LEGISLATIVE COUNCIL

Thursday, December 4, 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:

Australian Boy Scouts Association, South Australian Branch,
Coroners Act Amendment,
Crown Lands Act Amendment,
Encroachments Act Amendment,
Highways Act Amendment (Valuation),
Land Settlement Act Amendment,
Land Settlement (Development Leases) Act Amendment,
Land Tax Act Amendment,
Law of Property Act Amendment (Valuation),
Pastoral Act Amendment,
Planning and Development Act Amendment,
Renmark Irrigation Trust Act Amendment,
Savings Bank of South Australia Act Amendment,
Sewerage Act Amendment,
Supreme Court Act Amendment (Valuation),
Water Conservation Act Amendment,
Waterworks Act Amendment.

QUESTIONS

FOOTWEAR

The Hon. G. J. GILFILLAN: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Treasurer.

Leave granted.

The Hon. G. J. GILFILLAN: My question refers to the Prices Branch and the sale of footwear. In many areas there are men who are boot and shoe repairers. Since the introduction of plastics into that industry, and for other reasons, their livelihood has become precarious. It is still advantageous to have boot repairers in the community. Many of them, as a part of their enterprise, stock some shoes and boots in their shops but, because of the small stocks held, it is often necessary for them to send away for specific orders. The margin allowed for freight under the Prices Act is only ½ per cent of the cost, so, if a pair of shoes is valued at $5, the amount of freight that the seller is allowed to charge is only 2½c. I believe that a balance between a fair deal for the public and a fair go for the boot repairers should be maintained. Will the Chief Secretary have this matter investigated?

The Hon. R. C. DeGARIS: I will refer the matter to the Treasurer and bring down a reply for the honourable member.

POTATOES

The Hon. L. R. HART: Has the Minister of Agriculture an answer to my question of November 26 about the appointment of a new Chairman to the South Australian Potato Board?

The Hon. C. R. STORY: Yes. I can elaborate on the matter raised by the honourable member. Cabinet has agreed to and Executive Council has approved the appointment of a new Chairman to this board. As I said the other day, the previous Chairman, Mr. Miller, rendered outstanding service. The person who has been appointed Chairman of the Potato Board is Mr. J. W. Reddin, who is prominent in various marketing organizations in primary industry. He has recently been engaged in vegetable production and will bring much experience in marketing to the position of Chairman of the Potato Board. Mr. Reddin has the Roseworthy Diploma in Agriculture. He has served for many years on the production side of the fat lamb industry and allied industries. I am confident he will do the same type of work with the Potato Board as he has done elsewhere. I hope that the appointment of a new Chairman will presage a happier time ahead for the operations of the Potato Board, which was set up by Statute and has rendered good service to the potato growers of this State. If they get behind the new Chairman, it will be to the mutual benefit of everyone in the industry.

EUDUNDA-MORGAN RAILWAY

The Hon. M. B. DAWKINS: Has the Minister of Roads and Transport an answer to my question of November 6 about the Eudunda-Morgan freight service?

The Hon. C. M. HILL: The Railways Department has constructed a ramp at Eudunda to provide the firewood merchants at Morgan and Mount Mary with a means of despatching firewood by rail. The department has arranged with a local carrier in the area to undertake the cartage of goods previously carted by the railways from Eudunda to Sutherlands, Bower, Mount Mary, Morgan and Cadell. This service

commenced to operate on November 4, 1969, and, I understand, operates on Tuesdays and Thursdays each week. Therefore, I can say that attempts have been made to provide inward traffic as well as outward traffic for this freight service, as was asked by the honourable member.

I understand that a deputation comprising the firewood suppliers at Morgan and Mount Mary (Mr. Boord and Mrs. Lynch), together with representatives of Mile End Fuel Supply and Bay Wood and Ice Company, have waited upon the Prices Commissioner. They were informed that when actual cost increases are known an application for increased prices will be considered. The Government is not able to subsidize the carriage of firewood from the Mount Mary and Morgan areas.

GAUGE STANDARDIZATION

The Hon. A. F. KNEEBONE: On November 27 I asked the Minister of Roads and Transport whether the co-ordination of the present arrival and departure times of South Australian connecting trains at Port Pirie (and consequently, affecting the Adelaide-Melbourne Overland) with the Indian-Pacific would be further investigated. Has he a reply?

The Hon. C. M. HILL: The matter of co-ordination with the present arrival and departure times of South Australian connecting trains at Port Pirie and consequently with the Adelaide-Melbourne Overland times have been further investigated and further reviewed.

Although one State, namely, Western Australia, has sought the retention of a timetable which would not be satisfactory to South Australia, I believe the arrival and departure times at Adelaide for the connecting trains with the Indian-Pacific will be as at present.

BOLIVAR EFFLUENT

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: A rumour is circulating in the Virginia and Two Wells area that the treated effluent being discharged into the sea at Fork Creek is interfering with the salt pans of the Imperial Chemical Industries of Australia and New Zealand Limited in that area. The rumour also suggests that, to overcome this problem, the present outflow channel is to be extended further to the north, discharging the effluent into the Port Gawler Creek. If this is done, it will not help I.C.I. A.N.Z. Limited to any great extent, and may detrimentally affect the Port Gawler beach. Can the Minister therefore say whether there is any truth in these rumours?

The Hon. C. R. STORY: I am informed that there are no plans to extend the Bolivar effluent channel to the north. The South Australian Manager of I.C.I. A.N.Z. Limited has no knowledge of any interference with that company's salt fields by Bolivar effluent.

SITTINGS AND BUSINESS

The Hon. D. H. L. BANFIELD: Yesterday the Chief Secretary informed members that the Council was to adjourn tonight, subject to the Notice Paper being nearly completed. So that members can make their arrangements for the forthcoming months, can the Minister inform members when it is likely that the Council will reassemble?

The Hon. R. C. DeGARIS: I am unable to tell the honourable member when that will occur.

BETHESDA

The Hon. V. G. SPRINGETT: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. V. G. SPRINGETT: In Mount Gambier there is a rehabilitation centre known as Bethesda. The *Border Watch* recently contained a report attributed to the member of the House of Assembly for that district concerning a subsidy being made available to Bethesda. It is urged in this report that any money made available be a gift and not subject to some contribution by the organization itself. Can the Minister give the Council any information on this matter?

The Hon. R. C. DeGARIS: In April, 1968, I had an approach from Pastor Kummerow in relation to the Bethesda rehabilitation farm asking for some Government assistance for the work there. Pastor Kummerow made two requests, one being for a maintenance subsidy and the other for a capital subsidy of $1 for $1 from the Government. I point out that Bethesda has been bequeathed a certain amount of money for capital improvements to the Bethesda farm.

The Government considered this matter. It made available in the first year a direct gift of $1,000 for maintenance, and in this financial year we have made available $2,000 as a

direct gift for that purpose. Also, the Government has agreed on a firm policy in relation to rehabilitation centres such as Bethesda that it will agree to a $2 for $1 capital subsidy. The original request from Bethesda was for a $1 for $1 capital subsidy. This is the first time that any Government has had a firm policy in regard to rehabilitation centres such as Bethesda.

I appreciate very greatly the work done by Bethesda, particularly the work done by Pastor Kummerow. As I said, this is the first time that any Government has had a very definite policy in relation to centres of this kind. I am certain that the Government has treated the centre sympathetically and with a good deal of generosity, and I was a little upset on reading the article in the *Border Watch* from Mr. Burdon indicating that the Government might have been a little too hard in its approach to this matter. I am certain that every member in this Council will appreciate that a $2 for $1 subsidy on capital works is a good policy to be adopted in regard to such establishments.

RED GUMS

The Hon. H. K. KEMP: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Lands.

Leave granted.

The Hon. H. K. KEMP: The loss of cover timber of some species over a great part of the State is greatly worrying many people who are interested in conservation. This is particularly serious in regard to red gums in parts of the Adelaide Hills and the South-East, and these districts appear to be doomed to complete deforestation in the not too distant future. The same applies to some other gum species.

It is completely impracticable to put down sufficient reserve or public park areas to maintain the character of the country. The only way it appears possible to preserve these trees is to approach those landowners who have them growing on their properties, because in many cases owners are very interested in preservation of trees, and their co-operation should be sought.

I think effective preservation could be achieved by introducing legislation similar to that introduced under the Historic Relics Act, which was passed by this Council about three years ago, and which is working well, under which reserved areas can be set up on privately owned land. Will the Minister consider the practicability of tackling this problem along the lines I have suggested?

The Hon. C. R. STORY: Although I imagine that some portion of that question may come under the Forestry Department, I am aware that the Minister of Lands is very interested in the preservation of trees of that type, and I will get a report from him for the honourable member.

WHYALLA REGISTRATION FEES

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

Leave granted.

The Hon. R. A. GEDDES: The Select Committee on Local Government dealing with the Municipality of Whyalla heard evidence from the Commissioner of Highways, Mr. Johinke, who stated that, as residents of Whyalla were only paying half motor registration fees, this reduced payment had always been taken into account when considering applications for grants for roadworks in the city of Whyalla. From information I have received, I understand that the citizens of Whyalla have, in fact, been paying full registration fees on motor vehicles since 1941. My question is: what additional financial help will be given to the new Municipality of Whyalla when it is formed after July 4 next year to help offset this unfortunate discrepancy in road grants over the past 28 years?

The Hon. C. M. HILL: The Commissioner of Highways was in error in making that statement. As honourable members know, Mr. Johinke was appointed to his present position during 1968, and he has not, therefore, been in office very long. He regrets that he made the error. The city of Whyalla has been receiving consideration on the basis that its ratepayers have been paying full motor registration fees—as, in fact, they have been. The Commissioner regrets that he was in error in this matter.

BENLATE

The Hon. H. K. KEMP: My question to the Minister of Agriculture is about the material known as Benlate, which is set down for release next year. Is there any possibility of having this material released for general use, and could that release be expedited, because it is of importance to many people?

The Hon. C. R. STORY: I answered a series of questions earlier regarding Benlate, and the position then was that it had been released for

use on ornamentals; in fact, released for everything except edible fruit. If the honourable member has information that the United States Department of Agriculture has now given Benlate a clearance in that country, I will certainly find out more about it because I realize that it is important to the industry. I will see if something can be done to expedite the release of this material.

WIDTH OF LOADS

The Hon. L. R. HART: Has the Minister of Roads and Transport a reply to my recent question regarding the Road Traffic Board?

The Hon. C. M. HILL: Whilst the Road Traffic Board is able to issue overwidth permits to many applicants, they are subject to many determining factors in relation to the width of the load and the vehicle being used. These include the width of roads and any other restrictions en route in relation to the load as well as traffic densities and the general safety of other road users.

In addition, the transporting vehicle is assessed in relation to its braking and general structural capacity to carry the load in question. Consequently, it can be readily seen that each application is subjected to independent scrutiny and is not issued as a matter of course.

Most primary producers who wish to transport hay apply to the board by mail several weeks prior to the date on which they wish to commence carting. Very few applications for this type of permit are requested by telephone. The board has issued annual permits for many years to enable this type of load to be transported within a particular area. The board's permit office is open continuously throughout the working day and an officer is available to take after-hours calls. It would be difficult for a country police station to offer this service and not interfere with normal police business.

ATHELSTONE SEWERAGE

The Hon. JESSIE COOPER: Has the Minister of Agriculture obtained from the Acting Minister of Works a reply to my recent question about Athelstone sewerage?

The Hon. C. R. STORY: Judith Drive, Sunset Strip, and adjacent streets at Athelstone are only sparsely developed. The area concerned is surrounded by land that is at present unsubdivided. Consequently, long approach sewers would be required to sewer the area. There is also a ridge through the area and, consequently, Judith Drive and part of Sunset Strip must drain to the north, and most of Sunset Strip will drain to the west. Therefore, temporary pumping arrangements would be costly, as two pumping stations and rising mains would be required.

Vincent Avenue and the portion of Rostrevor referred to are in new subdivisions, where the full cost of sewers has been met by the subdivider, but the position is different in Judith Drive, where it is essential that the Government obtains a reasonable revenue return on the expenditure necessary. In view of the state of development and the high cost in providing sewers, a sewerage scheme for the area cannot be recommended at the present time. Further consideration can, however, be given when further development takes place.

ELECTORAL ACT AMENDMENT BILL (ROLLS)

Third reading.

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

That Standing Order No. 314 be suspended to enable the Bill to be read a third time without the President certifying a fair print of the Bill.

Motion carried.

The Hon. C. M. HILL moved:

That this Bill be now read a third time.

The Hon. Sir NORMAN JUDE (Southern): I would not have risen to speak on this occasion if I had not been confronted with an extraordinary leading article in this afternoon's *News;* it is headed "Annoying Tactics". It discusses electoral reform at some length and suggests that the amendments that I successfully moved to have incorporated in this Bill are a delaying tactic connected with electoral reform and the Constitution Act Amendment Bill. I do not know who is responsible for this article, but it is so far from being accurate that it demands correction by the Editor or the leader writer. To write an article in this vein about the Bill now before the Council, which has nothing to do with electoral reform or the Constitution Act Amendment Bill, is a deliberate attempt to mislead the people, who are interested in electoral reform.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Schedule of the Legislative Council's amendments to which the House of Assembly had disagreed:

No. 1. Page 2, after clause 3 insert new clause 4 as follows:

"4. Amendment of principal Act, s.21—Printing of rolls—Section 21 of the principal Act is amended by inserting in subsection (1) after the word 'directs' the passage 'but separate rolls shall be printed and used for any Council election to be held after the commencement of the Electoral Act Amendment Act (No. 2), 1969'."

No. 2. Page 2, after new clause 4 insert new clause 5 as follows:

"5. Repeal of s.118a of principal Act.—Section 118a of the principal Act is repealed."

Consideration in Committee.

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

That the Council do not insist on its amendments.

Honourable members will recall that the Hon. Sir Norman Jude moved these two amendments last night, the first dealing with printing separate rolls for elections, one roll for the House of Assembly and the other for the Legislative Council. The second amendment moved by the honourable member and carried by this Council was that the system of voting for elections in this State be changed from the present compulsory system to a voluntary system.

I mentioned last night that the amendments came as a surprise; they were thrown on the Council without a great deal of time available to consider them. The Bill was purely a small machinery measure in which Parliament was asked to authorize the printing of rolls for the proposed new boundaries under the amendment to the Constitution Act, and also to continue to print all rolls under the existing boundaries in case of a by-election before the next general election.

Honourable members have had overnight to consider this matter further, and the reasons which I submitted last night still hold good, as far as I am concerned. I urge this Committee not to agree to these two large and radical measures at this time. It may well be that the Hon. Sir Norman Jude might further canvass his proposals in the months to come after the people of this State have had ample opportunity to discuss and debate amongst themselves the merits of both amendments.

It might well then be that the Government would be in a far better position to gauge the extent of public opinion on these matters. It might well be, too, that people generally would have had ample time to inform their Parliamentary representatives what they thought of the two changes. There is no need for me to mention to honourable members that undue haste can be dangerous because in this place we appreciate ample time to consider measures so that when legislation is finally placed on the Statute Book the best legislation possible emerges from a bicameral system of Parliament, which I know the majority of members here hold so dear.

I hope the Hon. Sir Norman Jude will not pursue the matter at this stage but give it further thought; he will have ample time during the next session of Parliament, if he so wishes, to test the views held on these matters.

The Hon. SIR NORMAN JUDE: It is lucky that the Minister has a complexion that will not reveal his blushes. One of these amendments refers to a request, virtually, putting into legal and statutory form that the honourable members of this Chamber shall be elected on a roll drawn in a separate volume, for obvious and practical purposes. All honourable members are aware of this—just as honourable members of another Party are aware of it. I am glad that the Minster mentioned the time devoted to matters of interest in this Chamber. I am especially interested in the time spent on this Bill in another place this afternoon, and I believe that the perfunctory way in which it was dealt with lends no credit to debate in that Chamber.

We have voluntary voting for the Legislative Council now, although voluntary voting for the House of Assembly is, I am prepared to admit, a slightly different matter. I took the opportunity to put the provision into a Bill so that it would give honourable members in another place a chance to look at their own House. At the moment they do not have voluntary voting, but the time will come when I am certain that it will apply in that place. Members there will become a little more democratic and a little less dictatorial. A simple request that our constituents be placed on a separate roll has been turned down out of hand, and that is not good enough. Therefore, we should insist on our amendments and see that they are adequately discussed.

The Hon. C. D. ROWE: I regard both amendments as being tremendously important to the future of South Australia. There is every reason why there should be separate rolls for the two Houses of Parliament. There

were separate rolls until computers were used, and there is evidence that the computerized roll caused confusion during the last Senate election. Consequently, we should revert to the system of separate rolls so that we can maintain the principle of voluntary voting for this Council. No-one will deny that, when the two rolls are printed conjointly and when elections for the two Houses are held on the same day, the effect is to make voting for this Council compulsory.

The Hon. A. F. Kneebone: They do not have to vote on the ballot paper if they do not want to do so.

The Hon. C. D. ROWE: The honourable member, who was a member of the previous Government, was perfectly well aware of what his Government was doing when it arranged that there should be a joint roll. He knew that it meant applying some degree of compulsion to the person who otherwise might not wish to record his vote.

The Hon. A. F. Kneebone: It overcame the practices that were going on.

The Hon. F. J. Potter: The percentage vote proves that what the Hon. Mr. Rowe is saying is correct.

The Hon. C. D. ROWE: Yes. It is unfortunate if a person who does not understand the issues and has not taken the trouble to inform himself on the matters on which he is expressing an opinion records a vote.

The Hon. A. F. Kneebone: If that is so, he is recording an uninformed vote for the Assembly.

The Hon. C. D. ROWE: That could be so; this is why I support the Hon. Sir Norman Jude in his efforts to secure voluntary voting for the House of Assembly. It is time that the people of South Australia had these two tremendously important issues placed before them, so that they can be discussed and so that we can deal with them later in the light of public opinion. My mind has always been made up on this matter. If we are to have voluntary voting for the Legislative Council, we must have a roll that permits electors to exercise a voluntary vote: we must not have a conjoint roll.

I am in favour of voluntary voting for the House of Assembly, because it will have two effects. First, it will tend to make people seek out for themselves the issues involved and make up their minds. If they do not do that, they probably will not record a vote. Many democratic countries have accepted this very desirable system. I hope that, if this amendment is not carried (and I sincerely hope it will be), the effect of what has happened in this Council over the last two days will be brought prominently before the public, and that this will later become an important issue.

The Hon. A. F. Kneebone: Are you in favour of having a nominated Parliament?

The Hon. C. D. ROWE: I am not: every member should be responsible to a group of electors. However, the electors should take the trouble to inform themselves on the issues and not make their decision as a result of seeing on a television screen a man dressed up by a public relations officer. This issue is not dead and, if it is not satisfactorily resolved today or tonight, I will have more to say about it in the coming weeks and months.

The Hon. C. M. HILL: Since an honourourable member who wishes to speak on this matter has been called out of the Chamber on urgent business, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

In Committee.

The Hon. Sir NORMAN JUDE: After the Minister moved that these amendments be not insisted on, I spoke strongly in favour of their being insisted on. Following that, I made a few inquiries regarding this matter. I indicated that the amendment for voluntary voting for the House of Assembly had been thrust upon that Chamber at rather short notice, and that I realized it has some justification for saying that it had had only a little time to consider the matter. I also considered the second amendment that I moved regarding the Legislative Council's having a separate roll.

I discovered that the previous Government had consolidated the rolls into one roll by administrative action and, obviously, what one Government can do by administration another Government can do, too. Having regard to that matter and to the late stage of the session, I am prepared to withdraw my strong objection to not insisting on the amendments. However, I give notice that I intend at a suitable opportunity to introduce a further amendment or, if necessary, a private member's Bill, on similar lines.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL

Third reading.

The Hon. R. C. DeGARIS (Chief Secretary) moved:

That Standing Order No. 314 be suspended to enable the Bill to be read a third time without the President certifying a fair print of the Bill.

Motion carried.

The Hon. R. C. DeGARIS moved:

That this Bill be now read a third time.

The Hon. G. J. GILFILLAN (Northern): At the second reading stage I said that I would reserve my final vote until the third reading and that the way I voted would depend on what amendments were made to the Bill during the Committee stage. I said that I believed the redistribution of House of Assembly seats was detrimental to the country areas of the State and to the State itself. However, during the Committee stage two amendments were made that gave some security to the Legislative Council; they did not give absolute security, but they did help. This will enable a better balance of representation to be maintained and it will ensure a fair and equitable representation, at least in this Council. Consequently, I will support the motion.

The Hon. M. B. DAWKINS (Midland): As one of those honourable members who voted against the second reading of this Bill (because I thought it was not good for the advancement of the State as a whole), I was pleased to see the amendments that were made during the Committee stage. Whilst I still do not feel very happy about the Bill I, like the Hon. Mr. Gilfillan, believe that the amendments made to it have provided some security for the continuation of bicameral government in South Australia. Whilst I believe that the representation of country areas in the Lower House, in particular, and in this Council in due course is severely restricted, I will with some reluctance support the third reading of this Bill.

The PRESIDENT: As this Bill amends the Constitution, it is necessary that it be carried by an absolute majority of the whole number of the members of the Council. I have counted the Council and there being present an absolute majority of the members, I put the question "That this Bill be now read a third time". There being no dissentient voice, I declare the third reading carried by an absolute majority.

Bill passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (DEPENDANTS)

Adjourned debate on second reading.

(Continued from December 3. Page 3502.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which makes some very important and useful amendments to the principal Act. The Workmen's Compensation Act needs to be looked at from time to time because of changes that are made, and it is good to see that clause 6 increases considerably the sums available for compensation under this Act. In addition, the Bill effects some changes in other sections of the principal Act, two of which in particular are not at present satisfactory. The first is dealt with by clause 10, an amendment introduced in another place by a member of the Opposition. It provides that in future a copy of every report of a medical examination to which a workman is required to submit himself under this Act shall be given to the workman or to a person nominated by the workman. This raises some problems. First, we must not forget that the workman concerned is required to submit himself to a medical examination at the expense of the employer or the insurance company that is behind the employer. So far, the report of that medical examination has been made available to the employer. In some respects, I suggest the situation is somewhat analogous to the position where a person submits himself to a medical examination for the purpose of taking out an insurance policy: that examination is paid for by the insurance company concerned. The report is provided by the doctor to the insurance company and it is a confidential document. The same situation arises here.

I am prepared to agree that a very different situation probably exists once legal proceedings have been commenced. That is the important point of time at which we should consider supplying copies of medical reports to workmen. Until that stage is reached, it seems to me undesirable and unnecessary for the workmen to receive copies of any medical opinions or reports. Indeed, once proceedings have been commenced, it is now quite common for solicitors to exchange copies of reports. In fact, under certain rules of court, they may be required to produce copies.

It is not to be thought that this will actually prevent the workman from obtaining at a particular stage information that he should have, because he can always obtain a report from

his own doctor. Many of these reports are of a highly specialist nature; some are voluminous. Until legal proceedings or proceedings by way of a claim for compensation before an arbitrator have been instituted, this clause is a little too wide. Accordingly, I have prepared some amendments to it, with which I shall deal in the Committee stage.

The next clause I want to deal with is clause 11. It appears there has been rather a mix-up here. Clause 11 deals with section 69, the provisions of which require that, where a workman is injured and is contemplating making a claim against his employer for negligence, he must do two things: first, he must give a notice to his employer within six months of starting to receive compensation of his intention to bring a negligence action; and, secondly, he must within 12 months after commencing to receive compensation actually bring his action. I am fully aware that the Law Society has for some time been advocating that both these requirements be eliminated, arguing, first, that there is no need to give notice and, secondly, that there is no need to limit the bringing of the action to a period of 12 months, because in other circumstances three years is allowed to bring any action based on negligence. Many claims based on negligence in other circumstances involve road accidents where injuries occur.

As I understand the Law Society's ideas about this, notice is unnecessary and the limitation of the time within which to bring an action is also unnecessary, compared with the further extension of time granted in other circumstances. Strangely enough, the Government seems in these provisions to retain the giving of the notice (probably the least important of the dual procedures) and cut out the need to bring an action within 12 months. I suggest that exactly the opposite should have been done. I agree entirely with the Law Society that the giving of a notice is not necessary, that in fact it confuses people, that workmen do not know that they must give notice within six months, and that they are sometimes compromised in bringing claims for damages based on negligence because they have omitted to give a notice that they did not know had to be given.

I know, too, that frequently legal practitioners do not remember to give notice on behalf of their clients within six months. Therefore, I thoroughly agree that we should get rid of this preliminary notice of intention, because after all the employer has notice of the accident when the workman applies in the first instance for compensation for his injury and when he reports his injury to the employer.

However, coming to the other side of the question, I think the retention of a shorter period in which to commence action in workmen's compensation cases is thoroughly justified, because we cannot compare the situation that exists in an action for negligence against an employer for something done or omitted to be done in the course of the contract of employment with, say, the general run of road accident cases. Wherever bodily injury occurs as a result of a road accident, a report must be made to the police, the accident must be investigated, and the police take statements from witnesses and persons involved in the accident. Therefore, a record exists of the full circumstances of the accident.

Unfortunately, that situation does not exist regarding industrial accidents because, as some are minor, no real record is made. It would be unfair if a workman had three years in which to decide whether to bring a claim against his employer for negligence and if, at the death knock, he decided to do so. In those circumstances the employer would have no opportunity to investigate the causes and circumstances surrounding the accident.

It is likely, too, that fellow employees of the workman would have passed on to jobs in other firms, and only hazy and scrappy information might then exist. It is not terribly difficult for a workman to decide in 12 months whether he will bring an action for negligence. He knows the circumstances of the accident, and he knows whether his injury is serious enough to justify the bringing of an action based on negligence, so surely he should be able to decide in that time whether he will adopt such a course of action.

Many workmen prefer to take the easy way out: to take compensation and not have to worry about all the legal hurdles that they would have to leap in bringing an action for negligence. I know from experience that it is not easy to prove negligence against an employer, although, of course, at times this is not so. Actions for negligence are usually contemplated only when the injury would justify a much heavier award of damages to the workman than he could obtain by means of compensation under the Act.

I have therefore prepared an amendment to section 69 which honourable members will be able to examine in Committee. There are two possibilities: that the provision should be

amended so as to delete the giving of notice altogether (with which I am fully in favour), or to retain the provision that the action must be commenced within 12 months; or, alternatively, that the position could be left exactly as it is. It is not an onerous provision that notice must be given, because invariably the court excuses failure to give notice in certain circumstances. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Amount of compensation when workman dies leaving dependants."

The Hon. C. R. STORY (Minister of Agriculture): The Hon. Mr. Potter has raised several points and, in order to give the Government an opportunity to examine them, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

In Committee.

Clause 5 passed.

Clause 6—"Compensation for incapacity."

The Hon. C. R. STORY: I move:

In paragraph (*h*) to strike out "eleven thousand seven hundred" and insert "nine thousand".

The purpose of this amendment is to return the Bill to the form in which it was introduced in another place. It was subject to a round-table conference of all interested parties. The conference took place between the chamber, the union and the Minister responsible. I suppose one could say that by a slight accident there were not sufficient numbers in another place to prevent the Opposition's amendment being carried. It is now the Government's intention to restore the Bill to its original form.

The Hon. A. F. KNEEBONE: I am shocked at the Minister's attitude. I should have thought that, if there were an ounce of the milk of human kindness within the Minister's body, he would have not moved any amendment until the Committee reached clause 8, to which clause he would have moved to increase the sum from $9,000 to $11,700. I strongly oppose the Minister's attitude.

The Committee divided on the amendment:

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

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

Majority of 10 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 7 to 9 passed.

Clause 10—"Right to receive medical report."

The Hon. F. J. POTTER: I move:

After "33a." to insert "Where proceedings have been instituted by or on behalf of any party as to the liability to pay compensation under this Act".

This amendment and the other amendment on file will limit the time during which medical reports are to be supplied to a workman from the time when legal proceedings are instituted. I appreciate that some members of the medical profession may find themselves in a somewhat awkward position, for in most cases doctors wish to retain the confidential nature of their examinations of patients. While they are fully prepared to make available to patients their professional advice and opinions, they are not anxious to supply those opinions elsewhere.

However, under this legislation the workman is required to submit himself to a medical examination, and the employer or insurance company is the one that pays for that examination and the one to whom the report is supplied. I think that, if this matter were limited to the time when proceedings were commenced, it would be adequate. It would do justice to the workman concerned if he were informed from that time onwards of the position concerning his medical history or medical prognosis.

The Hon. A. F. KNEEBONE: I strongly oppose the amendment. Where a workman is compelled to undergo a medical examination it is only reasonable that after the examination he should be given a copy of the result. He should not be forced to take action before being given a copy. In addition, if that workman desired, a copy of the report should be given to some person nominated by the workman. I ask honourable members to reject the amendment.

The Hon. R. A. GEDDES: Before making up my mind on this amendment, I would like to know what the normal practice has been

in the past. When a workman is injured and has to have a medical examination prior to receiving compensation, has he in the past been entitled to be given a copy of the medical report? Also, has this been written into the Bill at the request of the unions, or of lawyers, or some other person or organization?

The Hon. A. F. KNEEBONE: Up to the present time it has not been provided that a workman should be supplied with a copy of a medical report. Approaches have been made on behalf of organizations, and apparently the Government has seen the wisdom and the virtue of those approaches and introduced this into the measure.

The Hon. F. J. Potter: This was a private member's amendment in another place.

The Hon. A. F. KNEEBONE: I have no doubt that this provision is desired by the trade union movement, because I have been approached many times on this aspect. Why should a copy of the medical report be made available to one side only?

The Hon. V. G. SPRINGETT: I emphasize that, from a medical point of view, it is traditional to give a copy of the report or certificate to the workman.

The Hon. C. D. ROWE: I believe one aspect of this matter has been overlooked. In certain circumstances it would be unwise for an injured workman to be allowed to see a copy of the medical report. Some 10 years ago I suffered a coronary, and for some time after that I was not permitted to see the medical report because it was believed it would not be in my best interests to do so. It was thought it might have a deleterious effect if I knew the seriousness of the attack. That is one reason why I believe it should be withheld. It would apply more so if a psychological aspect or a nervous condition happened to be involved. In cases of that nature I believe that it would probably retard a person's recovery.

The Hon. S. C. Bevan: That is not relevant, because we are dealing now with a person who has been injured. Surely he would be entitled to see the medical report?

The Hon. C. D. ROWE: There may be cases where a person would recover more quickly if he were not aware of certain items in the medical report. I think any medical man would confirm that view.

The Hon. A. F. KNEEBONE: I cannot accept that point of view. It may be correct in certain special circumstances, but I see no reason why a man should not be given a copy of the report.

The Hon. D. H. L. BANFIELD: I believe the Hon. Mr. Rowe has missed the point. Even if this provision were allowed to stand it would not prohibit anybody from obtaining a copy of a medical report. Those comments, coming from one of the legal fraternity, seem to suggest that he is looking for business. If an injured person could obtain a copy of a medical report only after instituting legal proceedings, it would mean that he would first have to place his case in the hands of a solicitor. On the other hand, if he could obtain a copy of the report before proceedings reached that stage he would be in a better position to estimate the possibility of receiving compensation. Surely a man is entitled to know that without seeking advice from the legal fraternity?

The Hon. C. R. STORY: I believe I am rather like the examiner, because I happen at this moment to have the answer after listening to all the questions. The Government opposes the amendment, the effect of which would be to reduce the scope of this provision to the making available of reports of medical examinations required to be undergone by the workman after proceedings have been commenced.

In the Government's view, this situation is already covered under Order 31 Rule 27 of the Rules of the Supreme Court which apply to local court proceedings owing to the absence of any local court rule in this matter. Since this aspect is essentially within the scope of the rules relating to discovery and inspection, there would appear to be no point in re-enacting it in a somewhat different form in this particular Act. Its presence there would only serve to confuse litigants. The clause of the Bill as it stands provides that the evidence obtained from a medical examination to which a workman must submit himself should be available to the workman as well as to the employer.

Amendment negatived; clause passed.

Clause passed.

Clause 11—"Liability independently of this Act."

The Hon. F. J. POTTER: I move:

In new section 69 (2) to strike out all words after "injury" second occurring, and to insert "except within 12 months after he

received compensation, or if more than one payment of compensation was made, within 12 months after he received the first such payment."

I explained this amendment earlier. At present, for one to bring a negligence action in addition to a workmen's compensation claim, one must give notice accordingly within six months, and the action must be brought within 12 months. The provision eliminates the need to bring the action within 12 months but retains the giving of the notice within six months.

In my opinion, the giving of notice is the least important part of the section. Indeed, the whole of the clause could be deleted. It is important that the employer should know at least within 12 months whether he is to face a charge of negligence, so that he would have an opportuntiy of preparing a case in reply. This is not the same position that exists in, say, a motor traffic accident, where full reports are obtainable through police channels. The bringing of proceedings under this jurisdiction is not the same as under common law as a result of a negligent act on the roads. I therefore consider that the provision requiring the giving of notice within six months should be eliminated and the provision that proceedings must be taken within 12 months should be retained.

The Hon. A. F. KNEEBONE: I oppose this amendment as strongly as I have the others. The Bill provides that where a workman has received compensation in respect of an injury he shall not bring an action in respect of the same injury unless within six months after he has received such compensation he gives written notice of his intention so to do. That provision does not limit the time within which he can take action. Of course, in certain circumstances he is permitted to give notice of his intention to take action after six months. The Hon. Mr. Potter is trying to limit the time in which the man can decide to take action. The honourable member is not liberalizing the provision but is making it more restrictive. I therefore ask the Committee to vote against the amendment.

The Hon. R. A. GEDDES: The Hon. Mr. Potter has given us the example of a motor vehicle accident, after which a person has three years to lodge a claim for negligence. If a person is injured in a factory he has three years in which to bring proceedings against his employer, provided he does not claim workmen's compensation.

The Hon. F. J. Potter: You are talking about a hypothetical case. Everyone receives workmen's compensation, because they are entitled to both.

The Hon. R. A. GEDDES: Be that as it may, the law still provides that a person has three years in which to lodge a claim for negligence against his employer. Therefore, I am not happy with the proposed amendment, and I ask honourable members to reject it.

The Hon. C. D. ROWE: There seems to be some confusion regarding this matter. In the case of an accident, where there is damage to property or life, almost without exception an investigation is undertaken by the police, who take statements from witnesses as well as making a report at the scene of the accident. A record is therefore available, and detailed statements can be obtained if litigation is commenced.

In the case of workmen's compensation, an employee who receives what may be a relatively minor injury must give notice thereof to his employer, who could file it with his other notices and take no further action. If the employee decides later to commence litigation, his employer might have lost the opportunity of interviewing witnesses or obtaining medical evidence regarding what happened. To the extent to which he cannot obtain an accurate report of the facts of the particular case, the employer is prejudiced. It is only reasonable that an employer should be given the opportunity to fully inform himself before witnesses can disappear. Perhaps the employee should have to issue a writ, which would not be an expensive procedure, giving notice to his employer of the possibility of further action being taken.

The Hon. C. R. STORY: The principal Act provides that no action shall be commenced for damages in respect of an injury for which a workman has received compensation unless, within six months of the compensation being paid, he gives the employer written notice of his intention to bring that action. The Hon. Mr. Potter's amendment provides that an action must be brought within 12 months, instead of the period provided for in the Limitation of Actions Act, which is three years.

The Hon. A. F. KNEEBONE: The Government's view on this matter is the same as my own view. It is too restrictive to reduce the period within which a claim must be made from three years to 12 months. I therefore oppose the amendment.

The Committee divided on the amendment:

Ayes (5)—The Hons. R. A. Geddes, L. R. Hart, F. J. Potter (teller), C. D. Rowe, and A. M. Whyte.

Noes (13)—The Hons. D. H. L. Banfield, S. C. Bevan, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, C. M. Hill, Sir Norman Jude, H. K. Kemp, A. F. Kneebone, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story (teller).

Majority of 8 for the Noes.

Amendment thus negatived.

Clause passed.

Remaining clauses (12 to 15) and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendment.

HARBORS ACT AMENDMENT BILL

(Second reading debate adjourned on December 3. Page 3526.)

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

LOTTERY AND GAMING ACT AMENDMENT BILL (COMMISSION)

Adjourned debate on second reading.

(Continued from December 3. Page 3506.)

The Hon. A. J. SHARD (Leader of the Opposition): I oppose the Bill, to which I intend to move some amendments. It is a small Bill consisting of only two clauses. When totalizator agency board betting was introduced a few years ago, it was decided that for three years after the commencement of off-course betting the racing clubs would be permitted to retain the extra 1¼ per cent provided they spent such part thereof as the Treasurer approved on improvements to totalizator facilities and information services that were approved by the Treasurer.

Over the last three years (actually the three-year period will expire at the end of March next year) the racing clubs have had an additional 1¼ per cent, and this was to assist them to improve the standards of totalizator facilities and to keep the racing industry a paying proposition. I have always thought that the Government, irrespective of Party, has taken too much from the racing fraternity. Therefore, I oppose this Bill, which sets out to reclaim by instalments this 1¼ per cent. The Government receives many thousands of dollars a year from the clubs and the racegoers. Since the advent of the Totalizator Agency Board and the improvement in the turnover on the totalizator, the Government has received more money.

This 1¼ per cent does not amount to a very large sum: I am told that at the most it would be about $30,000 a year. I think the Government is making a mistake in attempting to take back the whole 1¼ per cent. I occasionally visit racecourses in other States, and I know that the amenities at our racecourses, particularly the totalizators, leave much to be desired by comparison. Even though we have had T.A.B. for about three years, the racing clubs have not received from the operations of the T.A.B. the added revenue that the racing clubs in other States have received. Prior to the advent of T.A.B., we had that awful thing known as the betting tax. I venture to say that the money going back to the clubs is not greatly in excess of what they were receiving from the betting tax.

Racing in this State is on a very high level, and the breeding industry is equal to the best in Australia, if not the world. Racing is an industry, for it employs many people and is worth hundreds of thousands of dollars a year to the State. If this Government is determined to squeeze the last drop from the lemon, as it were, it will not encourage the racing clubs to improve stake money and the quality of racing. The industry could deteriorate, and the Government might get less in overall returns from the racing industry than it is getting now. I venture to say that if any private industry wanted assistance to the extent of only $30,000 a year the Government would fall over itself to make provision whereby that industry could have that money to enable it to establish or to keep in existence.

I read in the newspaper recently that the totalizator takings over the last nine trotting meetings since October were about $30,000 more than they were at this time last year, and if the totalizator and the T.A.B. returns keep at that level the $30,000 that the Government expects to get from this 1¼ per cent will be gathered in slowly. I would like to see the Government relent in its demand regarding this 1¼ per cent.

The Hon. A. M. Whyte: Is it 1¼ per cent?

The Hon. A. J. SHARD: I think for this period it is ¾ per cent. It is not a big sum, but it is some help to the racing clubs in their endeavours to improve their stakes and to

increase attendances. I think we must try to assist racing clubs to increase their stakes and improve their totalizator facilities. The Minister in his second reading explanation said:

The Bill now submitted provides that after the expiration of three years from the appointed day, that is, after March 28, 1970, and until March 28, 1973, after paying the statutory stamp duty out of the 14 per cent commission, the clubs must pay a further ¼ per cent to the Hospitals Fund to be used for the provision, maintenance, development and improvement of public hospitals and retain the balance for their own use and benefit. They will thus retain an additional ¾ per cent for this period.

After this period they will cease to be entitled to retain any part of the additional 1¼ per cent, the whole of which will then be paid to the Hospitals Funds as originally proposed.

Even though this money is to be paid into the Hospitals Fund, it will in effect be a saving to the general revenue. If the hospitals received this money in addition to the money they used to get from the general fund, I would accept it, but I know that this relieves the general revenue of a large sum, and that the allocation of this sum really amounts only to lip service.

The Hon. R. C. DeGaris: You have changed sides, haven't you?

The Hon. A. J. SHARD: Yes, I have found out a few things.

The Hon. R. C. DeGaris: You wouldn't agree with this point of view two years ago.

The Hon. A. J. SHARD: I did; I raised this very point, and if what I said at one time was recorded it would make very interesting reading.

The Hon. L. R. Hart: Do you think the hospitals get more now than they did when they got their money out of general revenue?

The Hon. A. J. SHARD: I do not think the hospitals are getting proportionally what they got in 1965. The hospitals would be getting more overall.

The Hon. R. C. DeGaris: You sound more and more like Tom Playford every day.

The Hon. A. J. SHARD: I have a soft spot for the hospitals which, although they are getting a larger amount, are not getting much more than they would have got from general revenue if this fund had not been created. The amounts allocated to assist hospitals both in the metropolitan area and in the country from the fund may have relieved the general revenue of a certain sum of money.

I do not think I need say much more on this Bill, which is quite simple. The Government has not had this money over the last three years. I venture to say that the money the Government has received over the last three years from the racing industry is more than it received in the three previous years, and I believe that the Government would not miss this $30,000 a year as much as would the racing clubs. I will leave it at that at this stage. I have an amendment on file to the effect that the 1¼ per cent from totalizator funds given to the racing clubs over the last three years be left with the clubs. If I am successful with that amendment then I will not take any further action, but if I am not successful, I will have a second bite at the cherry.

The Hon. Sir NORMAN JUDE (Southern): I am in somewhat of a dilemma regarding this question. Honourable members will realize that, generally speaking, I support racing club interests and complain that the Government of the day is rather greedy in its attacks on the sport or industry of racing. I concur almost entirely in the Leader's remarks, but I find myself stymied by the statement of the Treasurer that agreement has been reached with racing clubs concerning the proportion of .75 per cent to be retained.

The Hon. A. J. Shard: Don't you believe that.

The Hon. Sir NORMAN JUDE: The honourable member can have another say in Committee, but I have seen it in print that agreement was reached with the racing clubs. However, I am disappointed from the point of view of the clubs, and in their position I think I would have held out for more. Being faced with a *fait accompli* that the clubs accept the arrangement, I can only hope that when the three years has elapsed and the fund is no longer available to them—whatever the Government of the day—the clubs will again make representation to retain that amount or do away with the arrangement altogether. I have often said that it is not so much the racing clubs but the poor old punter who pays; he is the one who is fleeced all the time. Take it away from the totalizator total tax and there would be a much happier band of supporters.

The Hon. R. C. DeGaris: What the honourable member is saying is that this is a punters' tax and not a racing clubs' tax.

The Hon. SIR NORMAN JUDE: It is just about that. In the circumstances, I support the Bill, but I will listen with interest to the amendments to be moved by the Hon. Mr. Shard.

The Hon. R. C. DeGARIS (Chief Secretary): I have listened to the arguments put forward by the Leader and also to the speech of Sir Norman Jude. I think the real facts should be placed on record. When the original Bill was introduced in 1966 it incorporated an agreement reached between the Government of the day and representatives of both the racing and the trotting clubs in South Australia that 1¼ per cent would be applied for the specific purpose of improving totalizator facilities. It was further agreed that the 1¼ per cent would revert to the Government in March, 1970. Without this Bill, the 1¼ per cent will revert by way of that agreement to the Government.

In discussions with representatives of racing clubs, agreement has been reached that, instead of the original agreement whereby 1¼ per cent would revert to the Government, .75 per cent would remain with the clubs for a further three years, while the balance of .5 per cent would revert to the Government. However, there are also other advantages to the racing clubs in that under this agreement no strings will be attached to the money.

The Hon. A. J. Shard: I appreciate that.

The Hon. R. C. DeGARIS: The strings were that the money had to be spent on totalizator facilities; now the clubs may do what they like with the .75 per cent that they will retain. The important point is that the Government has relented, with some generosity, from having the signed agreement carried out. I do not believe that the racing industry in South Australia at present is deteriorating, because I believe the industry is—

The Hon. A. J. Shard: I hope I did not convey the impression that I thought racing was deteriorating.

The Hon. R. C. DeGARIS: I am sorry, I thought the Leader was saying that.

The Hon. A. J. Shard: No, I think it is improving.

The Hon. R. C. DeGARIS: I misunderstood the honourable member; I thought he was saying that the industry was deteriorating. I believe that it is improving, and that the on-course attendances indicate a revival of interest by the racing public. I also believe that possibly the most important step taken in attempting to attract people back to the course was the removal of the winning bets tax. Even though it may have been a small percentage, the Government lost an amount of about $800,000 a year in revenue with the removal of that tax.

The Hon. A. J. Shard: But that was not overall: the Government did get something back from T.A.B. to replace it.

The Hon. R. C. DeGARIS: I agree, but at the time there was a general revenue loss of the amount I mentioned. I believe that was an important step towards better attendances at race courses, and I also believe that at present the ball is very much at the feet of racing administrators in this State. I think they have an opportunity to see the industry develop rapidly in future and a return to larger numbers of people following racing in South Australia.

I thank honourable members for their attention to the Bill and I indicate that, so far as the Government is concerned, a new policy is being adopted which is different from that originally decided on in 1966. I consider it to be a fair policy, with which racing clubs have indicated their agreement.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Mode of dealing with moneys paid into totalizator used by a club."

The Hon. A. J. SHARD (Leader of the Opposition): I move:

Before "subsection (9)" to insert "from".

Its effect will be to leave the 1¼ per cent from totalizator funds with the racing clubs. If my amendment is carried, racing clubs will not have to pay anything back. The Hon. Sir Norman Jude and the Chief Secretary said that the racing clubs had agreed to this Bill. Of course they would agree to it if they could not arrange anything better, but from my discussions with representatives of the clubs they do not want to lose any of this money, and that was a unanimous opinion. Being wise men, they took the best they could get. However, if they could retain .75 per cent of that amount for another two years, of course they would agree to it rather than lose it all. However, do not let anybody misjudge racing clubs by thinking that they are happy to lose any of this money, because I know differently. I have spoken to committee men of the racing clubs, and even though I have not been to the races since Eight Hours Day, I say that at that time pressure was put on me from all sides.

In the last two or three years racing has improved out of sight. Also, there has been a distinct improvement in the trotting world over the last nine meetings. I realize that an agreement was made with the Government, but I point out that it was made because everyone was anxious to have the Totalizator Agency Board established. Nevertheless, it was not a unanimous decision. I have always thought that the Government of the day takes too much money from the racing industry; no other sporting or entertainment industry in this State is taxed.

The Hon. R. C. DeGARIS (Chief Secretary): During the second reading debate I stated the Government's view on this matter. I should like to paint a somewhat different picture from that presented by the Leader. The racing industry in South Australia is the only industry in connection with which the Government taxes people and makes reimbursements directly to the industry. What would happen if the T.A.B. decided to run football pools in South Australia? When we remember oversea trends we can visualize that football pools would attract very much money at the expense of the T.A.B. turnover on racing. Would anyone say that T.A.B. football pools could be regarded as taxation imposed on the football industry? Obviously, the answer is "No". Would we be justified in saying that the money raised by the Government on T.A.B. football pools should be returned to the football industry? I put this forward purely as an analogy.

The Government imposes a tax on behalf of the racing industry and refunds money to it; that industry is the only one helped in this way. In connection with our taxation measures on betting and gambling, in South Australia we return more to the racing and trotting industry than does any other State in Australia, as far as I know. In Victoria, of the bookmakers' turnover tax of $2,400,000, the Government holds $2,000,000 and the racing clubs receive $400,000. In South Australia, of the bookmakers' turnover tax of $750,000, the clubs receive $470,000. In other words, in South Australia a greater amount of the bookmakers' turnover tax is received by the clubs than is the case in Victoria.

This shows that the policy adopted over many years in South Australia is generous, compared with the policy in other States. In connection with the agreement made, I somewhat doubt whether the racing clubs would be receiving so much money if the Government that was in power in 1966 was still in office. We will probably never know, although the Leader has said that he favours support for the industry. No-one can say that the racing industry would receive a better deal from a Labor Government than from this Government.

The Hon. A. M. WHYTE: I support the amendment. Because the racing industry is of great consequence to South Australia, we should encourage it as much as possible. Not long ago I was approached by some country racing clubs that wanted to obtain more money for their existence. They believe that they would be unable to continue their operations if they did not receive more assistance. Country racing contributes very largely towards the overall racing industry.

Since it is such a lucrative industry for the State, we should maintain the maximum amount of assistance we can for it. I am pleased to see that from now on the clubs will be able to use their percentage in the manner that they believe will be most beneficial to them. Many clubs have already raised their totalizator facilities to an acceptable standard and wish to be able to use their discretion in this matter.

The Committee divided on the amendment:

Ayes (5)—The Hon. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, A. J. Shard (teller), and A. M. Whyte.

Noes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Majority of 9 for the Noes.

Suggested amendment thus negatived.

The Hon. A. J. SHARD: I move:

In new subsection (9) (*a*) to strike out "but before the expiration of six years"; and to strike out new paragraph (*b*).

This simply means that, instead of the .75 per cent that the racing clubs are retaining now coming back to the Government after the expiration of two years, the racing clubs will retain it for ever.

The Committee divided on the amendment:

Ayes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, Sir Norman Jude, A. F. Kneebone, A. J. Shard (teller), V. G. Springett, and A. M. Whyte.

Noes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M.

Hill, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Majority of 5 for the Noes.

Suggested amendment thus negatived.

Clause passed.

Title passed.

Bill read a third time and passed.

WHEAT DELIVERY QUOTAS BILL

Returned from the House of Assembly with the following amendments:

No. 1 Page 14, line 13 (clause 19)—

After "of no effect" insert "but the provisions of this subsection shall not prevent such a person from making a new application to the Advisory Committee and, notwithstanding anything in section 21 of this Act, the Advisory Committee shall deal with that application in accordance with this Act".

No. 2. Page 17, line 17 (clause 24)—Leave out "that was insured against".

No. 3. Page 18, lines 4-7 (clause 24)—Leave out paragraph (*b*).

No. 4. Page 21, line 33 (clause 33)—

Before "The" insert "Subject to subsection (2) of section 32 of this Act,".

No. 5. Page 23, after line 26 (clause 38)—Insert—

"(2a) Where the Review Committee is satisfied, on such evidence as it thinks fit, that the amount of wheat represented by a wheat delivery quota allocated in respect of a production unit is less than the amount of wheat the proceeds from the sale of which, when aggregated with all other proceeds from the utilization of the lands comprised in the production unit directly or indirectly available to the holder of the wheat delivery quota, would be sufficient to maintain the economic viability of the production unit, the Review Committee may direct the Advisory Committee to alter the amount of wheat represented by that wheat delivery quota by increasing that amount to an amount specified in the direction and the Advisory Committee shall give effect to that direction."

Consideration in Committee.

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

That the House of Assembly's amendments be agreed to.

The Hon. L. R. HART: I am not sure that the Committee should agree to all these amendments. Members recognize that some adjustments should be made to the wheat quotas that have been allocated to wheatgrowers as many of them will not be sufficient to make properties viable propositions.

The Hon. C. R. Story: Which amendment are you speaking to?

The Hon. L. R. HART: The Minister has moved that all the amendments be agreed to, so I am bracketing them together. If he so desires, I could confine myself to clause 24, which eliminates the requirement that the owner of a property must insure against an insurable contingency. How can this provision be policed? Previously, if a crop had been insured and a claim was made it was possible to ascertain the loss involved, but pursuant to this provision the word of the owner of the property, perhaps substantiated by his neighbours, is to be accepted. I am concerned that there will be no way of proving what they say to be correct.

An insured person making a claim collects insurance on his crop, but will suffer the disadvantage of not having the amount of grain that is lost considered in his allocation. Perhaps consideration should be given to this aspect, but how does one prove that the loss is as stated? Can the Minister say how this provision will be policed?

The Hon. C. R. STORY: I acknowledge the validity of what the honourable member has said, and I would have preferred the Bill to remain in the form in which it went to another place. However, I do not see much point in delaying the legislation merely because of that point. This Council has been accused by many people (indeed, I read such an accusation in this morning's press) of having delayed this measure. However, at my request and that of the industry the Council allowed the Bill to remain before it while the industry leaders gave an opportunity to the whole of the wheatgrowing fraternity of this State to consider the matter. Meetings were held throughout the State, from the Far West to the South-East and the Murray Mallee.

I told the Hon. Mr. Hart, in reply to a question he asked, that I would consider any amendments put forward by the industry, provided that they came from the grain section of the United Farmers and Graziers. An opportunity was given to the industry leaders to collect any resolutions that were put forward throughout the State. As a result, the legislation remained before the Council for some time so that the appropriate amendments could be included in it. The Government in another place has accepted, under some duress, certain of these amendments, and I do not think this will unduly affect the operation of the legislation.

Of course, until this legislation is passed, the review committee cannot be set up. It is terribly important for people who are concerned about whether they can get any more wheat from the pool to be able to go before the review committee. It is my job, as Minister, to get this legislation passed before this session concludes. Regarding the matter that the honourable member raised, it will be incumbent on the individual applicant to prove to the review committee that he has sustained the loss.

The Hon. A. F. Kneebone: It could be done by statutory declaration.

The Hon. C. R. STORY: He will have to go further than that: he will have to prove that he has suffered the loss. If the farmer was not insured during this five-year period, he must have sufficient proof that he suffered a loss because of a hailstorm, fire or whatever the cause might have been. Although some farmers live in remote areas, they still have a neighbour over the fence, and if one is not telling the truth it will eventually come to light.

The Hon. A. F. Kneebone: Of course, there are agricultural advisers.

The Hon. C. R. STORY: That is true, and the farmer can collect payment if he suffers loss as a result of a hailstorm, fire or whatever he claims is his disability. I would have preferred the Bill to pass in its original form, but I would not want to sink the ship merely because of these amendments.

The Hon. L. R. HART: I was disturbed to read in the press this morning of the disparaging remarks made against the advisory committee by a member in another place, which remarks discredited the committee in the eyes of the people of this State. I have attended a number of meetings, and at no time has it been suggested that the committee has acted in an incompetent or dishonest manner.

The Hon. M. B. Dawkins: The remarks were made by a man who knows absolutely nothing about the industry.

The Hon. L. R. HART: Be that as it may, the primary producers of this State have accepted the decisions of this committee, although perhaps not always happily, because they realize that the committee has a difficult task to perform, a task which it has carried out with much credit. It ill behoves any person to make such remarks against a committee that has the full confidence of the industry.

Amendments agreed to.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL (QUOTAS)

Returned from the House of Assembly without amendment.

CROWN LANDS ACT AMENDMENT BILL (GENERAL)

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

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

That this Bill be now read a second time.

Its main objects are to remove from the principal Act any provisions requiring personal residence in relation to leases, agreements and land grants, to include a power to fix a reserve price for auctions of land under section 229 and to clarify the provisions of section 272 of the principal Act. The opportunity has also been taken to bring up to date all obsolete references in the principal Act to the Commissioner of Crown Lands by altering those references to references to the Minister of Lands. This will enable the Act and its amendments to be consolidated under the Acts Republication Act.

Clause 2 of the Bill alters all references to the Commissioner of Crown Lands to references to the Minister of Lands. Clauses 3, 4, 5, 6, 8, 9, 10, 12, 15 and 16 repeal the provisions of the Act relating to the allotment or sale of land on conditions of personal residence. The Government considers that under present-day circumstances the need for a lessee to reside on the land frequently does not exist. Methods of management and facility of transport are such that a property can be efficiently worked from a distance. Clause 7 strikes out from section 66h the references to provisions of the Act that are no longer in force.

Clause 11 repeals section 229 and re-enacts it with a power conferred on the Minister to fix a reserve price at which lands referred to in the section may be sold at auction and, where the reserve price is not reached, to sell the land by private contract at a price less than that reserve price. The existing method of publishing an upset price restricts the return from the sale of land by auction because it publicizes the minimum acceptable price at which the land can be purchased. Where the number of blocks available for sale is equal to the demand, it allows prospective purchasers to agree beforehand as to which blocks they will bid for, and this really inhibits competition. Furthermore, where the

upset price is not acceptable to any would-be purchaser it involves the department in unnecessary work in withdrawing and re-offering the blocks at a lower upset price.

Clause 13 enacts a new section 249b which provides, in consequence of earlier clauses of the Bill, that where an agreement or a lease or grant contains a condition or covenant requiring personal residence on the land which is the subject of the agreement, lease or grant, that agreement, lease or grant shall be construed as if no such condition or covenant was contained in it.

Clause 14 amends section 272 of the principal Act under which power at present exists for the removal, sale or disposal by the Minister of buildings, structures, etc., erected "unlawfully" on land belonging to the Crown. The word "unlawfully" has presented the administration with some difficulty in that it is not at all clear what it means. Accordingly, the clause substitutes "without the authority of the Minister" for the word "unlawfully" with a view to clarifying the provisions of the section. The clause also contains a power to remove, sell or destroy a building, fence or structure which has been erected with authority granted subject to the condition of removal within a specified time or upon termination of occupancy, where the condition has not been complied with.

Under the principal Act at present there is no power for the Minister to remove, or cause the removal of, chattels left behind on Crown land on the termination of occupancy. The clause confers on the Minister power, by notice in writing, to require such removal within a specified time and, if the chattels are not removed as required, to remove, sell or destroy the chattels and recover the cost of so doing from the lessee. I commend the Bill to honourable members.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the Bill, which could have been introduced some time ago. It was necessary years ago for the occupiers of land to reside on the land but, with modern transport and the other facilities available today, this is no longer necessary. After all, many farmers work very well from North Terrace, so I suppose there is no reason why any lessee of land should be expected to reside on his land.

With regard to facilitating the sale of land, this Bill provides that if a reserve price is not reached at auction the Minister, immediately following the auction, can negotiate for the sale of land. Clause 14 strikes out the word "unlawfully" and inserts the words "without the authority of the Minister". This clarifies the situation somewhat and is a good provision. All in all, there is nothing objectionable in the Bill, and I support it.

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

LOCAL COURTS ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL (VALUATION)

Returned from the House of Assembly without amendment.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PETROLEUM ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

GIFT DUTY ACT AMENDMENT BILL

In Committee.

(Continued from December 3. Page 3521.)

Clause 7—"Disposition in consideration of reservation of benefit"—which the Hon. F. J. Potter had moved to amend by striking out all words after "section".

The Hon. F. J. POTTER: In the amendment I moved yesterday to clause 2 (*n*) there was a typing error; consequently, I ask leave to change the word "and" to "or".

Leave granted; amendment amended.

The Hon. F. J. POTTER: Because the Hon. Mr. Rowe has a minor amendment on file that affects an earlier part of the clause, I ask leave to withdraw my amendment temporarily to enable the honourable member to move his amendment.

Leave granted; amendment withdrawn.

The Hon. C. D. ROWE: I move:

In new section 18 (2) (*a*) after "payable" to insert "on demand or".

I do not think this alters the law; it merely clarifies the position. As the provision reads, it could be argued that, if a sum was payable on demand and not at a future date, it amounted to a reservation, whereas I think the intention

is that, if the sum is payable on demand or at a future date in the circumstances referred to in this provision, it shall not be a reservation.

The Hon. F. J. POTTER: I support the amendment, which will have the effect of enabling not only future but also past transactions to come within the provisions of the definition. It has been common place in the past to make dispositions of property in which the consideration is payable in the future to be payable on demand. I think it would be quite unfair not to allow those transactions to be covered by this new provision.

The Hon. R. C. DeGARIS (Chief Secretary): I can see no objection to inserting these new words, which seem to clarify the provision.

Amendment carried.

The Hon. C. D. ROWE moved:

In new section 18 (2) (*b*) after "payable" to insert "on demand or".

Amendment carried.

The Hon. F. J. POTTER: I move:

To strike out "except where, and to the extent that, the obligation to make payment were undertaken in accordance with an agreement or an arrangement that the whole or any part of it be cancelled or forgiven at some future date."

As I think this was fully explained yesterday, I do not know that any good purpose would be served by my reiterating what was said then.

The Hon. A. M. WHYTE: I support the amendment. Section 18 has caused concern among many people. The previous attempt made to improve the measure did not quite meet the situation. However, I believe that the amendment will accomplish what is intended.

The Hon. R. C. DeGARIS: The amendment to section 18 of the principal Act, as it passed the Assembly, was designed to make it clear that the disposition of a property that might be, in part, gift and, in part, sale in consideration of specified future payments was not to be regarded as a gift with reservations. In fact, it was never intended that it should be so regarded. It is almost certain that in law it would not be so regarded, even without the proposed amendment, and up to this time the Act has been administered on a basis that such a transaction does not constitute a reservation of benefit, so long as the transaction is *bone fide*. The amendment makes the situation perfectly clear and, if the proviso is struck out by the amendment, then all reasonable objections are covered.

The Hon. H. K. KEMP: It is with profound regret that I see this section remaining in the Act, for it provides for a damaging taxation against the private business sector. As it levies a tax against one section of the community, it is a discriminatory tax. Most businesses have over many years set up a legitimate mechanism that is designed not to evade tax but to ensure the continuance of the business in the future. This provision aims directly at that mechanism. It is unfair, in that it affects only one section of the community, namely, that involving the private ownership of business. It levies a tax against the small business man who wishes to hand on the business to his son. This includes also the professional man who has set up a practice in medicine, dentistry or the law and who wishes to pass on that practice to his son.

The Hon. C. M. Hill: You mean the business would be a controlled company?

The Hon. H. K. KEMP: Yes. This tax can be completely evaded where the ownership is in a public company. There is no restriction where the wealthy man has assets in cash or shares and can with impunity pass over money every 18 months. Because I consider that this is an unjust clause, I move for its deletion as a whole.

The CHAIRMAN: The honourable member can vote against the clause.

Clause as amended passed.

Clauses 8 to 10 passed.

Clause 11—"Donor not liable for duty if diminution of his estate occurred without his knowledge."

The Hon. C. D. ROWE: Earlier this afternoon I placed an amendment on file. I understand that the Government has not yet had an opportunity to consider that amendment and I should like it to do so before a vote is taken on the clause. In the circumstances, I ask that the Committee report progress.

Progress reported; Committee to sit again.

Later:

In Committee.

Clause 11—"Donor not liable for duty if diminution of his estate occurred without his knowledge."

The Hon. C. D. ROWE: I move:

In new section 28a to insert the following subsection:

(3) Without limiting the generality of the application of section 52 of this Act, where, in the opinion of the Commissioner, the value of a gift, as determined for the purposes of gift duty under this Act, is unreasonable in the circumstances, the Commissioner may assess by way of composition for the duty so payable, such sum as the Commissioner thinks proper under the circumstances and may accept payment of the sum so assessed in full discharge of all claims for such duty.

The principal Act, which came into operation 12 months ago, created a new body of law and, since then, unforeseen anomalies and difficulties have come to light. In certain circumstances an unfair result has been reached in respect of liability to pay gift duty. The purpose of this amendment is not to alter the law on the matter but to provide that, where it is obvious that an unreasonable result has been reached, the Commissioner shall have some discretion in respect of the amount payable and may thereby settle the matter. This is a desirable amendment in the initial stages of this new legislation.

The Hon. R. C. DeGARIS: The Government has no objection to this amendment.

Amendment carried; clause as amended passed.

Clause 12—"Additional duty for late payment."

The Hon. F. J. POTTER: I move:

To strike out the clause and to insert the following new clause:

12. Section 30 of the principal Act is amended by striking out subsection (1) and inserting the following subsection in its place:—

(1) If any gift duty is not paid within thirty days after service of the notice of assessment, additional gift duty at the rate of ten per centum per annum on the amount unpaid computed from the expiration of that period, or, where an extension of time has been granted under section 29 of this Act, from such date as the Commissioner determines, shall become payable and recoverable in all respects as gift duty by and from every person liable for the payment of the gift duty.

This amendment amends section 30 of the principal Act, which gives the Commissioner power to impose additional duty at the rate of 10 per cent if gift duty is not paid within two months of the making of the gift. Clause 12 of the Bill alters the period from two months to four months, but it is submitted that any additional duty for late payment should relate to the due date of an assessment, not the making of a gift. Under the present Act, additional duty for late payment can accrue even though an assessment has not been received by the donor. Section 27 of the Commonwealth Gift Duty Assessment Act imposes additional duty for late payment from the service of the notice of assessment. This is a matter in respect of which the State Act can be brought into line with the Commonwealth Act.

This method employed by the Commonwealth of imposing an extra duty or fine for the late entry of a return is a much better method than that adopted in this Bill. The clause is related to the general machinery provisions of the Act. It is not one of substance like the others we have dealt with, but it is important. If this amendment is carried, a consequential amendment to clause 32 will be required.

The Hon. R. C. DeGARIS: Does the honourable member seek to delete the whole of clause 12 with a view to inserting another clause?

The Hon. F. J. Potter: It is to redraft the whole clause.

The Hon. R. C. DeGARIS: I see. The design of this amendment is to make penalties operate after a specified time after a notice of assessment, whilst the original Act makes them operative after a period from the time at which a return should be lodged. The present amending Bill proposes to double the elapsed time provided for in the original Act.

The problem is that the Commissioner cannot make an assessment until he has secured all relevant information, and it could be to the advantage of a taxpayer to delay providing the return and relevant information if the Hon. Mr. Potter's amendment was accepted. The penalty is not automatic and would not be imposed by the Commissioner if the facts relating to the delay did not so justify. Moreover, provision is being made for a right of appeal against any substantial duty imposed as a penalty. The Government does not agree that this amendment is justified.

The Hon. H. K. KEMP: Could not the Minister accept some reasonable compromise here? As the clause reads at present, as soon as the duty becomes payable, a penalty is due; there is no let-out. Often in clearing up taxation matters there is a long delay. This is a reasonable request and, if a suitable compromise can be worked out, it will make a great difference to many people.

The clause as it stands can lead to a vicious retrospective case. The administration of these things rests with the people in charge.

The Hon. R. C. DeGARIS: I emphasize that the penalty is not automatic. It would not be imposed by the Commissioner if it was not justified.

Suggested amendment negatived; clause passed.

Remaining clauses (13 to 17) and title passed.

Bill read third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's suggested amendments.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

In Committee.

(Continued from December 3. Page 3516.)

Clause 3—"Medical termination of pregnancy."

The Hon. V. G. SPRINGETT: I move:

In new section 82a (4) (*b*) to strike out "such persons or authorities as are prescribed" and insert "the Director-General of Medical Services"

The referring of information to a body is important where health matters are concerned. I think that in this case to leave it to "such persons or authorities as are prescribed" is not adequate. As it is a medical matter, I think the person to whom the report should be made should be a medical person or a medical body. That is the reason for this amendment.

The Hon. C. M. HILL (Minister of Local Government): It was originally intended that this matter be left open at this stage, that we should not specify the people to whom records of this kind should be made available. It was realized that they would be of a highly confidential nature. One person that the Government had in mind was the Director-General of Medical Services, as the honourable member now suggests it should be.

I should prefer the clause to remain as it is and this matter to be considered later. On the other hand, this amendment has merit. The Government has always taken the view that it would prefer to make known the features of this legislation rather than have these matters introduced later by regulation.

The Hon. S. C. Bevan: Can't the Hon. Mr. Springett's suggestion be done by regulation?

The Hon. C. M. HILL: Yes, but a regulation cannot lay it down that the termination of a pregnancy should be recorded by any other party than the Director-General of Medical Services.

The Hon. S. C. Bevan: It could be done by regulation rather than by specifying it in this Bill.

The Hon. C. M. HILL: It will still be done by regulation, but the amendment makes it clear that the regulation must state that the record must be held by the Director-General of Medical Services. However, on balance and taking everything into consideration, I do not oppose the amendment.

The Hon. G. J. GILFILLAN: As the Bill now stands, the administration of its provisions is even more important than previously. It is obvious from the wording that has been so far accepted in the Bill that any two medical practitioners acting in a prescribed hospital are relatively free from prosecution. Indeed, it would be difficult to find a cause for prosecution. Therefore, the administration of this legislation becomes more important. As the Bill now reads, the ultimate responsibility will be with the medical profession itself rather than with the law. That comes back to the Hon. Mr. Springett's point, that such regulations should prescribe that the details should go to the Director-General. Ultimately, the Medical Board could be the body best qualified to control professional conduct. This Bill tends to take medical abortions out of the field of the law altogether, so it is important that the authorities responsible for the control of abortions be those with the necessary authority. When the Minister considers these clauses, will he assure the Committee that this important matter will be reviewed after a trial period of, say, six months, to see how the Act is working in practice?

The Hon. C. M. Hill: To which clause are you referring?

The Hon. G. J. GILFILLAN: I am referring to the whole Bill. Can the Minister give an assurance that the working of the whole measure will be reviewed after a period of six months so that, if any amendments are required, Parliament can further consider the matter?

The Hon. H. K. KEMP: This subclause really brings to the Bill the mechanism of supervision, which is important. There have been many attempts to reconcile widely differing ideas on this matter. At one time it was proposed that a panel of medical men be asked to undertake this supervision. If I understand it correctly, the reply was then made that it would not be suitable for a wholly medical panel to supervise the operation of this Act, because inevitably some disciplinary action

would be required at some time or other and a legal representative would be needed on such a panel.

As the provision stands at the moment, the Minister can prescribe any authority by regulation, which will, of course, have to come before Parliament. The limitation probably narrows the protection that must be embodied in the Bill. There is much more involved than a statistical record, as implied by the Hon. Mr. Springett's amendment.

The Hon. C. M. HILL: The Hon. Mr. Gilfillan sought an assurance that the Government would review this legislation after six months. However, I stress that the Government is not treating this measure lightly and that it intends to treat the legislation, if it passes, with the utmost care and caution. There will not be any need for a review after six months because the whole matter will be continuously under review while the present Government is in office. I give that assurance, which is even wider than the one sought by the honourable member.

If the honourable member wishes to ask some questions six months after the legislation has been proclaimed, that can be done in the normal manner and he will be able to obtain the information he desires. Also, if it is necessary for amendments to be introduced any time after the Act is in force, the Government will not hesitate to introduce them if it considers that the Act can be improved.

The Hon. A. F. Kneebone: And, of course, a private member's Bill could be introduced.

The Hon. C. M. HILL: That would not be necessary, because the Government intends to treat this legislation with the utmost care and caution. I assure the honourable member that, if there is any need for change, amendments will be introduced.

The Hon. V. G. SPRINGETT: As we are concerned with the official medical termination of a pregnancy, we will therefore need statistics in order to be able to see how the whole process is working out in practice. Constant review under medical control will be vital.

The Hon. A. M. WHYTE: I do not believe the Minister gave the assurance sought by the Hon. Mr. Gilfillan that there would be a review of the legislation in six months. True, the whole matter will be constantly under review, but that does not mean that honourable members will receive a report. Can the Minister therefore say whether a comprehensive report will be provided to Parliament after six months?

Amendment carried.

The Hon. C. D. ROWE: I move:

In new subsection (5) to strike out "Subject to subsection (6) of this section," and "But in any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it"; and to strike out new subsection (6).

As the Bill now stands, even though a person may have a conscientious objection to taking part in an operation of this kind, he is required to do so. Although this is a vexed question, a person should not be required to act against his conscience in these matters. Even though there is a risk of grave injury to the physical or mental health of the pregnant woman, that still does not justify anyone being required to act against his conscience.

We have been far too careless in relation to the conscientious views that people hold regarding this matter. A person's particular beliefs should be respected when they are held conscientiously, and many people consider that we are treading on beliefs that they conscientiously hold. My amendment merely means that a person who does not wish to take part in such an operation can be excused from doing so.

The Hon. C. M. HILL: I submit that the first amendment should be opposed as it is consequential on the amendment to strike out new subsection (6), which amendment I also oppose. The other amendment seeks to delete the provision that in any legal proceedings the burden of proving conscientious objection rests on the person claiming to rely on it. It is correct for a person who pleads conscientious objection to be required to prove such facts as are within his own knowledge only.

I oppose the deletion of subsection (6), which was recommended by the Select Committee of the other House. It is in precisely the same form as the corresponding provision of the English Act, and it has been working satisfactorily in England. Subsection (5) provides that, subject to subsection (6) dealing with the duty to participate in treatment that is necessary, no person is under a duty to participate in any treatment to which he has a conscientious objection.

The Hon. F. J. POTTER: I cannot support the amendments, and for the life of me I really do not know what the Hon. Mr. Rowe

is trying to achieve in moving them. Although this whole Bill was debated at tremendous length in the other House, this matter was not given any attention at all, and I suggest that was obviously because it was dealt with by the Select Committee and satisfactorily settled in that way. I am not putting that forward as a reason why we should not look at this and review it, because we should do so.

As I understand it, subsection (5) is quite clearly a statutory authority for the doctor who has a conscientious objection to performing the termination of a pregnancy to claim that conscientious objection. I do not know that a medical practitioner has the right to claim a conscientious objection in any other circumstances.

The Hon. A. M. Whyte: Are there any other circumstances that are the same?

The Hon. F. J. POTTER: I am referring to the doctor's duty generally, which is to exercise his professional skill and knowledge to save people's lives. When he is treating somebody he cannot, as it were, wash his hands of the situation by having a conscientious objection to it. For instance, he cannot say he has a conscientious objection to performing an appendectomy and therefore he will not do it. Of course, as a matter of contract he can say that he will not do any particular operation. However, if he in fact undertakes to do something, I think he cannot very well claim a conscientious objection to doing it once he has embarked on a particular form of treatment.

The Hon. C. D. Rowe: I cannot understand that.

The Hon. F. J. POTTER: I am saying that here we give specifically by Statute something that I do not think exists anywhere else in our Statutes.

The Hon. R. A. Geddes: Why should he have to prove it?

The Hon. F. J. POTTER: How can any person prove what is in the mind of another person? If a person claims a conscientious objection, he is the only one who can satisfy a court that he had a conscientious objection: no-one could ever prove positively, as part of a case, that some other person did or did not have a conscientious objection. The burden must be on the person who sets it up: it cannot be on anybody else. It would be impossible to prove it in any other way.

We give this opportunity to a person to claim a conscientious objection, and if he is faced with it it is upon him to prove that he had a genuine conscientious objection. That is not a very difficult thing to do, either. We are providing in subsection (6) that he has no right to claim a conscientious objection where it is his duty to save the life of a person. That subsection really has nothing to do specifically or directly with the question of termination of pregnancy: it relates to the duty to participate in saving the life of a pregnant woman. In effect, it says that these are very special and emergency circumstances. I do not know that they would exist very often, and I have some difficulty in understanding what is the particular duty of anybody in these circumstances.

I remember that when I was at the university (I think when studying philosophy) we used to learn a little jingle which went something like this: "Thou shalt not kill, but thou need not strive expeditiously to keep alive." I really do not know what the specific duty of a person is in these circumstances. However, it seems to me fairly clear that this subsection is to cover an emergency situation in which we do not permit a doctor to claim a conscientious objection when an emergency exists and when he should assist to save the life of a pregnant woman.

Unlike some honourable members, I cannot see anything sinister in these provisions, which I think are perfectly straightforward. Subsection (5) is quite clearly subject to subsection (6), and it seems perfectly straightforward to me. As the Minister said, these subsections are exactly as they exist in the British Act. I consider that they should be retained.

The Hon. V. G. SPRINGETT: I agree wholeheartedly that no-one in any circumstances should be compelled in any way whatsoever to take part in a planned deliberate procedure to terminate a pregnancy. This does not apply only to doctors, for there are other people involved as well. The nursing staff and all the ancillary people who serve in a hospital have their consciences, too. No-one is more aware than I of the depth of feeling known and experienced by many people in this matter. Many people, because of their religious scruples and for other reasons, feel very strongly on this matter and consider that abortion should never occur, and I respect their views. I do not think any

doctor who had any sense at all would try in any circumstances to persuade someone who had a conscientious objection to doing so to help him terminate a pregnancy. It just would not happen.

Earlier in the day I felt some concern about the provision in subsection (5) that in any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it. I thought that that provision was not good. It seemed to me to be wrong that a person should have to prove a conscientious objection. All my life, professionally, if I thought anybody helping me in the theatre would have her conscience offended I would say, "You understand what I am doing, do you? And that you can help me or not?" and the person would reply as she thought fit. I can understand the point emphasized by the Minister, and I can see there may be some reason for retaining that part.

The Hon. S. C. Bevan: What about the doctor?

The Hon. V. G. SPRINGETT: A practising doctor is not forced to take patients, nor is he forced to treat them, any more than a patient is forced to go to a particular doctor. That means that the patient and the doctor have a choice. Of course, if somebody came to my house this evening in dire need, and because I do not normally do house visits or see people in my home, I turned a person away who eventually became very much worse, or even died, then I think I would have to answer to my conscience as well as to a medical board and, indeed, a court of law in certain circumstances. So we all have a conscience; how well we use it would vary, but we have it. I assure honourable members that there is no question about the use of the conscience clause.

The Hon. A. M. WHYTE: I support the amendment. I do not believe that any person should be asked to prove that what he believes is dictated by his conscience. It seems irrelevant whether it is a matter of conscience or not. I think it is a slight on the medical profession that a doctor should be asked to prove that what his conscience dictates is what should be done.

The Hon. M. B. DAWKINS: I support the Hon. Mr. Rowe's amendment, the first portion being consequential on the third part. I also support the amendment at the end of new subsection (5) to delete:

> But in any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it.

I agree with the Hon. Mr. Springett that it is wrong and an unnecessary burden placed on a person to prove a conscientious objection.

The Hon. F. J. Potter: That same burden exists in the case of a person claiming conscientious objection to national service.

The Hon. M. B. DAWKINS: That may be so, but I believe that that part of the clause should be deleted. I do not know whether the same urgency exists in the case of a national serviceman wanting to contest a matter of conscientious objection as with a person about to undergo an operation. I support the deletion of new subsection (6), and note that part of it reads:

> Nothing in subsection (5) of this section affects any duty to participate in treatment which is necessary to save the life . . .

I am inclined to agree thus far, but not entirely, and not with the clause as a whole. In passing, I note the use of the word "grave". I am surprised that, if all the difficulties previously mentioned about the word "grave" can occur in association with the words "grave danger", those same difficulties do not occur when associated with the words "grave injury".

The Hon. JESSIE COOPER: As in other debates of this nature, we are indebted to the Hon. Mr. Springett for his contribution to the debate. However, if doctors differ to the extent that some lawyers differ (and we are well aware how they can differ) I am not surprised at some of the difficulties that can arise. I would like to read extracts from comments made by Dr. G. T. Gibson, a leading gynaecologist, and present his ideas on this subject. He is well aware that he himself will be just as much involved in this subject as most doctors, and probably more involved. Dr. Gibson says:

> These sections place an unfair compulsion on the medical practitioner and (6) can only be regarded as coercive. I am informed that the Attorney-General stated in debate that this clause did not imply compulsion, but this is not the opinion of other solicitors with whom I have discussed it. It is apparent that (6) is a negotiation of (5) and if no coercion is intended it is difficult to see why it should be included. If the intention of the legislation is to make legal an operation for termination of pregnancy in the interests of the mother, then there is no need for compulsion, which becomes necessary only if the intention is to encourage abortion on dubious or inadequate grounds, which would not be acceptable to responsible practitioners.

The Hon. F. J. POTTER: Some honourable members seem to think that the question of the onus of proof is something sinister and strange, but I assure them that it is not. If I had time, I could probably give 10 examples from the Statute Book where the onus of proof is always placed upon a person when that factor is incapable of proof by the prosecution. I instance the case of a conscientious objection that a person may have to performing national service, and the onus of proof is on that person. As far as the letter read by the Hon. Mrs. Cooper is concerned, I go some of the way with it, but the writer has confined his remarks to the position as it applies to medical practitioners.

I think the Hon. Mr. Springett raised an important aspect when he said that it could also apply to nurses and to other hospital staff. All this section provides is that in an emergency (perhaps where a woman is dying and only a nursing sister on duty could attend to her) that sister could not simply say, "I have a conscientious objection to helping you" and then refuse to help. That is the type of situation envisaged under new subsection (6).

I said earlier that I did not understand what was meant by "duty", but the Hon. Mr. Springett's remarks made that clear. It is a contract between people and their place of employment, perhaps a hospital, and an obligation to render service in a particular field of work. In an emergency, when a woman is dying, hospital staff are not to be allowed to escape their duty by running out the front door of a building and saying "I have a conscientious objection to doing this."

The Hon. S. C. Bevan: In other words, there should be coercion.

The Hon. F. J. POTTER: Yes, there should be coercion where anyone's life is at stake.

The Hon. JESSIE COOPER: The honourable member has made a grave mistake: we are talking about elective abortions, not emergency abortions. There is no such thing as an emergency in connection with an abortion. If a woman is bleeding to death in a hospital, it is because she has had an illegal abortion. The point is that gynaecologists do not wish to be coerced into performing abortions if they believe that it is incorrect to perform them.

The Hon. F. J. Potter: I am talking about emergency situations.

The Hon. JESSIE COOPER: I wish to refer again to Dr. Gibson's letter. It is not necessary for this provision to be in the Bill.

The Hon. V. G. SPRINGETT: When one honourable member referred to coercion, it flashed through my mind that many years ago in another part of Australia I was faced one afternoon with the care of two women who were having babies. In one of these cases I had great difficulty in getting staff. However, it did not matter, because there was no emergency. Had an emergency developed during the birth, I would have been in an awful situation if either of the people on duty had claimed to have a conscientious objection to helping me.

The Hon. F. J. Potter: That is precisely what I meant.

The Hon. A. M. WHYTE: The Hon. Mr. Potter referred to conscientious objectors. However, if a man refuses to report such a case, he has already broken the law.

The Hon. F. J. Potter: No.

The Hon. A. M. WHYTE: I do not think that medical staff should be coerced in any way. It would be very strange if their consciences were such that they could let people die or could let a doctor down when he needed them. This provision will not help.

The Hon. G. J. GILFILLAN: New subsection (6) is completely different from new subsection (5); new subsection (6) refers to treatment, whatever that treatment may be. However, it does not refer specifically to abortions. On the other hand, new subsection (5) specifically states that—

. . . no person is under a duty, whether by contract or by any statutory or other legal requirement, to participate in any treatment authorized by virtue of the provisions of this section . . .

So, new subsection (5) refers directly to the termination of pregnancy, but new subsection (6) does not do so.

The Hon. F. J. Potter: That is my point.

The Hon. G. J. GILFILLAN: New subsection (5) refers specifically to "any treatment authorized by virtue of the provisions of this section", but new subsection (6) refers to any medical treatment that may be required—

The Hon. M. B. Dawkins: To a pregnant woman.

The Hon. G. J. GILFILLAN: Yes. I do not believe that the case of a national serviceman is an exact parallel, because national service is compulsory, whereas the subject dealt with here is entirely different.

The Hon. F. J. Potter: The problem is one of onus of proof.

The Hon. G. J. GILFILLAN: Maybe, but this is the wrong way to try to solve it. It does put some pressure on the person who claims to have a conscientious objection. Earlier, certain words were objected to because they could be misleading; I am sure that this clause could be misleading, too.

The CHAIRMAN: Does the Hon. Mr. Rowe desire that his amendments be dealt with separately?

The Hon. C. D. ROWE: Yes, Mr. Chairman.

The CHAIRMAN: I put the question "That in new subsection (5) the words 'subject to subsection (6) of this section' be struck out".

The Committee divided on the amendment:

Ayes (7)—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, H. K. Kemp, C. D. Rowe (teller), V. G. Springett, and A. M. Whyte.

Noes (12)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard, and C. R. Story.

Majority of 5 for the Noes.

Amendment thus negatived.

The Hon. C. D. ROWE: I move:

In new subsection (5) to strike out "But in any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it".

There is no need to debate this as this matter has been canvassed already. The amendment is quite clear. In a matter of conscience like this, I do not think the burden of proof should be on the person concerned to prove what is in his conscience: it rests with the other party.

The Committee divided on the amendment:

Ayes (7)—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, H. K. Kemp, C. D. Rowe (teller), and A. M. Whyte.

Noes (12)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 5 for the Noes.

Amendment thus negatived.

The Hon. C. D. ROWE: I move:

To strike out new subsection (6).

This matter, too, has already been argued, so I need say no more.

Amendment negatived; clause as amended passed.

Title passed.

Bill reported with amendments.

Bill recommitted.

Clause 3—"Medical termination of pregnancy"—reconsidered.

The Hon. V. G. SPRINGETT: I move:

In new section 82a. (1) (*a*) to strike out "two" and insert "he and one other"; and after "faith" to insert "after both have personally examined the woman".

The Hon. Mrs. Cooper yesterday asked whether both doctors would examine the patient, and this amendment clarifies that matter. The amendment ensures that the person who performs the operation must examine the patient personally and be one of the two people so concerned. In certain cases there will be more than two concerned.

The Hon. C. M. HILL: These amendments are acceptable to the Government. They require that the doctor who terminated the pregnancy must be one of the two who are of the opinion that the termination is authorized under the Bill.

Amendments carried.

The Hon. A. M. WHYTE: I move:

To strike out subparagraph (*i*) and insert the following subparagraph:

(*i*) that the termination is necessary to save the life, or to prevent grave injury to the physical or mental health, of the pregnant woman.

This amendment is designed to delete the words "greater risk", under which term 70 per cent of British abortions are allegedly performed. When introducing the Bill in another place, the Attorney-General said that this term was apparently open to abuse and that consideration should be given to tightening the wording up in the light of experience. That leads me to believe that the term is not a good one.

The Hon. C. M. HILL: The deletion of the present subparagraph (*i*) would have the effect of not requiring the doctors to consider whether there is a greater risk in the woman's continuing with the pregnancy than there would be if it were terminated. The amendment is merely a restatement of paragraph (*b*).

The Hon. V. G. SPRINGETT: I agree with what the Minister has just said. The whole process of medical examination is a matter of judgment, and this judgment plays one standard, risk or possibility against another.

My own opinion, and that of many doctors with whom I have discussed the matter, is that none of us can find a more suitable term than "greater risk".

The Hon. A. M. WHYTE: Perhaps I should have said that I intended to seek to strike out paragraph (*b*), because if the amendment were carried the wording would be similar.

The Hon. C. D. ROWE: It seems to me that the amendment is a much simpler provision to understand than is the rather involved wording at present. I do not think it would make much difference to the law, but it would make the measure more easily interpreted by the medical practitioner concerned. Consequently, I support the amendment.

The Hon. M. B. DAWKINS: I, too, support the amendment, for I think that one could, as it were, drive a horse and cart through the term "greater risk". It has been stated previously that there is almost always a greater risk for a pregnancy to be continued than for an abortion to take place at an early stage. I have sought the opinion of another medical practitioner and have found, as stated by the Hon. Mrs. Cooper during her comments, that there are varying medical opinions on this matter. I think the term "greater risk" leaves the door wide open, and for that reason I believe the Hon. Mr. Whyte's amendment is preferable.

The Hon. F. J. POTTER: I cannot support the amendment. It appears that many honourable members are having difficulty in comprehending the wording used in the Bill. When the Hon. Sir Arthur Rymill spoke he quoted a doctor friend as saying that if this amendment is passed we will be back to guessing what is meant by "grave risk" or "grave injury", which is the same thing. "Grave" is the difficult word.

The Hon. M. B. Dawkins: It is included in new subsection (6) now.

The Hon. F. J. POTTER: But that is an emergency provision, and I do not know why honourable members cannot see it.

The Hon. V. G. SPRINGETT: I would like to stress the difference between a grave emergency and a greater risk, and that difference is considerable. Surely honourable members do not expect to tie a doctor down not to make a decision to act until a patient is in a grave condition—in other words, getting towards the end of a safe period before deciding what should be done? Surely the purpose of the Bill is that a medical practitioner should be able to assess any future risk involved and deal with the situation so that a grave condition would not arise? I think the wording should remain as "greater risk".

The Hon. A. M. WHYTE: It was my intention to point out earlier that the "greater risk" clause is one that would, I believe, lead to abortion on demand. It is about as close as it is possible to go. I think that throughout the debate members have said that that is not their intention, and that they have no desire to legislate for abortion on demand but, unless something is done with the "greater risk" clause, we are surely heading towards abortion on demand. I believe my amendment is the solution.

The Committee divided on the amendment:

Ayes (6)—The Hons. M. B. Dawkins, G. J. Gilfillan, L. R. Hart, H. K. Kemp, C. D. Rowe, and A. M. Whyte (teller).

Noes (12)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, R. A. Geddes, C. M. Hill (teller), Sir Norman Jude, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 6 for the Noes.

Amendment thus negatived.

The Hon. A. M. WHYTE moved:

To strike out paragraph (*b*) of new subsection (1).

The Hon. V. G. SPRINGETT: Nowadays the need for suitable intervention in an emergency is far less than it used to be because we now know that a patient must be made fit for surgery. Few circumstances exist in which a termination as a planned procedure is immediately necessary to save the life of a patient. A patient has to be prepared, even for a day or two, before an operation of that kind.

I urge honourable members not to make the mistake of mixing up a planned procedure with the cleaning up of a previously illegal or unplanned termination. In other words, a person may have a spontaneous miscarriage or an illegal abortion which, as an emergency, has to be tidied up. That is quite different from a planned procedure, and I see no harm in this part of the Bill being dropped. I therefore support the amendment.

The Hon. F. J. POTTER: This provision deals with an emergency situation, where a doctor can perform an operation if he considers it necessary to save the life or to prevent

grave injury to the physical or mental health of a woman. However, what would be the situation in a real emergency where, say, a pregnant woman in a country town is seriously injured as a result of a motor vehicle accident? What would happen if it were necessary, as a result of her injuries, to terminate her pregnancy? As I do not know enough about the medical situation to venture an opinion in this respect, I should like to hear the Hon. Mr. Springett.

The Hon. V. G. SPRINGETT: I have been in this position, and I assure the Hon. Mr. Potter that it is a difficult one. A doctor cannot terminate a pregnancy except by an immediate abdominal operation. If one were completely alone in the country or in circumstances in which one had to give a spinal anaesthetic, that would be a big problem. However, nowadays the first step is to make the person fit enough to withstand the operation, and that requires rescusitative measures. There would, therefore, be time for one to obtain advice and help.

It is necessary to do this sort of thing only in the far outback areas. In a country like Australia, where there are air doctors, air services and so forth, and in a State such as South Australia where there are good roads, generally speaking, the likelihood of one's having to face that situation alone and without obtaining help within the required two or three hours which are vital for rescusitative measures is fairly remote. It might apply in a country like Nigeria, but not in Australia.

It is as dramatic a situation as one can think of and plan for, but it is generally accepted by every surgeon, obstetrician and gynaecologist that a person who has to be operated on as of dire necessity is not fit to undergo an operation. It is a different situation again where a *post-mortem* operation has to be performed.

The Hon. R. A. GEDDES: Most honourable members received a letter from Doctor T. T. Gibson, the Chairman of the South Australian Statc Committee of the Royal College of Obstetricians and Gynaecologists in relation to this clause, part of which is as follows:

After long experience I am unable to visualize a case where immediate termination is necessary; in the event of grave acute illness, the operation becomes much more dangerous, both with the risks of anaesthesia and of surgery. Immediate treatment would be much more likely required after termination in suboptimal conditions when sepsis or haemorrhage supervened; in any case this operation should not be carried out unless the facilities of a blood bank are available without delay.

In view of the wording of that letter, I support the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte (teller).

Noes (6)—The Hons. D. H. L. Banfield, S. C. Bevan, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, and A. J. Shard.

Pair—Aye—The Hon. Jessie Cooper. No—The Hon. R. C. DeGaris.

Majority of 4 for the Ayes.

Amendment thus carried.

The Hon. A. M. WHYTE moved:

In new section 82a (3) to strike out "shall" and insert "may".

The Hon. V. G. SPRINGETT: From a professional point of view, I think any doctor would be quite happy to know that he can take into account the environmental situation of the woman concerned. By the very nature of his life's work, there is no situation in which a doctor does not do this. I can foresee no harm being caused by the amendment.

Amendment carried.

The Hon. A. M. WHYTE moved:

In new section 82a (6) to strike out "or mental".

The Hon. C. M. HILL: This clause deals with the duty of those involved with the operation to save life or to prevent grave injury to a pregnant woman. Surely the physical or mental health of the woman must be involved. Why should we suddenly in this new subsection strike out the aspect of mental health when it is involved in all the other provisions of the Bill? Unless the Hon. Mr. Whyte can give some good reasons, I oppose the amendment.

The Hon. V. G. SPRINGETT: Mental disturbance can result from brain damage.

The Hon. R. C. DeGaris: That can be physical, too.

The Hon. V. G. SPRINGETT: Yes, but not necessarily: it could be damage as a result of shock. Recently, as a result of a car overturning, a pregnant woman gave birth to a child. Physical and mental shock can be quite serious in such cases. This provision does not necessarily deal with abortion: it deals with pregnant women. Nowadays many women are treated for mental disturbance after they have given birth to a child. In this

connection we should remember the old-fashioned term "milk madness". A similar condition sometimes arises before a woman gives birth to a child. In not a few instances such mental disturbance can give rise to serious crime. I can speak from personal experience, because I worked in an English criminal institution that never had fewer than 20 pregnant girls who had lost their power of reasoning and were manic. They all had to have treatment. In giving treatment, surely in 1969 we cannot use the yardstick that applied 30 or 40 years ago. Mental illness is not indecent or something that is not nice to explain. It is basically the same as physical illness. I therefore oppose the amendment.

The Hon. A. M. WHYTE: I do not think a woman should be aborted because of her mental health, when in all probability there would be nothing wrong with the child. It is hard to believe that a mental illness could be cured purely by an abortion.

The Hon. D. H. L. BANFIELD: I am astounded at the honourable member's reasoning. Actually, the provision has nothing to do with the question of abortion. However, I shall deal with the honourable member's reasoning; it is that he is prepared to allow a woman to remain in an asylum for the rest of her life on the offchance that a baby may be born. In effect, he says that it does not matter if the woman is going to have a mental breakdown, as long as we are going to have a child come into the world. What about the family she will leave behind while she is in the institution? Anyhow, the provision really relates to the treatment of a pregnant woman.

The Hon. F. J. POTTER: This provision has nothing to do with abortion: it deals with a duty to help in the treatment of a pregnant woman. She may, for some reason or other, be in poor mental health; perhaps she may want to commit suicide. Someone said that we are going to force these people to do something against their consciences, but this provision does not do any such thing. All it does is to say that, if they turn their backs on the situation, they cannot escape the legal responsibility by saying that they have a conscience. If they like to run the risk they can still walk away from the situation, but they cannot use "conscience" as an excuse.

The Hon. G. J. GILFILLAN: Although this new subsection does not refer directly to abortions, it is in the Bill for a specific purpose.

The Hon. F. J. Potter: It is there because of the complexity of the situations that arise.

The Hon. G. J. GILFILLAN: Yes; it is very unlikely that anyone would object to assisting a pregnant woman in any type of treatment that might be necessary to preserve her life. However, I think the position is envisaged, if not defined, that the type of treatment which can be referred to here is that of an abortion. I believe that, if a woman's life is in danger, there is a good medical reason for treatment. Here I think we are dealing with something entirely different.

The Committee divided on the amendment:

Ayes (9)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, C. D. Rowe, Sir Arthur Rymill, and A. M. Whyte (teller).

Noes (8)—The Hons. D. H. L. Banfield, S. C. Bevan, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, A. J. Shard, V. G. Springett, and C. R. Story.

Pair—Aye—The Hon. Jessie Cooper. No—The Hon. R. C. DeGaris.

Majority of 1 for the Ayes.

Amendment thus carried.

Bill reported with further amendments. Committee's report adopted.

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

That this Bill be now read a third time.

The Hon. H. K. KEMP (Southern): One of the most tragic things that has ever happened to South Australia is that this matter should be the subject of legislation. We are now legislating that, instead of a woman having to be examined closely when she is pregnant and wants an abortion, a very shrewd doctor and a very shrewd lawyer can get together and work out a means of by-passing the law. The position was much better before this legislation was introduced. Much rubbish has been spoken about how the poor people have to resort to the backyard abortionists and about the danger arising from a "grave risk", a "greater risk", and that sort of thing. By this legislation, we are making it easy for any person to set up an abortion clinic in South Australia and then to get a shrewd lawyer to defend him. He will then be able to carry on his business as at present.

This is a retrograde step for South Australia to take. I am sure we have done the wrong thing and that most people will regard this as a final means of getting contraception. I feel

strongly about this. Abortion involves the destruction of human life, and that cannot be denied. It is an irrefutable fact. If we condone the destruction of human life, we ignore a solemn concept in our community on which we base the whole structure of our justice and individual rights, for which I have fought at every opportunity. The future will reveal the consequences of this legislation. We have not had from the Minister an assurance that every six months the position will be reviewed. We are supposed to keep it under review. The question is, who will keep it under review?

The Hon. C. M. Hill: You will by your questioning, I hope. You can question it every month, if you wish to, as a private member. That is the best way to keep it under review.

The Hon. H. K. KEMP: I am sure that as a private member I shall be trying to do that, but I do not have a very long existence in front of me. It is necessary to keep this matter constantly under review for the whole community.

The Hon. C. M. Hill: The Director-General of Medical Services will have the records.

The Hon. H. K. KEMP: He will only keep the records. He has no need to produce them or to do anything else. If the Commissioner of Police was to keep the records, I should be much happier.

The Hon. C. M. Hill: But the Director-General is under the Minister of Health.

The Hon. H. K. KEMP: In new section 82a (4) (*b*) we have omitted the Minister's prerogative in this.

The Hon. C. M. Hill: Yes, and the Government agreed to it.

The Hon. H. K. KEMP: The Government agreed, I think, that the Director-General was the only person who could do this. He has no real function in this community except to consider health matters. He has no responsibility regarding moral matters or matters of justice. Without any reservation in conscience, I will vote against the third reading of this Bill.

The Hon. M. B. DAWKINS (Midland): I oppose the third reading, because I find it impossible to accept the contention that the Bill provides for a codification of present practice on medical grounds of urgency and danger. I believe that it goes further than this. I would consider appropriate a Bill that merely put beyond doubt the practice of abortion on the grounds dealt with in Bourne's case and also in Newton's case in 1958. At page 2922 of *Hansard*, the Hon. Mr. Springett said:

> However, one thing is certain: I am quite convinced that we will have a recorded increase in abortions as a whole; it is inevitable that that will happen. I do not believe that the Sarah Gamps will go out of business. Promiscuity, extra-marital indiscretion, and experimental errors will remain and perhaps even increase in our modern society.

I emphasize the words "a recorded increase in abortions as a whole". To my mind, this statement stood out in the honourable member's speech. In common with all other honourable members, I have had many representations concerning both sides of the argument. That the present position in Great Britain is satisfactory is a matter for debate. A similar measure having been passed there, there has been a considerable and continuing increase in abortion in that country. If this happens in South Australia, as I believe it will if the Bill is passed, it will be a bad thing for the State. I am not suggesting that there should not be abortion in any circumstances, but if this Bill is passed its scope will result in a considerable reduction of the moral fibre of the people of South Australia and will tend to accentuate the permissive society, with which I and every other honourable member are concerned. The cumulative effect of the Bill, together with other permissive movements, including the regrettable increase in drug taking, will further erode the stability of the State and will, in my view, very much more than offset any benefits that might accrue in certain circumstances from this legislation.

I would not be so foolish as to say that there is no need for abortion in certain instances; I know there is, and I know that this has been made abundantly clear during the debate. I do not denigrate the sincere attempts of those people who believe in this legislation and who have sought to have it introduced; I respect their views. However, on balance, I cannot support their arguments in this regard. The precedent established in Bourne's case has stood us in good stead for over 30 years, and I believe that this could be the basis for future legislation.

The Hon. R. C. DeGaris: Do you think Bourne's case is common law in South Australia?

The Hon. M. B. DAWKINS: I think so. I think that, if legislation were brought in to establish the conditions resulting from Bourne's case and Newton's case, it would be sufficient.

The present Bill is too wide. I consider that the objections made by members of the medical profession and by social workers and leaders of various religious denominations are for the most part valid and, as the Bill is in my view much too wide, I must oppose it.

The Hon. G. J. GILFILLAN (Northern): As I said in Committee, this Bill is too wide in its implications. If the Government intended to codify what is now accepted practice, I believe it would be better to err on the side of caution, so that, if it were found necessary later, perhaps the provisions could be widened. Although the Bill has been slightly modified in Committee, its provisions are still wide, and for that reason I will continue to oppose it.

The Hon. C. D. ROWE (Midland): I still oppose the Bill, as I indicated in my second reading speech. Nothing I have heard since has altered in any way the opinion that I then held. I regret that, as I was out of the Chamber when the Bill was read a second time, I was not able to call for a division then. That stage was reached more quickly than I had expected, because of the collapse of certain Bills on the Notice Paper. That was no-one's fault; it is something that occurs in the course of Parliamentary procedure. However, I intend to call for a division on the third reading, if no-one else does. This Bill has caused me considerable anxiety, and I have thought about it with great sincerity, as I believe all other members in this Chamber have, whether they support or oppose the measure. This is not a matter on which honourable members have arrived at their decisions lightly, and extensive debate has occurred on all clauses. I must oppose the Bill.

The Hon. A. M. WHYTE (Northern): I have indicated my opposition to the Bill throughout, and I think I have made by position clear. I, too, will vote against the third reading. I said in the first instance that I thought it was most unfortunate that members of this Council were faced with a decision that will be Commonwealth-wide in its effect. The decision made here tonight on the third reading will go down in history, not just for South Australia but for the whole of the Commonwealth as it affects the law on abortion.

The Hon. D. H. L. BANFIELD (Central No. 1): Up until now all speakers on the third reading debate have spoken against this enlightened Bill. I believe the Bill should have been before Parliament years ago and that, had it been so, there would have been a lot less misery in the world than at present. I am surprised at honourable members who have opposed the Bill, opposed the right of a woman who, after careful consideration and having received medical advice and the best possible attention in the interests both of herself and of her family, has decided that an abortion is necessary. That is what honourable members have opposed. I am further astounded at the result of the last division on the conscience clause. Honourable members voted to delete the word "mental" from the clause—

The Hon. R. C. DeGaris: That was not the conscience clause.

The Hon. D. H. L. BANFIELD: I am sorry, I now realize that it was the duty clause, where a nurse or some other person is bound to give assistance to a person who might be affected in order to save that person's life, or to prevent grave injury to the physical or mental health of a pregnant woman. What is the difference between a person who has an injured arm and a person who has an injury to her brain?

The Hon. R. C. DeGaris: Surely injury to the brain would be physical?

The Hon. D. H. L. BANFIELD: Not necessarily; a mental breakdown is an injury to the mentality of a person, but the brain is affected, and that cannot be considered as a physical injury. Why deny that right to a person? Why say that a nurse or a doctor may turn their back on a person likely to have a mental breakdown but cannot turn their back on a person who has a physical injury? Surely one person should not be denied attention for simply a different kind of injury?

The Hon. A. M. Whyte: A doctor would not refuse to treat a person in the circumstances mentioned.

The Hon. D. H. L. BANFIELD: But it is not a matter of doctors refusing to give treatment; under this clause a doctor cannot refuse treatment to a person with a physical injury, yet in the same clause a doctor or a nurse may refuse treatment to a person suffering from a mental injury.

I would have thought that, with the actions taken by various Governments over the years in looking after mentally retarded people, at last we had an enlightened society as far as mental health was concerned. Now what do we find? A distinction is still drawn between physical and mental health! In my opinion, there is no difference between them, and I am amazed at the honourable members in this Council who have adopted

that attitude. I am further amazed at the honourable members still opposing this Bill when the Hon. Mr. Springett mentioned some of the tragedies that exist in the world. Here is an opportunity to relieve these tragedies, but many honourable members are opposed to affording that relief. I hope the Bill is passed.

The Hon. R. A. GEDDES (Northern): Because of the circumstances explained by the Hon. Mr. Rowe regarding the second reading debate, many honourable members were not able to make their position clear on this matter at that time. My intention was to support the second reading and to support amendments in order to make the Bill properly operative. General practitioners in the country to whom I have spoken in my electorate and elsewhere have all told me how they have, on occasions, found it necessary, after a second consultation, to carry out an abortion. These men have worried about their consciences and about the problem of the case itself, but they have done their job.

The termination of pregnancies has been proceeding quietly in South Australia in a legal way for a great number of years, and I do not think this State needs the proposed legislation at this point of time. All the evidence I have read of conditions existing in Great Britain, in spite of the assurances given by the Hon. Mr. Potter, reveal that troubles have been of the type that have taken time to get over. That does not please me, and I do not want my State to be part of a promiscuous society.

The Council divided on the third reading:

Ayes (12)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story.

Noes (6)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, H. K. Kemp, C. D. Rowe, and A. M. Whyte (teller).

Majority of 6 for the Ayes.

Third reading thus carried.

Bill passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 2, 3, 6 and 7 and disagreed to amendments Nos. 4, 5 and 8.

Consideration in Committee.

Amendment No. 4:

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

That the Council do not insist on its amendment No. 4.

This amendment deletes the provision under which the pregnancy of a woman may be terminated by a doctor where he is of the opinion that the termination is immediately necessary to save the life or to prevent grave injury to the physical or mental health of the woman. This provision was considered and recommended by the Select Committee of the House of Assembly.

Motion carried.

Amendment No. 5:

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

That the Council do not insist on its amendment No. 5.

This amendment deals with the provision that requires a woman whose pregnancy is terminated under new subsection (1)(a) to have resided in South Australia for a period of at least four months immediately before the termination of her pregnancy. I fully appreciate that it is difficult to determine whether it is wise or unwise to have this residential clause. However, taking all aspects of the matter into account, I ask members not to insist on their amendment.

The Hon. V. G. SPRINGETT: I agree that we should not insist on our amendment. However, I move:

In new section 82a (2) to strike out "four" and insert "two".

This reasonably short period will still allow a woman to have an operation, if it is required, at an early stage.

The Hon. F. J. POTTER: I support the Hon. Mr. Springett's amendment. I think all members will recall that we voted almost unanimously to delete this provision.

The Hon. S. C. Bevan: I am glad that you said "almost", because I did not support deleting it.

The Hon. F. J. POTTER: I recall that the Hon. Mrs Cooper, who is not present tonight, was particularly worried about this provision, and spoke forcibly against its retention. Although I do not in any way depart from the reasons that I submitted to the Committee previously in seeking to delete the provision, we must be realistic and, if we must have the provision at all, I think that the period now suggested by the Hon. Mr. Springett is much more satisfactory.

The Hon. C. R. STORY (Minister of Agriculture): I should like to ask the Hon. Mr. Springett, as an expert in this matter, why he has chosen this period.

The Hon. V. G. Springett: In one word—compromise.

The Hon. C. R. STORY: We are not looking for compromise: we are looking for expert advice.

The Hon. V. G. SPRINGETT: Ideally, no time should be lost in terminating a pregnancy, if that is necessary. If this operation has to be performed, the quicker the better. Up to 12 weeks it can still be done with reasonable ease and convenience. Usually a woman knows in six or eight weeks that she is pregnant, so there is still a little time left for the operation to be done, if it is required.

The Hon. C. R. Story: The woman may have left England on a ship.

The Hon. V. G. SPRINGETT: The operation can still be done. She would still be within the safe period after she arrived here.

The Hon. F. J. POTTER: The Hon. Mr. Springett is obviously seeking a compromise. I believe that he would like the Committee to insist on its amendment. We must remember that, even if we make the amendment suggested by the honourable member, we still have the terribly unsatisfactory wording referred to by the Hon. Sir Arthur Rymill. If we insist on our amendment we may have to go to a conference on this matter. I prefer to support the Hon. Mr. Springett's suggestion rather than a motion that we do not insist on our amendments.

The Hon. D. H. L. BANFIELD: If it is necessary for a pregnancy to be terminated, in the interests of the woman it is necessary that it be done at the earliest possible time. Whether the woman comes from New South Wales or anywhere else, the operation should be performed as quickly as possible. I do not think there is any need for the woman to reside here for a definite period. Therefore, we should insist on our amendment.

The Hon. A. M. WHYTE: I agree with the honourable member that we should insist on our amendment. This is a ridiculous provision. We deleted the provision because we thought it was unconstitutional; and I do not think we are doing the right thing in denying this facility to a woman in distress that in other parts of the Bill we say she should have.

The Hon. R. C. DeGARIS (Chief Secretary): If the Hon. Mr. Springett's amendment is carried the use of the words "not resided in South Australia" will have to be reconsidered.

The CHAIRMAN: Standing Order No. 336 states:

> The Council may . . . insist, or not insist, on its amendments; and may make amendments in lieu of and relevant to those to which the House of Assembly has disagreed; or may order the Bill to be laid aside.

I put the Hon. Mr. Springett's amendment. For the question say "Aye"; against the question say "No". The amendment is negatived. I now put the question "That the Committee do not insist on its amendment".

The Hon. C. R. STORY: On a point of order, Mr. Chairman, I point out that the Hon. Mr. Springett called "Divide" on the previous question.

The Hon. F. J. POTTER: On a point of order, Mr. Chairman, I think the Committee is confused because usually you put the question in the positive form—"That the Committee insist on its amendment"—but I think you put it in the negative form on this occasion.

The Hon. C. R. STORY: On a point of order, Mr. Chairman, on the previous question the Hon. Mr. Springett called for a division, but I do not think you heard him.

The CHAIRMAN: I certainly did not hear him, nor did the Clerks at the table. Did the honourable member call "Divide"?

The Hon. V. G. SPRINGETT: Yes.

The CHAIRMAN: Ring the bells.

The Committee divided on the Hon. Mr. Springett's amendment:

Ayes (9)—The Hons. D. H. L. Banfield, S. C. Bevan, R. A. Geddes, G. J. Gilfillan, Sir Norman Jude, A. F. Kneebone, F. J. Potter, A. J. Shard, and V. G. Springett (teller).

Noes (8)—The Hons. M. B. Dawkins, R. C. DeGaris, L. R. Hart, C. M. Hill (teller), H. K. Kemp, C. D. Rowe, C. R. Story, and A. M. Whyte.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER: I move:

In new subsection (2) to strike out "immediately".

This amendment means that the period of residency need not be immediately before the termination of the pregnancy.

The Committee divided on the Hon. Mr. Potter's amendment:

Ayes (12)—The Hons. D. H. L. Banfield, S. C. Bevan, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, A. F. Kneebone, F. J. Potter (teller), C. D. Rowe, A. J. Shard, and V. G. Springett.

Noes (5)—The Hons. R. C. DeGaris, C. M. Hill (teller), H. K. Kemp, C. R. Story, and A. M. Whyte.

Majority of 7 for the Ayes.

Amendment thus carried.

The CHAIRMAN: We have decided that amendment No. 5 be not insisted on but that subsection (2) be amended by striking out "four" and inserting "two" and by striking out "immediately".

The Hon. C. M. Hill's motion, as amended, agreed to.

Amendment No. 8.

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

That the House of Assembly's Amendment No. 8 be not insisted on.

New section 82a (6) states:

Nothing in subsection (5) of this section affects any duty to participate in treatment which is necessary to save the life or to prevent grave injury to the physical or mental health of a pregnant woman.

The amendment had taken out the reference to mental health. It seems inconsistent that the same consideration should not apply to prevent grave injury to a woman's mental health as applies to her physical health.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Dawkins earlier said that one could drive a horse and cart through this Bill. I suggest that he is still in the horse and buggy days in his thinking, otherwise he would not have used those words. There is no difference between a woman's being physically or mentally injured. She is entitled to just as much care and attention if she is about to suffer mental injury as she is if she suffers physical injury.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's alternative amendments in lieu of amendment No. 5.

LAND ACQUISITION BILL

Returned from the House of Assembly without amendment.

[*Sitting suspended from* 5.45 *to* 7.45 *p.m.*]

CHIROPODISTS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 3. Page 3496.)

The Hon. L. R. HART (Midland): This Bill arises from certain incidents that occurred at Port Augusta, where there was a conflict between people of the Aboriginal race and white people. Conflicts will inevitably arise between the indigenous Aborigines, who have been in this country for about 20,000 years, and the predominantly white population, which has been in occupation of these lands for only about 200 years. It is understandable that these conflicts will arise, because the Aboriginal over the years has had little contact with other cultures. His culture is, perhaps, regarded by many people as being inferior to that of the white population. Possibly, Australians feel superior to the Aborigines in the field of technology, but our superiority is only accidental, in that the Aborigines, and not we, have been geographically isolated in a country lacking indigenous crops and beasts of burden.

The Aboriginal culture is good in itself but it is not adopted by the white man, because mainly much of it is regarded by him as primitive. Other aspects of Aboriginal culture are exclusive to the Aboriginal race. I refer particularly to their ceremonies of initiation and their corroborees. I am not suggesting that Aboriginal culture is inferior to our own, as there is hardly a basis on which they can be compared. Other countries in the world have a similar gulf between their indigenous people and what may be regarded as the controlling group. The situation in Australia is no worse than that which exists with ethnic minorities in other countries.

The Australian Aboriginal has had to live in harsh conditions and in a different environment, an environment in which the white population possibly could not have existed. In other countries the ethnic groups or the indigenous people have probably lived in less trying circumstances than the Aborigines have, because they have had a country that has been more productive than this country. Possibly, also, they have had a closer association with other cultures. A lack of understanding between the two groups has tended to drive the Aborigines into a closely knit community both for sustenance and for protection.

The suggestions have always been made that discrimination has been against the minority group. That is not necessarily so,

particularly in the case of the Aboriginal. In some circumstances, we tend to discriminate in favour of him rather than against him. The discrimination is not necessarily against Aborigines as such: it can be against people of other races and other minority groups that have migrated to Australia. The interesting part of the Bill is clause 5, which provides:

A person whose business includes that of supplying goods or services for reward shall not, on a demand being made for such goods or services, refuse or fail to supply such goods or services to a person only by reason of (*a*) the race; (*b*) the country of origin; or (*c*) the colour of the skin, of the person who made the demand or on whose behalf the demand was made.

Then the penalty is set out. The person who in this case could be accused of discriminating could also discriminate against a person of his own race. That would be regarded as acceptable and, in many cases, the proprietor of a hotel or a business concern who refused to do business with a person of his own race would be excused. That would not be regarded as discrimination: it would be an accepted practice; but, if he did the same thing against a person of another race or an Aboriginal, that would be regarded as discrimination. This Bill is not necessarily preventing discrimination against the Aboriginal: it can be discriminating in his favour.

When we think of discrimination, we think in terms of what the Bill states: discriminating against the race, the country of origin, or the colour of the skin. But most discrimination is not against any of these things: it is against the social behaviour or the standard of hygiene of the person concerned. If the discrimination is against either of these things, I do not believe that any real discrimination exists. The practical application of this legislation will not contribute to racial harmony because if a person considers that any demand he makes may be refused he is more likely to make that demand in the hope that it will be refused, so that he can accuse the particular business operator of discrimination.

Therefore, I think that this measure will tend to incite discrimination rather than prevent it. When we discuss discrimination, we invariably think in terms of discrimination by whites against Aborigines. As a member of the Select Committee that spent some time inquiring into the habits of Aborigines and their welfare, I and other members found on many occasions that we discriminated in favour of the Aborigines rather than against them. Many of the things done today by white people in this country are done for the good of the Aboriginal and not as a form of discrimination against him. Although the Aboriginal himself may regard this as discrimination, it is not. In fact, Aborigines themselves tend to discriminate against one another in many instances. We have seen instances where an educated Aboriginal is not accepted by the rank and file of his own race. Therefore, we have here a case of discrimination within the Aboriginal race itself.

One of the problems is that we are not able to have the Aboriginal assimilated or integrated into our own race, because of his desire to remain an Aboriginal and to maintain his race. This desire is understandable but, here again, the Aboriginal is probably discriminating against the white race, rather than the reverse being the case. In this case, we are prepared to accept the Aboriginal into our environment and to teach him some of our cultures, but he is not prepared to accept what we offer him. Therefore, in many instances the discrimination acts in the reverse. I do not believe that this Bill will achieve anything, and I think that it is introduced largely for political purposes. Although the instigator of the Bill probably had good motives, which he believed were justified (I do not criticize him for introducing the Bill), I believe that the effect of the measure will not be as great as is hoped.

In fact, as I have said, I believe the tendency will be to incite Aborigines to cause discrimination between themselves and the white population. We must realize that some of the acts regarded as being discriminatory are actually performed by certain people for the good of the Aborigines. I think the Aboriginal people should accept this attitude and realize that they are being helped by the white race instead of being hindered. However, there is this minority group of Aborigines which is very vocal and which, I believe, creates some of the main problems. Although this is a Bill on which one could speak at great length in a general way, I believe that it is not going to achieve any great purpose. In fact, I think that it may have an effect opposite to that which its promoter hopes it will have. However, so that the Bill may continue in its passage and possibly be examined in Committee, I am prepared to support the second reading at this stage.

The Hon. A. J. SHARD (Leader of the Opposition): I thank members for their consideration of the Bill and for their contributions

to the debate. The Hon. Mr. Whyte asked me to consider one or two matters, which I have discussed with him, and I think we have arrived at a satisfactory explanation through personal discussions rather than actually providing for the matters in the Bill. I remind the honourable member that this Bill was introduced in another place and that the Minister of Aboriginal Affairs and the Leader of the Opposition in that place agreed on certain amendments. In fact, they agreed on the very point queried by the honourable member, although I think the Minister said that he did not consider that the amendment would go as far as had been hoped, or that it would do much good. As long as the Hon. Mr. Whyte and the other honourable members concerned think that I have replied adequately, I will merely thank honourable members at this stage for the attention that they have given to the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Crown bound."

The Hon. H. K. KEMP: This clause simply provides that "this Act binds the Crown". Can the Leader of the Opposition say whether there has been any instance in which the Crown has discriminated against the people in question?

The Hon. A. J. SHARD: It has not to my knowledge. There was originally a doubt whether the Crown was actually bound in this matter and, in case something occurred in the future in this regard, the Minister and the Leader of the Opposition in the other place agreed to this provision.

Clause passed.

Clause 5—"Refusal, etc., to supply goods or services."

The Hon. A. M. WHYTE: I move:

To strike out new subsection (2).

I do not believe that the Bill is a good one or that it is necessary. I think it originated from a misunderstanding, although in the first place it was carefully designed to catch a certain publican. However, having backfired because he could not be prosecuted under the existing law, this Bill has been introduced. That is my belief, although I may be misjudging somebody by saying this; it was an opinion I formed after speaking to both Aborigines and white people at the scene.

My purpose in moving to delete this subsection, thus taking the teeth from the Bill, is because I believe careful thought should be given to laws on discrimination. We do not want to be accused of discriminating; we want to see that all people are treated fairly, and we have to consider both black and white. If we were to police every white person who owns an establishment, and who trades with Aborigines, to a point where he resists trading with them, I believe that would be bad. It is true that differences of opinion exist, and some proprietors are prepared to reject these people. Whether that is good or bad, I do not know, although in some cases I believe it does some good.

A proprietor has a right, whether he owns a hotel or a fruiterer's shop, to set a certain standard and, if people wish to trade with him but do not reach that standard, I believe he has the right to insist that they not enter the establishment. In this case that is almost exactly what happened, as can be seen by reading *Hansard*. The person concerned did not refuse service, but he did not want the people concerned in that portion of his hotel.

The Hon. R. C. DeGaris: Was that because of their colour or not?

The Hon. A. M. WHYTE: No. The person concerned would have just as forcibly ejected a white man, as he has done on a number of occasions. He has turned what was a fairly run-down business into a good and respectable establishment simply because he is prepared to say that no-one may enter a certain section of the establishment without subscribing to a certain standard.

The Hon. L. R. Hart: Do you think that this was a trap set up to catch him?

The Hon. A. M. WHYTE: I do not want to go into that aspect because the Leader has been so co-operative and has not introduced any heat into the debate. We have both spoken about this, and I appreciate his co-operation; I do not wish to return to that aspect.

The Hon. D. H. L. Banfield: The Leader is renowned for his co-operation.

The Hon. A. M. WHYTE: In certain instances, yes. When I spoke to the Parliamentary Draftsman I had further intentions in mind, having read the contents of the race relations Bill as it applies in Britain where, I thought, that country had an admirable system. A race relations board has been appointed to adjudicate on the type of problem discussed in this instance, and that board, before any prosecution can take place, acts as a kind of conciliation committee. I believe

a similar system would work well in South Australia. We should not make a fight out of every issue that arises. If both a proprietor and a group involved in a dispute could be approached, perhaps the group could be encouraged to improve its standard of hygiene, or its dress, after which an approach could be made to the proprietor and a suggestion made that, when the group returned in better condition, they should be accepted into the establishment. I believe an approach of that kind would yield satisfactory results. In fact, having had a great deal to do with these people, I am sure it would work.

If we persecute the first proprietor who says, "You people are not to come in here" we are going to make those people fight. Throughout the world many groups are organized, and I believe that groups of that kind move amongst our Aborigines. They could make it difficult for a proprietor merely by standing in front of a shop long enough to put him out of business. I think a conciliation board would be worth while. Its application in South Australia would do good.

We have had two Attorneys-General as Ministers of Aboriginal Affairs, and I do not believe either one was or is qualified for it, despite great legal knowledge. I do not believe either to be very interested in the subject. True, a buffer exists whereby a man would not be prosecuted before the matter was taken to the Attorney-General for his approval, but I think we would do well if a system of conciliation was established as between parties. No provision is made for it in the Bill, but I believe it should be.

The Hon. L. R. HART: I support the amendment. I, too, have had some concern over this clause. Much has been said this afternoon about the onus of proof in relation to this clause, but where does the onus of proof lie? An Aboriginal person can accuse another person of refusing a service by reason of race, country of origin, or colour of skin. The person accused could say that it had nothing to do with any of those things and that the service was refused because of, say, social behaviour or general hygiene. However, who is to decide where the fault lies? Who is to decide the reason for refusing service? I believe that that will make the clause unworkable.

I do not believe any reasonable person in business would refuse service to a person because of race; he would be bigoted if he did so. Nor do I believe he would refuse service because of country of origin, and he certainly would not do so because of the colour of skin, provided that the social behaviour, general demeanour, and hygiene met the required standards. I believe we should have a close look at this clause, and that we should support the amendment moved by the Hon. Mr. Whyte. I will be interested to hear the Leader's comments on that aspect.

The Hon. A. J. SHARD: I ask the Committee to accept the amendment. I think all members agree with the principle that the proprietor of a business has the right to set a standard regarding the people he serves. Subsection (2), which the honourable member wants to strike out, is necessary. Whether a person is coloured or white, he has no right to be served unless he conforms to the standard set by a particular business proprietor. However, if he complies with such conditions, he has every right to be supplied the same as everyone else.

Unlike the previous speaker, I have not had much to do with the Aborigines in the outback. However, I know many in the metropolitan area whom I am proud to call my friends, and I would be most upset if they were refused to be served under these conditions. I have no objection to a publican stipulating that everyone, whether white or coloured, should be properly dressed and, if they do not reach that standard, to his having the right to refuse to serve them. The Attorney-General and Minister of Aboriginal Affairs drafted this amendment. The latter told the Leader of the Opposition in another place that he thought the original drafting would not achieve the purpose for which it was proposed. I assure the Committee that this Bill was accepted by the Attorney-General. If it is not effective, and if it can be proved that it is being wrongly used, I will be the first to agree to its being altered. However, at this stage, I consider that the clause should be included. This Bill was introduced because under the existing legislation it has been difficult for the Crown to prove discrimination. This is a reasonable clause, and I hope it will be accepted by the Committee.

The Hon. G. J. GILFILLAN: I have listened with much interest to the debate. My colleague, the Hon. Mr. Whyte, has probably had more experience with the issues contained in the Bill than has any other member. We have heard during the second reading debate of the reasons for the introduction of the Bill. I sympathize with the principles that it expresses.

However, I believe that the type of situation the Bill is trying to overcome is something which cannot be legislated for but which must come from within the community. For this reason, I consider that the clause is premature. The Hon. Mr. Whyte said that he would not, as a result of his respect for the Leader, enlarge on the incident that led to the introduction of the Bill. Without exploring the position any further, I do not think there is any doubt that a deliberate incident was created. This is where the danger lies in the type of legislation we are attempting to pass tonight. We are introducing legislation that could lead to the deliberate creation of incidents.

It was found after this incident occurred in the city referred to in the second reading explanation that a prosecution could not be launched. As a result, this Bill has been introduced. In trying to overcome a human emotional problem that concerns most members of Parliament, we are going a little too far at this stage. This legislation could lead to the deliberate creation of incidents and probably widen the gap between the different types of people it is trying to bring together.

The Hon. F. J. POTTER: I think the Hon. Mr. Gilfillan has spoken a good deal of common sense. It seems to me that by this legislation we are trying to reverse the common law position. When I studied the law of contracts I was told that no-one had the right to demand goods or services, yet this clause provides that one shall not on demand fail to supply goods or services. I am not happy that the reversal of the common law position is a good thing. This is the first enactment I have seen that does this. We should, therefore, proceed carefully before we agree to a provision of this nature.

The Hon. C. M. HILL (Minister of Local Government): I have listened with much interest to the debate. The Attorney-General has, as the Leader said, either drafted the legislation or agreed to its drafting. He has taken much interest in this clause and in the Bill, even though it was not originally his Bill. He is interested in the welfare of Aborigines in this State and, of course, he wants to ensure (as we all do) that these people receive a fair go in our society. I have no alternative, therefore, than to oppose the amendment.

The Hon. R. C. DeGARIS (Chief Secretary): I am interested in the point that the Hon. Mr. Potter raised. Can the Leader tell me whether the phrase "on the same terms and under the same conditions" means that the proprietor has a right to demand certain standards? Exactly what does the phrase mean?

The Hon. A. J. SHARD: The provision means the very thing that the Hon. Mr. Potter referred to. The supplier has the right to refuse a service to anyone but, if he does supply a service to anyone, he must supply it to these people on exactly the same terms and under exactly the same conditions. The purpose of the provision is to see that people are not discriminated against on the grounds of race or colour.

The Hon. V. G. SPRINGETT: The question of withholding a service from people because of their race can cut both ways. I have had experience of clubs catering for people of one colour and of clubs catering for people of another colour, and no doubt the same applies to hotels. I have found that people of one colour have been forbidden to enter a hotel run by people of another colour.

The Hon. C. M. Hill: In what country?

The Hon. V. G. SPRINGETT: West Africa. Many of these so-called barriers are mutual, because they represent certain specific functions. One cannot automatically say that a person is being discriminated against because he cannot join a certain group.

The Hon. F. J. POTTER: I was directing my previous remarks to new subsection (2). It indicates that a man's course of conduct and the pattern he has established in his business must be considered. The law of contract is that any sellers of goods and services have the liberty at any time to discriminate between particular customers, irrespective of colour. It is the seller's common law right to say, "I will not sell or supply to you," and he does not have to give any reason.

However, this provision says that a person's normal course of conduct must be considered. If he supplies a certain article at 20c in the normal course of his business and he normally does not refuse people then, if he charges an Aboriginal 40c for that article, he is discriminating against the Aboriginal. Or, if he refuses to supply the article, again he is discriminating against the Aboriginal. In this sense, this provision is really cutting across the common law rights of a person. I have a little doubt whether a hotelkeeper, because of his privileged position, is strictly within the common law position. Maybe,

because of his unique position, he cannot refuse to supply, because the public is entitled to be on his premises within certain hours. The new subsection does not involve only people who go into hotels: it casts a wider net than that.

The Hon. L. R. HART: I think the Leader may have misunderstood me. I have a very great respect for the Aboriginal race, and I will do all I can to improve its lot. I am particularly concerned about the people who drafted this Bill. I wish to read the following extract from a book entitled "Ethnic Minorities in Australia":

The academic sees problems from afar, often from his ivory tower, statistical bulletin and Parliamentary reports.

I wonder whether this Bill has been drafted by people who may be living in an ivory tower, seeing the situation from afar and thinking in terms of statistical bulletins, rather than from the viewpoint of the facts of life. The person who would understand this provision best of all would be a social worker, and I doubt whether he would agree to this Bill. It is all very fine to prosecute a person because he has committed an offence. This Bill will create among the Aborigines a feeling that they are being discriminated against.

Any Aboriginal who is refused service will feel that he is being discriminated against. It would not be because of his race, his country of origin or the colour of his skin; it would be because of other factors, but it would be hard to get that over to him. Therefore, I am afraid this Bill will create more problems than it sets out to solve.

The Hon. F. J. POTTER: Since last speaking, I have had enough opportunity to discuss the meaning of this new subsection with the Parliamentary Draftman, who points out that its purpose is limited to prosecutions under new subsection (1). In these circumstances, it is not quite as bad as some of us thought it was.

The Hon. A. M. WHYTE: I do not wish to reflect on the Parliamentary Draftsman, but this provision would have almost the opposite effect to what those who designed this Bill thought it would have. I leave it at that.

The Committee divided on the amendment:

Ayes (10)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, C. D. Rowe, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte (teller),

Noes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, C. M. Hill, A. F. Kneebone, F. J. Potter, A. J. Shard (teller), and C. R. Story.

Pair—Aye—The Hon. Jessie Cooper. No—The Hon. R. C. DeGaris.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 6 and title passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

Consideration in Committee.

The Hon. A. J. SHARD (Leader of the Opposition): I move:

That the Legislative Council do not insist on its amendment.

The amendment made by the Legislative Council deleted new subsection (2) in clause 5. The reason for the House of Assembly's disagreeing to the amendment is that it defeats the whole purpose of the Bill. I do not think anything else I can say will add to what I have already submitted to the Committee.

The Hon. A. M. WHYTE: The whole purpose of the amendment was to defeat the effect of the Bill, anyway.

The Committee divided on the motion:

Ayes (6)—The Hons. D. H. L. Banfield, S. C. Bevan, C. M. Hill, A. F. Kneebone, F. J. Potter, and A. J. Shard (teller).

Noes (8)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, C. D. Rowe, V. G. Springett, and A. M. Whyte (teller).

Pairs—Ayes—The Hons. R. C. DeGaris and C. R. Story. Noes—The Hons. Sir Norman Jude and Sir Arthur Rymill.

Majority of 2 for the Noes.

Motion thus negatived.

UNFAIR ADVERTISING BILL

Adjourned debate on second reading.

(Continued from December 3. Page 3495.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This is indeed an important Bill. I think I can say on behalf of all honourable members that none of us would support any advertising that is not fair, proper, scrupulous or reasonable. I have studied the Bill and am most unhappy indeed with its provisions.

It seems to have been hastily prepared and to have been drafted so widely that it will include almost anything. All members know that plenty of advertising is unfair. I agree that there is room for legislation of this nature, but not of this particular type. We have all seen "call-bird" type advertising, as well as all other types. In my opinion this Bill would bring an end to practically all forms of advertising.

I suggest that we should not vote for the second reading of the Bill but should approve the intention of the Bill and suggest that before the next session the Government fully consider its intention with a view to introducing a more considered and reasonable measure. I shall quote some parts of the Bill to honourable members to prove that what I am saying is not exaggerated.

The definition of "advertisment" includes anything conceivable in the way of advertising. The definition of "dispose" in relation to goods and services is satisfactory, and seems to include everything.

"Goods" is defined as including vehicles, vessels, aircraft, animals and articles and things of any description. I cannot imagine a wider definition than that. "Service" also includes just about everything. Therefore, the Bill has been drafted so as to include every conceivable thing or concept.

Clause 3 (1), having referred to every form of advertising that one can conceive, then makes illegal advertising that is inaccurate, untrue, deceptive or misleading. I will just pause there because I know that that clause contains a proviso. However, I should like honourable members to ponder the meanings of those words. What does "inaccurate" mean? It means not completely accurate. However, how can advertising be literally and purely accurate?

How can one describe accurately goods or their virtues in the few seconds available on television or in a few lines in any form of printed matter? One could agree with the definition of "untrue", but what about "deceptive"? One could talk for hours regarding what is or is not deceptive. Regarding "misleading", the Bill does not seem to countenance the difficulties associated with the advertising of goods, articles or things of any description within a reasonable area of publication. Clause 3 (1) goes on to provide as follows:

. . . and which such person knew or might, on reasonable investigation, have ascertained to be inaccurate, untrue, deceptive or misleading.

That is indeed a wide provision. I do not want to dwell in the last hours of this session on trying to enlarge on the argument I am presenting, but I repeat what several honourable members have said in the last few days: that this type of legislation can readily be dealt with in the next session, when it can be fully considered. The Bill is so wide that no honourable member here or in another place could possibly imagine how far it reaches. It is a most dangerous thing in that sense; I emphasize the words "in that sense" because I have no doubt that the intentions behind this Bill are completely altruistic. I certainly disagree with unfair advertising, but this Bill goes so far that this Council should not attempt to pass any part of it without a complete analysis and without a real understanding of what it means.

The first time I read the Bill the thought immediately came to me, "How far does this Bill go? What does it do? Does it strike at ordinary advertising? Does it strike at the crooks? Does it strike at the careless people? Does it strike at people who are just advertising in the ordinary random sense?" It seems to me that this Bill would catch quite reasonable advertising.

The Hon. R. C. DeGaris: Doesn't clause 3 (3) provide a let-out?

The Hon. Sir ARTHUR RYMILL: I think it is an attempt to provide a let-out. It throws the onus on the person advertising to show that it was not intended to deceive or mislead, or that it was trivial. This again is very much at large and at random, and it would be a very difficult onus for an absolutely honest and genuine advertiser to fulfil. This Bill is so wide that, without a tremendously careful analysis and without a complete knowledge of what it really means, it would be very dangerous to put it on the Statute Book. Therefore, I do not support the second reading.

The Hon. H. K. KEMP (Southern): Let us take a simple example of the prosecutions that could arise under the Bill as it stands. Every day on the roads of Adelaide there are newsboys who are selling newspapers that contain the description "Last Edition". The last edition starts early in the afternoon and carries on and on as new editions come forward. This is truly unfair advertising. This Bill has tremendously wide implications. We must be very careful about the question how far the ethics of advertising can be legislated for. When I was a very young

boy I was told that there was a very important principle of law, *caveat emptor*—"Let the buyer beware".

We must ask our advertising industry to adopt a very much higher standard in some respects. In advertising there is an unduly high emphasis on sex and on the weakness of people. In opening this question we are opening one of the biggest running sores in our community today. There is so much that is completeley wrong in the pressures that are imposed by advertising. Millions of dollars are spent on it. It is far too late to open this wide and important subject, but it is vital that we get the whole matter of advertising under control. Unfair advertising, which is dealt with in this Bill, is a very minor sector of a very important subject that must be brought into the open for public debate. In view of the lateness of the hour and the enormous width of the subject, I ask leave to continue my remarks.

The PRESIDENT: Those in favour say "Aye" and those against say "No".

The Hon. A. J. Shard: No.

The PRESIDENT: There being a dissentient voice, leave is not granted. The honourable member must continue.

The Hon. H. K. KEMP: For how long can I talk?

The PRESIDENT: The honourable member can continue for as long as he can think of something to talk about.

The Hon. H. K. KEMP: I am sure the *South Australian Year Book* has much material on this subject.

The PRESIDENT: The matter of relevancy has a bearing, too.

The Hon. H. K. KEMP: This whole book is concerned with advertising. In it I see a reference to natural environment, and this automatically raises the question of brassiere advertisements. Does the Leader of the Opposition consider that the average brassiere advertisements are fair?

The Hon. A. F. Kneebone: I think that is unfair advertising.

The Hon. A. J. Shard: Brassieres can make breasts look quite different from what they are.

The Hon. H. K. KEMP: I ask the Leader to consider the matter a little further. Does he consider that advertisements for undergarments are fair advertising? Honourable members must realize that I am in some difficulty because I cannot get a ruling. This is an important matter that we are dealing with. The Leader has just refused to allow me leave to continue my remarks later.

The Hon. A. J. Shard: We are in the last night of the session; you can't ask leave to continue at this stage.

The Hon. H. K. KEMP: The Leader wants to force this Bill through tonight.

The Hon. A. J. Shard: We only want to vote on it.

The Hon. H. K. KEMP: I will not ask leave to continue my remarks. However, it is far too important a Bill to be pushed through just because it has come to be dealt with now, when it opens up such a tremendously wide and important subject that means about $200,000,000 annually to the industry.

The Hon. A. F. Kneebone: The Bill has been on the Notice Paper longer than some Bills that have been passed.

The Hon. H. K. KEMP: Of course it has, but it has all been very badly timed. I now conclude my remarks.

The Hon. A. J. SHARD (Leader of the Opposition): With one exception, honourable members have given attention to this Bill, and I thank them for that. I do not mind anything: I can take it. I can sit and listen to almost anything, but I do not like tomfoolery and nonsense, and we have had plenty of it lately from a certain quarter. I will leave it at that. I take exception to the statement that this Bill has only just been brought in. It was introduced in this Chamber on November 12, and I have been the only speaker from this side. Then there was one speaker on November 19, another on November 26, another on December 2 and another on December 3, the Bill three times being adjourned for a week. That procedure resulted from something that happened last year. For the honourable member to ask leave to continue at this hour at this stage of the session is beyond my comprehension; I cannot understand it. I am not the hardest person in this place to get on with, but I like fair treatment, as I give it to others.

We readily agreed to the Hon. Mr. Rowe's having leave to continue his remarks as he did not have his notes with him, because he was putting forward a good and worthwhile case; there was something in it. He said:

I am indebted to the Council for giving me the opportunity to obtain my notes. I have been in touch with Mr. John Bowden, the Secretary of the Australian Association of National Advertisers, an Australia-wide body whose members are involved in 85 per cent of the total annual expenditure on advertising. When we realize that annnual expenditure for this purpose is $200,000,000 we realize how much commercial enterprise is involved. The Association of Australian National Advertisers has 450 members. The retail advertisers do not belong to the association but, nothwithstanding that, the association is involved in 85 per cent of the total expenditure on advertising in Australia.

I thought the sum involved might have exceeded $200,000,000. He went on to say that they did not want any Bill to protect the public from unfair advertising. That is the very reason why the Bill is necessary. If the advertising people are doing such a good job and their advertising is straightforward, they have nothing to fear from this Bill.

The Hon. R. C. DeGaris: How about "Fly T.A.A., the friendly way"?

The Hon. A. J. SHARD: The Chief Secretary raises the very point I am trying to make. I have no objection to honourable members taking a point on this, but we must remember that this Bill is the result of the Report on the Law Relating to Consumer Credit and Moneylending, by the Law School of the University of Adelaide. It is known as the Rogerson report. Chapter V details how important this matter is. It tells us that most States of Australia have legislation similar to this. It was said tonight that before Parliament meets next year the Government will face up to its responsibilities in this matter. We must be wise in considering advertising and its ramifications. Nine out of every 10 advertisements that we see in the newspapers are, if not untrue or misleading, at least exaggerated. We must stop that. If anyone tells me, particularly in respect of electrical goods, that there is not misleading and untrue advertising in this State, he is not being honest. This applies to other things as well. With reference to the Chief Secretary's interjection a moment ago, if a person was unlucky enough to be disappointed at flying T.A.A., the friendly way, clause 3 (3) would let him out.

The Hon. R. C. DeGaris: I am only trying to help the Leader.

The Hon. A. J. SHARD: I appreciate that. The Hon. Sir Arthur Rymill and other honourable members have stressed how wide the Bill is, but if clause 3 (3) does not protect the genuine type of advertiser, I want to know what does. For the benefit of honourable members, I will read clause 3 (3).

The Hon. R. C. DeGaris: The person could be prosecuted, and that is a defence.

The Hon. A. J. SHARD: Yes, but if he were prosecuted and that was a defence, I should think the Crown would have to pay costs. Clause 3 (3) provides:

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

This provision needs to be wide, because there are some unscrupulous people about who do not exactly go out of their way to be fair and reasonable; in fact, they deliberately go out of their way to be just the opposite.

The Hon. R. C. DeGaris: How do you think it would affect political advertising?

The Hon. A. J. SHARD: People concerned with that may be caught, too. When the Hon. Mr. Rowe was Attorney-General, I asked him to inquire about a case, but, because we did not have legislation such as this, the people concerned could not be prosecuted. I did the next best thing and named them, and they were fined by their own association; and it cost them much money and business. As those people are still advertising today, I often wonder whether it would be worth another check to see whether the advertising was honest. If something is not done about the matter, people such as those to whom the Hon. Mr. Rowe has referred will go their hardest and say, "Parliament is not going to attempt to curb us." We must take the responsibility for that situation. I do not wish to delay the Chamber. I hope that members will at least accept the Bill as an honest and sincere endeavour to solve a problem that is growing and creating a nasty situation within our State.

The Council divided on the second reading:

Ayes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, C. M. Hill, A. F. Kneebone, A. J. Shard (teller), and C. R. Story.

Noes (10)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill (teller), V. G. Springett, and A. M. Whyte.

Majority of 3 for the Noes.

Second reading thus negatived.

[*Sitting suspended from* 11.21 *p.m. to* 12.31 *a.m*]

OPTICIANS ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendment:

Leave out clause 21.

Consideration in Committee.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That the House of Assembly's amendment be agreed to.

The amendment made by the House of Assembly deletes clause 21, which deals with an amendment to section 27 of the principal Act and with the question of persons who may practise optometry. There is very little difference between the present section 27 and the amendment made by the Bill. The Bill deals with the question of the rights of a student of optometry who has attained a required standard. The deletion of clause 21 leaves things as they are, and the amendment is acceptable to the Government.

The Hon. V. G. Springett: Is any reference now made to students of ophthalmology?

The Hon. R. C. DeGARIS: There is no reference in the present section 27 to students of optometry or ophthalmology.

Amendment agreed to.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PRISONS)

Returned from the House of Assembly without amendment.

OFFENDERS PROBATION ACT AMENDMENT BILL (SUSPENSIONS)

Returned from the House of Assembly without amendment.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 2, line 20 (clause 6)—After "liquor" insert "for consumption within those refreshment rooms".

No. 2. Page 2, line 28 (clause 7)—After "apply" insert "(without however creating or expanding any rights to sell, supply or consume liquor beyond those established under this Act)".

Consideration in Committee.

Amendment No. 1:

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

That amendment No. 1 be agreed to.

As a result of this amendment, it will be impossible for members of the public to purchase liquor to take away from the refreshment rooms or from what the Railways Commissioner is planning to establish in the refreshment rooms—that is, a tavern. I am disappointed at this amendment, because the Chamber was trying to help the Railways Commissioner set up a tavern and supply liquor there, including some bottles of liquor to be taken away. It was never intended that the sale of bottled liquor was to develop to such an extent that it might embarrass nearby hotels.

It was always intended that this should be more in the nature of a service particularly for railway employees, to whom this restriction will now apply. However, it is important that the Railways Commissioner be at least given the right to establish this tavern. Honourable members will know from his periodic reports that the railway catering services are run at a loss, and the extension of this service into the area of liquor sales might have brought this phase of railway operations out of the red. Nevertheless, as it is important that the Bill be passed, I ask honourable members to agree to the amendment.

Amendment agreed to.

Amendment No. 2:

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

That amendment No. 2 be agreed to.

This amendment, consequential on the first one, deals with railway by-laws, and I ask honourable members to agree to it.

Amendment agreed to.

ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL)

Returned from the House of Assembly with the following amendments:

No. 1. Page 7, line 14 (clause 26)—After "owner" insert "and".

No. 2. Page 7, line 15 (clause 26)—Leave out "and the driver".

No. 3. Page 7, line 16 (clause 26)—After "offence" insert "and where the driver has not been required or instructed by his employer to drive the vehicle notwithstanding non-compliance with the provisions of those sections, the driver shall also be guilty of an offence".

Consideration in Committee.

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

That the House of Assembly's amendments be agreed to.

The amendments relate to the driver of an overloaded vehicle. Honourable members will recall that when we were dealing with this matter previously we considered the obligations

of the owner of the vehicle, the person in charge of it, and the driver. It was explained that previously the arrangement was not satisfactory, because some drivers who were charged with offences lived in another State or disappeared into another State, so that it was difficult to take action against them.

This Chamber tried to make responsible each of the three people to whom I have referred. The other place has now released the driver from any obligation whereby he is under any threat or definite instruction from his employer to drive an overloaded vehicle. I must admit that that seems reasonable to me.

Amendments agreed to.

LOCAL GOVERNMENT ACT AMENDMENT BILL (WHYALLA)

Returned from the House of Assembly with the following amendments:

No. 1. Clause 4, page 6, lines 26-35—Leave out proposed new subsection (2).

No. 2. Clause 5, page 11—Leave out Part I of the proposed Twenty-fourth Schedule and insert the following Part:—

PART I.

THE CITY OF WHYALLA.

Comprising that portion of the hundred of Randell, county of York, bounded as follows: commencing at the northern corner of section 2, hundred of Randell; thence south-westerly and south-easterly along the north-western and south-western boundaries of said section and production of latter boundary to the sea-coast; generally west-south-westerly following said sea-coast to its intersection with the production southerly of the western boundary of Playford Avenue, town of Whyalla; northerly along latter production to the southern boundary of Broadbent Terrace; generally westerly along latter boundary and the south-eastern boundary of Lincoln Highway to the production southerly of the eastern boundary of section 8; northerly along latter production and boundary to the north-eastern corner of said section 8; north-north-easterly along a north-western boundary of the hundred of Randell to its northernmost corner; south-easterly along a north-eastern boundary of the said hundred to the southernmost corner of section 261, north out of hundreds, county of York; south-south-easterly along portion of the south-western boundary of section 66, hundred of Cultana to its south-western corner; generally south-easterly along the south-western boundaries of the said section 66 and section 34, hundred of Cultana and the south-western boundaries of sections 34 and 35, hundred of Randell and portion of the north-eastern boundary of McBryde Terrace, town of Whyalla to the south-eastern boundary of Jamieson Street; south-westerly along latter boundary to the north-eastern boundary of Gay Street; thence south-easterly along latter boundary to the point of commencement, crossing all intervening roads and excluding that portion of the hundred of Randell, county of York being portion of section 70 contained in Certificate of Title, Register Book, Volume 3243, Folio 123.

No. 3 Clause 5, Page 12—Leave out the description of Stuart Ward in Part II of the proposed Twenty-fourth Schedule and insert the following description:—

Stuart Ward.

Comprises that portion of the hundred of Randell, county of York, bounded as follows: commencing at a point on the south-western boundary of section 35, hundred of Randell, being its intersection with the production north-north-easterly of the north-western boundary of George Avenue, town of Whyalla; thence north-westerly along the said south-western boundary of section 35 and the south-western boundary of section 34, hundred of Randell and the south-western boundaries of section 34 and 66, hundred of Cultana, to the south-western corner of latter section; north-north-westerly along portion of the south-western boundary of said section 66 to its intersection with the south-western boundary of section 261, north out of hundreds, county of York (a north-eastern boundary of the hundred of Randell); north-westerly along portion of latter boundary to the northernmost corner of the Hundred of Randell; south-westerly along the north-western boundary of the said hundred and production to the north-eastern corner of section 8, hundred of Randell; southerly along the eastern boundary of said section 8 and production to the south-eastern boundary of Lincoln Highway; easterly along portion of the said boundary to intersect the production southerly of the eastern boundary of McDouall-Stuart Avenue; generally northerly following the latter boundary to its intersection with the northern boundary of Jenkins Avenue; east-north-easterly along portion of latter boundary to the south-western boundary Travers Street; north-north-westerly along latter boundary to the northern boundary of Charles Avenue; easterly along portion of latter boundary to the south-western boundary of part section 70, hundred of Randell; north-north-westerly along the said boundary to the north-western corner of the said part section; generally easterly and south-easterly, following northern and north-eastern boundaries of said part section 70 to the production north-north-easterly of the north-western boundary of George Avenue aforesaid; thence north-north-easterly along a further production of the latter boundary to the point of commencement, crossing all intervening roads.

Consideration in Committee.

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

That the House of Assembly's amendments be disagreed to.

The first amendment deals with the question of assessment for rating. A certain area of land at Whyalla is not at present included in the area administered by the Whyalla City Commission, but that area was written into the Bill in this Council in order that it should come within the new boundaries of the proposed local governing body. This is being objected to by another place. The second amendment is to leave out Part I of the proposed Twenty-fourth Schedule and insert a new Part. The third amendment is to leave out the description of Stuart ward and to insert a new description.

Stuart ward is the ward in question, because it is to the existing Stuart ward in the present city boundaries that is added this new area. For the purpose of being particularly descriptive and for the sake of brevity, I will call the new area the piggery area.

I must trace back the history of this proposed change at Whyalla to usual local government as we know it in South Australia. From the mid-1940's that city has been administered by the town (or city) commission, with a chairman (Mr. Ryan), appointed by the Government of the day, and commissioners. In the City of Whyalla Act provision was made that, if the people of Whyalla petitioned Parliament to change over to normal local government, that would be agreed to. That happened, the people petitioned Parliament, and the usual processes that were written into the provisions of the City of Whyalla Act were taking place. The Government wanted to co-operate with the people of Whyalla but, understandably, some investigations had to be made into when local government should change there and what should be some of the provisions concerning the change.

It meant that councillors and a mayor would have to be elected and a town clerk appointed. These were machinery measures that we asked a special committee to look into. The committee was under the chairmanship of Mr. Stuart Hart, the Director of Planning, an exceptionally capable officer, and it included the Secretary of the Local Government Department (Mr. Bray), the Chairman of the City of Whyalla Commissioners, and the Surveyor-General (Mr. Bailey). This was a very capable committee. It set about its task, and it produced a report to the Government in which it set out all its recommendations.

The Government accepted those recommendations *in toto*. They included a recommendation that this piggery area be included in the new boundaries for the City of Whyalla. So, based upon that expert report, the original Bill was prepared and introduced into Parliament to effect the change. This Council appointed a Select Committee to investigate the whole matter on its behalf. This had to be done because it was a hybrid Bill. That Select Committee held several meetings and heard from the interested parties.

The Hon. S. C. Bevan: There were six meetings.

The Hon. C. M. HILL: Yes; the committee sat six times, and included in those sittings was a trip to Whyalla, when it inspected this piggery area and received representations from the people in Whyalla. The committee's report supported the Bill in its entirety, and this honourable Council followed the commitee's recommendations. We passed the Bill, which went to another place, and it has now come back to us with amendments to the effect that this piggery area should not be included.

I oppose these amendments because I submit that the Government took every proper action and process to introduce local government into Whyalla in the best possible form, and Whyalla should have local government in the best possible form.

I will dwell for a moment upon the piggery and the committee's attitude towards it. The committee held the view that the health conditions in this piggery area were poor. I am sure that members of the Select Committtee will agree with that. Because of this state of affairs and the danger to the health of the people of Whyalla, the committee considered it was highly desirable and indeed necessary for this area to come under the control of local government, to be controlled by local government through the local board of health within the council. Without this control, there is considerable danger to health. That view of the earlier committee seriously influenced the Select Committee when it examined this matter.

Another point is that, if this area was not included within the local government boundaries that are to be established, it would be a continual source of concern and worry to the future city council in Whyalla. It would have it there as a sore alongside its council area, and it would not be in any other council area because the area surrounding Whyalla is not controlled by any other council at present. Ultimately, in my view, the authorities would have to do something about it and try to include it at some time so that they could control it in the interests of the health and the general development and welfare of Whyalla.

We (and especially those of us experienced in local government) all know that, when a council has a problem of this kind, all kinds of pressures and worries are created. Here, the city has an opportunity to overcome that future inevitable problem if Parliament includes this piggery area within the new boundaries. For these reasons, I urge honourable members not to agree to the amendments made by the House of Assembly.

The Hon. R. A. GEDDES: The Minister has portrayed the picture at Whyalla fairly. The area concerned is something like the reluctant dragon, as I see it—nobody really wants it. In its present condition, it is no credit to the Central Board of Health.

The Hon. S. C. Bevan: You can say that again!

The Hon. R. A. GEDDES: It is no credit to the Lands Department, which has been responsible for the subdivision of it. The area is within one mile of houses that are being built, and it supplies pig meat, fowls and eggs for the city of Whyalla. One person said in evidence before the Select Committee, "We do not want to lose the industry"; but he also said, "Of course, we do not want to have anything to do with the control of it". At some point of time something must happen. It will happen, perhaps, in 1970, when local government takes control.

To help the position, I went to the Parliamentary Draftsman with the idea that the area be ceded to the local government area in July of next year, but that its control be not taken over for, say, 12 months. However, it was pointed out to me by the Draftsman that this would not work. Therefore, it has to take place either in 1970 or at some other time. There is a possible health threat there that must be considered. In my opinion, as the control administered from Adelaide is not good, there must be more localized control, and this must come eventually from the local government area of Whyalla. As much as I appreciate the problem the Whyalla people have in considering taking this area over, I support the Minister.

Amendments disagreed to.

The following reason for disagreement to the House of Assembly's amendments Nos. 1 to 3 was adopted:

Because the proposed extensions to the area of the municipality are in the best interests of public health and general local government administration.

[*Sitting suspended from* 1.23 *a.m. to* 2.10 *a.m.*]

The House of Assembly intimated that it insisted on its amendments to which the Legislative Council had disagreed.

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

That the message be taken into consideration on the next day of sitting.

I express my deep regret on this matter, because it appears that the people of Whyalla will not be obtaining local government on July 4 next year after all when in my view they deserve it and should have it. Because of the attitude of the member for Whyalla in another place this evening, the voting in that Chamber went as it did. Although the people of Whyalla wanted local government and the Government to give it to them (and it followed its expert committee's recommendations in this matter in its endeavour to give it to them), now, because of the attitude of the member for Whyalla, the Government cannot do so.

It is the most shameful thing imaginable to prevent the progress of the city of Whyalla. Unfortunately, it now seems that the people of Whyalla will have to wait another 12 months for local government. I deeply regret that this situation has occurred.

The Hon. D. H. L. Banfield: That is your fault for grabbing Government when you didn't have the numbers.

The Hon. C. M. HILL: With a small amount of co-operation from the member for Whyalla the city of Whyalla could have had local government on July 4 next.

The Hon. S. C. BEVAN (Central No. 1): I ask the Minister to have another look at this matter. The question of boundaries is not so important at this stage that it should cause the Bill to be thrown out. It is important for Whyalla and its people to have local government. The area under consideration has problems; I know of them and so do members of the committee who visited Whyalla and inspected the area. At present the members ot the Whyalla City Commission are not anxious for the boundaries to be extended, but they do not want the Bill delayed now. They would accept the proposed boundaries if non-acceptance meant the delay or defeat of the Bill.

This area has no facilities such as water, power, or main roads, and it is only natural that if this area is brought within the council boundaries the people there will demand those facilities. They will be rated. I am of the

opinion that most of the people running these piggeries are doing it as a sideline and working in industry. They have not the necessary capital to meet any increase in rates (because the area will have to be rated) and, although the area would come in as a primary-producing area, with reduced rates under local government, those people would still have to pay rents to the Lands Department for their leases because this whole area is Crown Land. The area is leased to them by the Lands Department, and they have to pay their yearly rental.

It is possible that because of this some of these people with no capital will give up the industry, and that would not be in the best interests of the city of Whyalla. The council appreciates the fact that it will go out and the newly-elected council will have many problems to tackle, even with the present city boundaries. They will have their hands full for a digging-in period without wanting to have on their hands such an area as this at the same time.

It is a matter of whether these piggery areas should be within the boundaries of the council area or outside, as they are at present, but that is not of such great importance that the Bill should be shelved and the desires of the residents and the city commission not met, with all the work that has been done in this connection being wasted. Therefore, I ask the Minister, in the circumstances, to reconsider this matter and not throw out the Bill at this stage, for that would delay for a long time the coming into operation of local government in Whyalla. Perhaps another 12 months would elapse before it happened, and that would not be in the best interests of local government or of the city of Whyalla. I hope the Minister will have second thoughts about this. Even if the area concerned is excluded from the city area, let this Bill come into operation so that local government can be established in Whyalla at the prescribed time, July 4 next.

The PRESIDENT: I am afraid I cannot permit this discussion to go on regarding this Bill. It can be debated only in Committee. The only matter before the Council is the motion that the message be taken into consideration on the next day of sitting. I cannot permit a general debate on the amendments unless we are in Committee.

The Hon. A. F. KNEEBONE: On a point of order, Mr. President, I suggest that the message be taken into consideration on motion.

The Hon. C. M. HILL: In view of what has been said, and so that the message may be taken into consideration on motion, I ask leave to withdraw my motion.

Leave granted; motion withdrawn.

Later:

In Committee.

The Hon. C. M. HILL moved:

That disagreement to the House of Assembly's amendments be insisted on.

Motion carried.

A message was sent to the House of Assembly requesting a conference at which the Council would be represented by the Hons. S. C. Bevan, R. A. Geddes, C. M. Hill, A. J. Shard, and A. M. Whyte.

Later, a message was received from the House of Assembly agreeing to a conference to be held in the House of Assembly Committee Room at 5.15 a.m.

At 5.9 a.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 5.30 a.m. The recommendation was as follows:

That the House of Assembly do not further insist on its amendments.

Later:

The House of Assembly intimated that it had agreed to the recommendation of the conference.

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

That the recommendation of the conference be agreed to.

Motion carried.

PRISONS ACT AMENDMENT BILL (PAROLE)

Returned from the House of Assembly with the following amendments:

No. 1. Clause 5, Page 2, Line 22—Leave out "ten", insert "five".

No. 2. Clause 5, Page 2, Lines 24 to 35, and Page 3, lines 1 to 9—Leave out paragraphs (*a*) to (*f*) and insert paragraphs as follows:—

(*a*) one, who shall be the chairman of the board shall be a person who has, in the opinion of the Governor, extensive knowledge of, and experience in, the science of criminology, penology, or any other related science;

(*b*) one shall be a legally qualified medical practitioner who has, in the opinion of the Governor, extensive knowledge of, and experience in, the practice of psychology or psychiatry;

(*c*) one shall be a person who has, in the opinion of the Governor, extensive knowledge of, and experience in, the science of sociology or any other related science;

(*d*) one shall be a person selected by the Governor from a panel of two persons (one of whom shall be a man and one a woman) nominated by the South Australian Chamber of Manufactures, Incorporated;

and

(*e*) one shall be a person selected by the Governor from a panel of two persons (one of whom shall be a man and one a woman) nominated by the United Trades and Labor Council of South Australia.

No. 3. Clause 5, Page 3, Lines 10 to 20—Leave out new subsection (3), and insert new subsection as follows:—

(3) At least one of the members of the board must be a woman.

No. 4. Clause 5, Page 4, Lines 14 to 20—Leave out new subsection (2), and insert new subsection as follows:—

(2) If the chairman is absent from any meeting of the board the members present shall elect one of their number to act as chairman for that meeting, and a person so elected shall be deemed to be, and shall have and may exercise all the powers, authorities, duties and obligations of, the chairman at that meeting.

No. 5. Clause 5, Page 4, Lines 21 and 22—Leave out "(except the chairman)".

No. 6. Clause 5, Page 4, Line 27—Leave out "The chairman and three other", and insert "Three".

No. 7. Clause 5, Page 4, Lines 30 and 31—Leave out new subsection (5).

No. 8. Clause 5, Page 4, Line 32—Leave out "other".

No. 9. Clause 5, Page 7, Lines 4-13—Leave out new subsection 42i and insert new section as follows:—

42i. Where a person is convicted of an offence and sentenced to be imprisoned, the court may, if it thinks it desirable to do so, fix a period during which the prisoner shall not be released upon parole.

No. 10. Clause 5, Page 7, Lines 36 to 38—Leave out "(not being before the expiration of a non-parole period fixed in relation to that prisoner)".

No. 11. Clause 5, Page 8—After line 21—insert new subsection as follows:—

(7) The board shall not order that a prisoner be released on parole under this section before the expiration of a non-parole period fixed in relation to the prisoner unless the Governor, on the recommendation of the board, has approved the probationary release of the prisoner.

Consideration in Committee.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That the House of Assembly's amendments be agreed to.

The original Bill provided for a parole board to be drawn from a group of 10 people, one section to act as a parole board for male prisoners and the other section to act as a parole board for female prisoners. The amendment from the House of Assembly suggests one parole board of five people, one of whom shall be a woman.

The original Bill also provided for the appointment of a Supreme Court judge as chairman of the board. Paragraph (*a*) of the House of Assembly's amendment to clause 5 contains the essential change to the constitution of the board. I am a little sorry that the changes have been made. We studied the situation not only in Australia but also overseas before coming to our decision to have two parole boards, one to deal with male prisoners and the other to deal with female prisoners. However, as I believe that the parole board recommended by the House of Assembly will work, I am prepared to accept it. Even though the Government clearly favoured the appointment of a Supreme Court judge as the chairman of the parole board, I think I said in my second reading explanation that as time went on an amendment to this provision could be made, if it was the Government's intention at some future time to use someone other than a Supreme Court judge as chairman. I believe the House of Assembly's amendment will still allow the Government, if it so desires, to appoint a Supreme Court judge as chairman of the newly-established parole board. The other amendments are also acceptable. Although I am somewhat sorry that the change has been made, the Government is prepared to accept all the amendments.

Amendments agreed to.

PROROGATION

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That the Council at its rising adjourn until Tuesday, February 24, 1970, at 2.15 p.m.

I take this opportunity to thank all honourable members for the attention they have given to their work in this Council during the session. The 95 Bills on members' files are evidence of the amount of work done and the results achieved. This reflects a great deal of credit on honourable members. I take this opportunity, too, of thanking all the officers and staff of Parliament for their co-operation and for the efficient way in which they have rendered services to honourable members in

the course of their duties. I extend to all honourable members and the staff my very best wishes for Christmas and for a happy and prosperous new year.

I should also like to comment on the conference that was just held that was attended by five managers of this Council. It started at 5.15 a.m. and ended at 5.17 a.m. I agree that this was the shortest conference in the history of this Parliament. It shows the great efficiency with which conferences are always conducted by managers from this Council. Once again I thank all honourable members for the way in which the work of this Council has been carried out over the last seven months, and I once again tender them best wishes for the festive season.

The Hon. A. J. SHARD (Leader of the Opposition): I support the Chief Secretary and reciprocate on my own behalf and on behalf of other honourable members. I, too, extend my very best wishes for a happy Christmas and a prosperous new year to all honourable members and the staff. There are two people in this Chamber whom I particularly want to thank for their assistance to me and other honourable members. The first is you, Mr. President. Your commonsense attitude to Standing Orders and the way you control the business of the Council are appreciated. I know that some honourable members talk too loudly and sometimes we all talk loudly together, which annoys you, but you tolerate it. Others talk too quietly, which annoys you, too. Your commonsense approach this morning on a delicate matter was commendable.

I wish to thank, too, the Hon. Mr. Gilfillan, the Government Whip. I know that at times we make it difficult for him. He runs around and finds out which honourable members will be speaking on the various Bills, but sometimes we do not keep true to form. He supplies a list of speakers to you, Mr. President, to the Chief Secretary and to me. I think we all appreciate his work and his guidance. His job is not easy. We all get a little testy and worried at times. I get upset at times, but it is only the result of endeavouring to do my best as I see it. On my own behalf I wish each and every one a happy Christmas, a bright new year, and good health for all the years to come.

The PRESIDENT: I should like to associate myself with the remarks of the Chief Secretary and the Leader of the Opposition. This has been a particularly strenuous session. We have had difficult legislation to handle and I have admired all honourable members for the attention they have given to the legislation and for the understanding manner in which they have accepted criticism and comments from other honourable members. The attitude of honourable members has made my position particularly easy, and I wish to thank them for the co-operation I have enjoyed. I should like particularly to congratulate the Ministers on their work.

The Chief Secretary has referred to the amount of legislation that has been handled; 95 Bills are on members' files, of which 40 were initiated in this Council. That has meant much work for the three Ministers here. I compliment the Ministers and their colleagues on the manner in which they have handled their work. I should like to mention in particular the Leader of the Opposition, the Hon. Mr. Shard, and his colleagues. They divide the work very well between them, as a team, and I think the Leader can feel proud of the fact that he has colleagues who show such willing co-operation.

I thank the Chief Secretary and the Leader of the Opposition for their comments about the staff. It is difficult to single out anyone because all the Parliamentary staff have been particularly co-operative. Our Clerks have worked hard and diligently. I am close to them and am probably one of their greatest problem children. However, they are most tolerant and, with the assistance of Mr. Clive Mertin, particularly during the illness of Black Rod, the work of the Council has proceeded smoothly.

We should not forget the co-operation of the Parliamentary Draftsmen that honourable members enjoy. I have not heard a single complaint during the whole session in that regard. I see only briefly the *Hansard* staff and the staff in the outer office, but I commend in particular Mrs. Davis for her handling of the official work of not only the Council, the Clerks and myself but also honourable members.

Hansard has produced its usual efficient work. The librarians and catering staff have stood up to much inconvenience uncomplainingly and done a very good job. The messengers, both inside and outside the Chamber, are continually at the call of honourable members, and we receive courteous attention from them at all times.

We sometimes complain about the press for inadequate coverage of debates in this Council. However, we appreciate the reports we see, which are the only means of disseminating to the public the work of this Council. Perhaps a person not often thought of on these occasions and who, I think, does an excellent job and is of considerable assistance to honourable members is Constable Osmond, who stands in front of Parliament House. With cars constantly coming into and going out of the parking spaces, he is very busy. He is usually forgotten in our valedictory addresses, but I do not know of anyone who gives more willing service than he does. I hope I have not omitted anyone who should be mentioned.

On behalf of the staff, who have no opportunity to speak for themselves, I thank honourable members for their comments. I reciprocate the good wishes of the Chief Secretary and the Leader for this Christmas time. I hope not only that honourable members will enjoy a very happy Christmas but that we shall all be reunited when we assemble for the next session of Parliament. I thank honourable members most sincerely for their co-operation.

Motion carried.

At 5.55 a.m. the Council adjourned until Tuesday, February 24, 1970, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.