMENT BILL (COURTS)

Second reading.

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

That this Bill be now read a second time.

This short Bill has the effect of increasing from $2,500 to $8,000 the limit of jurisdiction of local courts of full jurisdiction conferred by section 105 of the principal Act in relation to questions between husband and wife as to title to or possession of property.

The provisions of the Bill are consequential upon and consistent and in line with the increase of jurisdiction proposed in the amendments to the Local Courts Act contained in the Local Courts Act Amendment Bill, 1969, and it is intended that these Bills will become law on the same day.

The Hon. A. J. SHARD secured the adjournment of the debate.

CORONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 3089.)

The Hon. A. J. SHARD (Leader of the Opposition): This Bill makes a number of miscellaneous amendments to the Coroners Act following recommendations made by the City Coroner. I understand that the amendments have been examined and have been considered quite satisfactory. Therefore, I support the Bill.

The Hon. F. J. POTTER secured the adjournment of the debate.

LOCAL COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 18. Page 3029.)

The Hon. A. J. SHARD (Leader of the Opposition): I oppose the Bill. It contemplates the setting up of a three-tier court system in South Australia, as it would appear that the system provides for an increase in the local court jurisdiction and for a district court under the control of a recorder. The district court will exercise a criminal jurisdiction in cases where the prescribed penalty is less than imprisonment for 10 years. In other words, it is contemplated that some of the criminal cases at present dealt with by the Supreme Court will be handled in a lower-grade jurisdiction.

Cases tried in the district court would be triable by jury, and there would necessarily be the concomitant expense of providing adequate buildings for the courts and suitable accommodation for the juries while the court was no circuit. In cases of offences where the penalty is in excess of 10 years the offence will be triable in the Supreme Court and, as statistics show, a large number of cases now heard in the Supreme Court in its criminal jurisdiction are those where the maximum penalty is less than 10 years imprisonment. It would appear that the effect of the amendments is to relieve the Supreme Court of a number of cases within its jurisdiction by extending the jurisdiction of the local court.

A further point to consider is that an enlarged district court will require a new set of rules and method of procedure; this, in turn, will cause delay rather than provide for the expeditious determination of cases. All in all, I am of the opinion that the Bill will involve the Government in greater expenditure and not provide the remedy which the Bill seeks to provide.

A more appropriate means of approaching the problem would be for the procedures in the courts to be simplified, and for a greater number of judicial officers, both in the Supreme Court and in courts of summary jurisdiction, to be appointed so that all matters coming before the courts can be dealt with expeditiously. The Bill, as I see it, will make litigation more complex and will not attract sufficient members of the legal profession into applying for appointments as magistrates in courts of summary jurisdiction.

I have two main objections to the Bill; first, I am of the opinion that it will not work as we have been told it will work and, secondly, that it will be extremely costly. I have heard that the estimated cost of establishing a three-tier court system, as it is entitled, will be not less than $250,000 a year. My comment on that estimate is that from my experience of official estimates in the past, that will be the minimum amount. In saying that, I know it is necessary that justice should be dispensed. A comment made by the Premier on another matter was that the cost of establishing a certain service could possibly deprive the State of another school.

The Hon. R. C. DeGaris: That was in connection with the Public Service inquisitor?

The Hon. A. J. SHARD: Yes. If the Premier is so concerned about cost, let me say that possibly the yearly cost of establishing this court system, that has met with a mixed reception outside Parliament both by members of the legal profession and by many other people, would be sufficient to provide a hospital and possibly two schools.

The Hon. L. R. Hart: It might bring in some more revenue.

The Hon. A. J. SHARD: I am thinking mainly of the cost to the Crown; that is, after any revenue has been collected. I know that court costs produce some revenue, but in many cases people cannot pay the costs. By the time this system has been set up it will cost the Crown about $250,000 a year.

The Hon. R. C. DeGaris: Have you any answer to the delay in hearing court cases?

The Hon. A. J. SHARD: Yes, appoint more officers of the court. The system should be streamlined. I think the salary offered to stipendiary magistrates has not been high enough and, consequently, we have not attracted sufficient members of the legal profession. I visualize that the cost of establishing this new court system will be out of all proportion to the benefits to be derived from it, and once it has been established it will be difficult for any future Government to undo it.

The Hon. F. J. Potter: It can't be undone.

The Hon. A. J. SHARD: It cannot be undone in this type of case. We are trying to bring in an experiment that has met with a mixed reception outside Parliament; it will cost, according to a Minister of the Government, about $250,000 a year. Much has been said during the time I have been in this Council about this being a House of Review. I will listen with interest to my legal friends or, as they say in legal circles "my learned friends", on this matter. I sincerely hope that if members believe this is a House of Review, and if they have the interests of the State at heart, they will give this matter a complete review and satisfy themselves beyond all doubt that this three-tier court will work satisfactorily and that we are justified in committing future Governments to the cost involved.

The Hon. F. J. POTTER secured the adjournment of the debate.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL (QUOTAS)

Adjourned debate on second reading.

(Continued from November 19. Page 3090.)

The Hon. A. M. WHYTE (Northern): I commend this Bill to the Council for a quick passage. It is complementary to the large and controversial Bill associated with wheat quotas. I realize that it is most necessary that this Bill be passed without delay. The power being conferred upon South Australian Co-operative Bulk Handling Ltd. will enable it to receive only quota wheat for the current season. Without this power the co-operative would have no authority to refuse over-quota wheat. If it had to receive over-quota wheat, the whole plan to rationalize wheat deliveries and achieve stability in the industry would be jeopardized. I support the Bill.

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

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 3090.)

The Hon. A. M. WHYTE (Northern): This Bill is complementary to the Wheat Delivery Quotas Bill. It gives authority to the Wheat Board to handle the delivery of quota wheat. Clause 4 deals with the price to be paid for wheat. New section 14a provides for the way in which quota wheat will be received and any over-quota wheat or any short-fall will be dealt with by the board. New section 20a deals with the price and the handling of wheat to be sold for feed. This price will be set somewhere between the export price ($1.41 for this season) and the home consumption price ($1.71), which is based on the cost of production. I support the Bill.

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

WHEAT DELIVERY QUOTAS BILL

Adjourned debate on second reading.

(Continued from November 19. Page 3092.)

The Hon. A. M. WHYTE (Northern): This Bill is, we hope, the key to the solution of a grave problem in the wheat industry. Since the inception of stabilization in 1948, the Wheat Industry Stabilization Fund has fluctuated from being buoyant to carrying a deficit. In some respects, perhaps, the chaos in the industry today can be closely related to this long period of stabilization—not that I, for one moment, say that I do not agree with orderly marketing, because there is no doubt that, if no attempt had been made since 1948 to save the industry, many more farmers would have gone into liquidation long ago. This stabilization scheme kept the industry afloat to a point where it became, perhaps, too buoyant and the farmers became too smug in their attitude to world markets. They had only to press button A to get Tom Stott to answer their questions, but now they are trying to press button B and get their money back.

The industry is faced with near-disaster or disaster for many farmers. The purpose of this

Bill is to see that all farmers get a fair deal and that as many as possible are kept in business, but it is a severe blow to the industry coming at a time when many farmers after a series of droughts had, to some extent, just begun to repay their commitments. As we know, last season was excellent, one of the best ever enjoyed by the industry in this State and it gave heart and buoyancy generally. However, to be faced, just at a time when they believed they were about to make a breakthrough and to some extent reduce their overdrafts, not with a drought, with which most farmers in South Australia have learnt to contend, but with a much uglier situation, in that all the world's granaries were full to overflowing, was a great blow to them. Nothing can be done about the situation. We cannot tell our friends or enemies that they must consume Australian wheat, that wheat would be better than rice, because that does not seem to be the solution.

The Australian Wheat Board has tried valiantly over the years throughout the world to sell wheat. I admire the men we have sent overseas and the way in which they have handled the task confronting them. It appears that the only possibility of maintaining the $1.10 a bushel for export wheat is to sell less of it, because we must realize that the Commonwealth Government has allotted $440,000,000 as the first advance for wheat throughout the Commonwealth and that South Australia's allocation of the total quota allotted will be 45,000,000 bushels of wheat at $1.10 a bushel, which is about $54,000,000. Quite rightly, having made this money available, the Commonwealth has adopted the attitude, "You can please yourself, Mr. Farmer: you can either have $1.10 for a limited number of bushels or you can sell as many bushels as you like for $54,000,000 in the State, or $440,000,000 over the Commonwealth."

I believe the quota system is the only way in which we can maintain stability within the industry, at this time. Although the Bill gives me no pleasure, the best I can do is to go through the Bill carefully and make what comments I can in the hope that there may be some better solution. Those who are affected most critically are the young farmers who have launched out into country previously uncleared, which has meant a development programme involving large sums of money. They now face the possibility of having a much reduced wheat quota just at the time when it is most essential that they start to repay some of their commitments.

Some of these quotas are anomalous. Some men who have struggled for years have had their quota reduced to as low as 2,000 bushels, and even lower. This means that a man with an extensive development programme is expected to repay his commitments on an allocation of $2,200. Some of the more established places have fared better, in some cases the quota being as much as 60,000 bushels. It is hard to explain to the man with a quota of 2,000 bushels that we cannot make one law for him and one for the other man because these allocations are made from a fixed formula. The allocations have been made in accordance with a strictly applied formula and, therefore, there is little one can do, although one may think that one's allocation is wrong while another's is right, when the allocation has been applied correctly.

It is hard to explain to a farmer that there cannot be two laws although, perhaps, there should be. Some of these anomalies will have to be ironed out to allow these people to carry on. Although I am not directly associated with some of the old farming areas, I know something about them, and I know that a person who has a farm that consistently produces 10 or 12 bags to the acre (unless a drought occurs) and who has been sowing a consistent number of acres ever since his grandfather's day will not be affected nearly as much as the person in a marginal area who has, over the past 10 or 15 years, made inroads into fairly formidable country and has just reached the stage where he can eke out a reasonable living. I know that the Murray Mallee people are in distress; some of their authorities have pointed out that the Eyre Peninsula representatives were perhaps too smart for the Murray Mallee representatives on the board.

The Hon. C. R. Story: They are smart chaps.

The Hon. A. M. WHYTE: I know that, otherwise we would not have sent them over from Eyre Peninsula to represent us. Despite what has been said, I am not quite sure that these gentlemen can relax or rest on their laurels because they still have many anomalies to cope with in their own areas.

When it was announced recently on the radio that people in distress should contact their local member, the Eyre Peninsula telephone system was nearly wrecked by the number of calls that came through it. Despite the fact that those people may be more astute than the Murray Mallee representatives, I have

always maintained that it is not the farmers who worry: it is the creditors who become agitated. Many farmers today realize that without a tranquillizer gun the would not be able to approach their bankers unless something was done to assist the industry generally.

I will not at this stage go into the suggestions that I could make to a member of the Wheat Board. Nevertheless, a serious situation exists. Although this Bill is not pleasing, I would find it difficult to improve it. I am also concerned about the restriction imposed by clause 23 on the amount available to persons under A and B class licences. I have received from a large growers' meeting held in that area the following resolution:

This branch views with alarm the percentage being granted to new ground farmers and that they be given a more realistic consideration with the right of appeal. We recommend the deletion from the proposed Act of the clause referring to the percentage and the maximum limit for new ground growers.

The activities of some of these people are being very much curtailed in relation to A, B and even C class licences. I do not have an amendment on file, and I cannot see a solution to this problem. Considering that the quota was arrived at over a five-year period, less 10 per cent of all deliveries during that period, and considering that there are 12,000 applicants in South Australia, the contingencies will have to be met by the 10 per cent taken from the overall quota. I find it hard to believe that much can be done to help these growers without a greater contingency fund being built up. It is to be hoped that it will not be necessary to implement any quotas next year.

Another problem facing growers is that wheat they produce legally belongs to the Wheat Board once it is reaped. The farmers are not allowed to sell their wheat except to the proper authority, and they even have to obtain permission before they can donate it to charity. The wheat must be delivered through the recognized receiving agency of South Australian Co-operative Bulk Handling Limited. Also, a person will have to store, and keep in fair average quality condition, over-quota wheat that he will not be able to deliver. Otherwise, he would not be able to deliver it at all. This wheat has to be declared for taxation purposes despite the fact that the grower has received nothing for it in the year in which it is grown and has had to provide storage for it.

I know that approaches have been made to the Commonwealth Government on this matter, and the Council is awaiting a reply from the State Government to the Hon. Mr. Gilfillan's question regarding this matter, which is so serious. Much trouble is experienced because these people have their allocations drastically cut and their living curtailed to a minimum, and they must then suffer the added infliction of declaring for taxation purposes wheat that cannot be sold. This is indeed a sorry picture.

In the early stages some concern was expressed about whether a right of appeal would be allowed, but I am sure that the formation of this appeals committee will to some extent allay the fears that have been expressed. I hope it will also be able to correct some of the anomalies.

I think I have said all I can say regarding the Bill itself, although possibly one could speak on some of the clauses in Committee. The Bill gives no-one pleasure. I know that the Minister in this State and the Commonwealth Minister are just as concerned as are many of the growers. I sincerely hope that all the people who are placed in authority to deal with this very serious national calamity will do their best to see that the allocations are just and to keep the industry on some sort of a working basis. I support the Bill.

The Hon. C. R. STORY (Minister of Agriculture): I thank all honourable members for the contribution they have made to the three Bills on this subject that have been dealt with in this Chamber over the past few days. I have decided to reply to the debate on this Bill, which is the kernel of the whole scheme. I am sure it is no joy to this Parliament to have this legislation before it, and it is certainly no joy to the Government to be involved in it. However, as I have pointed out in my second reading explanation, there seems to be little alternative but to regulate the delivery of wheat in this country. This is one of the very few occasions that I can recall in Parliament when honourable members have had the opportunity to see what action has been taken by a body. Usually, we pass legislation and take a step in the dark and then wonder what the upshot will be. In this legislation we can see the action that has been taken up to this stage. The Bill lays down very clearly the actions that the review committee will be empowered to take.

The local representatives of the Australian Wheatgrowers Federation in South Australia came to see me in the first instance. Actually, Mr. Saint was the first to come and see me. Those representatives acquainted me with the situation and told me that the federation intended to approach the Commonwealth

Minister. That was in April this year. I think it was thought in many quarters that the quota system would not come into operation for this year, but the Commonwealth Minister told those representatives that the inauguration of the quota system was the only sensible and rational thing for the industry at this time, and he complimented them on having the good sense to look after their own industry.

Of course, there are many prophets about, and hindsight is a remarkable thing. Some of those prophets said that the industry should not have asked the Commonwealth Government for a first payment of $1.10 and that it should have reduced it some years ago to something much less. I can imagine the hue and cry that would have gone up throughout the industry if this figure of $1.10 had been reduced to, say, 80c.

Other prophets have had all sorts of theories and formulae about how this situation could have been averted. One theory was that we could have given away tremendous quantities of wheat to people in under-privileged countries. The first thing I have to say about that is that we just do not load wheat on ships and send them to under-privileged countries, and turn the wheat loose on their populations, because it is necessary for the Governments concerned to negotiate on such things first. Much wheat is given through foreign aid organizations to under-privileged countries at present, and much wheat is going into other countries on long-term payment schemes. However, we just cannot suddenly say we are going to pick up Australia's surplus wheat and dump it somewhere else. The international agreement with other countries affects the whole economy of Australia and those other countries. We have international agreements that are binding, and reprisals could be (and probably would be) taken by the other signatory countries. Therefore, it is not as easy as it seems, and the suggestions made certainly over-simplify the position.

We have heard suggestions about certain people not having received a fair quota or a big enough quota to meet their commitments. It seems that some are suggesting that we should have a typical Robin Hood show and that we should take something from the rich and give it to the poor. Unfortunately, a quota of only 45,000,000 bushels of wheat has been allocated to this State. We have already taken 10 per cent from farmers' five-year averages. That 10 per cent has been put into a pool, and much of it has already been reallocated to people who have been able to show disability. The idea was to get a pool of about 3,200,000 bushels in the first instance. Much of that 3,200,000 bushels has been allocated to people who have a disability, and that wheat has come from traditionally long-term wheatgrowers.

Certain people have philosophies on politics and finance in exactly the same way. Their attitude seems to be that the Government has a printing press and that it can just go on churning out more and more money, and there seems to be an idea in some quarters that the Government can do the same thing with these quotas. However, I must reiterate that the State's quota is 45,000,000 bushels. Some people have been allocated a quota of wheat which is less than they would have delivered normally, while other people have been given a little more. We cannot do any more with the State's allocation of wheat.

I have no doubt that there are anomalies, because anomalies always occur. There are certain pockets within the State which have experienced worse drought conditions than areas only 10 miles away. Also, some areas received too much rain, resulting in many of the farmers being unable to put in a crop. Those members of the Chamber who are traditional wheatgrowers would know that 50 points of rain in the right week in one year can make a considerable difference to the harvest. However, memory is short, and when one farmer meets another at his boundary fence or in the local hostelry and they exchange information about quotas there is invariably a feeling that someone is getting a better quota than someone else is getting. An analysis of the allocation system as established on statistics held by the bulk handling company would reveal that the quota decided for any particular property, apart from possible clerical error, was a fair one. No doubt anomalies will occur, because not every farmer will produce the district average: it is an average for a whole district and not for a group of, say, 10 farmers in a certain locality.

I think everything is being done that can be done regarding storage. The additional allocation of 20,000,000 bushels decided upon by the Wheat Board will continue to be the property of the board and will be of great assistance. Although, as an allocation, it is later than I would have preferred, it will certainly be a tremendous help. Over the last 12 months the bulk handling authority has done a fantastic job in providing storage for grain. I believe that some of the areas that earlier looked as though they would greatly exceed

their allotted quota will be severely affected by red rust, hail, and wind. Perhaps when the final position is reviewed at the end of the harvest the position will not be as bad as some people at present believe it will be.

I do not want to deal with individual speakers now because most matters can be dealt with in the Committee stage, and I do not want to delay the Committee because it is important to start the ball rolling and get the Bill through Parliament, thus enabling the review committee to be established and begin work. The committee will comprise a chairman, to be appointed by the Governor, and two members; one to be nominated by the United Farmers and Graziers Association of South Australia, and one to be nominated by the Minister. It will not be possible for the committee to interview all applicants, because I believe that up to 3,000 people will apply. If the committee had to interview each one separately (and I believe it would take half an hour in most cases because some would have travelled long distances) it would never get to the stage of making an allocation. However, certain people will have to be interviewed by the committee and a decision arrived at on the evidence produced or, in other instances, by the evidence contained in a statutory declaration.

The committee will be accommodated in offices in Adelaide. I believe that the Wheat Quota Committee this morning decided upon the type of form upon which an appeal against a quota will be made. Although I know one prominent member of Parliament in another place has been advocating that people lodge their appeals as quickly as possible, I point out that it is not like the Christmas rush in the "Big Cave". Until such time as every appeal has been lodged, the committee will not be able to allocate quotas because it cannot do so until it knows exactly how many people have applied and in what categories they can be placed.

The Hon. A. M. Whyte: But some appeals have already been rejected, haven't they?

The Hon. C. R. STORY: Not by the review committee.

The Hon. A. M. Whyte: Then it would be by the firm?

The C. R. STORY: Yes, and those people will have the opportunity of applying for review, but the committee cannot be established until the legislation has been passed. The Hon. Mr. Gilfillan raised a point on another Bill to which I should reply, and that is regarding the wording of a clause in the Bulk Handling of Grain Act Amendment Bill. At that time I said I would give an undertaking that the wording would not be used by the bulk handling company to exclude "wheat for any other purpose than to make this scheme work". I have that assurance from the bulk handling authority, and I give the same assurance to this Council. The purpose of the Bill is to make it clear that the bulk handling company may refuse to accept wheat as a licensed receiver of the Wheat Board.

The Hon. G. J. Gilfillan: Above-quota or non-quota wheat?

The Hon. C. R. STORY: The company's charter provides that it shall accept all wheat offered to it. Last year the Act was amended to enable the authority to begin a rationalization scheme, but that scheme would last only until sufficient space was available in the silos to take the wheat. In other words, it is a rationalization of intake, but it will not allow the bulk handling company to say that a person's quota is complete, as that quota is set out on the appropriate card. Unless that wording is inserted, the company would not have the right to preclude wheat over the quota.

Bill read a second time.

In Committee.

Clauses 1 to 22 passed.

Clause 23—"Calculation of the basic quota."

The Hon. L. R. HART: One of the reasons why we have excess production of wheat at present is that many primary producers have changed from one form of production to another. Because some traditional woolgrowers have changed to wheat growing, much wheat is being produced on land that has not always been used for that purpose. In subclause (3), dealing with a "class B production unit", appear the words "all or portion of the land comprised in the production unit was being developed for wheat growing". Can the Minister say what is meant by "developed" in this passage?

Some country with only light bush on it may have previously been grazing country but in recent years the owner may have decided that it would be more profitable to grow wheat. Consequently, that country has been developed for wheat growing by ploughing and fertilizing. The cost of development may have been negligible. I realize that consideration in relation to quotas must be given to a farmer who has developed virgin country for wheat growing, but I question whether a person who has merely developed woolgrowing country that required very little development should receive the same consideration. The words I have

quoted appear in the definition of a "class C production unit", too.

The Hon. C. R. STORY (Minister of Agriculture): Obviously, if someone scratched in some wheat on rough country, that would be included in his normal quota, but the provision applies to farmers who have cleared, burnt and prepared land for the period prescribed. The provision does not refer to country that is used for catch cropping.

Clause passed.

Clauses 24 to 38 passed.

Clause 39—"Frivolous appeals."

The Hon. A. M. WHYTE: I believe that the committee should have the right to judge whether an appeal is frivolous. I believe the fine of $100 is not out of the question. I wonder whether there should be some form of punishment for the people who inadvertently misplaced documents relating to the quotas.

The Hon. C. R. STORY: I think the honourable member is being rather facetious. The task undertaken by the unfortunate eight people was mighty, and they did a fantastic job in sorting out the information. If some information was lost, it is unfortunate.

The Hon. A. M. Whyte: Did the committee assist in that work?

The Hon. C. R. STORY: The committee did the bulk of the sorting work, but it was assisted by some staff members. I point out that an application must have been rejected by the first committee. People who did not put anything in their first application may, after due consideration, decide that they should now appear before the review committee. If that happens, we shall never dispose of the matter.

Clause passed.

Clauses 40 to 46 passed.

Clause 47—"Non-quota wheat."

The Hon. A. M. WHYTE: The penalty of $1,000 appears in clause 47 and again in clause 50. I have never before seen that amount written in as a penalty in any other Act. I realize it is necessary to have a heavy penalty for anyone who contravenes this provision. Can the Minister say whether such a heavy penalty is written into any other Act? It seems very high.

The Hon. C. R. STORY: I do not normally want to set a precedent but, if it is not in any other Act, it is because other people have not tried to do what I am trying to do here. It may happen that a farmer who is given a quota produces, let us say, 2,000 bushels below his quota. His neighbour may produce 2,000 bushels over his quota. They may connive, get together and do a deal, resulting in the delivery of over-quota wheat, one farmer being 2,000 bushels below his quota and the other 2,000 bushels over his quota. This penalty will not affect any honest person in South Australia. The only person who will be affected is he who connives with a neighbour to beat this scheme. Much as they hate this scheme, 99.9 per cent of the farming community will play the game, and they should be protected. After all, $1,000 is not too heavy a fine for this offence when a farmer can get $1.10 a bushel for a sizable amount of wheat. Parliament should indicate to the court the seriousness with which it views this legislation. This penalty is an indication to the court that Parliament and the industry take a serious view of this offence, which would be an attempt to break down the whole scheme.

The Hon. A. M. WHYTE: I cannot quite see that the farmer who connives with his neighbour will wreck the system when together they are not delivering more than their quotas, anyhow. It may be just an odd load of wheat that is involved. For the Minister to say that $1,000 is not a heavy fine is beyond my understanding. As I see it, two entirely different sins are involved here which should incur two separate penalties—trading in quotas, and conniving with a neighbour for an additional load of wheat.

The Hon. C. R. STORY: This notion of one or two loads is under-estimated. If it is going to be just that, one farmer helping out his mate, that is all right; but, if it is a matter of 20,000,000 bushels of over-quota wheat and everybody has the same thought in mind, that is a very different matter. Preservation of the quotas is most important for the scheme to work.

The Hon. A. M. Whyte: I agree.

The Hon. C. R. STORY: For instance, on one occasion the computer produced a quota of not 6,000 but 60,000 bushels. If this error had not been detected, we should not have heard from the person concerned, for it is only the people who have been allotted small quotas who have complained. There could be errors in the allocations of quotas, so the receivals must be checked. People must be deterred from attempting to take advantage of errors like that.

Clause passed.

Clauses 48 to 55 passed.

Clause 56—"Effect of quotas rendered void."

The Hon. L. R. HART: In what circumstances does the Minister visualize a wheat delivery quota being rendered void? I appreciate there must be protection for the board.

Is it because of clerical errors that may be made in calculating the wheat delivery quota; is it because of the failure of the Commonwealth or State Governments to pass necessary legislation, or is it because of any challenge of the legislation? There are several reasons why this clause should, perhaps, be here, but the Government may have some specific reason for its being part of the Bill.

I know it has recently been stated that some clerical errors have occurred, making it possible for quota wheat to be delivered in relation to a particular delivery quota and to be paid for. However, that clerical error would be discovered in due course and the quota adjusted, and the board would then have power to sue for recovery of the sum which, in effect, is a debt due to the board. Although there must be protection in relation to such matters as these, I am wondering whether there is a specific reason for this particular clause.

The Hon. C. R. STORY: This clause is in line with clauses 19 (4) and 50 (2), which respectively provide for the voiding of a quota following convictions for making a false application and for permitting the receival of wheat not produced from a particular production unit.

Clause passed.

Remaining clauses (57 to 61) and title passed.

Bill read a third time and passed.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL (DIRECTORS)

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

Some time ago the then Government received representations from the United Farmers and Graziers of South Australia Incorporated for the splitting of the bulk handling zone of Eyre Peninsula into two, thus providing two zone directors for that area. The present directors of the South Australian Co-operative Bulk Handling Limited have concurred in the proposal, and the purpose of this Bill is to provide the machinery to give effect to it from the next election of zone directors, that is, on September 6, 1970. This Bill also gives effect to a request by the company that the term of elected directors be four years rather than six years as is the case at present since the shorter term is more usual in comparable authorities in other States. At the same time opportunity has been taken to generally bring the principal Act up to date.

Clause 1 of the Bill is formal. Clause 2 amends the definition section by bringing up to date references to certain Acts. Clause 3 repeals sections 4, 4a and 4b which are now redundant since the advances made under them have now been repaid. Clause 4 makes appropriate provisions to continue in operation the guarantee given in respect of the last advance made to the company by the Commonwealth Bank. Clause 5 provides that after September 6, 1970, there shall be eight elected directors of the company of whom five shall be "zone" directors, and by proposed new paragraph (4) power is given to the directors to create an additional zone. At paragraph (*e*) of this clause, provision is made for the term of elected directors to be four years in lieu of the former period of six years, since this period seems more in line with the term of office of directors in comparable organizations in other States. At paragraph (*f*), provision is made to ensure that the term of office of the State directors next elected will expire midway in the term of the zone directors, thus ensuring a degree of continuity of service of directors.

Clause 6 makes a decimal currency amendment and changes a reference to "wheat-grower" to a "grower of grain" to accord with amendments previously made to the principal Act. Clauses 7 and 8 effect decimal currency amendments. Clause 9 brings up to date an obsolete reference to the metropolitan area and also effects a decimal currency amendment. Clause 10 substitutes references to the Minister of Marine for references to the South Australian Harbors Board. Clause 11 redrafts section 16 (2) to make its meaning clear. Clauses 12, 13 and 14 effect minor Statute law revision and decimal currency amendments.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

Adjourned debate on second reading.

(Continued from November 19. Page 3106.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill because it is the kind of matter which, no matter what one's view may be on its subject, should never be rejected at the second reading stage but should proceed to the Committee of the whole. Any Bill that attempts to codify or state for the future what is understood to be the existing law deserves detailed consideration clause by clause.

Occasionally, we as legislators are presented with some difficult problems upon which to deliberate. This Bill is one of them. It deals with a subject upon which many people have deep and emotional feelings. It behoves us to try and approach the matter in a reasonable way, which I will try to do.

One of the principal reasons why this is a difficult Bill is that it involves three separate aspects, each of which sometimes tends to be singled out for much attention, so that occasionally we do not see the wood for the trees. The three separate aspects to which I refer are, first, the metaphysical question of human life, what it is and where it begins; secondly, the objective legal side of the problem; and, thirdly, the subjective personal problems that must be dealt with in the final instance.

I should like to take these three aspects separately and say a little about each of them, because I do not think I can cover the subject matter of this Bill adequately in any other way. First, I will deal with the loftiest question of all. What I said a moment ago could be stated as a question of human life. This in itself has involved the speculation of scientists, theologians and philosophers down through the centuries. The questions raised are: what actually is life, when does it begin and, in the case of human life, what is the true doctrine of the soul? If we ask ourselves these kinds of question we will not progress very far, because I know of no certain answers to them. The scientists, who we are now told can start the biological process in a test tube, cannot provide the answers with all their technical words.

The theologians provide different answers, although some propound the doctrine of instant life, which is sacrosanct. The church has changed its doctrines over the centuries, and in any case it is now abundantly clear that the overwhelming majority of people consider that there are some circumstances in which pregnancy can and should be terminated. Once that is admitted, an entirely new set of principles must be considered. The philosophers have not been able to help. There is no method of distinguishing at one point of time or another what is existence or non-existence. The theory of instant life is one that comes to us from mediaeval times.

Furthermore, I have some sympathy with the view that if we are not careful we will be in danger of asserting as a society that the foetal life is sacrosanct, and claiming that its future is a matter of great concern, but show little concern as that same society for the conscious mature life of a 20-year old man whom we send off to war. I know there are people who say there is a world of difference between the two but, on the other hand, some people in the community hold strong views that both of these things are evil. It is not always easy to be confident that one is right in this matter, anyway. We have to make a choice, and so often a choice becomes a compromise.

I think it is our Christian duty first to consider the well-being of the mother, who is the conscious adult life in being. If this is a wrong choice to make, I can only seek hereafter forgiveness for lack of better understanding.

I turn now to the second matter, which is a little nearer reality, namely, the objective question of what we should set down as the law. To start with, we must recognize that the law takes cognizance of abortion. So the real question is not whether it should be permissible but how we should express what is permissible within the law. We want to clarify rather than codify.

Our present statute makes it a crime for anyone unlawfully to bring about the miscarriage of a woman. True, for many years this law has been administered with common sense and humanity. There have been no prosecutions of medical practitioners. Prospective mothers who have had an abortion have not been charged. It has been assumed that it is lawful for a doctor who honestly believes that a woman's life or health, mental or otherwise, is seriously endangered to carry out the operation for abortion. But it is still the fact that this official attitude has depended on the direction of a judge given to an English jury 31 years ago.

The Hon. Mr. Rowe yesterday quoted extensively from the report of that case which, I think, we followed with great interest. Mr. Justice McNaughton was a famous judge who had the gift of expressing himself succinctly, but we should never forget that he was addressing a jury, that Dr. Bourne was standing in the dock and, when he was acquitted, it was the jury and not the judge who acquitted him.

The Hon. Mr. Rowe said that he gave what was a clear statement of the law, but, of course, it was in that place and at that time. To test the position really we would need to have at least one and perhaps more medical practitioners standing in the dock in our own Supreme Court to see what the outcome would be.

This exposition of the common law in those circumstances cannot be compared with a legislative statement about what can or cannot

be done. I do not blame doctors for being apprehensive about involvement in such matters. Doctors want to practise their profession *bona fide* to the best of their ability and in the open. They do not want to be guinea pigs to test the law. Indeed, any suggestion of a police investigation into the circumstances of a particular case would worry them to the point that they would sooner avoid the whole thing rather than have any trouble, and this is in fact what I believe is largely the position today.

It is undesirable that the position in this State should continue to be so uncertain. It is assumed that the law applicable here is that laid down in Bourne's case. I think that proposition is more doubtful than we think. It was an English jury trial not subject to any appeal, and in these circumstances lawyers in this State could be forgiven for feeling uneasy about it. It is an undoubted fact that medical practitioners feel great uneasiness. Time and time again it has been urged in this Chamber that the laws passed should be clear. Some concepts are difficult to put into Acts of Parliament. We have to use words and phrases that are not always crystal clear.

On occasions (and I will submit later that this is one of them) it is not always desirable that that framework should be delineated by sharp lines: a little blurring around the edges may be absolutely necessary. Words used in this Bill are substantially taken from the English Statute. My experience has been that the Statute laws of England are never shoddily worded: they usually give the best expression possible to the principle or procedure involved, and they are worked over by some of the best minds in the country. I suggest that we should not parse and analyse the words unduly lest we solve one difficulty by creating a bigger one. Furthermore, I think we will search in vain by a process of Parliamentary debate for a form of words that will precisely express as much social concern as possible and, at the same time, evaluate the medical considerations.

The third matter is in many ways the most important of all because it comes right down to earth to the problem of how this definition of the law is to be administered in practice. This is the one question that troubles me more than the others. It is obvious that it will be entirely in the hands of the medical profession, and it is how the members of that profession administer their charge according to their professional knowledge and ethics that is so important. May I refer to a passage out of the very fine speech of Lord Soper in the House of Lords debate when he summed this matter up, I think, very admirably. He said:

> The second real difficulty is this: if the widening of the clauses permitting abortion include social, moral and ethical matters, then almost inevitably we are going to provide a kind of ordination for the medical profession; and to make them the custodians of the sacred mysteries as well as the medical mysteries is asking a very great deal of them, and may in the end, I think, prove an impossible task for them to fulfil, even if they were so minded and so equipped.

It seems to me that once we commit this matter to the doctors it becomes essentially a health problem, to be dealt with as the circumstances of the individual case require. I cannot foresee the law ever being further concerned, except in the most unusual and exceptional cases. Once we have handed the medical practitioners the charter within which they may work, they are going to be the sole judges and executioners under this Act. I do not use those terms with any nasty or double meaning. I have great faith in the integrity and understanding of the profession. No doubt this law will solve some of their difficulties, but it will confront them with problems on which they will have to spend extra time and thought.

In some of the individual cases the right answer will be hard to find, and because of this I think we should not fetter their discretion by endeavouring to search for water-tight wording in our legislative charter. After all, the common law from which Bourne's case came is unwritten law. The special circumstances of that case gave rise to the particular direction given by the judge. If he had had to follow and apply a strictly written penal code, things might have been vastly different for Dr. Bourne. As it was, the judge was left to propound what was not unlawful. So there must be some freedom for the medical practitioners within the law—some chance for them to exercise a considered discretion. That is my firm belief. After all, there will be in most cases little time for the doctors to decide how they should act: they will not be able to deliberate for weeks.

One of the effects of this change or statement of the law on abortion will be that unwanted pregnancy will in the future be presented to the general practitioner instead of being hidden from him, as it is largely now. I hope that members of the medical profession will pool their ideas, share experiences and provide the maximum help and support for the

women involved, either personally or through the agency of other counselling services available in the community.

The Hon. Mr. Rowe said yesterday that he was interested and concerned in the work of the lifeline counselling service run by the Methodist Church. I have had many years of experience with the work of the Marriage Guidance Councils throughout the Commonwealth, and also in the course of my professional work I have tried to help hundreds of people with personal problems. I do not want to be critical about some of the things that the Hon. Mr. Rowe said in his speech; I believe that he spoke sincerely, and I respect his views completely. However, I think that towards the end of his speech yesterday even the honourable gentleman may have felt that he was "up on cloud 5" in respect of some of the propositions that he made, because he said, rather ruefully at one stage, "It may be that my views are divorced from reality and too idealistic to meet the situation in Australia at the present time."

My whole experience has taught me one thing of which I am very sure, namely, that we cannot solve the personal difficulties of people in trouble by being in any way judgmental. After all, the greatest counsellor of all said to the woman taken in adultery, "I do not condemn you; go your way and sin no more." It is useless telling people who are distressed that they should show more discipline or responsibility and live up to the example of their forebears. We do not tell a teenager who happens to be pregnant and terribly worried about it that she has to grin and bear the child as it will help increase the population. I do not suggest that the honourable member said this or even that he meant it, but I think it is terribly important to get some of these ideas sorted out.

Another thing that troubles me very much is that every member who has spoken so far, or who probably will speak, is a member of the male sex. May I just very briefly quote again from the remarks of Lord Soper who, incidentally, before he was elevated to the peerage, was, as honourable members may recall, the Rev. Donald Soper from the Central Methodist Mission in London. First, he said something about the right to be born, and he disagreed with a statement that had been made by Viscount Barrington that this was a Bill about the right to be born. He said:

Here is a semantic statement which is obviously untrue. You have no right to be born unless you have antecedent existence in which that right must reside. Nobody has the right to be born. I am concerned about the right of those who are born to live. I am concerned about their right to happiness; and it is the enormous weight of suffering that is now undergone by all kinds of humans in all kinds of circumstances connected with pregnancy that afflicts me. I speak with great care. I remember the Irish mother who, having listened for some time to a young celibate priest who was instructing her in the duties of motherhood, said: "I wish to God I knew as little about it as he does." This, I think, is not an inappropriate comment. Only one member of the opposite sex has taken part in this debate.

Perhaps it would be worth while if I quoted a little more of this speech, because I think it was one of the finest speeches made on this legislation when it was before the British Parliament. He continues:

I do not know of the sufferings of women at first hand, but I could take your Lordships tonight to a little girl of 16 in a hostel which I run who is pregnant as the result of a drunken brawl and who is now almost out of her mind. From every standpoint that situation can be evaluated: if that pregnancy is allowed to come to term it will leave her with a permanent trauma and an imperishable memory. She hates everything asociated with pregnancy; she is frightened to death. I cannot for the life of me see why this kind of suffering should be imposed on her if she could be relieved of it.

In conclusion, or near-conclusion, he said:

For this reason, I believe that this Bill is substantially right in attempting to reduce the amount of misery that is now undergone by—I do not know how many women. But my Lords, at least 600,000 women alive in Britain today have had abortions during the last twenty years; at least 85,000 attempt abortion each year; no fewer than 60,000 succeed in having abortions, and no fewer than 31,000 of these are criminal abortions. If there is no final and irrevocable moral objection to preserving the foetal life at the expense of the welfare—the well-being as the Church Assembly has said—of the mother and of her total environment, then there is in my judgment an overwhelming case for the presentation of such a Bill as this.

This brings me to some concluding remarks that I think are important; namely, that it is necessary to see that proper family planning services are available in this State in future. Only this week I have received information that the Catholic Church has seen the need for this, and has opened its own Catholic Family Planning Centre. One might perhaps suspect that that would be the last church at the end of the line in dealing with this subject, but instead it has shown the way.

In England, after the abortion legislation was passed, some eminent citizens set up a service known as the Pregnancy Advisory Service, which I understand has done some wonderful work. It is financed entirely by donations from

trusts and private individuals and a nominal fee is charged to each patient. It has no financial or other connections with either clinics or surgeons. I should like to quote briefly from a report made by the chairman of the management committee of this service, as published in the *Marriage Guidance Bulletin,* a booklet issued every two months by the National Marriage Guidance Council in the United Kingdom. This publication contains all kinds of information from important organizations in the community: it does not deal only with matters connected with marriage guidance. This article contained the following statement:

By the end of last March, more than 1,000 women had been seen by Pregnancy Advisory Service doctors. About two-thirds of them were unmarried, divorced, separated or widowed, but this proportion may not accurately reflect the national average, but rather the reluctance of some hospitals to deal with unmarried girls.

The overwhelming majority of women referred for terminaton by Pregnancy Advisory Service were aborted on the grounds that pregnancy "involved risk to the physical or mental health of the pregnant women greater than if the pregnancy were terminated".

Probably no one should be surprised that 70 per cent of all P.A.S. patients claimed not to have used any method of contraception on the occasion when they became pregnant, and nearly half of them claimed never to use any contraceptive at all. Clearly the need for improved education in family planning techniques is as great as ever.

I suggest that that will be so. I cannot for one moment accept the view that legal abortion, in the way in which it is proposed under this Bill, would encourage promiscuity. In fact, I think that most people who know about these things are sure that once a person has been through a traumatic experience of this kind that person is very careful in future.

I think some matters will have to be given more detailed attention in the Committee stage. I am not happy about the clause requiring four months' residence in this State, but I think the full reasons for this can be canvassed later. I believe our Act is better than the English Act in two important respects. First, it does not limit authority to perform abortions to gynaecologists. I think it is undesirable that a small section of the medical profession should control the procedures under this Act, particularly when there may be a minority group of people who, for some reason or other, regard the proposed forms as unworkable, misguided or immoral. I understand that considerable trouble, which has largely been ironed out now, arose after the passing of the English Act when a small group of eminent gynaecologists exercised an influence that enforced their views upon many general practitioners.

The other features of this Bill that I think are much better than the English Act are the provisions that require notification, with detailed information as prescribed, and the fact that abortions may be performed only in prescribed hospitals. I think the Hon. Mr. Springett pointed out clearly how much of a safeguard this would be against any possible malpractice, and I agree with him entirely. An individual doctor may be tempted and stray away from strict ethics, but a whole hospital staff could not be suborned to act in this way. It must always be remembered that any abortion performed away from a prescribed hospital would be illegal under the provisions of this Bill, except in a case of dire emergency. I hope that this Bill will pass the second reading.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

ADJOURNMENT

At 4.29 p.m. the Council adjourned until Tuesday, November 25, at 2.15 p.m.