LEGISLATIVE COUNCIL

Wednesday, November 23, 1977

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

SHOP TRADING HOURS BILL

At 2.16 p.m. the following recommendations of the conference were reported to the Council:

As to Amendments Nos. 1, 2 and 3:

That the Legislative Council insist on its amendments and the House of Assembly do not further disagree thereto.

As to Amendment No. 4:

That the Legislative Council amend its amendment by leaving out the word "four" and insert in lieu thereof the word "two",

and that the House of Assembly agree to the amendment as so amended.

As to Amendments Nos. 5 and 6:

That the Legislative Council insist on its amendments and the House of Assembly do not further disagree thereto.

As to Amendment No. 7:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 8:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 3, line 10 (clause 4)—After "cooked meat," insert "frozen meat,"

and that the House of Assembly agree thereto.

As to Amendment No. 9:

That the Legislative Council insist on its amendment and the House of Assembly do not further disagree thereto.

As to Amendment No. 10:

That the Legislative Council amend its amendment by striking out the word "Where", first occurring, and inserting in lieu thereof the passage "Subject to this section, where" and by inserting after subsection (3) the following subsection:

(4) A declaration under this section shall not have any force or effect on and from the 31st day of March, 1979,

and that the House of Assembly agree to the amendment as so amended.

As to Amendment No. 11:

That the Legislative Council do not further insist on its amendment.

As to Amendments Nos. 12 and 13:

That the Legislative Council insist on its amendments and the House of Assembly do not further disagree thereto.

As to Amendments Nos. 14 and 16:

That the Legislative Council do not further insist on its amendments.

Consideration in Committee.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the recommendations of the conference be agreed to.

In doing so, I say that this was one of the most conciliatory conferences we have been to. We appreciated the fact that the House of Assembly was in a conciliatory mood when it quickly accepted one of the amendments which we inserted in this Chamber and which was reported back to it. This morning, almost from the word "go", discussions went along very smoothly. It boiled down mainly to the question of convenience stores, on which there had been a fairly long discussion in this place; also, the sale of red meat was discussed. The Government was not prepared to let convenience stores have an advantage over other stores. The Legislative Council, in inserting its amendment, wanted that advantage to continue. The result is that a fair compromise came out of the conference, in that the Government is prepared to allow these convenience stores to continue trading for 15 months, I think it is, before they will have to be brought back in line with other stores.

Regarding red meat sales, the conference was able to compromise so that other stores will be able to sell frozen red meat. They were the two bones of contention. The managers from both Houses were anxious to ensure that the Bill was not lost, and I congratulate the Council managers, who looked after the interests of this place and who, at the same time, were willing to compromise when they saw that the Government would not give in on certain matters.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support what the Minister of Health, as Leader of the Government in the Council, has said. The conference was a long one, beginning at 9.15 a.m. and concluding at about 2 p.m. It was conducted in a manner that reflected much credit on those members who were appointed to represent their respective Houses.

Perhaps I can deal with the amendments, which fell into two categories: one category that might be described as not directly affecting the real issue of late night trading but being of a somewhat philosophical character, and the other being of a character directly affecting certain areas of late night trading. The first amendment discussed was that moved by, I think, the Hon. Mr. Burdett, providing that stores established in sporting premises can sell goods relating only to the sport associated with those premises.

Members interjecting:

The PRESIDENT: Order! I ask the Hon. Mr. Dunford whether he will please moderate his voice.

The Hon. R. C. DeGARIS: The point is that, if this amendment had not passed, these stores would have been allowed to trade in any type of goods at all. That was, therefore, a loophole in the legislation. Accepting that viewpoint, the conference agreed that the amendment should stand.

The second amendment related to local government and the requirement of a two-thirds majority before any application could be made to the Minister to vary any conditions relating to a proclaimed shopping district. Attached to that was an amendment moved by the Hon. Mr. Geddes, changing from three years to one year the time between further applications being made to the Minister. The conference agreed that this was a reasonable amendment.

In the category of amendments that were of a broad philosophical nature, and not directly related to late night shopping, the conference accepted the Council's point of view. The second group of amendments dealt specifically with matters affecting active issues in the Bill, the first of which related to convenience stores. You, Sir, will realise that the Council amendments allowed the Minister a discretion in relation to these stores: if the Minister considered that they should continue operating as they are operating at present, he could make that determination.

Secondly, the area available to this type of store was increased by amendment from 186 square metres to 400 square meters. In the compromise, the conference agreed that these stores could continue operating until March,

1979, when they would be phased out.

Although it does seem that these stores will be phased out by 1979 and that the size will have to come back to 200 square metres, I believe that there will be a further examination of the position before March, 1979. I am pleased about the compromise, because it will allow people who have bought the stores to operate them until 1979. I hope that applications to the court will allow these stores to continue.

Regarding matters relating to late night trading, there is the question of red meat. Although I am not entirely satisfied with the compromise and although it does not apply the criterion that this place applied (that is, trading in any commodity of a like nature), nevertheless it is a significant advance on the existing legislation. It means that red meat may be sold frozen and in competition with all other forms of meat in shops in South Australia. We have not achieved the opening of butcher shops on late night trading nights. Although the compromise does not completely satisfy me, it is a satisfactory compromise on the Bill. I have pleasure in supporting the motion and I congratulate those who were at the conference on the way in which the conference was conducted.

The Hon. C. M. HILL: I do not think the amendments that I moved concerning the exempt shops criteria have been mentioned. This place agreed with the approach of a natural person being the proprietor of such shops being changed to include proprietary companies and it also agreed that three persons ought to be permitted to occupy the shop rather than two as was the Government's intention. From a quick reading of what has been presented, I take it that the conference agreed to accept the view of this place on that matter.

The Hon. D. H. L. Banfield: Yes.

The Hon. R. C. DeGARIS: I am sorry, I overlooked that point. That was one part of category 1 that I overlooked. What the Hon. Mr. Hill has said is true. His amendment about the proprietary company has been upheld, as has the increase from two persons to three persons, as in the original Bill.

The Hon. J. A. CARNIE: I endorse what previous speakers have said about the spirit that pervaded the conference. Obviously, all managers went to the conference in a genuine attempt to compromise, and I think all members will agree that a fair compromise has been reached. I am particularly pleased that we in South Australia finally have reached the stage where, within the next few weeks, late night trading will be permissible. That restores to one part of Adelaide something that was taken away six years ago.

In addition, all people throughout South Australia will be able to enjoy something that has been enjoyed by other States and countries for many years. As the Minister has said, the main differences dealt with at the conference turned on two points. They were the questions of convenience stores and the sale of red meat.

Like the Hon. Mr. DeGaris, I am not completely happy with the result, but at the same time it is a reasonable compromise. I still believe it to be unfair in relation to convenience stores, which were given express permission by the Government to operate and which are now going to have that right removed, albeit over a long period, leaving them an opportunity to trade out of the situation in which they find themselves, I contend, through no fault of their own.

Regarding red meat, I still believe it is a ridiculous situation for a Bill to provide for the sale of all foodstuffs in extended shopping hours yet exclude one of the most staple foodstuffs; that is, meat. Nevertheless, I accept this Bill as a step forward, although it is not going as far forward as I would want to see it. Once the public has tasted some of the pleasures of late night shopping, there will be increased public demand for red meat. I will continue to seek further unrestricted hours than we now have and I hope that this is a step towards that ultimate goal.

The Hon. C. J. SUMNER: I should like to endorse what other honourable members have said about the nature of the conference and the conciliatory manner in which it was conducted by managers from both Chambers. I refer especially to the Minister in another place who was in charge of the conference. His attitude was most conciliatory, and he conducted the conference in a manner which led us to a good compromise solution and which did not affect to any major extent the thrust of the Bill, based as it is on the report of the independent Royal Commission.

As a result of the Royal Commission, we have at last legislation based on a consideration of all the interests involved in this matter, rather than legislation not giving sufficient thought to the varying problems that could have occurred if there had been an open-slather situation with shops being able to open as they wish. True, the Minister in another place and the managers from this Chamber conducted themselves in a manner which led to a satisfactory compromise. Apart from honourable members opposite, who participated fully in the conference, I put on record the tremendous efforts of the Minister of Health, the Leader of the Government in this Chamber, and myself in representing this side in obtaining the ultimate result. I have much pleasure in supporting the compromise obtained.

The Hon. A. M. WHYTE: I, too, would like to say a few words to further endorse the remarks of previous speakers. It was obvious that the managers from both Chambers attended the conference with the hope of reaching a compromise. True, as previous speakers have indicated, not everyone left the conference with everything they wanted, but I am sure they did leave it with a feeling that a reasonable compromise had been reached. Indeed, that is what conferences are all about. My amendment concerning red meat was resolved. True, it was not resolved to my satisfaction or to the satisfaction of managers from another place, either, but we reached a compromise that will lead to people realising that, although red meat sales are still at some disadvantage, it will be available in some form and in shops with extended shopping hours. I am sure that this will lead to an extension of the provision that we were able to obtain.

In general the conference was excellent. I am pleased with its results.

Motion carried.

Later:

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

QUESTIONS

RURAL COSTS

The Hon. R. C. DeGARIS: I direct a question, in several parts, to the Minister of Agriculture on the index figures of the Bureau of Agricultural Economics. First, would the Minister agree that, in a comparison of prices paid by farmers on a base year of 1963 = 100, South Australia in the year 1976-77 had the highest increase in prices paid by farmers and that in 1976-77 the index of 295 for prices paid by farmers in South Australia is the highest in Australia? Secondly, would the Minister agree that on the B.A.E.

figures, the prices received by farmers in South Australia are higher on the base year 1963 = 100, at 191? Thirdly, if one divides the prices received by the prices paid to produce a comparative figure, as the Minister did, the South Australian comparison is 59 as compared with the 66 that the Minister gave to the Council. Would the Minister agree that South Australia runs fourth in this category, and not first? Does the Minister also agree, based on B.A.E. figures, that the relatively poor result in South Australia was principally due to a relatively high increase in prices paid by farmers in this State? Lastly, would he agree, based on the B.A.E. figures published recently, that the rate of increase in prices paid by South Australian farmers was higher than in any other mainland State in 1975-76 and 1976-77, and that in the breakdown of those components, the price increase shows that the rate of increase paid by South Australian farmers was the highest for all mainland States in three out of the six components: seed and fodder, wages, services and overheads?

The Hon. B. A. CHATTERTON: The honourable member has asked a long and involved question. I will look at this in *Hansard* and bring down a reply as soon as possible. There seem to be 10 or 11 questions, and he quoted figures I would like to check before replying.

SPORTS MEDICINE CLINIC

The Hon. C. J. SUMNER: I direct a question to the Minister for Tourism, Recreation and Sport. Early this year the South Australian Government announced a grant for the establishment of a sports medicine clinic on South Terrace specialising in the treatment and medical management of sporting injuries. Can the Minister inform the Council of the achievements of the clinic in terms of numbers treated, for what injuries and how much success, as well as the response of the various sporting groups and individuals who have made use of it?

The Hon. T. M. CASEY: The South Australian Sports Medicine Centre opened its doors in late February, 1977, after receiving considerable support from the State Government. Since that time, to August 31, 1977, the centre has catered for 1 148 medical consultations and 2 645 physiotherapy treatments.

These figures represent an enormous cross-section of the sporting fraternity, as representatives of some 29 sports have attended the clinic. Not only has the clinic catered for the sporting specialist but it has in general been the "first port of call" for many park lands, country and social sporting enthusiasts who have suffered a "soft tissue" injury.

The statistics gathered in the first six months on the nature and extent of sporting injuries have revealed that the knee and ankle are still the bogey of sportsmen and women. The response to the centre by sporting groups has been nothing short of overwhelming. In fact, the Tourism, Recreation and Sport Department has received numerous letters and calls congratulating the Government on its initiative and concern for sport in South Australia.

AEROSOL CANS

The Hon. C. J. SUMNER: On November 1, I asked the following questions of the Minister of Health, representing the Minister for the Environment: first, was the Minister aware of an *Advertiser* report indicating that the Food and Drug Administration of the United States Government required that a warning be included on aerosol cans powered by fluoro-carbons saying that, in using such cans, there might be a danger to the atmosphere; secondly, had his department investigated the allegation upon which the Food and Drug Administration had acted; and, thirdly, did the Minister believe that a similar action was warranted in South Australia? Has the Minister replies to those questions?

The Hon. D. H. L. BANFIELD: The Minister for the Environment is aware of the report that the Food and Drug Administration of the United States of America now requires aerosol cans powered by fluoro-carbons to be labelled that such products may be a danger to the atmosphere. Officers of the Environment Department, in co-operation with interstate environment authorities, have been following overseas developments in the replacement and control of these products. All voluntary cessation of the use of fluoro-carbons is to be commended, and it is encouraging to note that one manufacturer has based an advertising campaign on its discontinuation of the use of fluoro-carbons. It should, however, be pointed out that atmospheric measurements have still not verified the theory of ozone depletion, although the validity of the theory has not been questioned. At this time, controls on aerosols are not being considered; however, future national and international developments may necessitate action to limit the use of fluoro-carbons.

APRICOT KERNELS

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Health about the consumption of apricot kernels and cyanide poisoning.

Leave granted.

The Hon. C. M. HILL: I refer to a recent Melbourne report that the Victorian Health Department had confiscated apricot kernels from health shops in Victoria. It was reported that this action was based on an opinion that cyanide poisoning could result from over-consumption of apricot kernels. I recently attended a meeting of the Cancer Support Fellowship of South Australia, and concern about this matter was evident at the meeting. Can the Minister assure me that no similar action will take place in South Australia, and can he give me his Ministerial view as to whether any health danger exists to those who consume apricot kernels as part of their regular diet?

The Hon. D. H. L. BANFIELD: There have been reports of illness following the consumption of large quantities of apricot kernels, in other countries. People in the habit of eating apricot kernels are urged not to eat them in large quantities. However, there is no harm in eating two or three kernels a day, and there is no harm in using the kernels as flavouring in the making of jams but, again, large numbers can be harmful.

The public health inspectors will check the South Australian shops to ensure that the labels on the bags of kernels give sufficient warning about the dangers of eating large quantities; in other words, provided people do not eat large quantities of apricot kernels, they are all right.

PHILLIP LYNCH

The Hon. N. K. FOSTER: I seek leave to make an explanation before asking a question of the Minister of Health about the Prime Minister, Mr. Fraser, and the former Federal Treasurer, Mr. Lynch.

Leave granted.

The Hon. N. K. FOSTER: One matter that would not have escaped the notice of most members of this Chamber and of the public is the Lynch affair. I do not dwell on that other than to say that the Liberal Party has had two Treasurers in one week, and that the previous Treasurer never spared for one moment a thought for others when psychological murder was committed on the family of the late Mr. Connor.

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I refer members to a speech made by the then Honourable Mr. P. R. Lynch in the House of Representatives in August of this year during the course of, of all things, a Budget speech. I quote from Federal *Hansard* under the heading "Tax avoidance". *Hansard* states:

> The Government is well aware of the activities in recent years of tax planners who, increasingly, are promoting tax avoidance schemes and arrangements throughout the business and professional community. We propose to crack down hard on such practices. Many of the arrangements that taxpayers are being induced to enter into are highly artificial and contrived, but they are causing substantial amounts of revenue to be either lost altogether or deferred for considerable periods of time. The Government takes a serious view of these developments and proposes in these Budget sittings to bring forward amendments to combat these abuses of the provisions of the taxation laws.

So much for Phillip Lynch speaking in that August debate, when he himself knew that he stood there and misled the House of Representatives.

The PRESIDENT: Order! The honourable member cannot express those sorts of opinions. They are not only his opinions; but also I think they reflect upon the honourable member of another House.

The Hon. N. K. Foster: He is not honourable.

The PRESIDENT: It is contrary to Standing Orders.

The Hon. J. R. CORNWALL: On a point of order, the matter on which you have ruled, Mr. President, is a matter of public record.

The PRESIDENT: Not the statement that the Hon. Mr. Foster has just made. He has made his own comment upon that record. I am not talking about what he quoted from *Hansard* but what he said afterwards.

The Hon. N. K. FOSTER: If I may refer—

The PRESIDENT: The honourable member said that "in his opinion"—

The Hon. N. K. FOSTER: I did not say that.

The PRESIDENT: —or words to that effect the honourable Mr. Lynch had misled the Parliament.

The Hon. N. K. FOSTER: I stand by that.

The PRESIDENT: That is not in the record; it is not only an opinion—it is also a reflection upon an honourable member of another place.

The Hon. N. K. FOSTER: I will be dealing with the "honourable" member directly in my question.

The PRESIDENT: It must be relevant to the Minister's portfolio or it will be out of order.

The Hon. N. K. FOSTER: The ex-Minister's portfolio.

The PRESIDENT: I am talking about the Minister in this Council.

The Hon. N. K. FOSTER: I mentioned the other day where the responsibilities of Ministers in this place lie. It has been circulated at your behest, Mr. President, and it is on members' desks. I would not ask a question not relevant to the Minister's portfolio, and I would not expect you, Mr. President, to give me that leniency, with all due respect. In my preamble to this, I said that the speech made by the previous departed Treasurer caused Mr. Fraser to say, "I will take him back tomorrow provided he is not an electoral risk." Has the Minister heard repeated statements made over the electronic media and in the press that one Mr. Fraser, the member for Wannon, believes that Phillip Lynch acted in the highest traditions of the Westminster system? Does the Leader of this Council consider that the Westminster tradition permits a member of Parliament to act in a manner designed for personal financial gain? Can the Minister, on behalf of members of this Council, repudiate such a false Fraser allegation?

The PRESIDENT: Order! That question is not in order. It asks only for the opinion of a Minister. I rule the question out of order.

The Hon. N. K. FOSTER: I have a supplementary question to you, Mr. President. Do you, as President of this Chamber, with wide, deep and understanding knowledge of the Westminster system, consider that system bestows upon any member of this Chamber the right to indulge in corporate crime and be considered to be acting within the Statute of Westminster?

The PRESIDENT: I do not fully understand the question.

The Hon. N. K. FOSTER: I will repeat the question.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Will you give me the opportunity to explain it to you?

The PRESIDENT: The honourable member will resume his seat. I have said I do not fully understand the ramifications of his question; the answer is "No".

The Hon. N. K. FOSTER: I have a further question.

The PRESIDENT: I will ask the Hon. Mr. Hill to ask his question next.

ITALIAN FESTIVAL

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Minister representing the Treasurer about a possible grant to the Italian community for the Italian Arts Festival, 1978.

Leave granted.

The Hon. C. M. HILL: I refer to a press release made by Senator Tony Messner. In it, the statement was made that the Federal Government has made a grant of $10 000 towards the costs of the National Festival of Italian Arts in 1978. He went on to say:

> I am extremely pleased that the Federal Government has recognised the importance of this venture which follows the first South Australian Festival held in Adelaide in 1976. "It had been a dream of the organisers and the festivals' National President, Mr. Bruno Ventura, of Adelaide, that the highly successful event last year would be repeated on a national scale. With the Federal Government's support, this dream will become a reality," Senator Messner said.

The Hon. C. J. Sumner: It is $10 000 for the whole of Australia!

The Hon. C. M. HILL: My question is: will the Government of South Australia also contribute financially to this important Italian Arts Festival in 1978 and, if so, is it too early to ask what sum of money can be appropriated by the South Australian Government?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

The Hon. C. J. SUMNER: I seek leave to ask a further question of the Minister of Health, representing the Premier, about an Italian festival in this State.

Leave granted.

The Hon. C. J. SUMNER: Is it true that the South Australian Government in the last financial year supported the first National Italian Festival, held largely in this State, to the tune of over $7 000, that the festival was the first major festival of its kind in South Australia, and that in view of the amount paid last year by the South Australian Government, the amount offered by the Federal Government for this year's festival, which is over the whole of Australia, of $10 000 is a pittance?

The Hon. D. H. L. BANFIELD: Normally, when $10 000 is given over the whole of Australia, South Australia gets about 10 per cent—about $1 000. However, I will obtain a reply for the honourable member.

FITNESS CAMPAIGN

The Hon. ANNE LEVY: I seek leave to make a short statement before asking the Minister of Tourism, Recreation and Sport a question regarding the "Life. Be in it" campaign.

Leave granted.

The Hon. ANNE LEVY: A few hours ago, a number of members of Parliament had the pleasure of attending the opening of the "Life. Be in it" campaign, which was launched through the Tourism, Recreation and Sport Department. During the proceedings, we had the opportunity to view a number of cartoon advertisements that will be shown promoting the concept of "Life. Be in it". I am sure that all members present admired these advertisements very much in terms of their production and the gay atmosphere that they provided. However, in my opinion, and in that of several other people to whom I spoke there, the advertisements depicted showed a marked sexism in that of the four shown three advertisements showed male characters only, and in the fourth one, which was supposedly devoted to the family, it was the father who drove the car, the father who decided to stop the car, the father who threw a stick for the dog, and the father and a male child who threw the ball. The only female depicted in the cartoon was the mother, who managed to pick a flower.

As I understand it, the "Life. Be in it" campaign is directed to the entire community, not just the male section of it. My impression of the advertisements is that they were directed at males and would stimulate recreational activity and relaxation for male members of the community only. I well realise that the cartoons concerned were made in Victoria and that they are in no way the responsibility of the State Minister. However, at the South Australian level a committee is fostering this campaign, and I understand that that committee is concerned with promoting further recreational activities not only for men but also for women. However, that committee, with the exception of one temporary member, consists entirely of men. Will the Minister consider ensuring that women are appointed to this committee so that the "Life. Be in it" campaign can clearly be seen to be directed to all members of the community and not just half of them?

The Hon. T. M. CASEY: The honourable member has a good point. I believe that women should be included on this committee. However, I point out that statistics which I read recently showed that women have a longer life span than men, presumably because women are more motivated towards recreation than are men. Nevertheless, that does not answer the honourable member's question. I will certainly take up with the committee concerned the possibility of appointing women to it so that they can be equally represented with the men.

CATTLE SUBSIDIES

The Hon. A. M. WHYTE: I seek leave to make a statement before asking the Minister of Agriculture a question regarding the two Federal subsidies paid to the cattle industry.

Leave granted.

The Hon. A. M. WHYTE: The Minister would be aware of the two Federal subsidies that are paid to the cattle industry, one being $10 a head for the slaughter of stock on properties, the other involving a payment of $10 a head for an animal health campaign. Will the Minister say whether the two schemes are inter-related so that a person could spend, say, $1 000 on health requirements associated with tuberculosis, brucellosis, and spaying, and another $1 000 on the destruction of 100 head of cattle, or is there a limit on the cattle destruction subsidy such as that which applies to the health subsidy? For instance, can a person, having reached his $2 000 limit, then be permitted to slaughter even more cattle, as the limit of 200 beasts will not nearly meet the requirements of many pastoralists in the North of the State?

The Hon. B. A. CHATTERTON: The terms of the scheme, which was announced some weeks ago by the Prime Minister and which involved the payment of $10 a head for various disease control measures and spaying, up to a limit of $2 000, have not been fully clarified regarding how and at what level the money will be disbursed. Although in remote areas the cost of mustering cattle and implementing disease control measures would be $10 a head, in some of the more closely settled areas it would not be that high. That matter has not yet been clarified by the Federal Government.

However, the Federal Government has asked us to ensure that payments made under the two schemes are not made to the stockowners in respect of the same cattle. In other words, if certain cattle have attracted funds under the disease control and spaying subsidy, the same cattle will not subsequently be able to attract a further payment for slaughtering. A pastoralist could own different lots of cattle, one lot attracting assistance under the disease control scheme, and the other group being slaughtered and attracting the drought slaughter bounty. As far as I can see, there is no reason why this cannot happen. However, I will take up the matter, this question having not been asked previously.

The honourable member asked finally whether there was any limit to the assistance granted for slaughtering drought-affected stock. The answer to that is "No": there is no limit to that assistance as there is for the other scheme.

COMPANY PROFITS

The Hon. N. K. FOSTER: Once again, I seek leave of the Council before directing a question to the Leader of the Council regarding company profits.

Leave granted.

The Hon. N. K. FOSTER: This morning I noted in the Adelaide *Advertiser,* in the business section, the following report:

> Fowler improves profit 59·7 per cent. South Australian based tea and coffee group D. and J. Fowler Limited lifted net profit 59·7 per cent, in the six months to September 30, despite continuing losses from its Oldfields Bakery subsidiary and high world tea and coffee prices.
>
> The group yesterday announced an increase in interim dividend from 2·66c a share to 3c a share on restructured capital. It will be paid on February 1. Profit rose from $196 000 to $313 000 on sales which rose 18·9 per cent from

> $27 303 000 to $32 476 000. The company's experience seems markedly different from that of another major tea and coffee group, Bushells Investments Limited. Bushells last week announced an 85 per cent leap in revenue—which the board attributed to soaring world tea and coffee prices—and a slightly lower net profit for the September half-year of $1 009 000.

In an interesting part, the report goes on:

> In the year to March, the bakery group lost $22 659 and the Fowler board said it was difficult to see an early return to profitability. Their prediction has been more than fulfilled. Tax for the six months under review rose only slightly, from $195 000 to $201 000 . . .

The Hon. F. T. Blevins: A profit of 59·7 per cent!

The Hon. N. K. FOSTER: Yes, and only about $5 000 more paid in tax.

The Hon. D. H. Laidlaw: They had not had a new issue for 73 years.

The Hon. N. K. FOSTER: I do not care. Look at G. J. Coles, which—

The PRESIDENT: Order! The honourable member will ask his question.

The Hon. N. K. FOSTER: Why don't you tell him to keep quiet? If you had done that, I would not have been forced into answering the interjection. Can the Minister tell the House whether the wages of Fowler employees increased by at least half the percentage of the company's profit? Further, can the Minister explain why only about $5 000 additional tax has been imposed, when profits on sales increased from $196 000 to $313 000? Does the company's high profit represent a rip-off from the housewife's weekly budget, and can the Minister have this matter examined by the Public and Consumer Affairs Department? Finally, can the Minister say what pecuniary interest the recently-elected member for Coles or her family has in the Fowler company?

The Hon. D. H. L. BANFIELD: I cannot give a reply to the question straight out, but I will see what information I can get for the honourable member.

MEMBERS' PECUNIARY INTERESTS

The Hon. J. R. CORNWALL: I seek leave to make a statement prior to directing a question to the Minister of Health, representing the Premier, on the matter of disclosure of the pecuniary interests of members.

Leave granted.

The Hon. J. R. CORNWALL: In the Premier's 1977 policy speech, he stated:

> The Government will introduce legislation to require members of Parliament to disclose their pecuniary interests to the extent necessary to ensure that no conflict of interest occurs between their private activities and their public interest.

In view of the land scandals occurring in Victoria at present, which are badly damaging the Parliament of that State, spreading into the Federal Ministry, and doing this country much harm, will the Minister obtain from the Premier some indication of how soon this legislation will be introduced, and will he treat this as a matter of urgency?

The Hon. D. H. L. BANFIELD: I will refer the question o my colleague and bring down a report.

WOODS AND FORESTS DEPARTMENT

The Hon. ANNE LEVY: Yesterday, the Minister of Forests explained the new system of accounting being introduced by the Woods and Forests Department, based on the concept of sustained yield. Can the Minister say what will be the effect of the new system on surpluses produced by the department part of which are contributed to the Treasury?

The Hon. B. A. CHATTERTON: All things being equal, the new accounting system would reduce the level of surpluses of the department. It is impossible to predict what the trading results will be but, if there is no alteration in the situation, the accounting system will do that. Briefly, the reason for it is that most of the costs associated with the establishment and maintenance of plantations have been put into Loan funds, and the income has been current income used to repay past loans which, owing to inflation, are much less than current costs. Therefore, the net effect of paying current costs from such income will be to lower the surplus of the Woods and Forests Department, and I expect that that will show up first in 1979, after a full year of operation of the new concept of accounting.

FAMILY TRUSTS

The Hon. N. K. FOSTER: I direct a question to the Chief Secretary, as Leader of the Council.

The PRESIDENT: I think the honourable member is talking about someone in another place.

The Hon. N. K. FOSTER: Then I direct it to the Leader of the Council. Can the Leader tell the Council the extent of family trusts in South Australia that are indulged in by the more privileged in the community, such as company owners, members of boards of directors, and people with rural and pastoral interests? Secondly, can he say how many are in existence and for how long they have existed? Thirdly, can he say how much it costs in solicitors' fees, etc., to draw up a family trust? Fourthly, can the statistics authorities, in their surveys, find out the number of family trusts that are in the categories that I have mentioned, as against the number of wage and salary earners? Fifthly, can he say what taxation benefits are conferred on individuals by such trusts?

The Hon. D. H. L. BANFIELD: I will try to get the information.

The PRESIDENT: I do not think that the last question is in order. That is seeking a legal opinion: in fact, it is seeking not only one opinion but a whole series of opinions.

The Hon. N. K. FOSTER: Then I have a supplementary question: will the Minister refer that matter to the Attorney-General's Department?

The Hon. D. H. L. BANFIELD moved:

> That Question Time be extended until 3.30 p.m.

Motion carried.

The Hon. R. C. DeGARIS: I am sorry to ask this, but I will do so. Will the Chief Secretary also ascertain how many family trusts have been set up by the shadow Federal Treasurer, Mr. Hurford, in giving advice to his clients, and will he also ascertain how many family trusts have been set up by Mr. Hurford in relation to his own family?

The Hon. D. H. L. BANFIELD: I assume that the Hon. Mr. DeGaris has directed the question to me as Leader of the Council, and I will seek that information for him.

The PRESIDENT: I admire the Minister's courage in saying that he will seek the information; that will be difficult, because as far as I know trusts are not registered anywhere.

ART GALLERY BOARD

The Hon C. M. HILL: Has the Minister of Health, representing the Premier, a reply to my question about whether or not members of the Art Gallery Board travelled overseas during the past 12 months at the expense of the board?

The Hon. D. H. L. BANFIELD: No members of the board had overseas trips this year at Government expense.

GOVERNMENT MAGAZINE

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question asked during the Appropriation Bill (No. 2) debate about details of the magazine produced by the Government?

The Hon. D. H. L. BANFIELD: *Vantage* magazine is published quarterly by the Premier's Department and is designed to report on positive developments in South Australia in a variety of fields including tourism, science, the arts, industry, and Government activity. The magazine is not designed to cover Government activities exclusively. The format of a quarterly magazine was chosen to replace previous books on the State in order to ensure coverage of new developments and events in a way that would not be possible in a static, published book form.

Vantage magazine is the result of a request to the Publicity and Design Services Branch by the Premier to examine the feasibility of a State publication in magazine format. The magazine is distributed for public sale in South Australia by Gordon and Gotch and its first edition has received excellent response in this area. Distribution undertaken by Government departments has similarly produced considerable interest and positive response from people in many fields, including industry, both in South Australia and outside the State.

PUBLIC SERVICE ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It amends the principal Act, the Public Service Act, 1967, as amended, in the general area of long service leave entitlements. In summary, the amendments provide—

(a) for an entitlement of 15 days a year for every year of effective service, after 15 years of effective service, where that year occurs after July 1, 1975; and

(b) for an absolute right to *pro rata* payment in lieu of long service leave after seven years of effective service;

and, in addition, the Bill proposes other minor and consequential amendments.

Clauses 1 and 2 are formal. Clause 3 inserts a definition in section 81 of the principal Act of "effective service" and is the first of a series of amendments to clarify the conditions upon which officers will qualify for long service leave. This clarification accords with the manner in which the present provisions are administered by the Public Service Board.

In general, all of an officer's service counts towards the grant of long service leave other than certain periods of leave without pay in excess of one month and certain other leave which does not count as part of the officer's service for long service leave. However, in the case of officers who are transferred from the Commonwealth, other States or Government instrumentalities, their service with those bodies will in certain circumstances count for an entitlement to long service leave. This "entitlement service" is now grouped under the heading of "effective service".

Clause 4 amends section 90 of the principal Act and is commended to honourable members' particular attention. The amendments effected by this clause are—

(a) to provide for a clarification of service entitlement;

(b) to grant the 15 days leave for the sixteenth or subsequent year of effective service occurring after July 1, 1975;

(c) to provide an adjustment in entitlements where the relevant year of service "straddles" July 1, 1975; and

(d) to provide that all calculations of payment in lieu of long service leave entitlements will be based on years and months of effective service.

Clause 5 amends section 91 of the principal Act which is the present provision relating to payment in respect of *pro rata* leave after the completion of five years effective service. Section 91 in its present form provides for *pro rata* leave in certain restricted circumstances and by this clause the restrictions have been somewhat relaxed (as to which see the amendments proposed by paragraph *(b)* of this clause). However, the application of this section has been now limited to officers who joined the service before the commencement of the amending Act presaged by this Bill.

Clause 6 re-enacts section 92 of the principal Act, making no fundamental changes of principle. It also—

(a) enacts a new section 92a of the principal Act which provides *pro rata* payment in respect of leave after seven years effective service unconditionally; and

(b) enacts new section 92b of the principal Act which provides for a similar payment on the death of an officer who had seven or more years effective service.

Clauses 7, 8 and 9 are consequential amendments. Clause 10 grants a concession to officers who, in the course of their service, were "regressed", that is, who for no fault of their own were reduced in salary by reason of ill-health or by reason of the fact that work in the classification in which they were employed is no longer available. Although proposed new section 97a looks complicated on the face of it, in substance the principle is quite simple. It will ensure that where any payment is to be made in relation to leave accumulated while the officer was on the higher salary, he will be paid for that leave at that higher salary or its present day equivalent.

Clause 11 amends section 99 of the principal Act to ensure amongst other things that, in the case of officers joining the service from the Commonwealth, other States or certain Government instrumentalities, a break in service of less than three months will not affect their prospects of having their prior service regarded as effective service for amongst other things the purposes of long service leave entitlements. I would point out that this service is only so regarded where the officer has not had a grant of leave in respect of it. Clause 12 amends section 126 of the principal Act and is a consequential amendment.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill be now read a second time.

It makes a number of disparate amendments to the principal Act, the Prices Act, 1948-1976. The Bill provides for the repeal of section 53 of the principal Act so that annual amendment of the principal Act is not necessary for the continuation of the price control provisions.

The Bill expands the definition of "consumer" so that it includes a purchaser or a prospective purchaser of land otherwise than for the purpose of resale or letting or for the purpose of trading or carrying on a business. Purchase of a home is the major transaction entered into by most consumers and expansion of the definition of "consumer" to include such purchasers will enable the advisory and investigatory functions of the Commissioner for Consumer Affairs to apply to such transactions.

The Bill inserts a provision in the principal Act providing that it shall be an offence to personate an authorised officer. This proposal has been prompted by complaints including, for example, a complaint that a businessman had been required by a personator to produce stock and pricing records and a complaint that a trader had been directed by a personator to sell an item at a reduced price.

The Bill extends the power of the Commissioner to assume the conduct of legal proceedings by or against a consumer by providing that the Commissioner may do so where the proceedings have already commenced. The Bill removes the present restriction in the principal Act to the effect that before the Commissioner may investigate any unlawful practice he must first have received a complaint from a consumer. This restriction has tied the hands of the Commissioner to a certain extent, in that he has not been able to investigate practices or prosecute offences that have come to his attention indirectly from the complaint of a consumer or by other means. Finally, the Bill inserts certain evidentiary provisions in the principal Act. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 5 of the principal Act by inserting evidentiary provisions relating to appointment of authorised officers and delegation by the Minister. Clause 3 inserts a new section providing that it shall be an offence for a person to personate an authorised officer.

Clause 4 amends section 18a of the principal Act by removing the restriction upon the powers of investigation of the Commissioner that he must first have received a complaint from a consumer. The clause amends that section by providing that the Commissioner may assume the conduct of legal proceedings on behalf of a consumer where the proceedings have already commenced. The clause also inserts evidentiary provisions relating to the fulfilment of the conditions upon which the Commissioner may assume the conduct of legal proceedings on behalf of a consumer. Clause 5 repeals section 53 of the principal Act which provides that the price control provisions of the principal Act shall cease to have effect at the end of this year.

The Hon. J. C. BURDETT secured the adjournment of the debate.

INDUSTRIAL COMMISSION JURISDICTION (TEMPORARY PROVISIONS) ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

Honourable members will recall the unanimous support given to a Bill I introduced last year extending the period of operation of the Industrial Commission Jurisdiction (Temporary Provisions) Act for a further 12 months, terminable by proclamation earlier if necessary.

At the time I expressed my concern about the future of wage indexation, particularly in view of the Fraser Government's continued opposition before the Australian Conciliation and Arbitration Commission to the basic purpose of indexation which is the preservative of the real purchasing power of wages in a time of inflation. However, the system is still in operation. A major review of the indexation guidelines is at present being undertaken by the Australian commission and the principal parties in the national wage cases, and this gives some confidence that the system will continue at least in the foreseeable future. The alternative could be a return to the 1974 wage bargaining situation, which would not be in the interests of wage earners, employers or the economy as a whole.

On behalf of the Government, I restate our belief that the system of wage indexation and its guidelines will only survive if the principal parties retain confidence in it. In particular, wage earners must be assured that indexation is not a device to lower the real value of their wages and depress their standard of living, but is a system which enables their wages to be adjusted in an orderly manner to keep pace with inflation. Unfortunately, not all parties before the commission are prepared to adopt this view.

The current Act, which makes it possible for the State Industrial Commission to apply the Federal decisions to workers employed under State awards, expires at the end of this year. The Government believes it will be necessary as long as the wage indexation system survives, and it is therefore appropriate to extend the life of the Act indefinitely. However, it must still be regarded as its title indicates, as a temporary provision because it can be terminated by proclamation at any time when the situation demands it. I seek leave to have inserted in *Hansard* the report of the Parliamentary Counsel without my reading it.

Leave granted.

Report

Honourable members will recall that the principal Act, the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1976, was enacted so as to ensure that the various industrial tribunals in this State would have jurisdiction to give effect to "indexation decisions" of the Australian Conciliation and Arbitration Commission.

In the ordinary course of events this Act would expire on December 31, 1977, and the effect of this measure is to continue the principal Act in operation until a day fixed by proclamation.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 16. Page 794.)

The Hon. D. H. LAIDLAW: I have spoken in support of my colleague the Hon. John Carnie when he introduced two other private Bills earlier this year. I refer to his Bill for late night shopping, in which I expressed reservations in case the penalty rates set for shop assistants would make the cost of shopping higher in this State than elsewhere; and to his Bill for b.y.o. restaurants to which I give unqualified support. However, I am not prepared to support this Bill, whereby the Hon. John Carnie seeks to amend the Industrial Code by deleting section 194, which prescribes that, with minor exceptions, bread baking in the Adelaide metropolitan area shall be on a five-day basis between midnight on Sunday and 6 p.m. on Friday.

From a consumer's point of view, the thought of obtaining fresh bread each day of the week is attractive and in Victoria seven-day baking is permitted. At present, the price of bread in both States is comparable. For example, the maximum price set by the South Australian Commissioner for Consumer Affairs for the standard sliced and wrapped Vienna loaf, the most popular item of bread, is 53c ex-shop and 2c extra for home delivery. The recommended price set by the Prices Justification Tribunal for a comparable loaf ex-shop in Victoria is 54c. However, in Victoria some supermarkets sell bread at a substantial discount. In South Australia, the breadcarters union refused to deliver bread a year or so ago to shops offering discounts, for fear of unemployment of its members.

I believe that if seven-day baking is introduced in this State, the cost of bread could rise substantially. The gross wages paid in industry in South Australia are effectively much higher than in Victoria. Under the South Australian Bread and Yeast Goods Award, bakers and their assistants work at night to produce fresh bread for next morning. They receive penalty rates and their weekly take-home pay is about $25 higher than the average paid in Victoria, where baking now normally takes place on shift work around the clock. Employees under this award are entitled to treble rates for Sunday work, compared to double time in Victoria. Furthermore, breadcarters in South Australia receive some commissions on sales volume in addition to their award rate, and are paid on average about $7 a week more than their counterparts in Victoria.

The Bread Manufacturers Association argues that the cost of bread will increase by about 12c a loaf if seven-day baking occurs, and the Hon. Mr. Dunford has had inserted in *Hansard* a detailed submission by this association to support its claim. I do not necessarily accept that the price rise would be as high as 12c, but I think it would be substantial. The price of bread has risen more rapidly in South Australia than elsewhere in recent years, and I suspect that the consumer at present would rather forgo the benefits of seven-day baking than risk a further jump in price.

Although seven-day baking at no higher price would be ideal, surveys indicate that the average consumer purchases only 3½ loaves a week and it must be recognised that most householders now possess a refrigerator with a freezing compartment in which it is feasible to store bread for some days and then, after defrosting, to use it in an as fresh condition.

One further argument against extending baking hours is the fear of unemployment in the industry. When seven-day baking was introduced in Victoria, the large makers automated their production facilities and introduced shift work. Many labour-intensive flour mills and bakeries were closed, the sale of bread passed largely into the hands of supermarkets, which can offer substantial discounts because of bulk buying, and several hundred employees in the industry were retrenched.

The Baking Trades Employees' Federation and the Breadcarters Industrial Federation are convinced that if seven-day baking is introduced in South Australia, the same trend would occur as has occurred in Victoria, with resultant unemployment. I am informed that there are about 650 bakers and assistants in the industry in South Australia, and about another 600 employees in addition involved in bread distribution. I am loath to argue against a scheme which could lead to greater productive efficiency.

Efficiency is so urgently needed in Australian industry, but, in the present economic climate, honourable members should be wary, unless the objective is imperative, about voting for a measure that could add to unemployment. I am not convinced that baking hours in the Adelaide metropolitan area must be extended at present, for the reasons I have given. I therefore oppose the Bill.

The Hon. J. C. BURDETT: I wish to explain why I cannot support the Hon. Mr. Carnie on this occasion. I support the principles of the Liberal Party in regard to late night shopping; namely, that the ideal is that the Government should have nothing to do with regulating trading hours. I believe that the ideal is that the business men concerned, the workers in the industry, and the consumers should sort out trading hours, and the Government should have nothing to do with the matter at all. However, manufacturing is a different matter.

I draw attention to the different circumstances surrounding trading hours from those surrounding baking hours. Trading is likely to occur during reasonably congenial hours; no-one would open his shop at 3 a.m., because no customers would be there to buy his goods. However, bread-baking occurs in uncongenial hours. In an issue such as this, there are three groups to be considered: the business men concerned, the workers in the industry, and the consumers—not necessarily in that order.

In regard to extended shopping hours, while there was some hardship on the business men and the shop assistants, this hardship was relatively minor, whereas there was a very real advantage to the consumer in being able to use extended shopping hours. Turning to this Bill, the hardship on the bread manufacturers and the workers in the industry is fairly considerable, whereas the advantage to the consumers is dubious or even illusory. Honourable members on both sides of the Council have received copies of written submissions from the bread manufacturers and the bread carters union. These submissions make out a strong case, first, that the cost to the bread manufacturers would increase considerably if this Bill was passed and, secondly, that the hardship in the form of hours of work by workers in the industry would be considerable. It is somewhat difficult to see what benefits to the consumer would accrue.

At present fresh bread is available relatively early in the day five days a week, and day-old bread is available on Saturdays, while there is no reasonably fresh bread on Sundays. Of course, as the Hon. Mr. Laidlaw has pointed out, there are breads that keep for a relatively long time, and there is also the possibility of storing bread in a frozen condition. By way of contrast, if this Bill is passed we will have day-old bread every day of the week. In Victoria, there is seven-day baking, and there is strong evidence that the quality of bread has fallen in Victoria. For these

reasons and after balancing the considerable disadvantages to the manufacturers and the workers against the very small and possibly illusory advantage to the consumers, I can see no justification for voting for this Bill.

The Hon. F. T. BLEVINS secured the adjournment of the debate.

MINORS (CONSENT TO MEDICAL AND DENTAL TREATMENT) BILL

The Hon. ANNE LEVY obtained leave and introduced a Bill for an Act to provide for consent to the medical and dental treatment of minors, and for other purposes. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

There are currently uncertainties in the law regarding the ability of minors to consent to medical and dental procedures. We have no statute law in this State concerning this matter, and the common law situation is confused, as any lawyer will confirm if requested to look into the question.

It is obvious that, where adults are concerned, a free and voluntary consent by a patient to any medical or dental procedure authorises the practitioner to proceed without risk of a subsequent charge of assault. Provided the patient appreciates the nature of the medical or dental procedure to be undertaken, his consent eliminates the possibility that he will subsequently complain that he has been assaulted, and the practitioner is thus protected from any risk of being sued for assault.

However, where minors are concerned, the situation is more confused. Whether a minor is capable of giving a valid consent is debatable, and practitioners are uncertain as to whether they could have a civil action for assault taken against them either by the minor himself or by the parents, if they have not also consented. To quote from an eminent author, Skegg, in *Consent to Medical Procedures on Minors, Modern Law Review*, 1973, Volume 36, page 370:

> Opinions on the common law capacity of minors to consent to medical procedures fall into three broad categories: that all minors are by reason of their age incapable of giving a legally effective consent; that all minors under some "age of consent" are by reason of their age incapable of giving a legally effective consent; and that no minor is incapable by reason of his age alone, but that it all depends on his capacity to understand and come to a decision on the procedure in question.

It is apparent that there is an area of uncertainty in the common law concerning this matter and, if the lawyers are uncertain of the situation, it is not surprising that medical and dental practitioners are even more so.

Numerous members of both professions have discussed this matter with me, and have indicated their concern. They are unsure whether it is mandatory for them to obtain the consent of a parent or guardian before undertaking treatment of a minor or whether the free and informed consent of a responsible minor is sufficient to avoid the possibility of being subsequently sued for assault, either by the minor himself or by his parents. While I have been unable to discover any case where action has been taken in the courts to clarify the situation, it is evident that a difficulty exists at present. This could and perhaps does affect the professional advice of medical and dental practitioners in our community, and in order to clarify this situation I am introducing this Bill to Parliament.

I can perhaps give a few exmples of situations where medical or dental practitioners fear that trouble may occur. Certain religious groups object either to certain medical procedures or to all medical procedures and parents of these faiths naturally apply the same practices regarding treatment of their children. If a 14-year-old with a parent of such a faith does himself wish for medical or dental treatment can his consent protect the doctor or dentist from subsequently being sued by the parents who object to their child thus seeking medical or dental services? If this Bill passes both Houses of this Parliament, the consent of the 14-year-old would protect the doctor or dentist in this situation, and would indicate that at 14 a minor is capable of making such a decision for himself.

A similar situation occasionally arises when minors seek advice regarding contraception. They are sometimes unwilling to obtain parental approval and, if contraception is provided without prior parental consent, some doctors fear subsequent action against them by the parents. In more general terms, some practitioners fear being sued even if the parent has sent his child to the doctor or dentist. While this may suggest parental consent to treatment, it does not necessarily imply consent to any particular treatment which the practitioner feels is required.

A parent might, for example, object to a dentist extracting a tooth, claiming that the child had been sent along to have the tooth filled instead. Even if the minor had consented to the tooth being extracted, when the dentist had explained that no other treatment was possible, the parent might subsequently sue for assault on his child on the ground that his consent for this particular treatment had not been obtained. In fact, it has been suggested to me that many such actions might occur, particularly if substantial monetary damages were likely to be awarded, if the current litigious attitudes of many patients in the United States of America should extend to Australia in a few years time.

This Bill will protect medical and dental practitioners from such actions, provided the age limit specified in the Bill is observed. I should, of course, add that this Bill is concerned only with actions regarding the tort of assault and in no way affects the liability of medical or dental practitioners in matters where negligence or malpractice may be alleged. While our Statutes have never considered the matter of consent by minors for medical or dental procedures, there are precedents in statute law in both the United Kingdom and New South Wales. In the United Kingdom, section 8 of the Family Law Reform Act, 1969, provides:

> 1. The consent of a minor who has attained the age of 16 years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.

In New South Wales, section 49 of the Minors (Property and Contracts) Act, 1970, also deals with the ability of minors to consent to medical and dental procedures. It is this latter Statute in New South Wales which I have followed in preparing the Bill before this Council, as it seems desirable for the different States of Australia to be consistent in the provisions laid down in such matters. This Bill is virtually a word-for-word transposition of the New South Wales legislation. I know of no difficulties or objections that have arisen in New South Wales since the enactment of this legislation in 1970, or of any opposition to its enactment at that time. I trust it will meet with similar approval in South Australia.

I have consulted the President of the Australian Medical Association (South Australian Branch) and also the President of the Australian Dental Association (South Australian Branch). Both Dr. Pickering and Dr. Vowles are in full accord with the provisions of this Bill, and welcome its introduction on behalf of their professions.

Clause 1 is formal. Clause 2 sets out definitions of terms used in the Bill. "Minor" is defined as a person below the age of 18 years. "Medical treatment" is defined as an act done by a legally qualified medical practitioner in the course of the practice of medicine or surgery and includes any act done by any person pursuant to directions given in the course of such practice by the medical practioner. "Dental treatment" is defined in a corresponding way.

Clause 3 deals with the matter of the effect upon the tortious liability of a person carrying out the medical or dental treatment of a minor of a consent to such treatment given by the minor or his parent or guardian. As has been stated, the law in this area is not clear. It is clear, however, that consent by a person having full legal capacity to conduct affecting him which would otherwise constitute the tort of assault and battery is a complete defence. This clause then at subclause (1) provides that consent by the parent or guardian of a minor aged less than 16 years to the medical or dental treatment of the minor is as effective at law in relation to a claim for assualt and battery as the consent of the minor would be if he were not a minor.

Subclause (2) provides that consent by a minor aged 14 years or more to his medical or dental treatment is as effective at law in relation to a claim for assault and battery as his consent would be if he were not a minor. These provisions overlap, in the sense that the consent of either the parent or guardian or the minor will suffice in the case of a minor aged 14 or 15 years. Any distinction by reference to age is necessarily arbitrary, but these provisions reflect the view that a person who has attained the age of 14 years is competent to give consents in this area. I understand this principle comes from Archbold, the classic authority on the common law in this area. The consent of a person who has attained the age of 16 years is considered more appropriate than that of his parent or guardian. Subclause (3) provides that the clause does not affect the circumstances, such as an emergency in which treatment is justified in the absence of consent.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

ADJOURNMENT

At 3.55 p.m. the Council adjourned until Thursday, November 24, at 2.15 p.m.